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County Hall
Rhadyr
Usk
NP15 1GA

Monday, 18 April 2016

Notice of meeting / Hysbysiad o gyfarfod:

Adults Select Committee

**Tuesday, 26th April, 2016 at 10.00 am,
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA**

Please note a pre meeting will be held 30 minutes before the start of the meeting for members of the committee.

AGENDA

Item No	Item	Pages
1.	Apologies for absence	
2.	Declarations of interest	
3.	Public open forum	
4.	To confirm the minutes of the previous meeting <ul style="list-style-type: none">Special meeting – 1st March 2016Ordinary meeting – 8th March 2016	1 - 18
5.	Review the Common Allocation Policy (Housing)	19 - 20
6.	To consider the Guidance for Scrutiny produced by the Older Person's Commissioner in relation to: <ul style="list-style-type: none">Scrutinising Changes to Community ServicesScrutinising Equalities and Human Rights Impact Assessments	21 - 94
7.	Adults Select Work Programming and Action List	95 - 108

Paul Matthews

Chief Executive / Prif Weithredwr

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

P. Farley
R. Harris
R. Chapman
R. Edwards
M. Hickman
P. Jones
P. Jordan
P. Watts
A. Wintle
D Hill
D Husdon

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Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

Nodau a Gwerthoedd Cyngor Sir Fynwy

Cymunedau Cynaliadwy a Chryf

Canlyniadau y gweithiwn i'w cyflawni

Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

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Public Document Pack Agenda Item 4

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Adults Select Committee held
at Conference Room - County Hall, Usk on Tuesday, 1st March, 2016 at 10.00 am**

PRESENT: County Councillor P. Farley (Chairman)
County Councillor R. Harris (Vice Chairman)

County Councillors: R. Chapman, A. Wintle and D Hill

Also in attendance County Councillor(s): G. Burrows

OFFICERS IN ATTENDANCE:

Julie Boothroyd	Head of Adult Services
Tyrone Stokes	Accountant
Colin Richings	Implementation Lead
Sarah King	Senior Democratic Services Officer

APOLOGIES:

Councillors R. Edwards, M. Hickman, P. Jones and D Husdon

1. Declarations of interest

There were no declarations of interest made by members.

2. Gwent Frailty Programme

Context:

The committee were presented with the Gwent Frailty Programme Section 33 Renewal, which informed members on the proposal to review and renew the Section 33 agreement (Health Act 1999) between Aneurin Bevan University Health board and the five local authorities– Blaenau Gwent, Caerphilly, Monmouthshire, Newport and Torfaen.

Sufficient information would be received by the five organisations as part of the collaboration agreement. S33 was not appended to the report but would be available if required by members.

The report had been considered by the joint partnership and would be subject to the scrutiny and executive process.

Key Issues:

The Gwent Frailty Programme (GFP) is a transformational programme between the five neighbouring local authorities in the former Gwent area and Aneurin Bevan University Health Board (ABUHB). Its aim is to provide services to frail people across the area in a way that is person centred and focused on the needs of individuals, rather than organisations. It is regarded by the Welsh Government as one of Wales' iconic projects, and has been backed by repayable Invest to save funding of £6.3 million.

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Gwent Frailty has been developed in recognition that many aspects of current models of health and social care provision are unsustainable and that more effective whole system working is necessary to address increasing demand for services which meet frail individuals' needs.

The five local authorities (Blaenau Gwent, Caerphilly, Monmouthshire, Newport and Torfaen) engaged in the Frailty Programme with Aneurin Bevan University Health Board (ABUHB) agreed a Section 33 agreement from 2011/12 – 2013/14.

The formula for funding agreed was that ABUHB agreed to contribute 77% of the additional investment required, with the other 23% additional investment agreed to be contributed by local authorities.

The formula for I2S payback was in simple terms based on the anticipated savings each of the partners would receive from the investment. For local authorities that was expected to be in terms of reduced packages of care and care home beds. For ABUHB savings were expected from reductions in bed day usage.

The review of the programme has also been guided by two external reviews, the Cordis Bright Review (commissioned by the GJFC in July 2014 and previously reported to Adult Select Committee), and the Wales Audit Office (WAO) review published in December 2015 (and to be reported to Adult Select Committee's across the whole partnership at a date to be arranged)

The WAO report (Dec 2015) concluded that...*'the Programme has demonstrated positive regional cross-sector partnership working to tackle growing community based needs, but it has not evidenced tangible outcomes, which will be important as partners determine the future of the Programme.'*

The Cordis Bright review:

The GJFC received and confirmed the report and 4 key challenges emerged from the review:

- Acknowledgment that cash releasing savings were unlikely, but cost avoidance may have been achieved.
- The need to shift to a consistent service model across Gwent, based on the most effective evidence based approach.
- The need for better information and performance capture to allow evaluation to be performed and develop future targets for CRTs, including service efficiencies.
- Establish a single Frailty Director to manage the service and its development aligned to the recommendations of the review and future direction for Frailty in Gwent.

The introduction of the Frailty Programme Director has been established and is helping guide the programme.

The Programme Director will also become the designated budget holder at programme level but will delegate to the Community Resource Teams (CRT)/Integrated Service Teams (IST) Managers at an operational level, with some budget accountability being held by ABUHB Community Divisional Nurses and Local Authority Head of Service.

Locality Delivery Plans (LDP) will be introduced for 2016/17 which will include a service delivery statement, resources and all associated costs for the five county boroughs. The CRT/IST will report monthly to the Programme Director on financial and delivery performance. This process is the first stage in the revised governance process.

Member Scrutiny:

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Following presentation of the report Members were invited to comment, during which time the following points were noted:

- The Chairman thanked officers for information that had been presented.
- Members commended the team and recognised their good knowledge, in being influential players moving forward. Particular praise was given in relation to how budget pressures had been considered and addressed well in advance. It was hoped that this direction would continue for the future.
- The Cabinet member highlighted the value and pride in how the Social Care and Wellbeing act had been significant. One underpinning philosophy, was having individual at the centre of everything, organisations and partnerships had collaborated in agreeing the best way forward for the individual.
- In terms of assessing value for money and quantifying savings achieved, this had been difficult due to the nature of the service. The important factors were to consider what the service would look like if no changes had been made. Demographics had been a significant factor, there had been dramatic reductions in institutional care.
- The committee acknowledged the amount of work that had gone into the service area and welcomed that the improved service had resulted in reduced hospital admissions.
- Members suggested that the use of the word 'frailty' could be changed, as it was not representative of all service users. Officers confirmed that the title was, 'people are happily independent' and use of frailty was avoided where possible.
- The purpose of the service was that people within the system were supported and this reflected reality. Quantitative measurement was not possible, the service benefits would be identified through case studies, experience, client videos and outcomes.
- There had been challenges in respect of addressing regulators expectation of 'tangible outcomes' and specific financial benefits.
- The committee recognised that the service demonstrated impact and outcomes for individuals, in accordance with a set of principles and values. The importance of the service delivery was significant.
- Members welcomed that changes would be made and that culture change would occur across the five authorities.

Recommendations:

1. Adult Select Committee are asked to consider the proposals outlined which have been agreed by the Gwent Joint Frailty Committee (GJFC) and present recommendations to Cabinet about how Monmouthshire County Council should proceed.

The proposal and associated changes form a package of measures to improve the sustainability of the service and include:

- ABUHB and each Local Authority individually confirming its financial contribution to the Frailty Programme, recurrently, for at least the period of the loan repayment (up to and including financial year 2020/21) – this will include declared and ex-Invest to Save (I2S) funding for pooling. This will require a firm commitment from 2016/17 and onward budgets, with a longer term financial plan being developed and agreed, to ensure value is achieved from the investment and efficiency improvements.
- A programme of efficiency savings shared by partner organisations on the basis of relative I2S funding contributions to ensure overall programme costs are managed within agreed budget funding levels.

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- Any Partner proposing to disinvest in the frailty programme must not shift a service burden to another partner and will be subject to the terms of the Section 33 agreement.

Committee Conclusion:

The Chair thanked officers for the informative report.

In summarising the chair highlighted the following points:

Take comfort that S33 is available.

Recognise that this is a desirable way of working on its' own terms. Not about financial gain and numbers, which does have impact and positive outcome and focuses on the whole person.

Recognise that great deal of work has been done, to look at value for money and select are satisfied on those grounds.

Encouraging engagement with civil servants and others to increase understanding and learning of the model, particularly those who determine criteria by which we are judged.

Some concerns regarding use of the word 'frailty'

Look forward to continuing reports on progress and to WAO report being brought to committee when time is appropriate, when available

3. Budget Monitoring

Context:

The purpose of this report is to provide Members with information on the forecast revenue outturn position of the Authority at the end of reporting period 3 which represents month 9 financial information for the 2015/16 financial year.

This report will also be considered by Select Committees as part of their responsibility to,

- assess whether effective budget monitoring is taking place,
- monitor the extent to which budgets are spent in accordance with agreed budget and policy framework,
- challenge the reasonableness of projected over or underspends, and
- monitor the achievement of predicted efficiency gains or progress in relation to savings proposals.

Key Issues:

Specific issues were highlighted which were relevant to the Adults Select Committee:

- A £162k potential overspend needs some further analysis to understand the underlying position. This overspend includes £620k overspend in relation to non-school redundancy costs (which are still subject to member approval). Setting these one off costs aside would reduce the over spend to an underspend of £458k. However, the position reported above also includes £778k of underspends relating to reserve funded projects which are now going to be deferred to 2016/17. Taking this into account results in an over spend of £320k overall and a £1.096 million overspend in net cost of services.

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- Bulk of overspend is within Childrens Services and addressed at a corporate level. Adult social care, increased income generation from current vacancies which are being held.
- Compensated by overspends (Mardy Park and Severn View). £95k budget mandate to be considered (additional payments), met wholly by Adults select mandate.
- Performance against mandate savings, 274k sitting within adults select and have been achieved 100%.
- One note of caution, over the next 2 years will be required to achieve savings and work over and above existing budgets. Requirement to look at significant achievements that have been made this year.
- Areas relevant to Adults select were moving in the right direction and no areas of concern.
- In summing up, officers highlighted that the directorate were on track, £136k would be delivered for year end. All mandate savings had been achieved, however, further savings to be achieved in 2016/17 and 2017/18, this should not detract from the good work that had been undertaken by officers within the directorate.

Members Scrutiny:

- Officers were commended in relation to work that had been done and savings that had been achieved.
- A member requested clarification regarding what reduced income related to due to falling long term clients. Officers responded that this related to the transformation of Mardy Park and the decreased number of long term paying clients, which had resulted in a direct loss to income streams.
- A member queried whether work force planning was in place. Officers confirmed that this was an issue, with an ageing workforce, key employees with significant expertise were planning for retirement. Succession planning was regularly considered by the directorate, this was a challenge for management and a transition period would be required. There was recognition for the high calibre of staff within both Adults and Children's teams.
- The select committee were reassured that there was a good reporting structure through the directorate, the budget was structured early and fed back to directorate accountants. Issues that covered both Children and Adults would be identified. Culture of the directorate ensured that staff were expected to deliver and had a plan in place.

Committee Conclusion:

Staff were commended for excellent work and this was evidenced through working at high service levels.

The Committee welcomed the interplay between operational team, finance officers and Cabinet member, the relationship of the team was very apparent.

Chair highlighted the importance of succession planning, alongside culture. Role models of people who at a senior level don't switch auto over to managerial. Link with practice is always there which is priceless.

Welcome report and thanks to officers/cabiectn. Recognise tough probs ahead but already configuration in place to address, which is the culture of the dept.

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4. Mardy Park Resource Centre

Context:

The Adults Select committee were presented with a report, the purpose was to update Adults Select Committee members of the on-going development of Mardy Park Resource Centre [MPRC] as set out in the review report and Adult Select Committee report September 2015 and to seek endorsement for the recommendations set out below prior to Cabinet reports in April 2016.

Key Issues:

1. A brief background to the review, themes and outcomes is given in Appendix 4 of the report.
2. Following approval from Cabinet in October 2015, work commenced to implement the recommendations of the review (Appendix 1). Individual work streams were established (including staffing, rehabilitation services, short breaks, community development & involvement) with representation from the staff teams, partners, elected members and others to deliver the finalised models of service delivery. Work to implement the recommendations of the review is progressing well and a brief update will be given in committee.
3. We are at a critical point in implementing the staffing and accommodation work streams and approvals are now required to move forward with implementation.
4. The staffing at Mardy Park is disproportionate to the needs of the service. It is necessary to reduce the staffing complement to support the new models of service delivery.
5. Current infrastructure does not support the development of integration and place based services. Accommodation is limited and has an impact on the well-being of staff and their ability to undertake all necessary duties.
6. Current accommodation places limits on our ability to work with partners in the Aneurin Bevan Health Board and to develop co-located services that provide seamless, rather than disjointed, services to the people of Abergavenny

Member Scrutiny:

Following the presentation of the report Members were invited to comment:

- Members of the committee commended the facility and welcomed the update report on Mardy Park and recognised that helpful engagement meetings had been held over the past 2 years.
- We welcomed that communication and understanding had improved and developed through engagement with the select committee.
- A member highlighted that the service required further promotion. Officers reassured that this had been done, through newspaper articles and the Communications team.
- Clarification was requested regarding staff implications. The committee were informed that 7 out of the 9 redundancies were voluntary. There would be opportunity for redeployment and redundancy would be last resort.
- A member recognised the need to build on the links with end of life care pathway. Officers confirmed that they were dedicated to develop a specialist support network, which supported the good work delivered by community re-ablement service.
- The committee welcomed further discussion with the Cabinet Member and Leader to progress the issue and dialogue with health board.

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Recommendations:

1. That ASC endorse the on-going development of Mardy Park Resource Centre as a community hub supporting the health and well-being of the Bryn-y-Cwm community.
2. That ASC support the application for a call on reserves of £105,000 to fund expected redundancies as a result of the service redesign.
3. That ASC support the application to set up a capital budget for 2016 / 2017 (funded from reserves) to support the changes to accommodation required.

Committee Conclusion:

Endorsed recommendations and supported proposals.

Thanks to officers.

Good dialogue and looking at things in the right order, prior to be considered by Cabinet.

5. Work Programming

We received the Adults Select Committee work programme.

We noted that the next ordinary meeting of Adults Select Committee would be held on Tuesday 8th March 2016 and 10.00am.

The meeting ended at 12.15 pm

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MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Adults Select Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 8th March, 2016 at 10.00 am**

PRESENT: County Councillor P. Farley (Chairman)

County Councillors: R. Edwards, P. Jones, P. Jordan, A. Wintle,
D Hill and D Husdon

Also in attendance County Councillor(s): G. Burrows and V. Smith

OFFICERS IN ATTENDANCE:

Julie Boothroyd
Nicola Perry

Head of Adult Services
Democratic Services Officer

APOLOGIES:

Councillors R. Harris

1. Declarations of interest

There were no declarations of interest made by Members.

2. Public Open Forum

There were no members of the public present at the meeting.

3. To confirm the minutes of the previous meeting

The minutes of the following meetings were confirmed and signed by the Chairman as an accurate record:

Joint Select Budget – 16th December 2015

Joint Adults and Children and Young People Select – 16th December 2015

Adults Select Committee – 19th January 2016

In doing so the Committee noted that amendments to the minutes of both joint meetings held on 16th December 2015 had been addressed at the meeting of Children and Young People Select on 11th February 2016.

It was noted that there was a typographical error on the minutes of 19th January 2016, in the spelling of Mrs Hudson.

4. To consider the Supporting People Service Plan and proposals for grant spending

Context:

Adults Select Committee received a report from the Lead Commissioner QA (Adult Social Care & Health) & SP Lead Officer, in order to present Members with the proposed developments in the Supporting People Programme Grant funded provision in 2016/17.

Key Issues:

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During 2015 the expectation was that SPPG would be cut by anything up to 25%. Therefore a number of cut-management scenarios were worked through. However, in January 2016, the Minister announced indicative local authority allocations that maintained funding levels at 2015/16 levels - £2,039,175 for Monmouthshire

Included in these cut-management strategies was the assumption that Phase II of our SP pricing strategy would be implemented.

Phase I was implemented in 2015/16 and ensured a consistency across the provision based on the cost per funded support worker. At the same time the principle of only funding support hours delivered was introduced (as opposed to block contracting). The latter implementation generated some clawback opportunities that generated in-year underspends that allowed 2 younger person services to be piloted.

Applying the Phase II strategy, which makes the cost per actual support hour delivered consistent, releases a further £141k for service developments.

Over the last year expectations for SP to link with and/or support other initiatives has increased. There are a range of increased expectations associated with the Social Services and Well-being Act, primarily related to primary prevention and early interventions. Welfare benefit and housing reforms have also increased the incidence of people needing help and support to address their immediate housing issues. The Minister has further called for a closer collaboration between the 3 Tackling Poverty initiatives and SP (Communities First, Families First and Flying Start). There are increased expectations with respect to SP support in domestic abuse and violence situations and in the effective resettlement of prisoners on release. Monmouthshire already has an effective service provision for domestic abuse and further developments in this area and prison release have been organised on a regional basis via the Regional Collaborative Committee.

Member Scrutiny:

A Member questioned the relevance of including 2013 information in the report. We were informed that a weakness of Welsh Government proposals for local commissioning plans in the future were that where there was a three year commissioning plan, at the end of the three years the figures the plan had been based on were four years old.

Members requested examples of external providers and questioned how these bodies were scrutinised. We were informed that Monmouthshire Housing provide support for older people, the service had been reconfigured in 2011/12 to meet the needs at that time. The needs of Monmouthshire's older people had since changed and we had been clawing money back from Monmouthshire Housing as there was not enough demand for the support hours being providers. The age group had now been extended to any age group rather than continuing to claw money back.

