

Agenda – Equality and Social Justice Committee

Meeting Venue:

Committee Room 3 (Senedd)

Meeting date: 15 July 2024

Meeting time: 13.30

For further information contact:

Gemma Gifford

Committee Clerk

0300 200 6565

SeneddEquality@senedd.wales

Hybrid

- 1 Introductions, apologies, substitutions and declarations of interest**
(13:30)

- 2 Papers to note**
(13:30)
 - 2.1 Correspondence from Stepping Stones Nursery regarding points of consideration for the Committee**

(Pages 1 – 2)
 - 2.2 Correspondence from Jane Dodds MS to the Chair regarding an invite to The Right to Childhood event**

(Pages 3 – 5)
 - 2.3 Correspondence from the South Wales Fire and Rescue Service Commissioners regarding the appointment of a new Chief Fire Officer**

(Pages 6 – 9)
 - 2.4 Correspondence from the Bevan Foundation: briefing on free school meals for children affected by no recourse to public funds**

(Pages 10 – 11)
 - 2.5 Correspondence from the Bevan Foundation: update on the availability of immigration legal services in Wales**

(Pages 12 – 16)



- 2.6 Written response from the Welsh Government regarding the Equality and Social Justice Committee's report: European Union Settlement Scheme**
(Pages 17 – 26)
- 3 Motion under SO17.42 (vi) to exclude the public from the remainder of today's meeting**
(13:30)
- 4 Childcare inquiry: consideration of draft report**
(13.30–13.50) (Pages 27 – 75)
- 5 Strategic Planning Session: measure progress against objectives and agree priorities for rest of Senedd**
(14:00–15:30) (Pages 76 – 90)



To Whom It May Concern

5 July 2024

Dear Sirs

Points for Consideration

Stepping Stones Nursery has been established for 25 years this year. We are a very well-run Nursery with a very good name in the local community. We have recently expanded the Nursery and are now registered for 100 children per day. We are a large part of childcare for the local community and allow many parents to return to work following maternity leave etc.

The points we would like to be considered are: -

- In the current cost of living crisis, it is very difficult to increase parents' costs in line with the recent minimum wage increase and this has added significant pressures on Nurseries.
- The Childcare Offer for Wales current rate of £5 per hour is now insufficient to cover costs.
- When the Childcare Offer for Wales rate is set, this is set for a number of years and does not increase in line with inflation during the period.
- We fear that if Wales follows England and introduces the Childcare Offer for Wales to younger ages groups, long standing Nurseries maybe forced to close, as seen in England, as it will not be possible to run at a loss.
- As children in Wales and the Valleys are more often or not offered full time school places at the age of 3, we do not benefit from the increased ratio of 1:8 for the age group and only have a small proportion of children in this age category. We feel that in England, Nurseries benefit from this age group on a larger scale as children go to school older over the border. If England Nurseries are not financially surviving with the equivalent of the Childcare Offer for Wales scheme being made available to younger children, where they do have a larger benefit from the 1:8 ratio, then Nurseries in Wales will be even more effected by this.

- In England, the staff to child ratio for children aged 2 to 3 years is 1:5. Whereas in Wales this is 1:4. Are there any plans for this to be reviewed and brought in line with our other nations?
- Again, if Nurseries in England are closing because they financially cannot make the Childcare Offer for Wales equivalent scheme work because the hourly rate is too low, this would have an even bigger impact in Wales as the ratio is lower.

We are sure there are many other points to be considered and this letter has only quickly been put together.

Thank you for your support.

With kind regards

Taryn

Taryn James
Director
Stepping Stones Nursery

Jane Dodds

Aelod o'r Senedd dros
Canolbarth a Gorllewin Cymru

Member of the Senedd for
Mid and West Wales

Jenny Rathbone MS

Welsh Parliament

Cardiff Bay

Cardiff

CF99 1SN

Dyddiad | Date: 10th July 2024

Pwnc | Subject: Invitation for Tuesday 1st October, ACEs and The First 1000 Days

Annwyl Jenny,

I am writing to extend a formal invitation to you, as Chair of the Equality and Social Justice Committee, to attend our event on the crucial topic of ACEs and The First 1000 Days, that will take place on Tuesday October 1st, in the Neuadd, from 10am to 3pm. It is being kindly sponsored by Children in Wales and ACE Hub Wales, through the Cross-Party Group Children and Families that I chair.

The aim of this event is to bring together experts, practitioners, policymakers, and community members to discuss the critical impact of ACEs and the crucial first 1000 days of a child's life. The discussions will focus on strategies for intervention, prevention, and support to improve outcomes for children and families, particularly in vulnerable communities and through the lens of child poverty.

The day will focus on important issues such as supporting vulnerable babies, parent-infant relationships, restorative work, and trauma-informed and strength-based practices. We hope that through panel discussions, informative displays and networking opportunities, all attendees will come away with a comprehensive understanding and feel empowered to take progressive action.

