

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

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Meeting Venue:	For further information contact:
Committee Rooms 1 & 2 (Senedd)	Rhys Morgan
Meeting date: 15 May 2023	Committee Clerk
Meeting time: 10.35	0300 200 6565
	<a href="mailto:SeneddEquality@senedd.wales">SeneddEquality@senedd.wales</a>

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### **Pre-meeting registration: (10:20–10:35)**

- 1 Introductions, apologies, substitutions and declarations of interest**  
(10:35)
- 2 Papers to note**  
(10:35)
  - 2.1 Correspondence from the British Medical Association (Cymru) to the Chair regarding data justice**  
(Pages 1 – 4)
  - 2.2 Correspondence between the Minister for Climate Change and the Chair regarding the Warm Homes Programme**  
(Pages 5 – 7)
  - 2.3 Correspondence from the Children's Commissioner to the Chair regarding the Committee's recent report: 60% – Giving them a voice: Speech, language and communication needs in the youth justice system**  
(Page 8)
  - 2.4 Correspondence between the Legislation, Justice and Constitution Committee and the Minister for Social Justice regarding the Legislative Consent Memorandum: Protection from Sex-based Harassment in Public Bill**  
(Pages 9 – 11)



**2.5 Correspondence between the Future Generations Commissioner and the Chair regarding scrutiny of the Future Generations Commissioner**

(Pages 12 – 19)

**3 Motion under SO17.42 (vi) and (ix) to exclude the public for the remainder of the meeting**

(10:35)

**Break (10:35– 11:00)**

**4 The public health approach to preventing gender-based violence: advisory group**

(11:00–13:00)

(Pages 20 – 50)

**Lunch break (13:00 – 14:00)**

**5 The public health approach to preventing gender-based violence: consideration of evidence**

(14:00– 14:20)

**6 Legislative Consent Memorandum: Protection from Sex-based Harassment in Public – consideration of approach**

(14:20– 14:35)

(Pages 51 – 57)

**7 Legislative Consent Memorandum: Illegal Migration Bill – consideration of approach**

(14:35–15:00)

(Pages 58 – 76)

## Equality and Social Justice Committee

Senedd Cymru  
Cardiff Bay  
Cardiff CF99 1SN

20 April 2023

## Data justice and use of personal data in the Welsh NHS

Dear Chair

GPC Wales, the representative body for general practitioners in Wales, are very interested in the committee's short inquiry on personal data in NHS Wales. We welcome your interest and work in this developing area and would like to provide the committee with an insight as to the complexities and risks on this important matter from a GP perspective.

Firstly, I would like to make clear that we are wholly aligned with the theoretical concept of safe and legal access for patients to their own medical information. The GP record is widely acknowledged to be the most consistent and life-long patient record in the health sector.

### 1. Current situation regarding Data access

Patients can currently access a limited dataset of their medical records - potentially including Medication data, summaries of conditions and other functionality like appointment booking - via MyHealthOnline (MHOL) or the NHS Wales App, if their practice is part of the ongoing beta testing stage.

They can obtain their full medical record via Subject Access Requests (SAR) under GDPR. GPs have 28 days (or 84 in complex cases) to comply with SAR requests.

However, there are challenges with this as the all-encompassing GP record often contains data which needs removal or redaction.

### Cyfarwyddwr Cenedlaethol (Cymru)/National director (Wales):

Rachel Podolak

Cofrestrwyd yn Gwmni Cyfyngedig trwy Warant. Rhif Cofrestredig: 8848 Lloegr  
Swyddfa gofrestrdig: BMA House, Tavistock Square, Llundain, WC1H 9JP.  
Rhestrwyd yn Undeb Llafur o dan Ddeddf Undebau Llafur a Chysylltiadau Llafur 1974.  
Registered as a Company limited by Guarantee. Registered No. 8848 England.  
Registered office: BMA House, Tavistock Square, London, WC1H 9JP.  
Listed as a Trade Union under the Trade Union and Labour Relations Act 1974.



