



Cynulliad Cenedlaethol Cymru
The National Assembly for Wales

Y Pwyllgor Diwylliant a Chymunedau
The Culture and Communities Committee

Dydd Iau, 7 Mai 2008
Thursday, 7 May 2008

Cynnwys
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

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|------------------|---|
| Peter Black | Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats |
| Paul Davies | Ceidwadwyr Cymreig Welsh Conservatives |
| Nerys Evans | Plaid Cymru The Party of Wales |
| Janice Gregory | Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair) |
| Lesley Griffiths | Llafur Labour |
| Mark Isherwood | Ceidwadwyr Cymreig Welsh Conservatives |
| Joyce Watson | Llafur Labour |

Eraill yn bresennol
Others in attendance

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|-----------------|--|
| Jocelyn Davies | Aelod Cynulliad, Plaid Cymru (Y Dirprwy Weinidog Dros Dai) Assembly Member, The Party of Wales (The Deputy Minister for Housing) |
| Jennifer Dunne | Swyddog Ymchwil a Rhagolwg, Y Comisiwn Cydraddoldeb a Hawliau Dynol Research and Foresight Officer, The Equality and Human Rights Commission |
| Sophie Howe | Y Comisiwn Cydraddoldeb a Hawliau Dynol The Equality and Human Rights Commission |
| Paul Webb | Pennaeth, Yr Uned Strategaeth a Gwasanaethau Tai, Llywodraeth Cynulliad Cymru Head, Housing Strategy and Services Unit, Welsh Assembly Government |
| Linda Whittaker | Pennaeth, Y Gyfarwyddiaeth Dai, Llywodraeth Cynulliad Cymru Head, Housing Directorate, Welsh Assembly Government |

Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service officials in attendance

| | |
|----------------|-------------------------------|
| Sarah Bartlett | Dirprwy Glerc Deputy Clerk |
| Chris Reading | Clerc Clerk |

Dechreuodd y cyfarfod am 9 a.m.
The meeting began at 9 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Janice Gregory:** Good morning everyone, and welcome to the Culture and Communities Committee on this beautiful morning here in Cardiff bay. Before we go into the

agenda, I will go through the usual housekeeping issues that we need to follow. First of all, I would like to welcome the Deputy Minister and her officials. I inform Members and people in the public gallery that headsets are available. Translation is on channel 1 and the amplification of sound is on channel 0. I ask everyone who has a mobile phone, BlackBerry or any other electronic device to make sure that it is switched off completely. We are not expecting a fire drill this morning so if the alarm sounds, we will be expected to leave the building in a safe manner. You should be guided by the ushers, who will direct us to the nearest exit. I have had an apology from Dai Lloyd, who is with the Health, Wellbeing and Local Government Committee in Merthyr Tydfil this morning. There is no substitute for Dai.

9.01 a.m.

Craffu ar Waith y Gweinidog—Y Dirprwy Weinidog dros Dai Ministerial Scrutiny—The Deputy Minister for Housing

[2] **Janice Gregory:** Jocelyn, thank you very much for coming this morning to committee. It is important that we are able to discuss your portfolio with you and your officials. So, I welcome Jocelyn Davies, the Deputy Minister for Housing, Linda Whittaker, head of the housing directorate, and Paul Webb, head of the housing strategy and services unit. Thank you for the paper that you supplied to Members—they will have had an opportunity to look at it, and there will be a series of questions. If you would like to make a comment on your paper, we will then go into questions.

[3] **The Deputy Minister for Housing (Jocelyn Davies):** I have a few opening remarks to make. I am very pleased to be with you here today and I am grateful that the committee will play its part through scrutiny in developing the Government's 'One Wales' policy on housing. Housing has clearly moved up our agenda as a reflection of the growing public concern about housing issues, as is right and proper, and it is also reflected in the number and the importance of the housing commitments made in the 'One Wales' agreement. I have a busy agenda of delivery on those commitments, which will be reflected in your questions and in the written evidence that I have submitted, which you referred to earlier.

[4] I am pleased with the progress that we are making, but I want to stress that housing has a wide-ranging portfolio and has significant cost-cutting and governmental impacts, and my areas of activity reflect this. I want to make sure that we are making the most of the resources that are available to us and our partners, so that safe and secure homes are available to the citizens of Wales. That is why one of my first actions was to commission the review by Sue Essex into the regulation of housing associations. I want to make sure that our process facilitates innovation and commitment, and that it does not detract from that.

[5] There is a correction that I would like to make to the paper. If you go to page 2, paragraph 4 on the social housing grant, it makes reference to the Building Research Establishment environmental assessment method 'excellent' standard. This paper was drafted before the recent announcement that social housing grants and the standard will be a code for sustainable homes level 3, and we will be supporting pilot schemes for levels 4 and 5. I apologise for that, Janice. As I said, this was drafted a while ago and the announcement was made very recently.

[6] **Janice Gregory:** Thank you very much.

[7] **Joyce Watson:** First of all, thank you for your paper, Jocelyn. It is comprehensive and it is a really good paper. My first question is an overarching one. In terms of domestic abuse, which is what we are looking at, one of the key provisions that very often has to be made for a victim and the family of that victim is housing. As Deputy Minister, how do you work with your colleagues in the Assembly within their portfolios? How do you see your role

in facilitating a safe haven for women and children?

[8] **Jocelyn Davies:** We gave evidence recently to the committee inquiry into domestic abuse. Refuges are the traditional model, and I mentioned that some remodelling is going on. Allowing people to stay in their own homes can be very useful in appropriate circumstances, although I do not think that we will ever lose the traditional model of the refuges to which some families have to flee. However, remaining in their own homes could be appropriate for some people, and we need to make sure that that home is safe. There are a number of projects going on throughout Wales that make that a reality for some people. Perhaps Paul will want to expand on that. It is early thinking and early days for that model, but it is something that has been more useful for some people and more appropriate for some families, because they do not have to change schools and they have the sort of support network that sometimes cannot be maintained when they have to move many miles away.

[9] **Mr Webb:** Just to add to that, I think that the Minister is right about that trend in the direction that we are trying to set for policy to make sure that people can be supported in their own homes wherever possible. The lead for domestic violence policy falls within Brian Gibbons's portfolio, which is a key element of delivery in support of that. In addition to the element that the Minister mentioned with regard to a housing-related support service, I would also point to the homelessness and allocations policies—[*Inaudible.*]*—*domestic violence has priority.

[10] **Joyce Watson:** You have started on an issue that I was going to ask about later, and it is about the homelessness policy. How can the Minister assure us that when the homelessness policy is being delivered through the local authority or the housing associations—because ultimately they will deliver the priority scheme that you are talking about—women, their families, and sometimes perhaps men, who need a home are going to get one because, particularly in rural areas where housing is very hard, if not impossible, to find?

[11] **Jocelyn Davies:** When we came to the committee's inquiry, we mentioned the specialist guidance that had been issued. We did not make a commitment to supply it, but we subsequently thought that the committee might benefit from having access to the specialist guidance. If you remember, Mark mentioned several cases, although obviously we cannot talk about individual cases. However, we thought that perhaps you would benefit, Joyce, from seeing that specialist guidance that we issued to the local authorities. It is the only specialist guidance that we have issued in relation to domestic violence, and you will see from that the actual working document that housing associations and local authorities use. If you have specific cases, you will be able to check the guidance to see if the local authority is adhering to it. In some of the cases that Mark mentioned, we did not feel that the guidance had been followed fully.

[12] **Peter Black:** I have a number of detailed questions on a number of different sections. I do not want to dominate the meeting, so I will do one section now and come back to the rest later. On affordable housing, there is a clear commitment in 'One Wales', as reported on page 2 of the report, to increase the supply of affordable housing by 6,500 homes over the lifetime of this Assembly. As I understand it, new build social housing is about 500 houses a year, or thereabouts. I think that that takes account of right to buy sales and all the other stuff in terms of the increases. I understand that you will rely a lot more on section 106 agreements to deliver this commitment, but we have received evidence in the past that many authorities are not getting to grips with that agenda, and those that do are only producing small numbers of units each year. All in all, in terms of where we are at the moment, the number of new affordable houses becoming available will not amount to 6,500 by 2011. What I am interested in is the detailed plans that you have to deliver on this commitment: do you have interim targets that we can measure you against?

