

Agenda – Equality and Social Justice Committee

Meeting Venue:	For further information contact:
Committee Room 3 (Senedd)	Rhys Morgan
Meeting date: 8 January 2024	Committee Clerk
Meeting time: 13:15	0300 200 6565
	SeneddEquality@senedd.wales

Pre-meeting registration (13:00 –13:15)

- 1 Introductions, apologies, substitutions and declarations of interest**
(13:15)
- 2 Papers to note**
(13:15)
 - 2.1 Correspondence from the Minister for Justice and Chief Whip to the Culture, Communications, Welsh language, Sport and International Relations Committee regarding support to Ukrainian Children**
(Pages 1 – 3)
 - 2.2 Correspondence from the Minister for Social Justice and Chief Whip to the Legislation, Justice and Constitution Committee regarding the Inter-ministerial Group for Work and Pensions**
(Page 4)
 - 2.3 Correspondence from the Children, Young People and Education Committee to the Chair regarding evidence from the Children's Commissioner relating to racism and poverty**
(Pages 5 – 6)
 - 2.4 Correspondence from the First Minister to the Legislation, Justice and Constitution Committee regarding a British–Irish Council Summit in Dublin**
(Page 7)

- 2.5 Correspondence from the Legislation, Justice and Constitution Committee to the Chair regarding an inquiry into UK EU Governance**
(Pages 8 – 9)
- 2.6 Correspondence from the Information Commissioner's Office to the Chair regarding Data Justice**
(Pages 10 – 14)
- 2.7 Written response from the Welsh Government to the report of the Equality and Social Justice Committee: "Calling Time on Child Poverty – How Wales Can Do Better"**
(Pages 15 – 21)
- 3 Motion under SO17.42 (vi) and (ix) to exclude the public for the remainder of today's meeting**
(13:15)
- 4 Draft Budget 2024–25: technical briefing from Welsh Government officials**
(13:15–14:00)
- Matt Wellington, Welsh Government, Treasury Official
Michael Llewellyn, Welsh Government, Treasury Official
- 5 Anti-racist Wales Action Plan: consideration of key issues**
(14:00–15:00) (Pages 22 – 52)
- 6 Forward work: consideration of approaches**
(15:00–15:30)

Delyth Jewell MS
Chair, Culture, Communications, Welsh Language, Sport, and International Relations
Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

13 December 2023

Dear Delyth,

Thank you for your letter as Chair of the Culture, Communications, Welsh Language, Sport, and International Relations Committee requesting an update on support for Ukraine and Ukrainian refugees plus further information regarding the cultural support to Ukrainian children.

The Welsh Government has continued to offer its support to Ukrainians following the full-scale invasion of Ukraine last year. As a Nation of Sanctuary, we aim to ensure all Ukrainians seeking sanctuary in Wales are welcomed from day one of their arrival and receive the necessary support to help them to settle within local communities. To date, sponsors in Wales have welcomed over 7,000 Ukrainians under the Homes for Ukraine scheme to the UK, including more than 3,200 under our super sponsor route.

For Ukrainians arriving in Wales, the priority remains supporting them to find longer term accommodation which can provide independence and opportunity to help re-build their lives within our communities. This includes using hosting offers, the private rented sector and other forms of good quality transitional accommodation which the Welsh Government is helping to support through our Transitional Accommodation Capital Programme (TACP). The programme was established to deliver more good quality accommodation at pace to help everyone with their housing needs.

The Welsh Government recognises the critical role local authorities play in supporting Ukrainians to settle and integrate into the community. The funding decision by the UK Government to reduce the year 1 Integration tariff was significant and the absence of year 2 integration and education tariffs, has placed additional pressures on local authorities to provide this support. The confirmed lack of a year 3 integration tariff will exacerbate these pressures during 2024/25.

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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.

To help address this, we have utilised the £8.22 million share of the UK Government's £150 million Homelessness Prevention Fund which Wales receives to provide funding for move on and integration support in areas such as education, language lessons and employability programmes.

We continue to work with our key partners in the public and voluntary sectors to support our Ukrainian guests to find employment. This includes ESOL provision through existing Welsh Government-funded programmes, as well as the time-limited STEP Ukraine intensive online opportunity. There is also support with the recognition of qualifications so they can utilise their skills to gain employment in their chosen vocation.

For Ukrainian students wishing to study a higher education course in Wales, we have amended the existing student support regulations so they can be eligible for student support, home fee status, and the undergraduate tuition fee cap when starting or continuing a course on or after 1 August 2022.

Ukrainians have access to the Welcome Ticket transport scheme which provides free travel on Transport for Wales services and local bus services in Wales until 31 March 2024. We also extended our existing Wales Sanctuary Service for 2022/23 and 2023/24 to ensure access to expert advice, support and advocacy provision.

