**Minutes of the 65th Meeting of the Wales Committee**

**5 December 2022 (13:30-16:30)**

**In-person at Companies House, Crown Way, Cardiff CF14 3UZ**

**Attending**

**Wales Committee members**

Eryl Besse (Chair), Chris Dunn (by VC), Martyn Jones, Bethan Thomas and Helen Mary Jones

**Officers**

Marcial Boo, CEO

Ruth Coombs, Head of Wales

Pranali Dhumal, Senior Associate, Governance, Communications and Stakeholder Management

Melanie Field, Chief Strategy and Policy Officer

Bill Malloy, Director, Planning, Performance and Governance (items 9 to 14)

Beverley Reid, Senior Principal, Head of Business Improvement

Luke Taylor, Director, Evidence, Strategy and Three Nations

Graham Wheaton, Senior Associate, Governance

**Observing**

Ruth Doubleday, Senior Associate, Governance and Communications, (items 1 to 7)

1. **Chair’s welcome and apologies**
   1. The Chair welcomed all attendees to the 65th meeting of the Wales Committee and asked everyone to briefly introduce themselves.
   2. Apologies for absence had been received from Mark Sykes and Geraint Hopkins.
2. **Declarations of interest** 
   1. Martyn Jones advised that he had joined the charity 2wish.

**ACTION A: Governance Team (CGT) to follow up with Martyn to update his declaration of interests.**

1. **Minutes of the 64th Wales Committee meeting held on 7 October**
2. The minutes of the meeting held on 7 October were approved as an accurate record.
3. **Actions log**
4. The Members noted the actions log and were content with actions and items that would be covered in this and future meetings.
5. **Chair’s report**
6. The Members noted the Chair’s report, including the Chair’s and Members’ stakeholder engagement activities for the period from 7 October to 24 November 2022, together with feedback from the Board meeting and away day held on 18 and 19 October.
7. The Chair informed Members that, at its 23 November meeting, the Board discussed the following strategic matters: possible amendment of the Equality Act 2010 – the meaning of ‘sex’; a review of the Code of Practice on Services, Public Functions and Associations; the Board effectiveness and Governance update. The Board approved the updated Governance Manual and the revised Wales and Scotland Committees’ Terms of Reference (ToRs).
8. **CEO Report**
9. The CEO updated Members on policy, regulatory and corporate matters including, briefings on the Public Order Bill; updates on budgets; agreements with (i) Pontins about race discrimination against Gypsies and Travellers and (ii) the Department of Work and Pensions on reasonable adjustments for disabled benefit claimants; and engagement with the Secretary of State for Health and Social Care, NHS England and CQC to address issues on autism and learning disabilities.
10. The CEO, in response to queries from Members, assured them that EHRC is on track to have no overspend/underspend at the year end.
11. The CEO advised that Members would be updated on the annual staff survey results in the New Year.

**Action B: Director, People and Infrastructure to provide an update on annual staff survey results to the Members at the March meeting.**

1. He further informed Members that the Government Equality Hub has announced the appointment of Prof. Arif Ahmed MBE of Cambridge University and Kunle Olulode MBE, Director of Voices for Change, as new Commissioners of the EHRC Board.

**Action C: CGT to send details of the new Commissioners to the Members by correspondence.**

1. Members requested an update on the EHRC’s response to the Gender Recognition Reform (Scotland) Bill and the cross-border implications. The CEO responded that the EHRC had provided a briefing to MSPs explaining the Bill’s main implications for Scotland and other parts of Britain, and the impact of amendments proposed by MSPs, including in relation to the proposed reduction in the age at which a young person can change their legal sex in Scotland from 18 to 16 years.

**Action D: CGT to share the EHRC’s briefing to MSPs on gender recognition reform with Members by correspondence.**

1. **Head of Wales Report**
2. Members noted the Head of Wales Report, including updates on the social care inquiry, the Statutory Report, the draft stakeholder engagement strategy in Wales and the race legal support fund cases.
3. Members enquired about key takeaways from the two Equality and Human Rights Events (EHRE) held in October and November.

