



Children's Rights Impact Assessment (CRIA) Template

Title / Piece of work:	Regulations and Guidance under Part 9 of the Social Services and Well-being (Wales) Act (Cooperation & Partnership).
Related SF / LF number (if applicable)	
Name of Official:	Steve Vaughan
Department:	Health and Social Services Group
Date:	October 2015
Signature:	

Please complete the CRIA and retain it for your records on iShare. You may be asked to provide this document at a later stage to evidence that you have complied with the duty to have due regard to children's rights e.g. Freedom of Information access requests, monitoring purposes or to inform reporting to the NAFW.

Upon completion you should also forward a copy of the CRIA to the Measure Implementation Team for monitoring purposes using the dedicated mailbox CRIA@wales.gsi.gov.uk

If officials are not sure about whether to complete a CRIA, they should err on the side of caution and seek advice from the Measure Implementation Team by forwarding any questions to our mailbox CRIA@wales.gsi.gov.uk

You may wish to cross-reference with other Impact Assessments undertaken.

NB. All CRIAs undertaken on legislation must be published. All non-legislative CRIAs will be listed on the WG website and must be made available upon request. Ministers are however, encouraged to publish all completed CRIAs.

Six Steps to Due Regard



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

You may wish to include:

- A brief description of the piece of work
- What the time frame for achieving it is?
- Who are the intended beneficiaries?
- Is it likely that the piece of work will affect children?
- Will the piece of work have an affect on a particular group of children, if so, describe the group affected?

The Social Services and Wellbeing (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 to support. The Act provides a statutory framework to deliver the Welsh Government's commitment to integrate social services to support people as part of families and communities.

Sections 166-168 of the Act make provision for partnership arrangements between local authorities and Local Health Boards. The regulations in Part 9 of the Act set out the requirements for each Local Health Board and the local authorities within the area of each local health board to participate in partnership arrangements for the delivery of specified health and social services functions. The regulations also make provision, amongst other things, for the operation and management of the partnership arrangements, the establishment of regional partnership boards and the establishment and maintenance of pooled funds.

The purpose and intended effect of the legislation in sections 166 to 168 of the Act (partnership arrangements) is to achieve an appropriate balance between the level of direction required to drive progress and the level of discretion available to local partners to reach consensus and design appropriate operational and organisational arrangements to deliver integrated services in their areas.

The purpose of the regulation making powers is therefore to ensure that local authorities and Local Health Boards work effectively together to plan and ensure the delivery of integrated services to best meet the needs of people in their local area including, of course, children and young people. This will include the development of new models and shifting the focus towards preventative services and early intervention. Despite the availability of

legal powers under the Health Act 1999 and the NHS (Wales) Act 2006 which provided a legal underpinning for formal partnerships and pooled budgets progress in developing formal partnerships has been limited and not at the scale necessary to ensure a step change in the provision of services. Similarly very little use has been made of the legal powers under the Children Act 2004 to use pooled budgets.

The broad objectives of integration include:

- Improving outcomes for individuals in need of care and support
- Offering more personalised care
- Improving outcomes for carers
- Making more effective use of resources
- Improving staff morale by reducing inappropriate bureaucracy and improving access to other professionals with expertise
- Strengthening governance arrangements through partnership working
- Introducing greater transparency between statutory partners in relation to aims, objectives, values and use of resources across integrated and inter dependent services

This impact assessment should be read in conjunction with the other Children's Rights Impact Assessments because Part 9 of the Act relates to all user groups including children, young people and their families; to all functions such as, for example, information advice and support, assessment, care and support planning, safeguarding and the commissioning and provision of services. The difference with part 9 of the Act is that the protection of these rights fully engages all partners.

Step 2. Analysing the impact

- What are the positive and/or negative impacts for children, young people or their families?
- Where there are negative impacts; what compensatory measures may be needed to mitigate any negative impact?
- How will you know if your piece of work is a success?
- Have you developed an outcomes framework to measure impact?
- Have you considered the short, medium and long term outcomes?
- Do you need to engage with children & young people and/or stakeholders to seek their views using consultation or participatory methods?
- Do you need to produce child friendly versions of proposals/consultations?

The integration of services for children and young people should only have a positive impact on children's services. The criteria for integration will include the improvement of outcomes for individuals and families.

Our priorities for integration include:

- Carers including young carers. These will
- Children with complex needs due to illness or disability including the transition process from children to adult services.

These groups require an integrated approach to care and support services and not a series of fragmented interventions which can cause confusion and distress.