We continue to provide updated information and guidance to Ukrainians residing in Wales via the Wales Sanctuary Service, a dedicated information pathway within the Sanctuary website and via monthly newsletters.

During my recent visits to Ukrainians in Caerphilly and the Safe Haven community group in Maesteg, I have been inspired by the willingness and effort of Ukrainians to integrate within local communities. While welcoming this, the Welsh Government also recognises the importance of Ukrainians to remain connected to their language and culture during their time in Wales. My officials have met regularly with social media group administrators to identify emerging issues and ensure they are able to access and disseminate the right information to our Ukrainian community.

Last November we marked the start of the 90th anniversary of the Holodomor and last month we held a commemoration at the Senedd led by the First Minister. An incredibly important date of remembrance for Ukrainians, it was attended by leaders from Ukrainian religious communities, the Deputy Ambassador of Ukraine, the Association of Ukrainians in Great Britain, and many Ukrainian guests who have found sanctuary in Wales.

This is one of a number of important cultural dates or events for Ukrainians that we continue to raise awareness of through our social media channels and regular communications with guests and hosts across Wales.

For Ukrainian children arriving in Wales, we are engaging with both Plast (Ukrainian scouting organisation) and Scouts Cymru to see how they can join a recognised youth organisation and get support from them, without losing their own identity and culture.

We continue to work with local authorities to ensure Ukrainian children have access to schools and to offer the same high-quality education and support available to existing pupils. This includes resources related to the conflict which have been published on [Hwb](#) with the aim to support students understanding and manage their feelings about it.

We also acknowledge that Ukrainian families and pupils may also want to access Ukrainian learning materials. The Ukrainian Ministry of Education and Science (MoES) has published the [Ukrainian curriculum including educational materials](#). Schools may share this with

Ukrainian pupils and families to complement pupils' education either at home or in supplementary schools for example. However, they should not be used to substitute for schools' usual curriculum.

The MoES has also published [guidance](#) for learners to continue with Ukrainian Curriculum assessments outside of Ukraine. This includes learning and assessment options for school students from Ukraine, references to e-learning available via the All-Ukrainian Online School and the application process for parents to enrol their children in distance learning via the International Ukrainian School.

For students who are due to complete primary, basic secondary, or complete general secondary education, the guidance also offers advice on how graduates can obtain the relevant school graduation certificates from their Ukrainian educational institutions.

I hope this information provides the Committee with the necessary update on the support we are delivering to Ukrainians in Wales.

Yours sincerely,

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal stroke above the first letter of "Jane".

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

Agenda Item 2.2

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref JH/PO/439/2023

Huw Irranca-Davies MS
Chair of the Legislation, Justice and Constitution Committee
SeneddLJC@senedd.wales

CC: Jenny Rathbone MS
Chair of the Equality and Social Justice Committee
SeneddEquality@senedd.wales

13 December 2023

I am writing to inform you that the inaugural meeting of the Interministerial Group (IMG) on Work and Pensions took place on 6 November.

The IMG was chaired by the Minister for Disabled People, Health, and Work, representing the UK Government's Department for Work and Pensions. As Minister for Social Justice and Chief Whip, with responsibility for advice and advocacy services, I represented the Welsh Government.

I wish to apologise that you were not notified of the IMG, prior to its inaugural meeting, as set out by the Inter-Institutional Relations Agreement. I will keep you informed of all future meetings of the IMG.

Following the inaugural meeting, I have issued a [Written Ministerial Statement](#) which summarises the discussions that took place. As confirmed in the Statement, in line with rotating chair arrangements, the next IMG meeting will be chaired by myself.

I expect the next meeting to take place in Spring 2024, and I will provide a written update on its arrangements including a likely agenda and date in due course.

I have also copied this letter to the Equality and Social Justice Committee.

Jane Hutt AS/MS
Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip

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Jenny Rathbone MS
Chair, Equality and Social Justice Committee

14 December 2023

Recent evidence from the Children's Commissioner for Wales: racism and child poverty

Dear Jenny,

We recently held our annual scrutiny session with the Children's Commissioner for Wales. One of the areas we explored was the impact of the Commissioner's influence. We note your current areas of work include anti-racism and child poverty. You may therefore be interested on the Commissioner's evidence to us when asked which areas she felt she had the most influence, she said:

"So, we have, probably, had most traction in relation to education issues. We've been pleased with the response so far to the racism work and earlier conversations have indicated that Government are open to our recommendations and have in fact told us that they would wait to complete their anti-bullying guidance so that they could consider the recommendations of our report, for example.

We've also had good influence, we feel, in relation to the new attendance guidance that's been published and many of our suggestions were taken on board there, including looking at the reduced timetables and making sure that the needs of kinship carers were responded to in that document.