[13] **Jocelyn Davies:** I think that you are referring to figures that were in the Welsh housing statistics, and I have heard this issue being raised in the Chamber, although not with me. You are probably referring to table 2.2. Had you gone further into the document, to the section on registered social landlords, you would have found that table 5.2 shows that the provision of new social housing by registered social landlords was 1,086 homes in 2006-07. So, I think the table that is being referred to in the public domain does not reflect the full figure. We are aware that the collection of data is not entirely reliable, and we have always said that we do not expect to see the increase that we have put into the social housing plan cover all of the 6,500 houses. Officials are now working on a project to ensure that we do not double count, that we count everything, that the figures are robust and that we are able to capture everything. We have also had discussions also with Community Housing Cymru. We are also concerned that not all the data are being captured as they should. So, we are confident that the new system will do so. It will be hard work, and we have always said that we will also need to rely on the section 106 agreements, and you will know, Peter, from things that I have said in the Chamber in the past, that some local authorities are much better at negotiating than others. We held a series of seminars last autumn for local authorities' elected members and officers in order to help them to strengthen their negotiating arm with developers, and we also intend to have affordable housing delivery plans. That will be a delivery mechanism, because local authorities have carried out their local housing market needs assessment, they have their housing strategies and this will be the delivery mechanism to show how they intend to meet their local needs. When you add all of that up, we will have reliable data and local authorities will benefit greatly from having the delivery plan, which will assist them in negotiating with developers.

[14] **Peter Black:** The commitment is to increase the supply of affordable housing, which implies that you are talking about a net figure as opposed to a gross figure. So even if you say that we are continuing at a rate of 1,000 homes a year—and I am prepared to accept that if you can provide evidence that that is the case—

[15] **Jocelyn Davies:** This is for 2006-07.

[16] **Peter Black:** Yes. Perhaps you can tell us how many new affordable houses were built in 2007-08 because you funded them, and maybe that will help us. However, there are right to buy sales as well, which chip away at that figure quite significantly and, of course, demolitions continue in the case of houses that are no longer fit for purpose. So I think that, in terms of the overall supply, that figure will be significantly lower than 1,000 homes a year. Could you tell us exactly by how much the supply of affordable houses increased in the last financial year, namely 2007-08?

[17] **Jocelyn Davies:** I do not know if Linda is able to tell us.

[18] **Ms Whittaker:** No.

[19] **Jocelyn Davies:** The social housing grants have significantly increased, and therefore we are able to fund more. We know that not everything is being captured, as I have said, and this is acknowledged through local government and in housing associations, because they are also concerned that we are able to capture everything. What we want to develop is a system that does not double count, does not undercount and is transparent and robust.

[20] **Peter Black:** So when will that statistic be available?

[21] **Jocelyn Davies:** Officials are working on that at the moment.

[22] **Peter Black:** But you must know exactly how many units you have paid for out of the social housing grant. How many units was that in 2007-08?

[23] **Ms Whittaker:** We do, but it is how many completions have been made. Part of the problem is that, at the moment, we do not know. We are at the beginning of May and that is currently being calculated. However, right to buys are not included in that 1,000; that is new-build properties that are being built through the social housing grant. However, there are also several other properties that registered social landlords build using their own funds, and we must ensure that that data is collected as well, which currently it is not. There are others where affordable housing is brought into the market; it is not a new unit, but where an RSL is recycling their capital grant to provide another family with a homebuy option, that again is a new affordable unit. However, at present, we are not convinced that that data is being collected. So in fact the 1,000 is much lower than we know is being delivered each year.

[24] **Jocelyn Davies:** I do not believe that local authorities are getting the full credit for some of the things that they are doing. I may have mentioned to the committee before that I went to Powys, where the local authority had sold a piece of land for the open market value, and gifted the proceeds to a community land trust to build six affordable units. That data is not being captured at present, but that local authority should have credit for the delivery and for how it has done it. However, because of how it has done it, it does not neatly fit into the way that the data is collected at present.

[25] **Peter Black:** We are scrutinising the One Wales Government. I acknowledge that local authorities deserve credit for the work that they are doing. However, we are scrutinising your commitment for 6,500 homes, and I am interested in when we will have a robust statistic against which we can measure that.

[26] **Jocelyn Davies:** We acknowledge that that is not currently available, for several reasons.

[27] **Peter Black:** But when will it be available?

[28] **Jocelyn Davies:** Officials are working on it, and we need to work with our partners, who are the delivery agents.

[29] **Peter Black:** But when do you envisage it being available?

[30] **Ms Whittaker:** I do not know when the data on the section 106 agreement will be available, because, again, that data comes from local authorities through forms that they have to fill in for the Local Government Data Unit. Therefore, as soon as that is available, that will be the first time that we have that information as to how many units have been delivered through section 106 agreements.

[31] **Peter Black:** So when will robust figures be available for social housing?

[32] **Ms Whittaker:** In terms of what we have supported through the social housing grant?

[33] **Peter Black:** Yes, and other housing you have evidenced.

[34] **Ms Whittaker:** Because there are several different data collections, to ensure that we have captured it all, I do not believe that, realistically, we will have that for at least another month. However, we are working on that with stakeholders such as the Local Government Data Unit.

[35] **Peter Black:** So can we have a commitment that, when that figure is available, it will be made available to the committee?

[36] **Janice Gregory:** I think that the commitment will be that, as soon as you get the information, Minister, I would expect that to be forwarded to the committee.

[37] **Jocelyn Davies:** Yes, Chair. When we have the affordable housing delivery plans, local authorities will want to capture everything, and they will want to count everything, in order to demonstrate that they are delivering according to that plan. Therefore, that will also be important, but we need to work with our partners because I am sure that many of them are doing different things in different ways, as I have demonstrated. However, that information is not easily counted currently.

[38] **Janice Gregory:** For the benefit of people who may be watching outside, and who may not be as conversant with local government issues as we are, is there a requirement on local government to provide you with the figures, or do they do it voluntarily?

[39] **Ms Whittaker:** There is a requirement. For instance, on the figures that are under-recorded, there is a requirement for them to say how many new build properties have been built and, within that, what is social housing. However, quite often, when they are counted, if there is a private sector development that has maybe 30 per cent of social housing on it, the 30 per cent is just included in the private sector, so all of the homes are classed as private sector homes within the data. Therefore, we have been working with the Welsh Local Government Association and the Local Government Data Unit over the last year, or 18 months, to ensure that we clean up that data and to ensure that the right properties are going into the right columns, so that we are collecting that properly.

[40] **Peter Black:** I am happy with the commitment that we will have this before the end of the summer term, as the department has it.

[41] **Jocelyn Davies:** Yes, it is work in progress. I recently heard of a development where the local authority was taking a 25 per cent equity share of many of the properties that were being built. Therefore, those properties were being marketed to current tenants of housing associations, who then, if they moved in, would be releasing a property elsewhere, but the local authority was holding a 25 per cent equity share. That would probably not be captured by the data, but it is delivering affordable homes.

9.20 a.m.

[42] **Peter Black:** As long as we get the data, that is the important thing, so that we can measure your commitment.

[43] **Jocelyn Davies:** I am sure that you are counting, Peter. [*Laughter.*]

[44] **Peter Black:** I am looking forward to your count, Minister.

[45] **Janice Gregory:** I can see him marking it off now. Nerys has the next questions.

[46] **Nerys Evans:** Mae gennyf dri chwestiwn. Yn gyntaf, beth yw rôl y Llywodraeth o ran ceisio cael mwy o swyddogion galluogi tai gwledig ar draws Cymru, sut yn union y maent yn gweithio, ac a oes mecanwaith ar gael i rannu arfer da ar draws Cymru? Yn ail, ar y Gorchymyn cymhwysedd deddfwriaethol ar yr hawl i brynu, beth yw amserlen y pwyllgor ar gyfer **Nerys Evans:** I have three questions. First, what is the Government's roll in trying to get more rural housing enablers across Wales, how exactly do they work, and is there a mechanism available to share good practice across Wales? Secondly, on the right to buy legislative competence Order, what is the committee timetable for reporting to the Assembly?

adrodd i'r Cynulliad?

