

## **Annex B - Rebalancing Care and Support Programme: Equality Impact Assessment**

This Equality Impact Assessment (EIA) covers the following three elements of the Rebalancing Programme:

- National Framework for Commissioned Care and Support
- revised Part 2 Code of Practice (General Functions)
- National Office for Care and Support.

The Code of Practice containing the National Framework, and the Part 2 Code, are made under the Social Services and Well-being (Wales) Act 2014 (referred to hereafter as 'the 2014 Act').

Through the Rebalancing Care and Support Programme we aim to establish a National Framework for Commissioning Care and Support, strengthen regional partnership arrangements and create a National Care and Support Office that will oversee and support the implementation and management of the National Framework.

The National Framework has been co-produced by members of a National Technical Group and is to be established through a statutory Code of Practice that will apply to the commissioning of both children and adult care and support services by local authorities, local health boards and NHS Trusts.

The National Framework seeks to rebalance the basis upon which the provision of care and support services are commissioned, by focusing on outcomes and social value and by shifting from price towards quality and focusing on outcomes.

It will set principles and standards for commissioning practice aimed at reducing complexity, facilitating national consistency of commissioning practices and rebalancing commissioning to focus on quality and outcomes. It provides for greater consistency and transparency within the commissioning cycle.

The development and implementation of the National Framework is an important part of our journey towards a National Care and Support Service and provides some of the necessary foundations for its implementation.

A draft version of the Code was consulted on in the 2023 [Rebalancing Care and Support Programme consultation](#)<sup>1</sup>. The consultation responses received were positive about the National Framework and the consistency that it aims to bring into commissioning practices. The draft Code has been amended based on a comprehensive consideration of the consultation responses including the suggestions on how to further strengthen the principles and standards.

The revised draft Code was laid before the Senedd on the 19 March and subject to completion of the forty-day annulment period will be approved on 19 May, issued on 20 May and following a transitional implementation period consisting of training and

---

<sup>1</sup> <https://www.gov.wales/rebalancing-care-and-support-programme>

awareness raising for local authority and NHS commissioners of care and support the Code is scheduled to come into force later in September 2024. This EIA as well as the Integrated Impact Assessment (IIA), Children's Rights Impact Assessment (CRIA), Welsh Language Impact Assessment (WLIA) and the Codes Explanatory Memorandum (EM) have been published alongside the laying of the Code before the Senedd.

To support the implementation of the Framework we will put in place a national digital toolkit of good practice documents to support commissioners to deliver against the principles and standards set out in the code.

Welsh Government intends for the Code to be reviewed and updated approximately every 2 years to ensure it aligns with current commissioning practices with non-statutory guidance to be provided (if required) in between the formal 2-year review of the Code.

## **1. Describe and explain the impact of the proposals on people with protected characteristics as described in the Equality Act 2010.**

### **National Framework**

The [Rebalancing Care and Support White Paper](#)<sup>2</sup> established the case for change which has been actioned through the Rebalancing Care and Support Programme. The impact of the National Framework has been tested throughout the policy development process in particular through the two consultations<sup>3</sup> and during the detailed National Framework Technical Group meetings.

In relation to children's rights, this group included key representatives of children's services including commissioners of children's services and representation from the Children's Commissioning Consortium Cymru and National Commissioning Board. Further the suggestions and issues raised in the detailed consultation responses received from the following stakeholders in relation to the upholding and realisation of children's rights were given particular priority consideration in terms of how the draft Code, consulted on in 2023, should be amended to deliver its aims and support and promote and achieve as much of a positive impact as possible on children's rights:

- The Children's Commissioning Consortium Cymru (4Cs)
- Social Care Wales
- Equality and Human Rights Commission
- The Children's Commissioner for Wales,
- Barnardo's Cymru
- Children in Wales
- NSPCC

### **Consultation findings on impact**

The summary of response report provides a detailed summary of the consultation responses. There were a number of key themes raised by respondents including barriers that may inhibit or prevent the aims and objectives of the Framework to be delivered. These include challenges relating to funding and resources, workforce and

---

<sup>2</sup> <https://www.gov.wales/improving-social-care-arrangements-and-partnership-working>

implementation. However whilst respondents emphasised the critical importance of the successful implementation of the Code as a key factor in the delivery of its aims and objectives as well as postulating to what extent the Framework would deliver its aims and how much of a positive impact the code would have including on rebalancing care and support and the upholding and realisation of rights they did not raise any particular or significant negative impacts on persons with protected characteristics. .

Similarly whilst detailed discussions on the technical details of the Framework were held at the National Framework Technical Group and sub-group on Equalities and Welsh Language meetings including on the impact on children's services the group generally concluded that the Framework would have a positive impact as intended. In particular the group noted the complexity and challenge of the current transformation of children's services and how over the medium to long term the Framework will need to adapt and change with those developments in the provider market to ensure it has the greatest positive impact.

Commissioning practices work to ensure that care and support services which at the most fundamental level are designed and delivered to protect and safeguard people including those with protected characteristics and children and young people including from abuse, neglect, discrimination, exploitation and other forms of harm.

Placing people at the centre of service design is intended to empower them to make decisions about their lives. Further the Code requires statutory partners to co-evaluate care and support services with people and so further ensure their voices are heard by enabling any concerns or grievances to be raised and resolved.

Through its aims to rebalance care and support the National Framework Code will help to further realise the aims of the Act i.e. to place persons at the centre of service design, to give them a voice and choice in how the needs that are important to them are met to improve well-being. Therefore we expect the National Framework Code to have a positive impact on persons including those with protected characteristics on the basis that it will bring about consistency in commissioning practices and therefore the aim of improving quality of care and support services.

Under the Social Services and Wellbeing Act 2014, there is a requirement that population needs assessments are undertaken and area plans are published setting out how they meet the needs of particular priority groups including children and young people. The National Framework's overall objectives align with the Part 2 Code (General Functions) and [Part 9 Statutory Guidance on partnership](#)<sup>4</sup> which helps statutory partners to deliver these assessments and therefore the National Framework can be said to directly impact on children and young people.

The Public Sector Equality Duty contained in section 149 of the Equality Act 2010 requires all public authorities to have due regard to protected characteristics when exercising their functions. The Part 2 Code requires local authorities and health boards to undertake an Equality Impact Assessment as part of the process of undertaking a population assessment, which must include impact assessments on; Age, Disability, Gender

---

<sup>4</sup> <https://www.gov.wales/partnership-arrangements-care-and-support-guidance>

Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Beliefs, Sex and Sexual Orientation.

Standard 3: Using data to deliver outcomes in the Framework aligns and supports this. It requires statutory partners to “collate relevant and accurate quantitative and qualitative data including current and future trends to ensure that commissioning is based on meaningful data and ensure there is sufficient analytical capacity and capability to inform robust commissioning planning”. Further this standard requires the characteristics of people using services and who may need services in the future including cultural and language needs to be taken into account and for commissioning and resourcing decisions to be based on evidence of population need including projected future demand and demographics including by protected characteristics. This information will help to ensure the Framework can support and promote the rights of people with protected characteristics and to help meet their specific needs.

