

TERMS AND CONDITIONS FOR APPOINTMENT AS A DIVERSITY REPRESENTATIVE ON THE ANTI-RACIST WALES ACTION PLAN (ARWAP) EXTERNAL ACCOUNTABILITY GROUP

INTRODUCTION

This document sets out the principal terms and conditions of your Appointment with the **Anti-Racist Wales Action Plan External Accountability Group**.

PARTIES

(1)

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1. PERIOD OF APPOINTMENT

Your appointment will commence on **17 January 2023** and the initial appointment will be for six months. At this stage, we will review with you your input and, all being well, confirm the appointment until March 2024. The Director's decision will be the final one. The appointment can be terminated early by either party, by giving 3 months' notice, in writing.

2. ROLE TITLE AND DUTIES

- a) You are appointed as a Diversity Representative on the Anti-Racist Wales Action Plan External Accountability Group. Your current duties are detailed in Schedule 1 and may be amended from time to time. Any changes will be discussed with you fully and notified to you in writing.
- b) The time commitment for the role of Diversity Representative is a minimum 16 days a year. You are expected to attend the meetings regularly. By accepting this appointment you confirm that you are able to allocate sufficient time to meet the expectations of your role. Your appointment may be terminated, if your attendance becomes so unreliable as to interfere with the good running of the Accountability Group.
- c) Your performance will be assessed annually by the Co-chair of the Accountability Group in accordance with your duties. Details of performance management system will be provided on induction.
- d) You will be expected to adhere to the Seven Principles of Public Life as set out by the Committee on Standards in Public Life. Further detail on what these standards are can be found in Schedule 3, Annex A. In summary these are Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

PERSON SPECIFICATION: The lived experience and understanding you will bring to the Group will include:

1. Bring your lived experience as a Black, Asian Minority Ethnic (ethnic minority) person and apply that personal / direct experience and understanding of the impact of racism on ethnic minority communities;

2. Bring the voices and lived experiences of communities you have worked with to both create solutions and influence change in services;
3. Bring your experience of working with different ethnic minority groups, for example working directly with ethnic minority communities, representing community concerns on different public or private forums, convening different groups to voice their concerns, providing direct services, acting as activists, advocates or representatives of individuals, enabling and empowering different groups;
4. Bring an understanding of different approaches to tackling racism and the merits of an anti-racist approach;
5. Bring strong interpersonal and communication skills to offer constructive conversations and to share your knowledge and understanding of how institutional and systemic racism impacts on the lives of different ethnic minority groups;
6. Bring experience and commitment to the values of the Plan – of always having lived experiences at the heart of decision making, working in a transparent and open way and adopting a right-based approach;
7. Bring examples of what changes are needed to improve the unequal impacts on ethnic minority communities. We don't need you to be a policy expert but to seek a curious conversation about how it may help make change;
8. Bring examples of how you have worked reflecting the diversity of experiences among ethnic minority people, for example working with ethnic minority women, disabled people, LGBTQ+, elder or young, of different faith groups, refugees or migrants, living in rural or urban areas etc.

RESPONSIBILITIES: The Diversity Representative will have the following responsibilities as a member of the External Accountability Group:

- To play an active, constructive role, as a team member, of the Accountability Group and to support the Welsh Government in delivering the remit of the Accountability Group;
- To ensure the lived experiences and needs of diversity of ethnic minority people are central to the work of the Group;
- Provide ideas and suggestions on anti-racist practice in different contexts relevant to the implementation of the Plan;
- Provide challenge with support, and ensure that the lived experiences of ethnic minority people are always informing progress and working from a rights based approach;
- Work collaboratively and, when needed, co-design with the Accountability Group members to offer support, identify key new policies needed and supporting of them;
- To advise how best to promote our vision of 'A Wales that is anti-racist';
- To attend and actively contribute to the Accountability Group bi-monthly meetings and respond to relevant queries in between meetings;
- To work with the Accountability Group and the Evidence Unit to highlight gaps and opportunities to address areas of concerns that may be in danger of being not implemented;

- To promote, share and support the work of Accountability Group with ethnic minority communities in a way that communicates progress and understand blocks; and
- To attend additional events and meetings as requested.

On occasions, we envisage that particular policy leads implementing actions agreed in the Plan, may require additional advice, support, co-design or challenge from you. This additional work will be agreed upon between you and the policy lead within Welsh Government and will constitute additional work so you will be remunerated for it separately.

