

All minutes of all the meetings the Expert Panel held to discuss the recent LGBTQ+ Action Plan and its consultation.

**LGBT+ Expert Panel**  
**19 January 2021, 10:15 – 11:45**

**Attendees:**

Dr Daryl Leeworthy	Swansea University
Kate Hutchinson	PRIDE Cymru
Ourania Vamvaka-Tatsi	MEAD Cardiff University
Iestyn Wyn	Stonewall Cymru
Joe Rossiter	Stonewall Cymru
Professor EJ Renold	Cardiff University
Rahim el Habichi	Glitter Cymru
[redacted]	Stonewall Cymru
Lisa Cordery-Bruce	
Lu Thomas	

**Welsh Government Officials:**

Alyson Francis	Communities Division
[redacted]	Equality Branch
[redacted]	Equality Branch
[redacted]	Equality Branch
[redacted]	Equality Branch
[redacted]	Equality Branch
[redacted]	Equality Branch – Social Research
[redacted]	Specialist Advisor

**Apologies:**

Belinda Davies

Agenda item:

**1. Welcome & Introductions (10 minutes)**

Alyson welcomed attendees to the first meeting of the LGBT+ Expert Panel, and members introduced themselves.

Alyson explained to the panel that this work is a priority for Jane Hutt MS, Deputy Minister and Chief Whip, who is keen to develop a robust, challenging and cross-cutting plan - one that strengthens the protections for LGBT+ people across Wales, promotes equality for all and helps coordinate ambitious actions across government and beyond.

Alyson emphasised that the Welsh Government is keen to ensure that the expertise and lived experiences of LGBT+ people guides our work and thanked everyone for joining and for offering their independent expertise to help draft the first LGBT+ Action Plan for Wales.

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## 2. Draft Terms of Reference (10 minutes)

Members were asked to discuss, suggest amends and to approve the Draft Terms of Reference paper.

Panel members agreed the Terms of Reference.

Panel members were also asked to agree an independent Chair for this group from among the membership, to chair the next 2 scheduled meetings of the Panel (16 February and 16 March).

Members asked for clarity around Stonewall's role in the group. Iestyn explained that Stonewall are providing an engagement role, by arranging focus groups to input into the plan, and a secretarial role as they'll be drafting the report between meetings with significant input from panel members.

Iestyn was nominated to be chair and provisionally accepted in the event that another panel member does not wish to fulfil the role.

**Action:** Panel members to let Equality Branch know by **5 February** if they'd like to make a nomination for chair or co-chair. Members will then be asked to vote to select the final candidate if more than one name comes forward.

The panel discussed whether additional members were required in order to have broader representation of children and young people.

Some members suggested that while it's important that ongoing discussions are happening with LGBTQ+ groups across Wales to feed into the plan it may be more productive to keep the expert panel membership smaller and if extra members are invited, it should be to provide different expertise to the existing membership. Members also raised that Stonewall will be holding focus groups with Children and Young people through their engagement work.

## 3. Overall Approach (10 minutes)

[redacted] provided the members with a brief overview of the current context of this work:

- The Welsh Government takes seriously its commitment to promoting equality in Wales. In the main, this work is coordinated via the Strategic Equality Plan objectives. However, they are also paying special attention to coordinating efforts for particular groups who may experience additional barriers. For example they have a Framework for Disabled people, are working on a Race Equality Action Plan and in 2016 a Transgender Action Plan was published. The recommendations within this are now somewhat out of date and will be revisited and refreshed as part of the current work.

