Minutes of the Sixty Third Meeting of the Wales Committee

Thursday, 14 July 2022

Cardiff and Vale College, Cardiff CF10 5FE

**In-person with weblink**

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## Present

Eryl Besse (*Chair*)

Geraint Hopkins

Martyn Jones

Alison Parken

Mark Sykes

Bethan Thomas

## In attendance

Marcial Boo (*CEO*) joined by VC from 14:00

Ruth Coombs (*Head of Wales*)

Pranali Dhumal (*Senior Associate – Governance, Communications and Stakeholder Management*)

Bill Malloy (*Director of Finance, Procurement and Planning, Performance and Governance*) joined by VC from 16:40

Luke Taylor (*Director, Evidence and Strategy*) joined by VC from 14:00

*Wales Team* joined for item 2

Attendees: Bethan Collins, Ruth Coombs, Nia Davies, Pranali Dhumal, Josh James, Nathan Owen, Geraint Rees, Lisa Reynolds, Laura Shobiye, Vineeta Simms, Richard Timothy, Wayne Vincent, Kerry Wakefield and Ginger Wiegand

Sarah Whelan (*Principal, Corporate Governance*) as an observer from 14:00

## Absence and apologies received from the Committee Members

None

## Welcome and Introductions

1. The Chair welcomed all attendees to the sixty-third meeting of the Wales Committee, which was primarily an informal meeting, with a few formal items on the agenda (item 3). The meeting was held in-person in Cardiff.
2. The Chair noted that all the members of the Wales Committee (Members) were present in-person for the meeting.
3. As this was an informal meeting, the first item on the agenda was a “get-to-know you” session of the Members and members of the Wales Team (Team). The Chair noted that only two members of the Team were not present in-person for item 2.

## Team’s update on their work on strategic priorities

1. The Head of Waleswas pleased to welcome the Members for the first in-person informal session with the Team since the pandemic.
2. The Head of Wales described the format of this session as a ‘Speed Networking session’ whereby the Team would be split into small groups of 2-3 people, and each group would be meeting one Member for a 10-minute networking interaction. Each member of the group should focus on sharing with the Members two or three of their key priorities and the opportunities to drive forward their work in Wales.
3. Each Member had an opportunity to interact with each of the Team members and to gain an insight into the Team’s work and projects. Members were asked to share reflections from their interactions with the Team. Members noted the Team’s cohesive working relations and their passion for their work.
4. The Chair thanked the Team for attending and for their contributions.

## Strategic priorities discussion 3

Although this was an informal meeting, three strategic items (item 3.1, 3.2 and 3.3) were on the Agenda. The Wales Committee were grateful for the opportunity to discuss the draft papers.

* 1. **The equality and human rights impact of digital services and artificial intelligence (*EHRC WC 63.01*)**

**Digital Services**

1. In the context of race and facial recognition technology and the Ed Bridges case, they suggested the Strategy team co-ordinate with Matthew Williams, Professor of Criminology at Cardiff University who has done extensive research in the areas of Hate Crime and Hate Speech. His book, ‘The Science of Hate’, draws on research on hateful behaviour from pre-history to Artificial Intelligence (AI) in the 21st century. They suggested other resources/organisations the Commission can tap into such as Hate Lab and Stop Hate UK and offered to provide links, etc.
2. They discussed addressing the issues of financial and digital exclusion for older people, disabled people, and the socio-economically disadvantaged. They believed that digital inclusion is creating a socio-economic disadvantage to rural populations. They discussed how cashless payment, in COVID times, discounted people unfamiliar with the use of digital systems. They also discussed the poverty premium and the potential impact of increased bills / the cost-of-living crisis with the ever- increasing requirement to make payments of various bills and rent using digital services.
3. The evidence around the impact of digital services in this paper seemed opaque. They suggested collating more research-based evidence around digital exclusion by protected characteristic; online harm; misogyny, etc. Engagement with disabled and other stakeholders in Wales would form part of the evidence base.

