



Llywodraeth Cymru
Welsh Government

GUIDANCE

Socio-economic Duty: scrutiny framework

Tool to help decision makers meet their duty to have 'due regard' to the Socio-economic Duty.

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Introduction

The scrutiny framework is for:

- Strategic decision makers: board and committee members, executive and non-executive directors and elected members.
- Senior leaders: chief executives, chairs and heads of service.
- Governance and compliance leads.

The duty requires specified public bodies, when making strategic decisions such as deciding priorities and setting objectives, to consider how their decisions might help reduce the inequalities associated with socio-economic disadvantage.

This framework has been developed to support decision makers in discharging their duty to have 'due regard' to the Socio-economic Duty.

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Key terminology for decision makers

Strategic Decision

In general, strategic decisions will be those which affect how the relevant public body fulfils its intended statutory purpose (its functions in regards to the set of powers and duties that it uses to perform its remit) over a significant period of time and will not include routine 'day to day' decisions.

Due Regard

Due regard is an established legal concept in equalities law. The concept of due regard should be well understood by public bodies in relation to the Public Sector Equality Duty. It means giving weight to a particular issue in proportion to its relevance.

Audit Trail

In this context an 'Audit trail' should reflect a step by step record of evidence gathered to inform a decision.

Relevant public bodies are encouraged to:

- Set out a transparent evidence trail for all decisions made under the duty.
- Ensure that evidence identifies any likely impact/s of such decisions in relation to the socio-economic duty; and
- Evidence how due regard was given, including records of changes made to the decision.

Considering socio-economic disadvantages can be incorporated into existing processes such as impact assessments, systems for engagement and involvement, consideration of future trends and application of the **Well-being of Future Generations (Wales) Act**, five ways of working.

Please refer to the '[Mapping tool](#)' to support this.

The role of strategic decision makers

Below is taken from the non-statutory guidance and provides a stage by stage example of how the duty might look in practice. Stage four is for decision makers to confirm that the stages have been followed, ensuring that 'due regard' has been given.

Good decision-making practice involves continuous review and improvement. Assessment of impact should be kept under review, with changes made to ensure that inequalities of outcome are continually reduced.

Stage 1: planning

- Is the decision a strategic decision?

Stage 2: evidence

- What evidence do you have about socio-economic disadvantage and inequalities of outcome in relation to this decision?
- Have you engaged with those effected by the decision?
- Have you considered communities and places of interest?

Stage 3: assessment and improvement

- What are the main impacts of the proposal?
- How the proposal could be improved so it reduces inequalities of outcome as a result of socio-economic disadvantage?

Stage 4: strategic decision makers

- This stage is for decision makers to confirm that due regard has been given,

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for example executives and non-executive directors, board and committee members. They should be satisfied that the body has understood the evidence and likely impact, and has considered whether the policy can be changed to reduce inequality of outcome as a result of socio-economic disadvantage.

Stage 5

- This stage is the process of evidencing and recording how ‘due regard’ has been given. At this stage changes to the decision should be made and recorded.

Confirming that due regard has been given

The following could be used as a checklist for strategic decision makers:

Examples that might help to confirm that due regard has been given	Examples of information decision makers might be provided with or might request
Sufficient evidence has been considered, gaps in evidence have been identified and steps are in place to cover identified gaps.	An audit trail of evidence including: Current insight, future trends information, information received through consultation, engagement and involvement. This might be captured through, for example: <ul style="list-style-type: none">• Impact assessment documentation• Risk assessment documentation• Application of the 5 ways of working documentation• Engagement plans and logs• Departmental business plans• Corporate Strategic Planning processes

Examples that might help to confirm that due regard has been given	Examples of information decision makers might be provided with or might request
The voices of people and communities have been heard, particularly the voices of those who suffer socio-economic disadvantage.	Feedback from consultation and engagement, headline messages, summary reports.
How the decision is likely to impact on inequalities of outcome experienced as result of socio-economic disadvantage.	Impact assessment documentation.
How some communities of interest or places of interest are more likely to be impacted by the decision.	Impact assessment documentation.
The likely impact on those sharing protected characteristics and further impacts regarding intersectionality.	Impact assessment documentation.
Where possible, changes have been made in order to ensure that the decision reduces inequality caused by socio-economic disadvantages.	Impact assessment documentation. Committee meeting/board meeting papers and notes, project plans.

Please refer to page 8 of the [non-statutory guidance](#) for further information.

Further information

The Brown Principles can be used to determine whether due regard has been given. [Making Fair Financial Decisions \(EHRC, 2019\)](#) provides useful information about the 'Brown Principles'. In addition, [Guidance on Making Good Decisions](#) refers to the principle of due regard and assists relevant public bodies to make good decisions that are lawful and comply with the rule of law.

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Further detail regarding key terminology is included with [published guidance](#).

[Additional resources](#) have been developed to support implementation of the Socio-economic Duty, including guidance, a duty mapping document and a progress tracker tool.

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