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Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation – Summary of response

## A More Equal Wales – Commencing the Socio-economic Duty

February 2020

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.



# Summary of Responses to Welsh Government Consultation A More Equal Wales: Commencing the Socio-economic Duty

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## **Background**

A priority for the Welsh Government is to take action to safeguard equality and human rights, particularly in the context of withdrawal from the European Union. One aspect of this work is through commencing the Socio-economic Duty – a commitment from the First Minister’s manifesto.

This involves enacting Part 1, Section 1 of the Equality Act 2010 – the Socio-economic Duty. It will require specified public bodies, when making strategic decisions such as ‘deciding priorities and setting objectives’, to consider how their decisions might help to reduce the inequalities associated with socio-economic disadvantage.

It is proposed that the duty will apply to the following eligible public bodies, as they are deemed to have satisfied the (‘test’ under section 2(6) of the Equality Act 2010:

- ✓ Welsh Ministers;
- ✓ Local Health Boards;
- ✓ NHS Trusts;
- ✓ Welsh Special Health Authorities (HEIW);
- ✓ Local Authorities;
- ✓ Fire and Rescue Services;
- ✓ Welsh Revenue Authority; and
- ✓ National Park Authorities.

## **The consultation**

The consultation sets out proposals to:

- Place a duty on specified public bodies, when making strategic decisions, such as deciding priorities and setting objectives, to consider how their decisions might help to reduce the inequalities associated with socio-economic disadvantage.
- Require specified public bodies to evidence a clear audit trail for all decisions made under the duty.
- Require specified public bodies to demonstrate how they will have fulfilled the statutory duty – although there is no reporting requirement.
- Ensure that links between duties are realised and managed effectively.

Views were sought on the following areas:

- The key terms
- The Public Bodies covered by the Duty
- Meeting the requirements of the Duty
- Links between this and other Duties
- Welsh language

## **Consultation details**

The consultation ran for eight weeks from 22 November 2019 to 17 January 2020.

There were several ways stakeholders could respond to the consultation.

- Through a response form which could be submitted via email or by post
- Through an easy read response form which could be submitted via email or by post
- Through an online portal
- Through one of five consultation events in Cardiff, Swansea, Merthyr Tydfil, Conwy and Llandrindod Wells

The consultation intended to gain views on Welsh Government's proposal to commence Part 1, Section 1 of the Equality Act 2010 – the socio-economic duty. It asked which public bodies should be captured by the duty and how the duty would be delivered.

The consultation was distributed electronically, via social media and also published on the Welsh Government website. In addition, external engagement events were held with stakeholders, public bodies and third sector organisations during the consultation period.

Welsh Government received a total of 98 responses to the consultation:

- 63 organisations responded by completing the response form;
- 35 responses came via the online portal, of which 14 were completed and 21 partially completed.

In addition, notes taken at each of the stakeholder events across Wales, attended by 140 individuals have also been fed into the analysis.

A full list of responders can be viewed where approval given in the Appendix

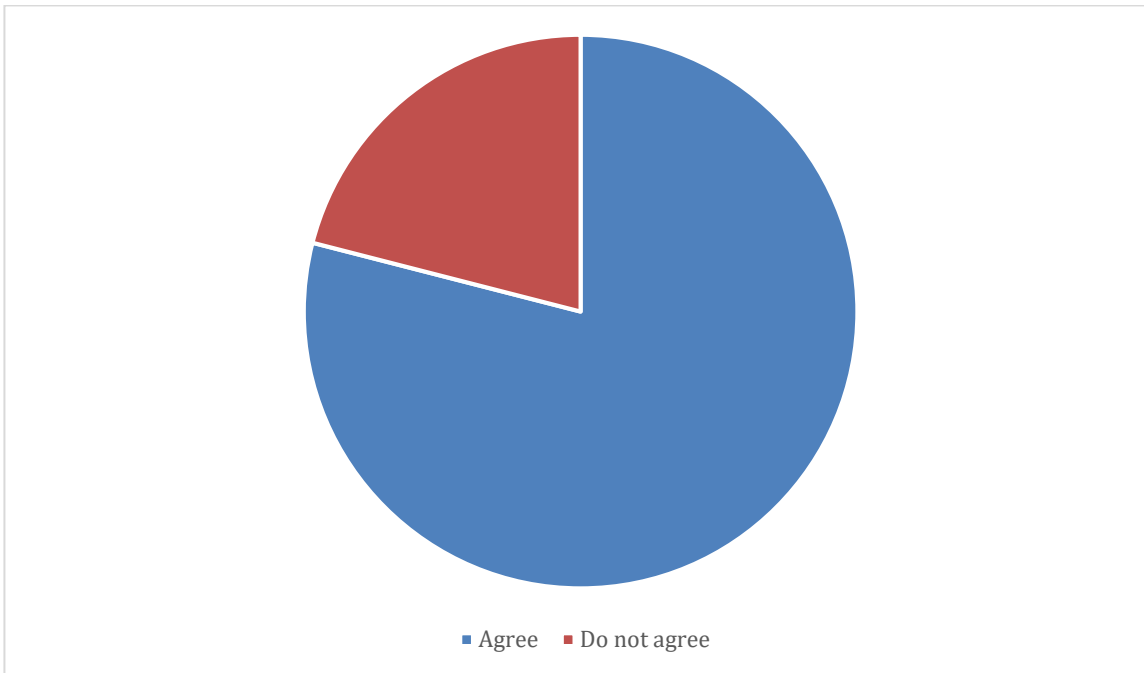
## **Question 1 – The key terms**

**The key terms defined in this section are:**

- **Decisions of a strategic nature**
- **Inequalities of outcome**
- **Socio-economic disadvantage**

**Q1A – Do you agree the above definitions of these terms are reasonable, easily understandable and should be included within the Welsh Government's forthcoming guidance on the socio-economic duty?**

The results to Question 1a show that 79% of participants agreed with the above and 21% did not agree.



