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# CYTÛN POLICY BULLETIN

## NOVEMBER 2015

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### THE REFUGEE CRISIS

Since the placing of asylum detainees in Cardiff Prison in 2001, Cytûn has developed partnerships that are now being used to their full potential:

- Cytûn provides the Chair of the Home Office sponsored Wales Strategic Migration Partnership. Cytûn's CEO Aled Edwards, seeks to ensure that key local authority partners, third sector organisations and the Welsh Government work together effectively regarding refugee and asylum issues.
- Working with partners such as the Welsh Refugee Council, Displaced People in Action, the City of Sanctuary movement and Asylum Justice, Cytûn has sought to serve the churches in ensuring that asylum seekers and refugees are treated well in Wales.
- Cytûn, represented by Aled Edwards, was asked to participate in the Welsh Government refugee summit called by the First Minister on the 17<sup>th</sup> of September and will participate fully in the taskforce to enable Wales to welcome Syrian refugees.
- Encouraging the development of ethnic minority congregations in Wales, some built upon persecuted Christian refugees settled in Wales.
- Giving support to pioneering endeavours such as the Trinity Centre on Newport Road in Cardiff, which serves hundreds of asylum seekers every week. Money is urgently needed to maintain the building. Donations can be sent to 'The Trinity Project' via John Elias, 2 Springhurst Close, Whitchurch, Cardiff, CF14 7EU.
- Liaising with the Churches' Commission for Migrants in Europe, the Christian Aid Wales Committee and promoting Christian Aid's [Refugee Crisis Appeal](#).
- Arranging a Wales Welcomes Refugees Candlelight Vigil before the Wales v Israel football match on 6<sup>th</sup> September in St John the Evangelist Church in Canton.
- Working closely with Welsh Government, local government and other partners in highlighting the needs of asylum applicants dispersed to Wales by the Home Office, the plight of destitute asylum applicants not returned to their home countries and the needs of traumatised individuals seeking specific treatment – especially children.
- Preparing Welsh language liturgical material for young people for Sul yr Urdd (Urdd Sunday) on 15<sup>th</sup> November, available [here](#). The bilingual Racial Justice Sunday liturgy is available on <https://ctbi.org.uk/racial-justice-sunday-2015>

### Forthcoming events

- With the Cardiff Adult Christian Education Centre, Cytûn has arranged a meeting at City United Reformed Church, Cardiff at 7:30 p.m. on **Friday 20<sup>th</sup> November** to consider how churches should best respond to the refugee situation. Everyone is welcome. Other meetings are being held throughout Wales.
- The Cytûn board invites faith communities and those of no faith to mark Human Rights Day as a day of prayer and commitment to welcome asylum seekers and refugees. Local groups are encouraged to arrange their own events on **December 10<sup>th</sup>**. It is hoped to arrange two flagship events in Cardiff and Wrexham - see [www.cytun.org.uk](http://www.cytun.org.uk)

## WALES BILL – ONE STEP FORWARD, TWO STEPS BACK?

In his foreword to the [draft Bill](#) published on 20<sup>th</sup> October, the Secretary of State for Wales, Stephen Crabb, says the aim is *to create a stronger, clearer and fairer devolution settlement for Wales that will stand the test of time*. However, speaking to the Assembly, First Minister, Carwyn Jones, and the leaders of Plaid Cymru and the Welsh Liberal Democrats, said the draft threatened the Assembly's existing powers. So who is right?

To the general reader, neither the Bill nor the Explanatory Memorandum are *clearer*. References are made to 70 Acts of Parliament which would need to be consulted to get a full picture of the Assembly's powers, and only an expert could undertake such a task. It must be feared that legal arguments will become more rather than less frequent.

All parties have previously agreed that the constitutional settlement would be improved by moving from a 'conferred powers' model to a 'reserved powers' model – that is, instead of listing what the Assembly can do, the responsibilities of Westminster would be spelt out, and everything else would be devolved. This is the model used for Scotland and Northern Ireland. But in this draft, very broad powers are reserved to Westminster, with a list of exceptions – in other words, this is a reworded 'conferred powers' model. The effect of this is seen most clearly in the reservation to Westminster of criminal law, private law and civil penalties, with narrowly defined exceptions (Schedule 2). It appears, therefore, that more often than not the Assembly would require Westminster ministers' permission before legislating, or would be unable to do so. Welsh Government lawyers suggest (in [papers released by the First Minister](#)) that 14 of 19 Acts introduced into the Assembly would either have required additional Westminster consents, or would have been thwarted entirely.

The draft Bill also restricts Welsh Ministers' powers regarding governmental bodies which cover England and Wales, without Westminster ministers' consent. Powers regarding any authority not restricted to Wales territorially and mainly to devolved matters in its functions, would be reserved to Westminster, unless the relevant minister consented. This would curtail powers which the Assembly has had since its inception in 1999.

Analysing the precise effects of this is a technical legal matter, and there is disagreement between Wales Office and Welsh Government lawyers. But when he appeared before the Westminster Welsh Affairs Select Committee on 26<sup>th</sup> October, Mr Crabb and his officials noted that they had taken the opportunity to close loopholes in the current arrangements, and that there would be some curtailing of the Assembly's current powers. His officials believed that 20 of the 25 Assembly Acts and Measures passed hitherto could have been passed as before under the new settlement – but that 5 of the 25 therefore would have required additional ministerial consents or needed to be narrower in scope to be passed. He noted that Westminster ministers would normally give consent, but also gave examples of where that might not be the case. In particular, Mr Crabb regretted that two Assembly Acts had placed responsibilities on the police without Westminster consent, and that loophole would be closed.

Mr Crabb also took the opportunity to refer to "how messed up politics in Cardiff Bay is" and said that Carwyn Jones, in referring to "English ministers", was attempting to "delegitimise" the UK government.

Cytûn is concerned about the effect of both the public arguments and the drafting of the Bill on the integrity of the National Assembly as an elected legislature, and hopes that the churches and Welsh civil society will play a constructive role in achieving a settlement that will meet the promises of both governments, and the desire of Welsh voters in the 2011 referendum that the *Assembly will be able to make laws on all matters in the 20 subject areas it has powers for, without needing the UK Parliament's agreement*.

## RELIGIOUS EDUCATION IN SCHOOLS IN WALES

The Minister for Education and Skills, Huw Lewis, launched a consultation programme on implementing the recommendations of the Donaldson Review on the school curriculum at the National Education Conference in Cardiff on 22nd October, at which Cytûn churches were represented. The implementation process is outlined in [A curriculum for Wales – a curriculum for life](#) and will focus on pioneer schools who will trial the new framework curriculum. Neither the document nor the conference discussed Religious Education nor the role of faith schools specifically, although it is clear that the Minister intends the same curriculum to apply to all schools and all pupils. Cytûn churches remain in conversation with the Government.

## RELIGION OR BELIEF IN EQUALITY AND HUMAN RIGHTS LAW

The Equality and Human Rights Commission has published a [Review of equality and human rights law relating to religion or belief](#) by Peter Edge and Lucy Vickers of Oxford Brookes University. Their study reviews the interpretation and effectiveness of the current British legislative framework. It suggests a number of areas for further consideration:

- The definition of "belief", particularly in equality legislation. The broad definition currently being applied by the courts is unclear, particularly for belief systems which are based upon scientific evidence. This results in apparent inconsistencies between judgments, particularly at Employment Tribunal level. Additionally, the relationship between "religion" and "belief" is also unclear.
- The impact on British law of some specific issues that have been tested at European level remains unclear. For example, despite the ECtHR judgment in *Eweida & Ors v United Kingdom*, (the British Airways cross case) it remains uncertain whether or not an individual bringing a claim will need to find a group of individuals who share his or her beliefs and, if so, what size of group.
- The primary focus of the case law to date has been on the relationship of the religious employee and his or her employer. The positions of the religious *employer* and of the religious service provider have been relatively unexplored in the case law, but have the potential to be a significant area.

The authors suggest that an alternative approach might be to introduce a mechanism similar to the current right of employees to request flexible working. The proposed mechanism would cover issues of religion or belief in the workplace that are not covered by the existing right to request, such as dress codes and uniforms. The ECHR will now prepare a response to the review.