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- In Summer 2020, Welsh Government commissioned Stonewall Cymru to carry out some initial engagement with stakeholders on an LGBT+ Plan. This engagement included exploring what important themes should be included in any new Action Plan.
- Stonewall Cymru consulted with approximately 600 participants over the summer and recommended a single plan with a range of actions relating to education, personal and community safety, health and social care, and the workplace.
- The Expert Panel forms part of a broader strategy for stakeholder engagement and sits alongside a newly formed Stakeholder Reference Group which met in mid-November.
- The Welsh Government have also asked Stonewall Cymru to carry out further Roundtable Discussions with specific interest groups to help the plan consider intersectionality. These groups include children and young people, older people, disabled people and Black, Asian and minority ethnic people representatives.
- All this is to inform pre-consultation, initial drafting work. It is then intended to take the draft plan to public consultation in the next Senedd administration.
- Timescales are quite tight so further drafting work with Expert Panel members is likely to be necessary outside of these meetings.
- The Welsh Government is keen to ensure that the LGBT+ Plan is informed by a strong evidence base. Members are invited to forward any relevant reports, data or other forms of evidence to Steven Macey who can collect and coordinate.

[redacted] introduced himself to the group and briefly outlined the role he has played in supporting the Black, Asian and minority ethnic Socioeconomic report, Race Equality Action Plan and the Disability Covid Impacts work.

**Action:** Panel members to forward any relevant reports, data or other forms of evidence to [redacted]

#### **4. What Next for LGBT Equality in Wales? Stonewall Cymru Report (15 minutes)**

Iestyn Wyn (Stonewall Cymru) gave members an overview of the findings and recommendations in the 'What Next for LGBT Equality in Wales?' report, which has been put together from the engagement process undertaken during the summer.

Iestyn explained that the document is broken up into key policy areas which broadly align with the UK Government LGBT Action Plan, whilst taking consideration of areas of devolved powers. The policy areas are Safety; Home and Communities; Health and Social Care; Education; Workplace; Covid-19 Recovery; Specific recommendations to update the Trans Action Plan.

Iestyn explained that in the trans equality section there are trans specific recommendations but throughout the plan there are recommendations which will impact all LGBT+ people.

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Stonewall Cymru will use the expert group discussions to draft changes to the What's Next Report – producing a set of recommendations which will be presented as recommendations of the LGBTQ+ Expert Panel. This will be considered by the Welsh Government before being put out to public consultation.

## **5. Open Discussion (35 minutes)**

Members were asked to give their views on the overall approach for the plan and to consider if they:

- Agree with the proposed areas presented in the 'What Next for LGBT Equality in Wales?' report
- Are aware of any gaps and to explore these
- Are happy for updates to the Trans Action Plan to sit as a section within but distinct from the rest of the plan.

The below points were raised in the discussion -

- How do we make a plan not sound like a list of actions? Do we want to take a similar approach to the Race Equality Action Plan and set out our vision/aims?
- The Education section of the report is too focused on schools and does not consider lifelong learning, community based adult learning, universities etc
- How are young people's lives carved up? Education is a big part, but not the only part. It was suggested that there could be a 'Children and Young people' section, with education included within this as well as youth groups, how they live etc. And education/lifelong learning could be included as a separate heading.
- Definitely agree that 'education' section should be expanded to children and young people - as well as a separate point to older people - which will be informed by our focus group which is planned.
- It was felt that the plan would benefit from a life course perspective to take account of the needs of people who may fall between themes - for example, people who fall between school and employment. The needs of older people are often lost, as was mentioned by the broader reference group too.
- Could consider using similar sort of language as Wellbeing of Future Generations Act.
- Class identity and socio-economic deprivation often underpin so many of the issues raised in the report and need to be considered. Alyson explained that the Welsh Government will be commencing the Socio-Economic Duty on 31 March and so the plan will need to consider socio-economic impact.
- What are the mechanisms of this group? We're creating an action plan between now and March, but how do we monitor implementation of the plan?
- Alyson explained there'll be wider, public consultation on the plan once drafted and the group will need to think collectively about the approach to this. The plan will change depending on feedback from the consultation and a board similar to the panel will need to oversee implementation.

