

Health and Social Care Committee

HSC(4)-02-11(p1)

PETITIONS REFERRED TO THE COMMITTEE

Purpose

1. The Petitions Committee wrote to the Chair of the Health and Social Care Committee on 29 June to note its decision to refer two petitions to the Health and Social Care Committee for its consideration. The letter is attached at Annex A to this paper.
2. The Petitions Committee has requested that the Health and Social Care Committee consider undertaking inquiries into the health aspects of the following petitions:
 - public toilet provision ([P-03-292](#))
 - equality for the transgender community ([P-03-301](#))
3. Both petitions have also been referred to the Communities, Equality and Local Government Committee for their consideration, due to their relevance to its remit.

Petition procedures

4. The petitions process is outlined in Standing Order 23. The process was established at the beginning of the Third Assembly to give members of the public more opportunities to engage with and influence the National Assembly for Wales.
5. The Petitions Committee must consider any admissible petitions which are submitted by the public. Criteria for admissibility are outlined in Standing Order 23 and include the requirement that the petition:
 - has a minimum number of 10 signatures (unless the petitioner is a body corporate or an unincorporated association of persons);
 - contains no language which is considered offensive;
 - does not request the Assembly to do anything which it clearly has no power to do;

- is not the same as, or substantially similar to, a petition which was closed less than a year earlier.
6. In considering admissible petitions, the Petitions Committee can take a range of different actions, and will often undertake a combination of:
- seeking information and views from the Welsh Government, either in writing or orally;
 - seeking information and views from other organisations that may have a view or interest in the petition, for example, professional bodies, local authorities, health boards, trade unions, community groups or anybody else they feel can add value to their considerations;
 - asking for more information from the petitioners either in writing or as part of an evidence session to the Committee;
 - referring the petition to other Assembly committees or outside organisations;
 - carrying out a committee inquiry.

Background to the referred petitions

Public toilet provision

7. The petition relating to public toilet provision was submitted in June 2010 by Councillor Louise Hughes. It is worded as follows:

We, the undersigned, call upon the National Assembly for Wales to investigate the health and social well-being implications resulting from public toilets closures and to urge the Welsh Government to issue guidance to local authorities to ensure adequate public toilet provision.

The petition has collected 430 signatures. A summary of consideration by the Petitions Committee is attached at Annex B to this paper.

Equality for the transgender community

8. The petition relating to equality for the transgender community was submitted in September 2010 by Transgender Wales. It is worded as follows:

We, the undersigned, call upon the National Assembly for Wales to urge the Welsh Government to ensure that the transgender community is given equal support and direct assistance, as given to comparable communities such as Sexual Orientation support groups, to promote equality and awareness for the transgender community.

The petition has collected 113 signatures. A summary of consideration by the Petitions Committee is attached at Annex C to this paper.

Action for the Committee

9. Standing Orders do not prescribe action for the Health and Social Care Committee in relation to this request from the Petitions Committee. Committee members may wish, however, to consider the following options for action:
 - respond by noting that the Committee will consider the petitions in the autumn term when it looks at its strategic approach to its forward work programme and in light of any action taken by the Communities, Equality and Local Government Committee on the petitions; or
 - take one of the petitions forward as part of / the basis for the Committee's first inquiry.
10. The Committee is invited to:
 - note the request of the Petitions Committee to consider undertaking an inquiry into the health aspects of both petitions (paragraph 2);
 - discuss how it wishes to proceed with the request (paragraph 9); and
 - agree that the Chair writes to the Petitions Committee outlining the Health and Social Care Committee's decision.

Annex A

Letter from the Petitions Committee to the Chair of the Health and Social Care Committee

Y Pwyllgor Deisebau

Petitions Committee

Mark Drakeford AM,
Chair of Health and Social Care
Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff
CF99 1NA

Our ref: P-03-292/301

29 June 2011

Petitions: P-03-292 Public Toilet Provision

P-03-301 Equality for the Transgender Community

At a recent Petitions Committee meeting, we agreed to refer to two petitions to the Health and Social Care Committee.

