

Witness Name: Ruth Coombs

Statement No. 1

Exhibits: RC/1-RC/91

Dated: 25 August 2023

UK COVID-19 INQUIRY

WITNESS STATEMENT OF RUTH COOMBS

I, Ruth Coombs of the Equality and Human Rights Commission, Companies House (1st Floor), Crown Way, Cardiff, CF14 3UZ, will say as follows: -

Introduction

1. I make this statement in my capacity as Head of Wales of the Equality and Human Rights Commission ('EHRC'), in response to the request by the UK Covid-19 Inquiry ('the Inquiry') for evidence relating to its Module 2B, pursuant to Rule 9 of the Inquiry Rules 2006. References in this statement to "we" and "our" refer to the EHRC collectively.
2. I have worked at the EHRC since 3 April 2017. I have been in my current role since that date. Between 1 January and 31 May 2022 ('the relevant period') I was Head of Wales, leading on delivery of EHRC work in Wales and representing Wales on our internal Covid rapid response group, chaired by Alasdair MacDonald.

Content of this statement

3. The Inquiry has requested a statement from the EHRC(W) in Module 2B to better understand the EHRC(W)'s involvement in the government's response to the pandemic. Where I refer to 'government' in this statement, I refer to the Welsh Government, unless stated otherwise. The EHRC is also providing witness

evidence, at the Inquiry's request, in relation to Modules 1 and 2 (to date). Where relevant documents exist, we have referred to them.

4. In this statement, I will focus on issues relevant to Module 2B, namely core political and administrative decision-making of the Welsh Government, including in relation to decision-making about Non-Pharmaceutical Interventions ('NPIs'), within the Welsh Government's devolved competence. These are listed by the Inquiry as: the national lockdowns; local and regional restrictions; circuit breakers; working from home; the opening or closure of schools; social-distancing; the use of face coverings; and travel in and out of Wales. As such, this statement is not intended to be a complete picture of all of the EHRC(W)'s work in relation to the pandemic in which we, for example, worked with civil society and public bodies in Wales on a range of issues some of which is detailed below.
5. This statement is divided into the following sections:
 - a. The EHRC and EHRC(W) (paragraphs 7 to 19);
 - b. Summary and Immediate Action: January to March 2020 (paragraphs 20 to 21);
 - c. Emergency Response: March to September 2020 (paragraphs 20 to 21);
 - d. Summary of Activities:
 - i. Equality and human rights considerations (paragraphs 24 to 30)
 - ii. Public Sector Equality Duty (paragraphs 31 to 35)
 - iii. Health (paragraphs 36 to 39)
 - iv. Older People and Disabled People (paragraphs 40 to 59)
 - v. Ethnic Minorities (paragraphs 60 to 62)
 - vi. Work (paragraphs 63 to 68)
 - vii. Education (paragraphs 69 to 79)
 - viii. Other Significant Work paragraphs 80 to 83)
 - e. Welsh Government Convened Groups (paragraphs 84 to 91)
 - f. Other Key Meetings (paragraph 92)
 - g. Stakeholder Engagement (paragraphs 93 to 103)
 - h. Summary of Impact (paragraph 104)
 - i. Research, Monitoring and Data (paragraph 105)
 - j. Lessons Learned (paragraphs 106 to 108)

6. To assist in addressing specific questions raised by the Inquiry, the following are annexed to this statement:
- a. *A chronology of key meetings between the EHRC(W) and Welsh Government ministers or senior civil servants that were held principally to discuss the Welsh Government's response to Covid-19, including its use of Non Pharmaceutical Interventions and the impact of core political and administrative decision-making on groups with a protected characteristic.*
 - b. *Any regular meetings that were set up between the EHRC and Welsh Government ministers, advisers or senior civil servants to discuss core political and administrative decision-making relating and its impact on groups with a protected characteristic. This includes groups such as the First Minister's Covid-19 Black, Asian and Minority Ethnic Advisory Group, the former's Scio-economic Subgroup, the Shadow Social Partnership Council, the Deputy Minister's Steering Group on Strengthening and Advancing Equality and Human Rights in Wales, and the Covid Moral and Ethical Advisory Group.*
 - c. *A list of any Senedd Cymru Committees to which the EHRC provided oral or written evidence relating to Covid-19, including the impact of core political and administrative decision-making on groups with a protected characteristic.*

The EHRC and EHRC Wales

7. The EHRC is Britain's national equality and human rights body. It is a statutory body established under the Equality Act 2006 ('EA 2006'). It operates independently of the UK, Scottish and Welsh Governments to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote human rights. In Scotland we have a human rights mandate in relation to matters reserved to the UK Parliament only. It enforces the Equality Act 2010 ('EA 2010') and encourages compliance with the Human Rights Act 1998 ('the HRA'). It is accredited at UN level as an 'A status' National Human Rights Institution ('NHRI') in recognition of its independence, powers and performance.
8. The EHRC has unique duties and powers which are set out in Part 1 of the EA 2006. Pursuant to section 3 of the EA 2006, EHRC's general duty is to encourage and support the development of a society in which: (a) people's ability to achieve

their potential is not limited by prejudice or discrimination; (b) there is respect for and protection of each individual's human rights; (c) there is respect for the dignity and worth of each individual; (d) each individual has an equal opportunity to participate in society; and (e) there is mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights.

9. As an independent and impartial body, the EHRC is not directly involved in any formal advisory groups and does not participate as of right in any government administrative processes, but does so on request. Our role across Britain, including in Wales, is to promote understanding and engagement with equality and human rights issues, to encourage compliance with the law, and to use our authority and influence to secure improvements in policy, practice and the law where necessary. This involves regulating employers and service providers, whether private, public or third sector. While we actively participate in debates across equality and human rights issues, and seek to foster good relations with and between stakeholders, it is not our role to be an advocacy or campaigning organisation. The EHRC's work generally has not, and does not, include epidemic or pandemic preparedness, as this issue is outside our explicit remit.
10. At EHRC(W) we regulate equality and human rights in Wales. The EHRC takes a three nations approach to work, to ensure that our action to improve equality and human rights is relevant to the devolved context of Wales, with assistance from our Wales statutory Committee. In practice, this means regular discussion and information sharing between staff in our Wales, Great Britain and Scotland teams. In the specified period, this would have involved discussion and information sharing on the government's response to the pandemic as issues emerged.
11. EHRC funding is provided by the Government Equalities Office ('GEO'), which is part of the Cabinet Office. EHRC(W) does not receive any additional funding from the Welsh Government.
12. Responsibility for the strategic oversight of the EHRC lies with the Board of Commissioners. The Chair and Commissioners are public appointments made by the Minister for Women and Equalities.
13. In Wales, the statutory Wales Committee advises the Commission about the exercise of its functions in relation to Wales. The Wales Commissioner sits on the Board. There is no requirement for EHRC(W) to appear before the Senedd or

before Senedd Committees, however we have regular meetings with the Equality and Social Justice Minister (previously called the Deputy Minister and Chief Whip). We meet with other Ministers as appropriate to given priorities and we are often invited to give evidence to Senedd Committees. The annual Wales impact report is debated in the Senedd, and this occurred during the pandemic.

