

Agenda – Equality and Social Justice Committee

Meeting Venue:

Committee Room 3 (Senedd)

Meeting date: 25 November 2024

Meeting time: 11.00

For further information contact:

Rhys Morgan

Committee Clerk

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Pre-meeting

(10.30–11.00)

Public meeting

(11.00–14.40)

1 Introductions, apologies, substitutions and declarations of interest

(11.00)

2 Disability and Employment: Ministerial evidence session

(11.00–12.30)

(Pages 1 – 60)

Jane Hutt, Cabinet Secretary for Social Justice, Trefnydd & Chief Whip

Jack Sargeant, Minister for Culture, Skills & Social Partnership

Lorna Hall, Deputy Director for Equality and Human Rights, Welsh Government

Neil Surman, Deputy Director for Skills, Welsh Government

Stephen Layne, Deputy Director for Fair Work, Welsh Government

Break

(12.30–13.30)

3 Fuel Poverty in Wales: A presentation with academics from the Welsh School of Architecture, Cardiff University

(13.30–14.40)

(Pages 61 – 67)

Dr Simon Lannon, Welsh School of Architecture, Cardiff University

Professor Phil Jones, Welsh School of Architecture, Cardiff University



4 Papers to note

(14.40)

- 4.1 Correspondence between the Chair and the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip regarding strengthening and advancing equality and human rights in Wales**

(Pages 68 – 106)

- 4.2 Correspondence between the Chair and the Minister for Children and Social Care regarding the Welsh Government's response to the Equality and Social Justice Committees report: "Their Future: Our Priority"**

(Pages 107 – 113)

- 4.3 Correspondence from Careers Wales regarding the number of disabled people employed by Careers Wales**

(Pages 114 – 118)

- 4.4 Additional evidence to the Equality and Social Justice Committee Inquiry into Disability and Employment from Ruth Northey**

(Pages 119 – 125)

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

(14.40)

Private meeting

(14.40–15.00)

- 6 Disability and Employment: consideration of evidence**

(14.40–15.00)

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Welsh Government Evidence Paper for the Equality and Social Justice Committee's Inquiry into the Disability Employment and Pay Gap

25 November 2024

This paper provides evidence on behalf of the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, and the Minister for Culture, Skills and Social Partnership. The paper's structure aligns with the Committee's terms of reference for its inquiry.

Annex A provides an overview of Welsh Government groups supporting disabled people's employment.

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1. Introduction

- 1.1 This paper provides evidence on behalf of the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, and the Minister for Culture, Skills and Social Partnership. The paper's structure aligns with the Committee's terms of reference for its inquiry.
- 1.2 Annex A provides an overview of Welsh Government groups supporting disabled people's employment

2. Overview of the Employment and Pay Gap

2.1 The Wellbeing of Wales Report 2024¹ shows that:

- a. For the year ending 31 March 2024, the employment rate among disabled people aged 16 to 64 in Wales was 51.0% whilst the rate for people who are not disabled was 81.9%. The employment rate gap for disabled people in 2023-24, of 30.9 percentage points, has reduced from 35.4 percentage points in 2015-16.
- b. The pay difference between disabled and non-disabled people in Wales was £1.75 (12.2%) in 2023. This means that disabled people in Wales earned, on average, £1.75 less per hour than non-disabled people. The pay difference has widened by £0.43 (2.5 percentage points) compared to the previous year. Since 2019, the value of the disability pay difference has seen a very slight decrease (of £0.01), however due to higher hourly wages for both disabled and non-disabled employees as a percentage the pay difference decreased by 2.9 percentage points.

¹ [Wellbeing of Wales: 2024 | GOV.WALES](#)

3. Progress following the Locked Out Report

- 3.1 The Programme for Government is clear on our objective to close the employment gap between disabled people and the rest of the working population, and our National Milestones sets the long-term target to eliminate the pay gap for gender, disability and ethnicity by 2050.
- 3.2 In 2021, the then First Minister established the Disability Rights Taskforce. The taskforce unites individuals with lived experience, Welsh Government policy leaders, and representative organisations to address the issues and barriers which impact the lives of many disabled people, and which were identified in the Locked-Out Report.
- 3.3 The Taskforce is jointly Chaired by the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, and Professor Debbie Foster who was the author of the Locked-Out report.
- 3.4 The Taskforce has embraced the principles of co-design and has engaged and worked with more than 350 external stakeholders and 200 policy leads and has been supported by the Welsh Government's Disability Disparity Evidence Unit and the Disabled Peoples Employment Champions.
- 3.5 The Taskforce has established a series of working groups focussed on specific themes. The work of the Employment and Income working group is of particular relevance to the Committee's inquiry. This working group has examined various issues related to eliminating barriers that hinder the participation, retention, and advancement of disabled individuals in the workplace.
- 3.6 We expect the recommendations of the taskforce will inform a cross-Government action plan which we anticipate publishing for consultation in Spring 2025.

4. Embedding the Social Model of Disability

- 4.1 The Welsh Government uses the social model of disability. This manifests itself in our actions as an employer, in the way in which we develop policy, and our approach to delivery. This means we focus on what people can do and achieve if societal barriers are removed, rather than on what they cannot do due to their impairments.
- 4.2 The Welsh Government retains its Disability Confident Leader status, and as an employer we make reasonable adjustments in our recruitment processes and working environment. Our approach to adjustments has been recognised with a CIPD Wales Award.
- 4.3 Currently, 6.4% of the Welsh Government workforce have declared that they are disabled people. This figure has steadily increased since 2015, when disabled people made up 4.4% of the workforce.
- 4.4 In internal recruitment, by 2026 our aim is to promote disabled staff at a level which exceeds their organisational population share, to address current under-representation at all levels of the organisation. Since 2021, we have achieved this aim, with an average rate of 5.9% over the past 3 years.
- 4.5 In our external recruitment efforts, we aim to have 20% of our new hires to be disabled people by 2026. By 2030, we plan to increase this to 30% to significantly address the underrepresentation of disabled people in the Welsh Government.
- 4.6 Despite the shortcomings of the medical model, the challenge we face is that it continues to persist in some other parts of our society, including among some employers. A wider shift to the social model is still needed and the social model of disability also underpins the work of our Disabled Peoples Employment Champions and our engagement with employers.

5. Addressing the barriers faced by disabled people, improving participation and closing the employment and pay gap.

Disabled Peoples Employment Champions

5.1 The Welsh Government employs five Disabled Peoples Employment Champions (DPECs) as permanent members of staff. All of the DPECs bring lived experience and an in-depth and practical understanding of the social model of disability, and their work is both internal and external facing.

5.2 Internally, the DPECs contribute lived experience and knowledge to influence the development of policy and the Welsh Government's approach as an employer. Externally, the DPECs engage with employers, employer representative organisations and trade unions. This work is reflected in five strategic objectives:

- Strategic Objective 1: To engage with employers, employer representative organisations and trade unions, with the aim of promoting the recruitment and retention of disabled people, raising awareness of the Social Model of Disability, and improving disabled people's experience of work and career prospects.
- Strategic Objective 2: To build relationships with Government and non-Government delivery partners and support services with the aim of improving delivery and maximising positive impacts on disabled people in Wales.
- Strategic Objective 3: To inform delivery of the Employability and Skills Plan, with the aim of ensuring our employability and skills programmes and services deliver for disabled people.
- Strategic Objective 4: To work with the Disability Rights Taskforce and relevant Welsh Government colleagues to contribute lived experience and knowledge to influence the development of wider Welsh Government policy which impacts on disabled people's employment.
- Strategic Objective 5: To contribute to relevant corporate work with the aim of improving the Welsh Government's practices as an employer.

5.3 This work complements that of the Business Wales Disabled Peoples Employment Advisers who undertake a similar role focussing on business start-ups and small to medium size enterprises (SMEs).

Business Wales

- 5.4 Specialist support to improve practices is available from Disabled Peoples Employment Advisers who work across Wales and provide tailored support according to client need on a one-to-one basis or at staff meetings. Advice includes inclusive recruitment, financial support, staff retention and accreditation. The advisors also help individuals to overcome barriers to starting a business or becoming self-employed.
- 5.5 Business Wales promotes self-employment and employment opportunities for disabled people through events, newsletters and social media channels, as well as Business Wales advisory support. This includes a range of information and guidance on the Business Wales website on supporting disabled people within the workforce².
- 5.6 Business Wales has developed an online module developed to help employers increase their knowledge and understanding of the social model of disability. In addition, to support disabled entrepreneurs, Business Wales and Disability Wales has produced a good practice guide³ which provides information and practical advice.

Employability and Skills

5.7 The social model of disability is integral to all our employability programmes, and this means:

- Flexible Work Arrangements: Providers encourage employers to offer flexible work hours, remote work options, and job-sharing opportunities to accommodate various disabilities.
- Accessible Recruitment Processes: Providers work with employers to ensure that recruitment procedures are adapted to ensure accessibility.
- Workplace Adjustments: Modifications such as ergonomic workstations, assistive technologies, and tailored training programs are implemented to support disabled employees.

5.8 We have mainstreamed the Supported Employment Job Coach model into Jobs Growth Wales Plus (JGW+). The proportion of starts on the programme by learners who self-identified as disabled or having a learning difficulty, learning disability or autism was 23.8% between April 2023 and March 2024. To improve access, we have removed the requirement for young people to attend the programme for a minimum number of hours.

² [Disabled People's Employment | Business Wales Skills Gateway](#)

³ [The Good Practice Guide – Supporting Disabled Entrepreneurs in Wales | Business Wales](#)

5.9 All Careers Wales and Working Wales Careers Advisers have undertaken training on the social model of disability. In addition to their core services, for young disabled people, Careers Wales:

- Provide advice on Access to Work and reasonable adjustments
- Make referrals to organisations offering supported employment if this is the most appropriate option.
- Support the Individual Development Plan (IDP) process, advocating on behalf of a young person and making parents aware of opportunities.
- Provide a dedicated section on their website, 'My Future', for disabled young people.

6. Access to Apprenticeships

- 6.1 Our Inclusive Apprenticeships – Disability Action Plan aims to remove barriers and create a supportive environment for disabled people to engage in apprenticeships. This includes providing additional support during and ensuring reasonable adjustments are made.
- 6.2 The Employer Incentive Scheme encourages employers to recruit disabled people by providing a financial incentive and in-work support and Supported Shared Apprenticeships provides additional support to disabled apprentices.
- 6.3 Latest figures show that, by the second quarter of the 2023/24 academic year, over 11% of the 4,515 apprenticeship starts were by learners who self-identify as being disabled or having a learning difficulty, learning disability or autism. This compares to 6% in 2016/17 (when figures on disabled apprenticeships were first observed), 8% in 2020/21, 10% in 2021/22 and 12% in 2022/23.

7. Voluntary Opportunities

- 7.1 Whilst we recognise volunteering can provide new skills and experiences, our work is focussed on improving disabled people's participation, progression, and overall experience in paid work, which is fair, safe and secure.

8. Annex A: Overview of Welsh Government groups supporting disabled people's employment

Disability Equality Forum

The Disability Equality Forum was established in 2012 and is chaired by the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip. Membership includes individuals and organisations who are actively working towards achieving full equality for disabled people. The Forum meets three times per year.

Its key purpose is to enable members to provide feedback and advice to the Welsh Government on issues affecting the lives of disabled people in Wales and provides an opportunity for Welsh Government to consult with Forum members regarding new and emerging plans and policy proposals. The Forum also helps to ensure that Welsh Government and public bodies within Wales work within the principles and practices of the Social Model of Disability and works to remove ableism.

Disability Rights Taskforce

The Disability Rights Taskforce was established in 2021 in response to the *'Locked Out: liberating disabled people's lives and rights in Wales beyond Covid-19'* report. It was co-chaired by the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip and Professor Debbie Foster of Cardiff University. The final meeting of the Taskforce was held in June 2024.

Membership included individuals with lived experience, Disabled People's Organisations, representative organisations and Welsh Government policy leaders.

Its purpose was to bring members together to address the issues and barriers which impact the lives of many disabled people, and which were identified in the Locked-Out Report. It provided strategic oversight of ten working groups, each led by disabled people, namely:

Embedding and Understanding of the Social Model of Disability (across Wales)	Access to Services (including Communications and Technology)
Independent Living: Health	Independent Living: Social Care
Employment and Income	Travel
Children and Young People	Affordable and Accessible Housing
Access to Justice	Well-being

Disabled People's Employment Working Group

The Disabled People's Employment Working Group (DPEWG) was established in 2018 to foster engagement and dialogue between the Welsh Government, Disabled People's Organisations, and other key partners, including the Department for Work and Pensions and Careers Wales. Its goal is to improve access to employment and employment outcomes for disabled people.

It meets on a quarterly basis and is chaired by the Disabled People's Employment Champions.

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Agenda Item 4.1

Ysgrifennydd y Cabinet dros Gyfiawnder Cymdeithasol, y
Trefnydd a'r Prif Chwip
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: JH/PO/320/24

Jenny Rathbone MS
Chair, Equality and Social Justice Committee
Welsh Parliament

8 November 2024

Dear Jenny,

Thank you for your letter dated 11 October regarding the Committee's scrutiny of progress on strengthening and advancing equality and human rights in Wales. The Welsh Government agreed to action several recommendations contained in the Strengthening and Advancing Equality and Human Rights in Wales Research Report 2021 (SAEHR) as set out in its response of May 2022. The Committee will be aware the Welsh Government has also published several individual equalities action plans including the LGBTQ+ Action Plan, Anti-Racist Wales Action Plan and the Gender Equality Action Plan, developed to progress equality for disadvantaged groups in Wales. Working with the Disability Taskforce, a new strategy for disabled people is under development and will be consulted on next year.

Responses to your questions are set out below.

1. Progress on delivery of each action agreed by Welsh Government in the response to the SAEHR report

The Welsh Government agreed to take a phased approach to actioning the recommendations focussing on a) Preparatory Legislative Work; b) Guidance; c) Review of the Public Sector Equality Duty; d) Incorporation of Human Rights into Impact Assessment and e) Raising Awareness. Given the complexity and breadth of the work involved there is no time limit for this work.

a) Preparatory Legislative Work – recommendations 1 & 25:

The Welsh Government established the Human Rights Advisory Group (HRAG) in July 2022 to oversee and steer progress of the SAEHR actions. The group meet on a quarterly basis and has met eight times to date. Welsh Government Officials provide secretariat support for the meeting and report to them on actions.

The Legislative Options Working Group (LOWG) was established in September 2022 to advise the Welsh Government on next steps to progress recommendations 1 & 25 i.e. incorporation of international human rights treaties into Welsh law. As an independent group, the LOWG determines its own work programme and frequency. It currently meets every second month. Secretariat duties are provided by officials. The LOWG Chair regularly engages with officials and updates the HRAG on progress. The LOWG submitted a working interim report to Welsh Government in April 2023.

Until June 2023, both the LOWG members and Welsh Ministers held significant concerns about the then UK Government's stated aims to replace the Human Rights Act 1998 which were compounded by the introduction of the Bill of Rights Bill in Parliament. Reflecting those concerns, the LOWG considered steps to embed rights in Wales in such a way as to protect them from any potential regression, alongside the other factors identified in the SAEHR Report underpinning the need for incorporation.

However, these concerns relating to the threat of human rights protections in the UK under the Human Rights Act 1998 have lessened with the withdrawal of the Bill of Rights Bill in 2023.

Further clarity has emerged in relation to the legislative powers of the devolved governments. The then UK government successfully challenged the Scottish Government over their legislative competence to lay down the Gender Recognition Reform (Scotland) Bill in December 2023. The Court of Session held that because the Bill modified the meaning of "full gender recognition certificate" it unlawfully modified the law as it applies to reserved matters, including equal opportunities. Separately, in 2021, the Supreme Court ruled that Scottish Ministers did not have the legislative powers to incorporate the UN Convention on the Rights of the Child into Scots law in the manner they had drafted in two Bills, as the provisions modified the Scotland Act 1998. Similar restrictions are found within the Government of Wales Act 2006.

Finally, the exploratory work undertaken so far indicates the need to focus more broadly on viable recommendations to advance human rights in Wales. Charles Whitmore is currently leading this work. The complex and detailed nature of this work means it is not appropriate to apply a time limit to it.

In September, the Scottish Cabinet Secretary Shirley-Ann Somerville, MSP announced a pause of the Scotland Human Rights Bill until after the Scottish elections, citing constraints on the devolution settlement, highlighted by the Supreme Court decision in the 2021 UNCRC Bill, which limit the scope for a new bill to advance rights, complexities of interaction with existing duties for rights bearers and rights holders, and the mismatch of plans and stakeholder expectations. Wanting to learn from the Scotland experience, I have requested a meeting with the Cabinet Secretary Shirley-Ann Somerville and have also recently written to Lord Ponsonby of Shulbrede, Parliamentary Under-Secretary of State in the Ministry of Justice who has human rights portfolio for the UK Government.

b) Guidance – Recommendations 2-4, 6-10, 12-13, 15-16

A statement of commitment to human rights has been developed by officials, working with stakeholders including Local Authorities, the TUC, the Equality and Human Rights Commission, the Future Generations Commission, academia; and an independent legal expert. The HRAG endorsed the statement at its meeting in February. The statement is: "Human rights belong to everyone. We will respect, protect, and fulfil these rights so that everyone in Wales can live with dignity, freedom, security, and without discrimination. We commit to a human rights approach prioritising people's well-being now and for future generations."

Officials are also working with stakeholders to further develop how a human rights approach can be taken forwards building on the Child's Rights Approach and Older People's Human Rights Approach in Wales. I will provide an update on this work in due course.

In March this year, I published a Written Statement announcing our new National Equality Objectives which includes a focus on human rights. National Equality Objective 2 states "We will create a Wales where everyone can be aware of their human rights, and where those rights are protected, promoted, and underpin all public policy". The inclusion of human rights as a National Equality Objective is another demonstration of our commitment to human rights.

Recommendation 6 recommends the amendment of the Well-being of Future Generations (Wales) Act 2015 (WFGA). The Welsh Government has no plans to amend the WFGA. Existing statutory guidance already encourages Public Services Boards to invite interested partners (who exercise functions of a public nature) to participate in activities as they see appropriate. The guidance also encourages due consideration and application of duties in respect of equalities, UN Convention on the Rights of the Child, poverty, and biodiversity in the development of local well-being plans. Officials are engaging with Public Services Boards regarding opportunities to improve the statutory guidance. As part of the exercise, officials will seek views on the annual reporting process.

c) Review of the Public Sector Equality Duty

Preliminary work was undertaken; however, we do not have the mandate to review the underpinning Public Sector Equality Duty. Whilst elements of the existing Welsh Specific Equality Duties may benefit from being updated, we are currently prioritising advancing equalities for the people of Wales through delivery of our action plans.

d) Incorporation of Human Rights into Impact Assessment

Officials are exploring options to incorporate human rights into wider impact assessment processes. We hope to update on progress in this area in early 2025.

e) Raising Awareness – Recommendations 34 – 39

In October 2022, the Welsh Government published an update on its website on the actions it has taken to strengthen human rights in the period of 2018 to 2022.

In December 2023, the Welsh Government worked in partnership with the Welsh Centre for International Affairs to raise awareness of human rights by commemorating the 75th anniversary of the UN Declaration of Human Rights in celebration of Human Rights Day (10th December). An in-person event was held at the Temple of Peace in Cardiff attended by 80 people which included human rights defenders. In the same month Welsh Government published a joint statement by myself and Mick Antoniw MS, then Counsel General and Minister for the Constitution, to raise awareness of human rights.

In December 2023, I gave the inaugural lecture at the Observatory on Human Rights and Social Justice at Swansea University. The lecture was streamed live online, and a recording is available on their website.

We are also planning an online event aligned to celebrate the 76th anniversary of Human Rights Day 2024.

Transparency and accountability

2. All agreed minutes of the Legislative Options Working Group and the Human Rights Advisory Group have now been uploaded to the Welsh Government website. I agree that transparency and accountability is essential, and resourcing is now in place to ensure more timely updates going forwards.

3. A copy of the LOWG Terms of reference will be provided to you and can also be found on the Welsh Government website.

The LOWG are an independent group that determines its own work programme. The LOWG is currently applying the right-by-right analytical framework it has developed to CEDAW and CRDP. This work is novel and complex – we are not aware of any examples of a scientific systematic approach to developing incorporation models for international human rights in the context of comparable constitutional arrangements.

The chair of the LOWG has recently employed a member of staff to support this work. A delivery timeline for emerging recommendations can only be developed after this analysis has been completed.

4. A copy of the LOWG interim report will be provided to you. The Welsh Government has decided not to publish this report due to it being high level and work in progress. The report was discussed at the HRAG meeting in September 2023 where it was agreed that next steps was a more focussed course of action.

Communications and awareness raising

5. A Human Rights Communications Plan will be developed once sufficient progress has been made on the policy work necessary to underpin this. In the meantime, we continue to engage with stakeholders to raise awareness and are developing more detailed proposals which we will update on in due course.

6. As noted in our published response to the report in May 2022, Recommendation 39 is a recommendation for the Law Society and the Law Council of Wales to actively promote among the legal professions in Wales awareness of equality and human rights legislation, in particular legal frameworks unique to Wales.

While we recognise the importance of the legal professions having a good awareness of equality and human rights legislation in Wales, neither the Law Society nor the Law Council is responsible for legal education and continuing professional development. The Solicitors Regulation Authority has that responsibility with regard to solicitors in Wales, and the other legal regulators are responsible for the other legal professions they regulate, for example the Bar Standards Board in relation to barristers in Wales. We would suggest it is for the legal sector as a whole, including the Bar, law schools and other legal education and training providers, and other organisations with relevant roles and responsibilities such as the EHRC, the Future Generations Commissioner for Wales and Public Law Wales, to consider how awareness of equality and human rights legislation in Wales may be promoted among the legal professions and other organisations and networks in Wales.

The Law Council of Wales was established after the report was published. It has an education and training group which has been working on two initial priority projects since 2022, one on a Welsh law curriculum for undergraduate law degrees and one on public legal education in Wales. We will write to Lord Lloyd-Jones, the President of the Law Council of Wales, and Dylan Rhys Jones and Huw Pritchard, who jointly lead the education and training group, to alert them to the *Strengthening and Advancing Equality and Human Rights in Wales* report.

The EHRC is a member of both the HRAG and the LOWG. The Future Generations Commission was a member of LOWG until recently but have scaled back their attendance due to their staff resources and now receive the minutes. Both the Future Generations Commission and the EHRC were part of the working group to develop a statement of commitment to human rights.

Resources

7 – 11 amalgamated

Given the recommendations span across government, it is not possible to provide a full or meaningful break down of resource involved. In the immediate human rights policy team, I remain assured that the resources reflect the evolving needs of the work as the ambitions have grown. Allocation of resources are a matter for the Permanent Secretary. The resources originally allocated to this team were based on the provisional understanding of the nature of work required and as the work evolved. Currently the team comprises of one Grade 7; one Senior Executive Officer; and 1 FTE Higher Executive Officer. An Executive Officer has recently been recruited starting in November.

This team covers the work in response to the SAEHR report recommendations and support for the HRAG and LOWG discussed above, and covers work on human rights impact assessments, engagement with other UK Governments and the EHRC in relation to human rights, and reporting on international human rights treaties in the UK. The work of the team has included supporting Welsh Government engagement on three Dialogues with UN Committees within the last 12 months - the UN Convention on the Rights of Disabled People; the International Covenant on Civil and Political Rights (March 2023); and the International Convention on the Elimination of All Forms of Race Discrimination. The team are also starting preparations for attendance at the UK Dialogue with the UN Committee on the International Covenant on Economic Social and Cultural Rights in February 2025.

Rest of the Senedd term

12. As outlined, the actions on incorporation are subject to the outcomes of the work of LOWG. We intend to provide an update on progress across our Human Rights work in early 2025.

13. I will consider making an oral statement on incorporation at the appropriate time once the work of LOWG is sufficiently advanced to enable a meaningful update to the Senedd.

Justice recommendations

Several recommendations in the SAEHR relate to actions on Justice. The Welsh government position in the May 2022 response still stands. In respect of Recommendation 26, Welsh government published an update in February this year on the progress it has made taking forward the Thomas Commission's recommendations. The report can be found [here](#).

I hope this update provides you with the information you require.

Yours sincerely,

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

Jane Hutt AS/MS

Ysgrifennydd y Cabinet dros dros Gyfiawnder Cymdeithasol, y Trefnydd a'r Prif Chwip
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

Cc: Charles Whitmore, Professor Simon Hoffman and Dr Sarah Nason

Jane Hutt MS

Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

Dear Jane,

11 October 2024

Strengthening and Advancing Equality and Human Rights in Wales

On 16 September we heard from Professor Simon Hoffman, Dr Sarah Nason and Charles Whitmore on equality and human rights in Wales. Both the transcript and a recording of the session are available [online](#). Professor Hoffman and Dr Nason had given evidence previously in November 2021 on their landmark Strengthening and Advancing Equality and Human Rights in Wales (SAEHR) report. Over three years since its publication we considered it to be an opportune time to explore progress with implementation.

General progress and implementation

Our overall impression from the session was that only very limited progress has been made to date. In May 2022, the Welsh Government set out five action areas that addressed all the accepted recommendations of the SAEHR report.¹ We are concerned that on the basis of what we heard, few of the Welsh Government's aspirations are likely to be met.

1. We would welcome a comprehensive update on progress with delivery of each action area.

Transparency and accountability

Our efforts to investigate progress were constrained by the lack of up-to-date, publicly available information. For example, at time of writing, [the SAEHR report page](#) had not been updated at all since its publication in August 2021.

¹ Welsh Government, [Strengthening and advancing equality and human rights in Wales research report: Welsh Government response](#), 23 May 2022

In June 2022, you established a Human Rights Advisory Group (HRAG) and a Legislative Options Working Group (LOWG) to monitor and advise on the main streams of work you identified in response to the SAEHR report. We found that the Welsh Government's page on Human Rights was only published on 4 September 2024 and pages on HRAG and LOWG which included an incomplete set of minutes were first published on 11 September 2024. We are surprised that it would take so long to publish this information and fail to understand why only three sets of minutes for HRAG (for July 2022, December 2023 and February 2024) and one set for the LOWG (September 2022) have been published so far. We would welcome a more proactive and timely approach in future. **To improve transparency and accountability please could you provide the following:**

2. an explanation for the delay in publishing the pages and official minutes of the LOWG, and HRAG and the reasons why only three in the series have been published;
3. a copy of the terms of reference for the LOWG, its forward work programme, and associated timescales; and
4. a copy of the LOWG initial findings report on incorporation of human rights into Welsh law.²

Communications and awareness raising

During the Committee session, and in their report, Professor Hoffman and Dr Nason emphasised that awareness of human rights is fundamental to good governance and democracy. In response to the SAEHR recommendations, the Welsh Government committed to publishing a "substantive Human Rights Communications Plan [...] as part of the first phase of action to be taken forward."³ The report also called for better collaboration between the EHRC, Future Generations Commissioner and Law Society in promoting the human rights agenda.

In light of the above we would welcome:

5. an update on the Human Rights Communications Plan: how it was developed, its current status and the latest copy for our consideration;
6. a progress update on the recommendations relating to collaboration between the EHRC, Future Generations Commissioner and the Law Society including details of Welsh Government involvement (of ministers and officials) in facilitating these.

² European Human Rights Law Review, *Evolved and Devolved*, Professor Simon Hoffman,

³ Welsh Government, *Strengthening and advancing equality and human rights in Wales research report: Welsh Government response*, 23 May 2022

Resources

Observing our disappointment at the lack of progress particularly with regards to legislative incorporation, LOWG Chair, Charles Whitmore, suggested it was partly due to a lack of dedicated resource.⁴ We were surprised by this claim especially given the importance attached to Programme for Government commitments and would therefore welcome a breakdown of the resources allocated to this workstream over the last three years. **Specifically:**

7. how many civil servants have been allocated to support delivery of the commitments made in response to the SAEHR report to date;
8. an outline of future resources allocated to support delivery of the commitments made in response to the SAEHR report;
9. a summary of the total resources allocated in each Financial Year (both human and financial resource), and a summary of roles and remits;
10. a summary of their activity and achievements broken down by Financial Year, and
11. whether the Cabinet Secretary is assured that the right performance framework is in place to measure progress and ensure delivery?

Rest of the Senedd term

Dissolution of the Fifth Senedd is scheduled for April 2026, barely 18 months away. A key commitment of the Programme for Government is the incorporation of both the UN Convention on the Rights of Persons with Disabilities (UNCRDP), and the Convention on the Elimination of Discrimination against Women (CEDAW) into law. Given the amount of time it normally takes for a Bill to be passed by the Senedd it would be helpful to understand how the Government intends to achieve these aims in the remaining time available.

We would therefore welcome:

12. A detailed breakdown of the actions the Welsh Government intends to take between now and the end of the Fifth Senedd;
13. An Oral Statement to the Senedd on incorporation of human rights into legislation generally and of the UNCRDP and CEDAW, specifically.

⁴ Equality and Social Justice Committee, paragraphs 28, 46, 52, 16 September 2024

A copy of this letter will be shared with witnesses from the 16 September session and I shall be writing in similar terms to the EHRC, Law Society and the Future Generations Commissioner to request an update.

I would welcome a response by 8 November 2024.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jenny Rathbone'. The signature is fluid and cursive, with the first name 'Jenny' written in a larger, more prominent script than the surname 'Rathbone'.

Jenny Rathbone MS

Chair of the Equality and Social Justice Committee

Welsh Parliament

URL: <https://www.gov.wales/strengthening-and-advancing-equality-and-human-rights-wales>

RESEARCH

Strengthening and advancing equality and human rights in Wales



This research examines legislation and guidance in Wales to explore and recommend options to strengthen and advance equality and human rights.

i This is the latest release

Released: 26 August 2021 | Last updated: 26 August 2021

The report details research that was commissioned as part of the Welsh Government's commitment to developing a clear approach in Wales to ensuring equality and human rights are fully considered and protected.

The research findings outline mechanisms to strengthen and advance equality and human rights in Wales, with the report including 40 recommendations for legislative, policy, guidance, or other reforms to meet this objective. Each recommendation, most of which are for the Welsh Government but with some applicable to public authorities, the EHRC, Welsh Commissioners, regulators and inspectorates, the Law Society, and any future Law Council for Wales, includes detailed steps to progress toward the main recommendation.

RELATED
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POLICY AND STRATEGY

Human rights in Wales

What we are doing to strengthen and improve human rights in Wales.

Part of: [Human rights](#)
First published: 4 September 2024
Last updated: 4 September 2024

Contents

- [Introduction](#)
- [Why are we strengthening human rights](#)
- [How are we strengthening human rights](#)
- [Human Rights Advisory Group](#)
- [Human Rights Legislative Options Working Group](#)
- [Our international obligations](#)

Introduction

The Welsh Government has a legal obligation to respect, protect and fulfil human rights.

URL: <https://www.gov.wales/human-rights-wales#153341>



Human Rights Advisory Group

What we do

The Human Rights Advisory Group advises and monitors progress on the actions we are taking. The quarterly meetings are chaired by Cabinet Secretaries.

CATEGORY

Publications

LATEST

Human Rights Advisory Group meeting: 8 February 2024

8 February 2024 Meeting

Human Rights Advisory Group meeting: 6 December 2023

6 December 2023 Meeting

Human Rights Advisory Group meeting: 26 July 2022

26 July 2022 Meeting

Document is Restricted

Ein cyf/Our ref DB-PO-0316-24

Jenny Rathbone MS
Chair
Equality and Social Justice Committee
Welsh Parliament

11 November 2024

Dear Jenny,

Many thanks for your letter in relation to the Welsh Government's response to the Equality and Social Justice Committees report: Their Future: Our Priority?

I welcome the opportunity to debate the report in Plenary in due course, but in the interim please see below the further clarification sought in respect to Recommendations 1, 3, 5, 8 and 9.

Recommendation 1:

When Teulu Cymru launched six months ago, an extensive stakeholder engagement exercise was delivered. To date, content on timely topics is well received and particularly content in relation to childcare, practical tips, parental well-being and online safety concerns. Teulu Cymru social media performance is closely monitored, and we continue to steadily increase our followers month on month from just under 15,000 at launch, to more than 18,000 currently. Performance of the messaging and content is also analysed alongside insights provided by social listening, and resulting evaluation learnings applied to content planning. We are, for example, seeing appetites for formats of content differing between Instagram and Facebook, and are beginning to design accordingly. We are also working on and testing improvements to the way we present our posts bilingually and to embed bilingualism into our content instead of separate Welsh and English language content.

We continue to work closely with the childcare sector and have discussed the complexities of the different funding streams and systems for Welsh Government funded childcare. The development of a single system for all Welsh Government funded childcare requires a significant programme of change, and carried out in close collaboration with the sector and local authorities and engagement with parents. The suitability and complexity of the current systems are issues being explored in several pieces of research relating to existing programmes and policy development that are already ongoing or planned. Any wider review will be in the next financial year (2025/26) and will be dependent on budget being available.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Further, you asked about what consideration has been given to developing an integrated application service as part of the Streamlining Welsh Benefits work. We are currently engaged with work to design a Welsh Benefits system with an emphasis on improving outcomes for children and young people from low-income households, supporting them to have a better future and reach their full potential. We continue to support an integrated method for delivering front line services, where evidence, resources, and budget allow for such changes.

I want to assure that we are committed to taking action to simplify the different funding streams and systems for funded childcare in Wales.

Recommendation 3:

We remain keen to learn from the practice of other administrations on the support of the childcare workforce. Both the Scottish Government commitment to pay childcare workers the real living wage and the Welsh Government commitment to pay social care workers the real living wage is predicated on the structures underpinning their provision. Childcare provision in Scotland and social care provision in Wales is predominantly government funded and is commissioned via local authorities. or Scottish Government childcare and Welsh Government social care funding, the Real Living Wage commitment is delivered by local authorities who are asked to procure services that pay their employees the real living wage.

Childcare settings in Wales are predominantly run by third sector and private sector organisations providing a range of childcare services including childminding, day care, sessional care, after school clubs and holiday clubs. Within this broad sector the Welsh Government provides funded childcare for 2-3 year olds via Flying Start and 3-4 year olds whose parents are in employment, education or training. In addition, the UK Government provides tax free childcare for working parents accessing approved childcare provision.

Consideration of using the Welsh Government funded childcare mechanisms to secure settings paying their staff the real living wage has taken account of the structural limitations of our funding mechanisms, the potential costs to the Welsh Government and the cost to families for childcare that is not government funded.

However, we are currently reviewing the Childcare Offer rate which includes a review of evidence of the costs settings incur, including staffing costs. This will help to ensure that the rate provided by the Childcare Offer, supports settings to offer reasonable rates of pay.

The intention of the Childcare and Playwork Social Partnership Fair Work Forum is to consider key issues for the workforce, such as recruitment, retention, continuing professional development and career progression and explore steps that can be taken to develop fair work practice across the sector.

In addition, the Welsh Government continues to support sector viability through the provision of 100% business rates relief for registered childcare premises and the commitment to regularly review the Childcare Offer hourly rate, to ensure it can cover the costs settings incur, including staff costs.

Recommendation 5:

We are committed to breaking down the barriers to enable all children and their families to access childcare as required. As I said in my response to the report, Local authorities have a statutory duty to ensure that there is sufficient childcare available in their area. In

determining whether the provision of childcare is sufficient to meet these requirements local authorities must have regard to the provision of childcare and consider the particular issues around access for families with disabled children or children with additional learning needs. When utilising the childcare and play element of the Children and Communities Grant, local authorities are encouraged to give special consideration and support to the childcare and play needs of low income families; families with children with additional needs; and families wishing to access provision through the medium of Welsh.

Most local authorities have Early Years Panels that accept referrals from, Health Visitors or the Early Years Additional Learning Needs (ALN) Lead Officer for children identified with emerging needs and those with ALN who live outside Flying Start areas. Children with ALN aged two to three years who require childcare to meet developmental needs can (subject to resources) be supported via Flying Start.

We expect those working in ECPLC to respond to children's developmental needs, prioritise early intervention, and surface children who may have ALN. Local authorities have a statutory duty to designate an Early Years ALN Lead officer, with responsibility for co-ordinating the functions under the ALN Act and Code in their area, for children under compulsory school age who are not attending maintained schools. This role should be promoting collaboration with childcare providers and making arrangements for providing guidance and sharing information to providers on meeting the needs of children in their settings with ALN.

The Cabinet Secretary for Education made a written statement on 7 October making a commitment to take action to review the ALN legislative framework to ensure it is clear and understood and delivers for all children and young people in Wales. Consideration of early years implementation will be part of the review which will focus on the clarity and accessibility of the legislative framework.

In addition, work is underway to gather evidence of the practical challenges faced by delivery partners in implementing the ALN system. The next Estyn thematic review will start to surface how delivery is going in early years. This will be followed by a period of listening and working with the sector to understand the operational challenges to inform our next steps, scoping and prioritising of actions.

A Head of Policy for ALN Early Years and Post 16 has been recruited within the ALN Reform team and they will have the capacity to consider the feasibility of streamlining existing funding within existing resources.

We will also draw on the learning from our Early Years Integration Transformation pilot programme, due to formally come to an end in March 2025, to ensure children and their families are able to access the support they need at the right time, right place and right way.

Recommendation 8:

I'm pleased to say that on the 9th of October, the Welsh Government commissioned all local authorities across Wales to prepare expansion plans for the next phase of the rollout of childcare provision to 2-year-olds. Phase 3 of the rollout will involve local authorities across Wales extending Flying Start childcare provision to all 2-year-olds in the remaining areas of their local authority.

We took this important step of commissioning plans for Phase 3 as we know that local authorities and the sector value clarity about the future direction of travel of the programme. The Process Evaluation¹ of the programme so far recommended "longer preparation

¹ [Process evaluation of the phased expansion of Flying Start: the report](#)

timelines” for future phases of the rollout. Commissioning local authorities to plan earlier will allow them more time to plan and put arrangements in place for the next phase.

As you note in your letter, additional funding to extend childcare provision will need to be secured as part of the Budget exercise for 2025-26 which is currently underway. We will be contacting local authorities following the Budget settlement if we are successful in securing funding for Phase 3 in 2025-26.

Recommendation 9:

At this point in time, I can only reaffirm that any changes made to the current rate of £5.00 per hour per child will be implemented from April 2025. Announcement of this change will be made in line with agreement of the draft Welsh Government budget for 2025. As soon as I am able to, I am keen to provide certainty in this area and, will issue a written statement on this matter.

I hope the above information, provides a response to the unanswered questions and how some of the challenges highlighted in the previous responses are to be addressed.

I look forward to continued engagement with the Committee on this important matter and await confirmation of when this matter will be debated fully in Plenary.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dawn Bowden', written in a cursive style.

Dawn Bowden AS/MS

Y Gweinidog Plant a Gofal Cymdeithasol
Minister for Children and Social Care

Dawn Bowden MS

Minister for Children and Social Care

18 October 2024

Dear Dawn,

Committee report: Their Future: Our Priority? Follow up inquiry into childcare provision in Wales

Welcome to your new role. I am writing in relation to the Welsh Government's response to our report on childcare provision, which we considered at our meeting on 16 September 2024.