**ACTION E: The Head of Wales to coordinate with the Wales team to share the key takeaways from the EHRE events with Members.**

1. The Head of Wales informed Members (a) with regard to stakeholder engagement in Wales, the Wales team is continuing to use the EHRE forum and to engage and influence the Welsh Government; it plans to arrange more online networking events in the new year; (b) the new format of the Statutory Report was agreed by the Board and the Commissioner Working Group has further agreed to a differentiated approach to reports and other products in Scotland and Wales to meet the requirements of their priority audiences. Members were encouraged to respond to requests for comments on the Wales Report to ensure we maximise impact and audience reach.

**ACTION F: The Head of Wales to contact Members for their inputs on the Wales Report, in conjunction with the Commissioner Working Group.**

1. Members thanked the Head of Wales for the report detailing the breadth and scope of activities. They noted that the Executive would need to ensure that the necessary resources were available to deliver the work scheduled over the next financial year and bring back a prioritisation schedule to the Committee if resource is insufficient.
2. **Presentation on the draft stakeholder engagement action plan for 2023-24**
3. Members noted the agreed principles and objectives of the stakeholder engagement action plan and the governance arrangements. They agreed to send the key takeaways from their engagement activities to the Committee Chair or Head of Wales using the Template provided.
4. Members discussed the proposed programme to deepen the understanding of equality and human rights issues in a specific geographical area of Wales. They also discussed identifying the priority issues (which could differ from those identified by the Welsh Government) and the proposed allocation of specific strategic priorities to Members.

**Action G: CGT to update and re-send the list of the Members’ links to strategic priorities.**

**Action H: The Head of Wales to meet with each Member to discuss stakeholder engagement for their assigned strategic priority.**

8.3 The Members made the following comments and observations:

1. In the first six months of the next FY, the focus should be on seeking stakeholder views on and then ‘socialising’ the Statutory Report, identifying the evidence gaps in Wales and framing recommendations to relevant stakeholders in support of the Statutory Report;
2. For the remainder of the FY, to consider:
3. engaging with key stakeholders by:
4. holding a roundtable event with disability organisations;
5. working closely with the Welsh Government on the implementation of its action plans;
6. identifying opportunities to collaborate with the third sector; and
7. discussing with other Wales Commissioners opportunities to collaborate as appropriate on any shared priorities, including the incoming Wellbeing of Future Generations Commissioner.
8. extending the stakeholder engagement action plan to cover engagements on gender equality, gender recognition and equality for women in Wales; and
9. For stakeholder engagement activities in March 2023, possible locations were discussed including engaging in areas where the knowledge base for the EHRC’s work could be improved, noting the need to ensure maximum value for money, sufficient resources, and impact.

**Action I: CGT to confirm the location of the March 2023 meeting to Members by correspondence**

1. The Head of Wales thanked Members for their inputs and agreed to present a developed stakeholder engagement plan at the next meeting for approval.

**Action J: The Head of Wales to provide a developed stakeholder engagement action plan for 2023/24 for Members’ approval at the next meeting.**

1. **Governance improvements across the Board and all its Committees**
2. The Director of Planning, Performance and Governance provided the following update to the Members: -
3. the Governance Manual and ToRs have been revised with a view to strengthening the role of the Scotland and Wales Committees and the Committee Chair’s action and to strengthen the feedback loop between the Board and the Committees;
4. independent effectiveness reviews of the Board and Scotland Committee were carried out this year. A review of the Wales Committee will be carried out in the next financial year and Members were asked to complete the skills audit;
5. a modular induction and training plan has been developed to ensure all Board and Committee Members have access to appropriate training and development for their roles; and
6. a new annual appraisal form has been developed for Commissioners and Committee Members to give a more balanced reflection of their roles.
7. 9.2. The Members had some queries on the revised ToRs including on hybrid meetings, the reduction in the number of Members and the potential impact on the representation on the Committee across the protected characteristics. It was noted that these points had been considered following Members’ initial comments on the ToRs.
8. **Strategic Risk Framework**
9. The Members noted the seven currently identified strategic risks in the EHRC’s existing framework and discussed the next steps for developing and updating the risk framework for 2023-24.
10. The Members noted that it would be useful to have clear information on the risks associated with policy divergence between governments and how it impacts on EHRC policy advice and influencing; and that the risk register should be owned by the Board and Governance as it is outside Wales Committee’s remit.
11. The Members noted that the updated risk framework will be tabled at the Audit and Risk Assurance Committee meeting in February 2023; they were asked to provide any further comments by correspondence.

