

WELSH GOVERNMENT

DRAFT INTEGRATED IMPACT ASSESSMENT

Title of proposal:	Increasing the non-residential care and support weekly maximum charge from its current level of £100.
Official(s) completing the Integrated Impact Assessment (name(s) and name of team):	Bethan Jones Edwards, Head of the National Office for Care and Support Angharad Clarke, NCS – Programme Manager Adrian Davies, National Office for Care and Support
Department:	Paying for Care
Head of Division/SRO (name):	Albert Heaney, CBE, Chief Social Care Officer
Cabinet Secretary/Minister responsible:	Minister for Health and Social Services Deputy Minister for Social Services
Start Date:	17 January 2024

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

In narrative form, please describe the issue and the action proposed by the Welsh Government. How have you applied / will you apply the five ways of working in the Well-being of Future Generations (Wales) Act 2015 to the proposed action, throughout the policy and delivery cycle?

Welsh Government is consulting on the maximum weekly charge for non-residential care and support services. The current maximum charge is set at £100 per week, this level having been set in 2020. Following Covid and more recently due to the high inflationary increases in the costs of delivering care and the severe funding challenges facing local authorities, along with increasing numbers of people requiring care and support services, it is prudent to consult on whether the current non-residential weekly maximum charge should be increased to reflect these inflationary increases.

First introduced in Wales in 2011 and continued under the Social Services and Well-being (Wales) 2014 Act (SSWBA), the maximum weekly charge for non-residential care and support services places a limit on the amount local authorities can charge a person assessed as requiring social care and support at home or within the community.

On its introduction, the maximum weekly charge was set at £50 per week. The maximum weekly charge was uplifted over subsequent years in line with the Welsh Government's intention to work towards introducing a £100 per week maximum by the end of the term of the last Government (2016-2021). This was to strike a balance between enabling local authorities to raise additional income to help meet costs pressures in providing care, and ensuring the quality of that care, whilst remaining fair and affordable for people to pay. This was achieved in April 2020; and remains current policy.

Local authorities have the legal responsibility to provide social care and support to their respective assessed eligible citizens, either within their own home, in the community, or in a residential care setting. Local Authorities have a discretion to charge for the care and support they provide or arrange. There is not a presumption that they will charge on every occasion. Where they do charge, financial contributions are based on a person's financial ability to meet a charge (within the financial protection which exists for those on lower incomes) and not on factors such as gender, age, or marital status.

Under the proposed changes, it would remain the case that those who have the financial means to pay an increased maximum weekly charge would do so. This would be determined by the usual process, as part of the financial means test carried out by an individual's local authority. The financial hardship that people are facing due to cost-of-living increases would be taken into account in the financial means

test. Therefore, not everyone currently paying the maximum weekly amount of £100 for non-residential care and support services would be required to pay an increased amount.

Long term

Population change and increasing needs

There is an increasing need for social care services in Wales. The proportion of people over the age of 75 in Wales is projected to increase from 9.9% of the population in 2021 to 13.8% in 2041, increasing from around 307,000 people to around 455,000 people. The proportion of people aged 65 years or older is projected to increase from just over one in five of the population in 2021 (or 21.4%) to over one in four of the population by 2041 (or 25.5%). Although future demand for care and support cannot simply be linked to an ageing population, it is likely to result in increased pressure on care services. More people are living from birth with conditions that need forms of lifelong care, and there is a high number of looked after children. The pressures brought about by these changes in demographics set the context of the current financial challenges and are putting social care services under extreme pressure across Wales.

Funding challenges

Social services continue to make up an increased percentage of overall local government expenditure. Costs of delivering services and wage inflation account for a significant proportion of increased demands on local authority social services departments across Wales. This results in the costs of delivering care and support services increasing year on year, however, the non-residential weekly maximum charge has remained the same since 2020.

The Future Generations Act includes a 'sustainable development principle' and the sustainability of social care and support services is therefore paramount. Being able to increase the maximum charge for people who receive services and who have been assessed as being able to pay the maximum charge, through the financial assessment process will enable local government to increase their income, which in turn will be used to ensure the sustainability of care and support services in Wales.