[47] Yn drydydd, yn sgîl yr etholiadau lleol yr wythnos diwethaf, a oes unrhyw gynlluniau gan Lywodraeth y Cynulliad i roi mwy o hyfforddiant cynllunio i gynghorwyr newydd? Cynhaliodd yr Arolygiaeth Gynllunio seminar i Aelodau Cynulliad rai wythnosau yn ôl. Soniodd yr arolygiaeth fod llawer o gynghorwyr yn rhy llym o ran sut y maent yn dehongli faint o gysylltiad y maent yn gallu ei gael â chynlluniau yn eu hardaloedd hwy. Felly, a oes unrhyw gynlluniau i gael hyfforddiant i gynghorwyr newydd?

Thirdly, following last week's local elections, does the Assembly Government have any plans to give more training on planning to new councillors? The Planning Inspectorate held a seminar for Assembly Members a few weeks ago. The inspectorate mentioned that many councillors are too strict in the way that they interpret how much involvement they can have in plans within their areas. Therefore, are there any plans to provide training for new councillors?

[48] **Jocelyn Davies:** It is not something that we have discussed. As I was explaining, we held seminars last autumn, but obviously some people will be new, so we could consider that. On the right to buy timetable, I believe that we have had news today, Linda, have we not?

[49] **Ms Whittaker:** Yes. We understand that it is being laid at committee in Parliament on 13 May; that is the latest date that we have had. The rest of the process will follow on from that.

[50] **Jocelyn Davies:** So that is not in our hands.

[51] **Ms Whittaker:** No. We will be developing the Measure then during the early summer.

[52] **Jocelyn Davies:** Do you want to answer the question on the rural housing enablers, Linda?

[53] **Ms Whittaker:** Yes. The rural housing enablers work with the local community, down to the lowest community level, gaining their trust and finding out exactly what their local needs are in terms of housing for their population. They then work with local authorities and local housing associations, and even private landowners, to work out how they can develop the homes that are needed for that individual community. It often takes them quite a long time to develop that trust with the local community; they tell us that they are often asked first of all, 'Are you the man, or the woman, from the council?'. Once they get over the fact that they are not, and that they are also not the person from the local housing association, but are there just to represent them and get what they need, they have been successful in the areas where they have been working.

[54] Although we have had four rural housing enablers operational in Wales so far, from some work that was commissioned last year, it is clear that that network needs to be expanded. We are looking at expanding that to eight rural housing enablers, as well as support. You asked about sharing good practice; what the individuals who have been operational so far have said is that they have very much had to learn from those who have gone before and have experienced issues. The idea of the support is that all eight will be able to feed into that support, but also, especially in the first few months of working, they will be able to call on that support. We are working with the WLGA and Community Housing Cymru to set that up because, although the Assembly Government is looking at partially funding it and giving the main funding for it, we will also be looking at match funding from local authorities and housing associations working in those areas.

[55] **Janice Gregory:** I would like to go back to what you said about training for new councillors, Jocelyn, which has already been raised with me—believe it or not—since last Thursday. You are right—and I believe that it was Linda who mentioned this—that the interpretation of local planning authorities as to how a member can get involved, and to what degree, is important; it is often the interpretation of the officer of that local authority as well. I understood that you said that you were going to do more training around the section 106 agreement area, but what about the planning itself?

[56] **Jocelyn Davies:** Because there was the review of planning value in Wales, we felt that it was important that all local authorities understood that that independent review found that we could get much more out of the planning systems in Wales than was currently happening, although there is good practice—I know, without a doubt, that there is good practice. Therefore, that was the point of those seminars for local authority officers and members. I suppose that training on planning issues is a matter for the local authorities concerned; from my experience, newly elected members are usually trained by their own local authority. However, we could consider that, especially in terms of the housing aspect, which is our focus. We could take that up with the WLGA, because it can be a legal minefield.

[57] As I have mentioned to committee before, it is often difficult for members, especially local councillors, to resist the bandwagon effect of opposition that can exist, especially when there is the element of affordable housing. It is the ‘affordable’ bit that seems to attract the most opposition, and social housing is even more difficult, which is a great shame. Therefore, we will certainly look at that, but I cannot promise that we will be able to train up every brand-new councillor on planning issues.

[58] **Janice Gregory:** It is also a good idea to train the officers. Lesley has the next questions.

[59] **Lesley Griffiths:** I was looking at the bit on the Welsh housing quality standard. As you are aware, Wrexham, which I represent, returned a ‘no’ vote; we are now, obviously, in a new term. What is the Government’s view on partial stock transfer, and do you have any evidence that can be looked at where this has been done elsewhere?

[60] **Jocelyn Davies:** The example that springs to mind is what happened in Newport, where we have the example of the old prefabs; that was a partial stock transfer specific to that type of house, which was very successful. If you travel to Newport now and you see what stands where the prefabs were, you will see that it was successful; that is probably a good Welsh example. You will know that we say in ‘One Wales’ that local authorities will have, in a council’s four-year term, one chance of going to ballot, rather than repeatedly balloting people to try to wear them down. Now that we have had the elections, even though there was a ‘no’ vote in Wrexham and Swansea, that will not apply to them, and they will be able to reconsider that, and we will be discussing their future plans with them.

[61] Partial stock transfer is a reality; it has worked in Wales, and those local authorities could consider that. However, that is a matter for them to consider—we would not impose it on them. I believe that there is a section in the Housing and Regeneration Bill about tenants being able to trigger a ballot; those local authorities would have to consider that—there could be a specific part of that local authority where the tenants, who will know their rights, will want to trigger a ballot. We would not disregard a consideration of partial stock transfer, if the evidence was there.

[62] **Janice Gregory:** Mark has the next questions.

[63] **Mark Isherwood:** Thank you, Chair—I was not expecting to be called so soon.

[64] **Janice Gregory:** Joyce and Peter want to come back in, so I am calling Members who have only spoken once now.

9.30 a.m.

[65] **Mark Isherwood:** I wish to go back to the 6,500 target, the use of section 106 as effectively as possible within that, and the link to the provision of local authorities and their ability to secure 100 per cent affordable housing on development sites. That will require partnership working between registered social landlords, private building developers and local authorities, in particular, and delivering that will require either philanthropy or land. How do you respond to the feedback I have been getting from several local authorities that, within the current financial environment, if they were to realise land assets, they would have to go to full market price to cross-subsidise education and social services, for example? Although they support this, they would struggle to deliver. Parallel to that, the Office of Fair Trading's figures, I believe, show that building developers, contrary to public perception, a year ago only had two to two and a half years of land bank left. Therefore, how will we bring that feast to the table, given those practical restrictions identified by the OFT?

[66] Related to that, and this is not mentioned specifically, but it is central to the section 106 agenda on affordable housing, what will your policy be on key worker housing? I will not name the area, but I had a letter two weeks ago from a police officer, in whose case I had intervened, who has been helped by a housing association on a do-it-yourself scheme, which was funded through its own resource, not with Assembly Government support. However, that is the limit of what it can achieve. I believe that you are aware that a senior police officer wrote to me expressing concern at the number of officers she was losing because of housing issues and families being unable to house themselves in their own areas.

[67] Similarly, related to that, I believe that Denbighshire County Council won awards for being the most successful authority in generating section 106 housing. However, a housing association operating in Denbighshire has written to me expressing its concern over confirmation via the WLGA that there will be no additional homebuy funding, and that it was not consulted on that. Could you comment on that? I am encouraged to see reference to lobbying Westminster on charity law. Could you keep us apprised on that? What discussions are you having with the Church in Wales, which flagged this issue up several years ago, on that? I was speaking recently to the Archbishop of Wales and the Welsh bishops, and they are still keen to progress that.

[68] **Janice Gregory:** I am going to stop you there, Mark; I stopped Peter and Joyce from asking too many questions. You can come back in at the end.

[69] **Jocelyn Davies:** On the commitment to provide local authorities with the ability to secure 100 per cent affordable housing, you empower the local authority and it is able to do it if the context and the market allow it to do it. However, our commitment is there to empower them, and that is what we have done.

