

Welsh Language Impact Assessment

Title: The Code of Practice on the exercise of social services functions in relation to Advocacy under part 10 and related parts of the Social Services and Well-being (Wales) Act 2014.	WLIA Reference No (completed by WLU):				
Name of person completing form:	Rebecca Powell				
Date:	November 2015				
Policy lead:	David Clayton				
Contact details:					
Programme/Project Type <input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Of the above, please provide details if there are any identified costs directly associated with the Welsh language? N/A					
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 type="checkbox"/>	<input checked="" type="checkbox"/>
Key milestone dates for the programme/ project:					
The statutory framework will consist of three main elements:					

1. The Social Services and Well-being (Wales) Act 2014 (the Act);
2. Regulations made under the Act; and
3. Codes of practice/statutory guidance.

These three elements work together to form the framework within which social services will operate from April 2016.

8 May to 31 July 2015: Public consultation on Code of Practice in relation to Advocacy under Part 10 and related parts of the Act (short title Code of Practice on Advocacy).

Autumn / November 2015: Code of Practice on Advocacy laid before the National Assembly for Wales.

April 2016: Commencement of the Social Services and Well-being (Wales) Act 2014

STAGE 1: PLANNING

What are the aims and objectives of the policy?

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

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 Act defines well-being, and this definition includes 'securing rights and entitlements'. For many Welsh speakers securing rights and entitlements will mean being able to use their own language which will allow them to communicate and participate in their care as equal partners.

Under the terms of the Welsh Government's Welsh Language Scheme an assessment of the impacts of the Social Services and Well-being (Wales) Act 2014 was conducted during the Bill process. At the time the assessment identified that negative impacts on the Welsh language were considered unlikely. The Act is designed to create a fairer and more equitable system for all people eligible for care, and should support opportunities to increase the use of the Welsh language in service provision. The Welsh Language (Wales) Measure 2011 takes forward much of the content of the Welsh Language Act 1993 and it is this legislation which provides the overarching legal framework for the Welsh language in public services: *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 and will be required to comply with any future Welsh Language Standards.*

A Ministerial commitment has been given that the Welsh language will be included within the regulations and guidance which underpin the Act. As a result of this,

regulations, codes of practice and statutory guidance are all underpinned by the principles set out in the Act. This contains an overarching duty at 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 Code of Practice on Advocacy sets out the requirements for local authorities to enable individuals to engage and participate when local authorities are exercising statutory duties in relation to them, local authorities must arrange an independent advocate to facilitate the involvement of individuals in certain circumstances. This should ensure that access to advocacy services and support are available in Welsh and English. This is a fundamental need to enabling people to engage and participate in the development of their own well-being outcomes.

What policy options have been considered?
and

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

The Social Services and Well-being (Wales) Act gained Royal Assent in May 2014 and the impact assessments conducted as the Bill was being scrutinised by the National Assembly for Wales, identified significant impacts if the Act was not implemented. These included the unsustainability of social services in Wales as a result of both demographic changes, that services were becoming increasingly focused and restricted to those at a critical level, and the lack of any early intervention and prevention in the system.

A Welsh Language Impact Assessment was conducted on the Social Services and Well-being (Wales) Bill to support the scrutiny process through the National Assembly for Wales. The impact assessment identified that the Bill was designed to create a fairer and more equitable system for all people eligible for care and support, and that there were opportunities to increase the use of the Welsh Language in service provision.

The current standards are based on the Welsh Language Act 1993. New standards developed under the Welsh Language (Wales) Measure 2011 will take effect from April 2016 at the same time that the Social Services and Well-being (Wales) Act 2014 is implemented.

The key principles of 'More than just words: the Strategic Framework for Welsh Language Services in Health, Social Services and Social Care have been embedded into the Act, including 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 Code of Practice on Advocacy is underpinned by the principles set out in the Act. Individuals and their families must be able to participate fully in the process of determining and meeting their well-being outcomes through a process that is accessible to them.

Individuals should be able to fully participate by being able to express themselves through their preferred language and means of communication.

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

The Act contains an overarching duty at 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

A draft well-being statement has been published in advance of the commencement of the Act, which includes whether people get care through the Welsh language.

The key principles of 'More than just words: the Strategic Framework for Welsh Language Services in Health, Social Services and Social Care' 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 2014 addresses many of the aims as set out in "Iaith fyw: iaith byw - Strategaeth y Gymraeg 2012-17" ("A living language: a language for living - Welsh Language Strategy 2012 -17"). The regulation, in relation to assessing the need of individuals, makes provision for 5 of those aims.

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.

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.

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 contains an overarching duty at 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.

To this end we are expecting that stakeholders who fall within the scope of the Act, can reasonably access care and support services in Welsh, should they so wish.

Local authorities must ensure advocacy is accessible to those who require additional support, to ensure that they are actively engaged in expressing their views, wishes and feelings, are able to participate in the process in making decisions that affect them, and in determining how best to meet the personal well-being outcomes that they wish to achieve.

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 Act applies to all people in Wales who need care and support, and carers who need support.

The duties of the Social Services and Well-being (Wales) Act 2014 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 their carers who may need care and support themselves.

The Code of Practice is underpinned by the principles of the Act which states 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 we are expecting stakeholders who fall within the scope of the Act, to be able to reasonably access care and support services in Welsh, should they so wish.

The draft Code of Practice on Advocacy has been developed with the Advocacy Technical Group which comprised membership from organisations which represent the statutory, voluntary and private sectors. It included people who themselves are Welsh language speakers. This engagement has ensured the needs of Welsh speakers and learners are addressed, and we would expect Welsh language interest groups to respond positively to the proposals.