Agenda Item 2.2

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Jane.Dodds@senedd.cymru

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN
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Jane Dodds

Aelod o'r Senedd dros
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Please let us know at your earliest convenience if you are able to attend. If you would like the opportunity to speak on either of these important issues, it would be warmly welcomed. I have shared an agenda for the day at the end of this letter for your convenience.

We sincerely hope you can join us for this important event and look forward to your positive response and the opportunity to discuss these vital topics with you.

Yn gywir,



Jane Dodds MS/AS

Member of the Senedd for Mid and West Wales
Aelod o'r Senedd dros Canolbarth a Gorllewin Cymru



Jane Dodds

Aelod o'r Senedd dros
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—
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Agenda

Tuesday 1st October, ACEs and The First 1000 Days
(timings to be confirmed at a later date)

Schedule	Event
9:30-9:55	Arrival
10:00	Welcome and introduction
10:15 – 11:15	Panel 1: First 1000 Days
11:15-11:45	Coffee and networking
11:45 – 12:45	Panel 2: ACEs
12:45 – 13:00	Closing remarks
12:45 – 3:00	Lunch and networking with stands

Agenda Item 2.3



Gwasanaeth Tân ac Achub
De Cymru
South Wales
Fire and Rescue Service

10 July 2024

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

Sent via email: SeneddEquality@Senedd.Wales

Dear Chair,

Appointment of new Chief Fire Officer

Following a rigorous recruitment process, the Commissioners are pleased to inform you of the appointment of Air Vice-Marshal Fin Monahan OBE DFC PhD as the new Chief Fire Officer for South Wales Fire and Rescue Service.

Throughout the recruitment process, the Commissioners have been acutely aware of the importance of finding an exceptional leader to guide the Service through the cultural and organisational changes it faces.

The Morris Review published in January and the Equality and Social Justice Committee's own inquiry called on the Service to broaden its approach to recruitment for senior level posts, which is why we extended the search outside the fire and rescue sector.

We worked with an executive search consultancy called GatenbySanderson to ensure the openness and independence of the process. At the end of five days of exercises, staff and stakeholder panels, and interviews, Fin Monahan stood out as the best and right person for the role, and we are delighted that he has accepted the invitation to join and lead the Service.

Air Vice-Marshal Monahan joins us from a distinguished and decorated career as a fast jet fighter pilot and senior leader in the Royal Air Force and MOD. He is currently director of 'Defence Futures', the MOD's think tank at Defence Academy Shrivenham.

He holds Masters degrees from both University of Nottingham and University of Madras, and was awarded a Doctorate PhD on Organisational Culture from University of Birmingham in 2018. He is a published writer and has extensively researched culture and how to build courage, morale, respect and cohesion in uniformed organisations.

He will take up his post as Chief Fire Officer after all the necessary background and security checks have been completed.

Comisiynwyr ar gyfer Gwasanaeth Tân ac Achub De Cymru

Pencadlys Gwasanaeth Tân ac Achub De Cymru,
Parc Busnes Forest View, Llantrisant, Pont-y-clun, CF72 8LX.

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www.decymru-tan.gov.uk

Rydym yn croesawu gohebiaeth yn y gymraeg a'r saethneg gyda'r un
ymateb yn gyfartal i'r ddau ac yn ateb yn eich dewis iaith heb oedi.

Commissioners for South Wales Fire and Rescue Service

South Wales Fire and Rescue Service Headquarters,
Forest View Business Park, Llantrisant, Pontyclun, CF72 8LX.

Telephone 01443 232000 • Fax 01443 232180

www.southwales-fire.gov.uk

We welcome correspondence in Welsh and English - we will respond
equally to both and will reply in your language of choice without delay.

In the meantime, Stuart Millington has agreed to continue as interim Chief Fire Officer to ensure a smooth handover process with Air Vice-Marshal Monahan. The Commissioners have met with CFO Millington to thank him for his ongoing commitment and to express their confidence in him as he continues to lead the Service on an interim basis.

The Commissioners and Air Vice- Marshal Monahan will be in close contact from now on and begin the process of appointing a permanent Executive Leadership Team.

Please contact me at commissioners@southwales-fire.gov.uk if you have any questions.

Cofion cynnes,

A handwritten signature in black ink, appearing to read 'Carl Foulkes', with a long horizontal flourish extending to the right.

Carl Foulkes
Commissioner and Chair, Appointment Panel
On behalf of the Commissioners for South Wales Fire and Rescue Authority

About Air Vice-Marshal Doctor Fin Monahan OBE, DFC, PhD

Air Vice-Marshal Doctor Fin Monahan OBE, DFC, PhD is a senior Royal Air Force officer. After training as a fast jet pilot, serving in active squadrons and exchange postings, he was appointed as commandant of the Central Flying School at RAF Cranwell, with the Red Arrows coming under his command. He has trained with several non-UK militaries, and currently serves as the Director of Defence Futures, also known as the MOD think tank.

