



Jenny Rathbone MS  
Chair, Equality and Social Justice Committee  
Senedd Cymru Bae  
Caerdydd, CF99 1SN

07 February 2024

Dear Jenny Rathbone MS,

Thank you for the invitation to give evidence on 4 December 2023 as part of the Equality and Social Justice Committee inquiry into the implementation of the Anti-racist Wales Action Plan (ArWAP). This letter provides the additional detail requested by the Committee.

### **The 11 Community Representatives and the Regional Coordinators**

Please see Annex 1 for details of our Diversity Representatives' roles, including biographical details, and information about recruitment.

The [Terms of Reference for our External Accountability Group](#) sets out a co-designed and agreed vision, purpose and values which will underpin the work of the Group

As part of our governance structure, work is underway to establish four Regional Forums across Wales which will capture the voices of those with lived experience and respond to the needs of our Black, Asian, and Minority Ethnic people across Wales. They will be a key component of our governance structure and serve to connect our External Accountability Group, wider public sector. The Regional Forums will group the existing 8 Community Cohesion regions into 4 regions: North Wales, East Wales, Central Wales, and Mid and South West Wales. The Forums will tap into the existing Community Cohesion footprint and other Welsh Government grant funded programmes and outreach teams already in place.

### **Facial Recognition Software**

The use of live facial recognition technology is an operational decision for the police. Policing is a reserved matter and the responsibility of the Home Office.

As a government, we recognise that new and developing technology can play an important role in policing and protecting communities. It is important to explore the ramifications of these technologies, both to maximise their benefit and to mitigate their potential risks. Any

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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.

new technology should be used proportionately and considerately so that the benefit to people in Wales is maximised.

We have asked Policing in Wales for assurance, about how they are using live facial recognition and how they are mitigating the risks including the ethical impact on people's privacy. They have provided us with information in response to our concerns, which is reflected in Annex A to this letter.

This is an area where we will continue to champion the right to privacy as our understanding around these technologies develops. Additionally, I am meeting the Chair of the House of Lords Justice and Home Affairs Committee on 16 January to discuss these issues. The Committee had recently held an inquiry on artificial intelligence and have since launched a follow-up inquiry looking at facial recognition technology in more detail.

The operational practice of South Wales Police and the role of PCCs is reserved to the UK Government. We have provided some information at Annex 2 below on the basis of our conversations with South Wales Police on this issue, but the Committee may wish to contact South Wales Police or the South Wales Police and Crime Commissioner directly for detail on how they use and monitor LFR. Operational detail is also available on the South Wales Police [website](#).

We support the creation of a national body in line with the recommendation of the House of Lords, Justice, and Home Affairs Committee, and welcome their continued scrutiny on this issue.

### **Sharing of good practice in educational establishments across Wales**

A range of different mechanisms are used for sharing information about the anti-racist Wales education work including examples of good practice. All Welsh Government resources for schools and education settings, plus relevant and appropriate externally produced materials, are published on Hwb, or linked to Hwb. The website offers a wide range of resources, including materials for different learner groups such as Gypsy, Roma, and Traveller children and young people, as well as materials from Show Racism the Red Card for example.

Resources are linked to an online search in Hwb for the Anti-Racist Wales Action Plan, for example the current Black History Cymru 365 pack, they should be easy to locate. Officials are considering the opportunities to add new and different resources, which are useful and relevant under the Anti-Racist Wales heading.

Our national Dysg newsletter is accessible to all teachers and practitioners in schools, as well as individuals working in other education settings. Recent examples of best practice, which have been highlighted in Dysg, include the launch of our new [guidance](#) for education settings, 'Celebrate and Participate', to support Gypsy, Roma and Traveller children and young people, published on 7 December.

Both Welsh ministers and officials regularly engage with our contacts with key local authority and education representative groups, including the Association of Directors Education Wales (ADEW). Officials in the Public Services and Education Department regularly attend the half termly meetings of the Local Authority Minority Ethnic Gypsy Roma and Traveller (MEGRT) officers' group. We are also engaged with teachers and practitioners with lived experience of racism and liaise very closely with our stakeholders, including third sector organisations which support parents and learners from Black, Asian, and Minority Ethnic communities.

Where issues arise for schools, and they are seeking targeted guidance, resources and examples of effective practice are circulated to all school head teachers and local authorities. Most recently a joint letter was sent to all schools and maintained education settings from myself and the Minister for Education and Welsh Language on 19 December which contained advice and information for teachers and practitioners to tackle antisemitism and Islamophobia. This was to support learners during any discussions about the current Israel / Gaza conflict and issued following discussions with representatives of the Jewish and Muslim communities in Wales. The Minister for Education and Welsh Language wrote separately to all FE colleges and universities in Wales, on 14 December, requesting information on their actions to tackle antisemitism and Islamophobia within their settings.

Following the successful launch of Diversity and Anti-racist Professional Learning (DARPL) in 2022, 27,500 education professionals have directly engaged with DARPL via events, education consortia and partnerships, consultation, guidance, and asynchronous provision.

However, the reach beyond initial engagement is much wider. For example, a North Wales event in the autumn involved tier 2 leaders responsible for 400+ schools, with potential to positively impact on the experiences of 80,000+ learners.