The commitment to pay the Real Living Wage (RLW) to social care workers formed part of the Welsh Labour Party Manifesto and the subsequent Programme for Government 2021- 26; and is the starting point for improved terms and conditions for social care workers. By local authorities being able to maximise the funding that they receive through charging, they are able to support the social care sector including continuing to pay the RLW to the workforce. This contributes to allowing individuals to achieve positive outcomes and will positively impact workforce capacity and morale.

Impact

There are potential perverse effects of increasing the maximum charge; for example, it might further deter people from seeking an assessment of their needs until crisis point; if people try and 'carry on' without the care they need because of awareness of the maximum charge, it may be bad for their future well-being, carrying with it a risk of escalation of adverse health and well-being conditions/general deterioration. The current cost of living crisis has impacted people significantly; however the financial means test that is undertaken to determine the amount that people pay towards their care will take into account the financial circumstances of individuals.

As well as the impact upon the individual, this could give rise to more cost within the system ultimately (for example, prompting a requirement for earlier access to more acute interventions including care homes/hospital care). It is not feasible to assess these costs at this point.

Additionally, the population accessing non-residential care provision (and thus affected by the operation of the maximum charge) is not limited to those of pensionable age, but will include people with disabilities, unpaid carers who have been assessed as needing care and support in their own right, those with neuro-divergent conditions, mental health and well-being needs, and those with learning disabilities. These groups are already likely to be challenged by the "cost-of-living crisis".

Persons who do not accept a financial assessment can be charged the maximum amount (or the full cost of their care, whichever is the lower) regardless of actual means (subject to requirements upon local authorities to ensure that people do not become financially vulnerable).

Prevention

Stats Wales reports that in 2018-19 the number of adults who paid the maximum weekly charge towards the cost of their care and support or support for carers was 11,696 and the number of adults who paid a flat rate charge for care and support or support for carers in 2018-19 was 14,881. If trends remain the same, it is likely that circa 3000 more people could still be paying the flat rate charge towards their care rather than the maximum charge. However, this is not easily determined as the amount an individual contributes towards non-residential care is based on individual financial circumstances, and we know that general costs of living have increased significantly.

The recent cost of living inflationary increases has put additional financial burden on households for example a UK Disability Survey¹ identified that 52% of disabled people receive support with their care needs at least once a week and of these, 75% received support with care from family and friends who live with them (either

¹ [UK Disability Survey research report, June 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/research-data-and-analysis/publications/uk-disability-survey-research-report-june-2021)

paid or unpaid), while 19% had support with care from paid carers, nurses, or other professionals. In addition, 42% of disabled people found paying their usual living expenses 'quite difficult' or 'very difficult' before COVID-19, compared with 51% during COVID-19.

It is not likely that increasing the non-residential weekly maximum charge will impact negatively on everyone that currently receives non-residential care services. It is more likely to only affect some of those who are assessed as being able to pay the maximum charge – however, it is not necessarily the case that those who are currently paying the full maximum charge per week, will be financially assessed as being able to pay an increased maximum charge level. Local authorities would need to re-assess people who receive care in line with any changes in policy.

Integration and Collaboration

Welsh Government work closely with local authorities who deliver social care services. To deliver on this policy, Welsh Government will need to work closely with the local authorities who are responsible for carrying out the financial assessment of individuals, working in line with the regulations and code of practice.

Involvement

Through the consultation period, there will be an opportunity for individuals and organisations to provide their views on this proposed increase through responding to this consultation. Organisations that represent people who receive care and support will also have opportunity to provide their views on behalf of the people that they represent. The consultation period will be 12 weeks which provides opportunity for individuals and organisations to provide their views.

Costs and savings

The proposed change in policy will not impact existing WG budgets for this policy or PfG commitment. The change would however result in local authorities' ability to generate additional income, which can be utilised to support social care services. The financial impact of an increased weekly maximum charge for non-residential care and support services would fall to adults in receipt of non-residential care and support, with specific financial implications determined by the LA-conducted financial means test (which has no proposed changes to its process).

Provisional estimates, based on a data from 2021-22² put the funding benefits to local authorities at less than £7.2m p.a. for a £15 increase; circa £9.6m based on a weekly increase by £20 and around £12m income based on a £25 per week increase. These are provisional estimates only, based on the potential impact of people either not assessed as being able to meet the increased charge, or their cost

² [Adults charged for care and support, by local authority and measure \(gov.wales\)](https://gov.wales)

of care falling below the new maximum. From initial analysis, the funding benefits once all factors are considered are not yet clear.

