

Equality Impact Assessment (EIA)

Policy title and purpose (brief outline):	The national outcomes framework for people who need care and support and carers who need support
Name of official	Huw Jones
Department:	Department for Health and Social Services
Date:	18/07/14
Signature:	<i>Huw Jones</i>

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?

The Social Services and Well-being (Wales) Act 2014 puts a duty on local authorities and their partners to promote the well-being of people who need care and support and carers who need support in Wales. The Act sets out the definition of well-being. The Act also places a duty on Welsh Ministers to issue a statement of well-being outcomes to be achieved.

The aim of this policy is to put into law the rights and responsibilities of people who need care and support and carers who need support. The social care sector will use the statement of well-being to design and deliver services with people. This will be an important driver in the shift to an approach which puts people at the centre, the outcomes they wish to achieve, and in giving them greater voice and control.

The Deputy Ministers well-being statement was published on 26 June 2014. The well-being statement is a part of the National Outcomes Framework. The framework is made up of the well-being statement and the national outcome indicators that will be used to evidence whether well-being is achieved.

This is a transparent approach to setting out what outcomes people should expect, and what services are contributing to achieve well-being. This will provide information that will enable us to learn what is working well and what isn't, to inform our policies nationally, and our practice locally.

It will be kept under review to ensure it continues to capture the well-being outcomes that are important to people who need care and support and carers who need support.

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 outcomes framework and the outcomes and expectations contained within were co-produced with people themselves. We asked people what mattered to them. We did this in a direct and engaged way. This meant our equality commitments have been inbuilt into our work from the very beginning, and has improved our understanding of the barriers that exist for different equality groups.

We sought out specific groups who we knew would traditionally have less of a voice. These were looked after children and carers. We worked with WCVA to get the direct voices of people as part of their 'I matter we matter' campaign which brought in the voices of a diverse group of people – over 4,000 contacts. This approach targeted people with a broad range of protected characteristics.

We asked Voices from Care to facilitate workshops with young people who are or have been looked after to identify what is important for them. That work has been critical in establishing the methodology, and in identifying outcomes which apply to all people. We worked with the Wales Carers Alliance and Children in Wales who facilitated workshops with both older and younger carers to identify outcomes for carers and ensure that what matters to carers is captured within the well-being statement.

To ensure the needs and outcomes of these specific groups of people were captured, work was also carried out to align Welsh Government frameworks, all of which are developed through consultation with service users to identify the key outcomes and things that matter to them. These include the Framework for Action on Independent Living for disabled people, the Early Years Outcomes Framework and the Older People's Commissioner Framework for Action. We met a broad range of people and ensured that we used the evidence of their own direct contacts to inform the framework. This ensured that the well-being statement contains all the important well-being outcomes and expectations for different people in Wales.

The Welsh Government has undertaken a public consultation of the Bill between 12.03.12 – 01.06.12. The draft Bill was also subject to a scrutiny process by the National Assembly for Wales. This led to an amendment to add 'suitability of living accommodation' to the definition of well-being as defined in the Bill that was passed by the Assembly on 18 March 2014.

An EIA has been published for the Social Services and Well-being (Wales) Act in the Explanatory Memorandum. This Equality Impact Assessment provides an update on work in the areas of the protected characteristics, human rights, the Welsh language, Sustainable Development.

The Welsh Government undertook a further public consultation on the approach to the development of the national outcomes framework, which includes the well-being statement between 12.11.12 - 04.02.13, and received responses from a wide range of organisations such as Alzheimer's Society, Disability Wales, Diverse Cymru and Relate Cymru.

This resulted in setting up the Strategic Steering and Engagement Group which comprises membership from organisations which represent the statutory, voluntary and private sectors. It includes people who themselves have protected characteristics and who represent people who do and this ensures that we build in those voices again.

The Strategic Steering and Engagement Group provided significant steer on the outcomes framework and well-being statement. This group is part of a wider engagement structure to provide steer on social services policy. Members provided professional advice on the development of well-being outcomes to ensure that definitions represented well-being for all people who need care and support and carers who need support.