It is not uncommon to find data within a patient's record which might breach the data rights of third parties, for example:

- misfiled documents
- references to family members or neighbours
- telephone numbers of relatives
- complex child protection documents containing lots of third-party data, often of a highly sensitive nature.

Before GPs can share these data with the data subject (i.e., the patient) they must ensure that all third-party references are redacted or removed (in the case of a misfiled document). Redaction is currently largely manual and incredibly labour intensive – with many GPs personally having spent hours redacting single instances of multi-volume records in response to SAR requests.

This results in GPs often being required to use valuable time for these tasks that could otherwise be used for delivering direct patient care.

## 2. GP data controller role and potential sanctions

Under GDPR regulations, GP partners (who hold GMS contracts) are considered as the data controllers for any data that they hold about their patients<sup>1</sup>.

Therefore, if GPs breach GDPR regulations they are **personally liable** to be reported to the Information Commissioner's Office (ICO) who can investigate and sanction. The potential sanctions from the ICO range from advice, public criticism, and ultimately financial sanction, of which the current maximum levy is **30million Euro or 10% of annual turnover**. As this is a criminal levy, GPs are unable to gain indemnity insurance for this through the state-backed General Medical Practice Indemnity (GMPI) scheme or the Medical Defence Organisations. Therefore, while breaches of GDPR may be a low-level occurrence risk prospect, they would have catastrophic potential for individuals and practices- and ultimately patients- with personal bankruptcy and collapse of practices being very real prospects

GPs must of course also consider the Common Law Duty of Confidentiality.

GPs need to be sure that only the patient themselves can access the record via appropriate safeguards. If not, GPs face regulatory risk from the GMC. Family member access for sensitive information would be highly difficult to grant given these obstacles.

## 3. What needs to be in place to proceed with safe patient-level record access in Wales?

It is our view that plans for full record access would probably have to be on an 'OPT-IN' and informed consent-based model, itself probably highly labour-intensive.

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<sup>1</sup> See also BMA guidance 'GPs as data controllers under the General Data Protection Regulation' (March 2018) [www.bma.org.uk/media/1827/bma-gps-as-data-controllers-under-gdpr-november-2019.pdf](http://www.bma.org.uk/media/1827/bma-gps-as-data-controllers-under-gdpr-november-2019.pdf)

GPC Wales would therefore require the following to comply with wider patient-level records access:

- Support and resource to redact (prior to GDPR, SARs were chargeable which mitigated this)
- Effective technological solutions on redaction to reduce this burden (this is still a long way off, with similar schemes being proposed in NHS England more than four years ago but still not having been delivered)
- Legal change to remove the risk under GDPR (this is no less complex post-Brexit)
- Information Governance reassurance around properly authenticated access to the NHS app
- Opt-in consent to engage with resourced time to discuss ramifications

If all the above were granted, a staged approach of patient data access would still be necessary to satisfy the risk concerns of data controllers. One potential starting point would be with prospective records (i.e., those going forward) only being accessed initially.

Much of the data which would be available to patients is extremely complex and often requires a medical degree or training to appropriately interpret it. Access to such data without the appropriate knowledge or support can, in our experience, often result in additional concern and anxiety for patients. This is a very real outcome which should be considered as part of any further action in this area. We are reassured that the NHS Wales app, currently in public beta testing phase, will only proceed with summary record access once a GP practice has enabled the functionality. We strongly advise that only summary and coded data including vaccinations, would be in scope for the NHS Wales app until all these issues are addressed to our full satisfaction before allowing full record access.

#### 4. What is happening in England?

In England, the multi-year GP contract signed in 2019 included a clause to turn on patient access to records via the NHS England app from 1 November 2022 on the promise that redaction software would be in place.

This technological solution has not yet become available, but NHS England has proceeded with the mass switch on despite the major concerns of practices, LMCs and GPC England.