14. The EHRC's operations are overseen by a leadership team consisting of the following:

- a. CEO (currently Marcial Boo);
- b. Chief Operating Officer (currently Cath Denholm);
- c. Chief Strategy and Policy Officer (currently Melanie Field);
- d. Director of Regulation (currently Martin Crick, interim);
- e. Director of Policy, Human Rights and Three Nations (currently Katherine Perks & Rachel Robinson, jobshare, interim)
- f. Director of Finance and Procurement and Planning, Performance and Governance (currently Bill Malloy);
- g. Director of Partnerships, Communications and Engagement (currently Moya Alcock);
- h. Director of Legal - Litigation and Enforcement (currently Adam Sowerbutts);
and
- i. Director of People and Infrastructure (currently Joe Corcos).

15. In Wales, operational delivery is overseen by a Wales leadership team, which reports to the GB leadership team (described above). The Wales leadership team consists of:

- a. Head of Wales (currently myself, Ruth Coombs)
- b. Principal Wales (currently NR)
- c. Principal Policy and External Affairs (currently NR)
- d. Legal Principal Wales (currently Name)

16. The EHRC staff is made up of a number of teams reporting to the above listed directors. At the start of the Covid-19 pandemic we employed some 210 staff, and we now employ some 225 staff. In Wales, we employed 13 of the 210 staff employed by the EHRC at the start of the pandemic, we now employ some 15 of the 225 staff employed by the EHRC.

17. Our response to the Covid-19 pandemic during the relevant period was led by a steering group, formed in April 2020, and comprised of a number of key individuals including our Chief Strategy and Policy Officer, our Director of Regulation, our Director of Policy and Human Rights, our then Director of Evidence and Strategy, myself and our Head of Scotland. We redirected internal resource, including by deprioritising one of our existing strategic areas (transport) to ensure that we had capacity to effectively advise governments and others on equality and human rights issues related to the pandemic. Our approach in Wales was fully aligned with our overall approach, however, we focused on specific issues in Wales, particularly as the Welsh and UK Governments began to take divergent actions and timelines.
18. Historically, we have had a constructive working relationship with the Welsh Government. We use our evidence base to speak authoritatively on policy issues and the Welsh Government seeks our input when developing policy positions, which come within our remit. Additionally, we frequently raise concerns with the Welsh Government, where their approach threatens to undermine equality and human rights protections. We are also asked to give evidence to relevant Senedd Committees on matters pertinent to our remit.
19. During the pandemic, our relationship with the Welsh Government did not fundamentally change. We used our End-to-End Model of regulatory powers (available on our website) from evidencing the issues, through influencing standards setting to driving compliance with standards. We did not take any enforcement action against the Welsh Government.

Summary and immediate action: January 2020 to March 2020

20. Like many organisations, the EHRC began to engage with the emerging Covid-19 pandemic ('the pandemic') in early 2020. The EHRC(W) redirected internal resource to respond to the developing pandemic, including the human rights and equalities implications of the Welsh Government's response. I was a member of our EHRC steering group from the beginning. The steering group led our response to the dramatically changed context. In consultation with our Board, this included the deprioritising of one of our strategic aims, on transport, in order to ensure that

we had capacity to effectively advise governments on equality and human rights issues related to the pandemic.

21. Between January 2020 and February 2022, the EHRC(W) provided input to explain the Welsh context in relation to a number of activities undertaken by the EHRC nationally in response to the pandemic, for example analysing and advising the UK parliament on the implications of proposed legislation. During this period, the Welsh and English governments were aligned, and so our focus was supporting the national team at the EHRC. On 5 February I met with the Deputy Minister & Chief Whip. This was prior to the first confirmed case of coronavirus in Wales on 28 February 2020; the first case of community transmission in Wales was on 11 March 2020 so whilst coronavirus was mentioned in passing during the meeting it was not discussed in any detail.

Emergency response: March to September 2020

22. From March 2020 onwards, we were proactively engaging with the Welsh Government as it became clear that certain groups were being disproportionately impacted by Covid-19 and by the pandemic response: older and disabled people, some ethnic minorities, women and people living in socio-economic disadvantage. During this time, we raised specific concerns, which required responses from the Welsh Government. We also offered advice and guidance on those areas within our remit, with a view to ensuring that equality and human rights were at the heart of decision-making. Much of our interaction with the Welsh Government was by way of written correspondence, however a number of meetings also took place as detailed below. The majority of meetings during this time were held as a result of concerns or issues raised by us. Whilst notes were taken at some of these meetings, formal minutes were not taken by us. The Welsh Government officials took notes.
23. I attended a number of advisory groups established by the Welsh Government during this time, minutes were taken by Welsh Government officials and signed off by Ministers, including the First Minister. We do not have copies of these minutes they will be held by the Welsh Government.

Summary of Activities

Equality and Human Rights considerations

24. We were aware from the beginnings of the pandemic that it would impact groups of people differently. We raised these issues from the outset with Welsh Government and the Senedd highlighting equality and human rights considerations.
25. The EHRC(W) wrote to the First Minister on 19 May 2020 **[RC/13 - INQ000136919]** with a briefing **[RC/14 - INQ000136912]** which outlined the unequal impact of the pandemic on older and disabled people, some ethnic minorities, women and people living in socio-economic disadvantage. This resulted in the Welsh Government making a clear commitment to considering the impact on people with protected characteristics, children's rights and equality and human rights in their Coronavirus Control Plan published on 18 August 2020 in relation to local or regional lockdown measures or easing of restrictions **[RC/15 - INQ000136960]**.
26. On 20 April 2020 EHRC(W) wrote to the Senedd Equality, Local Government and Communities (ELGC) Committee asking them to conduct an inquiry into the equality and human rights impacts of Covid-19 **[RC/16 - INQ000136907]**. The ELGC then issued a rolling call for evidence into the impact of the coronavirus pandemic on equality and Human Rights. I gave oral evidence on 16 June 2020 **[RC/18 - INQ000136938]** highlighting the unequal impact of the pandemic on older people, disabled people, women and ethnic minorities **[RC/19 - INQ000136937]**. We submitted written evidence on 23 June 2020 **[RC/17 - INQ000136940]** to the committee.
27. Following our evidence, on 1 July 2020 the Committee wrote to the Deputy Minister & Chief Whip and the Health Minister supporting our call for publishing EIAs and asking that all EIAs on key decisions in response to the pandemic be published on the Welsh Government website. The ELGC Committee published its report 'Into sharp relief, inequality and the pandemic' **[RC/20 - INQ000136957]**. Our evidence is cited 13 times in the report, including in Ministerial commitments

to work with EHRC(W) on the PSED. Our evidence directly influenced nine of the Committee recommendations with an additional two adopted verbatim.