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- The Welsh Refugee Council and DPiA are looking at housing needs for LGBTQ asylum seekers and have been rolling out a survey. They will have evidence at the end of this month which will be a good addition to this plan. Would the panel be interested in this evidence?
- The panel agreed that this evidence would be useful for the plan and Iestyn encouraged members to share knowledge and contacts between meetings to make sure the plan encompasses different policy areas.
- Question to Welsh Government Officials – what do they need the expert panel to do given the time constraints? Is there an existing plan to build on?
- Equality branch clarified that although this is the first LGBTQ+ Action plan we are not starting from scratch and asked the group whether they were happy to use Stonewall's initial findings as a basis for the report?
- It was explained that the expert panel can produce something similar to the plan that Stonewall has written which will then be fed back to Welsh Government to formulate into a consultation document.
- The Stonewall report was agreed to be a good basis for the action plan
- Consideration must be given to WG structures to reinforce the implementation of those actions in the report which are for WG to do; there are things that are devolved and others outside of Welsh Government competence currently.
- If Welsh Government are producing action plans across different characteristics can there be read across between the plans – can they look similar?
- Alyson explained that this is something the panel can consider, if they think this is the best way forward. However if they go with a life course approach to the plan then it'll look different to the REAP as that is taking a thematic approach. Alyson informed the panel that the Welsh Government have been considering whether to ultimately bring all the single characteristic action plans together to form one intersectional plan which would sit under the strategic equality plan. But as there isn't currently a LGBTQ+ or Race plan, it was important to get these in place before that is considered.
- Members suggested that if the plans look similar it will make it easier for the public to look at and understand the documents. How we present and formulate this report is a crucial way to aid intersectionality.
- When you put all the action plans together do you see the overall equality objectives?
- There's so much work going on in contemporary research, what is the best mechanism to get feedback from other researches/academics? Can panel members share the report, run separate sub-groups and see who wants to get involved? It was confirmed that the report can be shared and this work can take place.
- In the development of the VAWDASV Act there was a separate marketing and communications group which informed the engagement work and messaging. It was suggested that this type of group might be a useful addition alongside the expert panel. The question of how related work such as the RSE comms work fits alongside this work was raised.

**Action:** Officials to follow this up and find out further information about this group.

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- Arts and culture is important to health and wellbeing, need to include this in the plan.
- Can we change the name? It doesn't represent all identities. Iestyn confirmed that nothing is agreed – it is up to the expert panel to make recommendations and provide expertise to Welsh Government.

**Action:** Consider the name and terminology at a future meeting.

- Accessibility of the language in the report - need to think of this. How do we explain intersectionality?
- A glossary would be useful within the Action Plan (a glossary was produced by the SRE expert panel which could be an example).
- Need to translate final report into other languages.
- Make it accessible for people with visual impairments too and available in easy read
- What software can we use to share documents?

**Action:** Welsh Government officials to consider what collaborative IT the panel can use.

**Action:** Members to send any further thoughts/recommendations on structure of the report, or any of its content, to Stonewall by 5<sup>th</sup> of February. Members were asked to make comments on the report in as much detail as they can.

**Action:** [redacted] will re-write the report through a lifelong lens so the sections aren't so segregated. [redacted] will reflect the discussion in re-drafting the report as well as feedback from the focus groups, and will share ahead of the next meeting so it can be discussed in further detail at that meeting.

## **6. Any Other Business (10 minutes)**

Members were invited to raise any other issues that have not already been covered. There was no other business.

## **7. Meeting close**

Alyson thanked members for their attendance, and informed them the LGBTQ+ Expert Panel will meet again on the 16<sup>th</sup> February and 16<sup>th</sup> March 2021. Officials will be in touch to confirm arrangements.

All minutes of all the meetings the Expert Panel held to discuss the recent LGBTQ+ Action Plan and its consultation.

