**Minutes of the 66th meeting of the EHRC Wales Committee**

**16 March 2023 (10:00 to 13:05)**

**Virtual meeting via Teams**

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# **Attending**

**Committee Members**

Eryl Besse (Chair)

Geraint Hopkins

Helen Mary Jones

Mark Sykes

Bethan Thomas

**Officers**

Robert Bancroft, Principal - Policy (Item 13)

Marcial Boo, Chief Executive Officer

Ruth Coombs, Head of Wales

Pranali Dhumal, Senior Associate, Governance

Melanie Field, Chief Strategy and Policy Officer

Sian Hughes, Senior Principal, Head of Data and Evidence (Item 10)

Alasdair MacDonald, Director, Policy and Human Rights Monitoring

Laura Shobiye, Senior Associate, Research Manager (Item 10)

Graham Wheaton, Senior Associate, Governance

Sarah Whelan, Principal, Head of Governance (Item 12)

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

* 1. The Chair welcomed attendees to the 66th Wales Committee meeting.

# **2. Apologies for absence**

2.1 Apologies had been received from Chris Dunn and Martyn Jones.

# **3. Declarations of interest**

3.1 Helen Mary Jones reiterated that she was Chair of Children in Wales and a Member of the Social Care Wales Board, both of which had already been declared.

3.2 Mark Sykes stated that he was a retiree member of the Betsi Cadwallader Health Board.

3.3 Geraint Hopkins stated that he was a member of Cwm Taf Health Board.

# **4. Minutes of previous meetings (EHRC WC 66.01 and EHRC WC 66.01a)**

4.1 The Committee approved the minutes of the 65th meeting of 5 December 2022 as an accurate record subject to a minor rewording to para 9.2.

**Action: Secretary to amend minute 66/9.2 with suggested wording.**

4.2 The Committee approved the minutes of the extraordinary Wales Committee meeting of 28 February with no amendments.

# **5. Actions arising (EHRC WC 66.02)**

5.1 The Committee reviewed the actions arising and were content with progress.

5.2 Members were advised that Action 65.O, Corporate Values had been discussed at the People and Workspace Committee meeting on 2 February and would go to Board on 30 March. The Chair would provide feedback to members after that meeting.

**Action: Secretary to add an update on Corporate Values to the Chair’s Report/Brief for the next Wales Committee meeting on 7 June 2023.**

# **6. Chair’s Report (EHRC WC 66.03)**

6.1 The Chair’s report was taken as read.

6.2 Members received an update on the following strategic items covered at the 18 January Board meeting:

a) Implications of Equality Act 2010 reform;

b) Social Care Inquiry Report;

c) Taking forward the recommendations of the Sub-Committee on Accreditation.

6.3 Members were advised that:

a) the draft Business plan for 2023/24 was discussed by the Audit and Risk Assurance Committee (ARAC) on 15 February and would be reviewed by members at this meeting. The final version will go to Board on 30 March for approval.

b) recommendations to seek to increase powers under section 28 (8) of the Equality Act 2006 and to pursue fine-levying powers under section 78 of the Equality Act 2010 were sent to the Board for comment with none being received.

c) at the 3 March extraordinary Board meeting, relating to a letter received from the Minister for Women and Equalities, advice from the Scotland and Wales Committees had been provided to the Board as well as risk advice from ARAC. The Wales Committee will receive a letter detailing Board conclusions after the 30 March Board meeting.

# **7. CEO Report**

7.1 The CEO updated members that the draft Statutory Report, which was on today’s agenda, would be ready for review in June and in final form for publication in October.

7.2 The results of the most recent People Survey (November 2022) were under discussion and would go to Board on 30 March. Engagement work was already underway with staff across the organisation, using monthly internal meetings to provide opportunities to make comments and suggestions, as well as highlight any issues. Members noted that data for Scotland and Wales would not be disaggregated. Mark Sykes offered support on the survey results and any actions relating to Wales staff, as he had led on similar surveys for the NHS in Wales.

**Action: Head of Wales to seek advice and support from Mark Sykes in Wales Team sessions on the staff survey.**

7.3 Members noted that the EHRC has issued a statement following the announcement of the Illegal Migration Bill highlighting equality/human rights issues.

