

Welsh Government response to the ‘Strengthening and Advancing Equality and Human Rights in Wales’ research report.

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1. Background to the research

In January 2020 Welsh Government commissioned Swansea University, in collaboration with Bangor University, Diverse Cymru and Young Wales, to explore how best to strengthen and advance equality and human rights in Wales. The aim of the research was to:

- develop a clear understanding of the existing legislation and statutory guidance frameworks relating to equality and human rights in Wales: and
- determine if, and to what extent, changes to existing legislation/statutory guidance, and/or the introduction of new legislation/statutory guidance, is required to strengthen and advance equality and human rights in Wales

A number of key findings emerged from the research relating to legislation, human rights incorporation, the implementation gap, impact assessments, monitoring, accountability and enforcement, raising awareness, and the coronavirus (COVID-19) pandemic.

The research report also provided 40 recommendations, mostly for the Welsh Government but also for public authorities, the Future Generations Commissioner, the EHRC, Welsh Commissioners, regulators and inspectorates.

The published reports from the research are available on the Welsh Government website via the following link:

<https://gov.wales/strengthening-and-advancing-equality-and-human-rights-wales>

This document presents the Welsh Government's response to the recommendations put forward by the 'Strengthening and advancing equality and human rights in Wales' research report. We propose to adopt a phased approach to those recommendations that we have accepted. This will allow us to prioritise the Welsh Government's actions and focus on those areas where we believe work is needed most urgently.

The responses below are arranged in accordance with this approach and, in some cases, grouped to reflect interconnected issues. The responses reflect discussions which have taken place across Welsh Government, together with initial engagement with external agencies where appropriate, as indicated. Annex A includes an overview of the recommendations and the headline response.

2. Overview of the Welsh Government's Response

In view of the breadth of the report and the number of recommendations, this response has been developed and arranged on a phased and thematic basis. Recommendations have been grouped together where appropriate, largely following the arrangement in the report itself, and many of the responses below address several recommendations together, as indicated. Five main Action Areas have been identified where action has either already begun or could begin quickly. These are:

- A. Preparatory Legislative Work
- B. Guidance
- C. Review of the Public Sector Equality Duty
- D. Incorporation of Human Rights into Impact Assessment.
- E. Raising Awareness

In addition to these five strands of work, several recommendations (26, 30 & 39) relate to the **Commission on Justice in Wales**. These will be addressed in a forthcoming publication setting out progress against the recommendations of that Commission, which will cover the issues highlighted by the SAEHR report and demonstrate the Welsh Government's continuing commitment to pursue its recommendations through action with partners within our own area of competence and through discussions with the UK Government. These recommendations will be addressed through that report and process periodically with updates provided periodically to the Steering Group.

The table in Section 3.1 below indicates which recommendations have been included under each Action Area and provides an explanation of the proposed approach to take forward action under each Action Area. Under this approach, some recommendations in each Action Area will be addressed more quickly than others. In addition, some require further discussion with external partners, as indicated.

Remaining recommendations (i.e those not directly covered by one of the six main Action Areas are considered in Section 3.3.

Annex A provides a summary table indicating the response to each recommendation in turn and, where applicable, the relevant Action Area for each one.

The five Action Areas are closely inter-related and work under each one will support the overall aim of strengthening and advancing human rights in Wales. In particular, while the primary focus of Action Area A is to prepare for future legislative action, all five have potential to contribute to this. As indicated below, the scope and timing of any legislation will be subject to future Ministerial decisions; the Welsh Government would consult on any legislative options which emerge.

The general focus of the response is on broad issues of equality and (in particular) human rights. This reflects our view that the response to the SAEHR report should complement, rather than duplicate, commitments in the Welsh Government's Strategic Equality Plan and Action Plans relating to gender; disability; race; LGBTQ+; Gypsies, Roma & Travellers; and Refugees & Asylum Seekers.

If the approach suggested in this response is agreed, a detailed work plan and timeline will be developed to take the work forward.

3. Detailed Responses

3.1. FIRST PHASE ACTION ACTION AREAS

A. PREPARATORY LEGISLATIVE WORK – Recommendations 1; 25

The research confirmed a desire among stakeholders for further incorporation of human rights but does not resolve the key issues of how incorporation of human rights could best be achieved, or which rights should be included.

