

Welsh Language Impact Assessment

Welsh Language Impact Assessment

Title: Childcare Offer for Wales	WLIA Reference No <i>(completed by WLU): 05/03/2018</i>																			
Name of person completing form:	Catrin Davies																			
Date:	20 November 2018																			
Policy lead:	Catrin Davies																			
Contact details:	Catrin.Davies@gov.wales 03000 250037																			
Programme/Project Type																				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; padding: 2px;"><input type="checkbox"/> Policy</td> <td style="width: 50%; padding: 2px;"><input type="checkbox"/> Project or programme</td> </tr> <tr> <td style="padding: 2px;"><input checked="" type="checkbox"/> Legislation</td> <td style="padding: 2px;"><input type="checkbox"/> Research, evaluation</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Grant</td> <td style="padding: 2px;"><input type="checkbox"/> Services</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Business change</td> <td style="padding: 2px;"><input type="checkbox"/> Contracts, tenders</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Infrastructure</td> <td></td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Construction, Capital</td> <td></td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> ICT</td> <td></td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Other (Please specify below)</td> <td></td> </tr> </table>					<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)	
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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																
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Of the above, please provide details if there are any identified costs directly associated with the Welsh language?																				
Childcare Funding (Wales) Bill																				
<p>There are no direct costs associated with the development and passage of the Bill through the National Assembly for Wales. The Bill provides the necessary legislative framework to facilitate the sharing of data pertinent to the development of a national application and eligibility checking system in respect of the Childcare Offer for Wales (the Offer). The application and eligibility checking system will be fully bilingual, and delivered with reference to both the requirements of the Welsh Language Standards and wider Welsh Government policy on promotion of, and equity of access to services in, the Welsh Language.</p> <p>Five options for the delivery of a national application and eligibility checking system have been considered and the associated costs are considered in the Regulatory</p>																				

Impact Assessment (RIA) published alongside the Bill. The RIA assumed that each of the systems would be developed bilingually, and does not earmark specific costs for providing the service through the medium of Welsh. The RIA identifies Her Majesty's Revenue and Customs (HMRC) as the Welsh Government's preferred delivery agent for the system. As HMRC will be operating the system on behalf of the Welsh Ministers, the Welsh Language Standards will apply.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Key milestone dates for the programme/ project:

Bill introduction	April 2018
Stage 1 debate	September 2018
Stage 2 proceedings	October 2018
Stage 3 proceedings	December 2018
Stage 4 debate	December 2018
Royal Assent	January 2019

*Precise timings subject to the National Assembly for Wales timetable

The current expectation in terms of roll out of the Childcare Offer is as follows:

- September 2017 – start of first year of early implementation;
- September 2018 – start of the second year of early implementation;
- September 2019 – start of the third year of early implementation;
- September 2020 – full roll-out of the Offer across Wales.

Early implementation of the Offer began in September 2017 in Anglesey, Gwynedd, Blaenau Gwent, Caerphilly, Flintshire, Rhondda Cynon Taff and Swansea. Since September 2018, these authorities have been joined by Ceredigion, Neath Port Talbot, Newport, Wrexham, Conwy and Torfaen, with Cardiff joining in October 2018. We are planning to roll out to other authorities in 2019

STAGE 1: PLANNING

What are the aims and objectives of the policy?

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

The Welsh Government is introducing a Bill into the National Assembly for Wales to facilitate the sharing of data pertinent to the development of a national application and eligibility checking system in respect of the Offer. This will be a primarily online

system, although it will also be possible for applications to be made offline, with a dedicated telephone helpline available.

The primary focus of the Bill is to enable the collection and consideration of data pertinent to the determination of a person's eligibility for the Offer. To that end it will make it possible for relevant UK Government departments to share information with the Welsh Ministers for the purposes of determining a person's eligibility and for the onward transmission of relevant data and determinations as required. The Bill also enables (by regulations made under the Bill) the establishment of arrangements for imposing penalties in situations where applicants provide false or misleading information or behave dishonestly. It will also enable the making of provision to enable applicants to ask for a penalty or a decision made about their eligibility to be reviewed and the establishment of a process for appeals against a penalty or in relation to a decision about eligibility.