The Committee strongly believes that childcare should be a priority area for additional investment where the funding settlement allows, and we hope that the findings and recommendations in our report will inform the direction of policy going forward. We also appreciate the budgetary challenges that the Welsh Government faces, and that any decisions that would require significant additional investment would not be possible to make within the timescales for responding to our report.

However, having taken these issues into account Members were disappointed with the response received to a number of our recommendations. I look forward to the opportunity to debate the report in Plenary in due course, but in the interim Members agreed that we would write to outline our concerns and seek further clarification on a number of issues.

Recommendation 1:

Our inquiry highlighted the need to address the long-standing concerns regarding the overly complicated and disjointed provision of early childhood education and care and support programmes, and the impact this has on parental awareness and take-up of support.

We are concerned that the response does not outline any decisive action to increase take-up of support, particularly in relation to the Childcare Offer in Recommendation 1. Whilst we welcome the recent development of the Teulu Cymru website and the work undertaken by Family Information Services, we believe a greater focus is required on this area.

We would appreciate detail on the work that has been done to promote Teulu Cymru to parents and would be grateful if you could set out what analysis has been undertaken on its impact since its launch.

We understand the impact of budgetary constraints, and we feel that developing an integrated application service for the different early childhood education and care streams as part of the Teulu Cymru website could deliver a more cost-effective service that was easier to navigate.

It was a consistent theme from witnesses to our inquiry, including childcare providers such as NDNA Cymru and local authorities, that the number of different support schemes in operation were a major concern for parents and providers, and that streamlining these was a priority. Consequently, we were surprised to read in your response that consolidating the funding streams would be likely to create additional costs and workforce pressures that are not currently feasible for the sector. We would be grateful if you could clarify what

discussions the Welsh Government has had with the sector on this issue in order to come to this conclusion. What consideration has been given to developing an integrated application service as part of the Streamlining Welsh Benefits work?

Recommendation 3:

Low pay is one of the main barriers to recruitment and retention in the childcare sector, and consequently the Committee recommended that the Welsh Government ensure that settings are given enough funding to pay the Real Living Wage to all staff working in the sector. We note the interest taken by the previous Minister for Mental Health and Early Years, Jayne Bryant MS, in the approach taken by the Scottish Government to pay all childcare workers the Real Living Wage.

We are therefore disappointed by the Welsh Government's response to this part of recommendation 3, in particular the assertion that the Welsh Government cannot directly influence pay rates in the sector. This contrasts with the approach the Welsh Government has taken to ensure that social care workers are paid the Real Living Wage, and we do not believe that the current approach will help to address the recruitment and retention challenges that the sector faces.

The Committee would therefore be grateful if you could set out what consideration has been given to applying the approach taken to support social care workers to the childcare sector, and what the financial implications of this would be. We would also appreciate clarification on whether the Childcare and Play work Social Partnership Fair Work Forum that is due to be established later this year will be looking at ways to ensure that all staff working in the sector are paid at least the Real Living Wage.

Recommendation 5:

As you will be aware, the Committee received troubling evidence on the significant barriers children with additional needs and their families experience in accessing childcare. We recommended action to ensure sufficient childcare spaces and funding are available for all children with additional or complex needs, where early intervention in high quality early years provision is likely to have the most cost effective long term impact on outcomes. We appreciate the detail provided in the response about the current work the Welsh Government is doing, but on its own this will not be enough to address the issues raised in our inquiry. We would be grateful if you could set out the additional steps the Welsh Government intends to take to address this issue, and how you intend to respond to the challenges highlighted on how non-maintained settings access additional resources to support additional needs.

Recommendation 8:

The Committee recommended that the Welsh Government prioritise the expansion of Flying Start to all 2-year-olds by allocating sufficient funding to roll this out as quickly as possible. We appreciate that the Welsh Government will need to know its budget settlement to confirm details of phase 3 of the Flying Start expansion. However, the Committee would like to know how the Welsh Government anticipates delivering its Programme for Government commitment on Flying Start childcare expansion, and when you expect to be able to confirm plans for commencing phase 3.

Recommendation 9:

The Early Years Wales survey highlighted that 28% of providers who responded said they were unlikely to survive another year if the hourly rate paid to Childcare Offers remained the same. We are concerned that, without urgent action to increase the hourly rate to a more sustainable level from April 2025, many providers may cease to operate.



The Committee appreciates that the timescales of the ongoing review of the rate means the Welsh Government will not be in a position to make an announcement on the hourly rate for 2025-26 by the end of October, but we would welcome clarity on when you could make that announcement.

We welcome the acceptance for the need for annual reviews of the hourly rate paid to Childcare Offer providers as a positive step.

We recognise your commitment to improving and increasing childcare provision, but your response left many unanswered questions about how some of the challenges highlighted will be addressed. We are grateful to you for continuing to engage with us on this important matter and would welcome a response by 11 November.

Yours sincerely,



Jenny Rathbone MS

Chair of the Equality and Social Justice Committee

Welsh Parliament

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Additional Information requested by the Equality and Social Justice Committee

The disability action plan for apprenticeships from 2018, the main targets of the plan, and whether the plan was evaluated

- Link to the inclusive apprenticeships disability action plan 2018 – 2021 [inclusive-apprenticeships-disability-action-plan-for-apprenticeships-2018-21-1.pdf](#)
- We are establishing with Welsh Government colleagues whether an evaluation was carried out.

The number of disabled people employed by Careers Wales

As an employer we have gained the disability confident employer kitemark and we make reasonable adjustments for applicants, as well as existing staff in the workplace.

Careers Wales conduct an Annual People Development survey that includes diversity data on our employees. In the report for 2023 the employee disability profile was as noted below:

Self-declared Disability	Percentage of employees who declared
Employees who declared a disability	9.1%
Do not consider themselves to have a disability	86.2%
Prefer not to say	4.6%

An outline of Careers Wales plans to assist disabled people in finding a job

Careers Wales provides a national careers information, advice and guidance service for Wales and supports young people and adults to make successful transitions into education, employment and training (EET). Our all-age service is tailored to the needs of individuals and has provided invaluable support to the people of Wales during the post-covid period.

We have specialist ALN advisers who predominantly work with those with the most complex needs in special schools and mainstream school resource bases. Their role is to provide impartial careers information, advice and guidance in an appropriate and accessible way. Their approach will be tailored to meet individual need so, for example, if a young person needs multiple shorter interventions the adviser will meet with them on a more regular basis. The majority of the ALN adviser caseload is made up of young people with learning disabilities or those who are neurodiverse. A lot of work is also undertaken with parents/guardians of the young person as well as with the range of professionals working with a young person to ensure a multi-agency approach. Our mainstream advisers also work with young people with ALN in mainstream schools and would also provide impartial careers information, advice and guidance and attend IDP reviews where requested.

- We prioritise young people who have identified that they are leaving school and looking to enter the labour market.
- We provide guidance and ongoing follow up support which may include support with interview skills and applications.



- Our Business Engagement Advisers provide schools with employer engagement activities to meet the needs of their pupils.
- We introduce the Working Wales adviser who would provide ongoing guidance.
- Our advisers discuss access to work and reasonable adjustments as appropriate.
- Within Working Wales there are disability champions who share information on organisations that support disabled people and information on different disabilities.

All customers wishing to enter the workplace are made aware of our vacancy bulletin and are offered to sign up to receive regular bulletins. Our advisers complete a referral to organisations offering supported employment if this was the most appropriate option.

For young people identified as ALN we also offer to attend IDP reviews and have identified those who are leaving to enter the labour market as a priority group. In those reviews we may contribute to the transition element of the IDP, advocate on behalf of a young person and make parents aware of opportunities.

This year as young people with IDPs are now in college we have also offered to attend college IDP reviews for young people who are leaving college to enter the labour market. This includes a combination of both Careers Wales adviser and Working Wales adviser support to ensure that young people have a "warm handover" and are fully aware of the support on offer from Careers Wales.