As set out in the Code care and support services are important for the promotion and fulfilment of equality and human rights and one of the aims of commissioning is to secure people’s rights to be able to express their views, wishes and feelings, to participate in decisions and to be supported through advocacy to enable them to do so. Because commissioning is how statutory partners go about undertaking their duties under the Act including to have regard to the UNCRC commissioning is already underpinned by rights.

The Code aims to strengthen this in the context of commissioning and the principles and standards have been developed to help ensure that statutory partners can help realise people’s rights and improve their well-being outcomes. By requiring statutory partners to embed these principles into their commissioning practices and deliver and uphold these standards we expect the National Framework to have a positive impact on people with protected characteristics particularly with their voice and control by ensuring statutory partners develop accessible ways for people to be at the centre of the design, delivery and evaluation of care and support services based on ‘what matters’ to them.

The National Framework contains the following principle for the commissioning of care and support:

**‘Value is “what matters”:** Value is more than cost; it is good quality, safe, care and support that delivers outcomes that matter to people and enhances social value. Public value is derived from meeting all legal, procurement and regulatory responsibilities including, equalities, human rights, economic, social, technical and environmental considerations.’

The intention of this principle is that statutory partners to procure services not just based on cost but to take into consideration wider elements (and the other principles and standards) it will help to support the promotion of equalities and human rights including children’s rights and those with protected characteristics.

The Code also contains the following principle for the commissioning of care and support:

**‘Plan for current need and future generations:** Commissioning for better outcomes is a medium to long term activity; planning requires forecasting, and delivery should focus on prevention (see section 15 of the Act) and sustainability (including carbon commitments).’

The intention of this principle is that by requiring commissioners to have a better understanding of future demand will help to support people's rights by making sure the right services are in place for future demand including the demand for persons with protected characteristics. Getting the provision of care and support services right for people should have the intended benefit of preventing future need for services.

Similarly several of the standards in the Framework aim to support and promote people's rights including:

- **Standard 1: Embed the values and principles of the Act into all commissioning activities** by supporting the aims of the Act is expected to have a positive impact on the promotion and realisation of fulfilling people's rights including those with protected characteristics. The Code reiterates the importance of understanding population needs through population needs assessments (PNAs) and aligns with the codes which give specific and comprehensive guidance on PNAs which collectively are intended to promote people's rights.
- **Standard 2: Secure sufficient skills, resources and capacity** has a focus on preventative support services. Prevention is a care aspect of upholding children's rights. Reducing the future need for care and support directly contributes to the principles of keeping children safe and healthy.
- **Standard 4: Selecting services** relates to decisions on delivering services in-house or through external providers. It builds on standard 3 as if partners can identify need then they are, under standard 4, better placed to procure the right service which includes supporting the use of third sector provision which has been demonstrated to have a positive impact as it directly links into the 'what matters' principle and can offer more agile and varied services which in turn means people's needs can be met. Meeting people's needs (and by proxy their rights) and delivering what matters is dependent on partners having a range of services to call on and this includes the importance of the third sector and the particular benefits that can bring. This tends to work well in areas of prevention and early intervention which if the intended aims are realised will directly impact positively on children's rights.
- **Standard 5: Measuring Value** requires statutory partners to consistently measure 'value' based on quality and people's experiences and outcomes from services in addition to the "exercising of rights". The intention of this standard is that statutory partners have a statutory duty (alongside their existing duties under other key equalities legislation) to consider specifically in the context of commissioning how people's rights are being realised.
- **Standard 10: Equalities and human rights** requires statutory partners to take a proactive approach to address inequalities and promotion and fulfilment of human rights. This standard specifically requires statutory partners when commissioning services relating to children, young people and families that to have regard to the UNCRC and United Nations Convention on the Rights of Persons with

Disabilities<sup>5</sup>(UNCRC). This is intended to strengthen the implementation of the UNCRC and UNCRC in Welsh legislation by building on and reinforcing the overarching duty in the Act to have regard to the UNCRC. Further standard 10 requires statutory partners to undertake Equalities Impact Assessments for commissioning and procurement exercises which is intended to help test that all the relevant equality duties are being delivered and give the evidence and data needed to make the necessary changes to commissioning practices where there are gaps or areas for improvement. Further Standard 10 in response to key stakeholder consultation responses has now been amended to include a requirement for statutory partners to have regard to:

- ‘THE RIGHT WAY - A Children’s Rights Approach for Social Care in Wales’ which is expected to have a very positive impact on the promotion and realisation of children’s rights given the detailed information it provides in terms of practical and operational ways in which children’s rights can be embedded in and applied to the provision of care and support; and
- the [Corporate Parenting Charter](#)<sup>6</sup> which is intended to further support ways in which care experienced children and young people to have the same opportunities in life as all children and young people in Wales to fulfil their full potential.

Finally Standard 10 requires statutory partners to find ways in which their statutory duties relating to equalities and human rights can be extended to providers through contracts and service specifications. This is an important way in which the framework can help drive the embedding and realisation of children’s rights thought out the entire care and support system. The Toolkit will play an important part in delivering this through the provision of equalities contract clauses that have been developed which commissioners should use within their contracts with providers.

The key to the Code having a meaningful impact on rights and equalities lies in its effective implementation. The toolkit which will be an online resource for commissioners and awareness and training sessions will therefore play a critical role in helping to ensure commissioners can effectively embed peoples rights into their commissioning practices which will also support the adherence to their duties in the UNCRC to tackle inequalities and fulfil human rights. The toolkit will have a range of resources for example guidance documents, good or notable practice examples and template contract clauses many of which will support the promotion and realisation of the rights of children and to support people with protected characteristics.

Whilst commissioners, under the existing equalities and human rights legislation, will already be embedding ways to support people’s rights into their practices the provisions in the Code and the guidance in the toolkit will help to support the delivery of these duties by contextualising what must be done specifically in relation to commissioning of care and support.

---

<sup>5</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>

<sup>6</sup> <https://www.gov.wales/corporate-parenting-charter>

The effectiveness of the National Framework will be evaluated to ensure it is delivering its objectives and having a positive impact on those who are receiving care and support. To help ensure its continued effectiveness the National Framework will be reviewed and amended as required every 2 years.

## **How will the proposal promote equality (Please see the general duties)?**

### **Part 2 Code of Practice**

The following elements of the revised Part 2 Code will particularly have a positive impact upon people with the protected characteristics:

#### Chapter 2 – population needs assessments

When preparing their population needs assessment report, local authorities must include the health and care and support needs of the following priority population groups:

- babies, children and young people
- older people
- disabled people
- people with long-term health conditions
- people with a learning disability
- people who are neurodivergent
- people with mental health needs, including those living with dementia
- people with sensory impairments
- carers who need support
- people who have experienced violence against women, domestic abuse and sexual violence
- people experiencing homelessness.

The revised Part 2 Code updates the current list of core themes, to emphasise that these are priority population groups, and to place a clearer emphasis on people rather than on conditions, in line with the social model of disability. Babies, those living with dementia, and people experiencing homelessness have been added to the list.

As well as identifying need for care and support, these reports must also include an assessment of the range and level of services that will need to be provided to meet those needs, including any gaps. The list of priority population groups is also included in the guidance on joint area plans, which will also be updated ahead of the next round of plans due in 2028.

Local authorities and health boards must engage with citizens in undertaking their population needs assessments. The Part 2 Code places a specific requirement to consider the views of those whose voices are seldom heard (this replaces the previous reference to those who are hard to reach or marginalised), including minority groups such as homeless people and travellers. Engagement should also reflect the diversity of people in the community including different levels of care and support needs. Special arrangements should also be put in place to engage directly and successfully with children.

The requirement for local authorities and health boards to undertake an Equality Impact Assessment (including assessment by protected characteristic) as part of their population needs assessments, has been retained.

#### Chapter 5 – engagement, voice and co-production

The requirements and guidelines on engagement and co-production have been moved into a dedicated chapter to give them more prominence in the revised Part 2 Code. They arise from the duty on local authorities, in section 16(1)(c) of the 2014 Act, to promote the involvement of ‘persons for whom care and support or preventative services are to be provided’ in the design and operation of that provision. These persons include many people with one or more protected characteristics – for example, disabled people, older people, and children and young people with complex needs or who are care-experienced. A key aim of the new chapter is to enable a greater range of people to be involved in co-producing services at all levels, not just in terms of their individual care packages – i.e. at all stages of the commissioning cycle, from planning and design, through to delivery, monitoring and evaluation.

Local authorities are required to adopt an approach to co-production which promotes equality, values diversity and supports inclusion. The Part 2 Code emphasises that co-production means seeing all people as assets and equal partners in designing and delivering services, and ensuring that people of all ages, backgrounds and ability are included and their voices heard. It reiterates that different approaches will be appropriate for different groups, and that innovative and creative ways will need to be found to bring seldom heard voices to the table.

The messages on engagement and co-production in the Code were considered by the Engagement and Voice Task and Finish Group prior to public consultation in the summer 2023. The Task and Finish Group included a range of stakeholders, including third sector and citizen voices. This group also worked on a substantial revision of the Part 9 Statutory Guidance on Partnership Arrangements, aimed at local authorities, health boards and the seven Regional Partnership Boards. That guidance has been strengthened to include the same key messages around engagement and co-production. (The Part 9 guidance will come into force by the end of 2024, and will have its own Integrated Impact Assessment.)

The consultation responses showed strong agreement with the requirements around co-production, but there was a strong feeling that what mattered was how this was implemented and whether local authorities (and their partners, including health boards) were adequately resourced for this. The Task and Finish Group found evidence of good practice in each region, and further consideration will be given to how best to promote and share this nationally.

### **National Framework**

The National Framework Code contains a number of principles and standards which commissioners must take into account when commissioning care and support services. The principles and standards include the following specific requirements in relation to equalities matters:

- through the commissioning process proactively work to address inequalities and promotion and fulfilment of human rights and statutory partners will need ensure that they are meeting the requirements of the Public Sector Equality Duty and regulation 18 of [The Equality Act 2010 \(Statutory Duties\) \(Wales\) Regulations 2011](https://www.legislation.gov.uk/wsi/2011/1064/made)<sup>7</sup>.

---

<sup>7</sup> <https://www.legislation.gov.uk/wsi/2011/1064/made>



- ensure when commissioning services relating to children, young people and families that they have regard to the United National Convention on the Rights of the Child<sup>8</sup> (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities<sup>9</sup> (UNCRPD) and and [United Nations Principles for Older Persons](#)<sup>10</sup>
- and have regard to A Children’s Rights Approach for Social Care in Wales as well as the Corporate Parenting Charter so that children and young people fulfil their potential and must ensure that the human rights of older people are protected.
- Ensure that through their contractual arrangements with providers ensure that providers of services are working in line with the commissioners statutory duties relating to equalities and human rights.
- Develop Equalities Impact Assessments in relation to any commissioning and procurement that they undertake.

### **The Strategic Equality Plan 2024 to 2028**

A consultation on the ***Strategic Equality Plan 2024 to 2028: proposed principles of approach and objectives*** (“the Plan”) ended in February 2024. Publication of the Plan is a legal duty under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 and it provides an opportunity to work with stakeholders to resolve some of the deep-rooted and systemic issues that can adversely impact people with protected characteristics. The Plan is comprised of three broad “Principles of Approach” that will apply to a set of 7 **national equality objectives** for the next 4 years and supporting actions to drive forward the commitments in the distinct action plans and policies across Welsh Government which will help us work to achieve our **longer-term aim to create a Wales based on equity, non-discrimination, and inclusion** and the National Equality Objectives. The principles of approach are:

1. Mainstreaming equality in the design and delivery of Welsh Government interventions and policy development
2. Delivering an intersectional approach to policy development and delivery
3. Addressing the gap between intention and deliver

The consultation proposed that our overall Long-term Aim and National Equality Objectives are framed under the following 7 thematic areas reflecting the 6 domains of the Equality and Human Rights Commission ***Is Wales Fairer? (2018)***: education, health, living standards, justice and security, work and participation in politics and public life with the addition of Environment. The National Equality Objectives should ideally be linked to all but at least one of these thematic areas.

The consultation document for the Plan refers to the requirement for Welsh Government to carry out meaningful Equality Impact Assessments (EqIA) which is part of our aim to embedding mainstreaming equality across the organisation. This aims to ensure that our policies and interventions meet the diverse needs of people across Wales, remove barriers and support people to flourish and reach their full potential. The doc states the EqIA should “show stakeholders and service users how the intervention is clearly reflected in

---

<sup>8</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

<sup>9</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>

<sup>10</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-principles-older-persons>

processes and actions, and improve access, participation, inclusion and quality of life for people and communities across Wales”. Further the Plan refers to the importance of ensuring Welsh Government strategies deliver “actions with meaningful impacts for the people of Wales” and to do this, policy design processes need to address the “implementation gap” i.e. “the gap between what a strategy or plan intends to deliver and the actual experiences of those waiting for the impact of actions to reach them”.

### **National Framework links to the Plan**

In relation to the Framework and the care and support sector, it is the implementation gap that exists between the aims of the Act and peoples experiences and outcomes from care and support services across Wales that formed the fundamental basis for the case for change set out in the Rebalancing Care and Support White Paper.

The “implementation gap” sits at the level of the Act which is the fundamental policy driver and basis for the delivery of care and support in Wales. The National Framework like the other Codes of Practice made under the Act seeks to address that identified gap. However, it is recognised that there will also be potential implementation gaps in the Codes themselves. To tackle this we have consulted on the Code and made the amendments we believe are necessary to reduce the gap and maximise the intended positive impact and aims of the Code.

We will then test and measure this throughout the implementation and monitoring period and use the 2-year review of the Code to amend and adapt the Framework as necessary. Further the toolkit will enable additional targeted support to be in put in place on a live basis to help commissioners deliver the Code, reduce the gap and maximise outcomes.

The consultation on the National Framework clearly indicated that one of the key challenges would be in the implementation. The key challenges raised include workforce, funding and resources, commissioners’ skills, capacity and experiences and effective integration and collaboration between local authorities and health boards. This assessment has concluded that those barriers exist outside of the scope of the National Framework and are part of the wider and collective programmes and policies on care and support that are being developed, implemented, and currently reviewed and evaluated. The Code has been amended in light of the consultation responses in areas where it was felt that additions or amendments could improve the effectiveness of the provisions but it was concluded that many of the potential issues would fall to the implementation and to this end between the approval of the Code and its coming into force date in September 2024 a programme of awareness and training will be put in place and thereafter there will be continued support available to support commissioners as part of the functions of the National Office for Care and Support.

The consultation document notes the research commissioned by Welsh Government to examine options to strengthen and advance equality and human rights taking into account the legal and policy framework in Wales. The resulting ‘[Strengthening and Advancing Equality and Human Rights<sup>11</sup>](#)’ report highlighted the strong inter-relationship between equality and human rights and a need to establish connections and clear objectives for

---

<sup>11</sup> <https://www.gov.wales/strengthening-and-advancing-equality-and-human-rights-wales>

action on equality. In response to the report WG identified the following 5 main areas of Welsh Government action:

1. preparatory legislative work;
2. guidance;
3. a review of the Public Sector Equality Duty;
4. incorporation of human rights into impact assessment ;
5. and raising awareness of human rights.

The National Framework supports this approach with its legislative provisions including a specific standard (no. 10) on equalities and human rights. Through this and the leadership approach of the National Office equalities and human rights will be central to the provision of care and support. The Framework provisions relating to equalities and human rights as covered in this EIA can be seen to raise awareness of human rights and this will be built upon in the training and awareness raising session that will be provided for commissioners.

Further, Welsh Government, in collaboration with the Human Rights Advisory Group and the Legislative Options Working Group is carrying out preparatory work to fulfil our Programme for Government 2021 to 2026 commitment to incorporate the UN Convention on the Rights of Disabled People and the Convention on the Elimination of Discrimination Against Women into Welsh law. The National Framework can be seen to contribute to and support this with its provisions relating to statutory partners having to have regard to the UNCPRD throughout all aspects of commissioning which is intrinsically set out in the Act but specified in the context of commissioning in the Code.

The National Framework will support the National Equality Objectives 2 and 3 as set out in the table below:

<b>National Equality Objective</b>	<b>National Framework support</b>
<p><b>National equality objective 2:</b> We will create a Wales where everyone can be aware of their human rights, where they are protected, promoted, and underpin all public policy.</p> <p>To help achieve this, we will aim to:</p> <ul style="list-style-type: none"> <li>• identify and utilise all levers possible to protect, strengthen and advance equality and human rights in Wales</li> <li>• work to ensure that people are aware of their rights and know where to find appropriate intersectional advice and support</li> <li>• work to ensure that human rights considerations are embedded in all policy and strategic planning across Welsh Government and encourage a similar approach across our public sector partners</li> </ul>	<p>Through its provisions to promote and raise awareness of human rights and the embedding of rights and equalities in its principles and standards.</p>
<p><b>National equality objective 3:</b> We will create a Wales where everyone can be aware of and has equitable access to high</p>	<p>As in the Act – the lived experiences, rights, wants and aspirations of people in need or receiving care and support services are placed central to and</p>

<p>quality public services. To help achieve this, we will aim to:</p> <ul style="list-style-type: none"> <li>• work to ensure that the lived experience, rights, wants and aspirations of service users, are at the heart of all Welsh public service design and delivery</li> <li>• adopt an approach based on the measuring of the impacts and outcomes of the services experienced by the people of Wales</li> <li>• address the policy implementation gap by improving delivery and removing the barriers which prevent people from accessing and benefitting from public services. This will include all Welsh public services</li> <li>• work to ensure discriminatory attitudes are tackled in the public service system, including education and workplaces</li> </ul>	<p>throughout all aspects of commissioning. The Code contains provisions (e.g. Standard 5: Measuring Value) which requires the impact including value based on quality and people’s experiences and outcomes to be measured including on the exercising of rights. As set out above the Code aims to help close the implementation gap of the Act’s aims and peoples experiences of and outcomes from care and support services as identified in the White Paper.</p>
--	---

### The Well-being of Future Generations Act

Equality and Human Rights are at the centre of Welsh Government policy making which is evidenced most clearly in the Well-being of Future Generations (Wales) Act 2015 which contains the goal for a more equal Wales. The aim to ensure a more equal Wales, equity of access to services, tackling inequality and seeking fairer outcomes for citizens, now and for future generations is embedded in the design of the Act. The Act aligns fully to Welsh Government’s overall national aims to support groups and individuals with protected characteristics that remain at greatest risk of unequal life outcomes as a result of the discrimination and unfair treatment they can experience.

The [Well-being of Future Generations \(Wales\) Act 2015](#) sets out a duty to carry out sustainable development with a view to improving the economic, social, environmental and cultural well-being of Wales. It contains seven well-being goals to make Wales a prosperous, resilient, healthier, more equal and globally responsible country with cohesive communities, a vibrant culture and a thriving Welsh language. These well-being goals are indivisible from each other and explain what is meant by the well-being of Wales. Through its aims to provide care and support services that meet people’s needs and support them to achieve their well-being goals the Framework contributes to all of the well-being goals but particularly:

- a **healthier Wales** by improving the integration with health services and by supporting the Act to enable people's well-being outcomes to be delivered;
- a **more equal Wales** by ensuring consistency in the commissioning of care and support and by reinforcing the principles of the Act and rights the Framework (by supporting the aims of the Act) will help to develop a society that enables people to fulfil their potential no matter what their background or circumstances including their socio-economic background and circumstances including if they have protected characteristics;
- a **Wales of cohesive communities** by helping to support commissioners to understand and utilise community assets, to help care and support services to

engage with local communities to bring about reciprocal benefits and to support community resilience and resourcefulness, to enable people to live well, closer to home through prevention, choice, well-being, and independence and (through standard 2) secure sufficient skills, resources and capacity to help statutory partners ensure that sufficient resources are in place to nurture community resilience, investing in community led groups, activities and services;

- a **Wales of vibrant culture and thriving Welsh language** with its provisions relating to supporting Welsh speakers to receive care and support services in Welsh; and

The Sustainable Development principle and its five ways of working can be seen to be clearly embedded in the Framework itself, in the process of developing it and in the plan for its implementation and monitoring including through **Standard 1: Embed the values and principles of the Act into all commissioning activities which requires statutory partners to demonstrate the values and principles of the Act and the Well-being of Future Generations (Wales) Act 2015**, through achieving well-being outcomes; coproduction with the individual's voice and control central to commissioning for 'person' or 'patient' centred wellbeing outcomes; collaboration; early intervention and prevention; and long-term planning, adding value (social, economic and environmental) as well as through Principle 6: Plan for current need and future generations: Commissioning for better outcomes is a medium to long term activity; planning requires forecasting, and delivery should focus on prevention (see section 15 of the Act) and sustainability (including carbon commitments).