Fin Monahan was born in Liverpool. He joined the Royal Air Force in September 1991, after serving with the East Lowlands Universities Air Squadron. On graduation from pilot training, he was posted to No. 4 Squadron flying the Harrier jump jet at RAF Laarbruch in Germany, during which he flew missions over Bosnia and Kosovo.

After Germany, he was posted to RAF Valley in North Wales, and then served in an exchange role with the Royal New Zealand Air Force, flying Skyhawk aircraft from RNZAF Base Ohakea.

While later serving as a pilot with No.1 Squadron in Afghanistan, he was called upon to run a mission at very short notice in support of embattled ground troops. He went on the mission alone and was later awarded a Distinguished Flying Cross (DFC) for gallantry on operations in 2006.

In 2007, he took command of Cambridge University Air Squadron. He then spent a year training at the Defence Services Staff College in India and, on returning to the UK, took up a post in charge of operations at RAF Leeming in North Yorkshire. He was responsible for military aid to the civil authority for aircraft crash response and disaster relief for the North of England, Southern Scotland, and the Isle of Man.

In that role, he maintained 24/7 readiness with a rapid response team, a mountain rescue team, and on call aircraft assets that supported local emergency services. He also had a fire station under his command. While not a fire fighter, he underwent basic fire-fighting and breathing apparatus training in preparation for deployment on aircraft carrier operations.

Fin Monahan was appointed an Officer of the Order of the British Empire (OBE) in the 2014 New Year Honours for building a NATO rapid response unit during 2013.

Between 2016 and 2018, he was the Commandant of the Central Flying School at RAF Cranwell. He was promoted to Air Commodore in December 2019 as "Head Doctrine (Air, Space and Cyber) in the Development, Concepts and Doctrine Centre" at the Defence Academy at Shrivenham. He was promoted to Air Vice-Marshal on 10 October 2022, on appointment as Director of the centre which has now been renamed as 'Defence Futures'.

He holds Masters degrees from both University of Nottingham and University of Madras, and awarded a Doctorate PhD from University of Birmingham on organisational culture.

His military career has seen him lead many organisations on operations, but also through organisational and cultural change.

About the Recruitment Process

1. Application deadline – 27 May
 - Ten people submitted applications from across the UK. Five were shortlisted.
2. Media and presentation assessment
3. Psychometric testing
4. Staff panel
 - The staff panel was drawn from across the Service to bring together a mix of male and female operational and support colleagues.
 - Each shortlisted candidate in turn met with the panel over two days, and were invited to discuss a topic.
 - A facilitator from GatenbySanderson supported the session and gathered feedback.
5. Stakeholder panel
 - The stakeholder panel comprised representatives from trade unions, the Welsh Local Government Association, blue light partners, academia, and FRS Speak Up (Crimestoppers).
6. Formal competency-based interview
 - All four Commissioners, supported by director of people services, Assistant Chief Alison Reed and an independent recruitment consultant from GatenbySanderson, conduct a detailed competency-based interview with each of the candidates.
 - Feedback from both panels, together with the results of preliminary interviews, psychometric testing, and media and presentation exercises was shared with the interview panel.

Agenda Item 2.4



Free School Meals and no recourse to public funds in Wales – a briefing

Free School Meals (FSM) are available to eligible children attending a maintained school in Wales. Eligibility is based on household income, measured by receipt of certain benefits or asylum support, and the immigration status of a child's parents.

Are Free School Meals a public fund for immigration purposes?

Immigration restrictions on public funds do not include FSM. Children of migrants not in receipt of asylum support but restricted from accessing public funds (most migrants without settled status), are not eligible for free school meals in Wales.

What are our concerns?

Bevan Foundation research indicates that children in Wales are routinely excluded from accessing free school meals (FSM) by their parents' no recourse to public funds (NRPF) condition.¹ Restricting eligibility for FSM on the basis of a parent's immigration status results in indirect discrimination on the grounds of race.

- Children are going hungry while their peers are fed. Children with no recourse to public funds are not eligible for FSM in Wales even if their household income is zero.
- Restricted eligibility for free school meals does not depend on the immigration status of the child. It depends on the status of the parent.
- In a study of NRPF by the Unity Project in 2020, 90% of families responding had at least one British child, 95% of whom were black and minority ethnic children. None would be eligible for free school meals under current rules in Wales.²
- There are huge restrictions on support for children living in poverty who are subject to NRPF. Even child benefit is withheld. Free school meals are not a public fund and could be a valuable resource in tackling poverty where children have NRPF.
- Lack of access to FSM restricts access to the School Essentials Grant. Children with NRPF are eligible for this but usually cannot access it where not in receipt of FSM.
- In its NRPF Guidance, the Welsh Government urges local authorities to use their discretion not to charge children who have no recourse to public funds for FSM. Our research shows that this discretion simply is not working.

