



Llywodraeth Cymru
Welsh Government

A More Equal Wales

Preparing for the
commencement of the
Socio-economic Duty

Non-Statutory Guidance

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Introduction

The Duty will encourage better decision making and ultimately deliver better outcomes for those who are socio-economically disadvantaged.

This guidance is aimed at helping public bodies who are expected to be captured by the duty (“relevant public bodies”) prepare for this date. The consultation A More Equal Wales – Commencing the Socio-economic Duty¹ sought views on those public bodies captured by the duty. Chapter 5 contains a proposed list of relevant public bodies. A final list of relevant public bodies will be published in the Regulations and corresponding statutory guidance, to be issued alongside commencement of the duty.

The Welsh Government recognises that relevant public bodies operate differently and therefore wants to encourage innovation in preparing to meet the duty, welcoming different approaches. We know that there is a lot of good work already underway to reduce inequality across the public sector and it is the aim of the Welsh Government and this guidance to build on this strong foundation.

This guidance is non-statutory and has been informed through feedback received through the consultation and the engagement events held across Wales. It has been co-produced with representatives of the bodies to be captured by the duty, the TUC, the Welsh Local Government Association and the Equality and Human Rights Commission.

Thank you to everyone who has contributed.

The Welsh Government will continue to work with relevant public bodies, the Welsh Local Government Association (WLGA) the TUC, the Equality and Human Rights Commission (EHRC), third sector bodies and those who have experience of socio-economic disadvantage to develop statutory guidance to coincide with the commencement of the duty.

In particular this document should be considered by:

Strategic decision makers: board and committee members, executive and non-executive directors;

Senior leaders: chief executives, chairs and heads of service;

Managers of systems: impact assessment, project development, procurement, governance, finance and engagement;

Governance and compliance leads and policy leads.

1. <https://gov.wales/sites/default/files/consultations/2019-11/a-more-equal-wales-commencing-the-socio-economic-duty.pdf>

Policy context

The UK's exit from the European Union continues to bring immense uncertainty, particularly in relation to equality and human rights.

Decades of EU membership has produced a legacy of benefits covering many aspects of daily life in Wales. Examples being employment rights, environmental rights and health and safety regulations.

In response to calls from many stakeholders for the Welsh Government to take action to safeguard equality and human rights, particularly in the context of EU withdrawal, several pieces of work are being taken forward – commencing the duty is one aspect. In broad terms, this means that in Wales we will be using our powers to reduce inequalities resulting from socio-economic disadvantage.

The First Minister made a commitment to commence Part 1, Sections 1 to 3 of the Equality Act 2010² (“the 2010 Act”) – the duty, at the time of his appointment in December 2018. On 11 June 2019, the Deputy Minister and Chief Whip gave an oral statement to Plenary about advancing equality and human rights in Wales. She said:

“ To demonstrate and reaffirm Welsh Government’s commitment to the principles of advancing equality and human rights in Wales, Welsh Government will be taking forward work to explore options to safeguard equality and human rights in Wales. This work would begin with commencing the Socio-economic Duty in Wales, as well as working with the Equality and Human Rights Commission to review and strengthen the Welsh regulations for the public sector equality duty.

A consultation ran for eight weeks, closing on 17 January 2020. The consultation gathered views on the Welsh Government’s proposal to commence the duty, asked which public bodies should be captured by the duty and how the duty should be delivered.

The Welsh Government received a total of 98 responses and there were more than 140 attendees at the engagement events held across Wales. The responses showed significant support for the duty and the notion of bodies not listed within the legislation “honouring the spirit of the duty” also emerged as a prominent idea.

However, some respondents raised concerns regarding the time they had to prepare for the implementation of the duty – initially planned for 1 April 2020, with several requests seeking a longer ‘lead-in time’.

The Deputy Minister and Chief Whip has listened to the views of stakeholders and wants to ensure relevant public bodies are as prepared as possible before the duty comes into effect. In recognition of this, and in response to the **unprecedented nature of the Coronavirus (COVID 19)** crisis a revised date for the duty coming into force has been agreed. The duty will now come into force on the **31 March 2021**.

