

MINUTES**EQUALITY OF OPPORTUNITY COMMITTEE****Date:** 13 February 2003**Time:** 9.30 am**Venue:** Committee Rooms 3 and 4, National Assembly Building**Attendance:**

<i>Members</i>	Ann Jones (Chair)	Vale of Clwyd
	David Melding	South Wales Central
	Lorraine Barrett	Cardiff South and Penarth
	Carwyn Jones	Bridgend
	Val Lloyd	Swansea East
	Peter Rogers	North Wales
	Janet Ryder	North Wales
<i>Officials</i>	Owen John Thomas	South Wales Central
	Yasmin Hussein	Head of Equality Policy Unit
	Huw Jones	Equality Policy Unit
	Dr Ian Thomas	Local Government Modernisation Division, Community Strategies Team
<i>Standing Invitees</i>	Will Bee	Disability Rights Commission (DRC)
	Kate Bennett	Equal Opportunities Commission (EOC)
	Dhamendra Kanani	Commission for Racial Equality
<i>Expert advisers</i>	Elizabeth Jordan	Edinburgh University
	Tim Wilson	Cardiff Gypsy Sites Group
<i>Invitees</i>	Richard Jones	British Deaf Association
	Paul Redfern	British Deaf Association
	Erica James	BSL Interpreter
	Tracy Pycroft	BSL Interpreter
	Joanne Naughton	Palentypist
<i>Secretariat</i>	Claire Bennett	Committee Clerk
	Lara Date	Deputy Committee Clerk

9.30 - 9.35 am

Item 1

Introduction, apologies, substitutions and declarations of interest

1. The Chair welcomed everyone to the meeting. Apologies had been received from committee members Eleanor Burnham AM, Helen Mary Jones AM and Huw Lewis AM, from standing invitee Derek Walker of the Lesbian, Gay and Bisexual Forum, and from Karen Sinclair AM, Chair of the All-Party Group on Deaf Issues, who was now unable to attend in relation to Item 3 of the agenda.

9.35 - 9.40 am

Item 2

Minister's Report

Paper: EOC-02-03(p1)

1. The Minister made the following additions to his written report:
 - Members would note that there was an intention to launch consultation on the Assembly's Race Equality Scheme at the end of March but this was a tight and perhaps over-ambitious deadline. If the consultation documents could not be produced in time the Minister would prefer to delay until after the elections. Quality was more important than speed, and the Minister reassured the committee that he wanted consultation to be worthwhile and all-encompassing.
 - At the last meeting it was agreed to bring an Absolute Duty to the attention of the UK Government and other devolved bodies. Letters were now ready to go out, and he intended to meet members of the Scottish Executive to assess the equality situation in Scotland and the decisions they are taking.
 - A letter had been received from the Home Office confirming that they would not be pursuing Sully Hospital as an accommodation centre for asylum seekers.

9.40 – 10.35

Item 3

Presentation from the British Deaf Association (BDA) on the use of British Sign Language (BSL)

Paper: EOC-02-03(p2) – British Sign Language

The Chair welcomed Richard Jones and Paul Redfern from the British Deaf Association, who presented to the committee using British Sign Language. The committee was grateful for communications support from a palentypist and two BSL interpreters, and to Wales Council for the Deaf, RNID and others who had assisted with these arrangements. The main points of the presentation were:-

- BDA was the only National organisation in Britain that was led by deaf people. They believed that the committee was the only one in the UK that recognised or accepted BSL.
- The fact that BSL was not officially recognised should be challenged. In the education of deaf people there was no opportunity to learn through BSL and some schools discouraged its use generally. Lots of deaf people would leave full-time education with a reading age of approximately 8 years, and be unable to access information or services as a result. They were excluded from public life, and BDA thanked the Assembly for giving them the opportunity to present their case.
- Comparison was made between past oppression of the Welsh language and the situation with BSL. The Welsh language policy was a model of achievement BDA wanted to adopt, as it wanted BSL to have the same recognition. TV presenter Huw Edwards had said of the history of the Welsh language ‘Welsh language can survive with your support and your goodwill.’ The same was true of BSL.
- There were some myths about education for deaf children that should be cleared up. 85-90 per cent of deaf children might go through school using aids and equipment and having no problems as a lot of children had minor impairments. But 10 per cent of children did not benefit from hearing aids and it was a great concern that their education was affected and they were marginalised.
- These children needed to understand how language works and become bilingual (in BSL and English), to learn successful citizenship, to be integrated in their own families and to become successful employees. Many would leave school with limited social skills, unable to interact with their families in comparison to their hearing siblings. BSL must be recognised to meet the needs of the 10 per cent who were otherwise often forgotten or ‘hidden’. There was a place for BSL in the National Curriculum. This would give hearing and deaf people the opportunity to learn BSL and lead to increased inclusion for deaf children. The BDA pointed to a mixed picture of attitudes in the education sector in Wales, for example some schools had refused to send children to a BDA ‘fun day’ in South Wales last year because they might see sign language.
- £1.5 million was being spent on provision of digital hearing aids and audiological equipment in Wales. This was very helpful and welcome, but a small proportion of deaf people would derive no benefit. If the equivalent of 10 per cent of that money was spent on that 10 per cent of people it would be a positive step. For example it could train deaf people to become BSL tutors – in Wales there was a shortage of sign language interpreters. They were needed to train deaf children and hearing children too, so that they could communicate with deaf peers and teachers.
- It had been expected that recognition of BSL announced in Westminster, but this had now been postponed. A seminar would be held in Bristol in March to launch a BSL charter to announce what BDA intended to do to promote needs of sign language users. It would be