The [DARPL virtual campus](#) provides access to a wealth of resources for education professionals including live webinars, asynchronous materials, blogs and toolkits and wider communities of practice.

DARPL Phase 2 launched in autumn 2023 and includes a core focus on wider dissemination and engagement. This next phase also aligned with the publication of the [CCfW Spotlight report](#) which positively reflected:

*'Schools who mentioned involvement and engagement in DARPL (Diversity and Anti-racism Professional Learning) training were generally very positive about their experiences. One school leader said it had 'truly led to the change', and that the training has affected them, and given them the opportunity to hear from lived experience to make change. (Nov 2023, p 35)*

The first [national DARPL leadership conference](#) held in 2023 was fully subscribed by over 250 educational leaders. Input from keynote speakers, including Baroness Floella Benjamin supported senior leaders to take the next steps on their anti-racist leadership journey. Another national conference is planned in North Wales in 2024, providing further opportunities to disseminate anti-racist leadership practice.

Senior leader events during the autumn term included an audience with over 600 leaders at the North Wales School Effectiveness and Improvement Service / Gwansanaeth Effeithiolrwydd a Gwella Ysgolion Gogledd Cymru (GwE) national conference. DARPL are actively engaging with other regions and partnerships to spotlight the deep sustained collaboration work with GwE to support comparable national developments.

The DARPL community of practice for longitudinal action-research work continues to evolve. This provides a challenging and supportive space for schools, local authorities and education consortia. Following the 2023 leadership conference, over 30% of delegates signed up to engage in DARPL research focused on first steps and silos into Pan-Wales step change. Emerging findings will be made available via the [DARPL virtual campus](#).

During DARPL Phase 2, there has already been a significant investment in consultative work with a range of middle tier partners including Qualifications Wales, WJEC, local authorities and Estyn to support and challenge anti-racist leadership practice to significantly enhance wider system capacity and sustainability moving forward.

There is growing international interest in DARPL and positive progress in Wales in relation to the Anti-racist Wales Action Plan. DARPL are engaged in ongoing outreach work to support wider dissemination, engaging in scoping and development work with several international partners including Jamaica, US, New Zealand, and Australia.

Work to track the wider reach and impact of DARPL is continuous through a range of bespoke approaches e.g. engagement data, impact mapping, national blueprints, etc., with detailed investment to address specific engagement deficits. Work is also ongoing to develop a range of measures to demonstrate impact beyond initial engagement and exemplify how the DARPL model can support other professional learning priorities.

## **Criminal Justice Data**

We have seen the proposal by Cardiff University for a Welsh Criminal Justice Data Observatory. We are considering this proposal in the context of our broader work on justice data, which includes a focus on race in the criminal justice system and improving our capacity for analysis in this area.

Within the Programme for Government there is a commitment to establish a Race Disparity Evidence Unit (RDEU). The mission of the RDEU is to tackle the current lack of accessible data related to ethnicity and improve its quality and granularity. The RDEU has been established and they have been working to address the gaps around data accessibility through ensuring consistency in classification and terminology throughout policy developments in the anti-racist space.

The RDEU has started preliminary work in collaboration with the ARWAP external accountability group to develop measurement indicators and incorporate lived experiences within research. The work of the RDEU in research and evaluation within eight different policy areas will help tackle the lack of Wales-specific ethnicity data. It is through collaboration with the external accountability group and extensive stakeholder engagement that the RDEU will ensure that the data is not only gathered but is utilised effectively and with ease. The RDEU is part of the Criminal Justice Board's anti-racism data sub-group as part of its engagement and work on improving data access.

Additionally, we have delivered work on criminal justice dashboards. Whilst existing justice data for Wales can be found in various published statistical releases, it is often split across open data tables and geographical tools. To realise more value from existing published data on the justice system in Wales, analysts from the Welsh Government Knowledge and Analytical Services (KAS) directorate are developing interactive Power BI dashboards to bring together and disseminate Welsh justice data.

The first of these, focused on Youth Justice, was [published](#) on Thursday 31 August. The dashboard brings together Wales-specific data from across the accompanying tables of [Youth Justice annual statistics, published by the Youth Justice Board for England and Wales](#).

Further to this, Welsh Government officials have continued work to identify crime and justice data requirements in Wales. The Knowledge and Analytical Services directorate have undertaken work to map the existing criminal justice data published on government websites, to identify where disaggregated data is available for Wales and the specific areas of data where Welsh specific data is missing.

For the first time, this work has given us a comprehensive view of the Welsh criminal justice data landscape, allowing us to clarify our understanding of what is available and where

there are gaps which could be addressed. This includes mapping out the available data on crime, prisons and probation, youth justice and the criminal justice workforce.

This mapping exercise, including the current gaps we think could be addressed, has been shared with the Ministry of Justice (MoJ) who have agreed to consider it and provide a response on what is feasible in the short and longer term. Given the scale of the work, the MoJ have asked for our view on the most important areas to address and the Welsh Government have suggested the following priorities:

- Areas where MoJ has provided data in response to Freedom of Information requests, but data is not routinely published.
- Improved data on race and ethnicity in line with the Criminal Justice Anti-Racist Wales Action Plan
- Data relating to the Women's Justice Blueprint and Youth Justice Blueprint
- Improving the availability and accessibility of existing published Wales-specific data, for instance through dashboards similar to the ones now being published by Welsh Government.

