

# WELSH GOVERNMENT INTEGRATED IMPACT ASSESSMENT

<b>Title of proposal:</b>	<b>Amendments to AD M guidance documents to increase provision of specialist sanitary facilities: Changing Places Toilet and Baby Nappy Changing Facilities in publicly accessible buildings.</b>
<b>Official(s) completing the Integrated Impact Assessment (name(s) and name of team):</b>	<b>Owen Struthers</b>
<b>Department:</b>	<b>Planning</b>

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<b>Cabinet Secretary/Minister responsible:</b>	<b>Julie James AM, Minister for Housing and Local Government</b>
<b>Start Date:</b>	<b>27/04/2020</b>

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## SECTION 1. WHAT ACTION IS THE WELSH GOVERNMENT CONSIDERING AND WHY?

### **Introduction**

Buildings have significant implications for health, safety, the environment and our communities. Through the appropriate application of building standards the design and construction of the built environment can benefit all owners, users and people in and around our buildings.

The principal aim and objective of the proposed amendment is to strengthen, through the building regulations, the requirement to provide Changing Places Toilets (CPTs) and baby nappy changing facilities (BNCF) in certain types of large new or extended publicly accessible buildings and to increase provision of specialist sanitary facilities.

### **Background**

#### CPTs

There are many people in Wales, both resident and visitors, for whom standard accessible toilet facilities are inadequate. Research estimates that there are a high number of people<sup>1</sup> who are not currently supported by standard accessible toilet facilities within buildings. A CPT provides sanitary accommodation for people with profound and multiple learning impairments, as well as people with physical impairments who often need extra equipment and space to allow them to use the toilets safely and comfortably. A CPT addresses the need of people for whom standard accessible (or “disabled toilet”) accommodation is insufficient or inadequate. Importantly CPTs give severely disabled people and their families the opportunity to visit public places which they otherwise would not be able to and can therefore make a huge difference to their quality of life.

#### BNCF

More than 31,000 babies were born in the Wales in 2018, yet while many public venues now provide baby changing units, the standard of these facilities can often be inadequate.

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<sup>1</sup> 250,000 people in the UK (<http://www.changing-places.org/>)

Public campaigns identify BNCFs are often only available in women's or disabled toilets and that fathers are inconvenienced and made to feel awkward when trying to use baby-changing facilities.

Providing nappy changing facilities is a Health and Safety consideration. It is reasonable to assume that parents will at some point need to change their child, and if there is nowhere safe to do so, they might be forced to make use of whatever space is available, or are forced to avoid certain venues, due to their lack of adequate facilities.

### **Proposed action**

The principal aim and objective of the proposed amendment is to strengthen the requirement for CPTs and BNCF in certain types of public building through building regulations and increase provision of these facilities.

The Building Regulations control certain building work – principally to secure the health, safety, welfare and convenience of people in and around buildings. The Regulations apply to building work, typically:

- Erection or extension of a building;
- Material alteration or change of use of a building.

Building Regulations are only applicable at the time that building work takes place. Regulations do not apply retrospectively to existing buildings, because these should comply with the Regulations in force at the time they were built. Building Regulations do not impose ongoing management requirements.

The Regulations set technical requirements covering a wide range of health, safety access, security and sustainability issues. The Regulations are supported by guidance in “Approved Documents” which provide practical guidance on how to comply with the requirements in the Regulations.

AD M (Approved Document M: access to and use of buildings for buildings other than dwellings) provides guidance on minimum standards for accessible toilets and BNCF in public buildings.

Our proposals are to amend AD M so that CPT and BNCF are required in new large buildings commonly used by the public and an extension of, or a change of use to, any such building where the AD M is followed as a means of compliance.

This action is considered the most appropriate as the current provisions do not appear to provide sufficient specialist sanitary accommodation. The proposed change will incorporate the guidance from British Standards (BS) over the provision that should be provided. Whilst the BS does not provide a guide to building types, a proportionate approach has been taken to the application of these standards, and these were discussed with user groups representing interested parties.

### **The Well-being of Future Generations (Wales) Act 2015**

All proposals are informed by, and reflect, the Well-being of Future Generations Act, seeking to deliver the well-being goals of a more equal and healthier Wales. That is a society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances) and a society in which people's physical and mental well-being is maximised. This has been taken forward in the context of the five ways of working.

<b>Looking to the long term</b>
The proposal seeks to ensure provision of certain facilities in public buildings. Therefore it ensures the facilities are 'locked in' at the point of build, avoiding the potentially higher cost of retrofitting at a later stage.
<b>Taking an integrated approach</b>
The work will consider all relevant well-being goals in deciding the priorities. For example, the economic assessment undertaken on any proposed changes will highlight the potential positive and negative effects on businesses and therefore the prosperity of Wales. The stakeholder engagement enables an integrated approach to be taken.
<b>Involving people</b>
The project will be developed with assistance from Building Regulations Advisory Committee Wales (BRACW), stakeholders (both internal and external to Welsh Government) formed of different interests and a public consultation exercise.
<b>Collaborating with others</b>
The project will also be developed with assistance from BRACW, technical working groups, formed of different interests, an internal stakeholder group and a public consultation exercise. This will allow for collaborative opportunities to be maximised, for example linking up with Local Authority toilet strategies which are delivered in consultation with residents and other delivery partners

**Prevention**

The work is subject to economic and other assessments, this will ensure the options taken forward are as sustainable as possible. Importantly the work will help tackle a key barriers preventing access to buildings and places.