28. We continued to raise our concerns and highlight the unequal impact of Covid-19. On 10 March 2021 I met, together with the EHRC Chair, and the Chair of the EHRC(W) Wales Committee, the Deputy Minister & Chief Whip. The purpose of the meeting was to discuss respective priorities and identify shared agendas. We discussed the actions Welsh Government had taken during Covid-19 and how they impacted on people with different protected characteristics and those experiencing socio-economic disadvantage. We discussed the Socio-economic Duty and how this would assist in embedding equality of outcomes as part of the recovery from Covid-19. The Deputy Minister & Chief Whip discussed the forthcoming Race Equality Action Plan: an anti-racist Wales (REAP) consultation and how one of the actions in the REAP would be to respond positively to the recommendations in our Inquiry into racial inequality in health and social care workplaces.
29. On 16 September 2021 I met with the Minister for Social Justice, the Deputy Minister for Social Partnership and Welsh Government officials. We discussed the role that the Social Partnerships and Procurement Bill could make to address economic inequalities of those most negatively impacted by Covid-19, including women, disabled and older people and some ethnic minority people.
30. During this period the EHRC(W) also advised the Deputy Minister & Chief Whip then Minister for Social Justice's Strengthening and Advancing Equality and Human Rights Steering Group, through attendance at meetings to strengthen the consideration of equality and human rights in the Welsh Government's 'Framework for Recovery' and to make a clear action plan focused on the unequal impact of the Covid pandemic. The Deputy Minister & Chief Whip highlighted our evidence in the Senedd Equality Committee session on 14 May 2020. This contributed to the Welsh Government prioritising the commencement of the Socio-economic Duty, Part one of the Equality Act on 31 March 2021.

Public Sector Equality Duty

31. One of the early concerns we had at the EHRC(W) was Welsh Governments compliance with the Public Sector Equality Duty (PSED) in their Covid decision making. In March and early April 2020, EHRC(W) became increasingly aware and

concerned that Welsh Government decisions that were being made rapidly and in response to the pandemic were not always publicly demonstrating due regard to the Public Sector Equality Duties required of public bodies under the Equality Act. We wrote to the First Minister on 30 April sharing our concerns and advising on equality and human rights obligations. In the letter, we specifically raised concerns regarding equality impact assessments, access to food, the socio-economic duty and preparing for recovery **[RC/01 - INQ000136909]**.

32. We wrote to the Senedd Legislation, Justice and Constitution Committee (LJC) on 3 July 2020 about the lack of Equality Impact Assessments by the Welsh Government **[RC/02 - INQ000136942]**. On 13 July 2020, the LJC Committee included a scrutiny question to the Welsh Government asking how the Welsh Government was complying with Regulation 8 of the PSED Specific Duties (EIA). We received a response from the Chair of the LJC on 9 July 2020 confirming that the Committee would raise the issue of EIAs in its reports on any future subordinate legislation that has the potential significantly on equality in Wales **[RC/03 - INQ000136944]**.

33. We also wrote to the Permanent Secretary of the Welsh Government on 3 July 2020 about the same issue raising our concerns about the lack of EIAs in decision making. **[RC/04 - INQ000136941]** This resulted in a written commitment to publishing EIAs **[RC/05 - INQ000136958]** In response, the then Permanent Secretary agreed to meetings so we could advise on equality and human rights. These are outlined below.

34. We met with the Permanent Secretary of the Welsh Government on several occasions (21 September 2020, 12 April 2021, 30 June 2021 and 15 February 2022) **[RC/36 - INQ000136962]** and **[RC/38 - INQ000137011]** raising our concerns about the lack of EIAs in pandemic decision making. We discussed EIAs, strategic equality objectives and their review in light of Covid, how the Race Equality Action Plan could address inequalities exacerbated by the pandemic and the role of the Socioeconomic Duty in addressing some of these.

35. We raised our concerns about compliance with the PSED across all areas of Welsh Government for example on 5 November 2020 we delivered a PSED and EIA development session with Welsh Governments Social Care Division. Our further engagement with other areas of Welsh Government in relation to the PSED is detailed below. As a result of our engagement in this area the transparency of

Welsh Government's decision making improved although not all our concerns were fully addressed. We continue to raise these concerns with the Welsh Government. To help demonstrate due regard to the general equality duty, the Welsh Government is required under regulation 8 of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, to assess the likely impact of its proposed policies and practices on its ability to comply with the general duty as well as continuing to monitor impact once in operation. Where the impact or likely impact on the Welsh Government's ability to comply with the duty is substantial, the assessment should also be published. We are in ongoing communication with Welsh Government about their failure to publish EIA's, or where they are published, the lack of relevant information. We are also concerned that the EIA's do not demonstrate consideration of all 3 aims of the general equality duty.

Health

36. Throughout the course of the pandemic we provided advice to the Welsh Government in relation to their public health messaging. For example we advised the Welsh Government by e-mail on 28 May 2020 that the all shielding extension letter (which was sent to individuals in June 2020) should include information on how people can access discrimination advice if they believe they have been discriminated against, in recognition people who are shielding were potentially more likely to be discriminated against in terms of employment and accessing goods and services. As a result, the Welsh Government's shielding letter which went to over 130,000 people in Wales included details for both the Equality Advisory Support Service and Citizen's Advice **[RC/21 - INQ000136926]**.
37. On 6 April 2021, I met with the Welsh Government Deputy Director (vaccines). I highlighted that a blanket approach to vaccine certification and associated policy could be potentially discriminatory. I drew their attention to the need to engage higher education institutions with their engagement programme to encourage some ethnic minority students to engage with vaccination choices as to date they had been one of the largest groups reluctant to engage. We also discussed key points from the EHRC submission to the UK Government. On 7 October 2021 the Welsh Government published its Age Friendly Wales Strategy **[RC/22 - INQ000137016]**. It reflected our advice to include clear reference to equality and human rights in residential care in Wales during the pandemic.

38. I wrote jointly to the CEO of Public Health Wales and the Chief Executive of the NHS in Wales on 6 May 2020 [RC/84 - INQ000136913] raising concerns about the disproportionate impact of Covid on ethnic minorities. I raised concerns about the lack of available evidence and data and the need to take a holistic approach in seeking to determine the causes of the disproportionate impact. Our concerns regarding data are longstanding and were addressed in our 2018 report, 'Is Wales Fairer?' [RC/91/INQ000250233] where we stated '*There are clear gaps in the data in Wales that make it difficult to understand the experiences of people sharing all protected characteristics. There is a particular lack of data broken down by the protected characteristics of sexual orientation, gender reassignment, religion or belief, and race. There is also a lack of disaggregated data on health outcomes.*' In that report we recommended that Welsh Government should collect and publish data disaggregated by ethnicity. The Chief Executive of the NHS in Wales replied to my letter on 1 June 2020 [RC/85 - INQ000136927] outlining the work being undertaken to investigate disproportionate impacts.
39. We submitted a response on 17 September 2021 to the Senedd Health and Social Care Committee consultation. In our response we highlighted issues related to rehabilitation services for people impacted by Covid-19 that we thought should be priorities for the Sixth Senedd [RC/51 - INQ000137015].

Older People and Disabled People

40. We became increasingly concerned about the impact of Covid restrictions on older and disabled people, particularly on their human rights.
41. On 7 May 2020, I met with the Deputy Minister & Chief Whip where we discussed the impact of coronavirus on people with protected characteristics. During the meeting we emphasised the human rights impacts of restrictions, but particularly those for older people living in care homes as in Wales at that time the restrictions in care homes were more stringent than for older people living independently.
42. We wrote to the Health Minister on 27 May 2020 highlighting our concerns regarding the lack of Covid testing in care homes [RC/26 - INQ000136925]. The Deputy Minister for Social Care responded on 1 June 2020 advising that the Welsh Government were rolling out a testing programme and that decisions were being continually reviewed [RC/72 - INQ000136928]. As a result, on 17 June 2020, we met with the Deputy Director General of the Welsh Government, the

Chief Nursing Officer and the Director of Mental Health, Vulnerable Groups and NHS Governance to share our concerns about the impact of Covid-19 on older people, older people's rights, testing in care homes, the provision of PPE and Do Not Attempt Resuscitation orders **[RC/60 - INQ000136939]**. As a result, officials advised the lead for the independent rapid review of social care that they must engage with EHRC(W). I met with John Bolton on 24 August 2020, which resulted in a short reference to the EHRC(W) in his final report where our view that blanket policies should not be applied to older people in care homes was clearly expressed **[RC/27 - INQ000136964]**.

43. Our concerns regarding blanket restrictions were once again highlighted when there were proposals for an escalation of restrictions in the autumn of 2020. On 15 October 2020, I attended an extraordinary meeting of the Shadow Social Partnership Council regarding potential escalation of restrictions. In that meeting we sought and received from the First Minister (FM) confirmation that there would be no blanket restrictions on care home visits for those residents nearing their end of life. The FM explicitly referenced EIA and doing EIAs in real time, demonstrating that our work in this area had had impact.
44. We also raised our concerns in respect of transport for older and disabled people. When there were proposals in May 2020 to ease some restrictions we wrote to the Minister for Economy, Transport and North Wales on 15 May 2020 regarding the Welsh Government's guidance on restarting public transport, raising equality considerations for disabled and older people **[RC/06 - INQ000136918]**.
45. Our concerns about the impact of Covid on older people were shared by the Older People's Commissioner for Wales (OPCW). We issued a joint statement with the OPCW on 21 July 2020 setting out our shared concerns about the impact of the pandemic on older people's rights, particularly those living in care homes. We called for specific measures to be clearly identified in the Welsh Government's action plan and that the rights of older people are at the heart of decision making **[RC/58 - INQ000136951]**.
46. Alongside the statement, we wrote a joint letter with OPCW on 20 July 2020 to the Health Minister asking for sight of the EIAs or evidence of how Welsh Government had paid due regard to the aims of the Public Sector Equality Duty in its decision making on care homes and reminding them of the need to pay due regard to equality and human rights in future decisions. The letter also set out the

measures and issues that the Welsh Government's action plan on care homes should address **[RC/46 - INQ000136950]**. As a result, on 24 March 2021 the Welsh Government announced the outline of an Action Plan for Care Homes which included some of the areas highlighted in our statement and letter.

47. The Health Minister responded to our joint letter on the 7 August 2020 confirming that the Welsh Government maintained its undiminished commitment to ensure everyone across Wales is treated with fairness, equality, dignity, respect and autonomy, and they recognised the threat to equality which Coronavirus (COVID-19) had exposed and equality and human rights are at the heart of the Framework for Recovery. The response did not however, address all our concerns **[RC/59 - INQ000136959]**.
48. Together with the OPCW we attended a meeting with the Ministers for Health and Social care and senior officials on 19 August 2020. During the meeting we reiterated our concerns including the Welsh Government Action Plan and compliance with Article 2 of the European Convention on Human Rights, The Welsh Government Rapid Review and the considerations required under the Equality Act 2010, EIAs and the requirements under the PSED and the Welsh Specific Duties.
49. We had a further meeting with the OPCW and the Health Minister on 19 September 2020 to discuss our ongoing concerns about human rights for older people in care homes. We sent a joint letter to the Health Minister on 16th November 2020 **[RC/90 - INQ000226467]** and received a response from the Health Minister on 16 December 2020 **[RC/61 - INQ000136970]**, outlining an initial view and confirming that a full response would be received in January 2021. We held a further joint meeting with the Health Minister on the 17 December 2020 to clarify what evidence we required in the full response and we followed this up with a further joint letter on 22 December 2020 **[RC/86 - INQ000136971]**. The full response was received via e-mail from the Health Minister on 18 January 2021 **[RC/62a - INQ000137006]**, which included a letter detailing the actions taken and accompanying appendices. Appendix 1 sets out relevant stakeholder engagement **[RC/62b(i) - INQ000136978]** and refers to additional embedded documents **[RC/62b(ii) - INQ000136979]**, **[RC/62b(iii) - INQ000136980]**, **[RC/62b(iv) - INQ000136981]**, **[RC/62b(v) - INQ000136982]**, **[RC/62b(vi) - INQ000136983]**. Appendix 2 is an example of how The Ministerial Advisory Forum