The outcome has been that many GPs in England have chosen to delay their involvement at this stage as they do not feel ready. The BMA has recently [issued guidance](#) on how to do this.

**Lessons can be learnt from England, and therefore any actions in Wales must see GPs being part of the process so that they feel confident and ready to support these changes.**

## 5. Data use for Health and Social care planning

Finally, sharing patient level data is going to be vital in ensuring a data led planning process for NHS and Social Care in the future. Developments such as the **National Data Resource** (NDR) and the SAIL databank are welcome in acting as a repository to enable efficient and accurate planning and research to take place. This can only function when confidential patient data is shared and linked to other data sets in Primary Care, Secondary care, and Social Care.

This requires data governance and safety to be engineered into the process from the outset and an honest debate with the public held so they are aware their medical records will be used for this purpose with safeguards and individual confidentiality maintained.

To date, SAIL has demonstrated itself to be a trusted research environment with effective safeguards and processes allowing safe access to data, leading to high levels of GP practice engagement. However, GPs have seen little tangible use of SAIL to benefit their populations directly given that level of engagement to date. **This should be addressed by Welsh Government (as the funding body) to mandate usage for NHS planning purposes where necessary.**

The processes to use these data sources for the NDR are being developed. However, to date we feel that progress has been made without the commensurate Information Governance Safeguards and necessary legal changes to satisfy GPC Wales that the risks to GPs in sharing data have been sufficiently mitigated.

**The need to override the Common Law Duty of Confidentiality for GPs as data controllers needs to be lawful and explicit, as without this, attempts to enable data sharing from Primary Care are doomed to fail.**

**This also in our view requires a large-scale information campaign and consultation process with the Welsh public, similar to that undertaken during the presumed consent Organ Donation changes. We feel it is of similar importance and of similar transformational value to the NHS in the longer term.**

Should the committee require any further information or feedback on this matter either now or in the future, GPC Wales remains ready and willing to support your work.

Yours sincerely



**Dr Ian Harris**  
Deputy Chair,  
General Practitioners Committee Wales

Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change

Ein cyf/Our ref: JJ/PO/127/2023

Jenny Rathbone MS  
Chair  
Equality and Social Justice Committee  
Welsh Parliament

26 April 2023

Dear Jenny,

Thank you for your letter of 31 March, seeking clarification on the Warm Homes Programme and our efforts to tackle fuel poverty.

I expect to procure a new, demand led scheme which tackles both the climate emergency and fuel poverty before the end of the calendar year. This will enable the new scheme to be awarded late autumn and mobilised over the winter with delivery expected to be achievable from late winter. I have further extended the current Nest contract to the end of March 2024 to ensure there will be no gap in provision between the new and existing programmes.

My officials have provided me with a suite of documents including a policy statement, which will inform the detailed design of the programme. I expect to publish these soon and that the policy statement will provide more clarity.

On the matter of regulations, I expect to lay amended legislation for the Senedd's consideration this summer.

Finally, the fuel poverty action plan actions largely remain extant, and my intent is to take the opportunity to cohere fuel poverty action with broader actions to tackle poverty across Welsh Government. A revised child poverty strategy is due in the autumn.

Yours sincerely,



Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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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.

Julie James MS  
Minister for Climate Change

31 March 2023

Dear Julie,

### Fuel Poverty and the Warm Homes Programme

The future of the Warm Homes Programme (WHP) and Welsh Government efforts to tackle fuel poverty are of considerable interest to our Committee and to the stakeholders we engage with.

The cost of living crisis fuelled by the exponential rise in heating bills implications for household finances requires urgent action to insulate as many homes as possible before next winter. The Arbed programme ended in November 2021 and the Nest scheme is due to cease at the end of this month. So we are struggling to understand how you intend to ensure that there is no gap in provision of energy efficiency measures for fuel poor households in Wales. We are deeply concerned by the ongoing lack of clarity regarding the future of the scheme and the failure to set out a clear timetable for the successor.