Five options for the delivery of a national application and eligibility checking system have been considered and the associated costs are considered in the RIA published alongside the Bill. The RIA identifies HMRC as the Welsh Government's preferred delivery agent for the system.

HMRC have already developed such a system for the UK wide Tax Free Childcare scheme, which has already been adapted to incorporate the requirements of the English 30 hour Childcare Offer. The intention is to adapt this system to meet the needs of the Welsh Offer.

Using HMRC's system has a number of advantages, including:

- enabling eligibility checks to be made against real-time data;
- providing a consistent system and approach across the whole of Wales;
- providing quick decisions to parents regarding their eligibility.

Policy Objectives

The Welsh Government commitment to deliver the Offer was set out in *Taking Wales Forward*¹ and expanded on in *Prosperity for All*². The Offer also features in the *Economic Action Plan*³.

As set out in *Prosperity for All*, the Offer commits the Welsh Government to provide:

“30 hours of free education and childcare to support working families across Wales and make it easier for people to take up and retain jobs”.

The Offer builds on the universal commitment to early education, which provides every 3 and 4 year old with a minimum of 10 hours per week of free education during

¹Welsh Government - Taking Wales Forward 2016-2021:

<http://gov.wales/docs/strategies/160920-taking-wales-forward-en.pdf>

² Welsh Government – Prosperity for All: the national strategy :

<http://gov.wales/docs/strategies/170919-prosperity-for-all-en.pdf>

³ Welsh Government- Prosperity for All: economic action plan :

<http://gov.wales/docs/det/publications/171213-economic-action-plan-en.pdf>

school term time, from the term after their third birthday. In addition to this, working parents of 3 and 4 year olds will be eligible for the childcare element of the Offer from the term after the child's third birthday until the September after their fourth birthday:

- where both parents are working or where the sole parent is working in lone parent families;
- where each parent is earning, on average, a weekly minimum equivalent to 16 hours at national minimum wage (NMW) or national living wage (NLW); and
- for self-employed parents and parents on zero hours contracts, providing their average earnings meet the minimum earnings criteria over a 3 month period.

For the first year of early implementation there was no upper earnings cap in respect of a person's eligibility for the funded childcare. For the second year of early implementation it was agreed that if at least one parent in a household earns £100,000 or more a year, that family will not be eligible to take up the additional hours of childcare provided through the Offer. This is likely to remain the policy at national roll out.

Recognising that there are many types of family groupings and their situations and circumstances can sometimes be complex, the funding will be available in other exceptional circumstances, including:

- where both parents are employed (and earning the equivalent of at least 16 hours at NMW or NLW per week) but one or both parents are temporarily away from the workplace on statutory parental, maternity, paternity or adoption leave;
- where both parents are employed (and earning the equivalent of at least 16 hours at NMW or NLW per week) but one or both parents are temporarily away from the workplace on statutory sick pay;
- where one parent is employed (and earning the equivalent of at least 16 hours at NMW or NLW per week) and one parent is disabled or incapacitated based on receipt of specific benefits or has substantial caring responsibilities based on specific benefits received for caring. This includes families where one parent meets the eligibility criteria and the other parent is in receipt of one of the following benefits:
 - Incapacity benefit
 - Carers allowance
 - Severe disablement allowance
 - Income-based Employment and support allowance
- the first 12 months in which a parent is newly self-employed and their business is within the initial start up period. Parents will need to register their business with HMRC and provide evidence that they are self employed in order to qualify; but will not need to meet the minimum earnings criteria during this time; and
- to kinship carers, where they meet the definition of a working parent.