P-03-292 Public Toilet Provision

We are currently considering a petition submitted by Cllr Louise Hughes, which has collected 430 signatures:

We, the undersigned, call upon the National Assembly for Wales to investigate the health and social well-being implications resulting from public toilets closures and to urge the Welsh Government to issue guidance to local authorities to ensure adequate public toilet provision.

The Welsh Senate of Older People has expressed its support for the aims of the petition, and this correspondence is enclosed, along with supporting information from the petitioner, which includes a report by Age Cymru entitled 'Nowhere to Go'.

At our Committee meeting on 21 June, we agreed to enquire as to whether the Health and Social Care Committee would consider undertaking an inquiry into the health aspects of this important issue.

P-03-301 Equality for the Transgender Community

We are also considering a petition submitted by Transgender Wales which collected 113 signatures:

We the undersigned call upon the National Assembly for Wales to urge the Welsh Government to ensure that the transgender community is given equal support and direct assistance, as given to comparable communities such as Sexual Orientation support groups, to promote equality and awareness for the transgender community.

The Committee in the third Assembly took oral evidence from the petitioners, and corresponded with the First Minister on the issues raised by the petition. Through their consideration a range of issues were highlighted, but a primary concern of the petitioners was related to healthcare provision for people with gender dysphoria. I have enclosed copies of correspondence considered by the previous Committee for your information.

At our Committee meeting on 21 June, we agreed to enquire as to whether the Health and Social Care Committee would consider undertaking an inquiry into the health aspects of this important issue.

Please note we have also highlighted both these petitions with the Communities, Local Government and Equalities Committee.

Thank you for your consideration of this issue.

Yours sincerely,

William Powell AM
Chair, Petitions Committee

Annex B

Summary of consideration of the public toilet provision petition by the Petitions Committee

1. The petition was submitted in June 2010.
2. The Committee wrote to the Minister for Social Justice and Local Government on this matter, as well as the Chair of the Health, Wellbeing and Local Government Committee of the Third Assembly requesting that the Committee consider the matter. The Committee also wrote to the Welsh Local Government Association and to all local planning authorities (LPAs) to ask:

What if any requirements do you have to ensure that there is provision for public toilets in out of town developments or other public developments which are in rural/isolated locations.

3. Twenty-three LPAs responded from a total of 25. No LPA has a specific requirement for the provision of public toilets in rural or isolated locations, apart from Flintshire, which requires lorry parks to provide adequate toilet facilities.
4. There was a consensus from respondents that most developers will include public toilets if there is an expectation that the public will use the development. It was highlighted that TAN 12 encourages the inclusion of accessible public toilets in new and public commercial buildings. A number of councils stated that they would raise the issue of public toilet provision if they did not feel there was adequate provision. However, for a planning obligation to be imposed, certain tests would have to be met. Anglesey has included provisions for new public conveniences within Supplementary Planning Guidance on Planning Obligations. Pembrokeshire Coast National Park described how it was seeking to address a specific issue at St Justinian's to improve provision.
5. Some LPAs provided information on public toilet provision within their area, including Blaenau Gwent, which stated that it is looking to encourage the use of public toilets in town centres through the Local Facilities Access Grant, provided by the Government to encourage local authorities to work in partnership with local businesses to provide free public access to their toilet facilities.

6. The Minister's response to the petition was that responsibility for the provision and maintenance of toilet facilities is a matter for individual local authorities and that the issuing of Welsh Government guidance would not ensure improved provision. In response to further correspondence, the Minister informed the Committee that eighteen local authorities would be participating in the Local Facilities Access Grant Scheme in 2010-11.
7. The Committee also wrote to the then Minister for Environment, Sustainability and Housing to inquire as to whether a requirement for shopping centres to provide adequate facilities could be implemented through planning rules. The Minister informed the Committee that there is no such provision in Planning Policy Wales or supporting Technical Advice Notes.
8. The Committee also sought the view of the British Toilet Association, whose response very much supported the petition. The BTA noted:

The majority of closures of public toilets in the last twenty years has been due to the discretionary nature of the service, coupled with the pressure on Local Authority finances. This has intensified in recent months due to the severe budget cuts now necessary in the prevailing economic climate.
9. The BTA expressed concern that the provision of publicly accessible toilets in Wales has continued to decline and that more closures are anticipated.

