

Consultation Response Form

Your name:	Lowri Wynne Williams
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Your Address:	

Question 1: How has Covid-19 impacted on your life as a carer, or as an organisation supporting carers?

Comments:
No comment

Question 2: What do you think Welsh Government should prioritise to better support unpaid carers affected by Covid-19, both now and in the instance of further waves of infection?

Comments:
No comment

Question 3: What are the key areas of inequality experienced by carers with protected characteristics that should be addressed by the new National Plan for Carers?

Comments:
No comment

Question 4: What are the key challenges experienced by you as a young/young adult carer or as an organisation supporting young carers?

Comments:
No comment

Question 5: What additional support would help? (To young/young adult carers).

Comments:
No comment

Question 6: How has Covid-19 impacted on your daily life?

Comments:
No comment

Question 7: Do you agree with the suggested actions identified above?

Comments:
No comment

Question 8: Is there anything more public bodies and their partners should do to identify and recognise carers?

Comments:

The consultation document states that you 'plan to use the data we collect and our recent work with the Ministerial Advisory Group for Carers to develop a range of solutions that enable local authorities to deliver timely, effective statutory assessments that are responsive to the support carers'. In our response to question 30 below we state that we are concerned that the statutory population assessments undertaken as a result of the Social Care and Wellbeing (Wales) Act 2014 do not generally give sufficient consideration to the Welsh language and specifically to the linguistic needs of carers. We ask therefore that you include more guidance to public bodies on how to go about assessing the linguistic needs of carers and meeting those needs. The wording of priority one should therefore be modified to reflect the need to support Welsh speakers who are carers and to ensure that the solutions that you refer to above for local authorities enable providing support to carers in Welsh.

Question 9: Should the existing wording of Priority One be changed? If yes, how?

Comments:

Please see above our response to question 8.

Question 10: Do you agree with the suggestions above?

Comments:

No comment.

Question 11: Is there anything more we should do to support life alongside caring?

Comments:

No comment.

Question 12: How can we improve the provision of psychological support to carers?

Comments:

As Welsh Language Commissioner we have received reports regarding the lack of psychological support through the medium of Welsh for people experiencing stress or bereavement, although this is not specific to the support given to carers. We believe it would be beneficial to give further consideration to the need to provide psychological support through the medium of Welsh to carers, through population assessments but also as part of the preparation for the implementation of this plan. Better knowledge of the linguistic skills of psychologists working in Wales and the gaps in the need for Welsh speakers is needed to feed into the implementation of the Health and Social Care Workforce Strategy for example as well as into more local priorities. At the end of 2020 the Court of Protection asked all health boards and local authorities to publish how many of their practitioners were able to conduct capacity assessments through

the medium of Welsh. This was because the Court was of the view that they needed to be conducted in Welsh in order to provide an accurate assessment of the needs of Welsh speaking patients. We would argue that there is also a need to provide psychological support in Welsh to carers and others who need psychological support and the Welsh Government's *More Than Just Words* framework also states that providing services in Welsh is a fundamental element of providing mental health services.¹

Question 13: What types of respite do you normally use or deliver? How has Covid-19 impacted on your respite services?

Comments:

No comment

Question 14: Should the existing wording of Priority Two be changed? If yes, how?

Comments:

No comment

Question 15: Do you agree with the suggestions above?

Comments:

No comment

Question 16: Is there anything more we should do to improve IAA services in Wales?

Comments:

Audit Wales' report *Front Door to Adult Social Care*² stated that 'The availability and provision of information in Welsh, other languages and in accessible formats such as braille continues to vary widely'. This action plan also states that 'In order to avoid geographical variants in available services across Wales (a 'postcode lottery'), it is critical that all IAA services in Wales are high quality and easily accessible to all.' Although there are a higher number of Welsh speakers in some parts of Wales, it is important to emphasise that all local authorities and health boards are, in accordance with the Welsh language standards under a duty not to treat the Welsh language less favourably than the English language when providing services to the public.³ This means that they are required to produce written material such as correspondence, publicity and advertising, forms, official notices in Welsh and English.⁴⁵ Also when corresponding with individuals for the first time they are required to ask if they wish to receive correspondence in Welsh and keep a record of their wishes and correspond in Welsh with them from then onwards.⁶ There are also specific requirements made of local authorities that mean that they must ascertain whether an individual wishes to

