

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Lleoliad:
Ystafell Bwyllgora 2 – y Senedd

Dyddiad:
Dydd Iau, 25 Ebrill 2013

Amser:
09:15

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



I gael rhagor o wybodaeth, cysylltwch â:

Polisi: Marc Wyn Jones
Clerc y Pwyllgor
029 2089 8505 / 029 2089 8600
pwylgor.CCLL@cymru.gov.uk

Agenda

Cyfarfod preifat cyn y prif gyfarfod – 09.15 – 09.30

1. Cyflwyniad, ymddiheuriadau a dirprwyon (09.30)

2. Ymchwiliad i ddyfodol cydraddoldeb a hawliau dynol yng Nghymru – Sesiwn dystiolaeth 1 (09.30) (Tudalennau 1 – 11)

Y Comisiwn Cydraddoldeb a Hawliau Dynol
CELG(4)-12-13 – Papur 1

Kate Bennett, Cyfarwyddwr Cenedlaethol y Comisiwn Cydraddoldeb a Hawliau Dynol
Marie Navarro, Aelod o Bwyllgor Cymru, y Comisiwn Cydraddoldeb a Hawliau Dynol

3. Ymchwiliad i ddyfodol cydraddoldeb a hawliau dynol yng Nghymru – Sesiwn dystiolaeth 2 10.30 (Tudalennau 12 – 20)

CELG(4)-12-13 – Papur 2
CELG(4)-12-13 – Papur 3

Dr Alison Parken, Cyfarwyddwr Prosiect, Menywod yn Ychwanegu Gwerth at yr Economi (WAVE), Prifysgol Caerdydd

Dr Simon Hoffman, Cyd-gyfarwyddwr Arsyllfa Cymru ar Hawliau Dynol Plant a Phobl Ifanc

4. Ymchwiliad i ddyfodol cydraddoldeb a hawliau dynol yng Nghymru – sesiwn dystiolaeth 3 (11.20) (Tudalennau 21 – 25)

Sefydliad Bevan

CELG(4)-12-13 – Papur 4

Dr Victoria Winckler, Cyfarwyddwr – Sefydliad Bevan

5. Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y canlynol:

Eitem 6

6. Cytuno ar y cylch gorchwyl ar gyfer ymchwiliad polisi nesaf y Pwyllgor (12.10) (Tudalennau 26 – 29)

CELG(4)-12-13 – Papur preifat 5

7. Papurau i'w nodi

Bil Safleoedd Rheoleiddiedig Cartrefi Symudol (Cymru): Llythyr gan y Cadeirydd at y Gweinidog Cyllid ac Arweinydd y Tŷ (Tudalennau 30 – 31)

CELG(4)-12-13 – Papur (i'w nodi) 6

Bil Safleoedd Rheoleiddiedig Cartrefi Symudol (Cymru): Llythyr gan y Gweinidog Cymunedau a Threchu Tlodi (Tudalen 32)

CELG(4)-12-13 – Papur (i'w nodi) 7

Paper 1

Equality and Human Rights Commission

Written submission to the Communities, Equality and Local Government Committee

The Equality and Human Rights Commission welcomes the Communities, Equality and Local Government Committee Inquiry into the future of equality and human rights in Wales. A number of opportunities exist at the present time to secure the strong and distinct equality and human rights agenda in Wales.

We are pleased to provide written evidence under each of the four topics referenced in the Inquiry's terms of reference. We will be happy to expand on any of these points during the oral evidence session.

1. How well the specific public sector equality duties are functioning in Wales

1.1 The Public Sector Equality Duty (PSED) has the potential to transform public services if implemented effectively and with support from public service leaders. The EHRC has a unique role as regulator of the duty. Our strategy for regulating the duty in these early stages has three key elements: guiding, encouraging and monitoring. As part of this we are:

- providing authoritative and accessible guidance
- highlighting and sharing good practice, particularly through our Equality Exchange network
- helping the voluntary sector to see the potential of the equality duty to improve public services
- working with regulators to encourage them to incorporate equality, good relations and human rights into their work
- sharing trends and emerging issues with government and other partners.

1.2 Initially, our performance monitoring is concentrated on four key topics in four key sectors – assessing equality impact in local government, engagement in health, disability issues in fire and rescue services and tackling gender pay gaps in universities. Public authorities have told us they have found the duty a useful tool to raise the profile of equality issues in their workplaces. The duties are beginning to deliver real outcomes. Earlier this month, we provided detailed reports on the four key areas to the respective Ministers. A summary of those reports is attached as

appendix 1 to this submission. The full reports will be on our website by April 23.

- 1.3 Welsh Ministers have a specific duty to publish a report by December 2014 on how devolved public authorities in Wales are meeting their obligations under the equality duty. The Welsh Government may choose to commission further monitoring work to aid this process.

2. The Equality and Human Rights Commission Wales

- 2.1 The Equality and Human Rights Commission (EHRC) is the independent advocate for equality and human rights in Britain. Parliament has set us the tasks of promoting equality, enforcing the law, protecting the human rights of all and bringing people together to build stronger communities.
- 2.2 The Equality Act (2006) established the statutory EHRC Wales Committee to advise the Equality and Human Rights Commission about the exercise of its functions. The committee sets the strategic direction of the Commission's work in Wales. The EHRC's funding is not nation-specific, and it is for the Commission to determine how much resource it allocates to Wales (but the EHRC is legally required to ensure that the Committee receives a share that is sufficient to enable it to exercise its functions.)
- 2.3 The EHRC has a specific work programme in Wales, taken forward by a dedicated Wales team. This work programme is focused on addressing the greatest equality and human rights challenges in Wales, as identified in the EHRC's How Fair is Wales? report. The Welsh Government's, and other public authorities', equality objectives are based on the equality challenges identified in HFIW? This has created an agenda for change in Wales.
- 2.4 The Welsh Government could take steps to strengthen the relationship with the EHRC and, particularly, the Wales Committee and Directorate. The Welsh Government's response to the Silk Commission states that 'the National Assembly should have competence to give functions to the Equality and Human Rights Commission.'
- 2.5 For example, the EHRC could undertake additional programmes of work in support of the Welsh Government's priorities under an agreement. Increasing the strength of the EHRC's relationship with the Welsh Government, through an agreement to fund specific programmes of work, would ensure equality and human rights in Wales are regulated at a level that meets the Welsh Government's requirements.