## SECTION 2. WHAT WILL BE THE EFFECT ON SOCIAL WELL-BEING?

### 2.1 People and Communities

The improvements to buildings as a result of any amendment will benefit people and communities generally. Although it follows that any policy aimed at raising the requirements for specific sanitary provisions will help those with babies or who require additional sanitary facilities.

### 2.2 Children's Rights

Due regard has been given to the United Nations Convention on the Rights of the Child.

Article 23 provides that a child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to provide support to disabled children and their families. Article 31 provides that every child has the right to relax, play and take part in a wide range of cultural and artistic activities. The provision of CPTs and BNCF will help children participate in activities. There is an indirect link to Article 24 and no other articles are relevant to the proposals. The equality assessment below also considered the effects on different groups, including the effect on children. A children's rights impact assessment is available at annex a.

### 2.3 Equality

The Equality Duty requires public bodies to have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equalities Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it.

#### Religion

There are some minor differences in disability by religion. As a percentage of each religion who classify as having day-to-day activities limited<sup>2</sup> three groups stand out – Christian, Jewish and other religion. As a percentage of the population as a whole, Christians and no

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<sup>2</sup> Long-term health problem or disability, categorised as: Day-to-day activities limited a lot; Day-to-day activities limited a little; Day-to-day activities not limited - Nomis DC3201EW



religion have the highest proportion of people identified (which would correlate with them being the highest percentage of the population). These differences are not considered to have a disproportionate effect as the average percentage in this category is 12, meaning the score are not significantly different to the population as a whole.

<b>Religion</b>	<b>% of population</b>	<b>% against religion</b>	<b>% against total population</b>
<b>All categories: Religion</b>	12%	12%	100%
<b>Christian</b>	58%	14%	8%
<b>Buddhist</b>	0%	8%	0%
<b>Hindu</b>	0%	4%	0%
<b>Jewish</b>	0%	16%	0%
<b>Muslim</b>	1%	5%	0%
<b>Sikh</b>	0%	8%	0%
<b>Other religion</b>	0%	17%	0%
<b>No religion</b>	32%	7%	2%
<b>Religion not stated</b>	8%	15%	1%

Data shows there is some difference between the number of children between birth and the age of four in different religions. The Muslim population has a higher percentage of birth to four year olds compared to the total within the religion. When compared to the total number of children, Christian children are the largest group, this figure is comparable with the overall religious percentages in Wales.

<b>Age</b>	<b>All categories: Age</b>	<b>Age 0 to 4</b>	<b>% of religion</b>	<b>% of total</b>
<b>All categories: Religion</b>	3,063,456	178,301	6%	100%
<b>Christian</b>	1,763,299	69,879	4%	39%
<b>Buddhist</b>	9,117	274	3%	0%
<b>Hindu</b>	10,434	844	8%	0%
<b>Jewish</b>	2,064	62	3%	0%
<b>Muslim</b>	45,950	5,462	12%	3%
<b>Sikh</b>	2,962	230	8%	0%
<b>Other religion</b>	12,705	219	2%	0%
<b>No religion</b>	982,997	83,636	9%	47%
<b>Religion not stated</b>	233,928	17,695	8%	10%

#### Ethnic group

There are no notable differences in disability by ethnic group when compared to the Wales average.

<b>Ethnic Group</b>	<b>group as %of total</b>	<b>%of group</b>	<b>% of total</b>
All categories: Ethnic group	100%	12%	12%
White	96%	12%	12%
Mixed/multiple ethnic group	1%	8%	0%
Asian/Asian British	2%	4%	0%
Black/African/Caribbean/Black British	1%	6%	0%
Other ethnic group	0%	5%	0%

<b>Ethnic Group</b>	<b>All categories: Age</b>	<b>Age 0 to 4</b>	<b>% against gtroup</b>	<b>% against total</b>
<b>All categories: Ethnic group</b>	3,063,456	178,301	6%	100%
<b>White: Total</b>	2,928,253	164,198	6%	92%
<b>English/Welsh/Scottish/Northern Irish/British</b>	2,855,450	160,034	6%	90%
<b>Irish</b>	14,086	152	1%	0%
<b>Gypsy or Irish Traveller</b>	2,785	347	12%	0%
<b>Other White</b>	55,932	3,665	7%	0%
<b>Mixed/multiple ethnic group: Total</b>	31,521	4,549	14%	0%
<b>White and Black Caribbean</b>	11,099	1,270	11%	0%
<b>White and Black African</b>	4,424	905	20%	0%
<b>White and Asian</b>	9,019	1,462	16%	0%
<b>Other Mixed</b>	6,979	912	13%	0%
<b>Asian/Asian British: Total</b>	70,128	6,422	9%	0%
<b>Indian</b>	17,256	1,569	9%	0%
<b>Pakistani</b>	12,229	1,308	11%	0%

<b>Bangladeshi</b>	10,687	1,262	12%	0%
<b>Chinese</b>	13,638	888	7%	0%
<b>Other Asian</b>	16,318	1,395	9%	0%
<b>Black/African/Caribbean/Black British: Total</b>	18,276	1,503	8%	0%
<b>African</b>	11,887	1,104	9%	0%
<b>Caribbean</b>	3,809	81	2%	0%
<b>Other Black</b>	2,580	318	12%	0%
<b>Other ethnic group: Total</b>	15,278	1,629	11%	0%
<b>Arab</b>	9,615	1,161	12%	0%
<b>Any other ethnic group</b>	5,663	468	8%	0%

The data shows that as a percentage of ethnic group, the number between birth and age four can vary between one and 20%, however when compared against the total these are not significant. A small difference may therefore be noted between groups who have a higher percentage of children.

