

## Equality Impact Analysis to enable informed decisions

### The purpose of this document is to:-

- I. help decision makers fulfil their duties under the Equality Act 2010 and
- II. for you to evidence the positive and adverse impacts of the proposed change on people with protected characteristics and ways to mitigate or eliminate any adverse impacts.

### Using this form

This form must be updated and reviewed as your evidence on a proposal for a project/service change/policy/commissioning of a service or decommissioning of a service evolves taking into account any consultation feedback, significant changes to the proposals and data to support impacts of proposed changes. The key findings of the most up to date version of the Equality Impact Analysis must be explained in the report to the decision maker and the Equality Impact Analysis must be attached to the decision making report.

**\*\*Please make sure you read the information below so that you understand what is required under the Equality Act 2010\*\***

### Equality Act 2010

The Equality Act 2010 applies to both our workforce and our customers. Under the Equality Act 2010, decision makers are under a personal duty, to have due (that is proportionate) regard to the need to protect and promote the interests of persons with protected characteristics.

### Protected characteristics

The protected characteristics under the Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

### Section 149 of the Equality Act 2010

Section 149 requires a public authority to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by/or under the Act
- Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share those characteristics
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The purpose of Section 149 is to get decision makers to consider the impact their decisions may or will have on those with protected characteristics and by evidencing the impacts on people with protected characteristics decision makers should be able to demonstrate 'due regard'.

### **Decision makers duty under the Act**

Having had careful regard to the Equality Impact Analysis, and also the consultation responses, decision makers are under a personal duty to have due regard to the need to protect and promote the interests of persons with protected characteristics (see above) and to:-

- (i) consider and analyse how the decision is likely to affect those with protected characteristics, in practical terms,
- (ii) remove any unlawful discrimination, harassment, victimisation and other prohibited conduct,
- (iii) consider whether practical steps should be taken to mitigate or avoid any adverse consequences that the decision is likely to have, for persons with protected characteristics and, indeed, to consider whether the decision should not be taken at all, in the interests of persons with protected characteristics,
- (iv) consider whether steps should be taken to advance equality, foster good relations and generally promote the interests of persons with protected characteristics, either by varying the recommended decision or by taking some other decision.

## **Conducting an Impact Analysis**

The Equality Impact Analysis is a process to identify the impact or likely impact a project, proposed service change, commissioning, decommissioning or policy will have on people with protected characteristics listed above. It should be considered at the beginning of the decision making process.

### **The Lead Officer responsibility**

This is the person writing the report for the decision maker. It is the responsibility of the Lead Officer to make sure that the Equality Impact Analysis is robust and proportionate to the decision being taken.

### **Summary of findings**

You must provide a clear and concise summary of the key findings of this Equality Impact Analysis in the decision making report and attach this Equality Impact Analysis to the report.

## Impact – definition

An impact is an intentional or unintentional lasting consequence or significant change to people's lives brought about by an action or series of actions.

### How much detail to include?

The Equality Impact Analysis should be proportionate to the impact of proposed change. In deciding this asking simple questions “Who might be affected by this decision?” “Which protected characteristics might be affected?” and “How might they be affected?” will help you consider the extent to which you already have evidence, information and data, and where there are gaps that you will need to explore. Ensure the source and date of any existing data is referenced.

You must consider both obvious and any less obvious impacts. Engaging with people with the protected characteristics will help you to identify less obvious impacts as these groups share their perspectives with you.

A given proposal may have a positive impact on one or more protected characteristics and have an adverse impact on others. You must capture these differences in this form to help decision makers to arrive at a view as to where the balance of advantage or disadvantage lies. If an adverse impact is unavoidable then it must be clearly justified and recorded as such, with an explanation as to why no steps can be taken to avoid the impact. Consequences must be included.

**Proposals for more than one option** If more than one option is being proposed you must ensure that the Equality Impact Analysis covers all options. Depending on the circumstances, it may be more appropriate to complete an Equality Impact Analysis for each option.

