

Agenda – Equality and Social Justice Committee

Meeting Venue:

Committee Room 5 (Ty Hywel)

Meeting date: 24 March 2025

Meeting time: 13:15 – 15:15

For further information contact:

Rhys Morgan

Committee Clerk

0300 200 6565

SeneddEquality@senedd.wales

Pre-meeting registration

(13:15–13:30)

Public meeting

(13:30)

1 Introductions, apologies, substitutions and declarations of interest

(13:30)

2 Papers to note

(13:30)

2.1 Correspondence from the Minister for Children and Social Care to the Chair regarding childcare funding in Wales

(Pages 1 – 3)

2.2 Correspondence from the Petitions Committee to the Chair regarding tackling long COVID in Wales

(Pages 4 – 5)

2.3 Correspondence from National Energy Action to the Chair regarding Fuel Poverty in Wales

(Pages 6 – 8)

2.4 Correspondence from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip to the Legislation, Justice and Constitution Committee regarding inter-institutional agreement: update to concordat

(Page 9)



2.5 Correspondence from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip to Chair regarding Child Poverty Strategy and Monitoring Framework

(Pages 10 – 16)

2.6 Correspondence from Charles Whitmore to the Chair regarding strengthening and advancing Human Rights

(Pages 17 – 19)

3 Motion under Standing Order 17.42 (vi) a (ix) to resolve to exclude the public from the remainder of this meeting
(13:35)

Private meeting

(13:35–15:15)

4 Fuel Poverty: consideration of draft report

(13:35– 13:55)

(Pages 20 – 41)

5 Social cohesion: roundtable session with Migration and Resettlement Leads

(13:55 –14:55)

(Pages 42 – 58)

Anne Hubbard, Manager, Wales Strategic Migration Partnership

Sue Forbes, Resettlement Manager, Conwy County Borough Council

Matt Miller, Housing Needs and Resettlement Lead, Carmarthenshire County Council

Dave Jolly, Resettlement Coordinator. Flintshire County Council

6 Social cohesion: consideration of evidence

(14:55–15:15)

Ein cyf/Our ref DB/PO/0098/25

Jenny Rathbone MS
Chair, Equality and Social Justice Committee
Senedd Cymru

4 March 2025

Dear Jenny,

Thank you for your letter of 14th February regarding childcare funding in Wales.

We remain committed to our Programme for Government commitment - to "Deliver a phased expansion of early years provision to include all 2-year-olds, with a particular emphasis on strengthening Welsh medium provision".

During 2023-24 and 2024-25 we are investing £46m in expanding Flying Start childcare to support long-term, positive impacts on the lives of those children and families across Wales facing the greatest challenges. We expect to support more than 9,500 additional two-year-olds across Wales to access quality Flying Start childcare during 2023-24 and 2024-25 and are on track to deliver that. The latest Official Statistics for Flying Start showed that 6,885 additional childcare places for 2 year olds were offered in 2023-24 as part of Phase 2.

We have deliberately focused our resources on our most disadvantaged communities in the first instance. This ensures that support reaches families in greatest need at the earliest opportunity. We are working closely with the sector to gradually build capacity to ensure that any increase to provision is sustainable.

The Cabinet Secretary for Finance and the Welsh Language and I have discussed investment in childcare as part of Budget discussions. With regards to further expansion of Flying Start childcare (Phase 3), I am pleased to confirm that the Final Budget for 2025-26 published on 20 February included over £25m of additional funding for further expansion of high quality Flying Start childcare across Wales.

Local authorities have set out plans about how they will continue to expand Flying Start childcare in their areas. The additional funding announced by the Final Budget will make childcare available to the majority of two-year-olds identified in those plans in 2025-26. This additional funding will enable us to fund further expansion of Flying Start childcare in all local authority areas, bringing Wales a step closer to the universal provision of childcare for all two-year-olds.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Dawn.Bowden@llyw.cymru
Correspondence.Dawn.Bowden@gov.wales

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.