We would therefore welcome a response to the following:

- When will the next Warm Homes Programme commence? What is the anticipated start date?
- When will the WHP's Nest scheme cease? Has Nest been extended beyond its original end date of March 2023?
- Will there be a gap in provision of support for energy efficiency to fuel poor households? How will you mitigate the impact of this gap over the summer months?
- When will you publish the revised fuel poverty action plan (your response to recommendation 2 of our report indicated "in 2023")?
- During the Business Statement on 21 March 2023 the Trefnydd confirmed that you would be bringing forward a statement on the scheme "before the end of the summer term". Will this statement include final details of the next iteration of the WHP including a clear indication on how quickly the plan can be implemented? If not, please can we have a



precise date for bringing forward regulations to create the next iteration of the Warm Homes Programme?

Despite the worst of the cold weather for winter 2022-23 being behind us, the outlook for many households remains challenging. It is vital that we are in a position to help support as many households as possible with energy efficiency measures in the coming months ahead of next winter. We therefore urge you to clarify the Welsh Government's intentions in that regard.

I would welcome a response by the beginning of the Summer term i.e. 24 April 2023. I am copying this letter to the Chair of the Climate Change, Environment and Infrastructure Committee and the Minister for Social Justice.

Yours sincerely,

A handwritten signature in black ink on a light-colored background. The signature reads "Jenny Rathbone" in a cursive, flowing script.

**Jenny Rathbone MS**

Chair, Equality and Social Justice Committee

# Agenda Item 2.3

Comisiynydd  
Plant Cymru  
Children's  
Commissioner  
for Wales

To: Jenny Rathbone MS

Chair, Equality and  
Social Justice  
Committee  
Senedd Cymru

Via email only

03 May 2023

Dear Jenny,

Thank you for your letter highlighting the Committee's recent report considering young people, speech and language needs and the criminal justice system. I would like to thank you and the committee for shining a light on this important issue.

We would not wish to duplicate your work in responding to this issue, but we would be willing to write to the youth justice board and / or regional partnership boards to share the gaps your report highlights, if the committee has not already done so. The issues the committee raises chime with my office's *No Wrong Door* reports from 2020 and 2022.

I look forward to reading the Welsh Government's response to your recommendations.

As part of our refreshed engagement strategy, we will continue to engage with children and young people in or at risk of entering the youth justice system, ensuring that they know about their rights, and taking up any issues raised with us by them or those adults who care for them.

Kind regards



Rocio

Rocio Cifuentes MBE

Comisiynydd Plant Cymru  
Children's Commissioner for Wales



Tŷ Llewellyn/Llewellyn House  
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Croesawn ohebiaeth yn y Gymraeg yn ogystal â'r Saesneg ac mewn amryw o fformatau  
We welcome correspondence in the medium of Welsh and English as well as alternative formats

Jane Hutt MS  
Minister for Social Justice and Chief Whip

3 May 2023

Dear Jane

### Legislative Consent Memorandum: Protection from Sex-based Harassment in Public Bill

You will be aware that my Committee has been asked to consider the Welsh Government's Legislative Consent Memorandum on the Protection from Sex-based Harassment in Public Bill; we began our consideration at our meeting this week.

We noted that at paragraphs 24 and 25 of the Memorandum you state:

*"The Home Office has offered a Memorandum of Understanding for the use of the commencement powers in Clause 4 (only insofar as it relates to the commencement of clauses 1 and 3), whereby the UK Government and the Devolved Governments agree to a timetable for the Secretary of State to make regulations to commence the relevant provisions in the Bill. In this context, while this is a devolved area, the Welsh Government is content for the Bill to make provision for Wales and for the Secretary of State to retain the commencement powers.*

*A copy of the Memorandum of Understanding with the UK Government on the use of the commencement powers within clause 4 of the Bill will be made available to the Legislation, Justice and Constitution Committee."*

We have not yet received a copy of the Memorandum of Understanding (MoU) referred to in these paragraphs of the Memorandum.

