

Vaughan Gething MS  
Minister for Health and Social Services

Jane Hutt MS  
Deputy Minister and Chief Whip

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1 July 2020

**Impact of Coronavirus on equality and human rights**

Dear Minister and Deputy Minister

As part of our scrutiny into the impact of Covid-19 on equality and human rights, we recently took evidence from the Equality and Human Rights Commission (EHRC), the Older People’s Commissioner for Wales, Age Cymru, Ethnic Minorities and Youth Support Team (EYST) and Race Council Cymru. While we intend to shortly publish the evidence and recommendations in a single report, there were a number of urgent issues that we did not feel should wait for this report.

We note that concerns were raised about ensuring that the voices of groups such as older people, disabled people and BAME communities are being listened to in responding to the pandemic. The EHRC told us that this was important to ensure that “policies and actions respond to their needs and mitigate the inequalities that people face” They also highlighted the need to ensure that engagement is about “actively engaging with your local communities.” Engagement also needs to take account of the particular barriers some people may face, in particular barriers to digital engagement. We envisage we will return to this issue in more detail in our further work on the pandemic.

As the nature of these issues cut across your portfolios we have written a single letter.

**Impact assessments**



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As you will be aware, we, along with the Finance Committee and Children, Young People and Education Committees have been calling for a more systematic approach to the publication of impact assessments as they relate to the budget setting process.<sup>1</sup> We continue to be disappointed that this has not yet happened.

The EHRC told us that they were “concerned” about a lack of transparency in how equality and human rights were being considered by the Welsh Government in responding to the pandemic, and that the lack of published Equality Impact Assessments (EIA) “could potentially breach the legal obligations of the public sector equality duty and the Equality Act.”<sup>2</sup> While they understood that at the outset of the pandemic decisions had to be made quickly, they felt as the focus shifts towards recovery, there is an opportunity for more consultation and scrutiny, including publication of EIA’s and Children’s Rights Impact Assessments (CRIA).<sup>3</sup>

While they welcome equality being a key pillar of the recovery plan, they believed the publication of EIAs would help provide assurances and an opportunity for more informed scrutiny of Welsh Government decisions. In particular, they would welcome the publication of the EIA on the decisions around testing for Covid-19 in care homes.

During our evidence session with the Deputy Minister and Chief Whip, we heard that she is ensuring that “all policies, not just policies relating to my portfolio, but across the Welsh Government, are rigorously scrutinised in terms of equality impacts.”

She also noted that the strategic integrated impact assessment has been ‘strengthened’, and a ‘revised aide-mémoire’ on the tool “has to be considered against every policy document and ministerial advice”.<sup>4</sup>

**We support the calls from the EHRC and would ask that all Equality Impact Assessments on key decisions in response to the pandemic are published on the Welsh Government website.**

The EHRC also highlighted that human rights are embedded in the heart of the recovery plan in Scotland and that they want “human rights to be much more embedded in the Wales framework for recovery.”<sup>5</sup> **We would like the Welsh Government to outline how it will ensure that human rights are at the heart of the recovery plan, given its longstanding commitments to equality and human rights.**

### **Relaxation of legislative requirements**

We heard concerns from the EHRC, the Older People’s Commissioner and Age Cymru about “the easements”<sup>6</sup> of some provisions within the Social Services and Well-Being (Wales) 2014 Act. The EHRC said that while few local authorities have put “formal stops” to services, there is anecdotal evidence that there is “reduced or diminished service across the piece.”<sup>7</sup> Age Cymru questioned whether the easements were “proportionate”. We note that requirements for provision for children and young people were not rolled back in such a way.

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<sup>1</sup> Children, Young People and Education Committee; Equality, Local Government and Communities Committee; Finance Committee Assessing the impact of budget decisions, March 2019

<sup>2</sup> ELGC Committee, 16 June 2020, RoP [19]

<sup>3</sup> ELGC Committee, 16 June 2020, RoP [21]

<sup>4</sup> ELGC Committee, 14 May 2020, RoP [8]

<sup>5</sup> ELGC Committee, 16 June 2020, RoP [69]

<sup>6</sup> ELGC Committee, 16 June 2020, RoP [142]

<sup>7</sup> ELGC Committee, 16 June 2020, RoP [9]



**What assessment was made of the impact of such easing on older people and other groups; and when will the requirements be reinstated?**

**Impact on black, Asian and minority ethnic groups**

We heard very strong evidence from the EHRC, EYST and Race Council Cymru about the disproportionate impact of all aspects of the pandemic on black, Asian and minority ethnic (BAME) communities, both in terms of the higher risk of infection, and the economic and social impacts. We welcome the Welsh Government's action to swiftly convene an advisory group, which has resulted in the publication of the two stage self risk assessment tool to be used in the NHS and social care and the socio-economic subgroup report. We would echo the calls made by EYST that the Welsh Government should encourage and support the use of the risk assessment tool in sectors other than health and social care.

EYST told us, and we note this was before the publication of the socio-economic group report, that they were concerned that not all "the connections have been made very effectively so far across Government."<sup>8</sup>

Race Council Cymru called for the recommendations of the advisory committee to "be captured in the recovery plan."<sup>9</sup> Both organisations were clear that immediate action needs to be taken. EYST called for "fast actions" saying the Welsh Government needs "to identify some quick wins in terms of actions that can make some difference, at least, in the short term."<sup>10</sup> Race Council Cymru also emphasised the importance of "the immediate reactions and actions that need to be taken to mitigate some of these challenges".<sup>11</sup>

Now that the socio-economic sub-group report has been published, please **can you confirm whether the actions listed in the report will be accepted and included as part of the recovery plan? What specific actions will you be taking to ensure that the recovery plan takes account of the unequal impacts of the pandemic?**

As noted above, we intend to publish a comprehensive report on the evidence we've received, with recommendations for action by the Welsh Government, but I look forward to receiving your response on these more urgent matters relating to the evidence we took on 16 June.

Yours sincerely



John Griffiths MS

Chair

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<sup>8</sup> ELGC Committee, 16 June 2020, RoP [231]

<sup>9</sup> ELGC Committee, 16 June 2020, RoP [252]

<sup>10</sup> ELGC Committee, 16 June 2020, RoP [234]

<sup>11</sup> ELGC Committee, 16 June 2020, RoP [236]



Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

