

# Agenda – Equality, Local Government and Communities Committee

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Meeting Venue:

Committee Room 2 – The Senedd

Meeting date: 21 June 2018

Meeting time: 09.15

For further information contact:

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Committee Clerk

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Pre-meeting: 9.15 – 9.30

- 1 Introductions, apologies, substitutions and declarations of interest**
  
- 2 Renting Homes (Fees etc.) (Wales) Bill – evidence session 1**  
(09.30 – 11.00) (Pages 1 – 25)  
Rebecca Evans AM, Minister for Housing and Regeneration  
Emma Williams, Deputy Director, Housing Policy Division, Welsh Government  
Neil Buffin, Senior Lawyer, Welsh Government  
Huw Charles, Bill Manager, Welsh Government  
  
[Renting Homes \(Fees etc.\) \(Wales\) Bill](#)  
[Explanatory Memorandum](#)
  
- 3 Paper(s) to note** (Page 26)
  - 3.1 Letter from the Minister for Housing and Regeneration in relation to fire safety in high rise blocks in Wales** (Pages 27 – 29)
  - 3.2 Stakeholders' views on the First Minister's letter in relation to human rights in Wales** (Pages 30 – 54)



**3.3 Response from the Welsh Refugee Coalition to the Welsh Government's  
Nation of Sanctuary – Refugee & Asylum Seeker Delivery Plan**

(Pages 55 – 72)

**4 Motion under Standing Order 17.42 (vi) to resolve to exclude the  
public from the remainder of the meeting and from the meeting  
on 27 June 2018**

Break (11.00 – 11.10)

**5 Renting Homes (Fees etc.) (Wales) Bill – consideration of the  
evidence received under item 2**

(11.10 – 11.25)

**6 Inquiry into pregnancy, maternity and work in Wales –  
consideration of key issues**

(11.25 – 12.25)

(Pages 73 – 87)

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# Agenda Item 3

Equality, Local Government and Communities Committee

21 June 2018 – papers to note cover sheet

Paper no.	Issue	From	Action point
ELGC(5)-19-18 Paper 1	Inquiry into fire safety in high rise blocks in Wales	Minister for Housing and Regeneration	Response to the Chair's letter dated 17 May 2018
ELGC(5)-19-18 Paper 2, 2a, 2b, 2c and 2d	Inquiry into human rights in Wales	Stakeholders	Stakeholders' views on the letter from the First Minister, dated 16 May 2018
ELGC(5)-19-18 Paper 3	Inquiry into refugees and asylum seekers in Wales	Welsh Refugee Coalition	Response to the Welsh Government's Nation of Sanctuary – Refugee & Asylum Seeker Delivery Plan

Rebecca Evans AC/AM  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration

ELGC(5)-19-18 Papur 1 / Paper 1  
Oddi wrth: Minister for housing and Regeneration  
From: Minister for housing and Regeneration

Ein cyf/Our ref MA-P-RE-1911-18

John Griffiths AM  
Chair  
Equality, Local Government and Communities Committee

Agenda Item 3.1

Llywodraeth Cymru  
Welsh Government

12 June 2018

Dear John,

Thank you for your letter seeking an update on the Welsh Government's actions to enhance fire safety in Wales in the light of the final report of the Independent Review of Building Regulations and Fire Safety.

Dame Judith Hackitt, who chaired the review, published her report on 17 May. It provides a comprehensive analysis across a number of policy areas, and makes wide-ranging recommendations for a radical overhaul of a system she views as "not fit for purpose". This endeavour is therefore cross-cutting - with attendant and inherent complexity - but is also necessary to safeguard and reassure people that they are safe.

Dame Judith recognised in her report that, whilst some actions can be taken in short order, others will take time to get right and implement - particularly where they may require legislative change. I wrote to Assembly Members on 23 May, welcoming the review, which was commissioned by the UK Government and which recommends actions in an English context. I set out in my statement how the Welsh Government intends to respond. It is clearly essential that we commit to an appropriately considered, detailed Welsh response to this comprehensive review. The First Minister has asked me to constitute and chair an Expert Group which will provide an opportunity to break down the recommendations and review their impact and ramifications for Wales as we consider how best to give them practical effect. I will provide further information on the work of the Expert Group as soon as practicable and aim to provide a detailed route map on the Welsh Government's approach by the end of this year.

A number of Dame Judith's recommendations chime with the input of the Fire Safety Advisory Group, established by the Welsh Government. As requested, I am setting out an update on how these are being taken forward.

### **Identification of, and information on, high-rise residential buildings**

The work to establish the particulars of high-rise residential buildings in Wales was significant, and I fully appreciate the value of ensuring the data gathered is built upon so that it remains accurate and up-to-date.

In liaison with the Fire Safety Advisory Group, my officials met representatives of the Welsh Local Government Association, its Data Unit, and the South Wales Fire and Rescue Service to assess options and agree a way forward. It was decided that the data which had, up to that point, been collected and collated by the Welsh Government, would be handed over to local authorities. Local authorities have received relevant detail and particulars of the high-rise residential buildings in their area. They have been asked to ensure the information is maintained, kept under review, shared with associated agencies (including the FRS) as appropriate, and to make subsequent changes as necessary. Local authorities should also add to the data as and when new builds fall into scope. We appreciate the WLGA's ongoing support.

The Hackitt Review also recognised the necessity of having the right information and recommended establishing a digital database, to be maintained, in England, by the proposed Joint Competent Authority (JCA) in respect of Higher Risk Residential Buildings (HRRBs). This "golden thread" approach is welcome, but its application underlines the necessity of a considered Welsh response to the recommendations. We will determine, for example, whether the facility and composition of a JCA best reflects and serves the Welsh context. In terms of the multi-occupancy HRRBs for which a JCA would be constituted, Dame Judith categorised these as being, "10 storeys or more in height." Our focus to date, and one which I am not proposing to change, has been trained on buildings typically of seven storeys or more. We have collected detail on this type of building and I expect that data solutions in Wales will continue to be developed accordingly.

### **Private sector – the role of block managing agents**

The Welsh Government has committed to tackling unfair practice in the leasehold sector. Last March, I announced an interim package of measures to address the issues of poor practice in the use of leasehold. Measures included:

- the introduction of new minimum standards for any lease agreement for properties sold through the 'Help to Buy – Wales' scheme
- limiting the use of 'Help to Buy – Wales' funding to purchase new leasehold houses
- establishing the 'Help to Buy – Wales' Conveyancer Accreditation Scheme to ensure all potential purchasers have access to good quality independent advice, and
- the announcement that a voluntary code of practice will be put in place to help improve standards, promote best practice and improve engagement in the property management sector. A multi-disciplinary task and finish group is being established to support policy development in this area.

Over the longer term, the Welsh Government is collaborating with the UK Government in support of the Law Commission's project on reforming residential leasehold, commissioning research to understand the severity and extent of leasehold problems in Wales. I am also considering the most effective ways to professionalise and raise standards in the property management sector, including by working together with the UK Government on areas of shared concern.

More broadly, the Independent Review made a number of recommendations which would impact on "dutyholders," as well as on the rights and responsibilities of residents themselves. We will continue to develop and refine the appropriate options and I will keep the Committee updated as to progress.

## Fire risk assessors

Our position on fire risk assessors has not changed. Anyone engaged to carry out a fire risk assessment should be suitably qualified and experienced. The simplest way of providing for this would be to take a similar approach to that for other regulated trades, and to require such people to be members in good standing of an appropriate professional body such as the Institution of Fire Engineers. There have already been prosecutions of rogue fire risk assessors, including in Wales, but this usually depends on their 'advice' being implicated in the causes of an actual fire.

Such changes would require primary legislation, however. While the subject matter of the Regulatory Reform (Fire Safety) Order 2005 is now within competence, the powers under which the Order was made have long since been repealed – and were never devolved anyway. So there is no means of imposing these requirements in secondary legislation. Primary legislation may also be needed to make other changes to the Order, such as taking a more stringent approach to fire safety in high-rise blocks than in other buildings, or requiring annual fire risk assessments. While we are fully committed to these changes, it would be wrong to expect them to happen swiftly – a broader issue which Dame Judith recognised in her report.

The Independent Review of Building Regulations and Fire Safety identified concerns about the standard and competence across key roles in the building and fire safety industry, recommending the establishment of, “an overarching body to provide oversight of competence requirements.” Again, we will develop options and an implementation plan that work for Wales and is part of a *systemic* approach.

I thank the Committee for its ongoing interest and engagement and will, of course, continue to keep you and Assembly Members updated as we progress this complex, but vital, body of work.

Yours sincerely,



**Rebecca Evans AC/AM**  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration

## Agenda Item 3.2

On 5 April we wrote to the First Minister, together with the Chair of the External Affairs and Additional Legislation Committee, in relation to the equality and human rights implications of Brexit. On 16 May the First Minister responded to our letter. We circulated the response to relevant stakeholders to seek their views, which are enclosed.

We received responses from:

- Children in Wales
- Disability Wales
- Simon Hoffman
- The Equality and Human Rights Commission





John Griffiths AM  
Chair  
Equalities, Local Government & Communities Committee

David Rees AM  
Chair  
External Affairs & Additional Legislation Committee

16 May 2018

Dear John and David

### **Equality and human rights implications of Brexit**

I am writing in response to your joint letter of 5 April. I welcome the work that your Committees have undertaken on the equality and human rights implications of Brexit in Wales. The Welsh Government has been clear that UK withdrawal from the EU should in no way lead to a dilution in equalities and human rights protections, or indeed any other social, environmental or employment protections.

Detailed responses to the questions and recommendations are set out below.

**Committees' question: We welcome the inclusion of section 7 in the Law Derived from the European Union (Wales) Bill, which would require EU-derived Welsh law to be interpreted in line with the Charter of Fundamental Rights. Should this Bill not proceed for any reason, we would like the Welsh Government to set out how it will ensure that Charter rights continue to apply in Wales.**

The Law Derived from the European Union (Wales) Bill ("the LDEU Bill") has been referred to the Supreme Court by the Attorney General. However, following the Welsh Government successfully securing changes to the UK Government EU (Withdrawal) Bill that protects devolution, it is the expectation that the Attorney General will withdraw his reference. This will enable the LDEU Bill to receive Royal Assent so that the Welsh Ministers can initiate steps to secure the repeal of what will then be the LDEU Act. As a result of these developments, it is the expectation that the UK Government EU (Withdrawal) Bill will apply in Wales going forward.

Our objective is to ensure that Brexit does not result in any dilution of rights and the current position. We therefore support the inclusion of recent non-government amendments to the UK Government EU (Withdrawal) Bill that were passed by the Lords which provide for the

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

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

Charter of Fundamental Rights to continue to apply. We currently await sight of the UK Government response in the House of Commons and hope that the UK will accept them which would allow the inclusion of these amendments within the Bill thereby ensuring status quo in respect of the application of the Charter of Fundamental Rights in Wales.

In addition, we have also begun discussions with UK Government, via the Government Equality Office ('GEO', now within the Home Office) about entering into a Political Agreement which would endorse the existing framework of equal treatment legislation in force that applies in our nations, namely the Equality Acts 2006 and 2010 and secondary legislation made under those Acts. Our objective is to ensure that no legislative changes will be made that would reduce the existing substantive protections provided by that legislation.

**Committees' question: We share the views of our witnesses that the Shared Prosperity Fund proposed by the UK Government should be administered by the Welsh Government in relation to Wales to ensure that it is sensitive to local needs and inequalities. We also think that the Fund should be targeted at tackling inequality and socio-economic disadvantage.**

In December 2017 we published a policy paper *Regional Investment in Wales after Brexit*, which reiterated our view that replacement funding for the European Structural and Investment funds should be allocated to, and managed entirely by, the Welsh Government. We have also undertaken an engagement exercise on the policy paper (closed 23 March) to inform future development work and will publish an independent analysis of those findings in the summer. This will continue to strengthen the evidence of demand for a needs-based, made-in-Wales policy in our discussions with the UK Government.

We continue to press the UK Government to confirm devolution will be respected in future arrangements, and that the Welsh Government will retain the ability to tailor future funding to our specific policy and legislative framework. Evidence from National Assembly for Wales Committees is also being presented to the UK Government to emphasise these calls are not just coming from Welsh Government.

We agree that only a Welsh designed approach will be sensitive to local needs and inequalities and the Welsh Government is committed to working in close partnership with communities, businesses and organisations across Wales to deliver this. We have also been clear that we need to better incorporate social and environmental outcomes in any future model, building on the *Wellbeing of Future Generations Act*, alongside more traditional economic outcomes.

**Committees' recommendation: We recommend that the Welsh Government should outline its latest position on the introduction of the socio-economic duty, given that the power to do so will be devolved under the new settlement.**

The socio-economic duty is a duty on public authorities to address the inequality that arises from socio-economic disadvantage, and to place this objective at the core of their policies and programmes. The duty is included in Part 1 of the Equality Act 2010 but this has not been used anywhere in the UK, until recently in Scotland. The power to enact the duty in Wales has been devolved with effect from 1st April.

In Wales, the Well-being of Future Generations (Wales) Act 2015 ('the Act') is our key instrument in the area of addressing socio-economic inequality particularly the well-being goal of a more equal Wales. This places a legal duty on specified public bodies to set and publish well-being objectives that are designed to maximise its contribution to achieving each of the well-being goals, including a more equal Wales. The legislation expressly provides for this as a society that enables people to fulfil their potential no matter what their

background or circumstances including their socio economic background and circumstances. Given that we have this positive and progressive legal duty in Wales which addresses socio economic inequality we have not pressed the UK Government recently to commence the duty.

Following public consultation in 2017, the Scottish Government has commenced the socio-economic duty, to be known as the Fairer Scotland Duty. In light of the Scottish Government's decision to implement the socio-economic duty and the opportunity to revisit this area with the new powers provided by the Wales Act, we will be reviewing our position in the context of our Rapid Review of Gender Equality in Wales and exploring the matters that informed the Scottish Government's decision to implement the duty. We will need to consider carefully whether it would be right to impose additional duties and reporting responsibilities on Welsh Public Bodies particularly when we have the ground breaking legal duty within the Well-being of Future Generations (Wales) Act 2015. We will continue to engage with the Equality and Human Rights Commission as we take this work forward.

**Committees recommendation: We also recommend that the Welsh Government should give consideration to the further incorporation of international human rights treaties in Wales, in the same manner as the Rights of Children and Young Persons Measure (for example, the International Covenant on Economic, Social and Cultural Rights (ICESCR), or the Convention on the Rights of Persons with Disabilities (CRPD).**

The Welsh Government will continue to have high regard for international treaties and UN Conventions to which the United Kingdom is signatory, and will seek to reflect both the spirit and the substance of each convention across its policies and programme as appropriate. The actions of the Welsh Government must be compatible with its international obligations, as set out in Section 82 of the Government of Wales Act 2006, including the seven UN Conventions signed and ratified by the UK State party.

We will also continue to monitor the effectiveness of this approach in detail, contribute to progress reports and periodic reviews with Welsh evidence and examples, engage with the relevant UN Committees at periodic examinations in Geneva, and consider how we take forward the recommendations which follow. The Welsh Government works closely with the UK Government and other devolved administrations to ensure Wales is fully represented and engaged with every stage of the reporting process.

The Well-being of Future Generations (Wales) Act will remain our principle legislative instrument in this regard, given that the Well-being goals set out in that Act are wide-ranging in scope and provide the best framework to enable coordinated action to ensure that human rights are safeguarded in Wales.

**Committees' question: We call on the Welsh Government to confirm that the intention of these provisions (section 3(2) and section 4(2)) is to ensure that existing rights and obligations (particularly equality and human rights standards in devolved competence) are not eroded or removed as a result of Brexit - either by the UK Government acting under the EU (Withdrawal) Bill, or by Welsh Ministers acting under the Assembly Bill.**

Since your joint letter of 5 April, it has been agreed that the Welsh Government will take steps to repeal the Law Derived from the European Union (Wales) Bill, once enacted, pursuant to an agreement with the UK Government on the European Union (Withdrawal) Bill. As a result, the focus of this response will now be on the powers contained in the UK Bill.

The Welsh Government has a strong record for legislating to protect equalities and human rights standards in Wales. This is evident from examples such as the Rights of Children and Young Persons (Wales) Measure 2011 and the Well-being of Future Generations Act 2015. We intend to continue this Government's commitment to these important issues as we undertake the task of implementing the EU (Withdrawal) Bill.

We note with interest, and support, the principles put forward in non-government amendments passed in the House of Lords to the UK Bill which limit the scope of powers to modify EU law to what is necessary.

**Committees' recommendation: Should the Bill be enacted, we ask the Welsh Government to use this power to prioritise equality and human rights protections (as far as is possible). We also reiterate the ELGC Committee's call for the Welsh Government to "establish a formal mechanism to track future developments in human rights and equality in the EU to ensure that Welsh citizens benefit from the same level of protection as EU citizens". We believe that such a mechanism should be publicly available.**

The intention is that the LDEU Bill will soon be repealed and therefore the power in that Bill to make subordinate legislation to keep pace with EU law, including those relating to equality and human rights, will not be available. However, other legislative mechanisms exist, including primary legislation passed by the Assembly, to ensure that Brexit does not result in the people of Wales seeing their rights fall behind those of other European countries.

The Welsh Government will continue to work with the UK's Equality and Human Rights Commission (EHRC) to monitor the progress of human rights and equality in Wales, taking note of developments in the EU and elsewhere. The Commission is best placed to assess developments in this regard. The Welsh Government works closely with their Wales Committee and Office to consider the position in relation to Wales.

The EHRC's five point plan includes action to ensure the UK is a global leader on equality and human rights by ensuring our laws and policy keep pace with future equality and human rights standards coming from the EU, after we exit, such as the EU Accessibility Act, as well as other comparator countries.

**Committees question: We request the Welsh Government to outline its views on: what assessment it has made as to the possibility of introducing a form of freestanding right to equality in Wales, generally or within particular sectors or contexts, and**

**the UK Government's proposal to establish a non-legislative framework to deal with EU-based equal treatment law across devolved and non-devolved areas, and how it will approach discussions with the UK Government on that subject.**

Firm commitment to promoting equality and safeguarding human rights has been built into the DNA of the Welsh Government since devolution. This has been clearly reflected in successive Government of Wales Acts, up to and including the Wales Act 2017. It is also reflected in a wide range of other Welsh legislation as well as the policies and programme of Welsh Government across all devolved areas.

Specifically, we have the Welsh public sector equality duty which enables the better performance of the public sector equality duty in Wales. The specific Welsh duties are progressive and expansive, requiring for example, the publication of equality objectives, engagement, impact assessments, strategic equality plans together with pay and action

plans and gender pay difference. These Welsh specific duties seek to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010. In addition the Welsh specific duties advance equality of opportunity between persons who share a relevant protected characteristics and those who do not and also foster good relations between persons who share a relevant protected characteristic and those who do not.

In Wales, we also have the Well-being of Future Generation (Wales) Act 2015 (“the 2015 Act”) which further reinforces our resolve to maintain and drive forward our commitment to equality placing a legal duty on specified public bodies to set and publish well-being objectives that are designed to maximise its contribution to achieving each of the well-being goals, including a more equal Wales. The 2015 Act expressly provides for this as a society that enables people to fulfil their potential no matter what their background or circumstances, which includes their socio economic background and circumstances. This ground breaking legal duty places Wales in a unique position and further demonstrates the commitment to ensuring equality in Wales. In light of this, there are no plans at present to provide for an additional, freestanding right to equality which might duplicate or cut across existing provision.

As indicated above, we have begun discussions with UK Government, via the Government Equality Office (GEO, now within the Home Office) about entering into a Political Agreement which would endorse the existing framework of equal treatment legislation in force that applies in our nations, namely the Equality Acts 2006 and 2010 and secondary legislation made under those Acts. Our objective is to ensure that no legislative changes will be made that would reduce the existing substantive protections provided by that legislation.

**Committees’ recommendation: We recommend that in its discussions with the UK Government, the Welsh Government seeks a commitment from the UK Government that it will not enter into trade agreements whose implementation would erode any part of the Equality Act or Modern Slavery Act.**

We have been clear in our recent paper *Trade Policy: the issues for Wales* that we believe in a fair and effective system of social protection to help people when they need it and that trade policy should support not undermine our social model. Furthermore we have called for the development of overarching principles for trade policy which include maintaining important environmental, economic and social protections, supporting well-being for all in line with the Well-being of Future Generations Act, recognising our responsibilities on the world stage and promoting fair and ethical trade.

**Committees’ Recommendation: We recommend that the Welsh Government update the Community Cohesion Plan before summer 2018 to take account of recent rises in hate crime and new challenges to community cohesion in Wales.**

The Welsh Government plans to publish the community cohesion plan and tackling hate crimes delivery plan. We recently updated our community cohesion plan to reflect the spike in hate crime as a result of Brexit.

We use our working document when working with partners, and this has enabled us to focus on a number of priority areas in the last few months. For example:

- Working with a wide range of partners to develop our Equality and Inclusion communications network, to try to increase our collective impact in countering negative rhetoric.

- Working with Police Forces and Cardiff University on an exciting project to develop and improve community tension monitoring systems that incorporate multi-agency working.
- Working with education colleagues as they update their Respecting Others anti-bullying guidance so that it supports teachers to be more confident in handling cases of hate-related bullying in schools.
- Working with members of the Hate Crime Criminal Justice Board Cymru to drive forward work to tackle hate crimes, for example this year we are focusing on “attrition rates” (the pathway and drop-off of cases between first report, through police handling, to prosecution), disability hate crime, and also age-related and misogyny hate crime.

The Welsh Government funds eight Regional Community Cohesion Coordinators (RCCCs) to facilitate regional working. The RCCCs are monitored against their delivery of actions in the working document. These actions are grouped under four objectives:

- Work at a strategic level to break down barriers to inclusion and integration across marginalised groups
- Work at a local level to break down barriers to inclusion and integration for particular groups and communities
- Supporting migrants, refugees and asylum seekers and settled communities during the integration process
- Supporting communities in preventing hostility and extremism and managing consequences

Yours sincerely

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

**CARWYN JONES**



# Children in Wales Plant yng Nghymru

## **Equality, Local Government and Communities Committee and the External Affairs and Additional Legislation Committee joint inquiry on the equality and human rights implications of Brexit.**

Children in Wales is the national umbrella organisation in Wales for children and young people's issues, bringing organisations and individuals from all disciplines and sectors together to speak with one voice, to exchange knowledge and practice, and to provide opportunities to enhance policy and practice through shared learning. One of our core aims is to make the United Nations Convention on the Rights of the Child (UNCRC) a reality in Wales. Children in Wales campaigns for sustainable quality services for all children and young people, with special attention for children in need and works to ensure children and young people have a voice in issues that affect them. Children in Wales facilitates the voice of children and young people to influence government policy making through its 'Cymru Ifanc/Young Wales' programme of work.

For further information on the work of Children in Wales, please see [www.childreninwales.org.uk](http://www.childreninwales.org.uk) and [www.youngwales.wales](http://www.youngwales.wales)

### **Our Response**

Children in Wales welcomes the opportunity to aid the Committee's joint inquiry on the equality and human rights implications of Brexit by providing comment to the First Minister's response to the Committee's recommendations. Our response is informed by our evolving programme of work which is focused on the potential impact of Brexit on the rights of children and young people in Wales, and which is being delivered in partnership with key stakeholders in Wales, and informed by parallel activity with our colleagues in other child rights alliances across the UK and in Europe through our membership of Eurochild.

The 5 guiding overarching principles for our present **Brexit and Children Rights** programme of work centres on the objective of securing the best possible outcomes for children, young people and the services which support them. They are -

- That there is no roll back on the existing rights of children and young people in Wales as part of the Brexit negotiation process
- That there is no roll back on the existing rights of children and young people in Wales following the date of departure (including within any 'transition period')

- That children and young people have mechanisms in place for their voices to be heard as part of the Brexit process
- That opportunities are in place for the engagement of the children's workforce and services which work to support children, young people and their families in Wales
- That full compliance with the UNCRC is maintained by all decision makers throughout the whole process

Drawing on preliminary research, advocacy statements and consultation responses amongst key stakeholders, Children in Wales in partnership with the Observatory on Human Rights of Children in Swansea University has produced a joint briefing paper<sup>1</sup>, which focuses on the emerging key thematic priorities for children and young people in Wales arising from EU withdrawal.

The paper considered emerging concerns in relation to the following key priority areas:

- The erosion of guarantees of fundamental rights for children and young people
- The undermining of social cohesion
- The loss of EU funding to support disadvantaged communities
- The need to engage and hear the voices of children and young people
- Consideration of UK wide matters impacting on Wales, which include existing cross border safeguarding structures and the future status of EU national children and young people.

In March 2018, Children in Wales also published a Summary Report of the Roundtable Exchange Event<sup>2</sup> which was held in November 2017, which further developed our thinking by capturing many of the priorities identified by practitioners working with and for children and young people across Wales.

Our priorities have been further shaped by the report of a parliamentary joint committee of human rights in which concerns over the approach to protecting individuals rights post withdrawal<sup>3</sup> were expressed; our written input into that inquiry and that of the UK European Scrutiny Committee. The NAFW EAAL Committee inquiry into the implications for Wales of Britain exiting the EU provided an additional opportunity to help shape our thinking and that of others.

## **1. EU Charter of Fundamental Rights**

1.0 Our position is clear in that there must be no weakening, regression or dilution of the rights children currently enjoy through our membership of the EU as EU laws are transferred into domestic law.

1.1 The EU Charter of Fundamental Rights (Charter) is viewed as the overarching framework for the full range of civil, political, economic, cultural and social rights of all people in the EU and has

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<sup>1</sup> <http://www.childreninwales.org.uk/resource/brexit-childrens-rights-wales-briefing-paper/>

<sup>2</sup> <http://www.childreninwales.org.uk/resource/brexit-childrens-rights-implications-wales-summary-report-round-table-exchange-event/>

<sup>3</sup> <https://publications.parliament.uk/pa/jt201617/jtselect/jtrights/695/695.pdf>



been in place since December 2009. **Article 24** of the Charter guarantees the protection of children's rights by EU institutions, as well as by EU member states when they implement EU law.

