

## Equality Impact Assessment (EIA) Template – Part 1

<b>Policy title and purpose (brief outline):</b>	Policy to introduce statutory guidance and regulations relating to the area plans required by Part 2, Section 14A of the Social Services and Well-being (Wales) Act 2014
<b>Name of official:</b>	Tom Cleaver
<b>Department:</b>	Health and Social Services Group
<b>Date:</b>	January 2017
<b>Signature:</b>	

**1. Please provide a brief description of the policy/decision For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?**

This Equality Impact Assessment is about the policy to introduce statutory guidance and supporting regulations on area plans required under the Social Services and Well-being (Wales) Act 2014 (“The 2014 Act”). It stands as an addendum to the Equality Impact Assessment completed Part 2 of the 2014 Act.

The 2014 Act brings together local authorities’ and Local Health Board (LHB) duties and functions in relation to improving the well-being of people who need care and support, and carers who need support.

Section 14A of the 2014 Act requires local authorities and LHBs to each prepare and publish a plan following the carrying out of an assessment (known as a “population assessment”) of needs under section 14 of the 2014 Act. This plan (known as an “area plan”) must set out, amongst other things, the range and level of services the body proposes to provide, or arranges to be provided, in response to the population assessment.

Section 14A also provides the Welsh Ministers with regulation making powers in respect of area plans to, for example, provide for the reviewing of plans.

The overall objective of this policy to enable local authorities and LHBs to plan specifically in relation to meeting people’s care and support needs, including the support needs of carers via the area plan.

Area plans must include the services planned in response to each core theme identified in the population assessment, focusing on integrated working. As part of this, area plans must include:

- the actions partners will take in relation to the priority areas of integration for regional partnership boards;
- the instances and details of pooled funds to be established in response to the population assessment;
- how services will be procured or arranged to be delivered, including by alternative delivery models;
- details of the preventative services that will be provided or arranged;
- actions being taken in relation to the provision of information, advice and assistance services; and
- actions required to deliver services through the medium of Welsh.

To support this policy objective, the following guidance and regulations have been developed:

- Statutory guidance in relation to area plans under section 14A (“the area planning guidance”)
- the Care and Support (Area Planning) (Wales) Regulations 2017 (“the area planning regulations”)
- the Partnership Arrangements (Amendment) (Wales) Regulations 2017 (“the 2017 partnership regulations”)

The purpose of the statutory guidance is to support the implementation of:

- the requirements of the area planning regulations which set out specific details relating to the implementation of the area plans required by section 14A of the 2014 Act
- the 2017 partnership regulations which add the new section 14A planning functions to the list of LHB functions required to be carried out by the partnership arrangements under the direction of regional partnership boards. (Those planning functions are already included as part of the local authority functions required to be carried out by the regional partnership boards as a result of the Partnership Arrangements (Wales) Regulations 2015).

A measure of success will be how well local authorities and LHBs are able to demonstrate the strategic leadership necessary to ensure the effective implementation of the 2014 Act. Specific to this policy, local authorities and LHBs must demonstrate effective use of the regional partnership boards and area plans to contribute to improving the outcomes and well-being of people, as well as improve the effectiveness of service delivery. This will be measured by analysis of the area plans once submitted to Ministers, as required by the area planning regulations.

Subject to approval by the National Assembly for Wales, the Regulations are due to come into force on 1 April 2017, alongside the statutory guidance. The first area plan must be published by 1 April 2018

**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 development of regulations and statutory guidance for area plans follows on from the development regulations and of the population assessment regulations and chapters within the Part 2 code of practice. The Equality Impact Assessment for Part 2 of the Social Services and Well-being (Wales) Act 2014, is available at:

<http://gov.wales/docs/phhs/publications/150701eiapt2en.pdf>

### **Stakeholder engagement undertaken as part of the population assessment development process**

Full details of the engagement undertaken as part of the development of the Part 2 Code of Practice is set out in the Equality Impact Assessment for Part 2 of the Social Services and Well-being (Wales) Act 2014, available at:

<http://gov.wales/docs/phhs/publications/150701eiapt2en.pdf>

### **Stakeholder engagement undertaken as part of the area plan development process**

The Welsh Government has committed to an approach of engaging with stakeholders in the process of developing regulations, codes of practice and guidance to support implementation of the 2014 Act. The aim was to deliver on the practice and culture change being driven forward by the Act.

A 12 week consultation on both sets of draft Regulations and the draft area plan guidance, ran between 11 July 2016 and 3 October 2016.

There were 27 substantive written responses received to the consultation from a wide range of statutory organisations, third sector groups and professional bodies. This included regional partnership boards, individual health boards, the Children's and Older People's Commissioners and the ADSS Cymru / Welsh Local Government Association (WLGA) who produced a joint response.

