

Welsh Language Impact Assessment

February 2017

Welsh Language Impact Assessment

Title: Changes to Charging - Charging and Financial Assessment under Parts 4 and 5 of the Social Services and Well-being (Wales) Act 2014	WLIA Reference No (completed by WLU):				
Name of person completing form:	Alison James				
Date:	February 2017				
Policy lead:	Gareth Griffiths				
Contact details:	Paying for Care Partnership and Cooperation Social Services and Integration Directorate Welsh Government Tel Cardiff (029) 2082 5256				
Programme/Project Type <input type="checkbox"/> Policy <input 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)					
Costs: How much is the projected whole life cost for the programme/project? If below £25k, then a full WLIA is not always required (see guidance).					
Under £25k	£25k - £49k	£50 - £249K	£250K - £1m	Over £1m	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Of the above, please provide details if there are any identified costs directly associated with the Welsh language?					
How long is the programme/project expected to run?					
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:					
The Social Services and Well-being (Wales) Act 2014 (“the Act”) received Royal Assent on 1 May 2014. The Act forms the basis of the new statutory framework for					

social care in Wales.

The Welsh Ministers made it clear that they wished the core elements of the new statutory framework to be in place for 6 April 2016, when the Act was to be implemented. The statutory framework will consist of three main elements, the Act itself, regulations made under the Act, and codes of practice/statutory guidance. These three elements work together to form the framework within which social services has operated from 6 April 2016.

Regulations on financial assessment, charging, choice of accommodation, deferred payments and reviews of charging determinations were made under the relevant sections of Parts 4 and 5 of the Act which came into force on 6 April 2016. These were designed to ensure that where a local authority decides to apply its discretion under the Act to charge a person for the care and support it provides or arranges for them, a consistent and equitable approach is taken in completing a financial assessment and determining a charge. An accompanying code on practice was also issued to local authorities.

The regulations made were:

- The Care and Support (Charging) (Wales) Regulations 2015;
- The Care and Support (Financial Assessment) (Wales) Regulations 2015;
- The Care and Support (Deferred Payment) (Wales) Regulations 2015;
- The Care and Support (Choice of Accommodation) (Wales) Regulations 2015;
- The Care and Support (Review of Charging Decisions and Determinations) (Wales) Regulations 2015.

Policy changes now mean that amendments are being made to the Charging, Financial Assessment and Choice of Accommodation Regulations. The other two Regulations remain as originally made. These changes are due to come into force on 10 April 2017.

STAGE 1: PLANNING

What are the aims and objectives of the policy?

What are the desired outcomes/ what constitutes 'success'?

The charging framework implemented under the Act seeks to:

- maintain the ability of a local authority to charge for the care and support it provides or arranges so as to obtain funds to meet the cost of this;
- ensure charging is only applied to those who can afford to pay;
- ensure that those who cannot afford to pay a charge receive the care and support they require free;
- ensure that where charging occurs, it takes place in a consistent, fair and equitable manner.

The changes now being introduced seek to:

- allow people who are in residential care to retain more of their capital from being used to fund this;
- allow people who are in residential care being financially supported by their local authority to retain more of their income for personal expenses;
- allow local authorities to charge, if they wish, up to £70 per week for all of the non-residential social care a person receives;
- allow veterans in receipt of war disablement pensions from not having to use these to pay for their social care.

What policy options have been considered?

and

What impacts will there be if the policy is *not* implemented?

A number of policy options for implementing the financial assessment and charging framework were considered. These are set out in detail in the Explanatory Memorandum and Regulatory Impact Assessment attached to the relevant regulations referred to above. These considered implementing the impacts of the regulations in full to introduce the framework envisaged, implementing a set of regulations which merely introduced the current financial assessment and charging assessment with no changes, or not implementing the regulations at all.

If the planned changes were not made people in residential care could be required to use a higher level of their capital to pay for this. Those in residential care whose local authority was assisting in meeting the cost of this would only be able to retain a smaller amount of their income for their personal expenses. Veterans requiring social care could be required to use a part of their war disablement pension to pay for this. Lastly, local authorities would only be able to make a lower level of charge for the non-residential care a person receives, thereby placing an added financial pressure on them to fund this care.

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

A Ministerial commitment was given that the regulations and guidance which underpin the Act would have due regard to the Welsh language. As a result regulations and codes of practice issued under this are all underpinned by the principles set out in the Act, which contain an overarching duty at section 6(2)(c) that any person exercising a function under the Act must 'have regard to the characteristics of culture and belief of the individual which includes language'.

The key principles of "More than Just Words" have been embedded in 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 should they wish.

The Act addresses many of the aims as set out in "*laith fyw: iaith byw - Strategaeth y Gymraeg 2012-17*" ("A living language: a language for living - Welsh language strategy 2012 -17"). The regulations and code of practice in relation to financial

assessment and charging make provision for three of the aims to:

- strengthen the position of the Welsh language in the community;
- increase opportunities for people to use Welsh in the workplace;
- improve Welsh language services to citizens.

To strengthen the position of the Welsh language in the community

One of the prime objectives of the policy is to promote an individual's independence and ensure they are clear, and fully informed, where there is a charge for the care and support they require. 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 should they wish. Additionally, the regulations and code provide for those who wish to have their contact with local authorities with regard to financial assessment and charging through the medium of Welsh to do so, thus having a positive impact on Welsh speakers and predominantly Welsh speaking communities.

To increase opportunities for people to use Welsh in the workplace

The Act places a duty on any persons exercising its functions to seek to promote the well-being of individuals, including a duty to have regard to the characteristics, culture and beliefs of the individual (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. This extends to where financial assessments and charging occur so that those local authority officers undertaking this will have an increased duty to use Welsh where a person requests this.

