

Equality Impact Assessment (EIA) Template – Part 1

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| Policy title and purpose (brief outline): | Part 2 of the Social Services and Well-being (Wales) Act 2014 Policy to introduce a series of regulations and a code of practice under Part 2 of the Social Services and Well-being (Wales) Act (general functions) |
| Name of official: | Tom Cleaver, Lisa Griffiths, Pete Kennedy, Huw Jones |
| Department: | Department for Health and Social Services |
| Date: | 18 June 2015 |

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

This Equality Impact Assessment is about Part 2 of the Social Services and Well-being (Wales) Act 2014.

The Act provides the legal framework for improving the well-being of people who need care and support and carers who need support. It transforms the way social services are delivered, promoting people's independence to give them voice and control. It also seeks to ensure social services are sustainable going forward.

Part 2 of the Act contains provisions relating to the general functions of a local authority. These include:

- a duty on any persons exercising functions under the Act to seek to promote the well-being of people who need care and support and carers who need support. The Act sets out the definition of well-being and places a duty on Welsh Ministers to issue a statement of well-being outcomes to be achieved;
- a requirement for local authorities and Local Health Boards (LHBs) to jointly carry out an assessment of the needs for care and support and needs of carers in a local authority area. This seeks to ensure that local authorities and LHBs jointly produce a clear and specific evidence base in relation to care and support needs and carers' needs to inform various planning and operational decisions;
- A requirement for local authorities to provide or arrange preventative services for various purposes, including to seek to prevent or delay the development of needs for care and support;
- a duty on local authorities to promote the development, in their area, of not-for-profit organisations to provide care and support and support for carers, and preventative services. These models include social enterprises, co-operative organisations, co-operative arrangements, user led services and the third sector;
- A requirement for local authorities to provide people with information and advice relating to care and support, and assistance in accessing care and support. This seeks to provide all people with relevant, accurate, timely information about services which will improve or maintain their independence and wellbeing; and to provide advice and assistance, proportionate to their needs, to help them make the right choices and to access these services.

These provisions are supported by various regulations and by a single overarching code of practice.

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 Welsh Government has undertaken a range of engagement activities in relation to the development of regulations and code of practice to support implementation of provision contained in Part 2 of the Act. Provision contained in Part 2 relates to promoting the well-being of those with care and support needs (including carers who need support). As a result, every stage of engagement included people with protected characteristics, or those representing these groups.

A series of Technical Groups were initially established to inform the development of policy in relation to various aspects of Part 2 of the Act. These included groups on population assessment and preventative services; Information, Advice and Assistance; and Social Enterprises. Membership of these groups was drawn from local authorities, Local Health Boards, the third sector, and the independent sector as well as policy leads within Welsh Government. Reports setting out the findings of the Groups were subsequently produced.

Code of practice in relation to Part 2 of the Act and supporting draft regulations were subject to public consultation from 6 November 2014 to 2 February 2015. As part of this consultation, consultation events were held in Swansea and Llandudno, which included workshops to further discuss policy. These consultation events were attended by over 250 stakeholders, including a number with a range of protected characteristics

A further all-Wales Engagement event was held on 11 September 2014 which brought together representatives from the local authorities, NHS partners, third sector and independent sector, which looked at how the various Parts of the Act work together to deliver sustainable social services.

Welsh Government carried out an intense programme of wider engagement around the consultation period, this included presentations, workshops and focus groups with carers and service users supported by partners. This included organisations such as NSPCC, Children in Wales, Prisoners Accommodation resettlement Working Group, Carers Wales, Voices From Care and Sense Cymru.

To ensure a strong voice for service users and carers at a leadership level, Welsh Government worked with the Wales Council for Voluntary Action (WCVA) and Children in Wales to establish the National Social Services Citizen Panel. The Panel is made up of service users and carers who are worked to ensure that a citizen voice was a key part of implementing the Act. Children and Young People are involved in the panel's work.

The well-being statement has been further developed by service users and carers who form the National Social Services Citizen Panel for Wales. The National Citizens Panel works as part of the collaborative leadership

arrangements, securing the voice of service users and carers in the transformation of social services in Wales.

