

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Legislation (Wales) Bill A Bill to promote the accessibility of Welsh law and to provide for the interpretation of Welsh legislation
Completed by:	Office of the Legislative Counsel
Department:	Office of the First Minister
Date:	March 2018
Signature:	

1. Please provide a brief description of the policy/decision

The Welsh Government is consulting on a Draft Bill that is part of the Counsel General's wider programme of improving accessibility of the law applicable in Wales. This programme intends to:

- develop a rationalised bilingual body of Welsh law primarily by **consolidating** existing primary and secondary legislation;
- once consolidated, **codify** the law so that all of the law on a particular subject is organised and available together in one or more 'principal' Acts, together with accompanying secondary legislation and guidance; and
- improve how the law is **communicated** by ensuring that it is published in up-to-date form and accompanied by explanatory material and commentary.

The desired outcomes of the Draft Bill are to:

- facilitate making the law applicable in Wales identifiable and accessible; and
- provide bespoke (fit for purpose), modern and bilingual legislation on the interpretation of the law applicable in Wales.

In order to establish whether the desired outcomes are a success, they will be assessed against the following criteria –

- the benefit must outweigh the cost of change;
- the changes must support the creation of a clear and bilingual statute book for Wales; and
- the changes must reduce complexity.

The known timescales are:

- Summer 2017 Policy consultation on an interpretation Act for Wales;
- December 2017 Publication of summary of consultation responses;
- March to June 2018 Consultation on the Draft Legislation (Wales) Bill;
- Autumn 2018 Publication of summary of consultation responses;

Further dates will be dependent on decisions taken in light of consultation responses to the Draft Bill.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

The Draft Bill responds, in part, to a report of the Law Commission which considered the problems arising from the inaccessibility of the law and how these should be tackled. The Law Commission undertook this work at the request of the Welsh Government, and as part of their research carried out stakeholder engagement and undertook a public consultation,

Although the Law Commission identified a number of ways in which accessibility of the law could be improved and the general benefits that would flow from this, it did not report on any specific benefits or impacts for protected groups. However, its Report did discuss the problems the complexity of the statute book causes including in relation to legislation affecting children (for example, education law and social care law relating to children). The Welsh Government has accepted, or accepted in principle, all but two of the Law Commission's recommendations. These are now being taken forward as part of the Counsel General's wider programme and the Draft Bill is one aspect of the programme.

During the summer of 2017 the Welsh Government ran a public consultation for twelve weeks, on the policy which now forms Part 2 of the Draft Bill - *Interpreting Welsh legislation: Considering an interpretation Act for Wales*¹. The majority of stakeholders supported the general principle of developing bespoke provision for interpreting Welsh legislation. The responses to the consultation have informed the development of the policy for Part 2 of the Draft Bill.

During the consultation on the Draft Bill it is intended there will be further engagement with stakeholders.

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The strong evidence base for the decisions taken is legal analysis (of legislation and of the statute book as a whole), and the responses received to the consultation of the Law Commission (on the *Form and Accessibility of the Law Applicable to Wales*) and to our consultation (*Interpreting Welsh legislation: Considering an interpretation Act for Wales*).

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy/decision/ practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for not progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

¹ The consultation document and the report on the summary of responses to that consultation can be found at: <https://consultations.gov.wales/consultations/interpreting-welsh-law-interpretation-act-wales>

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

	Positive	Negative	None/ negligible	Reasons for decision (including evidence) / How might it impact?
Younger people (children and young people, up to 18)			✓	<p>Creating a duty to improve access to legislation will not, in itself, impact differentially on these age groups, nor will it result in positive or negative impacts for these age groups. The same is the case for the statutory interpretation of Welsh law.</p> <p>The content of each programme of improved accessibility brought forward under section 2 of the Bill will need to be considered at the time. For example, improvements to online availability of law may impact on older people, who may be more likely to be 'digitally excluded'².</p> <p>A Children's Rights Impact Assessment has also been undertaken, which has not revealed any direct impact on children of this policy.</p>
People aged 18 to 50			✓	
Older people (aged 50+)			✓	

4.2 Because they are disabled?

	Positive	Negative	None/ negligible	Reasons for decision (including evidence) / How might it impact?
Visual impairment			✓	<p>Neither the duty to improve accessibility of Welsh law, nor the proposals for the statutory interpretation of Welsh law is considered to have positive or negative impacts specifically on these groups.</p> <p>The content of each programme of improved accessibility brought forward under section 2 of the Bill will need to be considered at the time. For example, the benefits of improvements to online availability of law may have a positive impact on those with a learning disability (if for example information leaflets and explanatory</p>
Hearing impairment			✓	
Physically disabled			✓	
Learning disability			✓	
Mental health			✓	

