



Ein cyf/Our ref MA/JH/2251/20

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Equality, Local Government and Communities Committee
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3 August 2020

Dear John,

Thank you for your letter of 1 July to the two of us regarding the Equalities, Local Government and Communities Committee inquiry into the impact of Covid-19 on equalities and human rights. We will address each of the issues you raised under individual headings.

Assessing impact

The First Minister has been clear that the Welsh Government must and will put equality and human rights considerations at the centre of our response to the pandemic in Wales, the recovery and our work has kept this as the guiding principle throughout. There has been a considerable effort from across Government and in collaboration with stakeholders to understand the impacts arising from covid-19 and the measures the Welsh Government has decided to put in place to manage covid-19.

The Welsh Government published the approach it will take in assessing whether and when conditions enable specific lockdown restrictions to be eased in "*Leading Wales out of the coronavirus pandemic: a framework for recovery*" on 24 April and "*Unlocking our society and economy: continuing the conversation*" on 15 May. Both these documents embody the Welsh Government's commitment to ensuring decisions to ease lockdown restrictions will seek to deliver a 'high positive equality impact'.

The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 came into force on 26 March. These were replaced by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 on 11 July. A consolidated version of the most recent Regulations can be found here <https://gov.wales/coronavirus-legislation-and-guidance-law>. The Principal Regulations require Welsh Ministers to review the need for restrictions and requirements under the Principal Regulations every 21 days. As a consequence the Principal Regulations have subsequently been amended (in addition to 7 April) on 25 April, 11 May, 22 May and 1 June. The Regulations expire on 26 September 2020, subject to prior approval of Senedd Cymru.

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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.

We have published summaries of the equality assessments of the measures to manage Covid-19 covering the 21-day reviews for 18 June, 6 July, and 9 July. These can be found here <https://gov.wales/equality-impact-assessments-coronavirus> . Further impact assessments relating to coronavirus legislation and guidance will be published on the government website in due course. We will look to learn the lessons of the past few months to ensure that consideration of impact remains an integral part of how decisions are made by the Welsh Government.

We would like the Welsh Government to outline how it will ensure that human rights are at the heart of the recovery plan, given its longstanding commitments to equality and human rights

We recognise the threat to equality which Covid-19 has exposed and are committed to establishing a clear picture of the disproportionate impacts the virus is having on particular groups in Wales.

We are able to draw on a very strong network of Equality fora which have been meeting much more frequently throughout the course of this current crisis, and which the Deputy Minister has chaired. These include the Disability Equality Forum, the Faith Communities Forum, the Wales Race Forum and the Strengthening and Advancing Equality and Human Rights Steering Group.

We are proactively collating, logging and summarising the key themes from a range of reports, briefings and insights in relation to the impact of Covid-19 on people with protected characteristics in Wales. This work provides a resource to better understand the equality impacts of COVID-19 in Wales and to consider mitigating actions where necessary, as well as to support the undertaking of IIAs across policy areas.

We are actively seeking the views of older people to understand how Wales can strengthen support for older people as we move into the recovery phase. We continue to engage with older people and their representatives via our Ministerial Advisory Forum on Ageing and via the older people's networks that we fund Age Cymru to host.

This year we allocated an additional £50,000 to Age Cymru to support five national older people's organisations and to facilitate wider engagement with a more diverse group of older people. This is in addition to an annual allocation of £73,000 to support five national older people's fora, including COPA (Cymru's Older People's Alliance). COPA is currently drafting a survey which will be disseminated to older people and members of the Ministerial Advisory Forum on Ageing, requesting their views on an age friendly recovery. Paper copies will be made available for people who are not online and Age Cymru will help to promote the survey.

The Older People's Commissioner holds regular meetings with Ministers and officials to discuss older people's rights and will be publishing her recommendations relating to support for older people as public health restrictions are eased.

Over the past two years we have undertaken a series of actions to 'make rights real' for older people. Prior to the pandemic, we worked with Social Care Wales, academics, older people and their representatives to co-produce a guide for local authorities demonstrating how to have 'due regard' to the UN Principles for Older Persons as required by the Social Services and Well-being (Wales) Act. We will publish this guidance shortly to support a rights based approach. A version of the guidance aimed at older people will also be published.

We have also commissioned Swansea University to update the 2009 guidance on Escalating Concerns on Closures of Care Homes which will focus on protecting rights.

In addition to the actions highlighted, Task & Finish Groups and round-tables have taken place across Welsh Government to engage and develop actions in response to COVID-19 and to do so through working in partnership with people and organisations across Wales.

These meetings have provided an invaluable opportunity to listen and understand the key inequalities and human rights issues arising from the coronavirus pandemic and to discuss actions to address them.

Our approach to undertaking Equality Impact Assessments also works to fulfil our obligation to assess whether our activities could adversely affect a person's human rights as contained in the European Convention on Human Rights (ECHR).

Relaxation of legislative requirement – what assessment was made of the impact of easing on older people and other groups?

Older people, carers and disabled people rely on care and support to continue to live their lives independently including accessing accommodation either long term or as part of respite arrangements. In the very short timescale available, our imperative was to ensure, along with our sister Parliaments, the Welsh Government had the tools to plan and respond to the potential impact of Coronavirus Covid-19. As alluded to earlier, the provisions of the Coronavirus Act 2020 were debated and agreed by the Senedd as part of the legislative competence debate on 25 March 2020.

