Minutes of the Fifty Seventh Meeting of the Wales Committee

Friday 25 June 2021 [Additional Meeting]

**By weblink**

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## Present

Martyn Jones (Interim Chair)
Alison Parken

Grace Quantock

Mark Sykes

## In attendance

Melanie Field (Executive Director, Wales & Corporate Strategy and Policy)

Ruth Coombs (Head of Wales)
Julie Jarman (Senior Principal, Strategy Hub) (*Item 5)*

Luke Taylor (Director, Evidence and Strategy Hub) *(Items 5 & 6)*

Sarah Whelan (Senior Associate, Corporate Governance)

Alix Luddington (Senior Associate, Private Office)

## Apologies

Rocio Cifuentes

Beth Thomas

Faith Walker

## Absent

Geraint Hopkins

## 1. Welcome and introductions

1.1 The Interim Chair welcomed members and officers to the fifty seventh meeting of the Wales Committee.

## 2. Declarations of interest

2.1 No declarations were made additional to those already registered.

## 3. Minutes of 56th meeting of the Wales Committee – 06 May (EHRC WC 57.01)

3.1 Members advised that there was a typo at 5.1.3, which should be *single* sex and at 8.2 should include the word *rural.* Secretary to make amends. With these changes made, the Committee agreed the minutes of the 56th meeting of the Wales Committee as being accurate.

## 4. Matters arising (EHRC WC 57.02)

4.1 The Committee noted the matters arising list, specifically that a session on impartiality would take place jointly with the Scotland Committee members in August, run by Lesley Sawyers and Martyn Jones, supported by officers.

4.2 With reference to WC/10.4 action D, Members requested further information on roles being advertised in the Wales team.

**Action A: Head of Wales to circulate vacancy details to members.**

## 5. Update on the draft Strategic Plan 2022-25 for consultation (EHRC WC 57.03)

5.1. Prior to the meeting the Committee had considered the draft Strategic Plan 2022-25 for consultation (EHRC WC 57.03).

5.2. The Head of Wales provided a brief update following meetings with Welsh Government officials; the Children Commissioner for Wales; the Older People’s Commissioner for Wales and the Wellbeing of Future Generations Commissioner for Wales. There was agreement from all stakeholders that the draft plan provides opportunities for collaboration and utilises a good range of the Commissions powers. An area of concern was the lack of inclusion of older peoples’ rights. The Head of Wales will continue engaging with key stakeholders, specifically Nick Bennett, Public Services Ombudsman for Wales.

5.3. The Committee were asked for its views on the proposed six themes and the consultation process. Members advised that the consultation period was too short, specifically as it was taking place over the summer period. They requested the following further considerations to be incorporated into advice to the Board on the plan:

a) Explicit reference be made to each theme in the context of the Covid-19 pandemic; specifically in relation to fairness in a changing workplace and the impact the end of the furlough scheme could have on single households, single parent households and families in Wales;

b) Re-frame the fairness for young people theme to age discrimination and include both older and younger people;

c) Although members were particularly pleased to see artificial intelligence and emerging digital technologies included, consider referencing social media in the ‘fostering good relations theme’ and including reference to new technology reflecting conscious and unconscious bias;

d) Explicit reference to be made to poverty, welfare, debt, housing and unemployment, as these are priority issues in Wales in the context of the Covid-19 pandemic,

e) Within the health and social care theme; include the rights of those with dementia and that structural disadvantage should be more prominent, particularly in relation to gender segregation;

f) Re-visit the language i.e. the use of the word ‘perceived’ within the fostering good relations theme; to question to whom the ‘discriminatory barriers and prejudice’ within the health and social care theme is aimed at influencing; to consider less emotive language in the context of ‘thought leadership’ within the fostering good relations theme. The Executive advised that specific language is used as it is framed within equality and human rights legislation;

g) Include adequate opportunities for co-creation and collaboration within the consultation approach, particularly with people who have a number of protected characteristics; and

h) To ensure that the annual plan is very outcome focussed, with clear read across from the overarching strategic plan given the high level nature of the strategic plan.

5.4. The Plan and consultation responses will come to the Committees in November ahead of seeking the Board’s formal approval at the January 2022 Board meeting.

## 6. Update on Is Britain Fairer?

6.1. Luke Taylor provided a verbal update to Committee members on Is Britain Fairer? They were advised that David Goodhart had assumed the role of Commissioner Working Group (CWG) Chair, whilst Lesley Sawyers remained a member. Dr Alison Parken represents the Wales Committee on the CWG.

6.2. Following a discussion with the EHRC Chair, Kishwer Falkner, the CWG working group agreed to re-consider moving the next publication of Is Britain Fairer? (IBF) from April 2023 to later that year. The timing of the publication of the report was critical, in both capturing enough data on the impact of the Covid-19 pandemic whilst taking into consideration the implications for public bodies in Scotland and Wales setting equality objectives. The working group will consider further at their meeting in September, before going to the Board for approval. Committee members agreed that:

a) Whilst maximum impact is gained from the alignment of the publication of Is Wales Fairer? (IWF) and Is Scotland Fairer? (ISF) with IBF, they queried at what point that becomes too late for Wales if the publication of IBF is delayed beyond April 2023. Members’ preference was that publication doesn’t go beyond December 2022.

b) Robust data would be needed to share with public bodies by July 2023;

c) IWF is the primary source for public bodies developing Strategic Equality Plans; and

d) There will be opportunity to influence a potential new First Minister for Wales in 2023.

