



Llywodraeth Cymru
Welsh Government

A More Equal Wales

Mapping the Duties

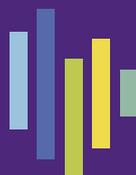
The Equality Act 2010's Socio-Economic Duty

The Equality Act 2010's Public Sector Equality Duty

The Well-being of Future Generations Act 2015 Duties



Comisiwn
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Generations
Commissioner
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We all want to see a more equal and fairer Wales.

Public bodies play an essential role in contributing to this goal through the services they provide.

We have a series of duties in Wales that all play their part in enabling public bodies to work towards progressing equality and addressing inequalities.

This guide has been prepared to help public bodies consider opportunities to apply the socio-economic, the public sector equality¹ and the well-being of future generations duties in an aligned way. This approach will help public bodies focus their resources on addressing the most significant inequalities in Wales.

The guide provides a summary of common organisational processes under the duties, and a number of potential tips where the duties can be applied together whilst not undermining their distinct requirements and the outcomes they seek to achieve.

¹ The welsh specific duties under the Equality Act (Statutory Duties) (Wales) Regulations 2011 www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-wales

What is in this guide?

This document provides tips for the alignment, where appropriate, of common organisational processes taken by public bodies under the three duties. Five processes of the duties are:

1. Setting objectives
2. Considering equality in decision-making
3. Engagement, involvement, and consultation
4. Accountability and Scrutiny
5. Tracking and reporting on impact

*Not all of the above processes are a statutory requirement under each duty.

This is a non-statutory guide designed to help public bodies with the Socio-economic Duty that came into force on 31 March 2021. It should be viewed alongside the relevant statutory guidance for each duty.

Please note that following the processes and tips in this guide will not mean a public body has fully complied with each duty – this document focuses on common organisational processes across the duties.

A MORE EQUAL WALES

Equality Act 2010: Public Sector Equality Duty	Equality Act 2010: The Socio-Economic Duty	Well-being of Future Generations Act 2015
<p>Public bodies subject to the Duty must, in the exercise of their functions, comply with the general duty to have due regard to the need to:</p> <ol style="list-style-type: none"> Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. Advance equality of opportunity between people who share a protected characteristic and those who do not. Foster good relations between people who share a protected characteristic and those who do not. <p>The Duty covers the protected characteristics of: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnership.</p> <p>The specific duties Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011) set out the steps that listed bodies in Wales must take in order to demonstrate that they are paying due regard to the general duty. These cover: setting objectives, publishing strategic equality plans, conducting engagement, completing equality impact assessments, using equality information, employment information, pay differences, staff training, procurement, publishing annual reports, Welsh Ministers’ reporting, review and accessibility.</p> <p>The Public Sector Equality Duty is contained in the Equality Act 2010, with the specific duties passed by the Senedd Cymru. The Duty currently covers over 70 bodies in Wales.</p>	<p>Public bodies subject to the Duty must, when making decisions of a strategic nature about how to exercise their functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.</p> <p>This duty is contained in the Equality Act 2010. The Senedd Cymru has legislative power to bring the Duty into force in Wales. It applies to over 35 listed public bodies in Wales.</p>	<p>Public bodies subject to the Duty must carry out sustainable development. To do this, public bodies must work to improve the social, economic, cultural and environmental well-being of Wales by taking action in accordance with the sustainable development principle and aim of achieving the vision for Wales set out in the seven well-being goals of: A Prosperous Wales, A Resilient Wales, A Healthier Wales, A More Equal Wales, A Wales of Cohesive Communities, A Wales of Vibrant Culture and Welsh Language, A Globally Responsible Wales.</p> <p>A more equal Wales’ is defined as: ‘A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances)’.</p> <p>The Act puts in place the ‘sustainable development principle’ which public bodies must act in accordance with in order to meet their duties. This includes the five ways of working that public bodies must take account of. These are: long-term, prevention, integration, collaboration, and involvement.</p> <p>Within the 46 national indicators that measure progress against the seven well-being goals, many of these measure aspects relating to a more equal Wales.</p> <p>The Future Generations Commissioner is the guardian of future generations. This means helping public bodies and those who make policy in Wales to think about the long-term impact their decisions have.</p> <p>The Well-being of Future Generations Act is Welsh legislation, it applies to 44 public bodies in Wales.</p>

Setting objectives to focus action on reducing inequalities in Wales

The setting of objectives is an important feature of all public bodies, as these set the priorities on which action will be focused to improve outcomes for people. There is a range of quantitative and qualitative evidence – at national and local level - to assist public bodies in identifying inequalities and setting objectives to reduce them. An emphasis on identifying, and reducing, inequalities of outcome is central to the three duties.

