Minutes of the Fifty Sixth Meeting of the Wales Committee

Thursday 6 May 2021

**By weblink**

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## Present

Martyn Jones (Interim Chair)
Alison Parken

Geraint Hopkins *(Items 1 – 6)*

Faith Walker
Grace Quantock (*Item 5 onwards)*

Mark Sykes
Rocio Cifuentes

## In attendance

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

Ruth Coombs (Head of Wales)
Carla Garnelas (Principal, Treaty Monitory) (*Item 6)*

Laura Mingins (Head of Stakeholder Engagement and Communications) *(Items 6 & 7)*

Rachel Hodge (Business Support, Wales)

## Apologies

Beth Thomas

## Absent

None

## 1. Welcome and introductions

1.1 The Interim Chair welcomed members and officers to the fifty sixth meeting of the Wales Committee. Apologies were received from Beth Thomas.

## 2. Declarations of interest

2.1 Geraint Hopkins – Represents a Local Authority that may be subject social care inquiry.

## 3. Minutes of 55th meeting of the Wales Committee – 25 February (EHRC WC 56.01)

3.1 The Committee agreed the minutes of the 55th meeting of the Wales Committee as being accurate.

## 4. Matters arising (EHRC WC 56.02)

4.1 The Committee noted the matters arising list.

## 5. Interim Chair report (EHRC WC 56.03)

* 1. The Interim Chair asked members for feedback following the recent Balance of Rights session.
		1. The Committee agreed it was well run and welcomed more sessions with colleagues from Scotland.
		2. Reinforced that although it was difficult to maintain a nuanced position, it was felt that this was essential.
		3. Members were asked to consider whether, given the polarised views, it would be helpful for the Commission to issue new guidance on single sex services.
		4. In response, it was agreed that the Wales Commission needed to frame an answer in a devolved context and members noted that the topic was currently not so contentious in Wales. However, it was increasingly becoming a political issue and members therefore advised they would reconsider the question post-election.
		5. It was noted that the Women and Equalities Committee were undertaking an inquiry into gender recognition.
	2. The Interim Chair provided feedback following a meeting with Kemi Badenoch, Minister for Equalities, Government Equalities Office (GEO) which took place during the March board meeting:
		1. Members were advised that the Minister had a strong agenda, in line with the December speech made by the Minister for Women and Equalities, that positioned the GEO as the leading body in this space, with a focus on the importance of data.
		2. The Minister questioned the EHRC’s drive to respond to activism and considered it our role to look at issues beyond the protective characteristics for example the white working class. It was noted that this was less of an issue in Wales due to the enactment of the Socio-Economic Duty.
		3. Members expressed a sense that the GEO had diverging priorities and it was suggested that the Commission should be asking government to demonstrate how they are using the PSED.
	3. The Interim Chair provided feedback following a meeting with the EHRC including the Commission’s Chair and Jane Hutt MS, Deputy Minister:
		1. It was noted that our engagement and advice was well received by Welsh Government and the Deputy Minister asked that her gratitude was relayed to members.
		2. The Chair was advised that strategic level tensions currently exist due to uncertainty around potential financial changes.
		3. The Deputy Minster indicated her frustration that Welsh Government was not involved in the Wales Commissioner recruitment process and welcomed the Chair’s support with this matter. There was a proposal to advertise this role by the end of the summer.
	4. The Interim Chair updated members that Geraint Rees would no longer be responsible for the Committee as part of his role and formally thanked him for the excellent support he has provided over the years. Rachel Hodge is currently undertaking the role.
	5. Grace Quantock provide feedback from the Disability Advisory Committee (DAC) on the strategic plan and stakeholder review papers:
		1. Strategic Plan – DAC welcomed the inclusion of young people and special education needs as well as the broadening of mental health work. The Committee was however disappointed not to see medical and genetic health issues included. It was noted that more emphasis was needed around transport mobility, education, and how disabled people fit into the climate and humanitarian crisis, particularly post Covid.
		2. Stakeholder Review – whilst the Committee did not come to a consensus about the best way forward, it was felt DAC worked best when engaged at the forefront and that the panel’s expertise could be utilised better. Concerns were expressed around specific disability issues being missed without a focus group. There was agreement that any way forward needed a three nations approach.

## 6. Update from Executive Director (EHRC WC 56.04)

6.1 The Executive Director provided an update on our response to two significant litigation outcomes concerning the DWP. The Commission has concluded there was clear evidence of failure to make reasonable adjustment in DWP’s processes and a swift, focused approach is now needed to ensure the DWP are responsive to needs of disabled people and those with mental health conditions. The Commission was therefore seeking to enter into section 23 agreement with DWP with option for enforcement. The Executive Director had met with the Permanent Secretary and had received a positive response.

6.2 The Commission was seeking to engage with the Department of Business, Energy and Industrial Strategy (BEIS) on the Industrial Strategy and ‘Building Back Better’ return to work guidance. The EHRC Chair met with the Secretary of State and the Interim CEO had a meeting with the Permanent Secretary scheduled with a focus on seeking engagement in relation to building equality issues into strategy to guard against the disparate impacts seen during the pandemic.

6.3 Social Care Inquiry – there has been a shift of focus to ensure the Inquiry was more impactful and deliverable.

6.4 Race Inquiry – members were advised that there were ongoing discussion regarding the publication date of the report and it may be deferred until after summer recess.

6.5 The Executive Director drew the Committee’s attention the Commission’s intervention in Maya Forstater appeal and the Authentic Equity Alliance Judicial Review against the EHRC.

