Minutes of the Sixty Second Meeting of the Wales Committee

Thursday 12th May 2022

**By weblink**

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## Present

Eryl Besse (Chair)

Geraint Hopkins

Martyn Jones

Alison Parken

Mark Sykes

Bethan Thomas

## In attendance

Marcial Boo (CEO)

Ruth Coombs (Head of Wales)

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

Melanie Field (Chief Strategy and Policy Officer)

Carla Garnelas (Senior Principal, Strategy) *Item 6*

Luke Taylor (Director, Evidence and Strategy, Evidence and Strategy) *Item 6*

## Apologies

Apologies received from Alison Parken as she could attend the meeting from 2pm-3.15pm only and Martyn Jones, who joined the meeting from 3pm.

## Absent

None

## Welcome, Introductions and Chair’s Report

* 1. The Chair welcomed Committee members (Members) and officers to the sixty second meeting of the Wales Committee, which was held online. The *Chair* was appointed as the Wales Commissioner on 1 April and the Head of Wales welcomed the *Chair* to her first Wales Committee. The Head of Wales briefly introduced all attendees and the Chair then introduced herself. The Chair noted that she would be acting as an interface between the Wales Committee and the Board and welcomed input from all Members for transmission to the Board for consideration.
  2. The Chairin her report provided an update to attendees on her induction meetings and her upcoming stakeholder meetings in Wales. She advised that she had already met some Members and will be scheduling individual meetings with the remaining Members shortly.

## Attendance, apologies for absence and Declarations of Interest

1. Members agreed that the meeting was quorate. The Chair noted there were no apologies received other than one late arrival and one early departure and no Declarations of Interest were noted.

## Minutes of 61st meeting of the Wales Committee (EHRC WC 62.01)

1. The Chair invited Members to approve the minutes of the 61st meeting of the Wales Committee page by page. Members agreed that the minutes were an accurate record.

## Current matters arising (EHRC WC 62.02)

1. The Committee noted the current matters arising list. The Chair highlighted actions that have been updated since the last meeting.
2. The Head of Wales updated the Committee as follows:

4.2.1. WC61 Action A – the Wales team had raised the upcoming Inquiry report with the Welsh Government and with the Senedd Committee that is considering the review of the childcare sector workforce, as part of the expansion of the childcare offer in Wales. They were positive about the potential for the recommendations, when published, to inform this work. The Wales team will ensure that the appropriate lead officers receive a copy of the published report and will be on hand to advise them further. We are working with Shavanah Taj, Wales TUC and Sue Evans from Social Care Wales, both key stakeholders.,

4.2.2 WC60 Action B – we attended our first meeting of the Budget Impact and Advisory Group (BIAG), as observers. We noted the Welsh Government’s obligations under the Socio-economic Duty (SED) and the Public Sector Equality Duty, and that BIAG should consider them during their scrutiny of the Welsh Government. This advise was well received.

4.2.3 WC58 Action B - Nia Davies and Ginger Wiegand from the Wales team are working with the Senedd to organise a session on our strategic priorities. A date for a Senedd debate on our Wales impact report for 2020-21 has been finalised as 7 June 2022. The Head of Wales noted that we are working on the briefing for the members of the Senedd (MSs), which can be referred to in the debate. Members offered to help and support briefing MSs.

* 1. Members expressed interest in engaging with stakeholders and offered to support the Chair in shaping the agenda for stakeholder engagement.
  2. The Wales Committee offered no further comments on the Current Matters Arising.