To improve Welsh language services to citizens

Local authorities should make sure the use of Welsh language is built into the process of financial assessment and charging. For many Welsh speakers language is an integral element of their care and support, e.g. some people are vulnerable and giving them the opportunity to conduct contact through the medium of Welsh can contribute to removing their anxiety. It is the responsibility of social services to deliver appropriate services that meet recipients' language needs.

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 Act, and the regulations and code in relation to financial assessment and charging, provide for a fairer and more equitable charging framework with the ability of someone being able to have the process conducted through the medium of Welsh. This will have a positive impact on the language, meeting Welsh speakers' needs and providing them with the ability to use the language in their dealings with local authorities should they wish to do so. This will be invaluable for Welsh speakers, particularly those whose first language is Welsh. It is not perceived that the policy will have any adverse impacts on the Welsh language.

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 way in which the regulations and code have been drafted means that the Act, and the regulations and code on financial assessment and charging, apply to all people in Wales who need care and support, and carers who need support. The regulations and code are unpinned by the principles of the Act which state that any person exercising a function under the Act must have regard to the characteristics of culture and belief of the individual, which includes language. To this end Welsh Government is expecting that any individuals who have a financial assessment by a local authority for a charge can access this in Welsh should they so wish.

Local authorities responsible for the implementation of the Act must also have regard to the new Welsh Language standards and compliance notices which will be issued by the Welsh Language Commissioner in autumn 2015, and came into force in April 2016.

**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)?

All the public facing documents supporting the original consultation exercise on the regulations and the code of practice were provided bilingually. This included:

- consultation documents;
- consultation questions;
- executive summary;
- children and young people executive summary;
- easy read executive summary.

Workshop material for stakeholder events was produced bilingually but due to the technical nature of the financial assessment and charging workshops were delivered in English only.

All the public facing documents supporting the consultation exercise on the changes to the regulations and code of practice now proposed were also provided bilingually. This included:

- consultation documents;
- consultation questions;
- executive summary.

Given the limited nature of the changes now proposed no stakeholder events were

help on this occasion.

STAGE 2: IDENTIFYING AND ASSESSING IMPACTS

Impact Assessment Summary

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

As no significant impacts of the policy on the Welsh language have been identified during the initial impact assessment an Impact Risk Assessment Tool has not been completed.

The policy provides existing Welsh speakers the opportunity to have their financial assessment and charging dealings with a local authority through the medium of Welsh. This includes documents they are required to receive, eg a statement of any charge levied, being in Welsh if they chose. As such it does not seek to increase the use of Welsh but merely response to those Welsh speakers' desire to communicate in Welsh. This situation is unaltered by the changes now proposed.

Positive effects/ impacts:

As above.

Adverse effects/ impacts:

None have been identified.

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 ability of a person to have their financial assessment and charging dealings with a local authority through the medium of Welsh if they chose, will increase the Welsh language services provided by authorities. It will also enable Welsh speakers affected a further opportunity to use Welsh in their everyday lives. It will also as a by-product provide an opportunity for local authority charging officers, who are Welsh speaking, to use Welsh at work. This will contribute towards the policy objective in "Iaith fyw: iaith byw" of increasing the use of Welsh in everyday life.

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 for people who did not receive 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". Given this position it is difficult to imagine that local authorities' financial assessment and charging processes would be any better than this in the use of the Welsh language.

'More than Just Words' recognises that it is the responsibility of local authority social services departments to deliver appropriate services that meet users' language needs; defined as the "active offer". The legislation and the "National Outcomes Framework" and "Performance Measurement Framework" introduced ensure 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 new Welsh Language Standards offer a renewed impetus for public services bodies to embrace the Welsh language and build it into every day services, including those relating to financial assessment and charging.

The current evidence base for social services describes the process; but 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 which 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. This approach is set out under section 145 of the Act, the National Outcomes Framework for people who need care and support, and carers who need support. There has been a separate assessment completed for this framework.

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: <input checked="" type="checkbox"/>
	Adverse: <input type="checkbox"/>
	Neutral: <input type="checkbox"/>
	Unknown: <input type="checkbox"/>

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:

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 formal 12 week public consultation was held on the original regulations and code of practice in relation to financial assessment and charging under relevant sections of Parts 4 and 5 of the Act. The consultation period ran from 8 May to 31 July 2015.

A total of 61 responses were received, none of which raised any issues or concerns in relation to the Welsh language.

Equally no issues or concerns were raised at any of the stakeholder workshops held

as part of the consultation of the regulations and code of practice.

In relation to the current planned changes, a formal 5 week public consultation was held on the amendments to the regulations necessary to implement these under the relevant sections of Parts 4 and 5 of the Act. This consultation ran from 21 December 2016 to 25 January 2017.

A total of 24 responses were received, none of which raised any issues or concerns in relation to the Welsh language.

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?

No issues or concerns relating to the Welsh language were raised during the consultation process, either the original one or the subsequent one recently held.

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

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 these regulations.

Consequently, the Welsh Government will monitor the impact of the amendments to the regulations including upon the use of Welsh in care and support recipients' dealing with local authorities post Act implementation.

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

As above.

Any other comments – ongoing results of evaluations, emerging impacts

None.

4. Declaration

Policy lead:

The policy does 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:

Gareth Griffiths

Department:
Social Services and Integration Directorate
Date (s):
20 February 2017
Planned Review Dates: <ul style="list-style-type: none"> • Ongoing monitoring; • Post April 2018 review of implementation of regulations and code of practice.

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