6.6 In response to discussions that had taken place following the publication of the Race and Ethnic Disparities (CRED) report, the Executive Director led a discussion around the Commissions response to the report. The following points were noted:

* Committee members expressed strong opposition to the tone and impact of the report and questioned whether there was a need to issue a response from EHRC Wales to protect the Wales Commission’s reputation with stakeholders.
* Members were reminded that the Commission had issued a statement that welcomed recommendations but did not comment in terms of the positioning or narrative of report.
* Members were informed that the Wales Team were focussed on engaging with Welsh Government on the Race Equality Action Plan and the GB team are working on a Roadmap to Race Equality as a way of seeking to influence UK Government’s response and ensuring this notes the priority issues EHRC believe should to be addressed.
* The Board should approve the Roadmap report before the end of May ahead of the UK Government’s response.

6.7 Following the announcement that the Interim Chief Executive was leaving the Commission it was confirmed that Melanie Field and Cath Denholm would jointly sharing the CEO role until the position was filled.

6.8 The Head of Wales provided a brief update on plans for engaging with the new Welsh Government and asked members to share any intelligence they had in order to inform the communications plan.

## 7. First 100 days of new Welsh Government (EHRC WC 56.05)

7.1 It was suggested that this provided a good opportunity to re-engage with the stakeholders in a planned and structured way with the possibility of tasking committee members to more formally represent the Commission on priority issues.

**Action A: Members to send Rachel Hodge any intelligence on new Senedd Members following election results.**

**Action B: Organise a drop in session at the Senedd to educate new members on EHRC Wales work and priorities**

**Action C: Interim Chair to arrange a private session with Committee members to discuss ongoing issues and agree a more formal structured engagement strategy**

## 8. Evidence base for strategic plan 2022-25 and approval of consultation strategy and stakeholder plan (EHRC WC 56.06a & 56.06b)

8.1 The Committee received an update from the Strategy Hub team on the progress on the development of the strategic plan.

8.2 Whilst members thought that the themes were strong, the Committee highlighted some gap areas and suggested the following themes for inclusion:

* Early year’s education in order to provide a broader provision for improving the foundation phase
* Universal childcare access for everyone which it was felt was increasingly relevant with an ageing population
* Regional inequality, including coastal and/or rural communities and the importance of socio-economic disadvantage in the context of the Socio-Economic Duty being enacted in Wales
* Violence against women and girls
* Loss of rights and citizenship following Brexit and the Windrush scandal
* Criminal Justice and policing powers

8.3 Further Committee reflections were noted as follows:

8.3.1 Members requested that they were involved in the consultation process as they see this an opportunity to re-engage with the community and stakeholders

8.3.2 Members highlighted the need for roundtable sessions and digital engagement to be held in an inclusive way ensuring that reasonable adjustments were considered

8.3.3 The decision making process should be representative and it was requested that evidence of continuous engagement outside of the Commission was provided

8.3.4 When gathering intelligence around the ‘Future of Work’ theme it would be key that consideration was given to all available data and expertise from academics

8.3.5 In light of the changes within the EHRC Wales team, the Board was asked to provide adequate support to enable an effective consultation process in Wales.

## 9. Stakeholder review (to include the DAC review) (EHRC WC 56.07)

9.1 The Head of Stakeholder Engagement and Communications updated members on the process behind the stakeholder review and articulated the rationale behind recommendations put forward in particular the suggestion that DAC is disbanded.

9.2 The Committee provided the following feedback and suggestions:

9.2.1 There was a sense amongst members that it was a good beginning of a plan

9.2.2 Members asked for clarification around how the Commission intended to engage with service users and what this would might look like?

9.2.3 The Committee requested that devolved issues were considered when forming the panels and networks specifically around public sector activities

9.2.4 Concerns were expressed over the lead Commissioner role and whether this may add an extra barrier for Wales where there is no Commissioner currently in place

9.2.5 It was important to consider how the suggested plan fitted with current Wales Committee engagement activities

9.2.6 It was suggested that the flow diagram could be improved as it currently looked disjointed and was difficult to understand the pathways and flows

9.2.7 It was noted that the wording of ‘Women’s Rights Network’ should be rephrased to ‘Women’s Network’

## 10. Head of Wales report (EHRC 56.08)

10.1 The Head of Wales provided an update on the Race Inquiry. A significant amount of evidence and data was gathered for Wales and recommendations are being developed. As previously stated there may be a short delay in the publication of the report.

10.2 Race Equality Action plan - working towards our original deadlines.

10.3 The Committee were given the opportunity in advance to provide advice on the proposed Social Care Inquiry via correspondence. It was noted that there has been a shift of focus in recognition that the powers that Care Inspectorate Wales have were different than the Care Quality Commission and the EHRC wanted to avoid any duplication. Terms of reference were currently been developed.

10.4 The Committee were updated on staffing issues and were advised that, in addition to the team members outlined in the paper 56.08, the Principal, External Affairs would also be leaving the EHRC Wales team. Members were reassured that the Commission had an inclusive recruitment strategy and were proactively trying to reach underrepresented groups via all existing networks.

10.5 The Head of Wales advised that EHRC Wales had been successful in our Summer Diversity Internship Programme application.

10.6 There was no further update on the location of a permanent Cardiff office space for the team at this stage.

**Action D: Committee members to actively promote and encourage their networks to apply for roles advertised.**

**Action E: Explore whether opportunities for the Wales Commission to take on an apprentice from within the Welsh Government apprenticeship programme**

## 11. Any other Business

11.1 Members were reminded to book in appraisals slots with the Interim Chair

**Action F: Rachel Hodge to resend email to Grace Quantock re appraisals bookings.**