a welcome step for the Assembly to adopt the charter and lead the way.

- In summary BDA recommended that the Welsh Assembly Government; give the equivalent of 10 per cent of current funding of services to deaf people towards BSL; include BSL in the National Curriculum; sign up to the BSL Charter. This would help put an end to social exclusion and under-employment of deaf people.

The main points of the discussion were:

- The committee thanked BDA for its presentation.
- They did not want to see funds taken away from other services for deaf people to go towards BSL but would rather see BSL have its own, additional budget.
- Lorraine Barrett AM had previously discussed learning BSL and ways to set up signing classes in the Assembly with Richard Jones. She hoped to be able to return to this in the future.
- The committee discussed the role the media could play in promoting BSL. For example through the introduction of characters into programmes who would highlight the experiences and challenges of profoundly deaf people. The BDA supported this suggestion, but noted reluctance amongst broadcasters, they also explained that the provision of in-vision signing by TV companies was managed by legislation and 2 per cent had BSL in vision. Most adult programming in the BBC (on the 'sign zone') was after 12 midnight, so it was not suitable for most people.
- BSL used different symbols to other countries' sign languages, for example American Sign Language, but it was possible to adapt to communicate with people from other countries. Indeed this was easier to do than trying to adapt communication between two spoken languages.
- Disability Rights Commission took the issue of BSL very seriously and had put a submission to the UK Government under the EU Charter on Minority Languages. BSL was a language in its own right, with its own dialects, for example slight differences between North and South Wales. It needed to be recognised in that context and DRC supported the work of the BDA.
- DRC was thinking of developing the BSL scheme in its work and how it communicated including installing a video link to overcome problems of profoundly deaf people accessing their telephone helpline. It was of great concern that there was a critical shortage of sign language interpreters and palentypists in the UK. When legislative amendments to the Disability Discrimination Act came into effect in September, schools and universities would be required to provide interpretation for lectures and seminars. There were not enough personnel to meet this need and it provided a defence for institutions not to comply with the legislation. DRC was attempting to map the situation and hoped the Assembly, through Education Learning and Training for Wales would release funds to address that situation.
- BDA wanted more training resources, and training tutors was the first step before training interpreters. It might be necessary to split funding between the two, with tutors a priority. The total target for tutors across the UK was about 1,000, and for Wales it should be

around 100. At present there were probably about 10 in Wales. Training was in two parts. Firstly teacher training and secondly to learn the language, not just the symbols. To fill all the gaps in provision would require millions of pounds.