¹ [Welsh language in healthcare \(More than just words\): action plan 2019 to 2020 | GOV.WALES](#)

² [The 'front door' to adult social care | Audit Wales](#)

³ [Welsh Language \(Wales\) Measure 2011 \(legislation.gov.uk\)](#)

⁴ See Appendix 1 for the service delivery standards for local authorities [The Welsh Language Standards \(No. 1\) Regulations 2015 \(legislation.gov.uk\)](#)

⁵ See Schedule 1 for the service delivery standards for health bodies [The Welsh Language Standards \(No. 7\) Regulations 2018 \(legislation.gov.uk\)](#)

⁶ See standard 2 [The Welsh Language Standards \(No. 7\) Regulations 2018 \(legislation.gov.uk\)](#) and [The Welsh Language Standards \(No. 1\) Regulations 2015 \(legislation.gov.uk\)](#)

speaking Welsh in meetings relating to their wellbeing and provide simultaneous or consecutive translation or hold the meetings in Welsh⁷ depending on the standards that they are required to comply with as set out in the compliance notices. It must be emphasised that local authorities and health boards are under a statutory requirement to comply with Welsh language standards and that the Welsh Language Commissioner is required to investigate complaints about the failure to comply with these standards.

The Part 4 Code of Practice (Meeting Needs)⁸ published under the Social Care and Wellbeing (Wales) Act 2014 also underlines the need for information to be accessible in Welsh and states 'This means that the local authority should be proactive in its approach and the individual should be asked which language they would prefer at the beginning of the process. This will ensure that they are able to receive services in their own language throughout the process of identifying and meeting care and support needs.' The Part 2 Code of Practice (General Functions)⁹ confirms that 'I get care and support through the Welsh language if I need it' as one of the national well-being outcome statements and includes guidance on providing services in Welsh.

On this basis we believe that the action plan should include the following:

- An explanation of the requirement on local authorities to provide services in relation to Welsh language standards and the Social Care and Well-being Act 2014.
- A commitment to undertake a review of the availability of information, advice and assistance in Welsh as a basis for improving services.
- Based on the review it is necessary to provide guidance and support to local authorities and other providers in order to fully implement the priorities in relation to Welsh language services.

Question 17: What have we learnt from Covid-19 and the need to get accessible information to carers in a short space of time?

Comments:
No comment

Question 18: Do you have examples of good practice during the pandemic that could be replicated or inform development of services?

No comment

Question 19: Should the existing wording of priority three be changed? If yes, how?

Comments:

Please see our response to question 16. The wording of priority three should underline the statutory requirements to provide services in Welsh in accordance with the Welsh Language (Wales) Measure 2011 and the Social Care and Well-being (Wales) Act 2014.

⁷ See standards 24-26 [The Welsh Language Standards \(No. 1\) Regulations 2015 \(legislation.gov.uk\)](#)

⁸ [part-4-code-of-practice-meeting-needs.pdf \(gov.wales\)](#)

⁹ [part-2-code-of-practice-general-functions.pdf \(gov.wales\)](#)

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Question 20: Do you agree with the suggestions above?

Comments:

No comment.

Question 21: Is there anything more we and others should do to support carers of all ages in education and employment? Do you have examples of good practice?

Comments:

The need for support to be available through the medium of Welsh for carers in education and employment must be underlined here again. For example, many young people receive Welsh-medium education and it is therefore reasonable to expect that support and resources would be available to them through the medium of Welsh regardless of their location. As noted previously, the codes of practice of the Social Care and Well-being (Wales) Act 2014 provide guidance on the need to consider the Welsh language when making provisions that are consistent with the requirements of the Act. We believe that the commitments in this action plan should be reviewed to ensure that it is possible to fully comply with the requirements to provide services in Welsh in accordance with the Social Care and Well-being Act (Wales) 2014 and the Welsh Language (Wales) Measure 2011 in their implementation.