[https://www.nomisweb.co.uk/census/2011/all\\_tables](https://www.nomisweb.co.uk/census/2011/all_tables)

#### Overall

While there are minor differences in the number of babies by different groups, the provisions provide that access to baby changing facilities should be accessible to all users, therefore there will be no disproportionate impact.

The policy will have a positive impact in terms of protecting people in vulnerable age groups and people with a disability or long-term illness as well as parents of all gender / sexual orientation. The completed b. Equality Impact Assessment is available at annex A

## **2.4 Rural Proofing**

The proposals seek to require Changing Places toilets in specific new, large buildings commonly used by the public or where a building undergoes a material alteration, an extension or a change of use (as set out in the current Building Regulations). Accommodating such a facility within smaller buildings is often not proportionate and also may not be reasonably practicable. Large buildings are less common in rural areas, or are of a smaller size, this will therefore mean provision in rural areas is not as high as urban areas.

The proposals also seek to provide baby changing facilities for use by all in publicly accessible buildings. The threshold for this provision is lower, therefore provision is likely to be at a similar level (proportionately) between rural and urban areas.

Although it has been identified the policy may have some impact on the rural area, the identified impacts are not considered significant enough to warrant a full rural impact assessment.

## **2.5 Health**

### **2.5a How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal impact health determinants?**

Changing Places toilets meet the needs of people with profound and multiple learning disabilities, as well as people with other physical disabilities such as spinal injuries, muscular dystrophy and multiple sclerosis. The benefits from these facilities are societal, to address a known need within our population and communities. Increasing provision will enable people with complex care needs to take part in everyday activities such as travel, shopping, family days out or attending a sporting event. The quality of life benefits for both disabled people and their carers are likely to be significant.

Baby changing facilities are often provided in publicly accessible buildings, however evidence suggests this is not provided in male toilets, or within the accessible facility. These benefits are the same as those for CPTs in that it enables people to take part in everyday activities such as travel, shopping, family days out or attending a sporting event. The benefits however will be experienced by those who have babies, while consequential benefits will be experienced by those who use disabled toilets as these will no longer be the only facility to have baby changing facilities (as is sometimes the case).

### **2.5b. Could there be a differential health impact on particular groups?**

No detrimental health impacts have been identified. A more detailed health impact assessment is not considered necessary for this project

**2.6 Privacy**

The processing of personal data is limited to a public consultation on the proposed changes to building regulations. A Privacy Impact Assessment has been completed and is available at annex B.

## SECTION 3. WHAT WILL BE THE EFFECT ON CULTURAL WELL-BEING AND THE WELSH LANGUAGE?

### 3.1 Cultural Well-being

The Well-being of Future Generations (Wales) Act 2015's goal for culture is 'A society that promotes and protects culture, heritage and the Welsh language and which encourages people to participate in the arts and sports and recreation'. Culture includes museums, archives, libraries and the arts; heritage includes the built historic environment as well as intangible heritage such as traditions; arts encompasses performance and creative sectors including music, literature, theatre and art, whilst sports and recreation include both elite and community sports as well as opportunities to participate in wider outdoor recreation.

#### **3.1a How can the proposal actively contribute to the goal to promote and protect culture and heritage and encourage people to participate in the arts sports and recreation? (for Welsh Language see section 3.2)**

The current lack of facilities is a barrier to participation in cultural and heritage activities<sup>3</sup>. The proposals will increase the sanitary provision in publicly accessible buildings, this will encourage people to participate in the arts sports and recreation as suitable facilities will be provided.

#### **3.1b Is it possible that the proposal might have a negative effect on the promotion and protection of culture and heritage, or the ability of people to participate in arts, sport and recreation? If so, what action can you take to avoid or reduce that effect (for example by providing alternative opportunities)?**

Increased building standards may affect the renovation of existing buildings of cultural merit. The sanitary facility requirements of the Building regulations do not generally apply to historic or listed buildings where compliance would unacceptably alter their character or appearance, offsetting any negative impact.

### 3.2 Welsh Language

There are no significant links between the policy proposals and the Welsh language. The proposals are not expected to have a positive impact on the promotion, support or development of the Welsh language nor are they expected to have a negative impact on Welsh speaking communities or Welsh language services. The Welsh Language Impact Assessment is available at annex C.

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<sup>3</sup>[https://parentsfed.org/images/Findings\\_of\\_a\\_survey\\_to\\_assess\\_the\\_views\\_of\\_carers\\_living\\_in\\_Cardiff\\_and\\_the\\_Vale\\_of\\_Glamorgan\\_on\\_Changing\\_Places\\_Toilet\\_facilities.pdf](https://parentsfed.org/images/Findings_of_a_survey_to_assess_the_views_of_carers_living_in_Cardiff_and_the_Vale_of_Glamorgan_on_Changing_Places_Toilet_facilities.pdf)

## SECTION 4. WHAT WILL BE THE EFFECT ON ECONOMIC WELL-BEING?

Supporting growth in the Welsh economy, and through this tackling poverty, is at the heart of *Taking Wales Forward*, the Welsh Government's Programme for Government.