All young people are offered an interview before they reach the end of their statutory education. For those in special schools and resource bases we negotiate the best time to start working with a young person. For some this will be year 9 as they may need a lot of time working with an adviser whilst for others it may be later in their education.

Careers advice and support is tailored to an individual's need and can include:

- Support to develop their career management skills such as decision making and planning
- Guidance to help a young person identify what type of work they would like to do and how they could get there
- Practical support to ensure that they have a good transition from school
- Signposting/referring to other agencies that provide additional support services
- Advocating on behalf of an individual
- Negotiating with providers on behalf of an individual
- Outlining options for parents

Careers Wales's team of specialist advisers who work with young people with more complex needs, undertake an internal programme of support to ensure that they can effectively support young people in special schools and resource bases.

Our advisers have CPD from a range of external organisations including many that represent disabled people. All training is tailored to the work of careers advisers. Examples of recent training topics include:

- Neurodiversity
- Autism and work
- Working with young people who have speech and language difficulties
- Working with young people who are deaf/hard of hearing

All careers advisers have undertaken e-learning on the social model of disability and we have a series of e-learning topics related to disability. We have also developed our own resources to support advisers when interviewing people with specific needs.



An outline of any other pathways you are aware of or that you refer people to that assist disabled people in finding a job

Careers Wales works collaboratively across Wales with several stakeholders and partners to ensure we put the customer in the centre of everything we do and advocate on their behalf when needed with other agencies. We have access to extensive networks, including a network of organisations and agencies that provide specific support for young people and adults with a disability and are looking for work or an apprenticeship. We have a stakeholder team whose role is to forge partnerships with several organisations fostering links and collaboration.

For example: -

- Support Finder Programmes: Several searchable support programmes available via our Support Finder, a series of results will return depending on eligibility criteria [Support finder | Working Wales](#)
- Close working relationships with DWP: -
 - Disability Awareness events in partnership with DWP and Business Wales during October. These in-person events are aimed at increasing employer knowledge and awareness when recruiting customers with a disability. A series of online webinars are also planned later in the year.
 - Linked with DWP Disability Employment advisers – referring customers for further support to access further programmes and grants such as Access to work / Work and Health programme.
- We work with and refer customers to TASS (The Autism Support Service) who offer support for neurodivergent customers whilst in employment and ensure customers can access the support available through Access to Work.
- Local authority employability programmes
- Communities for Work+
- Jobs Growth Wales+
- Prime Cymru
- Employer Networks for voluntary opportunities
- Legacy in the Community
- Scope
- Out of work Peer Mentoring Service
- Autism Spectrum Services Cymru
- RSPs – we are member of the 4 RSP Boards and have collaborated on several projects focusing on the skills requirements of each region.
- We also work with multi agency panels as part of the YEPF strategy – identifying young people who have not made a positive transition (5 Tier model)
- Elite and Job sense we used to refer to however support no longer available

To provide the best possible support to customers it's important we engage with other agencies in providing a place-based holistic approach as each customer will have a different need or adjustment that may be required. The challenge across Wales is that the funding landscape has changed significantly in the last few years and continues to change, making it difficult to fully understand the support available, in particular with short-term funded projects.



Key performance indicators and current targets of Careers Wales.

Our Key Performance Indicators have been set for the duration of our Brighter Future Strategy. Here is an outline of those KPIs.

KPI	PIs
95% of pupils who receive a guidance and coaching service enter education, employment or training on leaving school.	95% of school customers satisfied with the service
	85% of school cohort completing Career Check.
	95% pupils who received a guidance and coaching service still in education, employment or training 6 months after leaving school.
85% of young people who receive targeted support enter EET on leaving school.	85% of young people who receive targeted support remaining in EET 6 months after first destination
90% of young people in education report raised awareness of opportunities.	
Partnership Agreements with 100% of partner organisations that enable improved access to the benefits of careers guidance and coaching.	
	93% of parents report positive feedback about the service.
	90% of parents responded positively that the service helped them support their son/daughter's career decision.
CW facilitates at least one employer engagement event in 95% of secondary schools in Wales.	80% of secondary schools will take part in multiple employer led activities
	1000 different employers used per annum to deliver employer led activities.
	85% of students say they are more motivated to plan their careers after attending an employer led activity.
	85% of students say they are more informed about their career opportunities after attending an employer led activity.
Training or consultancy support to improve CWRE programmes is delivered to teachers in 70% of the secondary schools in Wales.	30 institutions will be working towards the new CWRE award during the 2023/24 business year
	A minimum of 10% of primary schools engaged in some form of Careers Wales-led professional learning during 2023-24.
	A minimum of 1000 teachers engage in some form of CW led consultancy and professional learning.
	90% of teachers more knowledgeable about CWRE as a result of attending one of our Professional Learning sessions.
85% of customers report that their needs were met by our CW Connect service.	85% of customers report that they are happy with their next steps following an interaction with CW Connect.
100% of trainee careers advisers successfully complete their level 6 diploma Career Guidance and Development within the two years allocated.	
75% of employees report positive levels of engagement with the company.	
Improvement in the digital skills and capabilities of Careers Wales employees.	100% Phishing test breaches Data breaches

We also have Working Wales KPI's which are agreed on an annual basis as part of our agreement with Welsh Government – the KPI's for this year are:

Working Wales targets:

- Provide comprehensive, impartial and personalised employability advice, careers advice and guidance, coaching and signposting support for young people aged 16-17 from the point they leave education and



adults aged 18 or above across Wales, within the timelines stipulated in the Careers Wales case management protocols.

- Record the number of one-to-one advice, guidance and coaching interactions conducted with unique customers.
- Provide comprehensive, impartial and personalised employability advice, careers advice and guidance, coaching and signposting support for forced migrant, refugee or asylum-seeker customers, to include support via the Language Line and with UK ENIC Scheme Statement of Comparability applications.
- Review and demonstrate the Working Wales offer to ethnic minority groups. Record the advocacy support provided to unique customers (including commentary on this work within the monthly/quarterly 31 March 2025 Monthly KPI Reports and Monthly and Quarterly Narrative Reports. 22 narrative reports).
- Provide support to customers with the application process for the ReAct+ and Jobs Growth Wales+ programmes, and support to those who are deemed eligible and suitable for the Personal Learning Account (PLA) and Communities for Work+ programmes.
- Provide support to those customers who are deemed eligible for the Young Person's Guarantee, and provide aggregate data on support for the 16-24 year old customer cohort within monthly data reports.
- Undertake a review of outreach partners and delivery venues to ensure that CCDG has the right provision in the right place, and to ensure that the approach stays in line with the Careers Wales Estates strategy whilst also supporting the needs of customers.
- Improve access to Working Wales support through collaboration and engagement with partners and influencers.
- Continue the delivery of the Careers Wales Connect service, with the service to remain in place to meet the demand from Working Wales customers.
- Attend events and consultation meetings, with a prioritisation on events that are specific to working Wales customer groups e.g. redundancy jobs fairs.
- Continue to communicate with key stakeholders through the production of Working Wales Stakeholder Newsletters and Careers Wales Labour Market Information Bulletins which support national, regional and local intelligence, and also look to produce bite-size publications and special features, as appropriate.
- Publish case studies onto the Working Wales website and provide the weblinks to these within monthly/quarterly narrative reports.
- Continue to provide support to prisoners in the secure estate in Wales, with 100% of prisons in Wales to be allocated a Working Wales careers adviser, and to female prisoners (who are domiciled in Wales) at HMP Eastwood Park in Gloucestershire and HMP Styal in Cheshire, via a designated Working Wales careers adviser for a minimum of 1 day per month, with resource to be increased as needed.
- Continue to monitor, review and when a gap is identified, develop work with customers who have protected characteristics including Asylum-Seekers and Refugees.