Why doesn't discretion work?

Our research found that even where local authorities believe they are exercising discretion, because of the way in which information is shared and applications administered, many children from low-income households cannot access FSM:

- Local authority websites often do not include information re: discretionary provision.
- Application processes often require evidence of receipt of benefits to which people with NRPF are not entitled.

- Some local authorities think they are exercising discretion when they are in fact offering free school meals to children on asylum support or unaccompanied asylum-seeking children, who are already entitled to free school meals.
- Many parents with no recourse to public funds are afraid of accessing FSM in case they accidentally access a public fund and damage their immigration status. It is vital that FSM become a clear entitlement, not a discretionary support.

Doesn't the universal primary roll-out of FSM address the issue?

The roll out of universal primary free school meals is a significant step in ensuring that no child in Wales goes hungry. It is not the whole journey. In secondary schools, beyond the universal roll out, many children of migrants are still missing out at lunchtime. Some families in our study spoke of the pain of knowing that one child was getting a meal at school, while an older child in secondary school, or a sibling attending a school in another authority, was going hungry.

What is the situation in other parts of the UK?

In England, children with NRPF have been eligible for free school meals since 2020. At first this was an emergency Covid-19 measure. The UK government permanently extended eligibility under a policy change in March 2022. Eligibility is subject to maximum household income thresholds of between £22,700 p.a. to £34,800 p.a. In Northern Ireland and Scotland, children with NRPF are not eligible for FSM, though there is some council discretion.

What needs to be done?

FSM are a vital tool in tackling child poverty and ensuring that no child goes hungry in school. We estimate that Welsh Government policy on FSM and NRPF restricts approximately 1,500 children in secondary schools from accessing free school meals they need, and consequently the School Essentials Grant.³

We are calling for the Welsh Government to permanently extend eligibility for free school meals to children with NRPF in Wales.

This would bring eligibility for FSM in line with UK government provision in England and is the only way to protect children's rights, provide equitable access, and ensure that **no child** goes hungry in school.

¹ *What Am I Supposed to Do? Living with no recourse to public funds in the Nation of Sanctuary*, Bevan Foundation, 2024, <https://www.bevanfoundation.org/wp-content/uploads/2024/02/Living-with-NRPF-in-the-Nation-of-Sanctuary-V2-FINAL-REPORT.pdf>

² We include statistics on British children to highlight inequity, but we believe that **all children** have a right to food, regardless of their immigration status or that of their parents.

³ Based on proportions likely to be living in poverty and attending secondary school of estimated nos. of children with NRPF or irregular migration status living in Wales (source figures from Migration Observatory and Dr. Jo Wilding). Rounded to nearest 100. Further information available on request.

Agenda Item 2.5



Free-at-source immigration legal services in Wales - a snapshot

Access to justice for immigration matters is severely restricted in Wales. With immigration legal aid services at the point of collapse and limited provision for non-legal aid cases, immigration legal provision is in crisis. Many migrants and sanctuary-seekers are unable to access justice, with devastating consequences for them and their families. This paper gives an overview of current immigration legal provision in Wales and illustrates its decline since the last civil legal aid contracts began in 2018.

1. Legal Aid

Most immigration casework was removed from the scope of legal aid in 2012. Legal aid is still available for asylum cases, with very restricted availability for certain non-asylum matters, e.g. detention and bail applications, cases of human trafficking, and domestic violence.

Exceptional Case Funding (ECF) is a theoretical safety net, available where denying legal aid would risk violation of human rights. The low fixed fees offered for ECF work make it financially unviable, and most immigration solicitors in Wales do not offer it.

How much immigration legal aid provision is needed in Wales?

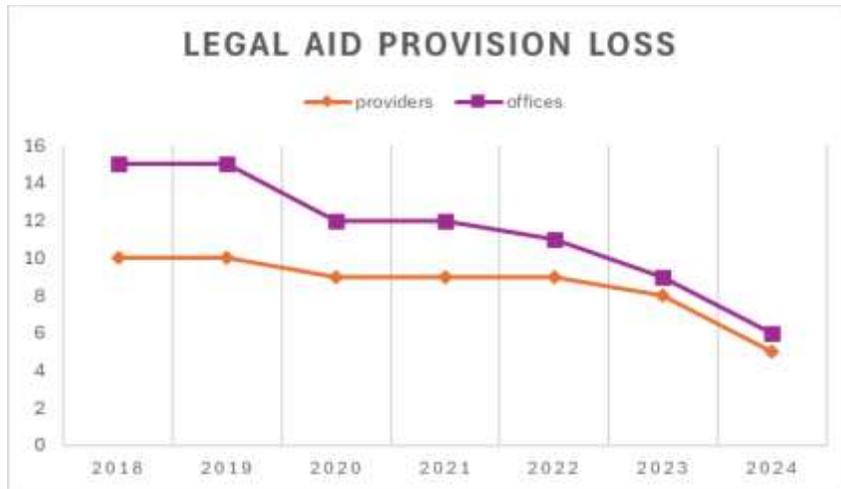
A conservative estimate calculates that in 2022 over 3,500 people in Wales presented with **new** immigration and asylum cases within the scope of legal aid.¹

Based on an annual average of 1380 legal aid matter starts¹ in Wales, the author, Dr Jo Wilding, calculated a Primary Legal Aid Deficit (cases clearly within scope but unable to find representation in Wales) of 2,226. Since this report was written, need has risen, while the number of matter starts opened in 2023-24 dropped to just over 1,080, a figure only slightly higher than at the height of the Covid-19 pandemic in 2020-21.

