

# A More Equal Wales

## The Socio- economic Duty

This slide deck provides general information to support awareness raising and implementation of the Duty.

# Cymru fwy Cyfartal

## Ddyletswydd Economaid- Gymdeithasol

Mae'r sleidiau hyn yn rhoi gwybodaeth gyffredinol i godi ymwybyddiaeth am y Ddyletswydd ac i helpu i'w gweithredu.



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# The declaration and intent

The duty will be a key mechanism in planning Wales's recovery from the impact of Covid-19, making sure that we support the most vulnerable people in our communities. This will enable us to move towards the reconstruction of a fairer and more prosperous Wales.

# Y datganiad a'r bwriad

Bydd y ddyletswydd yn fecanwaith allweddol wrth gynllunio adferiad Cymru o effaith Covid-19, gan sicrhau ein bod yn cefnogi'r bobl fwyaf agored i niwed yn ein cymunedau. Bydd hyn yn ein galluogi i symud tuag at ailadeiladu Cymru decach a mwy ffyniannus.



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# The legal bits

Section 45 of the [Wales Act 2017](#) devolves the power to Welsh Ministers to commence the socio-economic duty to the Welsh Government. This involves enacting Part 1, Section 1 of the [Equality Act 2010](#) – the socio-economic duty.

The Equality Act 2010 is a UK piece of legislation and Welsh Ministers do not have the power to change this.

The duty will apply to eligible public bodies, who are deemed to have satisfied the 'test' under section 2(6) of the Equality Act 2010. The Duty came into force on 31<sup>st</sup> March 2021.

# Y darnau cyfreithiol



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Mae Adran 45 o [Ddeddf Cymru 2017](#) yn datganoli'r pŵer i Weinidogion Cymru gychwyn y ddyletswydd economaidd-gymdeithasol i Lywodraeth Cymru. Mae hynny'n golygu rhoi Rhan 1 o Adran 1 o [Ddeddf Cydraddoldeb 2010](#) ar waith – y ddyletswydd economaidd-gymdeithasol.

Deddf y Deyrnas Unedig yw Deddf Cydraddoldeb 2019 ac nid oes gan Weinidogion Cymru yr hawl i'w newid.

Mae'r ddyletswydd yn berthnasol i gyrff cyhoeddus cymwys, y bernir eu bod wedi bodloni'r 'prawf' o dan adran 2(6) o Ddeddf Cydraddoldeb 2010. Daeth y Ddyletswydd i rym ar 31 Mawrth 2021.

# The requirement on public bodies

So, what does the socio-economic duty require public bodies to do?

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

# Y ddyletswydd ar gyrff cyhoeddus

Felly, beth mae disgwyl i gyrff cyhoeddus ei wneud o dan y ddyletswydd economaidd-gymdeithasol?

Mae gofyn i gyrff cyhoeddus **penodol**, wrth wneud **penderfyniadau strategol**, fel 'penderfynu ar flaenoriaethau a gosod amcanion', **ystyried** sut y gallai eu penderfyniadau helpu i leihau **anghydraddoldebau** sy'n deillio o **anfantais economaidd-gymdeithasol**.



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# Defining the Key Terms

Over the next couple of slides, we will consider what each of the following key terms mean when implementing the duty.

- Decisions of a strategic nature;
- To consider;
- Inequalities of outcome;
- Socio-economic disadvantage.

# Diffinio Termau Allweddol

Yn y ddwy sleid nesaf, byddwn yn ystyried beth yw ystyr y termau canlynol wrth ymdrin â'r ddyletswydd.

- Penderfyniadau strategol;
- Ystyried;
- Canlyniadau anghyfartal;
- Anfantais economaidd-gymdeithasol.



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# i) Decisions of a strategic nature

*“In general, strategic decisions will be those which effect 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.”*

For some public bodies, such decisions may only be taken annually, in other cases, they will come up more often.

The duty applies to both new **strategic decisions** and when reviewing previous strategic decisions.

# i) Penderfyniadau strategol

*“Â siarad yn gyffredinol, penderfyniadau strategol yw'r rheini sy'n effeithio ar y ffordd y mae'r corff cyhoeddus perthnasol yn cyflawni'i bwrpas statudol (ei swyddogaethau ar sail y set o bwerau a dyletswyddau y mae'n eu defnyddio i wneud ei waith) dros gyfnod arwyddocaol o amser, heb gynnwys y penderfyniadau 'pob dydd' cyffredin.”*

Bydd rhai cyrff cyhoeddus ond yn gwneud y penderfyniadau hyn bob blwyddyn. Bydd rhai eraill yn eu gwneud yn amlach.