There is a recurring theme suggesting that the key terms need to be more clearly defined and complemented with illustrative examples, not only to aid the understanding of those within public services, but also for the general public, and that the terminology needs to be relatable and inclusive.

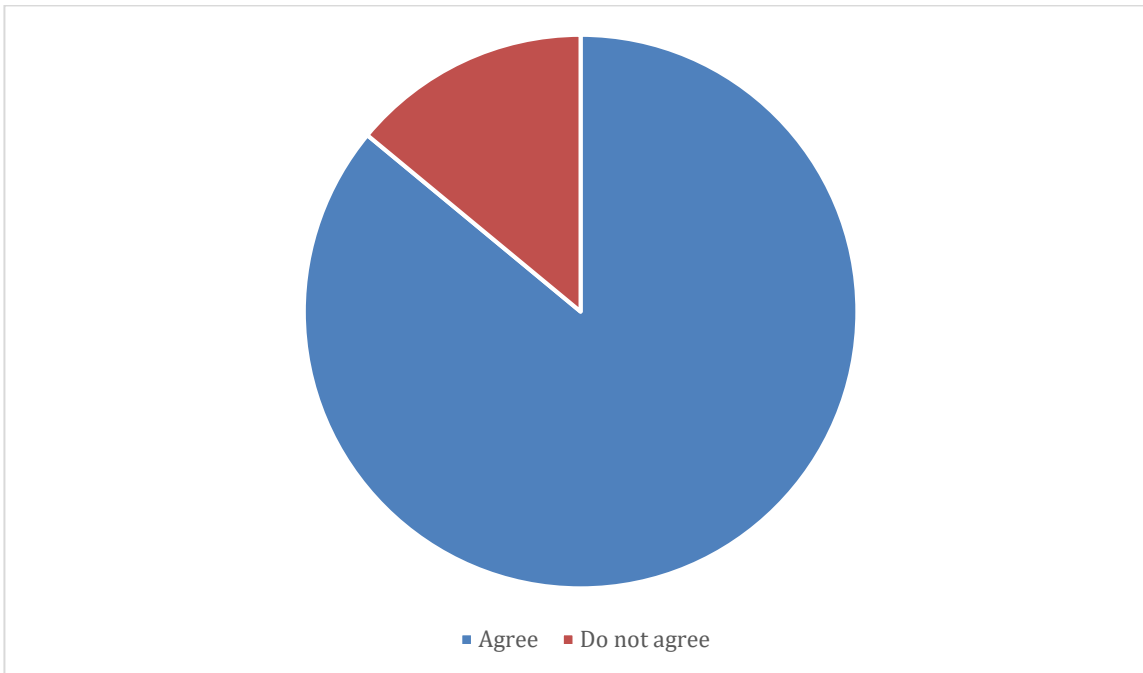
Respondents felt the definitions were too open to interpretation, which could increase the risk in legal challenges from parties seeking to use this legislation to overturn decisions made by public bodies.

Additional comments relating to the key terms can be found in the appendix.

### **Q1B – Do you agree with this definition of a ‘strategic decision’?**

**“Decisions which set the organisations’ overall priorities, strategies and key policies, targets, broad approaches, and expenditure concerning the delivery of its business.”**

The result to Question 1b shows that 86% of participants agreed with the above definition and 14% did not agree.



### **Disagreed:**

Those that disagreed said that the definition needed to be written in a more accessible way, that the definition was “conceptually wrong” and wanted clarification on why strategic decisions were presumed to be the most important ones.

### **Agreed:**

Those that agreed with the definition also elaborated that there would need to be more guidance on what it means, how it is defined, and what is included within it, to ensure public bodies can successfully implement the Duty and make positive change.

Respondents also agreed that the definition is reasonable and fits well with the broad range of public bodies it is meant to be used by.

However, they suggested that its broadness might lead to it being interpreted differently by different organisations.

