

Agenda – Equality and Social Justice Committee

Meeting Venue:

Committee Room 3 (Senedd)

Meeting date: 11 November 2024

Meeting time: 13.30

For further information contact:

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Private pre-meeting

(13:00 – 13:30)

Public meeting

(13:30 – 16:45)

1 Introductions, apologies, substitutions and declarations of interest

(13:30)

2 Disability and Employment: evidence session 11

(13:30–14:20)

(Pages 1 – 19)

Rhianydd Williams, Equality and Policy Officer, Wales TUC

Break

(14:20– 14:35)

3 Disability and Employment: evidence session 12

(14:35 – 15:35)

(Pages 20 – 35)

Angharad Dean

Dee Montague – Coast, Fair Treatment for the Women of Wales

Isabel Linton, Fair Treatment for the Women of Wales

Break

(15:35 – 15:50)



4 Disability and Employment: evidence session 13

(15:50–16:45)

(Pages 36 – 44)

Rosie Cribb, Social Firms Wales

Richard Wellfoot, Merthyr Institute for the Blind

5 Papers to note

(16:45)

5.1 Correspondence between the Chair and the Ministry of Justice regarding Speech, Language and Communication Needs in the Youth Justice System

(Pages 45 – 47)

5.2 Correspondence from Audit Wales regarding the Committee's follow-up inquiry into Fuel Poverty and the Warm Homes Programme

(Pages 48 – 51)

5.3 Correspondence from the Independent Monitoring Authority regarding statements of changes to immigration rules and Wales specific legislation

(Pages 52 – 99)

6 Motion under Standing Order 17.42(iv) to resolve to exclude the public from the remainder of this meeting

Private meeting

(16:45–17:00)

7 Disability and Employment: consideration of evidence

(16:45– 17:00)

Document is Restricted

Agenda Item 3

Cyflwynwyd yr ymateb i ymgynghoriad y [Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol](#) ar [Anabledd a Chyflogaeth](#)

This response was submitted to the [Equality and Social Justice Committee](#) consultation on [Disability and Employment](#)

DE16

Ymateb gan: | Response from: Triniaeth Deg i Fenywod Cymru | Response from: Fair Treatment for the Women of Wales (FTWW)





Senedd Equality and Social Justice Committee Inquiry into 'Disability and Employment'

1st September, 2024

Fair Treatment for the Women of Wales (FTWW) is a pan-Wales patient-led charity and disabled people's organisation focused on highlighting and addressing health inequities experienced by women and people registered female at birth who are disabled and / or living with long-term health issues.

Like the Welsh Government, FTWW utilises the social model of disability which, for our charity, means that whilst there is no disputing the impact health issues have on our members, or the need for healthcare and treatment, what tends to 'dis-able' the most is societal attitudes towards disabled people and the often 'invisible' health conditions with which many of our members are living, as well as places and spaces that don't understand, recognise, or accommodate their various needs.

For this inquiry, FTWW ran both a survey in our online community group and hosted a focus group with members currently in and out of work. Primarily, our aim was to address three key questions:

1. Why do you think progress to reduce the disability employment and pay gap has been so difficult to achieve?
2. What barriers exist across society that impact on your ability to work?
3. What further policy measures and actions are needed by governments to support disabled people, and young disabled people, into employment and / or volunteering, and any examples of good practice.

- **The Social Model of Disability**

We started by asking our survey respondents if they were familiar with the social model of disability: 100% of those who weren't currently in work were unfamiliar with the model, whilst the opposite applied to those who were in work, with 100% of them being familiar with it. This might suggest that those in employment have potentially learned about the social model in order to help them better access their workplace rights and entitlements. Of those who were aware of the model, there was a clear split between those who thought their employers understood and used it in their practices, and those who didn't.

Comments included:

'It is something I am learning myself and something I have shared with our Diversity and Inclusion Manager to look at developing, not just for myself but other colleagues'.

and

'My manager has not received training on this model. My current workplace doesn't have accommodations in place for disabled people'.

Question One: Why do you think progress to reduce the disability employment and pay gap has been so difficult to achieve?

In response to the 'disability employment gap', all of our survey respondents and focus group participants, whether they were currently working or not, said that, in their experience, it is harder for disabled people or people with long-term health conditions to find employment.

Our focus group participants described how difficult it was to find job roles that offered genuinely flexible, accessible, and remote working. They described how many job adverts would start by saying they were 'flexible', offering 'hybrid' options, only to discover that there was still an expectation that employees would attend a physical office space several times a week. One of our survey respondents described how, *'During Covid there were a lot more work-from-home opportunities...Since the pandemic has eased, these options, including the flexibility surrounding them, has become a less common occurrence. I've found it really hard to find a job suitable to work around my conditions and an employer who is understanding of my chronic illnesses. Most jobs are now hybrid, and requiring you to be in an office for half your weekly hours or more'.*

Focus Group participants described how disabled people often rely on a local support network, including family, carers / personal assistants, or particular services, making it far more difficult for them to uproot and move to where the jobs are. This is particularly

problematic for those in highly skilled industries or professions where head offices will tend to be centred around large cities.

City-living is usually more expensive and therefore less affordable for disabled people who tend to have less disposable income, with Scope calculating that the extra costs faced by households with at least 1 disabled adult or child, known as the 'Disability Price Tag', currently stands at £975 per month¹. We describe later in this response why living outside of urban centres and commuting to work can be equally problematic for disabled people but, in short, the result is that disabled people, especially those in more rural areas, can find themselves excluded from the jobs in which they have expertise, solely due to logistics. Both our focus group participants and survey respondents reported a lack of consideration given to accommodations which could help them better access the job market, including allowing roles to be fully remote and flexible, where appropriate.

Our participants then went on to describe the problematic nature of equality and diversity monitoring and the use of 'tick box' exercises when employers are looking to establish whether or not a potential employee is disabled. More than half of our focus group participants stated that they avoided ticking the 'yes' box because of real and perceived risk of discrimination. They felt that declaring disability status ahead of interviews meant that they were perceived as less reliable, less competent, and likely to make 'un'reasonable demands of employers, negatively impacting their chances of success.

Both focus group participants and survey respondents told us that they only started getting interviews and job offers when they made a deliberate choice not to declare their disability status ahead of time. One of our survey respondents said, *'I didn't declare my conditions in the initial application or at interview for fear of being thought of as someone who is unreliable or would have a lot of time on the sick...If anything, if I do have time off work, it is usually because I have over-compensated whilst there, like I have to prove I am worthy of the role'*. One of our focus group participants summed it up thus, *'The perception is often that disabled people have nothing to offer employers, but then people moan when disabled people do not work'*!

Other participants told us that they feared intrusive questions being asked on the basis of their declaration, and felt they didn't want to be forced to disclose the precise nature of their impairment/s or symptoms. However, at the same time, they were concerned that failure to describe their health issues to employers might lead to them a) not being believed, b) not being able to make the case for the reasonable adjustments they needed, c) not getting the job. The dilemma around whether or not to disclose health conditions and the extent of them meant that members felt anxious about taking up work, staying in work, and progressing in their careers. There was very much a sense that conversations like these can negatively impact working relationships, especially in

¹ <https://www.scope.org.uk/campaigns/extra-costs/disability-price-tag>

workplaces that aren't informed or proactive in their support for disabled and chronically unwell people.

For those members who were comfortable disclosing their health conditions / needs to employers, there was still an overwhelming sense that most workplaces were uncomfortable with the whole concept of employing a person with an impairment or medical disorder. One of our survey respondents told us, *'I have applied for jobs that I have been more than qualified for, but have been turned down for due to asking for simple reasonable adjustments, such as starting slightly later due to needing to get public transport to/from work, as my conditions prevent me from driving'*.

Our focus group participants also described employers being reluctant or afraid to ask the person what their needs might be. They recounted how the support provided in many workplaces was extremely bureaucratic and process-driven with, for example, formal referrals and regular meetings with HR required, so much so that it actually contributed to feelings of anxiety and ill health. One of our focus group participants told us, *'I ended up feeling like I wished I'd never bothered asking for support at all'*.

For those living with chronic, fluctuating, often 'invisible' health conditions, who make up the majority of FTWW's membership, there were also concerns about the misconceptions and stereotypes around 'disability' and what it 'looks like', which can leave those living with 'invisible' impairments feeling excluded or unsure if they're really 'disabled' or not. One of our focus group participants commented, *'Ticking the box is still an issue for many people in my organisation. Some don't feel disabled as they have conditions that are managed well but technically still fit the definition. We've tried with staff surveys to use different ways rather than just saying are you disabled which is working a little better. I think that's the historic attitude to the word disabled and maybe not feeling they are as bad as someone else. It took me years to tick the box I must admit'*.

Several participants described how common depictions of disability impacted both on their own perception of themselves as not being 'properly disabled', and their confidence in asking for reasonable adjustments (and, indeed, knowing what those adjustments might be). One focus group participant explained how fluctuating health issues aren't predictable and that this causes problems for employers who don't fully understand what flexible working constitutes or how to manage it, *'I can't tell employers what the definition of flexibility is; I cannot give them that predictability or tell them I need to work from home on these specific days'* whilst one of our survey respondents commented, *'It's difficult to find an understanding employer - especially when you need regular time for hospital / GP appointments / surgeries / tests etc'*.

Our participants felt that a deliberate and widespread change of mindset was needed on the part of employers, in order to recognise the value of disabled employees, reduce erroneous assumptions, and remove fear of taking on people with long-term health conditions. One of our focus group participants described how some employers, whilst allowing their staff to work from home, installed their devices with tracking software to

monitor productivity, even though staff were still meeting the targets set. As it is more likely to be disabled people requesting remote working, our participants felt that this degree of mistrust and intrusion was discriminatory and anxiety-inducing, to the point where it would both impact their health and deter them from remaining in that role. One participant said, *'If you don't trust the person you're employing, you shouldn't be employing them in the first place.'*

Some of our participants felt that, whilst more inclusive thinking may have been achieved at Board level, middle / line management needed more persuasion, both in terms of changes in attitudes and operational activity, systems, and processes. As middle managers would often be the people recruiting and appointing staff, our participants felt that Boards needed to be more directive in this regard, and stipulate the need to appoint and support disabled people. Our members also felt that Boards and Executive teams needed to lead by example, and ensure that workplace culture was welcoming, supportive, and 'enabling', where disabled employees could comfortably discuss their needs with managers, human resources (HR), occupational health, and so on, and not be judged unfavourably for doing so. As one of our survey respondents said, *'The fear around sickness triggers (where number of absences can trigger disciplinary action) and HR is sometimes used to push people back into work but HR should be approachable and there to help, not 'catch you out'!* Instead, as one of our focus group participants commented, managers should try to remember, *'We're just normal people who need a little bit more help'*.

To that end, focus group participants felt that there was very much a need for all employers and disabled staff to have ready access to 'Access to Work' schemes and disability advisers. It was felt that provision of this nature could assist with exploring the types of reasonable adjustments that might be needed for individuals, and advise employers on how to accommodate those adjustments within their business.

In fact, difficulties accessing 'Access to Work Schemes' was highlighted as a key concern for our focus group participants. Firstly, it wasn't clear if the scheme was widely known or signposted to prospective or existing employees in need and, where it was known, the long waiting lists for assessments, often extending into months after people's start dates, was cited as a huge barrier. For some of our members, not being able to secure the assistance or devices they needed ahead of time meant that they simply weren't able to accept offers of employment or, where they did, they struggled to manage tasks and workload, which risked increasing stress, anxiety, ill health, and their ability to remain in the role.

We also asked our survey respondents whether they felt any progress had been made in their workplaces or the employment market more generally to better support disabled people. All of those not currently in work felt that that no progress had been made; however half of those in employment felt that progress had been made and, interestingly, almost half of those worked for the third (charity) sector with one saying, *'I work for a charity that is very positive and generally very accommodating for people with disabilities. However, this has not been the case everywhere I've worked'*. Another

employee in the third sector said, *'I work for a very progressive third sector employer; whilst my statutory role paid more, it was filled with bureaucratic nonsense which was prohibitive'*, a statement reinforced by a third respondent who said, *'I work for the NHS and it is not very accommodating whilst you are in work towards long term health conditions'*.

A fourth respondent summarised the situation regarding progress in the workplace for disabled people as follows, *'there is still so much to be done - including making offices accessible and wheelchair friendly. Plus more of an understanding by management to find out about conditions and support available rather than the onus always having to be on the person with health conditions or a disability to explain everything and push to get things done. It should be inclusion by design not inclusion by afterthought'*.

