

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Care Planning under Part 4 of the Social Services and Wellbeing (Wales) Act 2014
Name of official:	Lisa Griffiths
Department:	Department for Health and Social Services
Date:	10 June 2015

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

This Equality Impact Assessment covers the new Care Planning process under the Social Services and Well-being (Wales) Act 2014. The Act imposes a duty on the local authority to prepare and maintain a care and support plan for an adult or child whom it owes a duty to meet the needs under section 35 or 37 of the Act, to create a support plan for a carer whom it owes a duty to meet needs under section 40 or 42 of the Act.

The Care Planning Regulations will introduce greater consistency of practice across Wales by introducing changes to the way care and support plans are prepared and maintained for adults and children, and the way support plans are prepared for carers.

The overall effect of the regulations is to require local authorities to prepare, maintain, and keep under review, a care and support plan, or a support plan in the case of a carer, for those whose needs the local authority is required to meet. The regulations will provide greater clarity, consistency and quality of care and support plan..

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 policy, regulations and code of practice in relation to Care Planning have been co-designed with citizens in Wales. Welsh Government has taken an engaged approach to the development of the regulations, the policy and the code of practice. .

Engagement has reached as many individuals as possible to ensure that Welsh Government equality commitments have been inbuilt into the development of the policy from the outset. This has improved the understanding of barriers that exist in different equality groups.

Welsh Government worked with Disability Wales and other stakeholders to produce a toolkit, which was used by the Technical Groups on the social model for disability, towards an Enabling Wales. The toolkit aims to provide a basis to ensure that the social model of disability is integrated within the regulations and code of practice. The toolkit can be found at:

<http://www.disabilitywales.org/transforming-social-services-toolkit/>

Engagement was targeted towards specific groups who would have traditionally had less of a voice. The Welsh Council for Voluntary Action (WCVA) previously provided over 4,000 contacts from diverse groups, through their 'I Matter We

Matter' campaign. These contacts were used to engage individuals with a broad range of protected characteristics.

To ensure a strong voice for service users and carers at a leadership level, Welsh Government worked with the Welsh Council for Voluntary Action (WCVA) and Children in Wales to establish a National Social Services Citizen Panel. The Panel is made up of service users and carers who are worked to ensure that a citizen voice was a key part of implementing the Act. The Panel offered advice. Children and Young People are involved in the panel's work. Welsh Government continue to strengthen the involvement of service users and carers and are working with Children in Wales and Voices from Care to develop an innovative programme of involvement of children and young people.

An Assessment and Care Planning Technical Group was established by the former Deputy Minister for Social Services to advise the Welsh Government on producing a suite of regulations and code of practice on the determination of assessment, care planning and review under the Act. The membership of the group comprised of approximately 35 representatives and practitioner from across the public, private and voluntary health and care sectors in Wales. The group advised Welsh Government on developing the draft regulations and the associated code of practice on Part 3 (Assessing the needs of individuals) and Part 4 (Meeting needs) under the act. Specifically the group were asked to consider making recommendations in assessments, plans and reviews. The group met on four occasions in June 2014. A draft report which summarises the areas covered by the group has been prepared by the group. The report was informed through the Technical Group meetings and drafted by officials.

Welsh Government worked closely with the Social Services Improvement Agency (SSIA), to facilitate a series of stakeholder events on developing the regulations and codes of practice in respect of the care planning process. The events enabled stakeholders to put forward their views and comments to Welsh Government officials on the work undertaken by the Technical Group. The SSIA ran three events between May and June 2014, which were attended by:

- Local Authority representatives,
- Local Health Board representatives
- The Third Sector, including those providing support to individuals and training for staff
- The Independent Sector, including those providing training for staff in the social care sector and those providing care and support directly to people

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

During the course of this event representatives identified gaps, issues and dependencies. The event included members from each of the seven technical groups relating to the Act, and relevant Welsh Government leads. The purpose of the event was to further inform the detail of the draft regulations and codes of

practice in preparation for the 12 week formal consultation period which ran from 6 November 2014 to 2 February 2015.

Officials attended a social care and disability group in September 2014, to update them on the progress of the Act.

A formal 12 week consultation was held on the proposals for regulations and codes of practice in relation to Part 3 of the Act, on Assessing the Needs of Individuals, and Part 4 of the Act, on Meeting Needs, including care and support planning and direct payments. The consultation period ran from 6 November 2014 to 2 February 2015.

As well as being made available to the wider public via the Welsh Government internet pages, the consultation was distributed to:

Welsh Local Government Association (WLGA)
The Childrens Commissioner
The Older Persons Commissioner
Social Services Improvement Agency (SSIA)
Local Government representatives
Third Sector Organisations
Local Authorities
Care Council for Wales

Key contacts were encouraged to disseminate the consultation documents amongst their networks. To support wider engagement, Easy Read and children and young-people friendly versions were also produced and disseminated.

Following the consultation a Task and Finish Group was established with representatives from the Statutory, Voluntary and Regulatory sectors to provide advice on re-drafting the code.

Two consultation events were held as part of the overall consultation process for the Act. The purpose of which were to:

- Promote engagement with the consultation
- Provide a base level of understanding to key stakeholder groups on what areas we were consulting on.

Attendees were asked to participate in discussions on the implementation of the regulations, and also to share information from the events with their wider networks to provoke wider take-up of consultation responses.

The events were split to capture a wide range of stakeholders from across the country. The first event was held on the 26 November 2014 in the Liberty Stadium, Swansea. The second was held on the 9 December 2014 in Venue Cymru, Llandudno.

Overall the uptake of spaces for the events was positive with capacity reached at both. There were approximately 170 attendees at the event in South Wales and

90 attendees in the North Wales. The range of stakeholders included representation from:

- Age Alliance Wales
- British Deaf Association
- Cardiff Metropolitan University
- Care Council for Wales
- Carers Trust Wales
- Cartrefi Cymru
- Children in Wales
- College of Occupational Therapists
- CSSIW
- Disability Wales
- Estyn Llaw
- G4S Custodial & Detention Service
- Hafal
- Headway
- HMP Swansea
- Learning Disability Wales
- Local Authorities
- Local Health Boards
- Ministry of Justice
- National Probation Service – Wales
- NOMS in Wales
- North Wales Police
- North Wales Social Services Improvement Collaborative
- Office of the Older People’s Commissioner
- Public Health Wales
- The Rowan Organisation
- RNIB Cymru
- Safeguarding Advisory Board
- Shine Cymru
- South Wales Police
- UK Home Care Association
- Wales Alliance for Citizen Directed Support
- Wales Community Rehabilitation Company
- Welsh Ambulance Service
- WLGA
- Youth Justice Board Cymru

Workshops were held at the events on each of the parts that were out to consultation. The content of these workshops was varied and tailored to suit the subject matter, but at the core of each was a presentation from officials and group discussions and activities.

The workshop on Parts 3 and 4 included a presentation on the proposals for Eligibility, Assessment and Care & Support Planning.

Welsh Government carried out an intense programme of wider engagement around the consultation period, this included presentations, workshops and focus groups with carers and service users supported by partners. Annex A provides

the detail of engagement activities which were undertaken, for example, with Carers Wales, Voices from Care, Sense Cymru. Welsh Government also worked with prisoners and their families and older people and NOMS in Wales supported this work further with a number of secondary engagement exercises at HMP Swansea, HMP Cardiff and HMP Usk and Prescoed.

All of these engagement activities enabled the voices of a broad range of people, and groups representing those with more specialist needs i.e. SENSE Cymru to be heard and their views on how to make the new assessment and care planning process as appropriate and equitable as possible.

Additional engagement in January 2015, included attendance at two Carers Wales Focus Groups and attendance at a Sense Cymru engagement event who provided detail on the key issues for individuals with protected characteristics.

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

A consultation was held on the proposals for regulations and codes of practice in relation to Part 4 of the Act, on meeting the needs of Individuals.

The responses supported the approach to eligibility, assessment, and care planning with general agreement that it is clear and simple to apply. The support for the approach within the responses demonstrates the benefits of working with stakeholders in developing the proposals set out in the consultation. The comments were particularly helpful in enabling the Welsh Government to amend the regulations and codes of practice to offer further clarification in some key areas.

