# **Minutes of the Fiftieth Meeting of the Wales Committee**

**Equality and Human Rights Commission**

**Tuesday 3 December – Session 1
Nant Ddu Hotel, Cwm Taf, Merthyr Tydfil**

**Attending:**

Alison Parken (Interim Chair)
Faith Walker
Geraint Hopkins
Mark Sykes
Martyn Jones
Nicola Williams
Rocio Cifuentes

***EHRC***
Melanie Field (Executive Director, Wales & Corporate Strategy and Policy)
Ruth Coombs (Head of Wales)
Geraint Rees (Senior Associate, Wales)

1. **Welcome and introductions**
	1. The Chair welcomed members to the fiftieth meeting of the Wales Committee. Apologies were received from Sophie Howe.
2. **Declarations of interest**
	1. No declarations were made.
3. **Minutes of September Meeting (EHRC WC 50.01)**
	1. The Committee received the minutes of the September meeting. Members asked for a revision to minute 5.3 of session 2, to change political party’s to political parties’. The minutes were agreed.

**Action A: Amend minute 5.3 session 2.**

1. **Current matters arising (EHRC WC 50.02)**
	1. In response to a question about the opportunities for committee members to engage on Commissioner Working Groups (CWG) members were informed that a new CWG would shortly be established on Is Britain Fairer, including Is Wales Fairer?. Officers would advise members on the opportunities to engage at the appropriate time.
	2. Members inquired about the Notification of Rights project and whether the Commission in Wales had identified partner organisations. Members were advised that the Commission planned to work with and through the Royal Colleges. Members commented on the positive work of Swansea Bay University Health Board on rights and suggested them as a good partner.

**Action B: Officers to explore partnering with Swansea Bay Health Board on the Notification of Rights project.**

* 1. Committee member Geraint Hopkins offered to provide feedback to the Wales team ahead of the refresh of the website.
	2. Committee members noted that Action E (WC49/4.1(1)) to notify members of the recruitment opportunities in the Wales team had been circulated late. Officers agreed to ensure that in future members notified as early as possible once opportunities were in the public domain.
1. **Head of Wales update (EHRC WC 50.03)**
	1. The Committee were provided with an update on recruitment, staffing and capacity within the Wales team. Members were informed that there was an ongoing recruitment process for a Senior Associate role, which had been vacant since October and that a maternity cover period had ended and Jen Dunne would return to work following her maternity leave in January. Members were informed that two new team members Angharad Price (Legal Principal) and Rhys Fletcher (Associate, Business Support) had joined the team since September. Members were informed that the Head of Wales was seeking opportunities to increase the staffing capacity in the Wales team.
	2. Members commented that the senior engagement on the Public Sector Equality Duty (PSED) had been impressive. Members were informed that the team would seek to evaluate the impact of the engagement through analysing the quality of Strategic Equality Plans, due to be published in April.
	3. In response to a query from members, officers confirmed that the Commission could promote the outcome of successful legal cases during the pre-election period.
2. **Interim Chair of Wales Committee update (EHRC WC 50.04)**
	1. The Committee received an update report from the Interim Chair. Members were informed of the changes and ongoing recruitment to senior roles in the Commission. Members requested that the adverts for new roles be circulated to them so they could cascade through their networks.

**Action C: Circulate vacancy adverts to Committee members for cascading via their networks**

* 1. The Interim Chair informed members that she had presented the draft Wales Impact Report 2018/19 at the last Board meeting. The Board had been impressed by the breadth and depth of the Commission’s work in Wales and noted the impact of the Is Wales Fairer report. The Board asked that their thanks be passed onto the Wales team. The Board requested more regular updates from Wales and Scotland, which was being addressed through the Campbell Tickell follow up work.
	2. The Interim Chair provided members with brief reflections from her attendance at the Public Services Summit in October.
	3. The Committee noted that the Commission had agreed a new framework agreement with the Cabinet Office.
1. **Wales impact report 2019-20 September – November (EHRC WC 50.05)**
	1. The Committee received the Wales impact report and were informed that all success measures were on track. Members were informed there were risks around Priority aim 5 due to a lack of staff capacity. Priority aims on Education and Access to Justice had temporary capacity issues.
	2. Members discussed the Transport aim and noted the important opportunity for influencing early on the roll out of the South East Wales Metro to ensure equality was built in. Members suggested that the team push for better engagement with Transport for Wales. Members noted that Cardiff Bus had recently appointed a new Chief Executive and suggested officers write to them to offer an introductory meeting.