Question 22: How can we better support carers who are struggling financially?

Comments:

No comment

Question 23: Do you agree with the addition of the fourth national priority for carers based on education and employment?

Comments:

We have no specific comments on the suitability of including this new priority to support carers in education. However, if this priority is added it must be ensured that its implementation means that support in Welsh is available to young people and adults alike and that doing so is central to the planning of support services locally and nationally.

Question 24: Do you think the list of national priorities for carers, and proposed fourth priority, require further amendment? If so, what? Please describe.

Comments:

We do not have specific comments on the suitability of the priorities. However, we believe that there is a need to:

- review the extent to which it will be possible to accomplish the national priorities in terms of providing services and support to Welsh speakers
- on the basis of the review provide guidance and support in relation to Welsh language services to local authorities and other providers in order to fully implement the priorities
- consider further what the Welsh Government and its partners can do to support the provision of Welsh language services for carers, e.g. by providing information on practitioners' linguistic skills gaps in order to contribute to the implementation of

the Health and Social Care Workforce Strategy

- include specific guidance in the action plan and for each priority regarding the expectations on providers to achieve the priorities in accordance with Welsh language standards and the requirements of the Social Care and Well-being (Wales) Act 2014.

Question 25: Do you agree with our intention to develop and publish a Charter for Carers?

Comments:

It would seem reasonable that carers should be informed of the level of services they should expect and that in turn this could act as a best practice guide that will clearly define the roles and responsibilities of the Welsh Government, local authorities, local health boards, third sector organizations and carers.

Question 26: Should the Charter describe national expectations of organisations supporting carers?

Comments:

Yes. Please see our response to question 26.

Question 27: Do you think a Charter would help to improve the services you deliver or access?

Comments:

Yes. Please see our response to question 28.

Question 28: Do you agree a Charter could help to reduce apparent geographic variation in services to carers?

Comments:

All local authorities and health boards in Wales as well as the Welsh Government are required to comply with the Welsh language standards as already stated in our answer to question 16. One of the main aims of the standards is to ensure consistency for the public in terms of the services that they can expect to receive wherever they live in Wales. We therefore believe that it would be reasonable for the Charter to set out the services that carers should receive through the medium of Welsh in accordance with the Welsh language standards and the Social Care and Well-being (Wales) Act 2014. That would in turn, as the consultation document suggests, clearly define the roles and responsibilities of all sectors. Our hope then would be that this would be one way of ensuring that providers are indeed delivering the services that are expected of them through the medium of Welsh.

Question 29: What other ways can we work with partners to measure the success of the national plan for carers?

Comments:

We note that the *Performance and Improvement Framework for Social Services*¹⁰ includes metrics regarding evidence that the active offer has been offered when holding assessments and that it has been received. However it should be noted that the active offer can only be provided if the provider is able to speak Welsh in the first place. As so little consideration has been given to the Welsh language in the population assessments we refer to above it is difficult to know how many local

¹⁰ [measuring-activity-and-performance-guidance-2020-21.pdf \(gov.wales\)](#)

authorities can have a baseline of information about the need to provide Welsh language services in the first place. There is therefore little point in measuring the provision of the active offer without knowing how many people need it in Welsh in the first place. It is therefore very possible in places where there are no Welsh speaking staff available to provide services that the examples of the provision of the active offer will be extremely low and therefore that the numbers making use of it will be low. As we note in our answer to question 16 local authorities are obliged by the Welsh language standards and the Code of Practice Part 4 (Meeting the Needs)¹¹ of the Social Care and Well-being (Wales) Act to know an individual's preferred language from the outset, as the code states 'This means that the local authority should be proactive in its approach and the individual should be asked which language they would prefer at the beginning of the process. This will ensure that they are able to receive services in their own language throughout the process of identifying and meeting care and support needs.' The performance and improvement framework should therefore include more sophisticated metrics about the extent to which services are available once individuals' language choice has been identified at the outset of the process. An individual should only express their language of choice once and then all the services they need should be available in Welsh thereafter to meet the requirements of the national well-being outcome statement 'I get care and support through the Welsh language if I need it'. The consultation documents states 'Officials are in discussions regarding when routine social care data collation will resume, however mechanisms are now in place to allow more detailed data to be collected from local authorities when it is considered the appropriate time to do so. This will include more robust data on carers and the care and support they receive.' This more detailed data should include data on the extent to which the needs of Welsh speakers have been met throughout their dealings with social care.

