

WELSH GOVERNMENT INTEGRATED IMPACT ASSESSMENT

| | |
|--|--|
| Title of proposal: | Increasing the current non-residential care maximum charge from its current level of £100. |
| Official(s) completing the Integrated Impact Assessment (name(s) and name of team): | Louise Armstrong-Rodgers – Head of Paying for Care Melanie Thomas - Paying For Care Policy Manager Jacob Bridges – Paying for Care Policy Officer |
| Department: | Paying for Care |
| Director/Head of Division/SRO (name): | Albert Heaney, CBE, Chief Social Care Officer |
| Cabinet Secretary/Minister responsible: | Cabinet Secretary for Health and Social Care Minister for Children and Social Care |
| Start Date: | 14 May 2024 |

CONTENTS

| | |
|--|----|
| Section 1. What action is the Welsh Government considering and why? | 3 |
| Section 2. What will be the effect on social well-being?..... | 9 |
| Section 3. What will be the effect on cultural well-being and the Welsh language? | 13 |
| Section 4. What will be the effect on economic well-being?..... | 14 |
| Section 5. What will be the effect on environmental well-being? | 18 |
| Section 6. Socio-economic Duty. What will be impact on Socio-economic disadvantage?..... | 21 |
| Section 7. Record of Full Impact Assessments Required | 21 |
| Section 8. Conclusion | 23 |
| Section 9. Declaration..... | 26 |
| Full Impact Assessments | 27 |
| A. Equality Impact Assessment | 27 |
| B. Welsh language impact assessment | 41 |
| C. Biodiversity Impact Assessment..... | 45 |
| D. Socio-economic duty assessment..... | 51 |

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

Welsh Government is consulting on the maximum 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 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, 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 citizens, either within their own home, or in a residential care setting. Local Authorities have a discretion to charge for the care and support they provide or arrange. There is a presumption that they will charge or will charge on every occasion. Where they do, charging is based on a person's financial ability to meet a charge (within the financial protection which exists for those on low income) and not on factors such as gender, age, or marital status.

The proposed changes would ensure only individuals 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 the 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 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 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 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 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 service 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 Welsh Government Programme for Government 2021- 26; and is the starting point for improved terms and conditions for social care workers. Through 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 Real Living Wage 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. However, we cannot be confident that this is applied consistently across the 22 local authorities. Officials have evidence of disregards being applied differently. Implementing such a change, would have potential adverse impacts, as there is no one consistent approach across the board as yet.

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).

The Older People’s Commissioner for Wales publishes Key Statistics relating to Wales’ Ageing Population 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 owner occupiers, to 33% of social renters. The rates of relative income poverty increases with age, with 16% of 65-59 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 £169.50 weekly (£8,814.00 annually) and the new full state pension (those that retired since April 2016) is £221.20 weekly (£11,502.40 annually).

Pension credit is a financial entitlement for people over State Pension age which tops up weekly income to £218.15 a week for a single person and £332.95 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.

It is also reported 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 and 72% for those over 75. In addition the National Survey for Wales reports that 60% of people aged over 65 report 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 illnesses or who feel lonely do access non-residential care there is a high probability that many do.

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 at 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 as a result of the costs of fuel increasing to the price cap. The National Survey for Wales also reported that 25% of 65-74 years olds and 17% of those aged over 75 said they sometimes or always struggled to pay bills. ¹

In 2022 Carer's Wales reported 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. ²

The recent cost of living inflationary increases has put additional financial burden on households for example a UK Disability Survey 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 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-19.³

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.

As the amount an individual pays towards non-residential care is based on individual financial circumstances, it is not likely that increasing the non-residential weekly maximum charge will impact negatively on everyone that currently receives non-residential care services. Whilst the effect is not easily determined, we anticipate that the change is most likely to affect those who are currently 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

¹ Source Welsh Government National Survey for Wales April 2022 to March 2023.

² Carers Wales (2022) State of Caring in Wales 2022 A snapshot of unpaid care in Wales. November 2022. Available at: <https://www.carersuk.org/media/lrzlh5p/compressed-carers-wales-state-of-caring-in-wales-2022-report-english-final.pdf>

³ UK Disability Survey research report, June 2021 - GOV.UK (www.gov.uk)

maximum charge level. Local authorities would need to re-assess people who receive care in line with any changes in policy.

Considerations need to be made to the fact that services are often provided by third party providers. There is a risk that increasing the weekly maximum charge could encourage these providers to increase their fees to the local authorities in order to be able to pay their staff a fairer wage for services provided. Should this happen, it should be noted that everyone receiving care could be subject to paying a higher charge than they are currently paying.

We are very aware of profound financial pressures on local authorities and concerns raised by the Welsh Local Government Association (WLGA). Local authorities, on average, spend nearly 30% of their budget on social care, with 37% on education and the remainder on other services like housing, transport, and the environment.

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.

Welsh Government will also need to work closely with local authorities to ensure that there is clear communication of the new fee rates with both the public, service providers and third party stakeholders, to ensure that local authorities make public any fee rates paid.

Involvement

Through the consultation period, there was an opportunity for individuals and organisations to provide their views on this proposed increase through responding to the consultation. Organisations that represent people who receive care and support had the opportunity to provide their views on behalf of the people that they represent. The consultation period ran for 12 weeks, providing an opportunity for individuals and organisations to provide their views.

Costs and savings

Provisional estimates, based on data from 2021-22⁴ 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

⁴ [Adults charged for care and support, by local authority and measure \(gov.wales\)](https://gov.wales/adults-charged-for-care-and-support-by-local-authority-and-measure)

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 however the income raised per local authority is likely to be minimal in relation to the cost of social services.

