Minutes of the Sixty First Meeting of the Wales Committee

Thursday 17 March 2022

**By weblink**

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## Present

Alison Parken

Bethan Thomas

Geraint Hopkins

Mark Sykes

Martyn Jones (Interim Chair)

Rocio Cifuentes

## In attendance

Angus Cleary (Senior Principal, Inquiries and Intelligence) *Item 5*

Geraint Rees (Principal, Wales)

Ginger Wiegand (Senior Associate, Wales) *Item 5*

Gregory Crouch (Principal, Inquiries and Intelligence) *Item 5*

Melanie Field (Chief Strategy and Policy Officer)

Ruth Coombs (Head of Wales)

Ruth Doubleday (Senior Associate, Wales)

## Apologies

Faith Walker

## Absent

None

## 1. Welcome, Introductions and Declarations of Interest

1.1 The *Interim Chair* welcomed members and officers to the sixty first meeting of the Wales Committee. Members agreed that the meeting was quorate. The *Interim Chair* requested any items for Any Other Business, with nothing being raised. The Interim Chair welcomed back Geraint Rees, Principal in the Wales team, after Geraint’s sickness absence.

1.2 Apologies were received from Faith Walker. The *Interim Chair* noted that Grace Quantock was not in attendance due to having stepped down from her role. He thanked Grace for her time on the Committee.

1.3 The *Interim Chair* thanked Rocio Cifuentes for her time on the Wales Committee. Rocio is to step down after the 61st meeting to commence her new role as Children’s Commissioner for Wales. Committee members agreed to hold a private meeting before the end of March, to be organised by the *Interim Chair*. *Chief Strategy and Policy Officer* provided an update on the appointment of the Commissioner for Wales.

**Action A: Interim Chair to hold a private meeting of Wales Committee members before 1st April 2022.**

1.4 Geraint Hopkins is no longer Cabinet Member for Adult Services in Rhondda Cynon Taf local authority area. Geraint Hopkins is now Clerk to Llantrisant Community Council and a member of the Cwm Taf Morgannwg University Health Board. Martyn Jones declared that he is now a member of the Section 20 Welsh Government Review steering group with the Future Generations Commissioner. No further Declarations of Interest noted.

## 2. Minutes of 60th meeting of the Wales Committee (EHRC WC 61.01)

2.1 The *Interim Chair* invited Members to consider the minutes of the previous meeting page by page. Members agreed that the minutes of the 60th meeting of the Wales Committee are an accurate record.

## 3. Current matters arising (EHRC WC 61.02)

3.1 The Committee noted the matters arising list. The *Interim Chair* highlighted Actions that have been updated since the last meeting.

3.2 *Head of Wales* provided an update on WC60 Action A - Head of Wales to consider the feasibility of a business plan activity exploring the effects of the extension of free childcare to two year olds in Wales. This is not currently in the high level business plan but is being featured in conversations around the ‘Equality for Children and Young People’ work theme as well as work being undertaken around the Public Sector Equality Duty (PSED) and compliance.

3.3 In terms of WC60 Action B - *Head of Wales* to discuss annual reporting of the City Deals and what is happening with BAGE during upcoming meeting with Head of Equalities at the Welsh Government – this is being discussed with the Head of Equalities at the Welsh Government who will report back on the City Deals. Regarding the new iteration of BAGE, the EHRC in Wales are likely to be observers on that group moving forward and are awaiting a formal invitation in writing.

3.4 WC58 Action H - the Committee is to discuss and agree upon a way to streamline meeting agendas – was noted to be on-going. *Head of Wales* noted that agendas are set in line with Board meeting agendas. The Committee and *Interim Chair* decided that this Action should be led by the new Commissioner for Wales, but should also be discussed during the upcoming private meeting.

3.5 The Wales Committee offered no further comments on Current Matters Arising.

## 4. Interim Chair Report (EHRC WC 61.03)

4.1 The *Interim Chai*r provided an update on activities since the last Committee meeting held on 11 January 2022, including the upcoming public sector leaders forum at the end of March, the interim Board meetings, and the extraordinary meeting of the Wales Committee held on 03 March to discuss single sex services guidance.