1.2 The UK Government has consistently rejected calls to incorporate the rights provisions set out in the Charter believing that withdrawal from the Charter will not affect the substantive rights already in place which citizens of the UK already benefit from. We welcome the Welsh Governments consistent position that the Charter should be preserved as part of the body of law derived from the EU<sup>4</sup> and their acceptance of Recommendation 18 of the recent External Affairs and Additional Legislation Committee report earlier this year

1.3 The Committee is right to '*remain unconvinced*' by the UK Government's declaration that all Charter rights are already protected through UK legislation, with the recent analysis undertaken by the EHRC and the interventions by members of the House of Lords and Commons suggesting that these reservations are shared more broadly.

1.4 Whilst we await the response of the UK Government expected later this month to the amendments passed at the Report stage of the EU (Withdrawal) Bill in the House of Lords, we can only reiterate our previous concerns that as currently presented, the Bill does not contain a commitment to incorporate the Charter into UK law, and will no longer be enforced through the European Court of Justice. As such, the Charter will no longer apply once EU law is transposed into UK law and children will not enjoy the same level of rights protection as they presently do.

1.5 We note that the WG '*hope*' that the UK will accept the amendments but we have no firm intelligence which suggests that the UK Governments direction will dramatically change from their previous position. If the amendments are rejected, and with the LDUE Bill now not proceeding, we are unclear how existing Charter rights will continue to apply in Wales, if at all without an alternative response from the Welsh Government. The Committee will also wish to keep a keen interest on developments in Scotland should they have the legal capacity to take a different approach and retain aspects of the Charter under their law.

1.6 The Committee will wish to consider the consequence of our withdrawal from the Charter and will need to have sight of a comprehensive **Child Rights Impact Assessment** of the effect for children in Wales. Welsh legislation already requires an assessment to be made and any changes will need to go through the same due diligence process. This will help inform the Committees consideration of whether there is indeed a roll back on existing rights and protections, and whether the WG can continue to meet their objective of ensuring that '*Brexit does not result in any dilution of rights and the current position*' and the assertions outlined in Securing Wales' Future'.

1.7 In practice we also seek reassurance that work is being done at UK level to provide a detailed analysis of the impact of moving out of the EU with regard to all aspects of safeguarding children across borders and wider child safety issues caused by any deregulation<sup>5</sup>.

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<sup>4</sup> <http://www.assembly.wales/laid%20documents/gen-ld11553/gen-ld11553-e.pdf>

<sup>5</sup> <http://www.childreninwales.org.uk/resources/brexit-childrens-rights/>

1.8 At a UK level, to ensure that the substantive rights within the Charter are protected for all children, we have consistently called for the UNCRC to be brought fully into UK law. The UK Government have been reluctant to fully incorporate UN human rights treaties, such as the UNCRC into domestic law, in spite of successive UN recommendations to do so. This is in contrast to the great strides made in Wales in championing, protecting and further enhancing children's rights through Wales specific legislation, most notably through the Rights of Children and Young Persons (Wales) Measure 2011 and the Social Services and Well-being Act 2014. The incorporation of other Conventions, such as the UNCRPD given its impact on children, must also be worked towards.

## **2. Shared Prosperity Fund**

2.0 We support the Committee's concerns in relation to the future of EU funding and share the view that the Shared Prosperity Fund should be administered in Wales to a Wales specific design co-produced with stakeholders and should be targeted at tackling inequality, socio-economic disadvantage and enhancing social cohesion

2.1 There is insufficient information in the public domain about the Shared Prosperity Fund and a lack of communication by the UK Government around future intentions.

2.2 We must retain our ability to shape our own priorities and tailor resources to meet our own needs. We must have scope to identify our own delivery models for distributing funds and look at ways to improve the ability for third sector organisations to be able to access funding, and address some of the perpetual barriers by reviewing the present monitoring, reporting and accountability mechanisms.

2.3 For these reasons, it is essential that Wales is an active and equal partner in all discussions, and is involved in shaping the SPF from the very beginning. It would not be acceptable for the SPF to be developed without the full involvement and cooperation of the WG and third sector services operating in Wales. Wales has to be involved in shaping the SHF in advance of public consultation, which would then allow for the beneficiaries within our communities, including children and young people, an opportunity to determining the next set of priorities for Wales to invest in, thus helping to secure their stake in future outcomes.

2.4 We echo the Welsh Governments demand of the UK Government to make good the promises made during the Referendum campaign that Wales would not be financially worse off when we leave the EU. After December 2020, we must receive at least the existing levels of funding presently allocated via the EU Structural and Investment Funds with no constraints, and must continue to engage in cooperation programmes, such as Erasmus +.

2.5 Children in Wales welcomed the recent opportunity to provide a response to the WG consultation on Regional Investment in Wales after Brexit. We particularly supported the emphasis in the consultation on

- Partnerships
- Building upon our experience and knowledge

- Engaging with the Third Sector and communities
- Channelling needs based funding to our poorest communities
- Emphasis on economic AND social investment
- Integration
- Applying a people AND placed based approaches to investment

2.6 Our response drew on the engagement we undertook with our members and wider workforce in respect of future funding arrangements and the implications for services and communities.

2.7 We share the concerns that there are no guarantees that existing levels of funding would be protected or whether the present priorities would be retained. Delegates were concerned about the continuity of existing services funded through ESF and the potential negative impact cuts would have on third sector services and the communities they serve, already under pressure, should existing EU funded projects and programmes be lost.

2.8 Many respondents were representing services located in areas of Wales with disproportionate levels of child poverty compared to other parts of the UK. There is some anxiety that further cuts to income and services for vulnerable families will have an adverse consequences for poverty and inequality levels in Wales, escalating pressure on existing sources of support already struggling to meet demand. There were fears that any loss of services could potentially fuel further political disengagement and a sense of abandonment by marginalized sections of the community at a time of greatest need, threatening the Welsh Governments ambition to create a prosperous and more equal nation.

2.9 It is for this reason that in order for the next set of priorities to build a more inclusive and prosperous country, that the focus should be on **investing in children, prioritising early intervention and prevention**. This would be consistent with the European Commission's Recommendation on Investing in Children (2013) and build on the ESF current priorities whereby 20% of existing funds must be allocated to tackling poverty

2.10 We agree with the Committee that amongst the priorities should be an explicit focus on **tackling socio economic disadvantage and inequality**. Independent research has clearly demonstrated the children are being disproportionately affected by economic austerity and the negative impact of welfare reform. With over 200,000 children living in poverty and anticipated to increase, Wales can ill afford to miss this opportunity of ensuring that the SPF improves the outcomes for those most at risk and those most vulnerable.

2.11 Children in Wales have been engaging in dialogue with our European partners to influence the post 2020 European Multiannual Financial Framework (see [Position Paper – February 2018](#)). Whilst the UK may well have left the EU at the point when the next programme gets underway, we would urge the Welsh Government to retain a keen interest in current discussions as priorities are being identified so as to ensure there is no significant divergence from European wide priorities. New arrangements will also need to be established between Cardiff and Brussels to ensure that Wales is not completely marginalised in the post EU landscape and that the rights of our citizens do not fall behind those of our European neighbours. There is currently considerable knowledge exchange

funded by funds from the European Commission through Eurochild of which Children in Wales was a founder member

### 3. Socio Economic Duty

3.0 New powers provided through the Wales Act has given the Welsh Government an opportunity to enact the socio economic duty under the Equality Act 2010. This and the commencement of the duty in Scotland following support through the public consultation has increased previous calls in Wales for the Welsh Government to follow suit and enact the duty here in Wales. We are of the view that these are significant development which should provide the impious for the WG to at the very least examine the potential for strengthening existing arrangements in Wales and to build upon duties placed on Welsh Public Bodies prescribed through the WBoFGAct.

3.1 Whilst the First Ministers commitment to review the current position in respect of gender equality is welcomed, we would suggest that a holistic review with engagement of key stakeholders be undertaken so that the full potential of enacting the duty in Wales can be fully considered, with the sufficiency of existing duties forming part of that conversation. We are also reminded that the report of the last Assembly's CELG Committee of their inquiry into equality and human rights called for further research to examine the practicalities of introducing the duty including the potential for the existing duty under the Equality Act to be redrafted for the context in Wales.

3.2 While the duty to tackle socio-economic inequalities is indeed a key strand of the WBoFGAct, it is still too soon to fully assess how this is being driven in practice. Children in Wales facilitates the End Child Poverty Network Cymru (ECPN) and recently undertook a short review of the draft Public Service Boards Well-Being Plans to examine what consideration was being given to addressing the duty to tackle child poverty. Our report<sup>6</sup> highlighted that, as with the Wellbeing Assessments, the length, presentation and level of detail within the Plans varied enormously. Draft plans featured predominantly high level statements with few having specific objectives against poverty and inequality or milestones and indicators to track progress. Only three explicitly made reference to children's rights.

3.3 The EHRC has recently issued a GB wide report<sup>7</sup> on the state of socio-economic rights two years on from the UK Governments examination by the UN. It reports that the UK's withdrawal from the EU poses risks to the protection and fulfilment of socio-economic rights, noting the high level of child poverty in Wales and the key issues impacting on children and families in poverty in Wales, which echo those of our Child and Family Poverty report<sup>8</sup>. Their report recommends that

*"The UK and Welsh governments implement the duty on certain public authorities to have due regard to the desirability of reducing socio-economic disadvantage when taking strategic decisions on exercising their functions under Section 1 (Equality Act)."*

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<sup>6</sup> <http://www.childreninwales.org.uk/news/news-archive/briefing-paper-public-service-boards-responses-child-poverty-local-draft-wellbeing-plans-160518-w/>

<sup>7</sup> <https://www.equalityhumanrights.com/sites/default/files/progress-on-socio-economic-rights-in-great-britain.pdf>

<sup>8</sup> <http://www.childreninwales.org.uk/resource/child-family-poverty-wales-results-child-family-survey-2016/>

3.4 Given that poverty and inequality are indisputable rights violations, we would welcome the Welsh Government giving due deliberation to the EHRC recommendation in the context of their new powers, the developments underway in Scotland, and with consideration to the sufficiency of existing duties under the WBoFGAct and compliance to date with those duties by Welsh public bodies.

#### **4. Human Rights**

4.0 Since devolution, the National Assembly for Wales and successive Welsh Governments have made great strides in championing, protecting and further enhancing children's rights through Wales specific legislation. The Rights of Children and Young Persons (Wales) Measure 2011 provides that Welsh Ministers have due regard to the United Nations Convention on the Rights of the Child (UNCRC) when exercising their functions, with similar duties placed on relevant partners at a local level through the Social Services and Well-being Act 2014. While these legislative measures do not create legal remedies for individual rights violations, they are significant advances towards incorporation of the UNCRC in Wales and the promotion and protection of children's human rights in legislation, policy development, practice and culture.

4.1 Whilst the principles of the UNCRC can of course apply to those over 18, the UNCRC is a vehicle for realising the rights of children and young people up to this age, and was internationally developed for this specific reason. Presently the rights of young adults should be protected in existing law and we have legislation through the Human Rights Act (HRA) and the EU Charter for this very purpose. Given the continued uncertainty around the future of EU Charter and the threat to the HRA once the UK leaves the EU, it is timely now for the WG to be considering how existing protections can be maintained and could indeed be enhanced beyond 2020.

4.2 There is certainly mileage in the WG giving due consideration to how best to further incorporate international human rights treaties in Wales, building upon the legacy and learning to date from the implementation of the Rights Measure and the due regard duties placed on local authorities to the UNRPD through the SSWBAct. Presently, there is no equivalent 'due regard' duty through Welsh legislation to protect and enhance the rights of other sections of the population, including care leavers, young adult carers or some vulnerable groups of young people transitioning to adult services post 18. The needs of some very vulnerable children clearly do not evaporate on their 18<sup>th</sup> birthday and it is essential that dialogue begins now to help ensure that the withdrawal from the EU does not lead to existing rights protections currently in place in Wales being lost or undermined. Finally, it is worth reinforcing that the WBoFGAct does not include an explicit legal duty of due regard to the UNCRC or any other human rights duties.

#### **5. Community Cohesion**

5.0 We welcome the WGs commitment to publish both the revised Community Cohesion Plan and Tackling Hate Crimes Delivery Plan, and the recognition which is being given to the rise in hate crimes in Wales.

5.1 Our conference summary report<sup>9</sup> from our national Children's Rights and Brexit event highlighted a number of emerging issues with recommendations for future action under the theme of Social Cohesion. These including the increase in negative attitudes, tensions and the reporting of hate crime in the aftermath of the EU Referendum result, and the experiences of some sections of the community expressing fears of social discontentment, being abandoned or 'left behind', and the adverse effects community divisions will have on children and young people if the rifts which emerged during the Referendum were not properly healed.

5.2 We were delighted to attend the recent information gathering session with the United Nations Special Rapporteur on Contemporary forms of Racism, Racial Discrimination, Xenophobia and related intolerance which took place in Cardiff in May. Our report with the Wales UNCRC Monitoring Group drew attention to many of the issues impacting on children, young people and families in Wales in respect of this agenda, and also provided an opportunity to showcase a number of activities and resources developed in Wales. We would suggest that the WG take account of the UN Rapporteurs statement<sup>10</sup> and the UN Concluding Observations on the Elimination of All Forms of Racial Discrimination and fully address the issues pertaining to Wales within existing competence.