We are also committed to supporting the sustainability of the sector. The Final Budget for 2025-26, also provides for a 28% uplift to the hourly rate currently paid to childcare providers who deliver the Childcare Offer for Wales. This means that from this April the rate will increase from £5 to £6.40 to support providers with cost pressures. This is in addition to our recent announcement about moving to annual rate reviews from 2025-26 and our decision to make 100% rates relief for all childcare premises permanent.

I am copying my response to the Cabinet Secretary for Finance and the Welsh Language and the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip.

I hope this information is helpful.

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

Mark Drakeford
Cabinet Secretary for Finance and Welsh
Language

Dawn Bowden
Minister for Children and Social Care

14 February 2025

Dear Mark and Dawn,

On 10 February, we considered a letter from the Expert Advisory Group on Childcare (EAGC) to the Minister for Children and Social Care highlighting concerns regarding the childcare budget. Members agreed to write to seek your views in response to their concerns.

Our report 'Their Future: Our Priority?' from July 2024 highlighted the need for significant investment in childcare to develop and improve the quality, availability and accessibility of provision, including the roll-out of phase 3 expansion of Flying Start.

Please can you provide us with assurances that the Draft Budget allocation will be sufficient to enable the roll-out of phase 3 of Flying Start childcare expansion, and to meet your Programme for Government commitment to deliver a phased expansion of early years provision to all 2-year-olds. Given the importance of childcare investment to tackling child poverty, please can you also outline what discussions you have had with the Cabinet Secretary for Finance and Welsh Language and Minister for Children and Social Care on this issue.

I would be grateful for a response ahead of final budget debate scheduled for 4 March so that Members can take your response into account.

Yours sincerely



Jenny Rathbone MS
Chair, Equality and Social Justice Committee

Cc Jane Hutt, Cabinet Secretary for Social Justice, Trefnydd and Chief Whip



Y Pwyllgor Deisebau Agenda Item 2.2

Petitions Committee

Chairs of Health and Social Care Committee;
Economy, Trade and Rural Affairs Committee;
Equality and Social Justice Committee; Children,
Education and Young People Committee; Wales
Covid-19 Inquiry Special Purpose Committee

07 March 2025

Dear Chair,

Petition P-06-1488 Establish a 'Care Society' to Tackle the Long COVID Crisis in Wales

The Committee considered the above petition during its meeting on 17 February, alongside correspondence from the Cabinet Secretary for Health and Social Care and the petitioner.

During the discussion, I noted key points raised in my prior meeting with the petitioners. Members acknowledged the wide scope of the issues raised, which extend beyond the remit of the Petitions Committee. It was clear that addressing these concerns would require a cross-governmental strategy from the Welsh Government.

As a result the Committee agreed to write to the First Minister, with relevant Cabinet Secretaries copied in for awareness, to inquire about the Government's cross-portfolio strategy for addressing long COVID, particularly in relation to individuals who are either unemployed or facing difficulties returning to work due to potentially undiagnosed long COVID.

Additionally, the Committee agreed to write to relevant Senedd subject committees to seek more information on your ongoing or planned inquiry work regarding the Welsh Government's strategic approach to Long COVID.

The full details of the Committee's consideration of the petition, including the correspondence and the actions agreed by the Committee can be found here: [P-06-1488 Establish a 'Care Society' to Tackle the Long COVID Crisis in Wales](#).

I would be grateful if you could send your response by e-mail to the clerking team at petitions@senedd.wales.

Yours sincerely

Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN

Deisebau@senedd.cymru

senedd.cymru/SeneddDeisebau

0300 200 6565

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN

Petitions@senedd.wales

senedd.wales/SeneddPetitions

0300 200 6565

Carolyn

Carolyn Thomas MS
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 2.3

[Received via email]

Dear Equality & Social Justice Committee,

As you will know, the Senedd will debate the Welsh Government's final budget for 2025/26 on Tuesday 6 March. The Warm Homes Programme budget is increasing by only £2.5m to £37.5m for the upcoming year due to underspend from 2024/25. Please find some key points below Members may wish to consider ahead of the debate.

If you have any questions, please do not hesitate to contact us.

