

Welsh Language Impact Assessment

November 2015

Welsh Language Impact Assessment

Title: Part 6 of the Social Services and Wellbeing (Wales) Act 2014 Policy to introduce a series of regulations and a code of practice under Part 6 of the Social Services and Well-being (Wales) Act (looked after children)	WLIA Reference No <i>(completed by WLU):</i>				
Name of person completing form:	Henry Vaile				
Date:	November 2015				
Policy lead:	Penny Hall / Liz Lockwood				
Contact details:	0300 025 6075				
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 statutory framework will consist of three main elements:

- 1- the Act itself;
- 2- Regulations made under the Act; and
- 3- code of practice/statutory guidance.

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

May to July 2015: Public Consultation on the Implementation of the Social Services and Well-being (Wales) Act 2014

August to October 2015: Consultation responses considered and amendments made to the Regulations and code of practice

November 2015: The following pieces of subordinate legislation have been laid before the Assembly:

- Part 6 code of practice (looked after children and accommodated children)
- Visits to Children in Detention (Wales) Regulations 2015
- Care Leavers (Wales) Regulations 2015
- Care Planning, Placement and Case Review (Wales) Regulations 2015
- Children (Secure Accommodation) (Wales) Regulations 2015

April 2016: The Act, Regulations and code of practice come into force.

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 (the Act) provides a single Act that brings together local authorities' duties and functions in relation to improving the well-being of people who need care and support, and carers who need support. The Act provides the statutory framework to deliver the Welsh Government's commitment to integrated social services departments with a strong family orientation.

Part 6 of the Act requires:

- local authorities to secure sufficient accommodation for the children they look after
- local authorities to accommodate children without parents, who are lost or abandoned, or whose parents are unable to look after them; and also for children who are under police protection, in detention or on remand
- provides for the functions of local authorities in relation to the children they look after
- provides for the circumstances in which local authorities may or must provide support for young people who have left care
- provides for the placement of children in secure accommodation
- requires the assessment by local authorities of children who are

- accommodated and the provision of visits and services to those children
- makes provision about contributions towards the maintenance of children looked after by local authorities.

The Part 6 code of practice for looked after and accommodated children contains guidance on the duties contained in the Act and sets out the requirements local authorities must act in accordance with when exercising their social services functions.

Part 6 also contains a number of regulation-making powers and the following Regulations have been prepared under Part 6:

- The Children (Secure Accommodation) (Wales) Regulations 2015,
- The Visits to Children in Detention (Wales) Regulations 2015,
- The Care Planning, Placement, and Case Review (Wales) Regulations 2015, and,
- The Care Leavers (Wales) Regulations 2015.

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 all people eligible for care and support and 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, which contain an overarching duty at 6(2)(c) that any person exercising a function under the Act must have regard to the characteristics, 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?

Explanatory Memoranda and Regulatory Impact Assessments have also been undertaken for the following Regulations developed under Part 6 of the Act:

- Visits to Children in Detention (Wales) Regulations 2015
- Care Leavers (Wales) Regulations 2015
- Care Planning, Placement and Case Review (Wales) Regulations 2015
- Children (Secure Accommodation) (Wales) Regulations 2015

The EMs and RIAs outline various policy options in respect of implementing Part 6 of the Act and have been laid alongside the Regulations before the National Assembly for Wales. The EMs and RIA can be found on the National Assembly for Wales' [Website](#).

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 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.

While 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 Part 6 code of practice for looked after children and accommodated children is underpinned by the principles set out in the Act. The code sets out that services must be available through the medium of English and Welsh and to be mindful of the need for accessibility to all people. The service must allow an individual to 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 Regulations and code of practice are all underpinned by the principles set out in the Act, which contain 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 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 makes provision for 4 of the aims:

To increase their awareness of the value of the language

The code of practice sets out that those exercising functions in relation to looked after children must be mindful of the need to be accessible to all people which includes the availability of services through the medium of English and Welsh. This will ensure that Welsh speakers can only communicate their care needs effectively through their preferred language. Information must be accessible through the medium of Welsh and English reflecting the Welsh Government Strategy ‘More than Just Words’ and in due course be compliant with the new Welsh Language Standards.

To strengthen the position of the Welsh language in the community

The primary objective of the policy is to promote an individual’s independence and ensure they have a stronger voice and control over their care and support. 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. Additionally, the Social Services and Well-being (Wales) Act 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.

To increase opportunities for people to use Welsh in the workplace

The Social Services and Well-being (Wales) 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). The Part 6 code of practice supports this by setting out that all relevant information for individuals and their families should be made available to them in a format that is accessible to them, including through their language of need and preferred means of communication, including through the medium of Welsh. This strengthens the promotion and use of the Welsh language to improve the well-being of people and the quality of information, advice and assistance offered by the local authority.