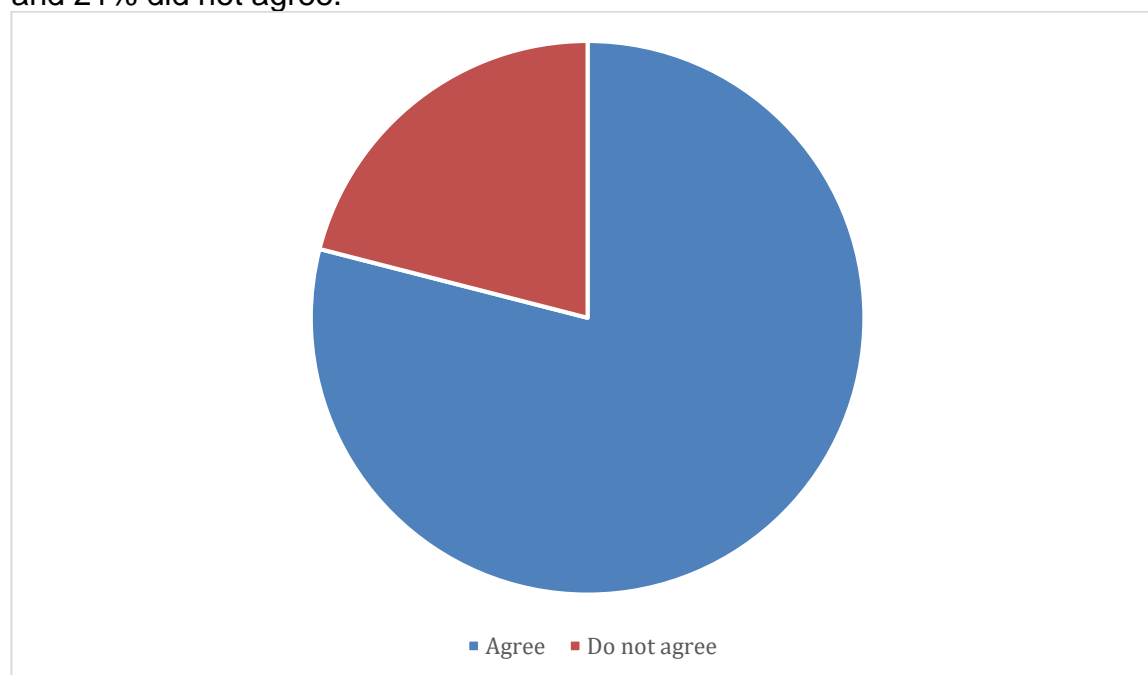
### **Suggested amends:**

- ‘Overall priorities’ could be tightened to simply ‘priorities’.
- Removal of ‘broad approaches’ as it does not add anything.
- Could include a specific reference stating that relevant bodies need to use an expanded example list in order to properly interpret the intention of the definition.
- Amend to include ‘managing relations with other public bodies which it funds.’
- Consider adding ‘...over a period of at least 12 months’ to the end of the sentence in order to pick up on what the consultation document states.
- Use the phrase “objectives”/ “outcome focused objectives” instead of “targets”
- Suggest that ‘budget’ is used instead of ‘expenditure’
- Include the phrase – “what decisions are made that impact on their populations”.
- Could be expanded to state, ‘*This includes new decisions as well as decisions about changes to delivery of existing polices and services.*’

- Key Policy’ implies an internal document. Externally facing activity is caught by ‘priority/objective/strategy etc.’
- Adding ‘determining a Strategic Equality Plan’ and ‘setting Equality Objectives’ to the advisory lists in the consultation document.

### Q1C – Do you agree with the proposed approach to help define inequalities of outcome?

The result to Question 1c shows that 79% of participants agreed with the above definitions and 21% did not agree.



### Defining inequality

There is a concern amongst some respondents that the proposed approach downplays the link between material wealth and inequalities of outcome.

To avoid different interpretations emerging, it is suggested that the Welsh Government develop a definition, perhaps in line with the definition available from the United Nations or the Scottish definition.

It was suggested that public bodies be required to select the inequalities that are most important to their area, and these should be agreed by bodies operating in the same locality.

Given there are different equality issues in different areas of Wales, this local evidence should be identified and used, with flexibility, in addition to national evidence in order to get an accurate picture of socio-economic disadvantage.

Some respondents have expressed a concern that the WIMD index is a primarily urban measure. A local authority said it would be *“keen to be able to have a tailor-made approach*



to talking socio-economic inequalities in the context of a large rural county. This would include being able to set the most relevant measurements”.

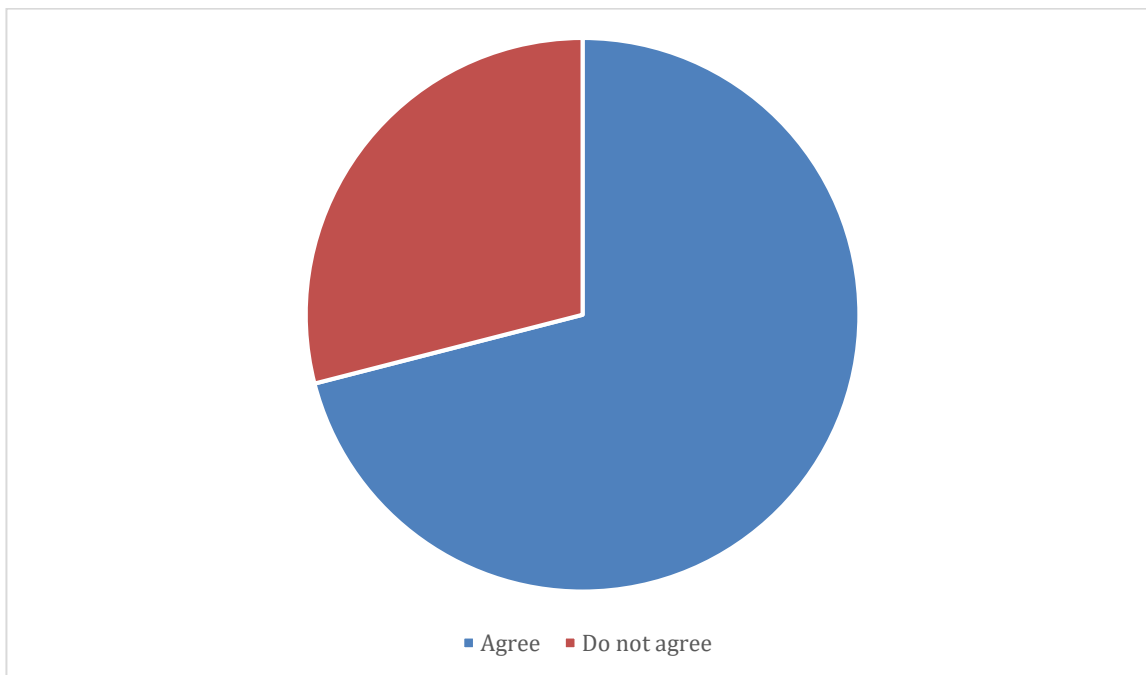
A professional health organisation suggested that failing to look at inequalities, such as gender, socio-economic and race together could see “public bodies miss out on the connections and the relationships between each, intersectionality, which may slow the progress in tackling socio-economic inequalities.”

### **Q1D – Do you agree with this definition of Socio-economic disadvantage?**

**“Living on a low income compared to others in Wales, with little or no accumulated wealth, leading to greater material deprivation, restricting the ability to access basic goods and services. Socio-economic disadvantage can be experienced in both places and communities of interest, leading to further negative outcomes such as social exclusion.”**

**If you do not agree with this definition are you able to provide an alternative?**

The result to Question 1d shows that 71% of participants agreed with the above definitions and 29% did not agree.