- Jim Edwards was present as an observer from RNID and was invited to contribute to the discussion. RNID endorsed BDA's proposals. The Assembly had done a lot to improve access and BSL recognition was one part of that. The fact that the issue was being discussed in the Equality of Opportunity Committee, and not in Health and Social Services, was significant as it recognised that this was an issue that affected the lives of deaf people across the board. Through this committee it would be possible to promote work by on this issue all over Wales, in schools, colleges and so on. There were clear proposals sitting on the table ready to be activated if bodies like ELWa and the Education and Lifelong Learning committee could be persuaded to take them forward. An example was in relation to drafting new 'early years' practical guidelines for 0-2 year olds and encouraging a positive message about screening children early and choosing the best option(s) for the child, including BSL. For some younger deaf children their hearing was expected to deteriorate, and therefore making BSL available to them early would be a tremendous help in the future.
- Providing good quality information was very important. At the moment in Wales there were no deaf teachers, and very few in education as a whole, and possibly no one working in health either. Many parents viewed their child's deafness as a tragedy, and having deaf adult role models was important to help children to manage their lives and succeed.
- CRE noted that the current review of the national curriculum took account of these issues, and with communicating with hard-to-reach groups in the community. The stigma attached to deafness in some communities meant diagnosis did not take place, including in the Black and Asian communities in other parts of the UK. Community development work should be considered. BDA was aware that in London the proportion of non-White deaf clients in social services was 51 per cent, which had indicated a potential problem area. The Board of BDA intended to co-opt its first representative from a minority ethnic group to take this forward. RNID knew of 2 projects in Wales working with to develop policy in this area.
- The attitude towards use of BSL depended on whether people used the medical model, where health personnel felt people must be made to be hearing, or the social model, which looked at giving people equal access to information and services. When babies were born deaf their parents learnt to sign to communicate with them. As children grew up they learnt to sign and to speak and it was a myth that a child who signed would be unable to speak. A baby taught through BSL had language acquisition in advance of its peers and as a general rule this helped them with speaking. A lot of people saw deafness as a tragedy and had a sincere belief that teaching a deaf person to speak was the only way for them to integrate, but equality was not achieved in that way. It was important that children were given the choice of both BSL and speaking, otherwise if they failed to speak they were labelled as a failure.
- The Chair thanked all those involved in the presentation and was sure that the committee would return to the issue later. She invited those involved to provide feedback after the

meeting about the practical arrangements and any ways it could be improved in the future.

Action points

- The Committee would formally write to the Minister asking him to pursue obtaining a budget line for provision of BSL with the Finance Minister.
- The All Party Group on Deaf issues would meet with the Minister to look at the numbers and costs involved and ways to progress if a budget line was obtained.
- The Committee members would also look at how they could gather more information about the status of provision of BSL in LEAs and the National Health Service and existing barriers to provision such as shortages of BSL-trained staff.

The committee agreed to break from 10.35 – 10.45

10.45 – 11.30

Item 4

Single Equality Body

EOC-02-03(p3)

1. Yasmin Hussein and Huw Jones were in attendance to update the committee on the UK Government's consultation on the Single Equality Body and to provide an opportunity for the Committee to comment. Yasmin Hussein was welcomed as the new head of the Assembly's Equality Policy Unit.
2. The UK Government has set out three possible structural options: a Single Equality Body, a single gateway or an over-arching Commission.
3. An annex to the Committee paper outlined findings from workshop-based consultation events that had included representatives of each of the six equality strands, trade unions, public and voluntary sector employers and some private sector employers, as well as the Welsh Language Board. The main findings listed in the paper, but in summary:
 - There was support for the concept of a Single Equality Body.
 - There were concerns about practical aspects including the need for legislative underpinning, for example through a Single Equality Act and a harmonisation of legislation across the board.
 - There were concerns about the possible loss of strand identity and expertise.
 - Some cynicism was expressed about whether the body would be adequately funded, and it needed to be more than the sum of its parts – it needed vision and a funding base to reflect its larger status.
 - There was concern about how the religious and sexual orientation strands would be

supported between Dec 2001 and 2006, which was the earliest opportunity for the new body to be operational.

- There was a strong preference for the new equality machinery to have autonomy in Wales and for it to have formal links with the Assembly.
 - The place of the Welsh Language was discussed, mostly focusing on whether the language should be treated as a seventh strand or as a cross cutting issue: the conclusion was it should be seen as both.
 - Lastly there was concern about building grassroots capacity across Wales. The Race Equality Councils were noted a good model.
1. Representatives of the statutory Commissions were invited to give their views, followed by the committee members. The Disability Rights Commission made the following points:
 - DRC stakeholders recognised that the principle was good but, from their point of view as a newly established body, the timing was unfortunate.
 - The UK Government did not make a good case in its consultation document for a Single Equality Body. Their case was based on economics rather than social justice. It seemed more driven by administrative convenience rather than an understanding of what equality meant, and this was demonstrated by not considering a Single Equality Act.
 - A bill to close loopholes in current disability legislation was proposed for publication in the Autumn but would probably not come into effect until April 2006. The new powers were critical for the disabled, but were likely to get lost in the administrative upheaval of establishing a single body. Research in Australia supported the potential for disability interests being lost in the set up, and DRC would prefer to see a federal approach in the interim to setting up a single equality body.
 - Some disability issues were also unique, eg regulations that gave specifications for disabled provision. If expertise were not maintained it would be a problem for disabled people and DRC wanted to see guarantees of the protection of disabled people's interests.
 - DRC also wanted to see autonomy and resources for Wales and a statutory framework for working with the Assembly and proper recognition of the Assembly in making appointments of a Commissioner for Wales.
 - The new structure should recognise the practicalities of working in Wales. The experience of previous commissioners in Wales showed what an immense task it was, and account should be taken of this, with additional hours.
 1. EOC congratulated the Assembly on consultation events that demonstrated how seriously it took the issue. They were well attended and there was a consensus of feedback. Its main points were:
 - Wales had to consider how the equality strands could be taken forward together in a new body and a structure that was appropriate to devolution.
 - The issues of greatest significance in the consultation were not those that the UK Government drew attention to in its consultation.