Consultation

Workshops conducted to support the consultation process included bilingual presentation slides. Delegates were given the option of contributing in Welsh or English.

Where an assessment was not completed, or no impacts were identified, please provide a full account for record keeping purposes?

The 12 week consultation asked subject specific questions relating to the parts of the Act within the scope of the Code. Although there was not a specific question in relation to the Welsh language, one question asked if the proposals would have any positive impacts on groups with protected characteristics.

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 key supporting documents in relation to the consultation on the Code of Practice on Advocacy were available in Welsh and English. The documents included:

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

Feedback from the public consultation has been used in the development of the Code.

STAGE 2: IDENTIFYING AND ASSESSING IMPACTS

Impact Assessment Summary

As no significant impacts, have been identified during the initial impact assessment an Impact Risk Assessment Tool has not been completed.

Positive effects/ impacts:

The Code is underpinned by the principles of the Social Services and Well-being (Wales) Act 2014 which states 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 we are expecting that any stakeholders who fall within the scope of these orders can reasonably access care and support services in Welsh, should they so wish.

Under the Act the population needs assessment must identify the range and level of services (including advocacy) required to meet those needs including how these services will be delivered through the medium of Welsh. Through having to specify how services will be delivered through the medium of Welsh, there should be a positive impact on the consideration of Welsh language provision.

Adverse effects/ impacts:

There may not be enough Welsh speaking advocates to meet demand for advocacy services 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 speaking staff.

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 Code is underpinned by the principles of the Social Services and Well-being (Wales) Act 2014 which states 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 we are expecting that any stakeholders who fall within the scope of these orders can reasonably access care and support services in Welsh, should they so wish.

Encourage and support people (including staff) to improve their Welsh Language skills continuously and therefore improve confidence and use when providing day to day service.

- 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; and
- increasing the skills of current Welsh speakers and learners to use more Welsh at work/professionally.

Consistent with the commitments to secure strong voice and control, the Code of Practice on advocacy, supplemented by all relevant codes of practice issued under the Act, enable local authorities and individuals, in genuine partnership, to consider the range of advocacy support available and put the necessary arrangements in place which includes meeting users' linguistic needs.

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".

A report called "Welsh Speakers' Experiences of Health and Social Care Services" was published by IAITH in 2012¹. It was undertaken on behalf the Welsh Government and the Care Council for Wales. It focused 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), and the research affirmed the link between language and care.

It examined examples which imply that the quality of care to vulnerable users may be compromised by the failure to communicate in their preferred 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.

¹[Welsh Speakers' Experiences of Health and Social Care Services](#)

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. By way of a sample, some 759 Welsh speakers were 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. From March 2016 new Welsh Language Standards will come into force for public service bodies, which is the same implementation period for the Social Services and Well-being (Wales) Act. These standards will enable the Welsh Language Commissioner to place duties in relation to the Welsh language on Local Authorities, National Park Authorities and Welsh Ministers. This will offer a renewed impetus for public services bodies to embrace the Welsh Language and build it into every day services and will be reflected for all ages for children through to older people.

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. 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 under the Act will measure the impact of this.

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

	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>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:</p> <p>N/A</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 formal 12 week consultation was held on the Code of Practice on the exercise of social services functions in relation to Advocacy under part 10 and related parts of the Social Services and Well-being (Wales) Act 2014. The consultation period ran from 8 May 2015 to 31 July 2015.</p> <p>Although there was not a specific question in relation to the Welsh language, one question asked if the proposals would have any positive impacts on groups with protected characteristics. No direct issues in relation to Welsh Language were raised through responses to the consultation.</p> <p>Workshops conducted to support the consultation process included bilingual presentation slides. Delegates were given the option of contributing in Welsh or English.</p>		
<p>STAGE 3: POST CONSULTATION AND PREPARING FOR PUBLICATION, MONITORING AND EVALUATION</p>		
<p>Following consultation, what changes have you made to address any Welsh language issues that were raised?</p>		
<p>Consultation documents were made available in Welsh including the supporting executive summary, children and young person friendly version of the summary and also easy read version of the summary. Additionally, the consultation summary report will also be available and published in Welsh.</p> <p>No direct issues in relation to Welsh Language were raised through responses to the consultation.</p>		
<p>How will you monitor the ongoing effects during the implementation of the policy?</p>		
<p>The Social Services and Well-being (Wales) Act 2014 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</p>		

this Code.

The Welsh Government intends to commission an evaluation to enable the impact of the Act.

Additionally, the Welsh Government will continue to monitor the impact of the Act and the Code on areas such as the Welsh language.

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

Welsh Government will continue to monitor the impact of the regulations on the Welsh language, this will include taking account of the work completed under the national outcomes framework.

Delivery of services will be monitored as part of the implementation of 'More than Just Words', in relation to which a structured monitoring process has been adopted which incorporates evidence from the health and social services sectors.

Any other comments – ongoing results of evaluations, emerging impacts

N/A

4. Declaration

Policy lead:

****Please delete as appropriate:***

The policy 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: David Clayton

Department: Health and Social Services Group

Date (s):

Signature:

Planned Review Dates:

SRO ENDORSEMENT and REVIEW

<p>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.</p>	
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Signed (Senior Responsible Owner)	Date
Signed (Senior Responsible Owner)	Review Date
Signed (Senior Responsible Owner)	Review Date
Signed (Senior Responsible Owner)	Review Date