Best wishes,

Maisie

- Fuel poverty continues to be a deep and wide issue in Wales, with the Welsh Government estimating that virtually all (up to 98%) of our lower income households could be living in fuel poverty in 2022. During this time, energy prices were around £2,000 per year.
 - On Tuesday 25 February, Ofgem announced a third consecutive rise in energy prices to £1,849 for the average GB consumer from 1 April 2025. As ever, Wales continues to face higher rates. On average, those in north Wales will pay £1,947 and £1,873 in south, making north Wales THE most expensive region across GB and south Wales the third. We are now very close to the prices that were used to calculate the Welsh Government's fuel poverty estimates in 2022 (especially when you also factor in [Ofgem's change](#) in the way it since calculates the price cap).
 - A [nationally representative survey](#) by National Energy Action Cymru and YouGov carried out in January 2025 and published this week found that only **38% of adults in Wales say they have been able to comfortably afford their heating bill in the last three months without needing to ration usage or make cuts elsewhere** while

over half (56%) say they expect to ration their usage in the coming three months.

- There **remains an urgent need to significantly boost investment in the Warm Homes Programme**, the Welsh Government’s flagship programme to tackle fuel poverty, to improve the energy efficiency of our homes. The cheapest energy is the energy we do not use. Reducing needless energy waste will help to reduce energy bills and provide people with warm, healthy homes, year after year.
- Despite the ongoing urgent need, funding for the Warm Home Programme remains largely stagnant, with a budget of £37.5m for 2025-26, including £2.5m slippage carried over from the previous year.
- Investment in the Programme has remained largely unchanged over the last few years, particularly when considering inflation (e.g., £27m in 2021 is thought to be equivalent to around £32m today):

Budget year	Investment into Warm Homes Programme
2021-2022	£27m
2022-2023	£30m
2023-2024	£35m
2024-2025	£35m
2025-2026	£37.5m (incl. £2.5m slippage)

- The Programme’s current rate of delivery is just over 1,600 homes per year, meaning – as NEA and the Bevan Foundation highlighted in a joint briefing back in December 2023 - it will take well over a century to improve the energy efficiency of the homes of all our lower-income households currently estimated to be in fuel poverty. The current investment in the scheme is evidently not sufficient to meet need or targets.
- To meet its targets outlined in the *Tackling Fuel Poverty 2021 – 2035* plan to dramatically reduce fuel poverty and eradicate severe fuel poverty as far as it reasonably practicable, as well as reduce carbon emissions and ensure a fair and affordable transition to net zero, it is vital that the Welsh Government significantly increases funding for the Programme.

- National Energy Action has been urging the Welsh government to significantly increase the funding of the Programme, including by utilising funds from the UK Government's Warm Homes Plan, which is set to invest £3.4 billion over three years and will potentially yield around £170m in consequential for Wales.

Maisie Chatfield (she/her)

Policy & Campaigns Officer (Wales)

Swyddog Polisi & Ymgyrchoedd

National Energy Action (NEA) nea.org.uk



National Energy Action is an independent charity Registration No. 290511

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

Agenda item 2.4


Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref JH/PO/96/25

Mike Hedges MS
Legislation, Justice and Constitution Committee
Senedd Cymru

28 February 2025

Dear Mike,

In accordance with the inter-institutional relations agreement, I am writing to notify you that the Concordat between the Department for Work and Pensions (DWP) and Welsh Government, first published on 23 May 2013, has been updated. The updated Concordat was published on 24 February 2025 and can be found [here](#).

This Concordat establishes an agreed framework to ensure continued close liaison and co-operation between the Department for Work and Pensions (DWP) and the Welsh Government. It also aims to ensure that business is conducted in an efficient and effective manner on all matters arising from DWP's responsibilities which impact directly or indirectly on the functions of the Welsh ministers and vice versa.

I have also copied this letter to the Chairs of the Equality and Social Justice Committee and Economy, Trade and Rural Affairs Committee.

Yours sincerely,



Jane Hutt AS/MS

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Jane.Hutt@llyw.cymru
[@gov.wales](https://twitter.com/Correspondence.Jane.Hutt)

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

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

Agenda Item 2.5

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/114/25

Jenny Rathbone MS
Chair, Equality and Social Justice Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN
SeneddEquality@senedd.wales

14 March 2025

Dear Jenny,

Thank you for your letter of 21 February on the Child Poverty Strategy and Monitoring Framework requesting further information following a technical briefing from my officials on the 10 February.