The well-being statement was initially built with looked after children. In developing this work, we have taken a rights based approach, based on United Nations Convention on the Rights of the Child.

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.

To measure whether national policies and local practices are supporting people to achieve the well-being outcomes described in the well-being statement for people who need care and support and carers who need support, a set of national outcome indicators have been developed. The Strategic Steering and Engagement Group provided advice on this set and we worked closely with the Delivering Better Outcomes team to ensure the outcome indicators were suitable measures to understand whether well-being of people was being achieved.

During the work to align Welsh Government frameworks, the outcome indicators across each framework have been reviewed to identify the links and shared indicators, with the aim to remove duplication and to ensure all services are held accountable to secure the well-being of people.

The well-being statement contains a number of subjective measures of well-being, such as life satisfaction. Following this work, and discussions with service users, stakeholders and across government, relevant questions will be included in the National Survey for Wales. Whilst the sample size for protected groups is small, this work could potentially open up areas of investigation (e.g. in depth follow up interview) around whether certain protected groups who need care and support or are carers who need support have the same level of well-being as the population and other service users. We also worked directly with the COPA to develop these questions.

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?

Programme for Government sets out the difference that the Welsh Government want to make to the lives of people in Wales. At the heart of this is a focus on people and a commitment to support the development of a fairer society in which every person is able to make the most of their abilities and contribute to the community in which they live.

‘Sustainable Social Services for Wales: A framework for Action’ develops this further, and states that social services and social care must act in ways that strengthen our voice; that allow us to have the maximum control over our lives; that build on our strengths; which reinforce our family’s desire to sustain and strengthen us and enable us to make a full contribution to the community and draw on it to support us.

These values have been articulated in the Children Act 1989 and the UN Convention on the Rights of the Child, in the UN Principles for Older People, and in the equalities and Welsh language legislation, and laid the foundations for the development of the definition of well-being in the Social Services and Well-being (Wales) Act 2014.

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.

Current evidence base for social services describes process, there is little evidence on the impact that social services make on peoples lives and whether the service improves outcomes for people. Therefore there is a significant gap in evidence and this supports our approach to develop an outcome framework that measures the effectiveness on services.

Evidence:

1. Consultation response on the national outcomes framework (Annex A lists all the organisations that replied).
<http://wales.gov.uk/docs/dhss/consultation/130516ssswen.pdf>
2. ‘I matter, We matter’ declarations
<http://imatterwales.files.wordpress.com/2013/03/we-matter-declarations-1-1.docx>

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>Positive</p>			<p>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; this includes people in protected groups.</p> <p>The statement was developed using the direct input of younger people. This secured their voices and identified issues specifically which needed to be tackled for that group and ensure what matters to them is captured.</p> <p>The definition of well-being in the Act complies with the UNCRC to take account of the rights of children.</p> <p>The Act also changes the</p>



				<p>social care landscape by breaking down the artificial barriers of age and instead providing for 'people'.</p> <p>A children's version of the statement has been produced.</p> <p>Our steering and engagement group contains representatives from the children's commissioner's office. This group had steered and developed this work.</p>
People 18-50	Positive			<p>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.</p>
Older people (50+)	Positive			<p>The statement was developed with people aged 18+ and older people who told us what mattered to them. The definition of well-being in the Act complies with the UN Principles for Older People to take account of the rights of older people.</p> <p>Our steering and engagement group contains representatives from the older person commissioner's office. This group had steered and developed this work.</p>



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>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.</p> <p>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). Disability Wales is a member of our Steering and Engagement Group, which developed this work.</p> <p>We have worked with DW and other disabled people's organisations and disabled people to produce a tool which supports equality – Enabling Wales – Transforming Social Services. We have promoted this to all our stakeholders and are using this tool to help us identify and tackle barriers as we develop our guidance and regulations around the whole Act.</p> <p>We have engaged with</p>
Hearing impairment	Positive			
Physically disabled	Positive			
Learning disability	Positive			
Mental health problem	Positive			
Other impairments issues	Positive			