- 2.6 The basis for a stronger relationship between the EHRC and the Welsh Government could be set out in the form of a Concordat. An agreement would be a clear and transparent way to:
- Enable the Welsh Government to access the regulatory activity required to achieve Programme of Government objectives
 - Provide resource to ensure the EHRC is an effective promoter and regulator of equality and human rights in Wales
 - Strengthen the relationship between the EHRC and the Welsh Government
 - Protect the independence of the EHRC
- 2.7 Although finances are tight, resources invested in the regulation of equality and human rights will result in public authorities intervening at an earlier stage to prevent problems escalating and to save money.

3. The link between poverty and equality and the socio-economic duty

- 3.1 The EHRC Wales is particularly pleased that the Committee is exploring the link between poverty and equality, and the socio-economic duty.
- 3.2 As *How Fair is Wales?* demonstrates, the inequality which dominates the Welsh landscape is socio-economic, not least because of the scale of its impact, the breadth of its influence and the depth of the inequalities created. Across the board, people from lower socio-economic groups do not, on average, enjoy the same quality of life as people from higher socio-economic groups, whether it is lower life expectancy, lower educational attainment, or lower incomes and wealth. Moreover, inequalities are proving very enduring, with many worsening in recent years despite government efforts to reduce them. The sheer scale and challenge presented by socio-economic inequality in Wales should not, however, obscure other inequalities that exist alongside and which are interwoven with socio-economic disadvantage.
- 3.3 The Welsh Government has acknowledged that policies to tackle inequality and poverty should be more closely aligned. The Welsh Government has set ambitious targets to eradicate poverty, but progress towards these targets is proving difficult to achieve. It is unlikely that sufficient momentum will be built to deliver the objectives unless a fresh look is taken at the approach that underpins work. Now that a more strategic approach to the promotion of equality is underway requiring public authorities to pay due regard to equality in setting priorities, making policy and resource allocation, the time may be right to adopt a similar approach in relation to socio-economic disadvantage.

- 3.4 Commission research outlines links between the areas. For example, the Welsh Government is committed to improving educational attainment and achieving higher grades across Wales in order for people to have better life chances. There is plenty of data to show where support and interventions are needed.
- 3.5 As an illustration it is worth looking at GCSE results. A*-C grades in the core subjects are achieved by:
- 50% of all pupils
 - 31% of Black pupils
 - 20% of pupils from the poorest households
 - 12% of pupils with special educational needs
- 3.6 To improve standards across Wales, targeted interventions are needed to support each group of pupils who are currently not reaching their potential. The implementation will be different for each group but could be assessed as part of a single process as actions are likely to be delivered by the same staff and funded from the same budget. There would be an advantage in having a single strategic approach, but with separate clearly defined actions. This approach would maximise efficiency and effectiveness.
- 3.7 The Welsh Government and the EHRC are committed to understanding the different and overlapping drivers of inequality and socio-economic disadvantage. If this analysis is not done effectively any strategies to address inequality or poverty are unlikely to have the desired impact.
- 3.8 The current time presents a significant opportunity to take steps on this agenda. The recent Cabinet reshuffle has resulted in the Minister for Communities and Tackling Poverty, Huw Lewis, having a portfolio covering equality issues and tackling poverty, as well as areas such as welfare reforms, children, Communities First and sustainable development.
- 3.9 Furthermore, the UK Government has stated that it is working with the Welsh Government to agree an approach that allows the commencement of the socio economic duty for Welsh bodies (as specified in the Equality Act 2010). The Welsh Government's Silk Commission response states that 'the National Assembly should have full competence over the socio-economic duty in section 1 of the 2010 Act and its objective of reducing inequality of outcome resulting from socio-economic disadvantage, in respect of the devolved public sector.' A number of other organisations, including the Children's and Older People's Commissioners, also highlighted links between inequality and poverty in their Silk Commission responses.

3.10 The current EHRC Wales work programme includes a project to explore the benefits of aligning poverty and inequality strategies across Wales.

4. Accountability for equality and human rights legislation in Wales

4.1 The Welsh Government's Programme for Government includes a commitment 'to explore how stronger Welsh accountability for equality and human rights legislation, including enforcement of Wales specific duties, can be achieved'.

4.2 The then Equality Minister, Jane Hutt, wrote to the EHRC Wales Committee for advice in fulfilling this commitment. The Wales Committee responded in November 2012, saying that EHRC advice is that to achieve this goal the Welsh Government needs to be able to set the equality and human rights agenda in Wales and regulate delivery by the public sector. This will best be achieved by:

- Making the most of the Welsh Government's new strategic approach to equality which is embedded in its 2012 Strategic Equality Plan and Objectives.
- Full devolution of the Public Sector Equality Duty from the UK Government to the Welsh Government
- Seeking increased powers to build on the Equality Act 2010 and the Human Rights Act 1998
- Strengthening the EHRC relationship with the Welsh Government, including, as appropriate, through funding specific work
- Making stronger links between tackling poverty and reducing inequality.

4.3 Responses to the Silk Commission on Devolution in Wales are outlined in Appendix 2.

5. Appendix 1

Overall progress on the PSED in Wales

Progress report on engagement across the health sector

- 5.2 Almost every health organisation described the positive impact of the Specific Duty on Engagement. As a result of the Duty most of the health service increased engagement with people with protected characteristics. This was often facilitated by health organisations working in partnership, for example, with Community Health Councils, Local Authorities, and the voluntary sector. Engagement methods varied from large scale events to individual meetings and the use of social media to ensure a more inclusive approach.
- 5.3 Engagement with the protected groups enabled most health organisations to identify people's different needs. For example, learning disabled people highlighted communication issues whereas for lesbian and gay service users recognition for their partners is a priority issue. Some protected groups are notably heavier users of health services. In relation to the reconfiguration programme it appears, from the evidence we received, that the greater the use of services, the greater the level of anxiety about change.
- 5.4 There may be some issues of trust here, with doubt surrounding the benefit of improved services versus the location of services and the distance to be travelled.
- 5.5 A number of common themes emerged from the Health Board engagement on reconfiguration. Many service users understood and accepted the rationale for relocating services. They wanted to take advantage of the better outcomes from specialist units but they also expressed concerns about travel distances and the lack of public transport. Some people in protected groups have less access to resources such as money and private transport.
- 5.6 As part of the reconfiguration Health Boards have gathered the perspectives of different protected groups. Some Health Boards have then incorporated these different views into Board papers on the reconfiguration process.
- 5.7 For example, Betsi Cadwaladr Health Board, took decisions on reconfiguration based on papers that identified the adverse impact of proposals on different protected groups. The January 2013 Board minutes record that *"where negative impact (on protected groups) had been identified, mitigating actions had been developed"*.