2. <http://www.legislation.gov.uk/ukpga/2010/15/contents>

Legislative background

The Equality Act 2010 is a legal framework, which aims to harmonise and strengthen discrimination law, supporting progress towards equality. It brings together and re-states a number of enactments, including the Equal Pay Act 1970³, the Race Relations Act 1976⁴ and the Disability Discrimination Act 1995⁵. It makes it unlawful to discriminate against those with a protected characteristic under the Act. The 2010 Act also places a 'due regard' duty (public sector equality duty⁶) on public bodies, to ensure that advancement of equality of opportunity is a key consideration for relevant public bodies when carrying out their functions.

Despite the 2010 Act coming into force on 8th April 2010, Part 1 – the duty, lay dormant on the statute book, as neither the UK Government, nor the devolved legislatures elected to commence it.

The Wales Act 2017 legislated for a new model of Welsh devolution, which included fully devolving the power to commence the duty in Wales. Section 45 of the Wales Act 2017⁷, amends Part 1 of the 2010 Act⁸ to achieve this. The Welsh Ministers intend to use this power to commence Sections 1 to 3 of the 2010 Act in Wales – the Socio-economic Duty.

SECTION 1

requires relevant public bodies, when taking strategic decisions, to have due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

It lists the bodies that will be covered by the duty, and includes a provision for Ministers to issue guidance for public bodies in regard to it.

SECTION 2

confers a power on the Welsh Ministers to make regulations, naming those relevant public bodies to which the duty will apply. In determining which bodies are 'relevant authorities' the Welsh Ministers must consider whether each authority meets the criteria specified in section 2(6) of the 2010 Act.

SECTION 3

makes clear that the duty will not create any new justiciable rights for individuals.

In summary, the statutory requirement of the duty places a legal responsibility on relevant bodies when they are taking strategic decisions to have due regard to the need to reduce the inequalities of outcome resulting from socio-economic disadvantage.

Please note section 1(6) of the 2010 Act states that there is no requirement for relevant bodies to consider inequalities experienced by those persons subject to immigration control.

The duty is intended to complement and not compete with, or override, other statutory duties incumbent upon relevant public bodies, for example the Public Sector Equality Duty, or the Well-being of Future Generations (Wales) Act 2015. Please see Chapter 11 for more detail relating to other relevant statutory duties.

There is no reporting duty attached to the duty, however, it is a statutory duty and relevant bodies should be able to demonstrate how they have discharged it. Once the duty is commenced, if an individual or group whose interests are adversely affected by a relevant public body's decision, in circumstances where that individual or group feels the duty has not be properly complied with, they may be able to bring a judicial review claim against that authority. (See section on Due Regard below).

3. http://www.legislation.gov.uk/ukpga/1970/41/pdfs/ukpga_19700041_en.pdf

4. <http://www.legislation.gov.uk/ukpga/1976/74/enacted>

5. <https://www.legislation.gov.uk/ukpga/1995/50/contents>

6. <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

7. <http://www.legislation.gov.uk/ukpga/2017/4/contents/enacted>

8. <http://www.legislation.gov.uk/ukpga/2010/15/contents>

Defining the key terms

The text below explores various definitions of the key terms from Section 3.

THESE ARE:

1. **Decisions of a strategic nature;**
2. **Due regard;**
3. **Socio-economic disadvantage;**
4. **Inequalities of outcome.**

These definitions have been developed from policy work undertaken by the Welsh Government, through discussion with key stakeholders and consideration of relevant guidance from other parts of the UK. They will be used within the statutory guidance, which will be produced by Welsh Ministers to support relevant public bodies discharge their duty under this proposed legislation.

DECISIONS OF A STRATEGIC NATURE

DEFINITION:

In general, strategic decisions will be those which effect how the relevant public body fulfils its intended statutory purpose (its functions in regards to the set of powers and duties that it uses to perform its remit) over a significant period of time and will not include routine 'day to day' decisions.

For some relevant public bodies, such decisions may only be taken annually, in other cases, they will come up more often.

The duty will apply to both new **strategic decisions** and when reviewing previous strategic decisions. Note, the duty is not retrospective, which means relevant public bodies do not have to give due regard to decisions which have been made before commencement.