Providers

The number of legal aid providers and offices in Wales has dropped steeply, from 13 offices and 9 providers in September 2018, to only five providers today, operating 6 offices between them. This represents a 60% reduction in legal aid provision points for people needing access to immigration justice in Wales.

¹ A 'matter start' is a case started within a legal aid contract. More information about legal aid, plus a glossary of terms, can be found in the Bevan Foundation report *Firefighting: protecting legal aid funded immigration legal services in Wales, 2023* <https://www.bevanfoundation.org/resources/firefighting-protecting-legal-aid-funded-immigration-services-in-wales/>

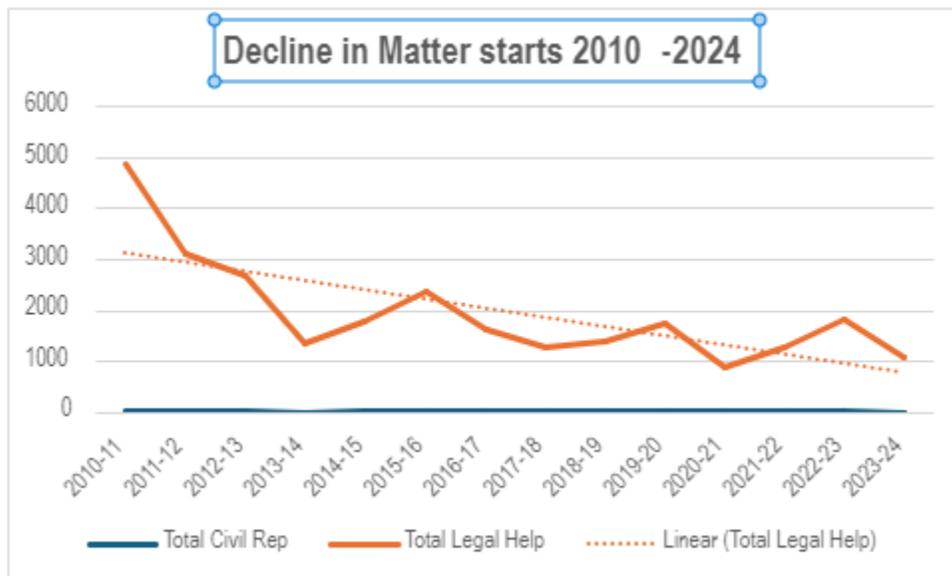


1 - Source: Ministry of Justice, Legal Aid Agency

Matter starts

Ministry of Justice figures show a steep decline in matter starts opened in Wales since the last financial year, with a 40 percent drop since 2022-3. An increase in new applications following a sharp drop during the Covid-19 pandemic may be a contributor, but the loss of providers, including one of Wales’s largest providers, is a major cause.

The decline is entrenched and long-term. Since 2015-15, there has been a 55% drop in immigration legal aid matter starts in Wales. The drop since 2010-11 is 80%.



2 - Source: Ministry of Justice, Legal Aid Agency

2. Out of scope provision

The greatest demand for immigration legal services falls outside the scope of legal aid. In the Refugee Action report cited above, its author Dr Jo Wilding estimated the numbers of urgent and pressing immigration cases in Wales that fall outside of the scope of legal aid to be just under 48,000. As noted by Dr. Wilding in her report for the Welsh Government, this need is spread throughout Wales, whereas the limited immigration legal provision that exists in Wales is overwhelmingly concentrated in the South East, in recognised 'dispersal areas'.²

OISC Services in Wales

The Office of the Immigration Services Commissioner regulates the provision of immigration advice in Wales. Non-fee-charging work outside of legal aid is provided predominantly through OISC-regulated advisors in the third sector. These are vital legal services that serve some of Wales's most vulnerable migrants. There are three levels of OISC competence which cover two categories of work: Immigration; and Asylum and Protection.

Of the six organisations providing OISC services in Wales, three provide a service that is restricted to people applying for a particular type of visa or to a particular ethnic group or group of experience (eg. sanctuary seekers or EU migrants).