We also had influence positively in the home education space recently. When I came into the role I felt that it was a very polarised issue with a lot of tension on both sides, and perhaps the different groups not necessarily coming together effectively. So, I proposed to convene a forum for home-educating parents so that they could voice their concerns and have their questions answered about the new guidance that was about to come in—it came in in April 2023. And that was

positively received by Government and, I think, was concluded to be a very beneficial exercise all round.

So, education on the whole is one area where we do feel that there is openness to our input. We have tried a lot to influence the poverty agenda and the child poverty strategy, which we hope to see a final version of very soon. We feel that perhaps we haven't experienced as much openness so far in that dialogue. We have convened and collaboratively very significantly with other bodies on this issue. We hosted a child poverty summit recently and we've put forward recommendations and suggestions, on which there is a great deal of consensus from other groups, and have communicated that as best we can to Ministers very regularly; so, we are hoping that the final strategy will reflect our suggestions, but it's not, you know—. So far, we don't feel as confident about having positively influenced that yet, although, you know, we've done our best."¹

We wanted to draw to your attention this contrast the Commissioner highlighted.

Since we took this evidence, the Welsh Government have published their response to the Commissioner's annual report. Unlike previous years, the Welsh Government have not clearly indicated whether they have accepted or rejected each recommendation. We note that during the annual scrutiny session, the Commissioner talked about monitoring progress on these recommendations, saying that they would be measuring and tracking "if they've been accepted...."² suggesting that they were expecting the Welsh Government response to follow the format of previous years. Clearly stating whether a recommendation is accepted or rejected is important for clarity and transparency. We will be writing to the Minister for Social Justice on this issue as well.

Yours sincerely,



Jayne Bryant MS
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

¹ CYPE Committee, 6 December, Record of Proceedings paragraphs 180-183

² CYPE Committee, 6 December, Record of Proceedings paragraph 188



Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

15 December 2023

Dear Huw,

Inter-Institutional Relations Agreement: British-Irish Council Summit in Dublin

Further to my letter of 23 November regarding the inter-institutional relations agreement and a British-Irish Council Summit being held in Ireland, I would like to draw your attention to my [written statement](#) of today, and to the BIC [communiqué](#) summarising the outcomes of the Summit.

Whilst at the Summit, I took the opportunity to hold bilateral meetings with the Minister for Public Expenditure and Reform, Paschal Donohoe TD, the Taoiseach Leo Varadkar TD, the First Minister of Scotland the Rt Hon Humza Yousaf MSP, and the Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations the Rt Hon Michael Gove MP.

I have also copied this letter to the Chairs of the following Committees: Climate Change, Environment, and Infrastructure; Local Government and Housing; Culture, Communications, Welsh Language, Sport, and International Relations; and Equality and Social Justice.

Yours sincerely,



MARK DRAKEFORD

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Agenda Item 2.5

Y Cynullin Gyhoeddus, Cyfiawnder a'r Cyfansoddiad

Legislation, Justice and Constitution Committee

Llyr Gruffydd MS

Chair, Climate Change, Environment, and Infrastructure Committee

Paul Davies MS

Chair, Economy, Trade, and Rural Affairs Committee

Delyth Jewell MS

Chair, Culture, Communications, Welsh Language, Sport, and International Relations Committee

Jenny Rathbone MS

Chair, Equality and Social Justice Committee

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19 December 2023

Dear Chairs,

Inquiry into UK-EU governance

You will be aware that the Senedd's Legislation, Justice and Constitution Committee considers the constitutional impact of Wales's external affairs, including the governance and implementation of UK-EU agreements.

We have recently undertaken a short inquiry into UK-EU governance to build on our early findings on the role and representation of the Welsh Government and Senedd in post-Brexit UK-EU relations, as outlined in our [submission to the House of Lords European Affairs Committee](#) in October 2022.

Due to the work that your Committees undertake within your remit in relation to UK-EU agreements, we agreed to draw your attention to our [report](#) on the inquiry.



For information, we intend to hold a debate on the report on 21 February 2024.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies

Chair

Jenny Rathbone MS

Chair of Equality and Social Justice Committee

By email only

22 December 2023

Dear Ms Rathbone

Inquiry into Data Justice

I am writing to you in your capacity as Chair of the Equality and Social Justice Committee and, in particular, in relation to the Committee's inquiry into data justice. The work of my team, and the expertise we hold on the issues being scrutinised, may be of use to this inquiry, and may also help inform any future work the Committee may undertake.

The ICO is the UK regulator of the UK General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA), and has an office in Cardiff dealing with the interactions between our remit and public affairs in Wales. I am responsible for that office, and my team works alongside health and social care bodies in Wales to help them ensure that data privacy and information rights are built into their data processing activities. We also engage with Welsh Government officials to help them ensure that new policies and legal measures are developed in accordance with the legislation we regulate.

