

Agenda – Equality and Social Justice Committee

Meeting Venue:

Committee Room 5

Meeting date: 3 October 2022

Meeting time: 13.30

For further information contact:

Rhys Morgan

Committee Clerk

0300 200 6565

SeneddEquality@senedd.wales

Private pre-meeting and registration (13:00–13:30)

1 Introductions, apologies and substitutions

(13:30)

2 Papers to note

- 2.1 Correspondence from the Minister for Social Justice and the Deputy Minister for Social Partnership: consultation on public bodies subject to the Well-being of Future Generations (Wales) Act 2015**

(Pages 1 – 2)

- 2.2 Correspondence from the Health and Social Care Committee: inquiry into mental health inequalities**

(Pages 3 – 18)

- 2.3 Correspondence from the Legislation, Justice and Constitution Committee: Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence**

(Page 19)

- 2.4 Correspondence from the Economy, Trade and Rural Affairs Committee: Cost of living pressures report**

(Pages 20 – 21)

- 2.5 Correspondence with the Minister for Social Justice: cost of living crisis**

(Pages 22 – 35)



2.6 Correspondence with the Deputy Minister for Social Services: violence against women, domestic abuse and sexual violence – migrant women

(Pages 36 – 40)

2.7 Correspondence with the Minister for Health and Social Services: monitoring of data in relation to mental health provision for migrant women

(Pages 41 – 43)

2.8 Correspondence with Deputy Chief Constable Amanda Blakeman: violence against women, domestic abuse and sexual violence – migrant women inquiry

(Pages 44 – 48)

2.9 Correspondence with the Minister for Social Justice: EU Settlement Scheme

(Pages 49 – 54)

2.10 Correspondence from the Auditor General for Wales to the Permanent Secretary: examination of the setting of well-being objectives

(Pages 55 – 67)

2.11 Correspondence from Counsel General and Minister for the Constitution to the Llywydd regarding the Bill of Rights Bill

(Pages 68 – 69)

2.12 Correspondence from the Llywydd to the Chair regarding the Social Partnership and Public Procurement (Wales) Bill

(Pages 70 – 71)

3 Social Partnership and Public Procurement Bill: ministerial evidence session

(13:30–15:00)

(Pages 72 – 120)

Hannah Blythyn: Deputy Minister for Social Partnership

Neil Surman: Deputy Director – Social Partnership

Sue Hurrell: Head of Fair Work Procurement

Neil Buffin: Deputy Director – Legal Services

- 4 Motion under SO17.42 (ix) to exclude the public from the remainder of the meeting**

(15:00)

- 5 Social Partnership and Public Procurement Bill: ministerial evidence session – consideration of the evidence**

(15:00–15:30)

BREAK (15:30 – 15:45)

- 6 Violence Against Women, Domestic Abuse and Sexual Violence: migrant women – consideration of draft report**

(15:45–16:45)

(Pages 121 – 169)

- 7 Forward work programme**

(16:45–17:00)

(Pages 170 – 174)

Jane Hutt AS/MS
Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice

Hannah Blythyn AS/MS
Y Dirprwy Weinidog Partneriaeth Gymdeithasol
Deputy Minister for Social Partnership

Eich cyf/Your ref
Ein cyf/Our ref

Jenny Rathbone MS
Chair of the Equality and Social Justice Committee

14 July 2022

Dear Jenny,

Last year, the Welsh Government announced it would carry out a review of the public bodies subject to the well-being duty (part 2) of the Well-being of Future Generations (Wales) Act 2015. Since the Act was passed into law, the public sector landscape in Wales has changed and it is right that we assess whether additional public bodies warrant designation to be subject to the Act. A [letter](#) was sent to the Committee in March, which outlined the context and our approach to the review.

This review is taking place alongside the development of the Social Partnership and Public Procurement (Wales) Bill. The bodies that will be subject to the Bill's proposed Social Partnership Duty will be those bodies subject to the well-being duty listed in Section 6 of the Act.

In line with the criteria that we applied in 2015, we have identified a further eight public bodies in Wales which we propose to include in the list of bodies subject to the well-being duty in the Act. Today, we have published a consultation document on these proposals which can be found [here](#) and closes on 20 October. We look forward to continuing to work with the Committee on the review.

Yours,

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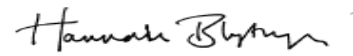
Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Jane Hutt AS/MS

Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice



Hannah Blythyn AS/MS

Y Dirprwy Weinidog Partneriaeth Gymdeithasol
Deputy Minister for Social Partnership

Jayne Bryant MS

Chair, Children, Young People and Education Committee

Jenny Rathbone MS

Chair, Equality and Social Justice Committee

John Griffiths MS

Chair, Local Government and Housing Committee

15 July 2022

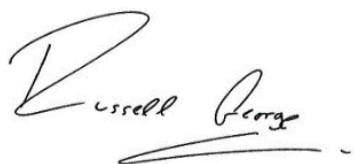
Dear Jayne, Jenny and John

Health and Social Care Committee inquiry into mental health inequalities

Further to my letter of 6 June 2022, I am writing to provide a further update on the Health and Social Care Committee's inquiry into mental health inequalities.

I enclose for your information summaries of the issues emerging from our discussions with people with lived experience of neurodiversity, and our visits to EYST Cymru and Barnardo's Cymru's Beyond the Blue project. These notes have been published on the inquiry webpage. I also enclose in confidence for your information a copy of the Senedd Research briefing prepared for our recent oral evidence session on 6 July.

Yours sincerely



Russell George MS

Chair, Health and Social Care Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.

Health and Social Care Committee inquiry into mental health inequalities: update

Background

The Health and Social Care Committee launched an inquiry into mental health inequalities in January 2022. The terms of reference were very broad, seeking to identify which groups were most likely to experience mental health inequalities, what barriers they face, whether Welsh Government policy does enough to recognise and address these groups' needs, and what more needs to be done.

Drawing on the evidence we received in writing, through focus groups and during initial oral evidence sessions, in March 2022 we decided to focus on four emerging themes: mental health and society; community solutions; the impact of mental health inequalities on people with neurodiverse conditions; and the role of the healthcare and wider workforce.

During the summer term we have taken oral evidence from stakeholders (4 May, 19 May, 8 June and 6 July), held a private informal stakeholder event on the experience of mental health inequalities of people with neurodiverse conditions and their families or carers, and visited projects and services working in their communities to support people from ethnic minority communities, and children, young people and their families.

Next steps

During the summer recess, the Citizen Engagement team will hold **focus groups with frontline health staff** to discuss: how they meet the mental health needs of diverse communities; whether staff feel equipped to recognise and meet diverse needs; what barriers may inhibit more effective working; the role of prevention and the promotion of good mental health; and the mental health and wellbeing needs of the workforce itself. A summary of the findings will be published in the autumn.

We have established an **online advisory group**, comprising people with a range of different lived experiences. The group will be asked to provide its views on emerging issues at key milestones in the inquiry. We will also be asking members of the **Welsh Youth Parliament** to share their views on emerging issues.

All of the evidence we gather throughout the inquiry, including the written update we have sought jointly with the CYPE Committee on progress made on key recommendations made by Fifth Senedd committees in respect of mental health, will inform an **oral evidence session with the Welsh Government** to be held in the autumn term.

Mental health inequalities: stakeholder discussion

8 June 2022

Background

1. As part of our inquiry into mental health inequalities, on 8 June 2022 the Health and Social Care Committee held a private informal discussion with people with lived experience of neurodiverse conditions. We are grateful to everyone who took part for sharing their views, experience and expertise with us. We would also like to thank the ADHD Foundation, Autistic UK and Parents' Voices in Wales for working with us to identify and support participants.

2. We asked participants to consider:

1. What factors contribute to poor mental health for people with neurodivergent conditions (and their carers/families)? What are the wider impacts of this (e.g. on education, employment).
2. Whether there needs to be more awareness/understanding of neurodiversity among the healthcare and wider workforce (including e.g. education, social services).
3. What would more effective support for people with neurodivergent conditions (and their families) look like? What are the key changes needed?
4. What is your one key message for the Committee's inquiry?

3. This note summarises issues and themes discussed during the session. Reference to an issue does not necessarily represent endorsement either by all participants or by the Committee.



Barriers and mental health inequalities

4. A significant proportion of people in society are neurodivergent. Individuals' circumstances and experiences will differ, and the extent and way in which they experience barriers and mental health inequalities will vary.
5. People who have neurodivergent conditions have the same rights, and should have the same access to support and services, as neurotypical people. It was noted that organisations like Disability Wales have run campaigns to help disabled people understand their rights, and suggested that similar campaigns targeted at neurodiverse people could be helpful.
6. We heard that society needs to be much more inclusive and accepting of difference. Insufficient awareness and understanding of neurodivergence in society and public services creates barriers that can disproportionately affect neurodivergent people, with corresponding trauma and detrimental implications for their mental health and wellbeing. Such barriers include trying to fit in with neurotypical social norms, bullying, discrimination, and ableism, as well as having to fight continually to be heard, respected and to receive the support they need, or that is needed by their child, family member, or person to whom they provide care. People who are neurodivergent may also experience a range of inequalities, including higher levels of unemployment, lower life expectancies, or increased risk of experiencing addiction, early pregnancy, domestic violence or of suicide.
7. The cumulative impact of these factors can be compounded by a lack of support to meet people's needs. It was suggested that trauma and other mental health issues are a symptom both of the barriers and stigma people have faced, and of inadequate or non-existent support for people who have neurodivergent conditions.

Intersectionality

8. Understanding of neurodivergence and neurodevelopmental conditions and the services that have been developed to support people are largely based on the experience of people who are male, white and middle class. It is important to recognise that people who are neurodivergent are also be diverse in other ways, and these other aspects of their diversity can also carry a risk of discrimination or stigmatisation.
9. Too little is known about the experience or needs of other groups or communities, for example women and girls, people from ethnic minority backgrounds, people living in more socioeconomically-deprived circumstances, people who are LGBTQ+, or people who may not have the skills or resources to navigate different services or pathways. We heard that women

and girls for example, may be more likely to 'mask' their neurodivergent traits and to internalise their distress.

10. There needs to be more understanding of how traits associated with neurodevelopmental conditions, and the social or emotional challenges which may arise from engaging with neurotypical norms, may affect people with different characteristics, including the cumulative impact of intersectional characteristics. This would help to counteract biases and make sure that all 'learners of concern' were identified and treated fairly.

Parents, families and carers

11. Services and professionals need to listen to parents. Parents report that they often feel they're not believed, even though they're the ones who know their child, and their child's difficulties and strengths, best.

12. Families can feel as though they have to become experts in their child or family member's condition. Parents, families and carers who have knowledge and understanding of neurodiversity are more likely to identify whether someone in their family or for whom they provide care may have a neurodivergent condition. Not all families will have this understanding, and it can be difficult to know where to start, but it is important to empower people and communities to find and access the help and support that they may need.

13. Parents who are neurodivergent themselves may have greater understanding of the issues experienced by children who are neurodivergent than parents who are neurotypical. However, neurodivergent parents may also face greater challenges in supporting their children while also managing their own condition.

Diagnosis and thresholds

14. Diagnosis and the resultant 'label' can often be seen as a golden ticket. Diagnosis can help, for example, people to access support in schools, or pharmaceutical interventions or other elements of the medical pathway that can help to meet their needs. We heard calls for an ADHD diagnosing service for adults in Wales, and for pre-diagnosis support for people waiting for a neurodevelopmental diagnosis.

15. Even when people are able to access a diagnosis, they are not always able to access the support that they need. Reasons for this could include:

- A lack of capacity in services or long waiting times.

- A diagnosis for a single condition may fail to take account of other, co-occurring conditions for which the individual may also need support.
- Misdiagnosis, which can then lead to inappropriate support or medication that can fail to meet the individual's needs or cause harm.
- The level at which severity thresholds are set. The result can be the exclusion of some children, young people or adults from receiving support, potentially giving the message that some people's needs do not matter. This can include the 'missing middle' as identified by the Fifth Senedd Children, Young People and Education Committee in its Mind over Matter report.

16. In addition, not everyone who is neurodivergent, who has neurodiverse traits or who exhibits neurodivergent behaviours will want or need to have diagnosis or a 'label'. An alternative is a needs-led approach that focuses on what advice or support an individual may need to self-manage their neurodevelopmental condition and their mental health within the community.

Access to healthcare services

17. Healthcare professionals are not always understanding, particularly if the person has not had a formal diagnosis. Also, people are moved through the system, seeing numerous professionals before they've had a chance to build a rapport, and without that rapport, neurodiverse people find it very difficult to engage.

18. Neurodiverse people often struggle to access primary care services. Most GP surgeries require patients to telephone at a certain time to secure an appointment (e.g at 8.00) but neurodiverse people find phone calls difficult and often struggle with getting up early so many are just put off from trying to get an appointment.

19. A&E departments can be a hostile environment for a neurodiverse person due to the noise, bright lights, number of people, etc.

Access to specialist mental health support

20. When people are able to access services, the people providing services too often have too little knowledge or awareness of how to communicate effectively with neurodivergent people. Services are also too siloed, with a disconnect between neurodevelopmental teams and mental health teams, rather than mental health, social care and education services working together to support people.

21. Services may also fail to see people as individuals rather than as their diagnosis or condition, with the result that, in some cases, the nature of support offered by mental health services, for example group therapies or work, may not be suitable for neurodivergent people. However, instead of offering alternatives or adjusting their approaches, services may describe individuals as challenging or unwilling to engage.

22. While access to services via the internet was welcomed during the pandemic it should not be a substitute for human interaction. It is also important to recognise that not everyone that needs access to services has access to the internet.

23. CAMHS may refuse referrals for children or young people who are neurodivergent and have co-existing mental health difficulties as these can be seen as an inevitable consequence of neurodevelopmental conditions. This can include children and young people who are self-harming or at risk of suicide. Adults can also be denied support. We heard examples of adults being discharged from mental health services as soon as they received a diagnosis of autism.

Complaints

24. It was suggested that there should be a route for parents, families and individuals to raise their experiences of local services directly with Welsh Government when things go wrong, as existing routes for complaints could be slow and difficult to navigate, particularly for people who are neurodiverse, or who are caring for someone who is neurodiverse. This can, itself, have a detrimental effect on people's mental health. We also heard the need for advocates to be available who understand neurodiversity, the experiences of neurodivergent people, and how to communicate effectively.

Training and awareness

25. There were strong calls for mandatory training for people working in education, health and other public services, including the police, to increase their awareness and understanding of neurodiversity and neurodevelopmental conditions. It was suggested that there is a desire among professionals to receive training so that they are able to provide better and more effective services and support.

26. Such training should not just be about specific conditions – it should be focused on how to support and help people, and developing positive, constructive and helpful attitudes and cultures. For example, it could include how to communicate effectively, what language and terminology is appropriate, how to adapt or tailor services and support to meet neurodiverse people's needs, and how to ensure that services and support enable neurodiverse people rather than 'disabling' them. Role-specific training may be needed in addition to general training, for

example specific training for teachers as part of their initial teacher training. Neurodiverse people must be involved in designing and delivering any training, as well as in the design of services.

27. Concerns were also raised about working cultures within public services, including a lack of collective responsibility and accountability, internal antagonism, and longstanding issues relating to pay and conditions, especially for lower paid health and social care workers, including carers, porters and cleaners.

Education and schools

28. It's common for neurodivergent children and young people to find the school environment difficult. Prior to the COVID-19 pandemic, if a child was struggling to attend school, schools weren't often able to provide any resources to help them continue to learn at home. If schools could continue to provide online resources (for example, pre-recorded lessons) for children at times they're not able to be in school, this would help ensure the connection with school and learning wasn't lost.

29. As noted earlier, schools often require a diagnosis of a neurodivergent condition before more formal support can be put in place. There's a need for improved pre-diagnosis support and strategies in schools (and in general), particularly as waiting times for an assessment can be two or more years.

30. There was support for the whole system approach to mental health in schools, and a focus on 'going upstream' to address the causes of poor mental health. There were calls for a similar 'going upstream' approach to be taken to neurodivergence, to help to identify people who may be neurodivergent or have a neurodevelopmental condition at an earlier age and focus on meeting their needs. It was suggested that this could be dovetailed with the NEST/NYTH model, ALN (additional learning needs) reforms and the whole school approach to mental health, and be part of an 'early help' model, supported by therapeutic interventions available in communities.

31. Other approaches suggested to improve support in schools, and reduce the risk of mental health issues developing for children, young people and school staff, included:

- Train and empower families to identify and manage neurodiversity and support children and young people to communicate and build on their strengths, for example through educating children, young people and their families in how to co-regulate emotions and behaviours. A whole family approach can be very effective in reducing the risks of trauma or adverse experiences.