### 4.1 Business, the general public and individuals

**How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal impact business and the public?**

#### Installation costs

The installation costs of CPT vary dependent on the typical construction costs of different building types. The BRE undertook a research project to inform on the requirements and installation criteria for Changing Places toilets in non-domestic buildings. Five different building types were identified and were used as the basis of the costings to include both initial capital costs and outfitting costs. Data is also available for major refurbishment costs and an annual maintenance regime. This data provides an initial cost for a Changing Places toilet in the range of £47,000 £64,000. The building costs have been considered against the typical construction costs of various buildings per m2 of gross internal floor area across Britain, adjusted to account for the regional variation, and are still considered to be accurate for new build construction. Recent building costs undertaken for the retrofitting a number of CPTs into existing buildings indicates a figure with £40,000 to £76,000, with an average of £57,800.

The installation of a wall mounted baby changing table suitable for commercial applications is expected to have a cost of £150-£300 per facility and an installation cost of £100. Should additional space be required within the toilet unit the £/square metre build cost is expected to be £1250 - £2500 dependent on the building type and fit standard.

#### Material Replacement costs

Following the installation of a new CPT facility there will also be ongoing maintenance costs (e.g. replacing equipment, cleaning). The BRE research estimated that the annual operational costs, including maintenance, servicing, cleaning would, over a ten-year period, be approximately £4,407. The cost for a Baby changing facility is estimated to be less as cleaning would be incorporated within existing costs, however replacement of the facilities is expected to be a maximum of £400 over the same period.



The proposals are to have a threshold at which point the sanitary facility is expected to be provided. The setting of a threshold ensures that the requirement is proportionate to building size. This will ensure the proposals do not adversely affect small/medium sized business.

#### **4.2 Public Sector including local government and other public bodies**

**How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal impact the public sector?**

##### Provision of public buildings

Where the public sector provide publicly accessible buildings that may be covered by the provision (e.g hospitals, libraries or leisure centres) then the public sector, if they do not already incorporate such facilities, will experience an increased design and build cost. These costs are the same as those experienced by the private sector.

##### Regulatory supervision

It is generally accepted by stakeholders that regulatory requirements evolve over time in the light of technological advancements, new product developments and changes in construction practices. Where new standards are introduced there is anticipated to be a small one-off cost associated with understanding the new requirements. This will be felt by all parties including owners of public sector buildings, such as schools and Local Government Building Control.

The costs associated with the transitional cost are dependent on the extent of the proposed improvements the review generates. In addition, the Welsh Government will also develop guidance on the proposed Regulations, which will help minimise costs.

It is not anticipated that there will be any significant impact on design and supervision fees or compliance burden associated with the additional conformity-checking the amended Building Regulations will impose on Building Control Authorities.

#### **4.3 Third Sector**

**How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal impact third sector organisations and what they do?**

Where the third sector provide publicly accessible buildings that may be covered by the provision (e.g leisure centres) then the public sector, if they do not already incorporate such facilities, will experience an increased design and build cost. These are the same as those experienced by the private sector.

These proposals will improve sanitary facilities, this will assist third sector organisations (such as the changing paces consortium) achieve their aims.

#### **4.4 Justice Impact**

The proposals do not need have an impact on the justice system and a Justice System Impact Identification is not required.

## SECTION 5. WHAT WILL BE THE EFFECT ON ENVIRONMENTAL WELL-BEING?

### 5.1a How will the proposal deliver one or more of the National Priorities in the Natural Resources Policy (NRP)?

The proposals will support action to tackle health inequalities and support community cohesion, providing some minor links to the national priorities.

### 5.1b Does the proposal help tackle the following national challenges and opportunities for the sustainable management of natural resources?

There are no links to help tackle the national challenges and opportunities for the sustainable management of natural resources

## 5.2 Biodiversity

In accordance with Section 6 of the Environment (Wales) Act 2016, a E. Biodiversity Impact Assessment is contained at annex D.

## 5.3 Climate Change

### 5.3a Decarbonisation

**How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal affect emissions in Wales?**

The proposals will have no effect on the emissions in Wales

### 5.3 b Adaptation

**How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal affect ability to adapt to the effects of climate change?**

The proposals will have no effect on the ability to adapt to the effects of climate change

## 5.4 Strategic Environmental Assessment (SEA)

A SEA is needed for the schemes which are a plan or programme which sets the framework for development consent and was required by administrative provisions within the meaning of articles 2-3 of Directive 2001/42/EC ("the SEA Directive"). The proposals do not fall within this definition and an SEA is not required.

### **5.5 Habitats Regulations Assessment (HRA)**

A HRA is carried out for plans or project that is likely to have a significant effect on a European site within the meaning of the Council Directive 92/43/EEC (the Habitats Directive) and Directive 2009/147/EC (the Birds Directive). In this context the term 'plan or project' includes planning strategies, development plans, development proposals or anything else that could impact on the integrity of a European site. The proposals do not fall within this definition and a HRA is not required.

### **5.6 Environmental Impact Assessment (EIA)**

An EIA is required for development consent for public and private projects set out in Directive 2011/92/EU (the EIA Directive) which are likely to have significant effects on the environment. These proposals do not form a development consent or a project as set out in the Directive and therefore an EIA is not required. Development projects which form a development consent under the Directive and need EIA may include a CPT/BNCF. Any project impacts will be considered within the EIA for the specific project.

## SECTION 6. RECORD OF FULL IMPACT ASSESSMENTS REQUIRED

You have now decided which areas need a more detailed impact assessment. Please list them below.