Mechanism

It will be necessary to amend the current Care and Support (Charging)(Wales) Regulations 2015 and the Part 4 and 5 Code of Practice (Charging and Financial Assessment) to bring this policy into effect.

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 encompass 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)

For the purposes of financial assessment and charging, the framework relates to people on their individual merits in terms of the care and support they require, its cost, and the financial means that person has to meet a charge for this. If a person has low financial means, then this would be reflected in their assessment so as to reduce any charge levied accordingly. This should not impact of people's ability to participate in the arts, sports and recreation.

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)?

For the purposes of financial assessment and charging, the framework looks at people on their individual merits in terms of the care and support they require, its cost and the financial means that person has to meet a charge for this. This proposal has no impact on cultural well-being.

This position is unchanged by the changes now being introduced.

3.2 Welsh Language

The assessment is available at **annex E** below.

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 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?

For the purposes of financial assessment and charging, the framework looks at people on their individual merits in terms of the care and support they require, its cost and the financial means that person has to meet a charge for this. If a person has low financial means, then this would be reflected in their assessment so as to reduce any charge levied accordingly so it is only people who can afford to pay towards or in full for their care that pay. This position is unchanged by the changes now being introduced.

However, it is important to consider that the cost-of-living crisis will have impacted people in Wales. Disability Wales' 2023 report, *Barely Surviving*, outlines the impact of the cost-of-living crisis on disabled people in Wales and the "unique costs experienced by disabled people or costs that are more essential for disabled people" – this is sometimes socially referred to as a 'disability tax'. The report describes these as essential, but impairment related, costs and identifies from research respondents that some disabled people are sacrificing other daily spending just to be able to afford their essential impairment-related spending – many report respondents identified food and transport as areas where they have cut spending.

The Disability Wales report identifies some disabled people in Wales have had to "cut back on impairment-related expenses" which are often essential, and so reducing spend here can have a significant negative impact on life. One respondent in the report said they could "no longer afford their support worker". If daily-living costs continue to rise, and care costs for the individual are capped at a higher amount, there is likely to be at least moderate financial impact to the individual, although the existence of a cap on non-residential care costs in Wales (and the accompanying financial means test based on an individual's financial situation) mitigates the risk of being people asked to contribute an amount that is not reasonable and affordable.

The Older People's Commissioner for Wales publishes Key Statistics relating to Wales' Ageing Population³ and in September 2023 reported that nearly 1 in 4 older people in Wales lived in relative income poverty and this rose from 15% of older

³ [Understanding-Wales-ageing-population-5.4.pdf \(olderpeople.wales\)](#)

owner occupiers, to 33% of social renters. The rates of relative income poverty increase with age, with 16% of 65-69-year-olds and 19% of 70-79 year olds living in relative income poverty. 29% of single older women are living in relative income poverty, compared to 11% of older couples. Figures available for single older men are based on a limited sample but nevertheless suggests the number is 31%.

The basic state pension is currently £156.20 weekly (£8,122.40 annually) and the new full state pension (those that retired since April 2016) is £203.85 weekly (£10,600.20 annually). Pension credit is a financial entitlement for people over State Pension age which tops up weekly income to £201.05 a week for a single person and £306.85 for a couple. The number of Pension Credit claimants in Wales has steadily declined over the last two years. In February 2023 there were 82,028 people who were recipients of Pension Credit in Wales. Women are almost twice as likely to claim Pension Credit in Wales and in February 2023 there were 53,938 female's claiming compared to 28,092 males.

Universal credit is a monthly payment to help with living costs for those under the state pension age (currently 65) who are out of work or on low income. In June 2023 there were 23,653 people in Wales over the age of 60 who were recipients of Universal Credit. It is also known that on 1st October 2021, 22% of single pensioner households, and 13% of pensioner couples were in fuel poverty, this is when a household spends more than 10% of its income heating their home. It is estimated that up to 45% of all households in Wales could be in fuel poverty from April 2022 because of the costs of fuel increasing to the price cap. The National Survey for Wales (2022-23) also reported that 25% of 65-74 years old and 17% of those aged over 75 said they sometimes or always struggled to pay bills.