In terms of the disability pay gap, nearly all of our survey respondents said that, in their experience, disabled people and people with long-term health conditions generally earned less than non-disabled people.

Our focus group participants described how, whilst there might not be a conscious or deliberate decision to pay disabled employees less, it was often lack of reasonable adjustments in preferred roles that resulted in disabled people having to take on jobs with lower pay. One of our survey respondents said, *'A great deal of disabled people are not accommodated well in many jobs, so they leave work completely, reduce their hours or take on lower paid work'*, whilst another said, *'There are (fewer) remote/flexible job opportunities and therefore those who would find these positions suitable can find they're taking a reduction in pay to take on a job that is more suitable for their needs. It also means there are a lot of people vying for one position'*. A third told us, *'Prior to becoming ill, I was earning more than £5k a year than I am now, and that's going back 6 years. I can no longer physically do that role. This current role enables me to keep on working'*.

The focus group went on to discuss how, often, the way jobs are evaluated (such as Key Performance Indicators which focus on attendance rather than performance) meant that they had lost out on target-related pay increases. One participant spoke about how, even though they were hitting performance-related targets, their absences meant they were overlooked for continuing professional development and training, which meant they didn't have the opportunity to acquire the skills needed for promotion. Another commented, *'With the banding in the NHS you are paid the same as others at that band so I don't feel there's a pay gap there. However development and progressing to higher bands can be more tricky. It's taken me a while to progress, people who work with me state I should be higher as I have the knowledge and experience but interviews are just so difficult'*.

Focus group participants also described how managers sometimes make 'assumptions' about the disabled person's capacity to undertake a more senior, better paid role, so they were automatically excluded from the process, a theme reinforced by survey

respondents, one of whom commented, *'I believe (disabled people) earn less because they are not given the same opportunities. It is usually a non-disabled person deciding what is right for the person with a disability. Or assuming they can't do something rather than having open conversations with the person concerned. I had to fight for a pay increase in line with the work I have taken on, much to my manager's displeasure'*. In contrast, another of our survey respondents felt that, *'(lack of) confidence stops disabled people thinking they are capable of higher paid roles'*.

The focus group then went on to discuss how, much like maternity-related employment and pay gaps, disabled people who need to take periods of time out of the workplace due to symptom-escalation or treatment can similarly find themselves penalised in terms of progression and pay. Periods of sickness absence meant that they started to fall behind in terms of skills development and missed out on training opportunities. As a result, they became 'less employable' and had to settle for lower-paid roles.

One of our focus group members described how, in some workplaces, there was an expectation that those seeking to 'get ahead' would take on more tasks and responsibilities outside of normal working hours, essentially working for free in return for increased chances of promotion. For disabled people, already having to very carefully balance workload and wellbeing, this kind of approach is often impossible to manage without risk of causing their health to deteriorate, resulting in their losing out on opportunities to progress and achieve higher rewards. One of our focus group participants put it very succinctly, *'I can't give any more than I'm giving already but my 100% is not seen as equal to a non-disabled person's 100% because it looks different'*.

The group also discussed how networking outside of the workplace, which could see some candidates preferred for promotion over others, meant that they weren't considered because they weren't able to join in or access such events. Even disabled people who had opted for freelance work or were self-employed felt that they encountered a disability pay gap, largely because their health meant they weren't able to take on the number of projects they would like to do. Being self-employed is often posited as the 'solution' for disabled people who have had to leave external employment due to their health. However, this can lead to another form of 'disability pay gap', because of lack of sick pay. One of our survey respondents commented, *'...disabled people earn less due to no sick pay. It's complicated and difficult to claim benefits, which do not cover basic living costs'*.

Question Two: What barriers exist across society that impact on your ability to work?

Our focus group felt it was very important to consider the disability employment gap through an intersectional lens, and look at how various experiences and circumstances can add to the barriers causing and perpetuating it. Examples given by our participants included:

- **Lack of accessible and affordable public transport** which has further reduced since the pandemic, partially as a result of more hybrid working patterns. As fewer people are travelling, less profitable bus routes have been cancelled or ticket prices increased, leading to disabled people in more rural areas becoming even more excluded and less able to access employment.

Limited wheelchair-friendly bus and train spaces heightens stress and anxiety about trying to get to work. Participants spoke about how the possibility of conflict between pram / buggy-users and themselves increased their reluctance to travel, whilst accessible taxis at peak times are few and far between and those that do exist are often pre-booked for school transport.

- **Lack of disabled parking spaces**, and needing to justify using them, was another barrier to employment cited by our focus group members. The prospect of intrusive questions troubled participants; one of them described how a former estates manager had decided against providing disabled parking bays at the front of the office building because it would be seen as ‘unfair’ to non-disabled employees.

Another participant commented, *‘Sometimes a work place doesn’t have onsite parking so you have to use a public car park...the price of parking has hugely increased (including parking permits) where I am, so, if you’re working part-time and have to factor in that cost too it can be another barrier’*.

- **Long NHS waiting lists** which delay diagnoses and treatment, resulting in people either losing their jobs or being unable to seek employment in the first place. Both survey respondents and focus group participants indicated that they’d become more unwell whilst waiting for appropriate healthcare interventions, impacting on their ability to work, continue in employment, or look for a job. One of our survey respondents told us, *‘I experience chronic pain and chronic fatigue. I have issues with memory and most days, struggle to meet my own needs. I wouldn’t be able to function in any employment in my current situation. The NHS has long waiting lists to access treatment, in the meantime, long term health conditions are getting worse’*.

Despite a formal diagnosis not being a legal requirement for accessing support in either employment or education, according to our focus group participants, many workplaces and academic institutions still insist on medical confirmation of diagnosis before providing support or considering reasonable adjustments. One of our focus group participants described how delayed diagnosis for autism was a significant barrier to their receiving support at university, *‘They wouldn’t support around my autism because I didn’t have a diagnosis, which presented huge issues’*.

- **The link between poverty, ill health, and reduced life chances.** Young people growing up in households where there is a disabled family member are more likely to experience poverty. This has been shown to negatively affect educational attainment, job prospects, and health, all of which can impact on people's confidence and chances of future employability. If a person is poor, they are at higher risk of developing long-term health conditions, which further reduces their ability to secure employment and improve their circumstances, resulting in a multi-generational cycle of deprivation
- **Homelessness** (including 'sofa-surfing' and those in emergency accommodation, as well as street homelessness). People without safe and secure housing are at increased risk of ill health, whilst lack of a formal address also makes it more difficult to access the job market or open a bank account to receive payment. Without an address, a person is more likely to become unwell and disabled, and less able to take the steps needed to improve their prospects
- **The need to make places and spaces accessible** by default, with all new-builds, renovations, and town planning being subjected to access audits run by disabled people's organisations ahead of work commencing, to ensure that people's diverse impairments and needs are fully considered and accommodated.
- **Societal expectations about what constitutes 'good' working practices** and acceptable conduct can sometimes be disabling, as one of our focus group participants described, *'not being allowed to work in pyjamas, having to have cameras on in meetings if you work remotely. Things like the 9-5 being the norm when some people might work way better in the night (they're just seen as disorganised or weird). I work from my bed and often with pyjamas on now, and I might not start 'til the afternoon, because it's that or I may not be able to work at all that day. For many workplaces that would be seen as unacceptable'*.

Our focus group participants agreed that a cross-government approach is needed to address these barriers, with the social model of disability front and centre of all decision-making.

Question Three: What further policy measures and actions are needed by governments to support disabled people, and young disabled people, into employment and / or volunteering, and any examples of good practice.

Above all, our focus group participants felt that a change of attitude towards disabled people was needed. They argued that it was no longer good enough to issue guidance or recommendations to employers, but that more needed to be mandated in terms of

employing, supporting, training, and promoting disabled people. Participants recognised the challenges in collating accurate data on disability, but felt that if workplaces were more open and supportive in the first place, people would be less reluctant to disclose their status and needs, resulting in more learning and better practice across the board.

- **Disability Standards or Quality Marks**

Participants were particularly concerned at the superficial ‘tick box’ approach to Disability Employment Standards, with organisations holding gold awards for being ‘disability friendly or confident’ whilst at the same time being inaccessible and unsupportive of employees living with long-term health conditions and impairments. They felt that both standard marks and policies / practices needed to be coproduced, regularly revisited, and assessed by disabled employees themselves so that they were more likely to be realistic and reflect people’s needs.

Equally, participants felt that there needed to be more scrutiny of employment practices regarding disabled people and reasonable adjustments, starting with job adverts and recruitment packs. All should make clear that reasonable adjustments are considered, including as part of the interview process, and that the workplace in question is a welcoming and non-judgmental space.

- **The Education Sector**

One particular policy area participants felt was in need of attention was education and training, a key driver of future employment prospects. They reported pockets of good practice for disabled and neurodivergent students, with some enabled to undertake assessment in ways other than formal examinations, and some schools / colleges offering bespoke support, vocational courses, training, and work experience placements that met disabled students’ needs. One member described how a local Special Education Needs school had set up both a café and shop on its grounds to give students practical skills in a familiar, safe, and supportive space. However, it seemed that other local authorities didn’t offer these same adjustments or support, so members were concerned about postcode lotteries and how these could disadvantage disabled students in some parts of Wales, especially once they left formal education to enter the world of work.

Whilst on the topic of education, participants also expressed grave concern about higher education and degree courses where academic institutions stipulated students undertake an industry placement in order to pass the course. More than one of our members spoke about how they, or fellow disabled students of whom they were aware, hadn’t been able to find placements that were accessible or able to accommodate their needs. Some had selected their degree course whilst in good health, only to experience a deterioration or new impairment farther down the line and a subsequent lack of support or offer of alternative ways forward from their universities. One member told how her university had advised her, *‘it’s a requirement; you’ll fail if you don’t do it’*, despite her having a note from her GP saying she wasn’t fit for work. Undoubtedly, for

some disabled students, this could put both their education and chosen career path in jeopardy, whilst also incurring considerable financial debts.

- **Practical support and advice for employees and employers**

Participants felt that there was a lot of support available to employers to help them take on disabled people but that maybe they weren't aware of what was out there, or that they lacked the time (or possibly the interest) to explore the landscape. It was felt that there needed to be a more proactive offer to new and existing businesses, especially start-ups, small businesses, and disabled people's organisations, so that their likely more limited capacity wasn't spent trying to search for support or navigate complex systems. Instead, dedicated agencies in Wales should directly approach them and offer assistance.

Whilst on the topic of more accessible support for disabled people in work, participants also raised the issue of access to advice and justice when experiencing disability discrimination in the workplace. Employment tribunals are just one example of how environments and processes of this nature can very often cause difficulties for disabled and unwell people, with the stress, anxiety, and preparation needed potentially resulting in worsening health. This in itself can deter people from seeking justice and compensation.

It was felt that more Legal Advice Centres and Disability Advice Centres were needed across Wales, working collaboratively to provide disabled employees with practical support, advice, and advocacy. Centres of this type could also help employers better understand how to comply with legislation, create inclusive and accessible workplaces, and offer mediation services where needed.

- **Universal Basic Income**

At a political level, focus group participants also mentioned their desire to see social security and welfare devolved to Wales, not least as the Welsh Government has committed itself to the social model of disability and has undertaken a long-standing programme of work on 'Disability Rights'. One participant mentioned the opportunities that a Universal Basic Income would provide to disabled people, enabling them to train and work at a pace and in ways that suit their health needs and capacity, making them more productive and more, not less, likely to undertake employment or volunteering.

- **Volunteering**

Whilst on the topic of volunteering, our focus group participants very much recognised the value and importance of these activities, describing them as '*amazing and empowering*'. However, they also felt that there was a risk that volunteering (or 'unpaid work') could be marketed to disabled people as all they should expect in life.

One participant described a local charity's recruitment drive for volunteers comprising adverts asking, '*Are you disabled and looking for something to do?*' inadvertently implying that all disabled people are unemployed, with no family responsibilities, and

with low aspirations. Our focus group felt very strongly that, where disabled people wanted and were able to undertake paid employment in a supportive and welcoming space, volunteering should not be posited as an alternative. One of our participants said, *'If disabled people are only ever seen as "unpaid", it feeds into the societal perception that they don't have as much "worth"'*.

For those wishing to undertake volunteering, one of our focus group participants emphasised the importance of volunteer placements offering flexible approaches which accommodate disabled and unwell people's needs. Too often, volunteers were expected to sign contracts and commit to certain days and hours, which posed the same challenges to those with chronic and unpredictable health conditions as formal employment. One of our survey respondents suggested there be a centralised database of volunteering opportunities which made clear how far organisers had considered and accommodated accessibility requirements.