[70] On the charity law, as you can see, we have a section in the paper on that and I hope that we will be having discussions soon with the Church in Wales. I believe that there has been an idea in the past that the laws governing charities could perhaps be relaxed so that charities could release land below market value. However, this causes a tension with their fiduciary duty to obtain the best possible value for their own charity. However, I understand that it may be possible for them to dispose to another charity with the same charitable purpose. Therefore, we are exploring all options, and there may very well be ways that we can find around that, even if the charity law does not change. I suppose that it is a tenet of charity law that you protect the assets of the charity, and it is a duty on the trustees, but we will

continue to push on that point.

[71] On homebuy, you will recall that, when I came to committee some time ago, we sent a copy of this executive summary to all committee members. The problems that had been identified in the independent review of low-cost home ownership policies in Wales are identified in this executive summary and this consultation. Therefore, I do not believe that it is correct to say that this was entirely news, because this document was issued last April and those problems were identified, and I said that we would like to explore some of the solutions that are mentioned in this document. That is why we did not make allocation on DIY homebuy, because we would prefer to see it strategically targeted, as I explained to committee last time and as is laid out in this document. We will be consulting on the contents of this document soon.

[72] **Mark Isherwood:** When will you do that?

[73] **Jocelyn Davies:** Purdah prevented us from doing anything recently, but officials are working on that consultation document, so it will be soon; however, I cannot give you a date right now. This document has been in the public domain for some time, and we are in agreement, as I believe the Committee was, on some of the conclusions that have been drawn. Therefore, we would like to take that forward.

[74] I take your point on key workers, Mark. However, when we looked at it, we felt that police officers were perhaps not the best example because of their wage levels and that there were other key workers who could possibly merit help who do not earn as much as police officers. Therefore, even though we are looking at key workers, I am not going to give you a commitment that police officers would necessarily be included; we were thinking of nurses, and so on, who are key workers but whose wage levels are considerably lower than those of police officers. Therefore, even though we are comfortable with the idea of a key worker scheme, we would have to look at which key workers, and I do not believe that you and I will agree on the final outcome.

[75] **Joyce Watson:** I want to bring us back to domestic abuse and housing, which is why we are here. Under point 18 on the new national housing strategy, you say that you have established three expert panels—and I am pleased to hear that—including an equality expert panel to ensure the interests of people in the six equality streams. I assume that one of those equality streams is gender. If that is the case, do you have someone sitting on your equality expert panel for housing who will inform you of the needs of those people who need housing as a result of domestic abuse, because that is what this inquiry is about?

[76] In point 18, there is also a reference to ‘Making the Connections’. It is obvious that ‘Making the Connections’ was about giving support, but giving an overarching support that involves everyone. Therefore, it would not be enough to just give people a house; you need to know that, when you are giving them a house, social services, health—especially mental health—and education are all involved in that process. If you give people a house without that support, you are ultimately, in many cases, setting them up to fail. Therefore, who is on that equality expert panel representing domestic abuse, and how, once you have given someone a house, can you be assured, in the ‘Making the Connections’ agenda, that you are not setting people up to fail?

[77] **Jocelyn Davies:** Perhaps Paul could answer those questions.

[78] **Mr Webb:** On the expert panel, a range of generic equalities groups would be represented on the housing strategy expert panel, including the Equality and Human Rights Commission. Interestingly, perhaps opportunely, this afternoon I will be travelling up to Llandrindod Wells for a joint meeting of the expert panels for our Supporting People strategy

and our homelessness plan. The topic for discussion this afternoon is domestic abuse. We will have representation from, for example, Cardiff Women's Aid in that discussion, because it is at that element—at the level of policy and planning around homelessness and housing-related support, as you suggested from your question—where the real issues are. Therefore, we are very much engaged in the debate on how policy goes forward around that domestic abuse agenda.

9.40 a.m.

[79] You mentioned the need to ensure that there was a holistic service approach to meeting the needs of women, or men, fleeing domestic violence. As our colleagues in the communities branch term them, 'wraparound services' are crucial to ensuring that all needs can be addressed. That is the role of housing-related support, or Supporting People, in the domestic abuse agenda. We invest heavily in domestic violence services through Supporting People; as much as £10 million of a £58 million budget is spent in that area. The purpose of those services is to ensure that we can provide support around the range of needs that women, in particular, have. The purpose of our policy is to ensure that we are much more flexible and peripatetic in the way that we can deliver those services, so that, rather than expecting people in need to come to the refuge, we bring the wraparound service to those people in need.

[80] **Jocelyn Davies:** There are some examples of that floating support. We talked the last time I came to committee about a project in Blaenau Gwent, which was providing floating support out in the community in an area where there had been virtually no support at all. Again, that was done through remodelling.

[81] **Joyce Watson:** I have one other question, because you mentioned this issue, Minister. You are right to identify the fact that, when you put the words 'housing' and 'social' together, and if you then put the words 'housing' and 'social needs' together, there is often a knee-jerk reaction in communities, which is not necessarily favourable; I know this, as other Members do. I know that, ultimately, it is up to local authorities to re-house people in need—and we are talking here about a particular need and about people being re-housed sometimes with multiple issues, as well as people who often need to come from outside. Therefore, how will we as an Assembly, and you as the Deputy Minister for Housing, ensure that, where delivery is needed, it is achieved, given the local opposition that we often see? That opposition is real; we need not hide behind the fact that it is real and that there is opposition to housing people. How are we going to ensure compliance by local authorities to meet the needs of those people?

[82] **Jocelyn Davies:** The pressure often comes from politicians who are prepared to support opposition campaigns, and even front them. I believe that we all have a responsibility, before we do that, to carefully consider the issues involved. Nerys asked earlier about the rural housing enablers; they have told me that a great deal of their time is spent with communities, persuading communities over. You can then reverse the situation, and some communities can be enthusiastic about development. Therefore, communities can be persuaded over, but we all have a responsibility, not to be so quick with our press release and perhaps to ask people what their objections are.

[83] It seems that communities can be more welcoming to six executive houses of people who they perhaps would never know. They have to understand that it is their own people, and their own community, who will benefit from the social housing. You find this wherever you go—people say, 'We need more affordable housing but we don't want it anywhere near us'. We as politicians also have a responsibility. I do not believe that it is necessarily the local authority, but politicians within an authority, who maybe cave into pressure, and sometimes we may have to say, 'Sorry, I am not joining your campaign', and just stay neutral and let the issue be decided on a planning matter. That is unless we have a policy of naming and shaming

politicians who object to this; please do not get up in the Chamber then and ask me questions on affordable housing or I might just point out that you have been objecting.

[84] **Janice Gregory:** That is not a bad idea—a name and shame policy. Paul has the next questions.

[85] **Paul Davies:** Can I just come back to your earlier remarks about the key worker scheme? Are you saying that you will be changing the definition of the key worker scheme?

[86] **Jocelyn Davies:** I am just saying that I am comfortable with the idea of help for key workers, and, in fact, we mention that in this document. What I am saying is that Mark and I might not agree about which key workers necessarily would benefit. We do not have a definition.

[87] **Paul Davies:** So, is it the case that some people who are currently included in the key worker scheme might be excluded?

[88] **Jocelyn Davies:** We do not have a definition of what a key worker is. What I am saying is that we would look at this in the Welsh context and look at wage levels. This is an issue about affordability and we could probably have a whole committee devoted to deciding which are the most worthy key workers, but it is a matter of wage levels and affordability, which I accept.

[89] **Peter Black:** I have three quick questions and I will come back later with another area of questioning. First, following on from Lesley's line of questioning on partial stock transfer, if you are going to be promoting or allowing partial stock transfer, have you thought through how to deal with the loss of economy of scale on housing management costs? That is an issue that needs to be addressed as part of that.

[90] **Jocelyn Davies:** I did not say that I would be encouraging it, but what I was saying is that we have already seen it work successfully in at least one local authority area in Wales. Of course, it was the decision of that local authority to do that; these are always decisions for the local authority, and I am just pointing out that it is an option that local authorities could consider. However, there is also the other aspect that, in the Housing and Regeneration Bill, it is possible for tenants to trigger a ballot that would also include partial stock transfer. We have no view as to whether this is a good thing or a bad thing, but what I am saying is that that is the reality. It is for the local authorities to decide the best way forward that suits them.

[91] **Peter Black:** So, if the local authority comes to you with a partial stock transfer proposal, do you have any ideas about how you can help it in terms of housing management costs, which are an issue when you sell off part of your stock?

