

**Committee on Equality of Opportunity****MINUTES****Date:** 14 February 2001**Time:** 10.00 a.m.**Venue:** Committee Room 1, National Assembly Building**Attendance: Members**

Edwina Hart (Chair)

Gower

Lorraine Barrett

Cardiff South and Penarth

Christine Gwyther

Carmarthen West &amp; South Pembrokeshire

Ann Jones

Vale of Clwyd

Helen Mary Jones

Llanelli

David Melding

South Wales Central

Janet Ryder

North Wales

Owen John Thomas

South Wales Central

**Advisers to the Committee**

Professor Teresa Rees

Equal Opportunities Commissioner for Wales

Kate Bennett

Equal Opportunities Commission

Mashuq Ally

Commission for Racial Equality

Will Bee

Disability Rights Commission

**Officials**

Rosie Seymour

Schools Performance Division

Mike Harper	Public Administration, Equality and Public Appointments Division
Charles Willie	Equality Policy Unit
Russell Keith	Committee Clerk
Julie Bragg	Deputy Committee Clerk

Apologies were received from Christine Humphreys and Richard Edwards.

## **Agenda Item 1: Chair's Report**

### **Oral Item**

1.1 The Chair welcomed everyone to the meeting, particularly Professor Teresa Rees who was making a return visit. She went on to report on several matters:

- the plenary debate on public appointments procedures, scheduled for 1 February, had been delayed due to other urgent Assembly business but would now take place on 15 February;
- in relation to the Race Relations Amendment Bill (RRAB) there was a paper to note meeting on the 'round table' body which would oversee the implementation of the Bill's provisions in Wales. The head of the Home Office team which drafted the Bill had been invited to attend a future Committee meeting. It was hoped that a representative of the North Wales Race Equality network would also be attending at that time;
- she had written to Martyn Jones, MP, the Chair of the Welsh Affairs Select Committee, to ask him to attend a future meeting to discuss the report on Social Exclusion in Wales; and,
- The Assembly Minister for Health and Social Services had responded to the Chair's previous letter regarding services for deaf-blind people in Wales. The Minister had indicated that guidance would shortly issue to local authorities which aimed to produce a more uniform standard of service for deaf-blind people.

1.2 Dr Ally welcomed the paper on the RRAB. He felt it was important to have an awareness raising programme as public sector bodies in Wales had not yet realised the implications of the Bill. The Assembly should encourage the development of this. The Home Office's consultation document on the implementation of the Act would come to the First Minister by the end of February and the Committee and other public bodies should also have sight of it. The Chair requested that officials ensure the Home Office's list of consultees included Welsh public bodies. The Commission for Racial Equality (CRE) would be involved in awareness raising seminars for Assembly members and staff and these would emphasise the fact that the forthcoming Codes of Practice would be part of legislation and legally

enforceable. The planned conference on the Act, which was now likely to take place in May or June to fit in with the Home Office consultation process, would be hosted jointly by the CRE and the Assembly and the public sector would get a very strong message regarding the importance of the Act.

1.3 Members queried how these new duties would dovetail with the current mainstreaming agenda and how the process of obtaining the consent of the Assembly to impose specific duties would work. The Chair asked officials to produce a paper on how the implementation of the RRAB would be taken forward in concert with the broader equal opportunities agenda and advised that a paper on the training issues was already in production.

1.4 The Chair had received a letter from the Disability Rights Commission concerning the accessibility of polling stations at the forthcoming general election. Although powers concerning arrangements for general elections had not been devolved to the Assembly, there was a wider issue of access to voting rights. Will Bee said that the issue of access cropped up immediately prior to elections but fell away afterwards. Disability Wales had written to all Returning Officers asking them to maximise the use of polling stations. Postal voting was not always an acceptable option so access to stations was vital. The extension of the provisions of the Disability Discrimination Act in 2004 might address some of the issues but the problem still existed in the meantime.

1.5 Members commented that the buildings used were mostly local authority buildings which tended to be relatively old. The option of portacabins was not acceptable as they were inaccessible and the possibility of allowing those with disabilities to use a separate room was discriminatory. The Chair said that she would discuss these issues with the Welsh Local Government Association (WLGA) and would write to the Chair of the Local Government and Housing Committee to raise them with her and would report back at the next committee meeting. She also proposed an agenda item on the issue be tabled for the Summer term so that consideration could be given to what was happening in the rest of the UK.

## **Agenda Item 2: Annual Report of the Equal Opportunities Commission**

### **Paper: EOC-02-01(p.1)**

2.1 Kate Bennett introduced the Annual Report of the Equal Opportunities Commission (EOC) by advising that this was a transitional report covering the period January 1999 to March 2000 so that the reporting period concluded with the financial year. During the period the EOC nationally had had a new Chair and Chief Executive and in Wales had had a new Director and Deputy Director. She sought the opinion of members regarding producing a supplement or annex covering Wales specifically.