### **1.1. How have you/will you use the information you have obtained from research to identify impacts?**

#### **National Framework / National Office**

We have used a wealth of evidence including from the 2023 consultation to identify impacts and to shape and inform the development of the National Framework and the proposed function, intent and aims of the National Office. This evidence includes:

- a) Analysis of the social care market and commissioning of care and support services that was carried out to inform the [Rebalancing Care and Support White Paper](#)<sup>12</sup>.
- b) The [consultation](#)<sup>13</sup> on the Rebalancing Care and Support White Paper.
- c) The [evaluation](#)<sup>14</sup> of the [Social Services and Well-Being \(Wales\) Act 2014](#)<sup>15</sup> (“the Act”).
- d) Members of the National Framework Technical Group which included broad representation from a range of internal and external stakeholders including in relation to children’s rights: Social Care Wales; ADSS Cymru; Local authorities; Independent Children’s Homes Association; Children’s Commissioning Consortium Cymru (4Cs); Health Boards; National Commissioning Board; National Provider Forum; The Fostering Network; National Collaborative Commissioning Unit (NCCU); Care Inspectorate Wales; CWMPAS; Equality and Human Rights Commission and Care

---

<sup>12</sup> <https://www.gov.wales/sites/default/files/consultations/2021-01/consultation-document.pdf>

<sup>13</sup> <https://www.gov.wales/improving-social-care-arrangements-and-partnership-working>

<sup>14</sup> <https://www.gov.wales/evaluation-social-services-and-well-being-wales-act-2014>

<sup>15</sup> <https://www.legislation.gov.uk/anaw/2014/4>

Forum Wales. Members were expected to consider critical dependencies, the wider Programme for Government commitments and the Co-operation Agreement when providing advice and final recommendations on the National Framework. The critical dependencies identified were:

- Eliminate private profit from the care of looked after children programme board;
  - Transforming Children's Social Care Oversight Board;
  - Social Care Fair Work Forum;
  - Social Partnership & Public Procurement (Wales) Bill;
  - UK GOV Public Procurement Bill;
  - Regional Task and Finish Groups; and
  - Funded Nursing Care and Continuing Health Care policy reviews (including the relationship with direct payments).
  - Engagement with policy officials leading on the Removing profit from the care of children programme.
- e) members of the National Office Steering Group which included broad representation from a range of internal and external stakeholders including:
- Chief Social Care Office for Wales, Welsh Government
  - Deputy Director of Futures and Integration, Welsh Government
  - National Office policy leads, Welsh Government
  - NHS Executive programme
  - Director of Planning, Welsh Government
  - Director of Transformation (Children's and Adult Social Care Services), Welsh Government
  - Care Inspectorate Wales
  - ADSS Cymru
  - WLGA
  - Welsh NHS Confederation
  - Social Care Wales
  - National Commissioning Board (Executive Board)
  - Care Forum Wales
  - CEO Solace
- f) Commissioning survey report: ADSS Cymru Business Unit invited every local authority and local health board in Wales to complete a survey on their commission and procurement arrangements. The survey sought to capture information including, where relevant, real-life examples of what is currently working well; what could be expanded, replicated or reduced and barriers to preventing good commissioning (including planning, procurement and contract management). It also sought to find out significant issues or problems related to commissioning of care that may become important over the coming years and the procurement processes currently being used. In relation to children's rights responses were received from children's social services departments.
- g) [Towards a National Care and Support Service for Wales](#)<sup>16</sup> - Report of the Expert Group
- h) The 2023 Rebalancing Care and Support Programme consultation events which included an online engagement event on 28 June and an in-person event on 11 July

---

<sup>16</sup> <https://www.gov.wales/establishing-national-care-and-support-service>

both of which were attended by a wide range of representatives from local government, NHS, third sector and independent sector organisations. Throughout the consultation officials also held meetings with Community Housing Cymru attended by key housing stakeholders and Age Cymru attended by members of their consultative forum and national older people's groups.

- i) The 2023 [Rebalancing Care and Support Programme consultation](#)<sup>17</sup> responses. A total of 96 responses were received the consultation from a wide range of organisations and individuals with the largest group categorised as coming from the Third/Voluntary sector. Responses were received from local government organisations, NHS bodies, all 7 Regional Partnership Boards, social care providers, representative bodies representing providers, other professional representative bodies, statutory commissioners, independent statutory bodies, trade unions, individuals and academic organisations. Detailed and comprehensive responses from social care providers, The Childrens Commissioning Consortium Cymru (4Cs), Social Care Wales, Equality and Human Rights Commission, The Children's Commissioner for Wales, Barnardo's Cymru, Children in Wales and NSPCC were particularly helpful in relation to considering the impact of the National Framework on children's care and support services and children's rights.
- j) The Children's Commissioner for Wales guidance:
  - [THE RIGHT WAY - A Children's Rights Approach in Wales – A Children's Rights Approach is a principled and practical framework for working with children, grounded in the UN Convention on the Rights of the Child](#)<sup>18</sup>; **and**
  - [THE RIGHT WAY - A Children's Rights Approach for Social Care in Wales – A Children's Rights Approach is a principled and practical framework for working with children, grounded in the UN Convention on the Rights of the Child](#)<sup>19</sup>

To fully consider the impact of the National Framework on equalities and human rights we established a sub-group of the National Framework Technical Group to consider the specific policy implications of the Framework on equalities and Welsh language. This group included representatives from the Equalities and Human Rights Commission (EHRC) who proactively helped to develop the National Framework policy. Further, representatives from EHRC were part of a small writing group who helped draft the Code that was consulted in 2023. Their direct contributions and drafting helped to ensure the Framework will promote equalities and human rights.

### **What are the possible negative impacts on people in protected groups and those living in low-income households and how will you mitigate for these?**

Based on this evidence we do not expect there to be any negative impacts on people in protected groups and those living in low-income households as the National Framework and Part 2 Code of Practice both build upon the vision and ambition of the 2014 Act – i.e. to provide care and support services to those in need to improve well-being.

---

<sup>17</sup> <https://www.gov.wales/rebalancing-care-and-support-programme>

<sup>18</sup> <https://www.childcomwales.org.uk/wp-content/uploads/2024/02/202402-Childrens-Commissioner-for-Wales-Right-Way-English.pdf>

<sup>19</sup> <https://www.childcomwales.org.uk/wp-content/uploads/2024/02/202402-Childrens-Commissioner-for-Wales-Right-Way-Social-Care-English.pdf>

## **What if any, barriers do people who share protected characteristics face? Can these barriers be reduced, removed, mitigated?**

There were no specific barriers raised in the 2023 consultation in relation to persons with protected characteristics. However, in relation to the age protected characteristic - an easy Read version of the 2023 Rebalancing Care and Support consultation document was published to enable a wide range of responses to be provided to the consultation. Further several organisations including the All-Wales forum of parents and carers, Children in Wales, Barnardo's Cymru, local authority children's services, NSPCC and the Children's Commissioning Consortium Cymru (4C's) submitted a response to the 2023 consultation which helped to ensure the views, thoughts and feelings of the children and young people that they champion and represent were included and considered in the consultation. These consultation responses were considered and played a critical part in the drafting of the final version of the National Framework and in our considerations on the its impact including on equalities and persons with protected characteristics.

## **How will you know if your piece of work is a success?**

### **National Framework**

The National Office for Care and Support will have a key role in the implementation and ongoing monitoring and evaluation of the National Framework as well as being responsible for ensuring that the National Framework is reviewed every 2 years. The National office will continue to engage with the EHRC to ensure that the National Framework is being effective in ensuring that commissioning practices are promoting and improving equalities and human rights matters.

The National Office will have a role to engage with the social care sector and people who receive services which will enable people who receive services to have input into the work of the National Office. As part of its function the National Office will also have a role to support commissioners to work in line with the principles and standards and to keep up to date the national toolkit of resources.

