

# Communities, Equality and Local Government Committee

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Meeting Venue:  
**Committee Room 2 – Senedd**

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Meeting date:  
**5 June 2013**

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Meeting time:  
**09:00**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



For further information please contact:

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## Agenda

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**Private Pre-meeting – 09.00 – 09.15 – Private Paper 1**

**1 Introductions, apologies and substitutions (09.15)**

**2 Inquiry into the future of equality and human rights in Wales – evidence session 4 (09.15 – 09.55)** (Pages 6 – 10)

Stonewall Cymru  
CELG(4)-17-13 – Paper 2

Andrew White, Director  
Dean Lloyd, Workplace Officer

**3 Inquiry into the future of equality and human rights in Wales – evidence session 5 (09.55 – 10.35)** (Pages 11 – 16)

Tai Pawb  
CELG(4)-17-13 – Paper 3

Mair Thomas, Equality and Diversity Officer  
Emma Reeves, Equality and Diversity Officer

**Break – 10.35 – 10.45**

**4 Inquiry into the future of equality and human rights in Wales – evidence session 6 (10.45 – 11.25)** (Pages 17 – 21)

Disability Wales

CELG(4)-17-13 – Paper 4

Rhian Davies, Chief Executive

Miranda French, Policy and Public Affairs Manager

**5 Inquiry into the future of equality and human rights in Wales**

(Pages 22 – 31)

The NHS Centre for Equality and Human Rights

CELG(4)-17-13 – Paper 5

Unable to attend

**6 Papers to Note**

**Correspondence from the Welsh Heads of Environmental Health, Housing Technical Panel following the meeting on 27 February** (Page 32)

CELG(4)-17-13 – Paper (to note) 6

**Letter from Powys County Council** (Pages 33 – 34)

CELG(4)-17-13 – Paper (to note) 7

**Correspondence from the Minister for Local Government and Government Business following the meeting on 1 May** (Pages 35 – 44)

CELG(4)-17-13 – Paper (to note) 8

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# Agenda Item 2

## Paper 2

### Communities, Equality and Local Government Committee

#### Inquiry into : The future of equality and human rights in Wales

#### Response from : Stonewall Cymru

##### Introduction

1. We are pleased to respond to the Committee's call for evidence for its inquiry into the future of equality and human rights in Wales.
2. Stonewall Cymru is the leading organisation campaigning and lobbying for lesbian, gay and bisexual equality in Wales. We have been eager to improve the evidence base for the real lived experience of our stakeholders and below we wish to draw the committee's attention to some of the stark reminders of how life is for LGB people in Wales today. Whilst there has undoubtedly been progress, there remains much work to be done.
3. In November 2012 Stonewall Cymru published ***The School Report 2012***. This survey of more than 1,600 young LGB people in Britain shows some encouraging results. Levels of homophobic bullying have fallen by 10% since 2007 and the number of schools saying that homophobic bullying is wrong has more than doubled. This research also provides clear evidence that in those schools that are taking simple steps to tackle homophobia, pupils are less likely to have been bullied and much more likely to feel happy and welcome in their schools. The study shows that there is still much more to be done. More than half of lesbian, gay and bisexual young people in Britain still experience homophobic bullying and its damaging impact is just as pronounced. Two in five gay pupils who experience bullying attempt or think about taking their own life as a direct consequence. Three in five bullied gay young people say that it is affecting their studies and seven in ten of all lesbian, gay and bisexual pupils admit to skipping school at some point. Only one in four gay pupils say a teacher has spoken with them about how homophobic bullying is wrong.
4. In December 2012 in partnership with Sport Wales we published, ***Lesbian, Gay and Bisexual People in Sport: Understanding LGB sports participation in Wales***. This report found that 75% of LGB survey respondents have heard homophobic banter in sport. 49% of LGB individuals said they had experienced verbal abuse due to their sexual orientation - 12% have experienced physical abuse 33% of LGB people have experienced exclusion from sport because of their sexual orientation

72% of LGB people would be more likely to participate in a club if it was marketed as LGB-friendly.

5. In January 2013 Stonewall Cymru published ***Living Together: Welsh attitudes to lesbian, gay and bisexual people***. This was the first study of its kind to ask people in Wales their views on gay equality and was conducted by YouGov among over 1,000 adults living in Wales.
6. This polling shows the scale of the challenge we continue to face. Half of all people acknowledge that prejudice still exists against gay people, 114,000 people have witnessed homophobic bullying at work and three in five young people have witnessed homophobic bullying in their own school. They are clear that this should be tackled.
7. Later this year we will be conducting further research into the lived experience of LGB people in Wales, benchmarking progress since our first ***All Wales Lesbian, Gay and Bisexual Survey*** report was published in 2003.

#### **How well are the specific public sector equality duties functioning in Wales?**

8. The general equality duty, which covers sexual orientation for the first time, has only been in force for two years. We think it is too soon for there to be sufficient evidence of how the general duty or the specific duties are working in practice. While many public sector organisations have already been working for some years to promote equality for lesbian, gay and bisexual staff and service users, others are still in the process of adapting to their new statutory obligations.
9. We campaigned for a single equality duty for a number of years. We continue to believe that a single equality duty, focused on practical outcomes, can potentially have a transformative effect on lesbian, gay and bisexual people's lives in areas where they have often faced unfair treatment.
10. Upon publication of the draft public sector equality duties (Wales) Stonewall Cymru campaigned for the inclusion of schools and school governors within the duties and for the inclusion of sexual orientation in the duty to monitor (originally excluded).
11. Our evidence was based on a series of Have Your Say events around Wales in which we spoke with more than 300 lesbian, gay and bisexual people, service providers, and representatives of third sector organisations.
12. Our workplace intervention '*Diversity Champions*' now works with the employers of more than a quarter of the Welsh workforce. Many of our members, though not subject to the Wales Public Sector Duties have elected to work in ways which are entirely compatible with the duties.

13. Through our work with public sector organisations across Wales we know that many have found the duty helpful in introducing or improving policies, practices and procedures in order to improve outcomes for lesbian, gay and bisexual people. Some even began to implement this work in anticipation of the duty coming into force.
14. At the same time the duty has enabled lesbian, gay and bisexual people for the first time to find out what public services in their local area are doing to improve services for lesbian, gay and bisexual people. Organisations such as Stonewall Cymru have also been able to hold public bodies to account for their performance in complying with the duty.
15. Many of our members operate proactively in the field of sexual orientation. We publish an annual UK-wide Workplace Equality Index benchmarking progress for employers in the field of sexual orientation equality in the workplace.
16. Submissions to the Workplace Equality Index are assessed across eight areas of good practice, many of which would be familiar in terms of the Wales specific duties. These are:
  - employee policy
  - employee engagement
  - staff training and development
  - monitoring
  - supplier policy
  - LGB community engagement
  - the 'pink plateau'
  - additional evidence and staff feedback.
17. Employers submit written responses and supporting evidence. This is supplemented with evidence submitted by employees. In 2013, more than 8,900 individual lesbian, gay and bisexual employees of Index entrants completed the survey.
18. In 2013 11 of the Top 100 UK Employers were Welsh employers (9 of these are public sector employers though not all are currently subject to the Wales specific duties).

### **The Equality and Human Rights Commission in Wales**

19. Stonewall Cymru have enjoyed a productive relationship with the Commission in Wales since its inception in 2007.
20. With an increasingly divergent equality framework in the UK it is entirely appropriate that the Committee should examine the Commission's role in Wales.

21. In the absence of a specific proposal on the future devolution of equality to Wales it would be inappropriate at this stage for Stonewall Cymru to make specific recommendations as to the future role or function of the EHRC in Wales.

### **The link between poverty and equality and the socio-economic duty in Wales**

22. The Equality and Human Rights Commission in Wales has produced some very useful evidence on the link between equality and poverty, particularly with regard to race, special educational needs, and socio economic status.
23. Stonewall Cymru have produced evidence on the experience of homophobic bullying in Wales, most recently in *The School Report 2012*. We have also produced research into the poor mental health experience of LGB people, and the experience of older LGB people.
24. In terms of sexual orientation there is a lack of evidence on the long-term socio-economic effects of homophobic bullying at school and at work, homophobic hate crime in the community, or how poor early experiences impact on career progression, economic potential, and the development of skills and leadership amongst Wales' estimated 184,000 lesbian, gay and bisexual people.
25. In considering the socio economic duty we believe that further research is needed into the issue of possible disproportionate net migration from Wales amongst lesbian, gay and bisexual people.
26. In 2009 the EHRC funded our colleagues in Scotland to research this issue there, the findings showed that three quarters of lesbian, gay, bisexual and transgender people living in rural areas felt they had to leave their hometown before they could come out. If the same were true in Wales rural areas risk losing talented people to more urban areas and Wales would risk losing talented LGB people to cities such as Bristol, Manchester, Liverpool, and London.