**What policy options have been considered?
and**

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

The primary focus of the Bill is to enable the collection and consideration of data pertinent to the determination of a person's eligibility for the Offer. It will facilitate the sharing of data pertinent to the development of a national application and eligibility checking system in respect of the Offer. This will be a primarily online system, although it will also be possible for applications to be made offline, with a dedicated telephone helpline available.

Five options have been considered for the application and eligibility checking process and these are explained in more detail in the RIA published alongside the Bill. The five options are:

1. Welsh Government accepts applications and manually checks eligibility and direct appeals to one of the Devolved Tribunals or to an Appeals Panel.
2. Local authorities accept applications, manually check eligibility (do nothing option) and set up an appeals process.
3. A contracted third party accepts applications and checks eligibility and sets up an appeals process.
4. HMRC accept applications, conduct eligibility checks and direct appeals to the Social Entitlement Chamber of the First-tier Tribunal (as is the case in England with the English Offer).
5. **Option 5** – 10 Delivery Authorities accept applications and check eligibility on behalf of all local authorities
- 6.

Does the programme demonstrate a clear link with the Welsh Government's strategy for the Welsh language?

Childcare Funding (Wales) Bill and the Childcare Offer

The Bill and the Offer link closely to the aspirations of *Cymraeg 2050 – A million Welsh Speakers*⁴, our Welsh language strategy. The Welsh Government's vision is to see the Welsh language thrive, with an increase in the number of people who both speak and use the language in their daily lives. Both this strategy and the Well Being of Future Generations (Wales) Act state that the Welsh language is a strategic priority for Welsh Government.

Two of the overarching targets in *Cymraeg 2050* are for:

- the number of Welsh speakers to reach 1 million by 2050; and

⁴ <http://gov.wales/topics/welshlanguage/welsh-language-strategy-and-policies/cymraeg-2050-welsh-language-strategy/?lang=en>

- the percentage of the population that speak Welsh daily, and can speak more than just a few words of Welsh, to increase from 10 per cent (in 2013-15) to 20 per cent by 2050.

The proposed application and eligibility checking system will be available bilingually which will help increase opportunities for people to use Welsh in their day to day lives.

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 primary focus of the Bill is to enable the collection and consideration of data pertinent to the determination of a person's eligibility for the Offer. It will facilitate the sharing of data pertinent to the development of a national application and eligibility checking system in respect of the Offer and is largely technical in nature.

Consequently any impacts arising from the legislation will be seen in the way the national application and eligibility checking system is designed, delivered and operated. This will be a primarily online system, although it will also be possible for applications to be made offline, with a dedicated telephone helpline available.

The RIA published alongside the Bill identifies HMRC as the Welsh Government's preferred delivery agent for the system. The service delivery standards specified in Schedule 1 of The Welsh Language Standards (No. 1) Regulations 2015 will apply and therefore supersede any commitments in HMRC's Welsh Language Scheme. This will include standards relating to correspondence, telephone calls, publicity and advertising, provision of information and forms, websites and on-line services, record keeping and awareness raising of Welsh language services. Welsh Government officials are already in discussion with HMRC about the service delivery implications of the Welsh Language Standards.

By applying these standards, use of the Welsh language will be promoted and facilitated and the service provider will be working towards ensuring that the Welsh language is treated no less favourably than the English language when service delivery activity is carried out.

Policy making standards specified in Schedule 2 also apply to the extent that, in making the policy decision to opt for HMRC as the provider of choice, the Welsh Government has considered (i) opportunities for persons to use the Welsh language and (ii) treating the Welsh language no less favourably than the English language in respect of the four options under consideration.

The proposals include provision for the Welsh Ministers to set out arrangements by which an applicant can appeal against a determination given by HMRC if that applicant has exhausted the review route. The applicant can also appeal against the imposition of a penalty or the amount of a penalty, or both. The appeal will be to the First Tier Tribunal (FTT). The Welsh Language Standards which the Welsh Ministers are required to comply with will not be applicable to the FTT Social Entitlement Chamber when hearing eligibility appeals. This is because Tribunals, when hearing appeals, do not do so on behalf of the decision maker. They are doing so in compliance with a statutory duty and in their judicial role, independently of the executive and the legislature.

