

Committee on Equality of Opportunity

MINUTES

Date: 21 March 2001

Time: 9.00 a.m.

Venue: Committee Room 3, National Assembly Building

Attendance: Members

Edwina Hart (Chair)	Gower
Lorraine Barrett	Cardiff South and Penarth
Christine Gwyther	Carmarthen West & South Pembrokeshire
Ann Jones	Vale of Clwyd
Helen Mary Jones	Llanelli
David Melding	South Wales Central
Jonathan Morgan	South Wales Central
Janet Ryder	North Wales
Owen John Thomas	South Wales Central

Advisers to the Committee

Kate Bennett	Equal Opportunities Commission
Mashuq Ally	Commission for Racial Equality
Will Bee	Disability Rights Commission

Officials

Jon Shortridge	Permanent Secretary
Mike Harper	Public Administration, Equality and Public Appointments Division

Alan Lansdown	Pupil Support Division
Michael Trickey	Finance Planning Division
Tamlyn Rabey	Finance Planning Division
Russell Keith	Committee Clerk
Julie Bragg	Deputy Committee Clerk

Apologies were received from Richard Edwards.

Agenda Item 1: Chair's Report

Oral Item

1.1 The Chair welcomed those present to the meeting and reported on several issues which had been raised at previous meetings:

- On accessibility of polling stations, the Home Office were preparing guidance for Returning Officers which would include a section on access for disabled people. It was expected that this would outline good practice. Following the general election, it might be possible to look at actual examples of good practice in Wales and to report back to the Committee on that. She had written to the Chair of the Local Government and Housing Committee about this issue and would shortly be raising it with the Welsh Local Government Association.
- During the Assembly plenary session of 8 February, Lorraine Barrett had asked the Chair to look into the issue of the production of information by Assembly Sponsored Public Bodies in languages other than English and Welsh to ensure that all members of the Welsh population have information they need. Officials had contacted ASPBs to enquire about their practices. Of those who responded, very few translated information into languages other than English and Welsh except when it was required because of the nature of their work. For example, the Wales Tourist Board produced documents in other European languages for marketing purposes. No ASPBs had indicated that they translate into ethnic minority languages spoken in Wales.
- The paper to note on the Assembly's Procurement Policy had arisen from the Committee's consideration of contract compliance at the January meeting. It would be discussed at the Committee's May meeting when it was hoped to also be able to have legal advice on the progress and feasibility of the proposals contained in the paper.

Agenda Item 2: Race Issues in the National Assembly for Wales

Presentation: Roger McKenzie, TUC

Papers: EOC-03-01(p.1), EOC-03-01(p.2) and EOC-03-01(p.3)

2.1 The Chair welcomed Jon Shortridge, the National Assembly's Permanent Secretary to the meeting and invited him to comment on the report which had been produced by Roger McKenzie on race issues in the

Assembly. He welcomed the report which he considered demonstrated good practices for public administration more generally and widely. He advised that Roger McKenzie had agreed to chair a working group of officials which would meet monthly to consider and implement the recommendations made in the report. He had also agreed to hold briefing sessions for staff. These were necessary in addition to the proposals in the report in order to address the wider cultural issues which would arise. Mr Shortridge would remain closely involved with driving through the actions arising from the report. He hoped to be able to have an action plan to present to the Committee for its July meeting and was currently looking for someone with the appropriate skills and abilities to put it in place.

2.2 In discussion, Mr Shortridge responded to several queries raised by members:

- Recommendation 9 proposed that the practice of recruiting to generic grades should end and new employees should be recruited to specific posts. In response to a query as to whether there would be practical difficulties in implementing this, Mr Shortridge advised that he hoped there would not be but he would have to consult the Cabinet Office on its implementation. He was responsible for ensuring the continuity of business and finding a way of ensuring the report's recommendations could be reconciled with the Assembly's staffing requirements. He was determined to achieve this whilst recognising that there might be practical issues to resolve. If a need arose, he needed to be sure that he could move people at short notice, for example, in cases such as the current foot-and-mouth disease situation, without the full panoply of open recruitment. This needed to be clarified.
- The scale of the difficulties faced in trying to increase the numbers of ethnic minority staff employed by the Assembly was illustrated by the fact that the percentage of such staff currently did not reflect the percentage of the population in Cardiff who were from ethnic minorities.
- The recommendation that the post of Head of the Equalities Policy Unit should be upgraded to become part of the Senior Civil Service did not necessarily set a precedent for posts dealing with other cross-cutting issues.

