

Senedd Cymru

Y Pwyllgor Cyfrifon Cyhoeddus a  
Gweinyddiaeth Gyhoeddus

Craffu ar weinyddiaeth gyhoeddus

PAPA(6) SPA06

Ymateb gan: Grŵp o unigolion sydd wedi cyfrannu at y gwaith o gydgyhychu'r adroddiad 'Drws ar Glo' ar hawliau pobl anabl, a gomisiynwyd gan Fforwm Cydraddoldeb i Bobl Anabl Llywodraeth Cymru.

Welsh Parliament

Public Accounts and Public Administration  
Committee

Scrutinising public administration

Evidence from A group of individuals who contributed to the co-production of the 'Locked Out' report on Disability Rights, commissioned by Welsh Government's Disability Equality Forum.

## **Response to Senedd Cymru / Welsh Parliament Public Accounts and Administration Consultation**

- 1) We are responding to the consultation as individuals and organisational representatives who contributed to the co-production of the 'Locked Out' (<https://gov.wales/locked-out-liberating-disabled-peoples-lives-and-rights-wales-beyond-covid-19>) report on Disability Rights, commissioned by Welsh Government's Disability Equality Forum.
- 2) The 'Locked Out' report details evidence of disabled people experiencing medical discrimination, restricted access to public services and social support, exclusion from public spaces and public life, restrictions on independent living and an erosion of basic human rights, exacerbated by, but pre-existing the pandemic. We would like to take this opportunity to highlight some key elements of the report which we believe are relevant to any scrutiny of public administration.

### **Citizen Involvement in Decision-Making**

- 3) During the writing of 'Locked Out', participants were particularly keen to explore how unconscious bias and institutionalised ableism can go some way to explain exclusion and disadvantage, but also wanted to examine how processes and administration in public services are not adequate to ensure the consistent presence

of disabled people (and other diverse communities) as equals in decision-making.

- 4) 'Locked Out' calls on the Welsh Government to implement UN recommendations that nations fully involve disabled people in the planning stages of both future responses to public crises but also in the day-to-day running of public services. We welcome the establishment of a new fund to support disabled people seeking elected office for the 2021 Senedd elections and the 2022 Local Government elections. However, this initiative needs to apply to all aspects of government, policy-making and public service provision in Wales.
- 5) With regards to Regional Partnership Boards (RPBs), the bodies responsible for social (and associated) health service prioritisation and funding, we are concerned that citizen and carer representation is tokenistic rather than co-productive. We are unsure of any consistent mechanism in place across Wales to support those individuals and to assist them in engaging with the wider community so that they are able to represent diverse voices and experiences adequately. We would like to know what mechanisms are in place across Wales to support this activity, and how far those mechanisms are monitored and evaluated.
- 6) Whilst the presence of citizens on such boards is essential to ensure services meet the needs of those who use them, it requires adequate investment financially and structurally to make their involvement meaningful. Given that the RPBs are such an important instrument in local decision-making and administration, close examination of the level and type of support being provided to citizen and carer representatives across Wales is vital.

## **Equality Impact Assessments**

- 7) We are equally concerned about policy development and its implications for services 'on the ground', particularly how far they are being designed and evaluated with users as equal partners in the process. In particular, the 'Locked Out' report focuses on the use of Equality Impact Assessments as a key protocol requiring service-user involvement. However, participants found that they are not always being undertaken meaningfully or consistently, and with limited involvement of those who will be affected.
- 8) The 'Locked Out' report highlights that, during the pandemic, Welsh Government, unlike those in Scotland and Northern Ireland, agreed to sign emergency provisions that rescinded their obligations to provide some services to disabled people. This was a human rights concern that ran throughout much of the report. It meant that

all other provisions and safeguards, including EQIAs, became irrelevant, something that had a disastrous effect on disabled people's lives and wellbeing. This, we believe, could have been avoided had robust mechanisms for coproduction been in place from the start, as per the Social Services and Wellbeing Act (2014).

- 9) In terms of scrutiny of public administration, therefore, we would like to see a renewed focus on the processes underpinning the use of EQIAs, an audit of how far they are being conducted, and subsequently revisited and evaluated in partnership with service-users, and what mechanisms and support are available to challenge decisions where citizens do not believe their rights and needs have been considered. We would ask that this extends to the Public Sector Equality Duty more generally and that learning is applied equally to the implementation of the Socio-Economic Duty and related impact assessments.