## **LGBT+ Expert Panel Meeting Minutes**

**16<sup>th</sup> February 2021, 10:15 – 11:45 via Microsoft Teams**

### **Attendees:**

Dr Daryl Leeworthy	Swansea University
Lu Thomas	Individual
Kate Hutchinson	PRIDE Cymru
Ourania Vamvaka-Tatsi	MEAD Cardiff Uni
Iestyn Wyn	Stonewall Cymru
Joe Rossiter	Stonewall Cymru
Lisa Cordery-Bruce	Health
Professor EJ Renold	Cardiff University
Cath Burton	Race Equality First
Lisa Power	Fast Track Cardiff and Vale
Davinia Green	Stonewall Cymru
Belinda Davies	Former Chief Superintendent of South Wales Police

### **Welsh Government Officials:**

Alyson Francis	Communities Division
[redacted]	Equality Branch
[redacted]	Communities Division
[redacted]	Equality Branch
[redacted]	Equality Branch

**Apologies:** Dr Sophie Quinney, [redacted], Numair Massud

Agenda Item:

#### **1. Welcome and Introductions**

Alyson welcomed attendees to the second meeting of the LGBT+ Expert Panel.

Alyson explained that a suggestion had been received for Lu Thomas and Alyson to co-chair the group. Iestyn had been nominated to be chair at the last meeting but had politely declined the request due to the existing role that Stonewall plays in drafting the report.

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Alyson invited Lu to co-chair the remainder of the meeting.

Lu introduced new members to the panel, including Lisa Power, Belinda Davies, Cath Burton and Davinia Green, who has recently been appointed as the new Director of Stonewall Cymru.

## **2. Minutes of Previous Meeting and Actions**

Lu asked members to check the minutes of previous meeting for points of accuracy and approval. Members approved the minutes.

## **3. Progress Update (20 minutes)**

Stonewall Cymru provided an overview of progress made so far in drafting the expert panel's report. They;

1. Summarised feedback they've received so far from panel members. One of the main points raised during the last meeting was that some thematic areas were missing from the report, which covered the different stages of a person's life. Members recommended taking a life course approach to the report instead and Stonewall thanked EJ and Daryl for their support in helping to re-frame the report from this perspective. Stonewall explained that they've now put all the recommendations in chronological order, to align with a person's different stages in life. They've also changed the introduction to include an overview of how the report should be viewed through a life-course perspective. They explained that it was difficult to frame the whole report in a life-course approach due to so many of the recommendations fitting into the same thematic areas, and that they've tried to balance framing the report through a life-course lens versus the need for a way to wrap recommendations into different policy areas.
2. They also shared the initial key messages emerging from Roundtable Discussions and wider engagement sessions.
  - They explained that they've held four different intersectional identity based focus groups including Disabled LGBTQ+ people, LGBTQ+ People of Colour, Young LGBTQ+ people and Older LGBTQ+ people.
  - Focus groups were well-attended and largely reinforced the existing recommendations in the report.
  - Themes that arose included – impact on mental health, isolation, the need for intersectional learning/services, the need for LGBTQ+ inclusive care plans for older people, better training for staff working with LGBTQ+ disabled people. These themes will factor into the final report.



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- The Young LGBTQ+ people focus group were happy with the direction the report is going.
- Stonewall has been holding meetings with different equality organisations too.

Members were invited to provide general feedback and brief comments. No issues were raised.

Stonewall asked members to email them with suggestions of anyone else they should be engaging with.

- It was suggested the Belong group for trans and non-binary children and young people might offer another perspective as a focus group (run by Youth Cymru and The Amber Project).

#### **4. Open Discussion: Thematic Areas and review draft recommendations (40 minutes)**

Stonewall Cymru lead an open discussion on the draft recommendations presented in the following thematic areas:

- Safety
- Home and Communities
- Health and Social Care

Members were invited to provide feedback and comment on the draft recommendations:

- Whether they agree or disagree each recommendation
- Considering feasibility and context i.e. devolution
- Suggested amends

During the discussion the following points were made:

- Children's rights should be added to the human rights section.
- Members agreed that a strong evidence base and rational for each section was needed - every section should be supplemented with research findings, so Stonewall's research and evidence gathering (eg roundtables) can be supported.

