

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

<b>Policy title and purpose (brief outline):</b>	<b>Welsh Language Standards</b>  <b>This EIA deals specifically with the proposed Welsh Language Standards (No.7) Regulations to make standards applicable to organisations in the health sector (Local Health Boards, NHS Trusts, Community Health Councils and the Board of Community Health Councils in Wales).</b>
<b>Name of official:</b>	<b>Eleri Davies</b>
<b>Department:</b>	<b>Welsh Language Division</b>
<b>Date:</b>	<b>13/11/2017</b>
<b>Signature:</b>	

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

The promotion and development of the Welsh language in Wales has been a long term policy objective of the Welsh Government. The Welsh Government has published its vision to increase the number of Welsh speakers to 1 million in its Welsh language strategy *Cymraeg 2050* and more specifically applicable to this proposal: the *More than just words.... Strategic Framework for Welsh Language Services in Health, Social Services and Social Care* (2016 -2019).

The regulation of Welsh language services in the public sector had, since 1993, been achieved through Welsh Language Schemes under the Welsh Language Act 1993. The Welsh Language (Wales) Measure 2011 confirmed the official status of the Welsh language in Wales and created a new legislative framework for the language.

This new legislative framework provides a system for creating Welsh Language Standards which will ultimately replace organisations' Welsh Language Schemes. The process of replacing Welsh Language Schemes began in March 2015, when the first set of Regulations (*The Welsh Language Standards (No.1) Regulations 2015*) made standards applicable to Welsh Ministers, Local Government and the National Park Authorities. These Regulations form the foundation of the proposed Regulations however changes have been made to reflect the different nature of health sector organisations.

The Regulations set the range of standards which could be imposed on an organisation but it is the Welsh Language 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 a standard (a minimum of 6 months from the date of the Compliance Notice).

As with all Regulations creating Welsh Language Standards, these Regulations aim to provide Standards which give Welsh speakers enforceable rights to use the Welsh language when they interact with bodies in the health sector (a list of the bodies can be found in Schedule 6 to the Regulations). The Standards further extend to providing rights to Welsh speakers who work within these bodies to use the Welsh language internally. A core aim of the policy and

Regulations is to ensure the Welsh language is treated no less favourably than the English language by public bodies in Wales.

The monitoring and ensuring compliance by organisations with their prescribed Welsh Language Standards is the responsibility of the Welsh Language Commissioner (subject to the appeals procedures outlined in the Measure).

**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?**

**Internal**

An internal Welsh Government Standards and Tribunal Programme Board was formed in November 2014, but renamed the Welsh Language Standards Project Board following the establishment of the Welsh Language Tribunal in March 2015. The board met every 6 weeks and included representation from the following Welsh Government departments: LGC, Health, SF, DfES, Communications as well as internal HR and Legal Services. The Programme Board's remit was to ensure effective governance throughout the process of drafting Regulations.

In drafting the proposed Regulations, we have also engaged directly with policy colleagues across the breadth of the Health and Social Services Group and in particular the HSS Welsh Language Policy Unit in particular.

The policy direction for the proposed Regulations has also been presented to the Ministerial Task Group for the Welsh Language in Health and Social Services now The Welsh Language in Health Services Partnership Board. This group is comprised of external and internal stakeholders and oversees the integration of people's needs to speak Welsh into healthcare provision.

**External**

The proposed Regulations have been influenced by the report submitted to Welsh Ministers by the Welsh Language Commissioner following her Standards Investigation. This procedure involved the Welsh Language Commissioner engaging with the bodies who are the subject of the proposed Standards. The bodies were provided

with a draft copy of Regulations No.1 and asked to what extent they would be able to comply with them.