5.8 Other Health Boards are yet to publish relevant Board papers and decisions.

Progress report on Equality Impact Assessment in Local Government

5.9 From the responses we received from Councils in Wales, a number of key points emerge.

5.10 It is clear that senior leadership plays an important role in whether proper consideration of equality issues is built into the work of the Council. Many Councils have progressed towards ensuring that evidence of equality impact assessment is a requirement that underpins decision-making. Most Council Committees and Cabinets receive supporting documentation on the Equality Impact Assessment of the proposals under discussion. Some authorities have made more progress than others in engaging with EIAs.

5.11 The value of EIAs includes the collection of additional information to assist the making of difficult decisions concerning allocation of resources. Transparency and the publication of EIAs assists with holding authorities to account for their decisions.

5.12 Whilst Councils report that the EIA process is valuable, EIAs are yet to be thoroughly embedded into budget, service delivery and policy decisions. Some Councils are training Heads of service delivery and producing guidance as a step towards integrating EIAs into decision-making.

5.13 Councils were asked to provide examples of EIAs they had undertaken. The majority of these examples show that the EIA has enabled the Council to identify and mitigate the disproportionate impact of a policy decision on people with protected characteristics. There is less evidence that EIAs have fundamentally changed decisions.

5.14 It is clear from the specific examples provided that EIAs have value beyond the policy area that has been subject to assessment, in terms of building competence and confidence. As a result EIAs are being rolled out and are generating policy reviews more widely within the Councils.

Overall progress and approach in Fire and Rescue Services

5.15 All three Fire and Rescue Services say they have found the Public Sector Equality Duty and Welsh Specific Duties useful in highlighting equality issues and strengthening existing initiatives. They have taken a positive approach towards the Duties and every Fire and Rescue Service has set equality objectives.

5.16 Each Service is addressing disability issues in relation to the workforce and in relation to service users. A key workforce issue is to ensure there are robust mental health policies in place. Support has been introduced for staff with particular impairments such as hearing loss and dyslexia.

5.17 The main focus of the Fire and Rescue Service work on the Specific Duties is in community safety and fire prevention. There are new, more effective, strategies to increase engagement with disabled people and disabled people's organisations. The system for Home Fire Safety Checks has been reviewed and the checks now record whether occupants are disabled and the nature of their impairment. This enables tailored safety equipment to be fitted, such as vibrating smoke alarms.

Progress report on gender pay difference duty in Universities

- 5.18 We have found the Public Sector Equality Duty and Welsh Specific Duties have been helpful in getting university leaders to place a greater emphasis on equality issues. Furthermore, our evidence suggests that universities are finding the duty a useful tool rather than a burden. Universities report that it has enabled separate initiatives to be brought together into an action plan and built upon to increase momentum.
- 5.19 Every university has complied with the requirement to have an equality objective relating to gender pay differences. Together universities are addressing the three main causes of the gender pay gap - discrimination in pay systems, job segregation and the need to balance work and home life.
- 5.20 In our report below on individual universities we highlight which methods of addressing the pay gap are being employed by each of them. The range and volume of new initiatives to tackle the long-recognised problem of gender pay differences in universities appears to indicate that the Specific Duty is having a positive impact.
- 5.21 Firstly, discrimination in pay systems is being addressed by reviewing starting salaries, overtime pay, senior staff pay, market pay rates and other 'discretionary' aspects of pay. This often builds on pay audits conducted within the past few years.
- 5.22 Secondly, job segregation is being tackled by promotion policies and training and mentoring programmes aimed at assisting women to reach senior grades. There are initiatives to encourage more women into science and universities are keen to achieve Athena Swan accreditation for their efforts in this regard. Bangor, Cardiff and Swansea universities currently hold this award.
- 5.23 Thirdly, the need to balance work and home life is being addressed by reviewing work patterns and widening access to flexible working.

6. Appendix 2

Silk Commission on Devolution in Wales

6.1 A number of organisations highlighted the issue of greater accountability for equality and human rights legislation in their Silk Commission responses.

6.2 The EHRC recommended:

- The National Assembly should be given powers to build on equality and human rights legislation including the Equality Act 2010 and the Human Rights Act 1998.
- The National Assembly should be given full primary legislative competence in relation to the Public Sector Equality Duty.
- The National Assembly should be given competence to strengthen its relationship with the EHRC.

6.3 The Welsh Government's submission recommended that:

- The National Assembly should be given primary legislative competence in relation to the three aims of the Public Sector Equality Duty in the 2010 Equality Act in relation to the devolved public sector.
- The National Assembly should have full competence over the socio-economic duty in section 1 of the 2010 Act and its objective of reducing inequality of outcome resulting from socio-economic disadvantage, in respect of the devolved public sector.
- The National Assembly should have competence to give functions to the Equality and Human Rights Commission and change its accountability structure, to ensure they match the devolved competence on equality which is being sought for the Assembly.
- The National Assembly should have full competence over whether, and the extent to which, positive discrimination on the grounds of the protected characteristics in the Equality Act 2010 is permitted in public appointments to the boards or governing bodies of devolved public sector organisations in Wales.

The UK Government's submission said:

6.4 Equality [of opportunity] is largely non-devolved. The Equality Act 2010 provides a comprehensive legal framework in relation to discrimination on the basis of specified protected characteristics. There are a few exceptions to the non-devolved nature of the Equality Act:

- 6.5 the power for Welsh Ministers to prescribe specific equality duties for public bodies in Wales (The equality duty comprises a General Duty which applies equally across GB, and specific duties (regulations) which are devolved); and the socio economic duty which requires public authorities to have due regard to reducing the inequalities of outcome from socio economic disadvantage. We have announced our intention to repeal this duty (which has never been commenced) in respect of GB-wide and English authorities. We are working with the Welsh Government to agree an approach which allows Wales to commence the duty for Welsh bodies (as specified in the Equality Act 2010).
- 6.6 The 2006 Equality Act established a decision-making committee for Wales to advise the Equality and Human Rights Commission about the exercise of its functions. The committee sets the strategic direction of the Commission's work in Wales. Ann Beynon OBE was reappointed as Welsh Commissioner in December 2012. The EHRC's funding is not nation-specific, and it is for the Commission to determine how much resource it allocates to Wales (but the EHRC is legally required to ensure that the Committee receives a share that is sufficient to enable it to exercise its functions.)”