*Churches' Legislation Advisory Service (CLAS)*

## RELIGION IN WALES – 2011 CENSUS FIGURES

The Welsh Government has published an [analysis of the 2011 census figures](#) regarding religion. Amongst the highlights are:

- Christianity is still the largest religion in Wales, although the proportion has decreased markedly (from 71.9% to 57.6%) since 2001.
- Muslim, Hindu and Buddhist populations have approximately doubled since 2001.
- Around half of Muslims, Hindus and Sikhs live in Cardiff
- There has been a considerable increase (from 18.5% to 32.1%) in those stating no religion in Wales since 2001.
- These changes were also seen in England, although not as pronounced.

The Faith Communities Forum will reflect on these figures with the First Minister at its meeting on 2<sup>nd</sup> November.

## COUNTER-EXTREMISM STRATEGY

The UK Government introduced a new [counter-extremism strategy](#) on 19<sup>th</sup> October. The Government had previously introduced a [new statutory Prevent duty](#) in order that all local authorities, schools, universities and colleges, NHS organisations, police, probation services and prisons should be clear that they must take action to prevent people being drawn into terrorism. This includes those institutions which are devolved in Wales.

The UK Government will commission an independent review to understand the extent to which *shari'a* is being misused or applied in a way which is incompatible with UK law. This is expected to provide an initial report to the Home Secretary in 2016.

The Government will carry out a full review to ensure all institutions are safeguarded from the risk posed by entryism, to report in 2016 and look across the public sector, including schools, further and higher education colleges, local authorities, the NHS and the civil service. Work to counter the ideology will continue to challenge the extremist argument, confront the underlying weakness of the extremist ideology, promote a positive alternative and support vulnerable young people.

To address concerns about supplementary schools, the Department for Education in England will enable intervention in unregulated education settings that teach children intensively, if there are concerns about the safety or welfare of the children attending them, including from extremism. This will provide for the registration of settings so that they can be inspected and will introduce appropriate sanctions to protect children. It is not clear from the document if this arrangement will extend to Wales.

The Protection of Charities and Social Investment Bill will create a new power for the Charity Commission to disqualify a trustee where their conduct – *past or present* – would damage the public's trust and confidence in charities. The Government will also strengthen the role of the Disclosure and Barring Service (DBS) to enable employers to identify extremists and stop them working with children and other vulnerable groups.

The Government will introduce new powers to ban extremist organisations, restrict the harmful activities of the most dangerous extremist individuals and restrict access to premises repeatedly used to support extremism (Extremism Disruption Orders). The new powers will not be used against privately held views or people expressing their religious beliefs (para 113) – but a number of Christian, Jewish and Muslim religious groups and commentators have already expressed the view that this relief is not wide enough and could still cause difficulty for those expressing views which are legitimate within their own religion. See the Evangelical Alliance's comments [here](#).

The Government says, *“The Department for Communities and Local Government is therefore commissioning a new programme of support to help faith institutions to establish strong governance. The programme aims to strengthen and support places of worship of all faiths in order to improve governance, increase their capacity to engage with women and young people, challenge intolerance and develop resilience to extremism. The programme will provide training on key issues alongside support for faith institutions facing specific challenges*

*It is not government's role to regulate faith leaders, but government does have a responsibility to ensure that those working in the public sector are suitably trained. The Government will therefore work in partnership with faith groups to review the training provided to those who work as faith leaders in public institutions” [paras 86-87].*

Paras 127-8 emphasise the importance of the English language for social cohesion. By implication, other languages are seen to contribute to a lack of social cohesion.

## **HISTORIC PLACES OF WORSHIP**

AMs have on several occasions this month discussed the problem of historic places of worship which stand neglected in their constituencies. On 20<sup>th</sup> October, a plenary debate approved the principles of the [Historic Environment \(Wales\) Bill](#) and responded to a committee report about it.

Ken Skates, the Deputy Minister in charge of the Bill, indicated that he would not try to incorporate into this Bill financial penalties for owners of the historic buildings who neglect them, but he would consult and consider this for future legislation. He also rejected the Committee's proposal to add to the current system of 'Listed Buildings', statutory 'local lists' which would protect buildings currently not listed, but perceived to be of local importance. He rejected this on grounds of cost, and accepted arguments put forward by Cytûn churches and others that such local listing could inhibit legitimate proposals to adapt buildings so they can remain in use, or be used for socially useful purposes (such as affordable housing). However, local authorities will have the freedom if they wish to establish a local list, but they would have to pay for it themselves.

