Agenda – Equality and Social Justice Committee

Meeting Venue:
Committee Room 3 (Senedd)
Meeting date: 23 June 2025
Meeting time: 13.30

For further information contact:
Rhys Morgan
Committee Clerk
0300 200 6565
SeneddEquality@senedd.wales

Pre-meeting

(13:00-13:30)

Public meeting

(13:30 – 15:00)

1 Introductions, apologies, substitutions and declarations of interest

(13:30)

2 Post-legislative scrutiny of the Future Generations Act: evidence session one – academic panel

(13:30-15:00) (Pages 1 – 36)

Professor Calvin Jones

Dr Caer Smyth, Cardiff University

Dr Suzanna Nesom, University of York

Dr Eleanor MacKillop, Research Fellow, Wales Centre for Public Policy, Cardiff University

3 Papers to note

(15:00)

3.1 Correspondence to the Chair from Mark Beattie JP regarding the "Magistrates Matter" report

(Page 37)

3.2 Correspondence to the Legislation, Justice and the Constitution Committee from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs regarding the Inter-Institutional Agreement

(Page 38)

3.3 Correspondence to the Northern Ireland Assembly from the Scottish Parliament regarding proposed UK Welfare Reform

(Pages 39 - 40)

3.4 Correspondence to the Chair from the Legislation, Justice and the Constitution Committee regarding amendments to the international Labour Convention

(Page 41)

3.5 Correspondence to the Chair from Disability Wales regarding Pathways to Work

(Pages 42 - 43)

3.6 Correspondence to the Chair from the Bevan Foundation regarding the no recourse to public funds restriction and Child Poverty in Wales

(Pages 44 - 49)

3.7 Correspondence to the Chair from the Independent Monitoring Authority regarding the Border Security, Asylum and Immigration Bill

(Pages 50 - 61)

3.8 Correspondence to the Chair from the Children's Legal Centre Wales regarding tasers and children

(Pages 62 - 70)

4 Motion under Standing Order 17.42 (vi) and (ix) to resolve to exclude the public from the remainder of this meeting

(15:00)

Private meeting

(15:00-15:35)

5 **Post-legislative scrutiny of the Future Generations Act: evidence session one - academic panel: consideration of the evidence**
(15:00-15:30)

6 **Disability employment gap and welfare reform: consideration of draft correspondence**
(15:30-15:35) (Pages 71 - 72)

Agenda Item 2

Document is Restricted

Senedd
Cardiff Bay
Cardiff
CF99 1SN

27th May 2025

Dear Jenny,

Re: Well-being of Future Generations (Wales) Act 2015: post-legislative scrutiny

Thank you for the opportunity to contribute to the Equality and Social Justice Committee's post-legislative inquiry into the Well-being of Future Generations (Wales) Act. I welcome the Committee's proactive steps in undertaking this important work as we mark the tenth anniversary of this landmark legislation.

As you will be aware, I recently published my statutory Future Generations Report 2025, which provides a comprehensive assessment of how Wales is performing to deliver on Wales's seven well-being goals. This report includes detailed analysis, case studies, and 50 recommendations aimed at improving implementation across Welsh Government and public bodies. I would encourage the Committee to reflect on the findings and recommendations of this report as part of its inquiry.

Importantly, the report includes a specific recommendation that a post-legislative review of the WFG Act should be undertaken by Welsh Government. The Auditor General makes the same recommendation in his recent report, 'No time to lose.'

The Committee's inquiry is an important opportunity for us to collectively consider how we strengthen implementation of the WFG Act and deliver better outcomes for current and future generations.

To properly review the effectiveness of the WFG Act and to consider future legislative amendments, I encourage policymakers to involve the people of Wales, in keeping with the commitment made in 2014 through the national conversation 'The Wales We Want'.

In submitting this letter, I would like to draw the Committee's attention to the following key points for consideration:

1. **The WFG Act is delivering positive change** – The law is making an impact today and for the long-term. Evidence shows that the WFG Act is guiding important decisions by public bodies and embedding sustainable development. The annual Well-being of Wales report shows the extent of progress towards the seven national well-being

goals. There is positive change but there is much more to do. I have provided detailed evidence of the impact of the WFG Act later in this submission.

2. **People support the vision** – There is widespread commitment to the WFG Act amongst leaders and employees of public bodies. This support and pride in the Welsh approach to protecting the interest of future generations extends to voluntary organisations and businesses too. Where the public is aware of the law, people express support for its aims. The WFG Act was shaped by the national conversation in 2014, 'The Wales We Want'. It is a people's Act. We must continue to honour and deliver on the commitments we made to the people of Wales and to our future generations.

3. **We must accelerate progress**– While progress is being made, we are not on track to achieve our seven well-being goals. My Future Generations report 2025 identifies areas where implementation must be improved. However, as the Auditor General has said too, the WFG Act has increased in prominence. There is growing awareness and understanding of the WFG Act, and as time goes on, public bodies are getting better at implementing it. Nonetheless, more action is needed. This requires commitment and leadership from public bodies as well as the necessary skills and resources to turn intention into action.

4. **The approach is essential for Wales's future** – All countries must prepare for the future. The WFG Act provides the framework we need in Wales to prepare for future challenges, such as the climate emergency and demographic shifts, as well as to harness future opportunities, such as green growth and artificial intelligence. It ensures we look ahead at future trends and take a more preventative approach, improving outcomes and delivering better value for money in the long run. If we did not have the framework of the WFG Act, we would need to replace it with something else.

5. **The law should be strengthened** – After ten years of learning, there are aspects of the law itself which could be strengthened. My views are set out in this submission. The inquiry presents an important opportunity to consider any changes collectively.

6. **Wales is a global leader** – Wales is a pioneer but not an outlier. The WFG Act remains a pioneering piece of legislation, inspiring similar approaches internationally. At a time of growing global momentum around intergenerational fairness and sustainability, Wales' leadership offers soft power and international influence which we should continue to harness.

Committee Terms of Reference

In this section I respond to each of the areas outlined in the terms of reference and look forward to providing further detail and evidence during the oral session in November.

1. How far the intended objective of the WFG Act is being achieved

How the Act is making an impact

There is much to recognise about the progress made and the impact delivered since the WFG Act came into force. The Act has:

- framed debate and helped get issues on the agenda, for example the idea of a universal basic income, which led to a basic income pilot for care leavers;
- led to many commitments from government, for example the establishment of a procurement centre of excellence following my office's recommendation and most recently to changes in the format of the Rivers Summits so that they consider all Welsh rivers and all pollutants and have a greater focus on delivery;
- secured procedural change in how public bodies make decisions, for example see how Bannau Brycheiniog National Park developed its strategic plan Y Bannau: The Future;
- informed policymaking, such as Welsh Government's new Priorities for Culture;
- influenced practical behaviour change, for example the five ways of working are the behaviours the whole of the Welsh public sector are required to demonstrate and my office can now measure that change through the Ways of Working Progress Checker.

Examples

There are lots of examples of the Act's impact, many of which are contained in my reports, most recently in the Future Generations Report 2025. I have included some further examples below:

- **Ensuring a greater focus on prevention**. The Welsh Government's new Integrated Medium Term Plan Guidance for the health service now includes a strategic objective on prevention. Samia Edmonds MBE, Planning Director of the Healthcare Strategy and Planning Division in Welsh Government has said:

  "The WFG Act remains key to informing and shaping the statutory NHS Wales Planning Framework...The Act is a priority feature of NHS planning, albeit we recognise that there is further progress to be made. As a result, there is now a much stronger focus on prevention and population health cross policy and through NHS planning. The encouragement, challenge and support of the FG office has helped us identify opportunities to work collectively. Prevention and population health is now integral to integrated medium term plans and is the mechanism to drive sustainable service solutions across Wales over time."

My office developed a definition for prevention with Welsh Government to inform budget strategy and decision-making processes, which are a fundamental part of driving change across public services in Wales.

- **A more sustainable transport system.** The Llwybr Newydd Transport Strategy is guided by the WFG Act. My team advised officials and convened stakeholders to advocate for a national strategy that increases public transport, walking and cycling. Research that my office produced in 2018 influenced the rejection of an M4 relief road, which would have burdened future generations with £1.4bn of debt and compromised space for nature and set out the alternative spending priorities. Budget allocations for public transport and active travel infrastructure have increased.

- **Fixing the food system.** The WFG Act is a catalyst for action to fix our food system for future generations. Food Matters is a short, simple overview of Welsh Government's food related policies and activities. It illustrates how food related policies are developed and delivered in response to the WFG Act as well as the Programme for Government. In my strategy Cymru Can and the Future Generations Report 2025, I set out the evidence to show that without improving access to healthy and sustainable diets, Wales cannot achieve the goals of the Act. The WFG Act and the work of my team are stimulating action across Wales. For example, Carmarthenshire Council has designed the first ever Public Services Board food strategy and twelve Welsh councils are now participating in the 'Welsh Veg in Schools' programme to supply free school meals with Welsh produce in line with their duties under the WFG Act.

- **Education with the future in mind.** The new national curriculum is shaped by the WFG Act. The Curriculum for Wales (CfW) implementation plan maps the long-term outcomes of CfW against the seven well-being goals. My team undertook research on education and on the long-term skills gap. This formed the basis of advice to Welsh Government officials on the national curriculum being based around the WFG Act. My office has also:
    - advised Qualifications Wales on the reform of GCSEs and vocational qualifications to reflect the skills we need for a more prosperous, equal and resilient Wales;
    - collaborated with the WJEC to create a qualification on the WFG Act which is now being delivered across Wales;
    - advised officials on the national Employability and Skills Plan to reflect a well-being economy;
    - advocated for a National Nature Service being established.

- **Beyond the public sector:** The Act has impact beyond the public sector. It sets out a national mission which requires all organisations to get behind if we are to be successful. Many private and third sector organisations apply aspects of the legislation voluntarily, for business and other reasons. One of those organisations is the Principality.

Julie-Ann Haines, Chief Executive of Principality Building Society, said: "*The Well-being of Future Generations Act is hugely important – not just to Principality Building Society, but to the private sector as a whole, helping to guide and shape responsible business strategy. While Principality is not bound by the Act, we are compelled as a purpose led mutual in Wales to support its delivery and work collaboratively for the benefit of communities.*

As a mutual, we are committed to creating lasting impact that extends beyond our scale. Through our sponsorship of the Future Generations Leadership Academy, we support young leaders to better understand the Act and create action to tackle key social issues. Over the past two years, our colleagues have participated in the Academy, focussing on inclusion and financial education initiatives. We have also aligned our community funding approach with the principles of the Act – launching our Future Generations Fund in partnership with Community Foundation Wales. Since 2021, we have supported over 130 different groups, awarding over £1.5million in grants – with the selection criteria embracing the wellbeing goals of a prosperous, more equal Wales."

The national indicators

The national indicators were put in place to measure progress towards the seven well-being goals. The Well-being of Wales Report tracks our collective progress towards the national well-being goals using national indicators, providing insight into how effectively we are implementing the Act.

Some indicators have improved, such as the overall employment rate, participation in sport by adults, and police recorded hate crime dropped by 4% compared to the previous year. But some indicators have worsened, including life expectancy in Wales, reflecting rising poverty, inequality, and preventable illnesses.

The national milestones cover several of the national indicators at once. Some national milestones show progress, such as a 27% reduction in direct carbon emissions since the WFG Act was introduced in 2015 (data up to 2021) and the percentage of people volunteering. However, other milestones have remained stagnant or declined.

2. Any action which should be taken to improve the effectiveness of the WFG Act and its implementation, including any specific drafting issues

Improving the effectiveness of the WFG Act and its implementation is the core mission in my strategy, Cymru Can. Some of my comments below build on previous assessments my office and I have made to Welsh Government and Senedd Committees.

- **Leadership:** Where I see good implementation of the WFG Act, bold leadership in support of brave decisions is a strong and recurrent theme. But this is not happening across Cymru. Therefore, I believe there should be a greater focus on building the knowledge capacity of our public sector leaders and those with responsibility for the corporate areas of change, such as finance, assets and workforce planning. Academi Wales could play a bigger role in this regard.
- **More focus on outcomes**: The focus should be on delivery and outcomes, but the Act and statutory guidance emphasise governance and process (because it was thought they would lead to sustainable long-term decisions). In practice the focus has often been on process to the detriment of outcomes. The statutory guidance could be amended to redress the balance.
- **Resources:** As the Auditor General and I have reported several times, lack of resourcing (across the public sector and my office) is often cited as a reason why the WFG Act has not been implemented as fast as we would like and is one reason why it has not yet delivered the systems wide change it was created to deliver.
- **National indicators and milestones:** The national indicators and milestones are a key element of the WFG Act. They are the envy of many other countries. They help define what matters to us in Wales and how we implement the UN Sustainable Development Goals (SDGs) in Wales. A key issue is the lack of alignment between national goals, indicators and wellbeing objectives. There are still public bodies that do not integrate their well-being objectives, standing separately from organisational objectives, and not linked to our national goals and performance indicators/milestones. This needs to be the case if we are to deliver on the common purpose.

  The national indicators are not very visible. The annual Well-being of Wales Report deserves more attention from Welsh Government, from public bodies, from the media and the Senedd too.

  Furthermore, milestones were interpreted by Welsh Government as complementing the goals (what will be achieved by 2050) rather than mid-points or milestones on the way to 2050. The latter approach might have helped accelerate progress.
- **Partnerships:** My predecessor and I have consistently called for Welsh Government and public bodies to simplify the partnership landscape in Wales, which is complex and confusing, adding to capacity and resource pressures. This has also been the conclusion of several ESJ and PAPAC Committee reports.

- **Integration:** The WFG Act should frame other policies and legislation. It should not be seen as a competition, contradiction or an additional layer of burden. For example, there are many assessment requirements in a multitude of laws. These need to come together where possible, e.g. the climate change risk assessments, equality assessments, population needs assessments etc. They should be taken into account by PSBs as they complete their well-being assessments.
- **Communication:** There is a need to ensure consistency in using the language of the WFG Act in legislation, policy, guidance, ministerial statements, performance frameworks and terms of reference for review boards. Currently it can be confusing for public bodies and a barrier to implementation. For example, there are inconsistencies in what we mean by the terms 'involvement' compared to 'consultation.'

Specific drafting issues

There is case to consider drafting amendments to improve the following issues**:**

- **Clarity of the application of the five ways of working to everything public bodies and Public Services Boards (PSBs) do.** This might require an amendment to ensure it is not perceived as being limited to only setting well-being objectives.
- **Corporate areas for change.** The concept does not appear on the face of the WFG Act but only in the statutory guidance. The statutory guidance, Shared Purpose, Shared Future 1, outlines how embedding the WFG Act into corporate functions is essential to delivering meaningful change. These corporate areas of change include: corporate planning, financial planning, workforce planning, asset management, procurement, risk management and performance management. There is a case to include these corporate areas of change in the legislation to raise their importance and visibility as they are such a key driver for the change we need to see.
- **Clarification/overlap of monitoring powers between the Auditor General and the Future Generations Commissioner**: The statutory guidance of the Act outlines the Commissioner's role as supportive, with the powers of advice, assistance and the ability to carry out reviews. The Auditor General for Wales is described as holding the accountability of public bodies in meeting the Act. Therefore, there is some confusion with the Commissioner's duty to monitor and assess the progress public bodies are making towards their well-being objectives.
- **Town and Community Councils (TCCs)** should be involved in drafting PSB plans as they are required to help implement them further down the line. This creates an involvement and delivery issue which needs to be addressed. The threshold requirements for the involvement of TCCs is currently a £200K budget over the previous three years. This should be looked at as currently TCCs can come in and out of scope depending on the annual variation of their funding.

- **Advisory Panel:** The membership of my advisory panel is statutory and very specific. There is a case to allow more flexibility in the membership of the advisory panel to provide the range of skills and experience appropriate to the work plan of the Commissioner. In light of this issue, I have extended the role of my Audit and Risk Committee to undertake an advisory function (as well as an assurance function).
- **Funding from the Senedd:** To protect my independence, there is a case for the Commissioner to stop being funded by the Welsh Government and become funded directly by the Senedd out of the Welsh Consolidated Fund as Audit Wales is.
- **Publication by public bodies and PSBs of objectives, plans and annual reports**. The Act should be amended to ensure there is duty on public bodies and PSBs to send the Commissioner a copy of their objectives and plans as well as their annual reports detailing progress made to meet their objectives. This would make the monitoring of progress much easier and improve transparency/accessibility for the public to identify the relevant documents and progress. There is currently no consistency in the publication and accessibility of such information.
- **Imbalances of powers in relation to public bodies and PSBs:** My office is mandated to provide intensive support to PSBs in designing their assessments and plans, but I have no duty to monitor their progress. On the other hand, I am required to monitor the progress of public bodies in meeting their objectives but have no duty to provide support to them in setting their objectives individually. However, my office does provide general advice through the Future Generations report. Some consistency would be welcome.
- **Public Services Boards:** PSBs are not a legal entity capable of holding funds or of employing staff. They can only rely on the resources and capacity of their members. PSB members have told my office that this is an issue that can inhibit collaboration. I believe the role and functioning of PSBs could be improved.
  I must respond to three elements of the work of PSBs in a short space of time: the PSBs' well-being assessment consultation; during the drafting of their objectives; and then again during the formal consultation on plans. This is disproportionate and is not the most effective use of resources. I would recommend the legislation is changed to keep the formal consultation part and to revoke the other two elements. Several PSBs have told my team that the 5-year cycle is too short, meaning that they have to re-do their well-being assessments and plans too often. This reduces their capacity to deliver.
- **Timelines synchronisation -** The Act is based on 5-year cycles in line with Senedd elections. Now that Senedd elections have moved to a 4-year cycle, many requirements will have to happen more often (like the Future Generations reports) which affects the capacity of public bodies and my team as well as PSB cycles. It will also create clashes, for example local government elections are not planned to change which means this will clash with the 2037 Future Generations Report and the

arrival of a new Commissioner; one year I will have to produce advice to PSBs as well as produce a Future Generations report; and the Future Trends reports will get out of synchronisation with the local elections. We think the timelines should be reviewed and amended so we can address any issues.

- **Scope and enforceability of the Commissioner's section 20 review recommendations:** See section 3 for further information.

3. Whether the review and reporting requirements under the Act are being met

There is more to do to improve the way reporting across the public sector is aligned, streamlined, and used to drive learning and improvement. This is an area where further support and clarity could enhance the effectiveness of the WFG Act.

Reporting and review requirements on public bodies and PSBs:

- **Content of well-being statements:** The statutory guidance of the Act sets out the content of public body well-being statements and states that public bodies are required to review and report annually on the progress they are making towards their well-being objectives and steps. Most public bodies meet these requirements through their regular corporate planning and annual reporting mechanisms. However, some public bodies have not placed their well-being objectives and steps at the heart of their corporate strategies. This is more common in the health sector (as Audit Wales also reported), with some bodies failing to clearly state their well-being objectives.
- **Review and revision of well-being objectives:** In producing an annual report, public bodies and Public Services Boards must review their well-being objectives and steps. Again, most do this through regular annual reporting mechanisms but given some public bodies have not placed their well-being objectives at the heart of their corporate strategies, a minority of public bodies are not sufficiently revisiting and reviewing their objectives regularly. Timescales are also mismatched in terms of reviewing objectives, which adds to challenges of bodies following the recommendations of the Future Generations Report.
- **Disparity in well-being objectives:** There is currently a lack of a common framework for setting well-being objectives, steps and measuring them, meaning that the current piece-meal approach makes "assessing the progress made towards well-being objectives" impossible.
  Analysis by my team and by Audit Wales found that public bodies rarely state the timescales they envisage to meet their well-being objectives, or the resources (including financial) needed to meet them in their well-being statements, despite this being a statutory requirement. A mandated common framework by Welsh Government for every sector would make this significantly easier for the Auditor

General for Wales, the Commissioner, and members of the public to understand progress in implementing the Act.