- Drive cultural and attitudinal change by increasing teachers' knowledge and awareness of neurodiversity. In addition to being better able to meet the needs of neurodiverse children and young people (whether or not they have a diagnosis), this would also help them to identify 'learners of concern' and provide the support that may be needed rather than stigmatising or punishing behaviours or traits that may be signals of distress or unmet need.
- Digital assessment using the tool developed by the Together 4 Children and Young People programme of the cognitive profiles of children and young people identified by parents or schools as exhibiting signs of distress in order to put in place therapeutic interventions.
- Adopt neurodiversity sensitive measures, such as allowing children to move around in classrooms, scheduling frequent breaks, providing visual learning materials, positive reinforcement rather than negativity or reprimands, a focus on developing relationships etc.
- Develop a greater appreciation of different learning styles. Not everyone can follow written instructions but learn through using their hands/doing. There is currently an absence of kinesthetic provision and as a result children with autism are missing out.
- Change the inspection approach to ensure that schools are able to take a strengths and skills based approach which helps children and young people harness their strengths and develop their skills.

Employment

32. Neurodivergent people are less likely to be employed or in education or training. They may face barriers in navigating processes or pathways to employment, including job interviews. This can affect individuals' mental health and wellbeing, for example in terms of self-esteem and self-confidence, but also as a result of reduced earning capacity. Tackling biases or structural inequities would reduce the risk of developing mental health problems, and the need to access mental health services.

33. Employers need to offer greater flexibility. The flexible, working from home arrangements which have applied to many people during the pandemic may have been of particular benefit for some people with neurodivergent conditions, who can struggle with the office environment for example.

34. In addition, there would be considerable benefits to society and the economy of harnessing the strengths and talents of people who are neurodiverse. Autistic people may have strong analytical capabilities, people who have ADHD may bring creative energy and drive, and people with dyslexia – who may be more likely to think visually – may bring an alternative perspective compared with people who are neurodiverse in other ways or who are neurotypical.

35. Neurodiverse people can be really good at their job but may struggle with things like getting to work on time, filling out timesheets, forms, etc and a lot of employers are not willing to compromise on those things or offer the support needed to overcome such issues. It was suggested that often HR policies are put in place to protect the employer from litigation rather than support their employees.

School exclusion, youth offending and the criminal justice system

36. People who are neurodivergent and who experience poor mental health may be more likely to experience school exclusion, or to come into contact with the criminal justice system including as a result of youth offending. It was noted that an estimated 1 in 3 people in prisons are neurodivergent. While there is limited research on this, it may be because neurodivergent people are more likely to experience risk factors such as family breakdown or substance misuse that are themselves more prevalent among the prison population.

37. A lack of understanding or awareness of neurodivergence, including how to adapt communication appropriately, can have very real implications, for example if a person is unable to make eye contact, or remember events in a linear way, they may be less likely to be believed when they come into contact with the police or other parts of the criminal justice system. Techniques such as Witness-Aimed First Account¹ can be used to reflect the way in which autistic witnesses process information in memory, but this is not widely used.

Research

38. There were calls for a greater focus on social-based research to understand more about how autistic and neurodivergent people experience the world, rather than focusing primarily on the medical model of neurodiversity.

¹ **The Witness-Aimed First Account (WAFA): A new technique for interviewing autistic witnesses and victims — the University of Bath's research portal**

Legislative and policy approaches

39. The legislative and policy approaches to neurodiversity, for example the Code of Practice on Autism, should take an inclusive approach that takes into account the full range (and frequent overlapping nature) of other neurodivergent conditions. Such approaches should be applied in education settings as well as in communities and primary care to help to identify people as early as possible.

40. There needs to be greater recognition of the impact of successful and effective projects, organisations or services. Where such projects are having a positive impact on their service users' quality of life and wellbeing (and where they are delivered by people who are themselves neurodiverse, on their staff's quality of life and wellbeing) good practice and innovation should be shared. It also needs to be recognised that many of the organisations providing these services are volunteer run and need support themselves to be able to continue to provide these services.

41. There were calls for an all Wales neurodiversity alliance to bring together a diverse range of voices and perspectives from people who are neurodiverse and experts and organisations working in the field. The role of the alliance would be to ensure that neurodiverse people are involved in framing and developing legislation, policies and decision-making from the start. It was suggested that the alliance should be mirrored by structures within the Welsh Government to ensure that issues are considered on a cross-portfolio basis. This could be a single Minister with responsibility for neurodiversity, or an inter-ministerial forum or working group.

42. There was a clear message that politicians from all political parties need to work together to bring about cultural and societal change, as well as ensuring that the right policy and legislation is in place supported by appropriate funding. There were also suggestions that all Members of the Senedd should receive neurodiversity training which focuses on people's lives, not just on different conditions.

Mental health inequalities: visit

23 June 2022

Background

1. As part of our inquiry into mental health inequalities, on 23 June 2022 the Health and Social Care Committee visited EYST Cymru in Swansea, and the Barnardo's Cymru Beyond the Blue project in Neath.
2. We are grateful to both organisations for their warm welcome, and to their staff and service users for sharing their views, experience and expertise with us.
3. This note summarises emerging issues and themes. Reference to an issue does not necessarily represent endorsement either by all participants or by the Committee.

EYST Cymru

Issues affecting mental health and wellbeing

4. People from ethnic minority communities can face racism and discrimination in everyday life. This can have a significant impact on their mental health and wellbeing.
5. People contacting EYST often have multiple problems, and it can be challenging for staff to know which issue to address first. Many of the problems people are experiencing – e.g. health, housing, problems with the benefits system, family breakdown – have significant impacts on mental health.
6. Ethnic minority communities may face barriers to education and employment opportunities. There needs to be greater representation of these communities within schools and further/higher education and in the wide range of careers. Young people need role models they can identify with.



Impact of community projects

7. EYST provides a safe space where people feel they belong and can be themselves, without having to answer intrusive questions about, for example, how they look, what they're wearing. This applies to service users and to staff employed by EYST.

8. EYST is a lifeline for the communities it supports, and is often the first point of contact for people needing help. There is great diversity within and among the communities EYST supports. EYST also provides support to other organisations who need their expertise.

Impact on staff and service providers

9. EYST staff often have to work/provide services outside their core role due to lack of other service provision which meets the needs of diverse communities. Two key examples are providing translation for people when accessing healthcare and other public services, and the lack of culturally-aware counselling services. EYST staff find themselves needing to provide counselling to people they support, even though they're not trained to do so. Providing translation or counselling for traumatic events can have an effect on EYST staff, often making them relive their own traumatic experiences with consequences for their own mental health and wellbeing. There is a need to make sure that staff also feel supported, as well as service users.

Engagement with public services

10. There is a lack of cultural awareness/competence among public services' staff (and a lack of diversity). This is a key element of the success EYST has in supporting people from diverse communities – its staff are relatable to the person they support and also have an understanding of that person's culture and what's important to them.

11. EYST's youth support workers can however struggle to get statutory services (e.g. social services) to engage with them in a timely way, and feel they don't always have the credibility/recognition they deserve – and need – in order to secure the help that's needed for the people they're supporting. Early intervention is key, and getting people the help they need before problems escalate. We heard distressing accounts of people ending up in the criminal justice system or dying by suicide because the right support wasn't available at the right time.

12. We also heard positive examples of EYST and other agencies working well together to provide effective, timely support to young people in the Gwent area. It was noted that there can be significant geographic variation in access to support and services.

Translation services

13. The lack of translation services is a significant issue. It's not uncommon for young children to have to translate for their parent at a medical appointment for example. This is particularly distressing and traumatising when having to discuss issues such as rape. Also, medical language can be difficult for people to understand and interpret, and this can have serious consequences if people then don't receive the correct treatment or incorrectly take medication for example. As noted above, despite not being trained translators, EYST staff may find themselves needing to provide translation, sometimes in their own second or third language. There was discussion of the need for a medical translation service. There's a significant language barrier with health triage systems, including GP appointments systems and the NHS 111 system - these can be very difficult for people to navigate.

Mental health: understanding and terminology

14. Different communities may have different understandings of 'mental health' (and different language around this). Mental health is often stigmatised. In some communities for example, a person with mental health problems may be thought to be possessed. 'Possession' may actually carry less stigma than mental illness in these communities.

Impact of the pandemic on mental health

15. There's been a big increase in mental health difficulties among the communities EYST supports as a result of the pandemic. This includes rates of self-harm and suicidal behaviour. Loneliness and isolation has also increased. The support of family and community is really important among ethnic minority groups, and this plays a vital role in protecting people's mental health and wellbeing. The pandemic restrictions significantly reduced that support.

Funding sustainability

16. Demand for EYST's services far outstrips its capacity to provide those services. There's no shortage of people to recruit, but more longer-term funding is needed. The lack of sustainable funding is a key issue. Significant staff resource goes into preparing new funding bids for projects at the end of their funding period, even when those projects have already proved themselves to be successful. Core funding would enable EYST to develop services further, and make more effective use of staff resources.

Asylum seekers and refugees

17. Asylum seekers and refugees may already have experienced significant trauma. The struggles they can face once in the UK compound this. This includes difficulties accessing healthcare and other services (including dentistry and optometry), but also loneliness, having no support networks, and not feeling as though they belong. Asylum seekers face lengthy waits

while their claims are processed, and are left in limbo during this time. As well as the anxiety this causes, it also has wider impacts in terms of people losing skills etc. while not able to work.

18. Having to keep repeating their story to different people/agencies is re-traumatising. Many refugees from other countries (e.g. Afghanistan, Syria) perceive that they are less 'welcome' in the UK or worthy of support as Ukrainian refugees, and this unfairness also has a negative impact on their mental wellbeing. Free public transport should be reinstated for all refugees.

Barnardo's Cymru Beyond the Blue

The role of community services

19. There is a real need for community-based services which provide an alternative to more traditional NHS mental health services in clinical settings or schools-based counselling. Many children and young people may prefer to attend a community service as there's less stigma attached. Such services can sit between the NHS and social services, and help to meet the needs of the 'missing middle' as identified by the Fifth Senedd's Children, Young People and Education Committee.

Whole family approach

20. It is very important that support is focused on the wider family, not just the child in question. Children seem to enjoy visiting the centre and taking part in the activities there. Parents also valued the service.

Access to support

21. The families we met had travelled to Beyond the Blue by bus. If transport links are not available, the people most in need of support services may have the most difficulty accessing them, further exacerbating existing inequalities.

22. An alternative to families travelling to the centre could be 'outreach' i.e. the service going to people's homes.

Service availability

23. There doesn't seem to be a clear 'map' of this sort of service provision across Wales. It isn't clear whether there is a strategic approach (for example across or within regional partnership boards) to developing such services. The NEST/NYTH framework developed by the Together for Children and Young People Programme may be helpful in this.

Jenny Rathbone MS
Chair, Equality and Social Justice Committee

19 July 2022

Dear Jenny

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

You may recall that at our meeting on 6 June we considered the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (also known as the 'Istanbul Convention'). Following the meeting we wrote to your Committee to draw the Convention's ratification to your attention, in light of your inquiry into violence against women, domestic abuse and sexual violence.

We also wrote to the Welsh Government to seek its views on the accuracy of the information provided in the accompanying Explanatory Memorandum on the UK Government's engagement with the devolved governments and information on its compliance with the Convention. At our meeting on 11 July we considered a response from the Minister for Social Justice, in which she outlined concerns she had raised with the UK Government in relation to policy and constitutional matters. We therefore agreed to share this response with your Committee and the House of Lords International Agreements Committee.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies
Chair

Agenda Item 2.4

**Pwyllgor yr Economi,
Masnach a Materion Gwledig**

**Economy, Trade and
Rural Affairs Committee**

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Vaughan Gething MS
Minister for Economy

28 July 2022

Dear Minister,

As you are aware, the Committee has published our report 'Cost of living pressures.' We have already shared an advance, embargoed copy of the report with you, and it was laid on 28 July.

I look forward to receiving a formal response from you 30 working days from the date of publication. I will ensure that you are kept informed of the Committee's plans with regard to your response, and the next steps for the Committee's work in this area. This may include correspondence seeking clarification of matters raised in your response or an invitation to attend a Committee meeting to discuss your response in detail.

I have requested that a plenary debate is held on this report as soon as possible following your response.

I have copied this letter to the Minister for Rural Affairs, North Wales, and Trefnydd and the Minister for Social Justice as although this report primarily discusses the economy, I thought they may be interested in the sections on rural communities and Welsh benefits system respectively. I have also copied it to Jenny Rathbone MS as I know the Equality and Social Justice Committee also has been undertaking work related to this report.

Kind regards,



Paul Davies MS
Chair: Economy, Trade and Rural Affairs Committee



**Senedd Cymru
Welsh Parliament**

Pack Page 20

Agenda Item 2.5

Jane Hutt MS
Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref LN3452

Jenny Rathbone MS
Chair of the Equality and Social Justice Committee
Welsh Parliament
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18 August 2022

Dear Jenny,

Thank you for your letter on the 4 August on Welsh Government action on the cost of living crisis. As you are aware the Welsh Government is committed to doing everything we can to support those in Wales hardest hit by the current cost of living crisis. I welcome the committee's acknowledgment of the actions we have taken and continue to take to alleviate the pressures caused by the cost of living crisis.

In your letter you asked a number of questions in relation to Winter Fuel Support Scheme, the Cost of Living Support Scheme and the Discretionary Assistance Fund – Emergency Assistance Payments and support for off-grid households with fuel costs.

Winter Fuel Support Scheme

In your letter you asked if I could set out the take-up rate for the Winter Fuel Support Scheme, including how many households were eligible for support, and how many households received support in each local authority. The Welsh Government forecast turnout for the first Winter Fuel Payment Scheme in 21/22 was estimated at 350,000 households. This number was based on the number of persons in receipt of an eligible DWP benefit in Wales. We now know this figure was overestimated due to difficulties in accurately identifying individual fuel liable households from all benefit households within the DWP data. Officials now estimate 220,000 households were eligible for support through the 21/22 scheme. Unfortunately, as the estimates were based on national data we do not have data on the number of households eligible by local authority area.

You also asked for the total value of payments made to households in each local

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

authority under the scheme. This information is included at Annex A below.

Finally on the Winter Fuel Support Scheme you asked what data the Welsh Government collected on eligibility for, and take-up of the Winter Fuel Support Scheme by socio-economic status or protected characteristic. I can confirm that no data was collected by authorities on a household's socio-economic status or protected characteristic as this was not considered to be relevant to the administration of the scheme.

Cost of Living Support Scheme

In your letter you asked how many households within each local authority are eligible for the Cost of Living Support Scheme, and how many have received a payment through the scheme to date. Please see the tables at Annex B on the estimated number of properties eligible for the scheme identified using the criteria based on the council tax information in January 2022. The number of eligible households is an estimate based on the position when the Scheme was introduced. The payments are correct as at Monday, 8 August. I can confirm that it was estimated that a total of 1,013,142 households were eligible for the scheme and as at 8 August 2022, 982,715 had received a payment.

You also asked if I could provide an update on final take up figures and the total value of payments made to each local authority after the scheme closes on 30 September. I can confirm that I will provide an update in October 2022.

In terms of your request on what data, if any, the Welsh Government is collecting on eligibility or take-up of the Cost of Living Support Scheme by socio-economic status or protected characteristic. I can confirm that no specific data is being collected on socio-economic status or protected characteristics in relation to the Cost-of-Living Support Scheme. The criteria for eligibility comprises being resident in a property that sits within council tax Band A to D or in receipt of our Council Tax Reduction Scheme (any band).

In the absence of detailed income data on every household, property choice is the closest indicator of relative wealth and income circumstances, albeit we recognise it is not a perfect measure. The use of lower banded properties and the receipt of CTRS as qualifying criteria ensures that the Scheme is generally targeted towards households on lower incomes.

Finally on the Cost of Living Support Scheme, you have asked if I will provide details, once data is available, of how many households in each local authority were helped by the discretionary element of the Cost of Living Support Scheme, and the total value of the payments made to households in each local authority via this element of the scheme. I can confirm that I will provide information on this in April 2023 as the discretionary scheme can run to 31 March 2023.

Discretionary Assistance Fund - Emergency Assistance Payments

In your letter you asked how many applications, by local authority, have been made for Emergency Assistance payments in 2020, 2021 and 2022. You also asked how many Emergency Assistance Payments have been made through the Discretionary Assistance Fund to households in each local authority for 2020, 2021 and to date during 2022. I have included this information at Annex C. These tables also include the total value of Emergency Assistance Payments made to households in each local authority for 2020, 2021 and 2022. The 2022 data is as at 11 August 2022.

You also asked how many households have received 2, 3, 4 or 5 payments in each year. This information is included at Annex D.

Discretionary Assistance Fund – support for off-grid households with fuel costs

In your letter you asked how many applications, by local authority, were made to the Discretionary Assistance Fund for support for off-grid fuel costs in 2020, 2021 and to date during 2022. You also asked how many payments have been made to households in each local authority to help with off-grid fuel costs through the Discretionary Assistance Fund in 2020, 2021 and 2022 and for the total value of payments made through the Discretionary Assistance Fund for off-grid fuel costs by each local authority in 2020, 2021 and so far during 2022. This information is also included in the tables at Annex C. The 2022 data is as at 11 August 2022

It should be noted that support for off-grid fuel was introduced in 2021, so there is no information for 2020. In addition, due to the value of the amount awarded, applicants are allowed to make only one application for support with off-grid fuel costs per year. There is therefore no data for the number of applications per household as requested as all approved applicants will receive only one payment.

I am copying this letter to Paul Davies MS, Chair of the Economy, Trade and Rural Affairs Committee

Yours sincerely,

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a large initial 'J' and a distinct 'H'.

Jane Hutt AS/MS

Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice

Annex A - Winter Fuel Support Scheme payments made to households, by local authority area

<u>Council</u>	<u>Applications Paid</u>	<u>Value</u>
Neath Port Talbot CBC	10746	£2,340,038
Rhondda Cynon Taff	14716	£3,093,831
Gwynedd	5180	£1,091,895
Denbighshire county council	4734	£1,176,690
Blaenau Gwent County Borough Council	5506	£1,151,799
Conwy County Borough Council	5422	£1,137,767
Carmarthenshire County Council	8523	£1,789,920
Bridgend County Borough Council	8666	£1,820,219
Cardiff Council	21940	£4,606,031
Ceredigion County Council	2879	£603,897
Flintshire County Council	6680	£1,400,712
Caerphilly	11211	£2,375,608
Newport City Council	8533	£1,792,919
Merthyr Tydfil County Borough Council	4707	£991,961
Pembrokeshire Council Council	4575	£1,000,184
Swansea	13806	£2,896,340
Powys cc	3811	£800,675
Torfaen County Borough Council	5806	£1,337,500
Monmouthshire County Council	2320	£501,653
Wrexham	7431	£1,521,225
Vale of Glamorgan	6479	£1,374,754
Ynys Mon	3109	£650,308
Total	166780	£35,455,926

Annex B - Cost-of-Living Support Scheme

Estimated number of eligible households by local authority and indicative funding allocation

	Estimated number of eligible households	Funding allocation (£)
Isle of Anglesey	23,714	3,557,100
Gwynedd	39,907	5,986,050
Conwy	38,878	5,831,700
Denbighshire	32,465	4,869,750
Flintshire	46,575	6,986,250
Wrexham	43,168	6,475,200
Powys	37,461	5,619,150
Ceredigion	19,719	2,957,850
Pembrokeshire	37,708	5,656,200
Carmarthenshire	63,046	9,456,900
Swansea	81,037	12,155,550
Neath Port Talbot	56,810	8,521,500
Bridgend	50,095	7,514,250
Vale of Glamorgan	33,428	5,014,200
Rhondda Cynon Taf	92,884	13,932,600
Merthyr Tydfil	23,900	3,585,000
Caerphilly	67,676	10,151,400
Blaenau Gwent	30,241	4,536,150
Torfaen	34,679	5,201,850
Monmouthshire	20,204	3,030,600
Newport	50,642	7,596,300
Cardiff	88,905	13,335,750
Wales Total	1,013,142	151,971,300

Payment Summary by Authority, at 7 August 2022

		Cumulative Total	
		Awards (no)	Value (£)
Isle of Anglesey	CTRS Bands A-I	14,676	2,201,400
	Bands A-D	7,288	1,093,200
	Total	21,964	3,294,600
Gwynedd	CTRS Bands A-I	8,652	1,297,800
	Bands A-D	30,834	4,625,100
	Total	39,486	5,922,900
Conwy	CTRS Bands A-I	8,121	1,218,150
	Bands A-D	25,634	3,845,100
	Total	33,755	5,063,250
Denbighshire	CTRS Bands A-I	5,268	796,950
	Bands A-D	21,074	3,161,100
	Total	26,342	3,958,050
Flintshire	CTRS Bands A-I	9,349	1,402,350
	Bands A-D	34,534	5,180,100
	Total	43,883	6,582,450
Wrexham	CTRS Bands A-I	7,893	1,183,950
	Bands A-D	28,076	4,211,400
	Total	35,969	5,395,350
Powys	CTRS Bands A-I	6,588	988,200
	Bands A-D	23,600	3,540,000
	Total	30,188	4,528,200
Ceredigion	CTRS Bands A-I	5,343	801,450
	Bands A-D	13,905	2,085,750
	Total	19,248	2,887,200
Pembrokeshire	CTRS Bands A-I	4,721	708,150
	Bands A-D	22,182	3,327,300
	Total	26,903	4,035,450
Carmarthenshire	CTRS Bands A-I	12,270	1,840,500
	Bands A-D	45,578	6,836,700
	Total	57,848	8,677,200
Swansea	CTRS Bands A-I	15,810	2,371,500
	Bands A-D	52,912	7,936,800
	Total	68,722	10,308,300
Neath Port Talbot	CTRS Bands A-I	15,045	2,256,750
	Bands A-D	39,043	5,856,450
	Total	54,088	8,113,200
Bridgend	CTRS Bands A-I	10,061	1,509,150
	Bands A-D	33,981	5,097,150
	Total	44,042	6,606,300
Vale of Glamorgan	CTRS Bands A-I	1,744	261,600
	Bands A-D	28,086	4,212,900
	Total	29,830	4,474,500
Rhondda Cynon Taf	CTRS Bands A-I	21,890	3,283,500
	Bands A-D	66,868	10,030,200
	Total	88,758	13,313,700

Merthyr Tydfil	CTRS Bands A-I	4,957	743,550
	Bands A-D	16,395	2,459,250
	Total	21,352	3,202,800
Caerphilly	CTRS Bands A-I	13,737	2,060,550
	Bands A-D	47,532	7,129,800
	Total	61,269	9,190,350
Blaenau Gwent	CTRS Bands A-I	7,248	1,087,200
	Bands A-D	19,388	2,908,200
	Total	26,636	3,995,400
Torfaen	CTRS Bands A-I	9,081	1,362,150
	Bands A-D	23,561	3,534,150
	Total	32,642	4,896,300
Monmouthshire	CTRS Bands A-I	4,864	729,600
	Bands A-D	13,599	2,039,850
	Total	18,463	2,769,450
Newport	CTRS Bands A-I	10,012	1,501,800
	Bands A-D	34,339	5,150,850
	Total	44,351	6,652,650
Cardiff	CTRS Bands A-I	27,111	4,066,650
	Bands A-D	53,604	8,040,600
	Total	80,715	12,107,250
Wales Total	CTRS Bands A-I	224,441	33,672,900
	Bands A-D	682,013	102,301,950
	Total	982,715	141,229,130

Annex C - Discretionary Assistance Fund

Emergency Assistance Payments and support for off-grid households with fuel costs - Applications, paid claims and values by local authority, by year

2020

Local Authority	EAP Applications	Paid	Value	Off-grid fuel apps	Off-grid fuel paid	Value
Blaenau Gwent	11849	6732	£534,140.00			
Bridgend	14279	8302	£542,944.00			
Caerphilly	21063	12693	£929,075.00			
Cardiff	45752	27444	£1,778,002.10			
Carmarthenshire	13334	7910	£541,362.97	1		
Ceredigion	1998	1133	£74,906.80			
Conwy	9052	5265	£436,938.00			
Denbighshire	9882	5483	£381,007.20			
Flintshire	10713	6433	£439,894.81			
Gwynedd	8645	5044	£334,374.11			
Isle of Anglesey	4622	2628	£172,680.00			
Merthyr Tydfil	12017	7090	£600,090.00			
Monmouthshire	3509	2106	£218,430.00			
Neath Port Talbot	16237	9452	£658,512.44			
Newport	23970	14084	£911,335.00			
Pembrokeshire	6301	3559	£229,670.60			
Powys	3828	2188	£217,730.00			
Rhondda, Cynon, Taff	29985	17276	£1,115,572.00			
Swansea	25899	15358	£1,035,172.95			
Torfaen	11197	6732	£452,410.62	1		
Vale of Glamorgan	10970	6726	£445,961.93			
Wrexham	15833	9422	£621,318.40			
TOTAL	310935	183060	£12,671,528.93	2	0	0

2021

Local Authority	EAP Applications	Paid	Value	Off-grid fuel apps	Off-grid fuel paid	Value
Blaenau Gwent	14242	8145	£564,446.49	17	14	£1,380.00
Bridgend	17393	10009	£698,986.12	12	6	£610.00
Caerphilly	23332	13550	£959,144.00	14	2	£120.00
Cardiff	50785	29518	£2,049,850.60	158	130	£14,030.00
Carmarthenshire	15530	9241	£682,102.42	204	161	£35,084.40
Ceredigion	2622	1545	£115,285.00	78	63	£13,280.00
Conwy	9755	5715	£402,733.50	26	19	£3,000.00
Denbighshire	11041	6495	£458,613.28	21	15	£2,250.00
Flintshire	12455	7458	£533,211.80	30	14	£2,140.00
Gwynedd	10087	6042	£429,858.56	60	35	£3,900.00
Isle of Anglesey	5075	3074	£216,698.54	31	20	£2,820.00
Merthyr Tydfil	13706	8005	£547,068.00	3	1	£70.00
Monmouthshire	4140	2378	£163,085.00	11	8	£1,490.00
Neath Port Talbot	20122	11773	£821,545.00	28	8	£1,240.00
Newport	26877	15494	£1,067,130.20	17	4	£450.00
Pembrokeshire	7802	4531	£328,876.58	174	127	£20,600.00
Powys	4449	2579	£189,925.00	86	73	£17,020.00
Rhondda, Cynon, Taff	35030	20030	£1,381,807.03	26	9	£1,110.00
Swansea	28201	16694	£1,147,201.30	37	16	£3,200.00
Torfaen	12734	7585	£534,429.30	27	15	£1,260.00
Vale of Glamorgan	12321	7276	£512,570.00	5	2	£200.00
Wrexham	18760	11041	£794,928.62	19	8	£680.00
TOTAL	356459	208178	£14,599,496.34	1084	750	£125,934.40

2022 – to 11 August 2022

Local Authority	EAP Applications	Paid	Value	Off-grid fuel apps	Off-grid fuel paid	Value
Blaenau Gwent	12469	7937	£551,130.00	1		
Bridgend	13841	9083	£635,999.10	15	15	£1,620.00
Caerphilly	19426	12743	£900,740.00			
Cardiff	38729	25149	£1,746,524.00	77	63	£5,560.00
Carmarthenshire	12042	8169	£608,203.21	160	141	£33,160.00
Ceredigion	2199	1452	£112,721.40	78	70	£16,310.00
Conwy	7849	5184	£360,388.70	11	11	£2,390.00
Denbighshire	8925	5930	£422,887.61	11	11	£1,310.00
Flintshire	10513	7177	£518,180.00	21	19	£3,310.00
Gwynedd	8050	5208	£370,635.18	46	45	£6,280.00
Isle of Anglesey	3875	2633	£189,970.00	18	17	£2,810.00
Merthyr Tydfil	11495	7365	£506,580.00	6	4	£280.00
Monmouthshire	3393	2227	£154,512.30	6	6	£960.00
Neath Port Talbot	15945	10654	£742,550.00	32	30	£2,820.00
Newport	23654	15336	£1,072,694.17	1		
Pembrokeshire	6492	4299	£316,299.00	80	72	£13,680.00
Powys	4009	2669	£199,912.00	106	97	£21,730.00
Rhondda, Cynon, Taff	30127	19316	£1,340,117.88	1	1	£250.00
Swansea	23559	15788	£1,079,169.10	6	5	£890.00
Torfaen	10152	7045	£500,500.00	66	59	£4,850.00
Vale of Glamorgan	10353	7033	£500,040.00	3	3	£570.00
Wrexham	15845	10528	£767,525.00	9	8	£920.00
TOTAL	292942	192925	£13,597,278.65	754	677	£119,700.00

Annex D - Discretionary Assistance Fund - Emergency Assistance Payments

Number of households that have received 2, 3, 4 or 5 Emergency Assistance Payments in 2020, 2021 and to date in 2022.

Year	2 Paid	3 Paid	4 Paid	5 Paid
2020	13732	10462	7657	12534
2021	20572	18577	8491	7919
2022	26451	17786	6750	3535

Jane Hutt MS
Minister for Social Justice

4 August 2022

Dear Jane,

Welsh Government action on the cost of living crisis

The rising cost of living is likely to dominate public discourse in the Autumn as we approach a very difficult winter. While acknowledging the action taken by the Welsh Government to try to alleviate these pressures, publicly available information and data relating to key aspects of the support is limited. In order for us to better understand the scale and effectiveness of support and monitor the situation going forward we would welcome a response to the following questions.

Winter Fuel Support Scheme

- Please can you set out the take-up rate for the Winter Fuel Support Scheme, including how many households were eligible for support, and how many households received support in each local authority.
- Please can you also set out the total value of payments made to households in each local authority under the scheme.
- What data has the Welsh Government collected on eligibility for, and take-up of the Winter Fuel Support Scheme by socio-economic status or protected characteristic? Please can you share this information with the Committee.

Cost of Living Support Scheme

- Please set out how many households within each local authority are eligible for the Cost of Living Support Scheme, and how many have received a payment through the scheme to date.
- Please can you provide the Committee with final take-up figures, and the total value of payments made to households in each local authority when you have final data available for the Scheme after it closes on 30 September.
- What data, if any, is the Welsh Government collecting on eligibility or take-up of the Cost of Living Support Scheme broken down by socio-economic status or protected characteristic? Please could you provide the Committee with whatever information is available once the scheme closes.

- Once data is available, please provide details of how many households in each local authority were helped by the discretionary element of the Cost of Living Support Scheme, and the total value of the payments made to households in each local authority via this element of the scheme.

Discretionary Assistance Fund - Emergency Assistance Payments

- By local authority, how many applications have been made for Emergency Assistance Payments in 2020, 2021 and to date during 2022?
- Please set out how many Emergency Assistance Payments have been made through the Discretionary Assistance Fund to households in each local authority for 2020, 2021 and to date during 2022. Please can you set out the number of households that have received 2, 3, 4 or 5 Emergency Assistance Payments in each year?
- Please provide the total value of Emergency Assistance Payments made to households in each local authority for 2020, 2021 and so far during 2022.

Discretionary Assistance Fund – support for off-grid households with fuel costs

- By local authority, how many applications were made to the Discretionary Assistance Fund for support for off-grid fuel costs in 2020, 2021 and to date during 2022?
- How many payments have been made to households in each local authority to help with off-grid fuel costs through the Discretionary Assistance Fund in 2020, 2021 and 2022? Please can you set out the number of households that have received 2, 3, 4 or 5 payments relating to off-grid fuel in each year?
- Please provide the total value of payments made through the Discretionary Assistance Fund for off-grid fuel costs by each local authority in 2020, 2021 and so far during 2022.

I am copying this letter to Paul Davies MS, Chair of the Economy, Trade and Rural Affairs Committee and would welcome a response within the usual timescales.

Yours sincerely,



Jenny Rathbone MS

Chair of the Equality and Social Justice Committee
Welsh Parliament



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15 August 2022

Dear Jenny Rathbone MS

Thank you for your letter of 22 July 2022.

I welcomed the opportunity to provide evidence in support of the Equality and Social Justice Committee's Inquiry into Violence Against Women, Domestic Abuse and Sexual Violence on 27 June 2022. Whilst Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) sits within the portfolio of my colleague, the Minister for Social Justice, there are clear connections to the provision of social services which sit within my portfolio. I am therefore pleased to be able to provide further information regarding the ongoing work of social services in Wales to support this cohort of people.

The Social Services and Well-being (Wales) Act 2014 (the 2014 Act) establishes a consistent approach to prevent and protect people at risk of or experiencing abuse including where violence or harm is an issue. The Act was very much designed to enable services to work in a joined up way to ensure the safety of all people, wherever they are in Wales.

The Wales Safeguarding Procedures and All Wales Practice Guides are owned by the Safeguarding Boards and were issued in 2019 and are accessible to everyone via an app and a website. They promote consistent, evidence-based safeguarding practice across agencies and across Wales and further demonstrates the duties of the Social Services and Well-being (Wales) Act. Training has been provided on the Procedures and guides, facilitated by the six Regional Safeguarding Boards of Wales.

In December 2018, Welsh Government published guidance 'Health and wellbeing provision for refugees and asylum seekers'. https://gov.wales/sites/default/files/publications/2019-03/health-and-wellbeing-provision-for-refugees-and-asylum-seekers_0.pdf

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

This guidance sets out that safeguarding is about protecting children and adults from abuse, neglect and harm and sets out the purpose and commitment of the Social Services and Well-being (Wales) Act 2014. This guidance also sets out the role of the National Independent Safeguarding Board and the Regional Safeguarding Boards of Wales.

I meet with the National Independent Safeguarding Board on a bi-annual basis and this provides a valuable opportunity for a mutual discussion to ensure that any safeguarding issues within Wales are raised. My officials also meet with the Chairs and Business Managers of the Regional Safeguarding Board regularly and this too presents an opportunity to raise and discuss any issues surrounding safeguarding commitments. To date, there have been no issues raised via the National or Regional Boards with regard to any concerns by migrant women with regard to interacting with or accessing social services and concerns that their children may be at risk of being removed, however, I have asked my officials to raise this with the Boards to enquire as to whether any experiences or challenges have been identified and, if so, to address these as swiftly as possible. Similarly, should any particular examples of such instances be known by the Committee or partners, I would be grateful if these can be shared in order that my officials can make appropriate enquiries and if necessary take further action to offer greater clarity to remove the risk of such concerns arising.

