

10 November 2023

Dear

ATISN 19216 Request for information regarding Equality Impact Assessments and EHRC Communications

Thank you for your request which I received on 26 October 2023. You responded to a previous Freedom of Information Request letter seeking further clarification (ATISN 19058): *For ease of reference my original question asked: “to provide all information, within the last 2 years, relating to communications with the Equality and Human Rights Commission about non-compliance with the requirements for public bodies to complete Equality Impact Assessments (EIA). Please include supporting data, reports and emails.”*

To clarify, my request relates only to decisions made by the Welsh Government. I am asking for all communications about failure to complete EIAs; inadequate and poor-quality reports; or late completion of reports. My request centres on the failure of the NHS Workforce Directorate to complete adequate and timely EIAs, but I am seeking information on the extent of wider non-compliance across the Welsh Government.

In your email of 30 October, you also asked: *I would be grateful for one further clarification to enable me to understand where overall responsibility lies and how that is delegated. Could you confirm that ultimate responsibility for compliance with the Equality Act and EqIAs across the Welsh Government lies with the Minister for Equality and Human Rights. Am I right in assuming that this is delegated to the Deputy Director of Equality and Human Rights Division?*

In response to the last point, you will recall in my responding email of 31 October, I explained that EHRD has responsibility for the guidance on Equality Impact Assessments as the component owner of this area within the wider Integrated Impact Assessment process. It is the responsibility of individual Division Directors to ensure that the EIAs which support their policy and intervention suggestions, and briefings for Ministers to inform their decisions, are fit for purpose.

I further stated that EHRD does not as a matter of course inspect or “clear” EIAs, as there should be one for every Ministerial Advice for policy and interventional change going up to Ministers.

Further to your initial request and subsequent clarification, I have established that the Welsh Government does not collect data on non-compliance regarding the completion of EIAs. Consequently, there are no summary statistics or reports available on the subject.

I have established that some 600 EIAs have been generated in the last 2 years. In this context and from preliminary assessments I have already carried out, I estimate that it will cost more than the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 to answer your request. The appropriate limit specified for central government is £600. This

represents the estimated cost of it taking over 24 hours of time to determine whether we hold the information and to thereafter locate, retrieve and extract it.

In order to provide you with the information that you have requested, I would be required to search through all the files relevant to circa 600 EIAs that have been generated in the last 2 years. On a conservative figure of 3 minutes to locate and search each file for any information caught by your request this would take approximately 1800 minutes, or 30hrs. Consequently, I have decided not to provide you with the information you have requested.

As we have already discussed, you may wish to refine your request by narrowing its scope by being more specific about what information you particularly wish to obtain. If you do refine your request in this way, this will be treated as a new request.

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely,