

## ADULT SERVICES SCRUTINY COMMITTEE

### 10 FEBRUARY 2010

## DUTY TO INVOLVE

### Purpose / For Action

- 1.1 This report sets out the background and key issues associated with the Duty to Involve. It also sets out the arrangements in place to support the Council to meet its statutory obligations; and in particular how Adult Services is meeting its statutory obligations.

### Background

- 2.1 The Duty to Involve came into force on 1 April 2009 under section 138 of the Local Government and Public Involvement in Health (LGPIH) Act 2007. Its aim is to embed a culture of engagement across local government and it requires the Council to take steps to involve *representatives of local persons* in the exercise of our functions where we *consider it appropriate* to do so, by:
- **providing information** about the exercise of the particular function
  - **consulting** about the exercise of a particular function
  - **involving** in another way (i.e. participation)
- 2.2 The duty is scoped widely and applies to the delivery of services, policy development and decision making. In addition, it requires the Council to consider how organisations to which we contract out work adhere to the principles underpinning the duty.
- 2.3 In the context of the duty, *representatives of local persons* refers to a diverse mix of local persons, i.e. a balanced selection of the key individuals, groups, businesses or organisations the authority considers likely to be affected by, or have an interest in, the authority function. It does not refer to elected members.
- 2.4 In applying the duty, the Council is required to give due consideration to accessibility, proportionality, cost/benefit analysis, partnership working, coordination, privacy and previous engagement/involvement.

<b>Key Issues</b>
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- 3.1 The Duty to Involve is consistent with our current approaches so it does not require significant changes to current consultation and engagement arrangements. However the following issues are worth noting:
- Involvement is a complex issue and calls for different approaches for different functions (one size does not fit all);
  - There is a clear need for an appropriate balance between service-user/public/stakeholder involvement and representative decision-making, particularly relating to financial matters and transfer of power;
  - Putting an increased emphasis on 'involvement' may present some service areas with significant difficulties with balancing the views of the 'hard to hear' and the 'hard to ignore' when engaging with stakeholders or residents on particularly contentious issues;
  - The Council does not always have a choice about the level of involvement. For example, by driving forward initiatives such as Local Involvement Networks (LINks), User Led Organisations etc., the Government is effectively dictating how the level of involvement should be applied in some areas.

<b>Corporate Approach</b>
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- 4.1 The Council has long recognised the business benefits the Duty to Involve seeks to crystallise. The ethos of the duty already underpins our strategic frameworks and is integral to our corporate plans, strategies and processes. For example Real Choice, Involvement and Customer Focus are specifically identified as organisational values; and the new Corporate Plan emphasises locality working based on meaningful engagement with our communities and avoiding a *'one size fits all'* approach to service delivery.
- 4.2 The Duty to Involve has been discussed at CCMT and at directorate management team level to familiarise managers with the duty and to clarify how the Council can appropriately implement the new requirements.
- 4.3 The Consultation & Involvement Team in the Policy Unit of the Corporate Core lead the strategic management of consultation and involvement activities for the Council, including our corporate approach to the Duty to Involve. Members of the 'Ask Oxfordshire' Board (the group steering the Council's Consultation & Involvement Strategy Improvement Plan) have produced a step-by-step guide and are offering briefing sessions to help service managers to mainstream the *appropriate* application of the Duty to Involve into the day-to-day management of their services.

- 4.4 Our 2009 Comprehensive Area Assessment (CAA) report recognised that *'the Council effectively consults and engages on services and budget setting through opinion surveys, citizen's panel and sounding boards'*. In addition our recent level 3 validation for the Equality Standard for Local Government made specific reference to the significant progress the Council has made with Community Engagement.
- 4.5 Both CAA and the Equality Standard Validation identified areas for improvement, notably *'more needs to be done to enable older people to have a say in the services they use'* (CAA) and to communicate more effectively about the resources available to officers to support Equality Impact Assessments (Equality Standard Validation).

### Directorate Approach

- 5.1 Stakeholder and service-user engagement is integral to the Social & Community Services directorate's approach to customer-focused service design and management. The directorate has a number of established communications channels and aligns with the corporate approach to information provision as set out in the Council's new Strategic Communications Strategy (December 2009).
- 5.2 For Consultation, the directorate is represented on the Ask Oxfordshire Board, responsible for steering the Corporate Consultation & Involvement Strategy's improvement plan. Individual services also carry out a wide range of consultation activities, including statutory Department of Health service-user surveys.
- 5.3 The Social & Community Services Directorate Leadership Team has discussed two papers on the Duty to Involve and has prioritised five main areas of work explicitly related to the involvement strand of the duty:
1. Local Involvement Networks (LINKs)
  2. Development of a 'User Led' Organisation/ Centre for Independent Living in support of our Transforming Adult Social Care Programme
  3. Development of 'Unlimited', a User Voice organisation of people with Physical Disabilities
  4. Working with The Office for Disability Issues and the Government Office for the South East (GOSE) on developing the user voice for older people across the country
  5. Strengthening service-user involvement in general, through the work programme of the Taking Part Team including:
    - Service-user involvement in key decision-making, initially focussed on joint management groups
    - Service-user involvement in recruitment, performance management and inspection processes
    - Development of participatory budgeting (e.g. with mental health services to allocate a small pot of funding for community-based projects).

- 5.4 To ensure the directorate's work on involvement is effectively steered and managed, an Involvement Reference Group has been set up, bringing together key stakeholders including service users, carers, representatives from DTL, elected members and council officers. This group has established its terms of reference and identified priority areas for focus.

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