

## **Agenda – Equality and Social Justice Committee**

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Meeting Venue:	For further information contact:
Hybrid meeting	Rhys Morgan
Committee Room 3	Committee Clerk
Meeting date: 27 June 2022	0300 200 6565
Meeting time: 12.00	<a href="mailto:SeneddEquality@senedd.wales">SeneddEquality@senedd.wales</a>

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### **Private pre-meeting and registration (11:30–12:00)**

#### **1 Introductions, apologies, substitutions and declarations of interest**

(12:00)

#### **2 Inquiry into violence against women, domestic abuse, and sexual violence – migrant women: evidence session 4**

12.00–12.45

(Pages 1 – 31)

Deputy Chief Constable Amanda Blakeman, operational lead, Policing in Wales Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) Taskforce

### **BREAK (12:45–13:25)**

#### **3 Inquiry into violence against women, domestic abuse, and sexual violence – migrant women: Ministerial evidence session**

(13.30–14.30)

(Pages 32 – 43)

Jane Hutt, Minister for Social Justice

Eluned Morgan, Minister for Health and Social Services

Julie Morgan, Deputy Minister for Social Services

Alison Plant, Violence Against Women, Domestic Abuse and Sexual Violence Team



Alistair Davey – Deputy Director, Social Services Enabling People

Heather Payne – Senior Medical Officer for Maternal & Child Health

**4 Motion under SO17.42 (iv) and (ix) to exclude the public from items 5 and 9 on the agenda**

**5 Inquiry into violence against women, domestic abuse, and sexual violence – migrant women: consideration of evidence**

(14.30–14.45)

**BREAK (14:45–15:00)**

**6 Social Partnership and Public Procurement (Wales) Bill – evidence session one**

(15.00–16.00)

(Pages 44 – 55)

Richard Tompkins, NHS Employers

Sue Hill, Betsi Cadwaladr UHB

**BREAK (16:00–16:15)**

**7 Social Partnership and Public Procurement (Wales) Bill – evidence session two**

(16:15–17:00)

Geraint Thomas, Temporary Assistant Chief Officer, South Wales Fire and Rescue Service

Helen Rees, Head of Procurement, Mid and West Wales Fire & Rescue Service

Shân Morris, Assistant Chief Officer, North Wales Fire and Rescue Service

## **8 Papers to note**

(17:00)

### **8.1 Letter from Welsh Centre International Affairs regarding Social Partnership and Public Procurement (Wales) Bill**

(Pages 56 – 63)

## **9 Social Partnership and Public Procurement (Wales) Bill: consideration of evidence**

(17:00–17:15)

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# Agenda Item 3

## WRITTEN EVIDENCE PAPER TO THE EQUALITY AND SOCIAL JUSTICE COMMITTEE

**Minister for Social Justice, June 2022**

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I welcome to opportunity to provide information in support of the Committee's inquiry into *Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV): migrant women*.

I have addressed each of the Committee's areas of interest below and look forward to discussing further with the Committee on 27 June.

It may be helpful at the start of this evidence paper to outline separately the Welsh Government's humanitarian response to the war in Ukraine.

### **Ukraine humanitarian response**

There are two parts to the UK Government's Homes for Ukraine visa scheme: the Welsh Government super-sponsor route which means we will sponsor up to 1,000 people from Ukraine in a number of Welcome Centres across Wales. The other part is the individual scheme where over 12,000 households in Wales have applied to host a person or people from Ukraine in their own home.

The super-sponsor scheme provides accommodation and wraparound care and support. People can stay for up to three months before being helped in to social or private rented accommodation. The individual scheme is supported by a range of guidance for local authorities and for host sponsors. Via Welsh Government and to Welsh local authorities, UK Government is providing a £350 per person 'thank you' payment to host sponsors and £200 cash welcome payment to each Ukrainian on arrival.

We are working closely with local authorities, other public services and the Third sector in Wales to deliver our welcome and support to people arriving via the Homes for Ukraine scheme.

We are aware of a range of risks associated with the Homes for Ukraine scheme design. Therefore, included in our guidance is specific advice related to safeguarding children and adults, modern slavery responding to VAWDASV concerns and online safety. The guidance will include information on the Life Fear Free helpline as well as training on recognising and supporting those who have experienced VAWDASV. This is available to both Local Authority staff and sponsors.

### **Migrant women's experiences of violence and the extent to which cultural norms and practices contributes to VAWDASV (e.g. FGM, forced marriage, honour-based abuse).**

There are two pieces of Wales-specific research that contribute to this question: [Uncharted Territory: Violence Against Migrant, Refugee and Asylum Seeking Women in Wales](#) and the SEREDA Project.

The Uncharted Territory report was initially published in 2013 and a [Rapid Review](#) was conducted in 2021. The report looked at the experiences of violence against migrant, refugee and asylum-seeking women in Wales.