### **Accountability for equality and human rights legislation in Wales**

27. We welcome the UK Government's commitment to working with Welsh Government to agree an approach which allows Wales to commence with the duty for Welsh bodies.
28. Recent proposals to change the Equality Act at Westminster do shine light on the divergence of policy, but also raise issues of a more fundamental nature on what may be a quirk of the devolution settlement itself. Part of an Act, in this case the Equality Act 2010 is devolved, and Welsh law has since been implemented. However if Westminster were to repeal the general duty, the Welsh Specific Duties would also fall, by an act of the Westminster parliament not by measures taken by the National Assembly for Wales.

29. We do not take a specific position for or against further devolution of equality to Wales. We would be concerned if measures passed in Wales were effectively repealed without reference to the legislature that had passed them. We are hopeful that dialogue between both governments can reach a practicable and appropriate solution.
30. Stonewall Cymru are committed to working with Welsh Government and the National Assembly to continue to find the best solutions for lesbian, gay and bisexual people.

We welcome the opportunity to discuss this paper with you in due course.

Andrew White

**Director,  
Stonewall Cymru**

## Paper 3

### Communities, Equality and Local Government Committee

**Inquiry into : The future of equality and human rights in Wales**

**Response from : Tai Pawb**

For further information about this paper please contact: Emma Reeves-M<sup>c</sup>All, Equality and Diversity Officer, [emma@taipawb.org](mailto:emma@taipawb.org)

#### **Who we are**

Tai Pawb (housing for all) is a registered charity and a company limited by guarantee. The organisation's mission is, "To promote equality and social justice in housing in Wales". It operates a membership system which is open to local authorities, registered social landlords, third (voluntary) sector organisations, other housing interests and individuals.

#### **What we do**

Tai Pawb works closely with the Welsh Assembly Government and other key partners on national housing strategies and key working groups, to ensure that equality is an inherent consideration in national strategic development and implementation. The organisation also provides practical advice and assistance to its members on a range of equality and diversity issues in housing and related services.

#### **Tai Pawb's vision is to be:**

The primary driver in the promotion of equality and diversity in housing, leading to the reduction of prejudice and disadvantage, as well as changing lives for the better.

A valued partner who supports housing providers and services to recognise, respect and respond appropriately to the diversity of housing needs and characteristics of people living in Wales, including those who are vulnerable and marginalised.

For further information visit: [www.taipawb.org](http://www.taipawb.org)

Charity registration no. 1110078  
Company No. 5282554

#### **How well the specific public sector equality duties are functioning in Wales**

1. Tai Pawb works with organisations from across the social housing sector in Wales. As a membership organisation we have members who are:

a. Local authorities - (housing departments). Local Authorities have a clear statutory obligation in relation to the general public sector equality duty and as listed bodies in Wales, the specific equality duties for Wales.

b. Housing Associations – Housing Associations are not listed under the specific equality duties for Wales (however there is scope within the legislation for them to be added to the list) but are viewed as having obligations under the general public sector equality duty in relation to their functions of a public nature (e.g. management, allocations and termination of tenancies) due in part to the legacy of the Weaver V London & Housing Quadrant Trust case. For Housing Associations who have core functions that are predominantly of a public nature the delineation between the statutory obligation for listed bodies and those who provide a public function but are not a listed public body causes confusion in the sector

2. Additional confusion is caused through the existence of two sets of duties (public sector equality duty and specific equality duty) particularly when there is differentiation between the bodies and organisations covered by the duties. For example housing associations and other bodies and organisations which are not listed do not have to comply with the specific public sector equality duties, and as a result they often do not fully understand the requirements placed on those who do. This can make co-production difficult. On the other hand, where housing associations understand specific equality duties placed on local authorities, they choose to, at least partly, comply with those (despite lack of legal requirement to do so) as they view such compliance as best practice (and the best way to comply with general duties). Tai Pawb sees this as a positive contribution that the specific equality duties have made to the housing sector in Wales. This is most clearly seen in relation to Equality Impact Assessments on Common Allocation policies, where local authorities will be working in partnership with housing associations operating in the area. A statutory code of practice in relation to equality in housing should be published to help listed and non-listed housing bodies understand their duties.
3. It would be beneficial for the legislation to clearly define functions of a public nature and the production of a statutory code of practice in relation to equality in housing with clear examples of what constitutes a function of a public nature would also be beneficial and help alleviate current confusion.
4. The current trend towards the introduction of more private finance being utilised by Housing Associations may mean there is further blurring and confusion with relation to ‘passing on’ duties due to organisations utilising public funds. As Housing Associations draw in a considerable amount of private finance it is likely they would be reticent to agree to any changes to their obligations on this basis. However; Tai Pawb feels that there is a strong case with relation to the fact that Housing Associations perform a public function and it is with this in mind we would support a statutory code of guidance as outlined above.

## Equality Impact Assessments (EIAs)

5. Tai Pawb views assessment of impact on various groups as a crucial element of the Public Sector Equality Duty and the promotion and advice on Equality Impact Assessments is a core element of our strategy. Tai Pawb advises Local Authorities and Housing Associations on Equality Impact Assessments in relation to their housing policies, procedures and practices when such assistance is required.
6. In general, we see the requirement to assess impact as having made a positive contribution to the promotion of equality in housing in Wales and the removal of this specific duty would have a detrimental impact on equal outcomes for people in Wales. Although Housing Associations do not have the duty to assess impact, some of them choose to do so as a matter of good practice and a good way to ensure compliance with the general duty.
7. In our experience, in organisations where the impact was assessed in a meaningful way with clear commitment from senior management, senior ownership and training for staff, these led to positive outcomes for organisations. In some cases policies were changed or amended, in others the Equality Impact Assessment led to greater awareness of equality issues amongst staff responsible for given policy or service – we must not forget about this important awareness raising element.
8. In our view, there is more need for senior commitment and ownership of the Equality Impact Assessment process in organisations, which is linked to the need for greater mainstreaming of this process, embedding it within organisational planning, analysis, implementation and evaluation processes. Too often the process is “detached” from the above cycle and seen as “additional”. This is reflected by e.g. the makeup of the teams carrying out an Equality Impact Assessment at times with lack of appropriate senior and frontline representation. Too often is the process carried out by one or two people with responsibility for “equalities” or other team members with little awareness of the process. Some organisations still choose to use consultants to carry out the whole Equality Impact Assessment, which in our view further detaches the process from organisational ownership.
9. There is little or no public accountability at cabinet or board level (as appropriate) within the public sector as an internal auditing and monitoring process to ensure that Equality Impact Assessments have been completed in an adequate manner.
10. Where housing associations choose to carry out Equality Impact Assessments they often fail to consult and engage with people (a specific duty for local authorities) although local authorities are sometimes reluctant to do this as well.
11. There remains a fundamental misunderstanding about the use of evidence within the Equality Impact Assessment and there is an inadequate review system. This is not helped as there is no routine monitoring regarding the standard of Equality Impact Assessments neither is there any meaningful consequence if either Equality Impact Assessments or the Public Sector Equality Duty is not adhered to.
12. In general Tai Pawb views the assessment of impact as a crucial part of Public Sector Equality Duty which should remain as a specific duty in Wales and be further promoted as a positive and

mainstream organisational tool. We also feel that the current guidance on Equality Impact Assessments would benefit from greater focus on outcome for service users/employees etc. rather than the process itself. This would not only help highlight the potential for positive contribution of Equality Impact Assessments to the promotion of equality but also the potential to deliver more effective and tailored services and the links to corporate strategies.

13. Devolution has resulted in different approaches being taken in relation to the requirement on listed public bodies to carry out equality impact assessment. For example there is a requirement on listed public bodies in Wales to carry out Equality Impact Assessments under the Welsh specific duties however there is no such requirement on English bodies. It is important that further clarity is provided and a stronger voice is given to the Welsh approach in Wales to ensure it is heard – we believe this should be the joint role of the Welsh Government and The Equality and Human Rights Commission in Wales.
14. Tai Pawb has also carried out work with organisations that operate across both England and Wales and further clarification needs to be provided in relation to expectations on these bodies in terms of the public and specific duties when they are delivering services in Wales

### **The Equality and Human Rights Commission in Wales**

15. Although we do not know the exact impact of recent changes to the provision of service level in Wales, we can predict that they will have a detrimental effect on the delivery of Equality and Human Rights Commission duties in Wales. In our view Equality and Human Rights Commission has had a positive role in Wales especially in relation to raising awareness of equality and human rights issues, for example through inquiries and research.
16. It is our view that the Equality and Human Rights Commission in Wales could and should be taking a proactive role in Wales in particular with ensuring compliance with the Public Sector Equality Duty (general and specific) and wider Equality Act 2010. However, in order for this to be a viable option for the Commission, there would need to be a substantial increase in funding for the Commission and also an expansion of staffing to meet the increased demands on their responsibilities. This is very important especially in light of the distinctive and strong commitment to equality and Public Sector Equality Duty from the Welsh Government and the need for the Equality and Human Rights Commission to work closely with the Welsh Government. An example of this is the inclusion of equality standards and expectations in the Welsh Government Regulatory Framework for Housing Associations in Wales and in our view this has led to the strengthening of equality agenda within the Registered Social Landlord sector with more work being done in the sector. Since the Equality and Human Rights Commission has a duty to work with and advise the Welsh Government, the strengthening of equality standards within Welsh Government work programmes will inevitably lead to more work for the Equality and Human Rights Commission. In light of the above, more power should also be given to the National Assembly for Wales in relation to Welsh Government accountability and scrutiny, especially with the increasing divergence between English and Welsh approaches to Public Sector Equality Duty. This would also require strengthening the relationship between National Assembly for Wales, Welsh Government and the Equality and Human Rights Commission through, for example devolved funding, and devolved role and function of the Equality and

Human Rights Commission and primary legislative powers granted to National Assembly for Wales in relation to Public Sector Equality Duty.