There was a mix of comments drawing attention to socio-economic disadvantage in relation to rural isolation and how people’s backgrounds relate to lack of opportunity.

A main concern amongst most respondents is the definition of “low income compared to others in Wales”.

There is a consensus that the focus on low income/lack of wealth is crucial to the definition, however respondents want clarification on what this means.

It was suggested that ‘a choice must be made between a broad or narrow approach’ to the definition and that, ‘For simplicity of interpretation we believe a focus on material resources is reasonable; and reflecting individuals and communities is an important aspect of this’.

The Smart Survey responses suggest the removal of 'Wales' from the definition as wages are less than the UK average. They believe the definition puts too much emphasis on financial, rather than social, aspects.

Some respondents feel the definition needs to go further than finances and to consider social deprivation, or disadvantage in terms of participation, aspirations, or opportunities, with examples being given by respondents of rurality, geographical variation, health and wellbeing, etc.

### **Suggested amends**

- 'Place' and 'community of interest'- there is a suggestion that 'communities of interest' would be better described as 'groups of interest'
- 'Area deprivation'
- 'Material deprivation'
- Definition of basic goods and services – there is a suggestion that it be changed to 'goods and services essential to participate in everyday life, whoever provides them'
- Definition of disability
- 'With little or no accumulated wealth'
- There is a suggestion to include 'inequality of aspiration'
- Amend the guidelines to include specific reference to children when setting out examples
- Make clear that lack of access to goods and services is both a cause and consequence of socio-economic disadvantage.
- More clarity on how the impact can be measured

It was suggested that a glossary of terms, such as the above, would provide clarity on the key aspects of socio-economic disadvantage, and a consistent frame of reference through which the new duty can be applied.

A think tank said – *“Living on a low income compared to others in Wales, with little or no accumulated wealth, which restricts access to goods and services essential to participate in everyday life, whoever provides them.”*

*And:*

*“Socio-economic disadvantage means not having enough income or wealth to meet minimum needs, such as food, rent, heating and transport. It is often described as poverty.”*

## **Question 2 - The Public Bodies Covered By the Duty**

**Q2A – Based on the test in section 2(6) and list of Welsh public bodies we consider meet the test, do you agree the socio-economic duty should apply to all the bodies listed? Please specify any bodies not listed which you consider meet the above test and should be included together with any reasons for doing so.**

The majority of respondents, (84%), stated that they agreed that the socio-economic duty should apply to the proposed public bodies listed.

There were suggestions for bodies which could be considered for inclusion, including Public Service Boards (PSBs), which were suggested seven times by the email respondents and Regional Partnership Boards, which were suggested twice.

The rationale for including PSBs was that they have strategic responsibility for the preparation of assessments, objectives, and plans, including developing the Well-being Plans and addressing the indicators under the Well-being of Future Generations (Wales) Act 2015.

Alongside this, another dominant theme s identified was the inclusion of Police and Crime Commissioners in Wales, which was mentioned five times in total via responses, with many pointing to their inclusion in the Equality Act 2010.

While it was acknowledged that the omission of police forces from the list was as a result of policing not being devolved in Wales, it was suggested that should Police and Crime Commissioners in Wales not be added that it was essential that *“they should be expected to naturally embed the socio-economic duty further into their strategic decision making”*.

This notion of “honouring the spirit of the duty” also emerged as a prominent idea among the respondents, with many suggesting that those bodies which do not pass the test for inclusion, should *“embed consideration to socio-economic inequalities in their work”*.

It was suggested that it might be *“prudent to emphasise in the interim guidance that other organisations other than those listed, are encouraged to view the socio-economic duty as best practice”*.

Other email suggestions for inclusion in the list of public bodies, for which the socio-economic duty will be applicable, included national public bodies listed under section 6(1) of the Wellbeing of Future Generations Act 2015 (for example, Sports Wales, Arts Council for Wales and Natural Resources Wales), Commissioners, Further Education providers and Registered Social Landlords.

A full list of suggestions can be found in the Appendix.

**Q2B – Based on the list of eligible Welsh public bodies, please specify any of the listed bodies you think the duty should not apply to, and provide an explanation why a particular authority should be exempt.**

All respondents agreed that there were no listed public bodies which the socio-economic duty should not apply to.

**Section 3 sets out initial thinking about the kinds of steps public authorities could take to show they are meeting the duty.**

**Q3A - Do you believe that issuing ‘interim’ guidance on the 1 April 2020, followed by ‘final’ guidance on the 1 April 2022, allows relevant public bodies sufficient time to consider the implications of the duty and to fully embed it within working practices?**

Local authorities, expressed concerns about the implementation of the duty from April 1<sup>st</sup> 2020 as they feel there has been limited opportunity to plan and prepare for it.

*“We estimate a six to 12-month lead in would be needed to ensure that the internal systems are in place and that training is provided. We suggest that Welsh Government should use the next 12 months to develop the final guidance with stakeholders before the legislation is commenced.”*

Despite assurances that a ‘softer’ approach will be taken during the interim period, those that expressed concerns questioned whether the public, or the courts, could or would be prepared to take a ‘softer’ approach. There are fears that once the duty is on the statute books, it poses a legal risk to the organisations included from day one, where a judicial review could be brought.

These organisations have requested a longer ‘lead-in time’, which would enable all listed bodies sufficient time to make the required changes to internal processes *before* the duty comes into effect. One suggestion has been to reconsider the date of commencement, for example 1st April 2021, rather than 1st April 2020.

### **Q3B - What other actions or additional steps could public bodies take to demonstrate they are meeting the duty? Do you have any other comments on the steps set out in Section 3?**

While the majority agree that the steps suggested in the consultation provide a logical and proportionate approach, which align to current decision-making practices, there were a few concerns outlined and suggestions offered.

Two organisations in the third sector expressed concerns around whether public bodies have the necessary *‘time, resources or expertise to truly implement’* the duty with the fear that it *‘may become a tick-box exercise’* if these issues are not addressed. Another suggested the addition of a fifth step covering ‘oversight and accountability’, stating that: *“Monitoring the impact ‘over the longer term’ while required, does not in itself deliver change unless there is oversight, accountability and, subsequently, changes in practice.”*

Several public bodies have outlined the need for a consistent approach to evidencing due regard and assessing impact. It was noted that equality impact assessments are currently done differently in different public bodies. Consequently, it was recommended that a national and standardised template for use by all public sector organisations from the outset would help address this.

It was also suggested that learnings could be taken from the *Just Fair - Tackling socio-economic inequalities locally* - report (2018), which outlines a number of criteria that could inform assessment of progress in Wales.

Another suggested that the interim guidance could refer to the Brown and Gunning Principles. The Brown Principles can be used in court to establish if a public body has shown *‘due regard’* to legislation. The Gunning Principles set out the legal expectations of what is appropriate consultation with an emphasis on *‘fairness’*.

### **Q3C - Can you offer any suggestions on how public bodies could improve analysis and reporting to take better account of inequalities related to socio-economic disadvantage?**

A number of suggestions were offered from a range of organisations with themes emerging around alignment to existing frameworks, engagement, data, and an 'All-Wales' approach.

It was frequently highlighted that aligning the duty to existing frameworks would be helpful when it comes to reporting. Several suggested linking to the equality goal within the Well-being of Future Generations Act and taking a long-term approach to considering the impact of socio-economic disadvantage in the earliest years of life.

One local authority expressed concerns about the number of assessments it is required to do. It states: *"We do have concerns about the number of assessments we are required to undertake for any decision. This will add another assessment level when the Well-being of Future Generations Act, if properly applied, should cover everything the socio-economic duty is aiming to do."*

It was recommended that public bodies have an audit trail to demonstrate compliance with the duty if they are challenged and that they monitor the difference that the duty has made to strategic decisions in their corporate annual report.

A couple suggested that by making analysis and reporting mandatory, it would help to not only reinforce the importance of the duty and the value placed on it, but also ensure the quality of information utilised and considered when making strategic decisions.

An agreed All Wales approach to analysis/reporting across all public bodies or across specific sectors e.g. health, local authorities etc, was suggested by several public bodies to help reinforce the importance of this duty.

It was felt that data collection could be improved to support reporting and that both quantitative and qualitative data was required in order to address the real causes of socio-economic disadvantage.

An all-Wales data hub was suggested to improve consistency, with one respondent stating: *"It would be helpful if relevant data sources could be identified, maintained and hosted centrally to enable consistent access to information across the public sector."*

Others suggested having Welsh specific benchmarking data to allow the relevant public authorities to assess how well they are doing against an outcome; a repository of evidence and information held by Welsh Government; regularly sharing best practice and what organisations are doing well; and a specific evaluation/study to examine the population impact of the duty.

Several agreed that it was critical that meaningful and ongoing consultation takes place with people who are experiencing socio-economic disadvantage in Wales.

It was stated: *"Ongoing stakeholder/public engagement is essential in ensuring that local information about lived experience of individuals and groups is considered alongside the analysis of hard data to inform priorities."*

However, it was noted that in order to carry out meaningful engagement *"public bodies will need to have the resources, skill and time to carry out this work"*.

**Q3D - Can you offer examples of how public authorities and others have made best use of the expertise of people with direct experience of poverty? For example, how**

## **are public bodies using the five ways of working in the Well-being of Future Generations Act to strengthen their analysis?**

There were a few examples of initiatives which have been co-designed/co-produced by those directly experiencing poverty and the staff of the public body.

**Oxfam's** A Menu for Change project in Scotland was highlighted, which brings together people with lived experience of poverty and frontline service providers to identify problems and take actions to revise policy and practice as part of an action learning cycle.

**Shelter Cymru's** Take Notice project was referenced for how it embeds people's lived experience through peer research.

### **Q3E - We do not believe it is sensible to create a new measurement framework to monitor the impact of the duty. Do you support our approach? (Please state reasons for your answer). What existing monitoring tools and frameworks could public bodies use to track how the duty is making a difference to outcomes over the long term?**

While it was agreed amongst local authorities and health boards that the existing frameworks should be used to monitor the impact of the duty, several third sector organisations expressed their concerns.

It was questioned whether existing tools capture the full extent and breadth of socio-economic disadvantage, rather than just focusing on poverty or deprivation.

One charity stated: "The existing framework for measuring and addressing poverty in Wales does not provide intersectional data in a way that would allow for a detailed understanding of socio-economic disadvantage in Wales."

Disappointment was also expressed in this section from the third sector that there will be no reporting duty placed upon the relevant public bodies and that there is no apparent mechanism for monitoring compliance. A representative from one organisation said: "*We are unclear how relevant public bodies will demonstrate they have fulfilled this duty when making strategic decisions, and the consultation merely focuses on 'encouraging organisations to report and communicate' how they have delivered on the duty through integrated reporting approaches. We do not feel this is sufficient to aid transparency or scrutiny and would suggest that monitoring arrangements are set in place and public bodies are expected to produce a compliance report.*"

### **Q3F - Other than statutory guidance, please specify any other support you think public bodies will require to help them understand and/or discharge their duty e.g. training / online tools etc. Are there any particular aspects of helping a public body discharge their duty which will require a greater focus?**

'Practical, relevant and operational' training, workshops, online tools and toolkits were identified as being 'essential' by a number of public sector bodies.