- **Monitoring progress on well-being objectives:** Whilst public bodies and PSBs can set as many well-being objectives and steps as they like, there are currently nearly 300 well-being objectives and over 2,200 steps across the public bodies and 47 objectives, and 296 steps across Public Services Boards. Each objective and/or step often has different associated indicators. Therefore, measuring progress against each of these is highly resource intensive and does not lead to comparable results. I have conducted and commissioned analysis of the well-being objectives, but it is a challenge to resource this and keep up with the changes.
- **Stronger links to well-being goals:** My Future Generations Report 2025 offers advice to public bodies on setting well-being objectives and steps. A common framework, as suggested earlier, mandated by Welsh Government, could help public bodies and Public Services Board make a stronger link between each of their well-being objectives, the well-being goals and well-being indicators when they set and report on their delivery.
- **Impact Assessments:** Adopting a statutory Impact Assessment process for the WFG Act could help improve the application of the Act in decision making and policy design. While there are no statutory WFG Act impact assessments, several public bodies have designed them with the support of my office and use them regularly. A good example of the positive impact of conducting such an impact assessment can be found in relation to the design of the Welsh Government Waste strategy, Beyond Recycling.

Commissioner's review powers (Section 20):

My strongest power is to undertake reviews under Section 20 of the WFG Act. My office has undertaken two investigations so far. These have resulted in Welsh Government making changes to how they implement the Act; and the establishment of a procurement centre of excellence.

The power has been used as the ultimate form of advice when our usual form of advice had not been sufficiently considered or where a recurring issue had been flagged many times as being a key barrier to the implementation of the Act.

As a result of a review, I can make recommendations (suggestions). Although this has not happened, the Act allows public bodies to disregard my recommendations and send a justification for doing so. I have no powers to enforce compliance.

One criticism of the Act is the lack of enforcement powers. This is something the Committee could explore as part of their scrutiny of the enforcement elements of the legislation. One option in relation to Section 20 could be the ability to issue 'directions' or another form of mandated reasonable action which would need to be defined and limited – within

devolution boundaries. This might also include some remedial action. There are other options too and legal advice would be needed to explore them.

It should be noted that undertaking Section 20 reviews is resource intensive. My predecessor could hold and use reserves to fund such exercises but changes in UK accountancy rules mean that this is not an option available to me.

4. The effectiveness of guidance made under the Act

Statutory guidance: Some of the statutory guidance needs to be updated. The points made above reflect some of the changes required to the legislation and to statutory guidance to reflect the lessons we have learned over the last decade. The legislation is a framework, deliberately not prescriptive; but the guidance can be interpreted as a series of processes to complete. My team have already been discussing updating the statutory guidance for Public Services Boards with supporting organisations, including Welsh Government. I would be keen to be involved in any update of the statutory guidance by Welsh Government.

Guidance from my office: Alongside the statutory guidance, my team and other supporting organisations in Wales have produced resources and frameworks that support implementation of the Act including: Future Generations Reports; the Ways of Working Progress Checker; journeys towards the well-being goals; frameworks for project, service design and scrutiny; long-term and futures guides; and e-learning modules. We also provide advice to public bodies and, where capacity allows, the voluntary and private sector on applying the Act. For example, we have recently produced a business toolkit.

In 2024/25, we recorded 882 requests for our advice and assistance, a 9.4% increase compared to the year before. 46% of these were from public bodies with duties under the Act. My team receive excellent feedback for the support they provide. Our learning and development sessions have received feedback scores of 6.4 out of 7, with a 100% of attendees reporting improved confidence in applying the Act.

5. How far the Act has been legally binding and enforceable

Current situation:

There are no specific enforcement mechanisms in the legislation as it stands. This was done by design and voted upon by the Senedd.

This means that judicial review applies by default. This is a difficult and costly procedure. It might also mean that only a class of people rather than individuals can use it. I understand that none of the very few attempts to use the Act in judicial review have obtained permission from the court to proceed.

There are specific duties in the Act in addition to the general duty which might be better ground for challenge (e.g. the duty to take all reasonable steps to meet well-being objectives).

The Public Services Ombudsman could hear, as I understand it, complaints about the non-compliance with the Act as maladministration, but only if the person could demonstrate personal injustice. This could prove difficult given the nature of the Act's duties.

The role of the Commissioner is designed in the Act to be a promoter not an enforcer. This means that I promote a principle, the sustainable development principle, and help it to be implemented by providing advice and making recommendations. This is the weakest type of Commissioner role.

This is different from the Welsh Language Commissioner, which is set up as a regulator setting standards, checking compliance and sanctioning breaches. A specific tribunal was also created. The Older People and Children's Commissioners are set up as champions of the rights of specific population groups and the Commissioners can support individuals directly to help protect their rights. This supposes that rights are set in law in the first place. The WFG Act does not create rights for future generations or current generations so that model could not apply (but perhaps it could be explored how the new United Nations Declaration on Future Generations could help support this model now it has been adopted).

Possible changes:

The WFG Act is a people's act, and this is why I see value in seeking to amend the legislation to ensure that people have access to easily accessible and affordable redress mechanisms or through the creation of rights (if devolution boundaries allow it or by working with the UK Parliament).

My team worked with the UK Parliamentary drafting team for Lord Bird's Bill. We offered some solutions but recognise the challenges devolution boundaries cause in relation to justice issues in Wales and that the Senedd may not be able to create similar provisions (see clauses 30, investigations, 31 Applications to court, 32 Proceedings and 33 Judicial remedies).

The Bill gives a clear power to individuals to bring proceedings against a public body or to bring a case to the Commission for them to decide if they want to start an investigation.

The Bill created a power to conduct investigations in addition to the review powers similar to the Welsh Act, where the Commission can conduct an investigation if they suspect that a public body has failed to comply with its duties. If a failure were recognised, the Commission could apply directly to the High Court to mandate compliance with the recommendations or other actions chosen by the Court.

Granting us such a power would create significant additional responsibilities for my office through investigation, case management, enforcement policy and resourcing. It would also change the premise of my relationship with public bodies which is based on trust and support rather than fear of sanction.

The powers of the Public Services Ombudsman could alternatively be amended to extend their existing remit to help with the enforcement of the WFG Act.

I have already mentioned amending my review powers to give them more teeth. They could be extended to allowing me to review individual decisions (giving me a case work function) but without proper resourcing it would detract our work and support to drive change.

The Information Commissioner in connection with Freedom of Information Act 2000 could be another model to explore. They can publish decisions which require compliance, or risk contempt.

Using the model of the Welsh Language Commissioner is another option. They have the strongest enforcement powers of Commissioners in Wales. Some of my advice, for example the Maturity Matrix, already shows some similarities with the Welsh Language Standards.

Importantly, I wanted to stress the preventative nature of the Act which needs not to be lost in discussions about enforcement. The WFG Act was designed to improve administrative practice and stretch organisations—to challenge the status quo and encourage long-term, joined-up, preventative approaches to Wales' most complex issues. In doing so, it represents a different kind of legislation—one that drives positive behaviours, innovation and shared responsibility rather than compliance through sanctions. It is about preventing harm not compensating for harm done. This is a key feature that needs to be protected whatever enforcement mechanism is chosen this time round. The legislation needs to continue drive change upwards and not be dragged downwards or be distracted by litigation which risks stifling innovation.

I look forward to hearing the views of the public, witnesses, and the Committee on the issue of enforcement.

6. How far the Act has represented, and will continue to represent, value for money

The WFG Act enables a longer-term, preventative approach to policy and public spending, which drives better outcomes and greater efficiency over time.

In his recent report 'No Time to Lose,' the Auditor General for Wales makes the value for money case clearly. He says: *"I urge public bodies to see the sustainable development principle as a value for money issue. We cannot afford to design solutions that do not meet people's needs, burden future generations with avoidable higher costs, or miss opportunities to deliver more with the same or less*."

The case for spending on prevention is unquestionable. For instance, Public Health Wales says that putting in place effective programmes to prevent poor health offers great value for money: “Prevention initiatives such as early years education, vaccination programmes, smoking cessation and support for carers can deliver excellent value for money - with an average return of £14 for every £1 invested in them. They also keep people healthier and address inequalities as well.”

Other public sector organisations will have similar compelling statistics about prevention. In fact, all the five ways of working provide value for money. For example, if we consider long term trends when building schools and hospitals, we can ensure these facilities are future proofed, limiting the need to make adjustments in years to come.

There are good examples across public bodies of the value for money that is achieved by Act. However, value for money is not considered systematically.

A key finding from the Auditor General’s report is: “*Public bodies also need to improve the information they use to inform planning and decision-making, get a better grip on resource implications, and make sure they can understand impact. These are key to achieving and demonstrating value for money, and to applying the sustainable development principle*.”

While there is no framework that provides an overall picture of the extent that the Act represents value for money, the theory and examples from public bodies of the value for money provided by the Act make the case unequivocal.