4.2 The *Interim Chair* requested comments by exception. A Committee member requested an update on the status of the Commission’s NHRI reaccreditation status. *Chief Strategy and Policy Officer* noted that the Commission will submit a statement of evidence at the end of June and are ready for the standard reaccreditation hearing in October. The SCA are currently deciding whether the Commission’s status should be reviewed.

## 5. Health and Social Care for low paid ethnic minority workers (EHRC WC 61.04, EHRC WC 61.04 Annex A, EHRC WC 61.04 Annex B, EHRC WC 61.04 Annex C)

5.1 The Wales Committee were provided with an oral update on the Inquiry’s methodology, findings and recommendations.

5.2 The Wales Committee were grateful for the opportunity to discuss the report arising from the inquiry into the experiences of lower-paid ethnic minority workers in health and social care. Committee members agreed that there is a compelling story in the report and offered the following feedback:

5.2.1 The section on data limitations at the beginning of the report is so extensive that it detracts from the quality of the rest of the report and undermines the strength of the findings

5.2.2 It is important to recognise the value of qualitative data, particularly with an inquiry such as this which aims to understand the experiences of workers. The methods adopted during this study are appropriate and rigorous, and should be framed as such in the report

5.2.3 The Committee expressed concern about the lack of reference to systemic issues that can exacerbate racial inequality, noting that this omission could be perceived negatively by stakeholders in Wales

5.2.4 It is at times unclear whether the findings are unique to lower-paid ethnic minority workers, or ubiquitous across all lower-paid workers in health and social care settings. However it is recognised that this is to an extent unavoidable due to the sample used and the lack of a comparator group

5.3.5 To bolster the impact of the recommendations, it would be useful to acknowledge that leadership culture often sets the tone within workplaces. Mandatory training can become an exercise in box-ticking rather than having the power to effect organisational change.

5.3 The paper authors recognised that the report takes a cautious tone in places and that the impact of leadership culture within organisations could be considered further. The Committee were reminded that the Commission has had constructive conversations with stakeholders and that the PSED provides a good lever to encourage organisations to think about the treatment of their workers. The decision to refer to systemic issues that can exacerbate racial inequality within the report lies with the EHRC Board.

5.4 The Wales Committee received an update on the Wales briefing arising from the Inquiry into the experiences of low paid ethnic minority workers in health and social care settings. The paper author informed the Wales Committee that separate Inquiry briefing reports have been produced in Scotland and Wales that are sensitive to the context of each nation. The paper author outlined the strategy that is planned for engaging stakeholders in Wales with the results of the Inquiry. This includes meetings with umbrella organisations, NHS Trusts, Health Boards, private health and social care providers, and third sector organisations across Wales. The paper author requested comments from the Wales Committee regarding the Wales briefing and Wales engagement strategy.

5.5. Wales Committee members offered thanks to the paper author and praised the construction of the Wales briefing. They then offered the following advice:

 5.5.1 Where applicable, it would be useful to include in the Wales briefing signposts to relevant pages and sections in the full Inquiry report to encourage stakeholders in Wales to read both documents and make the Wales briefing even more robust. With regards to the PSED, it would be advisable to demonstrate that the Welsh Government have taken an explicitly anti-racist stance. It is also important to consider the legal position and potential PSED implications of out-sourcing, as some Local Authorities (LAs) and Trusts out-source work in health and social care settings in Wales.

5.5.2 With regards to regional partnership boards, previous research undertaken by the Commission has suggested that it might be possible to change the schedule relating to some specific duties. *Head of Wales* agreed that this is something that needs to feed into the review of the PSED specific duties for Wales that the Welsh Government will be undertaking and which the Commission is engaged with.

5.5.3 The *Interim Chair* thanked the Committee for highlighting devolved issues, noting that the policy framework that this report falls under is very different in Wales, particularly due to the anti-racist policy pursued by the Welsh Government, the Socio-Economic Duty (SED), and other Welsh duties such as the Well-being of Future Generations Act.

5.6 The paper author clarified that the Wales Committee recommend even greater emphasis on the Race Equality Action Plan (REAP) in the Wales briefing.