17. It is imperative that the remit and reach of the Equality and Human Rights Commission in Wales is strengthened. However of equal importance is to ensure the ability to have a voice that is heard and respected within a UK national context is not unintentionally lost as a result of developing any additional Welsh specific remit for the Equality and Human Rights Commission.

### **The link between poverty and Equality and the socio-economic duty.**

18. There are clear links between poverty and equality. It is not our intention to provide evidence for this in this submission as we believe that the subject has been widely covered in research. For example, Equality and Human Rights Commission research “The anatomy of economic inequality in Wales” and “How Fair is Wales?” provided a plethora of evidence showing the unequal outcomes which exists for people from different groups. Some of these groups are protected under the Equality Act 2010, others are not.
19. There are two main reasons why we believe that current legislation does not allow for the promotion of equality and prevention of discrimination to full extent:
  - a. Where groups living in poverty are protected under the Equality Act 2010, the evidence for the link between poverty and inequality is often difficult to establish and such thorough intersectional analysis of outcomes is rarely undertaken by listed bodies in their data analysis for planning and monitoring service provision and service outcomes. If a claim was to be made against a public authority, it would have to be a claim for indirect discrimination and it would be extremely difficult to provide evidence – the links between poverty and belonging to a protected group are often deeply entrenched and difficult to prove although it is widely accepted that they exist. While anti-poverty strategies often have some equality elements (e.g. focus on children, women or older people), they often lack a more sophisticated analysis of unequal outcomes linked to both poverty and a protected characteristic.
  - b. Some people living in poverty are not directly protected under the current law although it is proven that for some groups “disadvantage begins at birth and continues through education and employment into retirement - often carrying on into the next generation” (Equality and Human Rights Commission, 2011) – for example single parents, people living in social housing, children in receipt of free school meals or simply people on lower incomes. There is clearly a need to focus on analysing the causes of such disadvantage, alleviate it and create equal opportunities and outcomes for such groups. Through our work (particularly when delivering equality training and talking about protected characteristics with those attending) we have heard from tenants and housing associations staff members about the issue and impact of people’s negative perceptions of certain estates and the impact of the stigma this can create in terms of tenants self-esteem and their experiences when accessing services.

20. The above factors are the two main reasons why we believe that Socio-Economic Duty should be commenced in Wales and not repealed by the UK Government. Such duty would enable greater promotion of equality for all people.

### **Accountability for equality and human rights legislation in Wales.**

21. There are several aspects of equality legislation which Tai Pawb considers important in terms of equality and accountability in Wales.

- a) National Assembly for Wales has limited powers in relation to the Equality Act 2010 in Wales. It cannot fully scrutinise Welsh Government's performance on the duties or in fact the performance of the public sector. This also limits the capacity of the Equality and Human Rights Commission to assess the Welsh Governments and public sector's performance as a whole.
- b) Listed public authorities in Wales are not required to report their performance on equality duties to the Welsh Government.
- c) Although the Equality and Human Rights Commission has powers to enforce Equality Act 2010 including public sector equality duties we believe that listed bodies in Wales would benefit from more direct and regular assessment of their compliance with general and specific equality duties, e.g. through whole sector reviews in relation to particular duties.

**22.** In relation to the points above we believe that full devolution of powers in relation to equality to the National Assembly for Wales would be the best solution.

## Paper 4

### Communities, Equality and Local Government Committee

Inquiry into : The future of equality and human rights in Wales

Response from : Disability Wales

#### 1. Introduction

1.1 Disability Wales/Anabledd Cymru is the national association of disabled people's organisations in Wales striving for the rights, equality and independence of all disabled people. Our core role is to reflect the views of our members to government with the aim of informing and influencing policy.

1.2 DW is delighted to have the opportunity to submit evidence to this important inquiry.

#### 2. How well the specific public sector equality duties are functioning in Wales

2.1 There is widespread recognition of the robustness of the public sector equality duties in Wales compared with that pertaining in other nations within the UK. Colleagues in sister organisations outside of Wales regularly comment on this and admire the scope of the Wales specific duties including the requirement on public bodies to involve disabled people amongst others with protected characteristics in identifying equality objectives and drawing up equality plans.

2.2 DW was closely involved in working with Welsh Government in identifying its own equality objectives and developing its Strategic Equality Plan (SEP). DW has an interest across the eight objectives outlined in the plan however there are two key areas of work in which DW have been closely involved and have helped to influence:

Objective 4: the disability hate crime element in 'reducing the incidence of all forms of violence against women, domestic abuse, 'honour' based violence, hate crime, bullying and elder abuse'

Objective 5: tackling barriers and supporting disabled people so that they can live independently and exercise choice and control in their daily lives

### **2.3 Disability Hate Crime**

DW is a member of the Welsh Government's Task Group on developing a Framework for Action on Tackling Hate Crime, established to assist it with fulfilling its equality objective. DW represents the Disability Hate Crime Action Group Cymru which it co-founded with Safer Wales following partnership work with the ACPO Equality and Diversity Forum and the organisation of the first national seminars in Wales on Disability Hate Crime held in 2009.

### **2.4 Independent Living**

Further to DW's successful campaign *Independent Living NOW!*, WG committed to introduce a Framework for Action on Independent Living to deliver objective 5. DW worked co-productively with WG in engaging disabled people and their organisations in developing the Framework and consulting on the draft. The Framework adopted the six calls to action outlined in DW's Manifesto for Independent Living which reflected the priorities identified by our members during the campaign:

1. Improved access to information, advice, independence, advocacy and peer support services for all
2. Availability of accessible and supported housing to meet individual requirements
3. A comprehensive range of options and genuine choice and control in how personalised care and support is delivered
4. Improved access to person centred technology
5. A barrier free transport system, including all modes of transport
6. Enabling access, involvement and social, economic and cultural inclusion for all disabled people.

2.5 DW believes that in relation to disabled people the WG has demonstrated some good practice in the development of its strategic equality objectives. However the crucial next step is achieving the actions and outcomes outlined in the SEP and the effectiveness of monitoring and evaluation arrangements including the continued engagement of disabled people.

2.6 It is to be expected that Welsh Government should show leadership in an area where it has developed the duties. DW is equally interested in the performance of other public bodies many of which are responsible for delivery of services at the local level. DW undertook a brief review of local authority SEPs with the aim of comparing to what extent their objectives overlapped with Welsh Government regarding the areas of independent living and hate crime.

2.7 The majority of local authorities referred to action on Disability Hate Crime due perhaps to the high profile of this issue and the impact of the EHRC's Report *Hidden in Plain Sight*, conversely none specifically mentioned independent living. Some however included objectives on specific issues that feature in the Framework most notably access to information, advice and advocacy, and broader access within society. However some issues were hardly referred to at all including accessible housing and person centred technology. Despite the commitment to access to information, in many cases SEPs were difficult to locate on local authority websites and some were produced in PDF format only which are not accessible to people who use screen readers.

2.8 For DW the lack of synergy between WG and LA SEPs stemmed from them being developed concurrently in a short timescale. Given both Independent Living and Disability Hate Crime are the subject of national strategic Frameworks for Action, our expectation is that future plans will have greater cross-over. However while DW was able to commit staff resources to working with WG regarding its objectives, the majority of local disabled people's organisations operate purely on volunteer effort so without further resources are unlikely to be able to contribute to the development and scrutiny of local plans to the same degree.

2.9 To support the capacity of members, DW has produced a resource that provides members with information, practical advice and case studies re how to use the Equality Act (2010), the Public Sector Equality Duties in Wales and the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Entitled *Know your Rights! Use your Rights! Live your Rights!* and workshops using the pack will be run over the Summer of 2013.

### **3. The Equality and Human Rights Commission in Wales**

3.1 DW has worked closely and productively with the EHRC on a number of areas of mutual concern and interest since its inception in 2007. We have benefited from their active support for DW campaigns such as *Streets Ahead* and *Independent Living Now!* as well as projects such as *Way to Go: Planning for Inclusive Access*. We have also participated in EHRC events on the UNCRPD, Disability Hate Crime and Employment. Resources such as 'How Fair is Wales' have also proved invaluable.

3.2 The work on Disability Hate Crime was a good example where the EHRC's Formal Inquiry which culminated in the report *Hidden in Plain Sight* was able to build upon ground work undertaken by disability organisations and the Police in Wales and resulted in progress such as a pilot Multi-Agency Risk Assessment Conference on Disability Hate Crime and the WG Framework for Action.