The Welsh Government therefore accepts Recommendations 1 & 25 in principle, noting that they align with the Programme for Government commitment to “incorporate the United Nations Convention for the Elimination of all forms of Discrimination against Women and the UN Convention on the Rights of Disabled People into Welsh law.” It also agrees that further work is needed to scope the overall approach; Ministers have said that a holistic approach such as a Welsh Human Rights Bill should remain under consideration and that other options, including in relation to older people's rights and children's rights, should also remain in view.

Detailed work on legislative options will be taken forward by Welsh Government. The scope and timing of any legislative action will be subject to future Ministerial decisions, which would follow formal consultation.

The recent UK Government consultation on replacing the Human Rights Act 1998 with a Bill of Rights has complicated the legislative context. There has not yet been a response by UK Government to the consultation and it is unclear whether or when a UK Bill will come forward. If it does, detailed consideration of the proposals and their implications would need to precede any related Welsh Bill.

Recommendation 1 included that “the Welsh Government should establish a human rights taskforce to examine options and bring forward detailed proposals for incorporation of human rights in Wales.” SAEHR Steering Group members were strongly supportive of this proposal at their meeting in October 2021.

Since the Steering Group itself is well established and has a broad membership with wide-ranging expertise as well as lived experience, the Welsh Government

proposes that this group be retained and strengthened to become a “Human Rights Advisory Group”. The terms of reference and membership will be reviewed to enable it to fulfil this role, including providing oversight of all the work to be taken forward in response to the SAEHR report.

In addition, the Advisory Group will be supported by one or more working groups, to enable detailed work to be undertaken agilely, drawing in additional expertise where appropriate. In the first instance, we will work with the report’s authors to consider the remit and membership of a working group which, in combination with the Human Rights Advisory Group and working closely with the Welsh Government, could fulfil the role intended for a taskforce.

B. GUIDANCE – Recommendations 2-4; 6-10; 12-13; (14 – EHRC) 15-16

A large number of recommendations relate to guidance, both statutory and non-statutory, for a variety of purposes and audiences. The Welsh Government accepts the need for fresh guidance in relation to human rights issues and proposes to take a coordinated approach to developing such guidance, with a view to producing a range of linked outputs over the course of time.

The Welsh Government is committed to developing a ‘Human Rights Approach’ and we have already undertaken considerable work in this area. Our [Raising Awareness plan](#) on Children Rights sets out how we will work with key partners, including UNICEF and the Children’s Commissioner for Wales, to develop a collective approach to embed children’s rights within public sector organisations. In relation to older people’s rights, our [Strategy for an Ageing Society](#) promotes a rights based approach and references the [guide](#) for public services on embedding a rights based approach published by the Older People’s Commissioner for Wales. Welsh Government has published two guides to promote this way of working: [Making rights work for older people](#) – guide for health and social care professionals; and [Making rights work for older people](#) - guide for older people. The Unpaid Carers and Older People’s Rights team in Welsh Government is currently funding Age Cymru to work with older people’s groups to raise awareness of rights, using the above publication as a conversation starter. Age Cymru is also producing a video and toolkit and we are planning an older people’s rights campaign for later this year using a flyer: [Understanding your care and support rights as you get older](#).

In relation to Recommendation 9, public bodies are already expected to carry out their obligations on Human Rights and Equalities in discharging their duties, this would include their well-being duty under the Well-being of Future Generations (Wales) Act 2015. There are no current plans to revise the statutory guidance for public bodies under the Well-being of Future Generations (Wales) Act 2015, but this recommendation will be included as a consideration should the guidance be revised.

With regards to recommendation 10, legislation is required to establish sub-groups and no legislative changes are programmed. Further work would be needed to describe the purpose and Terms of Reference of sub-groups to meet the goals. When statutory guidance is reviewed, we agree that it would be sensible to review the requirements for annual reports – including the content of reports.

Together with our ongoing collaborations with the Children’s and Older People’s Commissioners for Wales we will continue working with the Future Generations Commissioner for Wales to prepare non-statutory guidance on how the Well-being of Future Generations Act and human rights obligations can work together in discharging their well-being duty.

We agree that it would be sensible to review the requirements for reports published under section.45 of the Wellbeing of Future Generations Act 2015, including the contents of the reports. We believe the most practical option in the short-term would be to take this forward on a non-statutory basis.