Concluding remarks

As part of its inquiry, the Committee may want to consider the issue of resources. In July 2023, the Senedd’s Public Accounts and Public Administration Committee Review of the Welsh Commissioners made a recommendation (number 15) that “Welsh Government conducts post-legislative review of the legislation governing all Commissioners, including a review of the funding allocated to them, with an update provided to the Committee in due course”. The Committee may want to consider this matter of funding given how relevant it is to many of the response in this submission relating to the impact of the WFG Act.

Finally, I urge the Committee to model good practice in involving citizens in the deliberations of this inquiry. Given the way in which the WFG Act was developed following the national conversation ‘The Wales We Want,’ and given that involvement is one of the five ways of working, it is important you hear from a range of people and organisations as part of the inquiry. Citizens have a stake in this legislation in a way that you do not see with other laws and I know there is significant interest in providing you with evidence.

I look forward to meeting with the Committee to expand on these points and share further insights from my work and from the Future Generations Report 2025. I am committed to

working with you as much as required in your work to ensure the WFG Act is a powerful and practical tool for shaping a better future for Wales.

In the meantime, if you require any further information, please let me know.

Yours sincerely,

Derek Walker
Future Generations Commissioner for Wales

Email to Jenny Rathbone from Mark Beattie JP, the National Chair of the Magistrates' Association — 05/06/25

Dear Jenny,

I'm pleased to share our new report, *Magistrates Matter: A plan to ensure magistrates are valued, appreciated and recognised*, published today by the Magistrates' Association.

Magistrates are the backbone of our justice system, dealing with over 90 per cent of criminal cases in England and Wales. They are also key to efforts to reduce the backlog of cases in the crown courts. Yet our research shows that many magistrates feel unsupported and undervalued – raising serious concerns about morale, retention and long-term sustainability.

The report draws on national survey data, member testimony, and best practice in volunteer management. It sets out seven practical, evidence-based recommendations to improve how magistrates are recognised and supported throughout their journey, from application to retirement.

Key recommendations include:

- A national strategy for recruitment and retention
- Better tracking of magistrates' volunteering hours to inform policy and planning
- A national Magistrates' Volunteer Charter to clarify mutual expectations
- An annual Magistrates' Attitude Survey to capture magistrates' experiences
- A 10-year long service medal to recognise sustained commitment
- Greater consistency in recognition across England and Wales
- Clearer expense processes and better support for those with caring responsibilities

We hope this report will support ongoing work across the justice system to ensure magistrates feel respected, appreciated and equipped to serve their communities.

You can read the full report here.

If you have any questions or would like to discuss the recommendations further, please don't hesitate to get in touch.

With best wishes

Mark Beattie JP
National Chair

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

SeneddLJC@senedd.wales

5 June 2025

Dear Mike,

Inter-Institutional Relations Agreement: Intergovernmental Relations Annual Report

I am writing in accordance with the inter-institutional relations agreement to notify you that I today laid an Intergovernmental Relations Overview Report, which covers the period of April 2023 to July 2024. The published report can be accessed here. In addition, I have issued an accompanying written statement, which can be accessed here.

I have copied this letter to the chairs of the Committee for the Scrutiny of the First Minister; Children, Young People and Education Committee; Climate Change, Environment, and Infrastructure Committee; Culture, Communications, Welsh Language, Sport, and International Relations Committee; Economy, Trade, and Rural Affairs Committee; Equality and Social Justice Committee; Finance Committee; Health and Social Care Committee; and Local Government and Housing Committee.

Yours sincerely,

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@gov.wales

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

The Scottish Parliament
Pàrlamaid na h-Alba

Social Justice and Social Security Committee

Colm Gildernew MLA
Chairperson of the Committee for Communities
Northern Ireland Assembly
Parliament Buildings
Belfast

[sent by email]

22 May 2025

Dear Chairperson

Proposed UK Welfare Reforms – Potential Joint Devolved Committee Response

Thank you for your letter of 19 March seeking this Committee's view on working collaboratively with you on a response to the UK Government's recent announcements about welfare system reforms. We note that a letter was also sent to the relevant committee at Senedd Cymru with the same request.

On 15 May, we held a round-table evidence session to consider the potential impact in Scotland of the UK Government's proposals to reform the welfare system, particularly in relation to disability benefits.

Following the roundtable evidence session, the Committee considered the evidence heard and agreed to contribute to a joint response to the UK Government.

This letter provides our view on how the UK Government's welfare reforms might impact in Scotland. We are unable to provide comment on any potential impacts in Northern Ireland and Wales.

However, there may be some underlying principles, which I hope that the members of all three committees might be able to agree to include in a letter to the UK Government.

The evidence we heard identified some of the impacts for people in Scotland, should the UK Government implement its proposed welfare reforms.

The financial impact of the UK Government's welfare changes on the Scottish Government's social security budget is expected to be significant. Current estimates provided by the Scottish Government indicate that by 2029-30, the Personal

Independence Payment (PIP) block grant adjustment (BGA) will be £380 million lower than currently forecast and the Carer's Allowance BGA will be £45 million lower than forecast.[1]

The Committee heard that:

- PIP and the Adult Disability Payment (ADP) are not income replacements. There is a fear that the welfare reform measures will have the opposite effect of enabling more disabled people to work and will instead displace costs into the health and social care sectors.

- The PIP and ADP assessments and the Work Capability Assessment (WCA) have fundamentally different purposes, and they are not interchangeable.

- There has been a lack of consultation with the Scottish Government, particularly around the issue of replacing the Work Capability Assessment with PIP. There needs to be improved co-ordination between the UK and Scottish Governments on this.

The evidence also identified the following underlying principles.

There are a lot of unknowns, which is causing fear and uncertainty. The UK Government needs to provide clear information on its proposed welfare reforms and the expected impacts.

There is a need to consider the devolved context in each nation, and to consult fully with devolved governments.

People with disabilities must be treated with dignity and have their human rights respected. The language used in relation to reform of benefits for disabled people should be respectful and reflective of a system which aims to support people to realise their potential.

We would wish to consider the terms of a draft letter to the UK Government prior to it being issued.

It would be helpful if you could please confirm whether the members of the relevant committee at Senedd Cymru have agreed to contribute to a joint letter and if you could provide an expected timeframe for writing to the UK Government.

I look forward to hearing from you.

Yours sincerely,

Collette Stevenson MSP
Convener
Social Justice and Social Security Committee

[1] Block grant adjustments from the UK Spring Forecast 2025: Letter from the Scottish Government.

Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
–
Legislation, Justice and Constitution Committee

Senedd Cymru
Bae Caerdydd, Caerdydd, CF99 1SN
SeneddDCC@senedd.cymru
senedd.cymru/SeneddDCC
0300 200 6565
–
Welsh Parliament
Cardiff Bay, Cardiff, CF99 1SN
SeneddLJC@senedd.wales
senedd.wales/SeneddLJC
0300 200 6565

Jenny Rathbone MS
Chair, Equality and Social Justice Committee

12 June 2025

Dear Jenny,

Amendments to the International Labour Convention on the Recognition of a Safe and Healthy Working Environment as a Fundamental Principle

As you are aware, the Legislation, Justice and Constitution Committee is responsible for monitoring the implementation of non-trade international agreements in the Sixth Senedd.

During our meeting on 19 May 2025, we considered International Labour Convention No. 191 concerning Amendments to Standards Consequential to the Recognition of a Safe and Healthy Working Environment as a Fundamental Principle. The purpose of the agreement is to introduce amendments to other International Labour Organisation Conventions and instruments. These amendments reflect the inclusion of the right to a safe and healthy working environment in the International Labour Organisation's framework of fundamental principles and rights at work in June 2022.

Although the agreement relates to a reserved matter in Wales, we agreed to draw the agreement to the attention of your Committee, in light of its fair work and human rights remit.

Our latest report, which covers this agreement, was laid on 5 June 2025 and is available here.

Yours sincerely,

Mike Hedges

Mike Hedges
Chair

Email to the Equality and Social Justice Committee from Natalie Jarvis- 12.06.25

Dear Equality and Social Justice Committee,

I'm writing on behalf of All Wales Forum and Disability Wales regarding the *Pathways to Work* Green Paper consultation. We are formally requesting an extension to the consultation period and would greatly value your support in this call.

We are especially concerned that the current consultation process is failing to provide an accessible or inclusive platform for disabled people, carers, and organisations across Wales to meaningfully participate.

Issues such as short notice for events, the cancellation of in-person sessions, digital-only formats, and conflicting schedules have made it extremely difficult for people to engage. We strongly believe that this undermines the spirit of fair and lawful consultation.

We have already received support from Sioned Williams MS and Mark Isherwood MS and are reaching out to ask whether the members of the committee would be willing for us to include your names in support of the attached request to the Pathways to Work Consultation Team. Even a short extension would significantly improve participation across Wales.

Thanks in advance

Natalie

Dear Pathways to Work Consultation Team,

All Wales Forum and Disability Wales are collaboratively reaching out to formally request an extension of the current Pathways to Work consultation period. We believe that this extension is essential due to several pressing issues that hinder meaningful participation, particularly for individuals and communities in Wales.

We echo the concerns outlined by Disabled People Against Cuts (DPAC), who have sent a joint signatory letter to Stephen Timms MP detailing the issues with the consultation events and advocating for an extension. Their letter outlines important points that align with our concerns and can be accessed here: Open letter: #NoVoteWithoutWales - stop disability cuts.

Firstly, we are concerned by the lack of accessible consultation events held throughout Wales. The cancellation of in-person events has significantly limited opportunities for engagement. The

recent decision to reschedule one event to a date just prior to the consultation's conclusion raises considerable concerns about the adequacy of notice provided along with the ability to include this input within the subsequent readings in parliament.

Furthermore, the choice to conduct this event solely in a digital format poses serious accessibility challenges. This format effectively excludes individuals who are either digitally disadvantaged or who may require face-to-face interactions to fully participate and voice their perspectives. We are yet to receive clear clarification of in-person events for Wales.