There are various sources of intelligence which will help the Welsh Government to review whether the National Framework Code of practice and revisions to the Part 2 Code are supporting local authorities in fulfilling their general duties under the Act. These are set out in the [Explanatory Memorandum](#)<sup>20</sup>. In line with established good practice on secondary legislation, the Welsh Government will undertake a review of how the revised Part 2 Code is being implemented in three years' time (by June 2027).

The reviewing of the effectiveness of the National Framework will include an on-going assessment of testing whether the conclusions that have been made on the expected impact were correct. This EIA and the other relevant impact assessments will be revised and updated accordingly in line with this monitoring and an updated version will be published at a minimum every 2 years in line with when the Code is considered for amendments.

## **Have you developed an outcomes framework to measure impact?**

---

<sup>20</sup> <https://senedd.wales/media/2tdl5mxr/sub-ld16416-em-e.pdf>



At the time of the laying of the Code, the implementation, monitoring and evaluation mechanisms and functions of the National Office are still in development however existing reporting mechanisms and outcome frameworks will be helpful to test impacts of the Framework and measure how successful it is in achieving its aims. The directors of social services annual report for instance on the exercise of local authority's social services functions now needs to include evidence of how the standards and principles in the National Framework are contributing to meeting the needs of people receiving care and support from social services and improving well-being outcomes. Further, Welsh Government will be working co-productively with the EHRC on how the Toolkit can specifically support statutory partners to assess and ensure they are meeting their equalities duties and uphold rights.

## Record of Impacts by protected characteristic

This section shows the expected impact the National Framework and Part 2 Code of Practice will have both positive or negative on some of the protected groups under the Equality Act 2010. The National Framework aims to improve the way in which commissioning can contribute to how the provision of care and support can be delivered in line with the aims and principles of the Act to improve people's well-being outcomes. Where, Therefore the National Framework should have a general positive impact on persons with protected characteristics who have a care and support need arising from or related to their protected characteristic/s by helping to improve the way care and support is commissioned and help further realise the aims of the Act to meet peoples wellbeing needs and desired outcomes.

### National Framework

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
Age (think about different age groups)	<p>The National Framework should help to have a positive impact on persons services of all ages in need of or in receipt of care and support by improving the consistency of the commissioning of care and support services.</p> <p>The National Framework aims to improve the way in which commissioning can contribute to how the provision of care and support can be delivered in line with the aims and principles of the Act to improve peoples well-being outcomes. Therefore improving commissioning should help to ensure that care and support services accommodate the specific needs of different age groups, such as children, young people and older persons.</p>	<p>Evidence from stakeholders that the Social Services and Well-Being (Wales) Act 2014 when implemented effectively does lead to improved well-being outcomes. Therefore it is expected that the Frameworks aims to improve the consistency and reduce the complexity of the commissioning of care and support should help to further enable the aims of the Act to be delivered and realised.</p>	<p>The National Office for Care and Support will monitor and evaluate the effectiveness of the Framework in achieving its aims and to see how through its implementation that vulnerable groups including children and young people and older persons are being impacted</p>

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
	<p>Older persons: The Framework should have a positive beneficial impact on Older people by improving the commissioning of care homes, domiciliary care and community based care and support services.</p> <p>Children and young people: The National Framework is expected to have a positive impact on the following groups of children and young people; children and young people in need of or receipt of care and support; child or young person carers; disabled children and young people, children and young people living in poverty; Welsh-language speakers and LGBTQ+ children and young people. The National Framework sets national principles and standards which will ensure that commissioning practices across Wales become more consistent and by meeting the principles and standards set will ultimately improve the outcomes for children and young people. The Framework should have a positive beneficial impact on children and young people by improving the commissioning of care and support services. This will include the commissioning of children’s care homes.</p> <p>No negative impacts have been identified.</p>		by the changes it will bring about.
Disability (consider the social model of	No specific impact has been identified as the provision of care and support is an equitable right for all persons regardless of whether they are disabled or not.		Not applicable, as the impacts on disabled people are

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
disability <sup>21</sup> and the way in which your proposal could inadvertently cause, or could be used to proactively remove, the barriers that disable people with different types of impairments)	Therefore the expected positive impact of the Framework on the consistency of commissioning care and support services and the resulting positive impact on people's well-being outcomes means that the Framework is expected to have a positive impact on all persons in need of or receiving care and support including disabled persons.		considered to be positive if properly implemented.
Gender Reassignment (the act of transitioning and Transgender people)	No specific impact has been identified as the provision of care and support is an equitable right for all persons. Therefore the expected positive impact of the Framework on the consistency of commissioning care and support services and the resulting positive impact on people's well-being outcomes means that the Framework is expected to have a positive impact on all persons in need of or receiving care and support		Not applicable, as no specific impacts have been identified.  impacts are considered to be positive.

---

<sup>21</sup> Welsh Government uses the social model of disability. We understand that disabled people are not disabled by their impairments but by barriers that they encounter in society. Ensuring that your proposal removes barriers, rather than creating them, is the best way to improve equality for disabled people. For more information, go to the intranet and search 'social model'.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
	including those planning to or going through gender reassignment.		
Pregnancy and maternity	No specific impact has been identified as the provision of care and support is an equitable right for all persons. Therefore the expected positive impact of the Framework on the consistency of commissioning care and support services and the resulting positive impact on people's well-being outcomes means that the Framework is expected to have a positive impact on all persons in need of or receiving care and support including pregnant women and women on maternity.		Not applicable, as no specific impacts have been identified.
Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)	No specific impact has been identified as the provision of care and support is an equitable right for all persons regardless of their race. Therefore the expected positive impact of the Framework on the consistency of commissioning care and support services and the resulting positive impact on people's well-being outcomes means that the Framework is expected to have a positive impact on all persons in need of or receiving care and support regardless of their race and including all ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees.		Not applicable, as no specific impacts have been identified.
Religion, belief and non-belief	The Frameworks overall aim to improve people's well-being outcomes in line with what matters by having regard to their characteristics, culture and beliefs is expected to have a positive impact.		Not applicable, as the impact is considered to be positive.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
Sex / Gender	<p>No specific impact has been identified as the provision of care and support is an equitable right for all persons regardless of their sex/gender. Therefore the expected positive impact of the Framework on the consistency of commissioning care and support services and the resulting positive impact on peoples well-being outcomes means that the Framework is expected to have a positive impact on all persons in need of or receiving care and support regardless of their sex/gender.</p> <p>The Framework also contains provisions to ensure services are co-designed with service users which should have a beneficial on impact on all groups of citizens including the LGBTQ+ community,.</p>		Not applicable, as no specific impacts have been identified.
Sexual orientation (Lesbian, Gay and Bisexual)	<p>No specific impact has been identified as the provision of care and support is an equitable right for all persons regardless of their sexual orientation. However the expected positive impact of the Framework on the consistency of commissioning care and support services and the resulting positive impact on people's well-being outcomes means that the Framework is expected to have a positive impact including on all persons in need of or receiving care and support regardless of their sexual orientation.</p> <p>The Framework also contains provisions to ensure services are co-designed with service users which</p>		Not applicable, as no specific impacts have been identified.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
	should have a beneficial on impact on all groups of citizens including the LGBTQ+ community.		
Marriage and civil partnership	No specific impact has been identified as the provision of care and support is an equitable right for all persons regardless of their relationship status. However, we would expect that by contributing to the consistency of the commissioning of care and support and the intended positive impact on people's well-being outcomes that this would have a beneficial impact on all areas of their life.		Not applicable, as no specific impacts have been identified.
Children and young people up to the age of 18	<p>The impact on children and young people has been considered in the Annex A - Children's Rights Impact Assessment.</p> <p>We have worked with representatives from the 4Cs to help ensure the Framework helps to support the promotion of children's rights.</p>		
Low-income households	No specific positive or negative impacts on low-income households have been identified.		Not applicable, as no specific impacts have been identified.