Another described the importance of programmes like, 'Equal Power, Equal Voice', which could help to empower and give disabled people more confidence. However, another survey respondent gave a note of caution regarding over-reliance on volunteers without adequate funding or infrastructure to support them, *'There is limited capacity in the health and social care workforce to work with volunteers; why does the Welsh Government always think volunteering is the answer without factoring in the costs to the organisations'?*

- **Government Employment Policy and Programmes**

At a government and policy level, both focus group participants and survey respondents agreed that much more needed to be done to address the narrow perception that all disabled people should and could be in work if only more adjustments, programmes, or incentives (or sanctions) were put in place. All were clear that there needed to be public recognition and acceptance that some disabled people would never be able to work, no matter what, and that this should not mean they be treated with any less respect and dignity or be denied support.

All of our survey respondents currently in employment felt that governments did not understand that some disabled people cannot work, regardless of schemes or policies put in place, with one of them telling us that, *'The stigma is ridiculously upsetting. My partner for example is a wheelchair user following an IED explosion during his time in the military (14 years and multiple tours) yet he was classed as unemployed and not willing to work when all he does is want to work but is not physically able owing to his disabilities and pain levels'*. One survey respondent currently not in work said, *'They think if they put schemes in it'll motivate us. We aren't unmotivated. Many of us have chronic pain. Chronic pain is not conducive with a working environment. There's a lot of pressure and shame put upon us by these schemes'*.

Another focus group participant mentioned how the 'getting disabled people into work' narrative missed the fact that many disabled people are, indeed, working, despite the various challenges they encounter. Participants agreed that the unswerving focus on

those who were not in employment fed into unpleasant and inaccurate perceptions of disabled people, as well as resulting in a lack of attention paid to the need for employers to be more flexible and supportive of disabled people's needs.

In terms of actions that had already been taken by the Welsh Government to improve disability employment and pay gaps, none of our survey respondents currently not in work were aware of schemes like Disability Employment Champions or Apprenticeships for Disabled People, and only half of those in employment had heard about them. One who knew of the Champion roles said, *'I believe my workplace and others could really learn a lot from them. It is not about them saying how bad everything is but sharing an inclusive viewpoint to help a business improve and be more welcoming to those with disabilities and health conditions'.*

Regarding apprenticeships, one survey respondent commented that, *'More support is needed to give apprenticeship opportunities to those with disabilities. Whether it be adding in the application how accessible the building is / or what kind of support is available and encouraging (people) to share their concerns / health conditions without fear of prejudice'.*

As far as any additional schemes or policy measures were concerned, our survey respondents suggested:

- Compassionate Human Resources training to recruiters and HR departments, encouraging them to be proactive in their offer of support to disabled people and those living with medical disorders, thereby giving them the confidence to be open about their requirements ahead of applying. Active offers might include application processes through a variety of mediums, such as video CV, video calls, and tips on applying.
- Guidance to employers and recruiters to encourage them to focus on skills and life experience rather than solely focus on educational qualifications or previous employment, both of which may not be as comprehensive for disabled applicants.
- Training for employers, designed and delivered by people with lived experience, to ensure better understanding of chronic health conditions, people's requirements and needs, and how they might be accommodated in the workplace
- Mandating the offer of reasonable adjustments in the workplace for disabled people and increased scrutiny to assess how far these are being accommodated.
- A requirement to properly consider and accommodate flexible working, where it is appropriate to do so.

In terms of what governments, public bodies, and grant-makers might do to improve the support available to disabled people's organisations, FTWW would particularly welcome a commitment to offering multi-year grants. Employees who are disabled and / or living with long-term health conditions really flourish when they have job security;

being able to offer this would ameliorate the prospect of having to find new employment and the various barriers encountered in doing so. In turn, this would improve organisations' offer to their beneficiaries.

We would also urge the Welsh Government and public bodies in Wales to make the provision of Equality Impact Assessments, meaningfully coproduced with disabled people / people living with long-term ill health and disadvantage, a requirement in their procurement exercises. All of those tendering for projects should be expected to evidence their engagement, consideration, and support for disabled people in both their employment practices and the services or goods they may be supplying.

- **Examples of good practice:**

One of our focus group participants described how some larger employers held online 'lived experience' information sessions for staff living or wanting to know more about various health conditions and impairments, where people could be part of an informal community and learn from each other. They described how, *'if you saw your manager in there, you felt more confident that they'd be a bit more interested, informed, and supportive'*. One of our survey respondents commented similarly, writing that, *'Employing disabled people in managerial positions could help. Also, having a disability HR champion who is disabled and understands the barriers we have'*.

Another participant described how, at their workplace and in other larger organisations, disabled staff networks were being created. Not only did these provide peer support, help, and advice, they also enabled them to, *'connect with other organisations' disability networks which is really good to share what we do and see how other companies are doing things'*.

The most commonly reported examples of good employment practice cited by our survey respondents involved giving disabled employees the opportunity to work flexibly and from home. They told us, *'Working from home has saved my career. A positive thing to come from the pandemic was the openness of businesses to allow workers the opportunity to work from home. It means I can work from bed, the sofa or my little desk and take breaks as needed'*, and, *'The ability to work from home becoming more acceptable has given me 2 hours back per day which has allowed more rest time between work hours'*.

Finally, one survey respondent mentioned other countries legislating menstrual leave that may help those employees living with menstrual health conditions.

Summary:

Many of FTWW members want to work or are in work, despite living with various impairments or health conditions. Barriers to doing so are usually not of their own making but because there is a widespread lack of understanding of their needs or, indeed, the value that they can bring to the workplace. There needs to be a positive -re-

framing' of what being disabled is, and what it might look (or not 'look') like, so that more people feel confident to describe themselves as disabled and expect respect, dignity, support, opportunities, and a decent quality of life. This is important for wider society as well as workplaces.

More training for employers, service-providers, and policy-makers, designed and delivered by disabled people, is essential to improve experiences. Whilst investment in new programmes, schemes, and services is welcomed, these too should be coproduced, so that they meet people's needs, and they should be widely communicated and proactively offered, so that neither disabled people themselves or smaller employers are disadvantaged by not knowing about them.

This concludes FTWW's response to the Senedd Equality and Social Justice Committee's consultation on Disability and Employment; thank you for reading.

**For more information about this consultation response
or any additional queries, please contact**

info@ftww.org.uk

Agenda Item 4

Cyflwynwyd yr ymateb i ymgynghoriad y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol ar Anabledd a Chyflogaeth

This response was submitted to the Equality and Social Justice Committee consultation on Disability and Employment

DE19

Ymateb gan: Cwmnïau Cymdeithasol Cymru | Response from: Social Firms Wales



Introduction to Social Firms Wales

Social Firms Wales (www.socialfirmswales.co.uk) exists to support the development of Social Firms, a form of social enterprise that prioritises the creation of employment, volunteering and training opportunities for disabled and other disadvantaged groups.

A model recognised globally, Social Firms offer a vital opportunity for people who face multiple and deeply entrenched barriers to employment within the open labour market.

Social Firms make a significant contribution to the spectrum of employment opportunities that exist for disabled people, and the variety and richness of the sector continues to blossom, particularly with the demise of the more traditional Day Centre model of occupation, as people want greater choice about how they want to spend their recreational and working life.

From Social Firms Wales perspective, it's important above all, that disabled people are able to have choices open to them in terms of their employment options. From more inclusive recruitment practices within mainstream employment, to Supported Employment options and Social Firms, it is all about people having the additional support they need to achieve a more equal playing field.

What are Social Firms and how do they fit into the spectrum of employment opportunities for disabled people?

Social Firms offer an alternative to mainstream employment, with a wide spectrum and diversity of models in existence. In fact, there is no one 'standard' Social Firm model, and it has become a term loosely used for any Social Enterprise that is primarily concerned with Social Inclusion.

The Social Firm movement began in the 1980s in Europe. Social Firms Wales is proud to be the only Social Firms Organisation in the UK flying the flag for this business model and helping to promote and grow the Social Firm ethos in Wales. Having been established in 2005, we've developed a strong reputation for working across Wales to champion social firm development, working with numerous local authorities to 'externalise' their day services into Social Firms, and have also helped many other independent social firms to take root and become established and sustainable social businesses.

With strong connections we work in partnership with Cwmpas, the DTA and Unltd to support the growth of socially inclusive social businesses. We now have 110 members within Social Firms Wales who are committed to socially inclusive employment practice and collectively which provide hundreds of employment, training and volunteering opportunities to disabled people.

What progress has been made to deliver the recommendations set out in the ‘Locked Out’ report and to reduce and remove barriers faced by disabled people who want to access Wales’s labour market. Why progress to reduce the employment and pay disability gap has been so difficult to achieve.

Progress has been hampered by Covid 19 and the Cost-of-Living Crisis. The loss of EU funding and its replacement with Shared Prosperity has offered sporadic opportunities for services to be delivered in support of disability employment but it is noticeably inconsistent across Wales. As services turned to crisis management, progress in terms of campaigning for disability employment rights has taken a back seat over the last few years.

Disability Rights are key to underpinning recommendations and ensuring continued funding of Disability Wales, and Self-Advocacy Groups like All Wales People First (and the hugely active local ‘People First’ groups) is vital to ensure that people’s views and needs continue to have a forum and voice. The sector has been instrumental in ensuring user voices continue to be heard and that people are supported to advocate for themselves.

The recognition of remote working as a good option for disabled people has been won, and at Social Firms Wales we are pleased to have been funded (ending March 25) to pilot self-employment support to neurodivergent and other disabled people to develop this area, for the increasing numbers of disabled people looking at freelance and self-employment options.

Covid 19 had a disproportionately negative effect on disabled people’s lives in Wales. Fragile and inconsistently funded support systems quickly became shut down and, in many cases, never returned. Many day services have closed and not been replaced, and we have heard anecdotally, stories of people losing hard fought for, and scarce jobs as a result of the pandemic. As an example, one member we recently spoke to at Caerphilly People First, said that they were let go from their supermarket job when the Pandemic started and were never asked to go back.

Disabled people were also disproportionately affected by job loss during the pandemic, being more highly represented within lower paid, insecure job roles.

Swiftly following the pandemic, came the Cost-of-Living Crisis, which once again has had a hugely disproportionate impact on the income of disabled people.

The Bevan Foundation’s ‘Winter Snapshot’ on poverty in Wales (Feb 2024), found that Disabled people or people with a long-term health condition who state that their condition limits them "a lot" are among the people who are most likely to be in severe financial hardship. A staggering 36 per cent of disabled people whose condition limits

them a lot of report that they sometimes, often or always struggle to afford the essentials. That's nearly three times higher than the national average (13 per cent).

How the social model of disability is being used to underpin employment and recruitment practices, and what barriers continue to exist throughout society that impact on access to work (i.e. transport, attitudes).

Existing barriers remain stubbornly in place when it comes to people with learning disabilities. In recent consultations with Beacons Creative (Brecon), Caerphilly People First and Rhondda Cynon Taf People First, conversations with employees, volunteers and staff, revealed a shortage of paid employment opportunities, and lack of job coach support to help people access work in mainstream support.

Other more general barriers continue to be felt, including the messages that disabled people are given from childhood about what they can and can't do, with many people we speak to having not been given the chance to ever really 'test' their capabilities. This plays out in volunteering placements where our consultations found that people with learning disabilities volunteering in charity shops, were often not allowed to go on the tills (due to being short staffed and not having anyone to train them). However, this is the same culture that prevents people from really discovering what their capabilities are and helps to hold people back from developing key work skills.

Parents that worry for their adult offspring, and who have sometimes come to rely on carers benefits (especially in areas of deep poverty) often are reluctant to help their adult child pursue employment for different reasons. There is an argument to be made for early intervention and education for disabled people around their rights and to counter more negative assumptions they may have experienced.

Additionally, we are aware of issues around people within supported living schemes not getting access to information about employment support services- i.e. the information is distributed to supported living providers but quite often doesn't filter through to individuals. GDPR also means that services are unable to contact people individually and so are reliant on third party distribution of information.

It is also an ongoing issue that employers are reluctant (and both lack understanding) of how to be more inclusive in their recruitment practices. Equally, disabled people and those who are neurodivergent find it hard to make successful applications to gain an interview, requiring support to build strong applications that are competitive, especially when they may have dyslexia or find it difficult to express themselves in the written word.

One issue we have become aware of over time, is the need for closer connections between Social Firms and Job Coach schemes that can help those who want to, to transition into mainstream employment. Whilst some Social Firms create a vital

opportunity for some disabled people to have meaningful occupation such as training and volunteering (rather than paid employment), it must be acknowledged that open, mainstream employment is a preferred option for some. Having these different options and choice available is critical.

Neurodiversity is becoming far more understood and acknowledged within our communities, and we have seen increasing numbers of neurodivergent entrepreneurs setting up social businesses that provide a wide range of services.

Self-Employment for disabled people is an opportunity perhaps under-recognised in more generic business support, as it has the capacity to work well around people's conditions and needs.

We are also currently working with prisoners in (and about to leave) Berwyn Prison in Wrexham, many of whom are neurodivergent, with currently three clients who we will be continuing to provide business coaching to, on their release. Neurodiversity for prisoners is one of the most under-recognised issues facing the sector. It is estimated that up to half of the adult prison population in the UK could be considered neurodivergent, covering a range of conditions and disorders such as learning disabilities and acquired brain injuries. Since April 2021, the Prison Service has identified at least 25,000 prisoners enrolled in education who have learning difficulties and disabilities. (UK Government Statistics).

Self-employment offers an attractive route for many prisoners, circumnavigating some of the difficulties of entering employment on release.

How effective Welsh Government actions (e.g. the network of Disability Employment Champions and apprenticeships) have been in reducing barriers to employment and reducing the employment gap between disabled and non-disabled people, including the extent to which Welsh Government policies complement/ duplicate/ undermine those set by the UK Government.

Welsh Government supports Social Firms Wales as a specialist in the development of alternative employment and volunteering opportunities for disabled and other socially disadvantaged people in Wales and has had an ongoing relationship for over a decade.

The support of our small but 'niche' organisation has meant that we've been able to continue promoting, strengthening and supporting the growth of the social firm sector in Wales, with over 110 (and growing) numbers of Social Firms members all with inclusive employment at their heart. There is no other organisation that has the sole focus of socially inclusive social enterprise support, and we have also grown our support to encompass self-employment support for neurodiverse people and prison leavers.

In this time, we have honed our skills in inclusive business support practice, using adaptations and tailored, person-centred, flexible support that is in contrast to much of the time limited and restricted methods of support currently available. Having the option of finding employment or volunteering within the more specialised support environment of a Social Firm, is an important provision for people who are not always ready or comfortable in pursuing a job in the open labour market. With trained and professional staff that work intensively at times, alongside disabled workers, Social Firms offer a genuine workplace environment within a mixed setting, allowing people the time and space to develop their skills and abilities within a supportive and disability friendly environment.

Welsh Government funding has enabled us to practice a much more flexible and inclusive method of support which we have become known for and is highly prized by our social firm members and clients. We are very much about quality of support, over quantity and have no problem with spending many hours of support with one client where we feel we can really make a stepped change in their business life or Social Firm (which also translates to their personal health and wellbeing in many instances).

Welsh Government has supported a range of other initiatives aimed at tackling the deep rooted barriers to employment for disabled people including the development of Disability Champions and Supported Apprenticeships (delivered by ELITE and AGORIED CYF) and these have also been found to be very successful, along with the Internship model with local colleges, supporting people with learning disabilities into internships with local businesses. Other support services for people with learning disabilities vary from area to area, with projects such as the Vale of Glamorgan Supported Employment Project and Working on Wellbeing programme by Legacy in the Community, and Cardiff's Local Supported Employment project which all offer support to help people gain work placements and prepare for interviews. However, the projects are generally based on short term funding, and not all areas have these services available.

Whether disabled people are accessing apprenticeships and if any further support is needed to ensure schemes are inclusive.

Supported Employment Apprenticeships delivered by Elite and Agoriad Cyf are offered to people with learning disabilities however we are unaware of how successful these are and suspect that provision of this service is inconsistent across Wales.

Anecdotally we have heard of the options for Jobs Growth Wales, but it is not something that we have seen happening much within the Social Firm sector (other than for non-disabled people). In many cases the barrier is around benefits and the risk of a job ending after 6 months or 1 years and the disruption and fear that elicits.

Wider promotion of apprenticeships being open to people with disabilities is needed, along with Job coaching support initially, as it would be an ideal way of helping people

move on from volunteering and training placements across Social Firms- so often people get stuck within a volunteering role for many years due to a lack of impetus and opportunity to go into mainstream employment (for the many reasons we have already mentioned). Provision of supported employment apprenticeships should be available across Wales, in all areas to make it equitable.

What further policy measures are needed to support disabled people, young disabled people and employers to increase participation rates and what can be learned from elsewhere.

With only 3% of people with a learning disability in work, there is a huge mountain to be climbed, and therefore the more opportunities and interventions, combined with greater collaboration and a National Strategy would greatly help to make much needed progress around disability employment. Having a National Strategy which focused on creating a range of choices for how people want to work and volunteer their time, would enable a greater understanding and collaboration of the different options and opportunities available and promote a more joined up approach between providers, to make the end user's journey smoother and more easily to access.

Lack of central promotion and awareness of support services means that many disabled people are unaware of options open to them and are often reliant on the knowledge and motivation of their individual support worker to access such services.

This is particularly true of more rural areas where Supported Employment schemes are less prevalent and supported employment providers struggle to gain coverage due to lack of resource combined with rural barriers more generally.

Social Firms Wales also supports Learning Disability Wales call for a **'National Job Coaching Strategy for Wales'** which aims to build on the success of the 'Engage to Change' 7 year lottery and Welsh Government funded project, which delivered job coaching to 2047 people and delivered 244 Supported Internships with a 41% sustained employment success rate. For anyone who has worked within the Learning Disability employment field, this demonstrates the power of the model and the effectiveness of a partnership approach to tackling the problem.

The Strategy would help to address inconsistencies of Supported Employment provision and build on developing a robust Supported Employment offer across Wales.

We believe however that although Supported Employment continues to be an important choice for disabled people, that Social Firms offering inclusive employment, training and volunteering opportunities, must continue to be a key provision, particularly with the closure of day centres across Wales which once provided 'meaningful occupation', that over time have been replaced by Social Firms in many cases. The opportunity for people to develop their soft skills, employment

skills and confidence is a primary role of Social Firms, enabling people in many cases to 'transition' into mainstream employment where they are able and willing. For others, Social Firms offer a safe and supportive environment for them to participate in working life on an ongoing basis, whether as a paid worker, volunteer or trainee. Once again, it is about choice and diversity of opportunity.

There needs to be a change in attitudes and assumptions, so that it is assumed that all disabled **people can and will work, with the right kind of support.**

A change in perception at all levels from early years to adulthood and across the spectrum of support providers would help to build a future society that seeks to recognise the value and strengths that everyone has, and which has the patience and democratic values to find alternative approaches, support methods, adaptations and inclusive practices that values people's differences. **This includes being prepared to resource the additional support that is needed to level the huge inequity that disabled people face.**

Social Firms Wales supports the concept of a joined-up disability employment strategy for Wales, which incorporates physical disability, learning disability, autism and neurodiversity, ensuring that opportunities and support services are working in a co-ordinated way across Wales. Having a central point of promotion of opportunities including paid employment, volunteering, supported employment, mainstream employment support, and social firm opportunities.

Social Enterprises (and Social Firms) prioritise people, planet and purpose, over purely profit, and collectively, the sector in Wales aims to promote the model as widely as possible- indeed, the Community Interest Company model of business operation is becoming a fast growing option for entrepreneurs that want to blend their social mission with their commercial vision, with 874 active CICs operating in Wales, with an average 8% growth margin each year.

The Social Enterprise strategy for Wales '*Transforming Wales through Social Enterprise*' is a key mechanism underpinning the growth of the Social Enterprise sector, helping to bring about more inclusive workplaces. On the 18th of September 2024, the Social Enterprise Stakeholder Group will hold a Senedd event which will discuss the progress made so far by the sector with its 10-year Vision and Action Plan for Social Enterprise.

Social Firms Wales believes a firm commitment to the continuation of support of Social Enterprise growth is fundamentally important, as no other sector is so committed to providing opportunities for disabled people (and other disadvantaged groups) as part of their central ethos.

The main point is that there are many ingrained cultural, social and economic barriers to disabled people participating in employment, but there is also ample opportunity to start to change that culture with education, more joined up thinking, greater promotion of opportunity, and consistent support for Social Firms and Supported Employment/job coaching schemes, and to offer self-employment support for disabled and neurodivergent entrepreneurs, for whom the model can work so well around managing their condition.

What actions would support those who are currently unable to work to access voluntary opportunities (which could lead to future work opportunities).

Social Firms are a vital option for people who are unable to work in mainstream employment, providing a nurturing and supportive environment where people can experience working life, develop their skills and reap the benefits to health and wellbeing of participating in work. Helping Social Firms to sustain themselves, to grow and flourish will certainly help to meet the need for more volunteering opportunities within the sector, however that is countered by also requiring financial support to pay for additional staff within Social Firms to meet the high support needs of some of the complex individuals that come to volunteer. In many cases our Social Firms spend huge amounts of resource on supporting vulnerable workers to access work, without compensation or recognition of financial cost that this support entails.

The danger is that statutory bodies view Social Firms as a free Social Care provision, and the reality is that due to the high support needs that some individuals have, the cost of inclusion is hugely prohibitive to Social Firms that are often struggling to sustain themselves.

Recognition of the cost of staff support within Social Firms needs to be understood, as governments move away from statutory provision. We need to make sure we are reaching available opportunities for funding and directing funds into the sector, as well as supporting the business and acumen of the social firm sector.

[REDACTED]

[REDACTED]



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

MoJ ref: ADR 118176

29 October 2024

Dear Jenny,

SPEECH, LANGUAGE AND COMMUNICATION NEEDS IN THE YOUTH JUSTICE SYSTEM

Thank you for your letter to Lord Timpson of 14 October, on behalf of the Equality and Social Justice Committee, regarding the provision for speech, language and communication needs in the youth justice system. I am responding as the minister responsible for youth justice.

I recognise the importance of provision for speech, language and communication needs (SLCN) in ensuring that all children and young people are able to engage with the youth justice system. Meeting these needs falls under healthcare provision and, as health is a devolved matter, arrangements in England and Wales are not identical. I would expect children and young people in Wales to receive equivalent provision as those in England – where most Youth Offending Teams either have in-house, or work closely with, speech and language therapists who assess and provide interventions for children who come into contact with the justice system.

Through Turnaround, a youth early intervention programme led by the Ministry of Justice, YOTs have supported thousands of children and their families. The programme is on track to support over 17,000 children on the cusp of entering the youth justice system. I am pleased to hear that the programme has been able to help support put in place the speech and language services I know can be vital to helping divert children away from offending.

Unfortunately, I am not able to commit or comment on the programme's continued funding at this point. The Chancellor's forthcoming Budget will set future budgets for all Government departments. This will determine funding for early intervention support for children on the cusp of the justice system. The Ministry of Justice will share further detail regarding funding with the Welsh Government and Welsh YOTs as soon as possible.

There are formal governance structures in place to ensure engagement of Welsh and UK Government officials, as well as ongoing communication as a matter of routine. I shall shortly meet Jane Hutt MS and I expect she and I will meet regularly to discuss these vital issues.

SIR NIC DAKIN MP

Lord Timpson
Minister of State at the Ministry of Justice
Ministerial Correspondence and Support Team,
9th Floor ,102 Petty France,
London
SW1H 9AJ

Dear Lord Timpson,

14 October 2024

Speech, language and communication needs (SLCN) in the youth justice system

Congratulations on your appointment and I wish you all the very best in this important role.

In May 2023, the Equality and Social Justice Committee published **60% - Giving them a voice: Speech, language and communication needs in the youth justice system**.¹ It found that at least 60 per cent of young people involved in the youth justice system have a speech, language or communication difficulty, compared with an estimated 10 per cent for children and young people as a whole. We made a series of recommendations aimed at addressing our findings. In response the Welsh Government accepted three of our recommendations, accepted in principle a further two, and rejected two.²

Since publication of the report we have been keen to hold the Welsh Government to account for progress and have exchanged views several times in correspondence.³ Our most recent letter (a copy of which is enclosed) asked for the Welsh Government to respond to additional issues highlighted by

¹ Equality and Social Justice Committee, **60% - Giving them a voice: Speech, language and communications needs in the youth justice system**, May 2023

² Equality and Social Justice Committee, **Response by the Welsh Government, agenda item 4.4**, 12 June 2023

³ All previous correspondence is listed on the inquiry page under "issue history"
<https://business.senedd.wales/mgIssueHistoryChronology.aspx?llid=39105&Opt=2>

the Royal College of Speech and Language Therapists (RCSLT).⁴ The RCSLT's concerns include uncertainty regarding the future of Turnaround Programme funding beyond its scheduled end in March 2025. We note that several SLCN therapists have been employed across Wales due in part to Turnaround Programme funding, however no announcement has been made for funding arrangements post March 2025. We would be grateful if you could please confirm arrangements for a successor to that programme including whether funding can be secured over a multi-annual timeframe.