**Action D: Follow up engagement with Cardiff Bus CEO and Transport for Wales**

* 1. The Committee asked whether the Commission had published the Participation research from earlier in 2019. Officers agreed to circulate the research to the Committee. Members noted the opportunities to provide evidence from the research to the National Assembly Committee currently undertaking an inquiry into diversity in politics. Members discussed and recommended officers use the research, the Assembly Committee inquiry and the ten-year anniversary of the Equality Act 2010 communications campaign to push for the enactment of s106 of the Equality Act on diversity within political parties.

**Action E: Circulate the Participation research to the Wales Committee**

* 1. The Committee asked officers to consider providing Red, Amber, Green status updates of the activities in future iterations of the impact report.

**Action F: Consider RAG status in future impact reports. Session closed**

**Minutes of the Fiftieth Meeting of the Wales Committee**

**Equality and Human Rights Commission**

**Wednesday 4 December – Session 2
The College Merthyr Tydfil, Merthyr Tydfil**

**Attending:**

Alison Parken (Interim Chair)
Faith Walker
Geraint Hopkins
Mark Sykes
Martyn Jones

Rocio Cifuentes

***EHRC***
Melanie Field (Executive Director, Wales & Corporate Strategy and Policy)
Ruth Coombs (Head of Wales)
Ben Coates (Head of Performance and Effective Unit)
Geraint Rees (Senior Associate, Wales)

**Welcome and introductions**

* 1. The Interim Chair welcomed members and officers to session 2 of the committee meeting. Apologies were received from Nicola Williams and Sophie Howe.
1. **Declarations of interest**
	1. No declarations were made by members on the agenda items. Committee member Martyn Jones informed the Committee that he had been asked by his employer South Wales Police to complete a Business Interest case for his role on the Wales Committee. The outcome was the need to clarify that he undertakes his role as a Wales Committee member as an individual and not representing South Wales Police.
2. **Reflections on the senior stakeholder engagement**
	1. Committee members reflected on a positive engagement, although noted the small number of guests. Members reflected on the challenge of engaging people involved in economic development on equality. Members commented that the learning on what triggers investment decisions in the economic growth deals was useful, particularly the focus on Treasury targets. Members suggested the Commission hold conversations with the Government Equalities Office on economic growth deals and to encourage them to broaden the Treasury’s view so that economic growth targets promote equality outcomes. Members reflected on the discussion in relation to regional partnership arrangements in Wales and perceived lack accountability in relation to promoting equality and human rights.
	2. Members commented on the positive engagement with the Interim Chief Executive of Merthyr Tydfil and suggested the team follow this up.

**Action G: Officers to follow up discussion on economic growth targets with Government Equalities Office**

**Action H: Officers to follow up engagement with Merthyr Tydfil Council Chief Executive.**

1. **Draft Wales Activity Plan 2020/21 (EHRC WC 50.06)**
	1. The Committee received a paper setting out the Draft Wales Activity Plan for 2020/21. Members were informed that Annex A set out the draft activities and tasks under each priority aim for Wales. The budget figures were indicative as the budget for next year had not yet been agreed.
	2. In response to a question regarding the indicative budget figures members were informed that they related to external spend only and staff costs were not included. By written contribution Committee member Nicola Williams asked why there was no budget set against activities on legal aid reform, the Mental Health Code of Practice or working with Local Authorities on their transport strategies. These activities would be taken forward through staff time and so are not reliant on external spend. Members asked about the level of the indicative budget for 2020/21 and whether that was similar to previous years. Members were informed that the proposal was a higher level than in previous years. Members asked what would be cut if the budget was not agreed at that level. The Head of Wales informed members that the Wales Strategy Group would look at the agreed budget, would prioritise strategically.
	3. The Head of Wales highlighted to members that a business case was being developed to use the £47K, currently set against ‘Improving the quality and availability of discrimination advice’ for an additional member of staff at Senior Associate level, overseeing Compliance work. The proposal would be that the Senior Associate role would be permanent. Members asked about the key considerations for the decision to amend this activity. Members were informed that the team had reviewed the Transfer of Expertise course that this budget had previously supported. There was consideration as to whether this was the best use of the resource. The advice desert had shifted over a number of years, it was felt that employment discrimination advice was better served now than advice on discrimination in Goods, Facilities and Services. There had been no bidders to an amended procurement exercise, which had removed the accreditation element of the course and took a modular approach - a decision made in response to comments from some stakeholders. The Commission was exploring publishing the existing course materials online. The Interim Chair requested that the Committee receive a short paper on the rationale and business case for the change.

**Action I: Circulate note on the rationale for a permanent Compliance role and stopping the Transfer of Expertise course.**

* 1. The Committee were asked to consider whether there were any specific opportunities that was not currently in the draft activity plan. Members highlighted the opportunity to influence the roll out of the South Wales Metro system. Geraint Hopkins and Mark Sykes volunteered to be the Committee Links on the Transport aim. Members suggested that the work with Economic Growth deals be explicitly listed as an activity. Members suggested a roundtable with members of the Growth Deals, presenting arguments and work done in Scotland.

