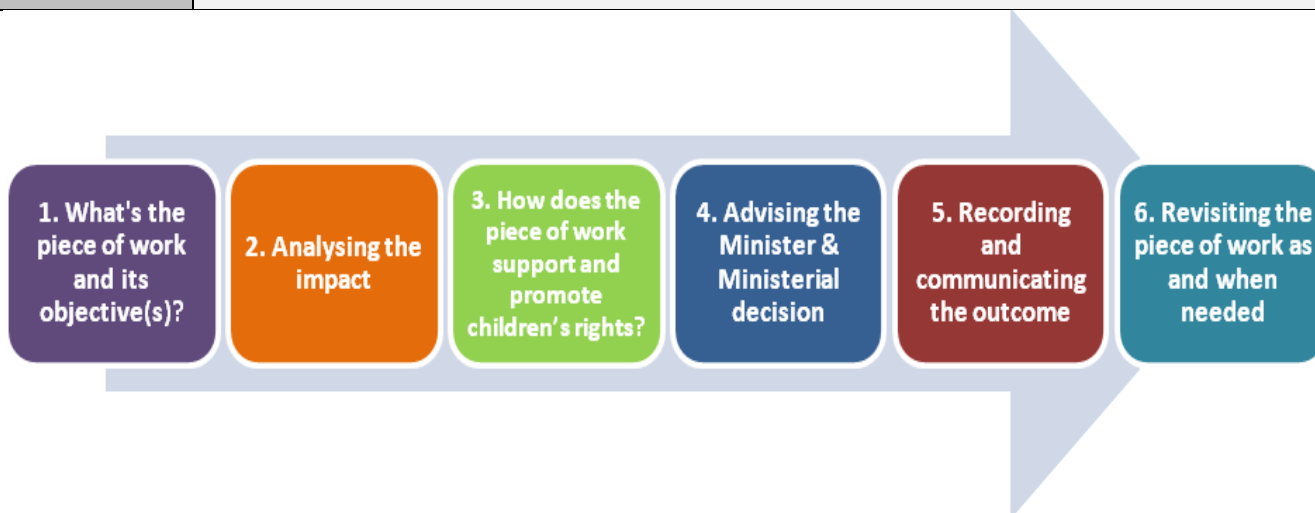




Children’s Rights Impact Assessment (CRIA) Template

Title / Piece of work:	Welsh Language Standards – Health sector
Related SF / LF number (if applicable)	Laying of Welsh Language Standards (No.7) Regulations 2018 (MA(L) reference to follow)
Name of Official:	Eleri Davies
Department:	Welsh Language Unit, EPS
Date:	18/10/2017
Signature:	



Step 1. What's the piece of work and its objective(s)?

The Welsh Language (Wales) Measure 2011 (the Measure) created a new system of Welsh Language Standards. The Standards will replace the Welsh Language Schemes developed under the Welsh Language Act 1993, and will allow the Welsh Language Commissioner ("the Commissioner") to impose duties on organisations. This process of replacing Welsh Language Schemes began in March 2015, when the first set of Regulations (the Welsh Language Standards (No.1) Regulations 2015) was introduced to Welsh Ministers, Local Government and the National Parks. This first set of Regulations provided the structure and the initial policy direction for the subsequent Regulations (No.'s 2, 4, 5 and 6). The (No. 1) of Regulations has also served as a foundation for these (No.7 Regulations). Owing to the different nature and delivery method of the services provided by the bodies in the (No.1,2,4,5 and 6) Regulations and the bodies within Regulations (No.7), these new Regulations are markedly different from those already in force to accommodate these differences.

Each of the Regulations drafted by the Welsh Government have the aim of:

- Improving the Welsh-language services people (of all ages) can expect to receive from organisations.
- Increasing the use people make of Welsh-language services.
- Making it clear to organisations what they need to do in terms of the Welsh language.
- Ensuring that there is an appropriate degree of consistency in terms of the duties placed on organisations in the same sector.

The Regulations set the range of standards which could be imposed on an organisation but it is the Commissioner who chooses which standards to impose on each organisation by way of a Compliance Notice. The Compliance Notice also sets the date by which the organisation is required to comply with the set of standards which the Commissioner wishes to subject the organisation to. From the date the Commissioner issues a Compliance Notice to an organisation, that organisation has a minimum of 6 months before it must comply with a specified standard. If, after consultation with the organisation, the Commissioner believes a longer lead-in period is appropriate, the Commissioner can give an organisation a longer period to comply.

