**Minutes of the 64th Meeting of the Wales Committee**

**7 October 2022 (13:30-16:45)**

**Online (via webex)**

**Attending**

**Wales Committee members**

Eryl Besse (Chair), Chris Dunn, Geraint Hopkins, Martyn Jones (joined from item 9 onwards), Helen Mary Jones and Alison Parken

**Officers**

Marcial Boo (CEO)

Ruth Coombs (Head of Wales)

Angus Cleary (Senior Principal - Inquiries and Intelligence) joined for item no. 4

Cath Denholm (Chief Operating Officer)

Pranali Dhumal (Senior Associate – Governance, Communications and Stakeholder Management)

Melanie Field (Chief Strategy and Policy Officer)

Ruth Latusek (Senior Associate, Governance Lead)

Bill Malloy (Director, Planning, Performance and Governance) joined for item no. 5

Nathan Owen (Senior Associate – Three Nations Wales) joined for item no. 4

Luke Taylor (Director, Evidence, Strategy and Three Nations)

1. **Chairwoman’s welcome and apologies**
   1. The Chair welcomed all attendees to the sixty-fourth meeting of the Wales Committee, with special welcome to the new Wales Committee members, Chris Dunn and Helen Mary Jones. She thanked members for moving the meeting online and changing the date of the meeting, due to rail strikes.
   2. Apologies for absence had been received from Bethan Thomas, Mark Sykes and Martyn Jones, with Martyn hoping to join later. The Chair noted that Mark Sykes had provided comments on the papers by correspondence and that Bethan Thomas would do so after the meeting.

**Action A: Governance team (CGT) to contact Bethan for her feedback on the papers, by way of correspondence, to ensure that they are captured as part of the Committee’s advice to the Board.**

* 1. As this was Alison’s last Wales Committee meeting, the Chair thanked Alison for her invaluable contribution to the Committee, Commissioner Working Groups and the EHRC.

1. **Declarations of interest** 
   1. Helen Mary advised that she is a member of the Board of Social Care Wales, and that this is not considered a conflict of interest.
2. **Minutes of the meetings held on 12 May and 14 July and the call on 8 September**
3. The Wales Committee members (Members) noted that the minutes of the meeting held on 12 May had not been tabled at the 14 July meeting as this was an informal meeting.
4. The minutes of the meetings on 12 May and 14 July were approved. The minutes of the call on 8 September were also approved, subject to minor amendments.

**Action B: CGT to agree the changes in the minutes of 8 September with the Chair.**

1. **Current matters arising**
2. The Chair informed Members that :
3. the current matters arising log had been shortened and that the format will be further improved and
4. that ‘WC 63 Action A’ incorrectly referred to an online data protection teach-in, rather than an Online Safety Bill session; the log will be corrected.

**Action C: CGT to amend ‘WC 63 Action A’ to refer to an online data protection teach-in.**

1. **Update on the Social Care Inquiry**
2. Members noted the progress made on the inquiry, the draft findings and recommendations. They discussed the opportunities to embed the inquiry’s recommendations into policy developments in Wales. The Members noted the report will include overarching recommendations for England and Wales, and that there is a scope to draw sub-recommendations within the Welsh context, to make it more accessible for Welsh stakeholders.
3. Officers advised that the final report had been delayed due to capacity issues; it will go to the Board for approval in January 2023 and be published soon after. The Chair noted that this gave the Committee more time to discuss communications and stakeholder engagement at its next meeting.

**Action D: CGT to schedule a discussion on the social care inquiry communications and handling plan at the next Committee meeting.**