7. Appendix 3

Gaps and inconsistencies in the current legislation

7.1 This appendix sets out the gaps and inconsistencies relating to the Public Sector Equality Duty, and the specific duties for Wales. These illustrate the weaknesses of current devolved competence.

They include:

Accountability to the National Assembly

7.2 The Equality Act 2010 confers powers on Welsh Ministers to enable them to introduce specific duties. **But** the National Assembly does not have the authority to contribute on the content of the duties, it only approves the regulations creating the duties.

7.3 The Welsh Ministers are accountable to the National Assembly in relation to the duties **but** only at a general level - in that they are accountable in the exercise of all their functions.

7.4 Welsh Ministers have a specific duty to publish a report on how devolved public authorities in Wales are meeting their general duty **but** these reports are not subject to Assembly scrutiny.

Coverage of the duties

7.5 The Equality Act 2010 gives Welsh Ministers the power to draw up the list of public authorities covered by the duties **but** the authorities covered must be agreed with UK Ministers.

7.6 The public authorities list requires UK approval **but** is not subject to Assembly Committee or NAW scrutiny.

7.7 The listed authorities have obligations arising from the specific duties set by Welsh Ministers **but** are not required to report progress back to them.

Effective guidance for public authorities

7.8 The Welsh Government is unable to issue Codes of Practice on the duties (Equality Act 2006). **But** if the National Assembly had legislative competence in relation to the PSED the Welsh Government could issue Codes to ensure effective delivery of the duties.

Eitem 3

Paper 2

The future of equality and human rights in Wales

The Communities, Equality and Local Government Committee inquiry into the future of equality and human rights in Wales

Author: Dr Simon Hoffman

Co-director Wales Observatory on Human Rights of Children and Young People
Swansea University School of Law

I welcome the opportunity to make this submission and will be pleased to expand on any of the points made below during oral evidence.

The Wales Observatory is a collaborative project based at Swansea University working with international, national and local partners as a forum for research, advocacy and expertise on human rights of children and young people, and for realisation of human rights through public policy, practice, advocacy and law reform. Simon Hoffman is a researcher in children and young person's rights, socio-economic rights and equalities issues.

Welsh Human Rights Law

1. The inquiry comes at a particularly auspicious time for equalities and human rights in Wales: 'Welsh Human Rights Law' is an emergent possibility. Section 81 of the Government of Wales Act 2006 (GWA 2006) provides that the Welsh Ministers have no power to do anything which is incompatible with the European Convention on Human Rights (ECHR); similarly, ECHR incompatible legislation is beyond the competence of the NAW.¹ Human rights compliance therefore goes to the *legality* of action by WG and the NAW in a way that does not apply to the UK Government or UK Parliament.
2. Significant to the development of a distinctively Welsh human rights law is the willingness of successive Welsh administrations to articulate policy in terms which reflect notions inherent in human rights: dignity, humanity, equality and social justice.² An exemplar is in the field of children and young people where policy has been explicitly informed by the United Nations Convention on the Rights of the Child (UNCRC). The WG has made connections with the UNCRC in a number of strategy documents on children and young people, notably those concerning its approach to service provision, child poverty and youth offending. In legislation the Children's Commissioner for Wales Regulations 2001 was the first legislation in the UK to make express reference to the UNCRC. More recently the Rights of Children and Young Persons (Wales) Measure 2011 implements the UNCRC into Welsh domestic law and the policy-making processes of the WG.³ These post-devolution developments mark Wales out as having a particular view of human rights in law and policy.

¹ S.108(6)(c), Government of Wales Act 2006.

² A distinctively Welsh approach to human rights was noted by the Commission on a Bill of Rights: *A UK Bill of Rights? - The Choice before us*, December 2012.

³ The statutory framework for the Welsh Commissioner for Older People is a further example of this pattern: the Commissioner is required to have regard to the United Nations Principles for Older People 1991 (section 25, the Commissioner for Older People (Wales) Act 2006).

Welsh Equality Law

3. The GWA 2006 provides for 'inclusive' governance, something unique to Wales.⁴ Welsh Ministers are required to engage with stakeholders (local authorities, voluntary sector, business⁵) and to exercise their functions having 'due regard' to the principle of 'equality of opportunity for all people'⁶- the 'Welsh equality duty'. The NAW exercises a scrutiny role in relation to the Welsh equality duty as Welsh Ministers are required to report to the NAW annually on how they have shown due regard to this principle.⁷ There is common ground between the GWA 2006 Welsh equality duty and the Public Sector Equality Duty (PSED) under s.149 of the Equality Act 2010 (EA 2010). The latter requires the Welsh Ministers and other public authorities, in the exercise of their functions, to have due regard to the need to (in summary): eliminate discriminatory behaviour; advance equality of opportunity; foster good relations between those who share and do not share a protected characteristic.⁸

• How well the specific public sector equality duties are functioning in Wales

4. To support implementation of the PSED the Welsh Ministers have powers to impose specific duties on relevant Welsh authorities, after consultation with the EHRC.⁹ The Welsh Ministers have power to add to the list of relevant Welsh authorities, but only after consulting with the EHRC and obtaining the consent of the UK minister.¹⁰ Scrutiny of the exercise of these powers is carried out by the NAW, not the UK Parliament.¹¹ In the context of Welsh devolution, the exercise by Welsh Ministers of their powers under the EA 2010 by-passes the NAW's legislative function to legislate on issues of 'equal opportunities in relation to equal opportunities public authorities'.¹² Perhaps more significantly, the NAW's scrutiny function in relation to the GWA 2006 inclusivity objectives may be seen as secondary to its similar function in relation to the exercise of Ministerial powers under the EA 2010.

5. The Welsh Ministers *have* sought to develop a Welsh approach to equalities which is mindful of equalities, the inclusivity agenda, and human rights. The first Welsh Single Equality Scheme (to March 2012) addressed the Welsh Ministers' duties under anti-discrimination legislation, as well as human rights issues falling beyond that legislation. The Welsh Strategic Equality Plan (2012-1016) explicitly addresses Welsh Ministers' discharge of the PSED and Welsh specific duties. The Scheme and the Strategy include language reflecting the wider legal

⁴ P.Chaney and R.Fevre, 2002, *An Absolute Duty, Equal Opportunities and the National Assembly for Wales* IWA, Cardiff.

⁵ Ss.72 to 79, Government of Wales Act 2006.

⁶ Ibid, s.77.

⁷ Ibid.

⁸ S.149, Equality Act 2010.

⁹ S.153, Equality Act 2010.