Should an increase be made to the maximum weekly charge, individuals assessed as needing to pay an increased amount will be liable to pay £780 per annum. based on a weekly increase of £15, £1040 extra per annum based on a weekly increase of £20 or £1,300 p.a. extra based on a weekly increase of £25.

Mechanism

It will be necessary to amend the current Charging Regulations and Code of Practice to bring this policy into effect.

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

2.1 People and Communities

How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal affect people and communities?

Increasing the current non-residential care maximum charge can potentially negatively impact people who receive care and support services and who are financially assessed as being able to afford to pay either the full maximum weekly charge or pay towards the cost of their care and support.

It is estimated that around a third of people who are currently receiving non-residential care services pay for their non-residential care. It is likely to negatively impact those who are currently charged the maximum charge of £100 per week for the non-residential care that they receive. It is not likely that those who pay a contribution to, or who are currently assessed as not having to financially contribute towards the cost of their care will be impacted.

Local Authorities must not profit from services provided, if the cost of providing care to an individual is less than the maximum charge, Local Authorities can only charge for the cost of that care, even if a financial assessment deems that the maximum charge is affordable for the individual.

Under the Social Services and Wellbeing Act 2014, and in line with the relevant regulations and codes of practice, local authorities can exercise their discretion to charge for the relevant care and support that they provide. Save for the requirements of the Act, the regulations and the Code of practice (COP), where a local authority decides to use its discretion to charge for care and support it provides or arranges, the design and content of its policy for that charging is a matter for that authority. In line with the requirements of the Act, the regulations and the COP, authorities need to decide which care and support, if any, they will make a charge for, the nature and level of any charges to be made and how these charges will be applied to particular care and support recipients. Within the framework, authorities will also need to determine how their processes for undertaking the various stages of their charging procedure would operate and ensure that these are compliant with the requirements of the Act, the regulations and this Code. In particular, authorities will need to decide what allowances, disregards or other aspects they wish to incorporate within the financial assessments they undertake beyond those required by legislation. As local authorities have the discretion to design their own charging policies, there may be slight differences in the way that each local authority financially assess individuals.

Cost of living expenses are known to have increased significantly in recent years however these increases are not always reflected in financial assessments carried out by local authorities. Generally, a set rate is used to calculate cost of living expenses and not all

local authorities make allowances for costs in addition to these as an example where a disabled individual has a higher electric bill due to the requirement of medical equipment, this extra charge is not always disregarded from any assessment carried out. This could mean that increasing the maximum weekly charge could put more pressure on these individuals that are already struggling to pay their bills.

2.2 Children's Rights

The Act does not allow local authorities to charge a child or young person under the age of 18 for the care and support they receive, or the support they receive where they are a young carer under the age of 18. The Act does, however, allow a local authority to charge a parent or guardian for this but the regulations currently in place preclude this. As a result a parent or guardian cannot be charged for the care and support their child receives under Part 4 of the Act. This is on the basis that Ministers do not consider it appropriate at this time to charge a parent or guardian in these circumstances so as to ensure that those under the age of 18 years receive the care and support they require to live their lives.

2.3 Equality

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

2.4 Rural Proofing

How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal impact on rural individuals and communities?

As local authorities have the discretion to design their own charging policies, there may be slight differences in the way that each local authority financially assess individuals.

The commissioning rates for social care services can vary across the country, with the potential costs of these services being higher in rural areas. This means that an individual paying for 10 hours of care in a rural area could be required to pay a higher charge than an individual paying for 10 hours of care elsewhere as the cost of these services is higher for the local authority.

For the purposes of financial assessment and charging, other than the variances in charging policies within local authorities, the framework has no impact on rurality. It 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 due to them living in a rural area, then this would be reflected in their financial assessment so as to reduce or remove any charge levied accordingly.

This position is unchanged by the proposed changes now being considered.

2.5 Health

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

For the purposes of financial assessment and charging, the framework is non-health related. It 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 due to them having poor health, then this would be reflected in their assessment so as to reduce any charge levied accordingly.

This position is unchanged by the changes now being considered.

There is a risk that added pressure of any increase in care costs could have a serious effect on people's wellbeing and ability to afford care, this could lead to people delaying access to care and resulting in requiring more intensive care at a later stage.

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

Regulations include a number of requirements and protections that ensure a person's charge is affordable and does not cause them financial hardship in meeting their daily living costs. These requirements ensure that after a weekly charge has been applied, a person must be left with a "Minimum Income Amount" equivalent to a "basic entitlement". This is defined in regulations as welfare benefits in the form of income support, employment and support allowance, guaranteed credit or benefits that have replaced these forms of benefit such as universal credit) plus an amount of no less than 35% of this amount (known as the "buffer"). In addition, the person must be able to keep a further 10% as a contribution towards their disability related expenditure.

Concerns have been noted that disability related expenditure is often higher than the allowable 10% additional allowance within the financial assessment. This could mean that individuals with disabilities are disadvantaged more than other groups. Added pressure of any increase in care costs could lead to people not accessing the care they need and therefore more pressure being placed on the health system at a later stage.

2.6 Privacy

Will the proposal involve processing information that could be used to identify individuals?

No. The financial assessment is undertaken by local authorities and they will follow their own privacy policies to undertake this activity.

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)

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 Population⁵ 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 owner occupiers, to 33% of social renters. The rates of relative income poverty increase with age, with 16% of 65-59-year-olds and 19% of 70-79 year olds living in relative income poverty. 29% of

⁵ [Understanding-Wales-ageing-population-5.4.pdf \(olderpeople.wales\)](#)

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 reported⁶ 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.