on Ageing (MAFA) supported Welsh Government to develop policy and promote older people's rights [RC/62c(i) - INQ000136984] and refers to additional embedded documents [RC/62c(ii) - INQ000136985], [RC/62c(iii) - INQ000136986]. Appendix 3 sets out information about the Social Services and Integration Directorate (SSID) Equality Group [RC/62d - INQ000136987]. Annex 4 is a summary report of impact considerations [RC/62e(i) - INQ000136988] and refers to additional embedded documents [RC/62e(ii) - INQ000136989], [RC/62e(iii) - INQ000136990], [RC/62e(iv) - INQ000136991], [RC/62e(v) - INQ000136992], [RC/62e(vi) - INQ000136996], [RC/62e(vii) - INQ000136998]. Appendix 5 is a note of a meeting between the Deputy Minister and the Older People's Commissioner [RC/62f - INQ000136999]. Appendix 6 is a note on vaccine prioritisation and comms [RC/62g - INQ000137000]. Appendix 7 is advice to care homes on going out at Christmas [RC/62h(i) - INQ000137001] and refers to additional embedded documents, [RC/62h(ii) - INQ000137002], [RC/62h(iii) - INQ000137003], [RC/62h(iv) - INQ000137004], Appendix 8 is an Integrated Impact Assessment [RC/62(i) - INQ000137005]. We responded on the 23 February 2021 [RC/87 - INQ000226466] highlighting the continued need for improvement in the completion of EIA's to ensure that the rights of disabled and older people in this instance were appropriately considered.

50. On 9 September we held a joint round table stakeholder event with the OPCW on the impact of Covid-19 on older people in social care. This informed our subsequent social care briefing. We published our Social Care briefing, "Equality and Human Rights in residential care in Wales during coronavirus" on 20 October 2020 to support decision makers and providers to comply with their obligations and embed equality and human rights considerations into the ongoing response to the pandemic [RC/43 - INQ000136966].
51. In November 2020, we presented to the Welsh Government's Social Services and Integration Directorate our planned work in social care and highlighted our briefing published on 20 October 2020 [RC/43 - INQ000136966] on equality and human rights in residential care homes.
52. In October 2020, we responded to the Welsh Government's consultation on the Coronavirus and the easements of duties for local authorities in relation to social care. We recommended that the easements should be repealed [RC/41 -

- INQ000136967]**. In January 2021, the Welsh Government announced that the social care easements contained in the Coronavirus Act would be suspended.
53. On 18 March 2021, the Senedd Health and Social Care Committee published its report Inquiry into the impact of the COVID-19 outbreak **[RC/45 - INQ000137009]**. The report at paragraphs 98 to 101 on page 35 refers to EHRC(W)'s briefing on care homes **[RC/43 - INQ000136966]** and our joint concerns raised with the Older Peoples Commissioner Wales **[RC/46 - INQ000136950]**. Recommendation 8 of the Senedd report recommends that the Welsh Government must as a matter of urgency work with EHRC(W) and the OPCW, and resolve concerns raised by EHRC(W) and the OPCW.
54. On 21 July 2021, the Welsh Government published its Social Care Recovery Framework: Covid 19. EHRC(W)s work with the Older People's Commissioner on upholding older people's rights in care homes is cited, together with a commitment to continue to work with us **[RC/47 - INQ000137012]**. It also references EHRC's Coronavirus Report **[RC/48 - INQ000137017]** and EHRC(W) policy briefing **[RC/43 - INQ000136966]**.
55. On 6 September 2021, I met with the newly appointed Chief Social Care Officer for Wales. We discussed EHRC(W) concerns with regard to the impact of Covid-19 on older people, particularly the human rights impact on those living in care homes, including visitors and restrictions on residents going out for events, trips and visiting families.
56. During the early period of the pandemic access to food for older and disabled people was a pressing concern. We collaborated with Disability Wales on the difficulties of access to food for disabled people, in particular access to supermarkets. We had ongoing correspondence with the Minister for Environment, Energy and Rural Affairs raising our concerns about access to food for disabled people and reasonable adjustments because the approach taken by the Welsh Government potentially put people in Wales at disadvantage compared with England.
57. We sent an e-mail on 6 April 2020 (we do not have a copy of this) to the Minister raising issues of access to food and received a response on the 15 April 2020 **[RC/88 – INQ000136906]**. We again raised these concerns in our letter to the Minister on 6 May 2020 **[RC/64 - INQ000136914]**. We received a response from the Minister on 20 May 2020 confirming that vulnerable people would be able to

receive priority delivery slots with the major supermarkets in Wales **[RC/65 - INQ000136922]**.

58. We shared EHRC guidance published on 3 September 2020 reminding supermarkets of their legal obligations with the Minister for Environment, Energy and Rural Affairs and the Chair of the Senedd Cross Party Group on Disability. We do not have a copy of this e-mail but we shared our advice again on 12 January 2021 **[RC/66a - INQ000136973]**. This email includes additional embedded documents relating to retailer guidance **[RC/66b - INQ000136975]**, **[RC/66c - INQ000136974]**, **[RC/66d - INQ000136976]**.
59. This area of work highlights some of our key collaborations during the pandemic and the effectiveness of collaborating with other organisations. The collaboration with OPCW where we were able to use our complementary powers and levers was particularly impactful.

Ethnic Minorities

60. We identified early on that the pandemic was having an unequal impact on groups of people with different protected characteristics. As a result on 5 June 2020 we announced that we would be undertaking an inquiry into the impact of coronavirus on ethnic minorities **[RC/23 - INQ000136934]**. We held several meetings with a range of key stakeholders including Welsh Government officials as we consulted on and developed our Terms of Reference for the inquiry **[RC/24 - INQ000136923]**. We used scheduled meetings with Ministers to keep them informed of the inquiry's progress, including meetings with the Deputy Minister & Chief Whip on 27 August 2020. We met with Welsh Government officials during the evidence gathering phase and whilst developing our recommendations. In November 2020, we presented to the Welsh Government's Social services and Integration Directorate highlighting our planned work on race and social care **[RC/42 - INQ000136968]**. The Inquiry Report, with recommendations to the Welsh Government was later published on 9 June 2022 **[RC/25 - INQ000136933]**.
61. On 21 October 2021, I met with the Health Minister to discuss our inquiry into the experiences of low paid ethnic minority workers in health and social care during the pandemic. She asked me to write formally to her when the report was published so it would be prioritised. It was published on 9 June 2022 **[RC/25 - INQ000136933]**.