**AI**

1. The work of Judy Wacjman, visiting professor at the LSE, was referenced. She has been researching how AI technology and tools used for hiring may exacerbate discrimination towards ethnic minorities and further bake bias into the hiring process. It is possible for example that those who develop some of the recruitment software could be predominantly middle class/white/male so that there could be racism and sexism embedded in hiring technology.
2. They believed while studies on the use of AI in recruitment may show a positive impact in the public sector, the evidence shows the opposite and suggested that the Commission check the impact in both the public and private sectors. Software packages and the data used by local authorities and recruitment agencies could be checked.
   1. **Fostering good relations and promoting respect between groups (EHRC WC 63.02)**
   2. The Committee discussed the new Curriculum and Tertiary education reforms in Wales. They recognised that these were referenced in the paper but believed there was a greater need for a read-across to these developments in Wales in the paper and the action plan.
   3. They expressed concern that the paper foregrounds sex and gender discrimination but does not cover race and other protected characteristics. They believed there was a disparity between the “airtime” given to sex and gender as compared, for example, to race (including minority ethnic v. minority ethnic racism), the UK Government’s Rwanda policy, etc.
   4. They discussed the reference to “a cohesive society” in the paper and the language used around racism. The term “cohesive’ for example Is used in one sense by the Future Generations Commissioner but in a different sense by the Police. In terms of racism, the Anti-Racist agenda in Wales is distinct from and uses different language than that used in the CRED Report. The EHRC will need to define its terms and acknowledge and reflect that the agenda and language in the three nations are different.
   5. In the context of the CRED Report, structural discrimination was discussed along with recent research on self-exclusion by ethnic minority groups on account of backlash, unfriendly institutions, non-supportive workplaces, and occupational segregation.
   6. While recognising that the political landscape is difficult, they wondered whether there is scope to act on research and evidence-gathering on social values, where there is more communality.
   7. There is no consistent feel between CRED and Inclusive Britain. There is also a need to reflect a more sophisticated and nuanced approach in the three nations to reflect matters that are reserved, and the England-only focus of the report on devolved matters.
   8. They also noted:
3. The sections in the paper about building trust with various stakeholders, which should be couched in less defensive language
4. The reference to the fact that the CRED Report aligns with the PSEDs is not correct in the Welsh context
5. The aims and the language should reflect the Commission’s stated goal of being a proactive regulator.

**ACTION A – CEO to provide an update to the Committee after the summer about (i) arranging an online learning session on the ‘Online Safety Bill’ for the Members (ii) the race roundtable event and (iii) the Commission’s engagement on the Rwanda policy.**

* 1. **Data and Evidence Strategy (EHRC WC 63.03)**

1. The Chair informed the Members that their previous inputs regarding the proposed name change of ‘Is Britain Fairer?’ to ‘The Equality & Human Rights Barometer’ had been forwarded to the strategy team and the Board. Further details of this proposal and the proposal to change from a domain approach to a protected characteristics approach was contained in this strategy paper. Members’ feedback was as follows:

**Statutory Report**

1. The Committee unanimously believed the name ‘Is Wales Fairer’ should be kept. The brand proactively engages Welsh stakeholders. It gives them a clear idea about the purpose of the report, our approach, and the gaps in our analysis. It’s an effective measurement and assessment of whether Wales is getting fairer with a proven methodology that reflects our statutory duty. The new name was not supported. A google search will reveal several pages of references to various barometers. There is the potential to cause confusion and water down the status of IBF/IWF/ISF. Any organisation can produce a barometer; the regulator has a unique position regarding an assessment of the state of the nation/progression/regression.
2. Moving to a Protected Characteristics (PC) approach will create work and it will still be necessary to present by domain so that the report can impact on policy areas. Additionally, using a PC approach will reinforce PCs, may lead to some PCs being lost, and will not cover intersectionality.
3. Previous reports had led to Wales taking better actions as the reports were published around the same time as public sector bodies were setting equality objectives e.g., the 2014 Mitchell Report (an evaluation of the PSED in Wales). The Committee wondered how public bodies would be able to set their equality objectives for 2024 since the reconfigured report would present PCs; it could lead to too many equality objectives confined to workforce objectives to the exclusion of other areas / sectors.
4. The Committee also wondered whether the changes proposed resulted from stakeholder consultation. The roadshows for the Measurement Framework showed the strength of feeling around how the previous reports helped decision-making in the public sector.
5. If stakeholders had not been consulted, they would need to be informed in advance and as soon as possible of the proposed changes and the rationale. All this will take resource.
6. This ties in with the three-nation stakeholder engagement strategy and the need for a clear plan over the next two years.

**Strategy**

1. They were very supportive of having a data and evidence strategy.
2. The direction of the paper is correct but hugely ambitious in some regards (e.g., machine learning) given the current base state and budget constraints.
3. The paper could be simplified in terms of language/jargon.

## Informal session with Members

**Committee and stakeholder engagement**

1. Members discussed the pre-pandemic stakeholder engagement activities with Welsh stakeholders and deliberated on how to develop a new engagement approach.
2. Members noted that they had found meeting grass roots groups and understanding their problems particularly helpful as it assisted the Members in engaging with decision-makers and discussing those issues with them. The takeaways were then fed into Business Plans and Strategic Plans.
3. Going to different locations around Wales and meeting local groups was also useful as it helped the Commission understand how its work was perceived in Wales and to maximise effective engagement.
4. Members apprised the Chair that pre-pandemic there were 2-3 such meetings a year and that they were helpful as stakeholders felt involved in the work of the Commission. They discussed re-starting these stakeholder engagement activities from October. Members suggested that one possibility would be to arrange to travel in the morning, meet grass root representatives for engagement activities in the afternoon, arrange meetings with strategic leaders to discuss the issues raised by representatives over dinner, hold the Wales Committee meeting the following morning, and then return.
5. Members further suggested that the Committee could consider holding stakeholder engagement activities either in-person, online or on a hybrid basis, which could give some stakeholders an opportunity to attend events which they otherwise could not attend. T
6. Members discussed the possibility of resurrecting annual conferences.The Head of Wales informed Members that the Commission no longer has the budget for in-person conferences, but she could explore the possibility of conducting online conferences.

