
Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Policy to introduce a code of practice on the roles and accountabilities of directors of social services under Part 8 of the Social Services and Well-being (Wales) Act 2014
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Department:	Health and Social Services Group
Date:	January 2016
Signature:	

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 a code of practice on the role of directors of social services under Part 8 of the Social Services and Well-being (Wales) Act 2014 (“The Act”).

The Act, which received royal assent in May 2015; sets out a new legal system for social services in Wales. It creates a framework that brings together and modernises the law for social services in Wales, increasing the emphasis on preventative action, bringing people closer to the decisions about the services that affect them and addressing the challenges of economic and demographic change.

The aim of this policy is to replace the existing guidance for Local Authorities on the role of directors of social services by introducing a new code of practice which implements the requirements set out in sections 144 and 145 of the Act, outlined below:

Part 8 of the Act contains provisions relating to the social services functions of local authorities. Within Part 8, section 144 requires that a local authority must appoint a director of social services for the purposes of fulfilling its social services functions. Section 144 also states that the Welsh Ministers must specify, through a code issued under section 145 of the Act, the competencies which a person must demonstrate in order for a local authority to appoint them as the director of social services.

The new code of practice developed for directors under sections 144 and 145 of the Act aims to set out:

- the required competencies of a director of social services;
- the governance and accountability arrangements for the director;
- the specific functions of the director in the delivery of the Act including the director’s role and responsibilities in relation to safeguarding, looked after children and maintaining standards across the whole social care workforce; and
- the requirement for directors to produce an annual report.

If successful, the code will enable directors to provide the strategic leadership necessary to ensure the effective implementation of the Act.

Subject to approval by the National Assembly for Wales, the code of practice will come into force on 6 April 2016, in line with the Act.

The Equality Act 2010

The Equality Act 2010 places a duty on all public authorities to have due regard to people occupying the nine protected characteristics and develop policies and services accordingly. Directors of Social Services are senior employees of public authorities and are required therefore to demonstrate this due regard in their work. A core principle of the Social Services and Well-being (Wales) Act 2014 is about meeting individual needs in relation to care and support and carers with needs for support and in this regard, the section 6(2)(c) overarching duty connects clearly to the principles of the Equality Act 2010. This sub-section states that those exercising functions under the SS&WB(W) Act 2014 'must have regard to the characteristics, culture and beliefs of the individual (including, for example, language)'.

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?

To consider the content of the Code, the Welsh Government established a reference group comprising key senior stakeholders in the summer of 2015. This group comprised a range of internal and external stakeholders who worked with officials to consider the existing '*Statutory Guidance on the Role and Accountabilities of the Director of Social Services*', published in 2009 and develop options for updating this guidance in line with the new requirements within the Act. The conclusions of the reference group significantly informed the development of the draft code of practice.

The draft code was subject to a six week formal consultation between 23 October and 4 December 2015 including a presentation and Q&A session with Directors from across Wales. There were 17 substantive written responses received to the consultation from a wide range of statutory organisations, Third sector organisations and professional bodies including fourteen local authorities, SOLACE and ADSS Cymru/WLGA. Responses to the consultation were broadly supportive of all of the proposals with suggestions made focussing on matters of detail, small additions and amendments to the text. The majority of these were accepted as they were judged to be in line with the broad policy position. 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 published at this location: <http://gov.wales/consultations/healthsocialcare/code-of-practice/?status=closed&lang=en>

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?

The code of practice to support implementation of Part 8 of the Act has 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.

Development of the code began following consideration of the current guidance for directors of social services (*“Statutory Guidance on the role and Accountabilities of the Director of Social Services”* published in 2009) and the report completed by Care and Social Services Inspectorate Wales (CSSIW) in June 2013 on the effectiveness of the role of the statutory director of social services more generally.

Prior to consultation, the director of social services reference group met on three occasions to advise Welsh Government on the content of code of practice on the role and competencies of directors of social services under the Act. The group was made up of a range of senior stakeholders, both internal and external and included representatives from local government, the Association of Directors of Social Services Cymru (ADSS) and the third sector. Both the current guidance and the CSSIW were considered by this group when advising Welsh Government.

Following the meetings, the reference group subsequently produced a report in late summer 2015 which set out the group’s views on the competencies required to be a director of social services and gave direction on the wider contents of the Code of Practice. The report was finalised in August 2015 and significantly informed the development of the draft code of practice.

The code of practice was also subjected to a six week consultation which ran between 23 October and 4 December 2015 including a presentation and Q&A session with Directors from across Wales.