County Councillor A. Wintle declared a personal, non-prejudicial interest under the Members' Code of Conduct, as a Director of Monmouthshire Housing.

The Supporting People Lead Officer explained that negotiations were under way and Monmouthshire Housing were very supportive of the approach.

A Member requested further clarification on the figures in the Spend Plan 2016/2017 in Appendix 2 of the report, and questioned if we were spending nearly as much on domestic violence as learning disability, or were they projected figures. In response we heard that the spending plan showed we were spending £217,000 on domestic abuse, and £286,000 on

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learning disability plus access to generic floating support. In terms of equality impact assessment the advantage of a generic floating support would be fair access for everyone.

The Chair noted that the spending plan was a floating situation and where there were zero figures, it demonstrated a snapshot of time rather than the programme not working for people with those issues. In future reporting, further explanation may be helpful. We were advised that in the coming year officers would be able to present what Supporting People had covered and show a much clearer position.

A Member questioned, in terms of mental health issues, how we could encourage GPs to become more involved when assessing housing needs. We were advised that the approach had been piloted with Mind Monmouthshire, where a support worker would go into a GP practice and work with GPs where there were concerns about individual issues.

The Chair suggested there should be a clear identity/logo in order to identify the scheme within the community, and to ensure people know who they are dealing with.

The Head of Adult Services explained that rather than a logo, the scheme was more about the relationships we develop with people. The Lead for Supporting People also explained that in the pilot year there would be a number of people in the community providing support. In time we would look at the system from a service user point of view to understand what is best for them.

Recommendations:

The report recommended that Members consider the main service developments and approve the proposal to complete detailed negotiations with a view to implementing them for 2016/17

Committee Conclusion:

The Chair expressed the thanks of the Committee for the report, noting appreciation for the detail and historical background and data.

The Committee unanimously agreed to support the direction of travel and the main proposals for service development.

The Committee would welcome moving towards a simpler way of representing outcomes and moving forward, a clearer relationship demonstrating what we do and what the outcomes should be.

Lastly, it was noted that we had discussed identity and logo issues, which would be addressed as further progress is made.

5. Evaluation of the Community Coordination pilot initiative

Context:

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Minutes of the meeting of Adults Select Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 8th March, 2016 at 10.00 am

Members received a report and video presentation in order to receive detail and an evaluation of the Community Coordination and Small Local Enterprise Learning pilot that is scheduled to run until the end of May 2016.

Key Issues:

The Social Services and Well-being (Wales) Act 2014 comes into effect on 6th April 2016 and highlights the role of public services in building on individual and family strengths, helping people to have a stronger voice, choice and more control supporting a meaningful contribution to local community life, the coproduction of person centred services and the achievement of personal outcomes. The Act also creates a duty on local authorities to ensure appropriate services to help prevent, delay and reduce the need for care and support.

Community Coordination is based on establishing local coordinators within communities to work with people who may otherwise require traditional social services. By engaging early on, building on strengths and helping people to build local connections they help people find their own lasting solutions. The development of small local enterprises facilitates the promotion of community enterprises whose aim, in general, is to improve the wellbeing of those involved as well the wider impact of improved community integration.

The work was initially presented as a learning pilot. Cabinet decided that the programme would be monitored throughout and the learning used to adapt the work as it progressed. Consequently Adults Select have received reports over the past eighteen months and will be broadly familiar with the evolving nature of the programme but not the precise nature of it.

The learning pilot produced a number of stories that identified improved outcomes for individuals. While there is not yet enough evidence to aggregate the impact of these studies, in some cases practitioners within the integrated teams were clear that without the intervention individuals on their way towards a care package had been diverted towards a more informal community arrangement.

The most significant conclusions highlight the importance of place and in particular the existence of buildings and facilities where individuals and groups can come together to create a sense of community, friendship, reciprocity and belonging that builds lasting connections.

People have a need to be involved in shaping their own future. Many of those who benefitted from the work wanted to be active participants who co-produced their own solutions not passive recipients of services. It is through contribution and involvement that people achieve a greater sense purpose and identity.

This cannot be viewed in isolation from the system-wide transformation taking place in adult social services and it is difficult to separate out the relative impacts of the different transformation strands. The decision to go ahead with the programme back in 2013 has yielded valuable learning that will position the authority well to implement the Social Services and Well-being Act as well as aligning very clearly with the principles of the Well-being of Future Generations Act.

The programme has facilitated positive outcomes for individuals and enabled the service to be on-budget. There has been no need to make a case for budget increases which could be expected when aligned to the projected rise in demand caused by an ageing population and increased complexity of need.

There is enough evidence of the positive impact that contribution and participation make to consider how these key aspects of well-being can form part of the future model of service

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provision. These can be incorporated into the wider transformation of adult services. It is anticipated that this can be delivered within existing budgets by maximising the potential of external funding streams such as the Intermediate Care Fund. Any future proposals that affect the nature of service delivery will be brought forward in a future report as needed.

Members Scrutiny:

The Chair welcomed comment from the Cabinet Member for Social Care, Safeguarding and Health who added that it had been a wonderful journey and had been great to see what had been achieved to date and what would be achieved going forward. It was acknowledged that these were specific location pilots, in Caldicot and Abergavenny, the learning it would bring would be a consequence of the environment. The next phase and volunteer coordination would be an important step forward, and identify ways we can bring a difference to people.

A Member commended officers on a powerful presentation which provided effective information on what can be done in the community for social isolation. It was requested that for future reporting figures be provided rather than percentages, in order to provide a clearer picture.

It was questioned that as schemes such as Befriending and Community Connections relied on lottery grants, did officers see problems for future funding. The Head of Adult Services explained that in terms of funding it was intended to partly fund the next phase through the intermediate care fund. With the preventative duty through the Social Care and Wellbeing Act it should be difficult for the Gwent Community to not fund, so officers were reasonably confident that the money would be forthcoming. The issue moving forward would be short term funding arrangements.

In response to a query raised we heard that the short term contracts of the coordinators, due to finish in April had been extended.

There were concerns surrounding the evaluation and the following points were made:

- It would have been useful to have received a blank questionnaire in relation to the report.
- It was worrying that the questionnaires had been distributed and collected by the coordinators.
- The results did not clearly show the service sizes which would have had an impact on the data shown.
- The unrealistic nature of the results due to the positive bias of the questions.

The Policy and Performance Manager accepted the concerns and added that it was hoped to make to evaluation as honest and robust as possible. It was agreed that a blank copy and further detail on numbers would be added to the report when presented to Cabinet. In terms of the distribution of the questionnaire it was recognised and mentioned in the report that this needed to be taken into account. It was also added that there was some difficulty with the nature and the smaller sample size. It was noted that the statements in the questionnaire were written in accordance with the wellbeing outcomes.

Members highlighted that isolated people would benefit from added facilities, such as blood pressure checks, in the community hubs. We were informed that there were intentions to add opportunities around health and social care to the hubs. The Rogiet hub saw social workers and police community support officers having breakfast there, which was a great opportunity for people to approach.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Adults Select Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 8th March, 2016 at 10.00 am

A Member questioned if an unused hut owned by MCC, opposite Fairfield Car Park in Abergavenny would be considered for use as a hub. We were informed that the approach was to use existing establishment and it was not the intention to take over new buildings.

The Chair noted that further along there could be a more external approach to be encouraged eg. including health visitors.

The Chair highlighted that with more work being done in the community with volunteers, we would have to address accountability issues. The Head of Adult Services responded that we were creating opportunities for people to come together as a natural approach. In terms of the volunteering aspect the Programme Lead for Volunteering ensured we were supportive of people in a volunteering role.

Recommendations:

Members were invited to scrutinise the report and the accompanying appendix to ensure that they present a robust and evidence-based evaluation that can be used to inform the future development of services.

Committee Conclusion:

The Chair concluded that the Adults Select Committee welcomed the report and would like to see it go forward to Cabinet with some additions.

The Committee requested that figures/numbers be included in future reporting.

We noted that the questionnaire would be part of the Cabinet report, and could be emailed to Members for reference.

The Committee would encourage further work on research and evaluation issues, with either external help or through internal arrangements.

The Committee would like to encourage the ideas to be spread further, to begin to think about the rural dimension. The Committee would be glad to help where possible.

6. To update Members on the delivery of Disabled Facilities Grant Position at year end

Context:

We received a report from the Housing Renewal Manager in order to provide Members with an update on the capital budget provided to support disabled facilities grants (DFGs) and Safety at Home (SAHs) grants and the impact on overall service performance and on services provided by Social Care and Health.

Key Issues:

The Council has a statutory obligation to provide DFG's within six months of receiving a valid application. Failure to do so it risks legal challenge. It also has discretion to provide SAHs. Since 2006 a capital budget of £600,000 has been provided annually to fund both types of grant. In broad terms the budget is split into £500,000 to support DFGs and £100,000 to support SAHs.

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All DFGs are capped at £36,000 and while the majority are in the region of £4,500, each year a number of larger, complex grants are provided to meet the needs of children with complex disabilities. Increasingly, this also relates to adults who are disabled as a result of trauma or degenerative diseases. Client feedback has confirmed that adaptations significantly impact on the quality of life of both applicants and carers. Also, customer satisfaction scores of 95% are regularly being achieved.

SAHs are intended for smaller works such as handrails, half steps and minor alterations, often costing less than £250 but which make a dwelling safer. They are frequently commissioned to facilitate hospital discharge, or to reduce the risk of falls and injuries which might necessitate hospitalisation. Both grants play a key role in facilitating discharge from hospital and preventing admission.

In addition to the impact upon client of having to wait longer for adaptations to be carried out, the annual shortage of funds and ever earlier full commitment of them has adverse effects on the Council's performance in respect of DFG turnaround which is a KPI that is monitored closely by the Welsh Government and in particular by the Older Persons Commissioner for Wales.

Alternatives to DFGs and SAHs do exist, though none are as attractive as grant aid but nevertheless some potential grant recipients do opt to proceed with the necessary works at their own cost.

The options available to the Council are:

- Continue with the status quo. The advantage of this option is the Council's current capital commitment for disabled adaptations is maintained and there is no additional impact on the wider capital programme. The disadvantages are: the Council will continue to have a backlog of applicants waiting for disabled adaptations and the associated impacts on safety and quality of life for associated individuals; it makes no allowances for the impact of certainly previous inflationary pressures and there will be a continued impact on Social Care & Health services.
- Increasing the annual available capital funding for disabled adaptations. The advantage of this option is this will help to reduce (or eliminate) the number of applicants waiting and ease the pressures on Social Care & Health services. The disadvantage is there will be a knock on impact on the Council's wider capital programme and the Council may need to dis-invest in another priority in order to facilitate any increase.
- One-off additional capital contribution to the current budget. The advantage of this option would be to help temporarily reduce (or eliminate) the number of applicants waiting for adaptations and ease the current pressures for individuals and Social Care and Health services. The disadvantage is that this option only provides a temporary respite and a backlog would quickly build up again.
- Prudential borrowing. This option requires revenue funding. The necessary available revenue is cannot be facilitated because of the on-going commitment to meet financial targets relating to Cabinet mandates. Also, although the addressing of the current backlog may have some revenue benefits for Social Care through reduced care packages, these are regarded to be marginal and would not provide cashable/bankable benefits that could be directed towards funding borrowing repayments.

Member Scrutiny:

Members raised concerns that the issues would increase due to the emphasis on independent living, and the introduction of the Wellbeing Act requesting more preventative measures to be taken. Officers were asked their vision of the future. In response the Housing Renewals Manager explained that the waiting list increased year on year and would continue to do so, which was a major concern.

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A Member stressed that the LDP highlighted the need to build but did not take on board what was actually needed within the house. Houses not only needed to provide space but should include spaces such as a downstairs wetroom and more accessible facilities. It was important for developers and housing associations to recognise the needs of an aging population and to encourage independent living.

We were advised that the builders would say that disabled adaptations were not marketable and private sector landlords may refuse to give permission. However, more and more properties were now being built in accordance with movement issues.

We noted that discussions to improve development did not address current issues. It was agreed that discussions with planning colleagues would be beneficial. It was noted that feedback would be given to Welsh Government, who dictate the conditions of social housing.

The Chair advised that the Committee were less able to make technical recommendations but suggested that continuing with the status quo would not be a recommendation of the committee in light of the new Social Services and Wellbeing Act. The Committee would like to see more monies made available but were not best placed to say how. It was noted that the new Act places new expectations on the Council.

The Committee acknowledged that the Chair of Planning Committee had, for many years, been asking for a new approach with housing development. The Chair suggested that Adults Select Committee request that a task and finish group be coordinated with Planning Committee, to work jointly with officers.

Recommendations:

The report recommended that the Committee note the contents and implications of the report and consider the options itemised in this report and recommend to Cabinet a proposed option for going forward.

Committee Conclusion:

The Committee concluded that there should be an increase in available capital funding but were agnostic on the approach.

The Committee resolved to recommend to Cabinet that there be a piece of joint work with Adults Select and Planning Committee to bring together officers from Planning, Housing and Social Services to discuss a more joined up approach to independent living in Monmouthshire.

The Committee unanimously agreed to support the recommendation.

7. Adults Select Committee Work Programme

The Committee agreed to note the forward work programme.

The Chair wished to report that discussions with the Health Authority regarding End of Life. The Chair had been invited to speak at a local launch of the programme and did so on the back of Select Committee interest. As a result it was clear that ABUHB is lining up to be the first health

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board in Wales to take the initiative forward and would like a Local Authority partner on side from the beginning, being MCC.

In order to identify support it was agreed to hold a special short section at Full Council on 12th May 2016. It was agreed that the Chair would continue discussions.

The meeting ended at 1.00pm

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SUBJECT: Review of the Council's Allocation Scheme
MEETING: Adults Select
DATE: 26th April 2016
DIVISION/WARDS AFFECTED: All

1. PURPOSE:

- 1.1 To consider the proposed amendment to the common allocation policy between the Council and Monmouthshire, Melin and Charter Housing Associations.

2. RECOMMENDATIONS:

- 2.1 To recommend that Cabinet adopt the proposed policy amendments as soon as possible
See attached appendices: 1- Allocation Policy changes, 2 – Summary of Bands, 3 – Exclusion Policy, 4 – Customer Commitment, 5 – Quotas, 6 – Information Sharing, 7 – Eligibility & Allocations, 8, Housing Band Need, 9. Future Generation Evaluation
- 2.2 For the Adults Select Committee to consider the proposals outlined in the report to adjust the policy and make recommendations to the Council's Cabinet as appropriate

3. KEY ISSUES:

- 3.1 Although no longer owning any housing stock, the Council still retains a statutory responsibility for the strategic identification of housing need and leading on all local actions to effectively respond to this need. In this regard, the [Monmouthshire] Housing Register is still a legal responsibility of the Council.

4. REASONS:

- 4.1 The banding based Register is used to assess housing need, determine applicant priority and provides a basis for letting social housing. Applicants are prioritised using bands which reflect need and meets the Council's obligations under the Housing Act 1996 and the Housing (Wales) Act 2014. The scheme, known as Monmouthshire Homesearch, which is administered on behalf of the Council (and Melin and Charter Housing Associations) by Monmouthshire Housing, has been jointly reviewed by the Council and partners.
- 4.2 In addition to ensuring the policy continues to meet the Council's aims, the review, which has included consultation with applicants and local support agencies, particularly aimed to bring the Policy in line with the Housing (Wales) Act 2014 and the new Welsh Government Allocations and Homelessness Code of Guidance. Improvements have also been made to incorporate best practice. Consultation has resulted in a number of comments all of which have been considered, in particular where it is proposed to move some applicants, who are not considered to be in need, from Band 4 to 5.

4.3 The main proposals are to:

- Update the aims and objectives to better align with the Single Integrated Plan, corporate priorities and the Housing (Wales) Act 2014. **(A1)**
- Update the Exclusion Policy **(A3)**
- Re-define Local Connection criteria from 6 out of past 12 months to 12 out of past 24 months. **(A1)**.
- Add dependent children including step children and adopted children as family association regarding local connection criteria. **(A1)**

- Homeless applicants owed a S75 duty will receive one suitable offer of accommodation via the allocation policy, rather than two, to discharge the Councils duty. Should the applicant refuse this offer, their banding would then be reassessed as per the allocations policy, dependent on their new circumstances. (A1)
- Homeowners will be given additional priority where they can evidence that they do not have the financial resources or equity in a property to purchase another suitable property (A1)
- Displaced Agricultural Workers to be added to Band 2. (A1)
- Create a Band 3B for those applicants threatened with homeless with a likely priority need and owed a S66 or S73 duty. (A2)
- Adequately housed RSL tenants will be moved from Band 4 to Band 5, unless there is a medical or welfare priority. Tenants will be assessed accordingly (A1)
- All the above will be complimented by the introduction of an on-line Pre Assessment Model, providing bespoke advice for individual applicants.
- Continue to support sustainable communities
- Continue to support applicants to move to avoid hardship and to reduce the associated risks (for both applicants and the RSL's) of new tenants falling into arrears
- Continue to support the Council to discharge its homeless duties through facilitating the turnaround of temporary accommodation
- Continue to offer choice whilst continuing to maximise best use of the stock
- Continue to allow applicants dependent on housing benefit to bid for properties that will allow under-occupation by up to one bedroom, but the RSL may withdraw an offer if under-occupation creates an affordability issue.

5. RESOURCE IMPLICATIONS:

- 5.1** There are no financial implications with regards to the policy amendments. There is a cost implication to introducing the Pre-Assessment model of approximately £5,727. This cost has been covered by Welsh Government grant funding in 2015/16.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

- 6.1** Equalities implications were identified in the assessment in relation to the proposal of reducing the Banding priority for adequately housed applicants. This will be mitigated against on a case by case basis in relation to physical bedroom size. Also, it is now **not** proposed to implement a change to reducing income thresholds as part of the assessment procedure on the basis of applicant feedback. (Appendix 10)

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS

- 7.1** There are no safeguarding and corporate parenting implications.