Data from the ONS shows we have an increasingly ageing population⁷. This has impacts for both individuals and wider society. For individuals, living longer usually means an increased reliance on care and support services. This means a person will be expected to pay a greater amount towards their care over their lifetime, often due to limitations on activities of daily living caused by older age and/or other impairments.

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 minimal impact on local authorities as it enables them to charge more to some individuals that pay for their care and support needs. Local authorities are facing extreme financial

⁶

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

⁷ [Living longer - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk)

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 their income.

Provisional estimates, based on a data from 2021-22⁸ 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 and 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 Population⁹. 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 and 72% for those over 75.

⁸ [Adults charged for care and support, by local authority and measure \(gov.wales\)](#)

⁹ [Understanding-Wales-ageing-population-5.4.pdf \(olderpeople.wales\)](#)

In addition, the National Survey for Wales¹⁰ 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.

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**

¹⁰ [National Survey for Wales headline results: April 2022 to March 2023 | GOV.WALES](#)

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

Under Section 9 of the Environment (Wales) Act 2016, the Welsh Ministers are required to prepare, publish and implement a natural resources policy and to take all reasonable steps to implement it and to encourage others to take such steps. The [Natural Resources Policy](#) was published in August 2017.

You will need to consider and, where required, complete the following assessments to ensure all reasonable steps have been taken:

| | | |
|--|--|----------------------|
| Required for all proposals: | <ul style="list-style-type: none"> Natural Resources Policy national priorities, challenges and opportunities | 5.1a 5.1b |
| Required for all proposals | <ul style="list-style-type: none"> Biodiversity | 5.2 and Annex F |
| Required for all proposals | <ul style="list-style-type: none"> Climate Change | 5.3 |
| Certain plans and programmes requiring SEA under the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 | <ul style="list-style-type: none"> Strategic Environmental Assessment | 5.4 and IIA Guidance |
| Proposals which may affect a Special Area for Conservation or a Special Protected Area (SAC/SPA): | <ul style="list-style-type: none"> Habitats Regulations Assessment | 5.5 and IIA Guidance |
| Certain projects relating to town and country planning; transport; agriculture; | <ul style="list-style-type: none"> Environmental Impact Assessment | 5.6 and IIA Guidance |

| | | |
|--|--|--|
| forestry; marine, land drainage; and electricity which require EIA under the various EIA Regulations | | |
|--|--|--|

5.1 Natural Resources

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

- Delivering nature-based solutions;
- Increasing renewable energy and resource efficiency; and in doing so,
- Taking a place based approach.

Not applicable

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

Not applicable

5.2 Biodiversity

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

5.3 Climate Change

Climate change has been identified as one of the biggest threats facing our future generations. We need to reduce our emissions through decarbonisation action (5.3a) and to adapt to the impacts of climate change by increasing our resilience (5.3b).

Proposals within this consultation relate to the maximum charge for adult non-residential care and support services it has no impact on 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?

Not applicable

5.3b 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?

Not applicable

5.4 Strategic Environmental Assessment (SEA)

Not applicable

5.5 Habitats Regulations Assessment (HRA)

Not applicable

5.6 Environmental Impact Assessment (EIA)

Not applicable

SECTION 6. SOCIO-ECONOMIC DUTY WHAT WILL BE IMPACT ON SOCIO-ECONOMIC DISADVANTAGE?

6.1 The Socio-economic Duty.

The socio-economic duty requires relevant public bodies, including Welsh Ministers to have due regard to the need to reduce inequality of outcome that results from socio-economic disadvantage. This duty applies only to decisions which are of a strategic nature.

To access statutory guidance and further resources please visit the dedicated [website page](#).

To demonstrate that that 'due regard' has been given, an audit trail of evidence is kept for all decisions made under the Duty. This impact assessment will form part of this evidence trail. Please set out how you have considered socio-economic impacts, and how you have engaged others in this assessment.

SECTION 7. RECORD OF FULL IMPACT ASSESSMENTS REQUIRED

| Impact Assessment | Yes/No | If yes, you should |
|---------------------|--------|--|
| Children's rights | No | Complete the Children's Rights Impact Assessment below |
| Equality | Yes* | Complete the Equality Impact Assessme below |
| Socio-economic Duty | No | Complete the Socio-economic Duty Assessment below |
| Rural Proofing | No | Complete the Error! Reference source not found. below |
| Health | No | Refer to the Integrated Impact Assessment Guidance |
| Privacy | No | Complete the Error! Reference source not found. below |
| Welsh Language | Yes | Complete the Welsh Language Impact Assessment below |

| | | |
|------------------------------------|------|--|
| Economic / RIA | Yes | Refer to the Integrated Impact Assessment Guidance |
| Justice | No | Complete the Justice System Impact Identification form on the intranet |
| Biodiversity | Yes* | Complete the Biodiversity Impact Assessment below |
| Climate Change | No | Refer to the Integrated Impact Assessment Guidance |
| Strategic Environmental Assessment | No | Refer to the Integrated Impact Assessment Guidance |
| Habitat Regulations Assessment | No | Refer to the Integrated Impact Assessment Guidance |
| Environmental Impact Assessment | No | Refer to the Integrated Impact Assessment Guidance |

* Mandatory for all proposals in order to meet statutory obligations.