- Integrated Family Support Services. These teams are already in place. They were established under legislation which will be repealed with the introduction of the Social Services & Well-being (Wales) act 2014.

The aim of IFSS has, from the outset, been to work with parents and the extended family at an early stage before children become at risk of being taken into care. This is achieved by providing family focussed services to enable parents to improve their parenting skills.

The Partnership Arrangements Regulations require partnership arrangements between local authorities and Local Health Boards to ensure the delivery of IFSS. The Regulations also require the establishment of Integrated Family Support Teams.

IFSS delivers family focussed services to enable parents to achieve the necessary behaviour changes that will improve their capacity and capability as parents. The principle behind IFSS is that the extended family is engaged with the process.

The IFSS focusses services on children in need, including those in need of protection and bridges children's and adults services across local authorities and Local Health Boards with both bodies being accountable to make sufficient provision, either directly or through coordinated arrangements, to support children and adults referred to them.

Underpinning the service is a set of principles which require the IFSS to:

- Strengthen the safeguarding and welfare of children through restorative action to better support parents
- Improve the quality of service experience by parents and children when they engage with professionals
- Be family focussed and family centred, ensuring their voices are heard and interventions are aligned with the outcomes they want to achieve
- Facilitate service change
- Be a resource to existing services

- Build trusting relationships
- Deliver holistic and intensive Evidence Based Interventions
- Provide a training resource to child and adult services on Evidence Based Interventions to engage complex families

IFSS should embed the values of engagement and collaboration which builds on the family and individual strengths. The voices of the children and parents must be heard and focused on the outcomes they want to achieve.

Each partnership should develop an integrated approach to the development of a continuum of services for children, young people and their families ranging from prevention through to statutory intervention including support on leaving care. The purpose of developing such a range of services is to provide support to families to prevent the need for children and young people to become looked after or enter custody and in cases when children and young people need become looked after or receive a custodial sentence they receive effective care and support. In the first instance partnership boards need to consolidate the development of Integrated Family Support Services and develop an integrated approach to delivering services for Children with complex needs due to disability or illness (including transition from children's to adult social services and adult NHS services) and for Children and Adolescents with mental health problems.

The IFSS services have been subject to a detailed evaluation ; the outcome of which was positive.

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.

Partnership Boards will be required to provide an annual report on progress in relation to the integration of services.

Two consultation events were held as part of the consultation process. The purpose of these to:

- Promote engagement with the consultation
- Provide a base level of understanding to key stakeholder groups of areas we were consulting on.

Attendees were asked to participate in discussions on the implementation of the regulations, and also to share information from the events with their wider networks to provoke deeper engagement with the proposals and a wider span of consultation responses.

The first event was held on 21 May in St George's Hotel, Llandudno. The second was held on 4 June in the Liberty Stadium, Swansea with 200 attendees overall, representing a range of organisations. The range of stakeholders included representation from:

- Age Alliance Wales
- British Deaf Association

- Care Council for Wales
- Children in Wales
- College of occupational therapists
- CSSIW
- Disability Wales
- Learning Disability Wales
- Local authorities
- Local Health Boards
- WLGA
- RNIB Cymru
- Public Health Wales
- Office of the Older People's Commissioner
- North Wales Social Services Improvement Collaborative.

Workshops were held at the events on each of the parts of the Act subject to consultation under Tranche 2. The content of these workshops was tailored to suit the subject matter but at the core of each was a presentation from officials and group discussions and activities.

The comments and outputs from these events were considered alongside the formal written responses in order to inform the final regulations, code(s) of practice and, in respect of Part 9 statutory guidance.

In addition to this public consultation process, the proposals were discussed with the stakeholder reference group as well as the following groups: North Wales Directors, National Commissioning Board, National Provider Forum, Learning Disability Advisory Group, Care Homes Steering Group, National Partnership Forum for Older People, Cymru Older People's Alliance South, Wales Carers Alliance and the National Citizens Panel.

A 12 week public consultation on these regulations and accompanying Code of Practice ran between 8/5/15 and 31/7/15. The Consultation Summary Report can be found at:

<http://gov.wales/consultations/healthsocialcare/part9/?status=closed&lang=en>

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

Dependant upon the impact of your piece of work, use balanced judgement to assess:

- Which UNCRC articles are **most** relevant to the piece of work? Consider the articles which your piece of work impacts upon. <http://uncrcletsgetitright.co.uk/images/PDF/UNCRCRights.pdf>
- How are you improving the way children and young people access their rights?
- What aspects of children's lives will be affected by the proposal?
- What are the main issues that the CRIA should focus on?
- Does the piece of work help to maximise the outcomes within the articles of the UNCRC?
- If no, have any alternatives to the current piece of work been considered?

An assessment of relevant UNCRC articles took place as part of the Explanatory Memorandum process for the Social Service and Well-being (Wales) Bill. A link is attached (pages 91 to 93 within the linked document):

<http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-laid-docs/pri-ld9181-em-e.pdf?langoption=3&ttl=PRI-LD9181-EM%20-%20Social%20Services%20and%20Well-being%20%28Wales%29%20Bill%20-%20Explanatory%20Memorandum>

The positive impact on children's rights outlined in all the codes of practice in relation to the Act will apply to part 9 and will apply to partners.

The positive impacts for children or their families can be related to the following specific articles of the UNCRC:

Article 1 - Everyone under the age of 18 has all the rights in the Convention;

And,

Article 2 - 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 and code of practice apply to all local authorities in Wales when exercising their functions under the Act in respect of looked after and accommodated children. They determine local authorities responsibilities for assessing and meeting looked after and accommodated children's care and support needs, how they are to be maintained when under the care of a local authority and the arrangements and support that should be put in place for children and young people when leaving care.

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

The Regulations and code of practice provide the framework for local authorities to act in the best interests of the child when determining whether a child's needs are such that they are entitled to have their needs met by the local authority. Part 9 will ensure that local authorities work with partners to ensure the best interests of the child.

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

The Regulations create a consistent right for every child in Wales regarding the decision as to whether the child has needs which must be met by a local authority.

Article 9 - Children must not be separated from their parents unless it is in the best interests of the child (for example, in cases of abuse or neglect). A child must be given the chance to express their views when decisions about parental responsibilities are being made. Every child has the right to stay in contact with both parents, unless this might harm them.

By establishing the extent to which a child's needs for care and support can be met by the child's family, the Regulations support the requirement in the Act for local authorities to enable the child to live with the child's family or promote contact between the child and the child's family. The Welsh Government's over-arching policy intention under Part 6 includes strengthening the capacity of families to care for their children wherever it is safe to do so. Part 9 consolidates the development of Integrated Family Support Services designed to improve the capacity of parents to care for their children.

Step 4. Advising the Minister and Ministerial decision

When giving advice and making recommendations to the Minister, consider:

- The ways in which the piece of work helps to maximise the outcomes within the articles of the UNCRC?
- Has any conflict with the UNCRC articles within the proposal been identified?
- Consider the wider impact; does the proposal affect any other policy areas?
- With regard to any negative impacts caused by the proposal; can Ministers evidence that they have allocated as much resources as possible?
- What options and advice should be provided to Ministers on the proposal?
- In relation to your advice on whether or not to proceed with the piece of work, is there any additional advice you should provide to the Minister?
- Is it appropriate to advise the Minister to reconsider the decision in the future, in particular bearing in mind the availability of resources at this time and what resources may be available in the future?
- Have you provided advice to Ministers on a LF/SF and confirmed paragraph 26?
- Is the advice supported by an explanation of the key issues?

Consultation process

Two consultation events were held as part of the consultation process. The purpose of these to:

- Promote engagement with the consultation
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at the core of each was a presentation from officials and group discussions and activities.

The comments and outputs from these events were considered alongside the formal written responses in order to inform the final regulations, code(s) of practice and, in respect of Part 9 statutory guidance.

In addition to this public consultation process, the proposals were discussed with the stakeholder reference group as well as the following groups: North Wales Directors, National Commissioning Board, National Provider Forum, Learning Disability Advisory Group, Care Homes Steering Group, National Partnership Forum for Older People, Cymru Older People's Alliance South, Wales Carers Alliance and the National Citizens Panel.

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<http://gov.wales/consultations/healthsocialcare/part9/?status=closed&lang=en>

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:

Signature Submission: Partnership Arrangements (Wales) Regulations 2015:

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

No conflict with the UNCRC articles has been identified.

Step 5. Recording and communicating the outcome

Final version to be retained on i-share

Evidence should be retained that supports:

- How the duty has been complied with **(Steps 1-3 above)**
- The analysis that was carried out **(Steps 1-3 above)**
- The options that were developed and explored **(Steps 1- 3 above)**
- How have the findings / outcomes been communicated? **(Step 4 above)**
- ‘Tells the story’ of how the assessment has been undertaken and the results **(Step 4 above)**

The regulations and guidance 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 integration of services is a considerable piece of work and further technical support will be required both in terms of developing appropriate operational, management and governance arrangements and the development of an integrated approach to the commissioning of services.