The organisations and groups of organisations named in the proposed Regulations were subjected to the Commissioner's second Standards Investigation which was conducted between 17/11/2014 and 6/2/2015¹. A draft set of the Regulations were subject to a full 13-week public consultation from July 2016. In response to the comments received during the consultation a number of amendments have been made to the draft Regulations which are reflected in the proposed Regulations.

Separate CRIAs have already been prepared and filed for The Welsh Language Standards Regulations (No.1,2,4,5,6). This CRIA relates solely to the proposed No.7 Regulations.

It is noted that the proposed Regulations will directly affect Welsh-speaking children by providing them with increased rights to use their first language(or chose to use Welsh) to communicate with the health organisations listed at Schedule 6 of the proposed Regulations.

1

<http://www.comisiynyddygyymraeg.cymru/English/Publications%20List/20150529%20AD%20S%20Adroddiad%20Safonau%20Llywodraeth%20Leol.pdf>

Step 2. Analysing the impact

A thorough policy investigation has been carried out by officials in order to draft standards which meet the policy objectives (outlined in step 1) and to ensure that the proposed Regulations are proportionate and reasonable for the organisations and groups of organisations named in the Regulations.

The proposed Regulations will have an impact on Welsh speakers of all ages by giving everyone clear and enforceable rights to use the Welsh language. The most significant impact on children and young people is likely to result from the service-delivery standards contained in the proposed Regulations. From an early point in this policy's development, reference has been had to the *More than just words... Follow-on Strategic Framework for Welsh Language Services in Health, Social Services and Social Care*². The Strategic Framework identifies children and young people as a group of people with greater need to receive services in Welsh as it is noted that many Welsh-speaking children, particularly young children, may only be able to speak Welsh. The proposed Regulations will give children and young people new rights regarding the Welsh language in the health sector.

The rights contained in the proposed Regulations are further strengthened by the complaints process and the enforcement options available to the Commissioner for instances of non-compliance as outlined in the Measure 2011. The rights for children and young people (as well as the public at large) are also strengthened by a processes of appeal to the Welsh Language Tribunal if a complainant does not agree with the decision of the Commissioner.

As with every other set of Regulations creating Welsh Language Standards, the Commissioner has sole responsibility for monitoring the compliance of organisations with the standards contained in the Compliance Notice served to them by the Commissioner. The language use survey which is published by the Welsh Government may demonstrate whether or not these Regulations have achieved the stated objectives.

As stated above, the draft Regulations were subjected to a full 13-week public consultation. As part of the consultation an easy-read version of the consultation document and response form was published and stakeholders who represent children and young people were made aware of the consultation and were invited to attend the two public consultation events.

The responses received to the easy read version were considered along with all the other responses and amendments made to the draft Regulations have kept the needs of children and young people in mind. In general the proposed Regulations will increase the rights of children and young people to receive services from health sector organisations in Welsh. There are also specific duties that can be placed on the organisations that will benefit children and young people. The Regulations include a duty that requires an organisation to identify if a hospital in-patient wishes to speak Welsh. This will alert staff to the patient's language choice and encourage them to communicate with the patient in Welsh. As Welsh speaking young children can often only speak Welsh this will help them understand what is happening to them while they are in hospital and ensure that they will not be compromised by being discriminated against on the grounds of the language they speak. This could also help to alleviate their anxiety, stress and concerns which they may be suffering from being in the healthcare setting.

The proposed Regulations also include a duty that requires organisations to publish an improvement plan setting out how the plan to increase their ability to offer clinical consultations in Welsh. Within these plans the organisations can prioritise areas such as services for children and young people, or mental health responding to the need and demand for these services within their area.

² <http://gov.wales/topics/health/publications/health/guidance/words/?lang=en>

Increasing children and young people's rights to health care services in Welsh will be contributing to delivering Objective 3 in the Child Poverty Strategy for Wales under the '*Reducing health inequalities*' heading and contribute to the '*improving the quality of all services*' agenda, which is stated in the strategy.

Furthermore, by increasing children's rights to use the Welsh language when interacting with health sector bodies, the proposed Regulations will contribute to delivering the 'A Wales of vibrant culture and thriving Welsh Language' goal as stated in the Well-being of Future Generations (Wales) Act 2015.

Step 3. How does your piece of work support and promote children's rights?

The proposed Regulations will give children and young people legally enforceable rights to receive Welsh language services from some bodies in the health sector.

The Children's Commissioner for Wales stated in its response to the Measure³ that '*Welsh language provision is a rights issue, relevant to several UNCRC articles*'. The Commissioner continued by saying that there is a clear '*link between language and identity and the way in which language influences how people see and understand the world around them, (...) every experience a child and young person has is affected by language. No (UNCRC) article can therefore be divorced from linguistic consideration*'.