¹⁰ Ss. 151 and 152, Equality Act 2010.

¹¹ S.209, Equality Act 2010.

¹² Paragraph 14, Schedule 7, Government of Wales Act 2006, equal opportunities public authorities are listed in paragraph 14.

background of the GWA 2006, referring to human rights standards as reference points for Welsh Ministers.

6. It would be preferable for there to be stronger and more coherent articulation of the relationship between the PSED, and the inclusivity objectives inherent in Welsh devolution, as well as the legislative function of the NAW. The NAW needs to be clearly established as the institution having the primary scrutiny role in relation to the exercise of Welsh Ministers' powers in the totality of equalities and human rights.

- **The Equality and Human Rights Commission in Wales**

7. The EHRC has identified three key aspects to its work: 'guiding', 'encouraging' and 'monitoring'.¹³ These appear equally suitable to support the Welsh equality duty and inclusivity in Wales as much as implementation of the PSED. In pursuing these objectives the EHRC is able to exercise powers to: carry out inquiries, advise; issue codes of practice; and, pursue enforcement.¹⁴ The EHRC, and the Wales Committee in particular, is a valuable resource and source of expertise on equalities and human rights. The contribution of the EHRC Wales Committee to the equalities and human rights agenda in Wales may be seen as advantageous. But the formal position is potentially problematic.
8. EHRC members are appointed by a Minister of the UK government; it is a requirement that one EHRC Commissioner must know about conditions in Wales; and, there must be a Wales Committee.¹⁵ The EHRC's functions in relation to Wales include: to advise the EHRC about the exercise of its functions in so far as they affect Wales; the EHRC must consult with the Wales Committee before exercising a function it thinks may affect persons in Wales; and, if the EHRC considers that legislation or any proposed change in the law affects only Wales, then the EHRC's power to advise government is delegated to the Wales Committee.¹⁶ Whilst these arrangements establish a basis for engagement between the EHRC and the WG, in the exercise of its functions the EHRC is accountable to the UK minister and UK parliament, not the WG or NAW.¹⁷
9. In addition to the above, there is no formal basis for the EHRC to engage with the WG or the NAW on the Welsh equality duty and inclusivity agenda (i.e. under the GWA 2006). Whilst the EHRC may contribute to these agendas through the exercise of its general functions,¹⁸ the EHRC should be supported to better engage with Welsh Ministers in the context of devolution and the Welsh equality agenda. This could be achieved by formalising and strengthening the relationship between the WG and the EHRC Wales Committee.

¹³ EHRC's website on its work in Wales.

¹⁴ Ss.13-32, Equality Act 2006.

¹⁵ Part 1 and Schedule 1, Equality Act 2006.

¹⁶ Ibid, but not covering any matter delegated EHRC's Disability Committee under EA 2006, paragraph 52, Schedule 1).

¹⁷ Paragraph 32(5), Schedule 1, Equality Act 2006.

¹⁸ Under s.3 or s.13, Equality Act 2006.

- **The link between poverty and equality and the socio-economic duty**

10. Correlation between poverty, inequality and disadvantage is established.¹⁹ Different strategies may be required to tackle socio-economic disadvantage and to redress inequality. The WG has set targets to eradicate poverty, but progress is difficult and is likely to be further impeded by welfare reform.

11. A number of international human rights instruments include articles which are relevant to the condition of poverty. Most obvious is the right to an adequate standard of living found in general rights instruments such as the Universal Declaration of Human Rights,²⁰ but also in treaties aimed at affording rights to particular groups, such as the UNCRC.²¹ Other rights found in these or other treaties, such as those to education or health care, are also relevant.²² The EHRC has a clear role in relation to *all* human rights.²³ In addition, as an aspect of advancing equality of opportunity under the EA 2010 relevant authorities must have due regard to the need to: remove or minimise disadvantages; take steps to meet needs of persons who share protected characteristic; and, to encourage persons with protected characteristic to participate where participation by such persons is disproportionately low.²⁴ The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 require relevant authorities to assess the impact of policies and practices, including identifying any adverse impacts of a policy or practice on protected groups. These equality concepts may be seen as tools to help understand why people fall into poverty, and to help break cycles of deprivation.²⁵ Introducing equality concepts and tools into policy processes contributes to meeting human rights objectives, including socio-economic objectives, which promote fairness and human dignity.

12. The EA 2010 includes a socio-economic duty which has not to date been implemented.²⁶ The duty requires a relevant authority (e.g. ministers, public authorities), when making decisions of a strategic nature about how to exercise its functions, to have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage. A socio-economic duty of this sort in Wales would facilitate coordination of equalities strategies alongside strategies whose provenance lies in human rights: an example is the Children and Families (Wales) Measure 2010 which requires the WG to publish strategy on eradicating

¹⁹ The literature on poverty and inequality is extensive, see: Mathews et al, 2012, 'Hard-to-Reach' or 'Easy-to-Ignore'? A rapid review of place-based policies and equality', ECHR Scotland; Poverty and Inequality in Scotland, 2009, EHRC Research report 45. See also: WG, *Tackling Poverty Action Plan 2012-16* which confirms that poverty is associated with educational under-attainment amongst certain social groups, these include: disabled children, boys, ethnic minorities and gypsy travellers.

²⁰ Article 25.

²¹ Article 27.

²² E.g. articles 12 and 13 of the International Covenant on Economic Social and Cultural Rights.

²³ S.9, Equality Act 2006.

²⁴ S.149(3), Equality Act 2010.

²⁵ Focusing on equality also carries risk: against a backdrop of scarce resource an equality approach may encourage notions of 'deserving' and 'undeserving' poor by reference to protected characteristics.

²⁶ S.1, Equality Act 2010.

child poverty. As already noted, policies and legislation on children and young people in Wales are expressly linked to the UNCRC.

13. The introduction of a socio-economic duty in Wales requiring Welsh Ministers to have due regard to specified socio-economic objectives would be a significant contribution to the advancement of equality and human rights. Possibilities here include: giving the NAW the competence to legislate in respect of the socio-economic duty in the EA 2010; or, exercise of an existing competence to introduce a socio-economic duty through Wales only primary legislation.²⁷

- **Accountability for equality and human rights legislation in Wales**

14. Ultimately the aim of equality legislation and human rights is to achieve improved outcomes for persons having less protection or fewer opportunities than others in society. Stronger accountability for and enforcement of equality and human rights obligations will help institutionalise practices to better implement EA 2010 PSED duties, the inclusivity provisions set out in the GWA 2006, and human rights obligations incumbent on government in international law.

