

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Safeguarding Regulations and Guidance arising from Part 7 of the Social Services and Well-being (Wales) Act 2014
Name of official:	Phil Mulraney
Department:	Dept for Health and Social Services
Date:	January 2015

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

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

The Social Services and Well-being (Wales) Act 2014 received Royal Assent on 1 May 2014, and will come into effect in April 2016. Sections 126-142 of the Act creates a coherent legal framework for both adult and child protection, and enables Ministers to make regulations to establish a National Independent Safeguarding Board and for the establishment of Safeguarding Boards for children and adults.

The Act also provides for authorised officers of a local authority to apply to the court for an “adult protection and support order”. Such an order will confer a power of entry to facilitate practitioners in speaking to an adult suspected of being at risk in private and enable them to ascertain whether that person is making decisions freely. Regulations under s127 may set restrictions on the persons or categories of persons who may be an authorised officer.

The Act provides for the creation of new Safeguarding Children Boards and the establishment of new Safeguarding Adults Boards. Board areas and lead partners are to be prescribed through regulations. The Boards are intended to promote partnership working between relevant partners. Board partners can be prescribed. In the case of Safeguarding Children Boards, their objectives are to protect children who are at risk of abuse, neglect or other harm and to prevent them becoming at risk of such harm. In the case of Adult Safeguarding Boards the objectives of the Boards are to protect adults in the Board’s area who have needs for care and support and are experiencing or at risk of neglect and to prevent adults who have needs for care and support from becoming at risk of abuse or neglect.

These regulations will exercise the powers to make subordinate legislation referred to above and will be laid before that Assembly in June 2015.

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 former Deputy Minister for Social Services set up the Safeguarding Advisory Panel to provide expert advice based on professional skills, background and knowledge of the membership.

The group advised Welsh Government on specific aspects of the proposals contained within the then Social Services and Well-being (Wales) Bill relating to the safeguarding and protection of children and adults in Wales. It also provided advice on the development of regulations and guidance to be published following the passage of the Bill, and ensured that the views of service users and other stakeholder groups, such as the Safeguarding and Protection Advisory Network, were considered fully in the development and implementation of policy measures and actions and that cross-border issues are examined fully

An all-Wales Engagement event was held on 11 September 2014 which brought together representatives from the local authorities, NHS partners, third sector and independent sector, which looked at how the various Parts of the Act work together to deliver sustainable social services.

During the course of this event representatives identified gaps, issues and dependencies. The event included members from each of the seven technical groups relating to the Act, and relevant Welsh Government leads. The purpose of the event was to further inform the detail of the draft regulations in preparation for the 12 week formal consultation period which ran from 6 November 2014 to 2 February 2015.

From the outset, the Welsh Government made a commitment to working with people to help shape the secondary legislation and the implementation, and deliver the practice and culture change being driven forward through the Act. This commitment underpinned a comprehensive engagement and consultation process.

The Safeguarding Advisory Panel's engagement activities continued until the summer of 2014. During this period the Panel continued to liaise with stakeholders raising awareness of implementation of the Act and its significance and sought more specific views on the detail required for inclusion in Regulations and Statutory Guidance making use of specific focus groups. Panel members took the opportunity to increase awareness of the Act, including how the adult protection legislation would work and how safeguarding arrangements could be strengthened.

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 consultation 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 26 November in the Liberty Stadium, Swansea. The second was held on 9 December in Venue Cymru, Llandudno.

There were approximately 170 attendees at the event in South Wales and 90 attendees in the North Wales. 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
- 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 1. 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 and statutory guidance

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 Government's proposals in respect of these regulations have been subject to scrutiny by the Health and Social Care Committee of the National Assembly for Wales and consulted upon

In October 2011 CSSIW, and other inspectorate bodies, published the results of a joint inspection of seven LSCBs which presented further evidence that safeguarding arrangements were not working as effectively as was hoped, and that LSCBs could not demonstrate their effectiveness. These reports, along with the findings of the Independent Commission and the Welsh Safeguarding Children Forum and others, helped inform the proposal to replace LSCBs with fewer Safeguarding Children Boards, which would be aligned with the proposed public service delivery footprint of six.

In November 2010 the Health, Well-being and Local Government Committee published its findings following an inquiry into the performance and effectiveness of Local Safeguarding Children Boards (LSCBs). It made a total of 20 recommendations around the scope and role of LSCBs; partnerships; information sharing; funding; the protection of specific groups; and the involvement of children and young people.

In March 2011 the Deputy Minister gave a written response to the Committee's report accepting, or accepting in principle, all of the recommendations and said that they would inform her thinking in developing the proposals set out in Sustainable Social Services in Wales: A Framework for Action.

A 12 week formal consultation period was undertaken which ran from 6 November 2014 to 2 February 2015

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>	Yes			The Act enhances existing safeguarding arrangements for children through the introduction of a strengthened “duty to report” to the local authority and defines a “child at risk”.
People 18-50	Yes			The Act introduces a number of key safeguards for adults at risk including new duties to report to the

				local authority someone suspected to be an adult at risk of abuse or neglect.
Older people (50+)	Yes			This is supplemented by a power to apply to the courts for an Adult Support and Protection Order to enable an authorised officer to secure entry to premises in order to speak with the adult in private to determine what, if any, action should be taken

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment	Yes			The Act introduces a number of key safeguards for adults at risk including new duties to report to the local authority someone suspected to be an adult at risk of abuse or neglect. This is supplemented by a power to apply to the courts for an Adult Support and Protection Order to enable an authorised officer to secure entry to premises in order to speak with the adult in private to determine what, if any, action should be taken.
Hearing impairment	Yes			
Physically disabled	Yes			
Learning disability	Yes			
Mental health problem	Yes			
Other impairments issues	Yes			

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			None	
Female	Yes			It is considered that the duty to report will strengthen efforts to eradicate the practice of female genital mutilation

4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
	Yes			<p>The Act introduces a number of key safeguards for adults at risk including new duties to report to the local authority someone suspected to be an adult at risk of abuse or neglect.</p> <p>This is supplemented by a power to apply to the courts for an Adult Support and Protection Order to enable an authorised officer to secure entry to premises in order to speak with the adult in</p>

				private to determine what, if any, action should be taken.
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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			None	
Civil Partnership			None	

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	
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,	Yes			<p>It is considered that the duty to report will strengthen efforts to eradicate the practice of female genital mutilation in communities where it is practiced. In addition, the Act introduces a number of key safeguards for adults at risk including new duties to report to the local authority someone suspected to be an adult at risk of abuse or neglect.</p> <p>This is supplemented by a power to apply to the courts for an Adult Support and Protection Order to enable an authorised officer to secure entry to premises in order to speak with the adult in private to determine what, if any, action should be taken.</p>
National Origin (e.g. Welsh, English)			Negligible	The Act introduces a number of key safeguards for adults at risk including new duties to report to the local authority someone suspected to be an adult
Asylum Seeker and	Yes			

Refugees				at risk of abuse or neglect. This is supplemented by a power to apply to the courts for an Adult Support and Protection Order to enable an authorised officer to secure entry to premises in order to speak with the adult in private to determine what, if any, action should be taken.
Gypsies and Travellers	Yes			
Migrants	Yes			
Others				

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, Buddhists, Hindus, Others (please specify)	Yes			It is considered that the duty to report will strengthen efforts to eradicate the practice of female genital mutilation in communities where it is practiced. In addition, the Act introduces a number of key safeguards for adults at risk including new duties to report to the local authority someone suspected to be an adult at risk of abuse or neglect. This is supplemented by a power to apply to the courts for an Adult

				Support and Protection Order to enable an authorised officer to secure entry to premises in order to speak with the adult in private to determine what, if any, action should be taken.
Belief e.g. Humanists			None	
Non-belief			None	

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			None	
Lesbians			None	
Bi-sexual			None	

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	Yes			<p>The following are engaged:-</p> <p>Article 2: The right to life</p> <p>Article 3: Freedom from torture or de-grading treatment</p> <p>Article 4: Prohibition of slavery and forced labour</p> <p>Article 5: The right to liberty and security</p> <p>Article 9: Freedom of thought, belief and religion</p> <p>Article 13: The right to an effective remedy</p> <p>Protocol 1 Article 1: The right to peaceful enjoyment of possessions.</p> <p>Protocol 1, Article 2: The right to education</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?

Positive effects are identified in Part 1 in respect of the following protected characteristics: age; disability; gender; gender reassignment; race and religion

The policy relates to all children and adults who are at risk of, or experiencing abuse or neglect and have needs for care and support. It will ensure that partners of Safeguarding Boards will have a duty to report to the local authority when they consider a person to be at risk, and require the local authority to make enquiries in those cases to determine what, if any action is required. It will further provide the ability to obtain an Adult Protection and Support Order so that the authority may gain access to an individual to ensure that they are speaking freely.

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

Strengthened duty to report adults and children at risk will impact on victimisation of vulnerable people. The new Adult Support and Protection Order will enable an authorised officer with the requisite skills and experience to secure entry to premises in order to speak in private with an adult suspected of being at risk to determine whether they are making decisions freely; whether they are at risk and decide what, if any, action should be taken.

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

n/a

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?

n/a

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 National Board is under a duty to provide support and advice to Safeguarding Boards to ensure their effectiveness, to report on the adequacy and effectiveness of safeguarding arrangements for children and adults in Wales and to make recommendations to Welsh Ministers regarding how to improve safeguarding arrangements. The National Board must make an annual report to Welsh Ministers and any other reports required by Welsh Ministers. The National Board may make any other reports as it thinks fit.

A Safeguarding Board must publish a report on how it has exercised its functions in the preceding financial year which must include an assessment of the extent to which it has implemented proposals that were set out in its annual plan.

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

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4. Declaration

The policy does have a significant impact upon equality issues

Official completing the EIA
Name: Phil Mulraney
Department: Dept for Health and Social Services
Date:
Signature:
Head of Division (Sign-off)
Name: Alistair Davey
Job title and department: Dept for Health and Social Services
Date:
Signature:
Review Date: October 2016 – 6 months post implementation