62. On 19 May 2022 I met with the Chief Social Care Officer for Wales. Amongst other matters we discussed the upcoming publication of our inquiry report and the preliminary key findings. Our Inquiry report when published was well received and the Welsh Government committed to act on our recommendations in their Anti-Racist Wales Action plan.

Work

63. The pandemic had a clear impact on people's working lives and we strived to ensure that equality considerations were not disregarded. We reminded the Welsh Government and employers of their obligations and offered our guidance through meetings and our membership of Welsh Government convened groups (which is detailed later in the statement).
64. The EHRC published guidance for employers on equality considerations during the pandemic, a general guide, a guide to reasonable adjustments and a guide to considerations for pregnancy and maternity. We had regular meetings with the Welsh Government and following one of these early meetings we shared our guidance via e-mail on 12 May 2020 to assist the Welsh Government in drafting their own workplace guidance **[RC/09 - INQ000136915]**.
65. The Welsh Government workplace guidance for employers and employees published on 29 May 2020 referred to our guidance, with links to our documents. We subsequently asked the Welsh Government by e-mail to include links to our guidance for employers on the Business Wales webpage, which they did.
66. We submitted a response to the Senedd Economy, Skills and Infrastructure Committee Inquiry into the impacts of Covid-19 on 27 July 2020. As a result the Welsh Government committed to utilising programmes such as Go Wales and ReAct to incentivise employers to recruit young people, and those most likely to be negatively impacted economically by Covid-19 including women, disabled people and some ethnic minorities **[RC/10 - INQ000136952]**. We were then invited, and on 14 October 2020, gave oral evidence as part of a panel of stakeholders on embedding equality considerations into the economic recovery of Wales **[RC/11 - INQ000136965]**. We submitted a response to the Welsh Government's consultation on the economic recovery strategy **[RC/12 - INQ000136963]**.

67. On the 19 March 2021 the Senedd Economy, Infrastructure and Skills Committee published its report Long-term recovery from Covid- on March 2021 **[RC/44 - INQ000137010]**. It quotes from our oral evidence given to that committee and 27 of the 53 recommendations in the Committee report relate to equality considerations.
68. We also submitted a response to the Economy, Skills and Infrastructure Committee consultation on “The implications for Wales of the Welsh Government’s proposals on remote working” on 12 January 2021. We set out that the Welsh Government should consider more far-reaching flexible working proposals, of which remote working is one part **[RC/39 - INQ000136977]**.

Education

69. It was clear that the pandemic had a significant impact on the education and well-being of children and young people, in particular disabled children, those with additional learning needs, some ethnic minorities and those living in socio-economic disadvantage.
70. We wrote to the Welsh Government on 23 April 2020 **[RC/07 - INQ000136908]** raising concerns about announcements to relax the rules relating to School Admission Appeals, allowing video hearings. Their guidance published on 4 May 2020 made specific reference to the Equality Act and the PSED **[RC/08 - INQ000136911]**.
71. We contacted the Welsh Government on 4 June 2020 regarding changes under the Coronavirus Act to Special Educational Needs (SEN/ALN) provision in Wales. We asked for consideration of the PSED and offered advice **[RC/28 - INQ000136931]**. Following our engagement, the Welsh Government confirmed that an Integrated Impact Assessment, which included children’s rights and equality was undertaken with regard to modifications of SEN/ALN provision in Wales. The Welsh Government did not enact the SEN/ALN relaxations under the Coronavirus Act 2020, unlike the UK Government.
72. We wrote to the Education Minister on 20 May 2020 jointly with the Children’s Commissioner for Wales regarding action needed to ensure equality and non-discrimination in awarding qualifications in the summer of 2020 **[RC/29 - INQ000136921]** and our respective consultation responses **[RC/68 - INQ000136916]** and **[RC/69 - INQ000136924]**. We received a response on 20

- June 2020 highlighting the actions taken to address the issues we raised **[RC/30 - INQ000136935]**. Our joint letter was submitted in June 2020 to the CYPE Committee to assist their scrutiny of the awarding of examinations results in 2020.
73. In our response to Qualifications Wales' consultation on 12 May 2020, we raised equality concerns associated with the move to predicted grades and the absence of an EIA **[RC/68 - INQ000136916]**. This led to positive engagement and them seeking our advice on making equality considerations, them publishing EIAs for consultation, and them advising schools of their PSED obligations and ongoing engagement regarding the changes to the examination series in the summer of 2020 and the summer of 2022.
74. Together with the Children's Commissioner for Wales, we met with Qualifications Wales and Welsh Government officials on 19 June 2020 to raise our concerns relating to grading and assessment for the examination series in the summer of 2020. The CEO of Qualifications Wales welcomed our early engagement when considering lessons learned and when planning for the 2021 series.
75. We wrote to the Education Minister on 4 June 2020 outlining the concerns that we would be raising in our evidence to the Children, Young People and Education Committee (CYPE) **[RC/28 - INQ000136931]**. We submitted evidence to the CYPE Committee on 16 June 2020 **[RC/31 - INQ000136910]**. Their interim report states that they took forward our recommendations about the physical and mental health of children and raised this with the Welsh Government **[RC/32 - INQ000136943]**. The Welsh Government responded to the CYPE's inquiry on 12 July 2021 **[RC/33 - INQ000136945]**
76. We wrote again to the Education Minister on 16 July 2020 with our concerns about their compliance with the PSED **[RC/34 - INQ000136947]**. In response the Welsh Government shared their impact assessments for the initial education response to Covid-19 and the first phase of increasing operations in schools and work settings **[RC/74a - INQ000136953]**, **[RC/74b - INQ000136954]**, **[RC/74c - INQ000136955]**. We analysed the impact assessments provided a briefing to the Permanent Secretary **[RC/35 - INQ000136961]** and met with senior Welsh Government officials on 21 September 2020 to consider areas for improvement **[RC/36 - INQ000136962]**.
77. We attended several meetings with the Welsh Government's Learning, Qualifications, and Progression - External Stakeholder Reference Group and

Qualifications Wales Senior External Stakeholder Group to ensure equality considerations are central to decision making on assessment and examinations for the 2021 series. These meetings were held on the 3 March 2021, 13 July 2021 and 9 February 2022. In March 2021 We published guidance on the Final steps to meet the PSED for education establishments providing centre determined grades **[RC/89 - INQ000137008]** to ensure that equality considerations were central to the assessments. We also provided a briefing in May 2021 for the Welsh Government's Design and Delivery Advisory Group **[RC/40 - INQ000136972]**. This resulted in proactive engagement from the Welsh Government including then sharing EIAs and seeking advice to ensure the assessment framework adequately reflected equality considerations.