6.3. The working group are working on the Future of Work research report, which has been approved and is at the procurement stage. It also considered the Rape Victims research report, which is due in autumn, and is being undertaken jointly with the Office of the Victims Commissioner.

## 7. Interim Chair’s report

7.1The Interim Chair provided an update from the 13 May Board meeting where the Board had participated in a workshop on the Commissions strategic risks and how these will inform decision making over the coming year. Three key categories of risk were considered: strategic risk, operational risk and institutional risk. Outcomes are currently being discussed by the Audit and Risk Committee (ARAC) prior to being presented to the Board for formal approval.

7.2 Members questioned whether they would receive feedback from the meeting with the Regulators, Inspectors and Ombudsman’s (RIO) forum. They were advised the Commission’s advice had been valued and that there was a clear appetite to continue close working.

7.3 The Interim Chair advised that there continues to be an improvement in the internal three nations working processes and the capturing of Committee input and advice to Board.

## 8. Executive update

8.1. The Executive provided an update on legal and corporate activities:

8.1.1 Investigations and enforcement:

a) The Labour Party is implementing its mandatory action plan following the Commission’s investigation. Regular written updates are received and the legal team meet with the Labour Party team regularly.

b) The Commission’s investigation into Elite Careplus Ltd’s (ECL) unlawful pre-employment health questions was published on 13 May. A video explainer for employers on the relevant law was subsequently published. ECL is an England based organisation that does not work in Wales.

c) Discussions have started with the Department of Work and Pensions (DWP) about a potential section 23 agreement to improve the provision of reasonable adjustments for disabled benefit claimants.

d) On 20 May, the Commission published a briefing with advice to Government on the Police, Crime, Sentencing and Courts Bill. This briefing was shared with the Public Bill Committee and relevant ministers.

e) Consideration is being given to the Commission’s responses to the Higher Education (Freedom of Speech) Bill and the Draft Online Safety Bill.

8.1.2 Corporate issues:

a) Arrangements to cover the Chief Executive role were now in place, with Cath Denholm and Melanie Field jointly sharing the role following Alastair Pringle’s departure. Going forward there will likely only be two Executive Directors, but this has not been finalised.

b) Following last year’s agreement from the People and Workspace Committee (PWC) and Lord Agnew, and as part of our Inclusion Programme, we committed to review our approach to employee reward, and to explore the introduction of team awards. We are piloting our Exceptional Team Awards this year. 50% of the available funds will be used to introduce Team Bonuses to reward exceptional performance by teams in 2020/21. The remaining 50% will be used for colleagues who exceeded their objectives in 2020/21. Unions have been consulted and staff informed.

c) The refurbishment works are underway for the London relocation, with tenant handover provisionally scheduled for w/c 26 July. A short period of time will be required to install all furniture and commission IT services prior to office re-opening early-mid August.

d) Work continues regarding finding permanent relocation in Cardiff. We are also exploring temporary arrangements to enable staff to have safe physical contact when safe to do so, whilst the search is ongoing.

e) A post-Covid action plan is in place, the future ways of working plan sets out the steps we will take on our journey to hybrid working over the next 12 to 18 months. This will make sure that we have in place the necessary office space, technology, policies and practices to support our future ways of working.

**Action B: Members queried whether it is in the Commission’s remit to look into recent media reports that women have been underpaid in their state pension entitlement. Executive to discuss further with the Legal team.**

## 9. Update on the Race Inquiry and Social Care programmes

9.1 Race Inquiry:

1. The Head of Wales advised members that the drafting of the report regarding the inquiry into ethnic minority workers in health and social care has begun, and will draw on extensive analysis of the evidence.
2. A meeting had taken place with the NHS Directors of Workforce and Organisational Development peer group on the draft recommendations of the inquiry. They also discussed synergies with Welsh Government activities including the Race Equality Action Plan and forthcoming draft LGBTQ+ Equality Action Plan. This provided an opportunity to ensure sustained follow-up and impact.

9.2 Social Care Inquiry:

1. The social care inquiry, which will cover England and Wales, has been scoped thoroughly and numerous stakeholders consulted. The Head of Wales advised that the Wales team had engaged with the Older People’s Commissioner, Care Inspectorate Wales and the Welsh Government, alongside a range of other key organisations in Wales and across GB, and was currently undertaking further research via a survey. Complementary work with a focus on equalities, rather than human rights and equalities will be undertaken in Scotland. The Terms of Reference are likely to be launched at the beginning of July.

## 10. Any other Business

10.1 The Head of Wales provided a corporate update on the relocation of the Cardiff Office; that there were currently three vacancies within the Wales team and Committee members were asked to promote the adverts via their networks.

10.2 Members did not wish to escalate any matters to the Board.

10.3 The Interim Chair thanked Rachel Hodge, Business support for her work supporting the Committee.

10.4 With no other business being raised, the Interim Chair thanked Committee members and staff for their contributions, and drew the formal meeting to a close. The Committee would next meet on 07 September 2021.