The purpose of the Monitoring Framework is not to report on all possible measures and indicators of poverty, nor does it seek to replace the nationally recognised Wellbeing of Future Generations poverty indicators. Its purpose is to provide insight, as part of the wider three yearly reporting on the Child Poverty Strategy, on the progress made against the objectives within the Child Poverty Strategy and the difference the powers and levers of the Welsh Government are making to the lives of people in Wales. Such differences can be masked by the headline national poverty statistics due to the influence of levers at a UK Government level. Moving beyond an exclusive focus on these statistics also reflects the multi-faceted nature of child poverty in Wales.

Current and trend data of measures in the standard of living domain

The data you requested on the standard of living domain measures listed below, including recent trends, can be found at [Relative income poverty: April 2022 to March 2023 | GOV.WALES](#). You may wish to note that the next update, covering the period up to March 2024, will be published on 27 March 2025 and will be available from [Relative income poverty | GOV.WALES](#).

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Jane.Hutt@llyw.cymru
Correspondence.Jane.Hutt@gov.wales

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.

- Percentage of children in Wales living in relative income poverty (after housing costs).
- Percentage of children in Wales living in relative income poverty (after housing costs), by number of children in the household.
- Children in Wales living in relative income poverty (after housing costs), by economic status of household.
- Percentage of children in Wales living in relative income poverty (after housing costs), by disability in the family.

Data on children in Wales living in relative income poverty (after housing costs), by family type can be found on the [Stats Wales](#) website.

Data on percentage of children in material deprivation can be found at [Wellbeing of Wales: national indicators | GOV.WALES](#) (indicator 19) or on the [Stats Wales](#) website (in both cases you will need to select for age as 16-24).

Finally, the data on percentage of secondary school children who eat breakfast every weekday by family affluence can be found at [Children's Health & Well-being Dashboard](#). 2017 and 2023 data have been included in Annex A to this letter.

The distinction between outputs and outcomes

In your letter you asked for a note summarising the distinction between output and outcomes and why these are significant in the context of the Monitoring Framework. The Monitoring Framework, is an outcomes-based framework, the distinctions therefore are important to ensure that the framework is reporting on the right things that is the outcomes that best demonstrate the impact of the framework and of the Welsh Government levers in delivering against child poverty.

In the development of the Framework the following distinctions between outputs and outcomes have been adopted.

- Outputs are considered to be the tangible deliverables from a specific policy intervention (e.g. number of childcare places provided). Outcomes are the specific changes we want to see as a result of policy interventions, i.e. they are a consequence of delivering or achieving specific activities or outputs.

Whilst the Monitoring Framework will report against the selected outcomes, our intention is to show progress against policy outputs in the policy progress report element of the three yearly report on our Child Poverty Strategy.

As Professor Hick noted in his independent review, this outcomes-based framework will provide a very helpful tool for evaluating the effectiveness of Welsh Government activities against the Child Poverty Strategy 2024, when considered alongside evidence of the lived experience of young people and an analysis of policy outputs.

Rationale behind focusing on national indicators

You asked in your letter for an explanation of the rationale behind focusing on national indicators. The purpose of the Monitoring Framework is to report on regular, robust and credible population level data on a range of child poverty indicators and measures which can provide insight on impact and direction of travel of the Child Poverty Strategy and the associated outcomes for children and young people.

We already have Wellbeing of Future Generations national indicators, set by Welsh Ministers in 2016, which help us measure our progress as a nation over time. The Chief Statistician and Strategic Evidence Board advised officials that any monitoring frameworks developed by the Welsh Government should always consider the inclusion of relevant national indicators in the first instance. The full list of national indicators are reported on annually in our [Well-being of Wales report](#) (last published September 2024). The national indicators and their associated measures included in our Monitoring Framework provide a robust and consistent means to assess our progress against the Child Poverty Strategy over the long term.