SECTION 8. CONCLUSION

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

The formal 12-week consultation was an opportunity to engage with and seek feedback from stakeholders and people on the proposal to increase the non-residential care maximum charge will directly impact. The consultation document included 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 were 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 care services. It would have an impact on those who are assessed as being able to pay a charge (up to the weekly maximum charge amount), or those who opt not to be financially assessed, that 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, may face further struggles if their financial situation, when taken into account in 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 financial situation and therefore lifting the non-residential weekly maximum charge is not likely to affect those who do not already pay the current maximum weekly charge amount. It is possible in a scenario where providers increase the cost of their services that those currently paying less than the weekly maximum charge will also face an increased 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 maximum weekly charge, the additional income local authorities

can exercise their discretion to charge, could contribute to the deficit in funding, but will not fully cover the deficit the local authority have in order 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 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. It is important to note, the First Minister announcement, back in September 2024, of the new Welsh Government priorities. Specifically, the First Minister prioritising Social Care and it's means of supporting the people. By approving the increase of non-residential care maximum weekly charge, the policy would be going against the First Minister's Government priorities.

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 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 Regulations and Code of Practice set by Welsh Government.

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: 16 October 2024

FULL IMPACT ASSESSMENTS

A. EQUALITY IMPACT ASSESSMENT

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

Consideration should be given to the following questions. Please consider whether there are possible impacts for subsections of different protected characteristic groups.

Only ensuring that those who are able to afford the increase on non-residential through means testing; and ensuring that people are fully supported by their local authority once capital limit has reach (or below) £24,000.

Through our consultation and research we have identified that whilst an increase of the non-residential maximum weekly charges could negatively impact those in non-residential care through further financial burdens (as means tests don't consider the cost of living), taking a toll of people mental health and wellbeing through being reassessed (challenging decisions) and paying to be cared for; and physically, with many potentially removing themselves from the care service in order to afford their other bills (leading to potential neglect).

Only those who can afford will be the only one to pay the increase.

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) | People aged 18+ The financial assessment and charging framework is specific to all adults and does not distinguish for different age cohorts within the 'adult' category. The charging assessment | The Charging regulations sets out the financial charging information and income which is taken into account when assessing financial capability of an individual to pay for or towards their care. | It is only those individuals who are assessed as being able to financially afford to pay part of full cost of care that are charged for non-residential care. |

| | | | |
|--|--|--|--|
| | <p>which determines the charge an adult will be asked to pay, by their local authority, assesses people on their financial means whilst ensuring they are left with a minimum income amount, and capital assessments up to £24,000 are protected. This means only a proportion of adults accessing non-residential care and support services will be required to pay a maximum charge, and it be agreed this is uplifted from the current £100 maximum, not everyone currently paying that amount will be required to pay the new uplifted maximum as this will be determined by a financial assessment. Regulations and the Code of practice governing charging will ensure individuals only pay what is fair, reasonable, and affordable to them regardless of age.</p> <p>For those of state pension age and above, it is inevitable some individuals may have attained greater</p> | | |
|--|--|--|--|

| | | | |
|--|--|--|--|
| | <p>financial assets than others due to having a longer period economically active period through employment, property ownership and savings accrual. However, as mentioned above, the charging framework is non-age specific, and it is the income and capital of a person that determines what they pay and not their age. As a result, the framework ensures any changes levied are proportionate to a person's financial means.</p> <p>The policy impact for age is therefore positive.</p> <p>Aged <18</p> <p>Children, unlike adults, are not charged for their care and support services by the local authority. This policy therefore has minimal impact, and only those about to turn 18 will see a change but, as above, the maximum charge would only be applicable where it has been assessed</p> | | |
|--|--|--|--|

| | | | |
|---|---|--|---|
| | that amount is fair, reasonable, and affordable. The policy impact for children is therefore positive . | | |
| Disability (consider the social model of disability ¹¹ and the way in which your proposal could inadvertently cause, or could be used to proactively remove, the barriers that disable people with different types of impairments) | People with a disability may well be in receipt of a disability related welfare benefit which may, depending on the nature of that benefit, make them more liable to be charged. This is because some benefits contain an element to meet the cost of care needs. However, for the purposes of financial assessment and charging the framework is non-disability specific. It 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 had low financial means due to a disability then this would be reflected in | The Charging regulations sets out the financial charging information and income which is taken into account when assessing financial capability of an individual to pay for or towards their care. | It is only those individuals who are assessed as being able to financially afford to pay part of full cost of care that are charged for non-residential care. |

¹¹ Welsh Government uses the social model of disability. We understand that disabled people are not disabled by their impairments but by barriers that they encounter in society. Ensuring that your proposal removes barriers, rather than creating them, is the best way to improve equality for disabled people.

| | | | |
|--|--|---|--|
| | <p>their assessment so as to reduce any charge levied accordingly. As a result the framework ensures any changes levied are proportionate to a person's financial means.</p> <p>While the proposed increase in the level of the maximum change could be viewed in isolation as having a negative impact, the changes overall are considered to have a positive impact for those with a disability. This is because the existence of a maximum (which limits charges), coupled with the existence of the capital limit and a minimum income requirement, have a substantial positive financial impact which overwhelmingly outweighs the negative impact of the increase in the maximum.</p> | | |
| <p>Gender Reassignment (the act of transitioning and</p> | <p>For the purposes of financial assessment and charging, the framework introduced is non-gender specific. It looks at people on their individual merits</p> | <p>The Charging regulations sets out the financial charging information and income which is taken into account when assessing financial</p> | <p>It is only those individuals who are assessed as being able to financially afford to pay part of full cost of care that</p> |