Welsh Government officials have contributed to the SEREDA Project which seeks to understand the nature and incidence of sexual and gender-based violence experienced by refugees who have fled conflict and are residing in countries of refuge. The purpose of the report is to outline the findings from interviews with survivors and services providers in Wales to identify current need and provision available. [The Wales specific SEREDA report was published on 24<sup>th</sup> May 2022.](#)

The Uncharted Territory report summarises this issue as follows, ‘Research shows that asylum-seeking, migrant and refugee women face higher levels of violence than native-born women due to a variety of factors, such as age, language barriers, vulnerability, isolation, and poverty. Their vulnerability is exacerbated by their immigration status which may limit their entitlements to support and services’.

The types of violence and abuse experienced by those who took part in the research included domestic abuse (including physical violence, psychological abuse and controlling behaviour), intimate partner violence, sexual violence, ‘honour’-based violence, forced marriage, female genital mutilation and trafficking.

The report quotes research which evidences that, ‘Intimate partner violence has been described as the most common form of interpersonal violence against foreign-born women’<sup>1</sup>. It also states that ‘Asylum-seeking and refugee women are highly likely to have experienced forms of gender-based violence prior to their arrival in the UK, of which the most common form is rape’.

The SEREDA Project states that the kinds of sexual and gender based violence experienced by this group is wide ranging and includes ‘forced and child marriage, FGM [female genital mutilation] or threats of FGM directed at female children, rape within country of origin by individuals or groups, witnessing sexual assault, SGBV [sexual and gender based violence] in transit, pregnancy by rape, death threats associated with sexual identity, sex trafficking and abuse directed at a woman who gave birth to a disabled child. Two men recounted stories of trafficking and modern slavery and one had been subject to a forced marriage to an older woman when he was a child. One man had to flee his country of origin because he had refused to allow his daughters to be cut’.

In relation to the scale of the issue, the SEREDA reports states that, ‘the exact proportion of forced migrants reporting experiences of SGBV remains unknown although it generally exceeds 50% of all women and with under-reporting the norm’<sup>2</sup>. The Uncharted Territory rapid review states that data on the prevalence of VAWDASV experienced by migrants, refugees and asylum seekers is ‘sparse’ and

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<sup>1</sup> Raj, A. and Silverman, J. G. 2003. Immigrant South Asian Women at Greater Risk for Injury from Intimate Partner Violence. American Journal of Public Health 93(3), pp. 435- 437.

<sup>2</sup> (Dorling et al. 2012; Dudhia 2020).



one of the reasons for this at that 'asking about immigration status may actually be a barrier for women and girls accessing the support they need'.

The research shows therefore that migrant women are subject to and experience a wide range of gender based violence and abuse. The Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) Wales Act 2015, recognises and ensures preventative action, protection and the provision of support for victims and survivors of all forms of gender-based abuse and violence. This wide-ranging approach ensures that all victims and survivors are recognised and, as per the requirements of the Act, protected and supported.

The Welsh Government has recently revised its [VAWDASV National Strategy](#) alongside a group of key partner organisations including the police, specialist sector and survivors. The strategy recognises that the impact of VAWDASV is not uniform, affecting different people in different ways and so understanding the equality impact of VAWDASV on an intersectional basis will be vital if we are to address the problem for everyone in Wales.

Cultural differences can affect issues like honour based abuse and violence. The Welsh Government co-chairs the All Wales Honour Based Abuse Leadership Group with BAWSO and the Crown Prosecution Service. The aim of the group is to provide strategic direction for the delivery of measures to address FGM, Forced Marriage and other cultural harms. The Welsh Government also supported Wales's first specialist Women's Wellbeing Clinic which opened in May 2019.

Virginity testing and Hymenoplasty are acts of violence against women and girls and cannot be justified as clinical procedures. The Senedd has given its consent for the UK Government to legislate on its behalf and criminalise virginity testing and hymenoplasty in Wales as part of the Health and Care Act 2022. I am pleased that these abusive and traumatising practices will be criminalised ensuring greater protection for women and girls.

The Welsh Government chairs the Wales Anti-Slavery Leadership Group. This brings together organisations to prevent modern slavery from taking place, to support survivors, and to tackle exploitation in supply chains. The membership of the Wales Anti-Slavery Leadership Group includes third-sector organisations that support asylum-seeking women and victims of VAWDASV, such as Bawso and New Pathways.

**The scope and coverage of specialist services and interventions which are adequately resourced and trained to support survivors from migrant communities, including meeting cultural and linguistic needs.**

The Uncharted territory report identified specialist services as best placed to deliver support to migrant women facing VAWDASV.

The Welsh Government provides significant funding for VAWDASV specialist services. The VAWDASV revenue budget for 2022-2023 is £7.875 million, which

includes an additional allocation of £1.050m to deliver on the Programme for Government commitment to strengthen the VAWDASV strategy to include a focus on violence against women in the street and workplace as well as the home in order to make Wales the safest place in Europe to be a woman.

The Welsh Government funds VAWDASV regions and specialist services to provide invaluable and lifesaving support to all victims of VAWDASV, this includes early intervention, preventative and educational support, perpetrator intervention programmes, Independent Domestic Violence Advocates for high risk victims as well as therapeutic recovery interventions for the ongoing support of those impacted by VAWDASV.

The Welsh Government provides funding to Bawso, a specialist service which provides advice, services and support to black minority ethnic communities and individuals in Wales who are affected by domestic abuse, sexual violence, exploitation, human trafficking, FGM and forced marriage. Bawso provides one to one specialist, holistic and culturally competent support and advocacy and runs support and peer groups for survivors. Bawso also deliver Modern Slavery and Human Trafficking services, part-funded by the Welsh Government, and are subcontracted by the Salvation Army to provide the Home Office's Modern Slavery Victim Care and Coordination Contract in Wales.

The Welsh Government has provided £8,000 of funding for 2022-2023 to the Specialist FGM Service within Cardiff and the Vale University Health Board to further expand the psychological/psychosexual services offered to women who have been affected by FGM.

The Welsh Government's [statutory guidance for Commissioning of VAWDASV Services in Wales](#) promotes high quality collaborative commissioning that delivers more consistent and effective services on a needs-led basis.

This guidance applies to the commissioning of both specialist and non-specialist VAWDASV services, whether commissioned from the public, third or private sectors. The guidance ensures that commissioning considers the specific needs, issues and barriers that may be experienced by people with protected characteristics under the Equality Act 2010, and who may be marginalised or excluded, including women from Black, Asian and Minority Ethnic Communities, migrants, refugees and asylum seekers.

All delivery plans for VAWDASV regions include a specific requirement to provide details on how the region will promote information relating to under-represented groups such as Black, Asian and Minority Ethnic Communities and to outline collaborative arrangements in place for support services in meeting the needs of these communities.

The National Training Framework raises the profile of issues related to violence against women, domestic abuse and sexual violence (VAWDASV) and up-skills the public service to respond more effectively to those experiencing VAWDASV including victims of honour based abuse, FGM and forced marriage.

As of April 2021, over 243,000 people in Wales have accessed training through the National Training Framework. That is 243,000 professionals who are more knowledgeable, more aware and more confident to respond to those experiencing all forms of VAWDASV.

Over the last two years we have funded additional VAWDASV training for professionals across Wales, recognising the need to expand this offer for a larger range of professionals who come into contact with victims and perpetrators in their day to day roles for example those working in housing, education and social care. One such area was additional training for those working with or who may come in to contact with victims of honour based abuse including forced marriage.

The Welsh Government approach to general, regional and specific VAWDASV funding, the statutory guidance as well as our expanding training framework ensure that no matter where a victim lives in Wales, there is a strong public and specialist service ready to help.

The Welsh Government is committed to provided support and protection for all victims and survivors of VAWDASV however I note that the findings of the recent SEREDA report state, 'there is clear evidence that forced migrant SGBV survivors in Wales need additional support'.

**Consideration of the barriers preventing migrant women and girls in Wales from accessing services and additional barriers faced by women with insecure immigration status, or whose immigration status is dependent on a spouse or employer or those who have No Recourse to Public Funds (NRPF).**

The Uncharted Territory report and SEREDA research detail the following barriers preventing migrant women and girls in Wales from accessing services and support:

- Cultural taboos and community pressures
- Lack of specialist support
- A lack of trust in services
- The asylum process generally and more specifically traumatising experiences within their asylum interview
- Lack of access to legal support
- The dispersal of asylum seekers which can break down support networks
- No Recourse to Public Funds
- Fear of deportation
- Language barriers
- A fear of social services removing their children

Refugee, migrant and asylum seeking women fleeing VAWDASV experience particular challenges and hardship and this has been exasperated through the pandemic.

The problems of people with no recourse to public funds is entirely of the UK Governments making. I have long been clear that our 'Nation of Sanctuary' approach sets out Welsh Government values. While immigration is not devolved, we are committed to working with partners within Wales and UK Government to find solutions that can address these inequalities.

The Welsh Government, in collaboration with partners, has established a steering group to review the solutions and support available to those fleeing VAWDASV with No Recourse to Public Funds (NRPF). This group is chaired by the National Advisers for Violence against Women, Gender-based Violence, Domestic Abuse and Sexual Violence.

The Welsh Government welcomes the Home Office Support for Migrant Victims Scheme. This is a £1.5 million pilot scheme which initially ran from April 2021 to March 2022 and aimed to support 500 migrant victims of VAWDASV (75 from Wales) who have NRPF. The scheme is led by Southall Black Sisters and the delivery partner in Wales is Bawso. The Home Office is currently evaluating the pilot but announced that it intends to continue funding the scheme in the interim. The Welsh Government is pleased to see this scheme extended and looks forward to the evaluation report and are working with UK Government colleagues to ensure that it will reflect the feedback from delivery partners which shows the scheme is too restrictive and that the funding is insufficient.

Given the retained powers UK Government has over immigration a Westminster backed scheme has to be the most sustainable way to meet the needs of those who currently have no recourse to public funds and we will continue to press for this.

The Welsh Government is also committed to providing training and guidance on this issue and therefore contracted Citizens Advice Swansea to develop NRPF Guidance for public authorities to ensure they properly understand eligibility for services and support for those with No Recourse to Public Funds.

The guidance will clarify what is meant by 'Public Funds' and what support can be legally provided. It sets out the policy and legislative landscape in Wales, opportunities for provision of support, which is compliant with UK Government legislation, opportunities to support sustainable outcomes for people with NRPF, and reasonable and viable guidance for the Welsh Government, public authorities and the third sector

The guidance has been developed and written in consultation with Wales Strategic Migration Partnership, Welsh Refugee Coalition, and relevant stakeholders in Local Authorities and third sector organisations.

The guidance will be published spring 2022.

The Welsh Government has commissioned 18 half day training sessions for local authority staff to ensure that they are fully up to date with the rights and entitlements of EU Citizens who they may come into contact with. The training will also provide up-to-date information about the rights and entitlements of other migrant groups, including those granted refugee status, those seeking asylum, and those with NRPF.

The training package will provide bespoke training to public facing staff working in public authorities to enable them to:

- Understand the Welsh Government's clear expectation that public authorities will seek to support migrants in the community as far as they are able and within their powers, as a nation of sanctuary;
- Know and understand what services EU Citizens are eligible to receive, and the differences, in terms of entitlements, between those with settled and pre-settled status;
- Know and understand what services other migrants are eligible to receive;
- Respond to queries with up-to-date, knowledgeable advice;
- Know how to make accurate case work decisions;
- Understand how migration status links to UK Government Immigration Acts;
- Recognise the support needs of an individual, regardless of their immigration status, and where the Social Services and Well-being Act may need to be engaged to provide support.

**Whether the Welsh Government could take any steps to mitigate the disproportionate impact UK immigration policy has on survivors in Wales and deliver its aspiration of Wales as a 'Nation of Sanctuary'.**

The Welsh Government is committed to making Wales a Nation of Sanctuary. The Nation of Sanctuary plan contains clear cross-government commitments to reducing the inequalities faced by sanctuary seekers, this includes supporting survivors of violence against women, domestic abuse and sexual violence (VAWDASV). Actions include:

- Revisit the recommendations of the 'Uncharted Territory: Violence against migrant, refugee and asylum-seeking women in Wales' report to ascertain the actions which the Welsh Government could take.
- Work with stakeholders to develop a sustainable model for the provision of funding to specialist VAWDASV services, including those working with asylum seekers and refugees to ensure reliable support.
- Ensure the needs of asylum seekers and refugees are considered within the national VAWDASV communications framework
- Give further consideration to whether the VAWDASV National Training Framework sufficiently addresses the circumstances of refugees and asylum seekers.
- Roll out VAWDASV 'Ask and Act' training to front-line professionals. This training will enhance the enquiries made by professionals suspecting a victim is experiencing any form of VAWDASV.
- Provide advice and support through the 24 hour, 365 days a year Live Fear Free Helpline, which incorporates 'Language Line' support.

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. In 2020, the 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 of the common issues regarding eligibility for local authority support in Wales for individuals who are destitute asylum seekers with no recourse to public funds. It 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.

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”](#), outlining 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.

The pandemic has highlighted the importance of a safe and secure home, and the plight of those who do not have one. Local authorities, supported by Welsh Government, have assisted over 18,900 people into temporary accommodation, including those with NRPF, since March 2020. This inclusive response continues to be in place today and has undoubtedly saved lives.

As we transition out of the pandemic, we are actively exploring the legal position in terms of our ability to provide support to those with NRPF, within the immigration legislative framework set by the UK Government.

The UK Government position on those with NRPF remains unchanged. Welsh Government has written to the UK Government regarding changes required to the legislative framework to ensure everyone can access the public services they need.

Homelessness officials have been closely engaged with the Nation of Sanctuary Plan launched in 2019, with one of the objectives of this plan to reduce or mitigate destitution amongst those who have been refused asylum but are unable to secure refugee status or return to their country of origin.

As part of this, the Welsh Government commissioned a [feasibility study](#) to look into what could be achieved within our devolved powers to identify sustainable outcomes for people in these circumstances.

One outcome from this study was additional funding of £125,000 a year to strengthen and develop existing hosting provision in Cardiff and Swansea by enhancing existing infrastructure and establishment of ‘hosting’ capacity in Newport and Wrexham.

This work is being taken forward as a consortium led by Housing Justice Cymru (HJC) and delivered in partnership with 4 other organisations (Sharetawe, Sharedydd, Home4U and The Gap) who have experience in providing hosting and accommodation for asylum seekers and refugees.