**Action J: Consider inclusion of influencing the South Wales Metro as a specific activity under the Transport aim.**

**Action K: Consider listing work on influencing the economic growth deals as a specific activity under the Work aim.**

* 1. On the activity aimed at influencing Police and Crime Commissioners in relation to domestic abuse and sexual violence reporting, investigation and prosecution (PCCs), members requested that addressing low reporting levels of hate crime should also be included in the conversation. Members enquired how the budget set against this activity would be used. Members were informed that it would be used for a roundtable event in the summer following the election of new PCCs. Members suggested that the team consider who to influence on this agenda beyond PCCs including those at an senior operational level in the police and the wider criminal justice system. The Interim Chair suggested that members share any new evidence or intelligence with the team on the lack of hate crime reporting in Wales ahead of a roundtable. Committee member Martyn Jones volunteered to support this work.

**Action L: Members to share intelligence on hate crime reporting with team by mid-April 2020.**

* 1. Members asked about the £2K budget earmarked against the aim to strengthening human rights legislation in Wales. Members highlighted that the Welsh Government had recently published a tender for research into options for strengthening equality and human rights in Wales.
1. **Draft Wales Committee stakeholder engagement framework and action plan 2020-21 (EHRC WC 50.07)**
	1. The Committee received a paper which set out a draft framework for the Wales Committee and an action plan for engagement in 2020/21. The paper sought the Committee’s views on the principles underpinning the draft framework; the methods of engagement; the priorities to which they wished to be linked; and the key priorities for 2020/21.
	2. The Committee discussed the methods of engagement at stakeholder dinners and considered whether to extend invitations to senior engagements events to a broader audience. After discussion members agreed to continue with the existing approach. Members discussed whether using the idea of calling the leaders of the economic growth deals to a roundtable was something that could be considered as a new method of engagement for the Wales Committee. The Head of Wales agreed that roundtables could be added as a method of engagement in future.

**Action M: Add roundtables as a method of engagement for the Wales Committee.**

* 1. The Committee discussed the Committee links programme. Committee member Faith Walker highlighted to the Committee her engagement on the Regional Investment Board. Members were content with the proposals to refresh the Committee links programme. Members were advised not to spread their engagement across the priority aims too thinly. Members suggested that the Committee links programme could be further mapped across to the specific activities rather than just the broader strategic aims. In a written contribution Committee Member Nicola Williams suggested that specific activities were set for members on their linked priorities. In response the priority aim leads would be asked to contact the Committee links to set out the activities for 2020/21 and explore the contributions members could make, any objectives would be set with the Chair. The Interim Chair suggested that Committee members review their links across the activities.

**Action N: Agree by correspondence the Committee links mapped across to activity plan by end of January 2020.**

1. **Shared version for working together (EHRC WC 50.08)**
	1. The Committee received a paper which set out how the Committee and Wales team should work together. The paper, introduced by the Interim Chair, set out the responsibilities for Committee members when speaking on behalf of the Commission or in a personal capacity. The Interim Chair reminded members to ensure they received policy lines and briefings from the Wales team ahead of public engagements. The Committee commented on the good quality of the briefings that members had received in the past. The paper and Annexes also set out new ways of recording time and reporting learning and intelligence to the team. The Committee were encouraged to share intelligence directly with the team when they had gathered it, the monthly expenses form would act as a reminder prompt. In a written contribution Committee member Nicola Williams suggested that ‘constructive challenge and critical friend’ should be added to the list of roles for Committee members in section 1 of the paper.

**Action O: Amend the paper to reflect the role of Wales Committee members as providing constructive challenge and critical friend.**

