

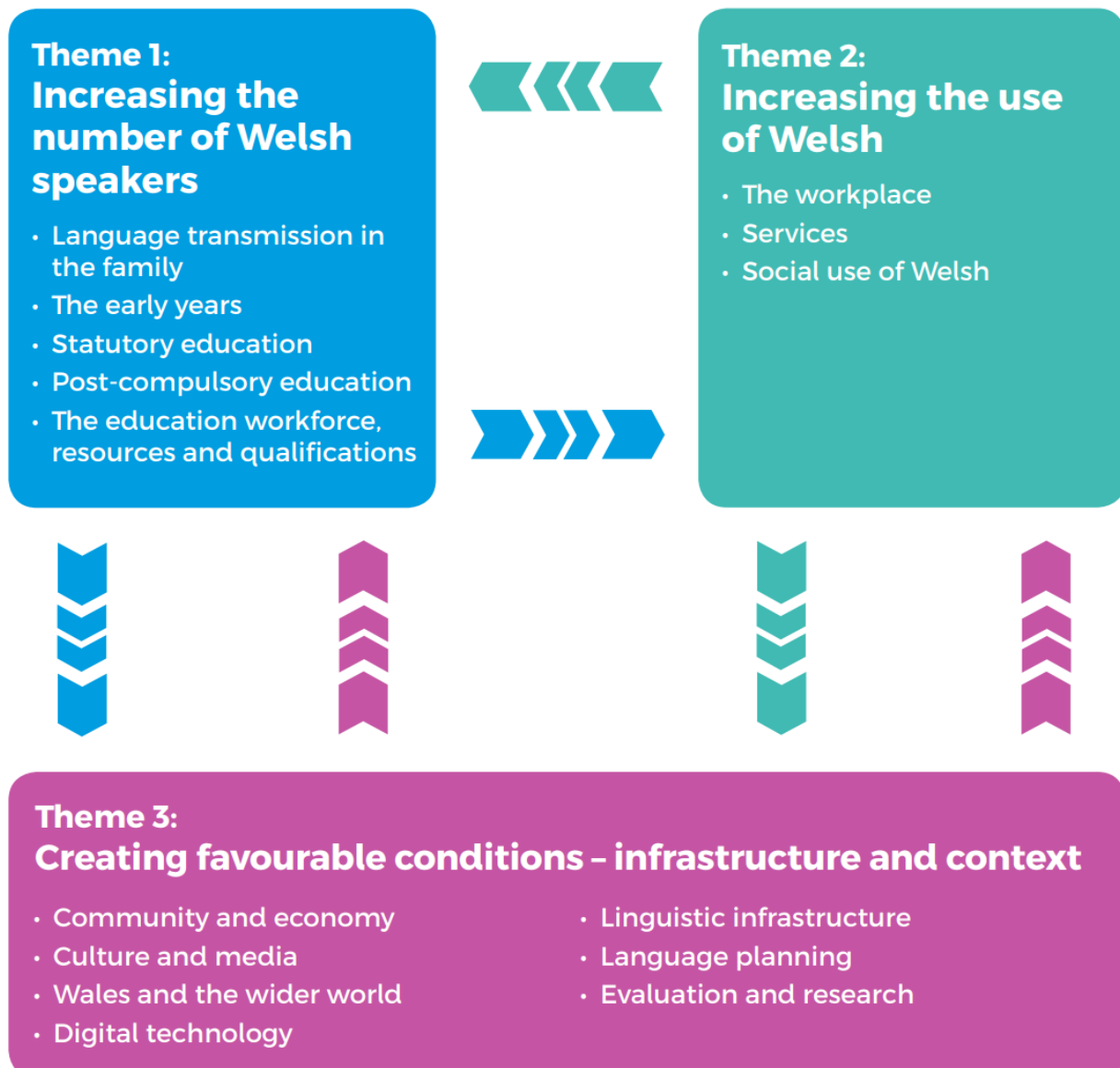
## Annex F - Rebalancing Care and Support Programme: Welsh Language Impact Assessment

*Cymraeg 2050* is our national strategy for increasing the number of Welsh speakers to a million by 2050.