| | | | |
|--------------------------------|--|---|--|
| <p>Transgender people)</p> | <p>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 transgender person has low financial means then this would be reflected in their assessment so as to reduce any charge levied accordingly.</p> <p>This position is unchanged by the changes now being introduced.</p> | <p>capability of an individual to pay for or towards their care.</p> | <p>are charged for non-residential care.</p> |
| <p>Pregnancy and maternity</p> | <p>For the purposes of financial assessment and charging, the framework is non-pregnancy related. It 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 had low financial means due to them being pregnant or due to maternity, then this would be reflected in their assessment so as to reduce any charge levied accordingly.</p> | <p>The Charging regulations sets out the financial charging information and income which is taken into account when assessing financial capability of an individual to pay for or towards their care.</p> | <p>It is only those individuals who are assessed as being able to financially afford to pay part of full cost of care that are charged for non-residential care.</p> |

| | | | |
|---|---|---|--|
| | <p>This position is unchanged by the changes now being introduced.</p> | | |
| <p>Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)</p> | <p>For the purposes of financial assessment and charging, the framework is non-race specific. It looks at people on their individual merits in terms of the care and support they require, its cost and the financial means that person must meet a charge for this. If a person had low financial means due to their ethnicity, then this would be reflected in their assessment to reduce any charge levied accordingly.</p> <p>This position is unchanged by the changes now being introduced.</p> | <p>The Charging regulations sets out the financial charging information and income which is taken into account when assessing financial capability of an individual to pay for or towards their care.</p> | <p>It is only those individuals who are assessed as being able to financially afford to pay part of full cost of care that are charged for non-residential care.</p> |
| <p>Religion, belief and non-belief</p> | <p>For the purposes of financial assessment and charging, the framework does not consider beliefs. It 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</p> | <p>The Charging regulations sets out the financial charging information and income which is taken into account when assessing financial capability of an individual to pay for or towards their care.</p> | <p>It is only those individuals who are assessed as being able to financially afford to pay part of full cost of care that are charged for non-residential care.</p> |

| | | | |
|--------------------|---|---|--|
| | <p>meet a charge for this. If a person had low financial means due to their belief or non-belief then this would be reflected in their assessment so as to reduce any charge levied accordingly.</p> <p>This position is unchanged by the changes now being introduced.</p> | | |
| Sex / Gender | <p>For the purposes of financial assessment and charging, the framework is non-gender specific. It 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 had low financial means due to their gender then this would be reflected in their assessment so as to reduce any charge levied accordingly.</p> <p>This position is unchanged by the changes now being introduced.</p> | <p>The Charging regulations sets out the financial charging information and income which is taken into account when assessing financial capability of an individual to pay for or towards their care.</p> | <p>It is only those individuals who are assessed as being able to financially afford to pay part of full cost of care that are charged for non-residential care.</p> |
| Sexual orientation | <p>For the purposes of financial assessment</p> | <p>The Charging regulations sets out</p> | <p>It is only those individuals who are</p> |

| | | | |
|--------------------------------|--|---|--|
| (Lesbian, Gay and Bisexual) | <p>and charging, the framework does not consider sexual orientation. It 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 had low financial means due to their sexual orientation then this would be reflected in their assessment so as to reduce any charge levied accordingly.</p> <p>This position is unchanged by the changes now being introduced.</p> | <p>the financial charging information and income which is taken into account when assessing financial capability of an individual to pay for or towards their care.</p> | <p>assessed as being able to financially afford to pay part of full cost of care that are charged for non-residential care.</p> |
| Marriage and civil partnership | <p>For the purposes of financial assessment and charging, the framework is non-relationship specific. It 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 had low financial means due to them being single, married or in a civil partnership then this</p> | <p>The Charging regulations sets out the financial charging information and income which is taken into account when assessing financial capability of an individual to pay for or towards their care.</p> | <p>It is only those individuals who are assessed as being able to financially afford to pay part of full cost of care that are charged for non-residential care.</p> |

| | | | |
|---|---|---|--|
| | <p>would be reflected in their assessment so as to reduce any charge levied accordingly.</p> <p>This position is unchanged by the changes now being introduced.</p> | | |
| Children and young people up to the age of 18 | <p>Children, unlike adults, are not charged for their care and support services by the local authority. This policy therefore has minimal impact, and only those about to turn 18 will see a change but, as above, the maximum charge would only be applicable where it has been assessed that amount is fair, reasonable, and affordable. The policy impact for children is therefore positive.</p> | <p>The Charging regulations sets out the financial charging information and income which is taken into account when assessing financial capability of an individual to pay for or towards their care.</p> | <p>It is only those individuals who are assessed as being able to financially afford to pay part of full cost of care that are charged for non-residential care.</p> |
| Low-income households | <p>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</p> | <p>The Charging regulations sets out the financial charging information and income which is taken into account when assessing financial capability of an individual to pay for or towards their care.</p> | <p>It is only those individuals who are assessed as being able to financially afford to pay part of full cost of care that are charged for non-residential care.</p> |

| | | | |
|--|--|--|--|
| | <p>person had low financial then this would be reflected in their assessment so as to reduce any charge levied accordingly.</p> <p>This position is unchanged by the changes now being introduced.</p> | | |
|--|--|--|--|

Human Rights and UN Conventions

| Human Rights | What are the positive or negative impacts of the proposal? | Reasons for your decision (including evidence) | How will you mitigate negative Impacts? |
|---------------------|---|---|--|
| | <p>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 had low financial then this would be reflected in their assessment so as to reduce any charge levied accordingly.</p> | <p>The Charging regulations sets out the financial charging information and income which is taken into account when assessing financial capability of an individual to pay for or towards their care.</p> | <p>It is only those individuals who are assessed as being able to financially afford to pay part of full cost of care that are charged for non-residential care.</p> |

| | | | |
|--|---|--|--|
| | This position is unchanged by the changes now being introduced. | | |
|--|---|--|--|

EU/EEA and Swiss Citizens' RightsCan

Part 2 of the EU-UK Withdrawal Agreement, along with the EEA EFTA Separation Agreement and Swiss Citizens Rights Agreement ("Citizens Rights Agreements") give EU, EEA¹² and Swiss citizens who were lawfully resident in the UK by 31 December 2020 certainty that their citizens' rights will be protected.