**Action B: Corporate Governance Team (CGT) to discuss with the Chair and the Head of Wales (i) the planning of stakeholder engagement activities, taking into account the recruitment of new Members (ii) the logistics of meeting in different locations and (ii) the agendas of the September meeting (if it proceeds) and the October meeting.**

**Action C: The Head of Wales to check internally and update the Committee on the possibility of holding annual conferences online.**

**Update on the recruitment of new Committee members**

1. The Head of Wales updated Members that a paper recommending the appointment of three new members, with one member to be held in reserve, would be included in the Board papers for the 27 July meeting.
2. Members enquired about the diversity mix of the Committee following the recruitment and the Head of Wales noted that they would add to the Committee’s diversity in terms of their experience, knowledge, and skills.
3. Members asked about the induction plan for the new members. The Head of Wales informed them that we were reviewing the content and also working on finalising the induction packs. A few Members asked if they could join the induction with the new members and the Head of Walesconfirmed that they would be able to do so.

**Action D: CGT to circulate the details of the induction plan to all interested Members once it is rolled out and check their availability to join the induction meetings.**

1. The Chair thanked the Head of Wales for the detailed update. Members confirmed that they were happy with the recruitment process and no questions were raised.

**Joint session of Wales Committee and the Scotland Committee – update**

1. The Chair informed the Members that there is a suggestion of holding a joint session for the Wales Committee and the Scotland Committee to discuss the revised Terms of Reference (ToRs) for the Committees. Other items may be included in the agenda for this joint session.
2. The Head of Wales added that, previously, Strategic Plans and Business Plans were discussed at such joint meetings; she also recommended discussion on the Commission’s approach to the challenges in the proposed Human Rights Bill and other recent developments in Scotland and Wales at an upcoming joint session.

**Action E: CGT to check with the Chief Operating Officer for an update on holding a joint session.**

1. Members enquired if there were any learning sessions scheduled for the Committees. As noted above, the Chair had suggested that a learning session on the draft Online Safety Bill paper could be arranged for members of the Wales and Scotland Committees.

**Action F: CGT to discuss with the Director, Planning, Performance and Governance the possibility of arranging training sessions for Members.**

**Proposed changes to the Wales and Scotland Committees’ ToRs**

1. The Director of Planning, Performance and Governance informed the Members that the CGT is in the process of streamlining the governance function across the Board and its Committees and is working to build common standards of support, which are relatively variable at the moment. He welcomed the Members’ inputs on ways in which CGT could provide better support to the Committee.
2. He further informed Members that the CGT is implementing the effectiveness plan for the Board, the Audit and Risk Assurance Committee, and the Scotland Committee. CGT will then start planning the effectiveness review for the Wales Committee.
3. He informed Members that the ToRs for the Wales and Scotland Committees are currently being reviewed and asked the Chair to update Members on the proposed changes.
4. The Chair explained that the current ToRs were last substantively reviewed in 2013. The Chair highlighted some proposed changes to the ToRs viz. drafting changes to clearly reflect the Committees’ powers, roles and responsibilities under the Equality Act. She also noted that, as a result of budgetary constraints, the number of members on the Board and on the Committees are likely to be reduced; for the Committee the likely reduction is to 7 members including the Chair, as opposed to the present requirement in the ToRs of 7-9 members.
5. The Chair noted that once the revised draft ToRs are finalised, they will be circulated for discussion by the Wales and Scotland Committees.
6. The Director of Planning, Performance and Governance added that some proposed changes in the ToRs reflect issues raised in the Board effectiveness review and the review of the Scotland Committee. These changes will clarify the position of the Committees and support that is provided by them to, and to them by, the Board.
7. The Members asked that the rationale for any fundamental changes to the ToRs be explained when these are discussed so that Members have clarity on the changes.

**Action G: CGT to include the rationale for all fundamental changes in discussion of the revised ToRs.**

**Feedback loop**

1. Members believed there had been a lack of feedback loop to understand how their inputs on the strategic papers had been considered at Board meetings. The Chair explained that the inputs, as well as being minuted, are provided in writing to the Officers after Committee meetings and are then highlighted at Board meetings by Officers and by the Chair.
2. Members requested that a clear end-to-end feedback loop be created for the Committee’s advice with detail on the inputs that are taken on board and those that are not, and with the rationale for the latter.

**Action H: CGT to discuss internally and with the Chair the creation of an end-to-end feedback loop.**

1. Members appreciated the new initiative from the CGT of sending more regular updates to Members.

**Meeting schedule**

1. Members noted that the next Committee meetings were scheduled for 7 September and 6 October. Members suggested that one could be cancelled.

**Action I: CGT to update Members once dates for revised meetings are finalised.**

1. The Chair informed the Members that Committee agendas will no longer be aligned with Board meetings since Board meetings are held more frequently than Committee meetings. This will be actioned after the Board effectiveness review Report has been discussed at the Board meeting on 27 July.

**Action J: CGT to discuss agenda planning with the Chair.**

## Close

With no other business being raised, the Chair thanked Members and Officers for their contributions and closed the informal meeting. Members, together with the Head of Wales, adjourned for dinner.