8. CONSULTEES:

- 8.1** Cabinet Member for Environment, Cabinet Member for Public Services & Housing; Cabinet Member for Community Development, Homeseach Partners

9. BACKGROUND PAPERS:

- 9.1** Housing (Wales) Act 2014, Welsh Government Code of Guidance for the Allocation of Accommodation & Homelessness, April 2015; Allocation of Housing Register Health-Check, January 15 – Andy Gale,

- 10. AUTHOR:** Karen Durrant, Private Sector Housing Manager

- 11. CONTACT DETAILS:** Tel: 01495 742437 E-mail: karendurrant@monmouthshire.gov.uk

SUBJECT:	THE OLDER PERSON'S COMMISSIONER GUIDANCE FOR SCRUTINY COMMITTEES
MEETING:	ADULTS SELECT COMMITTEE
DATE:	26th April 2016
DIVISION/WARDS AFFECTED:	All

1. PURPOSE:

- 1.1** To consider the guidance for Scrutiny produced by the Older Person's Commissioner in relation to Scrutinising Changes to Community Services and Scrutinising Equalities and Human Rights Impact Assessments.

2. RECOMMENDATIONS:

2.1 That the Committee:

- i) Draw formal conclusions to be included in a Council response to the Older Person's Commissioner;
- ii) Consider how it can embed the principles outlined in each guidance paper into scrutiny practice; whether through the scrutiny of the 'Equalities Impact Assessments', or through lines of questioning and/or other scrutiny activity.

3. KEY ISSUES:

- 3.1** The Older Person's Commissioner has written to local authorities to present the work that has been undertaken to produce guidance for Councils on how to scrutinise Changes to Community Services and 'Equalities and Human Rights Impact Assessments'.
- 3.2** The Commissioner recognises that challenging financial times will present difficult decisions for Councils as to how to provide quality locally accessible services to communities and has produced guidance for local government scrutineers to assist them in their consideration of key decisions and policy affecting older people. The guidance advocates the need for careful consideration of the implications of decisions in order to protect society's most vulnerable people.
- 3.3** The guidance provides a useful outline for scrutineers in terms of how to apply the principles of the 'Equalities and Human Rights Impact Assessments' to decisions and policy affecting older people, given the increasing ageing population.

3.4 Scrutiny Members may wish to consider how they can embed such principles into their scrutiny approach; possibly through developing a questioning strategy to be applied to scrutiny of relevant subjects, or through considering the robustness of of 'Equalities and Human Rights Impact Assessments' together with the validity of evidence provided in such assessments to support decision-making.

4. REASONS:

4.1 The guidance has been produced to assist scrutineers to perform their 'critical friend' role effectively and thereby assist Councils to make better decisions.

5. RESOURCE IMPLICATIONS:

5.1 None identified as a result of this report.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

6.1 None identified as a result of this report.

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS

7.1 None identified as a result of this report.

8. CONSULTEES:

8.1 The Equalities Officer.

9. BACKGROUND PAPERS:

9.1 Letter from the Older Person's Commissioner (Appendix A)
Guidance on Scrutinising Changes to Community Services (Appendix B)
Guidance on Scrutinising Equalities and Human Rights Impact Assessments (Appendix C)

10. AUTHOR:

10.1 Hazel Ilett, Scrutiny Manager

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To: Local Authority Leaders & Chief Executives
CC: Local Authority Older People's Champions
CC: Local Authority Older People's Strategy Coordinators
CC: Local Authority Equality Leads/Officers
CC: Local Authority Scrutiny Managers
CC: Steve Thomas CBE, Chief Executive, WLGA; Naomi Alleyne,
Director, Social Services and Housing, WLGA; Daniel Hurford, Head of
Policy, Improvement and Governance, WLGA

16th February 2016

Dear colleague,

Publication of Section 12 Guidance, Commissioner for Older People (Wales) Act 2006: Good Practice Guidance for Equality and Human Rights Impact Assessments and Scrutinising Changes to Community Services in Wales

Following my letter to you in April 2015, I write to inform you that I have this week published new [Guidance](#), issued under Section 12 of the Commissioner for Older People (Wales) Act 2006¹.

The purpose of the Guidance, entitled 'Good Practice Guidance for Equality and Human Rights Impact Assessments and Scrutinising Changes to Community Services in Wales', is to ensure that Local Authorities, and other service providers, carry out thorough and robust impact assessments and scrutiny when changes to community services are proposed, and that every consideration is given to mitigate the impact on older people and propose alternative approaches to service delivery.

This Guidance is delivered in two parts:

¹Section 12 Guidance: "The Commissioner may issue guidance on best practice in connection with any matter relating to the interests of older people in Wales" <http://www.legislation.gov.uk/ukpga/2006/30/contents>

- Part 1 examines the importance of current Equality Impact Assessments and promotes the need to use Equality and Human Rights Impact Assessments (EHRIAs) when changes to community services are being considered. Part 1 applies to all public service bodies responsible for delivering community services for older people.
- Part 2 examines the crucial role of scrutiny around changes to community services and is targeted towards elected members and officers in local government. The aim is to improve the quality of scrutiny and ensure that the impact of closing down or reducing the provision of a community service on older people is thoroughly and rigorously analysed and considered.

This Guidance was produced in collaboration with the Welsh Government and the Welsh Local Government Association, and was also shared for consultation with Strategy for Older People coordinators and equalities and scrutiny officers within Welsh Local Authorities. It complements the Section 12 Guidance I published in July 2014, entitled ‘Best Practice Guidance for Engagement and Consultation with Older People on Changes to Community Services in Wales’².

At a time of real change for local government, this Guidance is designed to be a useful, practical document that will lead to better, high quality impact assessments and scrutiny. It should be embedded within working practices to ensure that high quality and thorough EHRIAs and scrutiny underpin future proposals on community services. An innovative and preventative approach to service delivery, supported by effective EHRIAs and robust scrutiny, can make a huge difference to our communities and, ultimately, to older people’s lives.

The online version may be found here:

http://www.olderpeoplewales.com/en/Publications/pub-story/16-02-16/Section_12_Guidance_Equality_and_Human_Rights_Assessments_Scrutiny.aspx. Hard copies of the Guidance will be sent to your Strategy for Older People coordinators, and I would be grateful for your support in disseminating the publications within your Authorities. **I would be grateful**

² http://www.olderpeoplewales.com/en/Publications/pub-story/14-07-01/Canllawiau_ymarfer_gorau_ar_gyfer_ymgysylltu_ac_ymgynghori_%c3%a2_phobl_h%c5%b7n_ar_newidiada_u_i_wasanaethau_cymunedol_yng_Nghymru.aspx

if your Authority would confirm receipt of this Section 12 Guidance and how your Authority intends to ensure that it is complied with. Please note as Commissioner I may at any point in time seek to receive verifiable evidence that due regard has been paid to this Guidance. I am sure however I will not need to.

Following the publication of the new Guidance, I will deliver training sessions across Wales in the Spring 2016 to upskill elected members and officers on the Guidance and how to take forward a rights-based approach to impact assessments and scrutiny around changes to community services. Further information on the training sessions will be shared with you in due course.

I understand the significant budgetary pressures on Local Authorities and that many difficult decisions will need to be made, however I am clear that older people must be fully considered when changes to community services are proposed, and that every consideration has been given to mitigate the impact on older people and consider alternative provision in order to maintain their health, independence and wellbeing.

Please do not hesitate to contact me or my Communities, Local Government and Wellbeing Lead, Iwan Williams (iwan.williams@olderpeoplewales.com, 02920 445 045) to discuss the Section 12 Guidance in further detail.

Best wishes,



Sarah Rochira
Older People's Commissioner for Wales

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Older People's Commissioner for Wales
Comisiynydd Pobl Hŷn Cymru

Scrutinising Changes to Community Services

Guidance for Local Authorities

The Older People's Commissioner for Wales

The Older People's Commissioner for Wales is an independent voice and champion for older people across Wales. The Commissioner and her team work to ensure that older people have a voice that is heard, that they have choice and control, that they don't feel isolated or discriminated against and that they receive the support and services that they need.

The Commissioner and her team work to ensure that Wales is a good place to grow older, not just for some but for everyone.

How to contact the Commissioner:

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Cambrian Buildings
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Twitter: [@talkolderpeople](https://twitter.com/talkolderpeople)

Section 12 Guidance

This Guidance is issued under Section 12 of the Commissioner for Older People (Wales) Act 2006.

Bodies subject to this Guidance issued under this section must have regard to the Guidance in discharging their functions.

<http://www.legislation.gov.uk/ukpga/2006/30/contents>

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Foreword

One of my priorities as Commissioner, as set out in my Framework for Action 2013-17¹, is to protect and improve community services – non-statutory services such as day centres, public toilets, libraries and transport that are often described as ‘lifelines’ by older people.

Despite the fact that they are as important to older people’s health, independence and wellbeing as statutory health and social care services, community services across Wales are at risk due to reductions in public spending, something of great concern for many older people.

Furthermore, older people often feel that they have few opportunities to voice their concerns over changes to community services, or that their needs are not fully considered when decisions are made.

Within a challenging financial climate, I understand the difficult decisions facing Local Authorities. However, I expect Local Authorities and other key service providers to fully consider and review the implications upon older people of closing a key community service and that every effort has been made to mitigate any impact.

That is why I have published this Guidance, which is issued under Section 12 of the Commissioner for Older People (Wales) Act 2006². It is designed to ensure that robust scrutiny is undertaken when changes to community services are proposed, essential to ensure that there is not a disproportionate impact upon older people and that alternative approaches are considered.

This Guidance is delivered in two parts:

- Part 1 examines the importance of current Equality Impact Assessments and promotes the need to use Equality and Human Rights Impact Assessments (EHRIs) when changes to community services are being considered. Part 1 applies to all public service bodies responsible for delivering community services for older people.
- Part 2 examines the crucial role of scrutiny around changes to community services and is targeted towards elected members and officers in local government. The aim is to improve the quality of scrutiny and ensure that the impact of closing down or reducing the provision of a community service on older people is thoroughly and rigorously analysed and

¹ http://www.olderpeoplewales.com/Libraries/Uploads/Framework_for_Action.sflb.ashx

² <http://www.legislation.gov.uk/ukpga/2006/30/contents>

considered.

This Guidance was produced in collaboration with the Welsh Government and the Welsh Local Government Association, whose advice and expertise has been invaluable and I am very grateful for their contribution. I would also like to thank colleagues in the Wales Audit Office, Scottish Human Rights Commission and Welsh Local Authorities, in particular Pembrokeshire County Council and Cardiff Council, for their support in developing this Guidance.

At a time of real change for local government, this Guidance is designed to be a useful, practical document that will lead to better, high quality impact assessments. It should be embedded within working practices to ensure that high quality and thorough EHRIAs underpin future proposals on community services.

As I have consistently emphasised, protecting and improving community services will lead to cost savings for Local Authorities and other public services providers in the medium to longer term by supporting people to maintain their independence, reducing the need for costly formal support delivered through statutory health and social care services.

An innovative approach to service delivery, underpinned by effective EHRIAs can make a huge difference to our communities and, ultimately, to older people's lives.



Sarah Rochira
Older People's Commissioner for Wales

Context

The loss of key community services, such as public buses, toilets, community and day centres, libraries and lifelong learning continues to be a matter of great concern for older people. The closure or reduced provision of these services is already having an impact on their lives as a result of decisions made by Local Authorities and other public service deliverers across Wales.

The Well-being of Future Generations (Wales) Act³ is, potentially, a groundbreaking and transformative piece of legislation, which should ensure that public bodies take a longer-term, sustainable view on service delivery, with the focus on prevention and outcomes for the individual.

However, the financial outlook for Local Authorities for the coming years remains considerably challenging. Since 2010, Local Authorities have had to reduce funding by £720m, and can expect to face a further £941m budget shortfall by 2019^{4,5}. It is expected that funding will not return to 2010-11 levels until 2022-23 at the earliest, meaning the continued retrenchment of public service spending⁶.

With further budgetary reductions expected, further difficult decisions will be made on the future of community services across Wales. It is therefore imperative that Local Authorities and others fully consider the implications of these decisions on older people, an age group that often rely on these services to maintain their health, independence and wellbeing.

Whilst the Commissioner recognises the budgetary pressures placed on Local Authorities, older people must be able to continue to access community services in one form or another. Community services must not be seen not as optional costs or non-essential luxuries, but as the vital community assets that they are for individuals. It is therefore essential to take an asset-based approach and see community services as integral to delivering key policy priorities and containing the costs of statutory services.

Local government reform in Wales is also likely to have a significant impact on the structures and services provided by Local Authorities over the coming months and years. There has been a great deal of debate since the Welsh Government published its proposed local government map in the Summer of

3 <http://gov.wales/legislation/programme/assemblybills/future-generations/?lang=en>

4 <http://www.wlga.gov.uk/media-centre-l-wlga-e-bulletins/councils-and-unions-to-lobby-parliament-over-fair-funding-for-wales>

5 <http://www.wlga.gov.uk/media-centre-l-wlga-e-bulletins/latest-wao-report-issues-warning-on-cuts-to-council-services>

6 <http://www.cfps.org.uk/publications?item=11641&offset=0>

2015 and whilst a decision on the debate on the number, size and structure of Local Authorities is yet to be made, it is crucial that the emphasis on the quality of services provided for older people and others is not lost.

This two part Guidance complements the following priorities within the Commissioner's Framework for Action 2013-17⁷:

- Embedding the wellbeing of older people at the heart of public services;
- Protecting and improving community services, facilities and infrastructure; and
- Tackling prejudice, inequality and discrimination.

This Guidance also follows on from the Commissioner's previous publications on community services:

- The Importance and Impact of Community Services within Wales (February 2014)⁸;
- Effective Engagement with Local Authorities: Toolkit for Older People (July 2014)⁹; and
- Best Practice Guidance for Engagement and Consultation with Older People on Changes to Community Services in Wales (July 2014)¹⁰.

This Guidance is published under Section 12 of the Commissioner for Older People (Wales) Act 2006¹¹. The purpose of the Guidance is to ensure that high quality EHRIAs and scrutiny on changes to community services exist across local government and other public service bodies in Wales. When changes are proposed this Guidance should help Local Authorities and other bodies to fully consider the implications on older people. Tighter and more impactful assessments and scrutiny from the outset should lead to Local Authorities and other service deliverers taking a longer-term view within current financial parameters.

7 http://www.olderpeoplewales.com/en/Publications/pub-story/13-05-23/Framework_for_Action.aspx#.VWwfyGctAdU

8 http://www.olderpeoplewales.com/en/Publications/pub-story/14-02-25/The_Importance_and_Impact_of_Community_Services_within_Wales.aspx

9 http://www.olderpeoplewales.com/en/Publications/pub-story/14-07-01/Effective_Engagement_with_Local_Authorities_Toolkit_for_Older_People.aspx

10 http://www.olderpeoplewales.com/en/Publications/pub-story/14-07-01/Canllawiau_ymarfer_gorau_ar_gyfer_ymgysylltu_ac_ymgynghori_%c3%a2_phobl_h%c5%b7n_ar_newidiadau_i_wasanaethau_cymunedol_yng_Nghymru.aspx

11 <http://www.legislation.gov.uk/ukpga/2006/30/section/12>

Previous research and evidence in this area suggests that scrutiny in Wales could be improved. For example:

- The ‘Commission on Public Service Governance and Delivery’ (2014) concluded that the fundamental importance of scrutiny in driving improvement was not recognised, that scrutiny is often under-developed and that organisations must regard scrutiny as an investment to deliver improvements and future savings¹².
- The Wales Audit Office ‘Good Scrutiny? Good Question!’ improvement study (2014) found that whilst local government scrutiny in Wales is improving, councils need to do more to develop consistently rigorous scrutiny to increase public accountability in decision-making¹³.
- The Welsh Government’s ‘Evaluation of Welsh Local Government Executive and Scrutiny Arrangements’ (2015) concluded that there is considerable variation in the ways that the cabinet system has impacted upon local decision making processes, that scrutiny of partnerships and joint scrutiny is currently poorly developed, and that there is limited public engagement and participation in decision-making processes¹⁴.
- The Wales Audit Office study ‘Supporting the Independence of Older People: Are Councils Doing Enough?’ (2015) found that a lack of data is making it difficult for councils to demonstrate the impact of their services in supporting the independence of older people and that this weakens their decision making and scrutiny when setting future priorities. Measures should be established to judge inputs, outputs and impact in order to better understand the effect of budget reductions and provide support for oversight and scrutiny¹⁵.

The voices of older people are heard throughout the Commissioner’s work and their views, concerns and priorities are reflected in the Guidance. A series of discussions were held with older people’s networks and groups in Autumn 2015, and the Commissioner’s office met with older people at the following venues: Bridgend, Gwalchmai (Anglesey), Haverfordwest (Pembrokeshire), Blaenavon (Torfaen), Llandudno (Conwy), Abergavenny (Monmouthshire), Cardiff, Carmarthen (Carmarthenshire), Wrexham, Connah’s Quay (Flintshire).

12 <http://gov.wales/docs/dpsp/publications/psgd/140120-psgd-full-report-env2.pdf>

13 <http://audit.wales/publication/good-scrutiny-good-question-auditor-general-wales-improvement-study-scrutiny-local>

14 <http://gov.wales/docs/caecd/research/2015/150108-welsh-local-government-executive-scrutiny-arrangements-en.pdf>

15 <http://www.audit.wales/system/files/publications/Independence-Older-People-2015-English.pdf>

As listed bodies under the Commissioner for Older People (Wales) Act, all Local Authorities and other relevant bodies must have due regard to this Guidance.