MoJ are continuing to consider this work.

### **Child Translators in medical settings**

I recognise the importance of taking steps to reduce those instances where family members, including children, or non-registered individuals are acting as interpreters.

Alongside the recommendation from the Health and Social Care Committee 'Connecting the Dots Report' on mental health and inequalities and the Equality and Social Justice Committee's report on gender based violence and the needs of migrant women – recent research funded by Health and Care Research Wales into the Health Experiences of Asylum Seekers and Refugees (the HEAR 2 Study in Wales) and a Welsh Government report on the availability and adequacy of foreign language interpretation services as part of our Migrant Integration Wales Project – have highlighted the same issue. Over the coming months, Welsh Government officials will be engaging with Public Health Wales to take forward the committee recommendations and the findings from both research reports and explore the feasibility of a directory of interpreters.

Officials are also engaging in ways to ensure migrants and those seeking sanctuary can understand their right to have an interpreter for services include updating our Sanctuary website which can be translated into a language of choice and use the 'Recite me' software which enables text to speech.

Welsh Government commissioned research into the availability and adequacy of language interpretation services in Wales was funded through the Migrant Integration Wales Project. The study is available to view [here](#). Officials are undertaking the relevant actions from this research in policy making to help reduce barriers to accessing interpretation and translation services.

Work is also being taken forward to develop guidance for primary care and other health settings in relation to commissioning interpretation and translation services, with the view to driving consistency and promoting equity of access.

The Wales Interpretation and Translation Service (WITS) was established in 2009 to meet the interpretation and translation needs of the Public Sector. Hosted by Cardiff Council since 2017 WITS provides access to a wide range of registered interpreters covering



approximately 120 languages, including BSL. The Wales Interpretation and Translation Services (WITS) has also developed new [on-line training](#) to promote access to translation and interpretation services. In addition: As part of the Welsh Government's Migrant Integration Wales Project, new supporting materials are being developed to promote a person's right to access these services (using a rights-based approach). Partner organisations can access the WITS on demand services through their partner agreement. All Health Boards and Trusts in Wales are now partners to WITS.

### **Meetings with Local Government regarding implementation of the Anti-Racist Wales Action Plan**

Strengthening collaboration with local authorities, third and private sectors is essential. Encouraging these sectors to adopt anti-racist practices within their organisations will contribute significantly to broader societal change.

Local Authorities are largely autonomous given their democratic accountability to the electorate. However, I have met with Local Authority Cabinet Equality Leads four times in the past year. I also continue to reinforce importance of embedding the ArWAP through established forums such as WLGA Equalities Cabinet Members meetings, the Wales Race Forum, and Social Partnerships meetings. Moreover, I have been visiting Local Authorities across Wales and the ArWAP One Public Sector Leadership Summit in May 2023 reached nearly all Local Authorities across Wales.


We are making effective use of all mechanisms available to the Welsh Government to embed the ArWAP within local government. One example is that Improvement Grants issued through the Welsh Local Government Association (WLGA) carried conditions to implement ArWAP goals and actions locally. Reallocations within the Improvement Grant have been made to allocate funds towards anti-racism initiatives.

Each policy area engages with Local Authority counterparts in specific ways. For example, Social Care directly engage with local authority social care teams. Another example is that Housing policy officials engage with the Housing and Regeneration ArWAP stakeholder group which includes membership from Cardiff Council and the WLGA. The distinctly cross-governmental vision of the ArWAP means that goals and actions are under the ownership of respective policy areas, holding them accountable for progress of outcomes.

I attach relevant minutes and actions of meetings with Local Government Cabinet members regarding the implementation of the ArWAP as requested.

I trust that this answers the committee's questions and provides the necessary clarification.

Your sincerely,

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

**Jane Hutt AS/MS**

Y Gweinidog Cyfiawnder Cymdeithasol  
Minister for Social Justice

**Annex 1 - External Accountability Group for the Anti-Racist Wales Action Plan: membership, roles, and recruitment**

**Successful candidate name and organisation**

External Accountability Group for the Anti-Racist Wales Action Plan

Diversity Representatives

- Sabiha Azad
- Marilyn Bryan
- Helal Uddin
- Maria Mesa
- Loren Henry
- Aliya Mohammed
- Rajma Begum
- Martin Gallagher
- Leila Usmani
- Mfikela Jean Samuel
- Annette Nelson

Experts by Experience and Expertise

- Prof Nelarine Cornelius
- Prof Uzo Iwobi
- Prof Jason Arday
- Nisreen Mansour
- Dr Lella Nouri
- Dr Indu Deglurkar
- Prof Charlotte Williams
- Gaynor Legall

**Description of role and organisation - Please list from the candidate pack where relevant giving a brief description only.**

External Accountability Group - The Accountability Group’s core focus will be ensuring delivery of the Plan, monitoring progress on actions and commitments and ensuring momentum is maintained.