However, in terms of children and young people, it is recognised that the national indicators largely cover families with children and 16 to 24-year-olds, with less data available for children under the age of 16. The outcomes evidence for this younger group is therefore supported with data taken from outside the national indicators, specifically from the School Health Research Network's Student Health and Well-being Surveys.

Inclusion and omission of specific measures

The Monitoring Framework is not intended to reflect all possible outcomes for children and young people in poverty but provide an insight on the impact and direction of travel on the outcomes for children and young people from the Child Poverty Strategy. The Committee may wish to note that a wider set of data relevant for children and young people can be found in the [Wellbeing of Wales Children and Young People's report](#) and the School Health Research Network's [Children's Health & Well-being Dashboard](#).

As I have noted above the primary focus of the framework is on the national indicators. In considering the number of indicators to include we were mindful of Professor Hick's view that whilst more highly dimensional structures better represent the experience of the variety of forms of child poverty and wellbeing, this can come at the cost of simplicity of understanding.

In considering which indicator or measure to include in the framework, the indicator and its associated measures were required (where possible) to:

- Be relevant to the Child Poverty Strategy.
- Represent an outcome measure for children and young people.
- Be populated by routinely available robust data.
- Have a clear and well understood interpretation.
- Add value and not be duplicative.

We will continue to explore feasible ways to secure quality data to address any gaps, where there is a clear rationale for doing so. Such decisions will need to be carefully considered and mindful of the advice from Professor Hick that additional measures would make the task of summarising the lessons from a complex monitoring framework more challenging.

While there will be different views around the inclusion or omission of specific measures, the systematic approach taken by the officials has ensured there is consistency in how criteria are applied. This is reflected in the conclusion of Professor Hick's independent review that the monitoring framework 'will provide the basis for a rich evaluation of social outcomes for children, young people and their families'.