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 code of practice will have a positive impact on younger people by clearly specifying the responsibilities of the director of social services and lead director for children and young people's services posts when they are held separately within a local authority. Specifically, the code requires individuals undertaking these respective roles to liaise regularly and formally to ensure the requirements of both posts are being fulfilled in respect of children's well-being.</p> <p>The code will also have a positive impact on people of all ages by ensuring that the director of social services retains accountability for key social services functions within the local authority.</p> <p>Within the code, chapter 3 sets out that whilst responsibility for the delivery of certain social services functions may, for example, be placed with heads of services for adults and heads of</p>
People 18-50	Positive			
Older people (50+)	Positive			

			<p>service for children and families; accountability for these functions still rests with the director of social services.</p> <p>The code also specifies that the director of social services may simultaneously undertake other roles within the local authority, including lead director for children and young people. However, the code states that local authorities must be satisfied that additional responsibilities do not negatively affect the ability of an individual to discharge the functions of a director of social services. Including this caveat in the code will have a positive impact as it ensures that the director of social services will still be required to fulfil all their functions relating to people within the Act.</p> <p>In addition, chapter 4 of the code requires the director of social services to show strategic leadership in ensuring all care and support services in the local authority area seek to promote the well-being of all people with care and support needs. This will involve ensuring all care and support services work with people to empower them to contribute to achieving their own well-being with the appropriate level of support and services. This will benefit all people within the local authority</p>
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				<p>by giving them a greater voice and increased control over their own well-being.</p> <p>The code also has a positive effect on both adults and children by requiring the director of social services to lead on the development of effective arrangements to promote co-operation to protect adults with care and support needs who are at risk or experiencing abuse or neglect; and protecting children who are at risk or experiencing abuse of neglect.</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			<p>Chapter 4 of the code of practice includes a specific reference to the needs of deaf blind citizens in the requirement for the director of social services to show strategic leadership in promoting the well-being of all people with care and support needs.</p> <p>This will involve ensuring all care and support services work with people to empower them to contribute to achieving their own well-being with the appropriate level of support and services</p>
Hearing impairment	Positive			

Physically disabled	Positive			<p>The code also includes a requirement that directors must prepare an annual report which should set out how the local authority has achieved the six quality standards of well-being outcomes as set out in the <i>code of practice in relation to measuring social services performance</i>.</p> <p>One of these quality standards states that local authorities must work with people who need care and support and carers who need support to define and co-produce personal well-being outcomes that people wish to achieve. This includes ensuring decisions made have regard to the UN convention on the rights of disabled people.</p>
Learning disability	Positive			
Mental health problem	Positive			
Other impairments issues	Positive			

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>Chapter 7 of the code includes a list of competencies which a director of social services must demonstrate in order to be appointed to the position within a local authority.</p> <p>Several of the competencies require a focus on citizens. Specifically the director is required to ensure that an approach is taken by the</p>
Female	Positive			

				<p>local authority and all partners which seeks to promote the well-being of people who need care and support and carers who need support.</p> <p>This requirement for a director to demonstrate a focus on citizens applies equally across both men and women.</p>
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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?
	Positive			<p>Chapter 7 of the code includes a list of competencies which a director of social services must demonstrate in order to be appointed to the position within a local authority.</p> <p>Several of the competencies require a focus on citizens. Specifically the director is required to ensure that an approach is taken by the local authority and all partners which seeks to promote the well-being of people who need care and support and carers who need support.</p> <p>This requirement for a director to demonstrate a focus on citizens applies equally across all citizens, including those with protected characteristics such as those who are transgender.</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	Positive			<p>Chapter 7 of the code includes a list of competencies which a director of social services must demonstrate in order to be appointed to the position within a local authority.</p> <p>Several of the competencies require a focus on citizens. Specifically the director is required to ensure that an approach is taken by the local authority and all partners which seeks to promote the well-being of people who need care and support and carers who need support.</p> <p>This requirement for a director to demonstrate a focus on citizens applies equally across all citizens, including those who are married or in a civil partnership.</p>
Civil Partnership	Positive			

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	Positive			Chapter 7 of the code includes a list of competencies which a director of social services must demonstrate in order to be appointed to the position within a local authority.
Maternity (the period after birth)	Positive			<p>Several of the competencies require a focus on citizens. Specifically the director is required to ensure that an approach is taken by the local authority and all partners which seeks to promote the well-being of people who need care and support and carers who need support.</p> <p>This requirement for a director to demonstrate a focus on citizens applies equally across all citizens, including those who are pregnant or in the period after birth.</p>

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,	Positive			The Act sets out that those persons (including directors of social services) exercising functions under the Act must have regard to the characteristics, culture and beliefs of the
National Origin (e.g. Welsh,	Positive			