The Citizens Rights Agreements are implemented in domestic law by the European Union (Withdrawal Agreement) Act 2020 (EUWAA)¹³

Eligible individuals falling within scope of the Citizens Rights Agreements will have broadly the same continued entitlements to work, study and access public services and benefits, in as far as these entitlements have derived from UK membership of the EU as well as its participation in the EEA Agreement and the EU-Swiss Free Movement of Persons Agreement.

Subject to certain limited exceptions¹⁴, individuals will need to have applied for a new residence status (either pre-settled or settled status) through the EU Settlement Scheme. The deadline for making such an application expired on 30 June 2021.

Policy considerations to take into account:

- Have you considered if your policy proposal will impact EU, EEA or Swiss citizens whose rights are protected by the Citizens Rights Agreements? NO
- If there is the potential for any negative impact on such EU EEA or Swiss citizens, how will any such impacts be eliminated or managed if management is deemed appropriate? N/A
- Is legal advice required? NO

Please consider the impacts of your policy on the areas below, indicating whether the impact is positive or negative and any action required to eliminate potential negative impact. Please note the basis for your answer, including where legal advice has been sought and please also indicate where a right is not relevant for your policy:

Residency – the right to reside and other rights related to residence: rights of exit and entry, applications for residency, restrictions of rights of entry and residence;

¹² The EEA includes the EU countries as well as Iceland, Liechtenstein and Norway.

¹³ Sections 5 and 6 of EUWAA.

¹⁴ E.g. where an individual has Irish citizenship (including dual British and Irish citizenship) or where they had indefinite leave to enter or remain in the UK)

Mutual recognition of professional qualifications –the continued recognition of professional qualifications obtained by EU/EEA/Swiss citizens in their countries (and already recognised in the UK);

Access to social security systems – these include benefits, access to education, housing and access to healthcare

Equal treatment – this covers non-discrimination, equal treatment and rights of workers;

Workers rights - Workers and self-employed persons who are covered under the Citizens Rights Agreements are guaranteed broadly the same rights as they enjoyed when the UK was a Member State. They have a right to not be discriminated against due to nationality, and the right to equal treatment with UK nationals.

(Frontier workers (those citizens who reside in one state and regularly work in another) can continue working in the UK if they did so by the 31 December 2020).