The Welsh Government response on the consultation exercise can be found at: <http://gov.wales/consultations/healthsocialcare/part-3-and-4/?status=closed&lang=en>

The policy, regulations and code of practice have gone through extensive development stages, reviews and consultation. Engagement has been undertaken at every stage and in a way that has actively sought to reach as many groups and individuals as possible, in order that people likely to be affected by the new introduction of the new system, can be heard.

Assembly members, stakeholders, service professionals, the voluntary and independent sectors and more importantly, those using care and support services, and carers, have all contributed to the development of the regulations, and the development of the code practice.

The final regulations will be laid before the National Assembly for Wales during summer 2015, and will be accompanied by an Explanatory Memorandum and Regulatory Impact Assessment which includes the sources of evidence to support the eligibility model.

Impact

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
<p>A key principle of the Act is to promote the people model which will apply to children, adults and carers. Local authorities must provide and keep under review care and support plans for individuals (children and adults) who have needs which meet the eligibility criteria and for people where it appears to the local authority that it is necessary to meet the person's needs in order to protect the person from abuse or neglect or the risk of abuse or neglect (and in the case of a child: harm or the risk of harm).</p>				
<p>Younger people</p> <p><i>(Children and young people, up to 18)</i></p>	<p>Positive</p>			<p>Local authorities must prepare and maintain a care and support plan for individuals of all ages, to whom it owes a duty to meet needs under the Act and to prepare a support plan for a carer to whom it owes a duty to meet needs under the Act.</p> <p>If the local authority considers it necessary in order to promote the well-being of the child it must take such steps as are reasonably practicable to enable the child to live with his/her family or promote contact between the child and his/her family.</p> <p>Where the carer is a child the local authority must have regard to his or her developmental needs and the extent to which it is appropriate for the child to provide the care.</p> <p>It is a principle of the Act that local authorities</p>

			<p>should respond in a person-centred, co-productive way to each individual's particular circumstances.</p> <p>The Technical Group included a representative from local authorities Head of Service; safeguarding and Family support services, NSPCC Barnardo's Cymru and a representative from Action for Children.</p> <p>Those children and young people within the secure estate will also be entitled to their needs for care and support met by the local authority, just as they would if they were living in the community.</p>
People 18-50	Positive		<p>Local authorities must prepare and maintain a care and support plan for individuals of all ages, to whom it owes a duty to meet needs under the Act and to prepare a support plan for a carer to whom it owes a duty to meet needs under the Act.</p> <p>Local authorities must meet the needs of adults where the local authority considers they have needs for care and support which can not be met through information, advice and assistance, preventative services or any other means.</p> <p>The approach was developed with individuals aged over 18.</p> <p>The Technical Group</p>



				<p>included representatives from local authority Head of Adult Services, the Vice chair of Age Alliance Wales and Director of RNIB, Carers Wales and Age Cymru.</p> <p>Those people within the secure estate will also be entitled to have their care and support needs met by the local authority, just as they would if they were living in the community.</p>
Older people (50+)	Positive			As above for younger adults.

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment				<p>To determine whether an individual is eligible for care and support a local authority must carry out an assessment encompassing a set of 5 elements to ensure that local authorities consider the person's circumstances in the round. The need must arise from the adult's physical or mental ill-health, disability, or other similar circumstances.</p> <p>The local authority must make necessary arrangements to ensure that where this is impairment, the</p>
Hearing impairment				
Physically disabled				
Learning disability				
Mental health problem				
Other impairments issues				

			<p>individual's needs and wishes are understood and taken into account. Individuals and their families must be able to participate fully in the process of determining and meeting their identified care and support needs through a process that is accessible to them. This will include determinations of eligibility for care and support being undertaken in a style and manner appropriate to their age, disability and cultural needs.</p> <p>The Technical Group included representatives from Disability Wales and Carers Wales.</p> <p>Additionally, the formal consultation included responses from disabled individuals and organisations which represented disabled individuals (such as Learning disability advisory group, Carers Wales, SENSE Cymru, Arfon Access Group, Parkinson's UK Cymru, Guide Dogs Cymru and Blind Children UK Cymru, National Autistic Society Cymru, RNIB CYMRU, Alzheimer's Society, Learning Disability Wales, The Disabilities Trust). The</p>
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				responses have been used to refine the regulations and code of practice.
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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	The process will support everyone equally within a local authority area.
Female			Negligible	Welsh Government has worked with men and women to develop the policy, regulations and code of practice to identify what matters to them.