[92] **Ms Whittaker:** One thing that we would be looking at is a 30-year business plan for that new organisation, which would have to be affordable, but the local authority would also still have to have a retained 30-year business plan. It would have to be an affordable measure, but it is about tenants' choice. If tenants choose to transfer and if there is a diseconomy of sorts, then I suppose that that is part of the idea behind that.

[93] **Peter Black:** It was just a thought. I know Liverpool has overcome this and I have seen solutions to that.

[94] **Jocelyn Davies:** It is just another option that for the local authority to consider, but it is a matter for that local authority. We try to support local authorities in whatever decision they make. They stand accountable for it locally.

[95] **Peter Black:** Secondly, in paragraph 7 on page 4 of your report—and I welcome this—you extend the protocol on surplus sales of land for affordable housing to cover land owned by NHS trusts. I am interested in the incentives for NHS trusts to sell off their land or to make their land available for housing, because, as I understand it, when an NHS trust sells off a capital asset, it does not get to keep the capital receipt. Has that been looked at and do you have incentives to encourage NHS trusts to do that?

[96] **Jocelyn Davies:** I think that they have been encouraged, if they have surplus sites, to consider selling parts of those sites that are suitable for affordable housing, rather than selling the whole lot. Has the protocol been finalised now, because, if it has, perhaps the committee would like to see it?

[97] **Ms Whittaker:** It has, yes.

[98] **Jocelyn Davies:** We will speak to the Minister for Health and Social Services and ask for permission, but I am sure that she will be delighted for you to see the protocol. She told me that she is confident that this will release land for housing purposes.

[99] **Peter Black:** That is helpful, and I am supportive of that, but I am just wondering whether there have been any discussions with the Treasury about the capital receipts from any sale of land from NHS trusts for affordable housing.

[100] **Jocelyn Davies:** Not that we are aware of, but I would not say that it has not happened. Do you want us to ask for clarification on that?

[101] **Peter Black:** I think that that would be useful. Clarification is what I am seeking, because I know that there have been issues on that.

[102] **Jocelyn Davies:** Perhaps we can provide you with a copy of the protocol, so that you can see how it is then considered for housing once it has been identified as surplus.

9.50 a.m.

[103] **Peter Black:** The final and third part of this session is on the key worker scheme. That report on the homebuy scheme, as you said, identifies significant weaknesses, but it also pointed a way forward in terms of how homebuy can be better targeted. I note that you have made a decision that there will be no social housing grant allocations for homebuy in 2008-09, although I also note that housing associations can still use homebuy in a limited way. However, that leaves a gap in the market in terms of how you can help people—I am not going to use the term ‘key worker’, because I think that ‘people who are on a low wage’ covers it better—to get into the housing market. I also note that you express an interest in the key worker scheme, which may be one way of raising that particular type of scheme. Do you have any timetable in terms of drawing up the details of such a scheme and introducing it?

[104] **Jocelyn Davies:** As I explained earlier, this review has taken place. A document was drawn up some time ago and we will be consulting on the contents of that, so I will be in a better position once that consultation has taken place. I know, Peter, that you have taken an interest in this document and one thing that is mentioned in here is that existing owner-occupiers who are threatened with homelessness could benefit, if they have had a change in circumstance, from repurchasing under homebuy terms. That is the sort of thing that we would be interested in pursuing. So, no doubt you will respond to the consultation yourself—

[105] **Peter Black:** If I am notified of the consultation, I will.

[106] **Jocelyn Davies:** The document is being worked on, and we will do that as soon as we

possibly can.

[107] **Peter Black:** Are you consulting on that document or are you consulting on a way forward?

[108] **Jocelyn Davies:** We are consulting on a way forward and on this document, because this document said that we would consult on many things. Obviously, that was before the time of this administration, but these things are still there. There are some interesting ideas in there and, together, they accumulate to a way forward for homebuy, other than perpetuating a system about which significant flaws were identified in that independent review of do-it-yourself homebuy.

[109] **Peter Black:** There is an issue, namely that some Members are not always notified of Government consultations; we tend to find out about them by chance. If we are notified of that, you will get a response from me.

[110] **Joyce Watson:** Not-for-profit nursing homes are here on page 9, numbered as 17. How far are we along with that agenda?

[111] **Jocelyn Davies:** Linda has been having discussions quite recently and I am soon to meet with the Minister for Health and Social Services to find a way forward on this. Linda, do you want to outline progress?

[112] **Ms Whittaker:** We have been meeting with existing not-for-profit nursing home providers and also with those who have an aspiration to get into that sector. Although we have the capital funding to match-fund developers, there is also an ongoing revenue stream that would be required from that. So, it is important that we are working closely with our colleagues who work within the Minister for Health and Social Services' portfolio to work out how we are going to do it. It has become clear that it is a different sector to the one that we are used to with social housing in terms of how the subsidy can work in long-term revenue streams and in terms of the choice agenda, so we felt that it was important to meet with the Minister for Health and Social Services to look at who this is aimed at. However, because we have been having discussions over the last six months with potential providers, once that is ascertained and we can develop the policy, we should be able to move forward with it relatively quickly. There are schemes already out there, or those that are on the stocks that are ready to go, which we would be able to use our capital investment to help subsidise.

[113] **Janice Gregory:** Mark, you said that you had two more questions?

[114] **Mark Isherwood:** One of them is on the Supporting People programme. Your report states, in general terms, that you are working on the development of a formula to redistribute Supporting People funding across local authorities in Wales. What is the position of the Supporting People revenue grant? Is that included in that or not? As you know, there is huge concern in the voluntary sector about the loss of direct access to that funding.

[115] The second question is regarding the Welsh housing quality standard. If the tenants conclude, in the pre-consultation period before a council makes a recommendation, that they want a ballot, but the elected members conclude that they do not, do you believe that the tenants' view should prevail? Will it be tenant-driven or should the councillors override them? In your paper, you state that there are only two options under current UK Government rules. Of course, in England, the arm's-length management option has been reintroduced for those local authorities that meet certain capital requirements and in Wales this has been thus far discounted as unaffordable. However, it is incorrect to say that there are only two options under UK Government rules. Why is this unaffordable in Wales, while it is affordable in England?

[116] **Jocelyn Davies:** On the issue of the ballot, it is for the local authority and the elected members to stand accountable for decisions that they make, and it would be difficult for any of us to say, 'All the tenants want a ballot'. It will become clearer how the tenants can trigger a ballot, but the application would be made to Welsh Ministers by the tenants in order to trigger that ballot. We have not seen the details of that yet, but it is possible under the new Bill.

[117] **Ms Whittaker:** The reason why arm's length management organisations are not affordable in Wales is because we have a limited budget. We have £108 million per year with which we fund stock transfers and the major repairs allowance. So, whether it is gap funding for a stock transfer or a major repairs allowance for an authority that is retaining its stock, that £108 million is finite. The amount that would be required to fund an ALMO would take such a top slice from that that it would mean that it would reduce considerably the amount available to all other local authorities. That is why it has not become any more affordable in Wales.

[118] **Jocelyn Davies:** It is something that was explored some time ago.

[119] **Mark Isherwood:** UK Government rules have changed since the former Minister wrote to the Treasury.

[120] **Janice Gregory:** I am surprised that the officials—[*Inaudible*].

[121] **Jocelyn Davies:** I do not think that there is any local authority that has shown an interest in that, although we have a number who are retaining, a number who have already transferred and a number who have decided to transfer. Have we covered everyone's questions? Did we cover the redistribution?

[122] **Mr Webb:** With regards to the redistribution of the Supporting People funding, the redistribution question considers the whole of the Supporting People fund, which is Supporting People grant and Supporting People revenue grant. The reason for that is that the split between the two in any one authority is not consistent, so to redistribute only one element would in itself be unfair. We have agreed a set of parameters with the Welsh Local Government Association for the consideration of the formula, which include a range of protections around phasing in any potential formula in time to ensure that the impact is evened out.