2.2 The report covered six themes and for each looked at the current situation, legal cases related to the theme and future developments. The themes were:

- equal pay - the Levez case found that employers could be liable for back pay for up to six years when a woman was being paid less than a man for the same work. Previously liability was limited to 2 years;

- work/life balance - 17% of cases taken forward by the EOC concerned men who wanted to spend more time with their families;
- stereotyping women's and men's roles - a Welsh schoolgirl had won a case allowing her to wear trousers to school. However, the case currently only brought about change for the individual concerned. The Assembly was in the process of changing regulations regarding school uniforms so that this right could be extended to all schoolgirls.
- women in public and political life - A case was being taken on behalf of a prospective member of the Scottish Parliament who wanted to job-share. The case would enable the EOC to test the status of political work to establish whether it constituted employment.
- future legal framework - The EOC's remit had been widened in 1999 to include gender reassignment. The EOC would like to see discrimination on grounds of sexual orientation outlawed, equal pay laws changed to deal with systemic discrimination, a public sector duty to promote equality, protection of the rights of those who take on caring and family responsibilities and special measures to increase the numbers of women in political life.
- mainstreaming equality at national, regional and local levels - the Annual Report highlighted the Assembly's policies. The EOC was aiming to hold a conference on mainstreaming on 12 June.

2.3 Teresa Rees advised the committee that, as equal pay legislation had been introduced thirty years ago, there was little likelihood these days of unequal pay due to direct discrimination. What was far more likely was that there would be indirect discrimination due to pay and grading systems. There was still an astonishing number of underpaid women and so the EOC had set up an employer-led Equal Pay Taskforce 13 months ago. They would be launching a report on their recommendations regarding eliminating pay inequality on 27 February. Unequal pay had long term effects and meant that women could not look after themselves, their diet, their children or their retirement properly. It affected women's self-confidence and meant that some were not able to leave abusive relationships so the effects stretched far beyond financial issues. Prof Rees hoped that the Assembly would be able to assist in implementing the recommendations given that it had already commenced good practice by holding gender pay audits of its own staff. The Chair agreed that the Committee should consider the report as soon as possible.

2.4 In discussion, members raised the following points:

- the layout of the report was very good but it would be useful to have a section or a supplement on Wales or indeed a separate report so that issues both in Wales and UK wide could be highlighted.
- Job-sharing among elected representatives would appear to throw up obstacles but these may not be insurmountable. There would need to be a protocol on who voted when and how to handle business in general. The Committee sought advice as to whether this had been introduced in any

other countries;

- It would be useful to know the position regarding the pay audit of Assembly staff. The Chair agreed that officials should inform the committee of the position before discussing the forthcoming Taskforce report.
- In relation to stereotyping, many more men than women held driving licences and had access to cars. It was proposed that the EOC provide any data it had on this issue to the Chair of the Environment, Planning and Transport Committee to be taken into account in the current consultation on public transport.

2.5 The Chair thanked the speakers for their very informative presentation to which the Committee would return in the future.

### **Agenda Item 3: Stephen Lawrence Inquiry**

3.1 The Chair advised that there had been a further informal meeting of the working group of officials and that the steering group would be discussing curriculum issues with the Assembly Minister for Education and Lifelong Learning and ACCAC that afternoon. The Chair of the steering group, Helen Mary Jones, would report back to the Committee on these discussions at the next meeting.

3.2 It had been almost a year since work began on the addressing the education recommendations of the MacPherson report and nothing concrete had yet come into the public domain. This had caused considerable frustration for the steering group. Jane Davidson had been made aware informally of the group's views. A draft paper had been produced on measures to address the recommendations which the group hoped to be able to see shortly.

3.3 The Chair commented that it was for the steering group and the Committee to give broad guidelines to officials but not detailed instructions. Officials should carry out the work following the Committee's general advice on the principle of equality and she hoped to see progress soon.

### **Agenda Item 4: 'Best Value' in Local Government and Equality Audit of Local Government in Wales**

**Presentation: Bethan Evans, Syniad, and Steve Thomas, Welsh Local Government Association**

4.1 The Chair welcomed the speakers and thanked them for the positive approach which had been taken in the honest position paper which had been circulated to the Committee for information.

4.2 Bethan Evans said that both Syniad and the WLGA had key roles in equality in local government. Syniad had been established 18 months ago and was the development agency for councils as well as acting as the employers' organisation for local authorities in Wales. Local authorities had a difficult and key role in terms of equality issues. They were major employers but also major purchasers of supplies

and services as well as local service providers. In the democratic process, they had a fundamental role in leading and reflecting their communities.

