



**Royal College of
Paediatrics and Child Health**

Leading the way in Children's Health

**Royal College of Paediatrics
and Child Health (RCPCH) Wales response to Welsh
Government Health Impact Assessment consultation**

March 2024

The Royal College of Paediatrics and Child Health (RCPCH) Wales welcomes the opportunities and potential benefits of statutory Health Impact Assessments (HIAs). However, RCPCH Wales urges the Welsh Government to strengthen the proposed HIAs to ensure they can fulfil their purpose and deliver on the potential benefits.

RCPCH Wales asks the Welsh Government to:

- Adopt the widely recognised European Centre for Health Policy (1999) Gothenburg Consensus definition of HIAs.
- Clarify the meaning of 'strategic nature' within Regulation 3.
- Ensure there is meaningful consultation before, during and after a HIA has been produced. This should involve including children and young people in consultation when appropriate.
- Set out a timeline for the delivering of the accompanying guidance for HIAs.
- Elevate the accompanying guidance for HIAs to statutory guidance.
- Strengthen and clarify the role of Welsh Health Impact Assessment Support Unit (WHIASU) in Regulation 5.
- Set out how the Welsh Government intends to monitor the process and impact of HIAs on decision making.
- Clarify how HIAs will interact with existing legislation and impact assessments.
- Consider adding a specific clause for HIAs to consider the impact of policy developments on babies, children and young people who are disproportionately affected by health inequalities.

Health Impact Assessment – interpretation

The Welsh Government should adopt the widely recognised European Centre for Health Policy (1999) Gothenburg Consensus definition of HIAs.

HIAs are defined in the Welsh Government's HIA draft regulations as:

an assessment of the likely effect, both in the short term and in the long term, of a proposed action or decision on the physical and mental health of the people of Wales or of some of the people of Wales.

While this is the same definition as used in the Public Health (Wales) Act 2017, it is not the definition that has been widely adopted elsewhere. The European Centre for Health Policy (1999) Gothenburg Consensus is widely accepted as the seminal definition of HIAs and defines HIAs as:

A combination of procedures, methods and tools by which a policy, programme or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population.

The widely adopted definition could be considered more holistic as it is not limited to solely the effects on physical and mental health but rather the distribution of those effects within the population.

Furthermore, the Gothenburg definition has been adopted by the Wales Health Impact Assessment Support Unit (WHIASU). As WHIASU is due to have a central role in supporting public bodies and delivering guidance for conducting a HIA it would be beneficial to have a standardised definition.

Regulation 3 - Definition of 'strategic nature'

Regulation 3 details:

a public body must carry out a HIA when it proposes to take an action or make a decision of a strategic nature

The draft regulation lists the meaning of this as taking an action or making a decision in connection with the 'exercise of a function affecting how a public body fulfils a statutory function or objective, or if it does not have a statutory function or objective, either a legal responsibility, legal objective or core legal function.' Operational actions and decision are not included.

RCPCH Wales agrees statutory strategic decisions and actions should require a HIA. However further clarification is needed regarding what constitutes as 'strategic nature'.

The term strategic is often defined as relating to the identification of long-term or overall aims and interests. This would question when HIAs would or could be used for short term decisions which is an expectation set out in the Welsh Government definition of HIAs.

It would be beneficial to clarify the interpretation of 'strategic nature' within the interpretation section of the draft regulations and to provide examples of these type of decisions in the accompanying guidance.

Furthermore, operational and planning decisions could be as important as strategic decision and therefore could require a HIA. The Welsh Government should consider expanding HIAs beyond actions and decisions of a 'strategic nature' or legal responsibility.

Regulation 4 – meaningful engagement

Within regulation 4 regarding 'how to carry out a HIA' it details that before carrying out a HIA, a public body must consult with:

- (a) any stakeholders the public body considers appropriate, and*
- (b) any persons who appear to be representative of the interests of those likely to be affected by the proposed action or decision referred to in regulation 3.*

RCPCH Wales welcomes the inclusion of consulting with stakeholders and interested parties before carrying out a HIA but believes it would be beneficial to outline what level of consultation would be required.

In addition, stakeholders and interested parties should be involved throughout the process. Once a HIA has been published, it should be circulated to those that contributed. Once a decision relating to the HIA has been made, stakeholders and interested parties should be informed.

The current wording of Regulation 4 details the need to consult with 'any persons'. While it is expected that this would include children and young people, RCPCH Wales would welcome clarification on this. Public bodies should include children and young people as stakeholders similar to the approach taken for Children's Rights Impact Assessments.

Overall, the Welsh Government should ensure there is meaningful engagement with the appropriate audience before, during and after a HIA has been produced.

Regulation 5 – Guidance

Regulation 5 details that Public Health Wales (PHW) must produce guidance to assist public bodies with carrying out a HIA. However, there is no plans for this guidance to be statutory and no timeframe for when this guidance would be published following the introduction of HIAs. This level of ambiguity needs to be addressed.