**Action 1:** Panel members to send any research/evidence to the social researcher at Welsh Government

- There's a need to differentiate between which recommendations touch on devolved and non-devolved powers.
- Some members suggested that it is Welsh Government's role to scope out what's within their legal competence and they can choose whether or not to accept the expert panel's recommendations.
- Other members would like to see a report that is achievable with short, medium and long term aims. For instance – the legal recognition for non-

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binary people recommendation – panel need to be clear if this means accurate data collection, the census, or equality and inclusion pro forma's in job applications – report needs to be targeted and achievable for the action the panel want Welsh Government to take.

- 100 recommendations may be too many
- Alyson agreed that while all the recommendations seem valuable, sometimes when there are so many the message can get lost – she asked the panel to consider what are the priorities for the plan? The Race Equality Action plan (REAP) has long term goals and short terms actions – Alyson asked members if this approach for the LGBTQ+ plan could help with the volume of recommendations? They could make high-level goals/statements with actions underneath. Also important to link with other equality action plans too - such as recommendations in the REAP.
- Members agreed that short and longer term goals/actions would work, and should also include who is responsible for delivering each one.
- They also agreed that the LGBTQ+ Action plan should tie in to other WG plans.
- Some members offered to streamline the recommendations in order to reduce overall number of recommendations and find the overarching issues
- Members also suggested setting up sub-groups for each thematic area to refine recommendations
  
- Another member raised the point that if the panel omit points that have been shared by the community what message does this send to that community – the panel needs to be careful about omitting points (non-binary identification isn't easy to achieve, but it's something we should never be afraid of tackling for instance). The community need to see themselves represented in the report.
- Another member agreed that while it's important to prioritise it can be problematic i.e. if someone is Bi and feels its important then why isn't it a priority? Where do we draw line between it being ambitious and where WG see it as being achievable?
- Lu reassured members that the exercise wouldn't be about excluding and dropping issues out of the report, but looking to see where competencies allow us to be most effective. The Stonewall report will not be watered down in any way, it forms the evidence base but we need to distil it and make it more useful for Welsh Government officials to implement it.
- As an example, one member suggested that an overarching goal could be for Welsh Government to recognise non-binary identities legally with actions that relate to Welsh Governments areas of competence underneath i.e.
  1. All Welsh Government forms will include reference to non-binary identity
  2. Welsh Government will encourage/influence businesses to....
  3. Welsh Government will press UK Government to....

**Action 2:** Welsh Government officials to go through recommendations in the report and see what is within our competence, where we can encourage partners and where we'd need to influence UK Government.

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**Action 3:** Welsh Government officials to arrange an initial streamlining session with panel members to condense the recommendations.

**Action 4:** Welsh Government officials to arrange sub-group meeting for each thematic area.

### **Structure/Governance of report**

- We need to have quick wins but we need a structure and story, we need a clear plan afterwards about how to implement these actions which may help structure the report
- Welsh Government will need some form of group to oversee implementation of this plan and we could include a recommendation within the plan to include this

### **Safety**

Members discussed the 'Safety' section of the report:

- **Hate Crime** – important to detail where Welsh Government have influence and where they have competency ( what is devolved/non-devolved)
- **Training** - every single police cadet has online equality training– but police forces should refresh training as it needs to filter to the top of the ladder rather than only being delivered to cadets.
- Training needs to be more meaningful. It's presented in a classroom and seen as a punishment, it's now been moved to electronic training and its boredom by powerpoints, some people pretend to do the training.
- Online training (e.g. survey) is very problematic across all sectors
- A key message from each of the engagement groups was the need for comprehensive LGBT+ and diversity training across a range of public services - might need to be an overarching recommendation?
- Are there more opportunities to influence through our funding of PCSOs?
- Alyson explained that we're redoing our VAWDASV strategy and can look at what we need to include/how we can engage on issues brought to light by LGBT+ Action Plan.