4.3 Syniad launched a Charter for Councillors in 2000 which asked local authorities to sign up to the ongoing development of elected members and finding ways of making councils more representative of the communities they serve. Syniad encouraged authorities to look at the systems they operated and organise their business so that others would be encouraged to consider becoming elected councillors. This was also an issue for party political groups. If the complexion of councils was truly representative, different issues and priorities would be arise for consideration. Syniad were also encouraging elected members to share issues and think about their equality dimension so that the range of work on equality could be strengthened. Under Best Value, there were a range of opportunities for authorities to consider key performance indicators and targets with a built in equalities perspective.

4.4 A number of sectors and agencies were involved in these issues. The Equalities Partnership Meeting was looking at moving forward on a generic equalities standard. The Equalities Network for Welsh Local Government was looking at taking this forward. The Action Learning Set was encouraging equality officers and working with them. The Joint Council for Wales had established a task and finish group to look at potential barriers to under-represented groups moving on to senior levels of management.

4.5 Steve Thomas reported on developments regarding the Equalities Toolkit which had been launched in 1999 by the then Secretary of State. This had enabled local authorities to identify equality issues and so had led to equality being considered as a corporate issue rather than a social services one. The sheer variety of work going on in authorities meant that they were not good at publicising the work they did.

4.6 Following on from the toolkit, ten authorities had completed an equality audit, seven were ongoing and five had not started (although these had used other initiatives of their own). Good examples of progress were available but results were mixed. The WLGA would like to push the agenda faster but there was a need for more top-level commitment. Equality should not just align to Best Value. Authorities had the power to do anything appropriate to promote the social and economic well being and equality should be seen in this light. The WLGA was in dialogue with the Assembly on all these issues.

4.7 The Generic Equalities Standard provided authorities with a benchmark of what they should be aiming at. The standard involved five levels of assessment and was currently in draft. All local authorities had met twice recently and all had signed up to the standard. The WLGA was also working on a gender strategy. A local authority Equalities Taskforce had been set up to promote equality, set standards and assess where equality did and did not exist. Discussions were ongoing with the Assembly on this. Some authorities had clearly identified a cabinet member with responsibility for equality. All were encouraged to go down that route.

4.8 Kate Bennett considered that the work Syniad and the WLGA were doing was encouraging but hoped that what authorities were obliged to do would not interfere with what it was desirable to do.

Careful thinking would be needed, especially in terms of resources. Will Bee was pleased to see good relations building up and was pleased that authorities were using the social model of disability to look at real issues. However, limited records meant that there was sometimes an inhibited provision of services. For example, he had heard of an authority, possibly not in Wales, in whose area there were 1100 disabled children but social work services were provided for only the 132 who had been identified by the authority. Mashuq Ally considered that authorities were laying strong foundations on which to build. He considered that all three statutory bodies should be on the 'round table' body to ensure delivery of a generic equality standard. The Equalities Unit for Welsh Local Government had not yet been agreed by the Equalities Partnership but it would be a very important mechanism to deliver equality. The Chair said that the Committee's views recognised the importance of this Unit as did the WLGA and the Partnership Council.

4.9 Members commented that:

- Although many authorities might have good practices on paper, these did not necessarily follow through into reality. In addition, even those authorities which were very good in terms of human resource practices, might not follow this through in terms of service provision.
- It was important that the Welsh Language Board were members of the Equalities Partnership as language too was an equality issue.
- Best Value needed to consider equality in relations with the voluntary sector as the sector's expectations of local government were very varied. The WLGA agreed that it was varied but a number of authorities were working well with the sector.
- It was vital to have baseline data to indicate the starting position on any initiative. Some authorities have this data but others are just starting on it. In terms of performance indicators, it was important to distinguish between statutory ones and others. Authorities were encouraged to identify universal key and relevant indicators whether or not they were statutory. Local performance indicators would thus have the same standard and link to the generic equality standard. For example, Best Value performance indicators would monitor the numbers of women in the top three tiers of management.
- It would be helpful for the Committee to be consulted on the development of the generic standard. It was agreed that this would be arranged.
- Inspection regimes should be more supportive than oppressive. However, the WLGA had found that the volume of inspections and the lack of links between the different inspection agencies meant that difficulties were caused for authorities in being subject to them.
- In terms of the Charter, political groups were seeking different commitments from different organisations. It started from an authority focus but would be broadened to other bodies in the

next phase. It had been worded very carefully, asking political parties to provide information and guidance but its meaning in practice needed to be considered.

- It would be very important to see how matters developed following the new political structures within authorities. Issues would arise about representation, not least in terms of the age profile of elected members and ethnic minority representation.

4.10 The Chair thanked the speakers for contributing to a very useful discussion. She proposed revisiting the issues discussed at another Committee meeting in six months time.

### **Agenda Item 5: Minutes of the previous meeting**

#### **Paper: EOC-01-01(min)**

5.1 The minutes of the last meeting were agreed.

5.2 The meeting closed at 12.10pm.