				<p>the equalities team internally to ensure that the outcome statements that they have developed in conjunction with disabled people are in line with ours. This and consultation with older people and carers identified specific outcomes for these groups.</p> <p>An easy read version of the statement has been produced by Barod.</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			Negligible	We have worked with men and women (including Chwarae Teg) to build this framework and they have identified what mattered to them.
Female			Negligible	

4.4 Because they are transgender?

Trans-gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			Negligible	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

				<p>their rights and responsibilities in law, which includes people in protected groups.</p> <p>We did not target the transgender community specifically but they would be encompassed by our wide ranging engagement.</p> <p>We will ensure they are on our consultation list.</p>
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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		Negligible	<p>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, which includes people in protected groups.</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	Positive		Negligible	

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		Negligible	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, which includes people in protected groups.
Maternity (the period after birth)	Positive		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,	Positive			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. 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, which includes people in protected groups. Our wide ranging
National Origin (e.g. Welsh, English)	Positive			
Asylum Seeker and Refugees	Positive			
Gypsies and Travellers	Positive			

Migrants	Positive			<p>engagement and consultations captured many views as we asked people what mattered to them, including responses from Diverse Cymru and the Equality and Rights Commission.</p> <p>The statement also defines that people should get help through the medium of Welsh if they need it, which is in line with more than just words.</p>
Others	Positive			

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			<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 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, which includes people in protected groups.</p> <p>The outcome statements include taking into account peoples</p>
Belief e.g. Humanists	Positive			
Non-belief	Positive			

				individual circumstances, and this was developed through consultation with organisations such as N Faith Communities Forum and Cytun.
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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			<p>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, which includes people in protected groups.</p> <p>The outcome statements include taking into account peoples individual circumstances, and this was developed through significant consultation with organisations such as LGBT Excellence Centre and Stonewall Cymru.</p>
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 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.</p> <p>Well-being is everyone’s right and the statement sets out peoples rights and responsibilities in law, this includes people in protected groups.</p> <p>Our wide ranging engagement and consultations captured many views as we asked people what mattered to them, including responses from Diverse Cymru and the Equality and Rights Commission.</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?

The Act puts into law peoples rights and responsibilities, this includes a duty that services must take into account peoples individual circumstances and must support them to do what matters to them. This will provide greater voice and control for all people, who will be able to help contribute to the development of care and support to achieve their personal well-being outcomes.

The well-being statement is a statement of well-being outcomes and measures that applies to all people, regardless of whether they are in a protected group. However there will be some outcomes and measures that are specific to certain service users.

We have worked with protected groups to develop these expectation statements. Engagement with organisations such as Stonewall Cymru, Cytun, Learning Disabilities Wales, Diverse Cymru, and the Equality and Rights Commission have ensured we have captured specific well-being outcomes appropriate to all people.

Local authorities will be required to ensure that they support people to achieve the well-being set out in the statement. This will have a positive impact on people with protected characteristics and will help promote equality of care provided. It will help identify whether effective care services are making a difference to peoples lives.

This includes ensuring access to information, advice and assistance is made available in the right place, in the right way, at the right time and then services work with people to determine their well-being outcomes and support them to achieve that.

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.

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

Well-being is everyone's right and everyone's responsibility. We must support people to achieve well-being by recognising and valuing people's strengths, people's families, friends and communities.

The outcomes framework was co-produced with people themselves. By directly engaging and consulting with different service users and equality groups, we found out directly what mattered to them, and gained an understanding 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.

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?

Not applicable

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.)

Not applicable

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 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.

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

4. Declaration

The policy does have a significant impact upon equality issues

Official completing the EIA

Huw Jones

Department for Health and Social Services

18/07/14

Signature: *Huw Jones*

Head of Division (Sign-off)

Margaret Provis

Deputy Director, Social Services Leadership & Improvement,
Department for Health and Social Services

29/07/14

Signature: *Margaret Provis*

Review Date (reviewed every 1-3 years): 30/07/15