Of the two organisations operating above OISC Level 1 (the most basic level), only Asylum Justice offers casework to a broad cohort, focusing on refugees and 'vulnerable' migrants (i.e. those in most challenging circumstances). This makes Asylum Justice unique in Wales: it offers a range of casework and representation at the highest level (OISC Level 3), free of charge, to migrants of all backgrounds. There is a huge demand for Asylum Justice's services

Other than the Welsh Refugee Council service situated in BAWSO's Wrexham office, there are no OISC regulated services outside of Cardiff, Newport and Swansea.

The table overleaf shows the three OISC levels; a short summary of the work that the advisor can undertake (the precise scope of work varies between the Immigration and the Asylum Protection categories); and the providers in Wales operating under that accreditation. (Note that above Level 1, providers can offer work at lower levels of competency.)

OISC Accreditation		Work	Providers in Wales	Region
Level 1	Advice and assistance	Basic advice and straight forward applications.	Welsh Refugee Council (Immigration, Asylum & Protection)	Cardiff, Newport, Swansea and Wrexham
			TPG Cymru (Immigration- EUSS only in partnership with Settled)	Cardiff
			Swansea Law Clinic (Immigration, Asylum & Protection)	Swansea
Level 2	Casework	Complex and discretionary casework. Representation to UKVI on illegal entry, overstayers, removal and deportation, applications for Secretary of State bail.		
Level 3	Advocacy and Representation	Most complex casework. Substantive appeals work. Pre-action protocol letters in advance of judicial review. Instruct and support counsel in certain circumstances.	Settled (Immigration, Asylum & Protection)	Newport
			Asylum Justice (Immigration, Asylum & Protection)	Cardiff

The impacts of exclusion from justice

Evidence indicates that people are increasingly unable to access immigration justice in Wales. Representation for appeals is particularly difficult to find in Wales. Support agencies report routinely referring people from Cardiff to Birmingham and Manchester.

Delays in finding advice and representation contribute to stress and impact well-being. Failure to access justice at the right time can result in the loss of employment, housing, immigration status, and ultimately lead to destitution or deportation. Due to the lack of legal literacy and knowledge of rights amongst migrants and people seeking sanctuary, it is difficult for people to assess whether or not an advisor is genuine, leading to alarming reports of exploitation and damage to immigration cases as a result of using unqualified and unregulated advisors.

The Bevan Foundation is currently undertaking research into people lived experiences of seeking and using immigration legal services in Wales. We are working with a working group of experts by experience, who will produce their own recommendations based on the findings of our research. More information on this work is available from the Bevan Foundation.

¹ Wilding, No Access to Justice, how legal aid deserts fail refugees, migrants, and our communities, 2022, Refugee Action <https://www.refugee-action.org.uk/no-access-to-justice-how-legal-advice-deserts-fail-refugees-migrants-and-our-communities/>

² Wilding, The adequacy and availability of legal advice services for forced migrants living in Wales, Welsh Government, 2023 <https://www.gov.wales/adequacy-and-availability-immigration-legal-advice-forced-migrants-wales-introduction-html>

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Welsh Government response

Equality and Social Justice Committee Annual Report: European Union Settlement Scheme

June 2024

On 8 April 2024 the Equality & Social Justice Committee published its annual report on the delivery of the EU Settlement Scheme in Wales.

The report highlights the complexities of the EU Settlement Scheme and the large amount of work which is still needed to ensure all eligible citizens are able to secure their pre-settled and settled status. The specific reference to the most marginalised and underrepresented communities, including the Roma community, is noted as an on-going concern.

The report appears to echo concerns the Welsh Government and stakeholders have discussed in relation to the changes to the scheme, including the closure of 'EUSS Family Route' and 'Administrative Reviews'. The importance of engagement and the need to strengthen relationships between the UK Government and the Welsh Government is a strong theme throughout the report.

This document sets out the Welsh Government's response to the Committee's recommendations.

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1. The Welsh Government and the EU Settlement Scheme

Since June 2019, the Welsh Government has provided a suite of free support to EU, EEA and Swiss citizens who wish to remain in Wales. Welsh Government has always been determined to ensure citizens who have chosen to make Wales their home feel they are valued members of our communities.

Since the beginning of the EU Settlement Scheme (EUSS), over 122,690 applications have been made by Welsh residents and many of those individuals have accessed some form of support in completing their applications.

Following the announcement of the EU Settlement Scheme (EUSS), the Welsh Government developed the EU Co-ordination Group, to provide stakeholders in Wales with a forum to raise and discuss issues. The forum continued until the end of 2023 and was productive in opening a reciprocal dialogue around how the EUSS is delivered in Wales. The EU Co-ordination Group has now been replaced by the EU Citizens Forum which facilitates a space for discussion regarding wider issues experienced by EU citizens.

The support to date, which was introduced in 2019, has meant EU citizens and their family members, have been able to access digital support, get help with basic queries about eligibility, access advice on social welfare issues and workplace rights and obtain free specialist immigration advice from our Welsh Government funded partners. Up until March 2024, this support also included advice from immigration legal specialists, Newfields Law.