1. Members welcomed the paper and provided the following advice on how to maximise the impact of the inquiry:
2. to consider equality and human rights elements in post-qualifying continuous professional development for social workers;
3. to strengthen the point around social care complaints advocacy, especially from the local authority’s perspective;
4. to reflect the provisions of the Social Services and Well-being (Wales) Act in the policy conclusions;
5. to consider the distinct programme of reform underway in Wales to help understand the Welsh context within which the report is published and to identify value-add opportunities;
6. to discuss the draft recommendations with the Minister of Health and Social Care for Wales, Eluned Morgan MS, and the Deputy Minister for Social Services, Julie Morgan MS;
7. to clarify that the mandatory obligation of signposting already exists in Wales;
8. to partner with relevant stakeholders and organisations, identifying the key target audiences in order to maximise the impact of the report;
9. to liaise with Members for any further advice and promotion of the policy briefing via their networks, including advocacy providers.
10. **Revised Terms of Reference (ToRs) for the Scotland and Wales Committees**
11. The COO provided an overview of the changes to the ToRs, particularly regarding the discharge of functions and membership. The Members were advised that they contained no changes to the statutory purpose of the Committees or the way in which the Committee’s advice is provided to the Board.
12. Members were advised that the reduction in the number of members will not diminish the quality, resources or the availability of staff advising the Committee. Furthermore, recruitment and induction processes and the appraisal system will be reviewed to attract a diverse range of candidates and to improve opportunities for ongoing learning and development.
13. Members welcomed the revised ToRs, especially the additional section 4 on discharge of functions. The following comments and observations were noted:
14. to consider expanding the scope of paragraph 4(h) (Discharge of functions) to reflect that the Committee is open to engaging with stakeholders’ concerns and issues, even if not directly within the EHRC’s strategic priorities;
15. to consider reviewing paragraph 6 (Committees advice to the Board)to provide for exceptional circumstances where the Committee disagrees with how a Board’s decision affects Wales by adding an additional process, such as holding a meeting between the Board and the Committee;
16. to consider the following with regards to paragraph 9 (Membership)and the proposed reduction in the number of Committee members; (i) the goal of a diverse Committee would be harder to achieve; (ii) in the context of devolved policies, where the Welsh Government is undertaking substantive reviews of equality matters, having relevant policy matter expertise could be a challenge; and (iii) having fewer members may affect the Committee’s efforts to be quorate, noting some difficulties during and since Covid;
17. to consider reviewing paragraph 11 (Membership)to provide that, in extraordinary circumstances, the maximum term of office can exceed seven years;
18. to consider, with respect to paragraph 23 (Extraordinary circumstances where meeting is not possible), providing guidance on examples of extraordinary circumstances so that this provision is not misused;
19. providing papers no later than 5 working days ahead of the meeting, as set out in paragraph 29 (Timeline for Committee papers), seems quite short;
20. on paragraph 32 (Reporting procedures), to consider whether it would be helpful for Members to input into the briefing by the Wales Commissioner on the Committee’s feedback to the Board.
21. **Wales Committee Stakeholder Engagement**
22. Members noted that the principles and objectives of the Stakeholder Engagement Action Plan reflected a refreshed approach and they were happy with the trajectory of the Plan. Members were invited to complete a skills matrix and to advise which strategic priority areas they could add most value, while ensuring a balance of Members across all priorities is maintained.
23. Members made the following observations and suggestions:
24. to reflect on learnings from previous stakeholder engagement programmes in order to be more agile and responsive to horizon scanning opportunities;
25. to consider engaging with stakeholders outside Cardiff at the March Committee meeting and seek Members’ inputs on the strategic priority on which to focus engagement, the proposed modes of engagement, and ensuring alignment with our strategy and business plan;
26. to work with (and advise) the Welsh Government’s data team to collect intelligence and information to identify data gaps to ensure that our stakeholder engagement priorities cater to diverse communities and sectors across Wales, including amplifying the voices of those with experience of decision-making in Wales;
27. to ensure that the Committee’s engagement priorities are (i) proactively identified, taking into account the broader opportunities and risks in the Welsh context, (ii) aligned with the EHRC’s overarching stakeholder engagement strategy, and (iii) agreed at the start of each financial year.
28. to identify engagement opportunities with key audiences, such as the Commissioners, the Public Services Ombudsman for Wales, and civil society organisations;
29. to consider participating in local and national events, for example local fairs and shows, including those in rural Wales, the National Eisteddfod, Royal Welsh show, and Welsh Government initiatives such as the National Social Care Conference, ensuring maximum value for money and impact, and that what is proposed is deliverable within the resourcing envelope;
30. to consider using digital engagement as a useful tool to engage with stakeholders, while noting connectivity issues in remote areas.

**Action E: CGT to ensure that (a) the skills matrix is completed by Members (b) members have provided their preferences on the strategic priorities with which they will be most involved (c) co-ordinate with the members for their inputs on the proposed modes and theme of engagement for the March Committee meeting.**

**Action F: CGT to schedule a discussion on the draft stakeholder action plan at the next meeting.**

1. **Chair’s Report**
2. The Chair updated Members on decisions and actions from the 14 September Board meeting. She provided assurance that the Committee’s advice had been provided to the Board on the cross-border implications of Scottish Gender Recognition Act (GRA) reform; and advised that the Chair had written to relevant ministers in the Welsh Government.
3. The Chair updated the Members on the meeting she and Jackie Killeen held with Hannah Blythyn MS on 28 September to discuss the EHRC’s single-sex service provider’s guidance. A response to the Minister’s letter to the EHRC Chairwoman will be sent shortly, and will be shared with Members.

**Action G – CGT to share the letter sent by the EHRC to Hannah Blythyn MS with the Members, once sent.**

1. **CEO Report**
2. The CEO updated Members on strategic and corporate priorities including, engagement with new UK Government Ministers, guidance on discrimination related to afro-textured hair, the NHRI re-accreditation hearing on 6 October; EHRC’s response to allegations about mistreatment of people in Edenfield Centre Mental Health Unit shown on a BBC Panorama programme; and the new Cardiff office.
3. The CEO advised that the EHRC is considering how to support staff in relation to increased energy costs and the cost of living crisis, such as ensuring that the office environment is warm and staff can afford heating when working from home, and providing staff with the standard pay remit for the current financial year in line with UK Government policy. He advised that internal conversations are on-going about the impact of the cost of living crisis on people with different protected characteristics, taking into account our strategic priorities; for example, children and young people and health and social care, so the impacts on certain groups are not worsened.
4. Members asked for an update on the Rwanda policy. The CEO advised that the EHRC has written to the Home Office challenging whether the Rwanda policy complies with Equalities legislation and that we are currently assessing and seeking more information.
5. **Head of Wales Report**
6. Members noted the regular updates on progress in Wales.
7. The Head of Wales updated Members on steps since the inquiry into racial inequality in health and social care workplaces (H&SC Inquiry), noting that staff will continue to seek responses to our recommendations from the Welsh Government. A Member raised a concern about the Cass review that children and young people in Wales may be disproportionately disadvantaged by proposals/service changes. The Head of Wales agreed to seek clarity on this, with continued engagement with the Welsh Government.
8. The Head of Wales invited Members to the upcoming Equality and Human Rights Exchange (EHRE) events on AI and Public Services; and on our H&SC Inquiry.

**Action H – CGT to provide the details of the EHRE events to Members so they can attend/share with their networks.**

1. Members thanked the Head of Wales for the breadth and scope of activities and the amount of work delivered by a small team.
2. **Six Month Impact Report**
3. Members noted the progress contained in the six month impact report, and provided the following comments:
4. to consider separating activities and have a sharper focus on impact;
5. to consider giving prominence to hard-edged regulation rather than softer promotional activities;
6. to consider including inquiries and strategic litigation; and
7. to consider providing an update on scoping activities or plans relating to strategic areas of focus e.g. addressing the equality and human rights impact of digital services and AI, and fostering good relations and promoting respect between groups.
8. **Any other business**
9. The Chair proposed that the next Committee meeting, currently scheduled for 15 December, should be brought forward and held in-person in the new Cardiff office due to possible rail strike and other issues closer to Christmas.

**Action I – CGT to confirm the date and location for the December meeting by correspondence.**

1. As above at 6.2, Members reiterated the March 2023 meeting should be in-person outside Cardiff, with stakeholder engagement.

**Action J – Wales team to plan and develop a stakeholder engagement programme for 2023-24 for the March Committee meeting for the Committee’s consideration.**

1. The Chair requested that (i) feedback from Board meetings and (ii) horizon-scanning issues to be conveyed to the Board should be added as standing items to the agenda.

**Action K – CGT to add separate standing items on the agenda:** **(a) for Chair to provide feedback from the Board meetings and (b) opportunity for Committee members to highlight horizon-scanning and strategic opportunities in Wales, to be conveyed to the Board.**

1. Members enquired about the potential impact on gender pay gap reporting of the proposed change in the criterion for qualification as a small and medium-sized business enterprise (SME) from 250 employees to 500 employees. The CEO advised that if this proposal progresses, the EHRC will take necessary steps to ensure it does not prejudice people in general and gender pay gap reporting in particular.
2. The COO asked Members to note that the Board meeting in May 2024 is currently planned to be held in Cardiff, which will include engagement with the Wales Committee.
3. **Close**
4. With no other business being raised, the Chair thanked Members and Officers for their contributions and closed the meeting.