3. STATUS

- a) You are not an employee. Accordingly, nothing in these terms and conditions shall be construed as, or taken to create, a contract of employment between yourself and the Department. In addition, nothing in these terms and conditions shall be construed as, or taken to create, any contract of service or contract for services between yourself and the Welsh Government.
- b) This appointment will be treated as an appointment to a Public Office. Consequently for tax purposes you will be treated as a Public Office Holder in relation to this appointment.

4. REMUNERATION

- a) The role is remunerated at £198 per day, to be claimed quarterly or, if preferred, six monthly.
- b) This appointment is non-pensionable.
- c) No bonuses will be payable.
- d) The External Accountability Group will reimburse all reasonable expenses (including travel, subsistence and other expenses) properly and necessarily incurred in respect of your appointment. A Welsh Government official will notify you of the eligible expenses, current rates and process for reimbursement.
- e) We envisage that if you are already a public servant in Welsh public services, you will agree with your employer that this is part of your current contract with them and not get paid. Welsh Government are happy to discuss this arrangement as part of the public service duty with your employers if we fund or collaborate with them.

5. SPONSORED BODY PROPERTY

- a) All documents, manuals, hardware and software provided for your use by the External Accountability Group, and any data or documents (including copies) produced, maintained or stored on Welsh Government computer systems or other electronic equipment (including mobile phones), remain the property of the Welsh Government.

- b) Any Welsh Government property in your possession and any original or copy documents obtained by you in the course of your appointment shall be returned at any time on request and in any event prior to the termination of your appointment.

6. DEDUCTIONS

- a) You authorise the Welsh Government at any time during your appointment and/or on its termination to deduct any sums owed by you to the Welsh Government at any time from any other sums due to you under this contract.

7. NOTICE AND TERMINATION OF APPOINTMENT

- a) Notwithstanding clauses 7(b) to (d) below, either party may terminate this appointment for any reason before the expiry of the fixed period by giving three months' notice in writing.
- b) No notice period is applicable if this appointment is terminated early by mutual consent.
- c) Should the name of the External Accountability Group be dissolved, restructured or wound up during the period of your appointment, your appointment would cease with effect from that dissolution, restructuring or winding up, or such other date as is specified in any relevant legislation.
- d) The Welsh Government may terminate your appointment immediately by giving notice in writing if:
 - i. you become bankrupt or make an arrangement with creditors,
 - ii. your estate has been sequestrated in Scotland or you enter into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) as the debtor or have, under Scots law, granted a trust deed for creditors,
 - iii. you become subject to a debt relief order or a bankruptcy restrictions order,
 - iv. you have been absent from meetings of the External Accountability Group for a period of more than 6 months without the permission of the Co-chair,
 - v. you are disqualified from acting as a company director,
 - vi. you have been convicted (whether before or after appointment) of a criminal offence, the conviction not being spent for the purposes of the Rehabilitation of Offenders Act 1974 (c. 53),
 - vii. you improperly accept any gifts or hospitality,
 - viii. you fail to declare any conflict of interest,
 - ix. there is a statutory provision requiring your appointment to be terminated for whatever reason,
 - x. you breach the Code of Conduct for Board Members of Public Bodies, or

- xi. you are, in the opinion of the Welsh Government/Minister, unable or unfit to discharge the functions of the appointment for any other reason.
- e) You are required to notify the Welsh Government immediately should any of the situations listed at clause 7(d) above become applicable to you during the term of your appointment.
- f) If the Welsh Government proposes to terminate your appointment for whatever reason prior to the expiry of the fixed term, you will be notified of the proposal and of the reasons for it and will be offered an opportunity to have a meeting with a senior Welsh Government official before any final decision is taken. If your appointment is subsequently terminated you will receive notice in writing of this fact, such notice to contain a statement of reasons for termination.
- g) In the event that you are notified that the Welsh Government is proposing to terminate your appointment in accordance with 7(f) above, the Welsh Government may require that you do not carry out your role as a member of the External Accountability Group until a decision on the termination of your appointment has been made.
- h) In the event that you are subject to a police investigation or you are arrested by the police you must notify the Welsh Government who may require you to stand down from your position for the duration of the investigation.
- i) On termination of this appointment for whatever reason, you shall only be entitled to accrued fees as at the date of termination together with reimbursement of any expenses properly incurred prior to that date. For the avoidance of doubt, you will not receive any compensation or other payments in relation to the termination of your appointment.

