



SCRUTINY LEADERSHIP GROUP – 27TH NOVEMBER 2014

SUBJECT: 'BEST PRACTICE GUIDANCE FOR ENGAGEMENT AND CONSULTATION WITH OLDER PEOPLE ON CHANGES TO COMMUNITY SERVICES IN WALES' AND 'COMMUNITY SERVICES TOOLKIT FOR OLDER PEOPLE'

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1. PURPOSE OF REPORT

- 1.1 To advise the Scrutiny leadership group on the recent publication by the Older People's Commissioner for Wales of the 'Best Practice Guidance for Engagement and Consultation with Older People on Changes to Community Services in Wales' (Appendix 1) and the 'Community Services Toolkit for Older People' (Appendix 2).

2. SUMMARY

- 2.1 With Local Authorities across Wales very likely to face further budgetary challenges during the coming years, new and innovative ways must be explored to ensure that essential community services remain available for older people. However, the Commissioner reports that older people often find it difficult to engage with Local Authorities to influence the decisions that affect them; that they often feel powerless when plans are made to reduce or close down services; that there are insufficient opportunities to express their views, and feel that their concerns are often overlooked and given little attention when they do so.
- 2.2 The Older People's Commissioner for Wales is keen to ensure that the voices of the people who use community services are at the heart of any decisions made and has therefore developed the ['Best Practice Guidance'](#) to support Local Authorities to ensure full and meaningful engagement with older people when key decisions are being made regarding community services. This has been issued under Section 12 of the Commissioner for Older People Guidance.
- 2.3 In addition to the 'Best Practice Guidance' the Commissioner has also published a ['Community Services toolkit for older people'](#) with the aim of providing older people with information about the most effective ways to make their voices heard and influence the decisions that affect them.
- 2.4 CCBC engagement activity is co-ordinated by the Communications Unit and follows the guiding principles and good practice set out in the adopted Citizen Engagement Strategy and Action Plan. The Engagement Officer works with officers in key service areas to ensure that any corporate consultation process adheres to the approved strategy. Effective processes and links already exist to ensure that key audiences (e.g. Older people, young people, hard to reach groups etc) are engaged. This new best practice guidance from the Older People's Commissioner for Wales will become an additional key consideration and will be referred to in any future engagement with older people.

3. LINKS TO STRATEGY

3.1 This report links to the following strategic documents:-

- Section 12 of the Commissioner for Older People (Wales) Act 2006
- Social Services and Well-being (Wales) Act
- Strategy for Older People in Wales
- Caerphilly County Borough Council Single Integrated Plan
- LSB & CCBC Citizen Engagement Strategies
- 50+ Positive Action Plan

4. THE REPORT

4.1 The purpose of the Commissioner's Guidance is to ensure that Local Authorities are paying due regard in law and are fully compliant with their legal commitments when proposals are made for changes to essential community services.

4.2 The Equality Act 2010 included a general duty, the new Public Sector Equality Duty (PSED), which replaced separate duties on race, disability and gender equality. One of the protected characteristics of the duty is 'Age'.

4.3 The aim of the general duty, in the Equality Act 2010, 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 ensures that equality considerations are built into the design of policies and the delivery of services.

4.4 As a result, all listed bodies in Wales must involve people who it considers representative of one or more of the protected groups and who have an interest in how an authority carries out its functions.

4.5 This engagement must take place in relation to:-

- Identifying how an authority's work and activities may contribute to meeting the general duty.
- Assessing the likely impact on protected groups of any policies or practices being proposed or reviewed.
- Setting equality objectives.
- Preparing and reviewing a Strategic Equality Plan.

4.6 Some essential points to note within the Commissioner's Guidance with reference to changes to Community Services are:-

- Local Authorities should engage with a broad range of older people on an on-going basis.
- Local Authorities should ensure that they include people whose voices are seldom heard.
- Local Authorities should use a variety of methods for engagement. Venues and information should be accessible for all.
- Engagement should take place at a point when older people will be given a genuine opportunity to contribute their thoughts, voice their concerns and influence decision-makers.
- Local Authorities should tell older people how their thoughts and opinions have helped shape proposals for consultation.
- Local Authorities must consult at a time when proposals on community services are still at a formative stage.
- Local Authorities should ensure that as wide a range of older people as possible know that a consultation period is due to take place.

- Any asserted statement of fact made by the Local Authority in the consultation document should be supported by evidence and that evidence should be accessible to older people.
- Adequate time should be given by the Local Authority for older people to consider the information and respond.
- Every response to the consultation by an older person should be given due consideration, regardless of how that response has been submitted.
- Local Authorities should demonstrate to older people that they have conscientiously taken into account the consultation responses when finalising any proposals on community services.
- The scrutiny functions of Local Authorities are crucial to determine the impact of any proposal and to determine whether any proposal has a disproportionate impact on any individuals with protected characteristics, such as older people.
- Local Authorities should keep an adequate record of equality impact assessments so that they can demonstrate actual consideration of their equality duties and honest discussion of relevant questions.
- Local Authorities 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 should ensure that they proactively place, within the public domain, full documentation leading to decisions made that result in changes to community services.

4.7 The Commissioner expects all Local Authorities to comply with the Guidance to ensure that older people are provided with every opportunity to voice their concerns and are fully informed on the progress of any proposal.

4.8 The Commissioner will use this Guidance as a standard by which to assess the extent to which Local Authorities are safeguarding and promoting the interests of older people in Wales.

5. EQUALITIES IMPLICATIONS

5.1 This report is for information purposes, therefore the Council's Equality Impact Assessment process does not need to be applied.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications as a result of this report.

7. PERSONNEL IMPLICATIONS

7.1 There are no personnel implications as a result of this report.

8. CONSULTATIONS

8.1 The 'Best Practice Guidance for Engagement and Consultation with Older People on Changes to Community Services in Wales' and the 'Community Services toolkit for older people' has been distributed to appropriate officers across the local authority for information.

9. RECOMMENDATIONS

9.1 That the Scrutiny leadership group:-

- Note the contents of the report

- Ensure that appropriate and meaningful engagement activities with older people are undertaken when making changes to service delivery.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To ensure that the Local Authority is aware of and complies with the requirements specified by the Older People's Commissioner for Wales in the 'Best Practice Guidance for Engagement and Consultation with Older People on Changes to Community Services in Wales'.
- 10.2 To ensure that the Local Authority is aware of its engagement responsibilities when proposing changes to community services.

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Appendices:
Appendix 1: Best Practice Guidance for Engagement and Consultation with Older People on Changes to Community Services in Wales
Appendix 2: Community Services Toolkit for Older People