78. On 12 May 2021 we had a meeting with the Chair of the Welsh Government Design and Delivery Group and officials regarding the proposals for the summer 2021 qualification process including an update on the appeals process **[RC/40 - INQ000136972]**.
79. This is a further example of successful collaborative working. We built a good relationship with Qualifications Wales as a result of our engagement and gave them ongoing advice as they developed their policies and procedures in 2020 and 2021.

Other Significant work

80. We advised the Welsh Government on guidance that they were producing during the pandemic. An example of this is the Welsh Government guidance on the use of public spaces, which reflected our advice **[RC/37 - INQ000136936]**.
81. On 20 June 2020, we submitted a response to the Legislation, Justice and Constitution Committee (LJC) on Making Justice Work in Wales. In our response we highlighted the problems affecting the justice system caused by the pandemic including the exacerbation of pre-existing inequalities, overcrowding in prisons, the potential negative impacts on diversity within the legal profession and increased risk to women in particular of domestic violence **[RC/73 - INQ000136929]**.
82. We wrote to the Welsh Government around June 2021 regarding the equality impacts of its decision not to extend flexibilities in its Discretionary Assistance Fund for people experiencing financial difficulties during the pandemic (we have

been unable to find a copy of our letter). The fund was subsequently extended in September 2021.

83. In August 2021 we submitted a response to the Senedd, Economy, Trade and Rural Affairs Committee consultation on priorities for the Sixth Senedd. We highlighted the need to follow up on the Welsh Government's response to the recommendations of the previous Economy, Infrastructure and Skills Committee's report on long term recovery from Covid-19 [RC/49 - INQ000137013]. We submitted similar responses to a number of Committees requesting input on priorities for the Sixth Senedd all of which detailed priorities for recovery from Covid [RC/50 - INQ000137014] Local Government and Housing Committee, [RC/51 - INQ000137015] Health and Social Care Committee, [RC/52 - INQ000137018] Children and Young People Committee.

Welsh Government Convened Groups

84. During the pandemic the Welsh Government convened a number of advisory groups to consider the impacts of the pandemic. We prepared a comprehensive briefing about the unequal impacts of Covid in society which we shared with the First Minister, other Ministers, and senior officials and we drew this to the attention of stakeholders within the groups [RC/54 - INQ000136920]. I attended most of these meetings on behalf of EHRC(W), with the exception of the Covid Moral Ethical Advisory Group, which was attended by Martyn Jones, our then Interim Chair of the Wales Committee; and the Disability Equality Forum attended by NR We used these opportunities to engage Ministers, officials and key stakeholders with our key equality and human rights concerns and draw their attention to our briefings and guidance as they were published and our advice to the Welsh Government.
85. The First Minister's Covid-19 Black, Asian and Ethnic Minority Advisory Group, chaired by Welsh Government and Ray Singh met fortnightly to consider the actions of the sub-groups and make recommendations to the First Minister, other Ministers and officials on the disproportionate impact of Covid on ethnic minorities across all domains of life. I highlighted concerns regarding the lack of representation in the group of Gypsy Roma Traveller communities, and also the recording of ethnicity on death certificates. I also used the opportunity to reinforce

our advice and concerns as described in pertinent briefings and evidence we gave throughout the pandemic.

86. The First Minister's Covid-19 Black, Asian and Ethnic Minority Advisory Sub-Socio-economic Subgroup was charged with compiling evidence to present to the main group on the disproportionate impact of the pandemic on ethnic minority groups. I contributed extensively to the writing of the report and recommendations **[RC/55 - INQ000136930]** The report, published 02 June 2020 references EHRC publications 'Is Wales Fairer? 2018', 'A Roadmap to Race Equality and Healing a Divided Britain' and refers to our convening powers. The report recommendations were cited in the ELGC Committee inquiry report. The ELGC Committee inquiry report published August 2020 **[RC/56 - INQ000136956]** informed the Welsh Government's draft and final Anti-Racist Wales Action Plan published 7 June 2022 **[RC/57 - INQ000137024]**.
87. The Shadow Social Partnerships Council was chaired by the First Minister and met fortnightly to consider the health, social and economic impacts of Covid, with presentations from other Ministers on particular topics. I used this to reinforce the need to take account of equality and human rights in decision making, advise Welsh Government and other stakeholders of our guidance, such as our employer guidance and our concerns regarding the human rights of older people and the impact of the pandemic on their rights, and highlighted our work with the Older People's Commissioner. We reminded Ministers, public bodies and Trade Unions of the need to comply with the PSED on plans to return to school.
88. Attendance at the Welsh Government's Disability Equality Forum enabled us to advise Ministers on their Covid-19 social care guidance. As a result, their guidance had much stronger narrative on equality and human rights obligations. These meetings were held monthly during the defined period of the Covid Inquiry and we used them to highlight our concerns regarding the impact of Covid on disabled people.
89. We raised key concerns that disabled people faced in the easing of lockdown with the Deputy Minister & Chief Whip, then Minister for Social Justice in the Disability Equality Forum. We advised on the need for EIAs and engagement on all decisions and in particular the easing of lockdown and changes for people who were shielding. We secured a commitment from the Chief Medical Officer

and the Deputy Minister & Chief Whip to engage with disabled people and conduct EIAs as part of the next and future reviews.

90. We further advised on the need to consider the equality and human rights implications of the easements to the Social Services and Wellbeing (Wales) Act. Through the Disability Equality Forum. As a result, the Welsh Government issued guidance to Local Authorities setting out clear expectations of the use of these easements.
91. We attended the Covid Moral and Ethical Advisory Group throughout the pandemic. We raised a range of issues including concerns about the use of Do Not Resuscitate orders for older people, recording of ethnicity on death certificates, digital exclusion and the impact on disabled and older people, and those living in rural Wales. The group had a focus on the human rights implications of both clinical and community health decisions, voiced by experts, both clinician and lay.