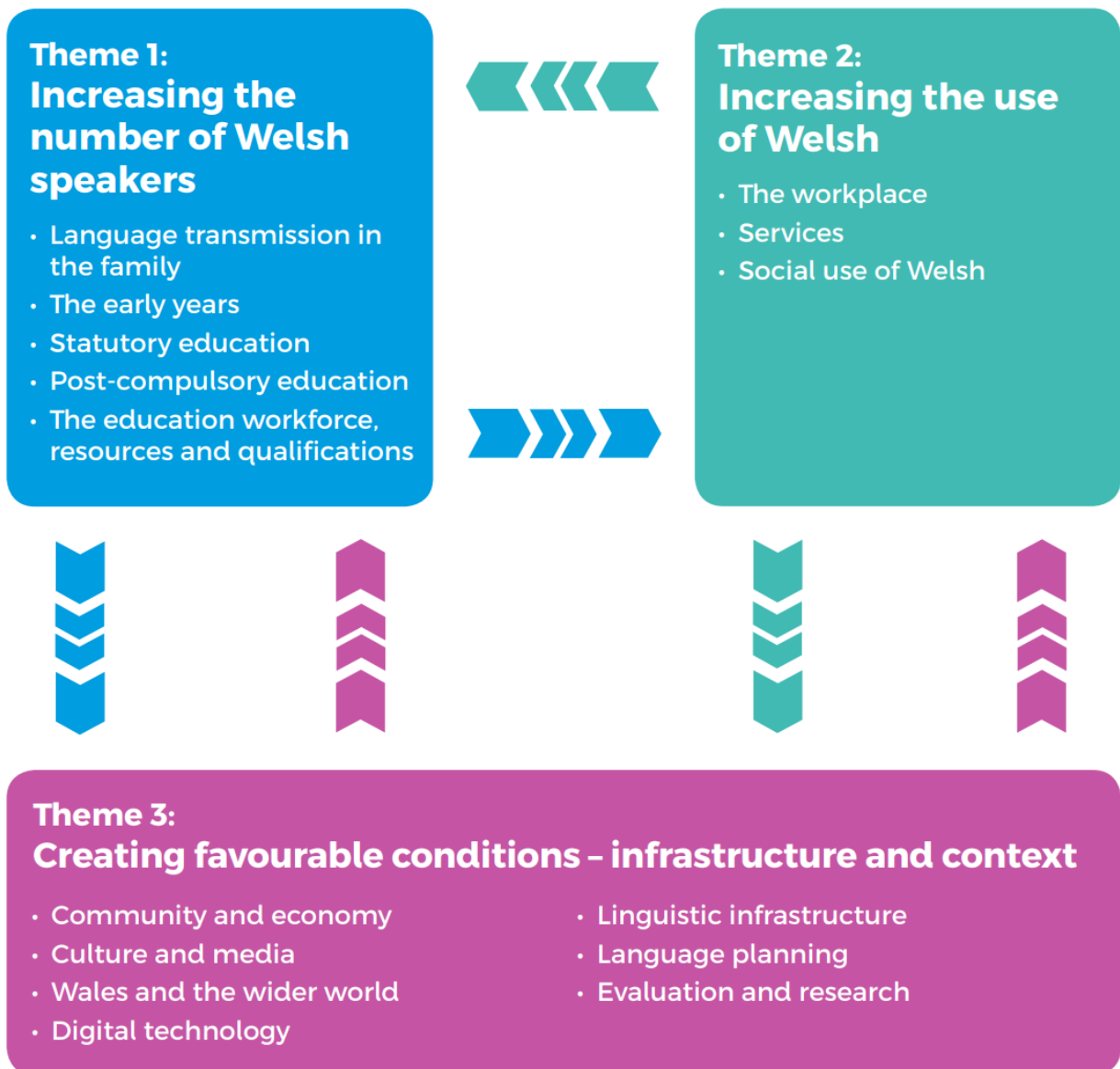
B. WELSH LANGUAGE IMPACT ASSESSMENT

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 communities¹⁵ (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)?

¹⁵ These can be close-knit rural communities, dispersed social networks in urban settings, and in virtual communities reaching across geographical spaces.

- ◆ How will the proposal affect services¹⁶ available in Welsh (both positive and/or adverse effects)? (e.g. health and social services, transport, 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 SSWBAct, 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"¹⁷ 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

¹⁶ 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.

¹⁷ More than just words is the Welsh Government strategy to strengthen and develop Welsh language provision in health and care services.

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 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.

C. BIODIVERSITY IMPACT ASSESSMENT

The Nature Recovery Action Plan for Wales contains six objectives to reverse the decline of biodiversity which should be used to assess the impacts on biodiversity. They can also help develop and guide actions to comply with the S6 duty. They have been simplified as a set of questions to guide you through the impact assessment.

These questions should be considered whether your proposal has a land management element or not, although some will be particularly relevant if your policy area relates to land management in any way.

You should take a pro-active approach to considering the potential impacts on biodiversity – this is one area where unintended consequences are often overlooked, either through lack of awareness, or because it is difficult to assign a monetary value to biodiversity.

Moreover, the duty requires that we positively seek opportunities to maintain and enhance biodiversity, both directly (where the intervention involves land management or construction), and indirectly (for example, where there may be an opportunity to raise awareness of the importance of biodiversity). In completing this assessment consider how enhancing biodiversity and promoting resilience of ecosystems contribute reciprocally to the aims of your policy or project.

You will need to record decisions and impacts arising from this assessment. Please note how you have answered each question, or you can use the template at the end of the assessment. Further guidance is available on the intranet.

Consider Questions 1 - 9 for ALL policies:

Embedding biodiversity

1. How will your proposal integrate biodiversity into decision making?

- ◆ Have you considered the impacts and positive opportunities for action for biodiversity at the early stages of thinking or project design?
 - What impacts will procurement have on biodiversity, including global biodiversity?
 - Are products sourced sustainably?
 - Does your project include the use of materials or practices harmful to biodiversity?

- ◆ Does it require partners and beneficiaries to consider the impacts and opportunities for positive action for biodiversity at the early stages of thinking and project design?
 - Is the consideration of biodiversity a requirement of funding applications and project specifications?
 - Does your evaluation of these seek to ensure that biodiversity is maintained and enhanced?

Biodiversity will not be impacted by this policy which relates solely to increasing the non-residential maximum charge for people who receive care and support services in their own homes. It relates to the amount that people pay in part or in full for the care that they receive under the Social Services and Well-Being (Wales) Act 2014 when they are financially assessed as being able to afford to pay.

2. Has your proposal ensured biodiversity is accounted for in business decisions?

- ◆ Has it considered whole of life costs which include the value of biodiversity and natural resources within the cost benefit analysis, even if this is an informal process?
 - Have you thought about how enhancing biodiversity can help deliver across WG's activities for example, to support active recreation, education, flood prevention, and local food growing. (For example, green roofs help to provide wildlife habitats, reduce energy consumption and improve drainage systems.)
- ◆ Has it considered the long term costs of degradation of biodiversity and natural resources, and the potential for savings for health and well-being, flood risk etc?
- ◆ Can it encourage partners and beneficiaries to take these costs and savings into account?

3. How does your proposal improve understanding and raise awareness of the importance of biodiversity, encouraging others to act?

- ◆ Can you work with partners and beneficiaries to promote understanding of biodiversity?
- ◆ Can you promote the benefits of access to biodiversity through the delivery of public goods and services such as social care, community development, health and recreation?
- ◆ Can you provide, or source, specialist training where necessary?
- ◆ Can you link to other communications strategies and initiatives for biodiversity, for example award schemes, local events?

Improving our evidence, understanding and monitoring

4. Have you used the best available evidence of biodiversity to inform your proposal and this assessment? N/A

- ◆ You **must** have regard to
 - the lists of species and habitats of principal importance published under Section 7 of the Environment (Wales) Act
 - the State of Natural Resources Report
 - any relevant area statement published by NRW.