In 2022 Carer's Wales reported⁴ that due to the cost-of-living crisis, 26% of carers have reported cutting back on essentials such as food and heating, and 87% said that the rising cost of living is one of the main challenges they will face over the coming year.

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?

Introducing an increase to the non-residential care maximum charge does have a positive moderate impact on local government as it enables them to charge more to those who can afford to pay for their care and support needs. Local authorities are

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https://www.carersuk.org/images/State_of_caring_in_Wales/Compressed_Carers_Wales_State_of_Caring_in_Wales__20_22_report_English_final.pdf

facing extreme financial pressures at present and due to the recent inflationary increase, the cost of delivering care has increased. Being able to charge those receiving care and who are financially assessed as being able to pay more than the current £100 maximum charge would enable the local authority to increase its income.

Provisional estimates, based on a data from 2021-22⁵ put the funding benefits to local authorities at less than £7.2m p.a. for a £15 increase; circa £9.6m based on a weekly increase by £20 and around £12m income based on a £25 per week increase. These are provisional estimates only, based on the potential impact of people either not assessed as being able to meet the increased charge, or their cost of care falling below the new maximum. From initial analysis, the funding benefits once all factors are considered are not yet clear.

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?

Increasing the non-residential maximum charge will not have any impact on third sector organisations, however third sector organisations that support people who receive care and support services for example adults with complex needs or learning disabilities and older people will be concerned about proposals to increase the non-residential maximum charge.

It is possible that people who will be required to pay a higher maximum charge are receiving services from third sector organisations as part of their care and support service, Third sector organisations will be concerned about the impact on the people who they support however, people who pay for their non-residential care are financially assessed and only pay in full if they can afford to pay or pay towards the cost of their care, a level which has been assessed as being affordable to them.

The Older People's Commissioner for Wales publishes Key Statistics relating to Wales' Ageing Population⁶. They report that 67% of over 65's report living with one longstanding illness which is down from 71% in 2020, but there is 32% with two or more longstanding illnesses, mainly musculoskeletal, heart or circulatory complaints and this is down from 39%. However, the figure rises from 62% of 65–74-year-olds

⁵ [Adults charged for care and support, by local authority and measure \(gov.wales\)](https://gov.wales)

⁶ [Understanding-Wales-ageing-population-5.4.pdf \(olderpeople.wales\)](https://olderpeople.wales)

and to 72% for those over 75. In addition, the National Survey for Wales⁷ reports that 60% of people aged over 65 reports feeling lonely sometimes, compared to 58% of those aged 45-64, whilst 9% of older people in Wales feel consistently lonely. Whilst there is no direct correlation to suggest that those with longstanding illness or who feel lonely do access non-residential care there is a high probability that many do. This is likely to exacerbate demand on social care providers, particularly the third sector.

Disability Wales' 2023 report, *Barely Surviving*, outlines many organisations supporting disabled people felt they do not have the funding they need to maintain the level of the services they provide. Whilst the policy proposal to increase the non-residential maximum weekly charge would enable local authorities to increase their revenue, it is unlikely to generate the financial means needed to support these organisations in the way that the report suggests is needed.

4.4 Justice Impact

Please answer the following in relation to your proposal:

- ◆ **Are you bringing forward new primary legislation?** No
- ◆ **Are you creating, removing or amending an offence?** No
- ◆ **Could your proposal result in any other impact on the justice system e.g. through increased litigation, need for legal aid, appeal against a decision of a public body?** Not applicable

⁷ National Survey for Wales headline results: April 2022 to March 2023 | GOV.WALES

SECTION 8. CONCLUSION

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

The formal 12-week consultation will be an opportunity to engage with and seek feedback from stakeholders and people, upon whom the proposal to increase the non-residential care and support maximum weekly charge will directly impact. The consultation document includes specific questions on impact and allows people to offer further feedback on areas officials may not have yet considered. Upon conclusion of the formal consultation period, consultation responses will be carefully analysed by Welsh Government with scope to further amend proposals in response to feedback received. A summary of responses will be published to outline the feedback received and set out next steps.