The Group will assess the extent to which progress is being made towards the vision and challenge, support (including co-design) and advise on any areas of anti-racism which they think need to be explored based on new challenges and successes as they emerge.

The membership includes both Diversity Representatives and anti-racism experts by experience and expertise.

The Terms of Reference for EAG is available as Appendix-5 from this link [Anti-Racist Wales Action Plan and Front Facing document \(gov.wales\)](#).

**Appointment type or extension - Please state the decision of Welsh Ministers, including term number (e.g., first, second or third), term length and any remuneration. The type of appointment must also be stated (appointment/reappointment/direct appointment or extension).**

The appointment is for two years. The minimum commitment is 16 days.

Remuneration for Experts is £300 a day. Remuneration for Diversity Representatives is £198 per day.

***If a direct appointment a brief justification must be given.***

This appointment was made in accordance with the Governance Code on Public Appointments: [Microsoft Word - 20161216 Governance Code FINAL in CO template.docx \(publishing.service.gov.uk\)](#)

### **Political activity**

**All appointments are made on merit and political activity plays no part in the selection process.**

*Any political activity in the last five years must be provided. Please state if the successful candidate(s), has, in the last five years, been employed by a political party, held a significant office in a party, has stood as a candidate for a party in an election, has publicly spoken on behalf of a political party, or has made significant donations or loans to a party.*

## **Announcements: Public Appointments and Extensions**

### **Summary:**

- 1.1 All positions were openly advertised, accompanied by comprehensive information packs detailing roles, responsibilities and remuneration.
- 1.2 Independent selection panels were established to oversee the entire recruitment process.
- 1.3 In summary, the current EAG membership consists of 8 experts and 11 diversity representatives. This means, we have 14 females and 4 males (1 disabled person; 3 LGBT person; 1 GR&T person; 1 young person; 1 refugee; 2 people of mixed race, and faith representation from Hindus, Muslims, and Christians). We have good representation in South and North Wales, and a representative from Mid and West Wales. We were successful in selecting Representatives in the areas of policy listed below.
  - Leadership in public services in particular (including workforce, Board membership, and others)
  - Education
  - Health (including mental health)
  - Social Care
  - Employability and skills
  - Refugees and asylum seekers
  - Crime and Justice
  - Culture, Heritage, and Sport
  - Homes and Places

### **Biography notes list**

#### **Diversity Representatives**

**Sabiha Azad** works for the Children's Commissioner as a Participation Officer. Sabiha hopes to contribute her lived experience and amplify the diverse experiences of ethnic minority communities. She is eager to move away from knowledge improvement and short-term commitments into implementing real changes to create an anti-racist Wales.

**Marilyn Bryan** has been involved with promoting fairness all her life, and her professional and voluntary roles have highlighted discrimination and injustice. Marilyn's view has been to



focus on solutions, seeing herself as a servant of the Community. She believes that Collaboration, Communication and Co-operation can lead to tackling discrimination.

**Helal Uddin** is a co-Director and Head of Services and Partnerships at EYST. Helal's passion is to make a better Wales and he enjoys all challenges and the benefits they bring. Helal feels blessed to serve the Black, Asian and Minority Ethnic communities and the people of Wales, playing his part to make a better society for all.

**Maria Mesa** came to Wales from Colombia as a political refugee 44 years ago. A qualified Social Worker, Maria has been actively involved in developing innovative organisations and services responding to the needs of Minority Ethnic communities, especially women. Maria's personal and professional life has been driven by her passion, commitment and belief in social justice and equality.

**Loren Henry** co-founded youth arts organisations Urban Circle and G-Expressions to drive improvement for young people, amplified by the BLM movement. Loren embraces a responsibility for challenging injustice. Her lived experience enables her to empathise with the marginalised communities she works in and to improve the aspirations of young people, actively listening to them and their communities.

**Aliya Mohammed** is Chief Executive Officer of Race Equality First and has over 10 years of expertise in Anti-Racism, delivering training for the civil service. She developed the Framework for Action on Hate Crime in 2016 and chaired the Welsh Committee for the United Nations Special Rapporteur on Racism to the UK.

**Rajma Begum** is the WCVA's National Sport Diversity Manager and a Board Member of Sport Wales. Rajma's passion for sport equality stems from negative personal experiences from a young age. Working with partners across the spectrum of equality and diversity, her mission is to ensure all sports and arts are welcoming for the ethnically diverse communities of Wales.

**Martin Gallagher** is an Irish Traveller, who is currently undertaking his PhD fellowship with Northumbria University. He has worked with many organisations, such as North Wales Police, Welsh Government, the Senedd and many others to raise awareness of inequalities that Gypsy, Roma and Traveller communities face and is an activist for equality.

**Leila Usmani** (she/her) manages her organisational development consultancy, and works separately within antiracist research, policy, lobbying and influencing. With experience of LGBTQIA+ people, disabled people, ethnic minority women and young people, Leila prioritises the intersectionality of antiracism in all her work. Leila will support the implementation of the ARWAP ensuring this lens is applied across the policy areas.