Impact Assessment	Yes/No	If yes, you should
Children’s rights	yes	Complete the Assessment below
Equality	Yes*	Complete the b. Equality Impact Assessment below
Rural Proofing		
Health		
Privacy	Yes	Complete the c. Data Protection <b>IMPACT ASSESSMENT</b> below
Welsh Language	Yes*	Complete the Please send your assessment to the Information Rights Unit ( <a href="mailto:DataProtectionQueries@gov.wales">DataProtectionQueries@gov.wales</a> ) copied to your Information Asset Owner.
		Name of Information Asset Owner: Neil Hemington, Chi
		PIA reference number (A unique number to identify this P document’s ishare id)  A29306945

		<p>Please describe your proposal:</p> <p>The project will include a public consultation on the proposals going forward. The consultation will collect information from the respondent. This may contain personal data, as identified below. This will be processed in line with Welsh Government policy, including management of personal data.</p>	
		<p>Has data protection impact screening or assessment already been carried out?</p> <ul style="list-style-type: none"> <li>• No</li> </ul>	
		<p>Does the proposal involve the processing of personal data by Welsh Government or any other parties?</p> <ul style="list-style-type: none"> <li>• Yes</li> </ul> <p>Please tick the personal data items that will be processed (this list is not exhaustive):</p> <p><b>Personal</b></p>	
		<p>Name ✓</p> <p>Name address ✓</p> <p>Business address ✓</p>	<p>Telephone numbers ✓</p> <p>Date of birth</p> <p>Driving licence number</p>

		Postcode✓	Passport / ID card number
		Email address✓	Photographs / images (which could be used to identify an individual)
			Other (please specify)
		<b>Special Category</b>	
		Racial / ethnic origin	Biometric data e.g. DNA, finger-prints
		Political opinions	
		Religious / philosophical beliefs	
		Trade union membership	
		Physical / mental health conditions	
		Sexual life	
		Sexual orientation	
		Criminal & court records (inc. alleged offences)	

		If special category personal data is being processed, is this data being collected mandatorily (i.e. without the data subjects having an option to not provide it)? <ul style="list-style-type: none"> <li>• No</li> </ul>		
		Do any of the data subjects whose personal data will be processed fall into the following categories?  Children (under the age of 12) N/A  Patients N/A  Asylum Seekers N/A  Welsh Government employees N/A		
		Please give an indication of the scale of the processing (e.g. pan-Wales; targeted group)  Pan wales consultation.		
		For the personal data being processed, please indicate		
		Who the data controller is?	Details: Welsh Government	
		Any data processors?	Details: Welsh Government	



		Will the data be shared?	Details: No	
		<p>What is the statutory basis for processing the data?</p> <p>The Welsh Ministers have the power to do things which are conducive or incidental to their other functions by virtue of the common law executive functions transferred to them via section 58A of the Government of Wales Act 2006. Undertaking consultation will facilitate or be conducive to the exercise of functions under section 1 of the Building Act 1984 ("the 1984 Act"). Where Section 1(1) of the 1984 Act confers power to make building regulations for a number of purposes.</p>		
		<p>Have legal Services confirmed that the basis outlined above provides the necessary statutory gateway for processing (including any proposed sharing)?</p> <p>No</p>		
		<p>Will the proposal involve new or significantly changed processing of personal data about each individual?</p> <ul style="list-style-type: none"> <li>No</li> </ul>		
		<p>Will the personal data be consolidated, linked or matched with data from other sources?</p> <ul style="list-style-type: none"> <li>No</li> </ul>		
		Will the personal data be used for automated decision making?		

		<ul style="list-style-type: none"> <li>No</li> </ul>	
		<p>Will the personal data result in systematic monitoring of data subjects?</p> <ul style="list-style-type: none"> <li>No</li> </ul>	
		<p>Does the proposal involve new or changed data collection, retention or sharing policies/practices for personal data?</p> <ul style="list-style-type: none"> <li>No</li> </ul>	
		<p>Do you have a clear retention policy and what practical things are in place for you to ensure that your Retention Policy is applied?</p> <ul style="list-style-type: none"> <li>Yes, annual audit by relevant staff of records of personal data held by division.</li> </ul>	
		<p>Will the proposal involve the introduction of privacy-intrusive technologies such as</p> <ul style="list-style-type: none"> <li>Smart cards</li> <li>RFID tags</li> <li>Biometrics</li> <li>Visual surveillance (e.g. CCTV)</li> <li>Digital image and video recording</li> <li>Profiling, data mining or logging electronic traffic</li> <li>Locator technologies (e.g. GPS, mobile phone tracking)</li> <li>Other (please provide details)</li> </ul>	

		<ul style="list-style-type: none"> <li>• No</li> </ul>	
		<p>Will the proposal involve new or changed identity management or authentication processes?</p> <ul style="list-style-type: none"> <li>• No</li> </ul>	
		<p>Will the proposal have the effect of enabling identification of individuals who were previously anonymous?</p> <ul style="list-style-type: none"> <li>• No</li> </ul>	
		<p>Please send your assessment to the Information Rights Unit (DataProtectionQueries@gov.wales) copied to your Information Asset Owner.</p> <p>For completion by Information Rights Unit</p>	
		<p>Is a Data Protection Impact Assessment (DPIA) required for</p> <ul style="list-style-type: none"> <li>• No</li> </ul>	