8.2 What are the most significant impacts, positive and negative?

The most significant impact will be that some people who currently pay towards their non-residential care and support services may need to pay more per week for their services. However, it would only impact those who are assessed as being able to pay any additional amounts (up to the weekly maximum charge amount), or those who opt not to be financially assessed and therefore may be required to pay the maximum charge amount. People who are suffering financial hardship or struggling financially as a consequence of the cost-of-living crisis will have their financial situation taken into account when the financial means test is carried out. The amount adults in receipt of non-residential care and support services contribute towards the cost of their care is based on their assessed financial situation and therefore increasing the non-residential weekly maximum charge is not likely to affect those who do not already pay the current maximum weekly charge amount.

The proposals are primarily concerned with the financial situation of adults in receipt of non-residential care and support services, rather than necessarily impacting on culture and Welsh language. In line with the Social Services and Well-being (Wales) Act 2014, where people need services through the medium of Welsh – the local authority will conduct the financial assessment in Welsh in line with the language preference, and Welsh Government's *More than just words* Welsh language plan for health and social care outlines how we will continue to embed the Welsh language in the sector to ensure people can access the care that they deserve and require.

Social care services are currently under severe pressure due to the current economic climate and an increase in the number of people who require care and support. Local authorities need to maximise their income in order to ensure that they are able to provide services to people in the community and to ensure that the services are financially sustainable and able to provide quality services. If Ministers take the decision to increase the non-residential care and support maximum weekly

charge, the additional income that local authorities can exercise their discretion to charge, can be used to maximum effect, contributing to the overarching goal to ensure the social care system remains sustainable and provides quality services for people.

The Well-being of Future Generations (Wales) Act 2015, which seeks to improve the social, economic, environmental and cultural well-being of Wales, has seven well-being goals:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh Language
- A globally responsible Wales

The proposal to increase the non-residential care and support maximum weekly charge has been considered in line with these well-being goals. The increased revenue stream it could generate for local authorities (whilst striking the balance between immediate individual financial pressures and long-term funding challenges) would ensure a more prosperous and resilient Wales.

The ongoing commitments across health and social care, in the form of our Anti-Racist Wales Action Plan, LGBTQ+ Action Plan, Welsh language Action Plan, a target of net-zero by 2030 for the public sector, and a Healthier Wales plan contribute towards the goals for a healthier, more equally and globally responsible Wales, with a vibrant culture and thriving Welsh language.

8.3 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 consultation offers an opportunity to test the assumptions of the impacts set out in this assessment. We hope to identify other impacts which we can consider further as we develop the proposals and form mitigations for negative impacts. We will use the assessments set out here and further assessments to help ensure that proposals taken forward from the consultation can be delivered in the best way to maximise the social, cultural, environmental and economic wellbeing of Wales. We have set out above the key impacts of the proposals, both the positive for local authorities and the negative for people. For the main negative impacts in terms of the

implementation challenges, we will work closely with local authorities to take forward proposals in partnership that ensures that any implementation burdens are minimised as far as practicable.

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

Proposals within this consultation relate to the maximum weekly charge for adult non-residential care and support services. The local authorities, when charging for non-residential care, will need to carry out a financial assessment in line with the relevant regulations and code of practice.

As part of the [initial implementation plan for a National Care Service](#) in Wales, an internal programme board will be established. This will oversee implementation and development of the National Care Service, and paying for care is a key consideration as part of our long-term vision. Alongside this internal board, Welsh Government officials will continue to engage with stakeholders, which will be a crucial channel through which to monitor and evaluate implementation of proposals, should that decision be made by Ministers.

SECTION 9. DECLARATION

Declaration

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

Name of Senior Responsible Officer / Director: Albert Heaney, Chief Social Care Officer

