

SL(5)745 – The Equality Act 2010 (Authorities subject to a duty regarding Socio-economic Inequalities) (Wales) Regulations 2021

Background and Purpose

Part 1 of the Equality Act 2010 (“the 2010 Act”) provides that a relevant authority must, when making decisions of a strategic nature about how to exercise its 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 (“the Duty”).

The Duty is due to come into force in Wales on 31 March 2021 by way of commencement order. These Regulations, if approved, will come into force on 30 March 2021. The Duty is to be supported by statutory guidance which has also been laid before the Senedd and is due to be published alongside the commencement of the Duty.

Section 1(3) of the 2010 Act will list the relevant authorities in Wales to which the Duty will apply, which currently includes Ministers of the Crown and government departments. Section 2(4)(a) of the 2010 Act permits the Welsh Ministers to make Regulations to add relevant Welsh authorities to the list in section 1. These Regulations add the following to the list of relevant authorities in Wales to which these Regulations will apply:

- the Welsh Ministers;
- a county council or county borough council in Wales;
- a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
- an NHS Trust established under section 18 of the National Health Service (Wales) Act 2006;
- a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006 other than a cross-border Special Health Authority (within the meaning of section 8A(5)() of the National Health Service (Wales) Act 2006);
- a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies, for an area in Wales;
- a National Park authority established by an order under section 63 of the Environment Act 1995 for an area in Wales;
- the Welsh Revenue Authority.

Procedure

Draft Affirmative



The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note there is no equality impact assessment for these Regulations and ask the Welsh Government to explain what arrangements it has made, in respect of these Regulations, to publish reports of equality impact assessments in accordance with regulation 8(1)(d) of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011.

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

In relation to a post-implementation review of the Regulations, the Committee notes that paragraph 10.4 of the Regulatory Impact Assessment states:

“Given the multiple outcomes anticipated as a result of the Duty a programme of monitoring and evaluation activity of the above will be developed to correspond with key activities, and a range of research and evaluation methods will be considered, depending on the nature of the data required.”

Welsh Government response

A Welsh Government response is required in relation to the first reporting point only.

Legal Advisers

Legislation, Justice and Constitution Committee

23 February 2021