3.3 Recent cutbacks by UK Government have led to reduced capacity in the Wales Office which is undoubtedly having an impact on their level of engagement with the work of individual organisations in particular. The loss of the EHRC Helpline is also of concern especially as the new EASS does not have a Wales base. Nearly two-thirds of calls to the former helpline were on disability related issues and while it is too early to judge the effectiveness of the new arrangements, nevertheless the loss of another advice service based in Wales is a blow.

### **4. The link between poverty and equality and the socio-economic duty**

4.1 In recent years DW as with many of its counterparts has focussed on the rights and equality agenda on the grounds that addressing these issues would enable disabled people to participate fully in social, cultural and economic life. Poverty was seen as a symptom of inequality rather than its cause. However the extent of poverty amongst disabled people especially in Wales which in the face of Welfare Reform and cuts in public services is only likely to worsen means that a twin-tracked approach is vital.

4.2 For example a key driver for WG introducing the Framework for Action on Independent Living was its scope for mitigating the effects of financial cut backs.

4.3 DW recognises that the recent Cabinet reshuffle which brings together poverty and equality in one ministerial portfolio provides a significant opportunity to join up areas of work which hitherto have been dealt with separately. One element in particular which could benefit from this focus is around the provision of information, advice and advocacy.

## **5. Accountability for equality and human rights legislation in Wales**

5.1 DW supports the proposal for powers in respect of equality being further devolved. This would help avoid the situation whereby elements of legislation to which commitments have been made in Wales such as the socio-economic duty and the public sector equality duties could be withdrawn or repealed by the UK Government. We reiterate the three EHRC recommendations to the Silk Commission:

- The National Assembly should be given powers to build on equality and human rights legislation including the Equality Act 2010 and the Human Rights Act 1998.
- The National Assembly should be given full primary legislative competence in relation to the Public Sector Equality Duty.
- The National Assembly should be given competence to strengthen its relationship with the EHRC

5.2 DW also calls for the UNCRPD to be fully embraced by the National Assembly and Welsh Government and enshrined not only in Welsh legislation but in the way in which both institutions carry out their functions.

# Agenda Item 5

## Paper 5

### Communities, Equality and Local Government Committee

#### Inquiry into : The future of equality and human rights in Wales

#### Response from : The Welsh Local Government Association (WLGA) and NHS Centre for Equality and Human Rights (NHS CEHR)

The Welsh Local Government Association (WLGA) and NHS Centre for Equality and Human Rights (NHS CEHR) would like to thank the Committee for the opportunity to submit evidence to its Inquiry. Our organisations have chosen to submit joint evidence in recognition of the fact that equality legislation has impacted on us in similar ways, but also because equality requires a partnership focus and we, along with other partners, are increasingly working together to deliver it.

The consideration of Wales' specific public sector equality duties and associated issues is welcome, particularly in light of the concurrent UK review of the Public Sector Equality Duty. Our evidence to the latter review demonstrates how, taken as a whole, the PSED is being used as an effective tool in addressing some of the prevailing public service challenges and meeting the needs of citizens and communities. The evidence included here provides an account of how the specific public sector equality duties are functioning in Wales, highlighting their areas of strength in supporting the achievement of the aims of the general duty, as well as some areas for improvement.

#### **How well the specific public sector equality duties are functioning in Wales**

1. In line with the general policy direction in Wales, the PSED is challenging public authorities to become more evidence-based and outcome-focused in their equality work. The simplification of equality legislation has helped to secure a greater corporate focus and facilitated a stronger connection between equality and the wider public service improvement agenda. The specific duty to have a Strategic Equality Plan (SEP) and objectives has been instrumental in moving this forward by bringing previously separate strands together and encouraging discussion across departments and services.
2. This simplification has also enabled a partnership approach, increasing opportunities to join-up activity across sectors and improving links to priority areas such as tackling health inequality (see Appendix, item A). WLGA is also publishing an advice note to support local partnerships in their efforts to embed equality in integrated planning.
3. Equality work must continue to demonstrate a focus on outcomes rather than process and there has been good progress so far. In addition to ensuring equality work has and can demonstrate an impact, this shift has the advantage of improving the reputation of equality and increasing the buy-in of staff from the front line to the chief executive.

4. We recognise the aim of the specific duties is to establish processes that will embed equality in day-to-day business and ensure transparency in order to improve outcomes and accountability. Our evidence includes examples of where the duties are achieving this.
5. However, whilst some of the specific duties are proving to be useful tools, certain duties have less potential to improve equality outcomes. We have therefore made reference below to those duties that require further consideration if we are to achieve a balance between the resources we allocate and the value we derive. One example is the prescriptive list of employment information, the collection and publication of which has proved to be time and resource intensive (see 3.5).
6. The points below identify areas of strength and development for each of the Welsh specific duties;

### **3.1 The specific duty to publish equality objectives, Strategic Equality Plans and annual reports**

The strength of these specific duties is that they enable listed bodies to demonstrate compliance with the general duty and communicate their priorities and progress to the public in a transparent manner. Listed bodies' first SEPs were published by April 2012 and have been followed by the first annual reports, published by 31<sup>st</sup> March 2013. A significant amount of effort has gone into developing this works and we believe there are excellent examples of both SEPs and annual reports. However, it is vital that these plans fit into the wider body of corporate and partnership working. Collaboration is a core feature of the current policy agenda in Wales, with increased regional and national working and notable developments around plan and partnership rationalisation. Therefore we would encourage a flexible attitude here and a willingness to support joint-working across geographical or organisational boundaries in relation to the equality duty, recognising that some listed bodies may wish to integrate their equality objectives, plans and reports as part of their broader collaborative agenda.

### **3.2 The specific duty to engage**

Engagement cuts across the duties and should be seen as an 'enabling' duty, supporting the development of objectives, SEPs, impact assessments and in turn procurement. This means that engagement is undertaken for a wider variety of purposes with an extensive range of stakeholders. There are accounts of how this was undertaken, with whom and how the information was used in the SEPs and annual reports. However, engagement is not seen as a 'one off' exercise but an ongoing dialogue. An example of this is the NHS 'Stakeholder Reference Group' which currently has 29 member organisations representing diverse communities and providing an 'expert' panel for the health service in Wales. In relation to procurement, the private sector is a major stakeholder

and Appendix, item E outlines an example of how Caerphilly County Borough Council is engaging with local business. This clearly demonstrates how the duties inter-relate, with engagement, awareness raising and procurement illustrated in this example.

### **3.3 The specific duty to assess impact**

As the process for assessing impact embeds and develops listed bodies are seeing how they can have a positive impact on decision-making (see Appendix, item D). Importantly, impact assessments enable public authorities to demonstrate due regard and mitigate risk. Whilst we are supportive of the duty, this is an ongoing area of development and WLGA and CEHR are currently undertaking work to support improvement.

### **3.4 The specific duties to identify, collect and publish relevant information**

This duty is helpful in ensuring there is a solid evidence base to inform equality objectives, SEPs and impact assessments. It also has the advantage of not prescribing what constitutes relevant information. This enables listed bodies to focus on information most relevant to their area and reduces the time spent collecting data that might not be useful to them. Importantly, equality information is part of the broader service improvement and many organisations are developing a strategic, coordinated approach to how they use information corporately and in partnership.

### **3.5 Employment information**

This duty has helped to drive improvements in employment data and analysis. However, the requirements of the duty are lengthy and prescriptive and certain aspects are not only a challenge to collect but are not considered to be especially useful in enabling listed bodies to meet the duty. We would welcome further discussions over the specifics of this duty with a view to revising the list to a more proportionate set of requirements. In addition, there may be an opportunity to consider shifting the requirement towards the development of employment objectives, rather than the collection of data, as is already the case in relation to gender pay.

### **3.6 Procurement**

Commissioning is now playing a more prominent role in the delivery of public services, making this duty particularly relevant. Ensuring equality is embedded throughout the process can and is helping listed bodies mitigate risk, improve efficiency and effectiveness and add community benefits. Evidence included under Appendix, item B shows how some listed bodies are achieving this. The WLGA is also developing an advice note to support local government in adhering to their legal requirements and deriving maximum benefit from

their procurement in relation to equality.

7. In our response to the UK PSED Review we highlighted the fact that there have been no judicial reviews as a result of public authorities' in Wales failing to meet the duty, in contrast to the situation in England.<sup>1</sup> This may be attributable to the more comprehensive list of specific duties that enable organisations to meet and demonstrate they are meeting the PSED. As previously outlined, some duties are considered to be more useful than others in this regard, particularly the duties to set equality objectives, publish a SEP and assess impact.

### **The Equality and Human Rights Commission in Wales**

8. The positive working relationship between the EHRC and WG has resulted in more robust duties in Wales, demonstrating a strong commitment to the agenda. We hope this relationship continues, in conjunction with a coproductive approach involving wider stakeholders. This will ensure equality requirements continue to be 'fit-for purpose' and reflect and adapt to the broader policy agenda.
9. However, there are concerns over the scale of activity required of the EHRC in regulating the specific duties and their capacity to meet this. Comments from listed bodies indicate that, whilst EHRC guidance documents have been helpful, they would value some general, high level feedback on their SEPs and annual reports to aid them in improving future iterations. This type of support from the EHRC is felt to be an important addition to a more compliance-oriented, regulatory role.
10. In addition, there are also doubts over the EHRC's capacity to fully regulate the specific duties. However, we are unsure of the extent of regulatory activity as we have little indication of how and where this is being undertaken.
11. The Committee will be aware of the plans to establish a Sustainable Development (SD) body in Wales. There are synergies between the work undertaken by the EHRC and the proposed responsibilities of the SD body. Therefore, any consideration of the role of the EHRC in Wales should link in to wider SD developments.

