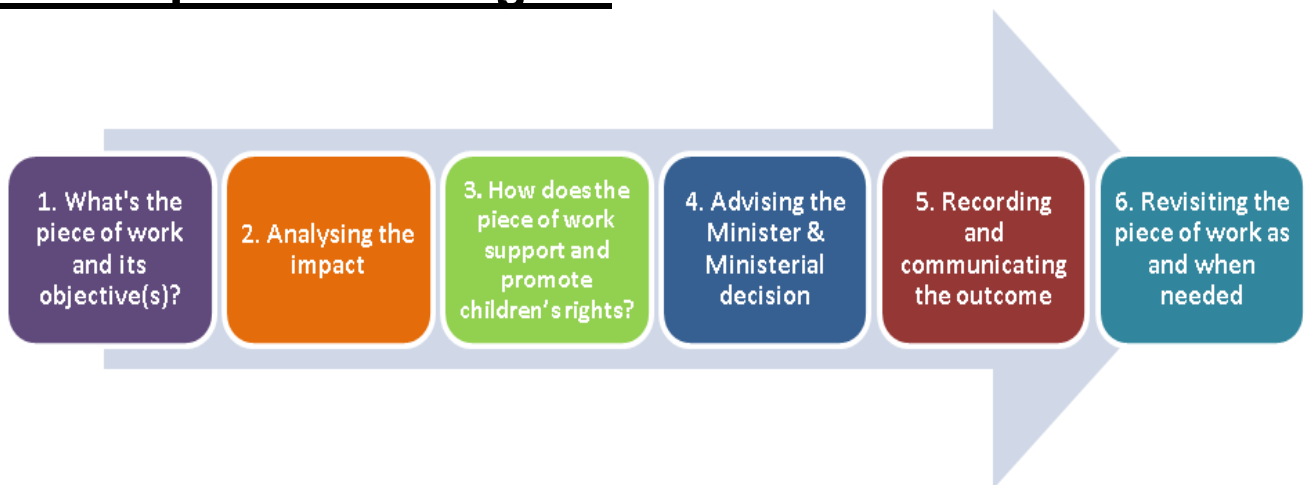




Children’s Rights Impact Assessment (CRIA) Template

Title / Piece of work:	The Care and Support (Care Planning) (Wales) Regulations 2015
Branch :	Eligibility, Assessment & Care Planning Branch
Department:	Department for Health and Social Services
Date:	17 June 2015

Six Steps to Due Regard



Step 1. What's the piece of work and its objective(s)?

The Social Services and Well-being (Wales) Act 2014 provides a single Act that brings together local authorities' duties and functions in relation to improving the well-being of people who need care and support, and carers who need support. The Act provides the statutory framework to deliver the Welsh Government's commitment to integrate social services to support people of all ages, and support people as part of families and communities.

Sections 35, 37, 40 and 42 of the Act set out the duties and functions on local authorities with respect to care and support planning and the review arrangements. The regulations impose a duty on local authorities to prepare and maintain a care and support plan for an adult or child to whom it owes a duty to meet needs under section 35 or 37 of the Act and to prepare a support plan for a carer to whom it owes a duty to meet needs under section 40 or 42 of the Act.

The Care and Support (Care Planning) (Wales) Regulations 2015 were laid before the National Assembly for Wales on ** May 2015. .

The regulations make provisions about the duties on local authorities to assess a child's needs for care and support. Specifically the regulations make provisions about:

- the training and expertise of persons who prepare, maintain and revise plans;
- the content of plans;
- the review of plans;
- who can request a review of a plan;
- the action a local authority must take following a review; and
- the persons to whom copies of the plan, revised plan closure statements and other records must be given.

Care planning is the central tool of care management and is intrinsically linked to the assessment of people's needs for care and support and the determination of eligibility for local authorities to meet those needs. As such this Childrens Rights Impact Assessment (CRIA) on the care planning process should be read in conjunction with the CRIAs on Eligibility and Assessment.

The Social Services and Well-being (Wales) Act 2014 comes into effect in April 2016.

Step 2. Analysing the impact

The regulations take forward Wales' distinctive and internationally regarded rights based approach to children's social care.

The rights conferred on children through the regulations apply to all children regardless of their circumstances. For example, those children in the secure estate, and to whom a local authority owes a duty to meet needs under section 42 of the Act, will have the same rights to have a care and support plan prepared and maintained by their local authority as

they would have had if they were living in the community.

The Act and regulations do not diminish any rights for children and young people that they previously had under other legislation i.e. Children Act 1989, and in part enhances them. For example, for the first time someone who is under 16 (to whom a local authority owes a duty to meet needs) and who is providing or intends to provide care will also have the right to a care and support plan prepared and maintained as a carer.

