



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Cyfle Cyfartal
The Committee on Equality of Opportunity**

**Dydd Mercher, 16 Gorffennaf 2008
Wednesday, 16 July 2008**

Cynnwys
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi 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

Eleanor Burnham	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Bethan Jenkins	Plaid Cymru The Party of Wales
Ann Jones	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Nick Ramsay	Ceidwadwyr Cymreig (yn dirprwyo ar ran Mark Isherwood) Welsh Conservatives (deputising for Mark Isherwood)
Joyce Watson	Llafur (yn dirprwyo ar ran Huw Lewis) Labour (deputising for Huw Lewis)

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

Claire Griffiths	Dirprwy Deputy Clerk	Glerc
Tom Jackson	Clerc Clerk	
Helen Roberts	Cynghorydd Cyfreithiol y Pwyllgor Legal Adviser to the Committee	

Dechreuodd y cyfarfod am 9.31 a.m.
The meeting began at 9.31 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Ann Jones:** Good morning, everyone, and welcome to the last meeting of the Committee on Equality of Opportunity for the summer term. The usual housekeeping rules apply. We are not expecting a fire drill today so, if we hear the alarm, we should follow the instructions of the ushers—and I assure you that I will be at the front of the queue out of here. You all know that you do not have to press the buttons on the microphones, as they come on automatically. I ask everyone to switch off their mobile phones, BlackBerrys, pagers and anything else that may affect the broadcasting equipment.

[2] We have received apologies from Mark Isherwood, and Nick Ramsay is substituting for him. It is nice to welcome Nick back. We have also received apologies from Huw Lewis. Most of us will know that Huw and Lynne had an addition to their family last weekend—a baby boy—and we send our congratulations to them. There is no name as yet, but I will keep you informed of that. Joyce Watson is substituting for Huw but, so that Members are aware, a motion is tabled for Plenary this afternoon for Joyce to replace Huw permanently as a member of this committee. So, Joyce, we wish you a very warm welcome. You left us briefly, but you are rejoining us in the autumn term, and we are pleased about that.

[3] Does anyone have any interests to declare before we move on? I see that you do not.

[4] We will go into private session for item 5 on our agenda and I will ask someone to propose a procedural motion under the appropriate Standing Order at that time. I see that Eleanor is volunteering, so we will do that when the time comes.

9.32 a.m.

Rhaglen Waith y Pwyllgor Committee Work Programme

[5] **Ann Jones:** This item is to discuss our autumn work programme, so I open it up for comments or discussion from Members. We also have to decide the topic for our next review. We have had three suggestions and we have looked at one, which I was keen to do, namely to look at carers' allowances and at whether we could help once the allowance stops at age 60—it does not actually stop then, but it is superseded by other benefits. However, apparently we cannot tackle that because social security issues are not devolved; they remain matters for the Department for Work and Pensions, so it would be a pointless exercise. Therefore, that has been ruled out, as we do not have the relevant powers. However, perhaps later, we could issue a letter to the Government in London or ask our Ministers here to consider that and to open up the discussions on it.

[6] Mark raised the issue of care home residents being covered by the Human Rights Act 1998. Carers and issues of abuse of the elderly also came out of that, which we can look at, as it comes within our powers.

[7] The other suggestion made by Eleanor was that we look at equality issues in relation to men and women, such as differences in pensions and earning potential in older age. Some aspects of that are not devolved. Therefore, in considering the forward work programme, we need to discuss what we are going to do, so it is open to you.

[8] **Eleanor Burnham:** I am aware of what you say, namely that we cannot do a review of an area that is not devolved to us, but could we not make a short statement, which would bring pressure to bear on the Department for Work and Pensions? We could consider tax credits, as I am sure that many issues are brought to Members' attention—although I know that we have to pass them on—about the complexity of the state taxation system, even about people having to send money back. I also mentioned closing the pay gap that currently means that women are poorer. Can we not make some statements, and press the Minister to make representations, as well as us as a committee and you as Chair, by sending a note to Westminster to show the strength of feeling here? We need to do this and perhaps we could do it with Scotland—or would that be too political?

[9] Secondly, if the budget has to be laid by 7 October, why are we discussing it on 16 October?