What are bodies required to do?

Socio-economic duty

Consider the reduction of inequalities of outcome related to socio-economic disadvantage when taking strategic decisions. This includes corporate objectives, equality objectives and well-being objectives. The Duty does not require the setting of additional objectives specific to the Duty.

Public Sector Equality Duty

Set equality objectives that should be outcome-focused, focus on the most significant inequalities and progress the aims of the general duty. Equality objectives must be reviewed at least every 4 years, and be published with a Strategic Equality Plan setting out the steps that will be taken.

Well-being of future generations duty

Take action to carry out sustainable development. This includes:

- i) setting and publishing well-being objectives designed to maximise the body's contribution to achieving each of the wellbeing goals;
- ii) taking all reasonable steps to meet those objectives.

Tips to consider

Consider setting joint outcome-focused objectives and action-plans under the Public Sector Equality Duty and the Well-being Duty that focus on reducing inequalities. These could consider protected characteristics and the impact of socio-economic disadvantage, and could be reflected in corporate and annual plans. Establish the same timeline for setting Public Sector Equality Duty equality objectives and well-being objectives by reviewing objectives under the different duties at the same time.

Use relevant tools, such as the [EHRC Measurement Framework](#), [National Indicators for Wales](#) and [EHRC Is Wales Fairer? 2018](#) report to identify where a public body can have the greatest impact in reducing inequalities of outcome as a result of socio-economic disadvantage to inform equality and well-being objectives.

Use the statutory assessments published by Public Services Boards on the state of well-being to identify inequalities of outcome that exist in the local area.

Consider how to reduce inequalities of outcome related to socio-economic disadvantage under all the well-being goals, not just under 'a more equal Wales'.

Analyse [future trends](#) and [horizon scan](#) to set objectives and steps about taking preventative action to build resilience, address existing inequalities, and aim to avoid increases in inequalities of outcome in relation to socio-economic disadvantage before they occur. Long-term trends in relation to inequality are particularly relevant and public bodies should consider objectives and steps that address both current and potential future inequalities.

Refer to the [EHRC Public Sector Equality Duty guide on setting equality objectives](#), the [Future Generations Report Chapter 4](#), and the [Future Generations Report 2020's A More Equal Wales section](#) for detailed advice on setting objectives.

Consideration of equality within decision-making

Understanding the potential positive and adverse impact of new policy and practice, and changes to existing policy and practice, helps public bodies make better decisions that respond to the needs of people in Wales. Consideration of the needs of people sharing protected characteristics, and the need to reduce inequalities of outcome linked to socio-economic disadvantage, should be carried out before decisions are taken, influencing the decision-making. Decision making is not a one-off event, it is a process and therefore equality considerations should be monitored and kept under review throughout the development of policies and plans.

What are bodies required to do?

Socio-economic duty

When making strategic decisions, such as deciding priorities and setting objectives, consider how decisions can reduce inequalities of outcome associated with socio-economic disadvantage. Relevant public bodies are encouraged to be able to evidence a clear audit trail for all decisions made under the Duty.

Public Sector Equality Duty

Assess the likely impact of proposed policies and practices on the ability to comply with the general duty and the particular impacts on people with protected characteristics. Public bodies must publish reports of the assessments where they show a substantial impact (or likely impact) on their ability to meet the general duty. This has become known as an EIA (Equality Impact Assessment).

Well-being of future generations duty

Understand how they can make the best contribution to their well-being objectives in their governance, policy and through the decisions that they make. There is no specific requirement to carry out well-being impact assessments but public bodies can choose to do so.

Tips to consider

Consider the inclusion of reducing inequalities of outcome linked to socio-economic disadvantage within existing impact assessments. This must go beyond simply mitigating the worsening of impact. Due consideration of each duty's requirements must be evidenced if an integrated approach to assessment is used.

Ensure impact assessments are live documents that are regularly reviewed to understand the impact before, during and after implementation.

Assessing **future trends** will help to identify the long term issues, opportunities and challenges shaping socio-economic disadvantage now and for the future.

Refer to the EHRC's **Public Sector Equality Duty guidance on the Duty on assessing impact** for detailed guidance on equality impact assessment.