2.3 The Chair welcomed Roger McKenzie and expressed her thanks to the Trades Union Congress and John Monks, the General Secretary, for allowing him to continue to participate in producing his report following his being employed by the TUC.

2.4 Roger McKenzie expressed his satisfaction with being associated with an exercise of this sort and wished to thank those in the Assembly whose co-operation had been invaluable in producing the report. He was trying to make real progress although this might not mean quick changes. The action plan he proposed consisted of short, medium and long-term priorities and outlined the key tasks needed to influence how things were done in the Assembly. He accepted that there would be disagreements on the key means to achieve this but he had outlined a systematic approach which should involve everybody. Much detailed work had already been carried out within the Assembly, particularly in establishing ways in which equality could be involved in policy making.

2.5 There was a need for there to be commitment to the process. There was no sense in saying that something would be done and then dashing people's hopes. It was necessary, if the Committee agreed to the report, for it to be made as clear as possible to every member of Assembly staff and the wider community that the report would be carried through. There was not a great cash implication in the recommendations made although some issues would mean using extra resources. This could be defined in the action plan and carried forward in

the spirit of partnership and commitment.

2.6 The Chair commented that the report was well written and easily accessible and that she was very pleased with the work undertaken. The resource implications would have to be faced in order to take forward the Assembly's commitment to achieving its aims. The Assembly's trade unions would need to make a tremendous commitment also to take the recommendations forward.

7. In discussion, members raised some specific points on the report:

- Good practice in equality suggested that all interview candidates should be asked the same questions;
- It was questionable whether it was feasible or appropriate for a trade union representative to be present at every interview held. Unions did not have the right to do this as candidates had the right to privacy. However, some form of external evaluation might be appropriate. Roger McKenzie has seen the use of outside observers work in local authorities. The important thing was that the observers were trained in what to look for, although this did not mean that only trade union representatives could take on this role;
- Compulsory equality training for Assembly Members might not be the appropriate way forward. The importance of participating could be emphasised to Members and their staff and the party mechanism could make it compulsory. Whether a member participated in such training could also be publicly noted. A copy of the report could be sent to the leaders of party groups to indicate its importance. Roger McKenzie advised that he had proposed training be compulsory because he had not meant only formal training. On-line facilities could be used for example and this might be a way to break through the issue of time pressures. An example to others would be provided by members participating in such training;
- Assembly Sponsored Public Bodies should not be merely encouraged to do things but means should be found to ensure that they actually carried out practices to ensure equality. Roger McKenzie was seeking a way to strengthen the commitment of ASPBs. The Trades Union Congress had found that it was not immune to race discrimination itself and so had established its own task group to address this;
- The recommendation that the Commission for Racial Equality should carry out an independent audit might not be appropriate. There were tendering and competition issues to consider and the question of how the equality advisers were funded and used also needed to be taken into account;
- The Assembly needed to be clear why it was not the employer of first choice for members of the black community. Measures could be taken to encourage them to consider the Assembly such as inviting schools to open days. Education department officials might be able to assist in this.

7. Dr Ally of the Commission for Racial Equality indicated that he fully supported the recommendations and hoped that a robust programme would be put in place to roll it out. He felt that the proposed joint working party on pre-entry training programmes was particularly important. He considered it important that members should become familiar with the legal requirements of the Race Relations Amendment Act and accept and understand their legal responsibilities. The Codes of Practice were particularly important in this regard.