The below comments are offered in respect of the key issues that have been scrutinised by the Committee thus far. They are designed to give the Committee our regulatory perspective on these matters, in particular with reference to personal data processing in Welsh health and social care sectors. Where appropriate, further detail is provided through links to information and guidance published on our website.

The role and remit of the ICO

Where proposed legal measures developed by Welsh Ministers - including primary and secondary legislation, statutory guidance or ministerial instruction - mandate or provide for personal data to be used in new or different ways, Article 36(4) of the UK GDPR requires that prior consultation with the ICO must take place. Comments and views that we convey during the consultation process

must be taken into consideration as the measure is implemented. Guidance for legislators on Article 36(4) has been published by the UK Government¹.

The identification of privacy risks contained within legislative proposals is our key objective during the Article 36(4) consultation process. This helps to prevent legislative measures being passed which provide a high risk to the data protection rights of individuals impacted by the proposals.

Our experience of Article 36(4) consultations has taught us that identifying and mitigating risks at an early stage of the development procedure is beneficial to all parties involved. For example, identifying a flow of data between organisations in the initial phases of developing policy can allow for effective data sharing measures to be put in place prior to the commencement of the measure.

Outside of the legislative framework, organisations that determine the purposes and means for personal data processing ([data controllers](#)) are required under Article 36(1) to consult with the ICO on any high-risk processing activities they are seeking to undertake. If we are concerned that the risks of such processing are not mitigated to a sufficient degree, we can consider using our regulatory powers to prevent the processing from taking place. By way of example, we have previously issued a formal warning to a Welsh organisation that was unable to mitigate risks that we highlighted within a proposed processing activity.

The Committee can therefore have some assurance that the existing UK legal framework for data protection requires independent and regulatory scrutiny of proposals to use personal health and social care data, and that the matters addressed in this letter will be considered by us as part of that work.

Transparency around the use of data

Transparency is enshrined in data protection law, with individuals having a right to be informed under the UK GDPR. Our own research² has also highlighted that transparency is a precedent to individuals becoming empowered through information. The provision of clear information about how health and social care bodies will process the personal data of the citizens of Wales is crucial in engendering the trust necessary for effective service delivery.

As part of our upstream engagement work, we have been involved in discussions with Welsh Government and health and social care bodies around initiatives such as the Data Promise and National Data Resource. Both of these initiatives appear

¹ [Guidance for legislators on Article 36\(4\)](#)

² [Data Lives Year 1 Report \(ico.org.uk\)](#)

to be good opportunities to provide information to the citizens of Wales as to how their data will be collected, used, stored, shared and kept secure.

We would expect that measures designed to provide data transparency provide this information in a clear and practical way, and in line with obligations provided in Articles 13 and 14 of the UK GDPR. We will continue to provide advice and guidance to Welsh Government and health and care bodies in relation to this subject.

The purpose behind any new processing of personal data is of fundamental importance for data protection compliance, as the purpose will almost always determine which of the lawful bases specified in the UK GDPR should underpin the processing. The specific information rights available to individuals will depend on the lawful basis being relied upon.

Legislative measures dictating new collection, sharing, analysis or other processing activity should therefore have a clear and specific rationale as to why they are being developed, and that rationale must be conveyed in any subsequent transparency information. Failure to do may result in a 'data grab' of personal information, where information is collected under the assumption that it will prove useful at a later date, something which is not compatible with data protection laws.

The ICO has recently drafted new guidance on data transparency in a health and social care context, which will give practitioners an idea of our expectations. The draft guidance is currently out for consultation³, and my team has circulated it to stakeholders in health and social care organisations across Wales. While our guidance applies to the UK as a whole, this will allow us to consider views specific to Wales as we develop the final version.

Individuals' control over their data

It may be useful to the Committee to know that while data protection laws undoubtedly afford citizens greater control over their data, some of the rights provided by the UK GDPR are not absolute. By way of example, the right to have data erased is a qualified right that allows for individuals to *request* their data is deleted. However, the data controller is compelled only to *consider* the request, and may determine that they are lawfully entitled to continue to hold and process it. Requests submitted under UK GDPR for the deletion of health data being processed for legitimate reasons (such as GP or hospital health records) are unlikely to be accepted.

³ [ICO consultation on the draft transparency in health and social care guidance | ICO](#)

Similarly, when considering an individual's request under UK GDPR to restrict access to their records to specific clinicians or professionals, organisations will take into account the fact that the record exists to support safe and appropriate provision of care. This will be balanced against the individual's reasons for the restriction being put in place, before an outcome is reached.