### **Criminal Justice**

- Stonewall explained that this isn't an area that's devolved but the Welsh Justice commissions report highlighted some recommendations about criminal justice in the future and how this should sit in Wales. Panel members were asked if reference should be made to these recommendations in the plan.
- It was suggested that these recommendations could be cut out to reduce overall number of recommendations and that Welsh Government should look at the report that's already been produced.

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- Members discussed again the need for a high- level vision and then more precise actions that Welsh Government has control over – for instance LGBTQ+ prisoners – HMPP not devolved but we are responsible for prisoner's health and we have services that support prisoners –we don't know what LGBTQ+ services are offered in the prison service
- One member asked, can the plan can be bold, with a vision/recommendations that go beyond Wales (in addition to devolved areas) - influencing change needed for Wales in those areas not devolved

### **Home and Communities**

- Youth section needs to be included in this section to weave in life-course approach
- Museum section can be strengthened – EJ and Daryl to support with this during sub group meeting

Stonewall presented the Plan on a page document and asked members to consider how the plan could be easily communicated in one document.

### **5. Next Steps and Any Other Business**

There was no other business.

Members were encouraged to continue providing feedback to Stonewall Cymru between now and the next meeting. Members were reminded that we intend to have an advanced final draft version of the report by the end of the next meeting – with the view of providing advice to the Deputy Minister and Chief Whip thereafter.

### **6. Meeting closes**

Lu thanked members for their attendance, and informed them the LGBTQ+ Expert Panel will meet again on 16<sup>th</sup> March 2021. Officials will be in touch to confirm arrangements.

All minutes of all the meetings the Expert Panel held to discuss the recent LGBTQ+ Action Plan and its consultation.

## **LGBT+ Expert Panel Meeting Minutes**

**16<sup>th</sup> March 2021, 13:00-14:00 via Microsoft Teams**

### **Attendees:**

Dr Daryl Leeworthy	Swansea University
Lu Thomas	Individual
Kate Hutchinson	Pride Cymru
Ourania Vamvaka-Tasi	MEAD Cardiff University
Iestyn Wyn	Stonewall Cymru
Joe Rossiter	Stonewall Cymru
Davinia Green	Stonewall Cymru
Lisa Cordery-Bruce	Health
Professor EJ Renold	Cardiff University
Cath Burton	Race Equality First
Lisa Power	Fast Track Cardiff and the Vale
Dr Sophie Quinney	Welsh Gender Service

### **Welsh Government Officials:**

Alyson Francis	Communities Division
[redacted]	Equality Branch
[redacted]	Equality Branch
[redacted]	Equality Branch
[redacted]	Equality Branch
[redacted]	Equality Branch
[redacted]	Social Researcher
[redacted]	Specialist policy advisor

### **Apologies:**

Belinda Davies

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**Agenda Item:**

**1. Welcome and Introductions (5 minutes)**

Lu welcomed attendees to the third meeting of the LGBTQ+ Expert Panel.

**2. Minutes of Previous Meeting and Actions (10 minutes)**

Members were asked to check minutes of previous meeting for points of accuracy and to approve.

Lu asked if her amendments to the minutes sent earlier in the week had been received, WG confirmed that they had and her comments had been noted.

No other issues were raised and panel members approved the minutes.

**3. Progress Update (5 minutes)**

Emily thanked members for their contributions to the sub-group meetings and for their hard work in drafting the report. Emily highlighted how the report had been strengthened from the initial draft and how members' collaborative efforts have made this a genuinely independently report. Lu also extended her thanks to the hard efforts made by panel members through this process.

Emily also drew members' attention to an additional recommendation on banning conversion therapy which has been added to the Human Rights section of the report.

Lu noted that her amendments/comments had not yet been reflected in the report and agreed to re-send, and to go through the suggested amends during the meeting.

Members discussed the following amends:

9. the word 'continue' to be added after 'Welsh Government should..' and Welsh Government to explore what action can be taken within its own devolved powers to make progress in this area.