Refer to the **Equality Impact Assessment in Wales Practice Hub** for practical tools to support consideration of equality in decision-making.

Refer to the **Future Generations Framework** and Journeys to assess the specific impact and actions that are being taken towards the 'A More Equal Wales' goal and for ideas as to what more could be done.

Consider the Well-being Future Generations (Wales) Act 2015 ways of working, in particular 'Integration' to identify how a public body's actions impact all of their objectives, as well as the objectives of other nearby public bodies and Public Services Boards. The **Future Generations Framework** can help with this.

Engagement, involvement and consultation

Public bodies listening to, and working with, members of their communities is essential to good decision-making that will result in better outcomes for all. The different duties have different processes to make sure this happens, but they all work towards a common purpose: to facilitate the active participation of stakeholders in an open and ongoing dialogue where those involved have demonstrably informed the decision-making process.

What are bodies required to do?

Socio-economic duty

Public bodies are encouraged to consider data and evidence on the inequalities of outcome associated with socio-economic disadvantage. Engaging directly with individuals and communities affected by socio-economic disadvantage will inform this.

Public Sector Equality Duty

Involve people who are considered representative of those with different protected characteristics and those who have an interest in how an authority carries out its functions.

Well-being of future generations duty

Apply the sustainable development principle and the five ways of working, including 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.

Tips to consider

Adopt a whole organisational engagement plan that provides a long term look at how the organisation will engage and involve people across a range of agendas.

Ensure that engagement involves people with protected characteristics and those that are socio economically disadvantaged, across both communities of place and interest, and considering intersectionality².

The National Participation Standards for Children and Young People can be used to support public engagement.

Identify opportunities to work in partnership with other public bodies to hold regional consultation and engagement that supports your work under a number of duties.

The **Future Generations Commission Involvement Journey tool** can be used to embed a culture of meaningful citizen and stakeholder involvement.

Consider the **5 Principles of Co-Production** for an approach that involves people providing and people receiving services to share power and responsibility.

Refer to **guides on the requirements of the Public Sector Equality Duty Specific Duties** in relation to engagement and consultation.

Ensure feedback is given to stakeholders on how their involvement has informed a decision, to ensure transparency and maintain an ongoing dialogue.

² Needs Not Words, A Summary of Gender Equality in Wales, 2019 provides a definition of intersectionality chwarateg.com/wp-content/uploads/2019/09/English-Digital_Summary-GER.pdf

Accountability and Scrutiny to make a more equal and fairer Wales

Transparency is crucial for showing how public bodies do their business and how they are performing. It is vital that interested parties are able to easily access timely and relevant information to hold public bodies to account on implementation of the duties and in making a more equal Wales.

What are bodies required to do?		Tips to consider
Socio-economic duty	Demonstrate consideration of the need to reduce inequality of outcome as a result of socio-economic disadvantage within strategic decision making. This could be demonstrated in annual reports, the publication of impact assessments, and in publication of board papers, for example.	<p>Ensure scrutiny committees, boards, and audit and risk committees have received training on the requirements of the Socio-economic duty, the Public Sector Equality Duty and the Well-being of Future Generations Act.</p> <p>Ensure scrutiny has a focus on the outcomes for people with different protected characteristics and socio-economic disadvantage, not just on the internal decision-making processes undertaken.</p>
Public Sector Equality Duty	Publish an annual equality report, an up to date Strategic Equality Plan, assessment of equality impacts and other documents to aid accountability and scrutiny. The EHRC regulates the PSED and its approach is to encourage, guide, monitor and regulate activity on the Duty.	<p>Use the Future Generations Commission Framework for scrutiny to ensure decisions have taken into account all the necessary elements in relation to the Act. Including the need to work towards the goal 'A more equal Wales'.</p> <p>Use the Future Generations Commission Self-reflection tool to bring colleagues together from across the organisation for focused conversations on equality and socio-economic disadvantage to collectively understand how the body can progress objectives which contribute across the duties.</p>
Well-being of future generations duty	<p>Publish a well-being statement.</p> <p>Publish an Annual Report on progress towards meeting well-being objectives.</p> <p>Ensure the designated local government scrutiny committee scrutinises the work of the Public Services Board. The Commissioner and Audit Wales assess progress towards well-being objectives and goals and public bodies' use of the Sustainable Development principle.</p>	<p>Ensure that accountability and scrutiny mechanisms include internal and external stakeholders.</p> <p>Refer to the Public Sector Equality Duty guides for detailed information on the publication of information under the Specific Equality Duties in Wales.</p>

Tracking and reporting on impact towards a more equal and fairer Wales

Tracking, and reporting on, impact is essential to ensuring that the steps an organisation is taking are leading to the right outcomes. Organisations should have qualitative and quantitative measures to gain a well-rounded picture of progress. There are a number of indicators that public bodies can use to track the long-term progress of people's outcomes.