The consultation summary report and a list of respondents to the consultation can be found at:

<https://consultations.gov.wales/consultations/regulations-and-statutory-guidance-area-plans-following-population-assessment>

Responses to the consultation were broadly supportive with suggestions focussing on matters of detail, small additions and amendments to the text. The majority of these suggestions were accepted as they were judged to be in line with the broad policy position.

In addition, representatives from each regional partnership board in Wales were invited to an event in Cardiff on 9 September 2016 to discuss the contents of the area plan consultation in detail and highlight any issues requiring clarification before the consultation closed. Comments from this event broadly reflected comments received in the consultation responses

**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?**

A description of the evidence considered as part of the development of the Part 2 Code of Practice is set out in the Equality Impact Assessment for Part 2 of the Social Services and Well-being (Wales) Act 2014, available at:

<http://gov.wales/docs/phhs/publications/150701eiapt2en.pdf>.

As with the development of that Code, the statutory guidance and regulations developed to support area plans have gone through extensive development stages, reviews and formal consultation. Engagement has been undertaken at every stage and in a way that has actively sought to obtain the views of as many groups and individuals as possible. This has contributed to the development of a strong evidence base to support the implementation of these parts of the 2014 Act, strongly influenced by the engagement with and feedback from a range of statutory organisations, Third sector organisations and professional bodies.

As outlined previously, the draft statutory guidance and regulations were subject to formal consultation between 3 July and 3 October 2016. The consultation summary report, which sets out the detail of the responses to each of the questions and how the Welsh Government has responded to them, is available at:

<https://consultations.gov.wales/consultations/regulations-and-statutory-guidance-area-plans-following-population-assessment>

***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?
<p>Younger people</p> <p><i>(Children and young people, up to 18)</i></p>	<p>√</p>			<p>A description of the evidence considered for the impact of age in respect of the population assessment is set out in the Equality Impact Assessment for Part 2 of the Social Services and Well-being (Wales) Act 2014, available <a href="#">here</a>.</p> <p>The area plans considered in this EIA follow on from those population assessment reports. Therefore, the evidence considered in respect of age within the Part 2 EIA is also relevant to this EIA.</p> <p>As with those reports, the area planning regulations also state that in preparing an area plan, a relevant body must take reasonable steps to engage with people in the area with parental responsibility for children who have or may have needs for care and support. This will ensure the needs of younger people will be adequately covered as part of the planning process.</p> <p>In addition, the statutory guidance sets out that area plans should set out the services planned by local authorities and LHBs in response to the core themes within the population assessment. One of these core themes</p>

				is 'children and young people'. This should further ensure the needs of children and young people are fully considered.
People 18-50	√			As outlined for children and young people, the statutory guidance sets out that area plans should set out the services planned by local authorities and LHBs in response to the core themes within the population assessment. One of these core themes is 'older people'. This should ensure the needs of older people are fully considered when planning services.
Older people (50+)	√			The requirement to take a preventive approach to tackling care and support needs, as set out in the Part 2 Code of Practice will benefit all people, with likely particular benefits for older people.

## 4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment	√			A description of the evidence considered for the impact of the disabled in respect of the population assessment is set out in
Hearing impairment	√			

Physically disabled	√			<p>the Equality Impact Assessment for Part 2 of the Social Services and Well-being (Wales) Act 2014, available <a href="#">here</a>. The area plans considered in this EIA follow on from those population assessment reports. Therefore, the evidence considered in respect of the disabled within the Part 2 EIA is also relevant to this EIA.</p> <p>As set out in the Part 2 EIA, the general purpose of Part 2, to seek to improve the wellbeing of those with care and support needs will have a positive impact on all people, including those who are disabled.</p> <p>Again, the statutory guidance sets out that area plans should set out the services planned by local authorities and LHBs in response to the core themes within the population assessment, with a focus on integration. These core themes include health/physical disabilities, 'learning disability/autism', 'mental health' and 'sensory impairment'. This should ensure the needs of those who are disabled are fully considered when planning services.</p>
Learning disability	√			
Mental health problem	√			
Other impairments issues	√			

#### 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			√	<p>A description of the evidence considered for the impact of gender in respect of the population assessment is set out in the Equality Impact Assessment for Part 2 of the Social Services and Well-being (Wales) Act 2014, available <a href="#">here</a>. The area plans considered in this EIA follow on from those population assessment reports. Therefore, the evidence considered in respect of gender within the Part 2 EIA is also relevant to this EIA.</p> <p>The overall purpose of Part 2 is to seek to improve the wellbeing of all those with care and support needs. Specifically, the production of population assessments and area plans should result in a more coherent planning framework across Wales.</p> <p>Having this effective framework in place, combined with the area plans' promotion of joint working should contribute to improving the delivery of effective, joined up and preventative services. This will result in improved outcomes for all people in Wales, regardless of gender.</p>