Mae'r ddyletswydd yn berthnasol i **benderfyniadau strategol** newydd ac wrth adolygu penderfyniadau strategol blaenorol



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## ii) To consider:

*“Giving weight to a particular issue in proportion to its relevance.”*

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. We would expect the same principles to apply to this duty.

Existing practice for demonstrating consideration should be used. This might include impact assessment processes, systems for engagement and community involvement and use of local evidence and data.

## ii) Ystyried:

*“Rhoi’r sylw priodol i fater penodol yn ôl ei berthnasedd.”*

Mae ‘rhoi sylw priodol’ (*due regard*) yn gysyniad cyfarwydd ym maes cyfraith cydraddoldeb. Bydd cyrff cyhoeddus eisoes yn ei ddeall yng nghyd-destun dyletswydd y sector cyhoeddus am gydraddoldeb. Mae’n golygu rhoi’r sylw priodol i fater penodol yn ôl ei berthnasedd. Byddem yn disgwyl y byddai’r un egwyddorion yn berthnasol i’r ddyletswydd hon.

Dylid defnyddio’r prosesau presennol i brofi bod ystyriaeth wedi’i rhoi, gan gynnwys efallai prosesau asesu effaith, systemau ymgysylltu a chynnwys y gymuned a defnyddio tystiolaeth a data lleol.



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## iii) Inequalities of outcome

*“Inequality of outcome relates to any measurable differences in outcome between those who have experienced socio-economic disadvantage and the rest of the population.”*

Relevant public bodies will be in a position to influence specific socio-economic inequalities – they should understand where they can have the greatest positive impact.

There are a range of ways in which relevant public bodies can build this awareness as they will already have access to a wide range of relevant quantitative data and other evidence including: (not an exhaustive list):

- [The Welsh Government’s Future Trends report](#);
- [The Welsh Government’s Well-being of Wales Report](#);
- [EHRC’s report Is Wales Fairer?](#)

## iii) Canlyniadau anghyfartal

*“Canlyniadau anghyfartal yw’r gwahaniaeth rhwng canlyniadau’r rheini sydd wedi profi anfantais economaidd-gymdeithasol a chanlyniadau gweddill y boblogaeth.”*

Mae cyrff cyhoeddus perthnasol yn gallu dylanwadu ar anghydraddoldebau economaidd-gymdeithasol penodol – mae angen iddynt ddeall lle gallant gael yr effaith bositif fwyaf.

Mae sawl ffordd sut y gall cyrff cyhoeddus perthnasol ddod i ddeall hyn gan fod yna lawer o ddata meintiol perthnasol a thystiolaeth arall ar gael iddynt: (nid yw’r rhestr yn gynhwysfawr):

- [Adroddiad Llywodraeth Cymru ar Dueddiadau’r Dyfodol](#);
- [Adroddiad Llywodraeth Cymru ar Lesiant Cymru](#);
- [Adroddiad yr EHRC: A yw Cymru’n Decach?](#)



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# iv) Socio-economic disadvantage

*“Living in less favourable social and economic circumstances than others in the same society.”*

**Socio-economic disadvantage** can be disproportionate in both **communities of interest** and **communities of place**, leading to further inequality of outcome, which can be further exasperated when considering **intersectionality**.

- **Communities of interest** – those who share one or more of the protected characteristics listed in the Equality Act 2010 can be considered communities of interest.
- **Communities of place** refers to people who are linked together because of where they reside, work, visit or otherwise spend a substantial portion of their time.

# iv) Anfantais economaidd-gymdeithasol



*“Byw mewn amgylchiadau cymdeithasol ac economaidd llai ffafriol na phobl eraill yn yr un gymdeithas”*

Mae **cymunedau buddiant** neu **gymunedau lle** yn gallu dioddef mwy na’u siâr o **anfantais economaidd-gymdeithasol** a mwy felly o ganlyniadau anghyfartal. Gall cyfuno ffactorau (**rhyngblethedd - intersectionality**) waethygu’r anfantais.

- **Cymunedau buddiant** – pobl sy’n rhannu un neu fwy o’r “nodweddion gwarchoddedig” a restrir yn Neddf Cydraddoldeb 2010.
- **Cymunedau lle** – pobl sydd wedi’u cysylltu â’i gilydd am eu bod yn byw, yn gweithio neu’n treulio cyfran dda o’u hamser yn yr un lle, neu’n ymweld â’r lle hwnnw.