**Mfikela Jean Samuel** originally comes from West Africa and now lives in Gwynedd, working in different community engagement projects. Sam believes his decade of experience, encounters and activities in this part of Wales has braced him with valuable knowledge that will contribute to implementing the ARWAP.

**Annette Nelson** moved to mid-Wales in 2015. Annette was an experienced senior leader in education in one of the UK's highest attaining local authorities, challenging and supporting schools to raise standards. As a queer Black woman, Annette understands and embraces the power of intersectionality. Annette has been the Education Lead for the global Football v Homophobia campaign since 2013.

### **Experts**

**Nelarine Cornelius** is Professor of Organisation Studies and member of the Centre for Research into Equality and Diversity, Queen Mary, University of London. Nelarine is a

researcher in social justice and business and is co-lead of a project analysing national data sets on race inequality in the workplace. Her focus with the ARWAP will be employment, leadership, accountability structures and evidence bases.

**Uzo Iwobi** is Professor at Practice at UWTSD and was a Specialist Policy Adviser to Welsh Government from 2019-2021. Uzo has challenged racism in Wales for 30 years as an equalities practitioner and served as a Commissioner to the Commission for Racial Equality. Uzo wishes to see this plan used effectively to transform lives.

**Jason Arday** will take up the 2002 Professorial Chair of Education (Sociology of Education), University of Cambridge in 2023. Jason is a Trustee of the Runnymede Trust and sits on the Centre for Labour and Social Studies National Advisory Panel and the NHS Race and Health Observatory Academic Reference Group.

**Nisreen Mansour** was born and brought up in Cardiff, to a Dutch mother and Iraqi father. Nisreen has worked for the Wales TUC as a policy officer for the last five years. The workplace plays a huge role in the ARWAP's implementation, and Nisreen will advise on making the worker's voice a central principle.

**Lella Nouri** is a Senior Lecturer of Criminology at Swansea University. Her research specialises in hate and extremist activity. Lella has lived experience of growing up and working as an ethnic minority woman in Wales. For Lella, the success of the action-plan is premised on ensuring that the voices of ethnic minority communities are utilised.

**Indu Deglurkar** is a Consultant Cardiothoracic Surgeon at University Hospital of Wales. In various leadership roles at a national and international level, Indu has championed equality and diversity. She would like to address the social determinants of health and develop robust ways of tackling institutional racism in the NHS at all levels.

**Charlotte Williams** is Professor Emeritus at the School of History, Law and Social Sciences, Bangor University and a Fellow of the Learned Society of Wales. She was awarded an OBE in the Queen's 2007 New Year's Honours List for services to ethnic minorities and equal opportunities in Wales. In 2022, Professor Williams published the 'Cynefin' Report which made Wales the first country in the UK to make the teaching of Black, Asian, and Minority Ethnic histories mandatory in Welsh schools.

**Gaynor Legall**, from Cardiff, is an advocate for ethnic minority women across Wales. She has worked as a local Cardiff councillor, on the board of Diverse Excellence Cymru, Bawso, and as Director of the Butetown History and Arts Centre. She has since been awarded a Lifetime Achievement by the Ethnic Minority Welsh Women Achievement Association.

## **Annex 2 – Additional information on facial recognition technology**

South Wales Police (SWP) are using facial recognition technology in the South Wales and Gwent force areas. It has been using Live Facial Recognition (LFR) technology in both force areas since 2017. The below information is primarily based on information from South Wales Police, which is available on their website.

### Use of facial biometric data

SWP have confirmed that when deploying LFR they use an authorised watch list of people who are wanted or suspected. Unless an individual is on the watch list they cannot be matched.

When the technology finds a possible match, an alert is generated. Any alerts are verified by an operator prior to an intervention by officers on the ground. The system will only seek to match those individuals placed on the watch list.

The watchlist will have been created specifically for the event where LFR is being deployed. The College of Policing provide [guidance](#) on how watchlists should be created and managed.

If an individual is not on a watchlist South Wales Police will never store biometric data. It is immediately and automatically deleted. For those images that cause an alert, South Wales Police will delete all alerts immediately within 24 hours.

SWP publish the dates and locations of a deployment several days in advance, except in very exceptional circumstances. The public are kept informed through social media, leaflets, posters and directly through police officers.

### Potential bias in terms of gender and ethnic origin

Historically there have been issues with FRT and potential gender and ethnic bias..SWP has advised that as the technology has developed over time this bias has reduced greatly.

South Wales Police and the Metropolitan Police Service worked with the National Physics Laboratory (NPL) to undertake the largest independent academic operational evaluation of FRT regarding disproportionality.

[NPL's report](#) found there were no statistically significant differences in the performance of FRT based on gender or ethnicity at the settings the police use. This means there was no evidence of bias on the basis of race or gender.