8. CONDUCT

- a) As a Public Office Holder, you are required to follow the “Seven Principles of Public Life” set out by the Committee on Standards in Public Life (copy attached at Schedule 3, Annex A).
- b) You are accountable to the External Accountability Group and, through the Sponsor Department, to the Minister for Social Justice, Jane Hutt MS, for your conduct and you are expected to work to the highest personal and professional standards.
- c) If you believe you, or staff of the External Accountability Group, are being required to act in a way which:
 - is illegal, improper, or unethical;
 - is in breach of constitutional convention or a professional code, the Code;
 - may involve possible maladministration; or

- is otherwise inconsistent with the Seven Principles of Public Life,
 - you have a responsibility to report the matter through the Head of the ARWAP Implementation Team.
- d) There may be rare occasions involving very serious or urgent concerns where you feel it would not be appropriate to raise the issue internally with the External Accountability Group (either with the Co-chair or any nominated official in the Welsh Government). If it is not possible to raise the issue internally, you should raise it with the Head of the Sponsor Department in the Welsh Government or, in the most extreme cases, with the Minister responsible for the Group/Body. You should report evidence of criminal or unlawful activity by others to the appropriate authorities.

9. GIFTS AND HOSPITALITY

- a) You must not accept any gifts or hospitality which might, or might reasonably appear to compromise your personal judgment or integrity or place you under an improper obligation. If you choose to accept a gift or hospitality this must be recorded in your Group/Board's register.
- b) You must comply with the Code of Conduct for Board Members of Public Bodies 2019 (the Code) as enforced from time to time on the acceptance of gifts and hospitality. The Code is attached at Schedule 3.

10. CONFLICTS OF INTEREST

- a) You must ensure that no conflict arises, or could reasonably be perceived to arise, between your public duties and your private interests – financial or otherwise.
- b) You must comply with the Code of Conduct for Board Members of Public Bodies 2019 (the Code) on handling conflicts of interest. As a minimum, these will require you to declare publicly any private interests which may, or may be perceived to, conflict with your public duties. In general, all financial interests should be declared.
- c) You must remove yourself from the discussion or determination of any matters (this includes formal discussions of the External Accountability Group and informal discussions) in which you have a financial interest or any other matter where your interest might suggest a danger of bias.
- d) All declared interests will be included in the External Accountability Group's register of members' interests maintained by the Group/Board and you must ensure that your entry is accurate and up to date.
- e) Information on potential conflicts of interest could be disclosed to the public under the Freedom of Information Act 2000. By accepting this appointment you hereby accept that some or all of this information may be disclosed.

- f) When an interest is recorded in the register you must seek confirmation from the Welsh Government that no conflict has arisen and it is appropriate for you to remain as part of the Group/Board. You should not undertake any work on behalf of the Group/Board until you have received this confirmation. If you are in doubt as to whether a conflict has arisen then it will be for the Welsh Government to determine whether a conflict exists.

11. POLITICAL ACTIVITY

- a) In your public role, you should be, and be seen to be, politically impartial. You should not occupy a paid party political post or hold a particularly sensitive or high-profile role in a political party. You should abstain from all controversial political activity and comply with the principles set out in the Welsh Government rules on attendance at Party Conferences and on conduct during the period prior to elections and referendums whether local, national or European.
- b) On matters directly related to the work of the External Accountability Group, you should not make political statements or engage in any other political activity.
- c) You should inform the Welsh Government and wait to receive written approval before undertaking any significant political activity.
- d) Further details of the expectations regarding political activity can be found in the Code at Schedule 3.
- e) If you accept a nomination for election to Senedd Cymru/Welsh Parliament or House of Commons, you will resign this appointment. If you consider resignation not an option then Welsh Government can terminate the appointment under clause 7(a) by giving three months' written notice.