² *Age Concern: Introducing another World: Older people and digital inclusion*. Available at <https://www.ageuk.org.uk/Documents/EN-GB/For-professionals/Computers-and-technology/Older%20people%20and%20digital%20inclusion.pdf?dtrk=true>

	Positive	Negative	None/ negligible	Reasons for decision (including evidence) / How might it impact?
problem				material designed to assist those with a learning disability are produced).
Other impairment issues			✓	

4.3 Because of their gender (man or woman)?

	Positive	Negative	None/ negligible	Reasons for decision (including evidence) / How might it impact?
Male			✓	<p>The duty to improve accessibility of Welsh law is not considered to have positive or negative impacts on gender. The same is the case for the provisions on statutory interpretation.</p> <p>However it is worth noting the Government has an ongoing practice of drafting legislation gender-neutrally, and section 6 of the Bill has been drafted with a view to ensuring that even wording and phrasing which might traditionally have been considered gender-neutral (such as the phrase "he or she") does not exclude anyone, regardless of their gender identity.</p>
Female			✓	

4.4 Because they are transgender?

	Positive	Negative	None/ negligible	Reasons for decision (including evidence) / How might it impact?
Transgender			✓	Please see response to 4.3 which also applies here.

4.5 Because of their marriage or civil partnership?

	Positive	Negative	None/ negligible	Reasons for decision (including evidence) / How might it impact?

	Positive	Negative	None/ negligible	Reasons for decision (including evidence) / How might it impact?
Marriage			✓	The provisions of the Bill are not considered to have differential, positive or negative impacts on those who are married or in a civil partnership.
Civil partnership			✓	

4.6 Because of their pregnancy or maternity?

	Positive	Negative	None/ negligible	Reasons for decision (including evidence) / How might it impact?
Pregnancy			✓	The provisions of the Bill are not considered to have differential, positive or negative impacts on those who are pregnant or in the maternity period following birth.
Maternity (the period after birth)			✓	

4.7 Because of their race?

	Positive	Negative	None/ negligible	Reasons for decision (including evidence) / How might it impact?
National origin (e.g. Welsh, English)	✓			The provisions of the Draft Bill are considered likely to benefit those whose first language is Welsh, or those who otherwise wish to access and rely upon the Welsh language texts of Welsh law. Over time the amount of bilingual legislation will increase, together with accompanying explanatory material and commentary. Further information is available in the Welsh Language Impact Assessment which has been prepared for the Bill.
Ethnic minority people (e.g. Asian, Black)			✓	The provisions of the Bill are not considered to have differential, positive or negative impacts due to race or ethnicity.
Asylum seekers and refugees			✓	

	Positive	Negative	None/ negligible	Reasons for decision (including evidence) / How might it impact?
Gypsies and Travellers			✓	
Migrants			✓	
Others			✓	

4.8 Because of their religion and belief or non-belief?

	Positive	Negative	None/ negligible	Reasons for decision (including evidence) / How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, others (specified)			✓	The provisions of the Bill are not considered to have differential, positive or negative impacts for different religious groups or those of belief or non-belief.
Belief (e.g. Humanist)			✓	
Non-belief			✓	

4.9 Because of their sexual orientation?

	Positive	Negative	None/ negligible	Reasons for decision (including evidence) / How might it impact?
Gay men			✓	The provisions of the Bill are not considered to have differential, positive or negative impacts due to sexual orientation.
Lesbians			✓	
Bi-sexual			✓	

4.10 Do you think that this policy will have a positive or negative impact on people’s human rights? Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.

	Positive	Negative	None/ negligible	Reasons for decision (including evidence) / How might it impact?
Human rights including the Human Rights Act and UN Conventions			✓	Our assessment is that the impact of the Draft Bill is neutral.

If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go to Parts 3 and 4.

Note: Part 2 has not been completed as, apart from one aspect of race (in relation to the Welsh language) there are no positive or negative impacts of the Draft Bill. A separate Welsh Language Impact Assessment has been developed which considers the impacts of the proposals on the Welsh language more fully.



Declaration

The policy does not have a significant impact upon equality issues

<i>Official completing the EIA</i>	
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Department:	Office of the First Minister
Date:	March 2018
Signature:	

<i>Head of Division (sign-off)</i>	
Name:	Dylan Hughes
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<i>Review date</i>
Autumn 2018 (if a decision is taken to proceed with the Draft Bill following consultation)