The Welsh Government is fully committed to the new strategy, with the target of a million speakers included in its Programme for Government. A thriving Welsh language is also included in one of the 7 well-being goals in the Well-being of Future Generations (Wales) Act 2015.

We also have a statutory obligation to fully consider the effects of our work on the Welsh Language. This means that any Welsh Government policy should consider how our policies affect the language and those who speak it.

The [Cymraeg 2050 strategy](#) has three interrelated themes:



The headings under each theme outline the scope of activities that can affect the language.

As a general rule, if your policy has the potential to impact on people, it will impact in some way on Welsh speakers and therefore on the Welsh language.

**1. Welsh Language Impact Assessment reference number (completed by the Welsh Language Standards Team, email: [Safonau.Standards@gov.wales](mailto:Safonau.Standards@gov.wales)):**

**04/02/2024**

**2. Does the proposal demonstrate a clear link with the Welsh Government's strategy for the Welsh language? – *Cymraeg 2050 A million Welsh speakers and the related Work Programme for 2017-2021*?**

This impact assessment considers three related pieces of work under the Welsh Government's Rebalancing Care and Support Programme:

- creating a new Code of Practice containing a national framework for commissioning care and support
- revising parts of the Part 2 Code of Practice (General Functions)
- creating a new National Office for Care and support within Government.

When the Social Services and Well-Being (Wales) Act 2014 ('the Act') came into being Welsh Ministers gave a commitment that the regulations and guidance which underpin the Act would have due regard to the Welsh language. As a result, regulations, codes of practice and statutory guidance issued under the Act are all underpinned by the principles set out in the Act, which contain an overarching duty at section 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 key principles of "More than Just Words"<sup>1</sup> have been embedded in 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 should they wish. The Active Offer is a key principle of More than Just Words and places the responsibility on health and social care providers to offer services in Welsh, rather than on the patient, service user or family to have to request them, this strengthens the position of the Welsh language in the community.

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<sup>1</sup> *More than just words* is the Welsh Government strategy to strengthen and develop Welsh language provision in health and care services.

One of the prime objectives of our proposals is that commissioning of care and support services puts the individual at the centre of the commissioning process based on what matters to them including their language need. 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 should they wish. Additionally, the codes issued under the Act provide for those who wish to have their contact with local authorities with regard to their care to undertake this through the medium of Welsh, thus having a positive impact on Welsh speakers and predominantly Welsh speaking communities.

#### To increase opportunities for people to use Welsh in the workplace

The 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). This strengthens the promotion and use of the Welsh language to improve the well-being of people and the quality of care and support. To reflect this, the new code on commissioning emphasises this duty to actively offer Welsh language services and support to individuals.

#### To improve Welsh language services to citizens

Local authorities should make sure the use of Welsh language is built into the process of assessing the care and support needs of people. For many Welsh speakers, language is an integral element of their care and support, e.g. some people are vulnerable and giving them the opportunity to conduct contact through the medium of Welsh can contribute to removing their anxiety. It is the responsibility of social services to deliver appropriate services that meet recipients' language needs including when services are commissioned and being delivered by other private and third sector organisations. .

The way in which the new code has been drafted means that the requirements in the Act applies to commissioning of services and the principles and standards set within the code. The Act 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 the Welsh Government is expecting that through the principles and standards set out in this code and the particular reiterating of welsh language requirements and Mwy Na Geiriau that more services will be available in welsh to meet the language needs of populations in Wales.

To ensure consistency, standard national clauses have been developed which commissioners must use within their contracts with providers. This will ensure that there is a standard approach across Wales to the requirements around welsh language service provision.

#### National Framework Code of Practice

The National Framework is a statutory Code of Practice under the Social Services and Well-Being (Wales) Act 2014. It will therefore place a statutory requirement on commissioners to actively support the workforce to communicate in Welsh whatever their

level of Welsh may be, and actively support the workforce to develop their Welsh language skills.

In line with the *More than just words* strategic framework, as stated in Part 8 of the 2014 Act, Directors of social services will ensure an effective recruitment and retention strategy to secure the capacity to provide local authority social services functions through the medium of Welsh. The ability of the independent and third sector providers to provide services in Welsh will also be a consideration when services are commissioned or contracted from them.