### **Variation and Inequality in Local Service Provision across Wales**

- 10) We are concerned with how far Welsh Government, and partners responsible for delivering its objectives, ensure accessibility, inclusion, and parity. In co-producing the 'Locked Out' report, participants raised concerns about a 'lack of transparency' in local decision-making during lockdown, resulting in service inequalities and confusion, including, just as one example, the varying provision of free school meals or financial equivalents by local authorities.
- 11) Equally, a report entitled 'Rehabilitation for People with Sight Loss in Wales' ([http://www.wcbccd.org.uk/downloads/rehabilitation\\_for\\_people\\_with\\_sight\\_loss\\_in\\_wales.pdf](http://www.wcbccd.org.uk/downloads/rehabilitation_for_people_with_sight_loss_in_wales.pdf)) produced by the Wales Council of the Blind, in partnership with WROF (Welsh Rehabilitation Officers Forum) found that only 8 out of 22 local authorities meet the minimum standards for the number of qualified Rehabilitation Officers per head of population. Needs assessments have been badly affected by COVID-19 and there is now even less consistency in provision, with each local authority taking a different approach.
- 12) We would like to know what level of oversight and accountability is levelled at service providers to ensure that statutory requirements and expectations are being met when funds are administered and how far service users' voices are considered in this process.

## **The Social Services and Wellbeing (Wales) Act 2014**

- 13) The key principles of 'Voice, Choice and Control', regarded as central to the philosophy underlying the Social Services and Wellbeing Wales Act (SSWBA) 2014 (and other key Welsh legislation), were seriously eroded during the pandemic which, in turn, had implications for disabled people's human rights. Access to public transport, access to health services, accessibility of direct payments, and availability of independent advocacy were amongst those negatively impacted by the pandemic but, reports suggest, were inconsistent and poorly administered beforehand.
- 14) Disabled People's Organisations (DPOs) reported inaccessible information and poor (or absent) consultation with their members, resulting in serious detrimental effects on disabled people's human rights. Easements to the SSWBA in the Coronavirus Act 2020 disproportionately affected disabled and older people, leading to significant reductions in essential support and resulting in physical and mental deterioration. As we emerge from the pandemic, we would like to know how far and how quickly we can expect to see public services reinstated across Wales, and to what degree is any reinstatement being done fairly and consistently, not least to address pre-existing variations and inequality of provision.
- 15) In further consideration of the SSWBA, we would like Welsh Government to clarify exactly how far the Act is designed to bring social services and health services together, particularly with regards to the principles of voice, control, and coproduction. We note reports that suggest that these principles are not being applied consistently in users' interactions with health services, an issue which needs addressing, not least to bring the Act's implementation in line with recent NICE Guidance on Shared Decision-Making.
- 16) We are concerned that Welsh Government-commissioned scrutiny of the Act is targeted only at those people using social services and the organisations / projects in place to support them, when a more rounded analysis is needed, to include those using health services and, equally, the third sector services supporting them. In light of the pandemic, it is even more important that there be a focus on the health-related implications of the SSWBA, as disabled people and people living with chronically illness are now in an even more precarious position following delayed, cancelled, and increasingly inaccessible health services.

## **Social Housing and Accessibility**

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17) With regards to scrutiny of the social housing sector and its administration, we note that there is a significant shortage of accessible and appropriate housing available to disabled people in Wales, who are currently concentrated in the rented sector. We would like to know what level of guidance is available to local authorities regarding the prioritisation of disabled people's accessibility needs and, if such guidance exists, how far has it been coproduced, and to what extent is it being universally applied.

## **Digital Exclusion**

18) Evidence from surveys of disabled people suggest isolation, already twice as high amongst disabled people of all ages, is now, as a result of the pandemic, even more acute. Limited access to broadband, computer technologies and skills were amongst key contributory factors.

19) Digital Communities Wales has begun to address digital exclusion by improving access to digital devices and training. However, further focus is needed on the digital requirements of disabled people who have encountered significant barriers accessing on-line services, as well as isolation and loneliness. The likelihood is that some public services will continue to operate remotely in the future, making it necessary to be able to evaluate and act upon the extent of digital poverty and variables influencing it in Wales for example geography, income, education, disability, age, gender and ethnicity and accessibility. We would suggest that this should be an important part of any future scrutiny of public administration.

## **The Equality Act 2010 – Reasonable Adjustments**

20) Finally, we would ask that there be an analysis of the provision of reasonable adjustments in public appointments. The Equality Act 2010 requires service providers and employers to make reasonable adjustments to enable disabled people to fully access services and employment. What is 'reasonable' depends on factors such as affordability but most significantly, on whether it helps to remove the substantial disadvantage that a disabled person is placed at if an adjustment is not made.

21) Many adjustments are very straightforward and inexpensive and benefit non-disabled people, for example, flexible working practices. Some adjustments can be funded by Government agencies such as Access to Work, who provide advice and

resources to fund assistive technologies and equipment. We would ask that there be a detailed examination of how far and how effectively both reasonable adjustments and Access to Work funds are being utilised by public employers across Wales, and that employees themselves be vital contributors to any such audit activity.