Other Key Meetings

92. We attended several other key meetings with the Welsh Government which are listed in **Annex C**.

Stakeholder Engagement

93. During the pandemic EHRC(W) engaged with a diverse range of stakeholders across public, private, third sector organisations, members of the public and some academics both to listen to their concerns and to update them on our priorities and give them advice within our remit. Below is a snapshot of those types of engagement.
94. We held three online Equality and Human Rights Exchange events with seventy organisations to mark the anniversary of the Equality Act 2010 on 19, 20 and 22 October 2020. These were opportunities to share our key messages about Covid and equality and human rights and to listen to their experiences to inform our work.
95. We shared our Covid 19 employer guidance **[RC/70 - INQ000136932]** with employer umbrella bodies and explored their thinking regarding employees returning to work.
96. We attended the Welsh Government disability employment group on 8 December 2020 **[RC/71 - INQ000136969]** to discuss reasonable adjustments for disabled

- people in the return to work. Our guidance **[RC/09 - INQ000136915]** was circulated.
97. I was part of a short community cohesion video with other stakeholders co-ordinated by the Welsh Government to raise awareness of human rights, dignity and respect during the pandemic **[RC/63 - INQ000136917]**.
98. We met with the Welsh Local Government Association to discuss return to work policies of local authorities in Wales. As a result, we wrote to the Chief Executives of all 22 local authorities in Wales reminding them of their obligations under the PSED and urging them to ensure equality and human rights was central to their decision making as Wales moved out of lockdown **[RC/75 - INQ000136948]**. An accompanying briefing reflected the key equality considerations for the sector in delivering essential services in key areas including education, social care and the use of public spaces **[RC/76 - INQ000136949]**.
99. We wrote to all listed bodies in Wales on 13 July 2020 reminding them of their obligations to ensure their Strategic Equality Plans (SEP) and equality objectives should be published by 1 October 2020. We advised that they should revisit their SEP and equality objectives to ensure they are still relevant, in light of the pandemic **[RC/77 - INQ000136946]**.
100. On 12 October 2020 we met with the Higher Education Funding Council for Wales. They confirmed their intention to undertake a compliance check of the Higher Education Sector with the PSED. This was aligned with our advice to listed bodies to review equality objectives in light of Covid. We had further meetings on 8 June 2021 and 24 May 2022.
101. On 20 October 2020 we launched in Wales our GB report 'How coronavirus has affected equality and human rights' with recommendations to the Welsh Government and others **[RC/48 - INQ000137017]**. We brought the report to the attention of policy makers and commentators in Wales, and to public bodies reviewing their equality objectives in light of the pandemic.
102. On 15 December 2021 a member of the public contacted us by telephone with concerns that adults of working age with complex needs living in residential care were not receiving vaccination boosters. Guidance for care homes focused on mobile centres for older people living in care homes. I raised this issue with the Health Minister orally at the Shadow Social Partnership Council meeting and then by email both on 16 December 2021. She said she would share the information

with the Deputy Minister for Social Care. I asked the member of the public to email their concerns so we could take further steps if necessary [RC/78 - INQ000137020]. We received a letter from the Deputy Minister for Social Care dated 23 December 2021 [RC/79 - INQ000137019]. We wrote to the Deputy Minister for Social Care on 11 January 2021 as we were not satisfied that the matter had been addressed [RC/80 - INQ000137021]. She responded on 2 February 2022 [RC/81 – INQ000137022].

103. On 26 May 2022 I wrote to the Chair of the Senedd Cross Party Group on Faith raising concerns brought to my attention by a member of the public that some faith rooms in hospitals were still closed due to Covid-19 [RC/82 - INQ000137023]. He tabled a written question to the Health Minister, who responded confirming on 8 June 2022 that all multi-faith spaces had reopened for staff and patients with all Covid restrictions lifted [RC/83 - INQ000226465].

Summary of Impact

104. The Welsh Government took a different approach to the UK Government in their proactive reaching out for engagement via the various groups as outlined above. I think that there were areas of policy where our advice was taken into account, such as signposting to our guidance in Welsh Government guidance, including with regard to employment; schools and examination series; social care easements; and shielding letters. These have been noted above. The work we did with the Older People's Commissioner also had a positive impact on the Welsh Government's consideration of the human rights of older people in their decision making. However, we had a common thread of concern regarding Welsh Government's compliance with the PSED, particularly the Welsh Specific Duties under The Equality Act (Statutory Duties) (Wales) Regulations 2011, including the duty to conduct and publish Equality Impact Assessments when taking decisions. Whilst some improvements were made and action was taken by the Welsh Government to improve processes, our concerns in this regard were not fully addressed. Further details about our concerns are in paragraph 35 above.

Research, Monitoring and Data

105. Our contributions to monitoring, research and data are limited to those highlighted in our various reports, evidence sessions, briefings and consultation

responses referenced above. We provided advice regarding the development of the Welsh Government's Covid-19 Workplace Risk Assessment Tool, led by a subgroup of the First Minister's Covid-19 Black Asian Minority Advisory Group. We continued to raise with the Welsh Government our concerns about the lack of protected characteristic data in Wales, evidenced in our 'Is Wales Fairer? 2018' [RC/91 – INQ000250233] report. I refer to paragraph 38, where I have provided further detail regarding these concerns. The Welsh Government has recently (2022) begun setting up data units to address some of these concerns and we are advising them on an ongoing basis.

Lessons Learned

106. There are a number of actions undertaken by the Welsh Government that would be valuable to consider as lessons are learned from the COVID pandemic. The engagement of the Welsh Government with others through formal groups convened for specific purposes, as described above, gave regular opportunities for a range of organisations and individuals to be engaged and to contribute their expertise and shape the decision making processes. The Welsh Government used online platforms to enable Ministers and officials to seek the views of and learn directly from the experiences of groups with particular protected characteristics including race, disability, children and young people, and older people as well as organisations representing adults of working age. This approach proved beneficial to many.
107. EHRC(W) was also able to use our strong existing relationship with the Welsh Government to advise on equality and human rights topics within our areas of expertise, including on priorities such as social care. We were specifically invited to join the groups convened by the Welsh Government and we continued to meet regularly with the Head of Equalities and other officials.
108. There is also learning to be acquired from other actions by the Welsh Government. At the beginning of the pandemic, the Welsh Government was operating in a rapidly changing, complex and unprecedented context. Some decision making did not take full account of the balance of rights between different groups. Examples include balancing the rights of older people, especially those living in care homes, with those of others, and the impacts of decisions on people with protected characteristics was not always taken into account. The Welsh

Government did not always appear to adhere explicitly to the checks provided by compliance with the Public Sector Equality Duty and wider human rights obligations. This should be considered as part of this Inquiry so that, in future contexts requiring rapid decisions, similar mistakes can be avoided. This should include decision making relating to significant changes to practices as well as to policy.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed:

Personal Data

Dated: 25 August 2023