- A Single Equality Act must be the basis for a new body but there was no UK Government appetite for it. To have a body acting without harmonised legislation would be very difficult, and the development of an equality hierarchy was inevitable without harmonisation.
- The functions of the body were also important. There was little dissent in the equality field that enforcement powers should apply to all the strands.
- The view emerging was that there should not be an entirely separate body for Wales, as equality legislation is managed in Westminster and Wales should not be cut off from that, but that a strong devolved presence was required.
- EOC and DRC supported a formalised relationship between equality bodies and the Assembly, and Wales-specific autonomy and resources. If the Assembly needed advice, for example on equality in early years provision, the equality bodies should be equipped and resourced to provide that. At the moment the equality commissions were not obliged to provide advice or the Assembly to ask for it.

1. The Commission for Racial Equality supported EOC and DRC colleagues:

- CRE welcomed the Minister's intention to look at debate in Scotland on a single equality body, as their experience was relevant to its operation and delivery in Wales.
- The Government's public policy objectives were not clear in the consultation - whether it was aiming to support equality policies, or focusing on better public access to services. There was scope for confusion and complexity in the current mechanism proposed.
- CRE was a model of an organisation that had achieved the public duty but it was important to consider the budget and resources needed to achieve that model. The network of Race Equality Councils did have a function to promote race equality at local level under section 44 of the Race Relations Amendment Act, but there is no proposal to transfer section 44 to other equality areas and this was a matter of concern.
- CRE consultation had shown that most people did not understand their equality rights – decision-makers needed to wake up to this and engage more directly with their constituency.

1. Members supported the legislative underpinning of the new body with a Single Equality Act. It was noted that all the current Commissions were based on an Act, and it allow the new strands to be addressed in legislation. It was noted that in Wales some voluntary organisations had struggled to cope with all the new legislation coming forward and a unifying framework would be useful.
2. Members echoed the desire of the equality bodies to have a devolved model, with a formal role in the appointment of a Commissioner in Wales.
3. Members noted concerns about one particular strand being dominant and how this might affect the current situation where the commissions worked together harmoniously.
4. It was questioned how the new body would be promoted and awareness raised of it, and what sort of performance indicators would be set.

- The Minister summarised his views as follows:
- There was a preference for a Single Equality body to be supported by new, comprehensive legislation. This would help address the real concerns about integrating new and existing strands.
- There needed to be a balance of sufficient autonomy for a Commission in Wales against the relationship with Westminster and the expertise at UK level. There must be a formal role for the Assembly to the new body.
- The Minister considered the Forestry Commission was a good model, where the scientific arm was centralised and Forestry Enterprise was the managerial arm with autonomy devolved regionally. The Minister felt that the Forestry Commission model achieved the level of managerial autonomy required to deal with Wales-specific issues.

Action points:

- The consultation deadline was 21 February so the committee resolved to prepare and agree a response via e-mail correspondence. The Committee's consultation response would include an acceptance of the advice given to them by the equality bodies.

11.30 –11.50

Item 5

Race Equality schemes of public bodies in Wales

EOC-02-03(p4) – Race Equality Schemes

1. Dharmendra Kanani of the Commission for Racial Equality (CRE) informed the committee about the race equality schemes in place in public bodies in Wales. The main points of the presentation and discussion were:
 - The CRE paper showed the picture in Wales in terms of whether the new Race Relations Amendment Act (2000) (RRAA) legislation was capturing the hearts and minds of local authorities. The legislation was important to restore public confidence and to mainstream equality into organisations.
 - The response to the amended Act had been varied. CRE did not receive all the race equality schemes from local authorities by statute, but there was a lot of variety between those it had received for information.
 - CRE's job was to balance its promotional role with its powers of enforcement. Despite the duty to implement legislation by a certain time many local authorities did not seem to take it seriously in comparison to other areas of legislation such as health and safety and CRE

was concerned by the response.