### **The link between poverty and equality and the socio-economic duty**

12. The socio-economic and protected characteristic components of equality cannot be seen as separate from one another. This has been identified in a number of SEPs, with objectives linking the protected characteristics to priority areas such as unemployment and health inequality (see Appendix, item F). Whilst evidence shows they are likely to inter-relate the relationship between the two, particularly at level of policy and legislation, is so far under-explored. A strengthening of this relationship will be vital if we are to make measurable improvements in these seemingly separate

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<sup>1</sup> R (Rahman) v Birmingham City Council (2011)  
<http://www.bailii.org/ew/cases/EWHC/Admin/2011/944.html>

but ultimately related areas of work.

13. The alignment of equality and tackling poverty under the new Minister for Communities and Tackling Poverty presents real opportunities to make this connection from the 'top' down.

### **Accountability for equality and human rights legislation in Wales**

14. As noted by the committee, the combination of devolved and non-devolved elements of equality legislation presents a challenge and the potential for the specific duties to fall if the general duty were ever repealed is cause for concern.
15. Moreover, there is a 'disconnect' between WG's ability to legislate on specific duties and its limited influence over the EHRC in Wales. As previously stated, the EHRC has limited and diminishing capacity and this is likely to impact on its ability to fully regulate the specific duties.
16. Finally, it is important to note that accountability is not only 'upward' to the EHRC but also 'downward' to communities. SEPs and annual reports help to communicate priorities and progress, thereby building confidence and improving accountability to citizens and communities. Embedding equality considerations in scrutiny (Appendix, item C) and ensuring there is meaningful, ongoing engagement will also be essential.

### **A: Increased collaboration**

#### **North Wales Public Sector Equality Network**

Equality leads in all six North Wales Local Authorities, Betsi Cadwaladr University Health Board (BCUHB), North Wales Fire and Rescue Service, Welsh Ambulance Service NHS Trust, National Parks Authority and North Wales Police have shared good practice for many years. With the introduction of the new legislation, these organisations have been working collaboratively under the North Wales Public Sector Equality Network, to advance the equality agenda and to tackle issues on inequality that cut across the public sector throughout North Wales. During 2011 the network conducted joint activities to develop a set of shared objectives which every partner has signed up to. Each objective has an accompanying set of 'Action Areas' which give definition to the six objectives and provide the basis from which each partner has planned their contribution to the achievement of the six objectives. Different partners have agreed to contribute to different Action Areas and have detailed this in their Strategic Equality Plans. This work shows how the legislation has both supplied the impetus for and enabled partners to extend their collaborative working in order to tackle the most pressing equality issues in North Wales. More information can be viewed here <http://www.wales.nhs.uk/sitesplus/861/page/59490>

#### **Embedding equality in procurement**

##### **Using community benefit clauses when commissioning for a regeneration scheme in Blaenau Ffestiniog**

One of the Gwynedd Council's prime political drivers is the need to develop and protect the local economy, and procurement is seen as a key contributor to this aim. The council undertook a regeneration programme in partnership with Blaenau Ymlaen, a local community group, and the Welsh Government to deliver a significant change to the town. The council formally included community benefit requirements as part of the tender process using a mixture of 'core' and non-core' elements. Some of the benefits achieved include;

- Pathways to Apprenticeships started for a 5 week period from a local College
- Unemployed person appointed on an Intermediate Labour Market
- Local young person with mental health conditions given work experience
- Placement given to a local young person as part of his HND qualification
- Young person appointed, on work experience, by main contractor over summer period and retained by contractor post project
- A number of workshops held with schools in the area to develop an understanding of careers within construction and to raise awareness of Health and Safety

- 2 groups from Ysgol Ardudwy visited site during installation of the slate pillar sections as well as a school visit to learn about careers in the construction industry
- Balfour Beatty assisted Construction Skills and Careers Wales as construction ambassadors
- H&S presentations were given to over 250 pupils in local schools, by Balfour Beatty staff.

Whilst considering that the core requirement in terms of community benefits for this project was to provide 4 work experience / training opportunities, expectations were far exceeded through the additional use of the non-core approach.

## **C: Embedding equality in scrutiny**

### **Scrutinising equality in the NHS**

The NHS CEHR has produced a [guide](#) for NHS organisations in Wales, and, in particular, Executive Directors and Independent Members/non Executive Members. Its purpose is to help Boards take forward issues of equality with regard to patients and the workforce, particularly in respect of complying with the Public Sector Equality Duty (PSED) contained in the Equality Act 2010 and specific duties in Wales. It focuses on assessing the effect of decisions on protected groups under the Act, and how Board members can ensure both compliance with the law and improved outcomes for patients and staff.

#### **Publication: NHS CEHR Guide**

<http://www.wales.nhs.uk/sites3/page.cfm?orgid=256&pid=63612>

### **Scrutinising equality in Neath Port Talbot**

During the development of the SEP a Member Task and Finish Scrutiny Committee Group was established to undertake a review to develop and facilitate further understanding of equality issues within the Council. The group also assisted in the identification, development and consideration of equality objectives for inclusion in the SEP.

This Task and Finish Group remains active and one of its responsibilities is to monitor and where necessary revise current objectives as well as play a role in the development of future objectives. Monitoring of the SEP is a multi-level process. The Policy and Resources Scrutiny Committee is responsible for monitoring the implementation of the Strategic Equality Plan on an annual basis a part of the executive reporting process.

In addition, Elected Members who have undertaken equality training with the WLGA have become the Scrutiny Equality Champions and together with the two Cabinet Equality Champions endeavour to ensure that the Council not only talks the talk but is willing, able and well placed to walk the equalities walk.

## **D: Embedding equality in wider policy and practice**

### **Welsh Health Specialised Services Committee improving services through impact assessment**

Within Wales recent work by the Welsh Health Specialised Services Committee (WHSSC) has demonstrated the positive benefits that EIAs offer if conducted at the outset of a policy or decision.

Within WHSSC's Adult Mental Health portfolio, gender reassignment accounted for less than 1% of the budget, but accounted for 45-55% of the time spent by the Adult Mental Health team. In the main, this was time spent dealing with enquiries about the service and handling complaints. When WHSSC decided to revise the gender reassignment care pathway they took the opportunity to use an EIA process to engage with the trans community so that the views and needs of the service users could be incorporated into its redesign.

Through the EIA process WHSSC ensured that they did more than just pay lip service to the trans community, but actively engaged with them by setting up a working group which contained representatives of the trans community. Sub-groups of the working group were allocated work streams which allowed members of the trans community and clinicians to work together. This approach enabled WHSSC to develop a more detailed and nuanced understanding of the trans community, and its diverse needs. It also provided WHSSC with more accurate data on the trans community by accessing their knowledge and expertise (e.g. Trans Helpline data).

The collaborative approach of the EIA process has resulted in benefits to both WHSSC and the trans community. WHSSC have estimated that there has been a cost saving of £15-20K in reduced complaints alone. WHSSC has also seen a reputational benefit as well. Where previously they were seen very negatively by the trans community, their steps to engage with the trans community on the care pathway redesign has improved this. For the trans community the EIA process was considered to be empowering. It demonstrated that by engaging constructively with WHSSC, their concerns would be listened to, and that they could influence the design of the service provided to them. The EIA process was also found to have inspired members of the trans community to become more positively engaged with the health service (e.g. volunteering to help deliver training to NHS staff on trans issues), and inspired them to become change agents.

The Project lead for the Gender Reassignment pathway noted that:

*"The EIA process, may seem as an additional overhead at the time, and there are some worries by senior management that it will add pounds onto the bill. I think it is the reverse. I think you reduce a lot of wasted effort. You manage to develop consensus much quicker, and you can then develop action*

*plans to address any issues that occur. It's an investment worth making in terms of the time and effort to put this in at the earliest stage."*

### **Considering equality at Cabinet and Council**

Many local authorities ensure that equality features as a consideration in decision-making by including equality information in their cabinet reports as standard. For example, Caerphilly County Borough Council introduced 'Equalities Implications' to all of their formal reports, attaching an EIA where necessary. Similarly, Merthyr County Borough Council's Executive Board took the decision to make EIAs a mandatory accompaniment to reports for Cabinet and Council.

### **E: Engagement**

#### **Positive engagement with the local business community**

Caerphilly County Borough Council held an introductory Equalities Awareness session with the local Business Forum, with the aim of developing an agreement for the council to include them on their corporate Equalities and Welsh Language training programme. In the longer term this will widen access to courses and support local businesses to understand why they now have to comply with public sector duties and benefit from having the right processes in place to comply with the council's procurement and commissioning requirements.