The ICO has the power to investigate complaints that information rights have not been upheld, although we do not have the clinical expertise to determine a view on the provision of care; that is a matter for health and social care professionals or other regulatory regimes to determine. However, we support the view that holding details of professionals who have accessed specific records is good practice and can help identify and address issues of inappropriate access. This is something we are aware that exists in Welsh healthcare bodies through the National Intelligent Integrated Audit Solution (NIIAS) system.

In our experience, informing patients as to how they can expect their rights requests to be handled, along with likely expectations, can form an integral and effective component of transparency measures. As stated earlier in this letter, this is likely to help engender trust in how data is being processed, and empower individuals to exercise their rights appropriately and effectively.

Offences and breaches of data protection law

It may be useful for the Committee to be aware that section 170 of the DPA makes it an offence for an individual to access or disclose (or procure access or disclosure of) personal data without the consent of the data controller. In essence this means that clinicians and other staff can only lawfully access medical records when it is necessary to do so in order to perform their functions. There are a number of instances where health staff have been prosecuted for such offences, either by the ICO or by the police⁴.

Processing of children's data

Under data protection law, children are afforded greater measures of protection, and practitioners across Wales who process the data of children and young people need to be aware of this fact. In particular, transparency information must be written in clear language appropriate to the age of the audience and

⁴ [Former NHS secretary found guilty of illegally accessing medical records | ICO](#)

any reliance on consent for data processing must take into account the age of the individual.

Further guidance on the rights of children under data protection laws can be found on our website⁵. I realise that some of the guidance and resources, such as our tools for safeguarding practitioners, may be outwith the scope of the Committee's interests at this stage but share here for awareness nonetheless.

I trust that the Committee finds this letter to be of use in their inquiry into data justice in Wales, and would be happy to provide further evidence should it be required.

Yours sincerely



Regional Manager

ICO Wales

⁵ [Children's information | ICO](#)

Written Response by the Welsh Government to the report of the Equality and Social Justice Committee - Calling Time on Child Poverty - How Wales Can Do Better

DECEMBER 2023

I would like to thank the members of the Equality and Social Justice Committee for their report: *Calling Time in Child Poverty – How Wales Can Do Better* which my officials and I have considered carefully.

As the Committee is aware, our strategic approach to tackling child poverty will be reflected in our Child Poverty Strategy, to be published in the new year. The engagement and consultation undertaken to develop the Child Poverty Strategy (the Strategy) has helped Welsh Government to understand where, as part of the wider delivery of the Programme for Government, we need to focus our efforts to achieve the greatest impact in tackling child poverty in as short a time as is possible and to sustain ongoing change.

The Strategy is a high-level framework to maximise the levers we have at our disposal across government to make our contribution to eradicating child poverty. There are actions that we need to take, and are taking, to ensure that organisations can better collaborate and work with partners with tackling child poverty as a common aim. We will work with our partners to support the implementation of cross-cutting work to achieve this.

I am committed to tackling child poverty as an absolute priority, as is the Welsh Government. We will continue to use every lever we have available, and take a leadership role in co-ordinating wider action to work towards eradicating child poverty in Wales.

I have set out my response to the Committee's recommendations below.

Recommendation 1

In updating its strategic approach to tackling child poverty, the Welsh Government should:

- I. set interim and longer-term **targets** for reducing child poverty learning from the approaches taken in other countries such as Scotland and New Zealand. These should aim for ambitious and realistic reductions for children in relative poverty, absolute poverty, material deprivation and persistent poverty.
- II. Publish a detailed **action plan** setting out how it will achieve its targets. Each activity within the action plan should set out which Minister is responsible for delivering it, timescales, and how it will be monitored. The action plan should be published within 6 months of publication of the final Strategy.

Response: Accept in principle

- I. Work to develop a robust monitoring framework is being taken forwards at pace. The framework will take into consideration the national indicators and national milestones we have in place under the Well-being of Future Generations Act. We believe a framework based on a range of measures will more accurately reflect

progress against our approach to this complex set of problems than a purely target-based measure. The most effective way to implement targets is through a co-ordinated approach across every level where relevant powers are held. Whilst we will continue to liaise with Scottish Government to understand the scope and impact of their suite of interventions on those living in poverty, a range of important powers on child poverty are not devolved in Wales, which limits the value of comparison with countries such as Scotland or New Zealand, remembering of course that tax and welfare benefits are key tools for tackling poverty.

In order to develop clear monitoring arrangements, we have given a commitment to seek independent research advice during 2024 on suitable national poverty indicators, data availability and a framework to monitor and demonstrate transparent accountability in reporting on our progress in tackling poverty. We will also continue to produce a full progress report against the Strategy every three years, as required under the Children and Families Measure 2010. This includes involving people with lived experience, including children and young people, in telling us whether we are achieving progress against the Strategy.

