**Minutes of the 67th meeting of the EHRC Wales Committee**

**7 June 2023 (11:00 to 14:25)**

**Reception meeting room, Companies House, Cardiff CF14 3UZ**

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# **Attending**

**Committee Members**

Eryl Besse (Chair)

Chris Dunn (Items 1-11)

Helen Mary Jones

Mark Sykes

Bethan Thomas

**Officers**

Marcial Boo, Chief Executive Officer

Ruth Coombs, Senior Principal, Head of Wales

Melanie Field, Chief Strategy and Policy Officer

Will Taylor, Senior Principal, Head of Strategy (Item 12)

Graham Wheaton, Senior Associate, Governance (Secretary)

**Guests**

Stuart Evans, Interim Deputy Director, Equality and Human Rights Division, Welsh Government (Item 9)

Katie Antippas, Head of Public Appointments, Welsh Government (Item 9)

# **1. Chair’s welcome and apologies**

* 1. The Chair welcomed attendees to the 67th Wales Committee meeting.

# **2. Apologies for absence**

2.1 Apologies had been received from Martyn Jones and Mary van den Heuvel.

# **3. Declarations of interest**

3.1 There were no new declarations.

# **4. Minutes of previous meetings (EHRC WC 67.01)**

4.1 The Committee approved the minutes of the 66th meeting of 16 March 2023 as an accurate record, subject to a minor rewording in para 3.1.

4.2 Members noted the following:

a) regarding paragraph 7.4(d), there was no update on the Conservative Party Islamophobia investigation at this time;

b) On paragraph 13.3, the UK Government has not committed to progress the Law Commission’s review recommendations.

# **5. Actions arising (EHRC WC 67.02)**

5.1 The Committee noted the actions log and were content with progress.

5.2 Members were advised that, on Action 65.M, the meeting with the Children’s Commissioner for Wales had been held on 22 May 2023. There are opportunities to collaborate on shared priorities.

# **6. Chair’s Report (EHRC WC 67.03 and Annex A)**

6.1 The Chair’s report was noted.

6.2 Members commented that the meeting table in the report needed further narrative on the stakeholder engagement session, held on 27 April 2023, before it is added to the Wales Impact Report.

**Action: Head of Wales to update the meetings table in the report to reflect members’ comments.**

6.3 Members received an update on the following strategic items covered at the 30 March and 16 May Board meeting:

a) People Survey results 2022/23,

b) Business Plan budget 2023/24,

c) Correspondence to the UK Government on the Equality Act,

d) Statutory Report,

e) Strategic Risk Register, Risk Management and Risk Appetite for 2023/24,

f) Commissioner Working Group Review,

g) Board Effectiveness Review action plan, and

h) Our Framework Document with the Sponsor Department.

6.4 Members noted that the Board had also had a joint meeting with the Scotland Committee on 16 May prior to the formal Board meeting, and that a similar meeting with the Wales Committee was planned for January 2024.

6.5 Members asked that the full Statutory Report be shared at the earliest opportunity. They also suggested adding colour-coding to nation information and data tables to identify which nation is being referred to in the text.

**Action: Chief Strategy and Policy Officer to check whether the full Statutory Report will be shared with the Wales Committee, and to provide the Committee’s feedback on the report’s design to the relevant team.**

# **7. CEO Report**

7.1 The CEO updated members on Policy and Regulatory work, including:

a) progress on the Illegal Migration Bill and the Public Order Act, advising that the Commission’s role regarding the latter would be to ensure police forces do not overstep on peaceful protests;

b) continued work to eliminate discrimination in Artificial Intelligence (AI), advising that this area was currently under-resourced;

c) that a Section 23 agreement was in place with the Home Office on immigration policies to ensure equality and human rights were at the forefront; and

d) continued work with organisations on sexual harassment, and that the Commission’s guidance for the hospitality industry was being adopted by the music industry.

7.2 The following comments and observations were noted:

a) Members enquired about capacity within the Home Office on immigration; they were advised that whilst the Commission had several contacts within the Home Office, including at senior level, a significant number of officials would need to be persuaded on issues and that this would therefore take time.

b) Members were interested in AI, noting that some external companies were keen to engage with the Commission, which would provide opportunities to enhance equality and human rights.

7.3 Members were provided reassurance that the recommendations regarding the Commission’s National Human Rights Institution reaccreditation were being taken forward. They noted that some third parties had written to the United Nations (UN) challenging the Commission’s ‘A’ status, which would trigger a consideration of a special review later in the year.

7.4 Members were advised that recent meetings with two UN rapporteurs for LGBT+ and Violence Against Women and Girls had focussed on the letter to the UK Government on amending the Equality Act, and violence against girls respectively.

# **8. Head of Wales Report (EHRC WC 67.04)**

8.1 The Head of Wales Report was noted.

8.2 On the Statutory Report, the Chair encouraged members to provide feedback on the Wales report by the deadline, particularly details of what is not included and data sources. Members were advised that:

a) key findings would be developed in-house to ensure the report was aimed at the right organisations in Wales;

b) two webinars were planned for the week commencing 12 June for organisations in Wales to share the key findings to inform equality plans;

c) the cross-cutting chapter would be moved to the start of the report and it would include any topics repeated across the chapters, to reduce repetition.

8.3 Members advised that Welsh Government compliance with the Public Sector Equality Duty (PSED) was a longstanding issue. [They noted that in a positive move, a response and action plan had been received and a future meeting requested, however no decision or agreements had been made at this time].