We also would welcome your view on how to foster greater engagement and collaboration with Welsh Government on these matters at both ministerial and officials level. We hope that you will be able respond positively to our request for information. We would appreciate a response at your earliest convenience and no later than by 8 November 2024.

With thanks and kind regards,



Jenny Rathbone MS

Chair of the Equality and Social Justice Committee

Senedd Cymru/Welsh Parliament

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

⁴ Equality and Social Justice Committee, [Correspondence from the Royal College of Speech and Language Therapists](#), agenda item 4.1, 30 September 2024

Jenny Rathbone MS
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Reference: AC468/caf

Date issued: 1 November 2024

Dear Jenny

Fuel Poverty in Wales

Thank you for the invitation to give oral evidence as part of the Committee's inquiry into Fuel Poverty in Wales, including coverage of the updated Warm Homes Programme. I hope the Committee will understand why, on this occasion, I feel I must decline your invitation.

I am always keen to support Senedd committees in their work. Indeed, as you will be aware, my staff provided support to your previous inquiry into this topic, including a private briefing with Committee members based on my [landscape review of Fuel Poverty in 2019](#) and a [review of the Warm Homes Programme in 2021](#).

It was an excellent example of how Audit Wales can support Senedd committees in inquiries that cover areas where we have carried out recent audit work. Since then, however, my office has not undertaken any further work in this area and so I would have no new audit evidence to offer beyond what is already in the public domain

I nonetheless remain eager to assist the Committee. I am aware that the Welsh Government issued a Policy Statement on new arrangements for the Warm Homes programme in June 2024. Following dialogue with your clerks, I understand the Committee wishes to test the extent to which the updated programme is addressing the issues we previously identified.

The Policy Statement focuses on new arrangements for the demand-led Nest programme. It does not set out what, if anything, will replace the area-based Arbed scheme which ended in 2021 and was previously part of the Warm Homes programme. The Policy Statement clearly reflects an intention to address some of the weaknesses identified in my reports and the Committee's previous report. It includes:

- A commitment to make the new programme greener to align with the Welsh Government's wider ambitions of achieving net zero carbon emissions.
- An intention to increase the budget cap for support per household, reflecting the higher cost currently to move homes away from fossil fuels and towards a cleaner, low carbon future.
- A recognition that contract management arrangements needed to be stronger.

I would offer the following thoughts on where the Committee might probe and seek assurance that the practical arrangements and early delivery match the intention described.

Greener measures. My 2021 report identified that under the Warm Homes scheme, most people who had heating systems installed had gas boilers fitted, with few having non-fossil fuel systems installed. It also noted a potential reluctance from households to adopt newer technologies, such as heat pumps. The Policy Statement reflects an intention to move away from fossil-fuel systems through Nest. It recognises the additional associated costs and has increased the amount it is prepared to spend on each home. The Committee may therefore wish to explore:

- the extent to which experience from the early phase of the updated Nest scheme shows an increase in the use of green technologies;
- the financial implications of using more green technologies and the extent to which the Welsh Government has increased the budget to accommodate the extra cost or reduced its expectations in terms of the number of households supported; and
- how the scheme is addressing any reluctance from householders to adopt new and unfamiliar technologies.

The core purpose of Nest and the extent to which the updated scheme will be driven by responding to households with broken boilers. My 2021 report identified that the Nest scheme was trying to balance competing social justice aims. The first is fuel poverty, which is a longer-term issue of the affordability of keeping a warm home. The second is the specific problem of low-income households being unable to afford the costs of replacing a broken boiler even though they are not technically fuel poor because they live in an energy efficient home. We found that the

scheme could respond to the latter problem through the way the Scheme Manager interpreted the EPC rating. However, we highlighted the risk that this approach diverted resources away from the core problem of fuel poverty. And it disincentivised the scheme from seeking out those most in need.

It is also worth noting that my report reflects the Welsh Government's view at the time that it did not intend to develop the option of repairing existing boilers. However, the Policy Statement sets out that this view has changed and that the scheme will offer the option of repairing energy efficient boilers.

The Committee may wish to explore the following areas around how the Nest programme will work in practice:

- the extent to which data on the early implementation of the updated Nest scheme shows it is still driven in large part by people with broken boilers;
- whether the contractor will still be able to lower the Energy Performance Certificate (EPC) rating of homes with a broken boiler, thereby allowing households who would not otherwise be eligible to access the scheme;
- how many households have benefited from boiler repair, and what the costs have been, in the early days of the updated scheme; and
- how the Welsh Government intends that the scheme will reach out to households who are in fuel poverty but don't have the immediate driver of a broken heating appliance to incentivise them to access the scheme.

Securing value for money from the procurement and management of the Nest contract. My 2021 report highlighted variation in the cost of the same measures between the Nest and Arbed schemes. It also identified opportunities to improve contract management. The Committee may wish to explore the extent to which, in letting the new contract and setting up management arrangements for Nest, the Welsh Government has:

- carried out benchmarking between bidders and to the current market costs of energy efficiency measures;
- set clear requirements in relation to the industry standard specifications for the installation of energy efficiency improvement measures, including lighting and water systems;
- included clear performance measures and/or targets and arrangements for oversight; and
- updated arrangements to get more timely and comprehensive support from its independent external quality assurance arrangements.

The current position in relation to a replacement for the area-based Arbed scheme. When I reported, the Welsh Government had not replaced the area-based Arbed scheme, which formed part of the Warm Homes programme. As part of its consultation, the Welsh Government said it was exploring whether an area-based approach remained feasible. The Policy Statement is clear that it focuses only on the demand-led element (Nest). The Committee may want to explore whether the Welsh Government has decided on its future approach to area-based fuel poverty schemes. And if it does intend to run an area-based scheme, how it will manage the problems experienced by Arbed in finding areas where there are sufficient numbers of eligible homes to make the interventions viable.

I hope that the suggestions provided above are helpful to the Committee. The Committee may wish to note that, as part of my indicative forward work programme I am considering carrying out an examination looking at decarbonising housing, which could potentially include an element of follow-up of my previous reports. However, if I do go ahead with this work, it would not start until 2025-26 at the earliest.

Audit Wales staff would be happy to discuss further with the Committee's clerking and research teams if that would be beneficial.

Yours sincerely



ADRIAN CROMPTON
Auditor General for Wales

Agenda Item 5.3

IMA

Independent Monitoring Authority
For the Citizens' Rights Agreements

IMA
3rd Floor Civic Centre
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Jenny Rathbone MS

Chair of the Equality and Social Justice
Committee

1 November 2024

Dear Jenny Rathbone MS

LEGISLATION MONITORING BY THE IMA – STATEMENTS OF CHANGES TO IMMIGRATION RULES AND WALES-SPECIFIC LEGISLATION

At a recent session of the Committee, we discussed the IMA's statutory duty to monitor legislation dealing with matters involving citizens' rights arising from the EU-UK Withdrawal Agreement and EEA EFTA Separation Agreement.

The IMA reports on legislation impacting on those rights and routinely publishes those reports on its website (accessible here: [Legislation Monitoring Reports - Independent Monitoring Authority for the Citizens' Rights Agreements](#)).

We promised to share with the Committee reports published to date in relation to statements of changes to the Immigration Rules (which make changes to the EU Settlement Scheme) and Wales-specific legislation. Copies are enclosed. We will also continue to share such reports going forward, including that to be published in due course about a statement of changes to the Immigration Rules published by the UK Government on 10 September, which we are currently considering.

Yours sincerely,



Rhys Davies

General Counsel

This report is only concerned with the compatibility or otherwise of the legislation with Part 2 of the Withdrawal Agreement and Part 2 of the EEA EFTA Separation Agreement. It does not consider the merits more generally of the policy contained in the legislation and does not consider the lawfulness of the legislation beyond its compatibility with the Agreements.

Legislation Monitoring Report	
Title	Second Report in respect of the Statement of changes to the immigration rules: HC1496 presented to Parliament on 17 July 2023
Date Legislation considered by the IMA	9 August 2023 (initial consideration)
Date Legislation in force	9 August 2023
Relevant Withdrawal Agreement/EEA EFTA Separation Agreement Right(s)	Residency
What does the legislation do?	The Statement of Changes amends the Immigration Rules (“the Rules”) which are used to regulate people’s entry to, and stay in, the United Kingdom.

	<p>The reader is referred to the IMA’s previous report which sets out all relevant changes. The changes with which this updated report is concerned are repeated below.</p> <p><u>Validity Requirements – Late Applications and Illegal Entrants</u></p> <p>Amendments are made to Appendix EU to make the requirement – under the Citizens’ Rights Agreements – to show reasonable grounds for a late application to the EUSS, a validity rather than an eligibility requirement. The Explanatory Memorandum states that <i>“consistent with the Agreements, this will enable the Secretary of State to consider whether there are reasonable grounds for a late application as a preliminary issue, before going on to consider whether a valid application meets the relevant eligibility and suitability requirements.”</i> The change will apply to applications made on or after 9 August 2023.</p> <p>Similarly, in-country applications made on or after 9 August 2023 as a ‘joining family member’ made by an ‘illegal entrant’ (as defined in section 33(1) of the Immigration Act 1971) will be rejected as invalid. Broadly speaking, joining family members are those existing close family members of EU and EEA EFTA nationals resident in the UK by 31 December 2020 who were living overseas then.</p>
<p>Comments</p>	<p>At the time of the IMA’s initial report, it was acknowledged that the Agreements allow for the Home Office to determine whether someone has reasonable grounds for making their application to the EUSS out of time, before accepting it as valid. However, one consequence is that a decision not to accept the grounds as reasonable is only</p>

open to challenge by way of judicial review. There is no appeal mechanism. The report noted that the IMA had raised this with the Home Office and was continuing to engage with them on that issue and on its similar concerns in respect of the changes which have been made in respect of in-country applications from joining family members who are illegal entrants.

Article 18(1)(r) of the Withdrawal Agreement and Article 17(1)(r) of the EEA EFTA Separation Agreement provide that an applicant to the EUSS “*shall have access to judicial and, where appropriate, administrative redress procedures in the host state against any decision refusing to grant the residence status*”.

Key to this provision is that it only applies to *applicants*. Until an application is accepted as valid by the Home Office, it is not an application and therefore the protections in Article 18 WA/Article 17 SA do not apply.

In the event that an application is rejected on grounds that it is not valid, there are two options available to a citizen. They can either make another application to the EUSS addressing the reason the previous application was rejected as invalid (e.g. by providing sufficient evidence of reasonable grounds for their delay in applying) or apply for judicial review of the rejection decision.

The IMA does not raise any issues in respect of the compatibility of the legislative changes with the Agreements, but notes that Home Office [guidance](#), states at page 39 that “ *where a person has already made a late application to the EU Settlement Scheme*

and this application has been refused or rejected (which may have been because they were not considered to have reasonable grounds for their delay in making their application), then they will not normally be able to establish that there are reasonable grounds for them to make a further late application to the scheme” [our emphasis].

Given that challenging a validity decision is limited to judicial review, it is important that any decision-making in respect of validity is robust. The IMA is continuing to engage with the Home Office to understand its processes in respect of consideration of reasonable grounds as part of the IMA’s ongoing work.

Any citizen experiencing difficulties in exercising their rights is encouraged to report a complaint through the [IMA Portal](#).

Further information about the IMA and guidance on how to report complaints can also be found on the [Website](#).

This report is only concerned with the compatibility or otherwise of the legislation with Part 2 of the Withdrawal Agreement and Part 2 of the EEA EFTA Separation Agreement. It does not consider the merits more generally of the policy contained in the legislation and does not consider the lawfulness of the legislation beyond its compatibility with the Agreements.

Legislation Monitoring Report	
Title	The Statement of Changes in Immigration Rules presented to Parliament on 09 March 2023 (HC 1160)
Date Legislation considered by the IMA	12.05.23
Date Legislation in Force	12.04.23
Relevant Withdrawal Agreement/EEA EFTA Separation Agreement Right(s)	Residency
What does the legislation do?	<p>The Statement of Changes amend the Immigration Rules (“the Rules”) which are used to regulate people’s entry to, and stay in, the United Kingdom.</p> <p>This report only considers those changes that relate to the EU Settlement Scheme (EUSS) and the EUSS family permit.</p>

The detailed rules for the EUSS are contained in [Appendix EU](#) and for the EUSS family permit in [Appendix EU \(Family Permit\)](#). This report also considers changes made to [Appendix AR \(EU\)](#) and other provisions concerned with administrative review of EUSS decisions.