- II. Rather than having an overarching action plan, the Child Poverty Strategy provides a framework in which there are separate action plans across Ministerial portfolios which detail and measure progress under the relevant Programme for Government activity. The new Strategy will support prioritisation, integration and collaboration, encouraging partners to work in new or different ways in order to have the greatest impact.

Financial Implications –

None.

Recommendation 2

The Welsh Government should focus its final Strategy much more clearly on **children's rights, referencing individual articles** and using the five principles set out in 'The Right Way.' The Welsh Government should ensure there is direct read across between what it was told by children, young people, parents and carers, with specific priority actions in the final Strategy to address the needs of groups of children most likely to be affected by poverty.

Response: Accept

The final Strategy will include clearer and more explicit reference to the individual articles of the United Nations Convention on the Rights of the Child (UNCRC).

The final Strategy will also include a reference to '[The Right Way](#)' under Objective 5. As we work with partners to strengthen collaboration, find solutions together and promote good practice, it will be important to ensure that together we take a children's rights approach. The 5 principles of 'The Right Way' will inform this.

The commitments included under the 5 objectives in the Strategy have been informed by what we were told by children, young people, parents and carers and the organisations that support them.

The responses to the formal consultation on the draft Strategy were clear that the objectives and priorities set out in the Strategy are the right ones.

Of those who answered questions on whether they agreed that Objectives 1-5 should be an Objective of the strategy:

- 92% agreed with Objective 1
- 94% agreed with Objective 2
- 91% agreed with Objective 3
- 89% agreed with Objective 4
- 93% agreed with Objective 5

Of those who answered questions on whether they agreed that priorities 1-5 should be a priority of the strategy:

- 87% agreed with Priority 1
- 89% agreed with Priority 2
- 88% agreed with Priority 3
- 86% agreed with Priority 4
- 87% agreed with Priority 5

We will review the Child Rights Impact Assessment (CRIA) to set out the evidence from children and young people and how this influenced the Strategy with more clarity.

We will also publish a more detailed account of the evidence gathered through pre-consultation engagement from those with lived experience of poverty and the organisations that support them.

Financial Implications

None.

Recommendation 3

The Welsh Government should prioritise programmes where there is clear evidence that they are effective at reducing child poverty and should provide sustainable funding to programmes that have proved their worth. This prioritisation should inform allocations in future budgets.

Response: Accept

Resources should always be targeted towards areas where they are most effective. This is particularly relevant when resources are most limited, and it has therefore been a key consideration in the Welsh Government's 2023-24 and 2024-25 budget processes.

We are clear that cross-government momentum on tackling poverty and inequality should be maintained and strengthened at every opportunity to support children, young people, and families. We are also clear on the importance of continuing to carefully assess the cumulative impacts of our decisions on those living in poverty.

The Child Poverty Strategy will focus our activity on those programmes and interventions which have the greatest impact in reducing child poverty within our devolved powers.

We publish a Strategic Integrated Impact Assessment (SIIA) alongside the draft Budget, which outlines the contextual evidence that supports our spending decisions, including those related to children and young people. This helps to ensure we prioritise the right programmes. The SIIA is one of a suite of documents published as part of the draft Budget and is critical to identifying key trends, strategic and cumulative impacts at portfolio level, across a range of areas, including giving due consideration across the statutory requirements.

We continue to outline the steps we are taking to reform budget and tax process improvements as part of our Budget Improvement Plan which is published alongside the Draft Budget and work collaboratively with the Budget Improvement Impact Advisory Group (BIIAG) to explore how we undertake the Strategic Integrated Impact Assessment moving forward (SIIA).

Detailed impact assessments, including a Children's Rights Impact Assessment (CRIA) are undertaken as part of our ongoing policy development and review.

Financial Implications –

None.

Recommendation 4

The Welsh Government should provide an update on progress with the development of the Welsh Benefits System, including:

- I. Milestones it expects to achieve over the next year, timescales for implementing other actions, and how it plans to address barriers to implementing a coherent system such as eligibility criteria, uncertainty around data sharing, and technological challenges.
- II. What consideration it has given to how the pilots being run in Scotland on involving the Department for Work and Pensions can inform its work around the Welsh Benefits System.
- III. Analysis of how a version of the Scottish Child Payment might be introduced in Wales in the future.

The Welsh Government should clarify the timings for the bi-annual progress updates promised in response to recommendation 5 of our debt and the cost of living report.

Response: Accept

- I. The Partnership Council for Wales, which includes all 22 Local Authorities, has agreed:
 - the final draft of the Charter for delivery of Welsh Benefits (Annex A).
 - the establishment of an external Steering Group to develop an implementation plan and oversee its delivery.
 - to nominate representatives for the external Steering Group.