### The key safeguards to mitigate the discriminatory use of facial recognition software

Police should be guided in their use of FRT by the following primary legislation:

- Police and Criminal Evidence (PACE) Act 1984 (governs the use of biometrics by the police).
- Data Protection Act 2018 (Part 3)  
*Oversight:* Information Commissioner's Office (ICO)
- Human Rights Act 1998  
*Oversight:* Equalities and Human Rights Commission
- Equality Act 2010  
*Oversight:* Equalities and Human Rights Commission
- Regulation of Investigatory Powers Act 2000  
*Oversight:* Investigatory Powers Commissioner's Office

- Protection of Freedoms Act 2012  
*Oversight:* Biometrics and Surveillance Camera Commissioner

The use of FRT is also guided by the following codes of practice and guidance:

- [College of Policing professional practice \(March 2022\)](#).<sup>1</sup>
- Biometrics and Surveillance Camera Commissioner - [Surveillance Camera Code of Practice](#)<sup>2</sup> (January 2022). The Code of Practice sets out 12 guiding principles which should guide surveillance camera use.
- [ICO Toolkit](#) for organisations considering using data analytics – Law enforcement processing.

His Majesty's Inspectorate of Constabulary and Fire & Rescue Services inspects and reports on the efficiency and effectiveness of all police forces, including the use of emerging technologies to prevent and detect crime.

The use of FRT by SWP is guided by their own policies including (i) [Operating Procedure](#), (ii) SWP's Deployment Reports and (iii) [SWP's Policy on Sensitive Processing](#)<sup>3</sup>.

In their report the House of Lords, Justice and Home Affairs Committee<sup>4</sup> argued that there is no specific legislative basis for the use of AI technologies (including LFR) in the application of the law. It recommended that the UK Government bring forward primary legislation to embody general principles, which should be supported by detailed regulations setting minimum standards. They also advised that a national body should be established to set strict scientific, validity, and quality standards and to certify new technological solutions against those standards.

The UK Government, in their response, rejected this recommendation and argued that the UK common law powers provide sufficient implicit legal authorisation to satisfy the "in accordance with the law" test<sup>5</sup>.

The Ada Lovelace Institute commissioned Matthew Ryder QC to undertake an independent review<sup>6</sup> of the governance of biometric data in England and Wales. The review found that:

*"the current legal framework is not fit for purpose, has not kept pace with technological advances and does not make clear when and how biometrics can be used, or the processes that should be followed; the current oversight arrangements are fragmented and confusing, meaning that, for example, it is not clear to police forces to whom they should turn for advice about the lawful use of biometrics; and the current legal position does not adequately protect individual rights or confront the very substantial invasions of personal privacy that the use of biometrics can cause."*

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<sup>1</sup> The guidance was developed after consultation with the public, police, regulatory bodies and campaign groups. It was developed in the light of the *Bridges v South Wales Police* Appeal Court judgment (2020) and addresses the issues identified in the judgment.

<sup>2</sup> Issued by the Secretary of State under Sections 29 to 31 of Protection of Freedoms Act 2012

<sup>4</sup> Justice and Home Affairs Committee (2022) [Technology rules? The advent of new technologies in the justice system](#) 1st Report of Session 2021–22

<sup>5</sup> [Background on JHAC report into police use of new technologies \(parliament.uk\)](#)

<sup>6</sup> ["The independent legal review of the governance of biometric data in England and Wales"](#)

## **Annex 3 - relevant minutes and actions of meetings with Local Government regarding the implementation of the ArWAP**

### **Equalities Cabinet Members Meeting with the Minister for Social Justice Tuesday, 31<sup>st</sup> of January 2023**

Blaenau Gwent – Cllr Chris Smith Bridgend – Cllr Rhys Goode Caerphilly – Cllr Eluned Stenner Cardiff – Cllr Julie Sangani, Cllr Peter Bradbury Carmarthenshire – Cllr Ann Davies, Cllr Philip Hughes Ceredigion – Cllr Catrin Davies Conwy – Cllr Chris Cater, Cllr Emily Owen Flintshire – Cllr Billy Mullin Gwynedd – Cllr Nia Wyn Jeffreys, Cllr Menna Jones Merthyr Tydfil – Cllr Michelle Symonds Monmouthshire – Cllr Mary Ann Brocklesby, Cllr Catherine Fookes Newport – Cllr Jane Mudd Powys – Cllr Matthew Dorrance RCT – Cllr Maureen Webber Swansea – Cllr Elliot King Vale of Glamorgan – Cllr Ruba Sivagnanam Wrexham – Cllr Paul Roberts	Welsh Government – Jane Hutt MS, Minister for Social Justice, Riaz Hassan, Rae Cornish  WLGA – Daniel Hurford, Naomi Alleyne, Joseph Lewis, Pierre Bernhard-Grout, Emily Griffiths  <u>Apologies</u> Blaenau Gwent – Cllr Stephen Thomas Denbighshire – Cllr Jason McLellan, Cllr Julie Matthews Isle of Anglesey – Cllr Llinos Medi Merthyr Tydfil – Cllr Andrew Barry Neath Port Talbot – Cllr Simon Knoyle Pembrokeshire – Cllr Guy Woodham Torfaen – Cllr Peter Jones Vale of Glamorgan – Cllr Lis Burnett Wrexham – Cllr Beverley Parry-Jones
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### **Anti Racist Wales Action Plan (ARWAP)**

- The Minister has met with the Independent External Accountability Group set up by WG. The group is made up of 7 experts on anti-racism and diversity representatives with lived experience. The group met for the first time the Friday 27<sup>th</sup> of January. The group is chaired by Professor Emmanuel Ogbonna and Dr Andrew Goodall.
- The vision at the heart of the plan is deliver an anti-racist nation. WG have worked with BAME individuals to devise the plan. Grants have been given to groups across Wales to help implement the plan.
- WG have appointed the Head of Anti-racist Wales Action Plan – Riaz Hassan. It is expected that the team will be fully in place by March/April.
- It is a cross-government plan which means every Minister has objectives to work on, all Ministers have ‘virtually’ committed including the Minister for Finance and Local Government.
- WG are also working with the Police who have developed their own plan.