In considering the above matters, local authorities must also consider the state of the market for regulated services provided through the medium of Welsh. This should link back to the population needs assessment, which will have identified the demand for Welsh language services, and to the sufficiency assessment which will have looked at the availability of wider care and support provided in Welsh. The market stability assessment must consider how this impacts upon the sufficiency of regulated services in Welsh, and any gaps in provision; the quality of those services; how current or future trends in the market might affect the provision of regulated services providing care and support to the Welsh-speaking community; any challenges and risks; and the impact of local authority and Local Health Board commissioning and funding decisions on regulated services provided through the medium of Welsh.

## Part 2 Code of Practice

The Part 2 Code of Practice (General Functions) was originally published in 2015, to support the implementation of the Act, and a revised version is being issued under the Rebalancing Care and Support Programme. The *More than just words* framework is referred to four times in this Code.

Chapter 1 describes the well-being and overarching duties in the Act. *More than just words* is referenced in relation to the overarching duty under section 6(2)(c) of the Act (having regard to characteristics, culture and belief, including for example language) – particularly the objective of implementing a systematic approach to Welsh language services as an integral element of service planning and delivery.

Chapter 2 places requirements on local authorities (and, in Chapter 2B, on their partner health boards) to undertake an assessment of the needs of people within their region for care and support and preventative services. The Code makes it clear that, when undertaking these assessments, they must establish the extent to which there are people who need care and support (and carers who need support) in Welsh, as well as the range and level of services they will need to provide in order to meet the needs of their Welsh-speaking populations. This includes identifying where there are gaps in provision. The

population needs assessment report must also identify the actions required to deliver the range and level of services identified through the medium of Welsh. The code specifically refers to the principle in *More than just words* that framework planning systems must include reference to the linguistic profile of their communities and ensure this is reflected in service delivery.

The revised Code contains a new Chapter 5 focusing specifically on engagement, voice and co-production. This includes a new requirement on local authorities to take steps, in line with the *More than just words* principles, to encourage the participation of Welsh speakers in the design and delivery of care and support and preventative services. This should form an integral part of their overall duty to promote the involvement of service users and unpaid carers, under section 16(1)(c) of the Act.

In Chapter 6, on the information, advice and assistance service, there is a requirement that the service must be available through the medium of English and Welsh and align with the principles of *More than just words*.

#### National Office for Care and Support

The National Office for Care and Support which is being established within Welsh Government and which will be established in April 2024 will have a remit to support implementation of the National Framework and work with commissioners to work in line with the principles and standards set out in the National Framework. As the National Office is being established within Government it will be required to work in line with Welsh Government's Welsh language policy and in line with the Welsh Language Act and Mwy Na Geiriau. In addition, in line with the recommendations made by the Expert Group in its report *Towards a National Care and Support Service for Wales* it is proposed that the staff mix working in the National Office will need to be considered to ensure that there are members of staff who are first language Welsh within the team to ensure that as required, the business of the National Office can be conducted in language choice of whoever makes contact with the Office.

- 3. Describe and explain the impact of the proposal on the Welsh language, and explain how you will address these impacts in order to improve outcomes for the Welsh language.** How will the proposal affect Welsh speakers of all ages (both positive and/or adverse effects)? You should note your responses to the following in your answer to this question, along with any other relevant information:

**How will the proposal affect the sustainability of Welsh speaking communities<sup>2</sup> (both positive and/or adverse effects)?**

**How will the proposal affect Welsh medium education and Welsh learners of all ages, including adults (both positive and/or adverse effects)?**

**How will the proposal affect services<sup>3</sup> available in Welsh (both positive and/or adverse effects)? (e.g. health and social services, transport, housing, digital, youth, infrastructure, environment, local government etc.)**

**How will you ensure that people know about services that are available in Welsh and are able to access and use them as easily as they can in English? What evidence / data have you used to inform your assessment, including evidence from Welsh speakers or Welsh language interest groups?**

**What other evidence would help you to conduct a better assessment?  
How will the proposal affect the sustainability of Welsh speaking communities<sup>4</sup> (both positive and/or adverse effects)?**

**How will the proposal affect Welsh medium education and Welsh learners of all ages, including adults (both positive and/or adverse effects)?**

**How will the proposal affect services<sup>5</sup> available in Welsh (both positive and/or adverse effects)? (e.g. health and social services, transport, housing, digital, youth, infrastructure, environment, local government etc.)**

See 5 below.

