

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	National Standards and Outcomes Framework for Children and Young People in Wales ('the CYP Framework')
Name of official:	Ruth Akers
Department:	Health & Social Services
Date:	18 May 2018
Signature:	<i>Ruth Akers</i>

1. Please provide a brief description of the policy/decision.

The Social Services and Well-being (Wales) Act 2014 ('the 2014 Act') came into force on 6 April 2016.

Part 10 of the Act includes duties relating to advocacy. The dedicated code of practice on advocacy under Part 10 sets out how advocacy could support the determination and delivery of an individual's personal outcomes, together with the circumstances when a local authority must arrange an independent professional advocate. Chapter 3 of Part 10 of the Act relates to advocacy for children and adults.

Section 174 of the 2014 Act also requires local authorities to provide advocacy in respect of representation or complaints by a child in relation to services received either as a looked after child or a child in need of care and support. A "looked after child" is a child who is either in the care of a local authority or is provided with accommodation under a local authority's functions under part 6 of the 2014 Act.

Commissioners of independent professional advocacy services under Section 174 need a consistent framework to measure the quality as well as the quantity of their work and be assured they are making a positive difference to children and young people's lives. As a result Ministers invited local government in Wales to bring forward a model for securing a national approach to statutory independent professional advocacy for looked after children, children in need of care and support and other specified individuals.

A Senior Leadership Group, which included the Children's Commissioner for Wales, was established to oversee the development of the National Approach. The group completed its work having identified (and developed) the following key components:

- National Standards and Outcomes Framework including an approach to the 'active offer' of advocacy identified in 'Missing Voices' and a mapping of the National Standards and Outcomes Framework to the Well-being Statement that underpins the 2014 Act.
- National Approach - Regional Service Specification providing consistent specifications for commissioning of services.
- National Approach - Regional Performance Reporting Template delivering the evidence and statistics identified within the National Standards and Outcomes Framework for service quality and performance monitoring purposes.
- A Range and Level Assessment Mechanism (Service Capacity) which assists with gauging service capacity requirements and associated costs.
The CYP Framework intends to:
 - replace the National Standards for the provision of Children's Advocacy Services (2003) and identifies the outcomes children and young people can expect in relation to children and young people's advocacy.

- ensure that advocacy service providers and those commissioning them can be sure those standards are being achieved, enabling them to evidence they are making a positive difference to children and young people's lives.
- link the standards to the overarching Well-being Statement under the 2014 Act and demonstrate how local authorities can evidence how children and young people will be supported to achieve their well-being outcomes through accessing advocacy.
- provide children with care and support needs who access advocacy services with information about what they are entitled to, and how they can be involved in developing and evaluating the services.

The National Standards and Outcomes Framework for Children and Young People in Wales ('CYP Framework') replaces the above mentioned national standards for the provision of Children's Advocacy Services (2003). There is parallel work underway on the requirements for independent professional advocacy services under the Regulation and Inspection of Social Care (Wales) Act 2016 ('the 2016 Act') which will apply to children in Wales. These two pieces of work must be closely aligned to avoid any confusion for commissioners and providers.

This Equality Impact Assessment relates to the National Standards and Outcomes Framework for Children and Young People in Wales ('CYP Framework') which is linked to the Code of Practice on the exercise of social services functions in relation to Advocacy under Part 10 and related parts of the Social Services and Well-being (Wales) Act 2014 (the Act).

Children and young people are automatically entitled to a statutory independent professional advocate when they become looked after or are included on the Child Protection Register. The 'active offer' is made directly to the child or young person by the Advocacy Service. The CYP Framework provides guidance on how the active offer should be delivered.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

The National Independent Advocacy Standards and Outcomes Framework for Children and Young People in Wales ('the Framework') was consulted on to seek views. A young person friendly version of the Framework was also produced.

Engagement has reached as many individuals as possible to ensure that the Welsh Government equality commitments have been incorporated into the development of the policy from the outset. This has improved the understanding of barriers that exist in different equality groups.

As well as formal consultation, using various formats, officials gave presentations to groups, held discussions, attended one to one meetings, encouraged people to

invite them to their existing meetings, and wrote articles and gave them to our partners to use within their networks. Stakeholders were asked to share information with their networks and feed back to Welsh Government.

As well as key contacts being encouraged to disseminate the consultation documents amongst their networks, to support wider engagement, easy read and children and young-people friendly versions were also produced and disseminated.

As well as being made available to the wider public via the Welsh Government internet pages, the consultation was distributed to key stakeholders including the following:-

- The Children's Commissioner for Wales
- Local Government representatives
- Third Sector organisations
- Social Care Wales
- Association of Directors for Social Services Cymru
- Care Inspectorate Wales
- Children in Wales

Consultation Events

One consultation event with Voices from Care was held as part of the consultation process. The purpose of these was to:

- promote engagement with the consultation with children and young people;
- provide a base level of understanding to children and young people on the areas we were consulting on.