In respect of the way Welsh Government carries out its own consultations, forthcoming updates to Welsh Government staff guidance on carrying out consultations and Integrated Impact Assessments will advise that consultation is used more explicitly to gather views on the impact of proposals. As we accept recommendation 17 and will be adding a human rights section to the Integrated Impact Assessment, human rights will be covered by this guidance along with equality and all other existing or future component elements of Integrated Impact Assessment.

For some of the recommendations we are able to partially accept now and consider other elements of the recommendations over time. No legislative changes to the Wellbeing of Future Generations Act are planned but Welsh Government officials will consider how best to take forward recommendation 6 on a non-statutory basis. Similarly, whilst work will be necessary on the practicalities of delivering recommendation 7 we can work with relevant parties to do this, with Welsh Government officials exploring the added value and how to facilitate the approach proposed as part of this recommendation on a non-statutory basis. We also commit to considering further recommendation 3 with regards to the integration of human rights as standards for policy making as we can work with partners to arrive at a consensus about what these standards entail and how they would operate in practice.

C. PUBLIC SECTOR EQUALITY DUTY (PSED) – Recommendations 5; 11; 14

Response: Welsh Government has committed to reviewing the PSED and this process is already underway. The actions called for as part of these recommendations will be considered as part of this review.

The review will involve working with key partners, such as the Equality and Human Rights Commission (EHRC), Welsh Public Sector and Third Sector bodies along with other stakeholders and interested parties across Wales. We are currently establishing, as part of the scoping exercise, the process to update and re-engage stakeholders with this work.

D. INCORPORATION OF HUMAN RIGHTS INTO INTEGRATED IMPACT ASSESSMENT PROCESSES – Recommendations 17-22

Response: At Welsh Government we keep our approach to impact assessment under continual review, adapting based on legislative or policy change and to improve organisational practice. Our next phase of improvement will focus on updating the tools and guidance following internal stakeholder discussions with the owners of the component parts of our Integrated Impact Assessment and with staff with experience of the current tool. We believe that our focus on improving the

quality and efficacy of impact assessment is aligned with the purpose of recommendation 18 although the actions may deviate (to give just one example, we have been developing training on Assessing Policy Impact as part of a suite of training for policy makers, rather than pursuing the specific forms of training detailed in the recommendations). Our plans for continuous improvement will evolve; the suggestions in recommendation 18 will be considered alongside our user feedback to determine the most pragmatic steps to support effective impact assessment as we move forward.

Welsh Government is already taking steps to progress the actions called for as part of recommendation 19 as we published our revised [Children Rights scheme](#) in December 2021 which sets out the arrangements to support children's rights. This includes an [updated Children's Rights Impact Assessment](#) and a [staff manual](#) which highlights the support available to officials as they consider children's rights as part of the policy process.

Welsh Government continues to recognise the benefit of an integrated approach to impact assessments as a means of enabling a better understanding of the impact of spending decisions including the intersectional and unintended impacts of spending to maximise the impact of available funding. The Strategic Integrated Impact Assessment of the Welsh Government Budget utilises this approach and draws from a range of evidence and information including detailed Integrated Impact Assessments (IIA) undertaken as part of our ongoing policy development and review. We remain committed to continually reviewing our approach to assessing impacts as part of the annual Budget Improvement Plan (BIP) and will consider what further action could be taken regarding the application of the IIA to budgetary and funding decisions.

Welsh Government is also committed to working with others to progress these recommendations in cases where we are not the sole body responsible for delivering them. In the cases of recommendations 20 and 21, for instance, we will work closely in partnership with public authorities and the EHRC on the actions that are called for.

E. RAISING AWARENESS – Recommendations 34-39.

In relation to recommendation 34, a public [consultation on the draft Statements of What Matters Code](#) took place between 31 May and 16 July 2021, following debate and commitments made during the passage of the Curriculum and Assessment (Wales) Act 2021 (the Act) through the Senedd in 2020-2021. The consultation on the Code was promoted to a wide audience of stakeholders including via schools, settings, local authorities, regional consortia, the Children's Commissioner for Wales, children's groups, Estyn, and trade unions. This followed earlier versions of the statements of what matters which were previously subject to a 12 week consultation as part of the consultation covering the whole draft Curriculum for Wales Framework guidance in 2019. This represented a significant consultation process with over 2,000 wide ranging responses from practitioners, school leaders, parents, special interest groups, public sector and children and young people. Alongside input from focus groups, we received 1,680 digital submissions, plus feedback from 423 learners. A series of [reports covering that consultation and responses](#) to it have been published by Welsh Government, as well as the publication of feedback on the draft Code itself.