The EUSS enables EU, EEA EFTA and Swiss citizens living in the UK by the end of the transition period on 31 December 2020, and their family members, and the family members of certain British citizens returning with them from EU, EEA EFTA countries or Switzerland, to obtain UK immigration status (either pre-settled status or settled status) to live in the UK.

The EUSS family permit enables relevant family members to travel to the UK.

The main changes in respect of the Rules are as follows: –

Durable partners

The definition of durable partner in Annex 1 to Appendix EU has been amended.

The [Explanatory Memorandum](#) to the Statement of Changes provides that the change is *“to underline the original policy intent under the EUSS that it is only where they had another lawful basis of stay in the UK before the end of the transition period that a durable partner who was not documented as such under the EEA Regulations can rely on that residence”*. In the unreported case of *Kabir v SSHD EA/13870/2021* which was heard before the changes to the Rules, the Upper Tribunal found that *“it is not possible to*

discern the meaning or application of paragraph (b)(ii)(bb)(aaa) [the provision subsequently amended by the Rules] with any confidence”.

The Rules change clarifies that a person who was not a documented durable partner under the Immigration (European Economic Area) Regulations 2016, SI 2016/1052 (“EEA Regulations 2016”) at the end of the transition period, and who makes an application to the EUSS after the end of the transition period as a durable partner, can only rely on their residence in the UK before the end of the transition period if they had another lawful basis to stay in the UK, e.g. as a student.

Durable partner of a qualifying British citizen

The definition of family member of a qualifying British citizen in Annex 1 to Appendix EU has also been changed. Durable partners of a qualifying British citizen will need to show that their partnership remains durable at the date of application, or that it did so for the relevant period or immediately before the death of the qualifying British citizen.

Derivative and Zambrano rights to reside

The definitions of a person with a derivative right to reside: Chen (the primary carer of a self-sufficient EU citizen child) or Ibrahim & Teixeira (a child in education in the UK of an EU citizen former worker or self-employed person in the UK and the child’s primary carer) and of a person with a Zambrano right to reside (the primary carer of a British citizen) have been changed to add a new exception which permits those citizens

who had applied for an EEA family permit by 31 December 2020 and who were subsequently granted an EUSS family permit on an equivalent basis, to apply for status under the EUSS during the currency of their leave to enter following their arrival in the UK. This is a technical change which was preceded by a concession in the relevant guidance to this effect.

Cancellation

The changes provide that where the relevant threshold is met in respect of a person subject to a travel ban imposed by the UK or the United Nations Security Council, their EUSS leave is to be cancelled. This will be subject to a right of appeal.

Period of validity

To provide for an EUSS family permit issued from 12 April 2023 to be valid in all cases for a period of six months from the date of decision.

Sponsor

To prevent a relevant EEA or Swiss citizen granted pre-settled or settled status under the EUSS in error from sponsoring an EUSS family permit.

Administrative Review

The changes provide that: –

	<ul style="list-style-type: none">• where a person is refused status on both eligibility and suitability grounds, there is no right to an administrative review. Such a person will still have a right of appeal against the refusal decision.• an EUSS administrative review will be withdrawn where another application is made under the EUSS, for an EUSS family permit, as an S2 healthcare visitor or as a Service Provider from Switzerland.
Comments	<p>Whilst the IMA notes the changes that have been made to the Rules to clarify the position for durable partners who did not hold a relevant document under the EEA Regulations 2016 but who had another lawful basis to reside in the UK before the end of the transition period, the IMA is unclear what action the Home Office is taking to resolve any issues that may have arisen as a result of confusion regarding interpretation of the relevant provisions.</p> <p>The Home Office has confirmed that the changes made to (b)(ii)(bb) of the definition of 'durable partner' in Annex 1 to Appendix EU from 12 April 2023 do not reflect any change in policy. Also, the Home Office has confirmed to that the IMA that it has taken steps to ensure that caseworkers and presenting officers representing the Home Office are clear on the application of the relevant provision as part of regular communication in relation to Immigration Rules changes.</p>

The Home Office was asked by the IMA to clarify how it is to be determined that EUSS status has been granted in error to a sponsor of an EUSS family permit. The Home Office has confirmed to the IMA that *“where an EUSS family permit application gives rise to concerns that an EEA citizen sponsor may have been granted EUSS status in error, the relevant entry clearance caseworking team will undertake checks and contact the EUSS family permit applicant to ask for further information or evidence in relation to their sponsor. For example, evidence as to the sponsor’s residence in the UK before the end of the transition period.”*

Finally, the Home Office has been asked to clarify how the change to paragraph 34X in Part 1 of the Rules concerning withdrawal of an administrative review where another EUSS application is made is compatible with the Citizens’ Rights Agreements. The IMA is continuing to discuss this with officials.

Any citizen experiencing difficulties in exercising their rights are encouraged to report a complaint through the [IMA Portal](#).

Further information about the IMA and guidance on how to report complaints can also be found on the [Website](#).

This report is only concerned with the compatibility or otherwise of the legislation with Part 2 of the Withdrawal Agreement and Part 2 of the EEA EFTA Separation Agreement. It does not consider the merits more generally of the policy contained in the legislation and does not consider the lawfulness of the legislation beyond its compatibility with the Agreements.

Legislation Monitoring Report	
Title	Statement of Changes in Immigration Rules HC 590
Date Legislation considered by the IMA	21 May 2024
Date Legislation in force	4 April 2024
Relevant Withdrawal Agreement/EEA EFTA Separation Agreement Right(s)	Residence
What does the legislation do?	<p>Statement of Changes in Immigration Rules HC 590 (“the Statement”) amends the Immigration Rules made under the Immigration Act 1971</p> <p>The amendments are wide-ranging and some are discussed in the Explanatory Memorandum.</p>

	<p>However, the provisions relevant to the IMA’s remit are confined to those that amend Appendix EU and Appendix AR (EU) to the Immigration Rules.</p> <p>Appendix EU contains the provisions relevant to the EU Settlement Scheme (“EUSS”), under which residence status conferring rights under the Agreements can be obtained by eligible citizens. The changes made to that Appendix require a person resident in the UK before the end of the transition period on 31 December 2020 – where they seek to obtain settled status under the EUSS in place of indefinite leave to enter or remain granted to them under another route – to have held their existing indefinite leave at the end of the transition period.</p> <p>Appendix AR (EU) governs the administrative review of decisions under the EUSS. Aside from various drafting changes which do not result in an alteration in policy, the changes made by the Statement remove the scope to apply out-of-time for administrative review of a relevant EUSS decision taken before 5 October 2023. The scope to apply for administrative review of a relevant EUSS decision taken from that date was removed by Statement of Changes in Immigration Rules HC 1780.</p>
Comments	<p>The IMA raises no issues of concern at this stage. However, any citizen experiencing difficulties in exercising their rights is encouraged to report a complaint through the IMA Portal.</p>

	Further information about the IMA and guidance on how to report complaints can also be found on the Website .
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This report is only concerned with the compatibility or otherwise of the legislation with Part 2 of the Withdrawal Agreement and Part 2 of the EEA EFTA Separation Agreement. It does not consider the merits more generally of the policy contained in the legislation and does not consider the lawfulness of the legislation beyond its compatibility with the Agreements.

Legislation Monitoring Report	
Title	The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023
Date Legislation considered by the IMA	31 March 2023
Date in force	22 February 2023
Relevant Withdrawal Agreement/EEA EFTA Separation Agreement Right(s)	Residence/Equal Treatment/Discrimination
What does the legislation do?	The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023 (“the Regulations”) amend the eligibility categories in the following regulations: (a) the Education (Fees and Awards) (Wales) Regulations 2007 (b) the Education (European University Institute) (Wales) Regulations 2014

	<p>(c) the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015</p> <p>(d) the Education (Student Support) (Wales) Regulations 2017</p> <p>(e) the Education (Student Support) (Wales) Regulations 2018</p> <p>(f) the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018,</p> <p>(g) the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019.</p> <p>Parts 2 to 8 of the amendment regulations make 3 key changes:</p> <ul style="list-style-type: none">– Amending the above regulations so that family members of persons settled in the UK are also eligible (which before was only available to family members of UK Nationals),– Amending the above regulations so that persons who have settled status in the UK, and those covered by the Withdrawal Agreement and EEA EFTA Separation Agreement (“the Agreements”), who come from specified British Overseas Territories (which includes Gibraltar) to study in Wales will be eligible for undergraduate tuition fee support and postgraduate support from academic year 2023 to 2024. These changes give additional entitlement; they do not affect people with citizens’ rights under the Agreements whose rights were already in place and are not affected.– Amending the above regulations so that persons with protected rights under the Agreements will be able to count periods of residence in specified EU Overseas
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	<p>Territories as part of the normal three-year qualifying period for eligibility for tuition fee support and postgraduate support.</p> <p>The amendments only change the category of eligibility for students in EU related categories to extend them as outlined above. The other changes relate to amendments to the amounts and calculations of awards.</p>
Comments	<p>The IMA raises no issues of concern, however any citizen experiencing difficulties in exercising their rights are encouraged to report a complaint through the IMA Portal.</p> <p>Further information about the IMA and guidance on how to report complaints can also be found on the Website.</p>

This report is only concerned with the compatibility or otherwise of the legislation with Part 2 of the Withdrawal Agreement and Part 2 of the EEA EFTA Separation Agreement. It does not consider the merits more generally of the policy contained in the legislation and does not consider the lawfulness of the legislation beyond its compatibility with the Agreements.

Legislation Monitoring Report	
Title	Interim Report in respect of the Statement of changes to the immigration rules: HC1496 presented to Parliament on 17 July 2023
Date Legislation considered by the IMA	9 August 2023
Date Legislation in force	9 August 2023
Relevant Withdrawal Agreement/EEA EFTA Separation Agreement Right(s)	Residency
What does the legislation do?	The Statement of Changes amends the Immigration Rules (“the Rules”) which are used to regulate people’s entry to, and stay in, the United Kingdom.

This report only considers those changes that relate to the EU Settlement Scheme (EUSS) and the EUSS family permit.

The detailed rules for the EUSS are contained in [Appendix EU](#) and for the EUSS family permit in [Appendix EU \(Family Permit\)](#).

The EUSS enables EU, EEA EFTA and Swiss citizens living in the UK by the end of the transition period on 31 December 2020, and their family members, to obtain UK immigration status (either pre-settled status or settled status) to live in the UK.

The EUSS family permit enables relevant joining family members to travel to the UK.

The main changes in respect of the Rules are as follows: –

Extension of limited leave to enter or remain (pre-settled status)

In December 2022, following the IMA’s successful judicial review claim in *R (IMA) v Secretary of State for the Home Department* [2022] EHC 3274 (Admin), the High Court held that the EUSS breached the Citizens’ Rights Agreements. The Court found that the right to reside under the Agreements of a person granted pre-settled status does not expire by virtue of failing to make a second application to the EUSS; and that the right of permanent residence under the Agreements is acquired by a person granted pre-settled status automatically on five years’ continuous qualifying residence.

Paragraph EU4 of Appendix EU has been amended to provide that the Secretary of State “may extend [pre-settled status], regardless of whether the person has made

a valid application under this Appendix for such an extension’.

The [Explanatory Memorandum](#) states that the change reflects that the Secretary of State has the power to extend pre-settled status under sections 3(3)(a) and 4(1) of the Immigration Act 1971.

The Home Office has announced in a separate [press release](#) and [media fact sheet](#), that from September 2023, all pre-settled status holders will have their pre-settled status extended automatically, for a further period of 2 years, before it expires if they have not already obtained settled status. The Home Office states that this will ensure that nobody loses their immigration status if they do not apply to switch from pre-settled to settled status. The announcement also confirms that, at some point in 2024, the Home Office intends to take steps to automatically convert as many citizens as possible with pre-settled status to settled status once they have met settled status conditions.

Validity Requirements – Late Applications and Illegal Entrants

Amendments are made to Appendix EU to make the requirement – under the Citizens’ Rights Agreements – to show reasonable grounds for a late application to the EUSS, a validity rather than an eligibility requirement. The Explanatory Memorandum states that *“consistent with the Agreements, this will enable the Secretary of State to consider whether there are reasonable grounds for a late application as a preliminary issue, before going on to consider whether a valid application meets the relevant eligibility*

and suitability requirements.” The change will apply to applications made on or after 9 August 2023.