**4. How will you ensure that people know about services that are available in Welsh and are able to access and use them as easily as they can in English? What**

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<sup>2</sup> can be close-knit rural communities, dispersed social networks in urban settings, and in virtual communities reaching across geographical spaces.

<sup>3</sup> The Welsh Language Strategy aims to increase the range of services offered to Welsh speakers, and to see an increase in use of Welsh-language services. These

<sup>4</sup> These can be close-knit rural communities, dispersed social networks in urban settings, and in virtual communities reaching across geographical spaces.

<sup>5</sup> The Welsh Language Strategy aims to increase the range of services offered to Welsh speakers, and to see an increase in use of Welsh-language services.

**evidence / data have you used to inform your assessment, including evidence from Welsh speakers or Welsh language interest groups?**

See 5 below.

**5. What other evidence would help you to conduct a better assessment?**

National Framework Code of Practice

During consultation it was raised by one Director of Social Services that in Mwy Na Geiriau and in the national Welsh Language clauses which have been developed aligned to this Code, we still use the term dewis iaith rather than angen iaith (language choice rather than language need). It was felt that this could negatively affect the meeting of need and should be using 'angen iaith' (language need) to lessen the flexibility that 'dewis iaith' (language choice) allows.

The National Framework has used the terminology used within Mwy Na Geiriau so that there remains consistency with this over-arching national approach set out in Mwy Na Geiriau. Officials including colleagues from the Welsh Language policy unit have met with the Director concerned and it was resolved that this matter should be discussed at the newly formed Mwy Na Geiriau Advisory Board. Should it be agreed that the terminology currently in use is adopted, then the terminology within the National Framework will be amended to be in line.

There were no other negative impacts identified within the consultation responses and many responses received felt it was important to re-iterate requirements about Welsh language within the Code.

The National Framework recognises the importance of providing care and support services in the language choice of people. Language is an integral element for people in achieving their care and support needs, securing rights and entitlements and being able to use their own language to communicate and participate in their care as equal partners.

The provision of care and support services through the medium of Welsh **must** be a right and is a matter of need and necessity, not choice. This is crucial across all age groups and demographics and is even more important for the most vulnerable, particularly in areas where there is a high proportion of people whose first language is Welsh.

The Framework strengthens and supports the active offer and **Cymraeg 2050 A million Welsh speakers by** requiring local authorities and Local Health Boards to:

- treat the Welsh language no less favourably than English;
- seek to provide opportunities for people to fully use Welsh Language in their everyday life;
- take all reasonable steps to provide local/community based Welsh Language care and support services and the sufficiency of care and support in the medium of Welsh **must** be reflected in the population needs assessments and joint area plans including how commission will improve and increase the level of services provided through the medium of Welsh based on the identified need;

- comply with all Welsh language duties and obligations contained within legislation, codes of practice and statutory guidance issued, and have regard to any other relevant guidance.

A core aim of the framework is to ensure people who need services in Welsh have an 'active offer'. This is when a service is provided in Welsh without someone having to ask for it. It means providers naturally anticipate the needs of Welsh speakers. They do not wait for a person to ask for a service in Welsh but incorporate and promote the belief that if you are a Welsh speaker, being able to use your own language must be seen as a core component of your care and not an optional extra.

Consultation responses were particularly supportive of including the following two paragraphs:

Local Authorities and the NHS **must** adhere to the requirements within Mwy Na Geiriau and the Welsh Language (Wales) Measure 2011 when planning and delivering care and support services and that they exercise the 'active offer', offering services through the medium of Welsh rather than people having to request it.

It is recognised that it can be challenging for some providers to meet the Active offer however, commissioners and service providers **must** actively support the workforce to communicate in Welsh whatever their level of Welsh may be, and actively support the workforce to develop their Welsh language skills.