The Welsh Government needs to strengthen and clarify the purpose of the HIA guidance as set out in Regulation 5.

RCPCW Wales agrees guidance is needed to support public bodies in delivering HIAs and further agrees WHIASU, sitting within PHW, is perfectly positioned to do so.

WHIASU has been established for almost two decades and their advice and support for HIAs is internationally recognised. It for that reason the role of WHIASU should be strengthened in the regulations and WHIASU named as the unit developing the guidance rather than simply naming PHW within the draft regulations.

RCPCW Wales is also concerned that as the guidance will not be statutory it cannot necessarily expand on the details of legal obligations, which is currently required. This could therefore restrict the strength of any guidance to solely offering advice and not maximise on the potential impact of HIAs.

The Welsh Government should strengthen and clarify the purpose and timeline for the delivery of the HIA guidance. It should also expand on the role of WHIASU in developing the guidance within Regulation 5 and consider elevating the guidance to statutory guidance.

Monitoring

The regulations should set out how the Welsh Government intends to monitor the process and impact of HIAs on decision making.

Currently there is no mention of monitoring or evaluating a decision that has required a HIA and how the HIA has impacted on that decision. This puts HIAs at risk of becoming another 'tick-box' exercise and does not maximise on the opportunities provided to it.

By including a requirement for public bodies to report on the outcome of a decision, this ensures the public are informed of the role of HIAs and how HIAs have been considered and impacted on decisions.

The Welsh Government has voiced that Wales is a world-leader by introducing statutory HIA regulations. This should go hand-in-hand with evaluating the use and impact of HIAs.

By monitoring how HIAs are utilised, the process public bodies use to conduct them and how HIAs impact decisions, this would provide meaningful data that could be useful at a national and international level. This would put Wales at the forefront of research into HIAs and continue to show Wales is a world leader in this regard.

Relation to existing mechanisms

The consultation document does provide some context of how HIAs would interact with existing legislation and impact assessments, although it is limited.

The document sets out that early engagement with public bodies has indicated that a large number consider the impacts of their decisions using integrated impact assessments. It goes on to say

public bodies will have some discretion in how they consider health impacts in the circumstances where a HIA is required. We believe there is merit in providing flexibility whereby public bodies can consider health impacts as part of an integrated impact assessment process (or similar).

While RCPCH Wales agrees integrated impact assessments have a place in policy development, they should not replace specific impact assessments when they have been identified as necessary.

Integrated impact assessments consider the impact of a decision on various areas at once. A single assessment could be considering the impact on climate change, data protection, equality and diversity, children's rights and so on. This means the level of detail and meaningful public engagement is not necessarily the same as a single-issue impact assessment.

If it has been identified that a HIA is required, a HIA should be completed irrelevant of if an integrated impact assessment is also being done. For example, if a decision is being made that could impact children's health, both a Children's Right Impact Assessment and a HIA should be completed. The integrated impact assessment would then be used to consider wider implications. This would ensure an appropriate level of consultation with interested parties and provide the level of detail needed to consider the full impact of a decision.

Furthermore, the terminology used within the consultation document for allowing public bodies 'some discretion' in how they consider health impact is ambiguous. The level of discretion should be clearly outlined as to not create differences in implementation across public bodies.

In the draft regulations itself there is currently no detail on how HIAs will interact with existing legislation or impact assessments, for example Children's Rights Impact Assessments or the Socio-Economic Duty. This needs to be clarified as to avoid confusion and duplication.

Babies, children and young people

At present the draft HIA regulation do not reference babies, children or young people this is despite health inequalities and poverty disproportionately impact this population.

RCPCH Wales would urge the Welsh Government to consider adding a specific clause for HIAs to consider the impact of policy developments on babies, children and young people, and others who are well known to be disproportionately impacted by health inequalities.

This would support the delivery of the Well-being of Future Generations (Wales) Act 2015, and its milestones. It would also increase the much needed attention on early intervention and prevention whilst emphasising the importance of equality and child health and wellbeing.

While RCPCH Wales would encourage the Welsh Government to include reference to babies, children and young people within the HIA regulations itself, if this is not possible, the accompanying guidance should include a section on health inequalities that impact babies, children and young people and how this should be measured and mitigated.

In 2022 RCPCH published a position statement on child health inequalities driven by child poverty in the UK which can be found [here](#).

About RCPCH Wales

The RCPCH works to transform child health through knowledge, innovation and expertise. We have over 600 members in Wales, 14,000 across the UK and an additional 17,000 worldwide. The RCPCH is responsible for training and examining paediatricians. We also advocate on behalf of members, represent their views and draw upon their expertise to inform policy development and the maintenance of professional standards.

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