		This proposal does not meet the criteria for undertaking a DPIA specified by Article 35(1), 35(3) and 35(4) of the GDPR.	
		<p>Has advice on General Data Protection Regulation (GDPR) compliance been provided?</p> <ul style="list-style-type: none"> <li>• No: The Welsh Government has an established process for undertaking public consultations that has considered data protection compliance, which should be followed. This process has considered data protection compliance and the consultation template to be used has a standard GDPR compliant privacy notice.</li> <li>• Does the proposal require a Privacy Notice to be drafted? Yes. The consultation template to be used has a standard GDPR compliant privacy notice.</li> <li>• Does the proposal require consultation with the ICO under GDPR Art 36(4)? No.</li> <li>• Does the proposal require a contract between Welsh Government as data controller and a third party processor? No.</li> <li>• Does the proposal require a data sharing agreement to be drafted? No.</li> </ul>	

		D. Welsh Language Impact Assessment below
Economic / RIA		
Justice		
Biodiversity	Yes*	Complete the E. Biodiversity Impact Assessment below
Climate Change		
Strategic Environmental Assessment		
Habitat Regulations Assessment		
Environmental Impact Assessment		

## SECTION 7. CONCLUSION

### 7.1 How have people most likely to be affected by the proposal been involved in developing it?

The final policy will not be developed or delivered in isolation. Under section 14(5) of the Building Act 1984 the Welsh Ministers have a duty to appoint a Building Regulations Advisory Committee (BRACW) who must be consulted when proposing changes to Building Regulations and related processes. The role of BRACW is to advise the Welsh Ministers on the making and amending of building regulations, and on other related matters in Wales. Members are appointed on a voluntary independent basis to represent particular areas/fields of expertise and experience.

In addition to this, discussions take place with people of different interests, (e.g. users or providers of facilities) to shape the proposals as they move forward. When they have been developed the proposals will also be the subject of a public consultation.

### 7.2 What are the most significant impacts, positive and negative?

The most significant impact is on people. The Provision of CPTs addresses the need of people for whom standard accessible (or “disabled toilet”) accommodation is insufficient or inadequate. Importantly CPTs give severely disabled people and their families the opportunity to visit public places which they otherwise would not be able to and can therefore make a huge difference to their quality of life.

Provision of nappy changing facilities ensures parents are not forced to avoid certain venues, due to their lack of adequate facilities, or if there is nowhere safe to do so, they might be forced to make use of whatever space is available.

There are no significant impacts on the culture and Welsh language, economy and environment of Wales

**7.3 In light of the impacts identified, how will the proposal:**

- **maximise contribution to our well-being objectives and the seven well-being goals; and/or,**
- **avoid, reduce or mitigate any negative impacts?**

The proposals will contribute to a healthier Wales and a more equal Wales. Providing accessible sanitary facilities will contribute to a society in which people's physical and mental well-being is maximised and enable them to fulfil their potential no matter what their background or circumstances. No significant negative impacts have been identified.

**7.4 How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes?**

The principal responsibility for ensuring the Building Regulations are complied with is for the person carrying out the work. However, the role of checking and enforcing the Building Regulations requirements are being complied with is the responsibility of Building Control Bodies (Welsh Local Authorities or private Approved Inspectors).

The Building Control Performance Standards Advisory Group (BCPSAG) is an independent advisory body which gives advice to Government on the performance of building control bodies in Wales. BCPSAG monitors and reviews the effectiveness of the Performance Standards and Guidance used by Building Control Bodies. The standards encourage consistency of performance by all building control bodies.

## SECTION 8. DECLARATION

### Declaration

I am satisfied that the impact of the proposed action has been adequately assessed and recorded.

Name of Senior Responsible Officer / Deputy Director: Neil Hemington

Department: Planning Directorate

Date: 27<sup>th</sup> April 2020



## FULL IMPACT ASSESSMENTS

### A. CHILDRENS RIGHTS IMPACT ASSESSMENTS

#### **Describe and explain the impact of the proposal on children and young people.**

The proposed amendment will strengthen the requirement for CPTs and BNCF in certain types of public building through building regulations. Our proposals are to amend AD M so that CPT and BNCF are required in new large buildings commonly used by the public and an extension of, or a change of use to, any such building where the AD is followed as a means of compliance.

The current lack of facilities is a barrier to participation in cultural and heritage activities . The proposals will increase the sanitary provision in publicly accessible buildings, this will encourage people to participate in the arts sports and recreation as suitable facilities will be provided.

#### **Explain how the proposal is likely to impact on children's rights.**

Article 23 provides that a child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to provide support to disabled children and their families.

Article 31 provides that every child has the right to relax, play and take part in a wide range of cultural and artistic activities.

The provision of CPTs and BNCF will have a positive impact on both of these UNCRC rights. The provision will enable all children to relax, play and take part in a wide range of cultural and artistic activities. The provision on CPTs will have a specific impact on disabled children enabling them live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community

## B. EQUALITY IMPACT ASSESSMENT

### 1. Describe and explain the impact of the proposal on people with protected characteristics as described in the Equality Act 2010.

The Equality Duty requires public bodies to have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equalities Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it.

The proposals are likely to have a neutral impact in terms of race, income, religion and age. The provision of CPT will positively help those people with profound and multiple learning disabilities, as well as people with physical disabilities who often need extra equipment and space to allow them to use the toilets safely and comfortably. Ensuring the provision of BNCF that are accessible to all users will *promote equality and specifically* assist the characteristics of Gender Reassignment, Pregnancy and maternity, Sex / Gender, Sexual orientation, Marriage and civil partnership and children.

#### Record of Impacts by protected characteristic:

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?