- There were particular problems in rural areas, where the number of minority ethnic people was very small, and therefore local authorities did not see the legislation as relevant. It was noted that a black and minority ethnic housing strategy had been launched twice because there was a lack of local authority commitment the first time. It was important to overcome the barriers in areas where local authorities did not see it as relevant.
- The Government's intention was for the public sector to lead the way by example but that was not happening. There were benchmarks of good practice, especially in the Assembly, but there was a need to engage with minority ethnic communities themselves and to ensure that the white community was engaged. CRE characterised the current situation as one of top level commitment but middle management complacency. Members agreed that this should be seen as more than a paper exercise.
- An evidence base was lacking in Wales and this needed to be developed.
- An initial UK-wide baseline study had been undertaken in some 3,000 local authorities to see how the public duty was being implemented. In Wales, the response rates had been 14 out of 105 schools, 10 out of 14 higher education and 9 out of 20 further education institutions, 4 out of the 8 police authorities and 3 out of 19 health authorities.
- There was also a need for capacity building across the voluntary sector, for example to feedback on consultation exercises, on service delivery and other policy areas. Not enough time and attention had been paid to developing the black voluntary sector, for example to support the local needs of specific groups, e.g. black and minority ethnic women in North Wales.
- CRE would be prepared to provide a more detailed study of performance in Wales. Reviewing the situation further was supported, and it was recommended that the Committee formed after the elections should take this issue forward.

Action point:

- The incoming Equality of Opportunity committee would be asked to consider taking forward a full review of the performance of public bodies in Wales in implementing their duties under the Race Relations (Amendment) Act.

11.50 – 11.55

Item 6

Gypsy Traveller Review: paper on accommodation issues

1. Dr Ian Thomas of the Local Government Modernisation Division informed the committee of the main differences between provision of accommodation in England and Wales and proposals for change. The paper was a contribution to the Committee's review and the main points were:

- Wales had abandoned the twice-yearly caravan count whereas England had continued. This had deprived Wales of important information.
- England had used that information to develop a Gypsy Sites Refurbishment Grant to repair a limited number of sites, with £17 million available over three years. The coming year was the final one and 14 local authorities had put in bids.
- In England a detailed survey of provision had looked at areas of site provision including site design, fire protection, site management and supply and demand for sites. One recommendation was that more transit sites and emergency stopping places should be provided, and this was reflected in grant for this year where authorities could bid for grant for this purpose.
- The Office of the Deputy Prime Minister had consulted on a proposed framework for handling unauthorised encampments and the Assembly would probably be following with its own consultation on this shortly.
- In conclusion the differences between England and Wales were not great or insuperable. It was recommended that a survey be commissioned along the lines of that carried out in England, but prior to that the different Assembly policy divisions should meet to see if information was already available and to decide on actual specifications to let to contractors and researchers.
- Members noted that in considering the England experience the committee's approach should focus on what was best for the Gypsy and Traveller community in Wales.
- When considering site allocation it was important to look at the public duty implications of the Race Relations Amendment Act. It was noted that the duty for local authorities to provide sites under the Caravan Act 1968 had not been restored but England had gone part of the way by providing more resources for sites. The committee may wish to recommend restoring the duty but this would require primary legislation.

11.55 – 12.00

Item 7

Minutes of the previous meeting

EOC-01-03-min

Papers to note:

EOC-02-03(p6) – Reply from Home Office about benefit shopping

EOC-02-03(p7) – Polling stations letter from Finance Minister

1. The committee noted the papers and approved the minutes of the previous meeting.
2. The next meeting would be on 20 March 2003.

12.00 – 12.30

Item 8

PRIVATE SESSION

Gypsy Traveller review report – report progress

Paper: EOC-02-03(p8) – Draft report of Gypsy Traveller Review.

1. The committee resolved to go into private session for the remainder of the meeting to consider its draft report, in accordance with Standing Order 8.21(vi):

"A Committee may resolve to exclude the public from a meeting or any part of a meeting where:

(vi) the committee is deliberating on the conclusions or recommendations of a report it proposes to publish; or is preparing itself to take evidence from any person."

2. The committee agreed to hold a brief additional meeting to consider the draft report before they looked at it again at their meeting on 20 March.

The meeting closed at 12.30pm.