#### **F: The link between poverty and equality and the socio-economic duty**

There is a substantial body of research that has highlighted the links between inequality and poverty. The EHRC's Triennial Reviews *How fair is Britain?* (EHRC, 2010), and *How fair is Wales?* (EHRC Wales, 2011) provide comprehensive reviews of the available evidence, and in particular draw upon findings from the National Equality Panel (2010) report *An Anatomy of Economic Inequality in the UK*, WISERD's (2011) *An Anatomy of Economic Inequality in Wales*, and the Marmot Review (2010) of health inequalities *Fair Society, Healthy Lives*.

The above reports find that a person's socio-economic status has the strongest association with a person's key outcomes such as educational attainment and health outcomes. For example, the National Equality Panel (2010)<sup>2</sup> found that within the protected characteristic strands (e.g. ethnicity), the differences in outcomes between socio-economic classes of a sub-group (e.g. White, Black, Indian) were greater than the differences between the sub-groups themselves. However, they also provide strong support for the need for the socio-economic duty as they show that a person's life experiences are strongly mediated by their protected characteristics.

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<sup>2</sup> National Equality Panel. (2010). *An Anatomy of Economic Inequality in the UK*. London: Government Equalities Office.

Analysis of data for Wales by WISERD (2011)<sup>3</sup> found that:

- Three quarters (74%) of disabled people - excluding those in education - are not employed.
- Almost half (46%) of Pakistani and Bangladeshi people are not in employment or full-time education. For Bangladeshi and Pakistani women this rises to 72%.
- Men's employment is highest up to the age of 45 and then it declines. For women employment is highest between the ages of 45-49.
- Levels of wealth are lowest among young people, lone parents, single households and those households that include a disabled person.
- Disabled men are 3 times more likely to have no qualifications (35%) than non-disabled men (12%). 37% of disabled women have no qualifications compared to 13% of non-disabled women.
- Bangladeshi men are 3 times as likely (at 47%) to have no qualifications as white men (16%), who are themselves more likely to have no qualifications than Indian men (10%).
- Over a third of Pakistani women have no qualifications (34%). Women of Indian, Mixed Race, and Chinese origin are more likely to have a degree than white women. Women of Muslim faith are twice as likely as those with Christian faith to have no qualifications.

### **Cardiff Council's Strategic Equality Plan, 'Everyone Matters'**

Cardiff Council's SEP, [Everyone Matters](#), makes an explicit connection between socio-economic and protected characteristic components of equality. The document draws on the strategic needs assessment, undertaken to inform 'What Matters: The 10 Year Strategy of Cardiff', considering the socio-economic evidence in the context of the protected characteristics. Everyone Matters describes how 'a more sophisticated analysis of socio-economic deprivation in the city reveals connections with the nine protected characteristics. This helps us to understand how, by targeting our resources towards certain issues or populations, we can have an impact on some of the key issues for Cardiff'. The document goes on to identify objectives relating to reducing differentials in life expectancy, educational attainment and child poverty.

#### **Publication: 'Everyone Matters'**

<http://www.cardiff.gov.uk/content.asp?nav=2%2C2872%2C3257%2C6414>

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<sup>3</sup> Wales Institute of Social and Economic Research Data and Methods (WISERD). (2011). *An Anatomy of Economic Inequality in Wales*. Cardiff: Equality and Human Rights Commission Wales.

# Agenda Item 6a

**Paper to note - Paper 6**

## **Briefing Note**

### **Welsh Heads of Environmental Health, Housing Technical Panel.**

#### **Inquiry into Home Adaptations**

**Purpose of this note:** To suggest an improved way of measuring performance and service delivery.

Measuring the time taken to deliver of an adaptation across tenure as opposed to the delivery of just focusing on DFGs.

The existing P I could be broken down and reporting could involve:

- The time taken from initial enquiry (telephone call etc) to provision of an OT assessment.
- The time taken to provide a housing solution as many enquiries for DFGs are resolved in different ways(re-housing, provision equipment and advice)
- The time taken to undertake an adaptation/DFG valued at under £1000, under £3000 over £10,000.

Another focus could involve measuring the customers' experience –standardised questionnaires across Wales.

More focus on outcomes: A review of a percentage of adaptations delivered (10-20%) in a year to establish if they are being used, improved health and mobility, independence. Again it is important to have a standardised approach.

Jonathan Willis 15/5/2013.



**From the office of the Executive Leader / Oddi wrth Swyddfa'r Arweinydd Gweithredol**

Powys County Council  
Powys County Hall  
LLANDRINDOD WELLS  
Powys  
LD1 5LG

20<sup>th</sup> May 2013

Lesley Griffiths AM  
Minister for Local Government and Government Business  
Welsh Government  
5<sup>th</sup> Floor  
Tŷ Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Minister

The Council understands that an amendment which we requested in discussions with your officers, to the provisions of the Local Government Measure 2011 relating to remote attendance currently being debated by the Communities, Equality and Local Government Committee in their deliberations on the Local Government (Democracy) (Wales) Bill have been lost at a recent meeting of the committee.

The amendment which we requested relates to the requirement for the majority of Members attending a remote meeting to be at the main location which this Council has argued will make the provisions for remote attendance unworkable in Powys. This loss of the amendment is therefore of concern to this Council.

The reason for the Council's argument in relation to the current requirement, is that with the geographical spread of Members (34 in Montgomeryshire, 15 in Radnorshire and 24 in Brecknockshire) and using a meeting of the full Council as an example, we will never be able to achieve a majority being in a central location irrespective of the main location of the meeting as those in the "remote" locations will always outnumber those in the central location.

In addition the provisions for remote attendance was welcomed in Powys as it can reap benefits for the Council in saving travelling costs by Members whilst providing accessibility to meetings. In fact as you are aware Minister, the Council has recently approved a capital allocation of £800,000 towards updating equipment at various Council locations to take account of the need to replace the current congress systems, but also to provide for increased webcasting and including the need to implement remote attendance.

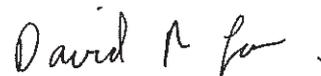
Cont/d....

**Cyngor Sir Powys County Council**

Finally, taking a longer term view of local government as a whole, if in the future a decision is taken to restructure local government, the new areas likely to be created will be geographically large, and will face difficulties similar to those faced by Powys currently due to its size. The drive for greater joint working and potentially regional working will in addition make the ability to attend meetings remotely more important.

As Minister for Local Government, can I ask for your support in pursuing the approval of this amendment. I am copying this letter to the Chair of the Communities, Equality and Local Government Committee, Christine Chapman A.M., in the hope that the committee will take account of this Council's views in their future deliberations on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read "David R Jones".

**County Councillor David R Jones  
Executive Leader, Powys County Council**

cc Christine Chapman A.M., Chair – Communities, Equality and Local Government Committee

Lesley Griffiths AC / AM  
Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth  
Minister for Local Government and Government Business



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: SF-LG-1866-13

Christine Chapman AM  
Chair  
Communities Equality and Local  
Government Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

29 May 2013

Dear Christine,

I was pleased to attend the Communities, Equality and Local Government Committee meeting on 1 May 2013. As you are aware, I agreed to provide the Committee with a note on the following points:

- The level and use of Local Authority reserves.
- The commencement in the Local Government Measure of the section relating to remote attendance.
- The availability of a gender audit within the salary information Local Authorities are required to provide.
- The possibility of requiring Councillors etc. to publish their declarations and interests online.
- Update on the submission to the Silk Commission requesting all matters regarding Local Government elections to be devolved, with the exception of registration and franchise and the reasoning behind this.
- The possible issues surrounding the structure of voting systems in Local Government if Local Governments were re-organised and election powers were not devolved.
- The current funding arrangements of SARC's and IDVA's (Home Office and Welsh Government) and future plans.
- Update on the issues raised and discussed at the Minister's meeting with the Probation Service.
- What work has been done regarding the issue of stalking and how the Welsh Government has engaged with the UK Government's stalking agenda.
- The scrutiny arrangements in place for the four regional education consortia across Wales.
- Further information on the Public Service Leadership Group.

Bae Caerdydd • Cardiff Bay  
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Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence.lesley.Griffiths@wales.gsi.gov.uk  
Printed on 100% recycled paper

Please find this information enclosed at Annex 1.

I will write to you again during the autumn on how Local Authorities are using the additional £1.25 million funding allocated to provide support for broadcasting, remote attendance and community council websites. I will also send you an update in due course on the timetable for introducing new regulations for the council tax reduction schemes and, when available, I will provide the Committee with the evaluation report of the last round of outcome agreements and a report on how the Anti-Human Trafficking Leadership Group's Delivery Plan has been taken forward.

A handwritten signature in cursive script that reads "Lesley Griffiths". The signature is written in black ink and is positioned centrally below the main body of text.