Similarly, in-country applications made on or after 9 August 2023 as a ‘joining family member’ made by an ‘illegal entrant’ (as defined in section 33(1) of the Immigration Act 1971) will be rejected as invalid. Broadly speaking, joining family members are those existing close family members of EU and EEA EFTA nationals who were living overseas as of 31 December 2020.

Closure of Zambrano and Surinder Singh routes

At 11.59 pm on 8 August 2023, the EUSS will close to new applications from *Surinder Singh* family members (those accompanying a British citizen family member returning to the UK after exercising free movement rights) and to *Zambrano* applicants (the primary carer of a British citizen living in the UK).

The EUSS family permit will also close then to new overseas applications for *Surinder Singh* family members. The Explanatory Memorandum states that those granted an EUSS family permit as such a family member (including on appeal), following an application made by 8 August 2023, will still be able to come to the UK. They will be able to apply here to the EUSS where they do so before the expiry of the leave to enter granted by virtue of having arrived in the UK with that entry clearance (or later where they have reasonable grounds for their delay in making their application).

	<p>Both of these routes are outside the scope of the Citizens’ Rights Agreements. The Explanatory Memorandum which accompanies the Statement provides that the <i>“UK made generous transitional provisions enabling such persons to access the EUSS for more than four years. It is now appropriate, as a matter of fairness to other British citizens wishing to sponsor foreign national family members to settle in the UK, that any new applications should have to meet the Immigration Rules applicable to others”</i>.</p> <p><u>Durable Partners – Dependent Relatives</u></p> <p>The definition of ‘dependent relative’ in Appendix EU has been amended to allow a child of a durable partner to be granted settled status where they have turned 18 since their previous grant of pre-settled status.</p>
<p>Comments</p>	<p>The IMA is continuing to engage with the Home Office in respect of various aspects of the changes and intends to issue a further report(s) as those discussions continue.</p> <p>In the interim, the IMA makes the following comments:-</p> <ul style="list-style-type: none"> • The IMA issued a statement on the Home Office’s plans to implement the judicial review judgment on 17 July 2023. The IMA notes that the changes to the Rules allow for pre-settled status to be extended without further application, albeit that the Secretary of State already has power to do so under the Immigration Act 1971. This change therefore does not, of itself, implement the judgment in

R(IMA). It is necessary to consider how the Secretary of State will use this power to extend pre-settled status in order to assess whether the judgment is implemented to ensure that holders of pre-settled status do not lose their rights for failure to make a second application. Details of the steps the Secretary of State intends to take are found in the documents and statements issued by the Home Office alongside the changes. These refer to a 2-year extension and while this is welcomed so that no holder of pre-settled status loses rights in the short term, by itself it maintains the current time-limited nature of pre-settled status which the judgment in R(IMA) found to be incompatible with the Citizens' Rights Agreements. The IMA will continue to engage with the Home Office to understand the detail of its plans in order to assess whether the judgment is fully implemented on this point.

The judgment also confirmed the automatic acquisition of the right of permanent residence by pre-settled status holders once the relevant criteria are met, and it is clear that some citizens who have pre-settled status will, in fact, be entitled to the right of permanent residence. The Home Office has outlined the steps it intends to take to automatically convert as many eligible pre-settled status holders as possible to settled status once they are eligible for it, without them needing to make a further application. Pending automatic conversion, such citizens' domestic immigration status will not reflect their rights under the

Agreements. The changes to the Rules do not address this part of the judgment. The IMA is also continuing to engage with the Home Office to understand its detailed plans in respect of this part of the judgment.

- The IMA acknowledges that the Agreements allow for the Home Office to determine whether someone has reasonable grounds for making their application to the EUSS out of time, before accepting it as valid. However, one consequence is that a decision not to accept the grounds as reasonable is only open to challenge by way of judicial review. There is no appeal mechanism. The IMA has raised this with the Home Office and is continuing to engage with them on that issue and on its similar concerns in respect of the changes which have been made in respect of in-country applications from joining family members who are illegal entrants.

Any citizen experiencing difficulties in exercising their rights are encouraged to report a complaint through the [IMA Portal](#).

Further information about the IMA and guidance on how to report complaints can also be found on the [Website](#).

This report is only concerned with the compatibility or otherwise of the legislation with Part 2 of the Withdrawal Agreement and Part 2 of the EEA EFTA Separation Agreement. It does not consider the merits more generally of the policy contained in the legislation and does not consider the lawfulness of the legislation beyond its compatibility with the Agreements.

Legislation Monitoring Report

Title	The Statement of Changes to the Immigration Rules presented to Parliament on 18 October 2022 (HC 719)
Date Legislation considered by the IMA	17 November 2022
Date Legislation in force	09 November 2022 (for changes to Appendix EU and Appendix EU (Family Permit))
Relevant Withdrawal Agreement/EEA EFTA Separation Agreement Right(s)	Residency
What does the legislation do?	The Statement of Changes amend the Immigration Rules (“the Rules”) which are used to regulate people’s entry to, and stay in, the United Kingdom.

This report only considers those changes that relate to the EU Settlement Scheme (EUSS) and the EUSS family permit.

Changes have been introduced to the **EU Settlement Scheme** and **EUSS Family Permit**. The detailed rules for the EUSS are contained in **Appendix EU** and the rules for the EUSS family permit in **Appendix EU (Family Permit)**.

The EUSS enables EU, EEA EFTA and Swiss citizens living in the UK by the end of the transition period on 31 December 2020, and their family members, and the family members of certain British citizens returning with them from EU, EEA EFTA countries or Switzerland, to obtain UK immigration status (either pre-settled status or settled status) to live in the UK.

The EUSS family permit enables relevant family members to travel to the UK.

The main changes in respect of the Immigration Rules for the EUSS in Appendix EU and for the EUSS family permit in Appendix EU (Family Permit) are as follows:-

Clarification on the EUSS application deadline for certain joining family members

Changes have been made to the Rules to provide that where a joining family member arrives in the UK with other limited leave (e.g. a work or study visa) or as a person exempt from immigration control, the deadline for them to apply to the EUSS is linked to the end of that status, rather than within three months of their arrival in the UK.

Changes to the definitions of 'qualifying British citizen' and their family members

The definitions of 'qualifying British citizen' and their family members have been changed to bring into the Rules the current concessions contained in guidance in relation to family members of a qualifying British citizen returning to the UK from the EEA.

The changes provide:

- for a relevant child to have been born or adopted after the end of the transition period and before the family's return to the UK;
- for the qualifying British citizen to have returned to the UK ahead of the family member; and
- for the Sovereign Base Areas on Cyprus to be treated as part of the EEA where an accompanying family member of a member of HM Forces, who was posted there before the end of the transition period, otherwise meets the requirements of the route.

Clarification on commencement of qualifying period for certain family members

The definition of 'specified date' has been amended to clarify that 'relevant EEA family permit cases'¹ and - where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet the deadline for returning to the UK - family members of a qualifying British citizen (i.e. Surinder Singh cases) will start their continuous

¹ 'Relevant EEA family permit case' is defined in Annex 1 to Appendix EU.

qualifying period of residence in the UK under the EUSS at 23.59 GMT on the date of their arrival in the UK.

New suitability grounds for EUSS family permits

New provision for an EUSS family permit to be refused (or revoked) is added where the person is an excluded person by reference to section 8B(4) of the Immigration Act 1971 (i.e. subject to a travel ban due to a resolution of the United Nations Security Council or an instrument made by the Council of the EU, or under regulations having the same effect under section 1 of the Sanctions and Anti-Money Laundering Act 2018). Where the person is an excluded person due to conduct committed before 11pm on 31 December 2020, the entry clearance officer making the decision must also be satisfied that the refusal (or revocation) is justified on grounds of public policy, public security or public health.

Article 20 of the EU Withdrawal Agreement and Article 19 of the EEA EFTA Separation Agreement require the conduct of citizens and their family members before the end of the transition period to be considered in accordance with Chapter VI of Directive 2004/38/EC.

Zambrano, Chen and Ibrahim & Teixeira Derivative Rights

- Changes have been made so that there is no longer a need to cross-reference the requirements in Appendix EU with the Immigration (European Economic Area) Regulations 2016 to understand the qualifying conditions when making an application based on Zambrano, Chen or Ibrahim & Teixeira derivative rights. The qualifying criteria are now to be found within Annex 1 to Appendix EU.

	<ul style="list-style-type: none">• The Court of Appeal decisions in Akinsanya and Velaj have been reflected in the relevant definitions.• Previously under Appendix EU and in accordance with EU case-law, in order to be eligible for Ibrahim & Teixeira derivative rights, both the child and their relevant parent had to reside, or have resided, in the UK at the same time, and during such a period of residence the relevant parent had to have been a worker. The changes within the Rules provide that the relevant parent may also be, or have been, a self-employed person in the UK at the relevant time.
Comments	<p>The IMA raises no issues of concern at this stage, however any citizen experiencing difficulties in exercising their rights are encouraged to report a complaint through the IMA Portal.</p> <p>Further information about the IMA and guidance on how to report complaints can also be found on the Website.</p>

This report is only concerned with the compatibility or otherwise of the legislation with Part 2 of the Withdrawal Agreement and Part 2 of the EEA EFTA Separation Agreement. It does not consider the merits more generally of the policy contained in the legislation and does not consider the lawfulness of the legislation beyond its compatibility with the Agreements.

Legislation Monitoring Report	
Title	The Statement of Changes in Immigration Rules presented to Parliament on 15 March 2022 (HC 1118)
Date Legislation considered by the IMA	23.05.22
Date Legislation in Force	06.04.22 for changes to Appendix EU and Appendix EU (Family Permit)
Relevant Withdrawal Agreement/EEA EFTA Separation Agreement Right(s)	Residency
What does the legislation do?	<p>The Statement of Changes amend the Immigration Rules which are used to regulate people's entry to, and stay in, the United Kingdom.</p> <p>This report only considers those key changes that fall within the remit of the IMA.</p>

Changes are being introduced to the [EU Settlement Scheme](#) (EUSS) and [EUSS Family Permit](#). The detailed rules for the EUSS are contained in [Appendix EU](#) and the rules for the EUSS family permit in [Appendix EU \(Family Permit\)](#).

The EUSS enables EU, EEA EFTA and Swiss citizens living in the UK by the end of the transition period on 31 December 2020, and their family members, and the family members of certain British citizens returning with them from EU, EEA EFTA countries or Switzerland, to obtain UK immigration status (either pre-settled status or settled status) to live in the UK.

The EUSS family permit enables relevant family members to travel to the UK.

Multiple Applications

The changes provide that:-

- where a further valid application is made to the EUSS before a previous valid application has been decided, the further application will be treated as an application to vary the previous application and only the further application will be considered.

- where 2 applications are made, and where one is under the EUSS and the other under another part of or outside the Immigration Rules and both are valid but not yet decided, both applications must be considered. Where they both fall to be granted, the Secretary of State will ask the applicant to choose which application they want to be decided and which they wish to be withdrawn.

EEA Family Permit Concession

In order to join their sponsor in the UK, and apply under the EUSS, some family members of an EU, EEA EFTA or Swiss citizen with EUSS status require a family permit.

EEA family permits operated alongside EUSS family permits until 30 June 2021 and provided a separate entry clearance route for those who qualified for it. EEA family permits were available to a much wider category of family member than EUSS family permits and included e.g. dependent siblings and cousins.

Article 10(3) of the EU Withdrawal Agreement and Article 9(3) of the EEA EFTA Separation Agreement require the Home Office to process EEA family permit

applications from dependent relative extended family members as long as they applied by 31 December 2020.

Notwithstanding this, the Home Office decided that EEA family permits were no longer valid for travel to the UK after 30 June 2021. The IMA received [complaints](#) from citizens who had applied before the deadline of 31 December 2020 and who were having difficulty obtaining a family permit.

A temporary concession was created through guidance which instructed caseworkers to issue an EUSS family permit to dependent relative extended family members who applied for an EEA family permit by 31 December 2020 in various circumstances. The concession was temporary pending changes to the Immigration Rules.

The changes made bring within the rules the concession arrangements as follows:-

- an EUSS family permit is to be issued in place of an EEA family permit (and can be relied upon in a subsequent EUSS application) where an EEA family permit would have been issued (including on appeal) to a dependent relative extended family

member, or a person with a derivative right to reside, had the route not closed after 30 June 2021.