We have a clear rights-based approach in Wales and this Government remains committed to ensure those rights continue to be protected even during these very challenging times. That commitment underpinned our decision to secure bespoke guidance and direction powers in the Coronavirus Act 2020 to ensure clear and strong direction on how those significant powers are implemented. The potential to withdraw or limit someone's care and support, to impact on daily personal activities such as getting out of bed, washing and getting dressed have an enormous impact on that person's dignity and respect.

The guidance explicitly recognises and reinforces the safeguards and protections provided to individuals as well as local authorities' unmodified duties under:

- the European Convention on Human Rights, including the right to life under Article 2 of the ECHR, the right to freedom from inhuman and degrading treatment under Article 3 and the right to private and family life under Article 8; and
- Part 2 of the Social Services and Well-being Wales Act 2014, including duties in relation to promoting well-being, the UN Principles for Older People, the UN Convention on the Rights of the Child and the United Nation Convention on the Rights of Persons with Disabilities.

Our guidance and its impact on people needing care and support was developed in partnership with organisations across Wales including the Disability Equality Forum which I chair. Organisations representing those more likely to need care and support were able to influence the statutory guidance and subsequently welcome its publication. This included people with learning disabilities, sight loss, older people, carers and parents of disabled children, the Commissioners for Older People and Children, Safeguarding Boards all of whom helped shape the guidance.

We continue to explore the impact of Covid-19 on older people and other groups. Since March, we have provided a dedicated cross-sector weekly forum for partners including the Older Persons Commissioner and other key stakeholders to share evidence and intelligence about the impact of the pandemic and inform and influence the nature and scale of our response. That forum had enabled engagement with stakeholders on the commencement of the provisions and will be a key conduit for informing its repeal based upon the evidence and our framework for recovery to lead Wales out of the coronavirus pandemic.

Impact on Black, Asian and minority ethnic groups

As you recognise in your letter the Welsh Government was extremely concerned about the emerging evidence of the disproportionate impact of Covid 19 on BAME individuals. The First Minister responded swiftly, setting up an Advisory Group to inform action. The Risk Assessment Tool is being used and the BAME Covid-19 Socioeconomic Subgroup report was published on 22 June: <https://gov.wales/black-asian-and-minority-ethnic-bame-covid-19-socioeconomic-subgroup-report>

It provides a clear framing of many of the issues we will need to address and will form an important foundation for the Wales Race Equality Plan.

The report's recommendations are now being considered in full and a formal Welsh Government response will issue shortly.

In March 2020 the Deputy Minister committed to developing a Race Equality Plan for Wales. Progress on this work paused briefly to respond to the COVID-19 pandemic. Development of this plan will now progress quickly to identify and implement actions to address race inequality in Wales. The Deputy Minister will be making a statement on our plans imminently.

Over the past decade, race groups and organisations have produced multiple research documents and recommendations on race and the experience of Black, Asian and Minority Ethnic communities in Wales and wider. There have also been a number of official inquiries and reports which gathered substantial evidence and made large numbers of recommendations.

We have begun an initial rapid review of this research. The recommendations and key issues raised and being made have been compiled in order to draw out themes and those with data about racial disparity.

Co-construction will be one of the fundamental principles underpinning our approach to developing the Race Equality Plan. This requires us to engage with Black, Asian and Minority Ethnic communities to develop shared objectives and actions to include in the Plan. It necessitates us connecting to a wider range of people, as well as maximising the value of the networks we are already connected to.

The Minister for Health and Social Services issued a Written Statement on Covid-19 and BAME Communities on 21 April 2020. He issued a further Written Statement on Covid-19 and BAME – measures to protect the Health and Social Care workforce on the 2nd May 2020. The statement endorsed a joint statement by HS Employers, the Association of Directors of Social Services, Trade Unions and Government, making clear the need for a precautionary approach even as the evidence base is evolving about the differential impact of COVID-19 on members of our workforce.

<https://gov.wales/sites/default/files/inline-documents/2020-05/covidbamemeasurestoprotectthehealthandsocialcareworkforceeng.pdf>

A special Wales Race Forum was convened on 22 April to consider the impact of COVID-19 on BAME communities.

Since the COVID-19 outbreak, officials have held weekly meetings with our Equality and Inclusion grant funded partner, Ethnic Youth Support Team (EYST) to discuss the ongoing impact on BAME communities and to exchange information on these matters.

EYST have re-directed their efforts from their original planned regional fora to themed virtual fora that have covered priority topics (led by stakeholders). So far these have included Muslim burial, education, employment, food poverty and hate crime. The fora regularly attract over forty people and engage professionals and community members from across Wales. Feedback is provided to Welsh Government and fed into relevant policy making discussions. Officials also pass useful information back to the fora via EYST.

A Covid-19 Moral and Ethical Advisory Group for Wales (C-MEAG) was established to coordinate multiple sources of guidance to ensure they meet ethical standards, reflect the needs of all communities across Wales.

In this way we hope to ensure that the implementation of guidance, wherever issued, is relevant, ethically consistent and applied evenly (while being mindful of the specific requirements of distinct communities of interest) in Wales). The Group reports to the Chief Medical Officer and sponsoring Ministers.

The aim of the C-MEAG structure is to ensure that risk of unfair discrimination towards any part of the community is reduced or removed by ensuring that officials have the right input from relevant experts - including from communities more likely to be adversely impacted by COVID-19 and the emergency response.

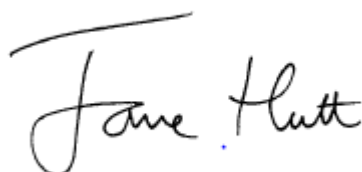
A framework was published by the C-MEAG in April 2020 named ["Coronavirus: ethical values and principles for healthcare delivery framework"](#).

We look forward to receiving your report.



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Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
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