1. **Update on the socio-economic duty position paper (EHRC WC 50.09)**
	1. The Committee received a paper updating them on progress on implementing the socio-economic duty in Wales since September. Members were informed that this work was the major focus of the Core aim work in Wales this year. The policy position paper shown at Annex A had been developed with input from GB colleagues and learning from Scottish colleagues. The position paper had been used to advise the Welsh Government ahead of the consultation.
	2. Members were reminded of the timeframe for the implementation of the duty. The Welsh Government, reflecting the Commission’s advice were minded to bring forward interim guidance, likely to be reviewed after two years.
	3. The Welsh Government had indicated it was keen for the Commission to regulate the duty. Members were informed that the Commission was working to clarify whether it has a regulatory role on the duty in respect of its powers set under the Equality Act 2006. Members noted that the Commission planned to deliver a toolkit or non-statutory guidance next summer and was engaging with other regulators, inspectorates and ombudsman to consider developing it jointly.
	4. Members noted with concern that the Welsh Government planned to make the duty apply to Welsh Ministers, local authorities and health bodies only. Members asked about the Welsh Government’s rationale for the narrow application of the duty. Officers informed members that the Welsh Government considered it had constraints on which bodies the duty could be applied.
	5. In response to a question from members, the Committee were informed that the Commission would be submitting a formal response the Welsh Government consultation. Members offered to engage with forums such as the WCVA Equality and Human Rights Coalition to cascade the Commission’s key messages for the consultation response.
	6. Members suggested that the policy paper or consultation response should expand on the type of strategic decisions or functions to which the duty should apply. The Commission should consider advising the Welsh Government that the socio-economic duty should apply to the seventy-three bodies covered by the Public Sector Equality Duties in Wales, so that it is integrated with the existing suite of Welsh specific duties. The Committee agreed that the Commission should keep pushing the Welsh Government on the organisations to which the duty applied including partnership organisations without a ‘legal personality’ such as the Public Service Boards and other joint Committees. Members suggested that the Commission’s response should make clear that the duty applies for the whole of the Welsh population but that those people with particular protected characteristics were more likely to be socio-economically disadvantaged and suffer combined or intersectional disadvantages.
	7. Members asked about the state of readiness of public sector organisations to implement the duty. Members were informed that this was variable, some organisations were already working in this way and others had little awareness of the upcoming legislation.
2. **Devolution and constitutional change (EHRC WC 50.11)**
	1. The Committee received a presentation from the Head of Wales to discuss the potential implications of significant external developments and uncertainties for devolution and constitutional change. The discussion emerged from conversations at the Board and from Scotland. Members noted the presentation.
	2. Members discussed the proposals by both the Conservative and Labour Parties for a new single enforcement body on employment rights. Members commented on the need for the Commission to be flexible post the election and the potential for having to review activity plans and re-prioritise work. Members noted that the Board would review the Business Plan 2020/21 at its January meeting, so that would be an opportunity to reflect on the impact of the election result and the Commission’s priorities.
	3. The Committee discussed the risks of a fragmented approach to devolution on universal rights. Members noted the need to future proof the arguments for the protection of rights. The Commission had developed arguments that Britain should have a written constitution which included a constitutional right to equality.
	4. In response to a question from members, the Committee were informed that the Commission was engaged in conversations with the Welsh Government of the changing political landscape, particularly our policy positions on safeguarding equality and human rights post-Brexit. Members suggested that the Commission in Wales should ensure that the Welsh Government were aware that it was conscious of the changing political and constitutional landscape and was prepared to respond to any changes. Members suggested keeping the option open for an Extraordinary meeting of the Wales Committee, should the Committee feel that necessary. Members requested that the Committee revisit this discussion at its February meeting.

**Action P: Committee to revisit discussion on Devolution and Constitutional Change at its February meeting.**

1. **Draft Wales Committee Terms of Reference (EHRC WC 50.12)**
	1. The Committee received a paper which set out the draft Terms of Reference (ToRs). Members were informed that the driver for reviewing the ToRs was the Review of the Statutory Committees (Campbell Tickell). The Commission wanted to ensure consistency between the ToRs of the Wales and Scotland Committees. Members noted the proposed change to the length of Committee appointments and that this remained under review by the Board; the formalisation of a process to appoint Committee Vice-Chairs; a new section detailing arrangements to ensure good engagement between the Board and the Committees, supported by a more detailed document; and a more formal processes for the attendance of Board and Committee members at each other’s meetings.
	2. Members discussed ideas for engaging colleagues across the Commission in the Committee’s work including exploring holding a Wales Committee meeting in the London office, which could be paired with an engagement event with Welsh MPs and Peers. Members also suggested making a proactive invitation to the Commission’s Chair to attend the February meeting. Members suggested a discussion on a Vice-Chair for the Wales Committee once the new Wales Commissioner had been appointed. In a written contribution committee member Nicola Williams requested that the Governance Manual be re-circulated to the Committee; and that the document on engagement between the Committees and Board should be reviewed to ensure consistency with the ToRs. The Committee approved the Draft Terms of Reference.

**Action Q: Explore holding a Wales Committee meeting in London office and a Parliamentary event with Welsh MPs and Peers.**

**Action R: Issue an invitation to Chair of the Commission to the February meeting**

**Action S: Discussion on a Vice Chair for the Wales Committee to be held once a new Wales Commissioner had been appointed.**

**Action T: Recirculate Governance Manual to Committee Members.**

**Meeting closed**