Female	√			Again, the statutory guidance sets out that area plans should set out the services planned by local authorities and LHBs in response to the core themes within the population assessment with a focus on integration. These core themes include violence against women, domestic abuse and sexual violence. This should ensure the needs of those who could be affected by these issues are fully considered when planning services.
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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?
			√	A description of the evidence considered for the impact of those who are transgender in respect of the population assessment is set out in the Equality Impact Assessment for Part 2 of the Social Services and Well-being (Wales) Act 2014, available <a href="#">here</a> . The area plans considered in this EIA follow on from those population assessment reports. Therefore, the evidence considered in respect of transgender

				<p>within the Part 2 EIA is also relevant to this EIA.</p> <p>The overall purpose of Part 2 is to seek to improve the wellbeing of all those with care and support needs. Specifically, the production of population assessments and area plans should result in a more coherent planning framework across Wales.</p> <p>Again, having this effective framework in place, combined with the area plans' promotion of joint working should contribute to improving the delivery of effective, joined up and preventative services. This will result in improved outcomes for all people in Wales, including those who are transgender.</p>
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#### 4.5 Because of their marriage or civil partnership?

<b>Marriage and Civil Partnership</b>	<b>Positive</b>	<b>Negative</b>	<b>None / Negligible</b>	<b>Reason for your decision (including evidence)/ How might it impact?</b>
Marriage			√	A description of the evidence considered for the impact of those who are married or in a civil partnership in respect of the population assessment is set out in the Equality Impact
Civil Partnership			√	

				<p>Assessment for Part 2 of the Social Services and Well-being (Wales) Act 2014, available <a href="#">here</a>. The area plans considered in this EIA follow on from those population assessment reports. Therefore, the evidence considered in respect of those who are married or in a civil partnership within the Part 2 EIA is also relevant to this EIA.</p> <p>Again, the statutory guidance sets out that area plans should set out the services planned by local authorities and LHBs in response to the core themes within the population assessment. These core themes include carers who need support. This could include married people or people in a civil partnership who may have caring responsibilities. Including this core theme within area plans should ensure the needs of people who are married or in a civil partnership are fully considered when planning services.</p>
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#### 4.6 Because of their pregnancy or maternity?

Pregnancy and	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How
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<b>Maternity</b>				<b>might it impact?</b>
Pregnancy			√	A description of the evidence considered for the impact of pregnancy and maternity in respect of the population assessment is set out in the Equality Impact Assessment for Part 2 of the Social Services and Well-being (Wales) Act 2014, available <a href="#">here</a> . The area plans considered in this EIA follow on from those population assessment reports. Therefore, the evidence considered in respect of pregnancy and maternity within the Part 2 EIA is also relevant to this EIA.
Maternity (the period after birth)			√	

#### 4.7 Because of their race?

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None / Negligible</b>	<b>Reason for your decision (including evidence) / How might it impact?</b>
Ethnic minority people e.g. Asian, Black,			√	A description of the evidence considered for race in respect of the population assessment is set out in the Equality Impact Assessment for Part 2 of the Social Services and Well-being (Wales) Act 2014, available <a href="#">here</a> . The area plans considered in this EIA follow on from those population assessment reports. Therefore, the evidence considered in
National Origin (e.g. Welsh, English)			√	
Asylum Seeker and Refugees			√	

Gypsies and Travellers			√	respect of race within the Part 2 EIA is also relevant to this EIA.  In addition to that EIA, the Act sets out that those persons exercising functions under the Act must have regard to the characteristics, culture and beliefs of the individual. This requirement applies equally across all races, nationalities and cultural identities. This requirement would also apply to those responsible for preparing area plans.
Migrants			√	
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 including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			√	A description of the evidence considered for religion and belief or non-belief in respect of the population assessment is set out in the Equality Impact Assessment for Part 2 of the Social Services and Well-being (Wales) Act 2014, available <a href="#">here</a> . The area plans considered in this EIA follow on from those population assessment reports. Therefore, the evidence considered in
Belief e.g.			√	

Humanists				respect of religion and belief or non-belief within the Part 2 EIA is also relevant to this EIA.
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			√	A description of the evidence considered for sexual orientation in respect of the population assessment is set out in the Equality Impact Assessment for Part 2 of the Social Services and Well-being (Wales) Act 2014, available <a href="#">here</a> . The area plans considered in this EIA follow on from those population assessment reports. Therefore, the evidence considered in respect of sexual orientation within the Part 2 EIA is also relevant to this EIA.
Lesbians			√	
Bi-sexual			√	