4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			Negligible	The process will support everyone equality within a local authority area.

4.5 Because of their marriage or civil partnership?

Marriage and Civil	Positive	Negative	None / Negligible	Reason for your decision (including
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Partnership				evidence)/ How might it impact?
Marriage			Negligible	Welsh Government did not approach individuals based on their marital status.
Civil Partnership			Negligible	<p>The process will support everyone equally within a local authority area.</p> <p>However it is recognised those in a marriage and civil partnerships may have caring responsibilities.</p>

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			Negligible	Although not specifically addressed, it is recognised that there may be a need to provide local authority social care and support as an individual's circumstances change during and post pregnancy.
Maternity (the period after birth)			Negligible	<p>The Act introduces an enforceable right of the individual whereby the local authority must assess their need for care and support and must consider what could be done to meet needs; determine</p>

				whether any of the needs meet the eligibility criteria, or must otherwise be met by the local authority.
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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,			Negligible	<p>The process will support everyone equally within a local authority area.</p> <p>The Social Services and Well-being (Wales) Act sets out those persons exercising functions under the act must have regard to the characteristics, culture and beliefs of the individual.</p> <p>The wide ranging engagement and consultation events captured many views, which included responses from Diverse Cymru and the Equality and Human Rights Commission.</p> <p>Local authorities should ensure that Welsh language services are built into the process of care and support planning and ensure that individuals and their families can fully participate in the process of care and support planning by making all relevant information available in a format that is accessible to them through their preferred means of communication.</p>
National Origin (e.g. Welsh, English)			Negligible	
Asylum Seeker and Refugees			Negligible	
Gypsies and Travellers			Negligible	
Migrants			Negligible	

				The wide ranging engagement and consultation events captured many views, which included responses from Diverse Cymru and the Equality and Rights Commission.
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)			Negligible	The process will support everyone equally within a local authority area. The Act sets out those persons exercising functions under the act must have regard to the characteristics, culture and beliefs of the individual. The regulations take individual circumstances, and this was developed through consultation with organisations such as Faith Communities Forums.
Belief e.g. Humanists			Negligible	
Non-belief			Negligible	

4.9 Because of their sexual orientation?

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

Gay men			Negligible	The process will support everyone equally within a local authority area.
Lesbians			Negligible	The regulations take account of people's circumstances, which were developed through significant consultation with organisations such as LGBT Excellence Centre and Stonewall Cymru.
Bi-sexual			Negligible	Feedback from the consultation stated that individuals who are gay/lesbian or transgender may face discrimination in accessing social support. The new model to determine whether an individual is eligible for care and support will ensure that everyone will have the same right where it appears to the local authority that they may have needs for care and support.

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			Negligible	The wide ranging engagement and consultation captured many views from differing backgrounds. The model to determine whether an individual is eligible for care and

				support has been developed to support everyone equally within a local authority area.
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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 provides the statutory framework to deliver the Welsh Government's commitment to integrate social services to support people of all ages, and support people as part of families and communities. A clear and unequivocal commitment to an inclusive approach is set out within the Regulations and the statutory Code of Practice.

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

The introduction of the care planning regulations and code of practice will ensure that the care and support planning process is proportionately applied, so that it is appropriate to the needs of the individual, and considers the individual's circumstances.

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

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.

The local authority must clearly communicate the new approach to all individuals, so that they can be informed of the process and their rights. The process will be straightforward and accessible for all individuals. Practitioners will work with all individuals to identify what matters to them, and identify the contribution people themselves and communities can make to their own well-being.

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

Through direct engagement and consultation with different service users and equality groups, Welsh Government gained an understanding of individuals own personal barriers and rights that needed to be overcome. On a reciprocal basis, many of the groups involved in the development of the process have also gained knowledge and understanding about policy development and through a snowballing approach were able to bring more stakeholders into the process; enabling Welsh Government to broaden its Well-being is everyone's right and everyone's responsibility. Welsh Government supports individuals to achieve well-being by recognising and valuing people's strengths, people's families, friends and communities. Local authorities will work with all individuals to identify what matters to them, and identify the contribution people themselves and communities can make to their own well-being. This may include assisting individuals to seek support or assistance within the local community, such as community based third sector services or social care enterprises. 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

The local authority must clearly communicate the approach to all individuals so that they can understand how to access an assessment, what is involved in an assessment, how it will be undertaken, who will be involved and what it means for them.