### **Comments**

- Welcome lead by WG, setting targets for LG and setting out how we want to be as a nation. How the plan is implemented is important. From Monmouthshire point of view, need to bring partners and communities with us. Clear case that this is not a moral crusade, it makes sense for a nation, for the economy, for the cohesion of our communities. Started with our schools and integrating in the curriculum, more we can do and more to learn, especially as a rural community as people do not think it's an issue as numbers are low – not about numbers. Important about workers too. Need



to learn from other councils, how we move from acts and events to institutionally embedding it.

- Proud that Newport launched the diversity in the curriculum module, hope for the future. Opportunity for all colleagues to engage with staff networks, they are key.
- Incredibly ambitious and important piece of work. Diverse network for BAME staff in the Vale of Glamorgan, discussed and contributed to the plan and canvassing Heads of Service to identify leads to deliver. The disappointing thing is there are not specific resources attached to the plan, no specific training packages for colleagues etc. welcome help for developing meaningful framework to look at the impact of the plan. Welcome the WLGA support on equalities, would welcome officer to officer working together across Wales to set the right tone and ensure this is right.
  - MfFLG has allocated some resource to HR and Workforce side. Seeking resource from each of the Ministers to support councils. Can follow up to see how WG can assist with resources. There is a business information reporting tool that Council officers should be engaged in.
- Great opportunity to get LG and WG together to learn and share from each other. It is important to get the plan into education for the future generation. Period poverty is also especially important to take further. Race Equality Taskforce – 28 recommendations and all accepted.
- Equality of opportunity for some communities still is not where it should be. Issues with funding for sports clubs, different opportunities across the city and not the equality of opportunity for children from BAME backgrounds. Health spending, prevention could be focussed on this agenda, which could be massively transformative.
- The Minister noted that WG are developing a regional approach which is still in the early days of development, need regional forums to have discussions as there will be differences in terms of delivery etc. Accountability around the plan is important, looking at WG and LG. Training for staff is critical.
- Riaz Hassan Head of ARWAP noted that there is a Training Task and Finish Group in WG who are looking at the training needs of external stakeholders including Councils. Monitoring progress by working with the Race Disparity Unit, most important part is material change on the ground, people with lived experience seeing a difference. Want to develop a close relationship with Councils, the plan can only be delivered with a collective effort. Looking to have a leadership summit in May – one public service approach.

### **Period Proud Wales**

- Launching on the 13<sup>th</sup> of February.
- Period dignity grant has been offered since 2018 to ensure learners and those on low incomes have access to period products. Evaluating the impact of the grant.
- Wanted to extend this beyond tackling poverty but empowering young women and educating young men – what it is to have a period and how it effects lives.
- Engagement with food banks and local groups, education providers have to ensure period products are available free of charge.
- Will monitor the plan closely to see if it will need legislation in the future.
- The goal is to end period poverty and achieve period dignity.
- Increased period dignity grant by £450,000 this year, annual grant is £3.7m.
- Welsh translation of Period Proud Wales is Mislif a Balchder Cymru.

### **Public Sector Equality Duty**

Committed to reviewing the duties, fresh workplan and timeframe to take this work forward. Response to the work that has been done to strengthen equality within Wales.

**Equalities Cabinet Members and WLGA Spokespeople for Social Justice Meeting with the Minister for Social Justice**  
**Thursday, 5<sup>th</sup> October 2023**

<p><b>In Attendance</b> Caerphilly – Cllr Eluned Stenner Cardiff – Cllr Julie Sangani, Cllr Peter Bradbury Carmarthenshire – Cllr Ann Davies, Cllr Philip Hughes Ceredigion – Cllr Catrin Davies Conwy – Cllr Chris Cater Gwynedd – Cllr Menna Trenholme Merthyr Tydfil – Cllr Michelle Symonds Monmouthshire – Cllr Mary Ann Brocklesby, Cllr Angela Sandles Newport – Cllr Dimitri Batrouni Pembrokeshire – Cllr Guy Woodham RCT – Cllr Maureen Webber Torfaen – Cllr Peter Jones Vale of Glamorgan – Cllr Ruba Sivagnanam</p> <p>Minister for Social Justice, Jane Hutt MS Deputy Minister for Social Partnership, Hannah Blythyn MS</p> <p>Welsh Government – Lorna Hall, Rajvi Glasbrook, Gillian Huws-John, Kate Bacon, Lyndon Evans</p> <p>WLGA – Naomi Alleyne, Joseph Lewis, Emily Griffiths</p>	<p><b>Apologies</b> Blaenau Gwent – Cllr Stephen Thomas, Cllr Chris Smith Bridgend – Cllr Rhys Goode Conwy – Cllr Emily Owen Denbighshire – Cllr Jason McLellan, Cllr Julie Matthews Flintshire – Cllr Billy Mullin Gwynedd – Cllr Nia Wyn Jeffreys Merthyr Tydfil – Cllr Andrew Barry Monmouthshire – Cllr Catherine Fooks NPT – Cllr Simon Knoyle Newport – Cllr Jane Mudd Powys – Cllr Matthew Dorrance Swansea – Cllr Elliott King Vale of Glamorgan – Cllr Lis Burnett Wrexham – Cllr Paul Roberts</p>
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**1. GRT Update**