Below are some examples (not an exhaustive list) of strategic decisions for relevant public bodies:

- ✓ Strategic directive and intent
- ✓ Strategies developed at Regional Partnership Boards and Public Service Boards which impact on a public bodies functions
- ✓ Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- ✓ Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- ✓ Changes to and development of public services
- ✓ Strategic financial planning
- ✓ Major procurement and commissioning decisions
- ✓ Strategic policy development.

DUE REGARD

DEFINITION:

Giving weight to a particular issue in proportion to its relevance.

Due regard is an established legal concept in equalities law. The concept of due regard should be well understood by relevant public bodies in relation to the public sector equality duty. It means giving weight to a particular issue in proportion to its relevance. We would expect the same principles to apply to this duty.

The Welsh Government would encourage relevant public bodies to be able to evidence a clear audit trail for all decisions made under the duty and should fully understand the likely impact of such decisions in order to pay due regard to reducing inequalities of outcome caused by socio-economic disadvantage.

Existing practice for demonstrating evidence should be used, this might include impact assessment processes, systems for engagement and community involvement and use of local evidence and data.

As with the public sector equality duty, an individual or group may bring judicial review proceedings against a public body which is covered by the duty, if they believe the public body has not considered socio-economic disadvantage when taking decisions of a strategic nature. It is for relevant bodies to evidence how they are meeting the statutory requirement and therefore it is recommended that relevant public bodies should evidence a clear audit trail for all decisions made under the 2010 Act. Demonstrating due regard – six useful questions to ask:

- 1. What evidence has been considered in preparing for the decision, are there any gaps in the evidence?**
- 2. What are the voices of people and communities telling us? (Including those with lived experience of socio-economic disadvantage).**
- 3. What does the evidence suggest about the decision's actual or likely impacts regarding inequalities of outcome as a result of socio-economic disadvantage?**
- 4. Are some communities of interest or communities of place more affected by disadvantage in this case than others?**
- 5. What does our impact assessment tell us about gender, race, disability and other protected characteristics that we may need to factor into our decisions alongside those suffering socio-economic disadvantage?**
- 6. What existing evidence do we have about the proposal being developed, including what could be done differently?**

USEFUL REFERENCES:

The Brown Principles⁹ can be used to determine whether due regard has been given. Making Fair Financial Decisions¹⁰ (EHRC, 2019) provides useful information about the 'Brown Principles'. In addition, Welsh Government Guidance on Making Good Decisions¹¹ refers to the principle of due regard and assists relevant public bodies to make good decisions that are lawful and comply with the rule of law. Key components of the Brown Principles include the following:

- 1. Decision-makers must be made aware of their duty to have 'due regard' to the aims of the duty.**
- 2. 'Due regard' is fulfilled before and at the time a particular policy that will or might affect people with protected characteristics is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.**
- 3. Attempts to justify a decision as being consistent with the exercise of the duty, when it was not considered before the decision are not enough to discharge the duty.**
- 4. The duty must be exercised in substance, with rigour, and with an open mind in such a way as it influences the final decision. The duty has to be integrated, it is not a question of ticking boxes.**
- 5. The duty cannot be delegated and will always remain with the body subject to it.**
- 6. The duty is a continuing one.**
- 7. It is good practice for those exercising public functions to keep an accurate record showing that they had actually considered the duty. If records are not kept it may make it more difficult, evidentially, for a public body to persuade a court that it has fulfilled the duty.**

9. R. (Brown) v. Secretary of State for Work and Pensions [2008] EWHC 3158.

10. <https://www.equalityhumanrights.com/en/advice-and-guidance/making-fair-financial-decisions>

11. <https://law.gov.wales/constitution-government/public-admin/intro-admin-law/welsh-government-guidance-on-making-good-decisions/?lang=en#/constitution-government/public-admin/intro-admin-law/welsh-government-guidance-on-making-good-decisions/?tab=overview&lang=en>

The Gunning Principles¹² as shown below, set out four principles for appropriate consultation and can be used to support public bodies in applying fairness in its engagement and consultation.

PRINCIPLE 1

Consultation must take place when the proposals are still at a formative stage.

You must not have already made up your mind.

PRINCIPLE 2

Sufficient reasons must be put forward to allow for intelligent consideration and response.