To improve Welsh language services to citizens

For many Welsh speakers, the only way to effectively communicate their care needs is through the medium of Welsh. The local authority should actively offer the provision of information, advice and assistance through the medium of Welsh, as giving individuals the responsibility of asking for services through the medium of Welsh may 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”.

The Welsh language strategic framework 'More than just words' aims to improve frontline health and social services provision for Welsh speakers, their family and carers. In keeping with the principles in that framework, the population assessment should include reference to the linguistic profile of their communities and ensure this is reflected in their service delivery.

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.

Local authorities responsible for the implementation of the Social Services and Well-being (Wales) Act must also have regard to the standards and compliance notices which will be issued by the Welsh Language Commissioner in autumn 2015, and come into force in April 2016.

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 Memorandum¹.

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 Social Services and Well-being (Wales) Act, and its associated legislation, provide for a fairer and more equitable access to the provision of care and support. This will have a positive impact on Welsh speakers, and predominantly Welsh speaking communities, as a result of there being more services available in Welsh in the future.

The Welsh Government's Strategic Framework for the Welsh Language in health and social care, 'More than Just Words' recognises the concept of language need. For many Welsh speakers, language is integral elements 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".

Section 6 of the Act places a duty on people exercising social services functions to

¹ <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>

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 Part 6 code 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'.

All of this is underpinned by the principles set out in the Act, which contain 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. This provides the context for the action described above, which honours the Ministerial commitment given during the passage of the Bill that the Welsh language would be included in the regulations and Guidance that underpin the Act.

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 and code of practice 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 all stakeholders who fall within the scope of the Act, can reasonably access care and support services in Welsh, should they so wish.

The wide ranging consultation process and engagement events captured many views including ways to increase the use of Welsh through the Act. Local authorities responsible for the implementation of the Social Services and Well-being (Wales) 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 come into force in April 2016.

The way in which the subordinate legislation has been drafted means that the Welsh Language, and its place in supporting individuals to fully engage and participate in the care and support process, are fundamental to enhancing people's ability to have voice and control over their lives.

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 consultation exercise on the regulations and the codes of practice were provided bilingually. These include:

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

The Welsh Government undertook a public consultation on the Regulations and Part 6 code of practice between May and July 2015, and received responses from a wide range of organisations. 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 rights of the individual are placed on the face of the Social Services and Well-being (Wales) Act.

An increased awareness of the need to embed *More Than Just Words* 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 requested).

It should improve the Welsh language skills of staff employed in care and support services by giving them greater confidence in using their skills.

Potential to increase the number of Welsh speaking staff working within the social care workforce, to support services and enabling people to speak in the language of their choice.

It also has the potential to help retain dedicated staff within Welsh speaking communities.

The population needs assessment that will be undertaken under the Act must identify the range and level of services required to meet those needs including how these services will be delivered through the medium of Welsh. By 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 when local authorities and Local Health Boards consider how services are delivered.

Adverse effects/ impacts:

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 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?

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

The code of practice states that language is an integral element of the care, support and information that individuals and families receive and it is the responsibility of the local authority to deliver appropriate services which includes meeting users' linguistic needs.

The code makes it explicit that assessments should be conducted through the medium of English or Welsh as appropriate to the individual or family concerned, and that this choice should not delay the assessment process.

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 2012². It was undertaken on behalf of the Department for Health, Social Services and Children, 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 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 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. The new Welsh Language Standards will offer a renewed impetus for public services bodies to embrace the Welsh language and build it into every day services.

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"/>

²[Welsh Speakers’ Experiences of Health and Social Care Services](#)

	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?	
<p>A 12 week public consultation was held on the Regulations and code of practice in relation to Part 6 the Act. The consultation included 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.</p> <p>Consultation documents were available bilingually. Respondents were able to complete the consultation response form in Welsh if desired. Workshops to support the public consultation exercise were also carried out with a Welsh speaker on the panel, and participants were able to ask and to receive an answer to their questions in Welsh if desired.</p>	
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?	
<p>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.</p> <p>No direct issues in relation to Welsh Language were raised through responses to the consultation.</p>	
How will you monitor the ongoing effects during the implementation of the policy?	
<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 these Regulations. Additionally, the Welsh Government will continue to monitor the impact of the Regulations on areas such as the Welsh language.</p>	
Please outline how you will continue to capture effects/ impacts in future monitoring and	

evaluation?
The Welsh Government will continue to monitor the impact of the Regulations on the Welsh language.
Any other comments – ongoing results of evaluations, emerging impacts
N/A

4. Declaration

Policy lead:
<i>*Please delete as appropriate:</i>
The policy <i>*does / does not</i> 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:
Henry Vaile
Department:
Social Services and Integration Directorate
Date (s):
15 October 2015
Signature:
Planned Review Dates:
October 2016

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