[10] **Ann Jones:** It is because the Finance Committee requires every committee to submit its views by 21 October, so we will have it for a week and then we will have to make our views known to the Finance Committee.

[11] **Eleanor Burnham:** It is laid in the Table Office, is it?

[12] **Ann Jones:** Yes. So, we will have the budget and we can then discuss that.

[13] **Eleanor Burnham:** Could you answer—

[14] **Ann Jones:** Let us look at the draft forward work programme now, and then we will look at the terms of reference. Are there any other comments on the forward work programme? We are having difficulties getting all the Ministers to find suitable dates to attend committee, because their diaries are causing problems, even at this stage. We are still

working on that, and so the dates may change, but they will attend in principle. I think that that is pretty much sorted out.

[15] **Eleanor Burnham:** If we are to look at older people's issues, when is the Commissioner for Older People in Wales coming to committee?

[16] **Ann Jones:** She came last week.

[17] **Eleanor Burnham:** Yes, I know, but as we are looking at this issue, would it be too early to see her again?

[18] **Ann Jones:** Yes, really. She came to talk to us about these issues, and, if we do a piece on older people, which I think that we have agreed to do, Ruth will be involved in that, but at the later stages when we have received some evidence. We might ask her to come to share some of her expertise on the evidence that we have received. As you know, we will be discussing our migrant workers report later today, and we have to agree that in October, so all that we are doing with this next review is starting the terms of reference so that we can get some stuff done over the recess. I do not think that we can put much more into the forward work programme, unless something urgent crops up, which means that we will have to do it.

[19] **Bethan Jenkins:** It states in the work programme that we will reconsider the recommendations on the provision for young disabled people in the summer of 2009. Why is that so far down the list? I acknowledge that the task and finish group is in place, but I would have liked to put that forward a bit perhaps, so that we can keep the Minister on the ball.

[20] **Ms Griffiths:** When the Minister came to committee to discuss that item, just after the half-term recess, we agreed that we would write back to her. Originally, we tried to get her to come to the January meeting, when the young people came back. The cycle will be brought forward, and the Chair will write to the Minister in January for a further update, because that will then be two years since the report was published. Following the Minister's reply, we will consider whether we would like the Minister to come back to committee.

[21] **Ann Jones:** So, we will get two bites at that cherry. We will get the written response, which we can discuss, and then, if necessary, we will invite the Minister again in the spring or summer.

9.40 a.m.

[22] **Joyce Watson:** My point is not on the forward work programme but looks beyond that. It might be a good idea for us to consider older people in work, particularly the recruitment of older people. In Wales, most people are employed in the public sector, which retains its staff fairly well. However, evidence shows that it does not necessarily recruit older people—that is, those aged 50 plus—despite the fact that a large number of people in that age group need work but cannot find it.

[23] **Ann Jones:** Okay, that is fine. That is another issue to consider. Can we agree the forward work programme first, though, and get that out of the way? Is everyone happy with the forward work programme? I see that we are.

[24] We now have to decide our next terms of reference and then fit the scrutiny sessions around it, so that the next report is scrutinised. On the points that you raised, Eleanor, we could write to the Department for Work and Pensions on the social security issues. We have to decide what the outcome will be and what we want to gain from it. Perhaps we could look at that. I think that you are right that we have to raise the issue.