## Part 2 Code of Practice

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
Age (think about different age groups)	<p>The requirements and guidelines in the revised Part 2 Code apply to all individuals who need care and support, and all carers who need support, across all age groups within the population. In so far as they identify need and contribute to the planning and delivery of the appropriate range and level of care and support and preventative services, they will have a beneficial and positive impact upon people of all ages.</p> <p>Chapter 1 of the Part 2 Code sets out the well-being and overarching duties in the 2014 Act. These include the duty to have due regard to the United Nations Principles for Older Persons and the United Nations Convention on the Rights of the Child (including the meaning of having 'due regard'). (The UN Principles and the UNCRC are also referred to in Chapter 2 on population needs assessments, where local authorities and health</p>	<p>The population needs assessment report must include an assessment of the need for care and support and preventative services over a five-year period, and the range and level of services that will be needed to meet those needs, including any gaps in provision. The Part 2 Code recognises that certain population groups will have particular needs for care and support (including preventative and early intervention services), and must therefore be treated as priority population groups for the purposes of this assessment. The list of priority population groups is also used when undertaking assessments of the sufficiency of care and support and the stability of the market for regulated services (which form the basis for regional market stability reports), and when drawing up the joint area plans.</p>	<p>Not applicable, as the impact is considered to be beneficial.</p>



Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
	<p>boards must prepare an Equality Impact Assessment.)</p> <p>Retaining <b>older people</b> on the list of priority population groups whose health, care and support needs must be considered as part of the population needs assessment should have a positive impact upon people with this protected characteristic who need (or may in future need) are and support.</p> <p><b>Babies, children and young people</b> are also a priority population group in the same way. Babies have been specifically added to the list for the first time, in recognition of their particular needs.</p>		
<p><b>Disability</b> (consider the social model of</p>	<p>Disabled people are a major beneficiary of care and support, and this is reflected fully throughout the Part 2 Code.</p>	<p>It is recognised, in Chapter 1 of the Part 2 Code, that care and support can contribute to the removal of the barriers that individuals face in achieving their personal well-being outcomes, in line with the social model of disability. Also, when exercising social services functions in relation to disabled people who need care and support and disabled carers who need support, local authorities must have due regard to the United Nations Convention on the Rights of Disabled People, in particular Article 19. Also</p>	<p>Not applicable, as the impacts on disabled people are considered to be positive if properly implemented.</p>

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
disability <sup>22</sup> and the way in which your proposal could inadvertently cause, or could be used to proactively remove, the barriers that disable people with different types of impairments)		<p>referenced is the Welsh Government's Action on Independent Living Framework which expresses the rights of disabled people to participate fully in all aspects of life.</p> <p>Minimising the effect on disabled people of their impairment and/ or chronic conditions is one of the purposes behind the provision of a range of integrated preventative and early intervention services, as set out in section 15 of the 2014 Act and Chapter 3 of the Part 2 Code. Particular attention should be given to ensuring the needs of disabled people are properly considered when planning for preventative and early intervention services in an area.</p> <p>Of particular importance is the list of priority population groups whose needs must be identified in the population needs assessment report (Chapter 2). Of the 10 groups, five cover groups of people who are or may be disabled:</p> <ul style="list-style-type: none"> <li>• or who have long-term health conditions</li> </ul>	

---

<sup>22</sup> Welsh Government uses the social model of disability. We understand that disabled people are not disabled by their impairments but by barriers that they encounter in society. Ensuring that your proposal removes barriers, rather than creating them, is the best way to improve equality for disabled people. For more information, go to the intranet and search 'social model'.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
		<ul style="list-style-type: none"> <li>• people with a learning disability</li> <li>• people who are neurodivergent</li> <li>• people with mental health needs, including those living with dementia</li> <li>• people with sensory impairments.</li> </ul> <p>In the revised Part 2 Code these population groups have been reworded to reflect the social model of disability and current best practice. A specific reference has been made to people who living with dementia.</p>	
<b>Gender Reassignment</b> (the act of transitioning and Transgender people)	The general functions in Part 2 of the Act apply to all individuals who need care and support and preventative services, with an emphasis on meeting personal well-being outcomes.	<p>The Act was designed around a ‘people’ model, focused on identifying individual needs and personal well-being outcomes well-being, and on supporting the individual to meet those objectives. This emphasis on individual well-being needs and outcomes should have a positive impact upon transgendered people and those who are transitioning.</p> <p>Transgendered people and those undergoing or waiting for gender reassignment have not been identified as a priority population group. Numbers are relatively small, and care and support needs (and personal outcomes) are likely to vary from person to person. The person-centred approach to care and support in the Act will be particularly important in these circumstances.</p>	Not applicable, as the impacts are considered to be positive.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
Pregnancy and maternity	The decision to specifically include of babies alongside children and young people in the list of priority population groups whose needs should be identified in the population assessment report should have a positive impact on care and support and preventative / early intervention services for women who are pregnant and on parents of newly born or very young children.		Not applicable, as the impacts are considered to be positive.
Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)	<p>The overarching duty to have regard to the characteristics, <u>culture</u> and beliefs of an individual is among the overarching duties arising from section 6(2)(c) of the 2014 Act, and is covered in Chapter 1 of the Part 2 Code. The impact of the general duties on people from different ethnic and cultural backgrounds is likely to be positive.</p> <p>Chapter 2 on population needs assessments places a specific requirement to consider the views of those whose voices are seldom heard, including minority groups such as homeless people and</p>	The promotion of social enterprise, co-operative, user-led and third sector approaches which are based within and are reflective of the local communities they serve should particularly have a positive impact in terms of designing and delivering services that reflect the racial, cultural and linguistic profile of those communities.	Not applicable, as the impacts are considered to be positive.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
	<p>travellers. It also stresses that engagement should reflect the diversity of people in the community.</p> <p>The aim of the new Chapter 5 on engagement, voice and co-production, should also ensure that a greater range of voices is heard and that care-experienced people from all communities are involved in co-producing care and support and preventative services.</p> <p>The rewritten section on 'social value' in Chapter 4 includes a discussion of how local authorities should be seeking to invest in models of care and support which deliver added social, economic, cultural and environmental value that goes above and beyond the delivery of great social care. There is a clearly articulated aim that all providers, from across all sectors, should be providing great social care and added value.</p>		
Religion, belief and non-belief	The overarching duty to have regard to the characteristics, culture and	The Act's focus on identifying and supporting people to meet their personal well-being outcomes should	Not applicable, as the impact is

