

# Consultation response

Health impact assessment regulations

March 2024



Royal College  
of Physicians

Coleg Brenhinol  
y Meddygon (Cymru)

# Health impact assessment regulations

## RCP Cymru Wales consultation response

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**March 2024**

## Health impact assessment regulations

The Royal College of Physicians (RCP) welcomes the opportunity to respond to the Welsh government's consultation on draft regulations to mandate the use of health impact assessments. The RCP is a registered charity and professional body. Our 40,000 fellows and members work across [30 medical specialties](#) in hospitals and in the community, providing specialist patient care. We represent more than 1,600 doctors and physician associates in Wales.

### Our response

We welcome the Welsh government's ongoing commitment to health in all policies and their commitment to tackle the wider determinants of health and health inequalities.

The NHS alone does not have all the levers to reduce inequalities. We need an effective cross-government and multi-agency approach to tackling health inequalities and addressing factors such as poor housing, transport, and food quality. It is essential that HIAs drive collaboration and that public bodies are held accountable for the actions that they take.

HIAs could drive significant change in policy and practice across public bodies, and foster collaboration, integration, and long-term thinking. We urge Welsh Government to consider how they can ensure that the implementation of HIAs drives positive and tangible change in practice.

We would encourage Welsh Government to consider how the role of the Wales Health Impact Assessment Support Unit (WHIASU) can be strengthened to promote good practice, shared learning, and collaboration. WHIASU should also be resourced appropriately for the extra workload.

These regulations represent one part of a broader policy and regulatory environment. They sit alongside the Wellbeing of Future Generations Act, the Equality Act's socio-economic duty,

regional partnership boards and public service boards. This is a complex landscape with significant breadth beyond the public sector. Welsh Government must ensure HIAs are widely communicated and understood by all relevant bodies.

As well as those public sector organisations that will be required to publish HIAs, the Welsh government should encourage others to take part. WHIASU is well placed to support this work.

**Question 1 - Based on the provisions contained in Part 6 of the Public Health (Wales) Act 2017, to what extent do you agree that the draft Regulations address the obligation to mandate the use of Health Impact Assessments for the listed public bodies in Wales?**

Agree. The regulations as drafted account for all provisions outlined in Part 6 of the Act.

**Question 2 - There will be a requirement for bodies listed under section 110 of the Public Health (Wales) 2017 Act to produce HIAs in line with the draft Regulations. Do you agree that the list of public bodies in section 110 of the Public Health (Wales) Act 2017 should mirror those bodies listed in section 6 of the WFG Act, including any future proposed additional public bodies that are added to section 6?**

Agree. Alignment between the bodies listed in section 110 of the Public Health (Wales) Act 2017 and section 5 of the WFA Act would help deliver the Welsh government's health in all policies approach, with the added benefit of improving the scale, reach, and shared learning (in relation to Q14). It also ensures that HIAs are part of a wider package of actions, measures, and considerations that organisations must take into consideration, and places HIAs in the broader socio-economic, cultural, and environmental context and challenges.

We would however encourage Welsh government to consider what steps can be taken to encourage bodies that fall outside of the remit of the regulations to undertake HIAs. The non-prescriptive nature of the assessments as required by regulations could encourage a wider number of bodies to consider undertaking HIAs.

**Question 3 - Do you agree with the policy intent to mandate the use of HIA for the listed public bodies when taking an action or making a decision of a strategic nature?**

Agree. Placing HIAs in a strategic context ensures that all facets of the organisation are actively considered, and findings can be applied across all elements of delivery. This would also help ensure that HIAs form part of ongoing discussions with partners, stakeholders, and commissioners. There is however a need to provide a clear definition, and clear examples, of what the regulations determine to be decisions of a strategic nature to help guide public bodies.

The Welsh government should consider what mechanisms might exist to scrutinise HIAs and hold public bodies accountable for the decisions they take. There is scope for WHIASU to support this work.

**Question 4 – Are there any additional circumstances in which you believe public bodies should be required to conduct a mandatory HIA?**

None.