### **The effectiveness of awareness raising campaign and whether these successfully target and raise awareness amongst migrant communities.**

Through our Live Fear Free campaigns, we will continue to raise awareness of all aspects of VAWDASV. These campaigns provide practical advice for those who may be suffering abuse as well as highlighting the support available to enable friends, family and the wider community to recognise abuse and take safe action.

Historically our [Live Fear Free campaigns](#) demonstrate that both victims and perpetrators have diverse characteristics, and they may identify as male, female or non-binary, disabled or non-disabled, young or old, white, black or of any another minority ethnic heritage or from our LGBTQ+ community. You will see these groups represented in our materials supporting our campaigns on our social media channels and on our website

In the coming year, our Call out only campaign will continue to reflect more examples of stalking and harassment experienced by underrepresented groups and those with diverse needs and within further settings such as the workplace and online.

Resources for teachers and educational staff have been developed and circulated via the Hwb network to raise awareness of FGM and the signs that a young girl could be at risk of FGM.

### **The Welsh Government's approach to primary prevention and whether enough effort is being made to stop violence before it occurs by working with key grassroots community and faith groups as well as schools to challenge cultural norms and practices.**

The draft VAWDASV strategy commits to making early intervention and prevention a priority. Whilst support for survivors remains an important part of the Welsh Government's work on VAWDASV, we wish to shift focus from symptom to cause through a public health approach. This approach will ensure a wider societal effect which reduces the chances that people experience VAWDASV in the first place. This includes:

- primary prevention: preventing violence before it occurs
- secondary prevention: responding to violence to minimise harm, improve services and prevent further violence
- tertiary prevention: preventing recidivism and intergenerational cycles of abuse.

Our public health approaches will expose a broad segment of the population to prevention measures and reduce and prevent violence at a population-level. This means we will seek to identify individuals who may become survivors, or perpetrators, of VAWDASV earlier but also we will employ population wide interventions to 'de-normalise' violence, coercive control, and harassment.

Tackling male violence, and the misogyny and gender inequality that lie behind it, are how we will break the cycle and address the root causes of VAWDASV. We must challenge attitudes and change behaviours of those who behave abusively. It is not for women to modify their behaviour, it is for abusers to change theirs.

We will achieve this through funding, awareness raising and education.

As noted above, the Welsh Government funds specialist VAWDASV sector organisations. This includes BAWSO, the leading organisation in Wales that supports VAWDASV survivors of FGM, forced marriage and honour based abuse. BAWSO works with communities with targeted interventions, out-reach and community based services to raise awareness of the impact of this abuse and violence with a view to stopping it before it occurs.

Raising children and young people's awareness of equality, respect and consent is crucial if we are to stop VAWDASV. We want to ensure all children and young people have access to developmentally appropriate, high quality learning that responds to their needs and experiences.

Relationships and Sexuality Education (RSE) is a statutory requirement in the Curriculum for Wales Framework and is mandatory for all learners. Schools and settings have an important role to play in creating safe and empowering environments in supporting learners' rights to enjoy fulfilling, healthy and safe relationships throughout their lives.

RSE will be implemented in primary schools, maintained nursery schools, and non-maintained nursery settings from September 2022.

In September 2020, resources for teachers were developed and circulated via the Hwb network to raise awareness of FGM and the signs that a young girl could be at risk of FGM.

In October 2020, an awareness raising training contract was awarded to Karma Nirvana, a specialist service supporting victims and survivors of honour based abuse, to provide twenty free virtual 'roadshows' to professionals working within Wales to build confidence when challenging honour-based abuse and forced marriage.

We continue to fund Hafan Cymru's Spectrum project, which promotes the importance of healthy relationships and raises awareness of VAWDASV. Spectrum also delivers training for school staff and governors about understanding the impact



of domestic abuse on a child and promotes a whole school approach to tackling domestic abuse.

Within the Welsh Government's 'Programme for Government 2021-2026' there is a commitment to Expand the 'Don't be a Bystander' training and awareness campaigns. Officials are currently scoping and developing a Pan Wales Bystander intervention training initiative that will be delivered to citizens of Wales.

This initiative will include offering training to promote a prosocial and informed bystander intervention programme to the general public that will run alongside our current, established VAWDASV Communication campaigns. This is with the intention of creating genuine and lasting changes in societal attitudes towards VAWDASV.

This training initiative will be a key tool in our commitment to early intervention and prevention of VAWDASV. It will aim to develop individuals' skills to enable safe bystander engagement to prevent or respond to VAWDASV and will support our aim of changing attitudes; creating a culture change and to further promote the unacceptability of all forms of VAWDASV.

Survivor voices are essential to our work and must be heard at the highest level if we are to effectively tackle VAWDASV. That is why we are proposing that a dedicated Survivor Engagement Framework and work stream will form part of the delivery of the refreshed Strategy.

Over the last three years, the Welsh Government has been researching the most effective and safest ways of engaging with survivors of VAWDASV, most recently a dedicated research project on the barriers to those from diverse Communities engaging with Government. Findings from all aspects of research will be considered in any future work within victims and survivors.

# Agenda Item 6

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

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# Agenda Item 8.1



Jenny Rathbone MS  
Chair of Equalities and Social Justice Committee  
Senedd / Welsh Parliament,  
Cardiff Bay,  
Cardiff  
CF99 1SN

17 June 2022

Annwyl Jenny Rathbone MS,

**RE: Committee Discussion on Social Partnership and Procurement (Wales) Bill**

I am writing with regard to your role as Chair of the Equalities and Social Justice Committee and your forthcoming discussion of the Social Partnership and Procurement Bill on Monday 20 June.

Please find enclosed correspondence from WCIA, Size of Wales and the Future Generations Commissioner to Minister Rebecca Evans MS and Deputy Minister Hannah Blythyn MS regarding the omission of global responsibility within the drafted bill.

Wales needs to play its part by changing what it buys, consumes and invests in, since these choices can drive unethical practices and environmental degradation overseas, pushing problems up the supply chain, destroying global habitats and creating social harm.

Ensuring supply chains are fair, ethical and sustainable is important for a number of reasons, including Wales' legislative obligation under the Well-being of Future Generations Act (Wales) 2015 to carry out sustainable development aimed at achieving the well-being goals, one of which is a Globally Responsible Wales.

Wales' well-being is interdependent on the well-being of global supply chains, and planetary, beyond border systems such as biodiversity, carbon emissions and finite planetary resources, these issues have been demonstrated by the recent Ukraine, Covid-19 and Brexit crises.

The forthcoming Behaviour Change Strategy and Net Zero Action plan will call upon the Welsh public and businesses in a team Wales approach to address issues such as biodiversity, carbon emissions and sustainable and fair use of global resources so it is vital that Welsh Government and other public bodies act as role models in their procurement legislation, policies and purchasing decisions.

It is therefore imperative that the forthcoming Social Partnership and Procurement (Wales) Bill, plays its part and is coherent in line with these policy priorities for Welsh Government and public service reform.

We believe that there are several key important considerations to improve the draft legislation.

### **1. Inclusion of ethical and fair, globally responsible procurement in clause 24.1**

Ensuring that ethical and fair procurement, which considers global implications is vital. Wales is known to have strong policy leadership. However, implementation of policy, particularly in procurement, is patchy at best. This has been reported on within the McClelland Review of 2012 *Maximising the impact of Welsh Procurement Policy* and the Future Generations Commissioners' report *Procuring Well-Being in Wales 2021*.

### **2. Policy leadership alone cannot drive purchasing and policy changes across public sector**

While policies in Wales are excellent the implementation and practice of procurement in Wales falls short. There is too much reliance on historic practices and dominance of lowest price over whole-life costings and broader community benefits. A Freedom of Information request highlighted that Value Wales' procurement staff had not received training in the previous two years. Moreover, best practice is to have a procurement officer for each £15million of public fund expenditure, but Wales had 173 too few procurement officers. These two issues demonstrate the challenges to be overcome in the modification of procurement actions, behaviours and outcomes within public bodies.

### **3. Legislation is needed to provide clear strategic and legislative structure for Procurers**

Wales' procurement officers currently interpret guidance on the scope for social and environmental criteria in a conservative way. There is a **sensitisation and staff training** effort needed plus a **macro analysis** to support procurement officers understanding of how public body activities and consumption can have both negative and positive global impacts. Due to these issues, procurers' do not have the confidence, capacity, creativity or competence needed to tender, score and award contracts transparently using sustainable criteria to deliver horizontal policies (such as anti-poverty projects to stimulate local livelihoods and natural resource management) through procurement. These needs could be addressed through support in the implementation of this Social Partnership and Procurement (Wales) Bill.

### **4. Analysis of our global impacts is needed to stimulate change and local alternatives**

Analysis of our potential and actual global impacts through our procurement can also promote local, sustainable alternatives that can lead to a more prosperous Wales.

73% of all tropical deforestation is caused by the production of just a handful of agricultural products – that we buy, use and consume in Wales every day. These included beef, soy, palm oil, coffee, cacao, timber, paper and pulp. Wales imports significant quantities of these commodities which are linked to deforestation, land conversion and negative social impacts such as child and forced labour and abuse of Indigenous Peoples’ rights. For example, we can reduce our use of soy by growing more locally sourced proteins for animal feeds.

## **5. Ethical and sustainable certifications can be used to deliver global responsibility**

There are many established certifications to support ethical and sustainable purchasing on the global market (**Fairtrade, FSC, MSC, Electronics Watch, Organic, etc**) and can be used without fear of litigation within procurement processes to protect public bodies from the worst human and environmental abuses within the supply chain. For example, palm and soy are the biggest drivers of unsustainable clearing of tropical forests if grown irresponsibly and are in most mass-produced alimentary products. Such ethical and sustainability benefits need to be clearly articulated within tendering documents and form part of the contract management to achieve a shift and positive contribution towards global well-being. Recording data on these purchasing commitments will provide a clear route to evidence our positive impacts also.