The policy and code of practice in relation to Information, Advice and Assistance has been co-designed with citizens in Wales. The whole process has been an engaged one – fully engaging diverse people and organisations in the whole development process as well as proactively engaging them in consultation. Engagement has reached as many individuals as possible to ensure that Welsh Government equality commitments have been inbuilt into the development of the policy from the outset. This has improved the understanding of barriers that exist in different equality groups.

Engagement was targeted towards specific groups who would have traditionally had less of a voice. The Welsh Council for Voluntary Action (WCVA) previously provided over 4,000 contacts from diverse groups, through their 'I Matter We Matter' campaign. These contacts were used to engage individuals with a broad range of protected characteristics.

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?

Code of practice and supporting regulations to support implementation of Part 2 of the Act have gone through extensive development stages, reviews and 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.

Various technical groups established in relation to specific provisions within Part 2 of the Act each produced and published reports. These reports significantly informed the development of code of practice and draft regulations. These reports can be found at:

<http://gov.wales/topics/health/socialcare/act/resources/draft-regulations/?lang=en>

The Welsh Government received 87 responses from a wide range of stakeholders to the consultation on draft regulations and code of practice to support Part 2 of the Act. These responses were carefully considered and led to a range of changes to strengthen and improve both the regulations and code. The Welsh Government response on the consultation exercise can be found at:

<http://gov.wales/consultations/healthsocialcare/part2/?lang=en>

The well-being outcomes and expectations have gone through extensive development stages, reviews and consultation and engagement exercises. Assembly members, stakeholders, service professionals, the voluntary and independent sectors and more importantly, service users and carers, have all contributed to the development of the well-being statement and approach to the outcomes framework. Therefore there is strong evidence that the national

outcomes framework sets out the important well-being outcomes of people who need care and support and carers who need support.

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

Impact

| 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>Positive</p> | | | <p>Part 2 seeks promote the well-being of children with needs for care and support. Specifically:</p> <p><u>Well-being</u> The definition of well-being in the Act complies with the UNCRC to take account of the rights of children. The well-being statement defines well-being outcomes for people of all ages who need care and support and carers who need support in Wales. A children’s version of the statement has been produced.</p> <p><u>Population Assessment and Preventative Services</u> The population assessment must include a specific assessment of the care and support needs of children and young people. This includes setting out how local authorities will seek to promote children being brought up by their families and preventing children becoming looked after.</p> <p><u>Not for Profit Organisations</u> Local authorities must find an appropriate balance between involving a child in the</p> |

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| | | | | <p>design and delivery of a service to meet their care and support needs through giving them the opportunity to express their views, wishes and feelings, whilst ensuring that the best interests of that child are met.</p> <p><u>Information, Advise and Assistance</u> All children and young must feel confident that the Information, Advice and Assistance Service will provide relevant, accurate and up to date information and advice for them and be accessible in ways that they prefer to use. In particular local authorities must provide child friendly versions of information and advice documentarian.</p> |
| People 18- 50 | Positive | | | <p>Part 2 seeks to promote the well-being of all people with care and support needs. Whilst this will benefit all age groups, it will have a particularly significant effect on older people. Specifically:</p> <p><u>Population Assessment and Preventative Services</u></p> <p>The population assessment identifies of the care and support needs of people. A core theme of the population assessment must be the care and support needs of older people.</p> |
| Older people (50+) | Positive | | | |

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| | | | | <p>The requirement to take a preventive approach to tackling care and support needs will benefit all people, with likely particular benefits for older people.</p> <p><u>Social Enterprises and Not for Profit Organisations</u> Local authorities must work with people to delivering well-being and unlocking their potential for creativity which will make better and more effective use of all of the available resources.</p> <p><u>Information, Advice and Assistance</u> In all cases, local authorities should involve adults and carers in the design and implement the Information, Advice and Assistance Service in their local area.</p> |
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4.2 Because they are disabled?

| Impairment | Positive | Negative | None / Negligible | Reason for your decision (including evidence) / How might it impact? |
|---------------------|----------|----------|-------------------|--|
| Visual impairment | Positive | | | 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 those who are disabled. Specifically: |
| Hearing impairment | Positive | | | |
| Physically disabled | Positive | | | |
| Learning | Positive | | | |