Yours sincerely,

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

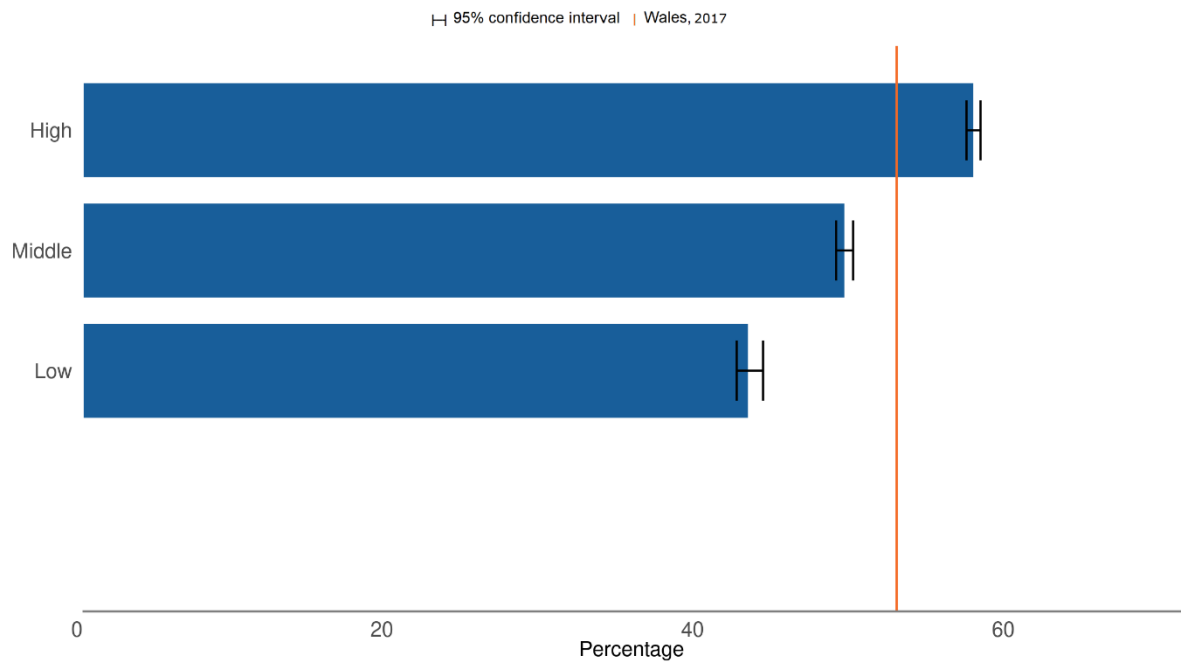
Jane Hutt AS/MS

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

Annex A

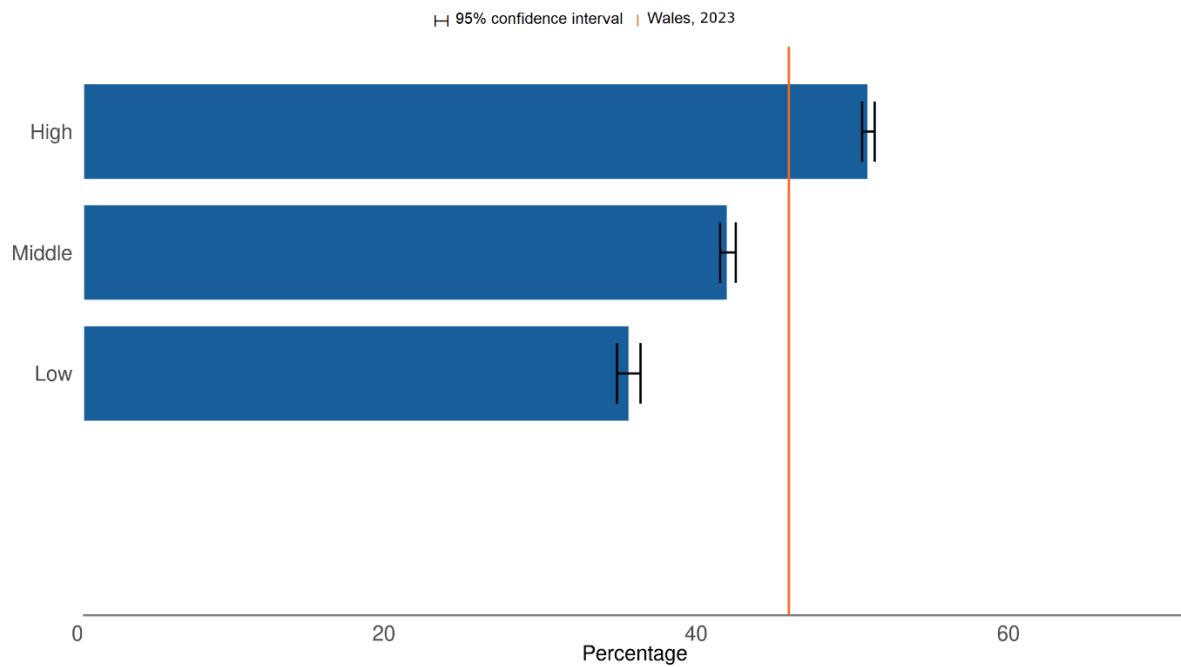
Reported eating breakfast every weekday, percentage, persons, aged 11-16, low, middle and high Family Affluence Scale (FAS) scores, Wales, 2017

Produced by Public Health Wales Observatory, using SHRN data



Reported eating breakfast every weekday, percentage, persons, aged 11-16, low, middle and high Family Affluence Scale (FAS) scores, Wales, 2023

Produced by Public Health Wales Observatory, using SHRN data



Jane Hutt MS
Cabinet Secretary for Social Justice, Trefnydd
and Chief Whip

21 February 2025

Dear Jane,

Child Poverty Strategy and Monitoring Framework

Members were grateful for a technical briefing from officials on the 10 February and noted the need for further information and clarity on aspects of the Child Poverty Monitoring Framework. Officials agreed to follow-up in several areas when they relate to factual matters, however, some of our questions are more appropriately directed to you as the responsible minister. In this context we would therefore appreciate further information as set out below.

Officials agreed to provide:

- o the current rate for the 7 measures listed in the standard of living domain of the [Framework](#) and trend data in relation to these; and
- o a written note summarising the distinction between outputs and outcomes and the ways in which these are significant in the context of the monitoring framework.

We would be grateful if you could provide:

- o an explanation of the rationale behind focusing on national indicators and omitting other relevant indicators,
- o why the following measures are excluded or cannot be included in the Framework;
 - in the inclusive communities domain: measures on the number of children in poverty at risk of homelessness; and the number of children in poverty by housing tenure;
 - in the education domain: the percentage of children on free school meals studying A-levels/going to university;
 - in the wellbeing domain: measures on proportion of children receiving planned/unplanned hospital care or tooth decay rates in children

- why the national indicator for the percentage of children with two or more healthy lifestyle behaviours was not included as one of the relevant indicators in the framework.
- why the percentage of secondary school children who eat breakfast every weekday by family affluence was included as a measure, given that there are a range of reasons why children in this age group may not eat breakfast.

We look forward to hearing from you and would appreciate if you could provide a response by 14 March.

Yours sincerely,

A handwritten signature in black ink that reads "Jenny Rathbone". The signature is written in a cursive, flowing style.

Jenny Rathbone MS

Chair, Equality and Social Justice Committee

Agenda Item 2.6

Jenny Rathbone MS

Chair, Equality and Social Justice Committee
Senedd Cymru
Cardiff Bay, Cardiff
CF99 1SN

Dear Jenny,

16 March 2025

Re: Strengthening and Advancing Equality and Human Rights

Many thanks for your letter dated 3 February 2025 requesting further comments on the progress of the Legislative Options Working Group on Human Rights (LOWG). I am responding in my capacity as Chair of LOWG and will therefore limit my response to the progress of LOWG's work on recommendations 1 and 25 of the Strengthening and Advancing Equality and Human Rights (SAEHR) report, as these are the focus of the group's remit.

I note that the letters from the Equality and Human Rights Commission and the Future Generations Commissioner do not substantively address LOWG's work, so I do not feel it appropriate to comment much on these. Similarly, the Law Society's response does not discuss the substance of LOWG's work, but as you have specifically asked me to reflect on it, I will offer some general observations below.

1. Progress on addressing the capacity issues identified during the oral evidence session on 16 September 2024

Using funding I secured from voluntary sector sources, I employed Melissa Wood from mid-October 2024 to the end of December 2025 to support LOWG in applying the methodology the group had developed. The right to education under CEDAW (Article 10) and CRDP (Article 24) was selected as an initial in-depth pilot.

As this work progressed, it became clear that the methodology required further refinement before it could be applied to the entirety of CEDAW and CRDP and, in due course, to the incorporation of other treaties into Welsh law. Since then, Melissa Wood, Professor Simon Hoffman, and I have been working to refine this approach. As this required more time, the Welsh Government made additional resources available for Melissa to continue supporting LOWG's work until the end of March 2025.

Work is now progressing to complete this pilot and finalise the methodology so it can be applied to the remainder of CEDAW and CRDP.

2. Views on timescales and the amount of progress that can reasonably be expected before the end of the Senedd term

LOWG is using Melissa's pilot of the methodology to develop a body of work and a timeline for producing recommendations by December 2025. I am in final discussions with the Welsh Government regarding resourcing LOWG to enable delivery against this timeline.

While this proposal is still subject to LOWG's approval and the Welsh Government's final decision on resourcing, if taken forward, it would aim for the following:

- (1) April–June 2025:** Analysis of the UNCRDP

(2) July–September 2025: Analysis of CEDAW

(3) September–December 2025: Drafting of the LOWG report

This work is intended to provide an evidentiary foundation for continuing these efforts beyond the Senedd elections, as well as informing discussions in the run-up to them.

LOWG members have consistently emphasised that progress has been constrained by the lack of dedicated resources. While it was understood that previous budgets did not allow for funding this work, it has only been since October 2024 that we have had the capacity to accelerate progress. LOWG members have voluntarily contributed significant time to this work, for which I am grateful. However, it is important to acknowledge that securing funding late in the Senedd term, and on an ad hoc, short-term basis, has made it difficult to plan effectively for work of this scale. The nature of the work is high-volume, novel, and complex, particularly given the need to account for constitutional considerations. Additionally, the group has been asked to explore both legislative and non-legislative options, further expanding the scope of the work.