The nature of the 2014 Act is to prevent and protect people at risk of abuse and hence we would wish to ensure that people in Wales are supported to access the services designed to support them with confidence and not apprehension.

In 2020, in order to ensure transparency of the commitments and intentions of the Act regarding those seeking asylum in Wales, Welsh Government published guidance co-produced with the Welsh Refugee Coalition about access to social services and other care and support for destitute asylum seekers with no recourse to public funds. That Advice Note highlights some common issues regarding eligibility for Local Authority support in Wales for individuals who are destitute asylum seekers with no recourse to public funds. <https://gov.wales/sites/default/files/publications/2020-02/access-to-social-services-and-other-care-and-support-for-destitute-asylum-seekers-with-no-recourse-to-public-funds.pdf>

This Advice Note explains the current legal position in respect of some common misperceptions in this complex area, building on related advice elsewhere in the UK. It is intended to support social workers and others across Wales in their practice by providing clear factual advice on what can be done in terms of the 2014 Act to support destitute asylum seekers and relevant local authority duties and powers.

Whilst this guidance was produced with the intention of addressing the misperceptions as set out above, the document also served as a further opportunity to set out a summary of the sections of the Social Services and Well-being (Wales) Act and the relevant codes of practice and statutory guidance.

My officials convene and chair the Cross Departmental Safeguarding, VAWDASV and Adverse Childhood Experiences (ACEs) meeting which brings together policy leads from across Welsh Government to discuss cross-cutting commitments, share developments and ensure a joined up way of developing and implementing our policies. This Group provides a further opportunity to explore the issues raised in your letter and this will feature in the agenda at the next available meeting. My officials will update me should any additional information be presented as part of these discussions.

We remain committed to empowering and enhancing rights, as demonstrated in our 2014 Act, by securing well-being for people who need care and support and carers who need support.

In January 2021 we published our White Paper “Rebalancing Care and Support” <https://gov.wales/sites/default/files/consultations/2021-01/consutation-document.pdf> which outlined ambitious and transformative proposals for social care to progress this vision.

In November 2021, the Cooperation Agreement between Welsh Government and Plaid Cymru, set out our commitments including the ambition to create a National Care Service, free at the point of need, continuing as a public service.

Within this Senedd term, we are undertaking a great deal of work to further enhance our support and duties in relation to children and to offer further support to the social care workforce in delivering their services to both children and adults;

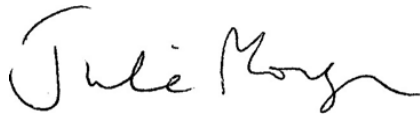
- Our Programme for Government commitments include the focus on eliminating profit from the care of looked after children and strengthen parenting responsibilities. Over the summer period, we will be holding a Summit to directly hear from young people about the issues that matter most to them. We hope this will provide us with valuable feedback that we will act upon in developing and delivering our Programme for Government Commitments.
- These commitments will be closely considered by the Oversight Board, independently chaired by Anthony Douglas through which we are delivering a new vision and ambition for children’s services, based on consistent practice, improved support for families and adopting national restorative approaches to care. This will include preventative interventions for families with children on the edge of care including parental advocacy services, family group conferencing, Family Justice reform and a national practice framework.
- Funding arrangements to support the delivery of parental advocacy services in each of the seven regions in Wales has been agreed from April 2022. These services will support parents whose children are on the edge of care, helping to avoid statutory social services involvement, escalation of needs and reducing the risk of children entering the care system.
- The establishment of a National Care Framework for Social Care and a National Office provides the vehicle for transformation with nationally commissioned services.
- Social Care Wales are developing National Standards for Safeguarding Training in Wales and a Framework to support training relevant to the role of each practitioner. This is in addition to the programme of training delivered by regional Safeguarding Boards in Wales. The consultation exercise for the Framework is due to commence next month.
- Social Care Wales are planning to publish its Social Work Workforce Plan shortly. This will provide the focus to further enhance and support the social care workforce across Wales.
- Funding has been secured via the Social Care Reform Fund to explore the radical reform for looked after children and young people. Areas to be covered by this funding include:

- o Foster Wales – harmonisation of local authority fees and allowance for foster carers and levelling up for kinship carers (to dovetail with Eliminate work).
- o Driving Family Justice Reform – including revocation of Placement With Parents care orders and promoting supervision orders.
- o Development and roll-out of the National Practice Framework

In addition, officials continue to liaise with the Independent Inquiry into Child Sexual Abuse and will take into account its recommendations in relation to mandatory reporting of safeguarding concerns when these are published later in the year.

I hope that you and the Committee find the information provided to be helpful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julie Morgan', with a stylized, cursive script.

Julie Morgan AS/MS

Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services

Jane Hutt MS
Minister for Social Justice

Julie Morgan MS
Deputy Minister for Social Services

22 July 2022

Dear Jane and Julie,

Inquiry into Violence Against Women, Domestic Abuse and Sexual Violence – migrant women

Thank you for giving evidence to the Committee as part of our inquiry.

During our session we discussed concerns raised by those affected by violence that, in interacting with social services, their children could be at risk of being removed. We welcomed your interest in this specific point and would be grateful for further information in this regard, in particular your view of practice on the ground in relation to social work awareness around duties in relation to children.

We noted your concerns about issues relating to the implementation of the Social Services and Well-being (Wales) Act 2014 more generally and would be grateful if you could provide any further details on how you are intending to address these.

We look forward to receiving your response.

Yours sincerely,



Jenny Rathbone MS
Chair, Equality and Social Justice Committee

Jenny Rathbone MS
Chair
Equality and Social Justice Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

23 August 2022

Dear Jenny,

Thank you for your letter of 22 July in which you asked for further information on the monitoring of data in relation to mental health provision for migrant women. I welcome the opportunity to provide further information in support of your inquiry into Violence Against Women, Domestic Abuse and Sexual Violence impacting migrant women.

In January 2022, The Welsh Government established three Evidence Units, each with their own evidence programme and lead:

- Equality Evidence Unit
- Race Disparity Evidence Unit
- Disability Disparity Evidence Unit

The Units will work together as the Equality, Race and Disability Evidence Units with an overarching Equality Evidence Strategy to ensure synergy, effectiveness, efficiency and cohesion. The Equality Evidence Unit will work with colleagues responsible for Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) policy as well as other Welsh Government analysts who have a role in this area.

The mission of the units is to improve the availability, quality, granularity and accessibility of evidence about individuals with protected and associated characteristics so that we fully understand the level and types of inequalities across Wales. This will enable decision makers to develop better informed policies and to assess and measure their impact. This will drive us towards better outcomes for people with protected and associated characteristics and contribute to our goal of 'a more equal Wales' as set out in the Well-being of Future Generations (Wales) Act 2015.

The units have developed an Equality Evidence Strategy which describes the scope, remit and plans and aim to publish this in September 2022. Priorities for each unit are being developed with stakeholders based on commitments already made and emerging requirements from the Anti-Racist Wales action Plan, Advancing Gender Equality, LGBTQ+ Action Plan and the Disability Rights Taskforce. These will also be published in September alongside the strategy.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

One of the initial tasks of the units is to carry out an evidence audit that will provide an understanding of the information that is available and the gaps and inconsistencies which need to be addressed. The audit will include existing sources of data which inform VAWDASV policy. Once gaps have been identified these will be prioritised with stakeholders for resolving.

The [Anti-Racist Wales Action Plan](#) includes a chapter on 'Crime and Justice, including Hate Crime' which covers Violence Against Women, Domestic Abuse and Sexual Violence. One of the actions in the plan in this chapter is to raise awareness of the Welsh Government's Race Disparity Evidence Unit with criminal justice partners in Wales, and identify how best to help all partners to improve the evidence available on racial disparity within the justice system in Wales and use this to support better policy decisions and monitoring.

Identifying the gaps in evidence relating to ethnicity and race, including criminal justice data, is one of the first priorities of the Race Disparity Evidence Unit. This will be done via an audit of data collections held and outputs produced by the Welsh Government and the wider public and third sector. Building on this initial assessment, the unit will take forward a programme of work to improve the evidence base including ongoing engagement with ethnic minority people to improve their knowledge and trust in how their data will be used to increase their confidence to share data.

The ONS publishes data on domestic abuse at [Domestic abuse prevalence and victim characteristics - Office for National Statistics \(ons.gov.uk\)](#). The latest version of the data was released in November 2021 and does not include an ethnicity breakdown due to COVID impact. There are ethnicity breakdowns for victims for the 2020 dataset on the same link.

The work to audit the quality of the routinely collected data is at an early stage and it is therefore not possible to answer all your questions at this time. However, the aim is to collate and refine this data to be able to answer these kinds of questions in the future in order to support strategic development of services and to influence policy making.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan AS/MS

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Eluned Morgan MS
Minister for Health and Social Services

22 July 2022

Dear Eluned,

Inquiry into Violence Against Women, Domestic Abuse and Sexual Violence – migrant women

Thank you for giving evidence to the Committee as part of our inquiry.

During our session we briefly discussed the monitoring of access to mental health provision for migrant women, and we noted comments by Dr Payne that the collation and monitoring of data is “a work in progress at the moment”. We would be grateful if you could provide further details on what work is being carried out at the moment, in particular if you could elaborate on what is currently being collected and to what extent it is analysed, and what further work you may be carrying out related to this data.

We look forward to receiving your response.

Yours sincerely,



Jenny Rathbone MS
Chair, Equality and Social Justice Committee



Gwent Police Headquarters
Llantarnam Park Way
Llantarnam
CWMBRÂN
Torfaen
NP44 3FW

VIA EMAIL

24th August 2022

Dear Jenny Rathbone MS

RE: Letter to DCC Amanda Blakeman: ESJ Committee inquiry into violence against women, domestic abuse, and sexual violence

It was a pleasure to give evidence to the Committee on the 27th of June as part of your inquiry.

Please see below responses in relation to the questions raised in your letter dated 20th July 2022.

We would like to know who receives this training and when they receive it, for example whether it is delivered as part of initial training or on a rolling basis?

Officers receive training as part of their initial training before they are sent out on the front line. Further training is included on training days as part of a rolling programme especially when new information/legislation is received.

Forces are also undertaking the Live Fear Free training on Domestic Violence.

Officers who wish to specialise in CID (Criminal Investigation Department) will have additional training on all aspects of vulnerability on their training course.

SOLO (Sexual Offence Liaison Officers) also receives additional training to enable them to engage with victims of sexual offences and retrieve that initial forensic and first account evidence.

All four forces in Wales are part Operation Soteria - Operation Soteria was launched as a response to the government End-to-End Rape Review, and the Home Office pledge to increase the number of rape cases making it to court. The Operation Soteria Team will review working practices in forces and then provide recommendations for improvement.



We would specifically like information on the training that frontline officers receive around:

language, particularly in relation to how police source interpretation for victims where English is not their first language

All officers will receive training on the use of Language Line (which is the Telephone Interpreter Service) to assist in any language difficulties. With the rollout of mobile technology this can be done both at the location of the victim/offender and within the custody environment.

Forces will also utilise the services of BAWSO to facilitate communication if required.

data, and data sharing, including how this is communicated to migrant victims of violence, domestic abuse, and sexual violence

For those victims subject to Domestic Abuse/Sexual Violence and/or Modern-Day Slavery Offences a MARAC (Multi agency Risk Assessment Conference) will take place where information will be shared with partners to mitigate risk and put the relevant support mechanisms in place. At initial attendance a risk assessment is completed for domestic related incidents/offences, consent to share their information is obtained from the victim and this will be discussed at the time. For victims who are subject to Modern Day Slavery offences they will enter the National Referral Mechanism and again this will explain along with what information will be shared. If there are language barriers either Language Line or BAWSO are utilised to assist communication.

Officers receive training on all these aspects as detailed above at various points in their service

cultural issues, such as forced marriage, and so-called honour-based violence

Again, this is covered in officer's training throughout their service and further bespoke training by Karma Nirvana has been given to specialist officers to understand cultural issues and Honour based violence offences.

referral, i.e., knowing when, how and where to refer once a case has been identified

As above. In cases of Domestic Abuse and Domestic Sexual Violence the risk assessment will identify when, how, and where to refer. In cases of Modern-Day Slavery, officers receive bespoke training as detailed above on the National Referral Mechanism and Support services such as BAWSO.



During an engagement session we held in Swansea, we heard positive examples of how referrals to specialist services had worked. How are such examples of best practice shared to ensure a consistent approach across Wales?

For Modern Day Slavery Offences – Within the ROCU (Regional Organised Crime Unit) there is a co-ordinator. There are also several meetings chaired by either Police, CPS or Welsh Government to share learning.

There is a plethora of other forums where best practice can be shared inclusive of Safeguarding Boards, RASSO (Rape and Serious Sexual Offences) boards, formalised meeting with the Crown Prosecution Service regarding Domestic Abuse and Sexual Offences, VAWDASV Boards and also more locally in Police Forces Learning the Lessons Meetings.

Lastly, in relation to Organised Immigration Crime and repeat offenders trafficking migrant women, we do not currently have any cases in Wales and have not had any reported to the police over the last 12 months.

Kind Regards



DCC Amanda Blakeman

Deputy Chief Constable Amanda Blakeman

20 July 2022

Dear Deputy Chief Constable

Inquiry into Violence Against Women, Domestic Abuse and Sexual Violence – migrant women

Thank you for giving evidence to the Committee on June 27th as part of our inquiry. We were grateful for both your time and the written evidence you submitted in advance of the session.

As we approach the reporting stage of our inquiry, we would be grateful if you could provide us with additional detail regarding the training that staff receive on supporting migrant women who are victims of sexual and gender-based violence. We would like to know who receives this training and when they receive it, for example whether it is delivered as part of initial training or on a rolling basis. We would specifically like information on the training that frontline officers receive around:

- language, particularly in relation to how police source interpretation for victims where English is not their first language;
- data, and data sharing, including how this is communicated to migrant victims of violence, domestic abuse and sexual violence;
- cultural issues, such as forced marriage, and so-called honour-based violence; and
- referral, i.e. knowing when, how and where to refer once a case has been identified.


During an engagement session we held in Swansea, we heard positive examples of how referrals to specialist services had worked. How are such examples of best practice shared to ensure a consistent approach across Wales?

As noted during our evidence session, data sharing has been a recurring element of our inquiry and, in particular, concerns about whether a victim's immigration status would be shared with other agencies. We would be grateful if you could share your view on the implications for Welsh police forces of any proposals for a data firewall.

We also welcomed your commitment during the evidence session to providing further information on the conviction rate for repeat perpetrators, and we look forward to receiving this information in due course.

Since we met, the response to the super complaint by the Centre for Women's Justice was published on June 30th. What relevance, if any, does this report have on the way Welsh police forces handle complaints against serving police officers and in particular any complaints where migrant women are the complainants?

Yours sincerely,

A handwritten signature in black ink, reading "Jenny Rathbone". The signature is written in a cursive style with a large initial 'J' and a long, sweeping underline.

Jenny Rathbone MS

Chair, Equality and Social Justice Committee

Jenny Rathbone MS
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SeneddEquality@senedd.wales

17 August 2022

Dear Jenny,

Thank you for your letter of the 26 July.

May I firstly take this opportunity to thank the Committee for its continued efforts within the space of the EU Settlement Scheme ('EUSS') and reassure you that the Welsh Government stands with the Committee in its advocacy for EU/EEA and Swiss citizens. The Committee's fourth report on the EUSS in Wales, marking a year of monitoring, is welcomed and encouraging to read in that many, if not all, of the issues raised within the report are already being addressed in some capacity by the Welsh Government.

I note the concerns you have raised within your correspondence, and I provide a response to each point below:

Pre-Settled Citizens

The next EUSS quarterly statistical release is scheduled to be published later this month and the Welsh Government will analyse those updated figures as it has done with previous statistical releases. You will be aware that the quarterly statistical releases do provide devolved governments with data on the number of citizens who have been granted pre-settled status and will therefore need to apply for settled status in the future, however from that data the Welsh Government is unable to determine *when* repeat applications will need to be made.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Since the launch of the EUSS the Welsh Government has made numerous calls to the UK Government to provide more granular, devolved-level data to enable the Welsh Government to best plan future support. Unfortunately, statistical officers within the UK Government continue to advise that it is not within their current remit to publish devolved data on pre-settled expirations. However, the UK Government has more recently confirmed that the Home Office intends to provide individual pre-settled status holders with a timely reminder to apply for settled status before their pre-settled status expires. The Home Office has stated that the first grants of EUSS pre-settled status will not expire until mid-2023. EU citizens, and their family members, granted pre-settled status will be reminded of the need to apply for settled status before expiry of their pre-settled status, if they have not already done so. Provided an application for settled status is made before the expiry of pre-settled status, the person's existing leave will continue until the determination of their application and throughout any appeal against refusal.