## **6. Opportunity to lead the way**

Our world-leading Future Generations Act places a duty on all public bodies to consider the seven goals in any action as they deliver sustainable development, including thinking about impact beyond our borders. If this draft bill omits any explicit regard to these responsibilities to future generations and global sustainability, then there is a risk of undermining the intentions of the Act.

Similarly, Wales prides itself on being the world’s first Fair Trade Nation and has committed, at COP26, to becoming a deforestation free nation. If fair and ethical practices aren’t considered throughout the supply chain during procurement, these commitments will remain unmet, and will mean Wales will continue to contribute to social and environmental harms, such as the deforestation and exploitation of workers caused by Welsh imports of cocoa, beef and soy ([Buckland Jones et al, 2021](#)). Certifications such as Fairtrade ensure fair conditions for producers, protection for the environment and wider community benefits.

## **7. Wales risks being left behind**

With an annual procurement spend of £6.3 billion, the Welsh public sector has a huge role to play in helping to drive responsible consumption and production. Ignoring these issues now, would mean that Wales risks being left behind as other nations are actively bringing legislation on this topic. France has policy on deforestation free procurement, California has a bill being considered by their Assembly and the United States are also drawing up legislation.

Public procurement is a global issue and should not be omitted from either the context or the content of this Bill. We would welcome the opportunity to discuss further any of these issues and opportunities with you.

Cofion cynnes



Susie Ventris-Field

Chief Executive

Welsh Centre for International Affairs



Barbara Davies-Quy

Deputy Director

Size of Wales

**CC** Equalities and Social Justice Committee Members, Substitutes & staff

Sophie Howe, Future Generations Commissioner for Wales

Julie James MS, Minister for Climate Change

Lee Waters MS, Deputy Minister for Climate Change

**Encs** Copy of letter sent to Minister Rebecca Evans and Deputy Minister Hannah Blythyn 19/4/22

19th April 2022

Dear Minister Rebecca Evans and Deputy Minister Hannah Blythyn,

**RE: Global Responsibility within the Social Partnership and Procurement Bill**

At COP26, Size of Wales in partnership with WWF Cymru and RPSB Cymru publicly launched the report [“Wales and Global Responsibility: Addressing Wales’ overseas land footprint”](#). The report highlighted that an area nearly half the size of Wales was required overseas to grow Welsh imports of cocoa, palm, beef, leather, natural rubber, soy, timber, pulp and paper in an average year between 2011- 2018, causing deforestation, habitat conversion, greenhouse gas emissions, and risking exploitative practices such as forced labour and abuse of Indigenous Peoples rights (see annex 1 for summary).

Wales needs to play its part by changing what it buys, consumes and invests in, since these choices can drive unethical practices and environmental degradation overseas, pushing problems up the supply chain, destroying global habitats and creating social problems. Ensuring supply chains are fair, ethical and sustainable is important for a number of reasons, including Wales’ legislative obligation under the Well-being of Future Generations Act (Wales) 2015 to carry out sustainable development aimed at achieving the well-being goals, one of which is a *Globally Responsible Wales*.

Wales has a responsibility to consider how its practices impact global habitats, human rights, working conditions, child labour and environmental harm. This can also be considered an opportunity to demonstrate global leadership towards driving sustainability across commodity supply chains around the world. As part of the External Reference Group developing the Future Generations Act, the Welsh Centre for International Affairs (WCIA) supported and advised the civil servants throughout its development. We all now champion the globally responsible goal which is the most complex for public bodies to comprehend how to apply into its procurement policies (WWF/Welsh Government 2018), and where there is known inconsistency between policy and practice (see annex 2 for summary).

We welcome the public commitment made by Welsh Government at COP26 to take action to eliminate Wales’ overseas deforestation footprint, starting by looking at Welsh Government’s procurement policy. Now is the time to ensure these commitments are supported by action.

There is a pressing need for Welsh Government to state how they are procuring well-being, particularly addressing the climate and nature emergencies given procurement makes a significant contribution to our carbon footprint as well as use of natural resources.

As outlined in the Future Generations Commissioner for Wales’ “Procuring well-being in Wales” Report urgent action is needed to address the lack of communication and integration between different Welsh Government priorities, alongside lack of support available for public bodies to ensure these are implemented effectively on the ground. Action taken by Welsh Government to address Wales’ overseas land footprint would contribute towards the Well-being Goal ‘A Globally Responsible Wales’, as well as meeting the “Procuring well-being in Wales” recommendation to “to meet carbon emission targets every public body should set out clearly how they have considered the carbon impact of their procurement decisions and in the case of construction or infrastructure contracts should clearly require schemes to be net-zero carbon over their lifetime”.