The regulations introduce a simplified (and where possible common) approach to care and support planning. They simplify a child's journey to receiving care and support, and reduce the need for arbitrary demarcations between the care and support provided to young people and to adults. This provides continuity of rights for the individual when making the transition from child to adult.

The regulations support a care planning process that is child / young person centred and will support the child's / young person's right to have respectful conversations about their well-being, and to exercise a strong voice and control in decisions about their care.

The regulations provide the child / young person with the right to request a review of their care and support plan or support plan and enable the child / young person to request a person to act on their behalf to act on their behalf in this respect.

Step 3. How does your piece of work support and promote children's rights?

The assessment of the impacts that the regulations will have on children and young people confirms the rights based approach that has been taken, and reveals that many of the Articles within the UNCRC are relevant.

The most relevant articles are:

Article 1 (definition of the child). Everyone under the age of 18 has all the rights in the Convention.

The regulations make specific requirements on local authorities when preparing and maintaining care and support plans, or support plans, for those under the age of 18.

Article 2 (without discrimination). The Convention applies to every child whatever their ethnicity, gender, religion, abilities, whatever they think or say, no matter what type of family they come from.

The regulations apply for every child whom the local authority is required to meet the eligible needs.

Article 3 (best interests of the child). The best interests of the child must be a top priority in all actions concerning children.

The regulations require that the care and support plan, or support plan, contains a description of the actions to be taken by the local authority and other persons to help the child achieve his/her personal outcomes or to otherwise meet eligible needs.

The Regulations also require that the local authority must review a care and support plan,

or a support plan, if it appears that the plan is not meeting the needs of the child.

Article 4 (protection of rights). Governments must do all they can to fulfil the rights of every child.

The Regulations require that local authorities must give a copy of the care and support plan, or support plan, to the child for whom the plan has been prepared, and to any person with parental responsibility for the child (unless this would be inconsistent with the child's well-being, or any person authorised to act on behalf of the child.)

Article 5 (parental guidance). Governments must respect the rights and responsibilities of parents to guide and advise their child so that, as they grow, they learn to apply their rights properly.

The regulations create a right for any person with parental responsibility for a child to be offered a copy of the care and support plan, or support plan (except where this would be inconsistent with the child's well-being) and also create a right for any person with parental responsibility for the child to request a review of the care and support plan, or support plan.

Article 12 (respect for the views of the child). Every child has the right to say what they think in all matters affecting them, and to have their views taken seriously.

and

Article 13 (freedom of expression). Every child must be free to say what they think and to seek and receive information of any kind as long as it is within the law.

The regulations create a right for a child any person with parental responsibility for the child, or any person authorised to act on behalf of a child to request a review of the care and support plan (or support plan).

The regulations require that the care and support plan (or support plan must set out the child's needs which are eligible for support from the local authority to the child and the actions to be taken by the local authority and others to help the child achieve their personal outcomes or otherwise meet their needs. A copy of the care and support plan (or support plan) must be given to the child, and to any person with parental responsibility for the child (except where this would be inconsistent with the child's well-being) and also any person authorised to act on behalf of the child.

Article 15 (freedom of association). Every child has the right to meet with other children and young people and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

The Care and Support Plan or Support Plan must contain a description of the child's eligible needs, their personal outcomes and the actions to be taken by the local authority and others to help the person achieve the personal outcomes or otherwise meet their needs. This includes outcomes and needs that relate to involvement in work, education, learning, or in leisure activities and to the development and maintenance of social relationships and involvement in the community.

Article 18 (parental responsibilities; state assistance). Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must help parents by providing services to support them, especially if the child's parents work.

A copy of the care and support plan (or support plan) must be given to any person with parental responsibility for the child (except where this would be inconsistent with the child's well-being) and also any person authorised to act on behalf of the child.

The regulations create a right for any person with parental responsibility or any person that

the child has requested to act on their behalf to request a review of an the care and support plan (or support plan).

Article 19 (protection from all forms of violence). Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and mistreatment by their parents or anyone else who looks after them.

The Care and Support Plan or Support Plan must contain a description of the child's eligible needs, their personal outcomes and the actions to be taken by the local authority and others to help the person achieve the personal outcomes or otherwise meet their needs. This includes outcomes and needs that relate to protection from abuse and neglect.

Article 22 (refugee children). If a child is a refugee or seeking refuge, governments must ensure that they have the same rights as any other child. Governments must help in trying to reunite child refugees with their parents. Where this is not possible, the child should be given protection.

The regulations apply for every child whom the local authority is required to meet the eligible needs.

