


Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ.

Monday 03 April 2023

Dear 

**Subject: Equality Impact Assessment relating to the pay award
(2022/2023) for the reformed specialty doctor contract and grade.**

I am writing to you in relation to the reform of the speciality doctors' contract, and concerns which were brought to our attention regarding the lack of equality impact considerations made during the 2022/2023 pay award process.

The Equality and Human Rights Commission is the National Equality Body for Wales, England, and Scotland. In carrying out this role, we promote and enforce compliance with the Equality Act 2010, including the Public Sector Equality Duty (PSED).

Bydd y Comisiwn yn croesawu gohebiaeth yen y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

Ff/T: 029 2044 7710

E: correspondence@equalityhumanrights.com

Tŷ'r Cwmnïau (Llawr 1af),
Ffordd y Goron, Caerdydd, CF14 3UZ

Companies House (1st Floor),
Crown Way, Cardiff, CF14 3UZ

equalityhumanrights.com



The Public Sector Equality Duty (PSED) is a fundamental lever within the Equality Act (2010) to ensure that equality is at the forefront of business functions and decision-making, allowing the needs of protected groups within our society to be considered in a fair and equitable manner.

Equality Impact Assessments (EIA's) are an important tool that help to ensure that due regard is given towards the PSED General Duty on an ongoing basis, in line with the three aims of:

- Eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advancing equality of opportunity between people who share a protected characteristic and those who do not.
- Fostering good relations between people who share a protected characteristic and those who do not.

Alongside the legislation and the [Wales Regulations](#), our website has detailed guidance detailing both the general and specific duties of the PSED within Wales, which can be found [here](#). More specifically, our website includes dedicated material on [assessing impact](#) during business change and decision

Bydd y Comisiwn yn croesawu gohebiaeth yen y Gymraeg a 'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

Ff/T: 029 2044 7710

E: correspondence@equalityhumanrights.com

Tŷ'r Cwmnïau (Llawr 1af),
Ffordd y Goron, Caerdydd, CF14 3UZ

Companies House (1st Floor),
Crown Way, Cardiff, CF14 3UZ

equalityhumanrights.com



making.

Our concerns

We are writing today in relation to the impact assessment published on your website in December 2022 regarding the pay award for Speciality and Associated Specialists (SAS) Doctors.

Having reviewed the published impact assessment, we have noted some concerns as to whether due regard has been given towards the general duty of the PSED.

Paragraph 1 of p.7 provides the closest reference made to equality considerations within the impact assessment. However, it is not clear how due regard has been given to the 3 aims of the general duty.

The statement, ‘continuing to encourage doctors to move to the 2021 contract also addresses the equality and discrimination concerns regarding the 2008 contract’ within the impact assessment does not clearly evidence what the “equality and discrimination concerns” were at that point in time and whether they remain of concern or continue to impact protected characteristic groups within the staffing body.

Bydd y Comisiwn yn croesawu gohebiaeth yen y Gymraeg a 'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

Ff/T: 029 2044 7710

E: correspondence@equalityhumanrights.com

Tŷ'r Cwmnïau (Llawr 1af),
Ffordd y Goron, Caerdydd, CF14 3UZ

Companies House (1st Floor),
Crown Way, Cardiff, CF14 3UZ

equalityhumanrights.com



The EHRC technical guidance explains that a listed authority is under a duty to assess and monitor the equality impact of policies and practices on its ability to comply with the general duty. It will have to consider how policies and practices affect protected groups ([p.88](#)).

We acknowledge that the impact assessment sets out that engagement has taken place with trade unions, NHS employers and the DDRB, who were consulted during the review of the pay award process. Engagement is a significant aspect of assessing impact, as it allows those who are likely to be impacted by changes in policy and practice to highlight necessary equality considerations that should be made.

However, we would expect to see the equality considerations highlighted during engagement documented and evaluated within the impact assessment.

Furthermore, it is the responsibility of the listed authority to consider whether the engagement carried out is adequately representative of the protected characteristic groups who may be impacted. This information appears to be missing from the published impact assessment.

Additional Considerations:

Bydd y Comisiwn yn croesawu gohebiaeth yen y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

Ff/T: 029 2044 7710

E: correspondence@equalityhumanrights.com

Tŷ'r Cwmnïau (Llawr 1af),
Ffordd y Goron, Caerdydd, CF14 3UZ

Companies House (1st Floor),
Crown Way, Cardiff, CF14 3UZ

equalityhumanrights.com

It is notable that the Review Body on Doctors' and Dentists' Remuneration Report published in 2022 provides relevant quantitative equality evidence relating to the staffing body of the speciality doctors' contract and reform of the grade, alongside the recommendations set out in relation to pay.

Therefore, it is not clear why such data relating to the demographics of the staffing body affected by the reform of the specialty doctors' contract does not appear to have been considered during the impact assessment of the pay award process.

This would have enabled an evidence-driven evaluation of the protected characteristic groups who may have been positively or negatively impacted by the pay award process.

We are therefore concerned that the requirements of a public authority to assess the likely impact of a proposed policies and practices on its ability to comply with the general duty (regulation 8: Wales Regulations 2011) have not been met. It is unclear as to how due regard has been given to the PSED when making these decisions.

It would be helpful for us to understand the steps you have taken to ensure

Bydd y Comisiwn yn croesawu gohebiaeth yen y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

Ff/T: 029 2044 7710

E: correspondence@equalityhumanrights.com

Tŷ'r Cwmnïau (Llawr 1af),
Ffordd y Goron, Caerdydd, CF14 3UZ

Companies House (1st Floor),
Crown Way, Cardiff, CF14 3UZ

equalityhumanrights.com



Comisiwn
Cydraddoldeb a
Hawliau Dynol

Equality and
Human Rights
Commission

adequate equality considerations were made and how this has been recorded.

We will consider your response to this alongside the ongoing correspondence that was recently sent to the Permanent Secretary similarly highlighting concerns we have raised regarding Equality Impact Assessments and compliance with the PSED.

We welcome a response no later than 28 working days from date of receipt of this letter, the 3rd of May.



XXXXXXXXXX

Head of Wales

Wales Team | Three Nations - Wales

Bydd y Comisiwn yn croesawu gohebiaeth yen y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

Ff/T: 029 2044 7710

E: correspondence@equalityhumanrights.com

Tŷ'r Cwmnïau (Llawr 1af),
Ffordd y Goron, Caerdydd, CF14 3UZ

Companies House (1st Floor),
Crown Way, Cardiff, CF14 3UZ

equalityhumanrights.com