It was suggested that the training would need to cover what socio-disadvantage is, as well as how the duty is to be applied, interpreted and embedded correctly and effectively.

Some felt that the training needs to be compulsory for senior management, elected members and those making strategic decisions, while others felt that training would also need to include those within Procurement, Planning and other departments as appropriate, *“to ensure that they are aware of the responsibility they hold towards meeting the duty and the actions that they need to take.”*

Toolkits, which include examples of templates, assessments and reporting of decisions, were also suggested as being useful.

An opportunity for public bodies within the same area (health, police, local authorities) to share learning and good practice as the socio-economic duty is introduced and embedded into practice was suggested by several of the bodies the duty will affect.

In addition, a common theme across respondents was that public bodies will need ongoing support and guidance to carry out meaningful consultation and co-production with people experiencing socio-economic disadvantage.

Many of the charities which completed this question also felt there was a need to raise awareness of the duty amongst the general public so they understand what it means for them.

### **Providing data**

Respondents have suggested that the Welsh Government sets out relevant data so that all public services are looking at the same data. The diagram showing examples of the impacts of poverty and socio-economic disadvantage (that was used in the workshop slides) should be explicitly included in the guidance.

### **Section 4 explores the links between the Socio-Economic Duty, and other duties public bodies must carry out.**

### **Q4A - What could the Welsh Government and separately relevant public bodies do to make sure the links between the different duties are managed effectively within organisations?**

It is agreed that the socio-economic duty should add value to both the existing and planned duties, and that they should be mutually reinforcing, while not creating an unnecessary administrative burden and complexity.

Co-production was an evident theme across several responses with respondents suggesting that it is at the heart of the duty. Organisations have called for more collaborative working, particularly between Welsh Government, relevant public bodies and third sector organisations. It was also noted that co-production needs to be strengthened with active community involvement.

Many respondents have called for strong leadership from Welsh Government and alignment across the various duties, to reduce complexity and duplication and support more effective mainstreaming of equality.

It has been requested that Welsh Government provides guidance and exemplars on aligning the various duties. This includes clarification on how bodies should handle the

challenges of juggling various duties in practice, and explanation of how bodies should best utilise resources to integrate consideration of the new Duty alongside existing internal practices.

Several have called for integrated assessments that incorporate the requirements of different duties to ensure that all factors are given equal status in the decision-making process. However, it was added that it is essential that these do not promote a “tick-box” or “tokenistic” approach to the duties, and that genuine consideration is given to each.

### **Align to current mechanisms**

One theme which emerged was to align reporting on inequalities of outcome with existing reporting mechanisms.

It was suggested that: *“Using the current National Wellbeing Indicators which map to ‘a more equal Wales’ is supported.”*

There is also support to relate the duty to existing Welsh indicators and measures. However, there are some concerns about linking this approach with the WIMD index which is itself an “imperfect measure”.

A local authority suggested they are *“indicators of wellbeing and are not necessarily outcomes of socio-economic disadvantage.”*

Respondents have expressed that not developing a new measurement framework for the socio-economic duty might risk greater confusion.

Other suggestions include:

- A Commissioner who oversees the duty, working with others such as Future Generations Commissioner to ensure adherence.
- A working group which meets to share best practice.
- A yearly (short) report from every public body including details from any organisations receiving funds to deliver services for these public bodies.
- A platform to share experience and ask questions.
- A guide to outline the relationship between the duties.
- Ensuring all the duties are captured by inspection /regulatory bodies.
- Provision of an All Wales portal for data.
- Welsh Government to develop a suite of information around best practice examples.

### **Q4B - Please can you provide any examples which you have either seen or undertaken of good practice in taking an integrated approach to issues such as, but not limited to, poverty, equality, and human rights?**

Examples suggested include:

- The World Health Organisation (WHO) European Office for Investment for Health and Development Health Equity Status Report initiative (HESRi) and Health Equity Status Report (HESR) and the subsequent Welsh Health Equity Status Report Initiative (WHESRi) from Public Health Wales
- Scottish Government’s approach outlined in *A Fairer Scotland*



- Vale of Glamorgan Council's new Strategic Equality Plan
- Velindre University NHS Trust's Integrated Equality Impact Assessment process
- United Nations Convention on the Rights of the Child
- International Covenant on Economic, Social and Cultural Rights
- Cynnal Y Cardi project <http://www.cynnalycardi.org.uk/english/>
- Several local authorities have referenced their integrated impact assessments which incorporate a range of legislative requirements.
- Equality and Human Rights Impact Assessment <http://eqhria.scottishhumanrights.com/> / Case studies from Newcastle, Oldham, York and others cited in Just Fair (2018) *Tackling socio-economic inequalities locally: Good practices in the implementation of the socio-economic duty by local authorities in England*
- Cardiff & Vale University Health Board's joint consultation/engagement work with Sport Wales, Arts Council of Wales, National Museum Wales, **Her Majesty's Revenue and Customs** (HMRC), Velindre NHS Trust and others, for its Strategic Equality Plan
- Betsi Cadwaladr University Health Board's Well North Wales

## Question 5 – Supporting Documents

### Q5A - Do you agree with our assessment of the likely impacts of the Duty?

The majority of respondents (85%) agreed with Welsh Government's assessment of the likely impacts of the Duty, concurring that the cost (social and financial) of doing nothing is huge.

However, it was agreed by local authorities that the impacts are likely to be underestimated for local authorities, who felt that the timescales need to be adjusted to allow for more preparation time, and that the estimation it will take one individual from a public body one hour per annum to undertake the task is *'neither realistic nor gives the right message to the significance of this duty'*.

One local authority stated *"The costs of implementation are grossly underestimated in the RIA. It assesses half a day of a senior officer's time to integrate into the policy process. Making data available across the authority, changing process and procedure and training all relevant staff and members in the first year of implementation will be significant. Thereafter senior officer (decision-maker/report writer) time in properly impact assessing decisions will be significant. Elected member time in scrutinising decisions is also not accounted for."*

Despite feeling the estimations were 'unrealistic', respondents found it difficult to estimate how long it would take, stating *'it is hard to accurately state how long it will take for an authority to familiarise itself with the duty/guidance and adjust any policies/processes accordingly.'*

A couple of respondents stated that they agreed to 'some extent' but felt the proposal appeared to be more about *"mitigating the consequences of poverty rather than addressing the root causes of poverty itself"*.

In responding, several pointed out that consideration must be made to the additional costs needed to deliver this new duty. The figures used assume the costs for all organisations will

be the same. However, the impact of those costs will be different in each authority/organisation, based on size and locality.

One local authority stated: *“There has been no reference made to the financial impact of actions necessary to meet this duty on all included organisations. The Regulatory Impact Assessment only seems to account for Welsh Government staff time in writing guidance, consulting, implementation and reporting. It does not refer to costs of each public body associated with implementation and training of thousands of staff.”*

This was agreed by a health board, which stated: *“The cost associated for organisations tasked with increasing organisational awareness and understanding, by providing ongoing training, coaching and scrutiny, for example across the health boards large geographical area and workforce of 18,000, is significantly more than estimated in the RIA.”*

### **Q5B - Do you have any additional/alternative data to help inform the final assessment of costs and benefits contained within the Regulatory Impact Assessment?**

At this stage none of the respondents had any additional/alternative data to help inform the final assessment of costs, suggesting that once the interim guidance is available, they will be better placed to determine a more accurate figure.

### **Question 6 – Welsh Language**

**We would like to know your views on the effects that commencing the socio-economic duty would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.**

**What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?**

Many of the respondents felt they were unable to comment accurately on the potential impact of the socio-economic duty on the Welsh language and its use.

### **Evidence linking deprivation and access to Welsh needed**

One theme that emerged repeatedly was the link between socio-economic deprivation and access to the Welsh language.

Of the 24 organisations responding to Question Six of the consultation, 6 felt that they were unable to provide a thorough response, due to a lack of evidence linking socio-economic disadvantage and access to services in Welsh.

### **Positive impact**

Out of the 24 email respondents, 5 expressed that they believed the duty would be positive, within those 5, 1 respondent requested further information on the link between language and health investment.

Three email respondents suggested that it would be unlikely to have a negative impact on the Welsh language or Welsh language communities. It was suggested that this could be

due to the provision for bilingual communications which have already been implemented through the Welsh Language Standards across Wales.

A local authority body said that *“when engaging on the socio-economic duty we would look to deliver this in-line with the Welsh Language Standards and as far as possible would offer opportunities for people to engage using the language of their choice”*.

An online survey respondent also felt that it would potentially elevate the Welsh language status and help make it equal to English, they said that this would be the result of public bodies being *“obliged to address any linguistic disadvantage that Welsh speakers may have in social and economic circles”*.

Three email respondents were in agreement about the potential benefits to Welsh language speakers in particular, with a health board stating that access to Welsh language services *“could improve their health, for example in understanding their treatment options”*.

In relation to its impact on existing Welsh speakers, a local authority suggested considering the Welsh language and Welsh speaking communities in context, as people can feel disadvantaged or socially isolated whether they live in either rural or urban areas.

It stated: *“Areas with the highest proportion of Welsh speakers are often in more rural and isolated areas, which can be more socially disadvantaged in terms of service provision and social opportunities. Also, in more densely populated areas which have low proportions of Welsh speakers, Welsh speaking communities or individuals can feel more socially disadvantaged and isolated within their communities.”*

Areas with a greater proportion of Welsh speakers, and where Welsh is a crucial part of the community also must be safeguarded, according to a local authority.

## **Question 7 – Welsh Language**

**Please also explain how you believe the proposal to commence the socio-economic duty could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language, and on treating the Welsh language no less favourably than the English language.**

Assessment of local needs and aligning with the Welsh Language Standards are among the suggestions email respondents have provided to beneficially impact the socio-economic duty in relation to the Welsh language.

A number of organisations that responded had ideas relating to how the proposal to commence the socio-economic duty could be formulated or changed in order to be more inclusive of, or enhance provisions for, the Welsh language.

These included an assessment of local need, looking in-depth at communities which are socially deprived and how the socio-economic duty would impact them and the Welsh language directly.

## **Question 8 - Summary of responses**

**We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:**

### **Protected characteristic groups**

While the consultation includes important consideration of the Welsh Language Act, it was highlighted that it does not prompt consideration of the effects that commencing the socio-economic duty would have on equality and protected characteristic groups e.g. disabled people (as defined within the accompanying integrated assessment). The organisation states: *“This relationship is fundamental, and we would recommend that this be clearly articulated in supporting guidance.”* The membership organisation also cited the academic research of Sir Michael Marmot, suggesting that *“the strategies to be prioritised are those that take a national approach in scope but are resourced and delivered with an intensity that is related to the level of social need on a local level.”*

### **Planning decisions**

A local authority raised queries about the duty in relation to planning, stating: *“From a land use planning perspective, the proposed socio-economic duty would need to be a key consideration when preparing a local development plan and could have far reaching effects for the planning system as a whole.”* It goes on to say that while they support the duty, some aspects remain unclear, adding *“This lack of clarity is a major concern for the planning process, especially for plan preparation.”* The local authority has called on Welsh Government to provide *“additional guidance specific to planning, which would help to clearly define the ‘goal posts’ for LPAs when preparing LDPs for adoption or review and help to avoid unnecessary judicial review challenges.”*

### **Private sector involvement**

*“There’s perhaps no reason why the Welsh Government couldn’t also encourage private sector organisations to integrate the duty – working out/citing the benefits for them in doing so. They have an extremely important part to play in mitigating socio-economic inequality. Further thought should be given to this and to a communication strategy.”*

### **Un-devolved areas**

One respondent suggested that the Welsh Government could attempt to gain increasing control over un-devolved areas that significantly impact socio-economic inequality, welfare reform being a prime example, so they could then exercise greater control and further intervene in mitigating inequality in Wales.