#### 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	√			A description of the evidence considered for human rights in respect of the population assessment is set out in the Equality Impact Assessment for Part 2 of the Social Services and Well-being (Wales) Act 2014, available <a href="#">here</a> . The area plans considered in this EIA follow on from those population assessment reports. Therefore, the evidence considered in respect of human rights within the Part 2 EIA is also relevant to this EIA.
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***If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.***

## **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?**



A description of how the Act helps advance and promote equality of opportunity is set out in the Equality Impact Assessment for Part 2 of the Social Services and Well-being (Wales) Act 2014, available [here](#). The area plans considered in this EIA follow on from those population assessment reports considered as part of that EIA. Therefore, the description of how the Act helps advance and promote equality of opportunity is also relevant to this EIA.

In keeping with the process for undertaking population assessments, the area planning guidance also sets out that when preparing area plans, local authorities and LHBs must ensure reasonable steps are taken and a procedure established to engage with people in the area. This must include children who have or may have needs for care and support, people in the area with parental responsibility for children who have or may have needs for care and support and carers who have or may have needs for support.

In addition, local authorities and LHBs must also engage with any public, private or third sector organisation, which it believes is concerned with, or has an interest in the provision of care and support or preventative services to the population of the area covered by the area plan.

Requiring local authorities and LHBs to engage with a wide range of both individuals and organisations when preparing area plans should ensure services are designed which are inclusive of, and fully reflect the needs of people within each area covered by the area plan.

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

A description of how areas within the Part 2 Code of Practice help contribute to eliminating unlawful discrimination, harassment and victimisation is set out in the Equality Impact Assessment for Part 2 of the Social Services and Well-being (Wales) Act 2014, available [here](#). The area plans considered in this EIA follow on from those population assessment reports considered as part of that EIA. Therefore, the description of how the Act helps contribute to eliminating unlawful discrimination, harassment or victimisation is also relevant to this EIA.

As stated in part one of this EIA, the area planning guidance requires area plans to set out the services planned by local authorities and LHBs in response to the core themes within the population assessment. These core themes include violence against women, domestic abuse and sexual violence.

Including this core theme within the area planning guidance should help ensure the needs of those women who could be affected by unlawful discrimination, harassment or victimisation are fully considered when planning services within each area covered by the area plan.

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

A description of how the Part 2 Code of Practice helps advance and promote good relations and wider community cohesion is set out in the Equality Impact Assessment for Part 2 of the Social Services and Well-being (Wales) Act 2014, available [here](#). The area plans considered in this EIA follow on from those population assessment reports considered as part of that EIA. Therefore, the description of how the Act helps advance and promote equality of opportunity is also relevant to this EIA.

As stated in response to section 1.1 of this EIA, the area planning guidance requires local authorities and LHBs to engage with a wide range of people and organisations in the area covered by the area plan.

Requiring this engagement as part of the area planning process should contribute to promoting good relations with communities as the services to be provided in the area which will be set out in the subsequent area plan should reflect the engagement undertaken as part of the area planning process and therefore be more reflective of the needs of people in the area.

## 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 post implementation arrangements for these regulations and guidance will be handled as part of the wider performance measurement framework that local authorities will be required to report against under the Social Services and Well-being (Wales) Act 2014. In March 2016 the former Minister for Health and Social Services announced the evaluation framework to assess the success of this delivery.

The evaluation will be undertaken in 3 phases:

The initial phase will be about monitoring policies under the act during the initial year of implementation to understand whether policy is being implemented as intended and to support policy improvement.

The second phase will involve on-going evaluation, through the national outcomes framework and the local authority performance measurement framework. Reporting will be undertaken annually and will provide information on whether well-being is improving nationally. The first report of the national outcomes framework will be published in 2016/17 and the first report of the performance measurement framework will be in 2017/18.

The third phase will be an independent long term one-off evaluation which will commence in the third year of the implementation of the act.

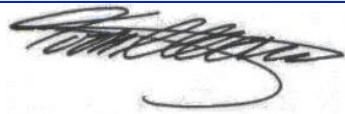
It is anticipated that the information gathered from this reporting mechanisms will contribute to the overall post implementation review of the 2014 Act and its subordinate legislation including these regulations.

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

#### 4. Declaration

**\*Please delete as appropriate:**

**The policy \*does / does not have a significant impact upon equality issues**

<b>Official completing the EIA</b>
Name:
Tom Cleaver
Department:
Health and Social Services Group
Date:
January 2017
Signature:

<b>Head of Division (Sign-off)</b>
Name:
Lisa Dunsford
Job title and department:
Deputy Director, Partnership and Cooperation Division, Health and Social Services Group
Date:
January 2017
Signature:
Lisa Dunsford