Have people been given the information and opportunity to influence?

PRINCIPLE 3

Adequate time must be given for consideration and response.

Is the consultation long enough bearing in mind the circumstances?

PRINCIPLE 4

The product of consultation must be conscientiously taken into account when finalising the decision.

SOCIO-ECONOMIC DISADVANTAGE

DEFINITION:

Living in less favourable social and economic circumstances than others in the same society.

Socio-economic disadvantage can be disproportionate in both **communities of interest and communities of place**, leading to further inequality of outcome, which can be further exasperated when considering **intersectionality**

Communities of interest

those who share one or more of the protected characteristics listed in the Equality Act 2010 can be considered communities of interest.

Groups of people who share an experience, for example, people who have experienced homelessness, the health and social care system or a local service. Accordingly, it is likely that people will reflect several communities of interest

Those who share an identity can similarly be communities of interest too, for example, lone parents and carers.

Communities of place

refers to people who are linked together because of where they reside, work, visit or otherwise spend a substantial portion of their time.

Intersectionality

The Gender Equality Review¹³ defines intersectionality in the following way- recognising the way in which power structures based on factors such as gender, race, sexuality, disability, class, age and faith interact with each other and create inequalities, discrimination and oppression. Crucially, it is about understanding the way in which characteristics such as gender, race or class, can interact and produce unique and often multiple experience and disadvantage in specific situation.

One single form of discrimination cannot and should not be understood in isolation from one another. A truly intersectional approach ensures that this does not happen.

Socio-economic disadvantage doesn't respect urban and rural boundaries, disadvantage can be exacerbated by many factors of daily life, here's some examples:

Poverty is often hidden in smaller

communities – the cost of living and accessibility of transport, education and employment can impact more negatively on rural populations.¹⁴ Research has found that rural areas are at a higher risk of deprivation if access to services are included as a measure of poverty¹⁵.

12. <https://www.local.gov.uk/sites/default/files/documents/The%20Gunning%20Principles.pdf>

13. <https://chwaratereg.com/projects/gender-equality-review/#phase-two>

14. <https://www.equalityhumanrights.com/sites/default/files/is-britain-fairer-2018-is-wales-fairer.pdf>

15. <https://gov.wales/sites/default/files/statistics-and-research/2019-02/national-survey-wales-2017-18-poverty-deprivation.pdf>

The National Survey for Wales states:

“ In general, areas that are built-up or urban have a higher proportion of people in material deprivation than other areas: 18% of people living in urban areas (defined as areas with more than 10,000 residents) are deprived compared with 13% in rural areas.¹⁶

Regional variations reveal the extent of low-paid work in rural areas, and some industrial areas in the South Wales Valleys. In five Welsh local public bodies – Blaenau Gwent, Pembrokeshire, Gwynedd, Anglesey and Conwy – more than 30% of workers are paid less than the voluntary Living Wage. At the other end of the spectrum, around 20% of workers in Caerphilly, Cardiff and Neath Port Talbot are paid less than the voluntary Living Wage.¹⁷

Sources of data and research on socioeconomic disadvantage are included in the next section.

INEQUALITIES OF OUTCOME

DEFINITION:

Inequality of outcome relates to any measurable differences in outcome between those who have experienced socio-economic disadvantage and the rest of the population.

Relevant public bodies will be in a position to influence specific socio-economic inequalities – they should understand where they can have the greatest positive impact.

There are a range of ways in which relevant public bodies can build this awareness as they will already have access to a wide range of relevant quantitative data and other evidence including:

- **Annual employment data published under the public sector equality duty¹⁸**
- **The Equality and Human Rights Commission’s report *Is Wales Fairer?***
- **The Equality and Human Rights Commission measurement framework for equality and human rights¹⁹, setting the indicators for *Is Wales Fairer?***
- **The Welsh Government’s *Future Trends report*²⁰**
- **Statistics available from *StatsWales*²¹ and the *Office for National Statistics*²²**
- **The Welsh Government’s *Well-being of Wales Report*²³**
- **Chwarae Teg’s *Gender Equality Review*²⁴**
- **Older Peoples Commissioner for Wales *State of The Nation Report*.²⁵**

Some relevant public bodies will be able to gather evidence via their membership of Public Services Boards established under the Well-being of Future Generations (Wales) Act 2015, to undertake assessments of local well-being to inform the development of local well-being plans.

Some relevant public bodies also have a duty under the Children and Families (Wales) Measure 2010 to set objectives for tackling child poverty. They will be able to draw on evidence of what works well in tackling those inequalities associated with poverty as well as those measures which help prevent and tackle disadvantage.

Separately, relevant public bodies can engage directly with individuals and communities affected by socio-economic disadvantage to inform strategic decision making, for example through consultation and engagement events.

16. <https://gov.wales/sites/default/files/statistics-and-research/2019-02/national-survey-wales-2017-18-poverty-deprivation.pdf>

17. <https://gov.wales/sites/default/files/statistics-and-research/2019-02/national-survey-wales-2017-18-poverty-deprivation.pdf>

18. <https://statswales.gov.wales/Catalogue/Equality-and-Diversity/Public-Sector-Equality-Duty>

19. <https://www.equalityhumanrights.com/en/publication-download/measurement-framework-equality-and-human-rights>

20. <https://gov.wales/future-trends-2017>

21. <https://statswales.gov.wales/Catalogue>

22. <https://www.ons.gov.uk/>

23. <https://gov.wales/well-being-wales-2019>

24. <https://chwaraeteg.com/projects/gender-equality-review/#phase-two>

25. <https://www.olderpeoplewales.com/en/reviews/SOTN.aspx>

Involving communities in decision-making is key to getting decisions right and making sure they achieve positive outcomes.

Relevant public bodies need to consider how their strategic decisions can improve inequality of outcome for people who suffer socio-economic disadvantage.



The public bodies covered by the duty

The 2010 Equality Act enables Welsh Ministers to specify by regulations the relevant Welsh public bodies to be covered by the socio-economic duty.

SECTION 2 (4) STATES:

(4)...

Welsh Ministers may by regulations amend section 1 so as to:

- **add a relevant authority to the authorities that are subject to the duty under subsection (1) of that section;**
- **remove a relevant authority from those that are subject to the duty;**
- **make the duty apply, in the case of a particular relevant authority, only in relation to certain functions that it has;**
- **in the case of a relevant authority to which the application of the duty is already restricted to certain functions, remove or alter the restriction.**

However section 2(6) of the Act provides a test to determine which devolved Welsh authorities are eligible for inclusion in the list at section 1 (3) of the 2010 Act as relevant authorities to which the socio-economic duty will apply.

SECTION 2(6) OF THE 2010 ACT STATES:

(6)...

For the purposes of the power conferred by subsection (4) on the Welsh Ministers, “relevant authority” means [a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006) whose functions correspond] or are similar to those of an authority for the time being specified in subsection (3) of section 1 or referred to in subsection (4) of that section.

26. Hansard, HC Public Bill Committee, 5th Sitting, col. 145 (June 11 2009).

This means for a devolved public body to be captured under the duty in Wales, they must have functions, which correspond or are similar to those of an authority in subsection (3) of section 1.

The list of relevant public authorities set out in section 1 (3) of the 2010 Act¹, covering England, originally specified the following:

- **a Minister of the Crown;**
- **a government department other than the Security Service, the Secret Intelligence Service or the Government Communications Head-quarters;**
- **a county council or district council in England;**
- **the Greater London Authority;**
- **a London borough council;**
- **the Common Council of the City of London in its capacity as a local authority;**
- **the Council of the Isles of Scilly;**
- **a Strategic Health Authority established under section 13 of the National Health Service Act 2006, or continued in existence by virtue of that section;**
- **a Primary Care Trust established under section 18 of that Act, or continued in existence by virtue of that section;**
- **a regional development agency established by the Regional Development Agencies Act 1998;**
- **a police authority established for an area in England.**

During its passage through the House of Commons, the Solicitor-General, Vera Baird said as follows in relation to section 1 (3) of the 2010 Act:

It is a new duty covering only a limited number of organisations [.....] and it is not a long list because it is intended to apply only to high level strategic bodies taking key decisions²⁶.