As part of this process, and in taking forward the aspirations of the [four purposes](#) of the curriculum, [statements of what matters in the Humanities area](#) of learning and experience were amended to reflect requirements on all schools and settings to ensure learning about equity and human rights education across the 3 to 16 learning continuum. Most notably, the statement titled: “Informed, self-aware citizens engage with the challenges and opportunities that face humanity, and are able to take considered and ethical action” was amended as a consequence of the above process, and now sets out the following:

“This Area [Humanities] will encourage learners to understand the interconnected nature of economic, environmental and social sustainability; justice and authority; and the need to live in and contribute to a fair and inclusive society that confronts and addresses racism. Experiences in this Area will also help learners develop an awareness of their own rights (including those protected in the UNCRC and UNCRDP), as well as their needs, concerns and feelings, and those of others, and of the role such an awareness plays in the creation of a sustainable and interconnected world.”

At its core, the Curriculum for Wales provides that schools and other settings must promote knowledge and understanding of diversity and human rights. The teaching of [diversity](#) across the curriculum ensures that all learners are able to see themselves and their experiences represented in what they are taught. As learners progress, they should become increasingly aware of a range of specific characteristics which can define our identity, including sex, gender, race, religion, age, disability and sexuality.

In addition to the above, and to reflect the Act’s passage, Curriculum for Wales guidance for schools and settings on [human rights education](#) was updated on 10 January 2022. As one of the new curriculum’s cross-cutting Action Areas, the guidance now highlights the importance of human rights education across the curriculum. It also now provides clarity to schools and settings on the Act’s requirement that they must promote knowledge and understanding of the UNCRC and UNCRDP with those who provide learning and teaching in respect of their school or setting’s curriculum. This means, for example, that school leaders must make sure that practitioners and other school staff providing learning and teaching gain knowledge and understanding of human rights, as set out by these two conventions.

With regards to recommendation 37, currently the Welsh Ministers have no direct funding powers to fund (and influence) the delivery and teaching of higher education courses in Wales. Instead, they have powers to fund HEFCW, who in turn pass that funding on to HE institutions. However, there are clear restrictions on Welsh Ministers’ powers to fund HEFCW which prevent them from attaching terms and conditions (on their funding of HEFCW) relating to the type and range of courses available, and the delivery and teaching of those courses. This is a matter for universities. Any attempt by the Welsh Government to influence the teaching of law in Wales may be viewed as a circumvention of this statutory regime and may be subject to challenge. The establishment of the Law Council of Wales in November 2021 has brought together all of the law schools in Wales in a collaborative forum for the first time, alongside other representation from the legal community including legal practitioners and judges. The Law Council’s executive committee is establishing a working group on legal education, and it is expected

that this working group will consider what legal training should be provided around the Welsh legal framework.

Welsh Government is happy to accept recommendations 32, 36 and 38 on the basis that a substantive Human Rights Communications Plan will be developed to support and build on the new guidance that will be created as part of the first phase of action to be taken forward.

3.2 JUSTICE – Recommendations 26; 30; 39

These three recommendations will be addressed in a forthcoming publication setting out progress against the recommendations of the Commission on Justice in Wales. They will be addressed through that publication and ensuing process for monitoring delivery, with updates provided periodically to the SAEHR Steering Group.

Recommendation 26. The Commission on Justice in Wales (the Thomas Commission) was established by the Welsh Government, and was unprecedented in the scale of the evidence considered and the level of participation from across Wales and beyond. The First Minister was clear when the Commission reported that the Welsh Government welcomed the report and would be pursuing its recommendations through action with partners within our own area of competence and through discussions with the UK Government.

We will be bringing forward a publication shortly which sets out the progress which has been made to date in taking forward the Thomas Commission's recommendations and our plans for the future, as well as associated developments in the field of justice. In particular, that publication will provide detail on our response to the Thomas Commission's recommendation 27, which has since been the subject of a consultation and report by the Law Commission. In short, however, we agree with the key elements of the Thomas Commission and Law Commission recommendations, namely that the Welsh Tribunals Unit should have greater structural independence and that there should be a single tribunal structure which is utilised wherever appropriate for dispute resolution in devolved legislation.