Future changes to community services must not proceed without a full and robust analysis of the impact that these will have on the health, independence, wellbeing and rights of older people.

Scrutiny: What is it?

Robust scrutiny and challenge can help Local Authorities to promote equality of opportunity and demonstrate engagement with stakeholders such as older people. Effective scrutiny takes on-board EHRIA recommendations and fully considers the likely impact on different protected groups. It can provide a neutral forum on debates around community services, bridging local people, communities and decision-makers. The key question is: how does scrutiny add value?

The Welsh Government Statutory Guidance from the Local Government Measure 2011 recognised that scrutiny “needs to be independent, well-resourced and effective in order to identify any weaknesses in service delivery and then to propose improvements...it is vital that all councillors play a full and vigorous role in scrutiny¹⁶”, whilst the Commission on Public Service Governance and Delivery concluded that “public scrutiny is a particular and essential form of accountability in the public sector...the independence of scrutiny must be strongly asserted and protected...to be effective in holding to account and constructively identifying opportunities for improvement, scrutiny must be well resourced to support robust and challenging questioning¹⁷.”

“Most equality impact assessments never see the light of day, most reports to the Council board never go through scrutiny...the cuts to services always affect the most vulnerable in society...I can’t go to the shops because there’s no public toilet.” (Wrexham Over Fifties Forum & ‘Wrexham Include’ Group members)

Taking into consideration demographic changes and the need to take an asset-based approach to maintain the independence of older people, **it is crucial that scrutiny focuses on longer term outcomes as much as possible in the current financial climate¹⁸.**

Scrutiny should review policy priorities and outcomes and challenge the executive about its actions to deliver stated policy goals. Scrutiny also has the right to ‘call in’ key decisions and ask the decision-maker to think again, or to refer the decision to full council for consideration. Scrutiny should be seen as the ‘last line of defence’, and elected members should make sure the right questions are asked around community service proposals and answered before agreeing to any service delivery changes that may affect older people.

¹⁶ <http://gov.wales/topics/localgovernment/publications/statguide/?lang=en>

¹⁷ <http://gov.wales/topics/improvingervices/public-service-governance-and-delivery/?lang=en>

¹⁸ <http://www.cfps.org.uk/publications?item=11641&offset=0>

Good Practice

Pembrokeshire County Council has a dedicated scrutiny committee to address older people's issues. The role of the Older Persons, Health and Wellbeing Overview and Scrutiny Committee is to review or scrutinise issues and services relevant to health and wellbeing, particularly those relating to older persons¹⁹.

One example of how the Committee can influence decisions was the recent 'Learning Pembrokeshire – Managing the Welsh Government Funding Reduction for Adult and Community Learning' proposal. Committee members expressed concerns regarding how the cabinet decision had been reached without public consultation and without sufficient consideration of how closing down Community Learning Centres will impact on older people and others²⁰. As a result, the cabinet decided to undertake a public consultation exercise to examine the issue further, with a final report to cabinet by November 2015²¹.

Scrutiny can help elected members to challenge levels and quality of delivery, conduct detailed investigations into the progress of specific objectives or projects, and add value to impact assessments to ensure they are robust. The WLGA report 'The use of EIAs in the Public Sector' found that scrutiny of EIAs needs to be strengthened, with a greater role for equality leads and to ensure that scrutiny panels, e.g. boards and committees, have the necessary equalities skills and knowledge to fulfil their role²². Another key issue is the support provided to scrutiny. Practitioners often have to deal with 'crowded' Forward Work Programmes, hectic schedules and often have to ensure that discussions over crucial community services are given sufficient time and attention and do not fall behind other priorities.

“Across Pembrokeshire, only 7 of 83 earmarked public toilets were actually closed (following consultation)... This is good, although no one asks if these are up to the standard they were before.” (50+ Central member, Pembrokeshire)

19 http://www.pembrokeshire.gov.uk/content.asp?nav=101,2159,2170&parent_directory_id=646

20 <http://mgenglish.pembrokeshire.gov.uk/ieListDocuments.aspx?CId=283&MID=3305#A122904&LLL=0>

21 [http://mgenglish.pembrokeshire.gov.uk/Published/C00000281/M00003161/\\$\\$\\$Minutes.doc.pdf?LLL=0](http://mgenglish.pembrokeshire.gov.uk/Published/C00000281/M00003161/$$$Minutes.doc.pdf?LLL=0)

22 <http://www.wlga.gov.uk/equalities-publications/report-l-review-of-the-use-of-equality-impact-assessments-in-the-public-sector/>

Looking ahead, the reform of local government and the introduction of the Wellbeing of Future Generations (WFG) (Wales) Act with statutory Public Services Boards mean that scrutiny in Wales will undergo some radical changes in the coming years. The development of effective joint scrutiny arrangements for new and emerging collaborations is also likely to be a key focus for public services over the next few years²³.

Who scrutinises and how to scrutinise?

Scrutiny applies to all Local Authority elected members, particularly the following:

- **Cabinet/Executive:** The cabinet or executive is responsible for proposing key strategies, the policy and budget framework. It has power to take all executive decisions within the policy and budget framework agreed by the Local Authority.
- **Scrutiny Chair:** Good chairing can enhance the effectiveness of scrutiny by providing leadership, ensuring that scrutiny works efficiently and making best use of resources, and by promoting scrutiny both within the organisation and externally.
- **Scrutiny councillors:** Their role is to review policies and proposals and challenge whether the executive has made the correct decisions to deliver policy goals. These councillors examine the impact and implementation of cabinet decisions, hold the Leader and cabinet to account, and scrutinise external organisations who provide services to residents.
- **Scrutiny panels:** When scrutiny boards or committees are discussing community service proposals they should request information about the EHRIAs that have been conducted. EHRIAs help to inform their discussions and comment on proposals. Scrutiny panels can explore these EHRIAs in greater detail to ensure that they are based on strong evidence and engagement.

²³ http://www.audit.wales/system/files/publications/WAO_Scrutiny_Report_English_2014.pdf

According to the Four Principles of Good Public Scrutiny²⁴, published by the Centre for Public Scrutiny, effective scrutiny should:

- Be a ‘critical friend’ to executives, external authorities and agencies;
- Reflect the voice and concerns of the public and its communities;
- Take the lead and own the scrutiny process on behalf of the public; and
- Make an impact on the delivery of public services.

The Centre has also identified characteristics of good scrutiny, including the following (further details may be found in Annex A)²⁵:

Better Outcomes	Ensure democratic accountability succeeds in driving improvement in public services. Scrutiny should have a clearly defined and valued role in the council’s improvement and governance arrangements. It has dedicated support from officers who are able to undertake independent research effectively, and provide councillors with high-quality analysis, advice and training.
Better Decisions	Ensure democratic decision-making is accountable, inclusive and robust. Local Authorities should ensure that scrutiny councillors have the training and development opportunities they need to undertake their role effectively, and that scrutiny is councillor-led and meetings and activities are well-planned, chaired effectively and make best use of the resources available to them.
Better Engagement	Ensure the public is meaningfully engaged in democratic debate about the current and future delivery of public services. Scrutiny should be recognised as an important council mechanism for community engagement, and facilitating greater citizen involvement in governance. It should enable the ‘voice’ of local people and communities across the area to be heard as part of decision and policy-making processes

24 <http://www.cfps.org.uk/mission-and-purpose>

25 <http://www.cfps.org.uk/publications?item=11641&offset=0>

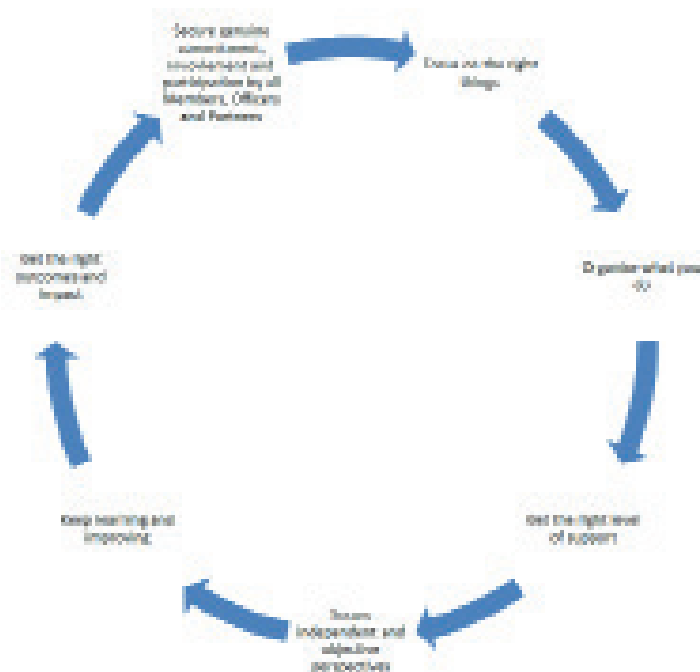
Good Practice

In 2011/12, Anglesey County Council's Environment and Technical Services Scrutiny Committee produced a report on the 'Future Provision of Public Toilets on Anglesey'²⁶. The report acknowledged that public toilets are "often seen as a lifeline to the elderly community" and that it was therefore vital that older people were consulted with "in relation to any proposed shortlist for closure at an early stage".

Following consultation with older people it was found that awareness about alternative provision was low, and therefore it was recommended that "officers work with existing organisations offering the Public Toilet Grant Scheme to improve signage and promotion of these facilities".

"They may do some consultation...but if they do this in the evening, then that's too late for older people, not to mention transport...everything is moving online now and not everyone can use it or afford it." (Blaenavon Older People's Forum member, Torfaen)

The WLGA's 'Role of Overview and Scrutiny in Assessing Equality Performance' guide refers to the Welsh Government's 'Seven Success Factors' model (2008) to ensure effective scrutiny²⁷:



²⁶ <http://www.anglesey.gov.uk/Journals/2011/12/08/scrutiny-review-public-toilets-review.pdf>

²⁷ <http://www.wlga.gov.uk/equalities-publications/wlga-publication-the-role-of-overview-and-scrutiny-in-assessing-equality-performance/>

Useful recommendations

- Secure genuine commitment, involvement and participation by all Members, Officers and Partners: Have the Older People's Champions and Equality Champions, for example, been consulted on the proposal? Is the cabinet/executive open to concerns raised through scrutiny about inequalities?
- Focus on the right things: Does scrutiny take into account the Local Authority's Strategic Equality Plan and Equality objectives²⁸? Is it clear how older people's needs, concerns and rights make it onto the scrutiny agenda?
- Organise what you do: Read information in advance and ask relevant and timely questions. Does scrutiny review community service proposals alongside an EIA/EHRIA? Remember that elected members have a legitimate right to challenge Local Authority finances and how these are used
- Get the right level of support: Are scrutiny councillors trained in equality issues? Is there sufficient access to equalities officers?
- Secure independent and objective perspectives: Do scrutiny committees make provisions to hear from community groups or older people's forums when a community service proposal is put forward?
- Keep learning and improving: Are there any training or skills gaps that need to be addressed? Are lessons learnt from previous scrutiny reviews?
- Get the right outcomes and impact: Is scrutiny helping to ensure that the Local Authority is achieving the aims of the Public Sector Equality Duty (PSED) (eliminate unlawful discrimination, advance equality of opportunity between people, foster good relations between people) and Human Rights Act 1998?

28 <http://www.wlga.gov.uk/equality-and-diversity-local-government>

Scrutiny Questions for Elected Members

<p>The effective use of EHRIAs (see Part 1 of the Guidance for further information)</p>	<ul style="list-style-type: none"> • Has an EHRIA been carried out? If so, can the Leader and Cabinet/Senior Officers provide members with copies and a detailed explanation of the EHRIA conducted in respect of these proposals? Have specific actions been identified to mitigate the impact on older people? • What engagement and consultation work with older people was conducted with older people as part of the EHRIA of these proposals? Have the National Principles for Public Engagement in Wales been applied²⁹? • Does the Local Authority's EHRIA process adequately capture the needs and views of older people? What steps have been taken to ensure that older people have been given every opportunity to voice their needs and concerns? Are these fully reflected in the EHRIA?
<p>Compliance with the Equality and Human Rights Legal Framework</p>	<ul style="list-style-type: none"> • Can the Leader and Cabinet/ Senior Officers assure members that these proposals comply with Equality and Human Rights legislation in respect of older people? Do the proposals comply with the Local Authority's Strategic Equality Plan? • What steps has the Local Authority taken to ensure these proposals meet statutory commitments to older people under the Equality Act 2010 and Human Rights Act 1998? • Is there any danger these proposals may represent a breach of older people's human rights? Are older people with multiple protected characteristics affected? Have the UN Principles for Older Persons and Declaration of Rights for Older People in Wales been fully considered and applied? Has the UN Convention on the Rights of Persons with Disabilities been considered?

<p>Compliance with the Equality and Human Rights Legal Framework (cont.)</p>	<ul style="list-style-type: none"> • Have the National Welsh Characteristics of Good Scrutiny been applied (see Annex A)?
<p>Mitigating the effects of austerity measures</p>	<ul style="list-style-type: none"> • What is the anticipated impact on older people? Can the Leader and Cabinet/Senior Officers provide members with details of the plans to mitigate the impact of these proposals on older people? • If...These proposals clearly have a disproportionate impact on older people. How will the Local Authority manage this? Have alternative arrangements and provision been put in place? Have innovative cost-saving approaches e.g. Community Asset Transfer been explored³⁰? • How much will maintaining the community service cost? Is this cost for this financial year or is it on-going? What happens if this is not funded? Is there any external funding available? Could a charge be made for this? Can the proposal be deferred? Will the impact on older people be monitored and reviewed? • How does the proposal contribute to the Local Authority's medium to long-term savings plan? How were decisions arrived at in order to decide between options? Were groups of older people, including the local 50+ Forum, consulted with? • Taking the asset-based approach to community services, how do the decisions contribute to the 'older people as assets' model and help increase their £1bn annual contribution to the Welsh economy, helping individuals, communities and local economies in the process?

<p>Mitigating the effects of austerity measures (cont.)</p>	<ul style="list-style-type: none"> • How do the decisions contribute to the Older People’s Commissioner’ ‘Quality of Life’ model for older people i.e. ‘I feel safe and listened to, valued and respected’; ‘I can do the things that matter to me’; ‘I can get the help that I need’; ‘I live in a place that suits me and my life’³¹? • The Local Authority is committed to establishing age-friendly communities via the Dublin Declaration, a commitment as part of the Ageing Well in Wales Programme³². How do these proposals contribute to the establishment of age-friendly communities and the Local Authority’s commitment to empower older people and maintain their health and independence?
<p>Specific questions on community services</p>	<p>Public buses</p> <p>Public transport is vital to reduce physical and mental health problems amongst older people. It is also crucial to connect older people with their friends and family, GPs and hospitals, shops and key services, and does much to tackle social isolation. A free bus pass for older people is worth little without a bus:</p> <ul style="list-style-type: none"> • Has the Local Authority fully considered the potentially devastating impact of removing this ‘lifeline’ service on older people • Is there alternative provision e.g. a community transport scheme in place to mitigate the impact?

31 http://www.olderpeoplewales.com/Libraries/Uploads/Framework_for_Action.sflb.ashx

32 <http://agefriendlyworld.org/en/the-dublin-declaration-on-age-friendly-cities-and-communities-in-europe-2013/>

Specific questions on community services (cont.)

Public toilets

Public toilets are crucial in maintaining the health and independence of older people. Without the provision of public conveniences, older people and others will not leave their homes, and as a result are exposed to a wide range of physical and mental health problems. Everyone needs a public toilet, and removing these facilities can make our villages/towns/cities ‘no go’ areas:

- Has the Local Authority fully explored the impact of closing down this public toilet not only on older people but others in society (including the impact on tourism)?
- Have alternative arrangements been explored or put in place e.g. local businesses offering their toilet facilities to the public, or community asset transfer plans?

Public libraries

Libraries play a significant role in the lives of older people. The importance of libraries goes far beyond books, they are places where older people develop digital skills, socialise and undertake a range of activities that helps to keep them physically and mentally active:

- Has the Local Authority fully considered the impact of closing down this library on older people?
- What alternative arrangements are in place to ensure that older people can continue to access books, digital learning and other social activities?

Specific questions on community services (cont.)

- Does the Local Authority have another community hub in place for older people? Is the Local Authority committed to tackling loneliness and isolation amongst older people by proposing other venues where older people can meet, socialise and contribute to their local communities (these questions also apply to proposals around community and day centres)?

Lifelong learning

Learning for older people has a range of benefits. For some, it is an important way of helping them to keep physically and mentally active in retirement. For others, it is a crucial way of remaining in or re-entering employment. Learning helps to tackle social isolation, contributes to the development of personal skillsets and increases efficiency as workers or volunteers:

- Has the Local Authority fully explored the impact of closing down this lifelong learning provision on older people and others?
- Has the Local Authority provided alternative arrangements so that older people can continue to access much needed learning opportunities?

The ongoing role of scrutiny

Remember that scrutiny is an ongoing process; **scrutiny does not end when a decision is made on a community service proposal, nor does it end when a report is sent to Cabinet.** It is crucial that any changes to community services are monitored and that the impact on older people and others are taken into consideration. The closure or reduced provision of a key community service, a service that might be described as a 'lifeline' by older people, may significantly impact on the health and wellbeing of older people, and therefore scrutinising the proposal at a later stage may therefore be needed (see Part 1 of the Guidance for further information on EHRIA Transparency and Review (Annex A)).