The following Welsh public bodies are expected to be subject to the duty, as they are deemed to meet the test set out in section 2(6) of the 2010 Act:

- **The Welsh ministers**
- **A local authority**
- **A local health board**
- **An NHS trust**
- **Special health authorities (operating on a Wales-only basis)**
- **A fire and rescue authority**
- **A National park authority**
- **The Welsh revenue authority.**

As explained in Chapter 1, a confirmed list of relevant public bodies will be published in the Regulations and corresponding statutory guidance, to be issued alongside commencement of the duty.

Meeting the duty when commissioning and procuring services

As only identified public bodies are subject to the duty, the duty remains with that body. Therefore, the requirement to meet the duty does not pass to a third party through procurement, commissioning or outsourcing.

However, in circumstances where this activity is considered by a relevant public body to engage the duty, the relevant public body must consider how such arrangements reduce inequalities of outcome caused by socio-economic disadvantage.

Meeting the duty when working in partnership

When a relevant body works in partnership with bodies not covered by the duty, the duty only applies to the relevant body.

For example, local well-being plans are developed and owned by a range of partners, however those relevant public bodies subject to the duty should ensure that they are discharging their duty through consideration of how the elements of the plan they have responsibility for will reduce inequalities of outcome caused by socio-economic disadvantage.

All public bodies in Wales are encouraged to support the spirit of the duty.

Preparing to meet the duty

In preparing for the duty, it is recommended that relevant public bodies follow the steps below:



Meeting the duty on a day-to-day basis

An example of how relevant public bodies may meet the duty on a day-to-day basis is set out below in a five stage approach:

STAGE 1: PLANNING

Is the decision a strategic decision?

STAGE 2: EVIDENCE

What evidence do you have about socio-economic disadvantage and inequalities of outcome in relation to this decision?

Have you engaged with those effected by the decision?

Have you considered communities and places of interest?

STAGE 3: ASSESSMENT AND IMPROVEMENT

What are the main impacts of the proposal?

How the proposal could be improved so it reduces inequalities of outcome as a result of socio-economic disadvantage?

STAGE 4: STRATEGIC DECISION MAKERS

This stage is for decision makers to confirm that due regard has been given, for example executives and non-executive directors, board and committee members. They should be satisfied that the body has understood the evidence and likely impact, and has considered whether the policy can be changed to reduce inequality of outcome as a result of socio-economic disadvantage.

STAGE 5:

This stage is the process of evidencing and recording how 'due regard' has been given. At this stage changes to the decision should be made and recorded.

Using existing process to meet the duty on a day-to-day basis

As referred to under due regard in section 4, relevant public bodies should consider how they integrate the socio-economic duty into existing processes, opportunity for this could be considered through the following:

- **Taking an integrated approach to impact assessment**
- **Taking a broader approach to engagement and involvement to include socio-economic disadvantage**
- **Developing scrutiny frameworks to include scrutiny of impact with respect to inequality of outcome that result from socio-economic disadvantage**
- **Taking an integrated approach to planning and reporting**
- **Developing integrated performance measures**
- **Considering prevention of inequalities of outcome caused by socio-economic disadvantage through application of the Well-being of Future Generations Act's five ways of working.**

Appendix

The following section is intended to provide a brief overview of duties under the Equality Act 2010, the Well-being of Future Generations (Wales) Act, 2015 and the Human Rights Act 1998.

The purpose of this is to ensure that, when preparing for the duty, relevant public bodies are mindful of the other equality and well-being duties which will co-exist alongside the duty.

It may be useful for relevant public bodies to start thinking about how these duties can be exercised with maximum efficiency, for example, to avoid duplication of work in circumstances where these duties overlap and to address them in an integrated way.

In addition to the main duties set out below, individual public bodies may also have other relevant duties which are specific to them, that they would wish to consider here.

It is envisaged that the statutory guidance to be issued alongside commencement of the duty, will contain further detail on the interaction between the duty and the other equality and well-being duties to assist public bodies in complying with the duty, whilst taking account of their wider statutory duties in relation to equalities and well-being in Wales.