**Sean O'Neill**  
**Policy Director**  
**Children in Wales**

**June 2018**

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<sup>9</sup> <http://www.childreninwales.org.uk/resource/brexit-childrens-rights-implications-wales-summary-report-round-table-exchange-event/>

<sup>10</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23073&LangID=E>

Disability Wales is pleased to note that given its new powers, Welsh Government will be considering implementation of the Socio Economic Duty through the current Rapid Review of Gender Equality. In its shadow report to the UN Committee on the Rights of Disabled People (June 2017) DW and its sister organisations in England, Scotland and Northern Ireland recommended to the UN Committee on the Rights of Disabled People that the UK Government should fully implement the Equality Act (2010) including the socio-economic duty. This reflects the well documented correlation between disability and poverty, nowhere more so in Wales, where JRF has found that disabled people in Wales are poorer than anywhere else in the UK (Poverty in Wales 2018). In their Concluding Observations, the CRPD supported the recommendation that the UK Government should fully implement the Equality Act as well as incorporate the UN Convention on the Rights of Disabled People into law and policy (August 2017).

Our concern, nevertheless, is with the emphasis Welsh Government places on the Well-being of Future Generations (Wales) Act 2015 as the 'key instrument in the area of addressing socio-economic inequality particularly the well-being goal of a more equal Wales'. In relation to Human Rights, the First Minister adds that the 'Act will remain our principle legislative instrument in this regard, given that the Well-being goals set out in that Act are wide-ranging in scope and provide the best framework to enable coordinated action to ensure that human rights are safeguarded in Wales'.

We recognise that the Act is ground breaking and fully support its intentions, including the Wellbeing Goals such as achieving 'a more Equal Wales. However while it reflects the core values of human rights, we do not believe that the Act is a suitable framework to ensure that human rights are adequately protected and realised in Wales. The Act does not refer to human rights, nor does it set standards or establish duties based on human rights obligations. The well-being goals are highly aspirational, and provide a wide discretion to public bodies, including Ministers, on how they are met through well-being objectives. As we understand it, while the Act places duties on public bodies, it does not confer rights on individuals or act to safeguard these.

Furthermore the functions and powers of the Future Generations Commissioner (FGC) do not include protecting or promoting human rights, nor is the Commission a National Human Rights Institution (NHRI). This is in contrast to, the Equality and Human Rights Commission (EHRC), the Children's Commissioner for Wales (CCfW) and the Older People's Commissioner in Wales, all of which have statutory powers expressly relating to human rights.

Given the wide-ranging responsibility placed on the FGC, it is unrealistic to anticipate human rights will be a priority, nor would it appear that the Commission has the resources available to do so. The FGC's Strategic Plan 2017-2023 refers to work with the CCfW on embedding children's rights, but makes no reference to human rights generally, or how these might feature as well-being objectives. Indeed there is no specific reference to the UN Convention on the Rights of Disabled People, let alone guidance to public bodies on how these may be delivered through the Well-being Goals.

The Future Generations Act and the role of the Commissioner undoubtedly have a role to play in creating a culture in Wales that is supportive of Human Rights, however it is for Welsh Government to provide leadership on legislating for and the implementation of Human Rights in general and the specific human rights instruments in particular.



Equalities, Local Government and Communities Committee  
-and-  
External Affairs and Additional Legislation Committee

**Human Rights Implications of Brexit**  
Comments on First Minister's Letter (16<sup>th</sup> May)

I am grateful for the opportunity to comment on the First Minister's response to the joint letter from the above committees (5<sup>th</sup> April).

1. I maintain there is a need for human rights legislation in Wales for the reasons set out in my previous submissions: in particular rights that relate to social protections. The Intergovernmental Agreement between the Welsh and UK governments fails to clarify the position on applicability of the Charter of Fundamental Rights, or on human rights generally; and, the *Law Derived from the European Union (Wales) Bill*, which would have provided some interpretive protection for Charter rights, has been withdrawn.
2. The First Minister's letter indicates that realisation of human rights will be through the framework of the WBFGA. In previous submissions I have suggested that the WBFGA well-being goals reflect core values of human rights. I maintain this is the case. However, I am firmly of the view that the WBFGA is not suitable to ensure that human rights are properly protected and realised in Wales. The WBFGA does not refer to human rights, nor does it set standards or establish duties based on human rights obligations. The Explanatory Memorandum accompanying the WBFGA makes no reference to human rights other than to note pre-existing statutory obligations. The well-being goals are highly aspirational, and provide a wide discretion to public bodies, including Ministers, on how they are to be met through well-being objectives. This may be contrasted with, e.g. the *Rights of Children and Young Persons (Wales) Measure 2011* which establishes a clear duty on Welsh Ministers to have due regard to specific rights set out in the Convention on the Rights of the Child. Human rights guarantees need to be clearly established in legislation if they are to be a visible priority for policy-makers.
3. The Welsh Government's programme for Government, *Taking Wales Forward*, establishes its WBFGA well-being objectives. This is accompanied by a delivery plan, *Prosperity for All*. Neither document, nor the Welsh Government's *Well-being Statement*, engages with or explains how human rights will be protected or realised in Wales. It is therefore difficult to understand how human rights relate to the Welsh Government's programme and delivery plan, or its well-being objectives. The Welsh Ministers, the primary devolved institution responsible for human rights in Wales, appear to be passing much of this responsibility to other public bodies and Public Services Boards (PSBs). This is particularly troubling as Statutory Guidance on the WBFGA merely reminds public bodies of the pre-existing commitment in Wales to children's rights.
4. I am concerned that a focus on the WBFGA as the framework for human rights delivery places an unreasonable burden on the Future Generations Commissioner (FGC), and does not take sufficient account of the functions of other commissioners in Wales. The functions and powers of the FGC do not expressly include protecting or promoting human rights, and the

FGC is not a National Human Rights Institution (NHRI). This is in contrast to, for example, the Equality and Human Rights Commission (EHRC) and the Children's Commissioner for Wales (CCfW), both of which are NHRIs with statutory powers expressly relating to human rights and children's rights respectively. The FGC is not best placed to act as the guardian of human rights in Wales (although the FGC has important contributions to make in this respect). In my view, promoting and safeguarding human rights should be entrusted to existing NHRIs in Wales with an established record of meeting this objective, based on a framework of human rights obligations set out in discrete legislation (such as the child rights measure).

5. While the FGC has advisory, promotional, research and review functions relating to well-being objectives, the breadth of these responsibilities makes it unrealistic to anticipate that promoting human rights will be a priority. The FGC's Strategic Plan 2017-2023 refers to work with the CCfW on embedding children's rights, but makes no reference to human rights generally, or how these might be integrated into well-being objectives. The FGC's Annual report also references children's rights, but does not engage with human rights more widely. I emphasise: this is not a criticism of the FGC, and is understandable given the FGC's statutory responsibilities and breadth of activity. My concern relates to the indication that the WBFGA will be the delivery framework for human rights in Wales, and the burden of expectation falling on the FGC. In any event, the human rights function of specific commissioners is recognised in the FGC's *Future Generations Framework* which offers guidance to public bodies on the delivery of public services. The Framework signposts public bodies to human rights commissioners where a project impacts on older people, children, or people with protected characteristics.
6. A quick (admittedly unscientific) review of well-being plans from 17 PSBs in Wales (19 PSBs, 2 plans unavailable) reveals that only 5 make any reference to human rights in the context of well-being objectives, and of these 4 refer exclusively to the rights of the child. The child rights measure has prioritised children's rights at the highest level of policy development in Wales, and in my view it is significant that some well-being plans, as well as guidance from the Welsh Government and FGC, refer to children's rights while remaining silent on other human rights. This suggests that specific legal integration of children's human rights standards has had a positive impact to ensure their prioritisation in the policy sphere; and, therefore, the value of human rights legislation generally.
7. Finally, I have previously argued that human rights are the hallmark of an advanced nation, and human rights legislation a sign of confidence in Wales as a developing jurisdiction. Scotland is currently asserting itself in this respect, much as Wales has done to date with a highly innovative approach to due regard and incorporation of human rights. We are in danger of regression if in Wales we adopt the approach to the protection of social rights taken by UK governments, i.e. to rely on compliance with human rights as incidental to other policy objectives. Brexit has created the necessity, but also presented the opportunity for Wales to take further steps on protection of human rights. But this requires human rights-specific legislation if it is to be meaningful and effective.

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June 13, 2018

John Griffiths AM and David Rees AM  
Chairpersons, ELGC and EAAL Committees  
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[John.Griffiths@assembly.wales](mailto:John.Griffiths@assembly.wales) and [David.Rees@assembly.wales](mailto:David.Rees@assembly.wales)

Dear John and David,

**Subject: Brexit and equality & human rights**

Thank you for sharing with us the First Minister's letter of May 16 and asking for our reflections on its content.

We welcome that the First Minister's stated objective is to ensure the UK's withdrawal from the EU does not lead to a dilution of equalities and human rights protections. The letter highlights positive actions that will be taken towards this aim. However, we believe the Welsh Government (and UK Government) can take further steps to protect and promote equality and human rights in Wales in light of the UK's decision to leave the EU.

The First Minister's letter makes clear that the Welsh Government views the Commission as well-placed to advise on these matters. We welcome this statement and the open dialogue we have with both the Welsh Government and your Committees. We look forward to continuing to play our part in legislative & policy development and scrutiny with the aim of securing equality and human rights protections in Wales.

Below we set out our reflections on key aspects of the letter.

**The Charter of Fundamental Rights**

We welcome the Welsh Government's stated support for retaining the Charter of Fundamental Rights (the Charter) in domestic law. It was pleasing that the Welsh Government included interpretive protection for Charter rights in its Law Derived from the EU (Wales) Bill. However, that Bill has now been withdrawn. In addition, the UK Government has so far given no indication that it will respond positively to the amendment passed in the House of Lords that seeks to retain the Charter in domestic law. Therefore, the Commission remains concerned that Charter protections will cease to be applicable in Wales following the

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Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

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UK's withdrawal from the EU. The Commission will continue to press for the UK Parliament to pass amendments incorporating the Charter into domestic law. And, should that approach prove unsuccessful, we would welcome the Welsh Government exploring future legislative opportunities to incorporate Charter rights into Welsh law, insofar as the current devolution settlement allows it to do so. We will write to your Committees again on this point as the EU (Withdrawal) Bill continues its parliamentary course.

### **Loss of EU Funds**

We fully support the Committees' suggestion that the Shared Prosperity Fund should be targeted at tackling inequality and socio-economic disadvantage. The Commission's *Healing the Divisions: A positive vision for equality and human rights in Britain* report states that the UK and Welsh Governments should ensure the loss of EU funding, such as the European Social Fund and the Equality and Citizenship Programme, does not undermine Wales's equality and human rights infrastructure. This includes academic research, for example on violence against women and how to police it, and voluntary sector services, for example those supporting older and disabled people in employment.

The Commission believes that funding mechanisms and priorities identified by the UK Government should take account of devolution and regional concerns. The UK and Welsh Government should conduct Equality Impact Assessments to guide decision-making on funding streams and projects.

New funding programmes in Wales should take into consideration people's protected characteristics and the relationship with socio-economic status and other disadvantages. Individuals should be placed at the centre of any criteria for funding allocations, with wider economic and geographical concerns being considered alongside. The public sector equality specific duties in Wales should be adhered to as a mechanism for this funding allocation and policymaking process.

We are currently commissioning a research report on the potential implications for equality and human rights in Britain of the loss of EU funds. We expect to publish our report in Autumn 2018 to inform UK and Welsh Government policymaking. We will be pleased to share the report with your Committees.

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## Socio-economic duty

The Welsh Government has not yet taken steps to introduce the Equality Act 2010 socio-economic duty in Wales, following the powers over its commencement having recently transferred to Welsh Ministers via the Wales Act 2017. Therefore, it is pleasing that the letter confirms the Welsh Government is reviewing its position on the duty in light of the current Rapid Review of Gender Equality in Wales. We would welcome the Welsh Government setting out a timetable for its consideration of the duty as the Review itself is not due to be completed for twelve months.

We would warmly welcome the duty's introduction in Wales. This view is set out in our *Healing the Divisions* report and it has been expressed to Welsh Government.

As the letter states, we are in discussions with the Welsh Government on the duty. Our position has been informed by learning from our Scottish colleagues, with the duty currently being introduced in Scotland.

## The Well-being of Future Generations Act

The Commission fully supports the Well-being of Future Generations Act. It is a transformative part of legislation. We are in regular liaison with the Commissioner's office to bring the Act's goals to fruition. However, the Commission does not believe that the Act means that separate protections, explicitly related to equality and human rights, are not needed.

For example, we believe the Equality Act socio-economic duty and the well-being goal of 'A more equal Wales' would be complementary duties rather than duplicative. International treaties fall outside of the Future Generations Commissioner's regulatory powers, so the Act does not fully cover the protection and promotion of human rights. Therefore the Act is not the vehicle for taking forward certain equality and human rights protections in Wales.

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Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

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## **Incorporation of UN Treaties**

The Commission's *Healing the Divisions* report sets out our position that UN human rights treaties, like the Convention on the Rights of Disabled People (UNCRPD), should be given further effect in UK and devolved law, and the UK and devolved governments should publish action plans for implementing UN recommendations on human rights.

The Welsh Government has taken steps to incorporate UN treaties into Welsh law, most noticeably with regards to the UN Convention on the Rights of the Child, and to a lesser extent with regards to the UN Principles for Older People and the UNCRPD. However, the Welsh Government's approach has not been fully consistent in taking forward opportunities to embed treaties into Welsh law and policy.