Consider the following questions within a year of the decision:

- Was any mitigation applied or was the community service proposal delivered as originally proposed before the EHRIA was undertaken?
- Were the intended outcomes of the proposal achieved or were there other results? Has it proved to be an effective cost-saving proposal for the Local Authority? Is there any evidence that health and social care needs for older people have increased as an indirect consequence?
- Were the impacts confined to the group you initially thought would be affected i.e. older people, or were others affected e.g. people with disabilities, parents with young children?

Annex A: National Welsh Characteristics of Good Scrutiny³³

Democratic accountability drives improvement in public services: Better Outcomes

Overview and scrutiny:

- Has a clearly defined and valued role in the council's improvement and governance
- Has the dedicated officer support it needs from officers who are able to undertake independent research effectively, and provides councillors with high-quality analysis, advice and training
- Inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives
- Regularly engages in evidence based challenge of decision makers and service providers
- Provides viable and well evidenced solutions to recognised problems

Democratic decision making is accountable, inclusive and robust: Better Decisions

- Overview and scrutiny councillors have the training opportunities they need to undertake their role effectively
- The process receives effective support from the council's corporate management team who ensure that information provided to overview and scrutiny is of high quality and is provided in a timely and consistent manner
- Overview and scrutiny is councillor-led, takes into account the views of the public, partners and regulators, and balances the prioritisation of community concerns against issues of strategic risk and importance
- Overview and scrutiny meetings and activities are well-planned, chaired effectively and make best use of the resources available to it
- Decision makers give public account for themselves at scrutiny committees for their portfolio responsibilities

³³ <https://www.cardiff.gov.uk/ENG/Your-Council/Councillors-and-meetings/Scrutiny/Documents/Guidelines%20for%20effective%20Scrutiny%20in%20Wales.pdf>

The public is engaged in democratic debate about the current and future delivery of public services: Better Engagement

- Overview and scrutiny is recognised by the executive and corporate management team as an important council mechanism for community engagement, and facilitates greater citizen involvement in governance
- Overview and scrutiny is characterised by effective communication to raise awareness of, and encourage participation in democratic accountability
- Scrutiny operates non-politically and deals effectively with sensitive political issues, tension and conflict
- Overview and scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders
- Overview and scrutiny enables the ‘voice’ of local people and communities across the area to be heard as part of decision and policy-making processes

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Older People's Commissioner for Wales
Comisiynydd Pobl Hŷn Cymru

Equality & Human Rights Impact Assessments

Guidance for Local Authorities

The Older People's Commissioner for Wales

The Older People's Commissioner for Wales is an independent voice and champion for older people across Wales. The Commissioner and her team work to ensure that older people have a voice that is heard, that they have choice and control, that they don't feel isolated or discriminated against and that they receive the support and services that they need.

The Commissioner and her team work to ensure that Wales is a good place to grow older, not just for some but for everyone.

How to contact the Commissioner:

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Twitter: [@talkolderpeople](https://twitter.com/talkolderpeople)

Section 12 Guidance

This Guidance is issued under Section 12 of the Commissioner for Older People (Wales) Act 2006.

Bodies subject to this Guidance issued under this section must have regard to the Guidance in discharging their functions.

<http://www.legislation.gov.uk/ukpga/2006/30/contents>

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Foreword

One of my priorities as Commissioner, as set out in my Framework for Action 2013-17¹, is to protect and improve community services – services such as day centres, public toilets, libraries and transport that are often described as ‘lifelines’ by older people.

Despite the fact that they are as important to older people’s health, independence and wellbeing as statutory health and social care services, community services across Wales are at risk due to reductions in public spending, something of great concern for many older people.

Furthermore, older people often feel that they have few opportunities to voice their concerns over changes to community services, or that their needs are not fully considered when decisions are made.

Within a challenging financial climate, I understand the difficult decisions facing Local Authorities. However, I expect Local Authorities and other key service providers to fully consider and review the implications upon older people of closing a key community service and that every effort has been made to mitigate any impact.

That is why I have published this Guidance, which is issued under Section 12 of the Commissioner for Older People (Wales) Act 2006². It is designed to ensure that robust Equality and Human Rights Impact Assessments (EHRIs) are undertaken when changes to community services are proposed, essential to ensure that there is not a disproportionate impact upon older people and that alternative approaches are considered.

This Guidance is delivered in two parts:

- Part 1 examines the importance of current Equality Impact Assessments and promotes the need to use Equality and Human Rights Impact Assessments (EHRIs) when changes to community services are being considered. Part 1 applies to all public service bodies responsible for delivering community services for older people.
- Part 2 examines the crucial role of scrutiny around changes to community services and is targeted towards elected members and officers in local government. The aim is to improve the quality of scrutiny and ensure that the impact of closing down or reducing the provision of a community

1 http://www.olderpeoplewales.com/Libraries/Uploads/Framework_for_Action.sflb.ashx

2 <http://www.legislation.gov.uk/ukpga/2006/30/contents>

service on older people is thoroughly and rigorously analysed and considered.

This Guidance was produced in collaboration with the Welsh Government and the Welsh Local Government Association, whose advice and expertise has been invaluable and I am very grateful for their contribution. I would also like to thank colleagues in the Wales Audit Office, Scottish Human Rights Commission and Welsh Local Authorities, in particular Pembrokeshire County Council and Cardiff Council, for their support in developing this Guidance.

At a time of real change for local government, this Guidance is designed to be a useful, practical document that will lead to better, high quality impact assessments. It should be embedded within working practices to ensure that high quality and thorough EHRIAs underpin future proposals on community services.

As I have consistently emphasised, protecting and improving community services will lead to cost savings for Local Authorities and other public services providers in the medium to longer term by supporting people to maintain their independence, reducing the need for costly formal support delivered through statutory health and social care services.

An innovative approach to service delivery, underpinned by effective EHRIAs can make a huge difference to our communities and, ultimately, to older people's lives.



Sarah Rochira
Older People's Commissioner for Wales

Context

The loss of key community services, such as public buses, toilets, community and day centres, libraries and lifelong learning continues to be a matter of great concern for older people. The closure or reduced provision of these services is already having an impact on their lives as a result of decisions made by Local Authorities and other public service deliverers across Wales.

The Well-being of Future Generations (Wales) Act³ is, potentially, a groundbreaking and transformative piece of legislation, which should ensure that public bodies take a longer-term, sustainable view on service delivery, with the focus on prevention and outcomes for the individual.

However, the financial outlook for Local Authorities for the coming years remains considerably challenging. Since 2010, Local Authorities have had to reduce funding by £720m, and can expect to face a further £941m budget shortfall by 2019^{4,5}. It is expected that funding will not return to 2010-11 levels until 2022-23 at the earliest, meaning the continued retrenchment of public service spending⁶.

With further budgetary reductions expected, further difficult decisions will be made on the future of community services across Wales. It is therefore imperative that Local Authorities and others fully consider the implications of these decisions on older people, an age group that often rely on these services to maintain their health, independence and wellbeing.

Whilst the Commissioner recognises the budgetary pressures placed on Local Authorities, older people must be able to continue to access community services in one form or another. Community services must not be seen not as optional costs or non-essential luxuries, but as the vital community assets that they are for individuals. It is therefore essential to take an asset-based approach and see community services as integral to delivering key policy priorities and containing the costs of statutory services.

Local government reform in Wales is also likely to have a significant impact on the structures and services provided by Local Authorities over the coming months and years. There has been a great deal of debate since the Welsh

3 <http://gov.wales/legislation/programme/assemblybills/future-generations/?lang=en>

4 <http://www.wlga.gov.uk/media-centre-l-wlga-e-bulletins/councils-and-unions-to-lobby-parliament-over-fair-funding-for-wales>

5 <http://www.wlga.gov.uk/media-centre-l-wlga-e-bulletins/latest-wao-report-issues-warning-on-cuts-to-council-services>

6 <http://www.wlga.gov.uk/media-centre-l-wlga-e-bulletins/latest-wao-report-issues-warning-on-cuts-to-council-services>

Government published its proposed local government map in the Summer of 2015 and whilst a decision on the debate on the number, size and structure of Local Authorities is yet to be made, it is crucial that the emphasis on the quality of services provided for older people and others is not lost.

This two part Guidance complements the following priorities within the Commissioner's Framework for Action 2013-17⁷:

- Embedding the wellbeing of older people at the heart of public services;
- Protecting and improving community services, facilities and infrastructure; and
- Tackling prejudice, inequality and discrimination.

This Guidance also follows on from the Commissioner's previous publications on community services:

- The Importance and Impact of Community Services within Wales (February 2014)⁸;
- Effective Engagement with Local Authorities: Toolkit for Older People (July 2014)⁹; and
- Best Practice Guidance for Engagement and Consultation with Older People on Changes to Community Services in Wales (July 2014)¹⁰.

This Guidance is published under Section 12 of the Commissioner for Older People (Wales) Act 2006¹¹. The purpose of the Guidance is to ensure that high quality EHRIAs and scrutiny on changes to community services exist across local government and other public service bodies in Wales. When changes are proposed this Guidance should help Local Authorities and other bodies to fully consider the implications on older people. Tighter and more impactful assessments and scrutiny from the outset should lead to Local Authorities and other service deliverers taking a longer-term view within current financial parameters.

7 http://www.olderpeoplewales.com/en/Publications/pub-story/13-05-23/Framework_for_Action.aspx

8 http://www.olderpeoplewales.com/en/Publications/pub-story/14-02-25/The_Importance_and_Impact_of_Community_Services_within_Wales.aspx

9 http://www.olderpeoplewales.com/en/Publications/pub-story/14-07-01/Effective_Engagement_with_Local_Authorities_Toolkit_for_Older_People.aspx

10 http://www.olderpeoplewales.com/en/Publications/pub-story/14-07-01/Canllawiau_ymarfer_gorau_ar_gyfer_ymgysylltu_ac_ymgynghori_%c3%a2_phobl_h%c5%b7n_ar_newidiadau_i_wasanaethau_cymunedol_yng_Nghymru.aspx

11 <http://www.legislation.gov.uk/ukpga/2006/30/section/12>

Previous research and evidence in this area suggests that impact assessments in Wales could be improved. For example:

- A toolkit for carrying out EIAs, prepared by the NHS Centre for Equality and Human Rights (2012), stated that EIA ‘is in its infancy and is a developing process...the process may seem cumbersome...however, over time undertaking EIAs will become more routine and a body of knowledge, shared good practice and evidence to inform the process will be developed’¹².
- The Welsh Local Government Association and NHS Centre for Equality and Human Rights ‘Review of the use of Equality Impact Assessments in the Public Sector’ (2013) found that scrutiny and oversight of EIAs needs to be strengthened, and that the quality of EIAs varies between and within public sector organisations. It also found that a negative perception of EIAs still remains within organisations, and that a focus shift is required from minimising risks for the service deliverer to improving the service and subsequent outcomes for service users¹³.
- The Wales Audit Office report ‘Supporting the Independence of Older People: Are Councils Doing Enough?’ (2015) found that the quality of information in EIAs is not always robust enough to demonstrate potential impacts, and that more needs to be done to ensure compliance with the Public Sector Equality Duty¹⁴.

The voices of older people are heard throughout the Commissioner’s work and their views, concerns and priorities are reflected in the Guidance. A series of discussions were held with older people’s networks and groups in Autumn 2015, and the Commissioner’s office met with older people at the following venues: Bridgend, Gwalchmai (Anglesey), Haverfordwest (Pembrokeshire), Blaenavon (Torfaen), Llandudno (Conwy), Abergavenny (Monmouthshire), Cardiff, Carmarthen (Carmarthenshire), Wrexham, Connah’s Quay (Flintshire).

As listed bodies under the Commissioner for Older People (Wales) Act, all Local Authorities and other relevant bodies must have due regard to this Guidance.

Future changes to community services must not proceed without a full and robust analysis of the impact that these will have on the health, independence, wellbeing and rights of older people.

¹² <http://www.wales.nhs.uk/sites3/Documents/256/NHS%20CEHR%20Toolkit.pdf>

¹³ <http://www.wlga.gov.uk/equalities-publications/report-l-review-of-the-use-of-equality-impact-assessments-in-the-public-sector/>

¹⁴ <http://www.audit.wales/system/files/publications/Independence-Older-People-2015-English.pdf>

Equality Impact Assessments (EIAs)

EIAs have previously been perceived in a negative and derogatory way. EIAs have been described as being bureaucratic and time-consuming, an additional administrative burden and an unnecessary demand for individuals with limited capacity and resources. In England, EIAs were discarded by the Prime Minister in 2012¹⁵. EIAs remain in Wales, and whilst some Local Authorities have made more progress with EIAs than others, research suggests that EIAs are yet to be thoroughly embedded into budget, service delivery and policy decisions¹⁶.

Changing the perception of EIAs and the starting point is crucial. EIAs are for everyone: they are about people, not paperwork. EIAs can be hugely beneficial for both providers and service users. Service providers need to recognise that EIAs add value and can lead to better, more informed decisions. Furthermore, EIAs can help Local Authorities and other deliverers, in the medium to long term, to reduce spending and allocate funding in smarter, more cost-effective ways, particularly when a community service requires an alteration or upgrade to accommodate those with protected characteristics, or when a Local Authority or other body is open to legal challenge following a decision on a community service proposal.

In local government, EIAs help officers and elected members to analyse policies and practices to make sure they do not discriminate or disadvantage people. EIAs are there to help make comparisons between groups of service users and to determine whether there are significant differences between groups and indications of bias. EIAs improve and promote equality, ensuring that equality issues have been consciously considered throughout the decision-making process.

EIAs help to assess whether a policy “has a disparate impact on persons with protected characteristics”¹⁷, that these groups are fully taken into consideration and, where possible, allow Local Authorities and other bodies to put in place mitigating actions that can help to overcome potential negative impacts.

EIAs are required for any proposal i.e. service, policy, strategy, initiative that could have a negative impact on groups with protected characteristics. Regarding community services, any proposal that involves closing down or reducing the provision of, for example, public buses, public toilets, libraries, day and community centres, and lifelong learning, will impact on older people.

15 <https://www.gov.uk/government/speeches/prime-ministers-speech-to-cbi>

16 http://www.equalityhumanrights.com/sites/default/files/documents/Wales/PSED_Wales_docs/psed_progress_local_govt.pdf

17 <http://researchbriefings.files.parliament.uk/documents/SN06591/SN06591.pdf>

The Equality and Human Rights Commission provides the following guidance on EIAs:

Assessing the impact on equality of proposed changes to policies, procedures and practices is not just something the law requires, it is a positive opportunity for public authorities to ensure they make better decisions based on robust evidence. It will help you to demonstrate compliance if you:

- Ensure you have a written record of the equality considerations you have taken into account;
- Ensure that your decision-making includes a consideration of the actions that would help to avoid or mitigate any negative impacts on particular protected groups;
- Make your decisions based on evidence;
- Make your decision-making process more transparent.

In assessing impact, Local Authorities should also consider how the policy or practice could better advance equality of opportunity and how it will affect relations between groups. Impact assessment is a continuing duty and not a ‘tick box’ exercise. Due regard must be given to the result of assessments. Having due regard to the equality duty means that it is a duty of substance that should be exercised with rigour and an open mind.

In addition to being a legal requirement, EIAs help Local Authorities to identify the needs of all service users. EIAs can help officers to consider and look at services from another point of view, and have also been described as a valuable “tool to encourage service managers to consider the equality issues within their service and to act upon the findings of the assessments”¹⁸.

Good Practice

Wrexham County Borough Council, with support from the Equality and Human Rights Commission and the Welsh Local Government Association, has developed ‘Equality Impact Assessment: Are We Being Fair?’ The template covers all equality assessment needs from initial screening to a full Impact

¹⁸ <http://researchbriefings.files.parliament.uk/documents/SN06591/SN06591.pdf>

Assessment by following the six steps¹⁹:

- Screening the equality needs of the proposal
- Data collection and evidence
- Involvement and consultation
- Assessing impact and strengthening the proposal
- Procurement and partnerships
- Monitoring, evaluating and reviewing

In addition, the Council also considers poverty, caring and the Welsh language as additional characteristics for the purposes of EIAs. By taking a wider view of the protected characteristics the Council hopes to encourage a more holistic approach to the needs of all communities in designing or delivering their services.

The Equality Act 2010 and the Public Sector Equality Duty (PSED) have helped to raise the profile of EIAs. The 2014 review of the PSED in Wales found that EIAs were being widely used to make a difference to service delivery. They were also being consistently reviewed to make them more user-friendly, more evidence-based and more proportionate²⁰.

The positive perception of EIAs is therefore very important in shaping community service proposals and can be cost-effective for the Local Authority in the long term. A different starting point is required: EIAs are about improving services for people, they are not about compliance. Practical advice on impact assessments may be found on P31.

**“Some things seem to be a fait accompli...we have no say in the matter”
(Bridgend SHOUT Group members)**

EIAs must be an integral part of the decision-making process from the outset, and sufficient time must be allocated to complete the EIA process. In local government, an EIA should be at the core of the Cabinet’s decision-making process with its findings and identified actions explored and considered thoroughly.

19 http://www.wrexham.gov.uk/top_navigation/equality.htm

20 http://www.equalityhumanrights.com/sites/default/files/publication_pdf/review_of_psed_in_wales_-_full_report.pdf

Good Practice

In the Vale of Glamorgan, the County Council proposed a reconfiguration of the Adult Community Learning Service due to funding reductions to the Adult Community Learning Grant. Engagement with the Older Persons Forum found that older learners would be significantly impacted by the proposal, affecting their ability to gain new skills to re-enter or remain in the labour market. As the EIA demonstrated that older people would be directly affected by the proposal, the County Council decided to work closely with the Strategy Coordinator and Older Persons Forum to secure additional funding for the future development of new course provision for older learners and others²¹.

