

Welsh Language Impact Assessment

March 2015

Welsh Language Impact Assessment

Title: Safeguarding Regulations and Statutory Guidance arising from Part 7 of the Social Services and Well-being (Wales) Act 2014	WLIA Reference No <i>(completed by WLU):</i>				
Name of person completing form:	P Mulraney				
Date:	2 March 2015				
Policy lead:	D Clayton				
Contact details:	X1556				
Programme/Project Type <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Grant <input type="checkbox"/> Business change <input type="checkbox"/> Infrastructure <input type="checkbox"/> Construction, Capital <input type="checkbox"/> ICT <input type="checkbox"/> Other (Please specify below) <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>					
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? None					
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Key milestone dates for the programme/ project:					
Regulations laid before the Assembly – 9 June 2015 Coming into Force Date – April 2016					

STAGE 1: PLANNING

What are the aims and objectives of the policy?

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

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 and that the Act is designed to create a fairer and more equitable system for people eligible for care and support. 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 future Welsh Language Standards.

Regulations, Codes of Practice and Statutory Guidance are all underpinned by the principles set out in the Act, which 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.

What policy options have been considered?

and

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

Adult Protection and Support Orders (Authorised Officer) (Wales) Regulations

The purpose of these Regulations is to ensure that local authorities only authorise a person to apply for an Adult Protection and Support Order who has relevant experience, has completed appropriate training and is an officer of an authorising authority

While the consultation showed overall support for the proposals, several respondents made suggestions to expand, clarify or further restrict the categories of persons who could be authorised officers. In the main, we propose to retain the ability of local authorities to retain some degree of flexibility to authorise officers in accordance with the circumstances of the individual case. Where appropriate, statutory guidance will provide greater clarification

In the event of regulations not being made there would be no statutory restriction on the person or category of persons who may be an authorised officer for the purposes of making an application for an Adult Protection and Support Order.

National Independent Safeguarding Board (Wales) Regulation

The Regulations provide for the National Independent Safeguarding Board (NISB) to consist of up to six members, appointed by the Welsh Ministers, with one of the members to be appointed as chair. They make further provision about the proceedings of the National Board, the establishment of supplementary groups, consultation by the National Board with those affected by its work, and set out arrangements for the National Board's annual report to the Welsh Ministers.

Making the Regulations will support the establishment of the National Independent Safeguarding Board with a remit to provide national leadership, advise Ministers on the adequacy and effectiveness of safeguarding arrangements; and advise on action

to help strengthen policy and improve practice

If the Regulations were not made the proposed role of the National Board would be incapable of being performed in the manner envisaged in the Social Services and Well-being (Wales) Act 2014

The Safeguarding Boards (Functions and Procedures) (Wales) Regulations

The Regulations provide for the functions and procedures of Safeguarding Children Boards and Safeguarding Adults Boards which are established under section 134 of the Act.

Making the Regulations will provide a consistent and coherent framework to Safeguarding Children Boards and Safeguarding Adults Boards as to how they must fulfil their objectives under the Act to protect children and adults at risk from abuse and neglect, and facilitate co-operation between safeguarding boards, and between safeguarding boards and the National Board.

If the Regulations were not to be made, there would be the potential for a lack of clarity and consistency in the exercise by Safeguarding Boards of functions relating to the achievement of their objectives set out in sections 134(1) and (2) of the Social Services and Well-being (Wales) Act 2014

The Safeguarding Boards (General) (Wales) Regulations

The purpose of the Regulations is to provide a coherent, common footprint for the establishment of safeguarding boards which will enable and support joint working across local government, health and police services, reducing complexity and duplication.

The key outcome of this package of statutory and regulatory reform is to ensure that safeguarding board partners are supported by more robust leadership and a stronger, more effective framework for multi-agency co-operation.

Statutory Guidance under Part 7

The guidance requires both the annual plan and annual report of the NISB to be written in both English and Welsh.

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

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

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

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 regulations are 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.

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)?

A number of key supporting documents were translated for the consultation on codes of practice, statutory guidance and Statutory Instruments. Key information includes:

Consultation Documents
Consultation Questions
Executive Summary
Children and Young People executive summary
Easy Read executive summary.

Welsh Language groups, including the Welsh language commissioner were invited to respond to the consultation

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 regulations are 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.

Adverse effects/ impacts:

None

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 regulations are 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.

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

The Welsh Language Board’s report “The Welsh Language and Social Services ” argued that it “showed a tendency for Welsh speakers to need to use Welsh in the health care context and it referred to four vulnerable groups – children and young people, older people, people with mental health problems, people with learning disabilities. These groups are considered vulnerable because their care and treatment suffer if they do not receive treatment in their language of choice.” This is re-iterated by the Care Council for Wales in its research paper for Social Care Practice Teachers and students entitled “Different Words Different Worlds? – the concept of language choice in social work and social care” indicates that there is clear evidence, not just for bilingual service users in Wales but across the globe, to indicate that people refer to their “mother tongue” when expressing themselves in general or in times of stress.

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 type="checkbox"/>
	Adverse: <input type="checkbox"/>
	Neutral: <input checked="" 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 12 week consultation will contain subject specific questions relating to the parts of Act that the regulations fall under. There are no specific questions surrounding 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?

Consultation documents were made available, where appropriate, in Welsh including the consultation documents, supporting executive summary, children and young

person friendly version of the summary and also easy read version of the summary. Additionally, following the consultation, the summary report (Due in May) will also be available and published in Welsh.

No direct issues in relation to Welsh Language were raised through responses to the consultation.

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

We will continue to ensure compliance with statutory requirements in respect of the Welsh language

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

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

4. Declaration

Policy lead:

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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: Phil Mulraney

Department: Delivering Policy for Children and Adults

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