**Lesley Griffiths AC / AM**

Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth  
Minister for Local Government and Government Business

**Update from the Minister for Local Government and Government Business on points raised at the Communities, Equalities and Local Government Committee held on 1 May 2013**

**The level and use of local authority reserves**

Each Local Authority has the freedom and responsibility to set levels of reserves appropriate to its own particular circumstances. There are no set rules on the minimum or maximum reserves an Authority should hold, and there are a host of reasons why Local Authorities need to manage their reserves carefully. For example, the need to set aside provisions for equal pay liabilities and the 21<sup>st</sup> Century Schools Programme were highlighted in a recent Wales Audit Office study as two particular areas where Authorities must set funding aside. The Report also highlighted there is less clarity around some of the other areas where provisions are set aside.

The most recent data shows some wide variation in the levels of reserves held with some authorities holding general reserves, which are not earmarked for any specific purpose, equivalent to 4.4% of their expenditure whilst others' amount to 0.2% of spend. In these circumstances, it is reasonable to want to understand better the position on reserves.

The future funding outlook is extremely challenging and Local Authorities are under no illusion of the need to look at all the options available to them to manage the pressures going forward and to make the best use of their reserves to drive forward the transformation of services which is needed to place public services on a sustainable basis for the longer term.

I have asked each Local Authority to provide me with further detail of its strategy for holding and utilising reserves.

**The commencement in the Local Government Measure of the section relating to remote attendance**

Draft guidance on remote attendance is due to be published very shortly for a 12 week consultation. My intention is to commence section 4 of the Local Government (Wales) Measure in time for the final guidance to be published. Each Principal Council will then need to consider amending their Standing Orders, having regard to the guidance, outlining the circumstances in which remote attendance can operate in their Authority. I would want all Principal Councils to have arrangements in place no later than their 2014 Annual Meetings. In the meantime, they can make use of the advance funding provided to pilot the system.

**The availability of a gender audit within the salary information that Local Authorities are required to provide**

Relevant Authorities are required by section 38(1) of the Localism Act 2011 to prepare and publish each year a pay policy statement. This statement must articulate the Authority's policies towards a range of issues relating to the pay of its workforce, particularly its senior staff (or 'chief officers') and its lowest paid

employees. The statutory guidance does not require the Statement to include a breakdown by gender. The guidance does allow Authorities to include any additional information relating to their policies on pay which they consider is appropriate.

#### **The possibility of requiring Councillors etc. to publish their declarations and interests online**

The code of conduct requires members with a personal interest (as defined by the code) must disclose the interest when attending a meeting at which the business to which the interest relates is to be considered. The disclosure must be made either before or at the commencement of that consideration or when the interest becomes apparent. To facilitate the smooth conduct of meetings, some (if not all) Authorities request the disclosure of interests at the beginning of the meeting. The code also requires a member to provide written confirmation of an interest on the first occasion on which it is disclosed, so there is no ambiguity over the nature of the interest disclosed.

This issue was considered carefully when the model code of conduct was last reviewed. Whilst alternative approaches were considered, the balance of opinion favoured disclosure on each occasion the related business is to be considered. This provides complete transparency for persons observing proceedings or reviewing minutes at a later date. It also removes any room for doubt over whether a disclosure has been made in the event of a subsequent allegation of a breach of the code.

#### **Update on the submission to the Silk Commission requesting that all matters regarding Local Government elections to be devolved, with the exception of registration and franchise and the reasoning behind this**

In our submission to the Silk Commission, we are seeking competence for the Assembly in relation to the administration of Assembly and local elections. If successful, this would give the Assembly full competence over the conduct of local elections, including the appointment and funding of Returning Officers, as well as the voting system. It would not, however, include the franchise and registration. This is because, in our view, it would not be appropriate for the rules relating to the franchise and registration processes to differ between Wales and the rest of the UK. The rules on citizens' entitlement to vote ought to be common across the Union.

#### **The possible issues surrounding the structure of voting systems in Local Government if Local Governments were re-organised and election powers were not devolved**

Should there be changes to the number and area of Local Authorities in Wales, the same system of voting would automatically apply to these new Authorities as to the previous. There is no necessary link between the two issues. The power for the elections to be called for new Authorities lies within competence but not the way they are conducted.

#### **The current funding arrangements of SARCS and IDVAs (Home Office and Welsh Government) and future plans**

##### SARCS

For the period 2010/11 - 2013/14, we via Domestic Abuse Services Grant and DHSSC budget) have provided the following funding for SARCS:

- 2010/11 - £170,601
- 2011/12 - £277,998
- 2012/13 - £230,138
- 2013/14 - £73,000 (Domestic Abuse Services Grant only - DHSSC funding to be determined)

The Home Office funded the set up costs of each SARC (£70,000) and provided money from various funding streams (via Home Office Crime Team) up to 2010/11. Five Welsh SARCs were successful in their bids for Home Office Independent Sexual Violence Adviser funds of up to £20,000 per annum from 2011/12 - 2014/15.

### IDVAS

We have provided £10,000 to each Community Safety Partnership (CSP) for the Independent Domestic Violence Adviser service in their areas from 2010/11 to 2012/13. In 2013/14, we have allocated £37,500 to each CSP for both the Domestic Abuse Co-ordinator and IDVA roles - it will be a local decision as to how much is allocated to each post/service. The funding was not awarded as a response to Home Office cuts, but in recognition of the vital service IDVAs provide to high risk victims of domestic abuse. Sustainable funding for IDVAs was highlighted in the Communities and Culture report.

18 organisations in Wales successfully applied for 4 year Home Office IDVA funding 2011/12 to 2014/15 - they were awarded either £10,000 or £20,000 per annum. The current funding is for the spending review period (ending 2015) and no decisions have been made beyond that point.

Four organisations in Wales successfully applied for three-year Ministry of Justice funding for court based IDVAs (2011 - 2014). The level of awards varied between £67,382 to £138,719 (£419,875 was allocated to Wales in total).

We have also recently provided funding (approximately £80,000) for accredited IDVA training courses in Wales – this has provided an opportunity for 36 individuals from across the public and voluntary sectors in Wales, helping ultimately to improve the standard of services for victims of domestic abuse.

### **Future Plans**

We have recently commissioned an independent review of Violence Against Women, Domestic Abuse and Sexual Violence Service provision to ensure the strategic direction and approach to funding in this area is grounded in a sound understanding of the current landscape of provision in this field. The review will help inform the way funding allocations from the VAWDA team can achieve maximum benefit.

The review will not evaluate specific projects, rather it aims to:

- Assess the existing evidence base underpinning types of service provision in this field, in order to examine their effectiveness, both in terms of outcomes and value for money.
- Map current service provision in Wales.
- Estimate the prevalence of the different forms of Violence against Women,

Domestic Abuse and Sexual Violence and identify the associated need for services.

- Make recommendations to inform my VAWDA Team's strategic approach to funding.

In parallel, our multi agency National SARCs Planning Group has been considering the sustainability of SARC services, value for money, the requirements of service users and compatibility with the sexual abuse service specifications designed by Public Health Wales (PHW). The Group agreed earlier in the year to conduct a review of SARC provision across Wales. Gwent Police, on behalf of the Group, are leading this work.

The review will examine the extent to which SARCs fulfil the requirements of the PHW service specifications, victims' needs and any unmet gaps in provision. It will also examine the interdependencies between SARCs and other services, such as substance misuse. The review is on-going and will conclude in the summer of 2013. The findings will help inform future funding and planning decisions by the NHS, the police and ourselves.

There will be read across between the two reviews.

#### **Update on the issues raised and discussed at the Minister's meeting with the Probation Service**

At the meeting on 1 May, Sarah Payne, Chief Executive Wales Probation, provided me with an overview of the remit of Wales Probation. The meeting also included discussions on how we and Wales Probation could continue to work together effectively for the benefit of both victims and offenders, the UK Government's Transforming Rehabilitation agenda and the potential of a prison in North Wales.

With regard to our legislative Programme, Wales Probation have developed increasingly strong relationships with us and responded to a number of consultations, including on the Social Service and Well-being (Wales) Bill. Wales.

#### Children dying in secure accommodation

The Youth Justice Board oversees the youth justice system in England and Wales and works to prevent offending and reoffending by children and young people and ensures custody for them is safe, secure, and addresses the causes of their offending behaviour.

My officials work closely with the Youth Justice Board to ensure adequate, safe provision is made for Welsh young people who offend.

#### **What work has been done regarding the issue of stalking and how the Welsh Government has engaged with the UK Government's stalking agenda**

On 25 November 2012, two specific criminal offences of "stalking" and "stalking involving fear of violence or alarm or distress" came into force in England and Wales, along with additional related police search powers. The new offences have been added to the Protection from Harassment Act 1997 and will provide extra protection for victims, highlight the serious impact stalking can have on their lives and help

bring more perpetrators to justice.

The DASH (DA, stalking and HBV) risk identification checklist is used by Domestic Abuse practitioners in Wales to identify high risk of harm and referrals to MARAC (Multi Agency Risk Assessment Conference).

NUS Wales are assisting us with their publicity campaigns in 2013/14 and plan to produce videos for students aligned with the R2BS strategy, one of which will be specifically on stalking.

My officials have engaged with counterparts in the Home Office on this agenda and another series of meetings are planned for June to discuss this and other areas of development including forced marriage.

#### The scrutiny arrangements in place for the four regional education consortia across Wales

Each consortium established their governance arrangements in accordance with the local need, political agreement and commitment.