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

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

In revisiting the piece of work, consider any monitoring, evaluation or data collection that has been undertaken:

- Has your piece of work has had the intended impact as set out in Step 2.
- Have you engaged with stakeholders to discuss how the policy or practice is working.
- If not, are changes required.
- Identify where improvements can be made to reduce any negative impact.
- Identify any opportunities to promote children’s rights, bearing in mind any additional availability of resources at this time.

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.

Regulations require Regional Partnership Boards to prepare a report on the extent to which the board’s objectives have been achieved. This report must be submitted to the Welsh Ministers. The first report must be prepared and submitted by 1st April 2017. Subsequent reports must be prepared and submitted annually.

The report must be published and should include:

- Information on how the board has met its objectives.
- Details of the partnership arrangements in place, the statutory partners involved and plans for development of further arrangements.
- Details of other structures to support delivery.
- How the board has engaged with service users and the Citizens Panel.and

- Overview of the arrangements in place for each of the priority areas and progress to date and future developments.
- Information on how the partnership arrangements have contributed to improved outcomes and delivery of services.
- Statutory provision used - e.g. Section 33 agreement the NHS (Wales) Act 2006 or informal arrangement underpinned by a written agreement.
- Provisions used e.g. lead commissioning, integrated provision, pooled funds
- Examples of management reports to be used by the Regional Partnership Boards to re-assure partners that their statutory responsibilities are being fulfilled. This will include reports on expenditure, activity and outcomes achieved.

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.

Yes / No

Please give any details:

There has not been an 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?	Yes / No
If applicable: set the review date	Month / Year



THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

www.uncrcletsgetitright.co.uk

The United Nations Convention on the Rights of the Child is an international agreement that protects the human rights of the children under the age of 18. On 16 December 1991, the United Kingdom of Great Britain and Northern Ireland formally agreed to make sure that every child in the UK has all the rights as listed in the convention. The Welsh Government has shown its commitment to the convention by adopting it as the basis for policy making for children in Wales.

Altogether there are 54 articles in the convention. Articles 43-54 are about how adults and governments should work together to make sure all children are entitled to their rights. The information contained here is about articles 1-42 which set out how children should be treated.



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

Article 1

Everyone under 18 years of age has all the rights in this Convention.

Article 2

The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

Article 3

All organisations concerned with children should work towards what is best for each child.

Article 4

Governments should make these rights available to children.

Article 5

Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

Article 6

All children have the right to life. Governments should ensure that children survive and develop healthily.

Article 7

All children have the right to a legally registered name, the right to a nationality and the right to know and, as far as possible, to be cared for by their parents.

Article 8

Governments should respect children's right to a name, a nationality and family ties.

Article 9

Children should not be separated from their parents unless it is for their own good, for example if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

Article 10

Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.

Article 11

Governments should take steps to stop children being taken out of their own country illegally.

Article 12

Children have the right to say what they think should happen, when adults are making

decisions that affect them, and to have their opinions taken into account.

Article 13

Children have the right to get and to share information as long as the information is not damaging to them or to others.

Article 14

Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

Article 15

Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

Article 16

Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

Article 17

Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

Article 18

Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

Article 19

Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

Article 20

Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

Article 21

When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born or taken to live in another country.

Article 22

Children who come into a country as refugees should have the same rights as children born in that country.

Article 23

Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

Article 24

Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.

Article 25

Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

Article 26

The Government should provide extra money for the children of families in need.

Article 27

Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

Article 28

Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

Article 29

Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

Article 30

Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

Article 31

All children have a right to relax and play, and to join in a wide range of activities.

Article 32

The Government should protect children from work that is dangerous or might harm their health or their education.

Article 33

The Government should provide ways of protecting children from dangerous drugs.

Article 34

The Government should protect children from sexual abuse.

Article 35

The Government should make sure that children are not abducted or sold.

Article 36

Children should be protected from any activities that could harm their development.

Article 37

Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

Article 38

Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

Article 39

Children who have been neglected or abused should receive special help to restore their self respect.

Article 40

Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

Article 41

If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

Article 42

The Government should make the Convention known to all parents and children.

For further information on the United Nations Convention on the Rights of the Child please visit: The Welsh Government's UNCRC Website: www.uncrcletsgetitright.co.uk/

Cic - The National Information and Advice Service for Young People www.ciconline.co.uk/news/