**Action A: The Chair recommended that officers work on a more user friendly action point list for Current Matters Arising and that old items be removed from the list.**

## CEO and Chief Strategy and Policy Officer Update

1. The CEO provided an update on the latest developments in the Commission’s work since the last Wales Committee meeting as follows:
2. In relation to **regulatory work**, the CEO noted that we have recently published guidance for single sex services, a checklist for prevention of sexual harassment in the workplace for the hospitality sector and are developing guidance on afro hair policies in schools to reduce hair discrimination. The CEO advised that the Commission is liaising with OFCOM, OFGEM and other regulators on cost-of-living pressures and hardships for people with protected characteristics. The CEOindicated that the legal fund for race discrimination is slowly picking up pace and there are 8 cases in the pipeline at the moment. He also discussed the Commission’s concerns about the Section 23 agreements signed with Pontins and the DWP. These concerns may result in further action. The Committee discussed the sluggish engagement in relation to the legal fund for race equality, including the lack of uptake in Wales, and the possible reasons for this, including lack of courage/reluctance to raise the issue, fear of possible repercussions, and lack of support from representing lawyers. The CEO updated that we are working to raise awareness about the availability of funds and have contacted other lawyers and supporting organisations to spread the word about these funds.
3. In terms of **policy work**, the CEO updated that the Commission plans to send a letter to the UK Government regarding the protection of human rights in relation to their Asylum Partnership Agreement with Rwanda.
4. As a part of our **advisory work**, the Commission will be supporting the Department for Education to produce guidance for schools on gender reassignment issues.
5. We are in the process of preparing our evidence for submission to the United Nations in July to retain our ‘A’ status as a National Human Rights Institution.
6. The Chief Strategy and Policy Officerupdated Members that the Commission’s Chair Kishwer Falkner appeared before the Joint Committee on Human Rights, to give oral evidence on Human Rights Act reform and the UK Government’s proposal to bring in a Bill of Rights. In her evidence, she highlighted how human rights are enforced in the four nations and the vital role the Human Rights Act has played in the protection of human rights in the UK.
7. The Committee then discussed the proposed Bill of Rights. The Chief Strategy and Policy Officerupdated Members that we have responded to consultations by the UK Government. We are working with civil society organisations and sub-groups to advise Parliament and the UK Government about the importance of human rights across Great Britain.

## Update on Strategic Plan priorities – Equality in a changing workplace and Upholding Rights and Equality in Health and Social Care (EHRC WC 62.03)

1. The Wales Committee were grateful for the opportunity to discuss the draft papers on two of our strategic priorities for the next three years: ‘Equality in a changing workplace’ and ‘Upholding rights and equality in health and social care’
2. Members had commented on the draft papers by correspondence and offered the following feedback:
   * 1. Both papers lacked explicit references to Welsh-specific initiatives and:

**Equality in a changing workplace**

* + 1. There is a need to place a greater focus on pay gaps, particularly in respect of the protected characteristics of race, disability and gender.
    2. Current methodologies for calculating pay gaps do not take sufficient account of part-time workers.
    3. It is important to recognise, in developing post-pandemic measures, the need to improve equality for everyone; people may not have equality of opportunity even if not in a protected characteristic group – e.g.by reason of geography or deprivation or because they can’t afford childcare costs. Some of these factors are encompassed by the SED, some by human rights, and others may be outside our remit.
    4. The extension of the [childcare offer](https://gov.wales/sites/default/files/publications/2021-11/cooperation-agreement-2021.pdf) to two year olds in Wales, and the potential to examine how improvement of childcare infrastructure could contribute to the levelling up agenda for women in particular. This should be included in the plan, including that the Wales team is advising on the extension of the childcare offer to two years olds in Wales.

**Upholding rights and equality in health and social care**

* + 1. A seemingly very narrow focus from a Wales perspective. There is a need to reinforce sections around inequality of access to wider services such as primary care, in addition to specific services such as maternity services and gender identity services. In Wales, there are wider pressing problems including the strong link between deprivation (socio-economic disadvantage) and ill health.
    2. Other missing areas include access to services for disabled people and a lack of explicit focus on mental health.
    3. Digital exclusion was a concern, particularly with reference to primary care.
    4. In both general and specific services, it is important to consider differences in access in urban and rural contexts, including digital access.

1. The papers’ authors thanked the Members for their comments and feedback and agreed to do more research work around digital services and artificial intelligence in the healthcare sector, gather data collection points, and review the Queen’s speech and announcements and amend draft papers accordingly before presenting the papers to the Board.
2. The Chair thanked the papers’ authors for their contributions to the meeting and invited all present to take a break.

## Strengthening and Advancing Equality and Human Rights in Wales update (EHRC WC 62.04)

The Wales Committee were provided with an update on the Report on Strengthening and Advancing Equality and Human Rights in Wales. This Report, commissioned by the Welsh Government to examine options to strengthen and advance equality and human rights in Wales, was published on 26 August 2021. Members were invited to offer their feedback on the Commission’s proposed response to the report, outlined in Annex A.

1. The Wales Committee were grateful for the opportunity to discuss the recommendations in response to the report and Members offered the following feedback:
   * 1. The Welsh Government will likely introduce primary legislation to give effect to international human rights in Welsh law through a Human Rights (Wales) Act as announced by Mick Antoniw, Counsel General for Wales on 3 May 2022.
     2. The Commission’s remit is to promote and protect human rights and the Committee encouraged the provision of advise and support to the Welsh Government and broadly supported the recommendations made by the executive in response to the report.
     3. The Welsh Government and public authorities in Wales should require businesses or organisations funded in full or in part by public funds to clearly demonstrate how they will promote equality and human rights through their work and we should support them in incorporating the new rights in a meaningful way.
2. Members recommended to the Chair that the Committee resume in-person Stakeholder meetings around Wales so that the voice of the Commission in Wales could be clearly heard in discussions.
3. The Wales team stated that while they wish to support, advise and provide guidance to the Welsh Government as far as possible, there are resource issues. The Head of Wales advised that we may need to consider the possibility of re-directing resources, including staffing, to this area of work and that actions may need to be taken to re-prioritise or de-prioritise other work accordingly.
4. The Chair offered thanks for the detailed report and requested that Members offer further comments, if any, by email.

## Update on Committee Members’ recruitment

1. TheChair thanked all Members who attended the two information sessions held online on 21 April and 28 April and updated Members that the applications for the Wales Committee recruitment closed on Sunday, 8 May.
2. TheChair asked the Head of Wales to provide an update on the recruitment process and she updated Members that 24 applications have been received, 21 online and 3 offline. One application is in Welsh and has been translated to English ready for the panel’s review.
3. The Head of Wales further updated Members that the panellists are: Marcial Boo, Melanie Field, Eryl Besse, Kevin Thomas – Senior HR Executive Director, Audit Wales - and herself. The shortlisting meeting is scheduled for 23 May and the interviews for the shortlisted candidates will be from 14 -16 June. Following interview, the panel’s recommendations will be submitted for the Board’s consideration at the Board meeting on 28 July 2022.
4. The Chair offered thanks for the detailed update and invited Members to give feedback on the recruitment process. Members were happy with the process and no questions were raised.

## Head of Wales Report (EHRC WC 62.05)

1. The Head of Walesprovided an update on: the Inquiry into racial inequality in health and social care in the workplace; the extension of fixed term contracts for two Wales team staff members; the extension of the office rental agreement at the Maltings and plans to move into the Companies House office, hopefully in the summer.
2. The Head of Wale*s* informed Members that the next Wales Committee meeting will be an informal meeting focussed on development and some discussion points left over from the old items in the Current Matters Arising list. The Chair responded that she wanted the meeting to be in person. The day will be an opportunity for Members and staff to get to know each other.
3. All present thanked the Chair for chairing the meeting.

**Action B: The Chair, the Head of Wales and the Corporate Governance Team to organise the informal Committee meeting with time for socialising over lunch and/or drinks and /or dinner.**

## Close

With no other business being raised, the Chair thanked Members and staff for their contributions, and drew the formal meeting to a close. The Committee will next meet informally on 14 July 2022 in person.