

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Code of Practice on the exercise of social services functions in relation to Advocacy under Part 10 and related parts of the Social Services and Well-being (Wales) Act 2014.
Name of official:	Rebecca Powell
Department:	Health and Social Services Group
Date:	November 2015
Signature:	

1. Please provide a brief description of the policy/decision.

This Equality Impact Assessment is about the Code of Practice on the exercise of social services functions in relation to Advocacy under Part 10 and related parts of the Social Services and Well-being (Wales) Act 2014 (the Act).

The Act provides the legal framework for improving the well-being of people who need care and support and carers who need support. It transforms the way social services are delivered, promoting people's independence to give them voice and control. It also seeks to ensure social services are sustainable going forward.

Part 10, Chapter 1 of the Act reinforces the existing rights and entitlements of looked after children and specified others to advocacy support in making complaints and representations as currently set out in the Children Act 1989.

Code of Practice (the Code)

Advocacy should be considered as an inherent element of the Act focussing social care around people and their well-being. Advocacy helps people to understand how they can be involved.

This Code sets out the requirements for local authorities to:

1. ensure access to advocacy services and support is available to enable individuals to engage and participate when local authorities are exercising statutory duties in relation to them: and
2. to arrange an independent advocate to facilitate the involvement of individuals in certain circumstances.
3. Support looked after and other specified children when making complaints or representation under the Act.

The Code also sets out a clear framework to support and empower individuals to make positive informed choices, and identifies the circumstances which impact on people's need for advocacy, and the arrangements for publicising advocacy services.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

The Code has been co-designed with citizens in Wales.

Section 181(2) defines 'Advocacy Services' as services which provide assistance (by way of representation or otherwise) for purposes relating to their care and support. Similarly, advocacy is one of the examples specified in section 34(2)e) of

what may be provided or arranged to meet individuals' care and support needs under sections 35-45 of the Act.

Engagement has reached as many individuals as possible to ensure that the Welsh Government equality commitments have been incorporated into the development of the policy from the outset. This has improved the understanding of barriers that exist in different equality groups.

As well as formal consultation, using various formats, officials gave presentations to groups, held discussions, attended one to one meetings, encouraged people to invite them to their existing meetings, and wrote articles and gave them to our partners to use within their networks. Stakeholders were asked to share information with their networks and feed back to Welsh Government.

The National Social Services Citizen Panel was asked to consider the consultations as individuals within their own networks, but also together as a Panel, where they produced reports to inform the consultation on integration, safeguarding, direct payments and paying for care.

As well as key contacts being encouraged to disseminate the consultation documents amongst their networks, to support wider engagement, easy read and children and young-people friendly versions were also produced and disseminated.

As well as being made available to the wider public via the Welsh Government internet pages, the consultation was distributed to key stakeholder groups, including:

- The Children's Commissioner for Wales
- The Older People's Commissioner for Wales
- Local Government representatives
- Third Sector organisations
- Care Council for Wales
- Association of Directors for Social Services Cymru
- Care and Social Service Inspectorate Wales
- Wales Council for Voluntary Action
- Children in Wales
- Care Forum Wales

Consultation Events

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

- promote engagement with the consultation;
- provide a base level of understanding to key stakeholder groups of the 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 Venue Cymru, Llandudno. The second was held on 4 June in the Liberty Stadium, Swansea.

There were over 240 attendees between the two consultation events. The range of stakeholders included representation from:

- Age Alliance Wales
- British Deaf Association
- Care Council for Wales
- Carers Trust Wales
- Children in Wales
- College of Occupational Therapists
- Disability Wales
- Headway
- Learning Disability Wales
- Wales Alliance for Citizen Directed Support
- UK Home Care Association
- RNIB Cymru
- Office of the Older People's Commissioner
- Office of the Children's Commissioner for Wales
- 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 Code.

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The Code to support implementation of advocacy has gone through extensive development stages, reviews, and consultation. Engagement has been undertaken at every stage and in a way that has actively sought to obtain the views of as many groups and individuals as possible.

A Technical Group was established to develop the Code which comprised of representatives with the relevant expertise, technical knowledge and practical experience to work with officials on the detailed policy necessary to advise on and contribute to the development of the code of practice with the intention to deliver the policy aspirations underpinning the Act. Membership of that Group included; Learning Disability Wales, National Network for Older Peoples Advocacy in Wales,

Office of the Children’s Commissioner, Advocacy providers and Social Care and Wellbeing Alliance Wales.