Working Wales KPIs
Unique Customers accessing Working Wales support - Adults 25,000
Unique customers accessing Working Wales support - Youth 4,750
Unique customers referred to further support - Adult 15,000
Unique customers referred to further support - Youth 3,090
Customers offered a guidance discussion within 10 working days of first contact - 80%
Customer surveyed satisfied with the service they receive, and would recommend based on relevance and quality - 90%
Customers in prisons to be offered a one-to-one service - minimum 1,000
Customer in prisons surveyed satisfied with the service they receive, and would recommend based on relevance and quality - 90%

Agenda Item 4.4

Written Evidence to the Equality and Social Justice Committee Inquiry into Disability and Employment

Ruth Nortey, PhD student at Cardiff University. My PhD is a collaborative Studentship between Cardiff Business School and Disability Wales. My supervisors are Professor Debbie Foster and Professor Emmanuel Ogbonna.

As this is part of an ongoing research project that is unpublished, any citation would be, Nortey, R. (2024) 'Written Evidence to the Equality and Social Justice Committee Inquiry into Disability and Employment'. Based on unpublished PhD research, Cardiff University.

Introduction

I wish to thank the Equality and Social Justice Committee for the opportunity to present my oral evidence at the evidence session on 30th September. I would like to use this written submission to provide supplementary evidence, that I feel would be useful to the committee's inquiry into employment of disabled people in Wales. My PhD research explores the disability employment gap in Wales, specifically looking to create an evidence base to inform a Wales specific kitemark for employers to address the disability employment gap. My fieldwork has included:

- Focus groups of disabled people and key stakeholders including disability employment advisors, disabled people's organisations (DPOs) and employment support workers (29 participants)
- Interviews with 10 Disability Confident Leader employers in Wales
- Interviews with disabled people's representatives across Wales
- Observations of the Disability Rights Taskforce working groups

My intention with this written submission is to present findings from my research focused on understanding employer's and disabled people's perspectives of the Disability Confident scheme to understand how the scheme could be built upon in Wales. I thought that these findings would be useful to you following the evidence related to Disability Confident that you have recently heard during the committee sessions.

The current Welsh Government disability policy Action on Disability: The Right to Independent Living Framework included an action to,

“Develop a Welsh disability award scheme for employers which might either build on Disability Confident or be a new scheme to encourage employers to aspire to be more supportive of disabled people. We will work with Disability and Voluntary organisations to explore the specific needs of Wales in developing a scheme, maximising existing levers to encourage employers to take action through the Economic Contract”.

This action to explore the feasibility of developing a Welsh specific scheme or building upon the existing Disability Confident scheme has not been realised. My intention with this submission is to provide evidence on current perspectives of the Disability Confident scheme informed by lived and learnt experience and present suggestions on how an employer’s kitemark scheme could be developed in Wales.

Disability Confident Take Up in Wales

	Disability Confident Level	UK (%)	Wales (%)
	1 - Committed	13983 (75)	929 (77.5)
	2 - Employer	4124 (22.1)	203 (16.9)
	3 - Leader	524 (2.8)	34 (2.8)
Total		18637	1198

Employers signed up to Disability Confident in UK and Wales by level. Figures adapted from Department for Work and Pensions, 2023.

The above table displays the number of organisations signed up to the Disability Confident scheme. The table shows that the majority of employers are accredited at the lower levels of the scheme, with a small percentage of employers registered at the highest level 3. Accreditation at level 3 requires an employer to undergo an independent assessment.

Research Findings

Employers Motivations for Joining Disability Confident

- Employers gave a mixture of moral and business case arguments for joining Disability Confident. Some employers were motivated by lived experience of living with an impairment or health condition. Whereas other employers saw the scheme as a way to increase the diversity within their workforce, driving creativity and performance.

What worked for Employers

- Employers liked having a visible badge that they could use to promote their commitments to developing inclusive practices for disabled people.
- Employers liked the simple and easy application for the first level – Disability Confident Committed. For this level employers complete a simple online form, within which employers are required to consider the five Disability Confident commitment and commit to carrying out at least one activity that will make a difference to disabled people. An organisations progress on these activities are not monitored during this stage.

Employers Issues with Disability Confident

- All employers were dissatisfied with the lack of tailored information and advice provided by the DWP.
- Employers were dissatisfied with the lack of local networking and knowledge sharing opportunities to learn best practice.
- Level one and two of the current scheme were not robust due to the lack of measurable outcomes, external monitoring and assessment of the self-assessment.

The Effectiveness of Disability Confident

- All of the Disability Confident Leader employers that contributed to this research disclosed that they were already doing almost all or all of the criteria required to achieve Disability Confident Leader status when they entered the scheme. Employers described the general journey to leader status as 'easy', 'not challenging enough' and 'disappointing'. Disability Confident had a limited impact on employers creating more inclusive workplaces for disabled people.
- Employers disclosed that although the current Disability Confident scheme provided a framework and an emphasis on implementing inclusive practices within their organisations. The current scheme did not meet their expectations. Alone the scheme's guidance and framework was not enough to drive forward transformative inclusive change within their organisations.

Issues Related to Validation

Currently within Disability Confident, employers at Leader level can assess another organisation hoping to become a Disability Confident Leader. Some employers that have verified other organisations expressed concerns at the current process.

- There is very little guidance from the DWP on how organisations should be assessed. This means that each assessor has developed their own style of assessment. Resulting in a lack of standardisation in the assessment process.
- Employers were also concerned that the self-assessments are not reviewed by the DWP or another external auditor to quality check the assessments.

Suggestions to develop a more effective employer kitemark.

- Tailored advice, information and support delivered at a local level.

- Local events to provide networking and knowledge sharing opportunities.
- Employers called for the inclusion of measurable outcomes at each level of the scheme including a shorter independently assessed self-assessment at level 2.
- One employer suggested introducing an exemplar fourth level to the scheme in Wales. This exemplar level would encourage employers to drive change across their organisation and be role models to other organisations in their local area.

Disabled People's Perspective on Disability Confident

As well as gathering the reflections of Disability Confident employers on the scheme, the views of disabled people were captured in this research project. This included disabled people representing DPO's, disabled employers employing disabled people and disability rights activists.

Although the DWP stated that Disability Confident was developed with disabled people's representatives, anecdotally disabled people do not have a high level of confidence or trust in the current scheme (only 1.5% of employers accredited under Disability Confident in Wales are from disability related organisations). As the main beneficiaries of a kitemark to reduce disabling barriers to the labour market, it is important that the lived experience and priorities of disabled people are central to any disability related scheme. Therefore, it was essential that this research included the views of disabled people on the existing Disability Confident scheme.

Perceptions of Disability Confident and an employer scheme

- For some disabled people the actions taken by the DWP under welfare reform, created a lack of confidence and trust in the Disability Confident scheme.

- The lack of a robust evidence base for Disability Confident and its connections with the DWP has resulted in mistrust and a lack of confidence in the scheme.
- All of the disabled people interviewed for this research were in favour of an employer focused scheme to reduce disabling barriers in the workplace. They wanted to see a more robust scheme that addressed the barriers they experience.
- Disabled activists welcomed a scheme that was tailored to Wales and that was co-produced by disabled people.
- Disabled people wanted to share their lived and learnt experience with employers. However, due to a lack of capacity in their organisations did not have the resources to consistently engage with employers. The current Disability Confident scheme does not facilitate connections between DPOs and local employers on the scheme.

Conclusion – A Wales Standard for Employers

The findings presented in this submission have shown that both employers and disabled people are in favour of an employer standard to address the disability employment gap. However, they are concerned with the quality of the current Disability Confident scheme. These concerns present an opportunity for Welsh Government to build upon the existing Disability Confident scheme to develop a Welsh standard for employers to address the disability employment gap.

In 2019 the Welsh Government published an action to explore the idea of a Welsh disability standard for employers. The findings presented in this submission suggest that there is still a need for this action to be explored with the aim of developing a standard that is co-produced by disabled people and employers in Wales.

Both employers and disabled people were in favour of developing an evidence-based employer standard for Wales that supported employers and improved the employment experience for disabled people in Wales. A tailored standard in Wales could help to address the local factors that contribute to the persistent disability employment gap in Wales. This framework could be developed building upon the co-production approach used within the Disability Rights Taskforce involving key stakeholders in the design of an employer standard for Wales.