2.9 Will Bee of the Disability Rights Commission considered that the report contained some elements which applied to all forms of equality. In particular, equality should be embedded in all training and should not be seen as a separate issue. Kate Bennett of the Equal Opportunities Commission (EOC) felt that, although there

was a sharp focus on race in the report, the proposed approaches to interviews, appraisal and pay issues would provide strong evidence regarding gender also. The approach should also be applied to ASPBs and therefore this systematic approach could be promulgated through the whole of Wales.

2.10 The Chair invited Jeff Evans, Senior Regional Co-ordinator of the Public and Commercial Services Union (PCS) to the table. He advised the Committee that his union fully accepted the report and was keen to work in partnership with management. The lead the Assembly was taking was much further forward than other government departments and could provide a template for them.

2.11 Mr Shortridge further noted that the recommendations of the report were not a quick fix and that he had a leadership role in seeing them implemented. There was a need for a realistic testing of the recommendations in the report, as had started at the meeting, and Mr Shortridge was pleased to have Mr McKenzie chairing the working group to assist in that process.

2.12 The Committee agreed the Permanent Secretary's proposal of considering the action plan at the 11 July meeting. The Chair proposed writing to party leaders enclosing the report, to discuss how to encourage members' involvement and to ask them to sign up to the report. She also proposed that Roger McKenzie should participate in the round table on the Race Relations Amendment Act.

Agenda Item 3: Public Appointments - Remuneration of Chairs and Members of Assembly Sponsored Public Bodies

Paper: EOC-03-01(p.4)

3.1 Tamlyn Rabey of the Assembly's Finance Programmes Division outlined the proposals to ensure that remuneration for those undertaking public appointments was put on an equal footing. The proposals covered executive and advisory ASPBs and NHS bodies. Several bodies had members who were not Assembly appointed but the proposals could have implications for those too. The proposals were for consultation and the associated paper set out current practice and highlighted inconsistencies.

3.2. The consensus of Assembly sponsor divisions consulted in producing the paper was that the Chairs and members of executive ASPBs should be paid but there was more doubt as to whether this should be extended to advisory bodies. Payments for those on NHS bodies should be comparable with other ASPBs. The paper set out guidelines for how pay levels could be agreed. It also set out proposals for allowances, including the suggestion that full payment of allowances should be made to those who do not receive remuneration but the applicability of allowance payments should be considered more carefully for those who did. The consultation period would end on 21 May and a final report was expected by the end of June. The results and implications for each body would be covered, along with legal compliance issues which would highlight the powers of the Assembly to make the agreed payments, the financial implications and a plan for action. In some cases, post holders were not paid because the organisations themselves were registered charities. Representations to change this position would have to be made to the Charities Commission.

3.3 The Chair welcomed the paper and the fact that it set out how far the Assembly was able to go. Its implementation would encourage greater participation and make terms and conditions more uniform for public appointees.

3.4 Members discussed the following points:

- the analysis of payments was quite telling. Making remuneration more uniform would assist with recruitment as more suitable candidates would come forward. The tasks and responsibilities placed on post holders by the Assembly was considerable and increasing as the work of these bodies and the demands of public accountability increased. Remuneration should reflect this. The role of non-executive and executive post holders was important as was the distinction between the roles of Chairs and Chief Executives, particularly in relation to health bodies.
- The option proposed to evaluate all posts using a job evaluation system was a major piece of work but this should not mean that it was sensible not to proceed with it. It would be preferable to take two years and conduct this exercise properly rather than rely on historical data. Post holders should be made to provide the full information about their posts. This exercise would produce bandings for payment based on numbers of staff, budget and responsibilities. This option was described as 'unimpeachably fair and comprehensive'. It should therefore be the most appropriate starting point from the standpoint of the Committee.
- There had to be a remuneration package that was realistic if post holders were to be held accountable for the actions of the bodies they headed, particularly in connection with the pressures and responsibilities placed on Chairs of NHS bodies. This did not mean that market conditions could not play a part in the remuneration for certain posts such as Chair of the Welsh Development Agency, provided that the reasons for it were transparent. A fairly uniform system would still be possible.

3.5 The Chair advised the Committee that she would consider responses to the consultation in her role as Finance Minister. She asked the Clerk to draft a letter to her as Minister setting out the Committee's views and to circulate it to members for comment. There might be a role for subject committees in looking at job descriptions if it was decided to go ahead with the job evaluation exercise.

Agenda Item 4: Equal Pay in Wales

Presentation: Felicity Williams, Sue Dye and Heledd Hayes, Wales TUC Women's Committee

4.1 The Chair welcomed the speakers and stated that she was very conscious of the issues regarding equal pay. She had recently launched the Equal Opportunities Commission report, 'Just Pay', which raised many pertinent issues on this matter.

4.2 Felicity Williams said that it was 30 years since the Equal Pay Act came into force and yet equal pay was still a live issue, particularly in Wales where women earned on average 30% less than men. This was not only illegal but unfair and unjust. Many employers were still working according to pay schemes drawn up when men were the main breadwinners and women worked for 'pin money'. It was particularly important for employers to hold pay audits although there was currently no legislation to enforce this. In unionised workforces, women earned 90% of men's wages but there was still much to do. Equal pay needed to move back to the forefront of the collective bargaining agenda. Encouraging women to become full time trade union officers or part-time representatives was a way to achieve this. Wales TUC was keen to be involved. She wanted to attack the message that it was by choice that women earned less than men. Job mixes were an area of particular concern in the public sector and were serving to bring pay levels down, not up.

4.3 Sue Dye advised that PCS gave high priority to equal pay. Unions, the EOC, the Assembly and employers

all had a part to play. Employers could recognise the issues by tackling the culture of secrecy about pay rates. She hoped the EOC would assist both employers and the unions by simplifying their Code of Practice on equal pay and by supporting the campaign to make reviews of pay mandatory. The Assembly had a huge part to play in achieving progress by correcting anomalies and becoming a model employer in Wales. It was in a unique position to positively influence ASPBs, health bodies and local authorities. It also recognised the importance of equality in distributing European structural funds. She proposed beginning discussions with the EOC and the Assembly on the development of an action plan to encourage equal pay in Wales.

4.4 The Chair was interested in taking a collective approach across Wales and recognised the importance of encouraging legislation. Members considered equal pay a fundamental issue. While women remained poor many other issues arose. The Assembly should ensure ASPBs undertook pay audits and could include a requirement in the forthcoming proposals on contract compliance for sub-contractors. Any woman who took a career break would also have a smaller pension. This gave a negative message as to how women who take time off to raise children were viewed by society.

4.5 There was a particular issue with women who were supply teachers. They lost the rights to pay increments, pensions and staff development. Heledd Hayes (of the National Union of Teachers) advised that there was a shortage of teachers to match vacancies. The union had set up a register for those who wished to job-share as supply teachers. She acknowledged that supply teachers should not be disadvantaged regarding increments but they were. In response to a query about the numbers of female head teachers, she advised that this was a massive problem. Over 15 years the percentage of women head teachers of secondary schools had increased dramatically but was still very low. This led to stereotypes in the minds of pupils in that a man was seen to be in charge. Members commented that, although there was equal pay in teaching, women were 'stopped' at a certain level. Women did not put themselves forward for higher levels and many male union members subscribed to the view that women should not be union negotiators for example.

4.6 Kate Bennett advised that unequal pay is a global issue but inequalities are far worse in the UK for three reasons: pay structures, job segregation and work-life balance. However, there were concrete things that could be done in Wales. She firmly held that pay reviews should be compulsory. She proposed the Chair write to the Cabinet Office to say that women would be seriously disadvantaged if they were not made compulsory. This view was held by the EOC Equal Pay Taskforce, many of the members of which were employers. In education, schools, the new Careers Wales organisation and the new ELWa body could do much work to assist. However, there was a long way to go on childcare. She welcomed the suggestion of a joint action group and suggested discussions be held with the CBI, the Federation of Small Businesses and ACAS. She and the Women's TUC would undertake initial discussions on how the group would work.

4.7 The Chair proposed to write to the Permanent Secretary proposing a full equality audit and asked the Clerk to liaise with the Wales TUC and the EOC regarding the development of a joint action plan. She would take this forward, including the legal implications, in the Committee's June meeting and suggested the work could feed into the Committee's annual report recommendations in Assembly plenary session.

Agenda Item 5: Stephen Lawrence Inquiry

Paper: EOC-03-01(p.5)

5.1 The Chair introduced this item by stating that the work on the Stephen Lawrence Inquiry was initiated by

the Committee and therefore any report which resulted from it belonged to the Committee. The Committee would then take the report forward to plenary session and ask any other appropriate committee to comment on it.

5.2 Alan Lansdown said that the draft report he was presenting to the committee represented the consensual position of all members of the education working group although it had taken a long time to produce. The Chair of the Steering Group, Helen Mary Jones, considered the report to be a huge step forward. She wanted to raise some points on the specific recommendations:

- On recommendation 67, she considered that there was a difficulty with the emphasis given to Personal and Social Education. This gave credence to the idea that this area of the curriculum alone was relevant. The group had not asked for a full review of the curriculum but the strategic introduction suggested that there would be a delay in implementing any other suggestions until the next full review in five years. The proposed ACCAC guidance would enable a restructuring although it would not have full legal weight behind it. The proposed discussions between ACCAC and printers for production of Wales specific material would not be unique as material was already produced for Welsh.
- On recommendation 68, there needed to be further discussion on the reporting of racist incidents, particularly on the issue of what happened to information recorded on schools with a high black population. Such schools would have a long list of incidents if they were doing their job properly.
- On recommendation 69, the Steering Group Chair was encouraged by Estyn's work and considered that it was getting to grips with the issues and achieving results. The Committee was pleased that mainstreaming equality issues across the curriculum would be incorporated into teacher training and noted the need for continued improvement in that area.

5.3 The Committee discussed the recommendation that statistics on racist incidents be collected and published at Local Education Area level and made available to the Assembly at school level. The Committee noted uncertainty of what was meant to be included within the term "Assembly". Members expressed a range of views on how broadly school level information should be published, noting on the one hand the potential for such statistics to mislead and the incentive to cover up incidents if reports are made public, and on the other hand the right of the public to know each school's performance and the need to call schools to account. The Committee particularly noted the need for the terms of such statistics to be carefully framed so they reflected actual performance and did not prejudice schools which had higher reported rates of incidents because of a higher black and ethnic population or because they were doing more to detect and address racist incidents. Guidance was also needed for teachers on what comprised a racist incident so there was a consistency in reporting between schools. It was also noted that, regardless of the policy on publication of statistics, it was likely this information would be publicly available through freedom of information laws. The Committee agreed that attention needed to be paid to these points and recommended that a statistician assist the working group in drawing up a reporting framework.

5.4 The Commission for Racial Equality was pleased to see curriculum enrichment being put forward in the report. Dr Ally noted that "Learning for All" was not an advisory document but a standard by which schools can measure how they are dealing with race equality. He noted that equality of opportunity and curriculum enrichment were different things. Enrichment is about the curriculum including examples of the experiences of different races and their place in history and society. He also referred to the reference on page 12 of the report to the CRE meeting with teacher trainers and noted that the CRE would engage with the training

institutions rather than individual trainers.

5.5 The Committee requested that officials amend the report in light of the Committee's discussions and resubmit it for consideration at the next meeting. The Committee discussed confusion which had arisen about the ownership of the report and noted that the Committee had initiated the report and requested that the working group be set up to prepare it, "borrowing" the officials from the Minister for a role analogous to using expert advisers. However, not clarifying at the outset the role of officials and the ownership of the report led to a number of difficulties with the process. The Chair undertook to write to the Panel of Chairs to seek guidance on how committees should "borrow" officials for such projects.

Agenda Item 6: Wales Council for the Blind: Young View project

Presentation: Members of the group

Paper: EOC-03-01(p.6)

6.1 The Chair welcomed Vanessa Webb of the Wales Council for the Blind (WCB) and Neil Jones, one of the young people who had participated in the Young View project. Vanessa thanked the Committee for agreeing to take the report. The work of the young visually impaired people involved had been very valuable to the WCB. Because of the age profile of most visually impaired people, young people's views were not normally taken into account and there was little data in existence on the difficulties they faced. WCB had worked hard to get the involvement of 28 young people from all parts of Wales in the project. They discussed their views on various matters. WCB had managed the process to date but the young people themselves would take the project forward in the future and had produced their own web-site to assist in this. She hoped that the Committee could look for developments in some of the issues raised in the project report.

6.2 Neil Jones introduced the main issues which were highlighted in the report and advised that independence and control were key factors for young visually impaired people. They needed to have facilities which would enable them to exercise their independence but found that a major problem was the lack of awareness that young people too could be visually impaired. The issues highlighted by the group were:

- the set up of the benefits system. Form filling and how the information is actually produced was a significant problem. Leaflets and forms were generally produced in small print and so were difficult to read and fill in. Citizens Advice Bureaux were the only organisations that could assist but, as they were staffed by volunteers, visual impairment training received by them was not necessarily up to a high standard.
- Access to information in general was problematic. It was not possible to read the newspaper, for example, and, even though some newspapers provided 'talking' editions, they were not available for a few days after publication of the appropriate paper edition.
- On the education front, universities tended to have very good facilities but secondary schools were far from satisfactory. Perhaps universities could provide training for secondary and primary schools.
- Employment was obviously a major difficulty with far reaching consequences which were too detailed to go into in this forum. However, the report aimed to highlight the raising of basic awareness of the issues facing young people.

6.3 Members commented that there appeared to be a lack of awareness of these difficulties even amongst those who 'knew' about equal opportunities. In education for example, support workers in schools were often

seen as a means of instilling discipline rather than providing support to individuals. Perhaps youth projects could be made more aware of the problems so that they could assist young people. There was currently a debate as to whether it was best to provide education for students with disabilities in a separate environment or via mainstream education. The Education Committee might have some comments to make on that, particularly in view of the fact that there was no Welsh medium specialist education provision. There were issues around how support services were delivered and how teachers and lecturers are given awareness training.

6.4 As regards transport, a major review of public transport provision was currently taking place and it would be appropriate to feed the group's comments into this. Young people might qualify for a Disability Living Allowance but this might not cover the additional costs incurred in using public transport or taxis in order to have a social and working life. Members wanted to make representations to the appropriate bodies regarding making these views known.

6.5 Will Bee welcomed the report and the project and agreed that young people were often missed off the agenda because most people with disabilities tended to be older. The Children in Wales organisation had recently also carried out a project to identify sources of funding. The Disability Rights Commission itself had given evidence to the public transport inquiry and had stressed the fact that provision of information about transport services was extremely important. The Special Educational Needs and Disabilities Bill was now in the House of Commons and would bring those with such needs into mainstream schools. Local education authorities would be required to provide support to enable pupils with disabilities to reach their maximum potential. He had also written to the Minister for Education and Lifelong Learning about accessibility plans for education authorities.

6.6 Vanessa Webb reported on action the WCB had taken on the education issues identified. They had written to all education authorities to enquire about training for support workers and had received five responses which indicated that a nursery nurse qualification was the standard one required. WCB was hoping to organise more appropriate training. Young people should have the choice as to which educational establishment they attended but the decision had to be based on good mainstream education.

6.7 The Chair proposed writing to the Chairs of subject committees recommending they consider the report and suggesting they might want to have a presentation from the group. She would consider what approach to take regarding benefits in discussion with Will Bee and would report back at the next committee meeting.

Item 7: Minutes of the previous meeting

Paper: EOC-02-01(min)

7.1 The minutes of the last meeting were agreed.

7.2 The meeting closed at 12.40pm.