In developing this policy, officials have been aware of the Rights of Children and Young Persons (Wales) Measure 2011 which gives further effect in Wales to the UNCRC. Although as noted above, the language is intrinsic to the exercise of several rights, the proposed Regulations support and promote the following rights in particular:

Article 12: Child's right to have their view taken into account (relevant in the context of being able to freely express your views when interacting with bodies in Wales in Welsh).

Article 13: Child's right to get and share information (relevant in the context of being able to receive and share information concerning services you receive from the health sector in Welsh).

Article 30: Child's right to learn and use the language and customs of their families (relevant in the context that these proposed Regulations give legal rights to people to use their own language when dealing with health sector bodies).

These three Articles, and Article 30 in particular, are fully supported by the aims set out in the Measure. The Measure created a framework for change in the way Welsh language services are delivered so that Welsh speakers can access and use the Welsh language in all aspects of their lives. This is particularly important in the context of creating rights in the proposed Regulations for children and young people who prefer to speak Welsh to have that choice identified if they are an in-patient in a hospital. This will help Welsh-speaking children to understand what is being said to them whilst they are staying in a hospital.

The proposed Regulations also go some way to promoting the rights for children which are contained at Articles 2 (ensuring non-discrimination) and 3 (ensuring organisations work towards what is best for the child). By placing legal duties on bodies in the healthcare sector to provide services in Welsh and in particular identifying if an in-patient's language preference is Welsh will safeguard against a child's

³ http://www.assembly.wales/NAfW%20Documents/mi_266_-_children_s_commissioner_for_wales.pdf%20-%2026052010/mi_266_-_children_s_commissioner_for_wales-English.pdf

understanding being compromised or being discriminated against on the grounds of the language they speak. In doing this, they will be working towards what is best and most appropriate for the child in terms of service provision.

One of the clearest examples of the vulnerability of children and young people receiving services in the healthcare sector is evidenced by mental health services. By its nature, the language in which healthcare service provision is delivered is crucial to ensuring its suitability. For this reason, the Welsh Government's *More than just words.... follow-on Strategic Framework* identifies mental health service users as a group with greater need for Welsh language services. Furthermore, the Children's Commissioner for Wales has identified Children and Adolescent Mental Health Services (CAMHS) and access to those services as a priority for 2016-19. In addition, the Concluding Observations Report from the UN Committee on the Rights of the Child which was published on 9 June 2016 recommends ensuring better access to mental health services.

In allowing children and young people to use their Welsh when interacting with some bodies in the health sector, the provision of services to children is improved as the service provided acknowledges the language dimension of the child/young person. This is also the case when children and young people are able to have their preference to use Welsh identified whilst a hospital in-patient. The provision allows children and young people to participate more effectively in their care as an equal partner when their language requirements are understood. Crucially, the proposed Regulations offer enhanced protection to children and young people through increasing their rights to receive healthcare services in Welsh and identifying their language preference whilst an in-patient will help them to understand and participate in their care. The proposed Regulations therefore promote the 3 principles at the foundation of the UNCRC: Provision, Protection and Participation.

Over time as the health bodies increase their ability to offer clinical consultations in Welsh, Welsh speaking children and young people will be empowered to participate in their care through better understanding of what is being said to them.

Step 4. Advising the Minister and Ministerial decision

The proposed Regulations if passed will, without doubt, have a positive impact on the potential for Welsh speakers of all ages to use the language in their dealings with the organisations subjected to Standards. Many of these organisations are already familiar with the articles of the UNCRC and it would be in their interests to ensure that their compliance with the Standards do not undermine the principles set out in those articles. No conflict with the proposed Standards and the articles of the UNCRC have been identified, as the Standards in their very nature go some way in ensuring that some certain articles are supported.

As well as setting out clear rights for Welsh speakers when they interact with organisations in the health sector, the Measure backs up the Welsh Language Standards with enforcement actions which the Commissioner may take. If the complainant is unsatisfied with the Commissioner's decision on whether or not to proceed with enforcement action, an appeal of the Commissioner's decision to the Welsh Language Tribunal is possible. This further strengthens people's rights to use the Welsh language.

As noted above, these proposed Regulations will provide a legal footing to ensure Welsh speakers are able to use Welsh when they interact with organisations in the health sector. This will simultaneously aid the delivery of the Welsh Government's *More than just words.... Follow-on Strategic Framework for Welsh Language Services in Health, Social Services and Social Care (2016-19)* which identifies children and young people as a group with greater need to use Welsh in the health sector.



