

Welsh Language Impact Assessment

December 2017

Welsh Language Impact Assessment

Title: <u>Proposal to Legislate for the Removal of the Defence of Reasonable Punishment</u>	WLIA Reference No <i>(completed by WLU):</i>				
Name of person completing form:	Wendy Thomas				
Date:	December 2017				
Policy lead:	Sarah Rhodes				
Contact details:	Wendy.thomas2@gov.wales 03000256002				
Programme/Project Type <input checked="" type="checkbox"/> Legislation					
Costs: How much is the projected whole life cost for the programme/project? If below £25k, then a full WLIA is not always required (see guidance).					
Under £25k	£25k - £49k	£50 - £249K	£250K - £1m	Over £1m	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Of the above, please provide details if there are any identified costs directly associated with the Welsh language? No specific costs identified as all research and campaign materials will be bi-lingual, in Welsh and English.					
How long is the programme/project expected to run?					
Up to 1 yr	Up to 2yrs	Up to 5yrs	Up to 10yrs	More than 10 yrs	Unknown
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Key milestone dates for the programme/ project:					
July 2017:FM announced consultation to take place in Year 2 of the legislative timetable, with introduction planned for Year 3. 5 December 2017: Cabinet agreed consultation document 9 January 2018: Minister for Children and Social Care to issue an oral statement launching the consultation 9 January – 2 April 2018: Formal consultation takes place Introduction – Year 3 of the Legislative Programme 2018-2020 – Period of increased communication					

STAGE 1: PLANNING

What are the aims and objectives of the policy?

What are the desired outcomes/ what constitutes 'success'?

On 18th May 2016, the First Minister announced the Welsh Government's intention to introduce legislation to remove the defence of reasonable punishment. In his statement the First Minister said: "we will take forward, on a cross-party basis, legislation that will remove the defence of reasonable chastisement."

We have a long standing commitment to children's rights based on the United Nations Convention on the Rights of the Child, in line with that the overarching objective of the proposed legislation is to support children's rights. The proposed Bill is part of a wider package of measures aiming to bring about attitudinal change in the way children and young people are raised and disciplined by making physical punishment unacceptable and by promoting positive alternatives. As a Government, we have invested significantly in parenting programmes across Wales and in information campaigns such as 'Parenting: Give it Time' to support parents to be the best they can be.

We now know that physical punishment can have negative long term impacts on a child's life chances and we also know it is an ineffective punishment. Whilst physically punishing children was accepted as normal practice in previous generations, we know that it is increasingly being seen as less acceptable and parents feel less comfortable using physical punishment. We want the legislation to accelerate behavioural change in the way parents discipline their children.

What policy options have been considered?

and

What impacts will there be if the policy is *not* implemented?

The following policy options have been considered:

1. Do nothing. The option of doing nothing would mean that the Welsh Government would not remove the defence of reasonable punishment in law in Wales. Therefore, no legislation would be introduced and the present arrangements would continue in that children would not be protected in law from physical punishment.
2. Introduce legislation to remove the defence of reasonable punishment in Wales. In doing so, the Welsh Government would not be proposing to create a new criminal offence, but to remove a defence to the existing offences of assault and battery in law in Wales. The effect of this would be that the physical or corporal punishment of children by parents and those in loco parentis in Wales would be prohibited.

Only 2 options have been considered because the only way to ensure children's rights are protected and therefore achieve the policy objective is by removing the defence of reasonable punishment, which can only be effected by a change in the law.

Does the programme demonstrate a clear link with the Welsh Government's strategy for the Welsh language - laith fyw: laith byw?

No, there are no significant links between the Bill and the Welsh Government's strategy for the Welsh language.

What are the impacts/ effects (both positive and/or adverse) on the Welsh language you have identified at the initial planning stage

i.e. Welsh speakers, Welsh language communities, Welsh medium education, Welsh learners, services available in Welsh?

There are no positive or negative impacts or effects on the Welsh language as a result of this Bill. The Bill is primarily concerned with protecting children's rights and promoting positive parenting. It seeks to accelerate the attitudinal change of parents in the way children and young people are raised and disciplined, by making physical punishment unacceptable and by promoting positive alternatives.

Who are the stakeholders? Are the needs of Welsh speakers and learners addressed? To what extent are Welsh language interest groups likely to respond positively to the proposals?

Parents, Carers and Guardians
Children and Young People
Stakeholders, Representative Groups and Partners with varying levels of interest and influence
General public
Media

The consultation document and all publicity materials will be produced bilingually.

Where an assessment was not completed, or no impacts were identified, please provide a full account for record keeping purposes?

(This could be used in the Welsh Language Tribunal in future)

What actions/ further work has been identified at the initial planning stage?

e.g. data requirements, need for peer review, external engagement with Welsh speaking

groups, identify stakeholders or consultation list, need to contact Welsh Language Unit for advice)?

