

The Rt Hon. Mark Drakeford MS  
First Minister of Wales

21 January 2022

Dear Mark

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 23) Regulations 2021

During our meeting on 10 January 2022 we considered The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 23) Regulations 2021 (the Regulations).

Our report on the Regulations, laid on 10 January 2022, contained four merits points for reporting to the Senedd, two of which required a response from the Welsh Government.

We considered the Welsh Government's response to these merits points during our meeting on 17 January 2022.

For ease of reference, our third merits point, which we raise regularly in relation to coronavirus regulations, stated:

*"We note there is no equality impact assessment for the Regulations and ask the Welsh Government to explain what arrangements it has made, in respect of the 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.*

*While it is noted that the Explanatory Memorandum states, "... summary impact assessments are in preparation which will include impacts relating to working from home", it is unclear whether these will include an equality impact assessment and,*



*in any event, they are not currently available to the citizen for the purpose of assessing the equalities impact of the new provisions being introduced by the Regulations."*

In response, we were told:

*"The Welsh Government routinely prepares and publishes Summary Impact Assessments in relation to changes in the Coronavirus regulations at the earliest opportunity after each review period. These Summary Impact Assessments can be accessed here."*

Based on our understanding, as of the afternoon of Monday 17 January, the latest impact assessment that appeared on the Welsh Government's impact assessments webpage was published on 2 November 2021 relating to the NHS COVID Pass. Given that nearly three months have passed since that date and there have been significant changes to the coronavirus regulations during this period, this gave us some cause for concern.

Following our meeting, our clerking team officials noted that a further impact assessment for the updated NHS COVID Pass was published on 18 January. Nevertheless, we would be grateful if you could confirm when summary impact assessments for all changes made to the coronavirus regulations since November, including, for example, the requirements around working from home, indoor/outdoor events, and mask wearing, will be made publicly available. We would also welcome any detail you are able to provide us on best practice guidance or deadlines your officials work towards when preparing and publishing these assessments following each review period and subsequent changes to regulations.

I would be grateful to receive your response by 1 February 2022.

Yours sincerely,

*Huw Irranca-Davies*

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Chair