The Wales Act 2017 has given the Welsh Government more explicit powers in relation to the promotion of human rights than it had previously. We believe the Welsh Government should take advantage of this by building on its ground-breaking UNCRC legislation through further incorporation and promotion of UN treaties.

## **Tracking developments**

Our *Healing the Divisions* report sets out that the UK and devolved governments should ensure our laws and policy keep pace with future equality and human rights standards coming from the EU, after we exit, such as the EU Accessibility Act, as well as other comparator countries.

It is important that the Welsh Government takes a leadership role in tracking and, where possible, replicating, progressive equality and human rights legislation that is taken forward within the EU after the UK's withdrawal from it. Therefore, we support the Committees' suggestion that the Welsh Government should establish a formal mechanism to track future developments.

As part of that process, we will play our role in monitoring, and advising on, equality and human rights developments. We warmly welcome the letter's statement that the Welsh Government will continue to work closely with us to consider developments and the position in relation to Wales.

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Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

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I hope you find these reflections of interest. We would be pleased to offer further information, as required.

Yours sincerely,



**Ruth Coombs**

Pennaeth Cymru / Head of Wales

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Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

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**Response to Welsh Government's Nation of Sanctuary – Refugee & Asylum Seeker Delivery Plan, June 2018.**

**1. About the Welsh Refugee Coalition**

1.1 The Welsh Refugee Coalition was established in 2015. We are a coalition of 47 organisations working with asylum seekers and refugees at all stages of their journey, and with the communities in which they live. We work together to ensure that our resources are used to best effect and aim to speak with a coherent and strong voice on policies and practices affecting people seeking sanctuary in Wales.

**2. Summary of our response**

2.1 The Coalition welcomes Welsh Government's interest in and commitment to addressing the needs and aspirations of people moving through the asylum process in Wales and in line with other citizens in Wales, to improving the conditions, opportunities and enjoyment of rights by people seeking asylum and those granted status in Wales. Through its varied membership, the Coalition bears witness to and regularly supports people who live in abject poverty, experience regular discrimination, struggle to utilise valuable skills and who are disempowered by a dehumanising UK asylum system. The Coalition equally bears witness to the most inspiring examples of human kindness, tenacity, resilience and strength – demonstrated time and time again by newcomers to Wales who have been forced to flee their homes, families and livelihoods and by individuals and established communities in Wales who reach out and offer welcome and sanctuary to those newcomers. We share a vision of Wales as a Nation of Sanctuary and will continue to play our part in ensuring this vision becomes a reality. The third sector has a wealth of expertise to offer here, recognised by the Welsh Government's choice to award funding for the Asylum Rights Programme to a consortium of seven third sector partners. However, Coalition members struggle with short-term and insufficient funding, leading to a lack of continuity rather than opportunities to build on successful work and continuously improve the welcome we can offer in Wales.

2.2 The Welsh Refugee Coalition welcomes the commitment and leadership from Welsh Government to Wales becoming a Nation of Sanctuary and applauds the collaboration and engagement that characterised the pre-consultation phase of the plan's development. This represents an exemplary model for the 5 ways of working under the Wellbeing of Future Generations (Wales) Act 2015 that we look forward to being carried through into its delivery and assessment of impact.

2.3 We have some detailed commentary to contribute, as outlined in the pages that follow, though our key areas of interest and concern are:

- I. **Budget:** there is no information in the plan about how the actions will be financed. We would like reassurance that specific budgets have been secured from various Welsh



Government departments to deliver all the commitments contained within the plan and, where they are included, on the expected timescales.

- II. **Monitoring & Evaluation:** there are many commitments which don't explain 'how' actions will be carried out. We would like to see more precise actions, supported by a monitoring and evaluation framework with clear performance indicators, success measures, lead responsibilities, review dates and review body. Given Carwyn Jones' commitment to make Welsh Government a feminist government<sup>1</sup>, we would expect any framework to explore and capture the differential experiences of men and women. Such a framework would allow progress to be measured and to ensure that actions assigned to other parts of Welsh Government are tracked (e.g. the commitment on page 18 to revise anti-bullying guidance in 2018 – this is welcome, though at this stage, we have no way of knowing how it will support the needs of refugee and asylum-seeking children as the action states). Such a framework would also facilitate the participation of sanctuary seekers, as well as frontline and grassroots organisations, in assessments on progress. Participation in monitoring activity could be themed so that relevant organisations would have the opportunity to give detailed feedback on areas of expertise.
- III. **Timescales:** we would like to see all actions assigned timescales (e.g. For how long it is envisaged that move-on support and the WARD scheme will be funded? When will the Age Assessment Toolkit be reviewed and republished? When will VAWDASV 'Ask and Act' training be rolled out to front-line professionals?). Welsh Government's Together for Mental Health Delivery Plan 2016-19<sup>2</sup> provides an exemplary model of a plan with detailed actions, performance measures and timeframes. Without timescales, can we assume that this means until end of the current Assembly term, in line with the Introduction that states, '*This draft plan seeks to set Welsh Government policy direction relating to these communities until the end of this Assembly term*'?
- I. **Reporting arrangements:** we would like to see a clear framework for reporting on this plan (e.g. through Welsh Government's Operation's Board, via an annual report, through an annual debate in Plenary).

2.4 Beyond these headlines, we have addressed each question as asked in the consultation, as well as provided feedback on each section of the delivery plan.

### **3. Do you agree with the priority actions identified in the Ministerial foreword? Please explain the reasons for your answer.**

3.1 The Welsh Refugee Coalition is pleased that the Ministerial Forward offers some clarity on those areas on which Welsh Government would like to see action by the UK Government and welcomes the commitment to work with them on these issues. We would welcome clarity on how Welsh Government envisages doing this and would value the opportunity for the Coalition to play an active and supporting role in any such work.

3.2 We are also pleased that Welsh Government's previous commitment to the approach of integration beginning on day 1 of arrival to Wales has been brought forward and identified as a key principle in this plan. We support the focus on integration from day one and underline the key role of providing and funding quality ESOL, education, training and employment readiness services in

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<sup>1</sup> <https://www.bbc.co.uk/news/uk-wales-politics-44196315>,  
[https://www.buzzfeed.com/hannahalothman/this-politician-wants-to-make-wales-the-most-feminist?utm\\_term=.kdeVYgQ9D#.cqDRDLOX1](https://www.buzzfeed.com/hannahalothman/this-politician-wants-to-make-wales-the-most-feminist?utm_term=.kdeVYgQ9D#.cqDRDLOX1)

<sup>2</sup> <https://gov.wales/docs/dhss/publications/161010deliveryen.pdf>

order to achieve this and to maximise the potential for new refugees (sections 7, especially 7.9-11 and 14.1). We also welcome the commitment to enhance support for those made destitute and for the most vulnerable (section 5.14-15). Both these need to be reflected in robust and specific actions.

3.3 In the introduction, we are pleased to see the delineation of Welsh and UK Government responsibilities, as well as the specific areas of concern that Welsh Government have with UK Government policy. We support Welsh Government's leadership and encouragement for other sectors to work towards Wales becoming a true Nation of Sanctuary, as well as the important commitment to a person-centred approach and the situating of the plan within a rights-based framework. We believe that this approach will achieve better outcomes for people, communities and the country as a whole and would urge the Welsh Government to share the benefits of such an approach with UK Government to counter their hostile environment policies.

3.4 In addition to the priorities identified in the Ministerial Forward, we would like to see greater prominence given to the powerful voices of asylum seeking and refugees. We feel it is also important that receiving communities, through community groups and frontline workers in a range of fields, have access to positive communications/awareness-raising sessions so that refugees and asylum seekers are welcomed and understood. Ensuring this plan is delivered on a foundation of public support is crucial to its success in contributing to Wales being a Nation of Sanctuary and getting the communications right is important.

3.5 From a Children and Young People's perspective (including UASC), access to Mental Health Services and Counselling support is definitely the top priority for many. After this, early access to suitable education and accommodation are the principal concerns of young people. Provision of advocacy is also important, with more resources needed for vulnerable young people who are not with family, both those who are age disputed and those who are over 18 and vulnerable for a variety of reasons.

**4. Do you agree with the actions within the Welsh Government's 'Nation of Sanctuary: Refugee and Asylum Seeker Plan'? Please explain the reasons for your answer.**

4.1 The Coalition broadly agrees with the actions in the draft plan and offers the following general feedback.

- I. ***There are a number of actions where links to existing rights and entitlements or local work supporting access are not made explicit, which is a missed opportunity. We suggest they be made explicit.*** For example, the Business Wales support mentioned already exists and it needs to be properly marketed to refugees as part of the Plan; the Healthy Child Wales Programme already exists and therefore the plan should ensure people seeking asylum and refugees *do* access vaccinations, rather than *can* access these (page 13); refugees are already eligible for student support funding through Student Finance Wales and so the action should be about making sure they are aware and the application process is accessible and support provided meets their needs.
- II. ***There are places where clarity could be offered on Welsh Government's role in ensuring consistency of provision, so that it is not a lottery for asylum seekers or refugees, where access to services and support is dependent upon the location they find themselves dispersed or sent to.*** For example:
  - a) Welsh Government should incorporate learning from local work supporting access to services. As an example, there is local funding available in Swansea for a children and young people's counselling service and this needs to be joined up with Welsh Government's action on counselling for children and young people

- b) Health of Homeless and Vulnerable Groups (HHAUGAP) meetings work very well in Swansea and these should be promoted across Wales.
- c) The 'Welcome to Swansea' programme has demonstrated how to run a successful mentoring service and what that success can mean for its participants - Welsh Government should commit to expanding that to all dispersal areas.

4.2 In addition to these general comments, we have commentary on each section of the draft plan.

## 5. Prosperous & Secure

5.1 On ensuring refugees are supported to transition from asylum accommodation to sustainable accommodation, the Coalition would like to see Welsh Government's funding for the Refugee Well Housing project reviewed to ensure funding is sufficient to meet demand and to ensure that this funding is available on a sustainable basis.

5.2 We welcome action to ensure the guidance underpinning local Homelessness Prevention Strategies take account of the vulnerabilities of new refugees and we seek reassurances that should this guidance lead to an identified need for increased provision, that the additional costs will be met.

5.3 We would like to see the commitment to explore opportunities to reduce refugee homelessness strengthened to a commitment to reduce refugee homelessness. The Coalition has insights and experience to offer on how this can be achieved, such as the partnership between Welsh Refugee Council's move-on programme and the YMCA in Cardiff or the shared house model being developed by Share Tawe in Swansea. We know that local authorities are utilising money available to them to prevent homelessness and that it is used to good effect when invested in bonds, agency fees and rent in advance for refugees facilitating access to the private rented sector.

5.4 We welcome the very positive and practical action of work with Rent Smart Wales, although on Right to Rent checks, given the Joint Council for the Welfare of Immigrants (JCWI) research<sup>3</sup> into the discriminatory impacts of these checks, the Coalition would like Welsh Government to liaise with UK Government to seek to influence the roll out of this provision in Wales. The Coalition remains concerned that the 'Right-to-rent' checks in Wales will lead to an increase in discrimination, homelessness presentations and the number of No Recourse to Public Funds (NRPF) cases presented to social services.

5.5 We recommend that Welsh Government develop and evaluate a pilot scheme in Wales, before legislation is brought in to extend the Right to Rent scheme, in order to assess how we can prevent discrimination from occurring. The impact of potential new legislation should also be monitored so that mitigating action can take place should negative consequences be identified. There is also a clear need to work with private landlords to raise awareness of different types of migration status to mitigate any impacts of Right to Rent Checks in Wales. We would also strongly recommend that there is a way for tenants to be able to report private landlords acting in a discriminatory way, perhaps through Rent Smart Wales.

5.6 On the promotion of good quality asylum accommodation provided by the UK Government, the Coalition requests that Welsh Government do everything it can to ensure housing standards are equal for everyone living in Wales, if possible through widening the remit of the Welsh Housing Quality Standard. This will require greater resource for local authorities to inspect asylum accommodation properties on a more regular basis – the right to inspect properties with minimal notice will achieve little if local authorities don't have the resources to do so. Welsh Government

<sup>3</sup> <http://www.jcwi.org.uk/news-and-policy/passport-please>

could also take a role in disseminating clear information about asylum seekers' rights to fit and proper housing, including how to complain.

5.7 On current accommodation and forthcoming COMPASS contracts, the Coalition would like Welsh Government to compel accommodation providers to attend the Welsh Government funded Asylum Rights Programme advocacy forums where accommodation is identified as an issue by participants. Inconsistent engagement so far has had a detrimental impact on the effectiveness of those forums held in Swansea. We request Welsh Government influence UK Government to include a requirement within the new contract for the accommodation provider to engage with and act on the voices of tenants on a regular basis.

5.8 On supporting the employability of refugees and working with Business Wales to support refugees to establish their own businesses, it would be helpful for the delivery plan to be more explicit about what support and links are available. For example, the delivery plan should name the 'Welsh Government funded employment schemes' which will promote their services directly to refugees during 2018 (page 8). In addition, the Coalition would like clarity on what training named employment schemes (including JCP, Communities for Work & Business Wales) and agencies such as the DWP could receive to help them better support refugees into work and to better understand the specific challenges refugees face in gaining employment. It would also be helpful to acknowledge how realistic (or not) it is for refugees to work for the Welsh Government, given Civil Service nationality rules, and add some of this detail to the Plan, even if that is just a weblink to a clear explanation of the rules. Welsh Government also has a role to play in raising awareness among employers on the fact that refugees have the right to work as some employers perceive this as a risk and of making the business case for employing refugees.