This resulted in the Council agreeing to set a discretionary rate for older learners in the cost recovery programme model that ensured that the Arts, Leisure and Wellbeing Programme remained affordable but financially sustainable in the longer term. In addition, the free Skills and Employability Programme 'Get Back on Track' continues to be well used by older learners and increased numbers amongst men who are 50 years old and older.

²¹ http://www.valeofglamorgan.gov.uk/Documents/_Committee%20Reports/Cabinet/2014/14-07-14/Adult-Community-Learning-Service-Restructure---Part-1----Appendix-2.PDF

Human Rights Assessments

A **rights based approach** is one in which human rights instruments are employed proactively i.e. to prevent human rights violations from happening, rather than to simply name and remedy violations retrospectively, in order to achieve the following:

- To empower people using public services (rights-holders) to understand, claim and enjoy their human rights;
- To increase the ability and accountability of those delivering public services (duty-holders) to respect, protect and fulfil human rights duties;
- To deepen understanding of the relationships between rights-holders and duty-holders in order to help bridge the gaps between them; and
- To create the conditions under which all people can live in dignity and develop their full potential.

A **Human Rights Assessment (HRA)** is a practical way of applying a rights based approach. As a tool for policy and practice improvement, it offers a means of doing things, driven by human rights standards and principles, as well as an end in terms of creating the conditions in which rights can be enjoyed.

Combining Equality Impact Assessments with Human Rights

Assessments (i.e. EHRIAs) is an efficient and effective means to integrate equalities and human rights into governance, policy and decision-making structures. A combined assessment tool can:

- Avoid duplication of time and effort
- Achieve better outcomes for people

Equalities and human rights are core to achieving national and local performance outcomes that aim to improve quality of life and opportunities. They focus the attention on what will deliver the best outcomes for people, rather than 'one size fits all' policies and practices that often seek to fit people into systems. HRAs extend the benefit of EIAs, as they aim to improve outcomes for everyone - i.e. those with protected characteristics and those without - and ensure that actions that could have a disproportionate impact upon vulnerable, disadvantaged or seldom heard communities are considered where they might otherwise be overlooked.

- Improve performance

When human rights are considered and assessed, based on evidence and the meaningful involvement of communities, stronger relationships are built and it is easier to demonstrate fairness, transparency, accessibility, enhancing public ownership and legitimacy in policy and decision-making.

- Ensure compliance with the law

Proactively taking account of human rights and equality in the exercise of an organisation's functions provide it with assurances rather than assumptions that actions are fair, not arbitrary, and that they comply with law. This helps prevent violations before they require redress and thus reduces both legal and financial risks and expense.

Good Practice

In a Welsh context, a human rights based approach is not new. For example, Betsi Cadwaladr University Health Board has put human rights at the heart of a toolkit for ward sisters and charge nurses focusing on nutrition and hydration²². In addition, the Board's Equality Impact Assessment incorporates human rights alongside protected characteristics²³. The outcomes have been improved knowledge and awareness about human rights, and the provision of useful learning and a practical human rights based toolkit which other health organisations may wish to adopt.

²² <http://www.wales.nhs.uk/sitesplus/861/opendoc/224485>

²³ http://www.wales.nhs.uk/sitesplus/documents/836/Chirk%20MIU%20update_1_.pdf

Impact Assessments: What is the Legal Framework?

The introduction of the Equality Act 2010 simplified the discrimination legislative framework²⁴. The characteristics protected under the Act are:

- Race (including ethnic or national origin, colour or nationality)
- Disability
- Gender
- Age
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and maternity
- Religion or belief
- Sexual orientation

The Act amalgamated pre-existing equality duties and added six new protected characteristics. Age was included as a protected characteristic because, according to the UK Government, “We know older people (and others)...all have different needs and may face different levels of discrimination or barriers to accessing services”²⁵.

The Equality Act 2010 places a General Duty on public bodies, which includes a statutory requirement to undertake EIAs. Under the Public Sector Equality Duty (PSED), in carrying out their public functions public bodies are required to give due regard (i.e. give appropriate weight) to the need to:

- Eliminate unlawful discrimination harassment and victimisation;
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not;
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The new Duty replaced separate duties on race, disability and gender equality, and covers the characteristics listed above. Its aim is to ensure that public authorities and those carrying out a public function consider how they can positively contribute to a fairer society through advancing equality and good relations in their day-to-day activities. The Duty is there to support older people who may face ‘double’ or ‘multiple’ discrimination on the grounds of age and e.g. disability or sexual orientation.

24 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

25 <http://researchbriefings.files.parliament.uk/documents/SN06591/SN06591.pdf>

To implement the General Duty the following principles were drawn from case law on the previous equality duties. In order to meet the General Duty, a public authority must ensure:

- **Knowledge:** Meeting the duty involves ‘a conscious approach and state of mind’
- **Timeliness:** The duty arises before and at the time that a particular policy is under consideration and a decision is taken
- **Meaningful consideration:** Consideration of the three aims of the General Duty must form an integral part of the decision-making process
- **Sufficient information:** The decision-maker must consider what information they have as well as what further information might be needed to give proper consideration to the General Duty
- **Review:** public bodies must have regard to the aims of the General Duty not only when a policy is developed and decided upon, but also when it is implemented and reviewed
- **Non-delegation:** Anyone exercising public functions on behalf of a public body is required to meet the duty

The Equality and Human Rights Commission’s review of the PSED in Wales (2014) found that the Duty has helped to raise the profile of the equality agenda, has provided a clear structure and focus for equality work, and has promoted cultures of inclusivity, fairness and respect²⁶. The Duty ensures that equality considerations are built into the design of policies and the delivery of services and that they are kept under review. In other words, the duty applies to any decisions that affect people’s lives.

The broad purpose of the specific duties in Wales i.e. devolved powers is to help listed bodies in their performance of the General Duty and to aid transparency. The specific duties are set out in the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011²⁷.

26 http://www.equalityhumanrights.com/sites/default/files/publication_pdf/review_of_psed_in_wales_-_full_report.pdf

27 [http://www.assembly.wales/Laid%20Documents/SUB-LD8462%20-%20The%20Equality%20Act%202010%20\(Statutory%20Duties\)%20\(Wales\)%20Regulations%202011-08032011-211975/sub-ld8462-e-English.pdf](http://www.assembly.wales/Laid%20Documents/SUB-LD8462%20-%20The%20Equality%20Act%202010%20(Statutory%20Duties)%20(Wales)%20Regulations%202011-08032011-211975/sub-ld8462-e-English.pdf)

The specific duties in Wales cover:

- Objectives
- Strategic Equality Plans
- Engagement
- Assessing impact
- Equality information
- Employment information
- Pay differences
- Staff training
- Procurement
- Annual reporting
- Publishing
- Welsh Ministers' reporting
- Review
- Accessibility

The Human Rights Act 1998 places a duty on public authorities to act in ways that are compatible with the European Convention on Human Rights²⁸. Public authorities have an obligation to act in accordance with the Human Rights Act 1998 and to take human rights into account in their day-to-day work. This is the case whether delivering a service directly to the public or devising new policies or procedures. The purpose of the Human Rights Act is to support a culture of respect for everyone's human rights and ensure that promoting and upholding these rights is a feature of everyday life.

“We find out the hard way. You go to use something and it's closed... sometimes we read announcements in the paper, that's ok if you can read English...I think older ethnic minority people are excluded from consultations, it's more of an effort for them (those consulting) to come to us...older ethnic minority women won't go to meetings as it's too inhibiting.” (Women Connect First members, Cardiff)

Introducing human rights, while also having due regard to equality in policy and practice impact analysis, assists organisations to meet duties under the Human Rights Act by:

- Broadening the scope of impact assessment;
- Providing a framework for balancing competing rights, interests and risks; and
- Highlighting the most serious impacts.

²⁸ <http://www.legislation.gov.uk/ukpga/1998/42/contents>

In applying a human rights approach, it is important to consider the PANEL principles, which set out what this kind of approach means in practice²⁹:

Participation

Everyone has the right to participate in decisions which affect their human rights. Participation must be active, free, meaningful and give attention to issues of accessibility, including access to information in a form and a language which can be understood.

Accountability

Accountability requires effective monitoring of human rights standards as well as effective remedies for human rights breaches. For accountability to be effective there must be appropriate laws, policies, institutions, administrative procedures and mechanisms of redress in order to secure human rights.

Non-discrimination and equality

A human rights approach means that all forms of discrimination (such as age, gender, sexual orientation or ethnicity) in the realisation of rights must be prohibited, prevented and eliminated. It also requires the prioritisation of those in the most marginalised or vulnerable situations who face the biggest barriers to realising their rights.

Empowerment of rights-holders

Individuals and communities should understand their rights and be fully supported to participate in the development of policy and practices which affect their lives. Individuals and communities should be able to claim their rights where necessary.

Legality of rights

A human rights approach requires the recognition of rights as legally enforceable and is linked in to national and international human rights instruments.

“They (service changes) are actually done before we know about it. It’s no good then, is it? You can’t change things back!” (Blaenavon Older People’s Forum, Torfaen)

²⁹ <http://www.scottishhumanrights.com/careaboutrights/whatisahumanrightsbasedapproach>

In addition to the Human Rights Act 1998, other key relevant instruments for older people in Wales are:

- UN Convention on the Rights of Persons with Disabilities
- UN Principles for Older Persons 1991

UN Convention on the Rights of Persons with Disabilities³⁰

The purpose of the UN Convention on the Rights of Persons with Disabilities is to promote, protect and ensure the full and equal enjoyment of all human rights by persons with disabilities. It covers a number of key areas such as accessibility, personal mobility, health, education, employment, habilitation and rehabilitation, participation in political life, and equality and non-discrimination. The convention requires a shift in thinking about disability from a social welfare concern, to a human rights issue, which acknowledges that societal barriers and prejudices are themselves disabling.

UN Principles for Older Persons 1991³¹

In a manner similar to the UN Convention on the Rights of Persons with Disabilities, the UN Principles for Older Persons represent a fuller set of rights and are more tailored to the particular issues faced by older people e.g. social exclusion. As such, they offer guidance for public bodies on how to discharge their duties under the Equality Act 2010 and Human Rights Act 1998 towards older people.

In proposing changes to community services, Local Authorities should have particular regard to Principle 18 of the United Nations Principles for Older Persons, which states that older people should be treated fairly regardless of age, gender, racial or ethnic background, disability or other status, and be valued independently of their economic contribution to society.

Additionally, as the UN Principles sit on the face of the Social Services and Well-being (Wales) Act 2014³², familiarity with the principles will increasingly be demanded of public bodies.

“We’re not consulted with on Equality Impact Assessments because we’ll give them the wrong answers! People in different departments in Local Authorities need to talk to one another in order to provide better services.” (Flintshire 50+ Action Group members)

30 <http://www.un.org/disabilities/convention/conventionfull.shtml>

31 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OlderPersons.aspx>

32 <http://gov.wales/topics/health/socialcare/act/?lang=en>

When should I be carrying out an Equality & Human Rights Impact Assessment?

Undertake an EHRIA on a community service proposal from the start. Carrying out an EHRIA towards the end of the process can lead to several issues, including: the proposal may still contain potentially discriminatory activity or adverse impact, it may lead to a missed opportunity in promoting equality or human rights, it does not meet the legal requirements of the public sector duties and it leaves the Local Authority open to compliance action or legal challenge.

Several advice and recommendation documents on conducting successful impact assessments have been published. A few examples are included below (and are reflected in the template in Annex A):

The Equality and Human Rights Commission has identified five key stages to carry out an Equality Impact Assessment (EIA)³³:

Stage 1	Pre-policy development or policy review planning i) Deciding whether a policy or service requires an EIA ii) Scoping the EIA
Stage 2	Policy drafting and assessing impact
Stage 3	Putting in place monitoring, evaluation and review approaches
Stage 4	Signing off and publishing the policy
Stage 5	Monitoring and reviewing the action plan

The guide produced by the NHS Centre for Equality and Human Rights suggests eight steps to undertake a successful impact assessment (IA)³⁴:

Step 1	Preparation: Fully understand the policy or service you are assessing. You also need to assess proposals to stop providing services
Step 2	Considering Resources & Relevance: Exhaust all avenues to obtain information, qualitative and quantitative data
Step 3	Assessment of Impact: Review and evaluate the information, determine the impact on whom

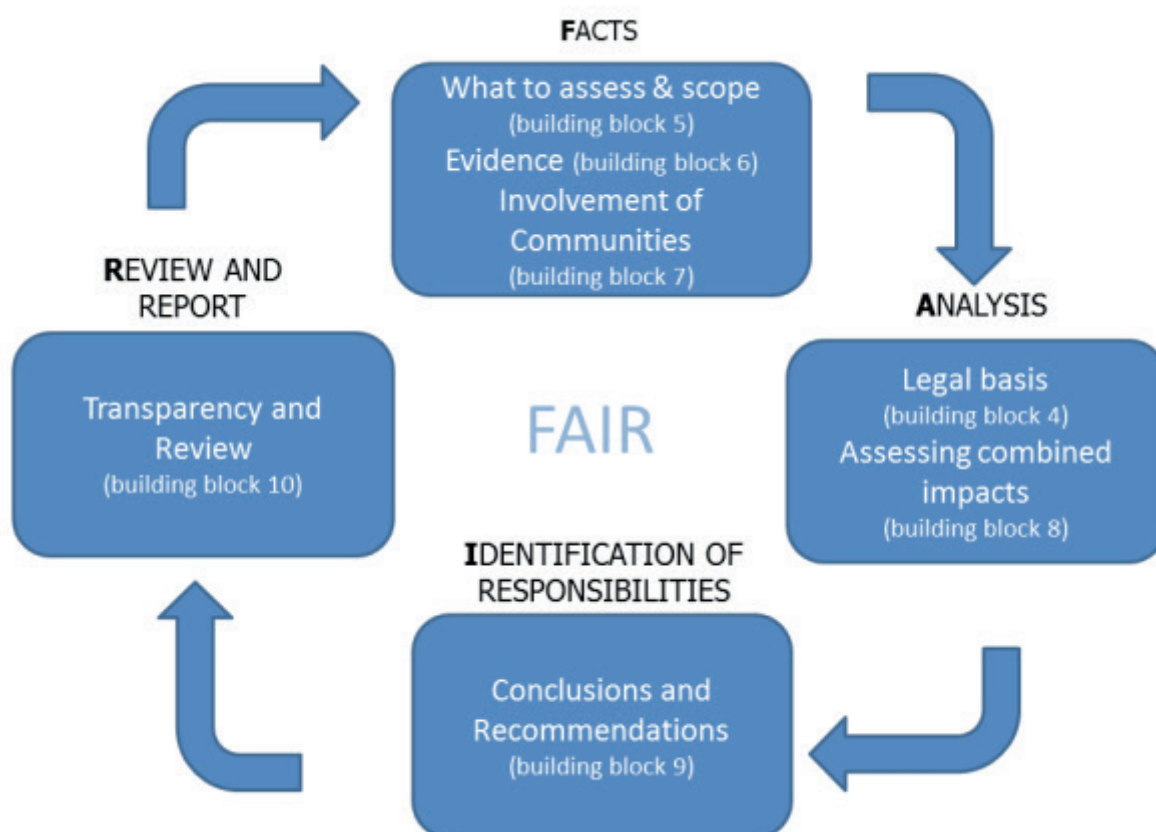
³³ http://www.alcohollearningcentre.org.uk/_library/eiaguidance.pdf

³⁴ <http://www.eiapractice.wales.nhs.uk/eight-steps>

Step 4	Recommendations: Focus on fairness is essential, consider the changes and improvements to be made
Step 5	Consultation: Summarise what you have compiled into a draft IA report, submit for consultation
Step 6	Decision-making: Use the information obtained to decide a course of action, devise a formal action plan
Step 7	Outcome Report: Full IA reports should be made publicly available, in a variety of formats and versions
Step 8	Monitoring: Consistently monitor the changes and impact, both negative and positive

“There’s no problem with consultations...it’s just that changes to services are done anyway due to the funding cuts!” (Abergavenny Action 50+ Group member, Monmouthshire)

The Scottish Human Rights Commission suggests a four step process to undertaking an integrated Equality & Human Rights Assessment³⁵:



35 <http://www.scottishhumanrights.com/eqhria/eqhriatrainingfair>

FAIR is a means of putting a human rights based approach into practice and a practical way of applying the PANEL principles. The FAIR principles are as follows:

- **Facts:** Assessing impact requires a thorough understanding of the facts engaged by the proposed policy or practice and the potential effects on people. This requires an appropriate level of resources and consideration of relevant evidence. Most importantly it will require the meaningful participation of affected rights-holders.
- **Analysis:** Assessing impact requires undertaking an analysis of the potential positive and negative impacts of the proposed policy or practice on equality and on the human rights at stake.
- **Identification of responsibilities:** Where the policy or proposal engages equality and human rights issues, assessing impact requires deciding whether changes should be made and identifying responsibility for these changes.
- **Review and reporting:** Assessing impact requires consideration of how the implementation of the function or policy will be monitored and how the results of an impact assessment will be reported.

Good Practice

Bridgend County Borough Council proposed to relocate Bridgend's central library to a newly refurbished life centre that is being operated in partnership with social enterprise Halo Leisure. The EIA identified the potential impact of the proposal on both younger and older people. A series of consultation events were held together with online and paper versions of the consultation document. Although it was found that the proposal positively impacted on people of all ages due to better facilities and opportunities, feedback also suggested that some older people would find it difficult to visit the new location.

Ensuring that existing users were not disadvantaged was identified as a priority, and a range of options were therefore explored, including a shop-mobility extension to the new library location, awareness raising of bus routes and increased service provision. The result is a more accessible central library, an additional bus stop for library and life centre users, and parking concessions for users of the library car park. Older people can access a range of services through the co-location, including the free swimming initiative, exercise referral, indoor bowling and a cafeteria to support social participation³⁶.