[123] The Minister has yet to make a decision on redistribution and has asked only to have evidence put before her about what is and what is not possible around redistribution. So, we are investigating the possibility of a formula, which will be based on indicators of housing-related support need—they do not pre-exist, so we have to find those, which is the reason for the work. What we do know is that the existing distribution cannot really reflect housing-related support need in different authorities. The range, simply on a per-capita basis, is from around £16 per head in some authorities to about £74 per head in the highest-ranking authority. Without the indicators of need, we cannot say exactly what it should be, but, clearly, that is not representative of need. So it is incumbent on us to look at the possibility of redistributing on a formula basis, and then the Minister will have evidence on which to make a decision.

[124] **Peter Black:** I have probably had the First Minister's answer to this question, but, as you know, the commitment to increase the Supporting People revenue grant on a year-by-year basis is welcome, but we have had representations to the effect that, because there was an overspend in substance misuse services last year, this year's increase has effectively been taken up in meeting that overspend. As a result, people who are delivering services through

the Supporting People revenue grant on the ground have not benefited from that increase. I am interested in getting some clarification as to whether that is right or not.

10.00 a.m.

[125] **Jocelyn Davies:** The budget was overcommitted last year, so there was spending outside of the budget limits last year. There are substance misuse projects coming on-stream this year. The overspend was not due to last year's substance misuse projects, was it?

[126] **Mr Webb:** Not simply by them.

[127] **Peter Black:** I am just quoting the First Minister on that bit. [*Laughter.*]

[128] **Jocelyn Davies:** You can see from the budget that we have an increase of £25 million over the next three years and I have lobbied the Minister very hard. Every year, there has been lobbying of the Minister to get an increase and an inflationary uplift. I said to officials when I was appointed that we would not have overspends or underspends, and everybody would be perfectly clear as to what would be in the budget and what would be spent, and that there would not be any over-commitment or overspend on that budget. I said that there would be surety for the next three years for that sector in that it had that £25 million. However, as has happened in the past, if slippage from elsewhere covered the over commitment, you will face the same dilemma next year and the following years, and every single year, the sector will have to lobby in order to get that inflationary uplift. I do not think that that is a position that it should be in. It is not a comfortable position for me to be in this year, but, if we face it this year, the sector has surety and it will not have to lobby in the future.

[129] **Peter Black:** Is it the case, therefore, that this year's increase has basically been taken up by last year's overspends?

[130] **Jocelyn Davies:** Yes, that is exactly the position.

[131] **Peter Black:** So, on the ground, they are not getting the increase this year because it was overspent last year?

[132] **Jocelyn Davies:** Yes, because it was overspent last year or over-committed—however you want to put it.

[133] **Ms Whittaker:** They had an inflationary increase last year.

[134] **Jocelyn Davies:** They were given an inflationary increase last year that was outside the budget limit, which has also been the case in the past.

[135] **Peter Black:** Therefore, we have providers at the moment who are struggling because they do not have that increase. Is there any way that they can be assisted, because they were expecting that increase but did not receive it?

[136] **Jocelyn Davies:** The difficulty when you find money from another budget for something that goes into revenues is that you have to find it every single year. That is why they face having to lobby every year for more money. I will not be doing that; there will be no over-commitment, no overspend or underspend, therefore, they will benefit properly from the increase that has been put in the budget over the next three years. They will have surety, instead of facing exactly the same position next year. The sector has been aware of this for some time.

[137] **Mr Webb:** What that means is that the sector can have confidence that there are

available resources next year and the year after for inflationary uplifts.

[138] **Jocelyn Davies:** Which they do not have to lobby for.

[139] **Mr Webb:** That has been the first time that that has happened with the Supporting People budget since its implementation in 2003.

[140] **Jocelyn Davies:** We felt that it was important that those substance misuse projects, which have been worked up over time, were funded this year. We have met with them and I have made it clear how I feel about overspending, underspending and moving money from other budgets, namely that, even though there is a victory this year, you will face exactly the same situation next year. I do not think that that is a position that the sector should be in. I know that it is disappointing, and none of you, I can assure you, would want to be in the position that I have been in. I have also lobbied on their behalf and was delighted when the previous Minister was able to find that money, but when it goes into revenue, you have to find it year after year, so I am afraid that we are not able to do that.

[141] **Janice Gregory:** Thank you, Jocelyn, for that explanation and thank you all for attending committee this morning. It has been a very informative session. Thank you for answering the questions in such a frank and candid way. We will see you again soon—it will probably be another six months, I expect.

[142] **Jocelyn Davies:** When Sue Essex finishes the review, I think that you said that you would like us to come and have a session on that.

[143] **Janice Gregory:** Yes, that is lovely; it is pencilled into the diary, but without a date. You are on our radar. Thank you very much, Jocelyn, and thank you both as well.

10.04 a.m.

**Tystiolaeth i Ymchwiliad y Pwyllgor i Gam-drin Domestig: y Comisiwn
Cydraddoldeb a Hawliau Dynol
Evidence for Committee Inquiry into Domestic Abuse: Equality and Human
Rights Commission**

[144] **Janice Gregory:** We move on now to item 3, which is our evidence-gathering session for the inquiry into domestic abuse. I am delighted to welcome to the table, Sophie Howe, senior political officer, and Jennifer Dunne, research and foresight officer, from the Equality and Human Rights Commission. Thank you both very much for taking the time to come to committee and thank you for the information that you have provided and for the points that you wanted to make in your evidence as well. Sophie, will you please lead on the information that you have provided, and following that there will be a series of questions from committee members? As I tell all of our presenters—there are no trick questions. This is a serious inquiry into a serious issue and we want to try to get as much information as we possibly can to put into our report. Over to you, Sophie.

[145] **Ms Howe:** Thank you, Chair. I will just take you through the paper that we submitted and to raise what we feel are the most pertinent points. We think that domestic abuse represents an issue of deep-rooted structural inequality for women, and I am sure that other organisations have given you the facts and figures for domestic abuse, but I will recap on a few of them. Two women are murdered each week as a result of domestic abuse, 45 per cent of women have experienced some form of domestic violence, sexual assault or stalking. Domestic abuse is identified as a prime cause of miscarriage or stillbirth, and it is estimated that the total cost of domestic violence for one year is about £23 billion in England and

Wales. We think that services have traditionally been underfunded and, as you know, there has also been a low level of prosecutions of perpetrators of domestic abuse and violence.

[146] We think that it is a key gender equality issue, but it is also a human rights issue and Article 3, in particular, of the Human Rights Act 1998, places a positive duty on public authorities to maintain freedom from torture and inhuman or degrading treatment. So, we would like it to be considered in that human rights context as well. However, we see it most importantly in terms of the gender equality duty, which I am sure that most of you are aware of, and we think that the gender equality duty is a significant tool that can be used to ensure that public bodies are prioritising this issue. Gender equality duty places a legal duty to prioritise action on the most significant areas of gender inequality and we believe that, given the gravity, the scale and the impact of domestic abuse, public authorities should be considering domestic abuse as one of the key issues for them to tackle in terms of tackling gender inequality.

[147] Other duties, such as the race equality duty and the disability equality duty are also relevant, particularly in addressing what services need to be provided to meet the different needs of men and women, disabled women, black women, and so on. There are some specific issues and challenges around providing those services. For example, there are specific issues in terms of domestic abuse within black and minority ethnic women's communities; domestic abuse can often be perpetrated by the extended family and the abuse can often include things such as female genital mutilation, forced marriage, and it is often harder for black and minority ethnic women to access services, possibly because English is not their first language. So, there are specific issues there, as well as issues around immigration. When black and minority ethnic women do not have secure status in the country, that often gives the perpetrators of domestic abuse a further level of control over them and, again, makes it more difficult for them to access support.

[148] In terms of disability, we know that disabled women are twice as likely to experience domestic violence, are more likely to experience abuse over a longer period of time, and their injuries are more likely to be severe. Again, there are specific barriers for disabled women and men in accessing services for domestic violence, for example, something as basic as using public transport to access the services and other barriers to accessing support.

10.10 a.m.

[149] **Ms Howe:** In terms of age, Help the Aged reports that women are less likely to report incidences of domestic abuse. Also, there are issues around pension provision, which can make older women in particular vulnerable in that they may not have the financial means of escaping an abusive situation. There is also the issue of confusion between elder abuse and domestic abuse, and that can lead to some problems with service provision.