In parallel with work on recommendations that can be taken forward in Wales, we have recently begun discussions with the UK Government on recommendations which require action by the Ministry of Justice or its agencies. We expect those discussions to cover recommendations 2, 20 and 39 from the Thomas Commission, which were particularly highlighted by the research report.

Finally, with regard to the Thomas Commission's recommendation 21, which relates to dispute resolution before courts, tribunals, alternative dispute resolution and ombudsmen being co-ordinated by a body chaired by a senior judge, this again would not be within Welsh Government competence to establish unilaterally, but we see potential merit in a body along these or similar lines, and in due course we intend to consult the potential participants in this body to understand if there is appetite for its creation. The Public Services Ombudsman (Wales) has expressed an interest in discussing this proposal but has also noted the importance that any such arrangements do not impinge on their independence.

Recommendation 30 calls for a Justice Committee to be established in the Senedd. The Legislation, Justice and Constitution Committee has been set up by

the Senedd to carry out the functions of the responsible committee set out in Standing Orders 21 and 26C. The Committee may also consider any matter relating to legislation, devolution, the constitution, justice, and external affairs. The Committee has undertaken inquiries and taken evidence on justice matters. Senedd reform will allow the Senedd to consider the possibility of a focused Justice Committee. This would be a matter for the Senedd to determine.

Recommendation 39 is not directed at the Welsh Government and is a matter for the two independent bodies cited to consider. We certainly share the underlying intention that it is important that the legal professions have a strong working knowledge of Welsh equality and human rights legislation. We note that neither the Law Society or the Law Council are directly responsible for legal education and continuing professional development; the Solicitors Regulation Authority has that responsibility with regard to solicitors, but this recommendation could equally apply to other forms of legal professional such as barristers. We will continue to work in partnership with all elements of the profession to encourage and support appropriate professional education.

3.3 RECOMMENDATIONS ACCEPTED FOR FUTURE IMPLEMENTATION OR REQUIRING FURTHER CONSIDERATION WITH OTHER AGENCIES

The following recommendations do not fall directly within one of the Action Areas set out above. Where they fall to the Welsh Government they are accepted, either wholly or partially, with a view to implementing them in the longer term.

Recommendations which fall to other agencies or require a partnership approach have also been considered and initial comments are set out below, incorporating contributions from other bodies as indicated.

Recommendation 23: (Welsh Government should give effect to recommendations of the Well-being and Equality Working Group on process alignment, in particular, to require stakeholders to determine timescales and points of alignment for objective-setting and planning).

Response: This requires further consideration which will be undertaken alongside preparatory work on the main Action Areas, to determine whether it can be addressed through one or more of those areas or requires separate consideration.

Recommendation 24. EHRC's 2017 report on measurement frameworks noted significant overlaps between the EHRC measurement framework and the national well-being indicators, and that the two complement each other well. Since the publication of the report, the indicators were reviewed and the addition of a justice indicator in 2021 addresses a gap noted by the EHRC. We have committed to breaking down national indicators by protected characteristics where data is available. The annual Wellbeing of Wales report draws on a wider range of contextual data, including some that embed human rights, such as participation in voting, modern slavery, hate crime. There could be scope to widen this coverage in some key areas. The new Equalities Evidence Units established by Welsh Government will play a key role in identifying evidence gaps and embedding the use of equalities evidence. This will include both qualitative and quantitative evidence. We are considering how best to incorporate qualitative evidence and lived experience alongside quantitative data in statistics publications.

Recommendation 27. The Welsh Government has a longstanding commitment to supporting information and advice services so that some of the most vulnerable people in our society have access to the free and impartial advice that they need to resolve problems with their debts, employment, housing, and welfare benefits. The Welsh Government is maintaining this commitment through the Single Advice Fund (SAF) introduced in January 2020. The SAF has ensured there is a framework of strategically planned services across Wales that provide people with seamless access to generalist and specialist social welfare advice (debt, discrimination, employment, housing and welfare benefits) and other wraparound support to sustainably address their problems. The SAF's innovative and collaborative delivery model is proving successful at engaging with people in most of need of advice. During the last financial year, SAF services helped over 127,000 people, 83% who were from a key priority group, including disabled people, older people, and Black, Asian and Minority Ethnic people.