Through the development stage discussions looking at current evidence and information included, and not exclusively, the Older Persons Business Case, Care Act 2014, Age Cymru *Advocacy Counts* reports, Children’s Commissioners *Missing voices* reports, Law Commission review and The Mental Capacity Act 2005.

The Welsh Government received 81 responses from a wide range of stakeholders to the consultation on the draft code.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people <i>(Children and young people, up to 18)</i>	Positive			The Code sets out requirements for local authorities to ensure that access to advocacy services and support is available to enable individuals, including children and young people, to engage and participate when local authorities are exercising statutory duties in relation to them. Also to arrange an independent advocate

			<p>to facilitate the involvement of individuals in certain circumstances.</p> <p>It also provides specific guidance on local authorities' responsibilities for the provision of advocacy services to entitled children and young people.</p> <p>Individuals and their families must be able to participate fully in the process of determining and meeting their well-being outcomes through a process that is accessible to them.</p> <p>The process must ensure that people are empowered to express their needs and are able to participate fully as equal partners.</p> <p>The process will support everyone equally.</p>
People 18-50	Positive		<p>The Code sets out requirements for local authorities to ensure that access to advocacy services and support is available to enable individuals to engage and participate when local authorities are exercising statutory duties in relation to them. Also to arrange an independent advocate to facilitate the involvement of individuals in certain circumstances.</p> <p>Individuals and their families must be able to participate fully in the process of determining</p>



				<p>and meeting their well-being outcomes through a process that is accessible to them.</p> <p>The process must ensure that people are empowered to express their needs and are able to participate fully as equal partners.</p> <p>The process will support everyone equally.</p>
Older people (50+)	Positive			<p>The Code sets out requirements for local authorities to ensure that access to advocacy services and support is available to enable individuals, including older people, to engage and participate when local authorities are exercising statutory duties in relation to them. Also to arrange an independent advocate to facilitate the involvement of individuals in certain circumstances.</p> <p>Individuals and their families must be able to participate fully in the process of determining and meeting their well-being outcomes through a process that is accessible to them.</p> <p>The process must ensure that people are empowered to express their needs and are able to participate fully as equal partners.</p> <p>The process will support everyone equally.</p>



4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment	Positive			<p>Local authorities must ensure advocacy is accessible to those who require additional support so that they are actively engaged in expressing their views, wishes and feelings. They must be able to participate in the decision making process' that affect them, and be allowed to determine how best to meet the personal well-being outcomes that they wish to achieve.</p> <p>The Code is clear that local authorities must in partnership with each individual, consider whether that individual is likely to experience barriers to participate fully in determining their well-being outcomes and reach a conclusion on their needs for advocacy support. Key barriers will include issues and situations that will impair individuals' ability to:</p> <ul style="list-style-type: none"> • understand relevant information • retain information • use or weigh information • communicate their views, wishes and feelings.
Hearing impairment	Positive			
Physically disabled	Positive			
Learning disability	Positive			
Mental health problem	Positive			
Other impairments issues	Positive			

				The process will support everyone equally.
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4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male	Positive			<p>Advocacy services are fundamental to supporting people to engage actively in the development of their own well-being outcomes and will support individuals equally.</p> <p>Welsh Government has worked with men and women to develop the code.</p> <p>The process will support everyone equally.</p>
Female	Positive			

4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
	Positive			<p>Advocacy services are fundamental to supporting people to engage actively in the development of their own well-being outcomes. This also encompasses those who are transgender.</p> <p>The process will support everyone</p>

				equally.
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4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage	Positive			Welsh Government did not approach individuals based on their marital status. The process will support everyone equally.
Civil Partnership	Positive			

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			None	The process will support everyone equally.
Maternity (the period after birth)			None	

4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?

Ethnic minority people e.g. Asian, Black,	Positive		Negligible	<p>Advocacy services are fundamental to supporting people to engage actively in the development of their own well-being outcomes and will support individuals equally.</p> <p>Local authorities, through advocacy, should ensure that individuals can fully participate in the process of their care and support planning by making all relevant information available in a format that is accessible to them through their preferred means of communication.</p>
National Origin (e.g. Welsh, English)	Positive		Negligible	
Asylum Seeker and Refugees	Positive		Negligible	
Gypsies and Travellers	Positive		Negligible	
Migrants	Positive		Negligible	
Others				<p>The Social Services and Well-being (Wales) Act sets out those persons exercising functions under the act must have regard to the characteristics, culture and beliefs of the individual.</p>

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs,	Positive			<p>Advocacy services are fundamental to supporting people to engage actively in the development of their own well-being outcomes and will support individuals equally.</p>

Buddhists, Hindus, Others (please specify)				The Social Services and Well-being (Wales) Act sets out those persons exercising functions under the act must have regard to the characteristics, culture and beliefs of the individual.
Belief e.g. Humanists	Positive			
Non-belief	Positive			

4.9 Because of their sexual orientation? Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men	Positive			Advocacy services are fundamental to supporting people to engage actively in the development of their own well-being outcomes and will support individuals equally. The Social Services and Well-being (Wales) Act sets out those persons exercising functions under the act must have regard to the characteristics, culture and beliefs of the individual.
Lesbians	Positive			
Bi-sexual	Positive			

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions				<p>The Social Services and Well-being (Wales) Act 2014 promotes people's independence to give them a stronger voice and control in the way social services are delivered. Advocacy should be considered as an inherent element of the Act, as it helps people to express their wishes and feelings and to make decisions about their well-being.</p> <p>The wide ranging engagement and consultation captured many views from differing backgrounds.</p>

If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

Equality Impact Assessment – Part 2

1. Building on the evidence you gathered and considered in Part 1, please consider the following:

1.1 How could, or does, the policy help advance / promote equality of opportunity?

For example, positive measures designed to address disadvantage and reach different communities or protected groups?

The Act transforms the way social services are delivered, primarily through promoting people's independence to give them a stronger voice and control. Integration and simplification of the law will also provide greater consistency and clarity to people who use social services, their carers, local authority staff and their partner organisations, the courts and the judiciary. The Act promotes equality, improvements in the quality of services, the provision of information people receive, and a shared focus on prevention and early intervention.

Welsh Government has worked with protected groups to develop these policies to ensure circumstances have been considered.

The Code sets out requirements for local authorities to ensure that access to advocacy services and support is available to enable individuals, including those protected groups, to engage and participate when local authorities are exercising statutory duties in relation to them. Also to arrange an independent advocate to facilitate the involvement of individuals in certain circumstances.

1.2 How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?

The Act promotes equality, improvements in the quality of services and the provision of information people receive. To promote consistency the Code sets out when a local authority must consider individuals needs for advocacy, the circumstances when individuals may require, commissioning an effective service and publishing advocacy services.

1.3 How could/does the policy impact on advancing / promoting good relations and wider community cohesion?

Through direct engagement and consultation with different service users and equality groups, Welsh Government gained an understanding of individuals own personal barriers and rights that needed to be overcome. On a reciprocal basis, many of the groups involved in the development of the process have also gained knowledge and understanding about policy development and through a snowballing approach were able to bring more stakeholders into the process reflecting the Welsh Government ethos that well-being is everyone's right and everyone's responsibility. Welsh Government supports individuals to achieve well-being by recognising and valuing people's strengths, people's families, friends and communities. Local authorities will work with all individuals to identify what matters to them, and identify the contribution people themselves and communities can make to their own well-being. This may include assisting individuals to seek support or assistance within the local community, such as community based third sector services or social care enterprises. This includes whether a person feels as though they belong, whether they engage and participate and feel valued in society, which is especially important for people who may feel particularly vulnerable because they fall under the protected characteristics.

2. Strengthening the policy

2.1 If the policy is likely to have a negative effect ('adverse impact') on any of the protected groups or good relations, what are the reasons for this?

What practical changes/actions could help reduce or remove any negative impacts identified in Part 1?

There are no negative impacts noted for any specific protected groups.

2.2 If no action is to be taken to remove or mitigate negative / adverse impact, please justify why.

(Please remember that if you have identified unlawful discrimination (immediate or potential) as a result of the policy, the policy must be changed or revised.)

n/a

3. Monitoring, evaluating and reviewing

How will you monitor the impact and effectiveness of the policy?

List details of any follow-up work that will be undertaken in relation to the

policy (e.g. consultations, specific monitoring etc).

The Act 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 the Code.

The Welsh Government will continue to work with the National Partnership Forum, the Leadership Group and Citizens Panel to ensure that people who use services remain at the heart of the programme for change.

Additionally, the Welsh Government will continue to monitor the impact of the regulation on areas such as the Welsh Language, the UN Rights of the Child and Older People and Equality.

The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.

4. Declaration

***Please delete as appropriate:**

The policy *does / does not have a significant impact upon equality issues

Official completing the EIA

Name:

Rebecca Powell

Department:

Health and Social Services Group

Date:

November 2016

Signature:

Head of Division (Sign-off)

Name:

Job title and department:
Date:
Signature:
Review Date:

