

# **Welsh Language Impact Assessment**

**for the national outcomes framework work stream of the  
new improvement framework project.**

**January 2015**

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## Welsh Language Impact Assessment

<b>Title:</b> National outcomes framework for people who need care and support and carers who need support	<b>WLIA Reference No</b> (completed by WLU):				
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<b>Date:</b>	16/01/15				
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<b>Programme/Project Type</b>					
<input checked="" type="checkbox"/> Policy					<input checked="" type="checkbox"/> Project or programme
<input checked="" type="checkbox"/> Legislation					<input type="checkbox"/> Research, evaluation
<input type="checkbox"/> Grant					<input type="checkbox"/> Services
<input type="checkbox"/> Business change					<input type="checkbox"/> Contracts, tenders
<input type="checkbox"/> Infrastructure					
<input type="checkbox"/> Construction, Capital					
<input type="checkbox"/> ICT					
<input type="checkbox"/> Other (Please specify below)					
<b>Costs: How much is the projected whole life cost for the programme/project?</b>					
If below £25k, then a full WLIA is not always required (see guidance).					
The national outcomes framework forms part of the legislation to transform the delivery of Social Services in Wales through Sustainable Social Services for Wales and the Social Services and Well-being (Wales) Act 2014, and there are no costs associated with implementing this programme of work.					
The Explanatory Memorandum for the Act that was laid before the National Assembly for Wales indicated that overall, the additional benefits of implementing the Act is expected to outweigh the additional costs of implementation.					
Under £25k	£25k - £49k	£50 - £249K	£250K - £1m	Over £1m	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Of the above, please provide details if there are any identified costs directly associated with the Welsh language?</b>					
No costs have been directly associated with the Welsh language at present					
<b>How long is the programme/project expected to run?</b>					
Up to 1 yr	Up to 2yrs	Up to 5yrs	Up to 10yrs	More than 10 yrs	Unknown
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Key milestone dates for the programme/ project:**

April 2013: Draft well-being statement for people who need care and support and carers who need support published;

June 2014: National outcomes framework for people who need care and support and carers who need support – working document published;

November 2014 – February 2015 - Public consultation on the Implementation of the Social Services and Well-being (Wales) Act, including the code of practice in relation to Part 2 (General Functions, including the duty to promote well-being).

February to April 2015: Public consultation on code of practice in relation to measuring the performance of local authorities in relation to their social services functions under the Social Services and Well-being (Wales) Act;

Summer 2015: national outcome indicators refreshed and published (annual thereafter);

Summer 2015: Code of practice will be laid before the National Assembly for Wales.

April 2016: Commencement of the Social Services and Well-being (Wales) Act 2014. The well-being statement will be laid before the National Assembly for Wales;

April 2016: New performance measures will be collected for the year 2016-17 by local authorities.

May 2017: National reporting of performance measures (annual thereafter).

**STAGE 1: PLANNING****What are the aims and objectives of the policy?****What are the desired outcomes/ what constitutes 'success'?**

Aims and objectives:

Sustainable Social Services for Wales: a framework for action<sup>1</sup> sets out the challenges facing social services during the next decade and lists the Welsh Governments priorities for action. The paper introduces the New Improvement Framework project as a project to deliver some of these actions including a programme of policy and legislation to deliver them.

The Social Services and Well-Being (Wales) Act 2014 puts a duty on any persons exercising functions under the Act to Seek to promote the well-being of people who need care and support and carers who need support. The Act sets out the definition of well-being and places a duty on Welsh Ministers to issue a statement of well-being outcomes to be achieved.

The aim of this policy is to put into law the rights and responsibilities of people who need care and support and carers who need support. Everyone, adult or child, has a

<sup>1</sup> <http://wales.gov.uk/topics/health/publications/socialcare/guidance1/services/?lang=en>

right for their voice to be heard as an individual and as a citizen, to shape the decisions that affect them, and to have control over their day to day lives. The social care sector will use the statement of well-being to design and deliver services with people. This will be an important driver in the shift to an approach which puts people at the centre, the outcomes they wish to achieve, and in giving them greater voice and control.

Section 6 of the Act places overarching duties on any person exercising functions under the Act, this includes a duty to have regard to the characteristics, culture and beliefs of the individual, including for example, language. This also includes a duty to have regard to the importance of providing appropriate support to enable the individual to participate in decisions that affect him or her to the extent that is appropriate in the circumstances.