[150] In terms of lesbian, gay and bisexual issues, it has been reported that people are afraid to report domestic abuse for fear of being outed to family and friends or to various services—so, there are specific issues to deal with in that regard. We also wanted to cover the issue of domestic abuse as suffered by men, and we are absolutely clear that services should be provided to meet the needs of male victims of domestic abuse. However, we are concerned about public authorities seemingly misinterpreting their gender equality duty with regard to all services having to be provided equally. A lot of public authorities are telling us that they are concerned about providing services specifically for women if they are not providing an identical service for men, but the code of practice on the gender equality duty is very clear in that the gender equality duty does not mean treating all men and all women the same—it is about providing specific services to meet the needs of men and to meet the needs of women as well. It also says that single sex provision may be appropriate in certain circumstances and, indeed, there is an exception in the Sex Discrimination Act 1975 for services specific to one

sex to be provided in relation to domestic abuse.

[151] Although we are saying that the gender equality duty is an important tool that we and the Welsh Assembly Government can use to monitor the strategy on domestic abuse, we question whether it is being used properly at the moment. To that end, we have written to 125 public authorities, asking them to identify their top three priorities in addressing gender inequality. Only two of those public authorities told us that domestic abuse is in their top three. That gives us quite serious cause for concern. As I said earlier, considering the gravity of the situation and the impact of domestic abuse, a significantly higher number of public authorities should be identifying that issue as one of their key areas in tackling gender inequality. Arguably, it should be a priority for most, if not all, local authorities, the police, health authorities and, indeed, the education sector, where there are particular issues with attitudes towards domestic violence. You will see from our report that there are some quite worrying statistics for young men in particular, a large proportion of whom seem to believe that domestic abuse is acceptable. So there is clearly a big issue there in terms of education.

[152] We would strongly support the Welsh Assembly Government in using the gender equality duty to monitor whether the strategy that you have in place is working, and we would like to see public authorities required to publish what they are doing to tackle domestic abuse. We also think that domestic abuse needs to be seen in the wider context of violence against women. I do not know whether members of the committee have received a copy of the ‘Map of Gaps’ report—if you have not, certainly we can send a copy to you. This report, commissioned jointly by the Equality and Human Rights Commission and End Violence Against Women, sets out clearly what is being done in terms of action on violence against women or services to deal with violence against women in each region. Wales is doing reasonably well for services for domestic abuse with regard to the amount of funding that has been put in and so on, but when you look at it in the wider context, which includes sexual assault referral centres and issues around prostitution and trafficking, you can see that we are not doing so well. I would just draw your attention to what Scotland has done, as they are looking at their strategy as a violence-against-women strategy, rather than a domestic abuse strategy, the benefits of which have been set out quite clearly in this report.

[153] In Wales and Scotland, the funding provided specifically for tackling domestic abuse is the same at 15p per woman, or £151 per 1,000 women. When you look at what Scotland has put in within a violence-against-women strategy, it is actually £1.13 per woman. They have therefore made quite a significant investment, and we believe that domestic abuse needs to be looked at in this wider context.

[154] **Janice Gregory:** Thank you very much. It would be helpful if you could send each of us a copy of that report. It may well be that we have had it. Can you show me the front of it? No; we have not had a copy of that report. It would be wonderful if you could send us a copy, thank you.

[155] We are going to move to questions now, and Paul Davies has the first question.

[156] **Paul Davies:** Obviously, as an organisation, you have extensive powers to enforce the equality duties of organisations and authorities. How has the issue of domestic abuse been handled by you within the context of the information guidance that you provide to public authorities on their statutory equality duties?

[157] **Ms Howe:** We are a relatively new body; we only opened our doors last October and we are in the process of gathering information as to what public authorities in Wales are doing. A couple of months ago, our director, Kate Bennett, wrote to all 125 public authorities asking them to identify their top priorities. We are currently going through that information and identifying areas of concern. Obviously, we have identified the issue that only two of

them have said that domestic abuse is a priority for them, and we are considering what action we may wish to take in relation to that. Our chair, Trevor Phillips, in launching this report, gave a commitment on behalf of the commission that within a year we will be going back to public authorities to tackle them on what they are doing about domestic abuse. However, we need to look in more detail at the information we are gathering at the moment before we can decide what steps to take.

[158] **Nerys Evans:** Diolch yn fawr am y papur. A oes lle i'r comisiwn ddefnyddio'r wasg a chyfryngau newydd i gynnal ymgyrchoedd i godi ymwybyddiaeth ac ysgogi trafodaeth ynglŷn â thrais yn y cartref?

Nerys Evans: Thank you very much for your paper. Is there scope for the EHRC to use the press and new media forms to run campaigns to raise awareness of and encourage debate about domestic abuse?

[159] **Ms Howe:** There certainly is scope for us to do that and, indeed, this report was launched with quite extensive media coverage.

[160] **Ms Dunne:** We have also done recent research into people's attitudes to a wide range of issues, and domestic abuse was one of them, so I think we will do further media work.

[161] **Ms Howe:** It is seen as one of the key issues for the commission in terms of gender inequality, so it is certainly an issue that is high on our agenda. As I said, when we launched this report, there was quite extensive media coverage led by our chair, Trevor Phillips, and the research that Jennifer referred to will be published soon. I imagine that there will be further media coverage of this specific issue picking up on the attitudinal survey that is being conducted.

10.20 a.m.

[162] **Joyce Watson:** As a supplementary question to that, the message is a hard one to get across, and that is obvious because you still have 20 per cent of males and 10 per cent of females in a very young generation thinking that violence against women is acceptable. The generational thinking has not necessarily changed. If you add into that – and this is what I particularly would like to focus on in this question—the fact that domestic abuse exists within the disabled and the elderly sections of society, the message will be a very difficult one to get out and have people to come to terms with it, because we tend to think of those who care for the most vulnerable as caring people. However, evidence shows that that is not always the case. How, then, would you imagine getting that message out and changing that thinking in a media campaign?

[163] **Ms Howe:** I think it is very difficult, and much of it will come back to issues with regard to the curriculum in schools. We already know, as you said, that a worryingly large percentage of young people think that violence against women is acceptable. That demonstrates that a huge amount of work needs to be done with the youngest children coming through the system now. In terms of our campaigning work, we have already mentioned that we anticipate that this issue will be high on our agenda and figure prominently in our publicity. As to how we get a specific message like that across, we are currently looking at issues of abuse in care homes, for example, and the fact that care homes are not covered by the Human Rights Act 1998. That is likely to be an issue that the commission will focus on over the coming months. That then links back to what you describe, Joyce, as the perception of carers as caring people despite the fact that, unfortunately, some of these people are often the perpetrators of the abuse, and there is a link there to the work that we are doing.

[164] **Lesley Griffiths:** Thank you, Sophie, for your presentation and paper. You mentioned that you are very concerned about the attitude of public bodies towards domestic

abuse. You mentioned article 3 in relation to human rights and the fact that you would like public bodies to produce reports on the support and the resources that they provide and the action that they are taking. How can you in the commission use your legal powers to address a public body's failure to address domestic abuse as part of its responses to the various statutory equality duties?

[165] **Ms Howe:** The commission has powers to investigate and enforce the equality enactments, including the gender equality duty. As I said, we are currently collating the information that is coming in to us and ascertaining how we are to move forward with that. It could be that we would conduct an investigation specifically in relation to domestic abuse, for example, with regard to every local authority in Wales. We have not ironed that out completely from the top, as something like that would come from London. However, as I noted, our chair has already made a commitment that the Commission will look at enforcement action within a year if the situation has not improved. We do not know exactly at this stage how that will pan out, but he is on record as saying that.

[166] **Joyce Watson:** Following on from that theme, do you think that it would be useful to have local policing plans, given that the figures are so high and the fact that policing plays a major part in dealing with domestic abuse? Do you think that local policing plans ought to include domestic abuse or ending violence against women as a key target?

[167] **Ms Howe:** That would certainly help. We are not experts on policing plans or community safety partnerships, but our understanding is that domestic abuse has been one of the priorities in the direction given in Wales to community safety partnerships. Interestingly, however, we are about to embark on a piece of work around community safety partnerships and, more specifically, on hate crime. We have discovered, however, that community safety partnerships are not covered by any of the public sector's equality duties. Each of their partners or each of the member organisations is covered by public sector duties, but community safety partnerships themselves are not covered, for example, by the gender equality duty. That is quite a big gap, as it means that they do not have to produce equality schemes or prioritise gender equality issues in terms of what they, as a partnership, are doing. That is something that could be considered in the course of the Equality Bill currently going through Parliament. I do not think it is particularly high on the agenda in the Equality Bill at the moment, but it is a gap that we have only recently identified.