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| disability | | | | <u>Well-being</u> |
| Mental health problem | Positive | | | The well-being statement defines well-being outcomes for all people who need care and support and carers who need support in Wales. It sets out their rights and responsibilities in law. The statement was developed with input from disabled people and organisations which represent disabled people (e.g. ABCD cymru, Learning Disabilities Wales, RNIB, Sense, Wales Council for the Deaf). |
| Other impairments issues | Positive | | | <p><u>Population Assessment and Preventative Services</u></p> <p>The population assessment must include a specific assessment of the care and support needs of those with health / physical disabilities; learning disabilities; mental health; and sensory impairment. This includes setting out how local authorities will seek to minimise the effect on disabled people of their disabilities.</p> <p><u>Information, Advice and Assistance</u></p> <p>Local authorities must ensure that those that are deafblind are able to access specially trained one-to-one support workers for those people they assess as</p> |

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| | | | | <p>requiring one.</p> <p>The code of practice, chapter 5 sets out that a local authority must ensure that individuals have equal access to information, advice and assistance services, with appropriate support/ assistance to enable them to access the Service.</p> <p>Information and advice must be made available in mediums that are accessible to all individuals to ensure that they have access to specifically trained one to one support workers, if this is required.</p> <p>The local authority must make necessary arrangements to ensure that where this is impairment, the individual's needs and wishes are understood and taken into account.</p> <p>Social Enterprises</p> <p>Local authorities must ensure that providers encourage and enable the involvement of all people in designing and delivering services in relation to care and support needs, including in relation to services for the disabled to deliver well-being outcomes.</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? |
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| Male | | | Negligible | <p><u>Well-being</u> The Welsh Government has worked with men and women (including Chwarae Teg) to ensure what matters to them is captured in the well-being statement.</p> |
| Female | | | Negligible | <p><u>Population Assessment and Preventative Services</u> The population assessment must include a specific assessment of violence against women, domestic abuse and domestic violence.</p> <p><u>Information, Advice and Assistance</u> The Information, Advice and Assistance service must be accessible to all and offer a consistent standard of service across Wales.</p> <p>.</p> |



4.4 Because they are transgender?

| Transgender | Positive | Negative | None / Negligible | Reason for your decision (including evidence) / How might it impact? |
|-------------|----------|----------|-------------------|---|
| | | | Negligible | <p>Part 2 seeks to improve the well-being of those with needs for care and support (including carers who need support.) This also encompasses those who are transgender.</p> <p>The duties and requirements of involvement and co-production set out how an individual must be involved at all stages of the design and delivery of services, to meet their personal well-being outcomes.</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 | | | Negligible | <p><u>Well-being</u></p> <p>Married people or people in a civil partnership may have caring responsibilities which will be captured in the rights and well-being of carers.</p> |
| Civil Partnership | | | Negligible | |

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| | | | | <p><u>Population Assessment</u></p> <p>The population assessment must include a specific assessment of the support needs of carers</p> |
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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 | | | Negligible | Part 2 seeks to improve the well-being of those with needs for care and support (including carers who need support.) This also encompasses those who are pregnant or have recently had children. . |
| Maternity (the period after birth) | | | Negligible | |

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 | <p>The Social Services and Well-being (Wales) Act sets out that persons exercising functions under the act must have regard to the characteristics, culture and beliefs of the individual.</p> <p>The wide ranging engagement and consultations captured many views as people were asked what</p> |
| National Origin (e.g. Welsh, English) | | | Negligible | |

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| | | | | mattered to them, including responses from Diverse Cymru and the Equality and Rights Commission. |
| Asylum Seeker and Refugees | | | Negligible | |
| Gypsies and Travellers | | | Negligible | |
| Migrants | | | Negligible | |
| Others | | | | NA |

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) | | | Negligible | The Social Services and Well-being (Wales) Act sets out that person exercising functions under the act must have regard to the characteristics, culture and beliefs of the individual. Code of practice and regulations in relation to Part 2 were developed taking consultation with organisations such as N Faith Communities Forum and Cytun. |
| Belief e.g. Humanists | | | Negligible | |
| Non-belief | | | Negligible | |

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 | Part 2 seeks to improve the well-being of those with needs for care and support (including carers who need support.) This encompasses those of all sexual orientations. Code of practice and regulations in relation to Part 2 were developed taking consultation with organisations such as LGBT Excellence Centre and Stonewall Cymru. |
| 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? |
|---|----------|----------|-------------------|---|
| The well-being statement has been developed through a rights based approach, building on the rights outlined in the UNCRC and UN Principles for Older People. | | | | |
| Human Rights including Human Rights Act and UN Conventions | Positive | | | Part 2 sets out that a person exercising functions under the Social Services and Well-being (Wales) must have regard for the UN Principles for Older People and the UN Convention on the Rights of the Child. |

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?