The New Improvement Framework Project includes a work stream to deliver the national outcomes framework for people who need care and support and carers who need support. To deliver this:

- a code of practice issued under Part 2<sup>2</sup> of the Act has been published for consultation. This code applies to local authorities in relation to their social services functions in promoting well-being outcomes.
- a code of practice under Section 145<sup>3</sup> has been published for consultation. This code applies to local authorities in relation to their social services functions measuring performance.
- a working document of the national outcomes framework<sup>4</sup> has been published. This framework is made up of the draft well-being statement<sup>5</sup> for people who need care and support and carers who need support and has been published in advance of the commencement of the Act in April 2016. This statement builds on the definition of well-being set out in the Act and describes the important well-being outcomes that people should expect in order to lead fulfilled lives; this forms a part of the national outcomes framework.  
(<http://wales.gov.uk/docs/dhss/publications/140828wellbeingen.pdf>).

The Act defines well-being, and this definition includes ‘securing rights and entitlements’. For many Welsh speakers securing rights and entitlements will be being able to use their own language will allow them to communicate and participate in their care as equal partners. Therefore whether people get care through the Welsh language is a key aspect of the well-being statement. This will be measured in the national outcomes framework for social services.

The Welsh Government’s strategic framework for Welsh language services has been embedded in the code of practice for Part 2 of the Act, this includes a requirement for Welsh language services to be built into planning and delivery and that Welsh language services are offered to Welsh speakers without them having to request it.

<sup>2</sup> <http://wales.gov.uk/consultations/healthsocialcare/part2/?lang=en>

<sup>3</sup> <http://wales.gov.uk/consultations/healthsocialcare/performance/?lang=en>

<sup>4</sup> <http://wales.gov.uk/topics/health/socialcare/well-being/?lang=en>

<sup>5</sup> <http://wales.gov.uk/topics/health/publications/socialcare/strategies/statement/?lang=en>

The code of practice in relation to measuring social services performance (issued under Section 145) sets out a performance measurement framework for local authorities; this includes quality standards for local authorities in relation to their social services functions and performance measures. The quality standards require local authorities to provide access to services through the medium of Welsh, in line with the Welsh Governments' framework for Welsh Language, 'More Than Just Words' or in other languages of choice where necessary.

Outcomes / success

Success will be monitored by the achievement of well-being outcomes, using the national outcomes framework. Outcome measures will be stated in relation to achieving the outcomes set out in the well-being statement.

Outcome statements include whether people are receiving care and support through the medium of Welsh. The outcome measures will shine a spotlight on what needs to be done to improve people's well-being rather than focussing on the processes involved in delivering social services.

This performance framework will evidence whether people get the active offer when receiving care and support.

**What policy options have been considered?  
and  
What impacts will there be if the policy is *not* implemented?**

Sustainable Social Services for Wales outlines the challenges facing social services in Wales, and our approach to meeting those, including developing a programme of policy and legislation.

The Social Services and Well-being (Wales) Act specifies the legislative framework for social services and social care in Wales and gives effect to the policy stated in the White Paper Sustainable Social Services for Wales: A Framework for Action. The policy set out in the work stream flows from the legislation. There is a legislative timetable in place that the Minister for Health and Social Services has committed to. This timetable ensures the full suite of subordinate legislation is in place by April 2016.

**Does the programme demonstrate a clear link with the Welsh Government's strategy for the Welsh language - *laith fyw: laith byw*?**

The Welsh Government's Welsh Language Scheme required that an assessment of the impacts of the Act on the Welsh language be carried out in an Explanatory Memorandum<sup>6</sup>.

<sup>6</sup> <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 assessment revealed no negative impact on the language is likely and that as the Act is designed to create a fairer and more equitable system for all people eligible for care and support, opportunities to increase the use of the Welsh language in service provision exist.

The key principles of 'More than just words: the Strategic Framework for Welsh Language Services in Health, Social Services and Social Care'<sup>7</sup> have been embedded into 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.

The Social Services and Well-being (Wales) Act puts a duty on any persons exercising functions under the Act to seek to promote the well-being of people who need care and support and carers who need support, including a duty to have regard to the characteristics, culture and beliefs of the individual (including language).

A draft well-being statement has been published in advance of the commencement of the Act that sets out well-being outcomes for people who need care and support and carers who need support, this includes whether people get care through the Welsh language if they need it.

Code of practice for Part 2 states that well-being should inform the local authorities broader and more strategic functions, such as providing or arranging preventative services under Section 15 and the carrying out of a population assessment under Section 14. Local authorities must use information on people's well-being and the barriers to promoting people's well-being to develop proposals and inform a population assessment.

Promoting people's well-being must include a focus on delaying and preventing the need for care and support to stop people's needs from escalating. To keep people living as independently as possible for longer, local authorities should promote well-being in delivering universal services to all people in its local area.

The code of practice in relation to measuring social services performance sets out a performance framework for local authorities; this includes quality standards for local authorities in relation to their social services functions and performance measures.

**What are the impacts/ effects (both positive and/or adverse) on the Welsh language you have identified at the initial planning stage**

i.e. Welsh speakers, Welsh language communities, Welsh medium education, Welsh learners, services available in Welsh?

The Social Services and Well-being (Wales) Act and it's associated legislation in relation to that delivered under the New Improvement Project provides for a fairer and more equitable access to and provision of care and support, this will have a positive impact on Welsh speakers and predominantly Welsh speaking communities where more services are available in Welsh.

<sup>7</sup> <http://wales.gov.uk/docs/dhss/publications/121121narrativeen.pdf>

Section 6 of the Act places a duty on people exercising social services functions to have regard to the characteristics, culture and beliefs of individuals (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.

The codes of practice delivered under this project includes the requirement to provide access to services through the medium of Welsh, in line with the Welsh Government's strategic framework for Welsh Language, 'More Than Just Words'.

The Welsh Government's Strategic Framework for the Welsh Language, 'More than Just Words' recognises the concept of language need. For many Welsh speakers, language is an integral element of their care, e.g. some people are vulnerable and giving them the responsibility of asking for services through the medium of Welsh can contribute to their anxiety. It is the responsibility of social services to deliver appropriate services that meet users' language needs; this is referred to in 'More than just words' as the "Active Offer".

**Who are the stakeholders? Are the needs of Welsh speakers and learners addressed? To what extent are Welsh language interest groups likely to respond positively to the proposals?**

The duties on the Social Services and Well-being (Wales) Act will have implications for local authorities and partner bodies, including local health boards, the third and independent sectors and for people who need care and support and carers who need support in Wales.

Service providers will have to deliver a more focused service appropriate to each individual, including delivering services through the medium of Welsh in line with the active offer. The outcomes and performance measurement frameworks will measure the impact of this.

The development stages of this work stream has been informed through engagement with Bwrdd yr Iaith Gymraeg representatives, Welsh language policy officials within Welsh Government, as well as Welsh speaking service users and carers who form part of the National Social Services Citizen Panel, which secures a voice of service users and carers in the transformation of social services in Wales.

Furthermore the work has been developed through the Strategic Steering and Engagement Group which compromised membership from organisations which represent the statutory, voluntary and private sectors. It included people who themselves are Welsh language speakers.

This engagement has ensured that the needs of Welsh speakers and learners are addressed, and we would expect Welsh language interest groups to respond positively to the proposals.

Furthermore there has been a consultation of the code of practice on Part 2 of the Act and there is an ongoing consultation on the code of practice in relation to measuring social services performance.

**Where an assessment was not completed, or no impacts were identified, please**

**provide a full account for record keeping purposes?**  
(This could be used in the Welsh Language Tribunal in future)

N/A

**What actions/ further work has been identified at the initial planning stage?**  
e.g. data requirements, need for peer review, external engagement with Welsh speaking groups, identify stakeholders or consultation list, need to contact Welsh Language Unit for advice)?

The Welsh Government undertook a public consultation on the approach to the development of the national outcomes framework between November 2012 and February 2013, and received responses from a wide range of organisations including the Welsh Language Commissioner.

Feedback from the public consultation has been used in the development of the outcomes and performance measurement frameworks. Further consultations on this work have been planned (see stage 2 on future consultations).

## **STAGE 2: IDENTIFYING AND ASSESSING IMPACTS**

### **Impact Assessment Summary**

**Summarise the detailed impact assessment carried out together with the scores assigned.**

#### **Positive effects/ impacts:**

The programme of work will provide the following positive impacts:

- an increased awareness of the More Than Just Words Welsh Language Framework and increased use and availability of Welsh language care and support services (an increase of the active offer and uptake of the active offer where it is wanted). This will give people greater control and input over the services that they need to enable them to achieve their well-being outcomes;
- it should improve the Welsh language skills of staff employed in care and support services by giving them greater confidence in using their skills;
- it may increase the number of Welsh speaking staff wanting to work within the social care workforce by allowing them to speak in the language of their choice;
- it also has the potential to help retain dedicated staff within Welsh speaking communities.

#### **Adverse effects/ impacts:**

The programme of work may provide the following adverse effects:

- there may not be enough Welsh speaking staff to meet demand for care and support through the medium of Welsh, which in turn would place extra demand on the current Welsh speaking workforce to deliver services through the medium of Welsh;
- Welsh language skills of care and support staff may not be at a sufficient level to



offer a full service through the medium of Welsh; this could lead to increased training needs for those Welsh language speaking staff;

- some staff may underestimate their Welsh language skills as they are not confident in their skills.

**Opportunities to promote the Welsh language e.g. status, use of Welsh language services, use of Welsh in everyday life, Welsh at work increased?**

The programme of work will provide opportunities to promote the Welsh language:

- pro-active offers and seamless professional services will encourage Welsh speakers to use the Welsh language effectively and place a duty on providers to do more to consider the user and their needs and provide services through the medium of Welsh rather than wait for them to be asked to;
- opportunities to use Welsh are promoted for children and young people and should ensure a positive attitude towards the Welsh language;
- Welsh speakers will be encouraged to remain or return or Welsh speaking communities;
- encourage people (including staff) to improve their Welsh language skills continuously and therefore improve confidence and use when receiving day to day care and support in Welsh;
- contribute towards the policy objectives in Iaith 'Fyw: iaith byw' and increase numbers or percentages of Welsh speakers and increasing the use of Welsh;
- increasing the visibility of Welsh speakers and the services available for them;
- increasing the skills of current Welsh speakers and learners to use more Welsh at work/professionally.

**Evidence/ data used including demographic profile when considering the effects/ impacts:**

In 2011, the Welsh Language Board published a report "The Welsh Language and Social Services" that outlined the consequences to people when not receiving care in their preferred language. The report stated that "world-wide evidence shows the damaging effect of language barriers in care - lack of access to social services; user satisfaction; lack of a therapeutic relationship; difficulties in obtaining consent; problems with continuity of care as the user is referred from one agency to the next; a lack of quality care; user safety; health status of the user; care costs - personal costs to the user and financial costs to the service".

A report called "Welsh Speakers' Experiences of Health and Social Care Services" was published by IAITH in 2012<sup>8</sup>. It was undertaken on behalf of the Department for Health, Social Services and Children, the Welsh Government and the Care Council for Wales. In its focus on the experiences of service users and carers in the four priority groups identified (children; older people; mental health service users, including those with dementia, and people with learning disabilities), the research has affirmed the link between language and care.

<sup>8</sup>[Welsh Speakers' Experiences of Health and Social Care Services](#)

It draws on examples which imply that the quality of care to vulnerable users may be compromised by the failure to communicate in their first language. The crucial role of language as an assessment and diagnostic tool is also addressed and the reliance on translation, using family members to convey information between service user and professional, is seen to be fraught with problems which may affect the nature of the assessment undertaken. For users and carers, the ability to communicate in their preferred language is seen to have an effect on the formation of clinical and therapeutic relationships.

The research also found that respondents felt that Welsh medium service delivery in many areas is often haphazard and seldom planned. Individual members of staff at many levels lack the confidence to use their Welsh language skills in a professional context; employing agencies may fail to acknowledge and place value on these skills, and individual language skills remain hidden and untapped as a result. The prevailing culture within the health and social care sector in Wales appears to be premised on the expectation that service users or carers will identify the need and create the demand for Welsh-medium services, rather than on the basis that service providers have a duty to offer and provide. For many vulnerable and disempowered individuals in the priority groups covered by the research, the ability to articulate their need and create demand is beyond their grasp. They are often reliant on carers and family to do this for them. Many have no such support. The most vulnerable and isolated service users therefore need access to services and underlying systems which are robust and reliable enough to recognise their language needs and respond appropriately. Respect for the dignity of individuals requires this.