English)				individual. This requirement applies equally across all races, nationalities and cultural identities.
Asylum Seeker and Refugees	Positive			
Gypsies and Travellers	Positive			
Migrants	Positive			
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)	Positive			The Act sets out that those persons (including directors of social services) exercising functions under the Act must have regard to the characteristics, culture and beliefs of the individual. This includes religion and belief or non-belief.
Belief e.g. Humanists	Positive			
Non-belief	Positive			

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	Positive			The Act sets out that those persons (including directors of social services) exercising functions under the Act must have regard to the characteristics, culture and beliefs of the individual. This includes sexual orientation.
Lesbians	Positive			
Bi-sexual	Positive			

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 Act has a strong focus on human rights, particularly by promoting the independence of people to give them a stronger voice and control in the way social services are delivered</p> <p>In terms of UN conventions, the directors of social services code also includes a requirement that directors must prepare an annual report which should set out how the local authority has achieved the six quality standards of well-being outcomes as set out in the <i>code of practice in relation to measuring social</i></p>

				<p><i>services performance.</i></p> <p>One of these quality standards states that local authorities must work with people who need care and support and carers who need support to define and co-produce personal well-being outcomes that people wish to achieve. This includes ensuring decisions made have regard to the UN convention on the rights of children, the UN principles for older people and the UN convention on the rights of disabled people.</p>
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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.

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?

The Act transforms the way social services are delivered, primarily through promoting people's independence to give them a 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, the provision of information people receive, and a shared focus on prevention and early intervention.

Welsh Government has worked with protected groups to develop these policies to ensure all circumstances have been considered.

There are a number of key themes that underpin the Act and promote equality of opportunity. These are:

Focus on people – ensuring people have a voice and control over their care and support to support them to achieve the outcomes important to them and also ensuring services are designed and developed around people.

Well-being – measuring success in relation to outcomes for people rather than process.

Prevention and early intervention – delivering a preventative and early intervention approach to minimise the escalation of need and dependency on statutory services.

Partnership – effective cooperation and partnership working between all agencies and organisations to best meet the needs of people.

Accessibility – improving the information and advice available to people and ensuring that everyone, irrespective of their needs, is able to access that information.

Chapter 2 of the directors of social services code of practice makes clear that the director of social services has an essential in providing the strategic leadership required to effectively deliver care and support services in keeping with these principles.

In addition, the code also states that the director of social services must have regard to these duties in relation to how the local authority exercises all its social services functions.

Within the code, it states that director of social services must show strategic leadership in ensuring all care and support services in the local authority area seek to promote the well-being of all people with care and support needs.

Ensuring that the directors of social services role is closely linked with the core principles of the Act within the code of practice will help contribute to both addressing disadvantage and reaching different communities or protected groups within local authority areas in Wales.

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.

As with the response to section 1.1, by ensuring the directors of social services role is closely linked with the core principles of the Act, the directors of social services code of practice will contribute to reducing unlawful discrimination, harassment or victimisation within by enshrining the core principles of:

a focus on people,
well-being,
prevention and early intervention,
partnership, and
accessibility

at a senior level within the local authority.

Specifically in respect of safeguarding, chapter 4 of the code requires that the director of social services must show leadership to ensure effective safeguarding arrangements are in place both within the local authority and by relevant partners.

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

The director of social services code of practice requires directors of social services to ensure that the local authorities and partners develop a strategic approach to prevention. By requiring a focus on prevention at a senior level, the code will help ensure that care and support services do not wait to respond until people reach crisis point. This will have a beneficial effect on wider community cohesion.

Code of practice in relation to Part 2 of the Act sets out the requirement in section 16 which places a duty on local authorities to promote the development in their area of not-for-profit organisations to provide care and support services, including preventative services. These models include social enterprises, co-operative organisations, co-operative arrangements, user led services and the third sector. This requirement supports a new relationship between the local authority and service providers.

The code of practice requires the director of social services to ensure that, in identifying the range and level of services required to respond to care and support needs identified by the population assessment, a co-operative approach to the planning, development, procurement and delivery of services is taken. This co-operative approach will help further promote positive relationships between the local authority and the wider community.

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 Act 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 the Code.

Chapter 6 of the directors of social services code of practice requires the director of social services to prepare and publish an annual report about the exercise of the local authority's social services functions. This report must evaluate the performance of the local authority in relation to the delivery of its social services functions and include lessons learned. These reports, once published should provide Welsh Government with an indicator of how effectively the director of social services is managing to deliver the social services functions required by the Act.

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

Official completing the EIA
Name:
Tom Cleaver
Department:
Health and Social Services Group
Date:
December 2015
Signature:
Tom Cleaver
Head of Division (Sign-off)
Name:
Margaret Provis
Job title and department:
Deputy Director, Social Services Leadership and Improvement
Date:
January 2016
Signature:
Margaret Provis
Review Date: April 2017