The consultation will be published bilingually to ensure that language needs and requirements are considered appropriately.

There will be an ongoing need to liaise with key stakeholders throughout the development of this legislation through the medium of Welsh. We propose to engage with groups such as the Mudiad Ysgolion Meithrin and the Mentrau Iaith specifically.

Terminology within this area is quite complex, therefore we will discuss the Welsh language terminology with stakeholders such as those noted above to ensure that it is easy for all to understand and considers regional variations.

Associated documentation will be published bilingually. This includes the Regulatory Impact Assessment, Children's Rights Impact Assessment and the Welsh Language Impact Assessment.

STAGE 2: IDENTIFYING AND ASSESSING IMPACTS

Impact Assessment Summary

Summarise the detailed impact assessment carried out together with the scores assigned.

Positive effects/ impacts:

The proposals will have a neutral effect on the Welsh language. However, delivering information in preferred languages will ensure key stakeholders have the opportunity to fully understand the implications of the Removal of the Defence of Reasonable Punishment.

Adverse effects/ impacts:

The proposals will have a neutral effect on the Welsh language. Potential impacts on public sector bodies and consequently service provision is being considered as part of the consultation process, No specific impacts on Welsh Language provision have been identified, but this will be considered further as part of the consultation process.

Opportunities to promote the Welsh language e.g. status, use of Welsh language services, use of Welsh in everyday life, Welsh at work increased?

Opportunities for explaining the legislation will be available in Welsh. This will provide an opportunity for Welsh-speakers to use Welsh at work and will give them the confidence to explain the new legislation in their preferred language.

Evidence/ data used including demographic profile when considering the effects/ impacts:

N/A

<p>What is the overall anticipated likely impact on the Welsh language if this policy is taken forward based on the impact assessment/ risk assessment?</p>		Positive: <input type="checkbox"/> Adverse: <input type="checkbox"/> Neutral: <input checked="" type="checkbox"/> Unknown: <input type="checkbox"/>
Decision following IA	1. No major change	<input checked="" type="checkbox"/>
	2. Adjust the policy to improve impacts	<input type="checkbox"/>
	3. Continue the policy with mitigation measures	<input type="checkbox"/>
	4. Stop and remove the policy	<input type="checkbox"/>
<p><i>If answered 2,3, or 4 above – then answer the following:</i> How will you address these impacts in order to improve the outcomes for the Welsh language? Details of mitigation measures/ action points/ alternative options to reduce adverse impacts and increase positive outcomes:</p>		
<p>If engaging or consulting, what are your plans? What questions do you wish to ask stakeholders about the Welsh Language Impact Assessment and Welsh language related issues?</p>		
<p>The consultation on the proposed legislation to remove the defence of reasonable punishment will be undertaken between 9 January and 2 April 2018. Consultation documents, including easy read and youth friendly versions, will be available bilingually on the Welsh Government website, as well as in bilingual printed copies. Bilingual public and stakeholder engagement events will also be held in 2018. In addition to detailed questions about the legislative proposal, the Consultation includes a question about how the proposal could impact on the Welsh language. No negative impacts have been identified to date.</p>		
<p>STAGE 3: POST CONSULTATION AND PREPARING FOR PUBLICATION, MONITORING AND EVALUATION</p>		
<p>Following consultation, what changes have you made to address any Welsh language issues that were raised?</p>		
<p>N/A</p>		
<p>How will you monitor the ongoing effects during the implementation of the policy?</p>		
<p>Welsh language issues and requirements will be considered on an ongoing basis in</p>		

relation to all key stages of the proposal and subsequently, regarding its implementation and enforcement

Please outline how you will continue to capture effects/ impacts in future monitoring and evaluation?

By discussing and considering requirements as they are raised and outlining any issues in this assessment, as required.

Any other comments – ongoing results of evaluations, emerging impacts

4. Declaration

Policy lead:

****Please delete as appropriate:***

The policy ~~does not~~ **does / does not* have an impact upon the Welsh language. Where there were identified adverse impacts or missed opportunities, the appropriate amendments and actions have been put in place.

Name:

Sarah Rhodes

Department:

Education and Public Services

Date (s):

December 2017

Signature:

Planned Review Dates: To be kept under review throughout the development of legislation and during the passage of the Bill through the National Assembly for Wales if applicable

SRO ENDORSEMENT and REVIEW

I am satisfied that the WLIA is an accurate reflection of the programme/project at this stage of development. By signing, I am able to confirm that the Welsh Language Standards have been given the appropriate attention. I will re-assess the programme/project at key stages throughout the life of the programme/ project, including policy reviews.

Signed (Senior Responsible Owner)	Date
Signed (Senior Responsible Owner)	Review Date
Signed (Senior Responsible Owner)	Review Date
Signed (Senior Responsible Owner)	Review Date