In addition to these accessibility issues, there have been significant discrepancies surrounding the scheduling of various events. For example, the event on June 12 was initially advertised with conflicting times—first listed as 10:00–12:00 and later changed to 13:00–15:00. Furthermore, despite confirming attendance at the event on June 26, there remains no assurance of the time it will take place. These inconsistencies detract from our ability to adequately prepare and assist those we represent, creating unnecessary confusion and barriers to participation.

Given the considerable accessibility barriers, the ongoing scheduling issues, and the widespread anxieties articulated by disabled individuals, their families, caregivers, and elected representatives, we firmly believe that an extension is not only warranted but necessary. It is critical for ensuring that this consultation is carried out in a lawful and inclusive manner.

We would also like to note that Sioned Williams MS, Chair of the Cross-Party Group on Learning Disability and Mark Isherwood MS, Chair of the Cross-Party Group on Disability have expressed their support for a call to extend the consultation period due to our concerns, recognising the need for more inclusive practices.

We urge you to consider this request with the urgency it deserves. We look forward to your prompt response.

Kind regards,

Natalie Jarvis (She/Her)

Policy and Research Officer / Swyddog Polisi ac Ymchwil

Secretary Cross Party Group on Disability / Ysgrifennydd y Grŵp Trawsbleidiol ar Anabledd

Disability Wales
Anabledd Cymru

The no recourse to public funds restriction and child poverty in Wales

This briefing explains the impact of the no recourse to public funds (NRPF) restriction on children's poverty in Wales. NRPF is a direct driver of poverty amongst children and significantly undermines attempts to tackle child poverty in Wales.

What is 'no recourse to public funds'?

NRPF is a visa condition that restricts access to benefits classed as "public funds". It stops many migrants in the UK from accessing essential welfare benefits and can be attached to a person's visa or automatically applied when someone is 'subject to immigration control'. While most people who have NRPF support themselves through work or savings, or are supported by a spouse or family member, excluding people from the welfare system leaves them without the essential safety net that most people in the UK can rely on in times of difficulty. It also blocks access to key in-work benefits and supplementary support schemes that are vital to prevent families from slipping into poverty and destitution.

Like anyone, people with NRPF are at risk of job loss, low wages, emergency costs, and mental and physical illnesses which stop them from working. The cost-of-living crisis affects everyone, but people with NRPF and their families do not have access to what is generally considered to be a universal safety net.

While people can apply to have an NRPF restriction lifted in certain circumstances, doing so can have impacts on future visa applications. Legal advice is advised first, and this is in extremely short supply in Wales[1].

Who has no recourse to public funds?

Identifying who does and who does not have an NRPF restriction is very complicated. Without a good understanding of immigration law, it is difficult to work out exactly who has no recourse to public funds and who does not. This leads to mistakes being made and to parents and children being denied benefits and services that they have a right to. While NRPF is applied to people with immigration visas, it has a wider impact, restricting their children's access to benefits and support, and negatively affecting a family's income.

No Recourse to Public Funds is applied to those who:

- have leave to enter or remain in the UK that has an NRPF condition attached
- have leave to enter or remain in the UK that is subject to a maintenance undertaking
- have leave to enter or remain in the UK due to a pending immigration appeal
- are required to have leave to remain in the UK, but do not have it[2].

The restriction is applied to people on settlement routes, such as the Hong Kong British National (Overseas) route, and those applying on the grounds of Private Life. It applies automatically to asylum seekers who are appeal rights exhausted after an unsuccessful asylum claim and those who are undocumented. People on asylum support are also unable to access mainstream benefits. European Economic Area (EEA) Citizens who have

not yet applied for EU Settlement Scheme (EUSS) status are barred from accessing public funds, while those with pre-settled status may be able to access public funds but need to demonstrate a qualifying right to reside.

The NRPF condition **does not apply** to people who have indefinite leave to remain or settled status in the UK, unless they are granted leave to remain as an adult dependant relative. It **does not apply** to certain groups of migrants, such as those with refugee status, Unaccompanied Asylum-Seeking Children (UASC), those who have been granted leave to remain on the basis that they are a victim of trafficking, and people who have been granted the Migrant Victims of Domestic Abuse Concession (formerly the Destitution Domestic Violence Concession)[3].

The number of people with NRPF has risen sharply since 2020. It is estimated that at the end of 2022, around 2.6 million people in the UK held visas with an NRPF condition[4]. This figure does not include people who are subject to NRPF by default, such as those with irregular immigration status.

What are public funds?

The NRPF condition restricts access to most mainstream benefits, such as Universal Credit, disability allowance, child benefit and housing benefit[5]. This includes benefits designed to top up low incomes for people in work.

People subject to immigration control are not eligible for an allocation of housing accommodation by a local housing authority[6]. The restriction also stops people from accessing crucial payments designed to provide temporary and cost-of-living relief, such as the Warm Home Discount, Winter Fuel Payment, and Cold Weather Payments.

Identifying what is and what is not a "public fund" often leads to confusion and denial of entitlements. As an illustration of its complexity: the Home Office has produced a booklet for its staff that outlines entitlements and restrictions to public funds and who they apply to[7]. This document runs to 60 pages.

What benefits can families in Wales with NRPF access?

There are some benefits which an eligible person with NRPF can access. If a benefit is not listed in Section 115 of the Immigration and Asylum Act 1999 or paragraph 6 of the Immigration Rules, then it is not a public fund for immigration purposes. These include benefits which are based on National Insurance contributions. Other examples include:

- Statutory Maternity Pay and Maternity Allowance
- State Pension
- Bereavement Benefit
- Single Person Council Tax Discount
- Child Maintenance Allowance
- Guardian's Allowance

There are some devolved grants or allowances and services in Wales which complement the UK Social Security System[8]. Some assistance schemes devolved to Wales are not public funds for immigration purposes and can provide supplementary support. These include the emergency element of the Discretionary Assistance Fund (a small payment

that can be accessed no more than three times in any twelve-month period), childcare for three- and four-year-olds, and the Disabled Facilities Grant. People with NRPF may be eligible for the Education Maintenance Allowance.

NRPF affects whole families

The complex rules around NRPF and the design of the welfare system mean that an individual's status can impact the entire household, even where others are entitled to benefits. For example, where someone is claiming a benefit such as Universal Credit which contains an amount for a partner or other dependant, they will not be entitled to receive this amount if it relates to a member of the household who has an NRPF restriction. The effects of the NRPF condition can therefore extend to people within the same household who are settled in the UK, or who are British citizens.

Children, regardless of their immigration status, are excluded from Child Benefit and free school meal entitlement in Wales if they live with a sole parent who has NRPF.

NRPF perpetuates children's poverty and inequality

Lasting effects

Growing up in poverty can have lasting impacts on a child's development, education, and their opportunities in life[9]. The effects of an NRPF restriction are broad and devastating. They include immediate impacts such as deep poverty, lack of heating and cooking facilities, reliance on food banks, destitution, and homelessness. Then there are secondary impacts. Insecure accommodation can leave women in particular open to sexual exploitation and abuse. Poverty, insecurity, and crisis lead to mental and physical ill-health and trauma. Poverty and substandard living conditions increase the risk of premature birth and infant death and can lead to developmental delay and behavioural difficulties in children[10,11,12].

NRPF affects children for many years. Many visa routes to settlement are currently five years, which means that children can be plunged into poverty by NRPF for a considerable part of their childhood. In the Immigration White Paper published in May 2025, the UK government proposes to increase the standard qualifying period for settlement to ten years, doubling the length of time that children will be forced to live in poverty.

Racial inequality

The NRPF restriction disproportionately affects children from black and minoritised ethnic backgrounds[13]. It perpetuates inequality and has lasting effects on the children of migrants that severely affect their futures. NRPF is a driver of poverty in children, and exacerbates racial inequity and societal divisions.

Exclusion from free school meals

In Wales, children affected by NRPF are not entitled to free school meals, regardless of how little income their family may have (with the exception of families on asylum support). Instead, children of parents with NRPF must rely on local authorities choosing to exercise their discretion – discretion which is too often not applied. The Welsh Government Cabinet Secretary for Education claims that primary legislation would need to be amended to allow for eligibility, but little clarity and no evidence has been forthcoming from Welsh Government on what this legislative barrier actually is or

whether it really exists. Without access to free school meals, children with migrant parents are also excluded from the Schools Essential Grant and do not benefit from the Pupil Premium which is allocated to schools to support disadvantaged pupils.

Unlawful and discriminatory

The NRPF policy has now been found to be unlawful five times[14]. In 2014 and 2018, challenges relating to the Public Sector Equality Duty were firstly upheld and then settled by the Home Office out of court. In May 2020, the policy was found by the Divisional Court to be in breach of Article 3 of the European Convention on Human Rights (Prohibition of Torture) and the common law of humanity, as it required people to become destitute before they could apply to have an NRPF condition lifted. In 2021, the policy was found to breach the duty to safeguard and promote the welfare of children.

The UK Government's response to these legal challenges has been to make minor changes to the policy which do not substantially change its nature or effects. Repeated challenges show that changes have not led to a policy that abides by UK and international law. In June 2022, the High Court found that the policy still fails to safeguard and promote the welfare of children.

NRPF compounds other financial impacts on families

Migrants with families already face excessively high costs to remain in the UK. For example, renewing a spouse visa for one adult on a route to settlement costs £2,356 including the Immigration Health Surcharge. This is payable every 30 months. Added to this, immigration legal services in Wales are in extremely short supply, leaving people often faced with very high costs for legal advice, with many falling into exploitation. Migrant families are not only restricted from accessing vital services and funds that alleviate poverty, they are burdened with much higher costs. In recent research, people with children commonly spoke to us of borrowing money for immigration advice and/or fees, losing a job or employment sponsorship as a result of being unable to make an application in time, losing a home, and struggling to pay for rent or food[15].