Attendees were asked to participate in discussions on the implementation of the regulations, and also to share information from the events with their wider networks to provoke deeper engagement with the proposals and a wider span of consultation responses.

The comments and outputs from the event were considered alongside the formal written responses.

The Responses can be found on the Welsh Government website at:-

<https://beta.gov.wales/national-standards-and-outcomes-framework-children-and-young-people>

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people <i>(Children and young people, up to 18)</i>	Positive			<p>The CYP Framework provides advocacy services providers and those commissioning them guidance on the active offer, and also ensures that the standards within the CYP Framework are being achieved. This will enable them to evidence that they are making a positive difference to children and young people' lives.</p> <p>Individuals and their families must be able to participate fully in the process of determining and meeting their well-being outcomes through a process that is accessible to them.</p> <p>The process must ensure that people are empowered to express their needs and are able to participate fully as equal partners.</p>

				<p>The impact the CYP Framework will have is that it will ensure that children and young people can express their views, wishes and feelings and will ensure that children in one area don't get a different service to children in another area of Wales. The Framework will ensure that the active offer process will support everyone who is entitled equally.</p>
People 18-50	Positive			<p>The CYP Framework provides advocacy services providers and those commissioning them guidance on the active offer, and also ensures that the standards within the CYP Framework are being achieved. This will enable them to evidence that they are making a positive difference to children and young people' lives.</p> <p>Individuals and their families must be able to participate fully in the process of determining and meeting their well-being outcomes through a process that is accessible to them.</p> <p>The process must ensure that people are empowered to express their needs and are able to participate fully as equal partners.</p> <p>The impact the CYP Framework will have is that it will ensure that children and young people can express their views,</p>



				wishes and feelings and will ensure that children in one area don't get a different service to children in another area of Wales. The Framework will ensure that the active offer process will support everyone who is entitled equally.
Older people (50+)			None	Not applicable as the Framework is only applicable to children and young people

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment	Positive			Local authorities must ensure advocacy is accessible to those who require additional support so that they are actively engaged in expressing their views, wishes and feelings. They must be able to participate in the decision making process' that affect them, and be allowed to determine how best to meet the personal well-being outcomes that they wish to achieve. In Part 10 Code of Practice on Advocacy which the CYP Framework sits under, it is clear that local authorities must in partnership with each individual, consider whether that individual is likely to experience barriers to participate fully in determining their
Hearing impairment	Positive			
Physically disabled	Positive			
Learning disability	Positive			
Mental health problem	Positive			
Other impairments issues	Positive			

				<p>well-being outcomes and reach a conclusion on their needs for advocacy support. Key barriers will include issues and situations that will impair individuals' ability to:</p> <ul style="list-style-type: none"> • understand relevant information • retain information • use or weigh information • communicate their views, wishes and feelings. <p>The process will support everyone equally.</p> <p>Additionally, the formal consultation included responses from organisations which represented disabled individuals.</p>
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4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male	Positive			<p>The Framework does not impose any different requirements on individuals based on gender. All citizens using advocacy services will benefit including those with protected characteristics, regardless of gender.</p> <p>Advocacy services are fundamental to supporting children and young people to engage actively in the development of their own well-being outcomes and will support individuals equally.</p>
Female	Positive			

				The process will support everyone equally.
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4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Transgender Children and young people	Positive			<p>The Framework does not impose any different requirements on individuals based on gender.</p> <p>All citizens using advocacy services will benefit including those who are transgender.</p> <p>The process will support everyone equally.</p>

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			None	Welsh Government did not approach individuals based on their marital status.
Civil Partnership				

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			None	Welsh Government did

				not approach individuals based on pregnancy and maternity.
Maternity (the period after birth)			None	

4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			Negligible	The CYP Framework will support everyone entitled to advocacy support equally within a local authority area.
National Origin (e.g. Welsh, English)			Negligible	The Social Services and Well-being (Wales) Act sets out those persons exercising functions under the act must have regard to the characteristics, culture and beliefs of the individual.
Asylum Seeker and Refugees			Negligible	
Gypsies and Travellers			Negligible	The wide ranging engagement and consultation events captured many views, which included responses from Diverse Cymru and the Ethnic Minorities and Youth support Team Wales.
Migrants			Negligible	
Others				

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups			Negligible	The CYP Framework will support everyone entitled to advocacy support

including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)				<p>equally within a local authority area.</p> <p>The Act which the CYP Framework sits under, sets out those persons exercising functions under the act must have regard to the characteristics, culture and beliefs of the individual.</p>
Belief e.g. Humanists				
Non-belief				

4.9 Because of their sexual orientation? Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			Negligible	<p>The active offer process will support everyone equally within a local authority area.</p> <p>The Social Services and Well-being (Wales) Act sets out those persons exercising functions under the act must have regard to the characteristics, culture and beliefs of the individual.</p>
Lesbians			Negligible	
Bi-sexual			Negligible	

4.10 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 Annex A - Guidance for further information about Human Rights.