Department: Social Services and Integration

Date: 13 February 2024

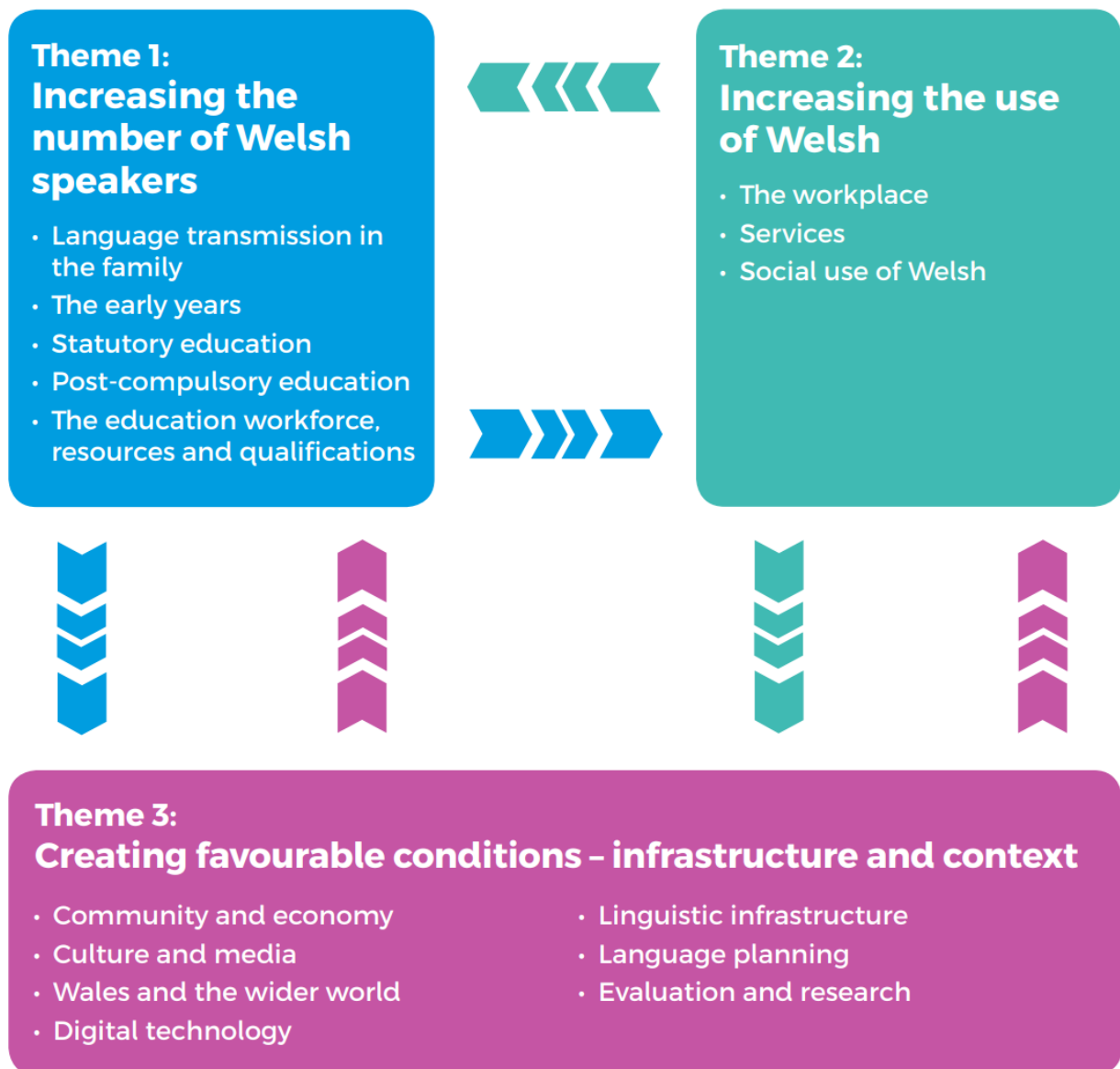
ANNEX E: WELSH LANGUAGE IMPACT ASSESSMENT

Cymraeg 2050 is our national strategy for increasing the number of Welsh speakers to a million by 2050.

The Welsh Government is fully committed to the new strategy with the target of a million speakers included in its Programme for Government. A thriving Welsh language is also included in one of the 7 well-being goals in the Well-being of Future Generations (Wales) Act 2015.

We also have a statutory obligation to fully consider the effects of our work on the Welsh Language. This means that any Welsh Government policy should consider how our policies affect the language and those who speak it.

The *Cymraeg 2050* strategy has three interrelated themes:



The headings under each theme outline the scope of activities that can affect the language.

As a general rule, if your policy has the potential to impact on people, it will impact in some way on Welsh speakers and therefore on the Welsh language.

1. **Welsh Language Impact Assessment reference number (completed by the Welsh Language Standards Team, email: Safonau.Standards@gov.wales):**

08/01/2024

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 2021-2026? [Cymraeg 2050 work programme 2021-2026](#)**

This proposal relates to increasing the adult non-residential care maximum charge for people receiving non-residential care and support.