# Examples of the inequalities of outcomes arising from socio-economic disadvantage

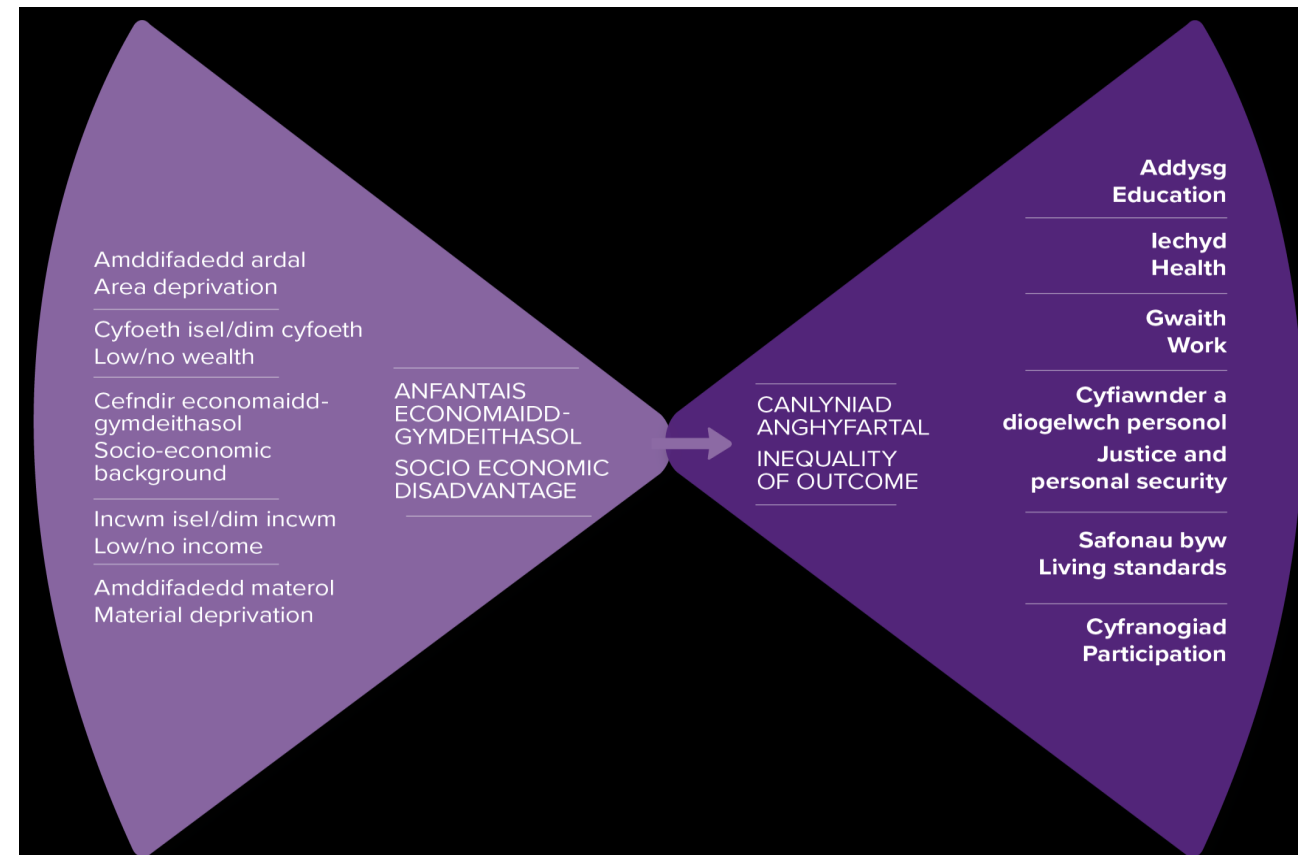
## Enghreifftiau o ganlyniadau anghyfartal sy'n dod o anfantais economaidd-gymdeithasol

Relevant public bodies need to consider how their strategic decisions can improve inequality of outcome for people who suffer socio-economic disadvantage.

Mae angen i gyrff cyhoeddus perthnasol ystyried sut y gall eu penderfyniadau strategol wella anghydraddoldeb o ran canlyniadau ar gyfer pobl sy'n dioddef anfantais gymdeithasol-economaidd.



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# Working in a holistic way

There are opportunities to consider the Socio-economic Duty through other duties. For example:

## Public Sector Equality Duty

- Setting strategic objectives that relate to protected characteristics and poverty. Including socio-economic status as part of an Equality Impact Assessment.
- Consulting with people living in poverty as part of engagement under the PSED. Data collection identifies what groups of people are most likely to be living in poverty.

## Well-being of Future Generations (Wales) Act

- Application of the 5 ways of working.
- Setting objectives that contribute to A More Equal Wales.

# Gweithio mewn ffordd holistig



Gellir mynd i'r afael â'r Ddyletswydd Economaidd-Gymdeithasol trwy ddyletswyddau eraill hefyd. Er enghraifft

## Y Ddyletswydd Cydraddoldeb yn y Sector Cyhoeddus (PSED)

- Gosod amcanion strategol i ddelio â nodweddion gwarchodedig a thlodi, gan gynnwys statws economaidd-gymdeithasol fel rhan o'r Aseiad o'r Effaith ar Gydraddoldeb.
- Ymgynghori â phobl sy'n byw mewn tlodi fel rhan o brosesau trafod y PSED. Trwy gasglu data, gwelir pa grwpiau o bobl sy' fwy' tebygol o fod yn byw mewn tlodi.

## Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru)

- Y 5 ffordd o weithio.
- Gosod amcanion sy'n cyfrannu at greu Cymru fwy Cyfartal.

The following slide shows an example of a 5 stage approach that the relevant public bodies can take to meet the duty on a day-to-day basis.

Mae'r sleid nesa'n dangos enghraifft o'r 5 cam y gall cyrff cyhoeddus perthnasol eu cymryd i wneud y ddyletswydd yn eu gwaith pob dydd.



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# Meeting the duty on a day-to-day basis

## 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 affected by the decision?

Have you considered protected characteristics?

Have you considered both places and communities of interest?

## STAGE 3: ASSESSMENT AND IMPROVEMENT

What are the main impacts of the proposal?

How can the proposal 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, for example executives and non-executive directors, board and committee members. They must 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.

# Gwneud y ddyletswydd yn eu gwaith pob dydd

## CAM 1: CYNLLUNIO

A yw'r penderfyniad yn benderfyniad strategol?

## CAM 2: TYSTIOLAETH

Pa dystiolaeth sydd gennych chi am anfantais economaidd-gymdeithasol ac anghydraddoldebau canlyniadau yng nghyswllt y penderfyniad hwn?

Ydych chi wedi ymgysylltu â'r rheini y mae'r penderfyniad yn effeithio arnynt?

Ydych chi wedi ystyried nodweddion gwarchoddedig?

Ydych chi wedi ystyried cymunedau lle a chymunedau buddiant?

## CAM 3: ASESU A GWELLA

Beth yw prif effeithiau'r cynnig?

Sut gellir gwella'r cynnig er mwyn iddo leihau anghydraddoldebau canlyniadau o ganlyniad i anfantais economaidd-gymdeithasol?

## CAM 4: Y RHEINI SY'N GWNEUD PENDERFYNIADAU STRATEGOL

Mae'r cam hwn yn gyfle i'r penderfynwyr gadarnhau bod sylw dyledus wedi cael ei roi, er enghraifft swyddogion gweithredol a chyfarwyddwyr anweithredol, aelodau'r bwrdd a phwyllgorau. Rhaid iddynt fod yn fodlon bod y corff wedi deall y dystiolaeth a'r effaith debygol, ac wedi ystyried a ellir newid y polisi i leihau anghydraddoldeb canlyniadau o ganlyniad i anfantais economaidd-gymdeithasol.

## CAM 5:

Mae'r cam hwn yn gyfle i gyflwyno tystiolaeth a chofnodi sut mae 'sylw dyledus' wedi cael ei roi. Dylid gwneud newidiadau i'r penderfyniad a'u cofnodi yn ystod y cam hwn.



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# In summary...

The overall aim of the duty is to deliver better outcomes for those who experience socio-economic disadvantage.

The Socio-economic Duty will support this through ensuring that those taking strategic decisions:

- ✓ take account of evidence and potential impact through consultation and engagement
- ✓ understand the views and needs of those impacted by the decision, particularly those who suffer socio-economic disadvantage
- ✓ welcome challenge and scrutiny
- ✓ drive a change in the way that decisions are made and the way that decision makers operate

# I grynhoi...

Prif amcan y Ddyletswydd Economaidd -Gymdeithasol yw sicrhau canlyniadau gwell i bobl o dan anfantais economaidd-gymdeithasol.

Bydd yn gwneud hyn trwy sicrhau bod y bobl sy'n gwneud penderfyniadau strategol yn:

- ✓ ystyried y dystiolaeth a'r effeithiau posibl trwy ymgynghori a thrafod
- ✓ deall barn ac anghenion y bobl y bydd y penderfyniadau'n effeithio arnynt, yn enwedig os ydynt yn dioddef anfantais economaidd-gymdeithasol
- ✓ croesawu cael eu herio a bod yn destun craffu
- ✓ sbarduno newid i'r ffordd y mae penderfyniadau'n cael eu gwneud a'r ffordd y mae penderfynwyr yn gweithio



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# Further information

To support relevant public bodies implement the Duty, we have developed a range of resources that can be accessed via our [website](#).

Communication should be directed to:  
**EqualityBranch@gov.wales**

# Rhagor o wybodaeth

Er mwyn cefnogi cyrff cyhoeddus perthnasol i weithredu'r Ddyletswydd, rydym wedi datblygu ystod o adnoddau y gellir cael mynediad iddynt drwy ein [gwefan](#).

Os oes gennych ymholiadau, e-bostiwch:  
**EqualityBranch@gov.wales**



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