Recommendation 28. In 2019 the Welsh Government established six Regional Advice Networks (RANs) to encourage better collaboration amongst information/advice providers, funders, commissioners and relevant stakeholders. Each RAN has its own aims/objectives based upon regional priorities. However all six RANs share a key aim of building referral links between providers and ensuring services are well known and accessible by people across a region who are in most need of advice, including people with protected characteristics. The Welsh Government also coordinates the delivery of webinars to raise awareness of the RAN members to key issues. It is anticipated that the EHRC will participate in an equalities focused webinar to be delivered later in 2022. The discrimination advice services delivered through the SAF include awareness raising for frontline workers to increase their understanding of the hidden discrimination within a person's social welfare problems.

Recommendation 29. Funding for grassroots community organisations needs to be proportionate and appropriate to the scale and complexity of the programme being delivered. Our Third Sector Scheme encourages officials to engage with community organisations in the early stages of policy development, as well as funding mechanisms, to ensure Welsh Government programmes are accessible and straightforward. In addition, Welsh Government is working with the Third Sector Partnership Council Funding & Compliance sub-committee on implementing a work plan which not only promotes the work of the committee but also captures the lessons learnt during the COVID-19 pandemic.

Recommendation 31. Welsh Government is in discussions with the Public Services Ombudsman for Wales (hereafter the Ombudsman) regarding recommendation 31. The Ombudsman has indicated to us that they welcome this recommendation and are considering the extent it is already enacted, or could be enacted, through existing functions. The proposed action on the agreed set of complaints handling principles is addressed to some extent through the work of the Ombudsman as Complaints Standards Authority (CSA), whereby published CSA principles state complaints processes (regardless of the complaint subject) should be accessible. Whilst recognising that it doesn't currently refer to human rights or to aspects such as ensuring that those with lived experience are directly involved in the assessment and management of complaints, the Ombudsman is open to

discussing with Welsh Government how to address this but would argue that it needs to be aligned with their CSA role.

Any changes to CSA principles and guidance would need to be undertaken carefully to ensure they are not prohibitive for the general public in terms of making them think the policy doesn't apply to their specific complaints, plus consultation with relevant stakeholders, such as Welsh Government and the EHRC would be required. The Ombudsman makes reference to their publication 'Principles of Good Administration'. Public bodies must have regard to this guidance when performing their functions. Principles 1 and 4 in this guidance are relevant in relation to equality and human rights: principle 1 requires bodies to act in accordance with the law and principle 4 emphasises the need to act fairly and proportionately. The guidance on 'restorative justice' approaches could be emphasised as part of the Ombudsman's revision to their Principles of Remedy guidance which is due to take place shortly.

The Ombudsman recognises there is no body at present perfectly positioned to receive complaints about breaches of equality or human rights duties and would thus welcome opportunity to discuss with the Welsh Government how this issue can be addressed through the remits of existing bodies. The Ombudsman recognises the importance of complainants having a voice in the complaints handling process and that those dealing with complaints understand the impact experiences have had on complainants, however the Ombudsman is keen to ensure everyone involved trusts the process and the objectivity of the decision maker. To ensure those with 'lived experience', both internal within a body's complaint handling staff and external, do not face undue burden and pressure to disclose their equality characteristics when they do not wish to, plus to ensure the confidentiality of the complaint handling process, the Ombudsman suggests setting a clear expectation that bodies should, when relevant, consult with those with 'lived experience' on some principles and legal issues raised by complaints (though not substance of complaint); and that the complaint handling staff should receive appropriate training to adequately manage equality and human rights issues arising in casework

Recommendation 33 calls on regulators and inspectorates to integrate equality and human rights into inspection and regulatory frameworks, including by focusing on outcomes in these areas. Care Inspectorate Wales' (CIW) primary responsibility is to ensure the law in relation to the running of social care and childcare services is upheld. The legal framework governing social care and childcare services has been carefully developed to incorporate and reflect people's rights. These include; the Social Services and Well-Being (Wales) Act 2014, the Regulation and Inspection of Social Care (Wales) Act 2016, the Children and Families (Wales) Measure 2010 and associated regulations, codes of practice, statutory guidance and national minimum standards. CIW has integrated respect, diversity, promoting equality and upholding people's rights within its work. Inspection frameworks are underpinned by Welsh Government's national outcomes framework for people who need care and support, and their carers. The frameworks are supported by guidance for our inspectors that place additional emphasis on the relevance and importance of respecting diversity, promoting equality and upholding human rights within our work. Guidance on our commitment to promoting and upholding the

rights of people who use social care and childcare services is published on our website and can be accessed [here](#).