We look forward to seeing the interim report on the evaluation of the Social Services and Well-being (Wales) Act 2014 which will be published in February 2021 in particular as it will include an assessment of how the 2014 Act has been implemented at a local, regional level and national. As the Act makes specific requirements in terms of providing services through the medium of Welsh we look forward to seeing a full assessment of how this has been achieved so far.

Question 30: We would like to know your views on the effects that the Carers National Plan for would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Comments:

In testimony given to *Caring for our future An inquiry into the impact of the Social Services and Well-being (Wales) Act 2014* in relation to carers, the Older People's Commissioner stated: "... when you're in a caring situation, and it can be really difficult and you might be at a point of crisis, it's so important, then, that you're able to

¹¹ [part-4-code-of-practice-meeting-needs.pdf \(gov.wales\)](#)

access services in the Welsh language if that's what you want to do.'¹²

In responding to the questions in this consultation we have highlighted a number of ways to strengthen the Carers' National Plan to ensure that its implementation will have a positive impact on opportunities to use the Welsh language in order to meet the need identified the Commissioner. These include:

- reviewing the extent to which it will be possible to accomplish the national priorities in terms of providing services and support to Welsh speakers in accordance with the requirements of the Welsh language standards and Social Services and Well-being (Wales) Act 2014.
- on the basis of the review provide guidance and support in relation to Welsh language services to local authorities and other providers in order to fully implement the priorities
- consider further what the Welsh Government and its partners can do to support the provision of Welsh language services for carers, e.g. by providing information on practitioners' linguistic skills gaps in order to contribute to the implementation of the Health and Social Care Workforce Strategy
- include specific guidance in the action plan and for each priority regarding the expectations on providers to achieve the priorities in accordance with Welsh language standards and the requirements of the Social Care and Well-being (Wales) Act 2014.

A central requirement of the Social Care and Well-being Act 2014 is the need for Regional Partnership Boards to undertake population assessments in accordance with the Part 2 Code of Practice (General Functions)¹³ in order to jointly assess the range and level of services required to meet the care and support needs of people in the local authority area. Part of that is a joint assessment of the steps that need to be taken to provide that range and level of services through the medium of Welsh. The assessments must deal with core themes which include 'carers who need support'. It would seem from looking at the population assessments that the needs of Welsh speakers have been given very inconsistent consideration, with very little consideration being given to the Welsh language by a number of partnership boards. The consideration given to the needs of Welsh speaking carers in the assessments is even more limited and the needs of Welsh speaking carers are not considered at all in most assessments. It is of no surprise therefore that Audit Wales found in *The 'front door' to adult social care* that 'the availability and provision of information in Welsh.....continues to vary widely'.¹⁴ This is however disappointing given the requirements of the Social Care and Well-being Act since 2014 and the Welsh language standards since 2016 (by local authorities; health boards were required to comply from 2019 onwards). Therefore, in order for this Action Plan to be implemented the Welsh Government must work with local authorities and health boards and other providers to undertake a true assessment of the needs of Welsh speakers and map out how they will go about meeting the care and support needs of Welsh speaking carers. I should emphasize in this respect that in doing so, there should be no differentiating between the needs of carers living in different parts of

¹² [cr-ld12887 -e.pdf \(senedd.wales\)](#)

¹³ [part-2-code-of-practice-general-functions.pdf \(gov.wales\)](#)

¹⁴ [The 'front door' to adult social care | Audit Wales](#)

Wales as the requirements to provide and support services in Welsh are the same wherever they may be.

Question 31: Please also explain how you believe the proposed policy Carers National Plan could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Comments:

Please see our response to question 30.

Question 32: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Comments:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