Step 5. Recording and communicating the outcome

iShare records are kept (or will be kept) of:

- Emails, correspondence and documents relating to the policy investigation for the proposed Regulations and discussions between policy officials and legal services.
- Responses to the consultation
- Regulatory Impact Assessments

The draft Regulations have been laid before the Assembly in February 2018. If passed the Commissioner will then be responsible for making people aware of their rights regarding the Welsh language, and encouraging them to ask for and use the services available. The Commissioner may also publish codes of practice on certain Standards. We do not know if it is her intention to produce a child / young person’s guide to the Welsh Language Standards.

Step 6. Revisiting the piece of work as and when needed

The monitoring of compliance with these standards will be for the Welsh Language Commissioner and not Welsh Government officials.

Following the coming into force of the proposed Regulations, if amendments or additional Welsh Language Standards are required, these could be put before the NAFW.

Budgets

<p>Does the piece of work have any associated allocation of budget?</p> <p>Can you identify how much of this budget will be used for children and young people?</p> <p>It is important that where any changes are made to spending plans, including where additional allocations or savings have been made, that this has been assessed and evidenced as part of the CRIA process.</p> <p>Has any additional spend been identified to ensure children and young people have been given an opportunity to contribute to the</p>	<p>No</p>
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piece of work and have their opinions heard? If so, how much?	
Please give any details: N/A	

Monitoring & Review

Do we need to monitor / review the proposal?	The assessment was reviewed following the consultation in 2016. Ongoing monitoring of the standards' implementation is for the Welsh Language Commissioner.
If applicable: set the review date	

Please forward a copy of this CRIA to CRIA@wales.gsi.gov.uk for monitoring purposes



THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

www.uncrcletsgetitright.co.uk

The United Nations Convention on the Rights of the Child is an international agreement that protects the human rights of the children under the age of 18. On 16 December 1991, the United Kingdom of Great Britain and Northern Ireland formally agreed to make sure that every child in the UK has all the rights as listed in the convention. The Welsh Government has shown its commitment to the convention by adopting it as the basis for policy making for children in Wales.

Altogether there are 54 articles in the convention. Articles 43-54 are about how adults and governments should work together to make sure all children are entitled to their rights. The information contained here is about articles 1-42 which set out how children should be treated.



**Llywodraeth Cymru
Welsh Government**

www.cymru.gov.uk

Article 1

Everyone under 18 years of age has all the rights in this Convention.

Article 2

The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

Article 3

All organisations concerned with children should work towards what is best for each child.

Article 4

Governments should make these rights available to children.

Article 5

Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

Article 6

All children have the right to life. Governments should ensure that children survive and develop healthily.

Article 7

All children have the right to a legally registered name, the right to a nationality and the right to know and, as far as possible, to be cared for by their parents.

Article 8

Governments should respect children's right to a name, a nationality and family ties.

Article 9

Children should not be separated from their parents unless it is for their own good, for example if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

Article 10

Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.

Article 11

Governments should take steps to stop children being taken out of their own country illegally.

Article 12

Children have the right to say what they think should happen, when adults are making

decisions that affect them, and to have their opinions taken into account.

Article 13

Children have the right to get and to share information as long as the information is not damaging to them or to others.

Article 14

Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

Article 15

Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

Article 16

Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

Article 17

Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

Article 18

Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

Article 19

Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

Article 20

Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

Article 21

When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born or taken to live in another country.

Article 22

Children who come into a country as refugees should have the same rights as children born in that country.

Article 23

Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

Article 24

Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.

Article 25

Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

Article 26

The Government should provide extra money for the children of families in need.

Article 27

Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

Article 28

Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

Article 29

Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

Article 30

Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

Article 31

All children have a right to relax and play, and to join in a wide range of activities.

Article 32

The Government should protect children from work that is dangerous or might harm their health or their education.

Article 33

The Government should provide ways of protecting children from dangerous drugs.

Article 34

The Government should protect children from sexual abuse.

Article 35

The Government should make sure that children are not abducted or sold.

Article 36

Children should be protected from any activities that could harm their development.

Article 37

Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

Article 38

Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

Article 39

Children who have been neglected or abused should receive special help to restore their self respect.

Article 40

Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

Article 41

If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

Article 42

The Government should make the Convention known to all parents and children.

For further information on the United Nations Convention on the Rights of the Child please visit: The Welsh Government's UNCRC Website: www.uncrcletsgetitright.co.uk/

Cic - The National Information and Advice Service for Young People www.ciconline.co.uk/news/