The Welsh Language Board's report also provides evidence from research carried out by Consumer Focus Wales in 2010, "Gwasaniaithau: Consumers and the Welsh Language". It states:

"Finally, looking at research relating to users, Consumer Focus Wales carried out a survey from the perspective of Welsh speakers in 2010. A sample of 759 Welsh speakers was asked for their opinion on Welsh language services. In discussing the use of Welsh over a quarter said that Welsh language services were not available: "When asked how current services could be improved, the single biggest suggestion in both the public and private sector was to have more Welsh-speaking staff available. 28% of all respondents said this was the reason they didn't use Welsh more in their dealings with the public sector". From the qualitative work carried out as part of this research, it was also discovered that a Welsh-medium service was not offered."

'More than Just Words' recognises that it is the responsibility of social services to deliver appropriate services that meet users' language needs; defined as the "active offer". The legislation and national outcomes framework and performance measurement framework ensures the 'active offer' is an integral part of improving well-being outcomes for people who need care and support and carers who need support.

The current evidence base for social services describes process; there is little evidence on the impact that social services make on people's lives and whether the

service improves outcomes for people. Therefore there is a significant gap in evidence and this supports our approach to develop an outcomes framework that measures the effectiveness of services.

This approach will include measures that will monitor whether people are receiving care and support through the Welsh language and whether people are communicating in Welsh more widely with health or social care staff.

**What is the overall anticipated likely impact on the Welsh language if this policy is taken forward based on the impact assessment/ risk assessment?**

Positive:   
 Adverse:   
 Neutral:   
 Unknown:

**Decision following IA**

- |   |                                     |
|---|-------------------------------------|
| 1. No major change                              | <input checked="" type="checkbox"/> |
| 2. Adjust the policy to improve impacts         | <input type="checkbox"/>            |
| 3. Continue the policy with mitigation measures | <input type="checkbox"/>            |
| 4. Stop and remove the policy                   | <input type="checkbox"/>            |

***If answered 2,3, or 4 above – then answer the following:***

**How will you address these impacts in order to improve the outcomes for the Welsh language? Details of mitigation measures/ action points/ alternative options to reduce adverse impacts and increase positive outcomes:**

N/A

**If engaging or consulting, what are your plans? What questions do you wish to ask stakeholders about the Welsh Language Impact Assessment and Welsh language related issues?**

A public consultation on the Implementation of the Social Services and Well-being (Wales) Act 2014 recently took place between November 2014 and February 2015.

It focussed on the regulations and code of practice in relation to Part 2 (General Functions) of the Act. Chapter 1 of the code of practice sets out the duty on local authorities to promote wellbeing and other overarching duties when exercising social services functions under the Act.

Between February 2015 and April 2015, a public consultation on the code of practice in relation to measuring social services performance will take place. The code of practice has been developed in order to help local authorities and their partners meet their obligations in relation to measuring well-being under Part 2 of the Social Services and Well-being (Wales) Act 2014 (“the Act”).

Both consultations include a question to help understand whether the proposals in both codes will have an impact on groups with protected characteristics; it is expected that stakeholders with an interest in the Welsh Language will use this to provide their feedback.

**STAGE 3: POST CONSULTATION AND PREPARING FOR PUBLICATION, MONITORING AND EVALUATION**

Following consultation, what changes have you made to address any Welsh language issues that were raised?

How will you monitor the ongoing effects during the implementation of the policy?

Please outline how you will continue to capture effects/ impacts in future monitoring and evaluation?

Any other comments – ongoing results of evaluations, emerging impacts

**4. Declaration**

**Policy lead:**

*\*Please delete as appropriate:*

The policy **\*does / ~~does not~~** have an impact upon the Welsh language. Where there were identified adverse impacts or missed opportunities, the appropriate amendments and actions have been put in place.

Name:

Department:

Date (s):

Signature:

Planned Review Dates:

**SRO ENDORSEMENT and REVIEW**

I am satisfied that the WLIA is an accurate reflection of the programme/project at this stage of development. By signing, I am able to confirm that the Welsh Language Standards have been given the appropriate attention. I will re-assess the programme/project at key stages

throughout the life of the programme/ project, including policy reviews.	
Signed (Senior Responsible Owner)	Date
Signed (Senior Responsible Owner)	Review Date
Signed (Senior Responsible Owner)	Review Date
Signed (Senior Responsible Owner)	Review Date