15. Accountability structures for equalities are fragmented. As noted above, despite its potential to contribute to holding WG to account the EHRC has no formal role in relation to the inclusivity requirements established by the GWA 2006. Similarly, the scrutiny function of the NAW is diluted by the role of UK ministers. It would be preferable if the NAW scrutiny function in respect of equalities were strengthened. A possibility is to require the Welsh Ministers to report to the NAW on compliance with the Welsh equality duty *and* the PSED (and any future socio-economic duty), and for the EHRC Wales Committee to submit its report directly to the Welsh Minister with any such report being placed before the NAW.

Concluding Remarks

16. It is desirable that there should be stronger and more coherent accountability from Welsh Ministers to the NAW for compliance with the totality of equalities and human rights objectives.

17. The introduction of a socio-economic duty incumbent on the Welsh Ministers would contribute toward efforts to achieve a fairer and more inclusive Wales.

18. A stronger role for the EHRC Wales Committee would better exploit a valuable source of expertise as a contribution to meeting the objectives of a fairer and more inclusive Wales.

Any further enquiry about this submission should be directed to:

Dr Simon Hoffman
s.hoffman@swansea.ac.uk
01792 513004

²⁷ The subjects of 'public administration' or 'social welfare' seem the most appropriate: Paragraphs 14 and 15, Government of Wales Act 2006. Previously, under Schedule 5, social welfare extended to 'well-being', including 'securing rights'.

‘The future of equality and human rights in Wales’.

Dr Alison Parken¹

15th April 2013.

Introduction

I am delighted to be able to contribute to discussion regarding the future direction of equality and human rights in Wales. This submission focuses on Committee interest in the link between poverty and equality and the socio-economic duty, as set out in the inquiry Terms of Reference. I will be pleased to expand on the outline provided here in oral evidence.

The link between poverty, equality and the socio-economic duty.

1. The purpose of a socio-economic equality duty would be to consider when social status and economic inequality coalesce, to create material advantage or disadvantage.
2. Particularly, the concern would be when social group membership confers social inferiority and contributes to poorer economic outcomes².
3. The UK *National Equality Panel Report* (Hills *et al.* 2010) described Britain as an unequal country, where the scale of disparity between those with least wealth and those with most (100 times difference) is greater than in many other industrial countries³.

¹ Dr Alison Parken is Project Director for ‘Women Adding Value to the Economy’ (WAVE), within Cardiff University. WAVE is part funded by European Social Fund through the Welsh Government. Together with partner organisations, WAVE is working with employers to research gender pay gaps within different sectors and occupations (CU), and providing education (University of South Wales) and training (The Women’s Workshop) to address occupational segregation in employment, self-employment and training.

² Fraser 1997, 2000.

³ Hills, J., Brewer, M., Jenkins, S., Lister, R., Lupton, R., Machin, S., Mills, C., Modood, T., Rees, T. and Riddell, S. (2010) *An anatomy of economic inequality in the UK: Report of the National Equality Panel*, London: Government Equalities Office. Hills *et al.* (2010).

4. For the first time, this data analysis traced the impact of family resources (high and low), parental education and occupation, and housing tenure for conferring advantage or disadvantage in education, employment, earnings, income and wealth by ethnicity, gender, disability, age, and religion.
5. Early, identifiable disparities in educational outcomes widen over the lifetime of disadvantaged groups. While there is movement in and out of poverty, it can be transmitted between generations and lead to 'poverty of aspiration' (Hills *et.al.* 2010).
6. The picture is complex, as there are significant economic inequalities *within* social groups (for example among ethnic minority groups). If economic inequalities *between* social groups were to be eradicated, economic inequalities would still remain (Hills *et.al.* 2010).
7. Nevertheless, social markers, such as being disabled or belonging to particular ethno-religious groups, point to greater likelihood of not gaining good educational or employment outcomes. Or in the case of women, not receiving the economic returns commensurate with gaining a good education
8. In 2011, the EHRC (Wales) commissioned research to provide a similar analysis for Wales, entitled, *An Anatomy of Inequality in Wales* (Davies *et.al.* 2011)⁴.
9. This research demonstrated that in Wales, low educational attainment and consequently lower chances of employment and gaining decent earnings, are most prevalent amongst people living in social housing, people with Bangladeshi and Pakistani ethnicity (and by association Muslim religion), and people who have Work Limiting Illness and are

⁴ Davies, R., Drinkwater, S., Joll, C., Jones, M., Lloyd-Williams, H., Makepeace, G., Parhi, M., Parken, A., Robinson, C., Taylor, C., and Wass, V. (2011) *An Anatomy of Economic Inequality in Wales*, A report prepared on behalf of the Wales Equality and Human Rights Commission, Cardiff: EHRC pp. 215
http://www.wiserd.ac.uk/wp-content/uploads/2011/05/WISERD_RRS_002.pdf

DDA defined disabled. Women within these social groupings were at greatest disadvantage.

10. Overall, the research showed that women were much more likely than men to be among the low-paid (that is earning less than two thirds of annual median salaries). They pre-dominate in occupations associated with low pay, and make up over 80% of the part time workforce in Wales. The Welsh economy is the third highest user of part time working arrangements in the UK.

The context for introducing a Socio-Economic Duty for Wales.

1. The need for such a duty may not be well understood. The National Equality Panel (Hills *et.al.* 2010) review concluded that the concept of a meritocracy in the UK is assumed to be a reality but is more accurately described as rhetoric.
2. The idea that meritocracy exists, coupled with a low awareness of the scale of economic disparity in society, has constrained attempts by policy-makers to ameliorate economic inequalities (Hills *et.al.* 2010).
3. To underpin a socio-economic equality duty in Wales, further research and analysis will be needed. Such research will need to be undertaken in *each policy field* (education, economic development, employment, health, anti-poverty strategies, community programmes), in order to understand how economic inequalities are distributed within Welsh society.
4. Such research would need wide discussion and debate to raise awareness of economic inequalities in Wales, and the importance of addressing them.
5. If implemented, the socio-economic duty would encourage policy-makers to consider *WHO* is being addressed by policy, and not only *where*. The current focus on the spatial dimension of deprivation, together with taking the household as the unit of analysis, is insufficient for nuanced targeting of initiatives. Social difference will impact on what is needed and upon how different people will engage with initiatives.

Introducing a socio-economic duty in Wales.

1. If there was acceptance that inequality does not only mean discrimination as it attaches to individual, personal protected characteristics, there may be no need for a separate socio-economic duty - the material dimension of inequality could be woven into the existing Welsh specific equality duties under the Public Sector Equality Duty (PSED)⁵.
2. However, given that this is not currently the case, and that the PSED may be repealed by the Westminster government, devolution of powers with respect to the PSED is desirable. Within such a remit, the NAW could ensure that the spirit of the socio-economic duty is carried through into legislation.
3. The opportunity might also be taken to change the focus of Equality Impact Assessments (EIAs), which continue to be interpreted as a retrospective imperative for policy-makers to ensure policy does not have negative impact.
4. This approach would be insufficient for the operation of the socio-economic duty. As drafted but not commenced (Equality Act 2010), the duty requires policy makers to *promote* equality by having '*... due regard to the desirability of exercising [their functions] in a way designed to reduce the inequalities of outcome which result from socio-economic disadvantage*'.
5. New drafting, within the NAW, could emphasise the positive intent of the duty - so that each policy would show how its impact will ameliorate existing socio-economic inequalities. The explanation of how each policy will promote equality would be given in the associated Equality Impact Assessment.

⁵ Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011

Paper 4

EVIDENCE SUBMITTED BY THE BEVAN FOUNDATION TO THE NATIONAL ASSEMBLY FOR WALES COMMUNITIES, EQUALITY AND LOCAL GOVERNMENT COMMITTEE INQUIRY INTO THE FUTURE OF EQUALITY AND HUMAN RIGHTS IN WALES

Introduction

1. The Bevan Foundation welcomes the opportunity to submit evidence to the Committee's inquiry. The Bevan Foundation is an independent think-tank that believes Wales should be a fairer place. It is funded primarily by research commissions, and in addition has a modest income from membership subscriptions.
2. The Foundation has undertaken a great deal of research on aspects of equality in Wales, including research for the Equality and Human Rights Commission itself as well as organisations concerned with specific protected characteristics such as Disability Wales, RNIB Cymru, Age Cymru and Chwarae Teg. It has also undertaken extensive research on poverty, with clients and funders including the Department for Work and Pensions, Joseph Rowntree Foundation and Age Alliance Wales.

Functioning of the Public Sector Equality Duties

3. The general public sector equality duties are extremely important tools for reducing the considerable inequalities experienced by people in Wales. The Wales-specific duties add value to the general duties by ensuring public bodies have specified equality objectives and a strategic context for their equality activity. Crucially, they also allow the Welsh Government to require public bodies that it funds to address specific equality issues of concern in Wales, such as the gender pay gap.
4. Eradicating discrimination and advancing equality are extremely difficult tasks. The 'duty' approach is not perfect. Our review of research evidence on

equality in Wales undertaken for EHRC in 2008¹ suggested that compliance by public bodies with their then equality duties was, at best, patchy and evidence gathered in early 2012² suggested that there had been little subsequent change, at least in respect of disability, with too many bodies adopting a 'tick-box' approach.

5. The new public sector duties introduced by the Equality Act 2010 arguably streamlined the requirements on public bodies as well as being more effective ways of eradicating discrimination and advancing equality than their predecessors. As the new duties only commenced in 2011 with just 12 months since public bodies were required to publish their equality objectives and plans, it is too early to reach conclusions about the effectiveness of the public sector equality duties relative to their administrative "burden".
6. The current review of public sector equality duties includes the specific duties in its terms of reference, and says that it will "take account of the different Specific Duties and implications for the Devolved Administrations and specific evidence arising from their experiences". The Welsh Government needs to be assured that full account of the specific duties in Wales is taken, and that the review has effectively engaged with and gathered evidence from a wide range of stakeholders in Wales.
7. The Bevan Foundation supports the Welsh Government and EHRC's proposals to the Silk Commission that the National Assembly for Wales should have primary legislative powers in respect of equality duties. It may be that other, additional action is required to complement the public sector equality duties in due course.

The Equality and Human Rights Commission in Wales

8. The Bevan Foundation has been pleased to work with the Equality and Human Rights Commission in Wales on a number of issues of shared interest.

The link between poverty and equality, and the socio-economic duty

9. Levels of poverty in the UK and in Wales are high, with about 1 in 5 of the population as a whole living in households whose incomes are less than 60% of the median after housing costs (currently £215 a week, adjusted for

¹ V. Winckler (ed.) (2008) Equality issues in Wales: a research review. EHRC. Available at: http://www.equalityhumanrights.com/uploaded_files/research/11_equality_issues_in_wales_-_a_research_review.pdf

² V. Winckler (2012) The Employment Rate Challenge: An agenda for action for older people and disabled people in Wales. Available at: <http://www.equalityhumanrights.com/wales/projects/how-fair-is-wales/employment/>

household type).

10. There is a strong relationship between protected characteristics and living in relative income poverty. Table 1 shows that in the UK all protected groups except pensioners were more likely to live in low income households than the population as a whole. Relative income poverty is twice as high amongst lone parents and people from Pakistani / Bangladeshi and Black Non-Caribbean ethnic groups than amongst the rest of the population.
11. The socio-economic equality duty recognised that socio-economic disadvantage was an extremely powerful cause of inequality in society. Recent reports for EHRC^{3 4} show that in Wales socio-economic status sometimes has **more** impact on outcomes than protected characteristics, e.g. in educational attainment, life expectancy.
12. The Bevan Foundation welcomed the inclusion of the socio-economic duty in the 2010 Act and was disappointed that the UK government decided not to commence that part of the Act. With socio-economic inequality increasing and at a time of cuts in public spending it is extremely important that public bodies at the very least do not discriminate against people on low incomes and at best take active steps to eradicate inequality.
13. The National Assembly for Wales already has legislation on an aspect of socio-economic inequality, in the form of the provisions on child poverty in the Children and Families (Wales) Measure 2010. However the socio-economic duty is both broader in scope and arguably more powerful than this Measure in that it applies to the whole population not just children, it refers to inequality rather than just income poverty, and would require public bodies to have 'due regard' to reducing inequality in their policies and decisions rather than publish a strategy.
14. The Bevan Foundation supports the Welsh Government's and EHRC's submissions to the Silk Commission, which argue that the National Assembly for Wales should have full competence over the socio-economic duty of the 2010 Act in respect of devolved public bodies. That said, our view is that if the socio-economic duty was commenced either in Wales alone or in Britain as a whole, considerable further work would be required to improve clarity, to ensure effective implementation and to monitor compliance.