People with NRPF may have been living in Wales for many years

The NRPF condition is imposed as a matter of routine on people who are visiting, studying and working in the UK and so have been given leave to remain for a temporary period. It is also applied when people are on certain routes to settlement, such as a family route (for example, as the partner or spouse of a British citizen or someone with settled status, or as the parent of a British child or a child who has lived in the UK for seven years). People on these routes to settlement can be subject to an NRPF condition for as much as ten, even twenty, years. In the ongoing Windrush scandal, people who have been in the UK for their whole lives, in some cases 40, 50, or 60 years, can find themselves unable to prove their right to remain in the UK[16].

NRPF affects children who have migrated to the UK, children who were born in the UK, and children with British citizenship.

Costs to local authorities

Because of their statutory duty under the Social Services and Well-Being (Wales) Act 2014, local authorities often pick up the costs of interim or destitution accommodation and

support. In a recent study, COMPAS at the University of Oxford estimated the annual cost to Welsh local authorities of NRPF in 2021/22 to be approximately £10 million. This does not include additional financial burdens that the policy places on the charitable sector or health services, or the social costs of creating poverty and destitution[17].

What can be done in Wales?

The NRPF restriction is a visa condition applied under UK immigration law. Powers to make and change such law are reserved to the UK Government. **MPs in Wales should advocate for children in Wales by challenging the NRPF restriction and its impact on children at Westminster**. Attempts to tackle child poverty are doomed to fail if they do not consider and address the needs of all children.

Whilst Welsh Government cannot legislate on immigration and asylum matters, there is scope within devolved powers to mitigate harm to communities, families, and individuals in Wales. **Welsh Government Ministers and Members of the Senedd should seek to protect the rights of all children in Wales and to tackle child poverty wherever it arises.** This requires accurate and up-to-date information, engagement with third sector agencies and statutory services, and the willingness to take bold and decisive action.

One of the key principles of Wales as a Nation of Sanctuary is to recognise people as "people first and foremost"[18], rather than identifying people by their immigration status. NRPF severely undermines the ability to do this.

There is a legal duty under the Future Generations Act to work towards a more equal and healthier Wales. Research demonstrates that NRPF frustrates this aim.

Key steps that can be taken in Wales include:

- changing policy to provide equal entitlement to free school meals for all children, regardless of their immigration status
- maintaining and increasing benefits and entitlements that are available to people with no recourse to public funds (e.g. Welsh Government grants and allowances, council tax exemptions, local authority support to children and families)
- funding and strategically developing free-to-access immigration legal services in Wales so that people can exercise their right to have an NRPF restriction lifted where there is a risk of destitution or concerns about a child's welfare
- maximising take-up of accessible benefits, assistance schemes, and services

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IMA
3rd Floor Civic Centre
Oystermouth Road
Swansea
SA1 3SN

Jenny Rathbone MS
Chair of the Equality and Social Justice Committee
(Sent via email SeneddEquality@Senedd.Wales)

13 June 2025

Dear Jenny,

Legislation Monitoring by the IMA – Border Security, Asylum and Immigration Bill

As the Committee will be aware, the IMA reports on legislation which impacts citizens' rights arising from the EU-UK Withdrawal Agreement and EEA EFTA Separation Agreement and routinely publishes reports on its website (accessible here: Legislation Monitoring Reports - Independent Monitoring Authority for the Citizens' Rights Agreements).

The IMA routinely shares with the Committee reports published in relation to statements of changes to the Immigration Rules (which make changes to the EU Settlement Scheme) following a request by the Committee.

Enclosed is a report on clause 42 of the Border Security, Asylum and Immigration Bill which is currently before the House of Lords. While this clause does not form part of the Immigration Rules (which set out the EU Settlement Scheme), it does relate to that Scheme and how those with EUSS status are able to gain greater clarity on their legal status. We are therefore sharing it with you for completeness.

Yours sincerely,

Rhys Davies

General Counsel

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

Legislation Monitoring Report	
Title	Border Security, Asylum and Immigration Bill – Clause 42
Date of Report	3 June 2025
Date Legislation in force	2 months after the Act receives Royal Assent
Relevant Withdrawal Agreement/EEA EFTA Separation Agreement Right(s)	Residence
What does the legislation do?	The Explanatory Notes to the Border Security, Asylum and Immigration Bill ("the Bill") provide that the purpose of the Bill is *"to improve UK border security and strengthen the asylum and immigration system by creating a framework of new and enhanced powers and offences that, when taken together, reinforce, strengthen and connect*

	capabilities across the relevant government and law enforcement partners which make up the UK's border security, asylum and immigration systems." This Report is only concerned with clause 42 of the Bill, which was introduced by way of Government amendment New Clause 31 and was agreed at Commons Committee stage on 13 March 2025. **Why is clause 42 necessary?** The IMA has been raising concerns with the UK Government for a long time that someone with rights under the Withdrawal Agreement/EEA EFTA Separation Agreement ("the Agreements") may be asked to prove that they were living lawfully in the UK at the end of the Brexit transition period (31 December 2020). "**Living lawfully**" means you were exercising your rights under EU free movement law – for example, by working, being self-employed, studying or being self-sufficient. The IMA considers that it is unlawful to require citizens who were meeting EU free movement rules, to re-prove that they were living lawfully in the UK as of 31 December 2020. The Agreements mean that EUSS status should be sufficient to demonstrate this for those in scope of them. The IMA is also concerned that, as time goes by, it may become more difficult for citizens to find the relevant evidence, such as payslips to prove that this was the case. This would risk citizens not being able to prove and access their rights under the Agreements.

	Because the UK Government decided not to ask EUSS applicants to show that they had been living in the UK lawfully at the end of the Brexit transition period, there is no way of knowing who was living in the UK lawfully then and who was not. The UK Government had provided assurances, both to the IMA and publicly, that their policy position was to treat all EU and EEA EFTA citizens, and their family members, with EUSS status as though they have rights under the Agreements, and to begin with there were no issues. Court cases like *R (IMA)* and *AT* changed this. The case of *AT* (which was concerned with who the Charter of Fundamental Rights of the European Union ("the Charter") applied to), led to the Department for Work and Pensions, and some other public authorities, asking pre-settled status holders to prove they were living lawfully in the UK as of 31 December 2020. This was to establish whether they were eligible to access the additional protections of the Charter which the case of *AT* confirmed were available to protect citizens with pre-settled status who do not have enough money to meet their basic needs, such as food, clothing and accommodation. **What does clause 42 do?** Clause 42 puts into law the UK Government's commitment to treat all EU and EEA EFTA citizens, and their family members, with EUSS status (except where that status was granted in error) as though they have rights under the Agreements. It will mean that, if the clause becomes law, EU and EEA EFTA citizens, and their family members, with EUSS status who currently have no rights under the Agreements

	(because they were not living lawfully in the UK at the end of the Brexit transition period) will be treated as if they do.
Comments	The IMA welcomes the policy objective of clause 42 of the Bill to treat all EU and EEA EFTA citizens, and their family members, with EUSS status as though they have rights under the Agreements. This will mean that no-one who has been correctly granted pre-settled status or settled status should be asked in the future to prove what they were doing at the end of the Brexit transition period. Whilst this does not 'fix' the issue, as it is still not possible to distinguish who has rights under the Agreements and who is *treated* as having those rights, we recognise that the clause seeks to provide a pragmatic solution for citizens and public authorities. The IMA is grateful to stakeholders and European Commission and UK Government officials for their engagement in relation to the clause. The IMA has been concerned in its scrutiny of the legislation to explore the potential for any unintended consequences of the clause both for current and future generations. A number of issues are highlighted below, some of which will require ongoing engagement with the UK Government. The IMA will continue to work together with all parties to ensure successful implementation of the clause. • <u>A – Exclusion of holders of Zambrano/Surinder Singh rights</u>

	Zambrano carers[1] and citizens who applied via the Surinder Singh route[2] do <u>not</u> benefit from clause 42. They do not have any rights under the Agreements. The IMA accepts that it is a matter of policy for the UK Government as to what rights are provided for such citizens in UK law and therefore makes no further comments. UK Government officials have confirmed that citizens who have been granted status via the Zambrano or Surinder Singh routes are distinguishable from other EUSS status holders, and that their status on the online UK Visa and Immigration account is marked accordingly. • <u>B – Requirement to have leave to enter/remain under Appendix EU – subsection (2)(a)</u> To benefit from clause 42, an EU/EEA EFTA citizen or their family member will need to have EUSS status. This means that those EU/EEA EFTA citizens who had but no longer have status will not be protected. In most cases, this makes sense as it would be illogical for someone whose status had been curtailed to be treated as having rights under the Agreements.

[1] Non-EU citizens who have been granted pre-settled status on the basis that their child/dependent adult, who is a UK citizen, would be forced to leave the UK if they were not granted status. New applications can no longer be made.
[2] A route (now closed) for family members of British citizens who lived with them in the EU, EEA EFTA or Switzerland.