The requirements and guidelines in the Part 2 Code of Practice should, if implemented fully by local authorities (and, where appropriate, their partner health boards), have the following positive impact upon those who need care and support or preventative services through the medium of Welsh:

- The requirements in Chapter 2, on population needs assessments, should result in local authorities and health boards producing a regional population needs assessment report which clearly sets out the level of demand for Welsh language provision of care and support within the region, and the range and level of services that will need to be provided in Welsh to meet that need.
- The new requirement in Chapter 5, to take steps to encourage the participation of Welsh speakers in the design and delivery of care and support and preventative services, should result in more active involvement of Welsh speakers in service design and delivery at a strategic and local level.
- The requirement in Chapter 6 for the information, advice and assistance service to be available through the medium of English and Welsh should result in a truly bilingual service, meaning that Welsh speakers can access the information and advice they need in Welsh without having to request it.

#### National Office for Care and Support

The National Office when established will align with and, wherever applicable, enable the delivery of cross-system objectives including:



- Programme for Government commitments
- Co-operation Agreement commitments
- The five ways of working set out in the Future Generations Act
- Meeting legal duties under the Welsh Ministers' Welsh Language Standards, the National Office will play a key role in supporting and promoting Welsh language and culture, recognising Welsh belongs us to all and the importance of language choice and need in delivering quality care and support aligned to the More Than Just Words Framework
- A Healthier Wales.

The National Office will embed and support the strategic framework for Welsh language. More than Just Words 2022-27. In doing so, the National Office will work with the sector to strengthen Welsh language provision in social care services and in supporting Welsh speakers to receive care in their first language. As the National Office will be situated within Welsh Government staff within the National Office will be required to work in line with Welsh Government's policies including its Welsh language policy. Furthermore staffing within the National Office will include first language Welsh speakers and Welsh learners.

The need to focus on the Welsh education system was considered to be a way of ensuring that there are more opportunities and career pathways where Welsh language plays an important part in effective service delivery particularly within the care sector.

Sourcing Welsh language service provision was seen to be a challenge within the sector particularly when there are no additional incentives for those who can work through the medium of Welsh and those who learn, recognising that pay and conditions within the sector are not favourable and therefore not an incentive for care workers to learn Welsh. However, there are a number of opportunities on offer to support care workers to learn Welsh and to increase confidence when speaking Welsh and employers must understand the benefit of this for its workforce and the people who they support.

There are free opportunities for social care workers to learn Welsh available, for example via the Social Care Wales initiative to create a new online Welsh course for social care workers.

In terms of supplementary materials highlighting the Welsh language in an accessible way (videos etc) Social Care Wales has a 'using Welsh at work' section of its website. This highlights the importance of using the Welsh language within the workplace and includes various resources workers can refer to, for example in delivering the active offer. It also includes videos from both social care workers and people using social care services speaking about the importance of Welsh in these settings. They are also in the final stages of completing a e-learning resource on why the Welsh language is so important and have an employer project which aims to support workforce planning in relation to the Welsh language.

Regarding other practical support around recruitment materials encouraging Welsh speakers to apply for jobs within social care this is something we will consider as part of

wider discussions with SCW in the context of their existing work to promote the Welsh language within the social care workforce, described above. A specific Wecare Wales campaign was launched earlier this year and the assets for this are still available should a further campaign be needed. Wecare Wales regularly highlight the importance of the Welsh language as part of their ongoing social media presence and campaigns.

♦ **How will you know if your policy is a success?**

The National Office will have a remit to support implementation of the national framework and monitoring that commissioners are working in line with the spirit of the Code. It will be possible therefore at a national level to have a view on implementation progress and to share good practice and examples of where efforts have led to more Welsh speaking care workers. The relevant policy team within the Social Services and Integration Directorate will also continue to monitor the population needs assessments (as well as the market stability reports and joint area plans) produced by local authorities and health boards on a regional basis.

Social Care Wales collects data on care workers and their language abilities, the National Office will work closely with Social Care Wales and will access this data which will provide an annual dataset to measure trends and measure the increase in Welsh speaking care workers.

There is an annual Mwy Na Geiriau report which is produced and again, this will provide the National Office with information on the delivery of Mwy Na Geiriau within the sector, trends can be monitored annually to track progress.