The Social Entitlement Chamber of the First Tier Tribunal will be subject to the Practice Direction - Use of the Welsh language in Tribunals in Wales, made under section 23 of the Tribunals, Courts and Enforcement Act 2007. The Practice Direction states that its purpose is to reflect the principle of the 1993 Act, which is that in the administration of justice in Wales the English and Welsh languages should be treated on the basis of equality.

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?

There has been regular engagement with stakeholders in the period leading up to the early implementation of the Offer and in relation to the Bill. The main stakeholders are:

HMRC

Parents

Childcare providers, including Welsh-medium providers

Mudiad Meithrin - a voluntary organisation specialising in Welsh-medium early years provisions

CWLWM⁵

Local Authorities

Children's Commissioner

Future Generations Commissioners

Welsh Language Commissioner

Care Inspectorate Wales (CIW)

Estyn

UK Government departments, including Ministry of Justice (MoJ)

Other Welsh Government departments

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)?

After discussions with the Welsh Language Unit, other internal colleagues key stakeholders, we have identified the following two actions:

- In developing a national system for application and eligibility checking we will make every effort to ensure that the language used in any online system is plain and easy to understand (both Welsh and English).

⁵ Cwlwm' is made up of five organisations with Mudiad Meithrin as the lead organisation. 'Cwlwm' organisations are Clybiau Plant Cymru Kids' Clubs, Mudiad Meithrin, National Day Nurseries Association (NDNA Cymru), PACEY Cymru and Wales Pre-School Providers Association (Wales PPA).

- We will also consider ways in which local authorities can ensure that parents are sufficiently well-informed of the option to choose Welsh-medium provision once they are notified that they are eligible for the Offer.

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 Bill:

- Will provide opportunities for Welsh speakers and/or learners to use Welsh in applying for government-funded childcare.
- Has the potential to raise the profile of the Welsh language and promote positive attitudes towards the language.
- Will increase Welsh-medium digital media, making it possible for people to use Welsh in more situations as part of their everyday lives.

Adverse effects/ impacts:

Steps will be taken to work with the service provider to mitigate any risks associated with the service provider's compliance with the Welsh language Standards. The Welsh Ministers' requirements in terms of the Welsh language will be set out as part of the formal agreement that will be established with the delivery organisation.

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

By creating a bilingual system and enabling parents to apply online or by telephone in Welsh or English, the policy will promote use of the Welsh language in everyday life.

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

Research undertaken by HMRC into parental attitudes around applications for Tax Free Childcare has been considered, which showed that parents wanted a system that was simple and easy to access, as well as clear information about what support is available to them⁶.

Stakeholders have underlined the importance of using plain and accessible language to encourage Welsh speakers to submit their application in Welsh and this is something we will aim to achieve in developing the system.

We know from the National Survey for Wales that digital exclusion is relatively low (15%) amongst the adult population as a whole (16+), but higher amongst disabled people (25%) and people aged 50 and over (27%)⁷. In recognition of this, when implementing the Bill we will not require that the application system be wholly online and arrangements are in place for an offline function, with a bilingual telephone helpline offering support for parents in completing applications.

⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/293081/TFC_online_questionnaires_summary_of_responses.pdf

⁷ Welsh Government National Survey for Wales - <http://gov.wales/statistics-and-research/national-survey>