An independent review of the consortia and their “readiness to deliver” was undertaken last autumn. A written statement and the report were published by the Minister for Education and Skills on 16 April. As a result of the review each consortium is required to produce an action plan, confirming the steps they are taking to address their priorities and progress the work required. Officials in DfES regularly meet with consortia lead directors, ADEW and the WLGA. Officials will assess the consortia action plans once completed (due June). (The evidence and findings from this review were also considered as part of Robert Hill’s review of education services in Wales.)

Consortia plans for the use of the Welsh Government Schools Effectiveness Grant and Pupil Deprivation Grant are assessed and approved by officials, and subsequently monitored. Regional stocktakes are undertaken by the Schools Standards Division with directors of education and heads of school improvement. The stocktakes cover Welsh Government education priorities and provide an evidence base to assess the progress being made by consortia working as well as the areas for development.

#### Further information on the Public Service Leadership Group

The Public Service Leadership Group (PSLG) has been established to provide national leadership for public service reform and collaboration and to drive the pace of improvement in public services of Wales.

I chair the Group, and its key responsibilities are:

- ensuring coherence in the implementation of overall public service reform agenda in Wales, including oversight of the implementation of the “Compact for Change” and building coherence with the reforms in education, social services, health and other areas;
- sponsorship and mandating of national action to improve the effectiveness and efficiency of public services; and

- the development of effective regional leadership for collaboration, building on existing regional leadership structures and the Welsh Government's geographical footprint for regional collaboration.

Four national work programmes, each led by a senior public service leader, help drive forward this agenda:

- **Effective Services for Vulnerable Groups** which is developing and encouraging adoption of a number of new approaches for providing more integrated and preventative services for our most vulnerable people;
- **Asset Management** which is looking to make more efficient and effective use of the multi-billion pound public service estate;
- **Procurement** which aims to transform the way in which public services procure and commission goods and services from its £4b annual spend; and
- **Organisational Development and Simpson Implementation** has led on implementation of the Compact for Change commitments and is promoting the application of lean/systems thinking across the public service.

These programmes are complemented by a focus on establishing strong leadership for collaboration at a regional level. The basis for this is our footprint for regional collaboration and coherence, which sets out six specific areas: North Wales; Mid & West Wales; Gwent; Cardiff & Vale; Cwm Taf; and Western Bay. The regional collaboration leaders have a key role, alongside the national Organisational Development and Simpson Implementation work programme, to drive delivery of the Compact for Change at a regional level.

Key partners in the public service reform agenda – Trade Unions, the Third Sector, Wales Audit Office, Welsh Local Government Association and the Society of Local Authority Chief Executives, also contribute through membership of the PSLG. A small number of senior Welsh Government officials with a direct interest in areas of the reform agenda also attend. The full membership and an organogram is provided below.

I will take issues identified by the PSLG to the Partnership Council for Wales (and its sub-group, the Reform Delivery Group). This provides the members of the PCfW and the RDG with the opportunity to ensure on-going delivery through the PSLG and through individual and collective action by Local Government and other services meets the needs and aspirations of people in their own areas and of Wales.

The PSLG is supported by a Measurement Group which leads the development of a measurement framework to help demonstrate and report progress. The measurement framework focuses on the four national programmes under the PSLG.

## Public Service Leadership Group: Membership

<b>Welsh Government</b>	
<b>Minister for Local Government and Government Business (Chair)</b>	Lesley Griffiths AM
<b>Director General, Local Government and Communities</b>	June Milligan
<b>Director General, Education and Skills</b>	Owen Evans
<b>Director General, Health and Social Services</b>	David Sissling
<b>Director General, Strategic Planning, Finance and Performance</b>	Michael Hearty
<b>National Work Programme Chairs</b>	
<b>Organisational Development and Simpson Implementation</b>	Jack Straw (City and County of Swansea)
<b>Asset Management</b>	Helen Paterson (Wrexham County Borough Council)
<b>Procurement</b>	Jon House (Cardiff Council)
<b>Effective Services for Vulnerable Groups</b>	Andrew Goodall (Aneurin Bevan Health Board)
<b>Regional Collaboration Chairs</b>	
<b>North Wales Region</b>	Mohammed Mehmet (Denbighshire County Council)
<b>Mid and West Wales Region</b>	Mark James (Carmarthenshire County Council)
<b>Western Bay Region</b>	Steve Phillips (Neath Port Talbot County Borough Council)
<b>Gwent Region</b>	Paul Matthews (Monmouthshire County Council)
<b>Cardiff and Vale Region</b>	Sian Davies (Vale of Glamorgan Council)
<b>Cwm Taf Region</b>	Peter Vaughan (South Wales Police)
<b>Public Service Reform Partners</b>	
<b>WLGA, Chief Executive</b>	Steve Thomas
<b>SOLACE Wales, Chair</b>	Jeremy Patterson
<b>WCVA, Chief Executive</b>	Graham Benfield
<b>General Secretary Wales TUC (Observer)</b>	Martin Mansfield
<b>Auditor General for Wales (Observer)</b>	Huw Vaughan Thomas

# Public Service Leadership Group

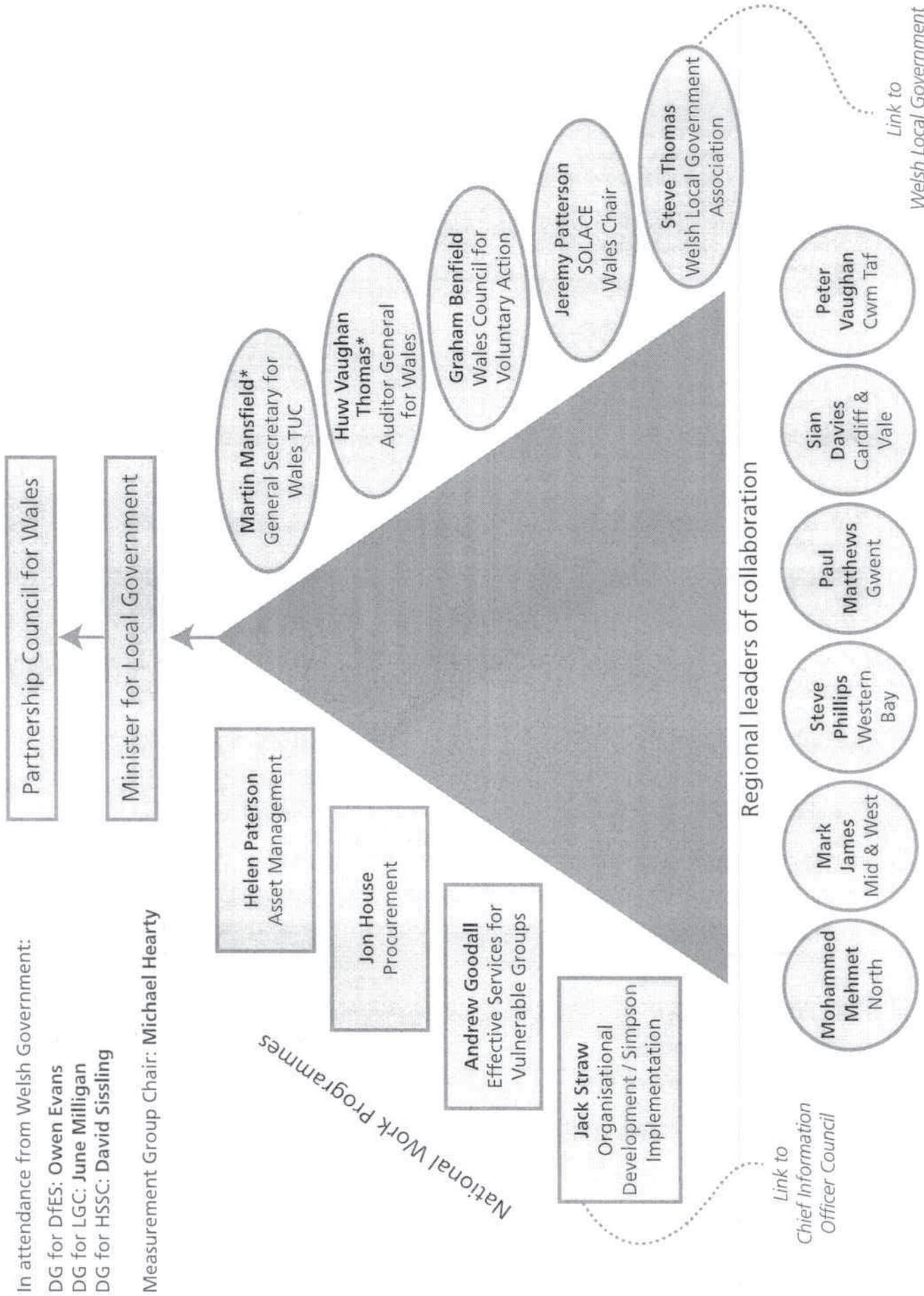
In attendance from Welsh Government:

DG for DFES: Owen Evans

DG for LGC: June Milligan

DG for HSSC: David Sissling

Measurement Group Chair: Michael Hearty



\*observer status