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We are keen to work with you to see how these commitments can be put into practice and feed into public sector procurement practices and reflected in the draft Social Partnership and

Procurement Bill. Size of Wales has produced a [toolkit](#) to support public sector bodies to eliminate overseas deforestation from their supply chains. We have also established good relationships with representatives from the French Ministry of Ecological Transition and the Californian State Assembly who are also working on deforestation free procurement policies, so are in a good position to share learning between governments on this topic.

We would be very grateful if we could have a meeting to discuss these priorities and work together to make Wales a globally responsible nation that takes the climate and nature crisis seriously.

Yours sincerely,



Sophie Howe  
Future Generations Commissioner



Susie Ventris-Field  
Chief Executive, WCIA



Barbara Davies-Quy  
Deputy Director, Size of Wales



## **Annex 1 – Key statistics from Wales and Global Responsibility report**

- An area equivalent to 40% of the size of Wales (823,000 hectares) was required overseas to grow Welsh imports of cocoa, palm, beef, leather, natural rubber, soy, timber, pulp and paper in an average year between 2011-2018.
- 30% of the land used to grow Welsh imports of commodities is in countries categorised high or very high-risk for social and deforestation issues. This means commodity supply chains supplying Wales in these countries risk deforestation, conversion of natural ecosystems and/or social issues, such as child or forced labour
- Palm is the commodity most likely to come from high or very high-risk countries for deforestation and/or social issues, followed by soy. 84% and 73% of the land area used respectively to grow these commodities abroad for Welsh imports are in countries that are high or very high-risk.
- The GHG emissions associated with the conversion of natural ecosystems and changes in land cover for the production of Welsh imports of soy, cocoa, palm and natural rubber total 1.5 million tonnes of CO<sub>2</sub>e each year. This is equivalent to 4% of Wales' total estimated domestic and imported goods carbon footprint, or 22% of the GHG emissions from transport in Wales.
- In high and very high-risk countries from which Wales is importing commodities, there are 2,800 species threatened with extinction, including orangutan populations in Sumatra and wild cat populations in South America, such as the northern tiger.
- Wales' largest land footprint is in the USA (71,000 hectares), where significant imports of soy, timber, pulp and paper originate. It also has a significant land footprint in Brazil (54,000 hectares), mainly from soy and beef imports.

## Public Procurement is a Global Issue

**Procurement can become a vehicle for Welsh Government to deliver Social Partnerships and the Well-Being and Future Generations Act.** The benefit of making procurement decisions specifically subject to considerations of global environmental, social, cultural and economic wellbeing is the **potential to have substantial impact beyond the public sector, through positive stimulation of the supply chain, local livelihoods and civil society opportunities worldwide.** Such a commitment would issue a powerful statement that doing business with Wales and in Wales means adopting a globally responsible and sustainable approach to delivering public services, goods and works contracts.

While the Social Partnership and Public Procurement Bill does not specifically refer to Global Responsibility, the socially responsible procurement duty being introduced through the Bill refers to a contribution towards the WFG Act (and National well-being Goals), including a Globally Responsible Wales. The Welsh Audit Office Reports of 2010 and 2017 highlight the absence of values in financial decision making as an issue within Wales. Public bodies (at national and local level) “*face challenges balancing potentially competing procurement priorities, such as responding to new policy, legislation and technology, and in the recruitment and retention of key personnel*”. **The Future Generations Commissioner has found that decisions are based on processes, and not outcomes.** Essentially, global responsibility, and values around sustainability and partnership ways of working could be strengthened to complement each other in a refreshed way of procuring through the developing bill.

**Wales’ procurement officers** currently interpret guidance on the scope for social and environmental criteria in a most **conservative way**. Prof Morgan from Cardiff University’s research has been discussed by the Senedd and highlights that **procurers do not have the confidence, capacity, creativity or competence** needed to tender, score and award contracts transparently using sustainable criteria **to deliver horizontal policies** (such as anti-poverty projects to stimulate local livelihoods and natural resource management) through procurement.

**Legislation binding global responsibility further to procurement is what is needed to provide a clear enabling framework to deliver sustainable outcomes in Wales and to meet our global responsibility goal.** Legislation provides the duty and high-level transparency alongside providing the clear direction that is needed to enable procurers to demonstrate leadership and tender effectively within changing legislative structures.

The McClelland Review (2012), *Maximising the Impact of Welsh Procurement Policy*, concluded that while policy development was outstanding, “*policy acceptance, deployment and implementation is not consistent across the public sector*”. This situation continues as highlighted by the Future Generations Commissioner’s report of 2021, *Procuring Well-Being in Wales*, which highlights that there is too much focus on cost versus outcomes, that procurement can be treated as a transactional process, and transformative opportunities are being missed.

**The Bill presents a fantastic opportunity to bring together global responsibility as part of the approach to social partnerships.** At this stage, Welsh Government should consider how outcomes will be measured and monitored and how the Bill will be successfully implemented and joined up with Welsh Government priorities. This would continue to demonstrate leadership, delivering sustainable social partnerships in Wales and beyond for current and future generations to enjoy enhanced stimulation of livelihoods, natural resource management and cultural engagement.