Age (think about different age groups)	<p>Disability varies between age groups, of the 13.3 million disabled people living in the UK, 7% of children, 18% of working age adults and 44% of pension age adults have an impairment. Although the figures do not provide information on those who are profoundly impaired (and therefore require a CPT) the CPT proposals will be positively affect all age groups, with greater benefit to the elderly.</p> <p>The effect on children has been assessed in the specific section below.</p>	<a href="https://www.papworthtrust.org.uk/about-us/publications/papworth-trust-disability-facts-and-figures-2018.pdf">https://www.papworthtrust.org.uk/about-us/publications/papworth-trust-disability-facts-and-figures-2018.pdf</a>	N/A
Disability (think about different types of disability)	The provision of CPT will positively help those people with profound and multiple learning disabilities, as well as people with physical disabilities who often need extra equipment and space to allow them to use the toilets safely and comfortably.	250,000 people in the UK need a changing places toilet - <a href="http://www.changing-places.org/">http://www.changing-places.org/</a>	N/A
Gender Reassignment (the act of transitioning and Transgender people)	Ensuring the provision of BNCF that are accessible to all users and will promote equality. This may assist those people who are transgender, non-binary, gender diverse and other non cisgender identities.	<a href="https://eusci.org.uk/2019/04/05/the-necessity-of-gender-neutral-toilets/">https://eusci.org.uk/2019/04/05/the-necessity-of-gender-neutral-toilets/</a>	It is accepted the amendment does not address the matter of

			gender neutral toilets. This is outside the scope of this work.
Pregnancy and maternity	<p>Ensuring the provision of BNCF that are accessible to all users will promote equality and specifically assist the characteristics of maternity and paternity.</p> <p>The benefit will assist in undertaking daily activities.</p>	<p><a href="http://www.historyandpolicy.org/policy-papers/papers/supporting-active-fatherhood-in-britain">http://www.historyandpolicy.org/policy-papers/papers/supporting-active-fatherhood-in-britain</a></p> <p><a href="https://www.direct365.co.uk/blog/baby-changing-facilities-research/">https://www.direct365.co.uk/blog/baby-changing-facilities-research/</a></p>	N/A
Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum)	<p>There are some differences in the percentage of children between different ethnic groups. These are not significant compared to the overall number of children, however some positive impacts may be greater for these groups</p>	<p><a href="https://www.nomisweb.co.uk/census/2011">https://www.nomisweb.co.uk/census/2011</a></p>	N/A

seekers and Refugees)			
Religion, belief and non-belief	<p>The Muslim population has a higher percentage of nought to four people compared to the total within the religion. When compared to the total children Christian children are the highest group, this figure is comparable with the overall religious percentages in Wales.</p> <p>In terms of disabled people, there is not statistically significant difference between religion and disability.</p>	<a href="https://www.nomisweb.co.uk/census/2011">https://www.nomisweb.co.uk/census/2011</a>	N/A
Sex / Gender	Ensuring the provision of BNCF that are accessible to all users will promote equality and specifically assist the characteristics of Gender		N/A
Sexual orientation (Lesbian, Gay and Bisexual)	Ensuring the provision of BNCF that are accessible to all users will promote equality and specifically assist the characteristics of sexual orientation		N/A
Marriage and civil partnership	Ensuring the provision of BNCF that are accessible to all users will promote equality and specifically assist the characteristics of marriage and civil partnership		

Children and young people up to the age of 18	<p>Ensuring the provision of BNCF will therefore be of benefit to those who require such facilities to be changed.</p> <p>The provision of a CPT will help children with a disability to live a full and decent life with dignity and, as far as possible, be independent and play an active part in the community. The provision of CPTs will therefore assist to help children participate in activities.</p>	Link to <a href="#">Survey</a> viewed (currently unavailable)	
Low-income households	No specific effect.		

### Human Rights and UN Conventions

Do you think that this policy will have a positive or negative impact on people's human rights? (*Please refer to point 1.4 of the EIA Guidance for further information about Human Rights and the UN Conventions*).

*The policy will have no negative effect on people's human rights under the Human Rights Act or The European Convention on Human Right*

## C. DATA PROTECTION IMPACT ASSESSMENT SCREENING

Please send your assessment to the Information Rights Unit ([DataProtectionQueries@gov.wales](mailto:DataProtectionQueries@gov.wales)) copied to your Information Asset Owner.

Name of Information Asset Owner: Neil Hemington, Chief Planner	
PIA reference number (A unique number to identify this PIA such as DivDate or this document's ishare id)  A29306945	
Please describe your proposal:  The project will include a public consultation on the proposals going forward. The consultation will collect information from the respondent. This may contain personal data, as identified below. This will be processed in line with Welsh Government policy, including management of personal data.	
Has data protection impact screening or assessment already been carried out?  <ul style="list-style-type: none"> <li>No</li> </ul>	
Does the proposal involve the processing of personal data by Welsh Government or any other parties?  <ul style="list-style-type: none"> <li>Yes</li> </ul> Please tick the personal data items that will be processed (this list is not exhaustive):  <b>Personal</b>	
Name ✓  Name address ✓  Business address ✓  Postcode ✓	Telephone numbers ✓  Date of birth  Driving licence number  Passport / ID card number

Email address✓	Photographs / images (which could be used to identify an individual)  Other (please specify)
<b>Special Category</b>	
Racial / ethnic origin  Political opinions  Religious / philosophical beliefs  Trade union membership  Physical / mental health conditions  Sexual life  Sexual orientation  Criminal & court records (inc. alleged offences)	Biometric data e.g. DNA, finger-prints
If special category personal data is being processed, is this data being collected mandatorily (i.e. without the data subjects having an option to not provide it)?  <ul style="list-style-type: none"> <li>• No</li> </ul>	
Do any of the data subjects whose personal data will be processed fall into the following categories?  Children (under the age of 12) N/A  Patients N/A  Asylum Seekers N/A  Welsh Government employees N/A	
Please give an indication of the scale of the processing (e.g. pan-Wales; targeted group)  Pan wales consultation.	



