



Llywodraeth Cymru
Welsh Government

Welsh Government Children's Rights Impact Assessment Summary

Title of proposal: Reform of primary care ophthalmic services: Children's Rights Impact Assessment

Department: Health and Social Services

Minister responsible: Minister for Health and Social Services

Start Date: 24 April 2023

For further information:

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This document is also available in Welsh: [hyperlink](#)

- **What decision are you impact assessing?**

The Welsh Government is committed to reforming the provision of ophthalmic services in Wales and is consulting on proposals to update the current regulations to improve access to eye health services in primary, community, and hospital eye services (HES). A Regulatory Impact Assessment (RIA), Integrated Impact Assessment (IIA) and a full Equality Impact Assessment (EIA) have been developed in conjunction with the proposals aligned with the Welsh Government's [Strategic Equality Plan 2020 - 2024](#) which sets out our equality aims and objectives for the next four years, together with the main actions to achieve those objectives. This Children's Rights Impact Assessment (CRIA) focuses more specifically on any impacts, intended or otherwise, on children and young people, and if any rights have been infringed.

The key proposal is to expand the eye services delivered on the high street by optometrists and to increase access to services. Estimates set out in the Welsh Government's Future Approach for Optometry Services suggest that in half of the cases reported, sight loss could have been avoided, reinforcing the importance of prevention and early intervention. It is therefore imperative to expand provision in primary care in which there already exists a skilled workforce to support HES as is detailed within the consultation document that this assessment accompanies.

The reform of services, subject to consultation, is intended to accelerate access to clinical care within optometrist services across all ages, with associated benefits in respect of addressing the eye care concerns of children, young people, and adults at an earlier juncture, given the increased range of services delivered closer to home in primary care by eye care practitioners.

An overview of the current legislative landscape has revealed a disparity in terms of the support offered to those under 18 who are care leavers or are in the care of a Local Authority. Children under 16 (including those in care) are eligible for an NHS sight test and a voucher for the supply, repair, and replacement of an optical appliance. 16/17-year-olds who are care leavers, or to whose maintenance a Local Authority contributes, are eligible for an NHS sight test and a voucher for supply of an appliance. However, they are not eligible for a voucher for the repair of or the replacement of an optical appliance.

As a solution, the proposed and provisionally titled National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2023 will ensure that under 18-year-olds who are care leavers or are in care, have access to all of the entitlements relating to eye care including a voucher for repair or replacement of an optical appliance (in addition to the provisions they are already eligible for under the current legislation and arrangements).

To further enshrine in law children and young people's rights, we propose to include a new duty in the terms of service applying to contractors, which would legally oblige contractors who provide NHS sight tests and sell spectacles, to make available a basic pair of spectacles for children and young people up to the age of 16 and up to the age of 18 and in full time education. This duty will also apply to other people who are eligible for a voucher towards the cost of spectacles.

To further promote equitable access, NHS contractors, under the terms of service will be required to agree core hours for clinical services. These are the hours during which the full range of service levels 1 and 2 will be available and will be agreed between the LHB and the contractor, and this will be advertised to the public to raise awareness. This differs to the current arrangement in which optometry practices can decide on the level of core clinical support offered during their opening hours.

Specifically, it is proposed that a Contractor can only refuse to provide services under the Contract to an eligible person if it has reasonable grounds for doing so, and those grounds cannot relate to a person's **age** or ophthalmic or related medical condition.

This is additional to the safeguard provided by the Equality Act 2010 which means that discrimination or unfair treatment on the basis of certain personal characteristics, such as age, is against the law in almost all cases.

- **Gathering evidence and engaging with children and young people**

The views of young people are being sought via a consultation exercise commencing on 24 April and ending on 19 June. All details relating to the consultation, including the affiliated assessment documentation, and this CRIA will be published on the Welsh Government website. In addition, this CRIA will also be published on the [Children's Rights website](#). The outcome of the consultation exercise will be shared to all interested parties via the Welsh Government which will include any feedback relating to the CRIA. In addition, Welsh Government officials will revisit the published version of the CRIA and update in view of any comments before re-publishing on the Welsh Government website.

- **Analysing the evidence and assessing the impact**

There are no identified negative impacts for children or young people and the intention of the new provision highlighted within this document is deliberately intended to ensure equality of support to those under 18 who are care leavers or are in the care of a Local Authority. The proposed regulations will ensure that under 18-year-olds who are care leavers or are in care are entitled to vouchers for repair or replacement of an optical appliance (in addition to the provisions they are already eligible for under the current legislation and arrangements).

Officials have considered how this proposed policy impacts on the United Nations Convention on Rights of a Child (UNCRC). The Articles that could apply are Articles 1, 2, 3, 4, 20, 25 and 27 and concluded that no negative impact is predicted on the Rights of the Child as the legislation will provide equality to all under 18-year-olds who are care leavers or are in care as they will be entitled to all entitlements relating to eye care. The remainder of the Articles have been assessed as not applicable.

UNCRC Articles or Optional Protocol	Enhances (X)	Challenges (X)	Explanation
Article 1: Everyone under 18 years of age has all the rights in this Convention.	X		The proposed draft National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2023 will ensure that under 18-year-olds who are care leavers or are in care are entitled to all entitlements relating to eye care including a voucher for repair or replacement of an optical appliance (in addition to the provisions they are already eligible for under the current legislation and arrangements).
Article 2: The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.	X		
Article 3: All organisations concerned with	X		

<p>children should work towards what is best for each child.</p> <p>Article 4: Governments should make these rights available to children.</p> <p>Article 20: Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.</p> <p>Article 25: Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.</p> <p>Article 27: Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p>		
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