Recommendation 40. The Welsh Government is committed to taking on board the learning from the COVID-19 pandemic as we work to ensure that our governance structures are proportionate and effective for the transition out of the emergency response and beyond

Annex A - Summary of responses by recommendation

Summary of recommendation	WG response
<p>1.</p> <ul style="list-style-type: none"> i. Introduce primary legislation – Human Rights (Wales) Act ii. Establish an independent human rights taskforce to examine options and bring forward detailed proposals. iii. Welsh Government should examine options for sectoral human rights legislation, especially in relation to housing, UNCRDP, CEDAW, CERD, older people and children. 	<p>Accept in Principle</p> <p>Action Area A</p>
<p>2. Welsh Government and public authorities should develop, publish and promote a shared statement of commitment to human rights, linked to corporate strategies, plans and policies.</p>	<p>Accept</p> <p>Action Area B</p>
<p>3. Welsh Government and public authorities should integrate human rights as standards for policy making to provide a stronger vision.</p>	<p>Accept in principle</p> <p>Action Area B</p>
<p>4. Welsh Government and public authorities should embed human rights through human rights action planning.</p>	<p>Accept</p> <p>Action Area B</p>
<p>5.</p> <ul style="list-style-type: none"> i. Welsh Government and public authorities should require funded organisations to demonstrate how they will promote equality and human rights. ii. Amend WSED 2011 regulations (18) accordingly. iii. Welsh Government and public authorities should provide information and signpost applicants for funding to equality and human rights priorities. iv. Applicants for funding should provide equality and human rights statement & impact assessment. 	<p>Partially accept</p> <p>Action Area C</p>
<p>6. Section 30(e) of WFGA 2015 should be amended or statutory guidance issued to require Public Services Boards to invite people with equalities and human rights interest to participate in their activities.</p>	<p>Partially accept</p> <p>Action Area B</p>
<p>7. Section 38 of WFGA 2015 should be amended or statutory guidance issued to require Public Services Boards to invite people with an equality and human rights interest to participate in setting and meeting wellbeing objectives.</p>	<p>Partially accept</p> <p>Action Area B</p>
<p>8. Welsh Government should review and revise guidance for public consultation to align with planning for equality and human rights and wellbeing objectives, implementing Gender Equality Review recommendations.</p>	<p>Partially accept</p> <p>Action Area B</p>
<p>9. Welsh Government should revise guidance under s.14 of WFGA 2015 to ensure public authorities and Public Services Boards take equality and human rights into account when discharging duties under WFGA.</p>	<p>Partially accept</p> <p>Action Area B</p>

Summary of recommendation	WG response
10. Welsh Government should require Public Services Boards to establish equality and human rights sub-groups to involve people with an interest in meeting equality and human rights commitments. Public Services Boards reports should include summaries of involvement and outcomes.	Partially accept Action Area B
11. Welsh Government should strengthen WSEDs to ensure better performance by public authorities under the Equality Act 2010. Detailed proposals for Welsh Government use of WSED and revised regulations are listed under this recommendation.	Accept Action Area C
12. Welsh Government should publish non-statutory guidance on requirements of due regard, emphasising the importance of impact assessment.	Accept Action Area B
13. Welsh Government should revise statutory guidance to ensure human rights are taken into account when a public authority is having due regard in relation to socio-economic inequality (detailed proposals included).	Accept Action Area B
14. EHRC should revise and reissue guidance under Equality Act 2006 & PSED to provide stronger guidance on the relationship between equality and human rights (detailed proposals included).	Not for Welsh Government Action Areas B & C
15. EHRC should introduce and keep under review guidance for Welsh public authorities on a bespoke 'Human Rights Approach' drawing on the models of Children's and Older People's Commissioners.	Not for Welsh Government Action Area B
16. Welsh Government should consult with EHRC & the Wellbeing of Future Generations Commissioner before introducing new or updated guidance on the relationship between equality and human rights (detailed proposals included).	Accept Action Area B
17. Welsh Government should introduce human rights assessment as part of Integrated Impact Assessments.	Accept Action Area D
18. Welsh Government should ensure effective Integrated Impact Assessment, especially of proposals likely to impact equality and human rights. Detailed proposals included, covering training; drawing on KAS & external expertise; oversight by Ministers, senior civil service, EHRC and Commissioners.	Partially accept Action Area D
19. Welsh Government should strengthen internal guidance for effective equality and human rights, and Children's Rights Integrated Impact Assessment (detailed proposals included).	Accept Action Area D
20. Public authorities should introduce human rights as a consideration during Equality Impact Assessment, with senior oversight.	Not for Welsh Government Action Area D
21. EHRC should revise guidance on impact assessment to ensure its applicability to equality and human rights, including a	Not for Welsh Government