	The IMA is however concerned that there may be circumstances where someone's pre-settled status wrongly expires, e.g. where an extension is not applied due to a computer error, or where there is disagreement over whether status has lapsed through long absence from the UK. In such circumstances, citizens who do not have rights under the Agreements will not be protected by this clause, unless and until it is confirmed that they still hold EUSS status. There is also ongoing litigation (in which the IMA has applied to intervene) concerning the position of pre-settled status holders who subsequently have that leave replaced by leave under the MVDAC, the migrant victims of domestic abuse concession (previously DDVC, the destitute domestic violence concession) or Appendix Victim of Domestic Abuse (VDA). Currently, the UK Government does not allow a person to have more than one type of UK immigration leave. This means that pre-settled status holders who do not have any rights under the Agreements and who obtain leave under the MVDAC or Appendix VDA to access certain benefits, which are currently unavailable to them, would not benefit from the clause. Although the litigation is concerned with the position of those citizens who do have rights under the Agreements because they lived lawfully in the UK as at the end of the transition period, the IMA is concerned that subject to the Court's finding on this issue,

	there is a risk that there could be a difference here in treatment between those pre-settled status holders who have rights under the Agreements and those who do not. Whilst the IMA raises the issue in the context of this report, this is a complex issue which goes far wider than this clause. The Home Office have confirmed that their policy intention remains to treat all EU and EEA EFTA citizens, and their family members, with EUSS status as though they have rights under the Agreements, and that they agree that people with rights under the Agreements should be able to access those rights even if they no longer hold EUSS status. The IMA will continue to discuss this clause with the Home Office alongside the litigation. • <u>C- Requirement to have met the requirements for leave at point of grant – subsection (2)(c)</u> The IMA shares concerns that have been raised around the potential unintended consequences of this subsection. In particular, that it could lead to other government departments or other public authorities checking whether leave was correctly granted before they accept that EUSS status holders are protected by the clause. The Explanatory Notes state that *"in all cases the Home Office will have decided that the person meets the requirements of the EUSS, and other public authorities will be expected to rely on that decision for as long as the person holds EUSS leave"*.

	Officials have told the IMA that they are consulting with Government departments around issuing guidance, which will make clear to departments and public authorities that they are to rely on the Home Office's decision on status. Officials have also explained that the reason subsection (2)(c) is necessary, is because without it, the Home Office would be unable to remove status in cases where they have incorrectly made a grant in error. This is because the effect of the clause is that removal of status would otherwise only be possible in circumstances provided for by the Agreements, such as criminality or fraud. Officials gave the example of a third country national durable partner who had incorrectly been given pre-settled status in circumstances where they did not hold an EEA residence card and had therefore been living in the UK unlawfully. Officials stated that without this provision they would be unable to curtail the individual's pre-settled status on that basis and the person would wrongly benefit from rights under the Agreements. Officials have confirmed that it is not Home Office policy to 'look behind' or re-visit status, and that, currently, should it come to their attention that pre-settled status has been granted incorrectly, they will let the status expire, rather than curtail it. The IMA agrees that the Home Office would be prevented from curtailing pre-settled status on the basis of error without the provision. As with paragraph B above, consideration of Home Office curtailment policy goes wider than this clause and is outside scope of this report. The IMA will continue to discuss this issue with the Home

	Office, and in particular will wish to understand how citizens in this position can challenge the expiry of their leave and what evidence will be required to do so. • <u>D – Chen and Ibrahim/Teixeira carers who are incorrectly granted status</u> Chen[3] and Ibrahim/Teixeira cases[4] already have rights under the Agreements where they hold EUSS status. As such they do not require the protection of this clause. Stakeholders raised concerns with the IMA that there may be cases where either the caseworker exercised a discretion when granting them status, or where the grant may have been made in error. In such cases it is argued that they may require the protection of the clause. As explained in paragraph C above, officials have confirmed that there is no policy to 'look behind' status. If status has been granted in error, the citizen would have no rights either under the Agreements or under this clause. In circumstances where caseworkers applied evidential flexibility, it is the Home Office's view that those citizens will still have rights under the Agreements, because the scope for such flexibility, to reduce administrative burdens, did not change the balance of probabilities threshold applicable to a grant of status under Appendix EU.

[3] Primary carer of a self-sufficient EU citizen child.

[4] Children of EU citizen workers/former workers where they are in education in the UK; or the primary carer of such a child where requiring the primary carer to leave would prevent the child continuing their education in the UK.

	• <u>E – Acquisition of permanent residence before 5 years – subsection (5)</u> In limited circumstances, pre-settled status holders who were living lawfully in the UK at the end of the Brexit transition period and who reach retirement age may qualify for a right to live in the UK permanently in less than 5 years. The IMA wished to understand how the clause would work for citizens who are protected by the clause. Officials confirmed that it would work in the same way as for persons who had rights under the Agreements. An example is provided below. *Bruno, a Spanish citizen who holds pre-settled status, has been living in the UK since November 2019. He was homeless until he secured work in January 2021. He reaches retirement age in November 2022. Bruno returns to Spain in 2023. He could be absent from the UK until 2028 without losing his status.* • <u>F – Devolved Governments</u> The IMA wished to understand what consultation had taken place with the Scottish Government, Welsh Government and Northern Ireland Executive. Whilst citizens protected by the clause should be able to enforce their rights directly against public authorities, consequential amendments may need to be made to devolved legislation. The Devolved Governments may also need to consider the effect of the legislation on any devolved benefits, assistance or support they provide, in particular in relation to

	how they assess destitution. Cabinet Office officials told the IMA that they are continuing to work with the Devolved Governments. Any citizen experiencing difficulties in exercising their rights are encouraged to report a complaint through the IMA Portal. Further information about the IMA and guidance on how to report complaints can also be found on the Website.

Email to the Chair from the Children's Legal Centre Wales- 16.06.25

Dear Colleague,

We are pleased to share a joint briefing from Children's Legal Centre Wales and Children's Rights Alliance England (part of Just for Kids Law) raising urgent concerns over the potential authorisation of **Taser 10,** including on children, by the UK Government.

Taser 10 is **more powerful** than previous models, with increased risks of **serious physical harm** and continued concerns regarding **psychological trauma**, especially for children.

In 2023–24, 23% of recorded Taser use on children in England and Wales, involved **Black boys aged 11–17 years.** Children with **mental health needs, Additional Learning Needs** and from **low-income backgrounds** are also disproportionately affected.

Children have described Tasers as frightening, painful and traumatising — even when not discharged.

The **UN Committee on the Rights of the Child** has called on the UK Government to **ban** Tasers and other harmful devices on under-18s, warning of potential breaches of the **United Nations Convention on the Rights of the Child.**

Yet, **no Child Rights Impact Assessment (CRIA)** has been published for Taser 10.

The decision to authorise Taser 10 will impact children in Wales.

Wales can and must do better. Despite policing not being devolved, Wales is a Children's Rights, Trauma Informed and Anti-Racist Nation.

Welsh duty bearers should take the lead and call for:

- Immediate moratorium on Taser 10
- Legal prohibition on Taser use on children, at a minimum establish a strong legal presumption against such use.

- Mandatory CRIAs for Taser 10 and all new policing technology.
- Trauma-informed police training
- Stronger oversight and public data transparency in Wales.

For further detailed information please see our joint briefing on the link here.

We would be happy to meet with you to discuss our briefing further.

Kind regards,

Dr Rhian Croke (Children's Legal Centre Wales) and **Louise King** (Children's Rights Alliance England, part of Just for Kids Law).

Briefing: Urgent concerns over potential authorisation of Taser 10 & the negative impact on children's rights

Dr Rhian Croke (Children's Legal Centre Wales) and
Louise King (Children's Rights Alliance for England (CRAE), part of Just for Kids Law.

June 2025

Introduction

In this briefing we alert you to our concerns in relation to the UK Government's potential authorisation of the use of Taser 10 by police forces in England and Wales, which will also be used on children.

The UN Committee on the Rights of the Child has explicitly called for the prohibition of harmful devices, including Tasers, against children. In its 2023 Concluding Observations, the Committee recommended that the UK State party and devolved administrations:

> *"Take legislative measures to explicitly prohibit, without exception, the use of: (i) harmful devices including spit hoods, **tasers,** plastic bullets, attenuating energy projectiles and other electrical discharge weapons against children (parag 30 a)."*

This recommendation underscores the urgent need for a comprehensive Children's Rights Impact Assessment (CRIA) before any decision is made regarding the authorisation of Taser 10 use by police forces in England and Wales. Organisations such as Children's Rights Alliance England, the UN Committee on the Rights of the Child, and other human rights bodies, have raised significant concerns regarding the negative impact of Taser use on children.

We lay out some of these concerns in this briefing and highlight throughout, rights breaches under the UN Convention on the Rights of the Child (UNCRC), that underpins all legislation and policy in Wales. Like previous concerns expressed in relation to strip search of children (see briefing here), Taser use against children is a further example of how, UK Government policy is contrary to Welsh Government's commitment to the UNCRC and Welsh specific legislation that gives due regard to children's rights.

What are Tasers?

The College of Policing describes the use of a Conducted Energy Device (CED or Taser) as a "less lethal weapon system" designed to temporarily incapacitate a subject through use of an electrical current which temporarily interferes with the body's neuromuscular system and produces a sensation of intense pain. Amnesty International has argued that they should not be described as 'less-lethal' because they can still "cause serious injury or even death".

Existing Data Patterns in Taser Use Against Children

UK Home Office statistics include information on the number of times Conducted Energy Devices (CEDs), referred to as Tasers, are used. According to UK Home Office, use of force statistics, police deployed Tasers on children 2,091 times in 2020-2021, including six instances involving children under the age of 11 years. In 122 of these cases, the Taser was discharged (See Appendix 1 Types of Taser Use).

Between 2022 and 2023, there were over 3,000 instances of Taser use involving 11- to 17-year-olds across England and Wales, with 88 discharges. Additionally, Tasers were drawn on six children under 11 years during the same period.

In year ending March 2024, there was a slight decrease of Taser use on all children from the previous year with 2,900 uses. 2,895 of these uses were on 11-17 year olds and 5 were on children under 11 years. There were 66 discharges – all on 11-17 year olds.

If we look to the data of total Taser use on children across the 4 Welsh police forces in the year ending 2024.