Given our reporting deadline on the Memorandum is 18 May, I would be grateful to receive a copy of the MoU by the morning of Wednesday 10 May.

I am copying this letter to the Equality and Social Justice Committee, to which the Memorandum has also been referred.

Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies  
Chair



Jane Hutt AS/MS  
Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip  
Minister for Social Justice and Chief Whip



Llywodraeth Cymru  
Welsh Government

Huw Irranca-Davies MS  
Chair of the Legislation, Justice and Constitution Committee

09 May 2023

Dear Huw,

Thank you for your letter regarding the Memorandum of Understanding (MoU) relating to the commencement powers for the Protection from Sex-Based Harassment in Public Bill.

I am grateful for your consideration of this Bill and the resultant LCM. Creating an offence for those that perpetrate sex-based harassment in our streets and public places will ensure women and girls are afforded the right level of protection but will also signal that such behaviour will not be tolerated.

In line with updated information on the scheduling of this Bill in the Lords, the Senedd's Business Committee extended the reporting deadline for considering the LCM to 8<sup>th</sup> June. Officials are currently working on the wording of the MoU to ensure the Welsh Government is able to agree to a timetable for the Secretary of State to make regulations to commence the relevant provisions in the Bill. This will be made available to you at the earliest opportunity and in advance of the revised deadline.

Women and girls' safety from abuse, both in public and private spaces, is a priority for the Welsh Government. Our Programme for Government committed to expanding the Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) strategy to include harassment and abuse 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 strategy was published in May 2022 and can be found here: [Violence against women, domestic abuse and sexual violence: strategy 2022 to 2026 \[HTML\] | GOV.WALES](#).

Women and girls should be safe in all aspects of their lives, including public places, and this piece of legislation is only one part of our ambition to achieve this aim.

**Jane Hutt AS/MS**  
**Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip**  
**Minister for Social Justice and Chief Whip**

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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.

# Agenda Item 2.5



Comisiynydd  
**Cenedlaethau'r  
Dyfodol**  
Cymru

**Future  
Generations**  
Commissioner  
for Wales

By email

24/04/23

Dear Jenny,

Thank you very much for your letter dated 23<sup>rd</sup> March 2023. I appreciate you writing to provide me with further detail on the points you raised as part of the scrutiny process.

## **Transparency**

The point you make about transparency and scrutiny is an important one. I want to be transparent about the meetings I have with Welsh Ministers and Welsh Government officials. Like you, I am eager to prevent this process becoming overly bureaucratic. My colleagues have already been speaking to officials at Welsh Government about how we do that. This matter is still under discussion. However, I want to assure you that I do plan to record my meetings and communications with Welsh Government Ministers, and I will publish this record on my website. I have included a table in Annexe A which provides you with information about the Ministerial meetings I have held since starting in post on 1<sup>st</sup> March.

In your letter you refer to a perception that too much of the Office of the Future Generations Commissioner's time is dedicated to supporting the Welsh Government to the detriment of other public bodies. This is something I will pay close attention to. However, I must say, on the evidence of the last few weeks this has not been my impression. I have witnessed a great deal of work being done to support the whole range of public bodies. For example, my team are currently providing a significant amount of advice and assistance to PSBs to support them through the second cycle of well-being planning, culminating in them publishing their new well-being plans in May 2023. (More detailed information about the process and our role in it, is set out in Annexe B below).

In prioritising my own time, I have ensured that I meet with a wide range of public bodies. On my first day as Commissioner, I wrote to all public bodies and Public Services Boards to invite them to meet with me, to discuss our joint needs and work programmes. My first meetings were with the National Museum Wales and Natural Resources Wales. Since

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Future Generations Commissioner for Wales  
Tramshed Tech, Pendyris Street  
Cardiff, CF11 6BH  
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[futuregenerations.wales](http://futuregenerations.wales)

starting my role, I have met with 26 public bodies, 2 Public Services Boards and senior representatives of Corporate Joint Committees. Further meetings have been scheduled. In annexe C I have provided a list of the public bodies that I have met with in the last few weeks.