The Act provides the statutory framework to deliver the Welsh Government's commitment to ensure social services is able to support people of all ages, and support people as part of families and communities. A clear and unequivocal commitment to an inclusive approach is set out within the statutory Code of Practice.

The Act transforms the way social services are delivered, primarily through promoting people's independence to give them stronger voice and control. Integration and simplification of the law will also provide greater consistency and clarity to people who use social services, their carers, local authority staff and their partner organisations, the courts and the judiciary. The Act promotes equality, improvements in the quality of services and the provision of information people receive, and a shared focus on prevention and early intervention

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

The move to outcomes as stated in the well-being statement will place the people at the heart of the regulatory process, as providers, local authority commissioners and professionals will be responsible for demonstrating how they have delivered person centred care to support people to achieve their personal well-being outcomes and how this work has positively affected the lives of those they serve. This includes ensuring the voice of people is heard, their individual circumstances are considered and their personal well-being outcomes discussed.

The Information, Advice and Assistance Service must be easy to access for all people in a variety of ways so that people have a choice about how they use the Service and what format is right for them. Local authorities will need to deliver the same service to individuals of all ages, and support people as part of families and communities.

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

Everyone is entitled to well-being and everyone has a responsibility for their own well-being, but some people need extra help to achieve this. To define what well-being means to the individual, and understand whether this is being achieved, Part 2 has provided for the publication of a well-being statement.

The outcomes framework, which includes the well-being statement, was co-produced with people themselves. By directly engaging and consulting with different service users and equality groups, an understanding was gained of their own personal barriers and rights that needed to be overcome.

The well-being statement lays the foundations to ensure service providers make decisions based on the well-being outcomes of people. 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 groups.

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

The not-for-profit, alternative models of service covered under Section 16 of the Act, will have a social, economic or community benefit, and a social bottom line, rather than a financial one. The Section 16 regulations define activities that are of benefit society, are inclusive, and involve people.

A service that operates for the benefit of society, rather than for financial gain, will continue to promote community cohesion. The code of practice states that a social enterprise makes profits/surpluses that are principally reinvested to support their social objectives. The regulations define a co-operative as being established for the purpose of achieving common, economic, social and cultural needs and aims;

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.

NA

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 Social Services and Well-being (Wales) Act 2014 contains provisions to allow for Ministers to monitor functions of the Act carried out by local authorities and other bodies. Ministers may require these bodies to report on their duties in implementing these regulations.

The Welsh Government will continue to work with the National Partnership Forum, the Leadership Group and Citizens Panel to ensure that people who use services remain at the heart of the programme for change.

The well-being statement was published as part of the national outcomes framework for people who need care and support and carers who need support in June 2014. The outcome indicators used in the national outcomes framework will be collected and published annually. This will provide important evidence to measure the impact social service providers have on the well-being of people who need care and support and carers who need support. It will also create an opportunity to compare the well-being of different service users, such as younger and older people, and people with a long term limiting illness or disabled people. This will be crucial in monitoring whether all service users are experiencing care and support services that achieve their well-being outcomes.

Population Assessment Reports must be published and submitted to Welsh Ministers. This will allow for their consideration by Welsh Government.

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

Declaration

The policy does not have a significant impact upon equality issues

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| Department: |
| Department of Health and Social Services |
| Date: |
| 18 June 2015 |
| Head of Division (Sign-off) |
| Name: |
| Margaret Provis |
| Job title and department: |
| Deputy Director, Social Services Leadership and Improvement |
| Date: |
| 18 June 2015 |
| Review Date: |
| October 2016 (six months post implementation of the Act). |