- [25] **Eleanor Burnham:** It will then know that we are here and that we have a voice.
- [26] **Ann Jones:** Absolutely. We will do some work on that, draft a letter, and see where we are going. I also want us to look at the issue with carers as part of that. It is not yet within our powers, but, as you said, we ought to flag those issues up and say that we are concerned about them and hope that the DWP will take notice of the Assembly's Committee on Equality of Opportunity when it makes decisions. Therefore, we have narrowed it down to older people in work and recruitment, and the abuse of the elderly, which can be as drilled down and as focused as we want it to be.
- [27] **Eleanor Burnham:** Could it also encompass drug use? I was listening to Radio 4 the other day, and I heard that inappropriate drugs are often administered to people who have Alzheimer's disease—anti-psychotic drugs, and so on. I discussed this with a GP only the other day. It is part and parcel of that misuse, because they are drugged to the eyeballs.
- [28] **Ann Jones:** That is abuse of the elderly in a way, is it not?
- [29] **Eleanor Burnham:** I want it to be a part of our work programme.
- [30] **Ann Jones:** It could be, if we decide to look at abuse of the elderly. Does anyone have any other views?
- [31] **Bethan Jenkins:** As discussed in the previous meeting, I want to do something about the abuse of the elderly, especially with regard to the transition when older people go from owning their own properties to entering the care home sector. I know that much of this is to do with local authorities' power, but, as the overarching body that monitors local government, we have a responsibility in that regard. It has quite a high profile at the moment, so I think that it would be beneficial to conduct an investigation along those lines, incorporating Mark's suggestion about the Human Rights Act.
- [32] **Joyce Watson:** On human rights, there is a campaign to ensure that older people get one hour's fresh air per day. Is it abuse that elderly people who should be able to get fresh air for an hour a day do not in some cases? The reason why it is an hour a day is that, if you were locked up in a prison, it would be your human right to spend an hour a day in the fresh air. However, there is evidence to show that, in many care homes, elderly people do not even own any shoes—they are not needed as they are not taken outside at all. There might be very good reasons for that in some cases, but perhaps not in others.
- [33] **Ann Jones:** That is a fair point. Helen Roberts has been doing some background research for us, for which we are grateful, and it appears that the Ministry of Justice and the Department of Health are now considering proposals to extend the application of the Human Rights Act 1998 to publicly arranged health and social care services. They may decide to table a Government amendment to the Health and Social Care Bill. With that as background, our doing a piece of work on that might push the issue a bit.
- [34] **Nick Ramsay:** Does that link in with Eleanor's point about drugs? Are you talking about one programme?
- [35] **Ann Jones:** We are not.
- [36] **Nick Ramsay:** Will they be two separate programmes?
- [37] **Ann Jones:** We could unify them. On the Human Rights Act, I think that Mark was more interested in care home residents being covered. At the moment, it appears as though they are not covered, because that setting is not covered by the Act.

[38] The Ministry of Justice is looking at it and if it puts the amendment into the Health and Social Care Bill, it may be that that amendment would then cover the residential care setting.

[39] **Eleanor Burnham:** Is that—*[Inaudible.]*

[40] **Ann Jones:** We do not know.

[41] **Ms Roberts:** We would need to look into it further.

[42] **Eleanor Burnham:** If all these issues are part of one consideration, namely care of the elderly, and if, as you say, we can push the human rights aspect and that is in situ, then all the other issues are part and parcel of it anyway.

[43] **Ann Jones:** I was thinking that we could—

[44] **Eleanor Burnham:** We could be there soon, Chair.

[45] **Ann Jones:** Some of us will be there quicker than others, and the way that I feel at the moment—

[46] **Bethan Jenkins:** You have a vested interest.

[47] **Ann Jones:** Yes, I think that we had better declare an interest at this point. *[Laughter.]*

[48] I think that we could do something on abuse of the elderly with regard to the care setting being covered under the human rights legislation in terms of access to fresh air, which Joyce mentioned, and the transfer of property when they go into the care sector. We could look at that as a theme. We could also look at the drugs issue as a theme. If we took those—

[49] **Eleanor Burnham:** That will take us all of next year.

[50] **Ann Jones:** Yes, it will. We may very well be able to include older people who are in work and recruitment as a theme, because there may be abuse of older people who are working. They may be so grateful to still be in work that they do not let people know that they may be experiencing discrimination. We could look at that. If we took those issues as the four themes in the term—

[51] **Eleanor Burnham:** What term is that?

[52] **Ann Jones:** The term is ‘elder abuse’. We will see how long that takes us. Perhaps we could do some preparatory work during recess just to get it going. It will be a wide-ranging report, but if we just base it on those themes, we might be able to do it.

[53] **Bethan Jenkins:** I went to the deafblind event in the Assembly the other day, and people there were making frequent reference to the strategy for older people. Perhaps we could look at that first and see whether there are any themes that we could bring through from that.

[54] **Ann Jones:** That is a good idea; we could do at that. We could pull out items from the strategy for older people. If we can look at doing some preparatory work on those themes

and get to a position whereby we have terms of reference, would Members be happy to receive them by e-mail? We would have to come back and officially agree them at the start of next term, but it would give the secretariat and those of us who want to—

[55] **Eleanor Burnham:** We have full confidence in their capabilities.

[56] **Ann Jones:** Yes, we all have. It would give us a chance to get some stuff out and then we could perhaps issue a call for written evidence. It might be easier to do that during recess.

[57] **Mr Jackson:** We would also need Members to agree electronically that call for evidence.

[58] **Ann Jones:** Yes. I think that we have agreed that we will do that outside committee. I am sure that you do not want to come down in the middle of August to spend five minutes rubber-stamping the terms of reference.

[59] **Joyce Watson:** One other thing that amounts to abuse is the waiting time for local government to undertake adaptations in disabled people's homes. Could we do a very quick paper exercise to see what those waiting times are? It links in to all of this. Very often, people cannot get into their homes, out of their homes or around their homes because of the waiting times. I know that, in Pembrokeshire, for example, the waiting time for adaptations is over three years. You can look at it under elder abuse, but you will find that the adaptations are for disabled people of all ages. However, it is about not even being able to go home.

[60] **Ann Jones:** I think that the Social Justice and Regeneration Committee did a report on that. We could have a quick look at that report and see whether there is anything that we can pull out. Would that be all right?

[61] **Joyce Watson:** Great.

[62] **Ann Jones:** We are finding work to do left, right and centre. We will be sitting until midnight every week when we come back. You realise that, do you not? So, we are happy with the themes that we will go away and explore, and we are happy with the forward work programme. Is there anything else? Speak now, or forever hold your peace, as they say.

9.50 a.m.

Adroddiad ar Ddogfennau sydd wedi'u Cyhoeddi ar gyfer Pobl â Nam ar eu Golwg

Report on Published Documents for Visually Impaired People

[63] **Ann Jones:** We move on to item 3, which is our short report on published documents for visually impaired people. Members will know that we looked at this with members of Deafblind UK at our last meeting. Are Members happy with that report? Once we have agreed the report, we will write to the people concerned. Our action points are: to write to the Assembly Commission to highlight areas for improvement on the National Assembly for Wales website; to write to the Minister for Social Justice and Local Government, requesting information on how many local authorities have an accessible information policy and what is in it; and then to write to the Minister for Health and Social Services, asking for the same information in respect of Welsh health authorities and health boards. Are we happy with that? Do we agree it? I see that we do.

[64] That brings us to a close, provided that we have agreement to move into private

session. I thank Members. Over this last term we have seen some changes in committee secretariat—I am sorry, I mean committee membership. That has set hares running. You have been here longer than a term, Tom. I do not know what made me think that. I thank Members past and present for coming to these meetings. We have arranged an informal meeting for the first Tuesday that we are back, so there is no let up.

[65] **Eleanor Burnham:** Is that in our diaries?

[66] **Ann Jones:** We will send an invitation for your diaries by e-mail, but it will be on 23 September in dining room 1, to enable—

[67] **Eleanor Burnham:** At what time, please?

[68] **Ann Jones:** It will be over lunch time—probably at 12.30 p.m.. The meeting will enable us to look at the final draft report of the migrant workers inquiry. We also have the Equality of Opportunity Committee from the Scottish Parliament coming to visit us next term; we have tried to arrange a visit that coincides with a committee meeting, but we have been unable to do so because of diary commitments. So, the Scottish committee is coming on Tuesday 25 November, and we will meet at lunch time, so again, please put that in your diaries. At that meeting, we will also potentially be hosting the equivalent committee from the Northern Ireland Assembly.

[69] **Eleanor Burnham:** They are called Members of the Legislative Assembly.

[70] **Bethan Jenkins:** Can we not go over there?

[71] **Ann Jones:** Unfortunately not. We tried, but we were not able to arrange that. However, we may do a visit in the next term—we will see what we can do. So, that meeting will be at lunch time on Tuesday 25 November, and that is just a marker for your diaries.

[72] I hope that we all get some rest over the recess and that we will come back refreshed to take on our next inquiries.

9.53 a.m.

Cynnig Trefniadol Procedural Motion

[73] **Ann Jones:** Would someone propose that we exclude the press and public from the remainder of the session?

[74] **Eleanor Burnham:** I propose that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 10.37(vi).

[75] **Ann Jones:** I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion carried.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 9.53 p.m.
The public part of the meeting ended at 9.53 p.m.*