### **Vision and approach**

These meetings and engagements are an important part of the [‘Our Future Focus’](#) process that I have launched. I am taking the opportunity to refresh our approach to what we do and to set out new areas of focus. I want to build on the success of the last seven years and put an even greater focus on implementation. The Future Focus exercise will help us take decisions about how we can most effectively allocate our time and resources to have the biggest impact for the well-being of current and future generations. This will be the beginning of an ongoing process of involvement leading up to the next Future Generations Report (2025) and beyond. I am planning to launch my new priorities in the Autumn. I look forward to discussing these priorities and performance indicators with the Committee in due course.

The conversations so far with CEOs and leaders across Wales have centred on the importance of continued support of my dedicated public bodies team and to accelerate the assistance to public bodies with the practical resources to deepen implementation of the Well-being of Future Generations Act. I look forward to continuing my conversations with public bodies over the coming months as I develop my work programme. I will also continue the valuable conversations I am having with those outside the public sector, including young people, voluntary organisations, academia and the private sector.

My team are also working closely with Welsh Government to prepare the new public bodies who will join the Well-being of Future Generations Act from April 2024. As well as meeting with the CEOs and Chairs of these bodies myself, this work includes assigning a public body lead contact to the additional bodies to establish relationships, providing initial support through sharing our resources and providing advice and guidance on their work to implement the Act thus far. We are also developing a training programme to further support them and other public bodies and stakeholder to implement and embed the Act.

### **Future engagement**

I would like to continue the constructive engagement that took place between my predecessor and the Committee. I look forward to strengthening that engagement in the years ahead. I am currently in the process of reaching out to all Committee Chairs to request a meeting, as part of a series of introductory meetings within my first 6 months.

Finally, I would like to take up your offer to meet informally with Members of the Committee, which would be a good opportunity to discuss my emerging work programme with you.

Yours sincerely,



Derek Walker  
Future Generations Commissioner for Wales



## ANNEXE A: Welsh Government

Ministerial meetings since 1<sup>st</sup> March 2023 include:

Minister	Date	Topics of discussion
Rebecca Evans MS	20/03/2023	Introductory, Welsh Government Budget, Academi Wales
Mark Drakeford MS	22/03/2023	Introductory, Section 20 Review,
Lesley Griffiths MS	29/03/2023	Introductory, Rivers, Agriculture Bill
Hannah Blythyn MS	30/03/2023	Introductory, Social Partnership and Procurement Bill

## ANNEXE B: Public Services Boards

### Well-being assessments

- PSBs published their second well-being assessments in May 2022.
- In March 2021, we sent a joint letter to all PSBs signed by the Commissioner and Welsh Minister, setting out what we expected to see in the assessments.
- We focused on developing a 'constructive and consistent' relationship with PSBs, as recommended by the Public Accounts Committee.
- We provided detailed advice to PSBs on these between December 2021 and April 2022. This included individual letters sent to each PSB focussing on what was good and areas that could be further developed.
- We worked closely with key partners including Welsh Government, NRW, Public Health Wales, WCPP, Welsh Language Commissioner and others.
- In June 2022, we published an [overarching report](#) assessing policy, process, good practice, current challenges and a comparison between 2017 and 2022 assessments.
- Approach well received by PSBs.

### Well-being plans: statutory advice period with OFGC

- In 2022, each PSB triggered the statutory 14-week advice period with our office (between June and December 2022).
- We took an iterative approach, working with and meeting the PSBs throughout the advice period.



- Issued advice at the end of the 14 weeks, summarising the discussions and topics explored. Strong focus on the five ways of working, but also on topics and themes.
- Approach well received by PSBs, e.g. *"We have found it a more constructive process this time around and feel the approach taken has developed a stronger relationship between ourselves and your team."* Vale of Glamorgan PSB.
- Continued collaboration with key partners, incorporating key messages into our advice.