As part of her investigation, the Commissioner received responses from:

- All bodies listed in Schedule 6 of the proposed Regulations
- 108 members of the public
- 5 responses by lobby and interest groups (including *Cymdeithas yr Iaith*, *Dyfodol i'r Iaith* and *Mentrau Iaith Cymru*)
- The Welsh Language Commissioner's Advisory Panel

After receiving the Commissioner's report, officials have engaged informally with external stakeholders including NHS Welsh Language Officers to inform the policy's development.

Owing to a commitment made by Welsh Ministers in their response to the Commissioner's Standards Investigation Report, the draft Regulations were the subject of a full 13-week public consultation from July 2016.

The consultation was open to all. An Easyread version of the consultation document and response form was prepared and two public events were held to encourage participation by all sectors of the community.

All the responses received were considered in the round and the draft Regulations were amended in light of these responses. During this process the needs of the protected groups under the Equality Act 2010 were considered.

All organisations who may be made to comply with these Regulations have been invited to complete two Regulatory Impact Assessments (RIA), one in the early development stage and one at consultation stage. Assessments focused on:

- The likely financial implications of the proposed Regulations
- The economic, environmental, social and linguistic benefits of the new regime.

<b>'Group with greater need of Welsh language services'</b>	<b>Associated Protected Characteristic</b>
Children and young people	Age
Older people	
People with learning disabilities	Disability
Mental health service users	

Dementia services	
Stroke services	
Speech and language therapy service users	

**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 2011 census results showed a slight decrease in the number and percentage of Welsh speakers aged 3 + in Wales, with the total showing to be 19% / 562,000 (-2% since 2001). This decrease was most apparent in the Welsh speaking heartlands of Gwynedd, Carmarthen and Ceredigion, however some areas saw a slight increase in particular in the percentage of young Welsh speakers, aged 5-9. This age group generally provided the highest percentage of Welsh speakers in Wales (38.2% of total number of Welsh speakers).

We have also used evidence from the Commissioner's Standards Investigation Reports and from the bodies' Welsh Language Schemes.

The [More than just words... Strategic Framework for Welsh Language Services for Health, Social Services and Social Care](#) has also been used as evidence to support the development of the Regulations. This strategic framework is built on research which highlighted the importance of people being able to use their language of choice in care. The strategic framework was also developed in close partnership with healthcare providers.

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

**Impact**

**Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).**

**Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.**

**4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?**

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
<p>Younger people</p> <p><i>(Children and young people, up to 18)</i></p>	<p>√</p>			<p>Younger people were identified in the <i>More than just words....</i> Strategic Framework as a group with greater need for Welsh language services from the bodies listed in Schedule 6 of the proposed Regulations. The Strategic Framework's evidence base demonstrates that some children, particularly the very young, may only be able to speak Welsh.</p> <p>International and national legislation also identify the importance of children being able to use their own language. This is found in the UN Convention on the Rights of the Child and the Rights of Children and Young Persons (Wales) Measure 2011 which brings the rights of the UN Convention to life in Wales.</p> <p>The proposed Regulations will give</p>

			<p>children and young people a legally enforceable right to use Welsh when they receive their services, and offer prescribed courses of redress where this is not the case.</p> <p>This will ensure that Welsh speaking young people can receive an equitable service when compared with what an English speaker can expect to receive.</p>
People 18-50	√		<p>It is noted in <i>More than just words....</i> that although some groups of people have greater need to receive their services in Welsh, for many Welsh speakers, the Welsh language is an important element of their care. This is strengthened by the case studies referenced in the strategic framework.</p> <p>The proposed Regulations will give everyone legally enforceable rights to use Welsh when interacting with healthcare providers and give prescribed courses of redress where this is not the case.</p>

