

EQUALITY OF OPPORTUNITY COMMITTEE

Date: 13 February 2003

Time: 9.30am

Venue: Committee Rooms 3 & 4, National Assembly Building, Cardiff Bay

Title: Consultation on Single Equality Body

Introduction

1. This paper summarises the UK Government's proposals for the future structure of Britain's equality machinery, including the possibility of setting up a single equality commission. Members will have received copies of the consultation document: "Equality and Diversity: Making it Happen".
2. An Annex to this paper, setting out the main points to emerge from the three consultation events in Wales (see paragraphs 17-20), will be circulated to Members before the committee meeting.

UK Government consultation

3. The Minister for Women, Barbara Roche MP, announced in December last year that the UK Government saw arguments in favour of establishing a single equality commission. A consultation document, "Equality and Diversity: Making it happen", was published on 22 October this year. It seeks views on three options for the future structure of Britain's equality machinery, and on a number of cross-cutting issues.
4. The prompt for this review of the equality machinery was the need to implement, between 2003 and 2006, the various strands of the EU Race and Employment Directives. The Employment Directive in particular will extend the scope of anti-discrimination legislation in the UK, tackling discrimination in employment and vocational training on the grounds of sexual orientation, religion and belief, and age.

Structural options

5. The UK Government has set out three structural options:

Single equality body

6. The favoured approach: a properly tasked and resourced single equality body covering all of the strands of equality law. This body would offer integrated guidance and support to individuals and

businesses; and ensure a coherent approach to equality issues. The perceived benefits of this approach are that a single equality body could:

- Promote equality on an integrated basis, taking account of the commonalities of discrimination and looking at equality "in the round";
 - Promote good practice to business and service providers in an integrated way, reflecting the integrated approach that organisations are increasingly adopting in their people management and broader business strategies;
 - Provide a single point of contact for individuals and for employers, especially in cases of discrimination on multiple grounds;
 - Become a centre of comprehensive knowledge and expertise, able to share good practice across the strands and respond flexibly to new challenges;
 - Make more effective use of resources, through increasing the proportion of funding going to frontline work, and avoiding duplication of functions;
 - Have a national impact and authority and be influential internationally.
1. The UK Government recognises that any new body must serve all the strands effectively, and that the interests of each must carry equal weight. There would also need to be a well-managed process of transition to the new arrangements. Furthermore, the Government accepts that any new body would need to be properly resourced, and be given maximum independence consistent with maximum accountability.
 2. The consultation does not address the detailed internal organisation of a single body. A range of options would be possible, the two main ones being organisation primarily on a functional basis (e.g. promotion, policy corporate services) or organisation by equality strand. In principle the Government favours letting the Commissioners and Chief Executive decide the body's internal organisation, in the light of the objectives and vision set for it by the Government.

Single gateway

3. This model involves providing a single point of contact for information and advice on equality and diversity issues, both for individuals and employers. Beyond this, the Commissions would retain their own governance, policies and priorities. Although the Government recognises that this might provide a valuable staging post in moving towards a more integrated structure, it sees the following drawbacks:

- It would only partly deliver integrated promotion of equality;
- It would fail to reflect the needs of the new strands, which would not have the support available to existing strands beyond the provision of advice;
- It would not be cost effective.

Overarching commission

1. This key feature of this option would be a new overarching governance structure that would determine strategic priorities and direction, and make key decisions on budget allocations. Each strand would have a representative on the overarching body, possibly supported by a strand-specific board.
2. This model might speed the pace of co-operation between the Commissions and bring more coherence and consistency to their work. However, the perceived weaknesses with this model are:
 - It is difficult to see how the new strands could be reflected in this model without creating new structures to serve them;
 - Tensions between the strand-specific units or between them and the overarching board might limit what could be achieved;
 - More machinery at the top could work against focussing resources on delivery.
1. Alternative options that have been rejected are: creating a new permanent commission for each of the three new strands; and distributing responsibility for the new strands among the existing commissions.

Devolution

2. The consultation document contains a section specifically on devolution. The key statement is that:

"The government considers that any new structure should be established for the whole of Great Britain, in keeping with the distribution of powers to the UK and Scottish Parliaments and the National Assembly for Wales, under which the main equality legislation is a reserved matter. Equally, any new machinery must have a strong, authoritative presence in Scotland and Wales. This will require well-resourced offices in Scotland and Wales, with remits clearly tailored to Scottish and Welsh needs."
3. It recognises that any new equality body would need to interact well with the devolved administrations.
4. Another option that has been suggested is creating a "light touch" central body co-ordinating three

executive arms in England, Scotland and Wales. The key practical issue to be addressed in this case would be how the autonomy of the territorial bodies could be reconciled with the central body's overall accountability.

5. The consultation question on devolution asks: *"What arrangements need to be in place to meet the distinctive economic, political, legal and cultural circumstances in Scotland and Wales."*

Plans for consultation in Wales

6. To facilitate as wide a debate as possible within Wales, the Welsh Assembly Government arranged three consultation events in January/ February 2003. These events were hosted jointly by the Assembly Government, the DTI Women and Equality Unit, and the Wales Office. The launch event in Swansea on 21 January 2003 was attended by over 50 people, and the first regional event in Cwmbran on 23 January attracted some 35 people. We are expecting around 40 people to attend the final event in Llandudno on 6 February.
7. The main target audience for these events has been organisations dealing with equality issues which would not, perhaps, have the resources to respond to a Whitehall consultation. These have included disability access groups, local lesbian and gay groups, religious community representatives, local voluntary groups, and so on. Public, private and voluntary sector employer organisations, and trade unions, have also been invited, as well as the existing commissions and other all-Wales equality bodies. All six equality strands have been included, as have the Welsh Language board and other Welsh language organisations.
8. The Minister for Open Government gave the opening address at each of the consultation events, and has also been able to sit in on some of the workshops. The UK Government perspective was given by Angela Mason, the new head of the Women and Equality Unit.
9. The key points to emerge from the consultation events will be circulated to members before the 13 February meeting. A fuller report will be prepared and sent to participants at a later date, and copies of this will also be circulated to Committee Members.