**The information you provide in this form must be sufficient to allow the decision maker to fulfil their role as above. You must include the latest version of the Equality Impact Analysis with the report to the decision maker. Please be aware that the information in this form must be able to stand up to legal challenge.**

## Background Information

<b>Title of the policy / project / service being considered</b>	Residential Rate Review 2018	<b>Person / people completing analysis</b>	Alex Craig																								
<b>Service Area</b>	Adult Care and Community Wellbeing	<b>Lead Officer</b>	Justin Hackney and Carolyn Nice																								
<b>Who is the decision maker?</b>	Councillor Patricia Bradwell	<b>How was the Equality Impact Analysis undertaken?</b>	<ul style="list-style-type: none"> <li>Desktop Exercise</li> </ul>																								
<b>Date of meeting when decision will be made</b>	14/02/2018	<b>Version control</b>	0.12																								
<b>Is this proposed change to an existing policy/service/project or is it new?</b>	Existing policy/service/project	<b>LCC directly delivered, commissioned, re-commissioned or de-commissioned?</b>	Re-commissioned																								
<b>Describe the proposed change</b>	<p><b>Service Description</b></p> <ul style="list-style-type: none"> <li>Lincolnshire County Council needs to ensure that it delivers its statutory obligations to people who are eligible for social care</li> <li>ASC supports people who have had their care needs assessed as substantial or critical. When those care needs are to be met by residential or nursing placements the care provider should offer a quality services. Quality is determined as providing a service which is safe, effective and delivers a positive experience of care. This is encompassed within regulatory standards</li> <li>We currently have 3278 people paced in long term care</li> </ul> <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Service Users by Age Band</th> <th>Female</th> <th>Male</th> <th>Grand Total</th> </tr> </thead> <tbody> <tr> <td>18 - 24</td> <td>4</td> <td>17</td> <td>21</td> </tr> <tr> <td>25 - 34</td> <td>34</td> <td>62</td> <td>96</td> </tr> <tr> <td>35 - 44</td> <td>52</td> <td>72</td> <td>124</td> </tr> <tr> <td>45 - 54</td> <td>80</td> <td>101</td> <td>181</td> </tr> <tr> <td>55 - 64</td> <td>93</td> <td>150</td> <td>243</td> </tr> </tbody> </table>			Service Users by Age Band	Female	Male	Grand Total	18 - 24	4	17	21	25 - 34	34	62	96	35 - 44	52	72	124	45 - 54	80	101	181	55 - 64	93	150	243
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45 - 54	80	101	181																								
55 - 64	93	150	243																								

65 - 74	190	167	357
75 - 84	482	328	810
85 +	1121	325	1446
Grand Total	2056	1222	3278

Service User by Service Type	LTC Nursing	LTC Residential	Grand Total
A - Learning Disability Support	82	412	494
A - Mental Health Support	97	254	351
A - Physical Support: Access & mobility only	16	89	105
A - Physical Support: Personal care support	605	1555	2160
A - Sensory Support: Support for dual impairment	2	1	3
A - Sensory Support: Support for hearing impairment		1	1
A - Sensory Support: Support for visual impairment		2	2
A - Social Support: Support for social isolation / other	5	23	28
A - Support with Memory and Cognition	32	102	134
Grand Total	839	2439	3278

- Lincolnshire County Council currently holds contracts with 277 Care Homes within Lincolnshire and 172 agreements with individual providers
- Lincolnshire County Council is required to set Usual Costs that it expects to pay for particular categories of care
- The current fee levels were set in 2015 with inflationary increase each year to 2018.
- New fee rates are required for April 2018 in line with the revised framework agreement
- In setting rates the Council must have due regard for the cost of providing care in Lincolnshire and the existing market conditions

#### Proposed Changes

- A proposed increase in residential fees will support Care Homes providers in Lincolnshire to continue to provide a good quality service to residents
- It is proposed that there is an average 2.85% increase to the current fee rates for Adult Frailty and Long Term Conditions in the first year and a cumulative average of 6.86% over the next three years
- A new cost model is proposed for LD residential services which would allow for greater recognition of the more variable degree of complexity, and cost, across LD provision.