On the Cabinet Secretary’s statements regarding timescales

The Welsh Government’s response to the SAEHR report identified the formation of LOWG as the next step in bringing forward detailed proposals for incorporation in Wales.

I believe it is for the Welsh Government to determine whether it wishes to wait for LOWG’s recommendations before advancing this work further, or whether other preparatory steps should proceed in parallel. Similarly, decisions regarding the timing and frequency of updates to the Senedd are for the Government and Senedd to determine. Independently of this, I of course remain available to provide updates in writing or in person should the Committee find that helpful.

3. Response to the Committee’s observation on factors impacting progress

I note the Committee’s suggestion that slight differences have emerged in factors affecting progress. Below, I set out some key considerations:

Regressive human rights protections introduced by the previous UK Government had some impact on LOWG’s work. They introduced uncertainty and placed additional demands on the capacity of LOWG members, myself included, as we were required to respond to these legislative developments. One significant example was the UK Bill of Rights Bill. While LOWG welcomed its withdrawal, this did not affect our core rationale: the need to strengthen human rights protections in Wales, including through incorporation. The SAEHR report’s recommendations 1 and 25 were developed independently of any UK-level proposals, and LOWG members believe the case for incorporation is now stronger than ever, given the wider global and domestic political and socio-economic contexts

Additionally, LOWG has closely followed progress in Scotland, particularly efforts to incorporate the UN Convention on the Rights of the Child (UNCRC).

These developments further highlight the complexity of the work LOWG is undertaking given the intricacies of devolved and non-devolved competency in this area.

In particular the LOWG is aware of the Supreme Court decision on the (initial) UNCRC incorporation Bill in Scotland and will take the decision fully into account in its work. Our objective is to advise the Welsh Government on how best to strengthen and advance human rights in Wales, *within the devolution settlement*. By way of comment, the LOWG takes note of the fact that the Supreme Court determined the Bill beyond the competence of the Scottish Parliament on very narrow grounds relating to the drafting of specific sections within the Bill. We also note that, since the Supreme Court decision, the Scottish Parliament has enacted legislation to incorporate the UNCRC in Scottish law, drafted in a way that avoided the competence problem identified, and that this revised legislation was not challenged by the UK Government.

Importantly, the Supreme Court did not express any reservation over the possibility that a devolved nation might seek to legislate to incorporate human rights, and indeed noted that this is already the case in Wales

4. The Law Society's correspondence

The Law Society's response does not address the substantive remit of LOWG's work, namely, recommendations 1 and 25 of the SAEHR report on incorporating justiciable human rights. Furthermore, as their response states, the Law Society is an independent organisation responsible for setting its own work programme in Wales. It would therefore not be appropriate for me to comment directly on their position.

However, their response raises two important overarching points.

- (1) That there are significant capacity limitations for salient stakeholders to be involved in work on strengthening human rights in Wales.
- (2) That this lack of capacity cuts across many sectors and organisations – including the voluntary sector, academia and the legal profession. This is evident from LOWG's own experience, and is further illustrated by the other correspondence you have received from the EHRC and Future Generations Commissioner

These constraints are relevant at this stage of LOWG's work. Indeed, feedback from our consultation with stakeholders in Scotland emphasised the importance of involving the legal profession early in the process. However, there are also longer-term considerations. As Wales' human rights legal frameworks develop, these capacity constraints will need to be examined in greater detail as changes may have implications for the legal profession, public legal education, legal education in law schools, advocacy services, voluntary sector support services, public authorities, as well as broader access to justice considerations.

LOWG members remain committed to progressing this work and in the meantime I remain at the Committee's disposal should further updates or discussions be of assistance.

Please accept my apologies for the delay in getting back to you, this has been an especially busy period.

I appreciate the opportunity to engage with the Committee on these important issues and look forward to continued dialogue.

Yours sincerely,

Charles Whitmore, Chair of the Human Rights Legislative Options Working Group

Agenda Item 4

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

Document is Restricted

Agenda Item 5

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

Document is Restricted

Document is Restricted