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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,

A handwritten signature in black ink that reads "Sarah Rochira". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Sarah Rochira
Older People's Commissioner for Wales