- The proposed fee levels allow Providers a rate of return of 6% which will allow them to offer beds to residents without the need for third party top ups.
- The Kingsbury Hill Fox reports were commissioned to understand the current costs of delivering care in Lincolnshire
- The findings and recommendations in the KHF report (November 2017) was informed by responses from Care Homes with a response rate of 48%. It is assumed that this is a representative sample of the care market in Lincolnshire
- Responses were for LD residential services were completed via a Council led exercise over the last 18 months to ensure sufficient engagement from the sector following the lack of response from LD providers in 2015
- The proposed rates assume that there will be no further unanticipated increases in costs for care providers over the next three years.

### Evidencing the impacts

In this section you will explain the difference that proposed changes are likely to make on people with protected characteristics. To help you do this first consider the impacts the proposed changes may have on people without protected characteristics before then considering the impacts the proposed changes may have on people with protected characteristics.

You must evidence here who will benefit and how they will benefit. If there are no benefits that you can identify please state 'No perceived benefit' under the relevant protected characteristic. You can add sub categories under the protected characteristics to make clear the impacts. For example under Age you may have considered the impact on 0-5 year olds or people aged 65 and over, under Race you may have considered Eastern European migrants, under Sex you may have considered specific impacts on men.

#### Data to support impacts of proposed changes

When considering the equality impact of a decision it is important to know who the people are that will be affected by any change.

#### Population data and the Joint Strategic Needs Assessment

The Lincolnshire Research Observatory (LRO) holds a range of population data by the protected characteristics. This can help put a decision into context. Visit the LRO website and its population theme page by following this link: <http://www.research-lincs.org.uk> If you cannot find what you are looking for, or need more information, please contact the LRO team. You will also find information about the Joint Strategic Needs Assessment on the LRO website.

#### Workforce profiles

You can obtain information by many of the protected characteristics for the Council's workforce and comparisons with the labour market on the [Council's website](#). As of 1<sup>st</sup> April 2015, managers can obtain workforce profile data by the protected characteristics for their specific areas using Agresso.

**Positive impacts**

The proposed change may have the following positive impacts on persons with protected characteristics – If no positive impact, please state 'no positive impact'.

<b>Age</b>	<p>The increased funding to care providers should provide additional assurance that there is sufficient capacity within Lincolnshire for quality residential services</p> <p>Changes to the Terms and Conditions are also proposed in order to provide greater clarity to Service Users and their families when entering into agreements with the Council and/or Provider on financial matters. By fixing Top Up prices and further clarifying how deferred payments are handled Service Users and their families will be able to better plan for the future and avoid situations wherein costs may change year by year.</p>
<b>Disability</b>	<p>The increased funding to care providers should provide additional assurance that there is sufficient capacity within Lincolnshire for quality residential services. In addition to this the new model recognises they key challenges within LD provision, namely the high variability of complexity in care needs, which will further support providers as well as allow the Council to undertake new initiatives.</p> <p>Changes to the Terms and Conditions are also proposed in order to provide greater clarity to Service Users and their families when entering into agreements with the Council and/or Provider on financial matters. By fixing Top Up prices and further clarifying how deferred payments are handled Service Users and their families will be able to better plan for the future and avoid situations wherein costs may change year by year.</p>
<b>Gender reassignment</b>	<p><i>No unique positive impact for this protected characteristic</i></p>
<b>Marriage and civil partnership</b>	<p><i>No unique positive impact for this protected characteristic</i></p>
<b>Pregnancy and maternity</b>	<p><i>No unique positive impact for this protected characteristic</i></p>
<b>Race</b>	<p><i>No unique positive impact for this protected characteristic</i></p>

<b>Religion or belief</b>	<i>No unique positive impact for this protected characteristic</i>
<b>Sex</b>	<i>No unique positive impact for this protected characteristic</i>
<b>Sexual orientation</b>	<i>No unique positive impact for this protected characteristic</i>

**If you have identified positive impacts for other groups not specifically covered by the protected characteristics in the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.**



**Adverse/negative impacts**

You must evidence how people with protected characteristics will be adversely impacted and any proposed mitigation to reduce or eliminate adverse impacts. An adverse impact causes disadvantage or exclusion. If such an impact is identified please state how, as far as possible, it is justified; eliminated; minimised or counter balanced by other measures.

If there are no adverse impacts that you can identify please state 'No perceived adverse impact' under the relevant protected characteristic.