Through Section 16 Part 2 of the Act, and supporting regulations and code of practice, there is a duty on local authorities to promote social enterprises, co-operatives, user led services and the third sector.

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.)

NA

3. Monitoring, evaluating and reviewing

How will you monitor the impact and effectiveness of the policy?

List details of any follow-up work that will be undertaken in relation to the policy (e.g. consultations, specific monitoring etc).

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

As set out under option 3 there is a considerable amount of work required both in the run up to and post implementation should the regulation be agreed.

The Welsh Government intends to commission an evaluation to enable the impact of the new national model of assessment and eligibility to be considered.

Additionally, officials will continue to monitor the impact of the regulation on areas such as the welsh language, the UN Convention on the Rights of Persons with Disabilities, the United Nations Convention on the Rights of the Child (UNCRC), The United Nations Principles for Older Persons and Equality.

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

Annex A: detail of the engagement activities

Event	Mile stone	Task
Families First National Learning Event	10-Nov-2014	Policy Officials attended the Families First National Learning Event, to hold a workshop to introduce the Act in the context of the Families First model. Attendees were invited to share ideas of how the new model for assessment will work in practice.
Older People's Independence WELSH AUDIT OFFICE Study	19-Nov-2014	Policy Officials met with the WAO to discuss the proposals as set out in the Act, in relation to supporting older people to live independently.
"Getting in on the Act"- Care Council for Wales event	19-Nov-2014	Policy Officials attended the event to publicise the proposals as set out in the Act and the consultation exercise.
Prisoners Accommodation resettlement Working Group	21-Nov-2014	Officials attended the Working Group to publicise the public consultation at meeting on Prisoner Social Care, and to encourage members to respond.
Workshops at South Wales consultation event.	26-Nov-2014	<p>Workshops were held at the events on each of the parts that were out to consultation. The content of these workshops was varied and tailored to suit the subject matter, but at the core of each was a presentation from officials and group discussions and activities.</p> <p>The workshop on Parts 3 and 4 included a presentation on the proposals for Eligibility, Assessment and Care & Support Planning.</p>
All Wales Heads of Childrens' Services - Presentation at Quarterly Meeting on Core Processes	04-Dec-2014	Policy Officials provided an update on the provision of the Act as a whole. Links to consultation provided and encouraged members to respond.
Workshops at North Wales consultation events	09-Dec-2014	<p>Workshops were held at the events on each of the parts that were out to consultation. The content of these workshops was varied and tailored to suit the subject matter, but at the core of each was a presentation from officials and group discussions and activities.</p> <p>The workshop on Parts 3 and 4 included a presentation on the proposals for Eligibility, Assessment and Care & Support</p>

		Planning.
Meeting with Sense Cymru	10-Dec-2014	Policy Officials met with Sense Cymru to discuss the implications of the Act and the key issues for the deafblind community.
Sense Cymru engagement event	17-Dec-2014	Policy Officials met with individuals from deafblind community to discuss the implications of the Act and the key issues for the deafblind community
Carers Wales Focus Group 1	15-Jan-2015	Policy Officials attended a focus group in Swansea to lead a discussion on the consultation event with Carer Wales
Families Focus Group - HMP Parc Prison	20-Jan-2015	Policy Officials attended to focus group to discuss the implications of the Act for families of those in the secure estate.
Voices From Care Focus Group 1	21-Jan-2015	Policy Officials met with young people to engage them with the implementation of the Act and to ensure that they were able to contribute to the formal consultation.
Cymru Older Persons alliance (COPA)	22-Jan-2015	Policy Officials attended a meeting with COPA to discuss the proposed eligibility criteria.
Carers Wales Focus Group 2	22-Jan-2015	Policy Officials attended a focus group in Wrexham to lead a discussion on the consultation event with Carer Wales
Voices From Care Focus Group 1	27-Jan-2015	Policy Officials met with young people to engage them with the implementation of the Act and to ensure that they were able to contribute to the formal consultation.