<p>What is the overall anticipated likely impact on the Welsh language if this policy is taken forward based on the impact assessment/ risk assessment?</p>		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"/>
<p><i>If answered 2,3, or 4 above – then answer the following:</i> 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:</p>		
<p>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?</p>		
<p>A communications plan has been developed for the Bill which seeks to build on the extensive engagement which has already taken place in respect of the Offer itself.</p> <p>To date, discussions on the content of the Bill have taken place with:</p> <p>1.1 Early Implementer Local Authorities (EILAs) – Early implementation of the Offer began in September 2017 in Anglesey, Gwynedd, Blaenau Gwent, Caerphilly, Flintshire, Rhondda Cynon Taff and Swansea. Since September 2018, these authorities have been joined by Ceredigion, Neath Port Talbot, Newport, Wrexham, Conwy and Torfaen, with Cardiff joining in October 2018. We are planning to roll out to other authorities in 2019. The views of some of these local authorities on the feasibility of establishing a single national application system have been sought and their feedback used to generate the options considered, including the need to ensure the provision of a fully bilingual system.</p> <ul style="list-style-type: none"> • Umbrella Organisations – there are five umbrella organisations for the childcare sector, drawn together under a single grouping referred to as Cwlwm. Regular updates on the early implementation of the Offer have been shared with Cwlwm and their views on the establishment of a single national application system were sought. Their views are also pertinent to the development of a payment system for childcare providers. Again, they recognised the need for and supported the provision of a fully bilingual system. • Key Stakeholders – in addition to Cwlwm, the Childcare Offer Stakeholder Reference Group includes representatives from the All-Wales Group of Childcare Providers (AWARE); All Wales Flying Start; CIW; Estyn; Children’s Commissioner; Children in Wales; Mentrau Iaith; Welsh Language Commissioner; Future 		

Generations Commissioner and the Welsh Local Government Association. This group was invited to discuss options for undertaking eligibility checks in the future and the purpose of the Childcare Funding (Wales) Bill on 23 November 2017 and have been regularly updated on the Bill since. They were supportive of the provision of a fully bilingual system.

- **UK Government Departments** – in drafting the Bill the Welsh Government has worked closely with HMRC, who are committed to providing a fully bilingual application and eligibility checking system. Discussions about the Bill have also been held with the Wales Office, the Ministry of Justice and the Department for Education in relation to the data to be shared with the Welsh Government along with lessons from both Tax-Free Childcare and the English extended entitlement scheme.

Some of the messages arising from stakeholder engagement included:

- The importance of any national application and eligibility checking system being available through the medium of Welsh and for the language used to be plain Welsh (and plain English); and
- Once parents are deemed eligible for the Offer, they should be alerted to the option of placing their child in Welsh-medium childcare.

The Welsh Government will consider engagement with the Welsh Language Commissioner, as required, to ensure the system supports and contributes to people's rights to use Welsh.

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?

We will take into consideration the comments made about the need for plain language in developing the national system for applications and eligibility checking and ensure that there is adequate guidance for local authorities in terms of raising parents' awareness of the availability of Welsh-medium childcare.

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

Any learning from the application and eligibility checking arrangements currently in place for early implementation of the Offer is being captured and will be used to inform future policy development and implementation. HMRC are also considering feedback on the application processes they administer for both Tax Free Childcare and the English 30 hour Childcare Offer.

There will be a mechanism for applicants to provide feedback on the operation of the new application and eligibility checking system for the Offer, once it is rolled out. Feedback will be monitored closely. The Welsh Government will also seek to ensure that adequate management information is captured in respect of use of the Welsh language features of the new system and satisfaction with the service, more generally.

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

We are at the very early stages of developing a national application and eligibility

checking system and the best approach to monitoring and evaluation is yet to be established. Any monitoring and evaluation exercise will include consideration of the Welsh language element of the service and any learning that can be used to improve future provision.

Any other comments – ongoing results of evaluations, emerging impacts

N/A

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: Catrin Davies

Department: Education and Public Services

Date (s): 20 November 2018

Signature:

Planned Review Dates:

Subject to the Bill receiving Royal Assent in early 2019, no further reviews are planned.

Separate, integrated impact assessments will be developed for any subordinate legislation arising out of this Bill and in respect of the Childcare Offer more generally.

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 Owain Lloyd (Senior Responsible Owner)	Date 20 November 2018
Signed (Senior Responsible Owner)	Review Date
Signed (Senior Responsible Owner)	Review Date
Signed (Senior Responsible Owner)	Review Date