[168] **Mark Isherwood:** What particular areas of concern, if any, have been brought to your attention within Wales and in the Welsh context relating to domestic abuse? For instance, are you seeing reporting or requests for informational support at a similar level and of similar content in communities that either English or Welsh as their first language, or are there any issues specific to Wales?

[169] **Ms Howe:** We would not be the first port of call for reporting domestic abuse. Clearly, there are issues; I think your own strategy in fact flagged up issues of domestic abuse in rural communities in particular. There are also the issues that we have flagged up with regard to poor provision for women of a black or minority ethnic background. The main issue that we see in Wales is that of funding services for the victims of domestic abuse and services for tackling violence against women in its wider context. Certainly, we advocate a move towards the Scottish model, in which they look at the issue in a wider context, with specific funding allocated to addressing and tackling all those issues.

[170] **Joyce Watson:** Do you in the EHRC intend to support or monitor the implementation of the recommendations made by the former Equal Opportunities Commission in its report 'Domestic Abuse: The Facts', published in August 2007?

[171] **Ms Howe:** We will be doing that in the context of the enforcement work that we are

likely to undertake in relation to public bodies not specifying domestic abuse as a priority for tackling gender equality issues. That is really where our role is in this. Obviously, we are in a period of fluctuation at the moment with the Equality Bill going through. Well, it has not been announced yet, but we understand that it is imminent. There may be some difficulties around that. We know that public bodies are not doing what they should be doing in terms of domestic abuse in the gender equality duty at the moment. When they have a new set of legislative proposals and new rules and regulations to follow, whether we slip back further before we start going forward could well prove to be an issue.

[172] **Nerys Evans:** Clywsom dystiolaeth bod pryder am yr ystadegau ar gyfer nifer y dynion sy'n dioddef trais yn y cartref. Yr ydym hefyd wedi clywed tystiolaeth fod ystadegau'n gamarweiniol gan fod cynifer o'r achosion yn erbyn dynion yn seiliedig ar dorri'r gyfraith yn hytrach na thrais yn y cartref. A ydych yn credu bod modd cymharu'r ystadegau am brofiadau dynion a menywod yn y cyd-destun hwnnw?

Nerys Evans: We have heard evidence of concerns about statistics showing how many men suffer domestic abuse. We have also heard evidence that the statistics are misleading because many of the cases brought against men are based on breaking the law rather than domestic abuse. Do you think it possible to compare the statistics for men's and women's experiences in this context?

10.30 a.m.

[173] **Ms Howe:** It is very difficult, and again, we are not the experts in this field. We are coming at it from the gender equality duty angle. Our understanding is that one in every four women experiences domestic violence, and one in six men experiences domestic violence. The difference between the two is that the women tend to experience domestic violence over a long period, and the injuries and the impact tend to be severe, whereas the figure of one in six for men experiencing domestic violence tends to be for one-off incidents. In that regard, I do not think you can compare the statistics. When you look at those statistics, on the face of it, it is quite shocking and quite easy to compare and make a case to say that we should be providing the same services across the board for men and women. When you look a bit deeper into those statistics, however, it becomes clear that women are still the primary victims of domestic abuse and therefore there is a clear case for making sure that specific services are provided to meet their needs. That is not to say that services should not be provided for men but, as I mentioned in outlining the paper, we are concerned about this confusion about authorities thinking that they have to provide identical services, as that is simply not the case in terms of the gender equality duty. Whether that is a misunderstanding on the part of the public authorities and we as a commission have a job of work to do in making that clear, or whether that is an excuse for inaction, we have not got to the bottom of it yet. However, I am certain that we will before long.

[174] **Nerys Evans:** Yr ydych yn sôn bod diffiniad yr Alban yn ehangach parthed trais yn erbyn menywod. Yn amlwg, mae'n ddeniadol o ran faint y cyllid y maent yn ei gael yn sgîl ehangu'r diffiniad. Er hynny, onid oes perygl y caiff elfennau seicolegol eu hanwybyddu os caiff y diffiniad ei ehangu i drais yn erbyn menywod yn unig?

Nerys Evans: You mentioned that the definition in Scotland is wider with regard to violence against women. Obviously, it is attractive with regard to the amount of funding allocated as a result of widening that definition. However, is there not a danger that psychological elements will be ignored if the definition were to be widened to just violence against women?

[175] **Ms Howe:** I think that other organisations would probably be better placed to answer. We are saying that it clear; Scotland's violence against women strategy covers child sexual abuse, domestic violence, and sexual violence, and it has a particular focus on services for black minority ethnic women, as well as including prostitution as a form of violence against

women. We are saying that when all of those issues are brought together, there appears to be more concerted action and more targeted funding at addressing the problems. That is not to say that each aspect of violence against women is not important in its own right, and while there would be some crossover between the sorts of services that women in prostitution and women who are the victims of domestic abuse would need, they would also need different services. As for how that would be done, I think that other organisations are better placed than us to comment.

[176] **Joyce Watson:** I have a quick supplementary question. I want to make it clear that I do not disbelieve the statistic that one in six men experiences single incidents of violence. However, when you collect that evidence, or where it is stated, is it often tied up with a prosecution, and does it form part of a counterclaim?

[177] **Ms Howe:** I do not think it is our statistic; it is from a crime survey, so we would have to look in more detail, Joyce, to give you the full picture.

[178] **Janice Gregory:** Thank you. We will of course be hearing evidence from the Dyn project fairly soon, the organisation that provides support for male victims of domestic abuse. We could ask its representatives the same question. If you can find that information, it would be most useful if you could let us have it. Mark, you wanted to ask a supplementary question?

[179] **Mark Isherwood:** This is actually related to what you have just said about the Dyn project. I visited it two weeks ago in Cardiff and had a meeting there. I think that they would support your contention that the mix of services that a male victim might require would be different in many respects to that provided to women, although obviously there is an overlap. You mentioned a lot about violence: what consideration have you given to other forms of abuse, such as financial, psychological, or verbal abuse, for example?

[180] **Ms Howe:** I think that 'domestic abuse' would cover those forms of abuse as well. It is not just physical abuse; it is emotional abuse and financial abuse. We touched on the issue of black minority ethnic women and particular issues in relation to immigration status and similar issues. I think that we would see it encompassing all those issues.

[181] **Janice Gregory:** Some call it 'violence' and others call it 'abuse', but it encompasses all of those. Finally, Peter.

[182] **Peter Black:** How do you think the evidence base can be strengthened and developed in a way that better reflects differences of experience and circumstance according to sex, age, ethnicity and sexual orientation?

[183] **Ms Howe:** There is a fair bit of research out there. Obviously this one was specifically looking at the provision available. It is something for which the commission could commission further research, looking at exactly the issues that you have touched on in more depth with regard to the particular issues that disabled women face and in more depth with regard to the particular issues that men who are the victims of domestic abuse face to ascertain what services they need to meet their needs. We do not have any firm plans to do that at the moment and we are still developing our business plan for the coming year. However, as I said, there is a commitment from the commission that this will be an area of high priority for us, and so it is possible that we may be able to commission evidence gathering, either undertaken by us or in partnership with other organisations as we have done in this case.

[184] **Janice Gregory:** I am sure that you will be glad to hear that there are no other questions. Thank you very much for your written and oral evidence. You will be sent a transcript of the evidence-gathering part of today's session. Please check through it to make

sure that everything is factually correct. As I tell everyone, you cannot alter something that you wish you had not said, as we often would like to do; if you said it, you said it. Just check for factual errors. Thank you very much indeed, both of you.

[185] For Members' information the next meeting will be on 14 May, when we will continue to gather evidence on the domestic abuse inquiry from the Association of Chief Police Officers in Wales, and from Professor Jonathan Shepherd of the University Hospital of Wales. Thank you all for your attendance; I now declare the meeting closed.

Daeth y cyfarfod i ben am 10.37 a.m.
The meeting ended at 10.37 a.m.