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)? You should note your responses to the following in your answer to this question, along with any other relevant information:**

- ♦ **How will the proposal affect the sustainability of Welsh speaking communities⁸ (both positive and/or adverse effects)?**
- ♦ **How will the proposal affect Welsh medium education and Welsh learners of all ages, including adults (both positive and/or adverse effects)?**
- ♦ **How will the proposal affect services⁹ available in Welsh (both positive and/or adverse effects)? (e.g. health and social services, transport,**

⁸ These can be close-knit rural communities, dispersed social networks in urban settings, and in virtual communities reaching across geographical spaces.

⁹ The Welsh Language Strategy aims to increase the range of services offered to Welsh speakers, and to see an increase in use of Welsh-language services.

housing, digital, youth, infrastructure, environment, local government etc.)

- ♦ **How will you ensure that people know about services that are available in Welsh and are able to access and use them as easily as they can in English? What evidence / data have you used to inform your assessment, including evidence from Welsh speakers or Welsh language interest groups?**
- ♦ **What other evidence would help you to conduct a better assessment?**
- ♦ **How will you know if your policy is a success?**

The SSWBA, and the regulations and code in relation to financial assessment and charging, provide for a fairer and more equitable charging framework with the ability of someone being able to have the process conducted through the medium of Welsh. This will have a positive impact on the language, meeting Welsh speakers' needs and providing them with the ability to use the language in their dealings with local authorities should they wish to do so. This will be invaluable for Welsh speakers, particularly those whose first language is Welsh. It is not perceived that the policy will have any adverse impacts on the Welsh language.

When the SSWBA come into being Ministerial commitment was given that the regulations and guidance which underpin the Act would have due regard to the Welsh language. As a result, regulations and codes of practice issued under this are all underpinned by the principles set out in the Act, which contain an overarching duty at section 6(2)(c) that any person exercising a function under the Act must 'have regard to the characteristics of culture and belief of the individual which includes language'.

The key principles of "More than Just Words"¹⁰ have been embedded in the Act, that all people and organisations involved in the delivery of social services and social care must have regard to the right of people to communicate in Welsh should they wish. The Active Offer is a key principle of More than just and places the responsibility on health and social care providers to offer services in Welsh, rather than on the patient, service user or family to have to request them.

To strengthen the position of the Welsh language in the community

One of the prime objectives of the policy is to promote an individual's independence and ensure they are clear, and fully informed, where there is a charge for the care and support they require. All people and organisations involved in the delivery of social services and social care must have regard to the right of people to communicate in Welsh should they wish. Additionally, the regulations and code

¹⁰ *More than just words* is the Welsh Government strategy to strengthen and develop Welsh language provision in health and care services.

provide for those who wish to have their contact with local authorities with regard to financial assessment and charging through the medium of Welsh to do so, thus having a positive impact on Welsh speakers and predominantly Welsh speaking communities.

To increase opportunities for people to use Welsh in the workplace

The Act places a duty on any persons exercising its functions to seek to promote the well-being of individuals, including a duty to have regard to the characteristics, culture and beliefs of the individual (including language). This strengthens the promotion and use of the Welsh language to improve the well-being of people and the quality of care and support. This extends to where financial assessments and charging occur so that those local authority officers undertaking this will have an increased duty to actively offer Welsh language services and support to individuals.

To improve Welsh language services to citizens

Local authorities should make sure the use of Welsh language is built into the process of financial assessment and charging. For many Welsh speakers, language is an integral element of their care and support, e.g. some people are vulnerable and giving them the opportunity to conduct contact through the medium of Welsh can contribute to removing their anxiety. It is the responsibility of social services to deliver appropriate services that meet recipients' language needs.

The way in which the regulations and code have been drafted means that the Act, and the regulations and code on financial assessment and charging, apply to all people in Wales who need care and support, and carers who need support. The regulations and code are unpinned by the principles of the Act which state that any person exercising a function under the Act must have regard to the characteristics of culture and belief of the individual, which includes language. To this end Welsh Government is expecting that any individuals who have a financial assessment by a local authority for a charge can access this in Welsh should they so wish.