5.9 Many refugees and asylum seekers arrive with a wealth of skills that should enable them to get a job. The delivery plan commits to ensure the Credit and Qualifications Framework for Wales is promoted to refugees and asylum seekers and service providers during 2018. Recognizing prior learning is a chronic problem across a broad range of professional academic and vocational skills and trades, so this will need a comprehensive communications strategy to fully explain how the framework can be used. Achieving this by 2018 appears somewhat optimistic and 'promoting' the framework doesn't go far enough – user-friendly resources and awareness sessions are required to ensure it is used as widely as possible by refugees and asylum seekers and organizations supporting them. Other migrants would also benefit from this, supporting them to contribute to Wales' economy. Additionally, the relationship between the Credit and Qualifications Framework for Wales and the support offered by NARIC needs to be clarified.

5.10 Although it is encouraging to see there is a refugee case study in Welsh Government's Employability Plan, there is no other detail on specialist employment support for refugees. The UNHCR/OECD 10-point plan for engaging with employers on the hiring of refugees has some excellent recommendations that Welsh Government and other stakeholders could take forward<sup>4</sup>. Welsh Government also have levers at their disposal to encourage employers to recruit refugee talent, for example, through procurement and grant giving mechanisms such as the Economic Contract and Community Benefits Toolkit or through its work with Anchor Companies – the Coalition would like to see these links made more explicit.

5.11 The Coalition welcomes a commitment to ensure that refugee women are encouraged to consider entrepreneurship opportunities. However, evidence from Oxfam Cymru's Sanctuary in Wales<sup>5</sup> project indicated that the Business Wales service was inaccessible to refugee women

<sup>4</sup> <http://www.unhcr.org/5adde9904>

<sup>5</sup> <https://policy-practice.oxfam.org.uk/publications/final-evaluation-sanctuary-in-wales-project-581107>

involved in the project. The generic advice and courses available on the website and on the phone were not adequate in providing the holistic support which refugees often require to get a sound grounding in the UK economy, local markets and opportunities as well as HMRC and employment law requirements which will likely be very different to the set-up in countries of origin. Additionally, Refugee women are particularly disadvantaged in terms of finding suitable employment for a variety of reasons including social and cultural barriers but also due to caring responsibilities and a lack of childcare. As such it is essential that Welsh Government works with partners to ensure gender-disaggregated monitoring, evaluation and assessment of all refugees in refugee employment programmes recognising that refugee women's experiences and needs are qualitatively different from those of men.

5.12 On the *Community Based Entrepreneurship Scheme*, the Coalition would like to see more detail on how incentives and support for refugee business owners to act as peer mentors.

5.13 On promoting financial inclusion for refugees and asylum seekers to avoid destitution, reduce or mitigate the impacts of poverty and improve living conditions for those on low incomes, it would be helpful if the described actions were specific about who Welsh Government was targeting to raise awareness of the appropriate strategies and plans and available support and how this will happen.

5.14 Beyond this general point, we welcome the focus on action to alleviate destitution, which can pose critical welfare and human rights issues for those seeking sanctuary – not least homelessness, poverty, mental and physical ill health. It is vital that Welsh Government support local authorities to be informed and equipped to identify and provide for the most vulnerable, in line with the Social Services and Wellbeing (Wales) Act 2014.

5.15 In addition, the Coalition urge Welsh Government to invest in a *Crisis Fund* or in capacity building Third Sector infrastructure to respond to destitution (as per Welsh Refugee Coalition's June 2018 proposal and ongoing discussions).

Key areas that urgently require investment that would make a significant impact are:

- I. Training in the relevant legal, risk assessment and safeguarding processes and skills so that the voluntary sector can advocate and progress cases more effectively and ensure that the public-sector acts in line with its statutory obligations
- II. Capacity building in provision of temporary shelter to allow destitute asylum seekers to progress their claims and reapply for public support – involving support for the training and recruitment of volunteers, identification of new housing options and developing a whole-system approach so that a range of voluntary and public agencies are equipped to address this issue
- III. Targeted support for para-legal advice on applications for extension of leave, fresh claims and section 4 applications, such as through Asylum Justice, so that cases are progressed promptly, and periods of destitution avoided or minimised.

5.16 In addition to investing in the above areas, the Coalition also urge Welsh Government, in its delivery plan to:

- I. Acknowledge that asylum support rates mean that individuals and families supported by the Home Office are living in poverty
- II. Assess the potential impacts the Immigration Act's 2014 & 2016, as well as forthcoming Immigration legislation will have on homelessness in Wales, present findings to the Home Office and seek funding to cover any costs arising in Wales because of UK legislation.

- III. Ensure revised health guidance acknowledges and fully addresses the needs of destitute asylum seeking, refugee and NRPF populations.
- IV. Use Welsh Government's position within the UK's devolved settlement to advocate on behalf of people seeking asylum and those with refugee status living in Wales, to highlight the challenges being faced, and to call for reforms to UK immigration and asylum policy. Changes to UK policy and practice that would have major impacts on poverty reduction in Wales include:
  - a) Regarding asylum support: introduce a timeframe for decisions on Section 4 support, apply existing policy and guidance consistently and continue support until decisions on appeals are made.
  - b) Make legal aid available for asylum support appeals.
  - c) Permission to work be granted to any person seeking asylum that has been waiting for longer than six months - the Home Office's standard target for asylum decisions – and that permission should no longer be restricted to jobs on the Government's Shortage Occupation List.
  - d) Home Office to consider destitution when making decisions on applying conditions to status - rather than assigning NRPF conditions and subsequently removing them.
  - e) An extension of the 'move on' period for new refugees to 56 days - reflecting the time it takes for refugees to access accommodation and financial support.
  - f) The rate of asylum support to be raised from its current level of 50% of job seekers allowance to at least 70%.
  - g) Ensure that local authorities, particularly social and homelessness services, in Wales are fairly and fully financially resourced to support people with NRPF (recognising their role as key stakeholders in a successful compliant migration environment).

5.17 The commitment to monitor the effect of recent welfare reforms, including the benefit cap and expansion of the Universal Credit 'full' service during 2018 to identify barriers for refugees is welcome, though the Coalition is disappointed that there is no commitment to tackle those barriers once they have been identified, a significant shortcoming which the Coalition would like to see addressed. The Coalition requests that that Welsh Government's commitment on this action be strengthened to 'Welsh Government commit to monitoring and seeking to mitigate any adverse effects of welfare reforms including the benefit cap and expansion of the Universal Credit 'full' service during 2018 to identify barriers for refugees'.

5.18 Underneath the action *work towards preventing refugees or asylum seekers becoming human trafficking or modern slavery victims*, the monitoring and reporting risks of trafficking and improving awareness and training in this area is beneficial for all asylum seekers and refugees, including children and young people. The Coalition strongly feels that this needs to include people with the NRPF condition and that, as in the last bullet point above, local authorities need to be supported financially to work with people with NRPF. This work includes:

- I. Identifying a lead officer with sufficient authority and influence to actively participate in the Wales NRPF network.
- II. Improving awareness, as well as up-to-date technical and practical knowledge within any local authority of destitution amongst asylum seeking, refugee and NRPF populations, to ensure support entitlements amongst these populations are fully understood and acted upon.
- III. Ensuring Social Services departments and homelessness services that respond to referrals, undertake assessments of vulnerability and risk and offer required support in a timely manner in line with Housing (Wales) Act 2014 and Social Services and Well-being Act 2014 requirements.
- IV. Developing a common recording system across local authority departments to capture consistent data across time and locations (e.g. on numbers of people supported, needs of

those supported, legislation used to support, cost and length of support and case resolutions).

- V. Developing a system for capturing the costs of supporting NRPF cases.
- VI. Ensuring that asylum seeking, refugee and NRPF populations are acknowledged and their needs addressed at local / regional homelessness local authority fora.
- VII. Ensuring homelessness provision within any local authority is culturally and gender appropriate and safe.
- VIII. Working in partnership with the health and voluntary sectors to tackle destitution.
- IX. Considering becoming a beacon authority of NRPF good practice and leadership in Wales.

5.19 In addition, Welsh Government's Code of Practice for Ethical Employment in Supply Chains should be mentioned in this section of the plan as a positive step public bodies, private businesses and third sector organisations can take to help eradicate unethical and unlawful employment practices. This Code of Practice should also form part of Welsh Government's Economic Contract. It should also be recognised that early intervention in the form of ESOL, education & skills, job readiness, confidence building, employment rights education and employment support are all key measures to help with integration and prevent refugees and asylum seekers becoming victims of human trafficking or modern-day slavery.

## **6. Healthy & Active**

6.1 *On ensuring barriers to healthcare for refugees and asylum seekers are reduced*, the Coalition is pleased to see that free health care will be maintained in Wales, including for people with NRPF and we welcome the consultation on health policy guidance. We urge Welsh Government to take full account of the HEAR research on health access by refugees and asylum seekers currently being led by Public Health Wales and Swansea University and to ensure that this research informs the forthcoming Practitioner Policy Guidance.

6.2 Whilst asylum seekers and refugees are currently supported at initial accommodation and at point of dispersal to access primary healthcare and health screening, those arriving under family reunification would not necessarily receive this structured support. We urge Welsh Government to review the support and access to services for families arriving under family reunification and develop work with agencies to ensure that they receive equality of access and support.

6.3 We also urge Welsh Government to ensure that the needs of asylum seekers and refugees are reflected in the new Isolation and Loneliness Strategy due in 2019.

6.4 The Coalition would like the delivery plan to provide clarity on the 'awareness training' mentioned in this section. The Coalition suggests this needs to ensure that the experiences of refugees and asylum seekers are sought and reflect improvements in this area.

6.5 In response to *creating the conditions for every child to have a healthy start in life*, the Coalition notes that there is likely to be a whole tranche of work needed under adverse childhood experiences (see ELGC evidence from psychologist in relation to UASC, but also for accompanied children, including those arriving through family reunification<sup>6</sup>). These experiences could have significant implications for mental health in later life and the Coalition would like to see a more robust commitment from Welsh Government than the 'consider the circumstances of refugee and asylum seeker children in relation to work on ACEs' currently detailed in the plan.

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<http://senedd.assembly.wales/documents/s500003171/RAS%2003%20-%20The%20British%20Psychological%20Society%20BPS.pdf>

6.6 The coalition strongly supports the recommendations of the recent Children's Committee report<sup>7</sup> on the step change needed in emotional and mental health support for children and young people in Wales. Although containing nothing specific to refugee and asylum-seeking children, we support the principles of early intervention and prevention and urge Welsh Government to consider refugee and asylum seeker children in its response.

6.7 *Re supporting refugee and asylum seeker participation in sport and physical activity*, this is welcomed by the Coalition, though the action is sparse on detail. The costs of participation need to be acknowledged and addressed and the action could benefit from having a lead organization identified. An option could be to work with local authorities to ensure facilities meet the needs of deprived populations, such as free outdoor facilities, supporting Park Lives programmes or widening access and information about Passport to Leisure.

## **7. Ambitious & Learning**

7.1 As highlighted in the introduction, we cannot emphasise enough the critical role of education and training from day one as cutting across many areas of this plan and as vital for integration and success. This means that funding is vital for quality ESOL, education, training and employment readiness services. Appropriate access to statutory (pre-16) services is of course important, though it is especially vital that barriers are removed to young people and adults accessing support.

7.2 *On ensuring access to independent counselling services for refugee and asylum-seeking children*, as already highlighted, for children and young people (including UASC), access to mental health and counselling support is the top priority for many. Based on recent experience by Tros Gynnal Plant, investment in interpretation is critical to the success of counselling and therefore the Coalition would like to see commitments to this reflected in the delivery plan. Also, without interpretation, many children and young people simply will not benefit from investment in counselling provision.

7.3 By way of background, Tros Gynnal Plant report that UASCs and the other vulnerable children and young people they work with between the ages of 11 and 25 often report low mood, anxiety or depression and in a few cases more complex mental health conditions as well as what's likely to be PTSD. Slow outcomes in immigration claims impacts negatively on mental health, as do disputed age assessments which conclude that a person is over 18 and result in a change of accommodation to a mixed household with adults. Currently, at least 3 young people waiting for an age assessment in Cardiff are in initial accommodation sharing rooms and say they feel unsafe and distressed. Many children and young people are bereaved and traumatized and report physical pains and headaches which appear to relate to their feeling of distress. On occasion, children and young people have reported that they have lost important items such as Arc cards, wallets or backpacks and attribute these losses to their 'head being confused' and their 'thoughts being jumbled'. There can be improvements once children and young people engage in appropriate support and in participatory activity, though for many their anxious or depressed mood returns regularly.

7.4 GPs need to be better equipped to assess the mental health needs of these children and young people. Some GPs appear unwilling to refer to CAMHS and unfortunately, even if a referral is made, individuals often face a lengthy wait for assessment and it seems there are no specific provisions for the kind of support needed. UASC are affected by local authority budgets allowing for less money to be allocated to therapy and instead only free locally sourced courses or counselling

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<sup>7</sup> <http://www.assembly.wales/laid%20documents/cr-ld11522/cr-ld11522-e.pdf>



accessed via schools or third sector providers (e.g. new Pathways, Mind or anxiety courses on skills-based programmes), which do not meet the needs of these children and young people.