- where an EUSS family permit is issued in place of an EEA family permit under these arrangements, the person is able to start their qualifying period of continuous residence in the UK after 31 December 2020.
- an appropriate letter is to be issued by the Secretary of State in place of an EEA residence card (and can be relied upon in a subsequent EUSS application) where an EEA residence card would have been issued (including on appeal) to an extended family member, had the route not closed after 30 June 2021.

Lounes dual nationals

The changes provide that *Lounes*¹ dual nationals (i.e. dual British and EU or EEA EFTA citizens who exercised free movement rights in the UK prior to obtaining British citizenship and who retained their EU or EEA EFTA nationality after obtaining British citizenship) are able to sponsor family members under the EUSS and EUSS family permit, notwithstanding the fact that they acquired British citizenship without having met free movement requirements to have held comprehensive sickness insurance in the UK as a student or self-sufficient person.

¹ Named after the case of C165/15 Toufik Lounes v Secretary of State for the Home Department

Comments

The IMA raises no issues of concern at this stage, however any citizen experiencing difficulties in exercising their rights are encouraged to report a complaint through the [IMA Portal](#).

Further information about the IMA and guidance on how to report complaints can also be found on the [Website](#).

This report is only concerned with the compatibility or otherwise of the legislation with Part 2 of the Withdrawal Agreement and Part 2 of the EEA EFTA Separation Agreement. It does not consider the merits more generally of the policy contained in the legislation and does not consider the lawfulness of the legislation beyond its compatibility with those Agreements.

Legislation Monitoring Report

	The Statement of Changes in Immigration Rules Presented to Parliament on 7 December 2023
Date Legislation Considered by IMA	22 January 2024
Date Legislation in Force	16 January 2024
Potential Right(s) Affected	Residence
Background and Purpose	<p>The Immigration Rules are statements by the Secretary of State as to how he will exercise his power to regulate immigration.</p> <p>The Statement of Changes make several changes to the Immigration Rules, not all of which are relevant to the EU Settlement Scheme (“EUSS”).</p> <p>The detailed rules for the EUSS are contained in Appendix EU</p>

The EUSS enables EU, EEA EFTA and Swiss citizens living in the UK by the end of the transition period on 31 December 2020, and their family members, to obtain UK immigration status (either pre-settled status or settled status) to live in the UK.

The following changes are relevant to the EUSS:

- revised provision for returning residents whose settled status under the EUSS has lapsed because of their absence from the UK and who wish to resume residence here. They will now need to apply under Appendix Returning Resident. Consistent with the Withdrawal Agreement and EEA EFTA Separation Agreement, EU and EEA EFTA citizens can spend up to 5 years in a row outside the UK before their settled status lapses.
- provision preventing a person who entered the UK as an irregular arrival from making a valid application as a joining family member.
- provision requiring a person in the UK as a visitor to make any application as a joining family member within three months of their arrival, subject to reasonable grounds for any delay in applying.
- provision enabling the Secretary of State, where proportionate, to curtail pre-settled status granted under the EUSS, subject to a right of appeal, in circumstances where the citizen never met the requirements of the EUSS.

The totality of the changes made by the Statement of Changes is summarised in the [explanatory memorandum](#) presented to the UK Parliament alongside them.

Comments

	<p>The Statement of Changes does not appear to raise issues of compatibility with the Agreements. However, any citizen experiencing difficulties in exercising their rights is encouraged to report a complaint through the IMA Portal.</p> <p>Further information about the IMA and guidance on how to report complaints can also be found on the Website.</p>
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This report is only concerned with the compatibility or otherwise of the legislation with Part 2 of the Withdrawal Agreement and Part 2 of the EEA EFTA Separation Agreement. It does not consider the merits more generally of the policy contained in the legislation and does not consider the lawfulness of the legislation beyond its compatibility with the Agreements.

Legislation Monitoring Report	
Title	Statement of changes to the Immigration Rules: HC 1780, 7 September 2023
Date Legislation considered by the IMA	8 November 2023
Date Legislation in force	5 October 2023 – for the purposes of changes considered in this report
Relevant Withdrawal Agreement/EEA EFTA Separation Agreement Right(s)	Residency
What does the legislation do?	<p>The Statement of Changes amends the Immigration Rules (“the Rules”) which are used to regulate people’s entry to, and stay in, the United Kingdom.</p> <p>This report only considers those changes to the Rules that are relevant to the EU Settlement Scheme (EUSS), the EUSS family permit and the S2 Healthcare Visitor route.</p>

The detailed rules for the EUSS are contained in [Appendix EU, for](#) the EUSS family permit in [Appendix EU \(Family Permit\)](#), and for the S2 Healthcare Visitor route in [Appendix S2 Healthcare Visitor](#).

The EUSS enables EU, EEA EFTA and Swiss citizens living in the UK by the end of the transition period on 31 December 2020, and their family members, to obtain UK immigration status (either pre-settled status or settled status) to live in the UK.

The EUSS family permit enables relevant joining family members to travel to the UK.

The S2 Healthcare Visitor route provides for a route of entry to the UK for people who, by the end of the transition period, had requested authorisation from their home EEA state or Switzerland to receive a course of planned healthcare treatment provided by the NHS under the S2 route, pursuant to Regulation (EC) No 883/2004. They can be accompanied by persons providing care or support during the planned treatment period.

The main change to the Rules is the removal of the right of administrative review for all decision types where it currently applies for the EUSS, the EUSS family permit and the S2 Healthcare Visitor route. The changes apply to all decisions made on or after 5 October 2023.

The [Explanatory Memorandum](#) states that “*since 1 November 2018, applicants to the EUSS who are refused on eligibility grounds, or granted pre-settled rather than settled*

status, have had an additional right of administrative review. There is also currently a right of administrative review against a decision to cancel EUSS status on certain grounds. Dual avenues of redress by way of both appeal and administrative review are not required under the Citizens' Rights Agreements and are not reflected in other immigration routes."

An administrative review is an internal mechanism whereby the Home Office reviews a previous decision.

Article 18(1)(r) Withdrawal Agreement ("WA") and Article 17(1)(r) EEA EFTA Separation Agreement ("SA") require the UK to provide for judicial redress against any decision refusing to grant residence status. This is provided for through the *Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020* which provide a right of appeal to the First Tier Tribunal (Immigration and Asylum) in respect of decisions to refuse, curtail or revoke EUSS status.

The Explanatory Memorandum states that some minor technical amendments are also made to the Immigration Rules for the EUSS in Appendix EU to clarify the existing policy position that, where a dependent parent or child has already been granted limited leave under Appendix EU, they will not need to evidence dependency for any further applications under Appendix EU. Changes are also made to the definition of 'required date' in Annex 1 of Appendix EU to clarify that the required date specified in sub-paragraphs (a)(viii) and (ix) of that definition does not apply to applicants relying

	<p>on being either a person with a Zambrano right to reside or a family member of a qualifying British citizen.</p>
Comments	<p>Whilst the IMA does not raise any issues of concern in respect of the compatibility of the legislative changes with the Citizens' Rights Agreements, it notes that the removal of the ability to request an administrative review will inevitably mean that more citizens will be required to engage with the appeal process, in the event that they wish to challenge a decision to refuse or remove their leave.</p> <p>Article 21 WA/Article 20 SA (relying on Article 30 Directive 2004/38) require that applicants who may wish to challenge such a decision are provided with clear information as to the factual and legal grounds on which the decision has been taken, in order that they can properly consider any next steps.</p> <p>Any citizen experiencing difficulties in exercising their rights is encouraged to report a complaint through the IMA Portal.</p> <p>Further information about the IMA and guidance on how to report complaints can also be found on the Website.</p>

This report is only concerned with the compatibility or otherwise of the legislation with Part 2 of the Withdrawal Agreement and Part 2 of the EEA EFTA Separation Agreement. It does not consider the merits more generally of the policy contained in the legislation and does not consider the lawfulness of the legislation beyond its compatibility with the Agreements.

Legislation Monitoring Report

Title	National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2023
Date Legislation considered by the IMA	10 February 2023
Date Legislation in force	1 February 2023
Relevant Withdrawal Agreement/EEA EFTA Separation Agreement Right(s)	Residence Discrimination/Equal Treatment
What does the legislation do?	<p>The Regulations amend the National Health Service (Charges to Overseas Visitors) Regulations 1989 (“the Principal Regulations”).</p> <p>The Principal Regulations require Local Health Boards and NHS Trusts in Wales to make and recover charges in respect of relevant healthcare services that are provided to</p>

overseas visitors not ordinarily resident in the United Kingdom , unless the overseas visitor or the service they receive falls within a charging exemption.

The [Explanatory Memorandum](#) provides that the purpose of the Regulations is to *“ensure that the Principal Regulations reflect the provisions of Article 18 of the WA and Article 17 of the SA with regard to the charging for treatment of late EUSS applicants, and to ensure that unsuccessful late applicants are afforded equal treatment to those applicants who submitted their application to the EUSS within time.”*

In December 2022, the IMA wrote to officials at the Welsh Government highlighting provision within the Principal Regulations and within [Guidance](#) that required Local Health Boards and NHS Trusts in Wales to charge unsuccessful late applicants to the EUSS for treatment received during the period in which their application was being determined.

The IMA considers that this is incompatible with Article 18(3) of the Withdrawal Agreement and Article 17(3) of the EEA EFTA Separation Agreement which provide (subject to provisions relating to fraud) for rights under Part 2 of the Agreements to be deemed to apply during the period when an application to the EUSS is being determined.

	<p>The Regulations amend the Principal Regulations to remove the requirement to charge unsuccessful late applicants to the EUSS for NHS treatment received during the period when their application was being determined.</p> <p>They also require that where charges have been paid, they must be repaid by Local Health Boards and NHS Trust. Where charges have been made but not paid, they must not be recovered.</p>
Comments	<p>The IMA notes that at paragraph 6.3 of the Explanatory Memorandum, it states that <i>“Local Health Boards have advised the Welsh Government that no individuals with this status have been treated or charged to date. It is not expected that the number of individuals of this status treated and therefore charged would significantly change going forward.”</i> The IMA is continuing to engage with Welsh Government officials in respect of this issue.</p> <p>The IMA raises no issues of concern with the Regulations at this stage, however any citizens experiencing difficulties in exercising their rights are encouraged to report a complaint through the IMA Portal.</p> <p>Further information about the IMA and guidance on how to report complaints can also be found on the Website.</p>

This report is only concerned with the compatibility or otherwise of the legislation with Part 2 of the Withdrawal Agreement and Part 2 of the EEA EFTA Separation Agreement. It does not consider the merits more generally of the policy contained in the legislation and does not consider the lawfulness of the legislation beyond its compatibility with the Agreements.

Legislation Monitoring Report	
Title	The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023 No. 1294 (W. 230)
Date Legislation considered by the IMA	25 January 2024
Date Legislation in force	1 December 2023
Relevant Withdrawal Agreement/EEA EFTA Separation Agreement Right(s)	Recognition of Professional Qualifications and Discrimination/Equal Treatment
What does the legislation do?	Most of the sections in these Regulations implement provisions relating to the recognition of professional qualifications contained in the recent free trade agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland signed on 8th July 2021. These

provisions do not relate to the EEA EFTA Separation Agreement or the EU Withdrawal Agreement.

Regulation 4 makes provision which relate to those Agreements, specifically around the continued recognition of professional qualifications already recognised or in the process of being recognised at 11pm on 31 December 2020.

Section 5(1) of the Professional Qualifications Act 2022 revoked the European Union (Recognition of Professional Qualifications) Regulations (“2015 Regulations”). The IMA reviewed the Act in 2022. Our reports can be found [here](#).

As set out in our 2022 report, the 2015 Regulations (as amended) provided for an interim system for the recognition of professional qualifications for EU, EEA EFTA and Swiss citizens.

From 1st December 2023, applications for recognition can no longer be made under the interim system.

The Professional Qualifications Act 2022 (Commencement No. 3 and Savings and Transitional Provisions) Regulations 2023 contained saving and transitional provisions which protect the position of citizens who have already obtained recognition or who have made applications for recognition between 31 December 2020 and 1 December 2023. Our report in respect of these Regulations can be found [here](#).

	<p>The amendments contained in Schedule 4 of these Regulations make further provision to confirm the continued protection of those in the teaching profession, youth workers, youth support workers and work-based learning practitioners who have already obtained recognition or who have made applications for recognition between 31 December 2020 and 1 December 2023. Amendments are also made in relation to the transport profession to reflect the revocation of the 2015 Regulations.</p>
Comments	<p>The IMA raises no issue of concern, however, any citizen experiencing difficulties in exercising their rights are encouraged to report a complaint through the IMA Portal.</p> <p>Further information about the IMA and guidance on how to report complaints can also be found on the Website.</p>