The Welsh Government continues to work with stakeholders and members of the EUSS Co-ordination Group to co-ordinate services and to prepare all EU/EEA and Swiss citizens in Wales who may need to make a repeat EUSS application. More recently the Welsh Government has run a digital awareness campaign for EUSS, specifically targeting those individuals who may need to upgrade their pre-settled status. We have also been signposting support where necessary, have issued targeted communications around the year anniversary of the deadline, produced expiration reminder cards for stakeholders to cascade and more recently approved additional funding to allow Citizens Advice Cymru, Settled and Newfields Law to continue to provide support services until March 2023.

As mentioned previously, the Welsh Government does engage with stakeholders and reviews up to date academic papers and research, such as the report recently published by the Migration Observatory, to ensure any decisions around future support are well evidenced. Policy officials are currently utilising the publication by the Migration Observatory to feed into a review of EUSS advice services in Wales, this review is currently on going.

Late and no applications

As anticipated, the number of EUSS applications spiked dramatically leading up to the EUSS deadline and immediately following. However, the number of late applications that continue to be made decreases on a monthly basis and now averages approximately 0.5% of all applications made to date. Given the number of concessions that have been granted by the UK Government to allow for late applications, the Welsh Government perceives that a very small number of late applications will continue to come through for a number of months and for this reason we have decided to continue funding EUSS advice services in Wales until March 2023 as detailed above.

The Welsh Government is not aware of any issues related to late applications and the UK Government has confirmed that no EU citizen in Wales has had any rights revoked due to not making an application to the EUSS to date. The Welsh Government will continue to monitor this situation and encourage EU/EEA or Swiss citizens that are still eligible to apply to the EUSS with grounds for a late application to do so as soon as possible.

Free advice and support

As mentioned above, the Welsh Government has recently agreed to continue to fund Citizens Advice Cymru, Settled and Newfields Law until March 2023. Unfortunately, we have not been made aware of the UK Government's intentions for continuing funding partners, but we do invite the UK Government to the EUSS Co-ordination Group and the organisations they fund in Wales (Newport Mind and TGP Cymru) are key members of that group. A key objective of the EUSS Co-ordination Group is to facilitate discussion around

resources and future funding. I attach previous minutes of recent EUSS Co-ordination Group meetings and will ensure that you now receive them routinely following each meeting; the next meeting is scheduled for late September.

Ukraine and EUSS family permits

I was very disappointed that the UK Government took the decision to not extend the *Surinder Singh* route for the EUSS, despite calls from both the Welsh and Scottish Governments in light of the situation in Ukraine. Unfortunately, there isn't devolved level data to show how many Ukrainian citizens have applied to the EUSS. Available statistics only show the total 'Non EEA' applications made from Wales, which to date totals 3,270 and covers **all** international applications.

I hope this response provides detail and clarity on the points you have raised and reassures that the Welsh Government is doing its up most to uphold its promise to EU, EEA and Swiss citizens and to support them in their settlement here in Wales.

Yours sincerely,

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a large initial 'J' and a distinct 'H'.

Jane Hutt AS/MS

Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice

EUSS Wales Co-ordination Group Meeting

Microsoft Teams Virtual Meeting

14 July 2022

Meeting Minutes

Apologies:

Kayleigh Sweet
Trish Bloomer
John Davies
Ffion Lloyd-Williams
Chris Stickney
Neville Rookes
Charles Whitmore
John Amabilino

1. Welcome and introductions

- Roundtable of introductions was provided for Keith Ruffles

2. Actions from March meeting

- Open action: Trish Bloomer to check if there is a dedicated contact at the HO for professionals to raise issues on Ukrainian schemes.
- All other actions were completed and now closed.

3. Home Office Update

- This was removed from the Agenda as John Ambilino was unable to attend.

4. Migration Advisory Committee - Keith Ruffles Introduction

- Keith explained that he has recently taken up the role as the lead for Wales. Each DG now has a representative which has just been developed to improve collaboration across all devolved governments.
- MAC has overall found the EUSS scheme positive in using digital systems although is keen to see an improvement for other visa routes.
- MAC would like the HO to extend the allowance for late applications to EUSS.
- Keith is looking forward to meet and engage with stakeholders in the future to improve engagement on issues and suggestions for MAC.
- Keith provided his email address in the chat bar
keith.ruffles@homeoffice.gov.uk

5. ONS update – Chris Stickney

This was removed from the Agenda due to data being more complex than expected. An update will be provided at the next meeting to include migration data.

6. IMA update – Pam Everett/ Helena Geach

- IMA received permission on the 24th June to proceed with a Judicial Review against the HO on the requirement to apply for Settled status before pre-settled status expires as IMA believe it goes against the withdrawal agreement.
- Still waiting for a hearing date to be set but recent data suggests that more than 2 million citizens with pre-settled status need clarity before they apply.
- 2nd annual survey published this week – key finding 1 in 4 did not receive their CoA immediately on applying.
- The majority of respondents felt they hadn't been discriminated against.
- 1 in 5 respondents were not confident on their rights now or in future so IMA will be calling on UK Governments to improve communication on this.
- IMA's first Annual report has been sent to both the Specialised Committee and Joint Committee
- Attention was drawn to the new IMA Issues Log which has been uploaded to their website. This will be reviewed and updated regularly to ensure stakeholders are aware of the work being undertaken by the IMA.
- A complaints portal is available via website and Pam encouraged stakeholders to ensure that EU citizens report any compliance issues that need investigating. Any one can report complaints in relation to EUSS, Pre-settled or settled status.
- Inquiry to COA is the 1st inquiry launched. Investigating the cases where the CoA is not issued immediately in compliance with WA. IMA will be investigating the HO official process and how they are issued in practice along with the impact the delayed CoA has on EU Citizens.
- A Call for evidence has also been launched to help support the investigation. Mailbox also available for individuals to submit the issues they have.
- Info helps provide a more rounded picture of experiences to raise with HO.
- There will also be an onsite investigation to look at the process of how these documents are being submitted and issued.
- Email address shared (Inquiry mailbox imainquiry@ima-citizensrights.org.uk) and link to survey in chat bar ([Call for Evidence: EUSS Certificate of Application \(limequery.org\)](#))

Action: Natalie Jones to update “Preparing Wales” webpage to include link to complaints portal

7. EUSS updates / Planned outreach activities and support over coming months

WG Migration Team Natalie Jones

- A mini comms campaign was undertaken to mark the one year deadline of the EUSS closure anniversary.
- CAB and Settled have received additional funding to extend services until March 2023.

- Desk based review currently being undertaken on EUSS literature
- First Minister and Minister for Economy and Welsh Language met with EU Ambassador yesterday and discussions focussed on EU Citizens' Rights.
- Printed pre-settled status cards for the Royal Welsh with leaflets on EU Citizens rights – There re available on request for all members of the EUSS Co-ordination Group.
- The team are continuing to attend cross governmental meetings including the Safeguarding User Group , No Recourse to Public Funds and Cross Gov Taskforce.
- Kayleigh Sweet has offered the option for the Welsh Government Migration Team to visit members of the Group over the summer if preferable.

Action: Natalie Jones to circulate update on Ambassador visit when released.

CAB - Alun Gruffudd

- Three delivery partners are still seeing new clients for general support.
- Welcome the IMA wanting to hear about citizens' experiences of the EUSS process, as many citizens have been waiting for over a year for responses on their applications. Maybe IMA could look at pressing HO on prioritising certain cases.
- Continuing to see a lot of queries on family permits – which is requiring level 2 advice
- The late applications are majority on reasonable grounds. IT access and language is still a barrier for some individuals.
- Cases of discrimination in employment are still on-going and there is a lot of confusion around the definition of modern.
- The Romanian embassy are asking Flintshire Council for details of cases of modern slavery.
- Organisations/companies lacking understanding on what evidence is needed to prove the right to employment both in the private and public sector.
- There is an implication on mental health on not being able to evidence and access rights.
- Issues in the housing sector are increasing due to the lack of understanding of evidence requirements and language barriers. It is felt that the LAs need to be more empathetic.
- There is still confusion on whether children need to apply for EUSS and whether newborns will be granted British citizenship.
- LAC children and LA knowledge of the requirement to check immigration status still needs work.

Newfields – Sian Pearce

- Newfields are currently carrying on with cases although this may be Sian's last Co-ord Group meeting as her contract will finish at the end of September.

- Newfields are seeing small number of new applications, but they are more complex. Seeing a recent spike in on-going deportation cases with mental health conditions which requires a high level of resources
- The cases where the CoAs that are not being received immediately is still on -going especially with paper applications.
- LAC are still a concern and LAs need to ensure they are aware that immigration status needs to be considered and a part of the care order.

WCVA - Lilla Farkas

- WCVA supported comms message around anniversary.

TGP Cymru - Trudy Aspinwall

- TGP Cymru are continuing to be busy with regular sessions of appointments.
- They have held sessions at schools to raise awareness of EUSS and offer support. 10 sessions have been held already and more planned from September.
- TGP have picked up a lot of cases where people haven't had a response yet so have been able to re-engage.
- Increasing number of cases where individuals have paid a fee for support but then not being able to access response as they have used someone else's email address.
- Education services have notified TGP Cymru of cases where people haven't applied for EUSS.
- Referrals from homelessness charities are increasing.
- Funding confirmed to end of September. Awaiting confirmation from Home Office on whether funding will be extended.

Settled - Chris Keppie

- The number of cases where applicants have used other people's email when submitting an application to the EUSS is an increasing concern.
- Looked After Children also an on ongoing concern.
- A rise in homelessness is also a concern.
- Joining family members who have been unable to evidence cohabitation due to religious grounds is also a concern. Written to Kevin Foster about this but no response yet.
- Rebooted welfare benefit volunteer team not advertising externally but pushing internally.
- The demand for advice for Ukrainians schemes is picking up fast especially around the risk of homelessness.

Pam Everett requested that stakeholders share information they have of instances where EU Citizens are being charged for services. IMA are aware of the issue but need intelligence to be able to act on this.

8. Data Linkage Project Update – written update provided by Ffion Lloyd-Williams

- A change of scope for the project has been submitted to the ESRC.

- We are now proposing to use the Annual Population Survey for linking purposes with other relevant datasets (health, education and employment) in the SAIL databank.
- This is a result of the delay in acquiring EUSS data from the Home Office.
- We are having ongoing dialogue with colleagues at the Home Office.
- Graham Jones, Chief Digital Officer, Welsh Government and the Director of ADR UK have both written to the Home Office Chief Scientific Adviser to request a meeting with the EUSS Team to further discuss a solution in terms of obtaining EUSS data in the medium to long term.

9. Any Other Business

- The next meeting will be scheduled for October .

EUSS Wales Co-ordination Group Meeting

Microsoft Teams Virtual Meeting

25 March 2022

12:00 – 13:30

Meeting Minute

1. Welcome and introductions

2. Actions from January meeting

- There were 6 actions from January's Meeting. Five have been completed and closed.
- One remaining action for DWP to provide a response to a query regarding benefits appeals. Darran Alford confirmed that he had received the information on the 24 March but needed to go through it prior to passing it on.

3. Home Office update

- The HO are receiving a small number of journalist enquires on the EUSS scheme.
- The new Ukrainian Schemes are absorbing a high level of resources and there are discussions ongoing around how these schemes will link into EUSS in the longer term. **John Amabilino to update as further information becomes available.**
- An announcement has been made to extend grant funding of EUSS support until September. The guidance on UK.Gov will be updated by the 01 April to reflect this.
- As requested by Kayleigh Sweet the older Social Assets –on the UK Gov Portal have been removed to reduce confusion, leaving only the most recent / relevant assets for use.
- KS asked if JA could clarify the changes to the Case Worker Guidance. **AP:JA to check and inform of changes following meeting.**
- Kate Smart queried the best point of contact for Ukraine queries. **It was agreed that queries go direct to KS for now.**
- Sian Pearce informed JA that they are seeing increasing cases where applicants who have had their application refused are being advised by the HO to submit new applications as appose to an Administrative Review. However the guidance states that is not reasonable grounds for a late application. **AP: JA to look into the advice the Resolution Centre is giving in such situations.**
- Sian Pearce (Newfields) asked if the process for the standard letters of "Attempts to contact" could be reviewed as they don't always reflect the situation and these letters could be used as evidence in court cases.

AP: JA to look into this.

4. Round table updates since January meeting

Welsh Government – Kayleigh Sweet

- KS advised that WG had announced further funding for EUSS Support
- A Tripartite Letter had been issued to the UKG on various immigration issues including labour shortages.
- Advice had been received from HO on the closure of the Surrinder Singh route which confirmed that late applications could be made in exceptional circumstances, of which does include the Ukrainian Crisis
- The EUSS Digital Campaign will end next week and an update will be provided in the next meeting on the success of that campaign..
- The IMA annual return has been submitted outlining new and amended legislation that will impact EU Citizens. The final report is due to be published in the spring.
- KS requested that any queries regarding the WG's EU Factsheets be sent to herself to review.
- KS continues to communicate with the HO of issues raised on EUSS.

AP: KS and team to update the EU Factsheets on the WG website.

Newfields – Sian Pearce

- SP pleased with the additional 6 months of funding although highlighted that the increasing backlog of applications was a concern.
- Emily Davies has now joined the team on a part-time basis to help with the workload.
- The team are still seeing cases of LA's providing incorrect benefits advice to migrants.
- Neville Rookes explained that he will need further details to be able to take this forward with local government contacts.

WLGA - Neville Rookes

- The funding for Brexit Co-ordinators ends next week but the LA's are still working on facilitating support if needed.
- For those individuals that need new connections made WLGA can be a point of contact.

DWP – Darran Alford

- DA agreed to update group on how Ukrainian's will access benefits as part of the open action from January's meeting.

Settled – Kate Smart

- Settled are getting approximately 300 EUSS enquires each week
- Issues mainly seem to be around late applications, issues with "view & prove" system, citizens being stuck outside UK and issues with joining family members.
- There appears to be a rising number of EU Citizens who are entering the UK on a visitor visa and staying in the UK as they aren't aware of the changes since free movement ended.

- The organisation has set up a new arm to support Ukrainian Schemes and KS will be sponsoring a Ukrainian family herself.
- Recruitment is underway to replace a staff member that has left following funding uncertainty.

TGP Cymru – Trudy Aspinall

- TGP are continuing to hold appointments and are seeing an increased number of individuals on a face-to-face basis now restrictions are easing.
- TGP are also seeing an increase of EU Citizens using the visitor visa to enter the UK but are not aware of the new eligibility criteria.
- The team are looking at ways to support ROMA Ukrainians.
- The UKG funding has been extended until September
- There will be awareness sessions rolled out next week to frontline workers on rights and benefits.

5. Planned outreach activities and support over coming months

- WG looking at delivering training sessions on submitting applications post October
- IMA are reviewing legislation that will impact EU Citizens
- Full review of Digital Campaign will be undertaken
- Trish Bloomer is in process of finalising training for LA staff/frontline workers.
- Trish Bloomer awaiting to finalise NRPF guidance for Social Services
- **KS to see if there was any formal feedback following EU Ambassadors visit to Swansea and IMA**

6. EUSS Statistics

- Quarterly figures were released in February
- From 28 August 2018 – 31 December 2021, a total of 104,040 applications have been made by EU citizens resident in Wales
- Of the 104,040 Welsh applications made up until 31 December 2021, 99,860 applications have been concluded. (56,880 granted Settled Status, 36,970 granted Pre-settled Status, 2560 applications were refused, 1710 withdrawn or void and 1740 invalid)
- The highest number of applications made from EU citizens resident in Wales have been made by Polish and Romanian nationals (31,250 and 15,930 respectively).

7. Future of the EUSS Co-ordination Group

- It was agreed that meetings will continue for 6 months in line with current funding.

8. Update on Independent Monitoring Authority and EU Citizens Rights

- The first Annual Submission from the WG has been sent to IMA and will be laid in the Senedd in the spring.
- The IMA will now begin to review new legislation as it is developed by the WG to look at any potential impact on EU Citizens.

- The 2nd survey for EU Citizens experiences was launched on the 03 March and will be open for 6 weeks.

9. Any Other Business

- WG Super Sponsor Scheme to go live today at 1pm
- It is likely that there will be stakeholder meetings set up for Ukraine issues going forward.
- KS offered an update on the Data Linkage Project on behalf of Ffion Lloyd (KAS) and explained that there are continuing discussions with HO to obtain data for the Linkage project.
- Next Co-ordination meeting to be scheduled for the end of May 2022.

EUSS Wales Co-ordination Group Meeting

26 May 2022

Meeting Minutes

1. Welcome and introductions

- Introductions were provided by all attendees – Including Chris Keppie who has recently joined Settled.

2. Actions from March meeting

- Emma English provided an update on all actions from the March meeting - all complete. Emma agreed to circulate the breakdown of the recent amendments to the EUSS Case Worker Guidance.
- Kayleigh Sweet advised that she will be looking to invite Policy Leads from the Home Office to future meetings as many questions raised are now out of the scope of John Amabilino's remit.