What are bodies required to do?		Tips to consider
Socio-economic duty	There is no bespoke reporting requirement to the Duty. However, public bodies are encouraged to monitor and understand the impact of the Duty using existing reporting measures.	<p>The Public Sector Equality Duty annual reports and well-being reports could be used to evidence how the socio-economic duty has had an impact on decision-making, and to identify connections between the socio-economic disadvantage and protected characteristics.</p> <p>Take opportunities to publish Public Sector Equality Duty reports earlier than the annual March 31 deadline if this supports other planning and reporting cycles.</p> <p>Set a long-term vision to track progress on reducing inequalities of outcome: consider what success looks like in five, ten, fifteen, twenty, and twenty-five years, and identify appropriate milestones and measures utilising existing indicators.</p> <p>Indicators such as those in the Equality and Human Rights Commission equality and human rights measurement framework and the National Well-being Indicators for Wales can be used to track long-term change in people's outcomes. The equality and human rights measurement framework has a section that identifies where the two frameworks have common Indicators.</p> <p>Improve data collection that identifies, and can track, inequalities of outcome related to socio-economic disadvantage. The measurement framework can support this.</p> <p>Refer to the Public Sector Equality Duty guide on annual reporting and publishing for detailed guidance in relation to the Specific Equality Duties.</p>
Public Sector Equality Duty	Produce an annual report by 31 March each year that responds to the Duty requirements including the steps the authority has taken to identify and collect relevant information and how the authority has used this information in meeting the three aims of the general duty.	
Well-being of future generations duty	Publish an annual report showing the progress made in meeting their objectives; the Welsh Government has to lay its report before the Senedd- Cymru -Welsh Parliament. The Future Generations Commissioner and Audit Wales produce assessment of progress reports every 5 years.	

Additional information

The Equality Act 2010

www.equalityhumanrights.com/en/equality-act/equality-act-2010

The Socio-economic Duty

Non Statutory guidance

gov.wales/sites/default/files/publications/2020-04/preparing-for-the-commencement-of-the-socio-economic-duty.pdf

Factsheet

gov.wales/sites/default/files/publications/2020-05/commencing-socio-economic-duty-factsheet.pdf

Overview of the Duty (FAQ)

gov.wales/socio-economic-duty-overview

The Equality Act 2010 Public Sector Equality Duty in Wales

Guides to the Public Sector Equality Duty in Wales

www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-wales

Measurement Framework for equality and human rights

www.equalityhumanrights.com/en/publication-download/measurement-framework-equality-and-human-rights

Is Wales Fairer? 2018

www.equalityhumanrights.com/en/publication-download/wales-fairer-2018

The Well-being of Future Generations (Wales) Act 2015

Introduction and useful resources

www.futuregenerations.wales/about-us/future-generations-act/

Animation – Well-being of Future Generations (Wales) Act (2015)

www.youtube.com/watch?v=rFeOYlxJbmw

Statutory Guidance

gov.wales/well-being-future-generations-wales-act-2015-guidance

National Indicators for Wales

gov.wales/well-being-future-generations-national-indicators

Well-being of Wales (The statutory annual well-being report)

gov.wales/well-being-wales

The Human Rights Act 1998 and International Conventions

Approaching implementation of the socio-economic duty in the right way will help public services to meet their obligations under the Human Rights Act 1998 and international human rights law. It is unlawful for public bodies in Wales to act incompatibly with the European Convention of Human Rights.

International treaties with rights regarding economic and social rights include:

- **International Covenant on Economic, Social and Cultural Rights (ICESCR)**
- **International Covenant on Civil and Political Rights (ICCPR)**
- **United Nations Convention on the Rights of the Child (UNCRC)**
- **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**
- **United Nations Convention on the Elimination of All Forms of Discrimination against Women (UNCEDAW)**
- **United Nations Convention on the Elimination of All Forms of Racial Discrimination (UNCERD)**