Remember that **Impact Assessments are not a one-off**, they are an on-going cyclical process, as demonstrated by the Continuous Approach Model³⁷:



“This move to everything being online is no good for some older people, whether there are classes in libraries or not...even if they do consult, they don’t necessarily pay any attention to what people say. We need to know what changes have taken place in our area.” (Participant at discussion session involving local networks and led by Hywel Dda Local Health Board, Carmarthen Library, Carmarthenshire)

36 Bridgend County Borough Council Report to Cabinet (December 2012) ‘Welsh Public Library Standards and the proposal to relocate Bridgend Town Library to Bridgend Recreation Centre’

37 http://www.alcohollearningcentre.org.uk/_library/eiaguidance.pdf

What should I do when carrying out an Equality & Human Rights Impact Assessment?

Be sharp and concise. Think ‘outside the box’ and consider a proposal from different viewpoints. Challenge your own findings and ask others for their views. EHRIAs are based around four core questions:

- What is the purpose of the policy?
- How is it seeking to achieve this?
- Who benefits and how? (and who doesn’t and why?)
- What are any ‘associated aims’ attached to the policy?

When carrying out an EHRIA around changes to community services, consider the following:

- **Proportionality:** Proposals with high relevance, including strategic budgetary decisions and changes to service delivery, should always be subject to an assessment for impact on people with protected characteristics, as well as relevant others who are marginalised or vulnerable.
- **Relevance:** When deciding whether a proposal should be assessed, relevance to the General Duty should be considered. Some proposals may be relevant to some, but not all, protected characteristics. Should a decision be made to not undertake an EHRIA, this should be explained and recorded.
- **Screening for relevance:** Some Local Authorities have developed a ‘screening’ mechanism to determine whether a policy should be subject to assessment. Screening is a short, sharp exercise that helps to determine relevance; it should not replace proper assessment. Research suggests that many IAs are ‘screened out’ without consideration of relevant evidence and with no consideration of the likely impact on groups such as older people³⁸. An effective screening tool could include questions such as: Would this proposal significantly affect how functions are delivered to older people? Would it discriminate against older people³⁹?

38 http://www.equalityhumanrights.wales.nhs.uk/sitesplus/documents/1120/EqIA_Guide%20for%20Board%20Members%20%28English%29.pdf

39 http://www.equalityhumanrights.com/sites/default/files/publication_pdf/Assessing%20Impact%20and%20the%20Equality%20Duty%20Wales_0.pdf

Good Practice

Conwy County Borough Council used local socio-demographic information and consultation to avoid radical cuts in its library services that might have impacted adversely on older people and disabled people. 'As a result of the consultation, the library service extended its mobile library and home library coverage, amended opening times in their five major libraries and has been engaged in working with local communities to set up Community Libraries in five localities to suit community demands. This has included greater use of volunteers to enhance the core service provided by the Local Authority'.

Through working with the community, who have taken over the management of library buildings while the Local Authority provides a full professional library service, this work has prevented the five smaller libraries from being closed⁴⁰.

What are possible Equality & Human Rights Impact Assessment outcomes?

There are four types of conclusions and recommendations that can be reached:

- No major change: the EHRIA demonstrates the proposal is robust and can be justified, there is no potential for discrimination or adverse human rights impact and all opportunities to promote equality have been taken.
- Adjust the proposal: the EHRIA identifies potential problems or missed opportunities. Adjusting or adapting the proposal is needed to remove barriers, eliminate any bias, better advance equality or foster good relations.
- Continue with the proposal: the EHRIA identifies the potential for adverse impact or missed opportunities to promote equality. The justifications for continuing with the proposal must be clearly set out, and should be included in the EHRIA and in line with the duty to have due regard. Compelling reasons are required to justify the proposal.
- Stop and remove the proposal: The proposal includes actual or potential unlawful discrimination, and the EHRIA shows bias towards one or more groups. The proposal must be stopped or removed⁴¹.

40 http://www.equalityhumanrights.com/sites/default/files/publication_pdf/review_of_psed_in_wales_-_full_report.pdf

41 <http://www.eiapractice.wales.nhs.uk/what-is-an-equality-impact-assessment->

Good Practice

According to the Public Sector Equality Duty review in Wales, Monmouthshire County Council has improved its EIA process, now requiring all proposals to Council to come with a completed EIA that is considered early on in the decision-making process. This new approach resulted in various outcomes for the community. For example, a proposal to turn off street lights at night was found to be potentially distressing for older people. Following an appeals process, the proposal was therefore amended to ensure it does not discriminate against older people⁴².

“We represent forums and groups and have access to consultations... what about people who don’t come to these meetings, how do they get to say what they want?” (50+ Central member, Pembrokeshire)

“I don’t know who my councillor is, let alone impact assessments...most people living around here are older people, so it’s common sense that the changes to the bus services would affect them.” (Llandudno Hubbub Older People’s Forum members, Conwy)

⁴² <http://www.equalityhumanrights.com/publication/review-public-sector-equality-duty-psed-wales>

Useful Recommendations

- **An EHRIA is not an end in itself** – it is a way of ensuring and showing that due regard has been paid to the equality and human rights duties. EHRIAs should be well informed, based on good evidence and meaningful consultation.
- EHRIAs should not be done retrospectively. **They should be an integral part of policy development and review from the start and reviewed regularly.** They are not a one-off or separate exercise. **They focus on outcomes, service improvements and solutions to problems, not the process itself.**
- EHRIAs must meet the legal requirements to eliminate discrimination, advance equality of opportunity, foster good relations and ‘go further’. As well as addressing discrimination or adverse impact, they are also about positive promotion of equality of opportunity, improving access, participation in public life and good relations, equality, and creating the conditions under which we can all live in equality, dignity and freedom.
- EHRIAs consider all the characteristics and possible marginalised and vulnerable groups who may be affected (identified at the start of this Guidance).
- **The quality of an assessment is not measured by the number of pages produced but by the quality of the analysis,** the action taken as a result, and the outcomes achieved through implementation. EHRIAs are thorough and well thought out but not necessarily excessively long. Proportionality is a key principle: generally, the larger the change and/or resource, the more this should be reflected in the size and depth of the EHRIA⁴³.
- In addition to ensuring that impact assessments are an integral part of the policy development process, the information that can be gained from involvement and consultation are essential, and as such would usually be carried out as part of the main development process.
- **Lack of data is not an excuse for not assessing impact or to conclude there is no impact.** Some data will always be available, and where it is not, it must be actively gathered.

43 http://www.equalityhumanrights.wales.nhs.uk/sitesplus/documents/1120/EqIA_Guide%20for%20Board%20Members%20%28English%29.pdf

- EHRIAs should be understandable and accessible to a range of people, and should be published regardless of outcome⁴⁴.
- The assessment should always inform the final decision on a policy (in line with the duty to have due regard, described in the 'Continue with the proposal' outcome (P28))^{45,46}.

Equality & Human Rights Impact Assessment Checklist

1. I have used the Brown Principles, Gunning Principles and/or PANEL Principles in my EHRIA.
2. I have addressed the four key questions for EHRIAs and specific questions for older people.
3. I have approached the proposal from different perspectives, considered the different forms of discrimination and do not require further information to make an informed decision.
4. Both the positive and negative consequences for older people have been fully explored.
5. Older people have been consulted and engaged with on the proposal, and their feedback is reflected in the EHRIA.
6. The EHRIA has been published online along with supporting publications on how the decision was reached. The EHRIA is accessible bilingually and available in other formats e.g. for those with visual impairments, and also available for those offline.
7. I can answer the Dignity Challenge: older people who may be impacted by the decision have been given the same consideration and respect I would want for myself or a family member.
8. I have considered how the proposal impacts on older people and in line with the Older People's Commissioner's 'Quality of Life' model. I have also considered how it relates to the asset-based approach i.e. investing in older people as assets and increasing their £1bn annual contribution to the Welsh economy.

44 University of Bradford 'How to conduct equality impact assessment and analysis' (2011)

45 http://www.acas.org.uk/media/pdf/s/n/Acas_managers_guide_to_equality_assessments.pdf

46 http://www.equalityhumanrights.wales.nhs.uk/sitesplus/documents/1120/EqIA_Guide%20for%20Board%20Members%20%28English%29.pdf

Checklist: Practical Advice

1	<p>Brown Principles⁴⁷</p> <p>Public bodies must ensure:</p> <ul style="list-style-type: none">• Knowledge: decision-makers should be aware of the implications of the General Duty when making decisions about their policies and practices• Timeliness: the General Duty arises before and at the time a particular policy is under consideration and a decision is taken i.e. an EIA is not a ‘rear-guard action’• Analysis must be rigorous: consultation and engagement with older people must be meaningful• Non-delegation: the General Duty rests with the public authority even if they have delegated functions to other organisations• Continuing duty: the General Duty must be revisited on a continuous basis• Record keeping: transparency about how the decision was reached is crucial <p>Gunning Principles⁴⁸</p> <ul style="list-style-type: none">• Consultation must take place when the proposal is still at a formative stage;• Sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response;• Adequate time must be given for consideration and response; and• The product of consultation must be conscientiously taken into account.
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47 <http://researchbriefings.files.parliament.uk/documents/SN06591/SN06591.pdf>

48 <http://www.eiapractice.wales.nhs.uk/consultation-gunning-principles->

1 (cont)	<p>Panel Principles⁴⁹</p> <ul style="list-style-type: none"> • Participation • Accountability • Non-discrimination and equality • Empowerment of rights-holders • Legality of rights
2	<ul style="list-style-type: none"> • What is the purpose of the policy? Do you have a detailed understanding? • How is it seeking to achieve this? • Who benefits and how? (and who doesn't and why?) • What are any 'associated aims' attached to the policy • Does the policy affect older people? • Is it a major proposal, significantly affecting how functions are delivered in terms of older people? • Does it relate to an area where there are known inequalities? • Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes for older people? • Does it relate to an area where there is a lack of published research or other evidence?
3	<ul style="list-style-type: none"> • Have different forms of impact and discrimination been considered? When assessing impact, Local Authorities and other public service bodies should take into account the fact that discrimination regarding community services may be direct or indirect. • Direct discrimination would occur where an older person is treated less favourably because of a protected characteristic. Indirect discrimination occurs where a provision, criterion or practice is applied to everyone but only disadvantages those with a protected characteristic in a way that cannot be justified.
4	<ul style="list-style-type: none"> • If negative, are you in a position to ensure that changes can be made where required? • Do you have support and leadership of senior management?

⁴⁹ <http://www.scottishhumanrights.com/careaboutrights/whatisahumanrightsbasedapproach>

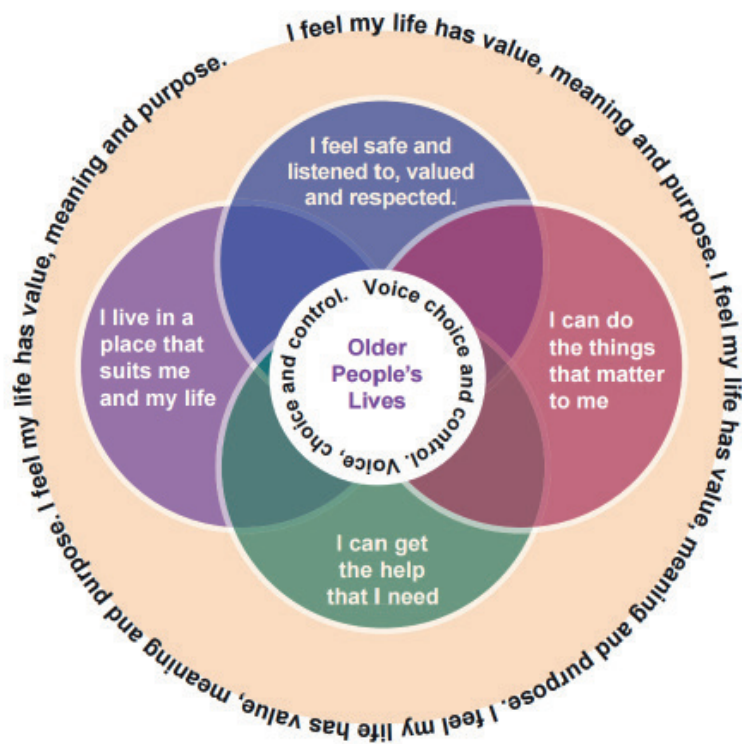
5	<ul style="list-style-type: none"> • Engagement is a two-way process that involves active listening. It means the on-going involvement of older people, their forums/networks and statutory and voluntary sector organisations that represent their interests, through informal consultation or discussion • Consultation is also a two-way process that enables older people to contribute. It is a more formal, focused, but open process which is to be used if substantial or controversial changes to policies or practices affecting older people are under consideration • In addition to an Older People’s Champion (an elected member representing the views of older people), each Local Authority has a 50+ Forum who can provide their views and experiences regarding a community service proposal. In addition, there are other local networks, forums and groups of older people who can contribute to the EIA. When engaging with groups, consider the National Principles for Public Engagement in Wales (see Annex B)⁵⁰
6	<ul style="list-style-type: none"> • Local Authorities and other bodies should take active steps to ensure transparency and openness in respect of the processes adopted and the subsequent decision making, including clear accountability for decisions taken. • All Local Authorities and others should ensure that they proactively place, within the public domain, for example through their websites, full documentation leading to decisions made that result in changes to community services.
7	<p>The UK Government ‘Dignity in Care Campaign’ (2006) identified key issues as part of their Dignity Challenge⁵¹. These include:</p> <ul style="list-style-type: none"> • Support people with the same respect you would want for yourself or a member of your family • Enable people to maintain the maximum possible level of independence, choice and control • Listen and support people to express their needs and wants

50 Consider contacting e.g. Age Cymru, Age Connects, Contact the Elderly, The Women’s Institute, Merched y Wawr, Cylch Cinio, Men’s Sheds, University of the Third Age, One Voice Wales, Wales Council for Voluntary Action. Further information here: <http://www.olderpeoplewales.com/en/assistance/links.aspx>

51 <http://www.cfps.org.uk/publications?item=6960&ref=10>

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Older People's Commissioner for Wales' 'Quality of Life' model



Annex A: Equality & Human Rights Impact Assessment on Changes to Community Services Template

INTRODUCTION & CONTACT INFORMATION	
Local Authority & Directorate/Service Area (or other body)	
Name of Lead Officer(s) completing the EHRIA	
Head of Service(s) responsible for the proposal	
Contact telephone numbers and email addresses	
Date EHRIA completed	
DETAILS REGARDING THE COMMUNITY SERVICE PROPOSAL	
Name of the proposal (policy, strategy, initiative or practice)	
Is the proposal a revision to existing policy, strategy or practice or is it a new proposal?	
What is the purpose/objective of the proposal? How is it seeking to achieve this?	
Please provide background information on the proposal and any research undertaken.	

<p>What actions could be taken to achieve the same aim/ purpose/ objective by an alternative means?</p>	
<p>Who is the proposal intended to help? Who will be the main beneficiaries?</p>	
<p>What to assess & scope</p>	<p>Have you undertaken a screening assessment to determine if a full assessment is required?</p> <ul style="list-style-type: none"> • Does the policy in question relate to an area where important equality issues are likely to be raised? • To what extent does the policy affect service users, employees or the wider community? • Does it relate to an area where your organisation has set equality outcomes? <p>Is a full Equality & Human Rights Impact Assessment (EHRIA) required?</p> <p>Where an EHRIA is deemed appropriate, have you assessed the resources and time required to ensure that the assessment is properly carried out?</p> <p>Is there an identifiable lead?</p> <p>Have you identified what degree of evidence gathering, consultation etc. is reasonable and proportionate for your assessment?</p> <p>Is your assessment being undertaken on an area which requires broad subject-specific expertise?</p> <p>Other factors to consider:</p> <ul style="list-style-type: none"> • Sustainable development • Economic deprivation • Health and Wellbeing • Welsh Language

<p>Evidence</p>	<p>Do you have as much up-to-date and reliable evidence as possible about the needs and experiences of the different groups the policy is likely to affect?</p> <p>There are likely to be many sources of evidence that are already available to inform the assessment, such as demographic information, research, internal monitoring data and evidence from consultation with users.</p>
<p>Involvement of Communities</p>	<p>What arrangements have been made to consult or engage with equalities or marginalised groups?</p> <p>Have you considered:</p> <ul style="list-style-type: none"> • The timing of consultations: aim to start as early as possible in the assessment process • Barriers to consultation: consultation processes have to be designed with a view to overcoming barriers to participation • Explaining how consultation processes have affected the EHRIA: There needs to be a transparent procedure whereby responses to consultations are discussed and assessors demonstrate how the outcomes of the EHRIA are affected <p>What were the findings?</p> <p>Has a questionnaire/survey been carried out with e.g. an older people’s forum/network? Are there key issues and concerns emerging?</p>

ANALYSIS	
Legal Basis	What are the impacts on groups with protected characteristics as outlined in the Equality Act 2010 or other marginalised or vulnerable groups? What about individuals who have multiple protected characteristics?
	What are the potential impacts (positive, neutral and negative)? Is there any evidence of higher or lower take-up or satisfaction by any of the identified groups? Are there ‘associated aims’ with the proposal i.e. positive or negative knock-on impacts on other groups?
	How does this proposal meet the requirements of the General Duty?
	If there are limitations or barriers to access, do these amount to unlawful discrimination?
	Is the proposal to be carried out wholly or partly by contractors or in partnership with other organisations? If yes, how will you comply with equality and human rights legislation?
Moral Basis	Have the Brown Principles been applied?
	Have the Gunning Principles been applied?
	Have the PANEL Principles been applied?
	Has the Dignity Challenge been applied?
	How does the proposal relate to the Older People’s Commissioner’s ‘Quality of Life’ model and asset based approach for older people?