**Question 5 – Are there any additional circumstances in which you believe public bodies should be exempt from complying with the draft Regulations?**

Through guidance, the Welsh government should explore when a significant change in the day-to-day approach of delivery constitutes a significant departure from overall strategy or process. This should be for individual public bodies to determine in seeking guidance from WHIASU.

**Question 6 – Do you agree that the outputs required as a minimum for a HIA under regulation 4 are appropriate?**

Conducting integrated assessments has great potential to ensure that public bodies take a rounded, holistic approach to considering the wider determinants of health and factors relevant to health inequity when developing a HIA. It is however important to ensure that they do not become tick box exercises and it is essential that supporting guidance includes advice on conducting integrated assessments and that there is ongoing evaluation of the benefits or otherwise of integrated assessments.

**Question 7 – Do you agree that the factors set out in regulations 4(8) to 4(11) of the draft Regulations should be considered whilst conducting a HIA? For ease, these factors are;**

- (a) the wider determinants of health, and**
- (b) the factors relevant to health inequity.**

Agree. Public bodies are critical stakeholders and are hugely influential in driving and influencing change in their communities and beyond. As such they are well placed to coordinate action to tackle the wider determinants of health. HIAs will only be successful in shifting the dial on health inequalities if a health in all policies approach is adopted in practice across public bodies. We would strongly encourage greater clarity and guidance be set out for public bodies to properly take these wider factors into account in their assessment.

**Question 8 – Are there any potential issues you can foresee about the way in which a HIA will need to be carried out under regulation 4 of the draft Regulations?**

The regulations as they are currently worded do not appear to require public bodies to state what action they will take having identified any possible negative implications or positive opportunities arising from their HIA. Guidance should also set out what steps public bodies might take to disseminate findings and actions across the service and amongst partners.

**Question 9 - To what extent do you agree that publishing guidance is the best way for Public Health Wales to assist public bodies with carrying out Health Impact Assessments?**

Non-statutory guidance (while useful for organisations) is limited in its effect, and therefore will have a limited impact on tackling health inequity and the wider determinants of health. Consideration should be given to the role of the WHIASU in assisting and challenging public bodies with carrying out their duties, promoting collaboration, and sharing learning.

**Question 10 – If you answered “agree” to question 9, what information would be most beneficial to include within the supporting guidance?**

Guidance should define or provide examples of decisions of a strategic nature to help guide public bodies and to maximise every opportunity. It is important that the guidance is regularly reviewed and updated to provide examples of good practice. Best practice toolkits and expert-led briefing sessions should be offered as part of the roll out of the new requirements.

Guidance should also consider what steps can be taken to ensure that integrated HIAs are sufficiently evidenced and robust. Guidance must set out how regional partnership boards and public service boards can utilise and maximise HIAs. It is crucial that HIAs are not limited to single organisations and should place an emphasis on joint working and the potential of the public sector as a catalyst for wider change. As such, guidance should set out how a range of stakeholders can be engaged in identifying, producing, and reviewing HIAs and how stakeholders can offer ongoing scrutiny, challenge, and accountability for public bodies.

**Question 11 - Do you agree that the option to publish a HIA in a manner it considers most appropriate provides public bodies with enough flexibility to conduct the assessment in the most appropriate way?**

Agree.

**Question 12 – Do you foresee any issues with the requirement for publishing the HIA as soon as is reasonably practicable?**

None. Guidance should set out what reasonably practicable might mean and what Welsh Government might expect of public bodies. The Welsh Government must consider what scrutiny and accountability measures are in place to ensure HIAs are published in a timely manner.

**Question 13 - Do you have any additional suggestions for how, where and when HIA should be published?**

The Welsh government should explore what opportunities exists for HIAs to be reported to, or shared with, WHIASU and what role the unit may have in undertaking evaluation or good practice across public bodies and facilitating learning and collaboration.

**Question 14 - In addition to guidance, what other methods and ongoing resource could support public bodies to realise the benefits of HIAs?**

See response to Q13.

# Educating, improving, influencing

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