- a plan for regular update reports on progress to streamline the administration of Welsh benefits, grants, and payments.

To ensure focus remains on developing an implementation plan at pace, officials are working with WLGA to confirm the membership of the external Steering Group that will hold its inaugural meeting in January 2024. The external Steering Group will provide regular progress updates to the Partnership Council for Wales and these will be shared with the Equality and Social Justice Committee.

I will continue to provide updates to Senedd Members as we make progress against these actions.

- II. Welsh Government officials have regular contact with Scottish Government officials to learn lessons from their experience of delivering benefits and their adoption of a Charter and evaluation framework. We will be carefully examining the pilots being planned by Social Security Scotland for joint work with the DWP to understand how outcomes could inform our approach to delivering the Welsh benefits, payments, and grants.
- III. The devolution settlement does not give the Welsh Ministers the powers to implement a scheme along the lines of the Scottish Child Payment. However, we are doing detailed work to more clearly establish the balance of reserved and devolved powers in this area, as well as liaising with the Scottish Government to understand the scope, impact and challenges of their child payment.

Paragraph 130 of Schedule 7A to the Government of Wales Act 2006 (as amended by the Wales Act 2017) states 'social security schemes supported from public funds' are matters reserved to UK Parliament, on which the Senedd cannot legislate. The definition of social security schemes specifically includes schemes providing financial assistance for social security purposes and in particular, includes providing assistance to individuals who qualify by reason of old age, survivorship, disability, sickness, incapacity, injury, unemployment, maternity or the care of children or others needing care, who qualify by reason of low income, or in relation to their housing costs.

The Scotland Act 1998 gives the Scottish Government limited powers for elements of social security. As a result, the Scottish Government also receive a Barnett consequential for social security, something that is not available to the Welsh Government under the current devolution settlement.

It is recommended that updates in response to recommendation 5 of the Committee's Debt and the Cost of Living report are aligned with the progress reports to the Partnership Council for Wales. The arrangements for this will be discussed by the External Steering Group in January 2024.

Financial Implications –

None.

Recommendation 5

The Welsh Government should commit to funding seamless and affordable childcare provision through the Barnett consequential it will receive from increased childcare spending in England. It should develop plans for doing this by July.

Response: Accept in Principle

Developing high quality support for children and families in the early years has been a long-standing priority for the Welsh Government, and this commitment is reflected in the Programme for Government and in the Cooperation Agreement. Our Children and Communities Grant (CCG) which supports early intervention and prevention activities for children, young people and their families provided funding of £172.269m in 2023-24. High quality learning and care in the early years supports child development and plays an important role in supporting school readiness and addressing the attainment gap to maximise child development outcomes to support the best start in life, particularly for our most disadvantaged children.

Since 2022, as a result of Flying Start Expansion, 4,589 additional childcare places have been offered as well as extending opportunities to those in training or on the edge of work. The Welsh Government is facing the toughest financial situation we have faced since devolution. This means we need to prioritise the finite resources we have. As a result of the extremely difficult economic conditions currently, this means that we are not currently in a position to confirm any new commitments to funded expansion of childcare beyond those we have already published.

As has been the longstanding practice of WG, any consequential for 2024-25 received via the Barnett formula will be managed through the Draft Budget process based on the funding received. Where there is a case for using the consequential funding for similar purposes, Welsh Ministers will deploy in line with its priorities.

Financial Implications –

None.

Recommendation 6

At the earliest available opportunity, the Welsh Government should improve coordination across government of its efforts to tackle child poverty by appointing a dedicated Minister for Babies, Children and Young People with responsibility for tackling child poverty. In the interim, the First Minister should take responsibility for this area, as is being done in Ireland and has previously been done in New Zealand.

Response: Reject

The allocation of ministerial portfolios is the responsibility of the First Minister, but tackling poverty is the responsibility of all Welsh Ministers within their portfolio. The Minister for Social Justice and Chief Whip has specific responsibilities related to co-ordination of measures to mitigate Child Poverty and regularly discusses shared interests in poverty and inequalities with other Ministers.

Every member of the Cabinet has a duty placed on them as Welsh Ministers to give due regard to the United Nations Convention on the Rights of the Child.

The 'due regard' duty set out in section 1 of the Rights of the Children and Young Persons (Wales) Measure 2011 Measure, applies to all Welsh Ministers, when exercising any of their functions.

The strategy confirms we will continue to take a children's rights approach to the delivery of our Programme for Government, in line with the UNCRC, with tackling poverty and inequality as cross cutting policy drivers.

Financial Implications –

None.

Welsh Benefits Charter

Introduction

The commitments within the Welsh Benefit Charter are necessary for a coherent and compassionate Welsh benefit system that is based upon respect for fundamental human rights and equality. The commitments will improve the accessibility of the system, enabling more people in Wales to take up their entitlement to financial support and ensure the efficient and consistent administration of Welsh benefits across Wales. They have been developed in partnership with key stakeholders and re-designed based on feedback from individuals and organisations that support them.

Welsh Benefit Charter Commitments

A. Design of the Welsh Benefit System

Welsh Government, local authorities and other delivery partners, key stakeholders, and people accessing benefits will work in partnership to design an inclusive system which:

- ✓ demonstrates fairness and equality in the delivery of Welsh benefits and grants to ensure dignity and respect in the treatment of individuals without discrimination. This will be underpinned by policies that reflect the social model of disability adopted by the Welsh Government in 2002¹.
- ✓ is flexible and not based upon a one size fits all methodology and can respond quickly to the changes and pressures in the lives of people in Wales.
- ✓ meets the needs of marginalised and disadvantaged groups who are particularly at risk of experiencing poverty, recognising the diversity of the people of Wales as encompassed by the Equality Act 2010.
- ✓ identifies and removes the barriers that prevent people from claiming their entitlements and proactively helps people to access the financial support they are entitled to.
- ✓ evaluates process and systems with the people who will use them before finally putting them into operation.
- ✓ encourages, and responds to feedback to enable the delivery of the best service possible.
- ✓ makes a positive difference in Wales which is aligned with the Well-being of Future Generation Wales Act. 'Prosperity for All: the national strategy.'
- ✓ ensures that Welsh benefits are designed to complement existing devolved benefit system, identifying gaps in current provision.

¹ The social model of disability makes an important distinction between disability and impairment and puts the onus back on society to remove barriers that cause disablement. For more information click here [Social Model - Disability Wales](#)

- ✓ makes use of data sharing for the good of the public in line with GDPR

B. Delivery of the Welsh Benefit System

Welsh Government, local authorities and other delivery partners, key stakeholders, and people accessing benefits will work in partnership to deliver an inclusive system which:

- ✓ allocates resources fairly and efficiently across Wales to deliver a service which puts people first.
- ✓ ensure everyone is treated equally, fairly and without discrimination and that the social model of disability is adopted by all delivery partners.
- ✓ adapts process and systems to meet individual needs and preferences and explore methods which will ensure a single point of access for Welsh benefits to include multiple communication channels - digital, phone or postal methods.
- ✓ adheres to the Digital Service Standards for Wales [Digital Service Standards for Wales | Centre for Digital Public Services \(gov.wales\)](#)
- ✓ facilitates identification of eligibility of other financial support.
- ✓ raises awareness and enables take-up of entitlements through:
 - i. the delivery of communications, using all media channels, that promote a positive view of entitlements and are in accessible formats including Easy Read, BSL and community and Welsh languages.
 - ii. ensuring staff delivering Welsh benefits are knowledgeable and experienced and receive ongoing training in the delivery of up-to-date advice and appropriate support.
- iii. referring people to independent advice and support at an early stage to:
 - identify and address the causes of financial hardship, helping to break the cycle of poverty; and
 - for help to make their application for financial support and challenge decisions, etc.
- iv. continuing to work with the Department for Work and Pensions (DWP) to raise awareness and promote the take-up of non-devolved benefits in Wales.

C. Charter Outcomes

- ✓ Increased take-up of Welsh benefits, helping to maximise household incomes and contribute to tackling poverty in Wales.
- ✓ Informed Welsh policy which has involved partners and individuals and other stakeholders in its development.

- ✓ Awareness of benefit entitlement and the support available is improved through clear messaging on Welsh and non-devolved benefits which also challenges myths and stereotypes.
- ✓ Commitments on income maximisation and welfare benefit take-up are delivered.
- ✓ Financially resilient communities are developed through our commitment to alleviate and prevent poverty.
- ✓ Outcomes are improved for children and young people from low-income households, supporting them to have a better future and reach their full potential.
- ✓ There is a reduction in the need for emergency aid such as food banks as households are supported to become financially resilient.
- ✓ Take-up measured by the number of people supported via Welsh Government benefit schemes.

Putting the Charter into practice

By agreeing to the commitments contained within this Charter partners are agreeing to work with Welsh Government to take action towards developing a consistent Welsh Benefits system that works for the people of Wales.

This will include developing key actions that can be delivered to create change.

How will we ensure that outcomes are being achieved?

An evaluation framework will be developed by Welsh Government in consultation with key stakeholders, delivery partners and individuals. This will be reported against and monitored regularly.

The Charter itself will also be reviewed from time to time to ensure commitments and outcomes are still fit for purpose.

Agenda Item 5

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

Document is Restricted