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
	<u>beliefs</u> of an individual is among the overarching duties arising from section 6(2)(c) of the 2014 Act, and is covered in Chapter 1 of the Part 2 Code.	ensure that an individual's religious or other beliefs (and spiritual / well-being needs) are given proper consideration when care and support is provided.	considered to be positive.
Sex / Gender	The decision to include babies in the list of priority population groups whose needs must be identified in the population needs assessment reports may particularly benefit women who are pregnant or who are parenting very young children.  People who have experienced violence against women, domestic abuse and sexual violence are also included in the list of priority population groups.	The list of priority population groups set out in the Part 2 Code is also reflected in the guidance on market stability reports and joint area plans, so that a holistic approach is taken by local authorities, health boards and the Regional Partnership Boards.	Not applicable, as the impacts are considered to be positive.
<b>Sexual orientation</b> (Lesbian, Gay and Bisexual)	These proposals should impact positively on all individuals who need care and support or preventative services, with an emphasis on helping them achieve their personal well-being outcomes in line with the principles of the 2014 Act.	Implementation of the new Chapter 5 of the Part 2 Code should enable a greater range of voices to be heard, ensuring that those with lived experience of care and support can help shape the way services are designed and delivered. This includes the LGBTQ+ community.	Not applicable, as the impacts are considered to be positive.
Marriage and civil partnership	We have identified no specific impacts, positive or negative, on marriage or civil partnership. The		Not applicable.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
	emphasis on supporting individuals to achieve their well-being outcomes, and supporting those who care for them, should have a positive impact on their lives regardless of the nature or composition of those family or support networks.		
Children and young people up to the age of 18	The impacts of the revised Part 2 Code of Practice upon babies, children and young people have been considered in a separate Children's Rights Impact Assessment, which will be published alongside the revised Code.		
Low-income households	We have identified no specific positive or negative impacts on low-income households in relation to the Part 2 Code.		

## Human Rights and UN Conventions

Do you think that this policy will have a positive or negative impact on people's human rights? (Please refer to point 1.4 of the EIA Guidance for further information about Human Rights and the UN Conventions).

### National Framework

Human Rights	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative Impacts?
Children's rights	See <a href="#">CRIA</a> for the Rebalancing Programme <sup>23</sup>	-	-
	<p>The Code contains a number of provisions to support and promote human rights – we therefore think the national Framework will have a positive impact on human rights. These provisions include:</p> <ul style="list-style-type: none"> <li>• For commissioning to be underpinned by the core values of the Act: voice and control, prevention and early intervention, well-being, co-production, multi-agency;</li> <li>• For commissioning to have due regard to duties relating to the United National Convention on the Rights of the Child (UNCRC), United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and United Nations Principles for Older Persons;</li> <li>• A specific principle for commissioning on Value is "what matters": Value is</li> </ul>	<p>The evidence set out in 1.2 has indicated that if implemented the Codes provisions are likely to have a positive impact on human rights given that it contains specific provisions on supporting and promoting human rights and aligns with and is designed to further realise the aims of the Act which are ultimately about meeting peoples needs and upholding rights to live a full life.</p>	<p>Not applicable as no specific negative impacts have been identified.</p>

<sup>23</sup> <https://www.gov.wales/rebalancing-care-and-support-programme-childrens-rights-impact-assessment>



	<p>more than cost; it is good quality, safe, care and support that delivers outcomes that matter to people and enhances social value. Public value is derived from meeting all legal, procurement and regulatory responsibilities including, equalities, human rights, fair work principles, economic, social, technical and environmental considerations.</p> <ul style="list-style-type: none"> <li>• That make it clear that one of the aims of the Framework is to tackle inequalities and fulfilling human rights and complement legislation and guidance including the Equality Act 2010, UNCRC, UNCRPD, The Human Rights Act 1998, A More Equal Wales - The Socio-economic Duty - Equality Act 2010 - Statutory Guidance, The Equality Act (Authorities subject to the Socio-economic Inequality Duty) (Wales) Regulations 2021, the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 and The Wellbeing of Future Generations (Wales) Act 2015;</li> <li>• a specific standard (Standard 5: Measuring Value) in which statutory partners must consistently measure 'value' based on quality and people's experiences and outcomes from services in addition to the exercising of rights;</li> <li>• a specific Standard (Standard 10: Equalities and human rights) which</li> </ul>		
--	---	--	--

	<p>requires statutory partners to:</p> <ul style="list-style-type: none"> <li>○ work proactively to address inequalities and promotion and fulfilment of human rights;</li> <li>○ demonstrate how they are meeting the requirements of the Public Sector Equality Duty and regulation 18 of The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011;</li> <li>○ ensure when commissioning services relating to children, young people and families that they have regard to the UNCRC and UNCRPD and have regard to 'THE RIGHT WAY - A Children's Rights Approach for Social Care in Wales – A Children's Rights Approach is a principled and practical framework for working with children, grounded in the UN Convention on the Rights of the Child' as well as the Corporate Parenting Charter so that children and young people fulfil their potential;</li> <li>○ to find ways in which their statutory duties relating to equalities and human rights can be extended to providers through contracts and service specifications; and</li> <li>○ undertake Equalities Impact Assessments for commissioning and procurement exercises.</li> </ul>		
--	---	--	--

## Part 2 Code

Human Rights	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative Impacts?
	Section 7 of the Act places duties on persons exercising functions under the Act to have due regard to the UN Principles for Older Persons and the UN Convention on the Rights of the Child. In addition, the Part 2 Code of Practice places a requirement on local authorities to have due regard to the UN Convention on the Rights of Persons with Disabilities.		

### EU/EEA and Swiss Citizens' Rights

Part 2 of the EU-UK Withdrawal Agreement, along with the EEA EFTA Separation Agreement and Swiss Citizens Rights Agreement ("Citizens Rights Agreements") give EU, EEA<sup>24</sup> and Swiss citizens who were lawfully resident in the UK by 31 December 2020 certainty that their citizens' rights will be protected.

The Citizens Rights Agreements are implemented in domestic law by the European Union (Withdrawal Agreement) Act 2020 (EUWAA)<sup>25</sup>

Eligible individuals falling within scope of the Citizens Rights Agreements will have broadly the same continued entitlements to work, study and access public services and benefits, in as far as these entitlements have derived from UK membership of the EU as well as its participation in the EEA Agreement and the EU-Swiss Free Movement of Persons Agreement.

Subject to certain limited exceptions<sup>26</sup>, individuals will need to have applied for a new residence status (either pre-settled or settled status) through the EU Settlement Scheme. The deadline for making such an application expired on 30 June 2021.

#### **Have you considered if your policy proposal will impact EU, EEA or Swiss citizens whose rights are protected by the Citizens Rights Agreements?**

Yes, however no specific impacts have been identified on EU, EEA or Swiss citizens whose rights are protected by the Citizens Rights Agreements including in relation to

<sup>24</sup> The EEA includes the EU countries as well as Iceland, Liechtenstein and Norway.

<sup>25</sup> Sections 5 and 6 of EUWAA.

<sup>26</sup> E.g. where an individual has Irish citizenship (including dual British and Irish citizenship) or where they had indefinite leave to enter or remain in the UK)

the National Framework **access to public services, benefits and social security systems** including healthcare and **equal treatment**.

**If there is the potential for any negative impact on such EU EEA or Swiss citizens, how will any such impacts be eliminated or managed if management is deemed appropriate?**

Not applicable as no specific impacts have been identified.

**Is legal advice required?**

Not applicable as no specific impacts have been identified.