7.5 Another barrier to accessing suitable therapy which needs acknowledging and addressing is the cost and availability of appropriate interpreters in cases where a child or young person doesn't possess sufficient English or Welsh to manage without it. Access to specialist mental health services need to be more readily available and accessible. Regular mental health checks should also be available as PTSD can take a period of time to arise.

7.6 Complementary activities such as resilience classes, yoga, mindfulness and sport play a role in good mental health, as do mentoring schemes. These should be considered important, though are no substitute for high quality, bespoke mental health support.

7.7 *On supporting and challenging Local Authorities and regional education consortia on actions they are taking directly, and through support to schools, to improve educational outcomes for all learners*, the Coalition is concerned about the threat to the MEAG (Minority Ethnic Achievement Grant) funding to local authorities. The foundation of integration for sanctuary seeking families is access to schooling for their children. As an example, the Ethnic Minority Achievement Unit (EMAU) at Swansea Council, funded by MEAG, is invaluable in providing support for learners and their families to achieve their potential at school, whether that be through language provision, specialised classes or advice and guidance. Swansea Council has already announced a consultation into significantly reducing the EMAU service as a direct result of the removal of MEAG funding and moving to a school-led approach. This raises alarm bells as the support available to ethnic minority learners will then depend on the commitment of each school to this issue and we know there are discrepancies amongst schools about how resources are prioritised.

7.8 *On exploring ways to raise take-up rates of the Foundation Phase early education entitlement by refugee and asylum-seeking families*, to add weight to the actions around Early Years provision, Welsh Government should commit to increase take up rates of the Foundation Phase early education entitlement by asylum seeker and refugee families, rather than encourage increased take-up rates. The Coalition would also like to see detail on how this could be achieved.

7.9 On the promotion of essential skills for refugees and asylum seekers to improve employability prospects, social cohesion and school attainment levels for children, the Coalition is disappointed that there is no additional funding for ESOL, though understand that Welsh Government has submitted a bid to the Home Office AMIF fund with a view to expanding ESOL and employability provision, to roll out the REACH programme beyond Cardiff to other dispersal areas in Wales. We welcome this bid and hope it is successful. Should it be successful we would urge an evaluation of the REACH model before either the ESOL policy for Wales is updated or prior to further roll out. Any such evaluation should include:

- a gender and age analysis of need and uptake
- the need for culturally appropriate provision and childcare facilities
- waiting times at different times of the year
- input from frontline agencies such as Oasis, Welsh Refugee Council and ACE
- the role of Adult Learning Wales and its ability to deliver accredited classes in communities with little or no ESOL infrastructure

7.10 Additionally, the existing work of Adult Learning Wales collaboratively with Cardiff and Vale College to develop flexible ESOL provision as part of the REACH project is referenced, though the Coalition would like to see a commitment to this ongoing collaboration.

7.11 Under the heading *promote awareness of apprenticeship opportunities with refugees to enable increased employment and learning opportunities*, the Coalition urges Welsh Government to consider ESOL plus, where individuals can study ESOL alongside a trade such as catering or plumbing. There are opportunities for this FE colleges dotted around Wales and examples to explore are formal courses available in Cardiff and emerging schemes such as those offered as Coleg y Cymoedd which is delivering a joint ESOL & carpentry course to SVPRS participants in Rhonda Cynon Taff.

7.12 On *increasing opportunities for refugees and asylum seekers to access further and higher education*, a key concern is the lack of teeth relating to this ambition. This is a crucial area of action that could truly support people seeking sanctuary to learn new skills, integrate and contribute to the Welsh economy. Resolving and widening access to higher and further education for asylum seeking children and young people is critical. Given the time the asylum process can take, which is years in some cases, young people moving through the asylum process should not have access to higher education barred to them. Even if their long-term future turns out not to be in Wales they should have a right to study here and appropriate financial help to sustain this. As well as personal benefits to themselves in terms of reaching their full potential and leading a prosperous and fulfilling life their contribution to University life for others in terms of diversity, equality and culture will be positive.

7.13 It is of concern that there appears to be no key organization to lead on this action. Due to the recent (January 2018) Section 10 changes on restrictions on the right to study, there needs to be a section of Welsh Government to keep a watching brief on Home Office policy, to ensure Welsh Government is fully able to exercise its devolved responsibilities. The Coalition would like to see Welsh Government reiterate its support for asylum seeking young people with the following statement included in the plan: "It is Welsh Government's policy that all asylum seekers should have the right to study in Wales as access to education plays a fundamental role in community cohesion and national prosperity" and for this to be supported with a clear lead with responsibility for making it a reality.

7.14 The Coalition welcomes the commitment to *explore possible changes to the Education Maintenance Allowance and Financial Contingency Fund to enable asylum seekers to be eligible from the September 2019 term, though we urge haste on this to enable students to benefit from this from September 2018.* Whenever introduced, this change will overcome many of the barriers to Further Education experienced by asylum seekers. University admissions teams should work with Further Education institutions to provide information, advice and guidance on the application process and financial support available to go to university.

7.15 On Higher Education, feedback from universities at the Sanctuary in Higher Education Working Group, currently coordinated by DPIA, is that this requires an approach adopted by HEFCW, similar to how the Buttle Quality Mark resulted in a sector-wide response for care leavers. This needs to include funding for scholarships or bursaries to enable asylum seekers in particular, to overcome the financial barriers to higher education. However, there is a wide range of things universities can do to be places of sanctuary for refugees and asylum seekers and these should all be considered by Welsh Government and HEFCW.

7.16 On the commitment to *work with the Higher Education Funding Council for Wales (HEFCW), Universities and their partners to audit and publish practice on supporting refugees and asylum seekers, it would be good to see a commitment to highlighting to universities that a major barrier to entering university is English / Welsh language competency.* Many forced migrants meet the academic requirements for entering university and, admirably, receive the same support as home students from the start point of a degree award. However, many individuals don't meet linguistic requirements, and this is a major barrier to study. At present, there is no financial support to

overcome this barrier. ALL universities in Wales run comprehensive pre-degree language programmes for international students from wealthy countries (e.g. Saudi, China, UAE) and thus, the frameworks are in place, but the high costs of entry onto these pre-university language courses prevent forced migrants from access. Schemes such as the University of Wales refugee sanctuary scheme<sup>8</sup> should be promoted to other universities. There is attraction to universities in this scheme also, since they can increase their student numbers without changing any existing support framework.

7.17 On education generally, support for global citizenship education is a useful way of making schools more welcoming to asylum-seeking and refugee children and to help mitigate and minimise instances of discrimination/racism on the part of children, teachers and parents. There are also specific resources available like the Schools of Sanctuary<sup>9</sup> resource that could be useful for schools to improve awareness and understanding of refugee issues amongst future generations, to embed welcoming and inclusive practices in schools and to promote community cohesion (especially in non-dispersal areas).

7.18 The development of the new curriculum in Wales offers an excellent opportunity to ensure that all children and young people are ethical, informed citizens who ‘respect the needs and rights of others, as members of a diverse society’ and are ‘healthy, confident individuals who ‘form positive relationships based on trust and mutual respect’.

7.19 *On supporting unaccompanied refugee and asylum-seeking children to ensure they have access to the advice and advocacy they need, the Coalition urges Welsh Government to cement the ‘Guardianship’ service in specific deadlines to ensure it progresses.* This is not a new commitment, though it has been slow to develop.

7.20 *On supporting unaccompanied refugee and asylum-seeking children to ensure they have access to the advice and advocacy they need, the Coalition urges Welsh Government to acknowledge that ARP funded provision is insufficient to meet required needs.* Tros Gynnal Plant’s ARP Advocacy Caseworker is working with the targeted number of young people, though anticipates that there is need in parts of Wales from which referrals are not currently received and referrals to assist with further education issues are expected as awareness around these issues increase. The number of age disputed cases continue to increase and forms the core of the advocate’s current caseload. Tros Gynnal Plant have concerns that in Cardiff, young people are not being given the benefit of the doubt in terms of age in age assessments and that they are in initial accommodation, in some cases for weeks, while waiting to be age assessed. Having sufficient legal advice to deal with age disputed cases has been a challenge with only one firm in Wales being identified by Tros Gynnal Plant as being suitable and willing to take these cases on. We request Welsh Government consider capacity and adequate resourcing when the ARP is reviewed.

7.21 We ask Welsh Government to ensure that all work to *gather the views and opinions of children and young people* is carried out in line with the National Participation Standards<sup>10</sup>. Further, any consultation with children and young people should adhere to National Participation Standards. Tros Gynnal Plant have in the past used child friendly consultation documents interactively with children and young people which have proved popular and helpful. Regarding the assessment indicating that face-to-face discussions are considered preferable due to low English language proficiency and lack of trust in Government institutions, Tros Gynnal Plant agree that is the case,

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<sup>8</sup> <https://www.southwales.ac.uk/study/fees-and-funding/undergraduate/undergraduate-home/usw-refugee-sanctuary-scheme/>

<sup>9</sup> <https://schools.cityofsanctuary.org/resources/>

<sup>10</sup> [http://www.youngwales.wales/images/ParticipationStandards\\_Poster\\_9.pdf](http://www.youngwales.wales/images/ParticipationStandards_Poster_9.pdf)

with many UASCs and many of the other vulnerable young asylum seekers they see. There are however, other asylum seeking and refugee children who have good English and can be accessed to take part in this consultation. Tros Gynnal Plant suggest a few sessions with the same children and young people, especially those with little or no previous experience of participatory engagement. Children and young people often work better with people they know and trust, especially when sensitive issues are involved. Introducing the concepts of participation and setting the scene so that the consultation makes sense takes some time before getting onto the subject matter of the consultation itself pays dividends. Time should be allowed for children and young people to ask questions and whenever possible set their own ground rules on how participation sessions run. Participatory methods used should also have regard to age and understanding.

7.22 *On supporting local authorities to ensure unaccompanied refugee and asylum-seeking children can be adequately looked after*, there is a clear need for appropriate skills training for professionals who are responsible for the care of and charged with making 'best interest' decisions for UASC. Welsh Government funded training for social workers and foster carers on age assessments is a positive step and will be welcomed by many social workers, as well as by the third sector. Other training around cultural awareness, issues experienced by UASC, immigration processes and the role and responsibilities of social workers in this area would be beneficial too. Approximately once a month, Tros Gynnal Plant experience social work teams and foster carers who are working with people seeking asylum for the first time or where they have had few previous cases. In some local authorities where they have had more experience with this cohort, but no specific training, there is an interest in training by both local authorities and by foster carers. In the past, some local authorities had specialist teams working with UASC, though now the practice of allocating children and young people to whichever social worker has capacity at the time. Some UASCs find it difficult and confusing to have a change of social worker within a couple of months of their initial involvement with children's services, especially if they have got on well with their Duty & Assessment Social Worker. Several UASC taking part in a recent Tros Gynnal Plant consultation workshop on Welsh Government's Delivery Plan expressed confusion about who does what and what a LAC Review is. They have no recollection of someone explaining what an advocate does or being offered one. The Coalition welcome the forthcoming Welsh Government factsheets being prepared for such young people (translated into all required languages) and professionals as an aid to helping life easier for UASC. The possibility of having a specialist UASC lead social worker within each local authority is something the Coalition would like to see explored.

7.23 The Coalition welcomes the commissioning of a re-draft of the Age Assessment toolkit to ensure it is fit-for-purpose and the involvement of third sector agencies in its review.

7.24 In relation to UASC, it is positive that *suitable accommodation is to be promoted and that looking for foster carers from refugee backgrounds be encouraged*. The Coalition would also like to see a commitment to working with the All Wales Heads of Children's Services and the National Fostering Framework Strategic Steering Group to explore ways in which fostering provision can be improved and responsive to the needs of asylum seeking children and young people. Listening to what children and young people say about their accommodation is the first step. Tros Gynnal Plant highlight that some foster placements do not provide the right nurturing environment for UASC and that children and young people are wary about making any type of complaint. They are generally respectful of all those involved in their care, though when trusted relationships are built, several children and young people have reported being cold and explained the heating only goes on in accommodation when visitors are coming. Others have stomach ache from eating western food and some report not being supported to visit a religious place of their choice or not being supported to visit friends or attend events with people from their communities. An additional issue is that a lack of sufficient suitable foster care placements results in children and young people being moved into

semi-independent living arrangements before they are ready. Although children and young people can find the constraints of foster care a challenge after the independence they have had on their journey to Wales, they lose out on the opportunity of being part of a nurturing household if foster placements are not available or appropriate. Communication around cultural issues which may be easily resolved can be one of a few issues which affect how well foster placements work.

## **8. United & Connected**

8.1 *On the provision of cohesion support around the widening of dispersal areas and the resettlement of refugees and fostering good relations between refugees and asylum seekers and wider society*, the Coalition notes the absence of reference to Welsh Government's Community Cohesion plan. We seek assurances that the ELGC inquiry recommendations relating to this plan to i) include a communications strategy that emphasises the benefits of immigration to Welsh society and dispels myths and inaccuracies about refugees and asylum seekers and ii) a Wales wide publicity campaign like the one undertaken in Scotland are included in this delivery plan. Welsh Government committed to updating the Community Cohesion plan by summer 2017 and so the Coalition is disappointed that this has not yet been achieved. In a letter to the First Minister<sup>11</sup> the ELGC Committee recommended that Welsh Government 'update the Community Cohesion Plan before summer 2018 to take account of recent rises in hate crime and new challenges to community cohesion in Wales' post Brexit.