Assessing combined impacts	<p>In Scotland, there is no legal requirement under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 regarding combined impacts. However a court could consider non-statutory guidance published by the Equality and Human Rights Commission, including ‘Assessing Impact and the Public Sector Equality Duty’ when deciding whether the actions of an authority have been reasonable. This guidance explains how assessment of impact should consider the cumulative effect of related decisions.</p>
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IDENTIFICATION OF RESPONSIBILITIES

Conclusions and Recommendations	<p>Do you have sufficient information and evidence to make an informed judgment?</p> <p>Are the conclusions of the assessment, including the (potential) severity of the human rights and/or equality impact clearly stated?</p> <p>Where action is required, are the person or persons who will implement the recommendations identified, as well as the fact that they have been notified of the need for the change and the timescale within which this change will occur?</p> <p>Are there any actions being taken forward to mitigate impact on older people? Should the proposal be taken forward, what (alternative) provision is in place for older people?</p> <p>Where recommendations can only be acted upon if they are approved by another decision-maker or decision-making body (e.g. a finance committee, elected members of a Local Authority etc.), do the recommendations clearly set out the process by which that will occur?</p> <p>Has the EHRIA been fully completed by the Lead Officer and approved by the relevant manager in each service area?</p>
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REVIEW AND REPORT

Transparency and Review

Have you published:

- The methodology used for carrying out the EHRIA?
- A report on your EHRIA (including details of consultations and other evidence used to inform the assessment; conclusions, recommendations and further monitoring required; and a person identified as responsible for the EHRIA in question)?
- In accessible formats to interested groups?

Have you set up post-assessment monitoring and review procedures to consider whether recommendations have been implemented, whether they have been effective, and what the ongoing impacts of the policy or practice are?

How will the EHRIA be taken forward in the scrutiny process? (see Part 2 of the Guidance for further information)

Annex B: National Principles for Public Engagement in Wales⁵²

1. Engagement is effectively designed to make a difference
2. Encourage and enable everyone affected to be involved, if they so choose
3. Engagement is planned and delivered in a timely and appropriate way
4. Work with relevant partner organisations
5. The information provided will be jargon free, appropriate and understandable
6. Make it easier for people to take part
7. Enable people to take part effectively
8. Engagement is given the right resources and support to be effective
9. People are told the impact of their contribution
10. Learn and share lessons to improve the process of engagement

⁵² http://www.participationcymru.org.uk/media/288366/pc_national_principles_poster3.pdf

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Monmouthshire's Scrutiny Forward Work Programme 2016

Adults Select Committee				
Meeting Date	Subject	Purpose of Scrutiny	Responsibility	Type of Scrutiny
Special Meeting April 2016 TBC	Monmouthshire Carers Strategy	To consider the draft Carers Strategy - Invite partners who form the Carers Group - Invite carers to offer their views To understand the range of services that support carers and those being cared for.	Deborah Saunders Julie Boothroyd	Policy Development / Pre-decision Scrutiny
TBC Joint Special Meeting with CYP Select	<u>Partnership Scrutiny:</u> Anti-poverty (Single Integrated Plan Theme 3) Families First Programme Joint Assessment Family Framework (JAFF)	Presentation of the Anti-poverty Statement of Intent Digital Stories: What we are delivering and the impact on families Report on "Families First" (the central WG funded programme of the JAFF (which has 7 family focussed projects in total)	Sharran Lloyd Will Mclean (Anti-poverty Champion) Andrew Kirby Kirsten Major	Performance Monitoring
26 th April 2016	Review of Allocation Policy	To review the Housing Allocation Policy in light of the new Housing (Wales) Act 2014.	Karen Durrant Ian Bakewell	Policy Review
	"Community Connections Befriending Scheme".	Discussion on how the "Community Connections Befriending Scheme" is assisting people to avoid social isolation.	Project Manager Befriending Scheme	Policy Development
	Older Person's Commissioner Guidance	To consider the Guidance for Scrutiny produced by the Older Person's Commissioner in relation to: - Scrutinising Changes to Community Services - Scrutinising Equalities and Human Rights Impact Assessments	Hazel Ilett Alan Burkitt	Policy Review

Monmouthshire's Scrutiny Forward Work Programme 2016

Adults Select Committee				
Meeting Date	Subject	Purpose of Scrutiny	Responsibility	Type of Scrutiny
21 st June 2016	GWICES	Monitoring of the Gwent Wide Integrated Community Equipment Service (GWICES), which provides equipment to promote independent living.	Julie Boothroyd Tyrone Stokes	Performance Monitoring
	Joint Housing Solutions Service Pilot	Joint evaluation of the service.	Ian Bakewell	Performance Monitoring
	Citizens Advice Bureau	To present the 'Better Advice Better Lives' report on Council Tax and Housing Benefit, explaining the implications for Monmouthshire.	Citizens Advice Bureau	Policy Development
12 th July 2016	CSSIW Domiciliary Care Report	To consider the report and findings of the inspectors on the Domiciliary Care Service. Link with the Turning the World Upside Down Project on Domiciliary Care.	CSSIW Claire Marchant	Performance Monitoring
20 th Sep 2016	TBC			
8 th Nov 2016	TBC			
13 th Dec 2016	TBC			
24 th Jan 2017	TBC			
28 th Feb 2017	TBC			
25 th Apr 2017	Supporting People			
	Community Coordination			

Monmouthshire's Scrutiny Forward Work Programme 2016

Adults Select Committee				
Meeting Date	Subject	Purpose of Scrutiny	Responsibility	Type of Scrutiny
	Disabled Facilities Grants			

Monmouthshire's Scrutiny Forward Work Programme 2016

Future Work Programme items:

- × **Alternative Service Delivery Model** - Joint Select Meeting approx. mid May 2016.
- × **Continuing Health Care** - Topic Suggested by Member of Public - meeting to be held with Chair and Public
- × **ABUHB** ~ the role of the Health Board's Public Health and Partnerships Committee in relation to health improvement.
- × **Stroke Redesign** ~ ongoing scrutiny of implementation with ABUHB.
- × **End of Life Care and Dying Matters** ~ with ABUHB.
- × **Social Services Act** - post implementation, no later than Jan 2017. Prison dimension to return.

Council and Cabinet Business – Forward Plan

Monmouthshire County Council is required to publish a Forward Plan of all key decisions to be taken in the following four months in advance and to update quarterly. The Council has decided to extend the plan to twelve months in advance, and to update it on a monthly basis.

Council and Cabinet agendas will only consider decisions that have been placed on the planner by the beginning of the preceding month, unless the item can be demonstrated to be urgent business

Subject	Purpose	Consultees	Author
2nd MARCH 2016 – CABINET			
MEET strategy			Tracey Thomas
Welsh Church Fund Working Group	The purpose of this report is to make recommendations to Cabinet on the Schedule of Applications 2015/16 meeting 5 held on the 21 st January 2016		Dave Jarrett
2015/16 Education & Welsh Church Trust Funds Investment & Fund Strategy	The purpose of this report is to present to Cabinet for approval the 2016/17 Investment and Fund strategy for Trust Funds for which the Authority acts as sole or custodian trustee for adoption and to approve the 2015/16 grant allocation to Local Authority beneficiaries of the Welsh Church Fund.		Dave Jarrett
New Monmouthshire Carers Strategy (Adults)			Deb Saunders
Mounton House Formula Change			Nikki Wellington
Proposed closure of Deri View			Debbie Morgan
Removal of post from CYP			Sharon Randall

Subject	Purpose	Consultees	Author
			Smith
SRS			Sian Hayward
Pay Policy			Sally Thomas
9th MARCH 2016 – INDIVIUDAL DECISION			
Flexi retirement request			Ian Bakewell
Allocation Policy			Karen Durant
10th MARCH 2016 – COUNCIL			
Final Composite Council Tax Resolution	To set budget and council tax for 2016/17		Joy Robson
Treasury Management Strategy 2016/17	To accept the annual treasury management strategy		Joy Robson
The Future Food Waste Treatment Strategy: Outline Business Case & Inter Authority Agreement	for the Council to consider the inclusion of MCC in the Heads of the Valleys Anaerobic Digestion Procurement. To agree the Outline Business Case and the Inter Authority Agreement which commits the Council to the procurement and partnership and a 15-20 year contract.	SLT Cabinet	Rachel Jowitt
The Future Food Waste Treatment Strategy: Outline Business Case & Inter Authority Agreement	for the Council to consider the inclusion of MCC in the Heads of the Valleys Anaerobic Digestion Procurement. To agree the Outline Business Case and the Inter Authority Agreement which commits the Council to the procurement and partnership and a 15-20 year contract.	SLT Cabinet	Rachel Jowitt
Waste Strategy			Carl Touhig/ Roger Hoggins
CIL			Martin Davies
SPG			Martin Davies
Draft Diary			
Pay Policy			Sally Thomas
23rd MARCH 2016 – INDIVIUDAL CABINET MEMBER DEICSIONS			
Release of restrictive covenant			Gareth King
Creation of business support officer post	To gain agreement to employ a full-time Business Support Officer within Children's		Gill Cox

Subject	Purpose	Consultees	Author
	Services.		
Tender for Treasury Services			Mark Howcroft/Jon Davies
Conservation area appraisals	To adopt as supplementary planning guidance		Mark Hand
Flexible retirement request			Roger Hoggins
24th MARCH 2016 – SPECIAL CABINET			
Risk Assessment			Richard Jones
Proposed closure of Llanfair Kilgeddin CIW VA Primary School (23 rd March)			Debbie Morgan
Proposed establishment of an ALN facility and reduction in the capacity at Monmouth Comprehensive School (23 rd March 2016)			Debbie Morgan
Removal of CYP post (EXEMPT)			Sharon Randall-Smith
CYP Call-In (Mounton House)			Tracey Harry
4th MAY 2016 – SPECIAL COUNCIL			
13TH APRIL 2016 - CABINET			
Digital Strategy	To update members on progress with the digital strategy and to agree the next steps.		Sian Hayward
Community Coordination evaluation of pilot			Matt Gatehouse
Proposed Closure of Deri View Special Needs Resource Base			Debbie Morgan
Mardy Park			Colin Richings
EAS Business Plan			Debbie Hartevelde (EAS)

Subject	Purpose	Consultees	Author
Play Sufficiency Assessment			Matthew Lewis
People and organisational strategy			Lisa Knight Davies
Acorn Staffing Restructure			Clair Evans
Recommendations from Select			Hazel Ilett
27th APRIL 2016 – INDIVIDUAL DECISION			
SHG Programme			Shirley Wiggam
Moving Boverton House from CYP into the Enterprise Directorate			Ian Saunders
Monmouthshire Flood Risk Management Plan			Dave Harris
Primary Shopping Frontages Supplementary Planning Guidance'			Jane Coppock
4TH MAY 2016 – CABINET			
Welsh Church Fund Working Group	The purpose of this report is to make recommendations to Cabinet on the Schedule of Applications 2015/16, meeting 5 held on the 10 th March 2016		Dave Jarrett
Capability Policy for school based employees			Sally Thomas
BUDGET MANDATE 2016/17 – PREPAREDNESS ASSESSMENT	To provide Cabinet with an assessment on the preparedness of services to deliver the 2016/17 budget mandates.		Deb Mountfield
Gilwern Setion 106 Funding	reporting back following the deferral of the Gilwern decisions at the February meeting		Mike Moran

Subject	Purpose	Consultees	Author
Church Road Caldicot S106	new, short report to include some funding into the capital budget for 2016/17		Mike Moran
Monmouth S106 Funding			Mike Moran
Transfer management of Raglan VC Primary school former Junior building to the Enterprise Directorate			Cath Sheen
Funding to Caldicot Town Team – Caldicot goes pop			Judith Langdon
Funding to Caldicot Town Team – Caldicot Market			Judith Langdon
11TH MAY 2016 – INDIVIDUAL CABINET MEMBER DECISION			
Transfer member of staff from Policy and Performance to CYP Directorate			Will McLean
12TH MAY 2016 – COUNCIL			
Improvement Plan 2016-17			Matt Gatehouse
25TH MAY 2016 – INDIVIDUAL CABINET MEMBER DECISION			
8th JUNE 2016 – CABINET			
Contaminated Land report for Cabinet decision			Huw Owen / David Jones
Review of Sundry Debtors policy			Joy Robson
Welsh Church Fund Working Group	The purpose of this report is to make recommendations to Cabinet on the Schedule of Applications 2016/17, meeting 1 held on the 12th May 2016.		Dave Jarrett
Revenue & Capital Monitoring 2015/16 Outturn	To provide Members with information on the outturn position of the Authority for the 2015/16		Mark Howcroft

Subject	Purpose	Consultees	Author
Forecast Statement	financial year.		
6TH JULY 2016 – CABINET			
MTFP and Budget Process 2017/18	To highlight the context within the Medium Term Financial Plan (MTFP) will be developed for 2017/18 to 2020/21		Joy Robson
Budget Monitoring report – Period 2	The purpose of this report is to provide Members with information on the forecast outturn position of the Authority at end of month reporting for 2016/17 financial year.		Joy Robson/Mark Howcroft
Welsh Church Fund Working Group	The purpose of this report is to make recommendations to Cabinet on the Schedule of Applications 2016/17, meeting 2 held on the 23 rd June 2016.		Dave Jarrett
22ND SEPTEMBER 2016 - COUNCIL			
MCC Audited Accounts 2015/16(formal approval)	To present the audited Statement of Accounts for 2015/16 for approval by Council		Joy Robson
ISA 260 report – MCC accounts	To provide external audits report on the Statement of Accounts 2015/16		WAO
5TH OCTOBER 2016 – CABINET			
MTFP and Budget proposals for 2017/18	To provide Cabinet with revenue Budget Proposals for 2017/18 for consultation purposes		Joy Robson
Capital Budget Proposals	To outline the proposed capital budget for 2017/18 and indicative capital budgets for the 3 years 2018/19 to 2020/21		Joy Robson
2ND NOVEMBER 2016 – CABINET			
Welsh Church Fund working group	The purpose of this report is to make recommendations to Cabinet on the Schedule of		Dave Jarrett

Subject	Purpose	Consultees	Author
	Applications 2016/17, meeting 3 held on the 22 nd September 2016.		
Budget Monitoring report – Period 6	The purpose of this report is to provide Members with information on the forecast outturn position of the Authority at end of month reporting for 2016/17 financial year		Joy Robson/ Mark Howcroft
7TH DECEMBER 2016 – CABINET			
Welsh Church Fund working group	The purpose of this report is to make recommendations to Cabinet on the schedule of applications 2016/17, meeting 4 held on 20 th October 2016.		Dave Jarrett
Council Tax Base 2017/18 and associated matters	To agree the Council Tax Base figure for submission to the Welsh Government together with the collection rate to be applied for 2017/18 and to make other necessary related statutory decisions		Sue Deacy/Ruth Donovan
Review of Fees and Charges	To review all fees and charges made for services across the Council and identify proposals for increasing them in 2017/18		Joy Robson
Revenue & Capital Budget final proposals after public consultation	To present Revenue and Capital Budget proposals following receipt of final settlement		Joy Robson
14TH DECEMBER 2016 – INDIVIDUAL MEMBER DECISION			
Local Government (Wales) Act 1994 The Local Authorities (Precepts)(Wales) Regulations 1995	To seek approval of the proposals for consultation purposes regarding payments to precepting Authorities during 2017/18 financial year as required by statute		Joy Robson
11TH JANUARY 2017 – CABINET			
Welsh Church Fund	The purpose of this report is to make		Dave Jarrett

Subject	Purpose	Consultees	Author
Working Group	recommendations to Cabinet on the Schedule of Applications 2016/17 meeting 5 held on the 1 st December 2016.		
18TH JANUARY 2017 – INDIVIDUAL MEMBER DECISION			
Local Government (Wales) Act 1994 The Local Authorities (Precepts)(Wales) Regulations 1995	To seek Members approval of the results of the consultation process regarding payments to precepting Authorities for 2017/18 as required by statute.		Joy Robson
19TH JANUARY 2017 - COUNCIL			
Final Budget Proposals			Joy Robson
Council Tax Reduction Scheme 2017/18			Ruth Donovan
1ST FEBRUARY 2017 – CABINET			
Budget Monitoring report – period 9	The purpose of this report is to provide Members with information on the forecast outturn position of the Authority at end of month reporting for 2016/17 financial year.		Joy Robson/Mark Howcroft
1ST MARCH 2017 – CABINET			
2016/17 Education and Welsh Church Trust Funds Investment and Fund Strategy	The purpose of this report is to present to Cabinet for approval the 2017/18 Investment and Fund Strategy for Trust Funds for which the Authority acts as sole or custodian trustee for adoption and to approve the 2016/17 grant allocation to Local Authority beneficiaries of the Welsh Church Fund		Dave Jarrett
Welsh Church Fund	The Purpose of this report is to make		Dave Jarrett

Subject	Purpose	Consultees	Author
Working Group	recommendations to Cabinet on the Schedule of applications 2016/17, meeting 6 held on the 19 th January 2017		
9TH MARCH 2017 - COUNCIL			
Final Composite Council Tax Resolution	To set budget and Council tax for 2017/18		Joy Robson
Treasury Management Strategy 2017/18	To accept the annual Treasury Management Strategy		Joy Robson
5TH APRIL 2017 – CABINET			
Welsh Church Fund Working Group	The purpose of this report is to make recommendations to Cabinet on the Schedule of Applications 2016/17, meeting 7 held on the 9 th March 2017.		Dave Jarrett
3RD MAY 2017 – CABINET			
Welsh Church Fund Working Group	The purpose of this report is to make recommendations to Cabinet on the Schedule of Applications 2016/17, meeting 8 held on the 30 th March 2017.		Dave Jarrett

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