The relevant main duties are as follows:

THE EQUALITY ACT 2010

Section 149 of the Equality Act 2010²⁷ (“the 2010 Act”) sets out the public sector equality duty (PSED) which, in summary, places a general duty on public bodies to have due regard in exercising their functions of the need to:

- **Eliminate discrimination, harassment and victimisation;**
- **Advance equality of opportunity between those who share a relevant protected characteristic and persons who do not share it; and**
- **Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

The nine protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership

Building on the 2010 Act, distinctive Welsh regulations²⁸ laid specific duties in Wales to help listed bodies in their performance of the PSED. Under these specific duties, listed devolved public sector bodies must publish equality objectives and review these objectives at least every four years. In reviewing these objectives listed bodies should involve people who share one or more of the protected characteristics and have an interest in the way the public sector body carries out its functions.

The duty also requires listed bodies to report progress towards fulfilling each of their equality objectives annually, and to assess the likely impact of proposed policies and practices on its ability to comply with the general duty. From time to time, a listed body must carry out an assessment of their activities in relation to compliance with the general duty, publish a report and publish relevant equality information.

27. <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

28. The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011

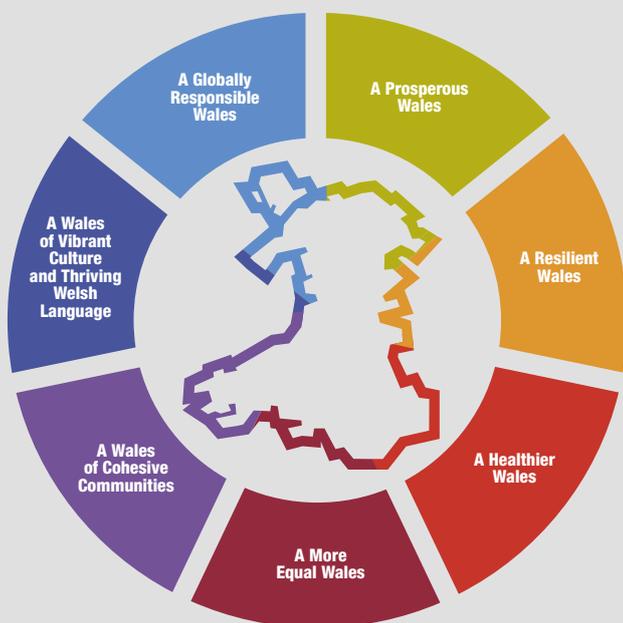
THE WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-being of Future Generations (Wales) Act 2015²⁹ aims to improve the social, economic, environmental and cultural well-being of Wales.

It makes the 44 public bodies listed in the Act think more about the long-term, preventing problems occurring or getting worse through involving people and taking a more joined up approach.

To make sure that public bodies are all working towards the same vision, the Act puts in place seven well-being goals. This will help to create a Wales that we all want to live in, now and in the future.

THE SEVEN WELL-BEING GOALS



The Socio-economic Duty contributes mainly to **A More Equal Wales**:

A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio-economic background and circumstances).

The 2015 Act introduced the sustainable development principle which places an obligation on public bodies to make sure that when making their decisions they consider the impact they could have on people living in Wales now and in the future.

There are five things public bodies need to think about to show that they have applied the sustainable development principle known as the five ways of working.

COLLABORATION



Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives.

INTEGRATION



Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies.

INVOLVEMENT



The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.

LONG TERM



The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs.

PREVENTION



How acting to prevent problems occurring or getting worse may help public bodies meet their objectives

29. <https://futuregenerations.wales/about-us/future-generations-act/>

Together, the seven well-being goals and five ways of working provided by the Act are designed to support and deliver a public service that meets the needs of the present without compromising the ability of future generations to meet their own needs.

THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law.

The ECHR derives from the Council of Europe (not the European Union) and is based on the Universal Declaration of Human Rights, which was the first international agreement on the basic principles of human rights, accepted by nearly every state in the world. The UK remains a signatory to both the ECHR and the Universal Declaration.

Commencing the duty gives us an opportunity to do things differently in Wales, putting tackling inequality at the heart of strategic decision-making for relevant public bodies.

This work will ultimately build on the good work that public bodies are already doing to tackle inequality.

This work also links to plans to strengthen our social partnership arrangements and Fair Work agenda as both help to address inequality from different perspectives.