The Welsh Government will continue to support EU citizens in Wales. We will endeavour to ensure there is continued free help and advice available to them when making an application, supporting adjoining family members, accessing rights or moving from pre-settled status to settled status.

We remain concerned about the number of EU citizens in Wales who may still not have applied to the settlement scheme for various reasons, or need continued support to upgrade their status and the Welsh Government is continuing its outreach work in this area. We welcome the role our stakeholders continue to play in ensuring those facing the greatest barriers in our communities can access support and we are pleased to have recently been able to extend our funding for the *Settled* organisation to continue its EUSS advice service until March 2025.

In addition to the support provided by the Welsh Government, the UK Government has funded Welsh partners to deliver additional support services in Wales and has maintained dialogue at an operational level. However, the UK Government has continued to make decisions regarding the scheme, which impact Welsh residents, with no prior discussions or engagement with the Devolved Governments.

We welcome the UK Government's announcement made on 21 May 2024, outlining the changes to the EUSS to further support the implementation of the High Court judgment in Judicial Review proceedings, brought by the Independent Monitoring Authority (IMA)

for the Citizens' Rights Agreements. Over the coming weeks, we will ensure all Welsh Government guidance, including our EU Factsheets, are updated to reflect the changes. We will continue to signpost to the relevant advice services via our Nation of Sanctuary, to ensure those seeking advice are able to access these services promptly.

I would like to thank Members of the Equality and Social Justice Committee for their report on the EUSS. I am particularly pleased to see the Committee's recommendations are in line with our current and future plans. I have set out my response to the Report's individual recommendations below.

Lesley Griffiths MS

Cabinet Secretary for Culture & Social Justice

June 2024

2. Recommendation 1

The Committee recommends:

The Welsh and UK Governments work together on implementing the changes to the EUSS, in light of their important implications for European citizens living in Wales.

Response: Accept

The recent changes to the EUSS, which include changes to “reasonable grounds”, closure of ‘Administrative Reviews’ and the implementation of the outcome of the Judicial Review, have resulted in an increase in complex cases and subsequent concerns from stakeholders.

Welsh Government policy officials will continue to attend Home Office forum meetings, to ensure we remain updated on emerging changes. In recent months, Home Office officials have attended the Welsh Government’s EU Citizens Forum to provide updates and address questions from Welsh stakeholders.

However, there is still significant challenge with regards to establishing early engagement with the UK Government on changes to the EUSS before they are introduced. The Welsh Government continues to call on the UK Government to effectively engage with us, in a timely manner, on all aspects of the EUSS.

In June 2023, the previous Minister for Social Justice & Chief Whip wrote to the then UK Minister of State for Immigration, to state our disappointment at the lack of engagement on phase 1 of the changes to EUSS guidance following the Judicial Review. This made it extremely difficult for us to support our external stakeholders and had inevitably led to increased uncertainty for them. We, once again, requested engagement with both the Welsh Government and Welsh stakeholders on the development of phase 2, which would enable us to manage the implications for, and expectations of, EU citizens in Wales. Unfortunately, once again for engagement was ignored.

Whilst the Welsh Government welcomes the UK Government’s recent announcement informing the duration of pre-settled status extensions will be increased from 2 to 5 years, and the removal of the pre-settled status expiry date from digital profiles, it is disappointing no notification was given to us prior to the announcement. Until our calls for engagement are met by the UK Government, the Welsh Government will continue to push for improved engagement.

Financial implications: There will not be any financial implications as this is undertaken as part of Welsh Government’s day-to-day business activity.

3. Recommendation 2

The Committee recommends:

The Welsh Government closely monitor late applications from Wales to determine the implications of changes to the EUSS, including narrowed criteria and the closure of EUSS routes, on European citizens living in Wales until at least the end of 2025.

Response: Accept

The UK Government is responsible for collecting the data on EUSS applications, which are released to the public on a quarterly basis. The latest statistics released, show there had been 587,310 late applications across the UK up until 31 March 2024. The number of late applications for Wales is 22,840. This figure is lower than other Devolved Nations, with Scotland having 60,550 late applications and 34,570 late applications in Northern Ireland.

The Welsh Government has made numerous requests for improvements in data collection, to allow us to obtain data which can aid us in understanding the need for future support at Local Authority level. It is pleasing a recent request for data on the number of EU citizens who have already been automatically upgraded to Settled Status, was met. We are unable to share this data as it has not been released into the public domain and the data will not be shared with Devolved Governments routinely.

Alongside data gathering, we continue to work with stakeholders to gain an understanding of the issues EU citizens in Wales continue to face and the support they are seeking via our partners. We have been made aware of stakeholders' concerns on the recent changes announced to "reasonable grounds" for late applications. To allow those with complex cases to access support, we have extended our funding of the *Settled* organisation until March 2025. In addition, it is vital the UK Government recognises the importance of the current funding for *Settled* and TGP Cymru to provide additional support services in Wales. We will continue to call on the UK Government to ensure the most vulnerable EU citizens are able to access support for the near future, at least.

