

**Response by the Public Services Ombudsman for Wales
to the Welsh Government consultation ‘Equality Act 2010:
commencing the socio-economic duty’**

I am pleased to have the opportunity to respond to the Welsh Government consultation ‘Equality Act 2010: commencing the socio-economic duty’.

As Public Services Ombudsman for Wales (PSOW), I investigate complaints made by members of the public who believe they have suffered hardship or injustice through maladministration or service failure on the part of a body in my jurisdiction, which essentially includes all organisations that deliver public services devolved to Wales. These include:

- local government (both county and community councils)
- the National Health Service (including GPs and dentists)
- registered social landlords (housing associations)
- the Welsh Government, together with its sponsored bodies.

I am also able to consider complaints about privately arranged or funded social care and palliative care services and, in certain specific circumstances, aspects of privately funded healthcare.

Context

I respond to this consultation from my position as employer and leader of a public body in Wales, subject to other relevant duties (e.g. the equality duty). I am committed to the principle of the socio-economic duty proposed.

Question 1

The definitions of ‘strategic decision’ and ‘socio-economic disadvantage’ proposed in the consultation document appear comprehensive, reasonable and proportionate.

The definition of ‘inequalities of outcome’ is more open and - as the consultation document acknowledges – its focus may vary depending on the core functions of each public body. However, it is not immediately clear to me how an impact assessment based on the measures of inequality under the National Well-being Indicators would be aligned to the impact assessment under the equality duty. This could require further attention and guidance, especially given the preference expressed in the consultation document for an impact assessment of the socio-economic duty and the equality duty to be aligned.

Question 2

Although my office does not satisfy the test set out in section 2(6) of the Equality Act 2010 (specifying which of the Welsh public authorities should be bound by the duty), I am committed to act in the spirit of the duty and embed consideration to socio-economic inequalities in all aspects of my work. For instance,

- the Public Service Ombudsman (Wales) Act 2019 future-proofed my office. With the power to handle oral complaints and undertake investigations on own initiative, I am now in a much stronger position to deal with the challenges of an ageing society, enhance and uphold social justice and assist the most vulnerable.
- my recent [Equality Plan](#) (available also in [Easy Read](#)) includes a commitment to start collecting data about the caring duties of my complainants, staff and job applicants, as well as to review how I gather information about the socio-economic status of complainants. Under the Plan, I will also be reviewing my Equality Impact Assessment tool, and I will consider how to integrate having due regard to socio-economic inequalities into the assessment procedure.

Question 3

In general, I believe that the expectations and requirements on the relevant public bodies under the socio-economic duty should be proportionate to their capacity, nature of operations and likely impact.

The suggested requirements for the relevant public bodies to assess the impact of their strategic decisions of populations under socio-economic disadvantage are reasonable. However, as I indicated above (Q1), more thought may be needed to how procedures for impact assessment and monitoring under the equality duty and the socio-economic duty should be aligned. While I agree that these procedures should be integrated and mutually reinforcing, the challenge to this is that these two duties differ significantly in scope (e.g. the 2010 Act does not establish socio-economic discrimination).

Question 4

In general, I believe that the socio-economic duty should add value to both the existing and planned duties (e.g. equality duty, well-being duty, social partnerships and fair work duty). These duties should be mutually reinforcing, while not creating an unnecessary administrative burden and complexity.

Although it is reasonable to expect each body to manage the links between its various statutory duties and voluntary commitments, it is the responsibility of the Welsh Government to ensure that there is a consistency in the requirements and guidelines for assessment, reporting and monitoring under each duty (including the timetable for these processes). In addition, the Welsh Government should ensure that the data to aid public bodies in complying with the duties is up to date, comprehensive and easily accessible.

Closing remarks

I trust that you will find my comments useful. Should you wish to discuss any of my points further, please do not hesitate to contact Ania Rolewska, my Head of Policy (ania.rolewska@ombudsman.wales).



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