<p>Older people (50+)</p>	<p>√</p>		<p>Older people were identified in the <i>More than just words....</i> Strategic Framework as a group with greater need for Welsh language services from the bodies listed in Schedule 6 of the proposed Regulations.</p> <p>The case study films which accompany <i>More than just words....</i> explain the importance of older people being able to use Welsh in their care, particularly when they suffer from dementia, strokes or other conditions which make them revert to their first language and they lose their grasp of English.</p> <p>The proposed Regulations will give older people a legally enforceable right to receive services in Welsh and prescribed courses of redress where they are not provided.</p> <p>This will also bring to life the commitment made in the Declaration of Rights for Older People in Wales which states that older people have the right to</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	√			<p>The proposed Regulations will give a legal right to those with visual and hearing impairments (such as the 20,000 Welsh speakers estimated by RNIB to have sight problems), and the physically disabled to have services in Welsh.</p> <p>Being able to access Welsh language services <i>'could help reduce stress and concern'</i><sup>1</sup> that people with additional health conditions (such as having a visual or hearing impairment, or a physical disability) feel when accessing healthcare services.</p>
Hearing impairment	√			
Physically disabled	√			

<sup>1</sup> RNIB response to the *More than just words...* consultation.

Learning disability	√			People with <ul style="list-style-type: none"> <li>• learning disabilities</li> <li>• mental health service users</li> <li>• stroke patients</li> <li>• dementia patients</li> </ul> are noted above as having greater need for services to be delivered to them in Welsh.  The proposed Regulations will give these groups enforceable, legal rights to receive services in Welsh.
Mental health problem	√			
Other impairments issues	√			

#### 4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			√	The proposed Regulations will give people a legally enforceable right to Welsh language services regardless of their gender.
Female			√	

#### 4.4 Because they are transgender?

Transgender	Positive	Negative	None /	Reason for your decision
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			Negligible	(including evidence) / How might it impact?
			√	The proposed Regulations will give people a legally enforceable right to Welsh language services regardless of their transgender status.

#### 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			√	The proposed Regulations will give people a legally enforceable right to Welsh language services regardless of their marital/civil partnership status.
Civil Partnership			√	

#### 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	√			The introduction of Welsh language standards will ensure

Maternity (the period after birth)	√			<p>Welsh language services are made more accessible to all, including individuals during their pregnancy or maternity period.</p> <p>The proposed Operational standards within the proposed Regulations will give employees within organisations subject to the Welsh language standards greater opportunity to receive and discuss HR related information, such as employment or internal policy issues, in Welsh.</p>
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#### 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,			√	The proposed Regulations will give people a legally enforceable right to Welsh language services without regard to their ethnicity, national origin, asylum status, gypsy or traveller status, migrant status
National Origin (e.g. Welsh, English)			√	
Asylum Seeker and			√	

Refugees				or other feature of an individual's race.
Gypsies and Travellers			√	
Migrants			√	
Others			√	

#### 4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			√	The proposed Regulations will give people a legally enforceable right to Welsh language services without regard to their religion, belief or non-belief status.
Belief e.g. Humanists			√	
Non-belief			√	

#### 4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?

Gay men			√	The proposed Regulations will give people a legally enforceable right to Welsh language services without regard to their sexual orientation.
Lesbians			√	
Bi-sexual			√	

**4.10 Do you think that this policy will have a positive or negative impact on people’s human rights? Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.**

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions	√			The proposed Regulations give Welsh speakers a legally enforceable right to Welsh language services. In the context of children, this serves to support the UN Convention on the Rights of the Child and its provision on the language rights of children.

***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?

No one, in any part of Wales, should be denied opportunities to use the Welsh language, nor denied the opportunity to learn Welsh because of their race, ethnicity, disability, gender, sexual orientation, age or religion. Welsh-language services should be available to, and accessed by, all communities, including those characterised by disadvantage and ethnic diversity.

This policy goes some way to address the current inequality evident in the standard of services provided across healthcare provision in Wales to Welsh speakers compared to non-Welsh speakers. This policy will ensure that people who prefer communicating in Welsh (either owing to a particular protected characteristic or owing to their language identity), are able to communicate and express their needs to healthcare providers in their own language. As language is widely acknowledged as being a core element of healthcare provision, the rights contained within the proposed Regulations will go some way to ensuring that the services Welsh speakers receive are equal to those of non-Welsh speakers.