8.2 We also urge Welsh Government to clarify the existence and role of Welsh Government's Asylum Seeker & Refugee Communications Group in the delivery plan. The Coalition urges Welsh Government to take a lead on positive communications around migration, as well as continuing its role of facilitating coordination between communications campaigns led by the third sector. The Coalition also urges asylum seeker and refugee participation in Welsh Government's Communication's Group.

8.3 *On the commitment to provide coordination and leadership in relation to the resettlement and integration of refugees and asylum seekers in Wales*, the Coalition would like to see reference to a workplan for both the Taskforce and Operation's Board, as well as accompanying commitments to monitor & evaluate these workplans.

8.4 *On the promotion and understanding of Welsh culture and heritage to refugees and asylum seekers*, the Coalition would like to see cultural exchange and learning as a 2-way process. Native and relatively new populations have a lot to share and learn from each other – we'd like to see this recognised and embraced by the delivery plan.

8.5 *On endeavour to provide equal access to the internet for refugees and asylum seekers in Wales*, Tros Gynnal Plant highlight that a lack of laptops or Wi-Fi in semi-independent living accommodation is an issue for UASC, as well as other children and young people. The lack of these provisions impedes children and young people progressing in education and being able to do homework. Most teenagers in Wales have access to these facilities in their own homes. Accessing a local library or alternative public building is not always easy for a variety of reasons. The Coalition requests that provision be made for UASC to have laptop and Wi-Fi in semi-independent living spaces.

8.6 The Coalition is aware that some local authorities are beginning to look at developing exit strategies for their SRVPS. We are mindful that many local authorities who have welcomed families

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<http://senedd.assembly.wales/documents/s73986/Letter%20from%20the%20Chair%20of%20the%20External%20Affairs%20and%20Additional%20Legislation%20Committee%205%20April%202018.pdf#>

are non-dispersal areas, which is a fact we commend and welcome, however this also means that they lack many of the support structures that exist within dispersal areas available to the families once SRVPS support ends. The Coalition wonders whether Welsh Government has a role in supporting local authorities to develop effective exit strategies for SVPRS families. The Coalition would like to see Welsh Government work with local authorities to ensure that effective strategies are put in place, impact is evaluated, and good practice shared. We would like to see Welsh Government continuing to work with stakeholders across Wales, so that we play a full role in refugee resettlement schemes such as the SVPRS as part of a commitment to global responsibility.

**9. We want to ensure that other organisations and communities across Wales take action to support the concept of Wales as a ‘Nation of Sanctuary’. How can we best work with others to achieve this?**

9.1 Welsh Government’s plan should remain solely your responsibility so that Welsh Government can be held to account for the commitments within it. However, some changes that are needed cannot be delivered without support of other sectors, and this level of detail cannot be covered within Welsh Government’s plan. Other sectors should therefore be encouraged to develop ‘Nation of Sanctuary’ plans, which may be much shorter and certainly more focused, covering their areas of responsibility (e.g. especially Local Authorities, HEFCW on HE, PHW on Health, WCVA on Volunteering). These plans should be Welsh-specific but can learn from Welsh Government’s strong statements on UK policy which impacts their area of work. Welsh Government should exercise its authority wherever possible to make these sector-specific plans obligatory and implement reporting regimes so that progress can be tracked pan-Wales.

**10. Our aim is that everyone will have the opportunity to reach their full potential and lead a healthy, prosperous and fulfilling life, enabling them to participate fully in their communities and contribute to the future economic success of Wales. How can we better achieve this for refugees and asylum seekers?**

10.1 It must be highlighted that this aim will be difficult, if not impossible to achieve without revision of the removal of MEAG (Minority Ethnic Achievement Grant) funding to local authorities, as highlighted above. The foundation of integration for sanctuary seeking families is access to schooling for their children and support for parents and young people to enter the workforce.

10.2 Many of the elements of this delivery plan reference a mentoring scheme of one kind or another. Experience of the Welcome to Swansea project, a partnership between DPIA and Swansea City of Sanctuary, is that the management of these needs to be funded. The investment required is not large – one full-time post will support over 100 people a year and supervise up to 50 volunteers – but feedback from those involved in the current scheme has told us that without any staff support, the mentoring scheme simply cannot run. Therefore, the action to ‘encourage existing refugee entrepreneurs to act as mentors for new-start refugee businesses’ will not get off the ground without some form of funded resource.

10.3 Crucial to achieving this aim is community cohesion. There needs to be a greater, and consistent understanding amongst the community about asylum and refugee issues. This should include promotion of the Schools of Sanctuary programme, which will help prevent bullying, rather than tackling it when it does occur. The contribution of asylum seeker and refugee volunteers should be promoted by Welsh Government as part of its communications strategy. Equally important to the communications strategy is encouraging everyone to play their part and promotion of the valuable work of community groups.

10.4 We also believe that Welsh Government has a role to play in positively influencing the debate around refugees and asylum seekers at a UK level. Welsh Government’s ‘Nation of Sanctuary’ approach is in stark contrast to the UK Government hostile environment and we believe that the

humanitarian approach adopted by Wales delivers better outcomes for people, communities and the country. It is essential that the Welsh Government uses best practice from Wales to help change the debate at a UK level.

10.5 Refugees and asylum seekers must be supported not only to report Hate Crime but also to recover from it.

**11. We want everyone to live in a home that meets their needs and supports a healthy, successful and prosperous life. How can we better achieve this for refugees and asylum seekers?**

11.1 In addition to the details outlined in previous sections, the possibility of a mentor for young adults in dispersed accommodation is beneficial for many of the young people Tros Gynnal Plant work with, who often feel isolated and, in many cases, desperate about their situation.

**12. We want the Welsh social care sector to support people to lead independent lives. How can we better achieve this for refugees and asylum seekers?**

12.1 In Swansea, the Health of Homeless and Vulnerable Groups Steering Group meetings are very useful and contribute to a well-joined up approach to health and social care. These should be made obligatory in all dispersal areas and their remit to include asylum seeking, refugee and NRPF populations. This should be a clear action under ‘establish mechanisms to promote sharing of good practice for the improved health outcomes of refugee and asylum seeker communities’.

12.2 Awareness training for staff in the health and social care sectors on the rights and needs of people seeking asylum people, refugees and people with NRPF is vital to ensure they approach people sensitively and with confidence. The Coalition would like Welsh Government to either make it compulsory or incentivize local health boards and local authorities to make asylum awareness and NRPF training available to all staff.

**13. We want to ensure that mental health problems are not a barrier to achieving potential in all areas of life. How can we better achieve this for refugees and asylum seekers?**

13.1 Welsh Government have acknowledged the value of volunteer and mentoring schemes in ‘combatting isolation and depression for those living in dispersed accommodation’. A commitment to rolling this out to the four dispersal areas would be very welcome. Where this is referenced again on page 23, it should be ‘asylum seekers and refugee mentors’.

**14. Every person should be equipped with the skills they need to get a job and the opportunity to develop new skills through their working life. How can we better achieve this for refugees and asylum seekers?**

14.1 It is vital to provide employment support and ESOL that can target the needs of a range of skilled adults - not least for those seeking professional roles where English language requirements can be high, learning from the successful programme to support doctors.

14.2 In addition to the detailed feedback on specific delivery plan action points outlined previously, Digital Communities Wales are refreshing their Train the Trainer toolkit for people working with sanctuary seekers, though the funding to deliver the training is coming to an end in the next year. This toolkit could be referenced here, with a commitment to support its wider roll-out.

14.3 For children and young people, funding could be made available to learn new skills in fun ways, in the community and with other young people. For those not able to access employment, volunteering opportunities and work experience is critical to integration and positive mental health. Projects like the Sanctuary in Newport offer activities and outings with under 18s to enhance wellbeing and in some cases, contribute to the learning of new skills. EYST In Swansea have projects

which also teach important skills. Tros Gynnal Plant's Participation aims to help with the development of skills over time. More funding and initiatives like these are needed in other areas.

**15. Can you identify any additional effects of this document (positive or adverse) on the Welsh Language, Equality or Children's Rights? To assist with this you will need to refer to the Welsh Language, Equality and Child Rights impact assessments which accompany this questionnaire. Please explain your view and any suggestions for how the document could be revised so that positive effects could be increased, and negative effects mitigated**

15.1 With regard to focus group consultation with UASC referred to on page 3 of the Children's Impact Assessment, it says that 'specific consultation question is to be included in the consultation about the most appropriate and beneficial way of communicating with Refugees and Asylum Seekers, including children and young people'. There doesn't appear to be a question of this kind in the and the Coalition would like this shortcoming addressed.

15.2 The Coalition is disappointed that there is no child friendly version or citizen/person friendly version which of consultation documents that people could access independently.

**16. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.**

16.1 The Coalition remains deeply disappointed that the Welsh Government rejected recommendation 6 of the ELGC's report 'I used to be someone', which called for **extending concessionary transport schemes** to refugees and asylum seekers to improve access to education, employment and volunteering opportunities. Cost of transport is a particular issue for asylum seekers living on asylum support rates, which are insufficient to cover bus travel. This is of huge detriment to social inclusion and community cohesion. In particular, for those children and young people Tros Gynnal Plant work with who are not eligible for a bus pass, this restricts access to sport and other activities and can add to issues of isolation and poor mental health. While Coalition partners continue to work on grant-funded projects and with local councils to address this issue where possible, the Coalition would like to impress upon Welsh Government the importance of this issue and urge them to reconsider its approach.

16.2 **Language barriers and issues around finding suitable interpreters** is a significant issue which many individuals and support agencies encounter. The WITTS Language service in Cardiff will only take bookings from Statutory Bodies and to alter this arrangement to include third sector agencies would require the agreement of the approximately twenty statutory agencies who signed up to use the service when it was initially set up. Alternative services are expensive and not always reliable or suitable. There is a wealth of language expertise in the sanctuary seeking community itself that is not currently used to its greatest advantage. The Coalition asks the Welsh Government to consider investing in a scheme that will allow public and third sector services to access that reservoir of interpreting talent. Options may include working with education providers to operate or subsidize a basic, accredited translation course for sanctuary seekers which would offer public and third sector organizations quality assurance when recruiting volunteers. There will be many organizations who would be interested in offering students experience in translation and interpreting which could contribute to a portfolio for assessment. Public sector organizations could be encouraged to identify such opportunities where volunteers can support services, resulting in a cost reduction for them. These savings could contribute to the cost of the translation course. Ultimately, this course could offer access to the labour market for interested refugees.

16.3 The Coalition are disappointed that the plan makes no reference or commitments to **family reunion**. There is little support available specifically for families being reunited under Family Reunion legislation, despite those joining the sponsoring refugee adult having protected characteristics, they themselves also being refugees, and predominantly being women and children. These families



require practical support to navigate and access complex systems such as housing, benefits, education and health. Reunion itself can be another transition crisis point at which they are at a higher risk of experiencing financial hardship and homelessness or severe overcrowding. These risks place additional strain on families at a critical time as they attempt to rebuild home together after what can be years of separation and disrupted family life. These outcomes are not inevitable and that by making some changes the experience of both family reunion and subsequent integration into Wales' communities would be improved. We ask that Welsh Government make a commitment within the plan to explore the needs of families being reunited with an intention to build on current practice and improve well-being and integration. This would support the Welsh Government's principle of *integration beginning on day one*.

**For further information, contact:**

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**Welsh Refugee Coalition members:**

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| 1 day without us                             | Migrant Help                             |
| Aberystwyth University                       | Mind Cymru                               |
| African Community Centre                     | Novo Jibon                               |
| Amnesty Cardiff                              | Oasis Cardiff                            |
| Asylum Justice                               | Oxfam Cymru                              |
| Asylum Matters Project                       | Race Council Cymru                       |
| Barnardos                                    | Race Equality First                      |
| Bethel Sanctuary Project                     | Refugee Info Bus                         |
| British Red Cross                            | Save the Children                        |
| Cardiff City of Sanctuary                    | SEWREC                                   |
| Children in Wales                            | Share Dydd                               |
| Christian Aid                                | Share Tawe                               |
| Citizens Wales                               | Show Racism the Red Card                 |
| City of Sanctuary                            | Snap Cymru                               |
| Colwyn Bay Amnesty Group                     | Space4U                                  |
| Community Housing Cymru                      | Swansea City of Sanctuary                |
| Croeso Penarth                               | Swansea University                       |
| Croeso Teifi                                 | Syria Association in Wales               |
| Diverse Cymru                                | Tai Pawb                                 |
| DPIA   | TCC                                      |
| Evangelical Alliance                         | The Equality and Human Rights Commission |
| EYST   | The Gap                                  |
| Focal Point Merthyr Tydfil                   | Trinity Centre                           |
| Hay Brecon & Talgarth Sanctuary for Refugees | Tros Gynnal Plant                        |
| Henna Foundation                             | WCIA                                     |
| Hope not Hate Cymru                          | Welsh Refugee Council                    |
| Mental Health Foundation                     | Women Connect First                      |
| Mid Wales Refugee Action                     |  |

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