#### Well-being plans: public consultations

- All PSBs publicly consult on their draft well-being plans, for a minimum of 12 weeks.
- Between January and March 2023, we provided our statutory advice to PSBs on their public consultations, building on the work we'd done with them to date.

Final well-being plans will be published in May 2023.

### **ANNEXE C: Public Sector Meetings (Since 1<sup>st</sup> March 2023)**

#### Public Bodies

- Amgueddfa Cymru
- Arts Council for Wales
- Betsi Cadwaladr University Health Board
- Bridgend County Borough Council
- Caerphilly County Borough Council
- Cardiff County Borough Council
- Cardiff and Vale University Health Board
- Centre for Digital Public Services
- Conwy County Borough Council
- Cwm Taf Morgannwg University Health Board
- Digital Health and Care Wales
- Health Education and Improvement Wales
- Hywel Dda University Health Board
- Merthyr Tydfil County Borough Council
- Monmouth County Borough Council
- National Resources Wales
- Newport City Council



- Pembrokeshire National Park Authority
- Public Health Wales
- Rhondda Cynon Taf County Borough Council
- Social Care Wales
- South Wales Fire and Rescue Service
- Swansea Council
- Torfaen County Borough Council
- Velindre University NHS Trust
- Welsh Government
- Welsh Revenue Authority

#### Public Services Boards

- Flintshire and Wrexham Public Service Board
- Gwynedd and Anglesey Public Service Board

Derek Walker  
Future Generations Commissioner

23 March 2023

Dear Derek,

Croeso/Welcome to your new role as Future Generations Commissioner.

We were pleased to have the opportunity to meet you as part of the pre-appointment process and we thought it would be helpful to set out further detail in relation to the issues we raised as part of that scrutiny, as you take up your new post.

### Transparency

Our report recommended that to aid transparency and scrutiny of the relationship between the Commissioner and the Welsh Government, you should consider how business with Ministers is conducted, including how meetings and communications are recorded and disclosed. This would help address the perception that too much of the Office of the Future Generations Commissioner's time and resource has been dedicated to helping the Welsh Government apply its own legislation, sometimes to the detriment of other public bodies. This dates back to recommendations made by the previous Senedd's Public Accounts Committee two years ago.

We want to ensure that other public bodies are deepening their understanding of the relevance of the Act to their work, particularly as the challenging budgetary situation requires all organisations to maximise application of the Act to deliver best value. We would like to suggest that you publish a six-monthly summary of all business with the Welsh Government. This could include: the date and duration of the meeting, a list of attendees; its purpose and the topics covered; and a summary of any follow-up correspondence and/or action points arising from the meeting. For context, we would hope to see some evidence that at least as much time was being dedicated to PSBs and Corporate Joint Committees.

We acknowledge this is not a routine ask of Welsh Commissioners, (most of whom are not accountable to this Committee) and I would be happy to discuss how we prevent this becoming an overly bureaucratic or burdensome exercise.

### Vision and approach

In our report we also called for you to set out your overall vision and approach to the role within your first six months in office, in addition to the outcomes that you would like to achieve during your term of office and accompanying key performance indicators. We would be grateful if you could confirm your plans in that regard, and will welcome the opportunity to explore these further with you in due course.

## Future engagement

We were grateful for the constructive engagement offered by your predecessor, and we look forward to continuing our work with you and your office in the same vein. I would like to invite you to meet with Members of the Committee informally at some stage during the summer term and, if you are agreeable, will ask the Clerk to liaise with your office to find a mutually convenient time.

Yours sincerely,

A handwritten signature in black ink that reads "Jenny Rathbone". The signature is written in a cursive style with a large initial 'J' and a long, sweeping tail on the 'e'.

**Jenny Rathbone MS**

Chair, Equality and Social Justice Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

# Agenda Item 4

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# Agenda Item 7

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