8.4 Members noted the update in relation to sporting bodies in Wales. [on the Welsh Rugby Union (WRU) and suggested that the Commission consider running a development session on equality with the WRU Board].

# **9. Diversity in Public Appointments (EHRC WC 67.05)**

9.1 Stuart Evans and Katie Antippas from the Welsh Government joined the meeting.

9.2 The Head of Wales introduced this paper.

9.3 Members noted that:

a) Extensive outreach work to understand barriers to diversity in public appointments had been carried out but there was still more to do. A lessons learnt exercise would follow.

b) The Diversity in Public Appointments strategy – Reflecting Wales in Running Wales - was timed to finish in 2023; however, some parts of the plan would be extended due to Covid-19.

c) Partners who make the initial requests to publish a public appointment vacancy have more authority than the Public Appointments team, and the team have limited opportunities to challenge and push back on criteria.

d) Criterion 1, ‘demonstrate experience of being on a board’, is often the main barrier for many applicants.

e) Well-written and succinct selection criteria were key to ensuring the right applicants were appointed, rather than using the Equality Act equal merit clause to appoint from under-represented groups.

f) Some barriers to applicants might be removed by using ‘Job Shadows’, which was a paid opportunity for near misses in the appointment process.

g) Recent campaigns using disability champions to improve diversity in public appointments with Brecon Beacons National Park Authority had been quite successful.

9.4 Members provided the following comments and observations:

a) it was positive that Welsh Government had funding available for job shadows, mentoring and other work;

b) to consider the importance of lived experience and how it was appropriately weighted against professional experience;

c) to consider how to make public role advertisements more engaging and to make greater use of social media channels;

d) to consider meeting timings, which was a key criticism, and how to facilitate meetings in non-working hours;

e) co-opting, and appointment of independent members, had worked well in the past to give people experience of working on boards;

f) mentoring was beneficial for near misses, although there was a concern that it raised people’s expectations and then failed to deliver; and

g) to also consider disability awareness training for interviewers, making it easier to accommodate requests for reasonable adjustments, and that the Guaranteed Interview Scheme might benefit from an improved narrative.

# **10. Wales Delivery Report (EHRC WC 67.06)**

10.1 The Head of Wales introduced this paper, advising that the delivery report covered October 2022 to March 2023. She advised that the Wales Impact Report, to be submitted to the Senedd, would be provided to members at the July development session for review.

10.2 Members discussed the paper and noted that:

a) internal conversations were taking place with Ofqual on how to manage AI bots writing for students;

b) meetings had taken place recently with the Coalition of Gypsy and Travellers in Wales, who were content with the action taken against Boxing Wales. Members requested further information on next steps;

c) Vale of Glamorgan Council were reviewing Equality Impact Assessments to ensure they were not a ‘tick box’ exercise;

d) a follow up letter had been sent to the Senedd Committee on electoral reform following EHRC submitting written and verbal evidence about the committee;

e) the response from Powys Council on their compliance with the PSED was deemed insufficient and the Wales Team had written to them again, requesting an updated Equality Impact Assessment;

f) Fostering Good Relations had less resource compared to other strategic priorities, but good work was being achieved in this area, such as with the Football Association of Wales. The next Strategic Plan 2025-28 may approach Fostering Good Relations differently;

g) Although not in this paper, a draft statement had been submitted to the UK Covid-19 Inquiry solicitors on the actions of the Welsh Government, for review. Once returned it will be signed and resubmitted, no longer in draft form.

10.3 Members enquired, with regards to school exclusions, whether teachers had been involved in pupil strip searches; they noted that it was not part of our advice to the Welsh Government and would sit better under Restraint and Restrictive processes.

# **11. Reflections on Stakeholder Engagement (EHRC WC 67.07)**

11.1 The Chair advised Members that they needed to commit to attending stakeholder meetings and events, whether in person or online if engagement was to be successful. She noted the financial costs of holding events in person, particularly away from Cardiff.

11.2 More generally ,she noted that there were currently no sanctions for non-attendance of Committee meetings, but this was under review by the Governance team.

11.3 Members considered the paper and suggested canvasing stakeholders for their preferred method and times for engagement and confirming dates earlier to increase attendance. They advised that digital inclusion was intertwined with financial inclusion.

11.4 Members advised that the event in April had provided valuable intelligence from stakeholders about the two Strategic Priorities discussed. They enquired whether a further event might look at the other four Priorities.

**Action: Head of Wales to consider whether a stakeholder event to cover strategic priorities 3 to 6 would be valuable.**

# **12. Horizon Scanning**

12.1 The Head of Strategy joined the meeting.

12.2 Members provided the following horizon scanning intelligence, and advised that:

a) the Welsh Government Commission on the Future of Wales’ evidence gathering was almost complete, and that a report may be forthcoming shortly. The Commission may want to give advice on its content;

b) the new Future Generations Commissioner, Derek Walker, had been appointed; roundtables had been planned to discuss the new strategy;

c) there were discussions about the human rights of people who had been/would be affected by flooding and erosion in coastal areas in Wales due to climate change;

d) there were early discussions in the children’s sector about the possibility of a new Children’s Act in Wales that more fully incorporates the UN convention on the Rights of the Child (UNCRC).] The possible incorporation of UN Conventions into Welsh law and a Welsh Bill of Rights were discussed.

# **13. Any Other Business**

13.1 With no other business, the Chair closed the meeting. She advised that the next formal meeting is scheduled for early September 2023. It was suggested that availability be canvassed. A Development Session will take place on 20 July 2023.

**Action: Secretary to confirm Members’ availability for the development session scheduled for 20 July 2023 and dates for the September meeting.**