Financial Implications: There will not be any financial implications as this is undertaken as part of Welsh Government's day-to-day business activity.

4. Recommendation 3

The Committee recommends:

The Welsh Government continue to support European citizens living in Wales in future, including those applying to the EUSS.

Response: Accept in principle.

As applications continue to be made and the option of an administrative review has been removed, it is evident there is still a need for EUSS advice services. As a consequence of the Home Office rejecting applications, Welsh stakeholders have seen more requests for pre-application advice and support.

We are aware that the complexity of EUSS applications is creating an increased demand for support. This is why the Welsh Government chose to continue its funding to Third Sector organisation, *Settled*, until March 2025. This funding will enable *Settled* to continue to offer support and advice to EU citizens in Wales.

As part of our support package, we have created our EU Factsheets which are available on our gov.wales and Sanctuary websites. We have developed these so EU citizens understand their rights when it comes to areas such as work, rent, housing and health and are signposted to support, should they require it.

The Welsh Government has also recently developed a new EU Citizens Forum which provides the opportunity for stakeholders and representatives of EU citizens in Wales to raise awareness of issues. Policy officials will continue to monitor the on-going need for EUSS support, along with support to deal with the wider issues EU Citizens may be facing. This will enable us to identify future needs.

Financial Implications: The on-going demand for support is reviewed on an annual basis. As long as the need for support is evidenced, we will continue to consider funding support within the Welsh Government's budgets.

5. Recommendation 4

The Committee recommends:

The Welsh Government continues targeting its EUSS support at harder to reach, under-represented and vulnerable groups, including the Roma community.

Response: Accept in Principle

Since the launch of the EU Settlement Scheme, the Welsh Government has funded and worked with support services to ensure vulnerable EU citizens within communities who experience barriers to accessing support and services, are targeted and supported. We work closely with our stakeholders to keep abreast of the challenges faced by people within under-represented and marginalised groups.

TGP Cymru, a leading Third Sector organisation, is jointly funded by the UK Government in collaboration with *Settled*, to offer specific support to Roma communities. We are pleased members of TGP Cymru still remain as active participants on our new EU Citizens Forum as a voice for the Roma Community.

We are hopeful the development of the new EU Citizens Forum will build additional relationships with representatives across Wales who can support us in awareness raising and signposting, especially within marginalised communities, who often experience significant barriers to support.

Financial Implications: The on-going demand for support is reviewed on an annual basis. As long as the need for support is evidenced, the Welsh Government will continue to consider funding support within our yearly budgets.

6. Recommendation 5

The Committee recommends:

We note the Minister's response, that she is not aware of any specific issues for Ukrainian citizens following the closure of the EUSS Family Permit route. We nevertheless, call on the Welsh Government to continue monitoring this situation and to notify the Committee if the position changes.

Response: Accept

The Welsh Government will continue to support Ukrainian citizens residing in Wales and monitor any issues they may be experiencing. To date, we have not received any information to suggest Ukrainian citizens are experiencing issues relating to the closure of the EUSS Family Permit route.

However, in February 2024, the Ukraine Family Scheme visa route closed to new applicants and the Homes for Ukraine visa route could no longer be used by those with temporary status to sponsor relatives to join them in the UK.

Welsh Government has written to the Home Secretary, asking them to expand the UK Government's Family Reunion scheme to ensure it is more accessible to sanctuary seekers with UK-based family members, regardless of their nationality. No response was received due to the General Election.

If any issues are brought to our attention, we will ensure the Committee is made aware of these promptly.

Financial Implications: There will not be any financial implications as this is undertaken as part of Welsh Government's day-to-day business activity.

7. Conclusion

We welcome the findings and recommendations of the Equality and Social Justice Committee's Annual Report. The Welsh Government will take forward the recommendations as part of our ongoing monitoring and support of EU Citizens and the EU Settlement Scheme in Wales.

The Welsh Government will continue to engage with the UK Government and other Devolved Governments to share best practice and discuss concerns. We will continue to actively engage with the Independent Monitoring Authority to support their inquiries and reviews to ensure Welsh Government guidance and policies are compliant with the European Union (Withdrawal) Act 2018.

The development of the new EU Citizens Forum is a positive step forward and policy officials will continue to build on the membership to ensure all relevant stakeholders are identified.

Over the remainder of this financial year, discussions with our grant funded organisation *Settled*, will continue to review progress and establish future requirements for advice services.

We will continue to urge the UK Government to consult properly and effectively with the Devolved Governments and stakeholders on future decisions regarding the scheme, to ensure the Welsh Government's position is considered. Policy officials will continue to attend the UK Government's stakeholder meetings and request the relevant Home Office officials attend our quarterly EU Citizens Forum.

Document is Restricted

Agenda Item 5

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

Document is Restricted