For the personal data being processed, please indicate	
Who the data controller is?	Details: Welsh Government
Any data processors?	Details: Welsh Government
Will the data be shared?	Details: No
<p>What is the statutory basis for processing the data?</p> <p>The Welsh Ministers have the power to do things which are conducive or incidental to their other functions by virtue of the common law executive functions transferred to them via section 58A of the Government of Wales Act 2006. Undertaking consultation will facilitate or be conducive to the exercise of functions under section 1 of the Building Act 1984 ("the 1984 Act"). Where Section 1(1) of the 1984 Act confers power to make building regulations for a number of purposes.</p>	
<p>Have legal Services confirmed that the basis outlined above provides the necessary statutory gateway for processing (including any proposed sharing)?</p> <p>No</p>	
<p>Will the proposal involve new or significantly changed processing of personal data about each individual?</p> <ul style="list-style-type: none"> <li>No</li> </ul>	
<p>Will the personal data be consolidated, linked or matched with data from other sources?</p> <ul style="list-style-type: none"> <li>No</li> </ul>	
<p>Will the personal data be used for automated decision making?</p> <ul style="list-style-type: none"> <li>No</li> </ul>	
<p>Will the personal data result in systematic monitoring of data subjects?</p> <ul style="list-style-type: none"> <li>No</li> </ul>	

<p>Does the proposal involve new or changed data collection, retention or sharing policies/practices for personal data?</p> <ul style="list-style-type: none"> <li>• No</li> </ul>
<p>Do you have a clear retention policy and what practical things are in place for you to ensure that your Retention Policy is applied?</p> <ul style="list-style-type: none"> <li>• Yes, annual audit by relevant staff of records of personal data held by division.</li> </ul>
<p>Will the proposal involve the introduction of privacy-intrusive technologies such as</p> <ul style="list-style-type: none"> <li>• Smart cards</li> <li>• RFID tags</li> <li>• Biometrics</li> <li>• Visual surveillance (e.g. CCTV)</li> <li>• Digital image and video recording</li> <li>• Profiling, data mining or logging electronic traffic</li> <li>• Locator technologies (e.g. GPS, mobile phone tracking)</li> <li>• Other (please provide details)</li> </ul> <ul style="list-style-type: none"> <li>• No</li> </ul>
<p>Will the proposal involve new or changed identity management or authentication processes?</p> <ul style="list-style-type: none"> <li>• No</li> </ul>
<p>Will the proposal have the effect of enabling identification of individuals who were previously anonymous?</p> <ul style="list-style-type: none"> <li>• No</li> </ul>

Please send your assessment to the Information Rights Unit ([DataProtectionQueries@gov.wales](mailto:DataProtectionQueries@gov.wales)) copied to your Information Asset Owner.

For completion by Information Rights Unit

Is a Data Protection Impact Assessment (DPIA) required for this proposal?

- No

This proposal does not meet the criteria for undertaking a DPIA specified by Article 35(1), 35(3) and 35(4) of the GDPR.

Has advice on General Data Protection Regulation (GDPR) compliance been provided?

- No: The Welsh Government has an established [process for undertaking public consultations](#) that has considered data protection compliance, which should be followed. This process has considered data protection compliance and the consultation template to be used has a standard GDPR compliant privacy notice.
- Does the proposal require a Privacy Notice to be drafted? Yes. The consultation template to be used has a standard GDPR compliant privacy notice.
- Does the proposal require consultation with the ICO under GDPR Art 36(4)? No.
- Does the proposal require a contract between Welsh Government as data controller and a third party processor? No.
- Does the proposal require a data sharing agreement to be drafted? No.

## D. WELSH LANGUAGE IMPACT ASSESSMENT

1. Welsh Language Impact Assessment reference number (completed by the Welsh Language Standards Team, email: [Safonau.Standards@gov.wales](mailto:Safonau.Standards@gov.wales)):
2. Does the proposal demonstrate a clear link with the Welsh Government's strategy for the Welsh language? – *Cymraeg 2050 A million Welsh speakers* and the related Work Programme for 2017-2021?

There is no link between Cymraeg 2050 A million Welsh speakers and Work Programme for 2017-2021 and the proposed project. The project is concerned with the provision of sanitary facilities.

3. Describe and explain the impact of the proposal on the Welsh language, and explain how you will address these impacts in order to improve outcomes for the Welsh language. How will the proposal affect Welsh speakers of all ages (both positive and/or adverse effects)?

The proposals will mean certain development schemes will incorporate specific sanitary facilities. The improvements to buildings as a result of any amendment will benefit people and communities generally, with no specific impact on Welsh Language. Although building regulations do not cover signage, where they are provided they will comply with the Welsh Language Act if relevant.

## **E. BIODIVERSITY IMPACT ASSESSMENT**

### **Embedding biodiversity**

The project is concerned with the provision of sanitary facilities in certain publicly accessible buildings. The project therefore does not have a negative impact on biodiversity.

### **Governance and support for delivery of biodiversity action**

The proposal is not able to support or build capacity for biodiversity action. As the project will not have an effect on biodiversity a report on the actions is not considered necessary.