³ EHRC (2011) How Fair is Wales? Available at:
<http://www.equalityhumanrights.com/wales/projects/how-fair-is-wales/>

⁴ EHRC (2012) An Anatomy of Economic Inequality in Wales
<http://www.equalityhumanrights.com/wales/publications/anatomy-of-economic-inequality-in-wales/>

Table 1 Risk of relative income poverty for individuals with protected characteristics, UK, 2010/11

Group of People	Percentage of people in households with incomes below 60% of median income*
Ethnicity	
White	20
Mixed	36
Asian and Asian British	42
Indian	30
Pakistani / Bangladeshi	55
Black and Black British	41
Black Caribbean	32
Black Non-Caribbean	47
Chinese and other	38
Disability	
All non-disabled people	21
Disabled people	23
Disabled children	27
Disabled adults of working-age	31
Disabled pensioners	14
Age	
Children	27
Working Age Adults	21
Pensioners	14
Gender	
Males, working age	21
Females, working age	22
Lone parents	41
Male pensioners	13
Female pensioners	15
ALL PEOPLE – UK	21
ALL PEOPLE – WALES	22

Source: Department for Work and Pensions (2012) Households Below Average Income, 2010/11.

* income adjusted for the type of household

Accountability for Equality and Human Rights Legislation

15. The Bevan Foundation recognises that there are considerable anomalies in the current accountability of EHRC to UK Ministers and the equality responsibilities of Welsh Ministers. The Welsh Government's proposals to the Silk Commission appear to be sensible.

Eitem 6

Mae cyfyngiadau ar y ddogfen hon

Eitem 7a

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Communities, Equality and Local Government Committee

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



Jane Hutt AC
Y Gweinidog Cyllid ac Arweinydd y Tŷ
Llywodraeth Cymru
Parc Cathays
Caerdydd
CF10 3NQ

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff
CF99 1NA

4 Mawrth 2013

Annwyl Weinidog

Ymgynghoriad ynghylch rhoi Deddf Cartrefi Symudol 1983 ar waith ar safleoedd Sipsiwn a Theithwyr awdurdodau lleol.

Fel y gwyddoch o bosibl, cwblhaodd y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol ei waith o graffu ar Fil Safleoedd Rheoleiddiedig Cartrefi Symudol (Cymru) Peter Black yng Nghyfnod 1 yn ddiweddar. Ceisia'r Bil ddiweddarau'r fframwaith deddfwriaethol a'r system drwyddedu ar gyfer safleoedd cartrefi symudol yng Nghymru drwy osod dyletswydd ar awdurdodau lleol i sefydlu, monitro a gorfodi system drwyddedu safleoedd cartrefi symudol newydd; rhoi pwerau i Weinidogion Cymru wneud rheoliadau rheoli; a moderneiddio nifer o agweddau ar y berthynas gytundebol rhwng perchnogion cartrefi symudol a gweithredwyr safleoedd. Mae'r Bil, fel y'i drafftwyd, yn gorfodi awdurdodau lleol i ystyried buddioldeb cyd-weithredu er mwyn cyflawni'u dyletswyddau, ac yn cyflwyno prawf person addas a phriodol ar gyfer perchnogion a rheolwyr safleoedd.

Dywedodd yr Aelod sy'n gyfrifol am y Bil wrth y Pwyllgor, ar 14 Tachwedd 2012, mai bwriad y Bil oedd canolbwyntio'n benodol ar safleoedd cartrefi symudol, ac nad oedd yn bwriadu iddo fod yn berthnasol i safleoedd Sipsiwn a Theithwyr. Mae Adran 1 o'r Bil, fel y'i drafftwyd, yn diffinio "safle rheoleiddiedig" y mae'r Bil yn berthnasol iddo fel:

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg / We welcome correspondence in both English and Welsh
Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol / Communities, Equality and Local Government Committee
Gwasanaeth y Pwyllgorau / Committee Service
Ffôn / Tel : 029 2089 8429
Ebst / Email : CELG.Committee@wales.gov.uk

"safle gwarchoddedig yng Nghymru y mae o leiaf un cartref symudol wedi ei osod arno o dan gytundeb y mae Deddf Cartrefi Symudol 1983 (p.34) ("Deddf 1983") yn gymwys iddo".

Ar hyn o bryd felly, nid yw'r Bil, fel y'i drafftwyd, yn berthnasol i safleoedd Sipsiwn a Theithwyr Awdurdodau Lleol nad ydynt o fewn darpariaethau Deddf 1983.

Ysgrifennaf atoch i dynnu eich sylw, pe baech yn penderfynu diwygio Deddf 1983 i gynnwys safleoedd Sipsiwn a Theithwyr awdurdodau lleol o fewn y diffiniad o "safleoedd gwarchoddedig", canlyniad anfwriadol hyn fyddai bod safleoedd o'r fath hefyd o fewn darpariaethau Bil Safleoedd Rheoleiddiedig Cartrefi Symudol (Cymru), ac i ofyn i chi roi ystyriaeth ddyledus i hyn wrth wneud eich penderfyniad.

Amgaeaf gopi o adroddiad y Pwyllgor yng Nghyfnod 1, a gyhoeddwyd ddydd Iau 21 Chwefror, er gwybodaeth i chi.

Yn gywir



Ann Jones AC
Cadeirydd

cc John Davies, Equality, Diversity and Inclusion Division

Eitem 7b

Huw Lewis AC / AM
Y Gweinidog Cymunedau a Threchu Tlodi
Minister for Communities and Tackling Poverty



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref HL/00289/13

Ann Jones AM

ann.jones@wales.gov.uk

Dear Ann,

28 March 2013

Thank you for your correspondence dated 4 March, regarding the Welsh Government's consultation on implementing the Mobile Homes Act 1983 on Local Authority Gypsy and Traveller sites. I am responding to this letter as this work now falls within my portfolio as Minister for Communities and Tackling Poverty.

The Welsh Government has been consulting on the implementation of the Mobile Homes Act 1983 on local authority Gypsy and Traveller sites since 7th January 2013. Our proposed changes would bring local authority Gypsy and Traveller sites under the definition of "protected sites" in the Mobile Homes Act 1983.

My officials are already aware that the Regulated Mobile Home Sites (Wales) Bill also applies to "protected sites" and are working together with the Regulated Mobile Home Sites (Wales) Bill manager to consider the implications of these two pieces of legislation.

I will ask my officials to write to you again in due course when this issue has been resolved.

Huw Lewis AC / AM
Y Gweinidog Cymunedau a Threchu Tlodi
Minister for Communities and Tackling Poverty