**Negative impacts of the proposed change and practical steps to mitigate or avoid any adverse consequences on people with protected characteristics are detailed below. If you have not identified any mitigating action to reduce an adverse impact please state 'No mitigating action identified'.**

**Age**

Adult Care services and budgets continue to be pressured and while the measures in the new contracts have been put forward to directly address this there are concerns that ongoing pressures in the wider Health and Social Care system fee rate may impact on the availability and quality of the care which is provided  
 There are concerns that the fee rate impacts on the viability of the providers  
 If Providers decide to increase their prices above expected costs then there is the risk that service users could be required to find a third party to pay the additional amount.  
 If there is no third party available then service users could be asked to move to an alternative home which could cause distress.

The increased funding and improved terms offered through the new contracts represents the best proposal the Council can offer to address these potential negative impacts

**Disability**

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 There are concerns that the fee rate impacts on the viability on some of the Council's providers to deliver services.  
 If Providers decide to increase their prices above expected costs then there is the risk that service users could be required to find a third party to pay the additional amount.  
 If there is no third party available then service users could be asked to move to an alternative home which could cause distress.

The increased funding and improved terms offered through the new contracts represents the best proposal the

	Council can offer to address these potential negative impacts
<b>Gender reassignment</b>	This proposal is related to the residential care rate for Lincolnshire which is not specific to gender reassignment
<b>Marriage and civil partnership</b>	This proposal is related to the residential care rate for Lincolnshire which is not specific to marriage or civil partnership
<b>Pregnancy and maternity</b>	This proposal is related to the residential care rate for Lincolnshire which is not specific to pregnancy or maternity
<b>Race</b>	This proposal is related to the residential care rate for Lincolnshire which impacts on all placements and not specific to person's race.
<b>Religion or belief</b>	This proposal is related to the residential care rate for Lincolnshire which impacts on all placements and is not specific to a person's religion/belief  Currently the largest numbers of people in long term care in Lincolnshire are of Christian denominations
<b>Sex</b>	This proposal is related to the care fee rate for Lincolnshire, which is not specific to sex. However data also shows that the rate will have a greater impact on woman as they have a longer life expectancy and therefore proportionality more likely to receive residential or nursing care
<b>Sexual orientation</b>	This proposal is related to the residential care rate for Lincolnshire which impacts on all placements and is not specific to a person's sexual orientation

**If you have identified negative impacts for other groups not specifically covered by the protected characteristics under the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.**

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**Stakeholders**

Stake holders are people or groups who may be directly affected (primary stakeholders) and indirectly affected (secondary stakeholders)

**Objective(s) of the EIA consultation/engagement activity  
Who was involved in the EIA consultation/engagement activity?**

Engagement on the new model has been directly with Care Providers as the changes proposed are commercial in nature. There are no proposed changes on how Service Users will access or receive care services differently and it is hoped that with the increased funding available through the proposal services in both Specialist Adults Services and Adult Frailty and Long Term Conditions shall improve.

<b>Age</b>	
<b>Disability</b>	

<b>Gender reassignment</b>	
<b>Marriage and civil partnership</b>	
<b>Pregnancy and maternity</b>	
<b>Race</b>	
<b>Religion or belief</b>	
<b>Sex</b>	
<b>Sexual orientation</b>	
<p><b>Are you confident that everyone who should have been involved in producing this version of the Equality Impact Analysis has been involved in a meaningful way?</b></p> <p>The purpose is to make sure you have got the perspective of all the protected characteristics.</p>	Yes.

**Once the changes have been implemented how will you undertake evaluation of the benefits and how effective the actions to reduce adverse impacts have been?**

As all residential providers are already managed closely further meetings with the care providers will be undertaken to address the implementation of the new contracts, particularly with regard to the new Learning Disability model. These meetings will consider whether there are any emerging impacts against individual service users, particularly those who are protected under the Equality Act 2010.

### Further Details

**Are you handling personal data?**

No

The provider will handle personal data and will comply to with the data protection legislation and their and LCC's data protection policies.

<b>Actions required</b>	<b>Action</b>	<b>Lead officer</b>	<b>Timescale</b>
Include any actions identified in this analysis for on-going monitoring of impacts.			
<b>Signed off by</b>		<b>Date</b>	Click here to enter a date.