Other information

10. In a Plenary Short Debate on public toilets in Wales in September 2010, Jenny Randerson AM called for a statutory duty to be placed on local authorities to provide public toilets. The Deputy Minister responding to the debate agreed to discuss the proposal to make adequate toilet facilities a statutory duty with the relevant Minister. However, the Committee had already received a response from the Minister for Social Justice and Local Government, as detailed above.
11. The Welsh Senate of Older People has expressed its support for the aims of the petition in correspondence to the Petitions Committee.

12. Supporting information provided by the petitioner, including a report by Help the Aged in Wales on this subject, is available here:
<http://www.senedd.assemblywales.org/documents/s1121/P-03-292%20Adequate%20public%20toilet%20provision.pdf>.

Annex C

Summary of consideration of the equality for the transgender community petition by the Petitions Committee

1. The petition was submitted in September 2010.
2. The Committee wrote to the then Minister for Social Justice and Local Government requesting initial views, and wrote to the petitioners, highlighting the consultation on the Equality Act 2010: Performance of the Public Sector Equality Duties in Wales. The new duties were to apply to eight equality strands, including gender reassignment. At the time, employer-related duties were required on all characteristics except sexual orientation and gender reassignment, and the then Minister for Social Justice and Local Government told Plenary that he would consider this issue following public consultation.
3. The Minister's response to the correspondence referred to the Welsh Government's Single Equality Scheme, which includes transgender as an equality strand, and stated that the transgender community had been consulted in the second phase of the consultation process on the scheme. He also referred to the Advancing Equality Fund 2010/11 as a funding source for support groups and reported that no applications to this fund had been received from organisations dealing specifically with transgender issues.
4. The Committee received oral and written evidence from the petitioners in January 2011, which highlighted the difficulties faced by many members of the transgender community, particularly in terms of equality issues and in the areas of health, education and employment. The petitioners highlighted concerns about the quality of advice and support given to the transgender community, and highlighted one case in which an individual was hospitalised having received advice from an untrained adviser.
5. On funding, the petitioners reported that they had been advised that their organisation was too small to qualify for European funding and were not signposted to the other funding streams available from the Welsh Government. The petitioners did not pursue the funding issue as they felt long referral waits were a more pressing issue.

6. The Committee wrote to the First Minister seeking a cross-Governmental response on these issues, as well as to the Equality and Human Rights Commission, seeking its views.
7. The EHRC responded that transgender people face persistent negative attitudes in Wales and that there is a need for education and awareness-raising, accessible information and advice, the removal of barriers to employment, and a more positive representation of transgender people in the media.
8. The First Minister responded on behalf of the Welsh Government on issues around health services, funding and public awareness, education and employment. He referred to the new Equality Act and the fact that the public sector equality duties for Wales will come into force from April 2011; and to the fact that the Welsh Health Specialised Services Committee, which is responsible for planning gender identity services, was seeking to improve the planning and securing of treatment services, in consultation with representatives of the transgender community.
9. The petitioners confirmed that they were working with the WHSSC to improve treatment services, and stated that they would wait to see how the new Government (post the 2011 election) would address these issues.
10. The Committee wrote again to the First Minister, drawing his attention to the EHRC report 'Not Just Another Statistic', and highlighting the fact that the need for public awareness was a recurring theme in the evidence received and requesting information on healthcare services, including waiting times.
11. The First Minister responded that waiting lists are variable depending on the period of clinical assessment and real-life experience, and provided the Committee with the commissioning policy for gender dysphoria. The First Minister also referred the Committee to the WG's Sexual Health and Wellbeing Action Plan.
12. Supporting information on this petition is available here:
<http://www.senedd.assemblywales.org/documents/s1132/P-03-301%20Equality%20for%20the%20Transgender%20community.pdf>