**Action: Governance Team to share the EHRC Illegal Migration Bill statement with members.**

7.4 Members noted the following updates from the CEO:

a) Colleagues from the EHRC, including Alasdair MacDonald, recently travelled to Geneva to speak on children’s rights.

b) Regulatory work under a section 23 agreement was being taken forward with MacDonalds restaurants, with another one to be announced soon.

c) Arrangements with the Labour Party to improve their policies and practices around anti-Semitism had ended in early February.

d) On allegations about Islamophobia in the Conservative Party, there was ongoing contact with Prof Swaran Singh. His findings are due to be published in April with recommendations on any further work to be carried out. The EHRC will review his report before determining whether to publish any comment on it and considering any potential next steps.

# **8. Draft Business Plan 2023-24 (EHRC WC 66.04 and Annex A)**

8.1 Members noted that the Board had reviewed the draft plan on several occasions and that the final version would go to the Board on 30 March. There were six areas of focus, with some capacity being kept in reserve for issues that arise. Overall, the plan was expansive with more in it than could reasonably be achieved, so prioritisation would be key. As it will be a living document, there will be changes within the year, which will be brought to the Committee as required.

8.2 Members commented that:

a) Gender Pay Gap work looked to be very resource intensive if it is done effectively;

b) there remain issues with inappropriate restraint for young people in Wales;

c) it might be appropriate, in relation to educational outcomes, to write to the Welsh Government (WG) to confirm what they are doing to monitor the impact and consistency of the Additional Learning Needs Act across Wales;

d) under Adult Social Care, WG are working on a National Care Service for Wales, which could be far reaching and may be worth highlighting for the GB-wide version of the plan;

e) work is planned on barriers for access to health services for LGBT and disabled people but should we also be examining barriers faced by racial groups and ethnic minorities? Diagnostic shadowing is one possibility;

f) difficulty of access to digital services is an issue especially in rural communities, particularly as key services like Social Security are moving online. Understanding how this affects different groups and those in poverty or homeless was important;

g) the EHRC has been working with WG on LGBT issues and their guidance for schools. A Committee member noted that some girls do not attend school when menstruating because of concerns about privacy. There may be a need to reference misogyny under section 5(a) e.g. on social media;

h) it was noted that there had been several examples recently of bad practice in boxing, cricket and rugby so it would be useful to draw on good practice such as the Football Association of Wales; and

i) on human rights and balancing of rights, the objectives and activities as currently drafted may not deliver sufficient outcomes in this space.

# **9. Head of Wales report (EHRC WC 66.05)**

9.1 Ruth Coombs introduced this paper, advising that a meeting had taken place with Sport Wales and the Welsh Rugby Union (WRU) which had been positive. Actions in train and proposed were discussed alongside completion dates for those actions. We have engaged the Communications team in our consideration of next steps.

9.2 Members noted that thanks had been received from the children’s sector for taking young people to Geneva for the Rights of the Child conference.

9.3 Members enquired about the following updates:

a) What was the timeline for the review of Public Sector Equality Duty specific duties, noting that Welsh Government had instigated a short pause on this work, to ensure resource was focused where it needed to be. A follow-up meeting with the Deputy Director of Equalities has already been arranged.

b) Upholding Equality in Social Care, what the next steps were, noting that the response from WG was under consideration. A legally-focused review of the provisions of the Act is underway as there has been a significant change in policy which was not within the spirit of the regulations.

c) On paras 1.5.1 and 1.5.2, in relation to meetings with Diverse Cymru, the Police, TUC and Business in Wales, members asked if there were any key comments from these meetings and were informed that the Wales Team are reviewing these and will update members.

**Action: Head of Wales to update the Committee on 1) the outcome of the meeting with the Deputy Director of Equalities at a) above and 2) the key comments from the meetings at c) above.**

9.4 Members were asked to engage with their Wales Team colleague Area of Focus links and set up meetings to agree Committee member strategic input.

# **10. Statutory Report Progress - High Level Messages (EHRC WC 66.06)**

10.1 Sian Hughes and Laura Shobiye introduced this paper on the Report formerly known as ‘Is Britain Fairer?’ and advised that work on data analysis was complete and the Report is now in its drafting phase.