5.7 Wales Committee members queried whether it would be possible to include recommendations for private sector employers. The paper author noted that the recommendations given in the Wales briefing are tailored towards public bodies because it is these organisations that are subject to the PSED. The paper author further highlighted that the Wales briefing contains recommendations for regulators and Ombuds, such as the Social Care Work Forum and Care Inspectorate Wales, each of whom have expressed an interest in actively taking the Inquiry recommendations forward. *Head of Wales* informed the Committee that the Health Minister for Wales has requested to be formally notified when the Inquiry reports are published, so that they may become actively involved in pushing out the report and recommendations.

5.8 The *Interim Chair* thanked the paper authors for their contributions to the meeting and invited all present to take a break.

## 6. CEO update from Chief Strategy and Policy Officer

6.1 *Chief Strategy and Policy Officer* provided an update on latest developments in the Commission’s work calendar, including the upcoming March Board meeting and All Staff Away Day. *Chief Strategy and Policy Officer* thanked the Committee for their input on the single sex services guidance and the Inquiry into the experiences of low paid ethnic minority workers in health and social care settings. This input will feed into corresponding Board discussions.

6.2 *Chief Strategy and Policy Officer* updated the Wales Committee on the EHRC’s response to the UK Government’s response to the 2021 Commission on Race and Ethnic Disparities (CRED) report. The Wales Committee also received an update on other work being undertaken across the EHRC in relation to Gender Pay Gap reporting, tackling sexual harassment in the hospitality industry, monitoring compliance with the PSED in relation to Artificial Intelligence, and the growing use of the new EHRC legal support fund to tackle race discrimination. Other work updates covered the Commission’s agreement with Pontins, the new EHRC Strategic Plan, NHRI reaccreditation, the dissolution of the Commission’s Disability Advisory Committee (DAC), and work in Scotland.

6.3 The *Interim Chair* offered thanks for the detailed update and requested comments from the Wales Committee. No comments were offered.

## 7. Head of Wales report (EHRC WC 61.06, EHRC WC 61.07)

7.1 *Head of Wales* highlighted the high level of impact arising from the work of the Wales team, including in relation to investment deals in Wales and the Social Care Inquiry. The Wales Committee were provided with an update on personnel changes.

7.2 A Committee member requested clarification on whether the EHRC would be having any engagement on the new Constitutional Commission being set up in Wales, as well as the new Terms of Reference for the Covid-19 Inquiry. *Head of Wales* explained that the EHRC Wales team have given written evidence, oral evidence and commissioned legal counsel to advise the Senedd Constitutional Special Purposes Committee. The Committee are now keen to engage with the EHRC moving forward, particularly regarding gender quotas. With regards to the Public Inquiry into the UK Government’s Covid-19 pandemic response, *Head of Wales* and *Chief Strategy and Policy Officer* noted that this has been flagged to Commission teams in England and there are not currently plans to conduct a separate investigation in Wales. The Committee were assured that the EHRC would submit evidence to the Inquiry, including commenting on the Terms of Reference, and would work to ensure that the Inquiry itself is fully inclusive and accessible to all those that may have been affected by the UK Government’s response to the pandemic.

7.3 The Wales Committee were provided with an update on impact arising from work undertaken by the EHRC Wales team in the previous quarter, as outlined in the quarterly impact report. This included submissions of evidence to the Senedd and UK Government consultations, close working with Welsh Government ministers and working groups, and progressing the Wales Growth Deals.

7.4 A Wales Committee member requested clarification on the upcoming PSED research. It was explained that the contract for this work has been awarded to a University in England. The research will inform the Commission’s thinking with regards to the PSED and identify gaps as the Commission moves forward with the new Strategic Plan.

7.5 With no further comments being offered by the Wales Committee, the *Interim Chair* moved the meeting on to the final substantive item on the agenda.

## 8. Other Committee admin

8.1 *Head of Wales* and *Principal, Wales* provided an update on plans for the recruitment of new members for the Wales Committee during 2022.

8.2 All present thanked the *Interim Chair* for sharing his time, expertise and dedication in the role.

8.3 The Wales Committee thanked the Committee Secretary for her hard work and wished her well as she begins maternity leave.

## 9. Any Other Business

9.1 The Interim Chair asked for Any Other Business. None was noted.

9.2 Members did not wish to escalate any issues to the Board.

## 10. Close

10.1 With no other business being raised, the Interim Chair thanked Committee members and staff for their contributions, and drew the formal meeting to a close. The Committee will next meet on 12 May 2022.