12. CONFIDENTIALITY/USE OF OFFICIAL INFORMATION

- a) You are required to exercise care in the use of information that you acquire in the course of your duties and to protect information that is held in confidence.
- b) You are subject to the provisions of the Official Secrets Act 1989 and you must not disclose any information which is confidential in nature or which is provided in confidence without authority. You must not misuse information gained in the course of your appointment for personal gain or for political purpose.
- c) The misuse of information gained by virtue of your position as a Member of the Group/Board may result in your appointment being terminated immediately without notice and/or criminal prosecution.
- d) The requirements in this clause 11 apply both during the term of your appointment and after your appointment has terminated.

13. BUSINESS APPOINTMENTS

- a) You are required to obtain prior approval from the Welsh Government in advance of accepting any appointment or employment offered to you during your term of appointment where your official duties with the Group/Board resulted in:
- i) personal involvement with the company or other organisation making the offer; and/or
 - ii) access to commercially sensitive information of the company or other organisation making the offer, or of a competitor of the company or other organisation making the offer.
- b) On leaving office, you must comply with the rules of the Welsh Government on the acceptance of future employment or appointments.

14. DATA PROTECTION

By accepting this appointment you consent to the Welsh Government holding and processing information about you for legal, personnel and administrative purposes and in particular to the processing of any sensitive personal data (as defined in the General Data Protection Regulations 2018). You consent to the Welsh Government making such information available in appropriate circumstances, including within the Civil Service in reporting to Assembly and Parliamentary Committees or Wales Audit Office and National Audit Office or otherwise.

15. LIABILITY

The Welsh Government will provide that where you have acted honestly, reasonably, in good faith and without negligence you will not have to meet out of your own personal resources any personal civil liability which is incurred in the execution of your Group/Board functions.

Signed _____
On behalf of the Welsh Government

(Date) _____

Signed _____
(insert title)

(Date) _____

Schedule 1

Duties and Responsibilities of the Member

PERSON SPECIFICATION: The lived experience and understanding you will bring to the Group will include:

9. Bring your lived experience as a Black, Asian Minority Ethnic (ethnic minority) person and apply that personal / direct experience and understanding of the impact of racism on ethnic minority communities;
10. Bring the voices and lived experiences of communities you have worked with to both create solutions and influence change in services;
11. Bring your experience of working with different ethnic minority groups, for example working directly with ethnic minority communities, representing community concerns on different public or private forums, convening different groups to voice their concerns, providing direct services, acting as activists, advocates or representatives of individuals, enabling and empowering different groups;
12. Bring an understanding of different approaches to tackling racism and the merits of an anti-racist approach;
13. Bring strong interpersonal and communication skills to offer constructive conversations and to share your knowledge and understanding of how institutional and systemic racism impacts on the lives of different ethnic minority groups;
14. Bring experience and commitment to the values of the Plan – of always having lived experiences at the heart of decision making, working in a transparent and open way and adopting a right-based approach;
15. Bring examples of what changes are needed to improve the unequal impacts on ethnic minority communities. We don't need you to be a policy expert but to seek a curious conversation about how it may help make change;
16. Bring examples of how you have worked reflecting the diversity of experiences among ethnic minority people, for example working with ethnic minority women, disabled people, LGBTQ+, elder or young, of different faith groups, refugees or migrants, living in rural or urban areas etc.

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- Provide challenge with support, and ensure that the lived experiences of ethnic minority people are always informing progress and working from a rights based approach;
- Work collaboratively and, when needed, co-design with the Accountability Group members to offer support, identify key new policies needed and supporting of them;
- To advise how best to promote our vision of 'A Wales that is anti-racist';
- To attend and actively contribute to the Accountability Group bi-monthly meetings and respond to relevant queries in between meetings;
- To work with the Accountability Group and the Evidence Unit to highlight gaps and opportunities to address areas of concerns that may be in danger of being not implemented;
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- To attend additional events and meetings as requested.

On occasions, we envisage that particular policy leads implementing actions agreed in the Plan, may require additional advice, support, co-design or challenge from you. This additional work will be agreed upon between you and the policy lead within Welsh Government and will constitute additional work so you will be remunerated for it separately.

Schedule 2

Attached to email

Schedule 3

CODE OF CONDUCT FOR BOARD MEMBERS OF PUBLIC BODIES IN WALES 2019

The candidate needs to familiarise themselves with the Code below;

<https://www.gov.uk/government/publications/code-of-conduct-for-board-members-of-public-bodies/code-of-conduct-for-board-members-of-public-bodies-june-2019>

Annex A (for reference)

The Seven Principles of Public Life

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.