Summary of recommendation	WG response
model template and detailed guidance on good practice at each stage.	Action Area D
22. Welsh Government should undertake Integrated Impact Assessment on budgetary and funding decisions likely to impact on organisations which support/represent disadvantaged communities.	Partially accept Action Area D
23. Welsh Government should give effect to recommendations of the Well-being and Equality Working Group on process alignment, in particular, to require stakeholders to determine timescales and points of alignment for objective-setting and planning.	For further consideration Section 3.3
24. Welsh Government should ensure all indicators used to measure equality, human rights and well-being embed human rights outcome targets; include qualitative lived experience indicators; and indicators relevant to diverse and under-represented communities, making use of EHRC's measurement framework and "Is Wales Fairer?"	Accept in principle Section 3.3
25. Welsh Government should introduce primary legislation to enable individuals to bring an action before a court or tribunal to enforce their human rights (see Recommendation.1).	Accept in principle Action Area A
26. Welsh Government should progress the recommendations of the Commission on Justice in Wales and related research, in particular recs 2; 20; 21; 27; 39.	Accept Section 3.2
27. Welsh Government should prioritise support for advocacy and advice services and examine ways to prioritise such services for disadvantaged and discriminated against communities.	Accept Section 3.3
28. Welsh Government should work with the National and Regional Advice Networks to raise awareness of equality and human rights, duties and services, especially in relation to disadvantaged communities.	Accept Section 3.3
29. Welsh Government should review funding and support for grassroots community organisations representing disadvantaged communities to ensure it is accessible and straightforward to use.	Accept Section 3.2
30. Welsh Government should consult with the Senedd Business Committee with a view to establishing a Justice Committee in the Senedd.	Accept Section 3.2
31. Welsh Government and Public Services Ombudsman for Wales should consult with EHRC to develop principles for dealing with complaints which engage equality and human rights issues. Detailed proposals included.	Accept in principle Section 3.3
32. The Future Generations Commissioner, EHRC and Welsh Commissioners should examine opportunities to enhance communication and share intelligence on issues relating to equality and human rights, including protocols for data sharing,	Not for Welsh Government Action Area E

Summary of recommendation	WG response
and coordinate actions using existing powers to hold Welsh Government and public authorities to account.	
33. Regulators and inspectorates should integrate equality and human rights into inspection and regulatory frameworks, including by focusing on outcomes in these areas.	Not for Welsh Government Section 3.3
34. Welsh Government should introduce equalities and human rights principles as mandatory requirements at all stages of the curriculum and for all ages, using the “What Matters Code” and promoting the benefits of equality and human rights for society.	Partially accept Action Area E
35. Welsh Government should promote Public Legal Education on equality and human rights, linked to representative organisations for protected groups.	Partially accept Action Area E
36. Welsh Government should lead a national public awareness campaign to raise the profile of equality and human rights.	Accept See Section E
37. Welsh Government should encourage HEFCW and HE institutions to ensure that legal education includes the Welsh legal framework, especially around equality and human rights.	Partially accept Action Area E
38. Welsh Government should add a dedicated page to the Welsh Government website to disseminate information on equality and human rights.	Accept Action Area E
39. Law Society / Law Council for Wales should take an active role in promoting equality and human rights legislation and frameworks among the legal professions in Wales.	Not for Welsh Government Section 3.2
40. Welsh Government should support advisory groups to influence policy responses in priority equality and human rights areas, including by learning from the experience of the pandemic. This should include establishing advisory groups drawing together authorised expertise in specific areas with clear reference to equality and human rights in terms of reference, including the statement of commitment referred to in recommendation 2.	Accept Section 3.3