10. 'Welsh Government should ban conversion therapy in Wales' to be added.

In discussion, members raised the point that it was unclear yet what powers Welsh Government has to ban conversion therapy, but that they do have powers over health and psychological therapies.

11. Members asked what was meant by 'documentation' and suggested that if this means recruitment documentation, then all unnecessary personal identity markers, such as age and ethnicity, should also be removed to make this recommendation intersectional.

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Some members said it was wider than just recruitment - and would be more relevant to Welsh Gov when it is beyond recruitment. They suggested the recommendation may just need to be explicit in saying it includes recruitment.

Other members also raised that this recommendation is relevant to Education too, and not just workplaces.

Some members suggested saying that the Welsh Government should accept as a general principle that if there is no need to know about gender, it should not be asked.

Other members raised the issue of who determines the need to know, and that it is sometimes needed in health documents.

It was raised that this may be something the panel could provide further guidance on as the action plan is developed.

It was agreed that Welsh Government officials would attempt to redraft the recommendation based on the panel's comments, and to seek panel members' agreement through email.

Safety section

Members raised that there isn't currently a recommendation regarding VAWDASV and LGBTQ+ communities.

Alyson informed panel members that Welsh Government is currently refreshing their VAWDASV strategy - and suggested that the recommendation could be in reference to this? Perhaps around community co-production and VAWDASV and the need to consider LGBTQ+ communities very clearly within the development of the VAWDSV strategy.

Members felt that LGBTQ+ people are often not seen in VAWDASV, that all the paraphernalia is heteronormative and LGBTQ+ are lacking in the data sets.

**Action 1:** Lu agreed to write some background and a recommendation on this and to seek agreement from other expert panel members.

14. Members asked what is meant by 'state of' reporting – poor reporting or poor record management? It was confirmed that this is in reference to under-reporting.

The aim is to increase the number of people reporting hate crimes – and making sure people are comfortable enough to report hate crime.

It was also raised that the issue is not only to do with increasing public confidence to report hate crime, but also about making people feel confident that when they report a hate crime it will be recorded as such and will be dealt with.

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It was confirmed that the Welsh Gender Service are engaging with SW Police on how they can increase hate crime reporting, but behind the scenes, rather than publically due to distrust from the community in SW Police.

It was also suggested that hate crime reporting should sit with a different/non police organisation.

Alyson informed members that Welsh Government funds an alternative route for people to report hate crime - and seek support - if they don't want to report directly to the police.

The importance of education in helping to prevent hate crimes from happening was also raised- it was confirmed that this is a recommendation in the education section.

Members to agree final wording of recommendation through email.

15. Do we mean Facebook, Twitter, Grindr etc by social media platforms? And should the wording be changed to 'national and international' social media platforms.

Members agreed that the wording should remain the same.

16. Should we add home office?

Members agreed that the wording should remain the same.

39. The word 'well-being' to be removed as it could dilute the recommendation if it isn't specific enough. This was agreed.

40. The word 'remote' should be changed to 'postal' – members agreed with change of word.

43. The point was raised that although there is a perception that the Welsh Gender Service treats non-binary people differently, or that there is a disparity in the service offered, this is not the reality as they do provide a service for non-binary people.

Members agreed that this has been a historic perception issue and is not currently the case - but that there is work to do to change this perception.

Members asked if we could link to and reinforce this disparity in ways that strengthen the section on WG public communication/support for non-binary identities.

Members to agree final wording of this recommendation through email.

General note from member: lower case to be used for hate crime, remove apostrophe of possession in 16 commissioners rather —er's.

**Action 2:** Emily to make the suggested amendments as discussed during the meeting and to send back out to members before close of play. Members to make



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any further comments/amendments by 2pm on Wednesday. Emily will make the final changes and send to members for final agreement and sign off by Friday 10am.

#### **4. Open Discussion: Agree Final Amends (30 minutes)**

Members were asked if they had any final amends or inaccuracies they wanted to be addressed. Members agreed to follow the email procedure outlined above.