3. IMA Update – Pam Everett

- Pam provided the group with the background and role of the IMA.
- Attention was drawn to the new IMA Issues Log which has been uploaded to their website. This will be reviewed and updated regularly to ensure stakeholders are aware of the work being undertaken by the IMA.
- The survey that was issued last year by IMA to EU Citizens living in the UK is currently being analysed and is hoped that it will be published in June this year.
- IMA's first Annual report has been sent to both the Specialised Committee and Joint Committee. The aim is to lay the report in the Senedd and respective parliaments on the 15th June. The report will then be published by the IMA on the 16th June.
- The IMA are now publishing reports on its monitoring activity of new legislation.
- There is no update to provide on the Judicial review that is currently underway with the Home Office.
- The IMA are aiming for the new IMA website to be launched by the end of June.
- IMA recently hosted the EU Ambassador and 3million.
- Pam advised that stakeholders may find it beneficial to subscribe to the quarterly newsletters produced by IMA which contains further details of IMA activity.
- Kayleigh advised that the 3million website has been updated to show all letters sent to HO, which contains the issues and concerns they've flagged recently.
- Kate Smart asked if IMA could add to the log the issues with cases being refused on the grounds of partners applications. There are cases

where people aren't cohabiting on cultural or religious grounds and their applications are being refused.

4. Home Office Update – John Amabilino

- John reiterated that the refusal letters are in fact sent by the HO but contain details for the Resolution Centre.
- Any individual cases highlighted in the media are being dealt with by the appropriate team.
- The HO are planning to release communications in line with the 1 year anniversary of the EUSS deadline to highlight the support that is still available.
- The HO will shortly be issuing communications to stakeholders on the quarterly stats that were released this morning.
- An email will be issued to all third country nationals highlighting the following:
 - When travelling abroad they should take the BRC with them to avoid border delays
 - To check with the carrier on their use of the “view and prove” system
 - If an individual has lost or damaged their BRC they can apply for a replacement.
 - If an individual loses their BRC whilst abroad they can apply for a EUSS travel visa.

Action: WG & HO to chat offline to facilitate a co-ordinated comms approach to this messaging – Kayleigh Sweet/John Amabilino

- Kate Smith asked if there was a specific contact now for professionals with Ukraine issues. John advised that there was the dedicated Ukraine helpline along with information for providers on GOV.UK that signposts to various resources and forms for stakeholder assisting Ukraine Nationals.

Action: Trish Bloomer agreed to check with John Davies to see if he is aware of a dedicated contact.

5. ONS update – Jo Zumpe

- Jo Zumpe – Gave the attached presentation.



ONS_Presentation_JZ
26052022_welsh_gov

6. EUSS updates / Planned outreach activities and support over coming months – All

WG Migration Team - Kayleigh Sweet

- Funding extended for advice services until 31st September.
- Digital campaign closed, evaluation received and can be shared with the members of the group upon request.
- Factsheets were developed for use at Polish Festival,
- Pre-settled status expiration date reminder cards in development.
- EU citizens' rights factsheets updated and published on Preparing Wales.
- Internal discussions to commission research on support provided to EU citizens to date and what support may look like post-September.
- Migration Team may be attending Royal Welsh Show to raise awareness of EUSS and EU citizens Rights. Not confirmed but will update group when a decision has been made .
- EUSS quarterly statistics being published today.

CAB – Helen

- we helped with over 1,700 issues in this period (14 Jan - 23 May period)
- income gains (in this period alone) were over £60,000
 - Number of issues per client is high.
 - Supporting people with their rights and eligibility and making applications.
 - Had some good financial outcomes for clients, compensation etc.
 - Seeing a real increase in complexity of case.
 - Seeing high numbers of people seeking pre-settled to settled assistance.
 - Case workers advising people on income maximisation because of cost of living crisis.
 - HO delays causing issues.
 - Recurring issues with people contacting consulates to renew id docs. Advisers getting better response from consulates than individuals.
 - Some tribunals are moving back to face to face but majority are still remote which is causing some issues for accessibility.
 - Services will be winding down in September and will undertake some comms to make people aware.

Newfields – Sian

- <https://freemovement.org.uk/revised-rules-for-first-tier-tribunal-appeals/> for people struggling with access issues.
- Same issues, family members are continuing to be a big source of enquiries and seeing uptake in refusal based enquiries.
- Newfields are continuing to focus on cases they support prior to funding ending in September.
- Nationwide report out today on legal advice services looking at refugees but also covers immigration advice sector. The launch of the Wales section of the report is tomorrow.

Action – Sian Pearce to send link to Kayleigh Sweet for circulation to members

Settled - Chris

- Seeing issues with joining family members, benefits and cases increasing in complexity.
- Hoping to recruit more volunteers in wales.
- The annual volunteer conference is being held next week.
- Looking at developing more in person services post covid.

TGP – Alexandra

- Same challenges when supporting people within roma community due to language barriers when accessing services.
- Helping people to provide evidence to support applications.
- Helping people with online services such as accessing share codes and accessing the details.
- Supporting those upgrading from pre-settled to settled status.
- Applications are becoming complex especially those for people who need to prove their relationships for joining family members.
- Receiving new enquiries around children being eligible for British citizenship.

DWP - Sarah Frost

- Continuing to promote Sanctuary website.
- Dedicated guidance for case workers around modern slavery so they know how to report suspicious case.

7. Migrant Rights Update – Trish Bloomer

- Cardiff and Vale delivering free training on citizens rights and entitlements to front line staff.

Action - Emma to distribute training brochure to members

8. Any Other Business

- Kayleigh Sweet advised that UKG are running a call for evidence on inspection of immigration system and how it relates to agriculture sector. Kayleigh posted link to information in chat.

[Call for evidence: An inspection of the immigration system as it relates to the agricultural sector](#)

- Update from data linkage project to be circulated after the meeting.

Action – Kayleigh Sweet to circulate link to members after meeting

- The next meeting will be scheduled for July 2022.

Jane Hutt MS
Minister for Social Justice

26 July 2022

Dear Jane

EU Settlement Scheme

At our meeting on 11 July we considered the latest available statistics on EU Settlement Scheme (EUSS) applications from European citizens living in Wales, and subsequently published our most recent monitoring report.

The report marks our first year of monitoring the EUSS and it notes several key issues that we have identified during the course of this work. These are set out below and we would be grateful for your response to each:

Pre-settled citizens

Our report notes that the number of those applying to convert their status from pre-settled to settled status are captured in statistics on repeat applications, although information is not provided by UK nation. Could you please set out:

- whether the Welsh Government has obtained statistics from the UK Government where statistical gaps exist, in particular with regards to the number of citizens in Wales seeking to convert their status from pre-settled to settled; and
- whether the Welsh Government has the data to be able to identify citizens with pre-settled status, including for the purpose of providing support and reminders for second applications.

In your letter of 13 April 2022, you noted that Welsh Government policy officials would soon be reviewing the publication by the Migration Observatory 'How Secure is Pre-Settled Status for EU Citizens After Brexit?'. Please could you set out the key findings and outcomes of that review.

Late and no applications

We note that the number of late applications from Wales increased to 6,180 on 31 March from 4,240 on 31 December 2021, and has increased month-on-month during this period. Please could you set out:

- your view of the increases in the number of late applications from Wales;
- your view on how late applications from Wales are being handled by the UK Government; and
- whether the Welsh Government is aware of any issues relating to late applications.

We are aware that if a person has not applied to the EUSS and they come into contact with UK authorities, they will be issued with a 28 day notice to apply. The UK Government says that people who have not applied after the 28 day notice period will not be eligible for work, benefits or services and will not pass tenancy checks. Could you confirm whether the Welsh Government is aware of any issues relating to citizens who have made no application?

Free advice and support

Further to your earlier [announcement](#) on extending the deadline for the funding of free advice and support services to European citizens applying to the EUSS to at least the end of September 2022, could you please clarify:

- whether the Welsh Government is intending to extend support beyond September 2022;
- the Welsh Government's involvement in the UK Government's additional funding to UK-wide organisations, [announced in April](#), including whether the organisations in receipt of the funding are key partners of the Welsh Government; and
- how the Welsh and UK governments coordinate in funding allocation for EUSS support.

In your [letter](#) of 22 February 2022, you committed to sharing the minutes of the EUSS Co-ordination Group for as long as the group continues to meet. To date we have received minutes from a meeting that took place on 13 January 2022. Could you confirm whether any further meetings have taken place and if so, could you please provide the minutes as previously agreed.

Ukraine and EUSS family permits

Our report notes that an extension to the EUSS family permit scheme's 29 March deadline was not granted by the UK Government and this route is now closed to eligible Ukrainian family members unless they can meet the late applications criteria. The Committee shares the Welsh Government's disappointment that the deadline was not extended.

The [latest statistics](#) show that, UK-wide, 13,030 Ukrainians had applied to the EUSS up to 31 March. Information by UK nation is not available. Please could you confirm:

- if the Welsh Government has the figures for the number of applications received from Ukrainians arriving in Wales who applied to the EUSS; and
- whether any further discussions have taken place between the Welsh and UK governments on this issue.

We look forward to receiving a response.

Yours sincerely,

A handwritten signature in black ink, reading "Jenny Rathbone", on a light-colored background.

Jenny Rathbone MS

Chair, Equality and Social Justice Committee



Dr Andrew Goodall
Permanent Secretary
Welsh Government

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Reference: AC/326/caf

Date issued: 1 September 2022

Dear Andrew

Examination of the setting of well-being objectives

As you will be aware, my responsibilities under the Well-being of Future Generations (Wales) Act 2015 (the Act) require me to carry out examinations of public bodies, including the Welsh Ministers (the Welsh Government). Specifically, I must assess the extent to which public bodies have acted in accordance with the sustainable development principle when a) setting well-being objectives and b) taking steps to meet them, as the Act requires them. Acting in accordance with the sustainable development principle means seeking 'to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs'.¹ In order to do that, public bodies must take account of the 'five ways of working'.²

I have now concluded my examination of the extent to which the Welsh Government has applied the sustainable development principle when setting its well-being objectives. This is the first such examination carried out in this reporting period, which covers 2020-2025. The Welsh Government published its well-being objectives

¹ Section 5 (1) Well-being of Future Generations (Wales) Act 2015

² Shared Purpose: Shared Future Statutory guidance on the Well-being of Future Generations (Wales) Act 2015

as part of the Programme for Government for the sixth Senedd, along with a separate well-being statement in June 2021. This reflects the requirement to set and publish the objectives no later than six months following an election. My auditors commenced this work later that year.

I am not required to report at the conclusion of individual examinations, but I am required to report on the results of my examinations before the end of the reporting period (May 2025). This means the findings from this examination will be part of the evidence base for the report I am required to lay before the Senedd. However, I consider it important to communicate the results of each examination to aid accountability and support learning and improvement and to do so in a timely manner. I would also hope that reporting aids transparency and helps public bodies learn from one another. Therefore, this letter and annex set out my findings, conclusions and recommendations from this examination.

In assessing the extent to which public bodies have acted in accordance with the sustainable development principle, it is necessary for me to consider how they have applied the five ways of working. While good outputs and outcomes are self-evidently important, the Act gives prominence to the way bodies undertake their work - the 'how', rather than the 'what'. The Future Generations Commissioner (the Commissioner) and I have continued to emphasise that this matters; not for the sake of bureaucracy but to deliver better results, as well as providing appreciable benefits such as strengthening trust and relationships through collaboration and involvement. Therefore, in carrying out my examinations I look for public bodies to 'show their working'. This means that when examining the setting of well-being objectives, I expect public bodies to be able to describe and provide evidence on how they have gone about setting their well-being objectives in a way that takes account of the five ways of working. For example, who has been part of that process, when and how, as well as the information they have drawn on and how it has shaped the selection of well-being objectives.

Ideally, public bodies should set well-being objectives that sit at the heart of the organisation. It is not a requirement, but I am clear that situating them within their corporate planning arrangements represents best practice. Indeed, setting well-being objectives that sit outside the corporate framework may well limit their impact and reach and would add an additional layer of bureaucracy and complexity. All bodies will design and follow a process that reflects their own circumstances, which our examinations will seek to understand so we can make an assessment of the extent to which the sustainable development principle has been applied.

It is therefore positive to see that the Welsh Government has put its well-being objectives at the heart of the programme for government. I recognise that, for the Welsh Government, the reality of setting well-being objectives, in the way envisaged

by the Act and soon after an election, is challenging. It has to build a programme for government that reflects the political mandate, as well as ensuring it applies the sustainable development principle when setting its well-being objectives. Manifesto commitments do not remove or substitute for this statutory duty. Bringing these elements together presents some practical and conceptual challenges and there is no single right answer to how it should be done. I understand that it is an area where the Welsh Government is likely to continue to refine its approach over time.

As a result, the examination has raised some interesting issues and brought out some different perspectives across our respective organisations. However, having concluded my examination, it is my view that while the Welsh Government is continuing to take steps to embed the sustainable development principle in its wider processes and practices, it has not provided clear supporting evidence to show how it has applied the sustainable development principle when setting its well-being objectives. As a result, making an overall assessment of the extent to which that happened in the Welsh Government's context has not been practically possible.

It is apparent that the Welsh Government is continuing to take action to try to embed the sustainable development principle in how it does business generally. Following on from our 2019 [report](#), we have been provided with updated evidence on these arrangements although we have not reviewed their effectiveness as part of this examination. We can, however, see a continuation of work to build capacity and strengthen expertise in the civil service and to improve key processes, such as the way the Welsh Government sets its budget and monitors delivery. The Commissioner will be exploring the mechanisms the Welsh Government has put in place in her own review under section 20 of the Act. That work is well underway and in keeping with the commitment to coordination, we have been discussing with the Commissioner's office relevant information from our audit work. A member of Audit Wales staff has an observer role on the steering group that is supporting the review.

The primary focus of this examination is the setting of the well-being objectives. The Welsh Government's well-being objectives appear to reflect the spirit of the Act in several ways. They are cross-cutting in nature, there are clear links to the well-being goals and short and long-term trends are visible in the objectives. However, as described above, my responsibility is to assess the 'how' and not the 'what', meaning evidence on the way those objectives have been set is central. I have not been provided with sufficient evidence on this, making it difficult to assess the application of the ways of working and conclude on the extent to which the Welsh Government has acted in accordance with the sustainable development principle, as set out in the Act and described in supporting guidance.

In the case of the Welsh Government, both the quality and visibility of the process matter as a means of exercising its leadership role. The Commissioner and I have

talked about the importance of that leadership role in implementing the Act. It is important that, as the author of the legislation, the Welsh Government can be a role model for the change it wants to see in the wider public sector. For these reasons, it not only matters that the Welsh Government applies the Act well, but that it explains and communicates what it has done clearly.

While the duties present some particular challenges for a national government, the Welsh Government is probably not unique. Other public bodies may choose or need to set new well-being objectives in this reporting period – many councils will consider setting new objectives following their own elections. Given this, it is important that the Welsh Government sends a clear message on the importance of setting well-being objectives in a way that fully reflects the requirements and ambitions of the legislation.

We have had ongoing dialogue with officials about how this part of the legislation should be interpreted and applied. While my conclusions remain the same, we have been able to provide further clarification and I hope we have come to a place of mutual understanding. We have been transparent in sharing our audit framework and, in the spirit of learning we expect from others, we will be continuing to seek feedback and develop and refine it over the reporting period.

Finally, you will note I have made recommendations designed to help the Welsh Government when it next sets well-being objectives. While I appreciate that the Welsh Government may not be able to commit now to the detail of its response, I would nevertheless welcome confirmation at this point of whether the recommendations are accepted.

Yours sincerely



ADRIAN CROMPTON
Auditor General for Wales

cc.

Rt Hon Mark Drakeford MS – First Minister of Wales

Sophie Howe – Future Generations Commissioner

Mark Isherwood MS – Chair, Public Accounts and Public Administration Committee

Jenny Rathbone MS – Chair, Equality and Social Justice Committee

Annex: Examination of the setting of well-being objectives

How we carried out the examination

What we reviewed and why

- 1 Under section 15 of the Well-being of Future Generations (Wales) Act 2015 (the Act) the Auditor General has a duty to examine the extent to which the public bodies covered by the Act have acted in accordance with the sustainable development principle when setting their well-being objectives and taking steps to meet them. The Auditor General must undertake an examination in each relevant body at least once over each five-year reporting period, the current reporting period is May 2020 to May 2025.
- 2 This examination has been undertaken to help discharge that duty. It has focused on the setting of well-being objectives by Welsh Ministers (the Welsh Government).³
- 3 In 2020, the Auditor General consulted public bodies and other stakeholders on how the examinations should be delivered in the second reporting period. The programme of examinations we are now carrying out reflect our revised approach.
- 4 The examination was designed to:
 - provide assurance on the extent that the Welsh Government has applied the sustainable development principle in setting its well-being objectives; and
 - identify opportunities to further embed the sustainable development principle in the setting of well-being objectives in future.

³ We are carrying out further work to discharge the duty by assessing steps taken to meet well-being objectives as part of the Auditor General's wider programme of work.

Audit approach and methods

5 Our examination focused on the following question:

‘To what extent has the Welsh Government acted in accordance with the sustainable development principle when setting its well-being objectives?’

6 We applied an audit framework that has been informed by:

- the Act and statutory guidance.
- advice and guidance from the Future Generations Commissioner (the Commissioner).
- our existing audit framework, developed and used in the first reporting period, that was informed by extensive stakeholder engagement.
- characteristics of effective objective setting that feature in our wider work.