We envisage the standards contained in the proposed Regulations will have a positive impact on Welsh speakers and promote equality by ensuring that access to Welsh language services are - or are a step closer to being - on an equal footing to public services available in English.

Their impact could be termed as 'positive differential impact' in the sense that the policy is driven by the need to provide equal opportunities in Welsh and English across all public services, even though those services may only be accessed by a small group of citizens. To date, the provision of Welsh language services has been enforced through the statutory Welsh Language Schemes. Although the schemes have been successful in raising the profile of services that should be available to the public in Welsh, they fall short in their inability to issue sanctions when basic requirements agreed within a scheme have not been met. The introduction of standards recognises the need to re-address the current imbalance of opportunities available to Welsh speakers to use the language in their daily lives.

The standards aim to ensure that Welsh is treated no less favourably than English across the spectrum of services provided by public bodies involved in healthcare provision (as listed at Schedule 6 to the Regulations), but have been drafted with full awareness that the use of Welsh varies across Wales.

It will be for the Welsh Language Commissioner as regulator to determine which standards should be made specifically applicable to an organisation and to monitor their compliance with the standard, it is also her duty to be reasonable and proportionate when doing so, and to exercise her functions compatibly with human rights and equality legislation.



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

The aim through the introduction of Welsh Language Standards, will be to encourage members of the public as well as staff or workers employed by organisations subject to standards, to feel more confident and supported when executing their rights to Welsh language services. The standards offer a range of clearly worded duties which specify, without discretion, what the public can expect from the organisation. This presents a marked change from the current Welsh Language Schemes which can in some cases, appear vague.

The standards build on the principle engrained in the Welsh Language (Wales) Measure 2011 that the Welsh language should not be treated less favourably than the English language in Wales. The standards will go some way to ensure that service users aren't discriminated against in healthcare service provision if they request their services in Welsh.

One significant change will come with the introduction of operational standards which focus solely on the internal use of Welsh within organisations. These will give employees greater rights to Welsh language services so that they may feel more confident and comfortable discussing personal work related matters (such as harassment, discrimination or victimisation in the workplace) in their preferred language.

The operational standards will also require organisations to offer Welsh language training as well as provide employees with resources to enable them to improve their Welsh language skills. This, we envisage, will empower greater use of the language as well as improve skills and confidence, resulting in a better quality of service provided to all communities and protected groups.

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

All the organisations named within Schedule 6 to the proposed Regulations have Welsh Language Schemes under the Welsh Language Act 1993, which they report against annually to the Welsh Language Commissioner. Owing to this, some organisations already operate within the spirit of the standards and therefore should find the transfer from their Schemes to having to comply with some standards relatively seamless.

The standards also address the need to ensure that the Welsh language is a living and visible language in all parts of society in Wales. The policy advances community cohesion and good relations by ensuring that the rights of Welsh speakers are engrained in the way the organisations in Schedule 6 provide their services. This goes some way to ensuring Welsh speakers feel that their needs, rights and wishes to use the Welsh language in their lives are built into community life in Wales.

## **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?**

N/A

**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 responsibility of monitoring the implementation of standards will fall to the Welsh Language Commissioner. It will be for the Commissioner to

determine how this monitoring will take place but it is likely to include a combination of the following: an annual report; self-assessments; spot-checks and investigations.

If it appears that additional standards are required to fulfil the policy objective, Welsh Ministers will decide whether or not to proceed to draft new standards or amend existing ones.

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 not have a significant impact upon equality issues**

##### **Official completing the EIA**

Name: Eleri Davies

Department: Welsh Language Unit, EPS

Date: 17/11/2017

Signature:

##### **Head of Division (Sign-off)**

Name: Bethan Webb

Job title and department: Deputy Director – Welsh Language

Date: 17/11/2017
Signature:
Review Date: not applicable