- ◆ If your proposal is in regard to construction or land management directly or indirectly, it should reference biodiversity records available through
 - Local Environment Record Centres
 - Atlas of Living Wales
 - Lle

5. Have you used up to date knowledge of the key impacts on biodiversity to make evidence-based decisions?

- ◆ Do you know what the drivers of change and key negative factors are which could arise from your proposal?
- ◆ Are you satisfied that these do not apply or have been avoided?

6. Can your proposal contribute to our body of knowledge for biodiversity?

- ◆ Can it support citizen-science initiatives, and monitoring schemes?
- ◆ Have you ensured that any biodiversity data collected is made publicly available?

Governance and support for delivery of biodiversity action

7. Can your proposal support biodiversity action in any way?

- ◆ Can staff get involved in practical action?
- ◆ Can you fund action directly, or indirectly?

- ♦ Can you support partnerships and/or collaboration for local and community-based biodiversity action?

8. Can your proposal help to build capacity for biodiversity action?

- ♦ Can you support skills acquisition and training?
- ♦ Does your proposal ensure the appropriate level of qualifications of those involved in decision making regarding biodiversity?
- ♦ Can your proposal fund capacity building for biodiversity action?

9. Have you recorded decisions and actions to maintain and enhance biodiversity?

- ♦ A report on what the public authority has done to comply with the duty must be published by the end of 2019 and then every three years after this date.

If your proposal concerns construction or management of land and/or sea, please also consider Questions 10 – 16:

Safeguarding species and habitats of principal importance

10. Is all legislation complied with to ensure protection of marine and terrestrial species and habitats?

- ♦ Has any requirement for licences, monitoring and/or enforcement been considered and actioned?
- ♦ Has any requirement for EIA/SEA/HRA been identified and actioned?
- ♦ Have any impacts or opportunities for positive action for Section 7 species and habitats been identified and actioned?

11. Does the proposal seek first to maintain and enhance biodiversity?

- ◆ Have you selected the option which avoids loss and/or damage to biodiversity, and promotes the resilience of ecosystems?
- ◆ Only where the balance of environmental, economic, social and cultural benefits¹⁸ provided by your proposal is such that there may be some loss of habitat or species, have you sought to enhance biodiversity elsewhere on the site, or, where there is no other option, offsite?
- ◆ Does your proposal contribute to maintaining and enhancing biodiversity across Wales?

Increasing the resilience of our natural environment

12. Does your proposal contribute to building the resilience of our ecosystems?

- ◆ Does it work with nature, and consider the use of nature-based solutions first and foremost?
- ◆ Are any nature-based solutions native and bio-diverse?
- ◆ Can it restore or contribute to the restoration of degraded habitats?
- ◆ Can it contribute to building resilient ecological networks of habitats?
- ◆ Does the proposal improve site management to improve habitat or species condition at **any** scale? e.g. planting native species, providing wildflower areas for pollinators, leaving areas of unmown grass; and improving connectivity between valuable habitats?

13. Does your proposal contribute to the creation of new habitat?

- ◆ Does your proposal support the creation of new habitats, such as local orchards, native hedges, wildflower meadows or other areas of native, bio-diverse green space?
- ◆ Can habitat creation contribute to developing resilient ecological networks?

Tackling key pressures on species and habitats

14. Will the proposal have any negative impacts on habitats or species through

¹⁸ Taking proper account of the benefits and intrinsic value of natural resources, including biodiversity, and ecosystems

- ♦ change in land use?
- ♦ causing air, water, light, noise or vibration pollution?

15. Has all legislation regarding the pressures on species and habitats been complied with? This would include:

- ♦ Pollution control
- ♦ Invasive non-native species
- ♦ Sustainable Urban Drainage Systems
- ♦ Climate Change etc.

16. How will any negative impacts be mitigated?

- ♦ Have whole system approaches and native, bio-diverse nature based solutions been used to reduce pollution and mitigate climate change?
- ♦ Does your proposal employ best practice for the sustainable management of agriculture, fisheries, forestry and construction?
- ♦ Does your proposal include action to support pollinators?

| Question number | Opportunities for positive action | Negative impacts of the proposal | Actions needed to maximise positive opportunities and prevent negative impacts |
|-----------------|-----------------------------------|----------------------------------|--|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

D. SOCIO-ECONOMIC DUTY ASSESSMENT

Undertaking the impact assessment

What evidence has been considered to understand how the proposal contributes to inequalities of outcome experience as a result of socio-economic disadvantage?

What information has been gained through engagement with those effected by the proposal/decision and specifically those who suffer socio-economic disadvantage?

Have protected characteristics been considered?

Have communities of interest and places interest been considered. (Refer to page 8 in the statutory [guidance](#)).

What information has been considered regarding future trends?

What data has been considered (National and local)

Provide a summary of evidence and links

How could the proposal potentially further exacerbate inequality of outcome experienced as a result of socio-economic disadvantage?

Please provide detail regarding inequalities of outcome likely to be impacted and those people and communities likely to be impacted

Provide a summary of evidence and links

How could the decision potentially improve outcomes for those who experience socio-economic disadvantage?

Please provide detail regarding outcomes that will be improved and for who.

Provide a summary of evidence and links

How will you monitor the impact of this decision? (Please consider wider outcomes)

For example: Organ Donation (Deemed Consent Act, 2019)

The NHS in Wales routinely collects data on organ donations per million in the population. The organ donation monitoring information in Wales was able to be compared with the organ donation monitoring information in England. The comparison with England, where no change had been implemented, allowed for an impact evaluation comparing the baseline data with data following implementation to assess causality.

Does new monitoring information need to be collected? If so, what?

| |
|--|
| |
| <i>Provide a summary of evidence and links</i> |