10.2 The Committee agreed with the proposal to change the name of the Report to ‘The Equality and Human Rights Monitor’, with the added subheading of ‘Is Wales Fairer?’ for the Wales Report.

10.3 Members had a wide-ranging discussion on the paper.

10.4 The Committee noted that the draft chapters on each Protected Characteristic would be shared for review by correspondence prior to the copyediting process.

**Action: Wales Team to share the draft Statutory Report chapters by correspondence with the Wales Committee as available.**

10.5 Members commented that there were significant data gaps in Wales even though some new Data Units had been established by WG. Data from rural areas was lacking as was data on Children and Young People; the pandemic impeded data collection and it would not be possible to fill the gaps for some time. There is very little Welsh data on Justice, for example.

10.6 Although better measurement was available as a result of the Additional Learning Needs Act in Wales, there was insufficient evidence to determine whether this has improved provision of support. Data was being reviewed to see whether it could be disaggregated.

10.7 Historical evidence on educational attainment, particularly for Gypsy Roma and Travellers, shows significant discrepancies between groups. There are also gaps between White British girls and boys and according to socio-economic background. But it is hard to get good quality data and some cannot be disaggregated by ethnicity. It was also important to look at Further Education.

**Action: Head of Wales to work with Committee members to use their networks to reach out to Gypsy Roma and Traveller communities as appropriate, including via their Area of Focus links.**

10.8It would be good if we could arrive at a data dashboard – an interactive tool – filtering data to show the state of play according to Protected Characteristic, domain, and geography.

**Action: Chapters to be re-circulated after copyediting to ensure messages are clear.**

# **11. Wales Committee Stakeholder Engagement Plan (EHRC WC 66.07 and Annexes A-C)**

11.1 Members noted that five events were currently scheduled, two in person and three virtually; the topics would be driven by priorities in the Business Plan.

11.2 Ruth Coombs advised that members had agreed to return a completed Engagement Form within two weeks of a stakeholder event.

# **12. Wales Committee Assurance Report (EHRC WC 66.08)**

12.1 Sarah Whelan introduced this paper.

12.2 Members understood that details of Committee stakeholder engagement would be included in the separate Impact Report, which would then be combined with this Assurance Report to inform the Wales Committee statement in the Annual Report and Accounts.

12.3 Members requested that the attendance statistics be checked prior to submission.

**Action: Governance Team to check attendance statistics and amend as necessary.**

# **13. Online Safety Bill (EHRC WC 66.09)**

13.1 Robert Bancroft introduced this paper. He advised that the Online Safety Bill was progressing through the House of Lords and the EHRC had published a briefing for the second reading. There had been some substantial changes to the Bill and EHRC continued to monitor progress and amendments. Work is also continuing with OFCOM on what happens when the Bill passes to ensure equality and human rights principles are enshrined in their work.

13.2 Members enquired what principal amendments the EHRC would support, noting that there had been a suggestion of an ombudsman which fully didn’t align with our original advice but that we may now recommend supporting.

13.3 Members further enquired about the interplay between freedom of expression and hate crime, asking if the UK Government would be encouraged to align with the Law Commission’s review, particularly the recommendation for a new offence of stirring up hatred according to sex or gender.

13.4 Members agreed that standards of behaviour online and offline should be the same and widely disseminated.

# **14. Horizon Scanning**

14.1 Members noted that the WG were reflecting on the childcare announcements in the recent budget statement and will respond when their budget allocation is known. The Wales Team had given written and oral evidence to the relevant Senedd committee.

**Action: Head of Wales to inform members of any update from the WG on childcare provision.**

14.2 Members were advised that Race Alliance Wales was holding an event to launch a report on Racism in Employment on 30 March 2023 which may inform the Statutory Report data.

**Action: Head of Wales to share Race Alliance Wales’ invitation with members.**

# **15. Any Other Business**

15.1 As this was Geraint Hopkins’, last meeting, the Chair thanked him for his contributions to the Committee during his tenure. Geraint thanked the Chair and officers for their enthusiastic support during his time as a member.

15.2 With no other business, the Chair closed the meeting, advising that the next formal meeting would be on 7 June 2023 with the stakeholder event taking place on 27 April 2023.