Members were asked for their views on:

- Naming the Action Plan – What should it be called? And;
- Using the term LGBT+ or LGBTQ+ throughout the report

One member shared that they love the term 'action plan' because when they've talked with young people they understood what it meant immediately.

It was also suggested that naming the action plan is something we could include in the consultation.

Members discussed how terminology is likely to change each year.

Some members discussed using LGBT+ as the current terminology in the report – with a footnote to say who this includes and to say the terminology is likely to change.

Other members raised that the term LGBTQ+ is used by many of the young people they work with and that they wanted young people to feel represented in the report. This is also the term that is being used in RSE (education). Members agreed to using this term.

It was also noted in the comments that 'Queer' hasn't been included in the glossary.

Also, the glossary describe their identities and their gender and sexuality. It was suggested that this should change to 'describe their gender and sexuality'.

**Action 3:** Stonewall to make the necessary changes to the Glossary.

#### **5. Report Sign-off (5 minutes)**

It was agreed that the panel would sign-off the report through email instead as more amendments needed to be made. See action 2.

#### **6. Next Steps and Any Other Business (10 minutes)**

All minutes of all the meetings the Expert Panel held to discuss the recent LGBTQ+ Action Plan and its consultation.

Emily informed members that after they've signed off the report, officials will make any final copy/proofing edits and will send the report as part of a piece of Ministerial Advice to the Deputy Minister before the end of the month. This will be accompanied by a framework for a draft action plan (based on their recommendations) that we can use as the basis for discussion with officials in other departments and then take to public consultation in the new Senedd Cymru term.

Lu asked Emily to clarify what was meant by a framework for a draft action plan and for when this would go to the Deputy Minister.

Emily confirmed that it would go to the Deputy Minister early next week and would be an early draft, based on recommendations from the panel, but that there would be further work to do internally, as well as further engagement with the panel, before the plan would be ready for consultation in the new Senedd term.

Emily asked members if they'd be happy to be brought together again following the elections to help inform and guide our stakeholder engagement approach to the public consultation. Members agreed and were informed that officials would write to them to confirm arrangements when appropriate.

## **7. Meeting closes**

Lu thanked members of the panel again for their hard work so far.

### **Freedom of Information Act 2000: Section 40(2)**

Section 40(2) together with the conditions in section 40(3)(a)(i) or 40(3)(b) provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

‘Personal data’ is defined in sections 3(2) and (3) of the Data Protection Act 2018 (‘the DPA 2018’) and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

We have concluded that, in this instance, the information requested contains third party personal data, specifically the names of some individuals who attended meetings of the LGBTQ+ Expert Panel.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

*“processed lawfully, fairly and in a transparent manner in relation to the data subject”*

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

*“processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child”.*

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:-

- **The Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information;
- **The Necessity test:** Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
- **The Balancing test:** Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

#### **1. Legitimate interests**

Freedom of information requests are handled as ‘applicant blind’ and public authorities or not entitled to speculate on why a requester seeks information. To that end, and whilst the Welsh Government acknowledges the general interest in

openness and transparency, we can identify no specific legitimate interest in publishing this information.

## **2. Is disclosure necessary?**

In terms of transparency, how the LGBTQ+ Action Plan was developed through discussions with the LGBTQ+ Expert Panel can be satisfied by the release of the remainder of the information. The identification of the individuals involved in that process is not necessary to meet that interest and, as stated above, no specific legitimate interest to release the information has been identified.

## **3. The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms**

The Welsh Government believes there is a risk to the fundamental rights and freedoms of the data subjects if this information is released, as evidenced by internet articles, posts, forums and blogs personally and professionally attacking those who have so far been named as being involved with the LGBTQ+ Action Plan. These redactions are intended to prevent online trolling and further identification of any additional individuals. We believe these harms, alongside the release of the remainder of the information, outweigh any legitimate interest in the release of the information.

As release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.