Several AMs referred to the need for improved flexibility in the listed building consent procedure, so that the most important buildings are protected (perhaps with an "owner of last resort" who could step in to save the most important buildings), but allowing other buildings to be adapted. Cytûn is still in dialogue with the Welsh Government and with AMs who have an interest in these matters to find ways to apply such principles to historic places of worship in particular, both in the legislation and in other guidance and policies issued by Cadw.

## **LOCAL GOVERNMENT REFORM DELAYED**

On the same day, the Assembly passed the [Local Government \(Wales\) Bill](#), which paves the way for implementing local government reform in Wales. However, in order to gain the support of Plaid Cymru, the Government had to agree that it would not begin any work on reorganisation before the election. This means that it will be a matter for the new Welsh Government, to be elected in May 2016, to decide on how to proceed with local government reform. The First Minister has also acknowledged that the next Welsh Government can change the electoral system for local councils to a more proportional system, as some opposition parties wish to do.

## **'DEVOLUTION' OF SUNDAY TRADING**

The UK Government has announced that its proposals to devolve to local authorities in England and Wales the power to extend (but not restrict) Sunday trading hours will be included in the [Cities and Local Government Devolution Bill](#). This Bill has already completed its passage through the House of Lords without this clause, so this route will prevent the Bishops (and other Lords) from influencing it. However, the vote in the House of Commons had to be postponed due to concerns on the part of Conservative MPs.

Cytûn responded to the consultation on this matter on behalf of all our member churches saying that the proposed reorganisation of Welsh local government made devolution of this kind inappropriate for Wales at present, and that full responsibility for Sunday trading regulations (not just the power to extend them) should be devolved to the National Assembly for Wales, which could then consult and decide whether to allow local authorities to act in this area.

We initially received an assurance from the relevant Westminster minister that there would be further consultation with churches in Wales, but we have heard nothing further.

## THE FUTURE OF THE BBC

Cytûn has responded on behalf of our members to the UK Government's consultation on the renewal of the BBC's charter. The response focuses on the importance of the BBC's services in providing coverage of the devolved institutions in Wales, and of portraying life in Wales to Wales, the UK and the world. The UK Government has expressed concern that the BBC dominates some sectors of the market and 'crowds out' commercial providers. Our perception is that the only respect in which that might be true in Wales is the effect of the BBC's local websites on the local press. Otherwise, BBC services fill gaps in provision which result from the failure of the market to provide adequate services in Welsh, English or other languages and BBC should be expanded rather than cut back.

The Institute for Welsh Affairs is conducting a wider-ranging Media Audit for Wales, the results of which will be announced at a Media Summit on 11<sup>th</sup> November. Further details can be found on the [IWA website](#).

## POVERTY IN WALES

A lively debate in the Senedd on 14th October discussed the report of the Communities, Equality and Local Government Committee on Poverty in Wales, and the Welsh Government's response, which can both be found [here](#). Members across all parties expressed concern at the apparent increase in levels of poverty in Wales, and the widening gap between Wales and other parts of the UK. The Government accepted most of the recommendations, but many only 'in principle'. It did not wish to establish a Welsh Poverty Reduction Alliance, bringing together the third Sector, Government and people in poverty themselves, believing that other bodies already enabled such conversation.

## ALCOHOL AND DRUGS MISUSE

On 21st October, the Senedd conducted a thoughtful debate on alcohol and drugs misuse in Wales, following a report by the Health and Social Care Committee and the Government's response, which can both be read at item 5 [here](#). This report and debate will feed into the delivery plan for the final two years (2016-18) of the current alcohol and substance misuse strategy, [Working together to reduce harm](#). The Government is also currently consulting on [draft legislation to introduce a minimum price for alcohol](#), a potential policy which was criticised by several AMs in the debate for giving higher profits to alcohol companies while doing little to reduce consumption. The Government is also consulting on a plan for managing the [night-time economy in Wales](#), a consultation to which Cytûn is urging Street Pastors, Street Angels and similar groups to respond. Cytûn will also be responding – comments to Gethin by **30th November**, please.



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