- Challenges do remain to ensure adequate sites are available.
- Important to focus on how we can support and work together. GRT families have had a tough time as a result of the cost of living, disproportionate affect from the rising costs of heating and electricity. Need to ensure there are adequate, appropriate cultural sites.
- Minister meeting with the Local Government and Housing Committee this afternoon (5<sup>th</sup> October).

**Comments**

- Current issue in Monmouthshire, which has gone national across the UK. Challenging process, has made new Councillors aware of the regulations as tied into the LDP. Welcome the offer of support from Welsh Government on this matter, would like to have more support. Realise that there is a disconnect between awareness raising being done and the actions that must be taken to fulfil legal obligations, but

also morally to ensure all residents in Monmouthshire have access to services and are treated equality. Process of consultation needs developing, needs measurements that are sensitive and inclusive – more than one community that are being consulted with.

- Two-pronged issue – ensuring that GRT families have adequate accommodation but also a planning issue. Need a meeting of this scale with planning officers and cabinet members.
- Vale of Glamorgan have a small GRT community, biggest issue has been engagement and gaining trust with the community. Conducted meetings with ORS. Not been able to encourage any one from the GRT community to sit on the steering group.

## **2. Disability Rights Taskforce**

- 3 final working groups for the taskforce - Affordable and Accessible housing, Well-being and Access to Justice.
- Disability Rights Action Plan – recommendations on the way. To be mindful that Welsh Government have adopted the social model of disability.
- Welsh Government also have disability employment champions funded through Vaughan Gething MS's portfolio.

### **Comments**

- Vale of Glamorgan have the GLAM network – LGBTQ+ network and a diverse network for people from ethnic minorities, trying to set up disability network for employees.
- The social mobility approach is embedded within the policies in Monmouthshire.

## **3. AWRAP Update**

- Developing a framework about how we can see the difference in terms of anti-racist goals and action.
- Webinars on the actions.
- Equality and Social Justice Committee have a consultation on Anti-racist Wales inquiry. <https://senedd.wales/committees/equality-and-social-justice-committee/>

### **Comments**

- Intersectionality is important but, whilst equality across the board is what we are aiming for, the different strands require different approaches, need to distinguish the plans because it isn't one size fits all.
- Culture within the council became really apparent when elected, no great numbers of the global majority employed, no one in senior management. There is a whole piece of work around why people don't apply to these roles within the council – need to challenge own cultures internally.
- We all have a role to play in local authorities – are we doing enough with succession in authorities? Need training for senior officers on how to work on succession.
- Doing great work in Cardiff to reach the goal. The main barrier is getting diverse people on board, best way is to buddy up. There are language and society barriers, need some help to bring everyone along.

### **Actions**

- WLGA to convene another meeting before Christmas.
- Welsh Government to provide an update on LGBTQ+ plan and Period Proud Wales.

## **Cabinet Members Meeting**

### **1. Network Discussion**

- Greater issue in which society is changing and how vocal society are with the changes we are trying to implement.
- Monmouthshire identifying sites for GRT communities – huge public outcry.
- Having officer core leadership which reflects diversity is a bigger signal, setting the tone on operational side, it needs to go hand in hand with the messaging in terms of diversity.
  - Inhibits longevity of what we are trying to do, politicians come and go but if you embed an officer culture, it is always there.
- Events in Monmouthshire have led to discussions with the senior management team, small but important step to get to where the council wants to be.
- There are regional community coordinators across Wales that have a role in supporting community engagement, they play a key role in how they work with communities in being understanding. Encourage to have conversation to see what the priorities are for the community coordinators at a regional level.

### **2. WLGA Update**

- Strategic Equality Plans (SEPs) – Welsh Government were looking to include it on the agenda, as they will shortly be launching a consultation on their SEP. Councils SEPs will be coming to an end in March 2024, will be looking to engage with communities. WLGA are working with Equality Officers on consultation.
- Welsh Government and a number of councils have indicated support on integrating actions on a number of action plans – AWRAP, LGBTQ+ and potentially Disability Rights to package as one.
- Dates for an Intro to Anti-Racism session will be circulated to Cabinet Members shortly.
- Equality and Social Justice Committee ongoing inquiry into AWRAP – WLGA formulating response, with spokespeople for comment. Would be helpful if Councils are able to share responses to WLGA.