### **Links to the economy**

Finally, in this section, one respondent pointed out that there is no mention of the breadth and link with national infrastructure/economic development plans and the socio-economic duty e.g. National Development Framework or City regional deals. Also the foundational economy in Wales, which is increasingly playing an important part in reducing socio-economic as well as wider inequality.

## Appendix - A More Equal Wales: Commencing the Socio-economic Duty

### Additional comments from question 1a

#### An overview of comments relating to the key terms

##### Decisions of a strategic nature

- Definition could include 'activities' and 'outcomes' in the definition.
- Greater clarification is needed with specific terms, for example, strategic may be defined differently across organisations and policy is interpreted as an operational decision and not strategic in some organisations.
- Guidance was suggested to cover what decisions fall under the duty, the evidence that should be considered, offer examples to illustrate how the terms may manifest, and how public bodies' duty to consider this issue may work in practice. It was added that it should feature information to implement the duty and improve awareness and understanding.
- It was suggested that Welsh Government could amend to: *"Decisions which set the organisations' overall direction, priorities and strategies, considering its wider environment and which have potential implications for how it deploys its financial and human resources."*
- It was suggested that a strategic decision is one that:
  - helps set an organisation's overall priorities, or
  - determines its key policies and implementation plans, or
  - establishes its targets, or
  - influences its broad approaches, or
  - apportions its expenditure concerning the delivery of its business.

It added that *"this rewriting of the definition is more than a typographical change. It encourages engagement with each aspect. It is also explicit about whether the separate features are 'or' or 'and'. In its original form, the definition merely gives the impression that 'a strategic decision is one that sets a strategy'. We have removed the word 'strategy' from a definition of a 'strategic decision'. If the word is included, the definition tends to feel circular."*

##### Inequalities of outcome

Considerations:

- to include the impact of living next to affluent areas.
- The inequalities of outcome on which it focuses are the causes and consequences of poverty.
- Too vague, and that inclusion of a multiplicity of inequalities are too vast and complex for a limited number of public bodies to make any difference.
- The duty must address the causes as well as the mitigation of the consequences of socio-economic disadvantage.

Clarification needed:

- To assist public bodies to identify which groups should be considered, a list that establishes a minimum standard but does not restrict any other emerging groups or community from being considered.
- Referring to social exclusion and what “living on a low income compared to others in Wales” means.
- On the understanding of how “low income” working families can face financial pressures such as affording childcare, which affects their disposable income.
- What is meant by ‘experienced in both places and communities of interest’?

#### Definitions:

- Definitions which are relevant to people’s everyday experiences of socio-economic equality would be more effective. Those living with socio-economic disadvantage would be best to inform policy-makers of how it affects real life.
- Include in the definition the ‘expected impact’.
- The term “might help” within the socio-economic disadvantage definition implies a positive duty, this may lead organisations to look for the positives rather than the negatives.
- Disagree with the wording ‘consider the desirability of...’ suggested under ‘due regard’. We prefer ‘must actively consider, with an open mind, whether there are opportunities to reduce inequalities of outcome caused by socio-economic disadvantage’.
- A breakdown of key elements in the suggested definitions of: Low income compared to others; Little or no wealth, Material deprivation, and Area deprivation, was also requested.

#### **Socio-economic disadvantage**

- Alignment with the Scottish Government’s definition of socio-economic disadvantage – while it is not clear from the consultation text, the proposed Welsh Government definition is aligned to that of the Scottish Government.

#### **Organisations which responded via email:**

1. Welsh Local Government Association
2. Blaenau Gwent CBC
3. Bridgend CBC
4. Caerphilly CBC
5. Conwy CBC
6. Neath Port Talbot CBC
7. Flintshire County Council
8. Monmouthshire County Council
9. Rhondda Cynon Taf Council
10. Newport City Council
11. Denbighshire County Council
12. Ceredigion County Council
13. Powys County Council
14. Isle of Anglesey Council
15. Swansea Council
16. Vale of Glamorgan Council
17. Wrexham County Borough Council
18. Welsh Gov – Health & Social Services
19. Welsh NHS Confederation

20. Hywel Dda University Health Board
21. Aneurin Bevan University Health Board
22. Betsi Cadwaladr University Health Board
23. Cardiff & Vale University Health Board
24. Swansea Bay University Health Board
25. North Wales Community Health Council
26. Powys Teaching Health Board
27. Velindre NHS Trust
28. Public Health Wales
29. Royal College of Psychiatrists
30. Royal College of Physicians
31. South Wales Fire & Rescue
32. Barry Town Council
33. Lampeter Town Council
34. Holywell Town Council
35. Llanedi Community Council
36. Monmouthshire Housing Association
37. National Probation Service in Wales
38. Swansea University
39. Wales Audit Office
40. Women's Equality Network Wales
41. Chwarae Teg
42. Children's Commissioner for Wales
43. Welsh Language Commissioner
44. Equality & Human Rights Commission
45. Police & Crime Commissioner for South Wales
46. Public Services Ombudsman for Wales
47. Tai Pawb
48. Age Cymru
49. Diverse Cymru
50. Save the Children
51. Wales TUC
52. Oxfam
53. Food Sense Wales
54. Shelter Cymru
55. British Heart Foundation Cymru
56. South Wales Equality Group
57. Child Poverty Action Group
58. Children in Wales
59. All Wales People First
60. Bevan Foundation
61. National Museum for Wales
62. Health Education and Improvement Wales
63. Cwmni2