7 We began our main fieldwork in December 2021 and concluded in February 2022. We reviewed documents, including a written submission from the Welsh Government, and conducted interviews with officials. We have set out our high-level findings and recommendations below, along with some further detail about the scope of our examination.

Findings

Overall, we have concluded that while the Welsh Government is continuing to take steps to embed the sustainable development principle in its wider processes and practices, it has not provided clear supporting evidence to show how it has applied the sustainable development principle when setting its well-being objectives. As a result, making an overall assessment of the extent to which that happened in the Welsh Government's context has not been practically possible.

We have set out our more detailed findings below.

The well-being objectives reflect relevant short- and long-term considerations and there are clear links to the well-being goals but it is not clear precisely how relevant information has informed their selection or how the full diversity of the population was involved in the process.

What we looked for:

- A balanced and accurate understanding of progress against previous well-being objectives that has been reported clearly and is being used to help set new well-being objectives.
- A thorough understanding of current and future need, challenges and opportunities that informs the selection of new well-being objectives.
- Meaningful involvement of the right people that informs the selection of new well-being objectives.
- Well-being objectives that have been designed to deliver longer term benefits, balanced with meeting short-term needs. This includes being set over an appropriate timeframe.
- Well-being objectives that have been designed to improve social, economic, environmental and cultural well-being (including how they relate to each other, to other public bodies' objectives and to the goals).

- 8 The Welsh Government set its well-being objectives in June 2021, meeting the requirement to publish them within six months of the Senedd elections in May 2021. The well-being objectives were published in the Welsh Government's Well-being Statement and included in the Programme for Government 2021-2026, which the Welsh Government describes as 'putting them at the heart of government'. Incorporating the objectives into the key strategic document and planning process reflects statutory guidance and good practice across public bodies. The Welsh Government identified the need for 'pace' in developing the objectives to enable more time for delivery and to give the objectives 'prominence', which prompted them to make these changes.
- 9 There were 12 well-being objectives in the previous well-being statement and they have now reduced in number to 10 but there is evident continuity in their focus. The new objectives reflect changes in the external environment and are cross-cutting in nature. There are apparent links between the well-being objectives and well-being goals.

- 10 Short and long-term trends are visible in the final selection of well-being objectives. However, they are, in the main, aspirational in nature, for example: 'Make our cities, towns and villages even better places in which to live and work'. This means it will not be easy to measure progress over specific timeframes and evaluate success in meeting them (see also **paragraph 21**).
- 11 The Welsh Government has produced annual reports that provide an update on progress and past activity. Welsh Government officials told us that Ministers considered how they have performed against their previous well-being objectives when setting their new well-being objectives, referencing their annual reports (see also **paragraph 22**). They also told us they consider current and future threats, drawing on the Well-being of Wales annual reports and the Future Trends report.
- 12 However, it is not clear how information on past performance and trends has informed choices on well-being objectives from the evidence provided. We have not been provided with detail on how or when this happened, how the information has helped Ministers balance short- and long-term considerations and influenced the selection of new well-being objectives. The annual reports themselves reference the process of reviewing and retaining the well-being objectives but do not describe it in any detail. In carrying out examinations we ask that public bodies 'show us their working'. This is an essential part of us being able to assess ways of working and draw a conclusion on the extent to which a public body has acted in accordance with the sustainable development principle.
- 13 To understand and ultimately balance current and future need, the Welsh Government is also required to involve people with an interest in achieving the well-being goals. They must ensure those persons reflect the diversity of the population. The evidence we have received does not show that the Welsh Government has carried out involvement as described by the Act and its own guidance or in a way that reflects the expectations of the Commissioner. The Welsh Government has not directly involved people in setting its new well-being objectives nor has it described how it has drawn on a range of existing involvement intelligence, but we have been told that 'Welsh Ministers are content that the well-being objectives are the outcome of a democratic process involving a huge range of voices from across Wales'.
- 14 We appreciate that the Welsh Ministers may want to reflect their party manifesto commitments in the Welsh Government's well-being objectives and that they will want to draw on conversations they have had with people across Wales during the election as part of this. However, we have not seen evidence as to

what information has been considered and how it has informed the setting of well-being objectives. This raises some important questions, such as:

- **How has the Welsh Government ensured that it has involved the diversity of the population?** To do this effectively, it is necessary to consciously and systematically consider who should be involved and how to involve them. This must reflect the diversity of the population.
- **How have the results of involvement informed the development of the well-being objectives?** It is not clear how the outcomes of discussions with the public have informed the setting of well-being objectives.
- **How has the Welsh Government taken account of the expectations associated with involvement (as opposed to engagement/consultation) and good practice?** The Commissioner has published advice on how to carry out high quality involvement. This covers elements described above, such as the need to make sure the right people are being involved and going about it in the most effective way. It also covers the importance of feeding back to people to let them know how their views have been taken into account. This could be achieved by setting out the information that has been gathered through involvement and describing how that has been drawn upon in the well-being statement.

- 15 The Welsh Government involves people across a range of its functions and activities, both directly and indirectly. The Welsh Government's well-being statement states that an analysis of responses to its 'Our Future Wales' consultation helped inform the well-being objectives, but the statement does not explain this process. It seems likely to us that there will be other sources of relevant information. There are opportunities for the Welsh Government to consider and, where appropriate, describe how this wider information informs the setting of well-being objectives.
- 16 It is also unclear whether and how other bodies have been involved in, or had their own well-being objectives taken into account in, the Welsh Government's setting of its well-being objectives. The Welsh Government does, however, say that given the continuity in government many organisations would have been engaged with Ministers during the previous term. However, we have not been provided with evidence during this examination of how the Welsh Government has considered the impact on other public bodies' objectives. These arrangements do not appear to be sufficiently robust, and it raises the question of how civil servants support new Ministers to take account of this information, and particularly if there had been a change in the party of government.

The Welsh Government is taking action designed to ensure it delivers its objectives in line with the sustainable development principle, but it has not clearly set out how it will work with others and there are opportunities to strengthen its monitoring arrangements

What we looked for:

- Appropriate consideration as to how the well-being objectives will be resourced over the short, medium and long term.
- Appropriate arrangements to work with others, including planning to involve the public in ongoing design and delivery and/ or ensuring there are appropriate partnership and collaboration arrangements in place.
- Appropriate arrangements for monitoring and review so that progress can be assessed over the short, medium and longer-term. These arrangements are transparent and clearly communicated to internal and external stakeholders.
- An understanding of how well the Welsh Government approached the setting of the previous well-being objectives and evidence that it has applied that learning to improve how it set its most recent well-being objectives.

- 17 The well-being statement states the importance of involvement and recognises the need to work collaboratively in delivering the well-being objectives. Given there is some continuity in objectives, it is reasonable to assume that existing delivery arrangements will remain in place, but there is no detail of this in the well-being statement.
- 18 Once the well-being objectives had been set, the Welsh Government told us it had considered how the budget could be aligned to deliver them. It is important that the objectives drive the budget-setting process, but there are also opportunities to ensure that risks to deliverability and available resources are considered when setting those objectives. This is particularly the case given they are longer-term in nature. The well-being statement does not contain information on resourcing the objectives.
- 19 Officials we spoke to recognised the pivotal role the budget-setting process can play in ensuring that the Welsh Government can deliver long-term, preventative benefits. The Budget Improvement Plan identifies a number of actions to develop financial planning arrangements, including by:
 - embedding the Act in budget decisions;

- longer-term financial planning - including reference to drawing on sources such as the Future Trends Report and approaches such as scenario modelling;
 - prevention agenda – focusing on deploying resources to support a shift in preventative activities;
 - responding to climate change and biodiversity; and
 - transparency of budget data.
- 20 Officials are considering how they can extend their financial-planning horizon. It will be important for the Welsh Government to continue to develop modelling and scenario planning to inform budget and other decisions.
- 21 The well-being objectives are, on the whole, not easily measurable. The Welsh Government has recognised that the previous well-being objectives were not ‘SMART’ and identified it as an area for improvement, partly in response to feedback from the Commissioner. However, further work would be required to make the objectives SMART and enable clearer reporting.⁴
- 22 The annual reports could also be strengthened to aid planning and support accountability. They describe achievements, grouped by cross-cutting theme, and the supporting annex sets out progress against programme for government commitments. However, this makes it difficult to evaluate overall progress against each well-being objective and identify what further or different action might need to be taken to achieve them.
- 23 At the time we conducted our fieldwork, governance and reporting arrangements were being put in place, including the extension of the ‘Business Information Reporting Tool’ (BIRT) system to monitor delivery across the whole of the Welsh Government. While the wider development and roll out of the BIRT system is positive, it is important that organisations have a system that enables them to gain a corporate picture of delivery.
- 24 The Welsh Government is also continuing its efforts to develop knowledge across the civil service through training and awareness raising. It is seeking to

⁴ There are several versions of this acronym. We use it to refer to Specific, Measurable, Achievable, Realistic and Time-bound.

strengthen policy expertise by incorporating the sustainable development principle into the Policy Capability Framework. We are also aware that the Welsh Government's recent internal restructuring is intended to give more prominence to some key cross-cutting themes and to support delivery against the well-being objectives generally.

- 25 These examples show a continuation of work to embed the sustainable development principle in the Welsh Government's processes and practices, which we referred to in our 2019 examination report. We have not reviewed these arrangements in detail as part of this examination.
- 26 The Commissioner is currently undertaking a review exploring the mechanisms the Welsh Government is putting in place to deliver on the Act. She will therefore consider these and other related arrangements in more detail as part of this work.
- 27 The Welsh Government described some initial reflections on how it set its well-being objectives. It has not yet fully considered the improvements it could make but expects to identify further learning that can be applied in future.

Recommendations

When setting well-being objectives in future, the Welsh Government should:

Recommendation 1: Consider the various ways that it can apply the sustainable development principle throughout its process of setting new well-being objectives. This should include carrying out and/or drawing together the results of involvement, as described in the Act and supporting guidance.

Recommendation 2: Clearly communicate how it has acted in accordance with the sustainable development principle when setting its well-being objectives and how it has done this within its unique context. This should include, for example:

- How it has used a wide range of information to help balance short- and long-term need and make choices about the selection of well-being objectives.
- The results of involvement and how they have informed the setting of well-being objectives.
- How it has taken account of the views of and likely impact on other bodies and their well-being objectives.

The Act requires public bodies to explain why they consider they have set well-being

objectives in accordance with the sustainable development principle in their well-being statements. The Welsh Government's well-being statement should therefore be a useful means of clearly communicating the above.

Agenda Item 2.11

Jane Hutt AS/MS
Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution



Llywodraeth Cymru
Welsh Government

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22 September 2022

Dear Elin,

We wrote to you on 1 July, regarding the [Bill of Rights Bill](#) (the Bill), which was introduced in the House of Commons on 22 June, to explain that we expected to lay a Legislative Consent Memorandum (LCM) for this Bill but that this would be outside the normal two-week Standing Order 29 deadline.

We wrote to you again on 31 August to explain the further delay in laying this LCM, related to the complexity of the Bill and uncertainty about the UK Government's intentions and timetable. We noted then that Commons Second Reading of the Bill was scheduled for 12 September.

Following the appointment of the new Prime Minister, however, the decision was taken by the UK Government not to proceed with Second Reading in September. Moreover, there have been strong indications from the UK Government that it will not be proceeding with this Bill in its current form. It is unclear at present whether changes will be made to the Bill as introduced, or if the Bill will be withdrawn.

We are awaiting clarification from the Ministry of Justice, but do not expect this to be forthcoming in the immediate future. As such, in light of this uncertainty about the UK Government's intentions, it does not seem sensible to proceed with this LCM for the foreseeable future. To do so would be to ask the Senedd to spend time considering a legislative proposal which is not currently being taken forward, and risks being withdrawn or replaced by an alternative proposal in short order.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

We will write to you again when the situation is clearer, but are providing this interim update in the meantime, since it seems possible there may be a lengthy delay.

As with the previous letters referred to above, we are copying this letter to the First Minister, the Minister for Rural Affairs and North Wales, and Trefnydd, the Chair of the Equality and Social Justice Committee, the Chair of the Legislation, Justice and Constitution Committee and the Chair of the Cross-Party Group on Human Rights.

Yours sincerely,

	
Jane Hutt AS/MS Y Gweinidog Cyfiawnder Cymdeithasol Minister for Social Justice	Mick Antoniw AS/MS Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad Counsel General and Minister for the Constitution

Agenda Item 2.12

Y Pwyllgor Busnes
Business Committee

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Jenny Rathbone MS

Chair, Equality and Social Justice Committee

27 September 2022

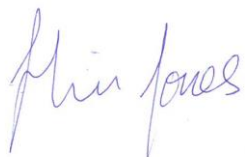
The Social Partnership and Public Procurement (Wales) Bill

Dear Jenny,

At its meeting this week, the Business Committee received an oral update from the Trefnydd on the Social Partnership and Public Procurement (Wales) Bill. The Welsh Government has considered the impact of the period of National Mourning for Her Majesty The Queen on the scrutiny process but does not propose to amend the timetable for consideration of the Bill as a result of this.

Business Committee agreed to consult with your Committee and the Legislation, Justice and Constitution Committee, and would be grateful if you could respond to me outlining your views on the timetable by noon on Friday 30 September, if possible.

Kind regards,



The Rt Hon. Elin Jones MS

Y Llywydd and Chair of the Business Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 3

By virtue of paragraph(s) vii of Standing Order 17.42

Document is Restricted

Document is Restricted



Jenny Rathbone MS
Chair of the Equality and Social Justice Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

22 July 2022

Dear Jenny,

Social Partnership and Public Procurement (Wales) Bill

Following my appearance at Committee on the 20 June where the Social Partnership and Public Procurement Bill was scrutinised you requested some follow up information, which I am pleased to provide.

Please see the accompanying annex 1 which responds to the questions set out in your letter.

At the Committee I also agreed to provide information on the development of statutory guidance regarding contract clauses. Work is underway on wider plans for developing statutory guidance and for engaging with key stakeholders as part of that. I will be able to share more on this work when Senedd returns after the summer recess, including the development of construction and outsourcing services contract clauses and guidance are two important parts of this work.

I hope this information is useful to the Committee and I look forward to working with you and the committee during the scrutiny of the Bill.

Yours sincerely

Hannah Blythyn AS/MS
Y Dirprwy Weinidog Partneriaeth Gymdeithasol
Deputy Minister for Social Partnership

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Q&A – ESJ Committee – 4th July 2022

Overarching questions about the Bill

- 1) What tangible outcomes will you aim to deliver in order to achieve the Bill's overall objective of improving public services and better wellbeing for those providing them?**

The overall objective of the bill is to improve economic, environmental, social and cultural well-being – including by improving public services. The aims of the bill are wide, and rest on a way of working that will help public bodies to respond to the challenges that they face. Many of the objectives of the Bill are focused on implementing change that is not easily quantifiable, for example the social partnership duty focuses on implementing culture change in existing structures, including aims to instil system leadership, which includes a commitment to a common vision and consensus among stakeholders on mutual areas of interest. Measuring this objective and other non-financial benefits requires the use of qualitative inquiry with stakeholders to determine their views on the extent to which this has occurred, and how structures and opportunities to engage can be tailored to better achieve the long-term aims.

In line with the approach to the Well-being of Future Generations (Wales) Act, substantive and tangible outcomes in relation to public services will depend on how public bodies amend their well-being objectives to reflect the change to fair work

The theory of change work for the Bill was completed in December 2021 and suggested data for measuring the outcomes in the three main components of the bill – fair work, social partnership and socially responsible procurement. This work is being revisited to reflect the final form of the bill as introduced and will confirm outcomes in the spring of 2023.

For procurement, success will be measured in progress towards delivering outcomes in all of the wellbeing categories. This will require the collection and reporting of relevant data. Work is underway on developing the metrics that will be needed and identifying gaps in the data currently collected, including those relating to fair work

- 2) What specific indicators will you use to measure the success of the Bill in delivering these outcomes? Eg how would you assess whether the legislation had a positive impact on industrial relations or staff retention in public bodies?**

The refreshed theory of change will include a set of agreed outcomes, identified data that can measure the outcomes, and details of whether this is already collected by a third party and can be used to measure progress, or

whether no current data is available and would therefore require primary research as part of the evaluation of the Bill.

The evaluation will incorporate a mix of quantitative and qualitative measures depending on the nature of the outcome. For example, when looking at positive impacts on industrial relations, a qualitative exploration (using a case study approach, for example) of the extent to which the values of social partnership have been embedded within tripartite structures would be most appropriate. Qualitative approaches would also enable an understanding of other outcomes, such as the extent to which a culture change between employers and employees occurs in the way they resolve workplace issues. This is in contrast to other outcomes which may be evidenced by quantitative measures, for example the measurement of progress on 'creating high quality jobs' as an outcome can be assessed by measures such as % of employees earning at least the Real Living Wage, staff retention and employee surveys rating the quality of their job.

3) Please can you set out evidence of the need for greater consistency across public bodies to be achieved through this piece of legislation? Where do you think the key gaps are?

