



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

25TH MARCH 2021

THE SOCIO ECONOMIC DUTY (EQUALITY ACT 2010)

REPORT OF THE DIRECTOR OF HUMAN RESOURCES IN DISCUSSIONS WITH THE RELEVANT PORTFOLIO HOLDER CLLR. MAUREEN WEBBER, DEPUTY LEADER

**Author(s): Melanie Warburton, Diversity and Inclusion Manager,
Telephone 01443 444531.**

1. PURPOSE OF THE REPORT

- 1.1 This report provides information on the Socio economic Duty which will come into force on 31 March 2021.

2. RECOMMENDATIONS

It is recommended that the Cabinet:

- Note the content of the report in respect of the requirements of the Socio economic Duty and the need to ensure that the duty is incorporated into key Council decisions, to reduce the inequalities of outcomes from socio economic disadvantage.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To meet legislative requirements contained in Sections 1-3 of the Equality Act 2010.
- 3.2 The Socio economic Duty is viewed as a key mechanism to support the most vulnerable in our society. As such the Duty must be integrated into decision making processes and not treated as a tick box exercise.

4. BACKGROUND

- 4.1 Despite the Equality Act 2010 being implemented in 2010, Part 1 of the Act which includes the Socio economic Duty has laid dormant.

- 4.2 Due to it's devolved powers the Welsh Government is commencing Sections 1-3 of the Equality Act 2010 in Wales – the Socio economic Duty, namely:
- Section 1 requires relevant public bodies, when taking strategic decisions, to have due regard to the need to reduce the inequalities of outcome from socio economic disadvantage.
 - 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 it clear that the Duty will not create any new justiciable rights for individuals.
- 4.3 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.
- 4.4 There is no reporting requirement 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 been properly complied with, they may be able to bring a judicial review claim against that authority.
- 4.5 In preparation for the Duty the Welsh Government have produced a number of helpful guides to aid decisions makers. These include:
- [The Socio economic Duty: Guidance](#)
 - [The Socio economic Duty: Examples of inequality of outcome](#)
 - [The Socio economic Duty: Scrutiny framework.](#)

5. EQUALITY IMPACT ASSESSMENTS

- 5.1 The Council already has an established Equality Impact Assessment (EqIA) process in place. If completed robustly this tool can demonstrate due regard has been paid in respect of the Public Sector Equality Duty.
- 5.2 There is a need for the EqIA process to be strengthened. This is already highlighted in the Council's Strategic Equality Plan 2019-2022.

- 5.3 The EqIA Form and Guidance has been revised to take into account the statutory requirements of the Socio economic Duty.
- 5.4 Both documents provide a host of information for lead officers and decision makers to enable them to consider how proposals are paying due regard to the need to reduce inequalities of outcome from socioeconomic disadvantage.
- 5.5 Whilst the EqIA is an important tool to evidence due regard, it is crucial that decision makers and lead officers focus on outcomes and not just the process. The use of relevant data and engagement with communities is essential for effective decision making.

6. THE REVIEW PANEL

- 6.1 To strengthen and safeguard the decision making process a Review Panel is being established to act as an independent review mechanism to scrutinise the proposal being considered.
- 6.2 The Review Panel will meet to review all Council key decisions and review both EqIA's and Welsh Language Impact Assessments.
- 6.3 It is proposed the Review Panel will consist of:
 - a representative from Democratic Services/Executive Officer Support
 - a representative from the Diversity & Inclusion Team
 - a representative from the Consultation & Engagement Team
 - a representative from Welsh Language Services
 - a representative from Legal Services
 - a Service Director/Head of Service/Service Manager from another service area than that which is generating the policy proposal.

- 6.4 The Review Panel will make recommendations as to whether the evidence contained in the EqIA (or Welsh Language Impact Assessment) needs to be strengthened prior to presentation to Cabinet.

7 EQUALITY AND DIVERSITY IMPLICATIONS

An Equality Impact Assessment is not needed because the contents of the report are for information purposes only.

8 CONSULTATION / INVOLVEMENT

Consultation is not needed because the contents of the report are for information purposes only.

9 FINANCIAL IMPLICATION(S)

There are no financial implications aligned to this report.

10 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

The Socio economic Duty is contained within Sections 1-3 of the Equality Act 2010. 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. The [mapping guide](#) demonstrates how the aforementioned duties align.

11 LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.

Equality considerations feature throughout Corporate and National priorities and specifically the contents of this report significantly contribute to a More Equal Wales.

12 CONCLUSION

In addition to existing equality duties, from 31 March 2021, key Council decisions will need to pay due regard to the need to reduce inequalities of outcome from socio economic disadvantage.