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions	Positive			<p>The Social Services and Well-being (Wales) Act 2014 promotes people’s independence to give them a stronger voice and control in the way social services are delivered. Advocacy should be considered as an inherent element of the Act, as it helps people to express their views, wishes and feelings and to make decisions about their well-being.</p> <p>The duty to give due regard to a range of UN Conventions is enshrined within the General Functions of the Social Services and Well-being (Wales) Act.</p> <p>The CYP Framework sets out a framework against which advocacy service providers and those commissioning them can be sure standards are being achieved, enabling them to evidence they are making a positive difference to children and young people’s lives.</p>



If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

Equality Impact Assessment – Part 2

1. Building on the evidence you gathered and considered in Part 1, please consider the following:

1.1 How could, or does, the policy help advance / promote equality of opportunity?

For example, positive measures designed to address disadvantage and reach different communities or protected groups?

This document identifies the outcomes children and young people can expect in relation to children and young people's advocacy. It sets out a framework by which advocacy service providers and those commissioning them can be sure those standards are being achieved, enabling them to evidence they are making a positive difference to children and young people's lives.

The Standards and Outcomes Framework (the Framework) builds on the foundations of, and is cross-referenced to, the original National Standards for the provision of Children's Advocacy Services (2003) which it replaces. It should be read alongside [A guide to handling complaints and representations by local authority social services \(August 2014\)](#).

These standards have been consolidated into standards and outcomes statements for which there is then more detailed information on how commissioners and advocacy providers can evidence/ measure how they are meeting them. They are linked to and underpin the overarching Wellbeing Statement ([Appendix A](#)) and will demonstrate how local authorities evidence how children and young people will be supported to achieve their well-being outcomes by accessing advocacy i.e. 'Securing rights and entitlements', 'Protection from abuse and neglect'.

This document also provides children and young people with care and support needs who access advocacy services, with information regarding what they are entitled to, and how they can be involved with developing and evaluating the services.

A young person friendly version of the Framework has been produced for consultation.

1.2 How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?

The Act promotes equality, improvements in the quality of services and the provision of information people receive. To promote consistency the Code sets out when a local authority must consider individuals needs for advocacy, the circumstances when individuals may require, commissioning an effective service and publishing advocacy services. The Framework will adhere to the Code.

1.3 How could/does the policy impact on advancing / promoting good relations and wider community cohesion?

Through direct engagement and consultation with different service users and equality groups, Welsh Government gained an understanding of individuals own personal barriers and rights that needed to be overcome. Welsh Government supports individuals to achieve well-being by recognising and valuing people's strengths, people's families, friends and communities. Local authorities will work with all individuals to identify what matters to them, and identify the contribution people themselves and communities can make to their own well-being. This may include assisting individuals to seek support or assistance within the local community, such as community based third sector services or social care enterprises. This includes whether a person feels as though they belong, whether they engage and participate and feel valued in society, which is especially important for people who may feel particularly vulnerable because they fall under the protected characteristics.

2. Strengthening the policy

2.1 If the policy is likely to have a negative effect ('adverse impact') on any of the protected groups or good relations, what are the reasons for this?

What practical changes/actions could help reduce or remove any negative impacts identified in Part 1?

There are no negative impacts noted for any specific protected groups.

2.2 If no action is to be taken to remove or mitigate negative / adverse impact, please justify why.

(Please remember that if you have identified unlawful discrimination (immediate or potential) as a result of the policy, the policy must be changed or revised.)

n/a

3. Monitoring, evaluating and reviewing

How will you monitor the impact and effectiveness of the policy?

List details of any follow-up work that will be undertaken in relation to the policy (e.g. consultations, specific monitoring etc).

The Welsh Government will continue to work with the local authorities and providers to ensure that people who use services remain at the heart of the programme for change.

Additionally, the Welsh Government will continue to monitor the impact of the regulation on areas such as the Welsh Language, the UN Rights of the Child and Older People and Equality.

The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.

<https://beta.gov.wales/national-standards-and-outcomes-framework-children-and-young-people>

4. Declaration

***Please delete as appropriate:**

The policy does not have a significant impact upon equality issues

Official completing the EIA

Name: Ruth

Department: Social Service & Integration

Date: 18 May 2018

Signature: *Ruth Akers*

Head of Division (Sign-off)

Name: Alistair Davey

Job title and department: Deputy Director, Enabling People
Date: 30 May 2018
Signature: <i>Alistair Davey</i>
Review Date: To be decided