**Action K: CGT to collate any further inputs received from Members, by correspondence and ensure they are captured in the minutes of this meeting.**

1. **Business planning for 2023/24**
   1. The Head of Business Improvement informed the Members that planning for 2023/24 is based on a collaborative approach with inputs from relevant internal stakeholders including the Board, Directors, Chief Officers, Heads of Nations, and delivery group leads. The Members noted that new areas of work include use of facial recognition, Artificial Intelligence in recruitment, accessibility of transport for disabled people, COVID inquiries, and the new format of the Statutory Report.
   2. The Head of Wales advised Members that the key priorities in Wales include strengthening and advancing equality and human rights in Wales, a potential Human Rights Bill for Wales, implementation of the LGBQT+ and Anti-Racist Wales Action Plans, gender equality, working with disability organisations, and Wales-specific inputs to the COVID inquiry.
   3. The Members advised consideration of the following:
2. discrimination and harassment cases in the Fire and Police services, engaging with His Majesty's Inspectorate of Constabulary and Fire and Rescue Services to consider the possibility of interventions and / or taking targeted actions;
3. sexism cases in the armed forces;
4. making recommendations or providing guidance on maternity and paternity rights cases;
5. strengthening the legislative framework for ethnicity and disability pay gaps; and
6. engaging with the Joint Commissioner’s offices, as a part of their advisory group, to discuss the impact of COVID on higher education.
   1. In the interest of time, the Chair asked Members send any further comments by correspondence.

**Action L: CGT to collate any further inputs received from Members, by correspondence and ensure they are captured in the minutes of this meeting.**

1. **Horizon-scanning and strategic opportunities in Wales**
2. Members recommended reviewing reports on Children’s Rights in Wales, identifying the implementation gaps, and exploring ways of bridging these gaps by working collaboratively with the Children’s Commissioner for Wales (CCW).

**Action M: The Head of Wales to liaise with the Chair and arrange a discussion with the CCW to consider the possibility of collaboration to enforce children’s rights in Wales.**

1. Members further recommended promoting digital inclusion and tackling digital exclusion in Wales, particularly providing digital support in healthcare for older and disabled people and, supporting homeless people and those with socio-economic disadvantage. The Chair advised that there was overlap here with discussions with the Public Services Ombuds for Wales (PSOW) and the Older People’s Commissioner for Wales.

**Action N: The Chair to send the note of her discussion with the PSOW to the Head of Business Planning.**

1. **Any other business**
2. The Director of Planning, Performance and Governance informed Members that, following last year’s annual people’s survey, the EHRC undertook a review of the organisation’s values. The updated values will be proposed to the Board at its meeting in January. The draft values will be sent to Members for comments prior to that meeting and feedback from the Board will be shared with the Committee.

**Action O: CGT to send Members the draft values and provide an update in the March Chair’s report on the January Board discussion on the EHRC’s values.**

1. The Members noted that Mary van den Heuvel had accepted her appointment as a new member of the Wales Committee from 1 April 2023 for a three-year term.
2. The Members noted the dates for the Wales Committee meetings in 2023/24, as set out in the agenda.

**Action P: CGT to send calendar invites to Members with the dates for the Wales Committee meetings in 2023/24.**

1. **Close**
2. With no other business being raised, the Chair thanked Members and Officers for their contributions and closed the meeting.