- Gwent Police Force: Total Taser Use 35 instances, on 11–17-year-olds, 33 non-discharge and 2 were discharge.
- Dyfed Powys Police Force: Total Taser Use 9 instances on 11–17-year-olds, all non-discharge.
- North Wales Police Force: Total Taser Use 12 instances on 11–17-year-olds,11 non-discharge and 1 discharge.
- South Wales Police Force: Total Taser Use 56 on 11 – 17-year-olds, all non-discharge.

Disproportionate and Discriminatory Use

Evidence indicates that disproportionality in Taser use is stark. In London, for example, over 70% of Taser deployments against children involve those from Black or other racialised groups , indicating patterns of institutional and structural racism. In a review conducted by the Independent Office of Police Conduct, over a quarter of children subject to a Taser discharge, were Black. Furthermore, over a quarter of the children,

were experiencing a mental health episode. In the year ending March 2024, UK Home Office Statistics report that of all Taser uses on boys, 26% were on Black boys and of all Taser uses on girls, 14% were on Black girls. Of all Taser uses on children 23% were on Black boys. Racial disproportionality in use of Taser was also raised as an issue of concern by the UN Committee on the Elimination of Racial Discrimination following its examination of the UK in 2024.

The data does not report on disability as a protected characteristic. However, research has also indicated that children with special educational (SEN)/additional learning needs (ALN) are more likely to be subjected to use of force, including Tasers. Researchers also note that disproportionality in Taser use, is exacerbated by socioeconomic factors and higher levels of police surveillance in deprived communities, with '*affected communities experiencing Taser as a dehumanising and potentially lethal weapon'.*

The disproportionate use of Tasers against children from Black, ethnic minority, and socio-economically disadvantaged communities, children with mental health concerns or ALN amounts to discriminatory practice, violating Article 2 of the UNCRC.

There should be detailed, up-to-date statistics published for the Welsh Police Forces annually, on Taser use, cross referenced by ethnicity, age, disability, (including ALN/SEN) socio-economic status, and whether a child has mental health concerns to monitor disproportionality and facilitate accountability to marginalised groups of children. The lack of disaggregated data made available in this context highlights the need for more Wales specific reporting to better understand and address the use of force on children across the Welsh police forces.

Medical and Psychological Impact of Tasers on Children

Physical Health Risks

Children are at elevated medical risk from Taser deployment. According to the Scientific Advisory Committee on the Medical Implications of Less-Lethal Weapons (SACMILL), Tasers can cause neuromuscular incapacitation, sudden collapse, and injuries from secondary trauma. Tasers can lead to cardiac arrhythmias/cardiac infections from barb penetration, and burns, especially when flammable materials are present. The Omega Research Foundation has communicated that *'repeated and extended shocking of persons has led to deaths and been heavily criticised by human rights and medical organisations'.*

Furthermore, unlike earlier Taser models, Taser 10 barbs must embed in the skin. Children's thinner skin and reduced body wall-to-organ distance significantly heighten the risk of deep tissue or organ injury. Barbs from Taser 10 are heavier, travel at higher velocity, and have increased kinetic energy, thereby increasing the likelihood of severe internal harm, including to the eyes, brain, lungs, and liver. Given that children frequently wear lighter clothing, this danger is compounded.

Psychological and Developmental Harm

The psychological impact of Tasers is equally profound. Adolescents' brains are still developing, particularly in regions that regulate risk and emotional response. The medical risks associated with Tasers, particularly on still-developing bodies, are incompatible with the obligation to safeguard children's survival and development and right to the highest attainable standard of health, breaching Articles 6 and 24 of the UNCRC. Additionally, psychological impacts — such as anxiety, PTSD, and increased fear of authority — can also affect a child's mental health.

Taser use—or even the threat of it—has been found to cause significant distress, fear, and trauma in children, particularly those with mental health conditions or special educational needs. Some children report experiencing symptoms of PTSD following such encounters. In research undertaken by CRAE with children, one child said:

> *"I just saw the little dot there and… I just went all warm, scared. I thought I'm going to get hurt now, I'm going to get a shock in a minute. They just stunned him* [his friend] *and he was flopped on the floor."*

Even when a Taser is not discharged, the act of a police officer drawing the weapon can be deeply distressing for children. This is especially true for those who are among the most vulnerable in our society — including children with histories of abuse or exposure to violence, those who have been criminally exploited, and those with ALN/SEN or significant mental health challenges. Taser use, which includes threatening a child with a Taser, can constitute a form of state-inflicted violence, especially in cases where the child poses no serious threat. This is particularly concerning when used on children already traumatised by abuse, exploitation, or neglect. Taser use may retraumatise children, thus amounting to a violation of their right to protection from both physical and psychological violence (Article 19 UNCRC). This is also contrary to, policies and guidance in Wales, including the Youth Justice Blueprint that supports a rights based and trauma informed approach.

As reported by the UN Committee on the Rights of the Child, the use of Tasers on children may also be considered cruel or degrading treatment (Article 37a of the UNCRC), particularly when used as a method of control rather than a last resort in a life-threatening situation.

Children's Rights Context in Wales

Despite these known harms and concerns, no published CRIA has accompanied Taser 10's authorisation process and it is our understanding from the answer to a UK Parliamentary Question that there are no plans to do so. This is a clear violation of the UK Government's obligations under Article 3 of the UNCRC which requires that the best interests of the child be a primary consideration in all decisions affecting them.

Furthermore, although Policing in Wales is not devolved, given the authorisation of Taser 10 will impact children in Wales, we would expect this decision to be subject to Wales specific legislation that requires that all decisions (including development of policy, legislation, budgets) are given due regard to the UNCRC, under the Rights of Children and Young Persons (Wales) Measure 2011. With the added requirement under the Welsh Government's Children's Scheme to conduct a CRIA to evidence how due regard has been given.

The UN Committee on the Rights of the Child has repeatedly raised concerns about the use of Tasers on children, most recently as cited above in their 2023 Concluding Observations, but also in 2016 review of the UK. The Committee has called for a ban on the use of Tasers and other electrical discharge weapons on children, citing both physical and psychological risks, as indeed has the UN Committee Against Torture.

Conclusion

Despite all these concerns there is no legal presumption against Taser use on children in the UK. The continued use of Tasers and the deployment of Taser 10 on children by police forces in England and Wales if authorised, will represent a serious breach of international human rights standards and Welsh children's rights legislation. The UK Government's failure to conduct a CRIA prior to authorisation is a grave oversight that disregards its obligations under the UNCRC.

Mounting evidence of the disproportionate use of Tasers on children—particularly those who are Black, socio-economically disadvantaged, have mental health concerns, ALN/SEN—exposes deep-rooted systemic discrimination and raises profound concerns about the physical, psychological, and developmental harm caused by such weapons. The use of Tasers on vulnerable children is not only traumatising but may also constitute state-inflicted violence and degrading treatment.

Immediate action is needed to halt the authorisation of Taser 10 and ensure all future decisions concerning the use of police enforcement technologies are grounded in children's rights, trauma-informed and evidence-based practice.

It is crucial that the introduction of new policing weapons, devices, equipment or technology are always subject to a robust CRIA process to assess and mitigate any potential risks to children and the enjoyment of their rights.

Recommendations

Welsh duty bearers should take the lead and call for:

1. **Immediate Moratorium on Taser 10**
   Suspend the authorisation of Taser 10 and ensure an independent Child Rights Impact Assessment is conducted and published.
2. **Legal Prohibtion on Taser Use Against Children**
   Introduce a legal prohibition on Taser use on children under 18 years, or at a minimum establish a strong legal presumption against such use.
3. **Mandatory Child Rights Impact Assessments**
   Ensure CRIAs are required and embedded in all future policy and procurement decisions involving new police weapons, devices, equipment or technology.
4. **Enhanced Police Training**
   Update police training to explicitly cover the physiological and psychological risks Tasers pose to children, with a focus on trauma-informed de-escalation practices.
5. **Independent Oversight and Accountability**
   Expand the mandate of Wales based independent oversight bodies to investigate all Taser use involving children and report findings publicly, including disproportionate Taser use on particular groups of children. Independent oversight mechanisms, which include children's rights organisations and children and young people, should also be developed.
6. **Improved Data Transparency**
   Welsh Police Liaison Unit to urgently collate and publish disaggregated Taser usage across the 4 Welsh Police Forces, data by age, ethnicity, disability (including ALN/SEN), socio-economic status, mental health concerns, the reason for Taser use, if the child was found with a weapon, what type of weapon, was the child injured by the Taser being fired, what was the outcome etc – to facilitate accountability and monitor disproportionality. Deep dives should also be regularly conducted into use of Taser on children to ensure the full circumstances leading up to Taser use can be understood and scrutinised.

Appendix 1: Types of Taser Use.

The way a Taser is used by police officers is categorised into a range of escalating actions from drawing the device, through to it being discharged (i.e. fired, drive stunned or angled drive-stunned). Any one of these actions is categorised as a use.

Drawn: Drawing of Taser in circumstances where any person could reasonably perceive the action as a use of force.

Aimed: Deliberate aiming of the Taser at a targeted subject.

Red dot: The weapon is not fired. Instead, the Taser is deliberately aimed and then partially activated so that a laser red dot is placed onto the subject.

Arcing: Sparking of the Taser as a visible deterrent without aiming it or firing it.

Fired: The Taser is discharged with a live cartridge installed. When the trigger is pulled, the probes are fired towards the subject with the intention of completing an electrical circuit and delivering an incapacitating effect.

Angled Drive Stun: The officer discharges the weapon with a live cartridge installed. One or both probes may attach to the subject. The officer then holds the Taser against the subject's body in a different area to the probe(s), in order to complete the electrical circuit and deliver an incapacitating effect.

Drive stun: As a last resort, the Taser is held against the subject's body without a live cartridge installed, and the trigger is pulled with no probes being fired. Contact with the subject completes the electrical circuit which causes pain but does not deliver an incapacitating effect.

Agenda Item 6

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