Article 23 (children with disability). A child with a disability has the right to live a full and decent life in conditions that promote dignity, independence and an active role in the community. Governments must do all they can to provide free care and assistance to children with disability.

The Act states that a disabled child is presumed to need care and support in addition to, or instead of, the care and support provided by the child's family. The Care and Support Plan or Support Plan must contain a description of the child's eligible needs, their personal outcomes and the actions to be taken by the local authority and others to help the person achieve the personal outcomes or otherwise meet their needs.

Article 25 (review of treatment in care). If a child has been placed away from home (in care, hospital or custody, for example), they have the right to a regular check of their treatment and conditions of care.

The regulations create a right for a child, or any person with parental responsibility or any person that the child has requested to act on their behalf to request a review of an the care and support plan (or support plan).

The regulations require the local authority to review a care and support plan (or a support plan) if it appears to the authority that the plan is not meeting the needs of the child.

Article 27 (adequate standard of living). Every child has the right to a standard of living that is good enough to meet their physical, social and mental needs. Governments must help families who cannot afford to provide this.

Where the care and support plan (or support plan) includes direct payments the plan must contain a description of those needs that are to be met by the direct payments and the amount and frequency of the direct payments.

Article 28 (right to education). Every child has the right to an education. Primary education must be free. Secondary education must be available to every child. Discipline in schools must respect children's human dignity. Wealthy countries must help poorer countries achieve this.

The Care and Support Plan or Support Plan must contain a description of the child's eligible needs, their personal outcomes and the actions to be taken by the local authority

and others to help the person achieve the personal outcomes or otherwise meet their needs. This includes outcomes and needs that relate to involvement in work, education, learning, or in leisure activities and to the development and maintenance of social relationships and involvement in the community.

Article 31 (leisure, play and culture). Every child has the right to relax, play and join in a wide range of cultural and artistic activities.

The regulations require that the care support plans have regard to a child's personal outcomes. Personal outcomes are understood through the definition of well-being in the Act which includes well-being in relation to education, training and recreation.

The Care and Support Plan or Support Plan must contain a description of the child's eligible needs, their personal outcomes and the actions to be taken by the local authority and others to help the person achieve the personal outcomes or otherwise meet their needs. This includes outcomes and needs that relate to involvement in work, education, learning, or in leisure activities and to the development and maintenance of social relationships and involvement in the community.

Step 4. Advising the Minister and Ministerial decision

The new Care Planning process was developed drawing on advice from the Technical Group on Assessment and Care Planning. This had a membership of key stakeholders including those with experience and knowledge of children's social care services, both in the statutory and third sector.

A series of engagement events, in line with the formal consultation, were held with representatives from the Association of Directors of Social Services Heads of Children's Services, Voices from Care, as well as focus groups with young people themselves aged

The Minister has been made aware of the considerations which informed this Impact Assessment throughout the development of the regulations.

Amendments were made to the regulations following a public consultation and advice was given to the Minister throughout this process.

Revised Policy Instructions: March 2015

Signature Submission Care Planning Regulations: 04 June 2015

The Minister for Health and Social Services has been advised that the Welsh Government will continue to monitor the impact of the regulation on areas such as the Welsh language, children's rights and equality.

No conflict with UNCRC articles has been identified.

Step 5. Recording and communicating the outcome

Final version to be retained on i-share

The regulations and codes of practice will be laid before the National Assembly for Wales in advance of implementation in April 2016. A learning and development plan has been developed by the Care Council for Wales to support implementation and a communication plan will support general awareness of implementation.

The Minister has been made aware of the considerations which informed this Impact Assessment throughout the development of the regulations.

The final regulations were laid before the National Assembly for Wales for scrutiny on 11 June 2015. This CRIA will be published on the Welsh Government web-site during this period, alongside the associated code of practice.

A suite of child friendly literature has been developed to support the Act and regulations that underpin it.

Step 6. Revisiting the piece of work as and when needed

The Social Services and Well-being (Wales) Act 2014 contains provisions to allow for Ministers to monitor functions of the Act carried out by local authorities and other bodies. Ministers may require these bodies to report on their duties in implementing these regulations.

The Welsh Government intends to commission an evaluation to enable the impact of the new national model of assessment and eligibility to be considered.

Officials will continue to monitor the impact of the regulations in relation to UNCRC.

Budgets

As a result of completing the CRIA, has there been any impact on budgets?

It is important that where any changes are made to spending plans, including where additional allocations have been made, that this has been assessed and evidenced as part of the CRIA process.

No

Please give any details:

There has not been any impact on the budget as a result of this CRIA. A Regulatory Impact Assessment has been completed to show the cost implications of introducing the regulations.

Monitoring & Review

Do we need to monitor / review the proposal?	No
If applicable: set the review date	NA