On procurement, recommendations have been made in reports, for example by Wales Audit office and in the Future Generations Commissioner's Section 20 report, calling for more consistent application of good practice in delivering socially responsible outcomes. The reports do not set out key gaps, however they are uniform in the call for greater consistency and this legislation will introduce a coherent framework and allow for greater transparency of outcomes.

With regards to social partnership, we are in the process of mapping all of the social partnership structures that are in place at the national level. Early work has indicated that there is a wealth of structures and approaches, at this level alone. Extrapolating this across the public sector indicates that there is a range of approaches. The legislation envisages a system of social partnership across Wales, and this requires there to be consistency and appropriate links between different fora.

4) You mentioned in your oral evidence that greater transparency will be a key mechanism for achieving the objectives of the Bill. Can you explain why you have chosen this mechanism, and why it will be more effective than other alternatives?

We sought views on enforcement mechanisms when we consulted on the draft Bill last Spring. Stakeholders had different views about the merits of any sort of legal enforcement mechanisms to ensure that those subject to the various duties adhered to them in order to ensure the outcomes sought. Views ranged from believing that no enforcement was needed, to those who believed that a fine regime should be introduced.

We considered the options and views carefully, in relation to the requirements that we were placing on public bodies. We have decided that it would run counter to the spirit of social partnership to try to impose a punitive enforcement regime of any kind. Specifically, introducing a fine regime could have a detrimental impact on the delivery of public services. The system we are creating through the Bill relies on transparency and regular reporting, and places an onus on each partner to fully engage and to hold one another to account. The SPC will be able to advise Welsh Ministers on how effectively the new arrangements are working and make recommendations for change if appropriate.

Social partnership

5) Can you give a practical example of a case when the social partnership duty would have delivered a better outcome in a public body when setting its well-being objectives or making strategic decisions?

It is difficult to address this question as written as it calls for a hypothetical response whereby I would need to assume an outcome which is unknown. I can, however, point to an example where the social partnership approach led to a positive outcome in relation to well-being through the co-creation of an all-Wales NHS Respect and Resolution policy.

In June 2021, NHS Wales launched a new Respect and Resolution policy across all NHS Wales employers to replace existing grievance and dignity at work policies. This policy was developed in partnership with employers and trade unions and signed off at the Welsh Partnership Forum (Health's tripartite social partnership body). Importantly, this policy cannot be varied without agreement from this forum, which helps to deliver consistency across NHS employers in Wales. The Respect and Resolution policy has been developed as part of a very different approach to traditional all Wales policies and procedures, with employers and unions coming together to co-design a new way of working based on their often negative or challenging experiences of dealing with grievances and dignity at work complaints. The policy puts the focus on early intervention from both unions and managers to prevent problems by building healthier working relationships and workplaces. This aligns with the broader work being undertaken across NHS Wales by organisations on values and behaviours as well as the approaches set out in the Workforce Strategy for Health and Social Care such as compassionate leadership. A joint review of the policy is currently underway.

6) What work has been done to understand and address capacity issues that may prevent smaller employer organisations and trade unions from engaging fully with the social partnership approach taken in the Bill?

Proposals for the Social Partnership and Public Procurement (Wales) Bill were developed in close collaboration with social partners and were the subject of formal consultation processes.

Wherever possible, they are looking to build on existing approaches that have been taken to social partnership and provide a certainty that arrangements will continue in the future. With regards to the SPC, the legislation sets out a minimum number of times that the Council will meet each year. Additional meetings, or the establishment of sub groups would be agreed in social partnership, which ensures that employer organisations and trade unions are fully engaged in developments and can agree in light of the capacity they have.

I understand that a significant number of social partnership structures have developed at a national level and I would anticipate that as part of its duties the SPC will provide advice to Ministers on whether these arrangements are appropriate. As preparation for that, we have been undertaking a process to map existing national level structures and are engaging social partners on that work.

The Welsh Government has previously delivered training to public bodies in Wales to help them develop social partnership relationships. We will keep under review the need for similar development in the future.

7) Do you plan to introduce a compliance mechanism for the social partnership duty? If so, please can you provide details of how this will operate.

The system we are creating through the Bill relies on transparency and regular reporting to support improvements in social partnership.

Public bodies covered by the duty will be required to produce and submit an annual report setting out how they have complied with the duty, agreed with their recognised trade unions or (where appropriate) other representatives of their staff and these will be considered by the SPC.

Welsh Ministers will also be required to produce an annual report setting out how they have complied with the social partnership duty and that report must be submitted to the SPC and laid before the Senedd for scrutiny. The report must be agreed with the SPC or contain a statement explaining why it was not agreed.

The SPC will be able to advise Welsh Ministers on how effectively the new arrangements are working and make recommendations for change if appropriate.

As we have laid out in question 4 above following an extensive consultation exercise on the draft Bill we decided that it would be counter to the spirit of social partnership to try to impose a punitive enforcement regime of any kind to ensure compliance with the duties imposed by the Bill.

Selection of Social Partnership Board members

- 8) You said that the selection process would be conducted in line with the way Public Appointments are made. The Committee would find it useful to see the PS and JD for such appointments to understand the impact the successful appointees are expected to make. When do you expect drafts to be available for the Committee to scrutinise?**

The intention is very much that the SPC's selection process follows broadly the same principles as those underpinning the Public Appointments process. Whilst we did consider adopting the full public appointments process for the SPC, this is not feasible because it would not be compatible with the nomination process set out in the Bill. It would not be possible to marry an employment-style process such as that required for Public Appointments with the nomination of individuals by representative bodies.

However, we are considering ways in which elements of the Public Appointments process can be mirrored or adopted in the selection process for SPC members. This includes considering whether person specifications and job descriptions would be needed for the selection process.

Socially responsible public procurement

- 9) How does this Bill interact with the UK Government's Procurement Bill, and what impact has this had on the development of this piece of legislation?**

The UK Procurement Reform Bill is primarily about the procurement process. In contrast the Socially Responsible Procurement Duties in the SPPP Bill are about how we use public procurement in the pursuit of the well-being goals and improved public service delivery.

In general terms the UK Bill replaces the previous procurement legislation, whereas the SPPP Bill focuses on well-being outcomes, reporting of outcomes, contract management, oversight and accountability.

We had already made considerable progress in shaping our Bill before the UK Government published its Green Paper on Procurement Reform. However, we have reflected on the UK approach and taken steps to ensure alignment where possible.

10)The Welsh Government wrote to the UK Government and other devolved administrations about this Bill as it is covered by the Public Procurement Common Framework. Did any of the other UK administrations raise concerns with you about the Bill? If so, what were their concerns and how did you respond?

No concerns have been raised by either the UK or the other devolved governments.

11)In developing this Bill, can you explain how the measures in place in Scotland have influenced the content of the Bill, and why you've chosen to take a different approach in some cases?

The Explanatory Memorandum explains that some procurement provisions in the Bill were inspired by the Procurement Reform (Scotland) Act 2014, in particular the sustainable procurement and reporting duties.

We have taken a different approach because the legislation in Scotland does not include duties relating to compliance and enforcement, and it is difficult to identify published information that allows time series comparisons of sustainable outcomes to be made. The Scottish legislation also does not include specific duties on contract management. These are priorities in Wales.

12)The explanatory memorandum (p.37) states that Scottish procurement legislation “demonstrates that even when regulations are in place it takes time for public bodies to consistently put new measures in place”. How long do you think it will take public bodies in Wales to consistently implement the measures in this Bill and why?

Implementation will begin with development of statutory guidance. Social partners and stakeholders will be invited to contribute to its development. Welsh Government will also put guidance and support in place for public bodies, and for suppliers via Business Wales.

Not all of the duties will come into force immediately and concurrently. For example, it will not be possible to report until the details of what is required by statutory guidance have been published and an annual cycle has been completed. Further details of this will be made available in due course.

13) How will you minimise the time that it takes public bodies to consistently implement the procurement measures in this Bill?

We will work to ensure public bodies and suppliers are prepared for this Bill and the UK Procurement Reform Bill coming into law. The Bill introduces improved transparency, the collection and reporting of data on processes and outcomes, and regular scrutiny by the Social Partnership Council and its procurement sub-group. These are the means by which we can speed up progress towards consistent application of the duties and delivery of expected outcomes.

14) Section 41 of the Bill provides Welsh Ministers with powers to investigate how a contracting authority carries out procurement. Can you set out the circumstances under which you would envisage using these powers?

The Bill makes provision for the Social Partnership Council, with the assistance of a public procurement sub-group, to review summaries of annual reports and provide advice to Ministers. Welsh Ministers will be able to identify organisations or sectors where progress against objectives is slower and carry out investigations. Other matters, such as lack of engagement with the construction and outsourcing services contract management duties, may also trigger an investigation.

15) The Explanatory Memorandum highlights that the construction duty will be used as a test of whether similar duties should be extended to other sectors at a later date. Which other sectors are you considering introducing contract management duties to, and what criteria will you use to determine whether to do this? Given the impending rollout of UFSM to all primary pupils, please can you explain why closer attention has not been paid to public procurement of food and strengthening the foundational economy to improve food security?

We included contract management duties for major construction projects because construction accounts for around a third of the overall procurement spend by public bodies in Wales, and because we know it has complex supply chains where there is significant risk and potential opportunity around delivering socially responsible outcomes. We will learn from the contract management duty, but we do not currently have any plans to extend it into other specific sectors. We recognise the opportunities in improving the amount of food sourced within Wales and we will explore how the statutory guidance can support this.

16) In the draft Bill consultation, public sector procurement staff set out concerns about their capacity to deliver on the Bill's requirements, particularly in relation to contract monitoring post-procurement. How do you intend to address these concerns?

Procurement and contract management staff in public bodies will be required to operate within a very different legislative framework when both this Bill and the UK Procurement Reform Bill come into force. This is one of the reasons for focusing on contract management in major construction contracts initially.

We will minimise difficulties and maximise positive outcomes if we ensure that the duties can be applied proportionately, which will be supported through the guidance, that we engage with stakeholders during the development of the guidance, and that we put sufficient resources in place within Welsh Government to support implementation. These are priorities for us.

17) Correspondence to Ministers from the Welsh Centre for International Affairs and Size of Wales questions why the global responsibility aspect of the WFGA has not been reflected in the draft legislation on public procurement. An initial indication of why this has been omitted from the draft Bill would be helpful.

The legislation links socially responsible procurement directly to the well-being goals, which include global responsibility.

In the WFGA global responsibility is set within the context of addressing outcomes within Wales. It is described as “when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.” The same will be true for the Socially Responsible Procurement Duty and this will be clarified in statutory guidance.

Coming into force

18) Section 48(1) of the Bill allows the Welsh Ministers to bring this legislation into force on a day of their choosing. Should it be passed by the Senedd, when do you intend this legislation to come into force?

The SPC will be established following relevant provisions coming into force and is expected to be implemented in the 2023/24 financial year. The Bill's other provisions are intended to be introduced as soon as reasonably practical after this.

Additional info the Deputy Minister and her officials agreed to provide

19) Further information on resources used to shape the legislation, including the international evidence used.

During the early stages of developing the SPPP Bill the team compared the role that legislation played in driving socially responsible procurement across the governments of the UK. This included parts of the Procurement Reform (Scotland) Act 2014, the Public Services (Social Value) Act 2012 that applies to English public bodies and our own Well-being of Future Generations (Wales) Act 2015.

The team also looked at oversight and compliance regimes for public procurement in different countries around the world, including in Europe, North America, Africa and Australia. The conclusion was that whilst most regimes appear to concentrate on compliance with tender requirements as set out in national procurement legislation, few appeared to concentrate on monitoring delivery of socially responsible outcomes through procurement, even where underlying procurement legislation includes these measures.

A later, separate piece of work was undertaken by the research team within Welsh Government into the academic literature on Socially Responsible (social, environmental, economic and cultural) outcomes through procurement, both in the public and private sectors. It is summarised in the Explanatory Memorandum. Very little was found on cultural outcomes, whilst there is more extensive literature on environmental outcomes.

20) Analysis of developments in relation to Scottish food and whether improvements have been caused by legislation or policy.

We have learned from the Scottish experience of implementing free school meals by considering their planning with Local Authorities, the challenges they have had with delivery, and the way in which they have managed communications with Local Authorities, schools, and families. Legislation is one means of giving effect to policy and it is not straightforward to identify how much improvement has been down to policy as opposed to the legislation which gives effect to that policy.

Further information on food procurement is provided in annex 2.

21) Whether the socially responsible procurement elements of the Bill apply to contract extensions.

The contract management duties will apply all to all new major construction and outsourcing services contracts. They will not be applied retrospectively to existing contracts. Contract extensions are based on existing contractual

terms. Any changes would need to be negotiated and carried out within the current legislative framework.

Annex – Food Procurement and learning from Scottish Government policy and legislation

The Equalities and Social justice Committee has asked for “*an analysis of developments in relation to Scottish food and whether improvements have been caused by legislation or policy*”.

Officials from the Foundational Economy and Free School Meals teams have provided the following information, which provides a response to the question above in relation to Free School Meals, and then gives an update on food procurement work more generally. Discussions are underway on how good practice on food procurement can be included in the statutory guidance supporting the SPPP Bill.

Learning from Scotland on Free School Meals

In considering the implementation of the commitment to universal free school meals Welsh Government has learned a lot from Scotland. Officials meet frequently with counterparts to learn about their planning with local authorities, the challenges they've had with delivery, how they have managed communications with LAs/schools and families and most recently a session with some of their dieticians around managing special diets.

A project board has been set up to ensure that work on the procurement of food in different parts of Welsh Government is drawn together. This includes the Foundational Economy programme which is supporting the Local Authorities Catering Association in making the transition to universal free school meals as well as considering what will need to be put in place to align policy priorities, including around public health, the climate and nature emergencies and moves to a more sustainable food system. The team is also working closely with Caerphilly Council to increase supply of Welsh food into school meals through the Welsh public sector food frameworks that they lead on.

Update on Food Procurement

The food sector is of fundamental importance in Wales, because:

- (a) it is a key part of the Foundational Economy, offering many high value employment opportunities and potential to strengthen our self-sufficiency in these volatile times;
- (b) it is vital to health and wellbeing; and
- (c) it can play a major role in helping the Welsh Government to realise its net zero ambitions.

Public sector procurement plays an important role in re-localising the food chain. The public sector in Wales spend around £94.4m on food and catering and while that may seem relatively small (being roughly equal to the turnover of a single Tesco hyper market) compared to the £3bn value of food retail, for our Welsh producers and suppliers it is still a desirable market that represents a huge opportunity for local supply.

There is substantial opportunity to reduce carbon emissions in public sector food supply chains by aiming to consume food as close to the point of production as possible. This ensures shorter supply chains and less CO2 emissions associated with long distribution and delivery arrangements. Sustainable food production is also important to minimise damage to the natural environment.

The Foundational Economy team has commissioned a Welsh public sector food procurement survey to build a picture of food procurement spend across Wales, the amount of Welsh food being supplied and attitudes/barriers to buying Welsh. The supply side have also been included to identify barriers to supplying the public sector. The survey results will provide a rich baseline of data that will strengthen our work in this area.

Welsh Government is developing “Buying Local and Sustainable Food” procurement guidance for all food contracts/framework agreements to ensure opportunities are maximised for Welsh food businesses and that social, economic, environmental and cultural outcomes are achieved. This guidance will promote a move away from lowest cost approaches in food tenders, greater weighting on social / wellbeing objectives and that contract award criteria includes wider benefits such as jobs/training, fair work, ethical trading, reduced CO2 emissions, food produced within a certain radius, etc. and all are scored reflecting their high importance.

A Backing Local Firms fund has been launched, with food being one of the sectors targeted. The Fund has enabled:-

- a sustainable workforce campaign in the Food & Drinks industry;
- a grant scheme to fund food safety accreditation for 46 Welsh food SMEs to increase their involvement in local supply chains; and
- the Welsh Fishermen’s Association to undertake a scoping study looking at infrastructure, logistics and distribution as well as a ‘New Entrant Scheme’ to future-proof the profession, build capacity and ensure more resilient fishing communities.

Other projects include:

Carmarthenshire Council Challenge Fund Project

- Carmarthenshire Council was funded in 2021 to develop a report to look at how to increase local food into schools, reduce CO2 emissions along with better understanding of capacity and capability of local producers. This work found matching food supply and demand is a significant part of the challenge in putting more local food on the public sector plate, with capacity of many local producers an issue.
- Several of the report’s recommendations are now being addressed. Through the Foundational Economy Programme’s Backing Local Firms Fund, Hywel Dda Health Board and Carmarthenshire Council are being funded to run a feasibility study on a cook/freeze delivery model for hospital / school meals using local food.

Cwm Taff Health Board

- The National Collaborative Commissioning Unit (hosted by Cwm Taff Health Board) has been supported by the Foundational Economy unit to apply social entrepreneurship strategies to the food sector undertaking supply chain analyses from farm to hospital patient. Options for replicating this on a wider basis across the public sector are being considered.

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Agenda Item 7

By virtue of paragraph(s) vii of Standing Order 17.42

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