

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

Title of the policy / project / service being considered	Recommissioning of Swallow Lodge and Cedar House and Residential Respite Services	Person / people completing analysis	Linda Turnbull
Service Area	Swallow Lodge and Cedar House – Specialist Services Generic contract will include Learning Disability Services, Older Peoples Services, Physical disability services and mental health services	Lead Officer	Glen Garrod
Who is the decision maker?	CLlr Bradwell, following ACW Scrutiny Committee	How was the Equality Impact Analysis undertaken?	Desktop exercise
Date of meeting when decision will be made	04/07/2019	Version control	V0.1
Is this proposed change to an existing policy/service/project or is it new?	Existing policy/service/project	LCC directly delivered, commissioned, re-commissioned or de-commissioned?	Commissioned

Describe the proposed change

Lincolnshire County Council (LCC) currently commissions short breaks through a combination of contracts, utilising council owned properties as well as through residential care contract arrangements. The two contracts that are utilising LCC properties, Swallow Lodge and Cedar House are contracts for specialised adult's services and they expire at the end of November 2019. There is a need to re-commission these services to ensure that LCC continue to have some dedicated emergency and short breaks provision for specialised services. It may be that there is a change in the service provider but it is envisaged that the service will deliver broadly the same provision as previously. More widely LCC has residential contracts that are currently used for respite provision. The residential contracts are not designed specifically for short breaks and it would therefore be beneficial to explore having more robust contract arrangements in place, which specify the respite requirements clearly and which deliver quality services for users and value for money for the Council. These agreements will enable users to have additional choice and flexibility in their respite provision and are in addition to the agreements that are already in place.]

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 1st 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'.

Age	<p>Lincolnshire County Council has a duty to assess anyone who may have eligible needs. If a person's needs are eligible and their outcomes require planned/unplanned respite which can't be met with some form of informal replacement care then we have a duty to meet that need.</p> <p>The service will be open to users of all ages, with an assessed need, within specialist services.</p> <p>The service is only available to adults aged 18 years and above, and those users who are aged under 18 years are funded by children's services. There is no upper age to users being able to access the service.</p> <p>No perceived positive impact. However the Council will place a requirement on the new service providers to offer an equal and accessible service in the re-procurement of the service, by clearly stipulating this in the service specification, which will be followed up through contract management. Therefore individuals with this protected characteristic should not face barriers in accessing the service should they need it, and stand to benefit from it in the same way as other eligible people without a protected characteristic.</p>
Disability	<p>The service will be open to all eligible users within specialist services. Users in other users groups, for example, adults with a physical disability may be able to utilise the services, if eligible.</p> <p>The service will be a specific service, that specialising in residential respite provision, or short breaks for adults with a learning disability. The service will be used for both planned and emergency respite provision and specifically designed for this user group, ensuring that the services specifically meet the needs of this client group. The buildings were purpose built, at the time for adults with a learning disability and consequently both buildings are fully wheelchair accessible with facilities, aimed specifically at supporting this user group.</p> <p>There is going to be planned work at Swallow Lodge. This will improve the accommodation on offer at the premises, including changing a Jack and Jill bathroom into ensuite bathrooms. Additionally it will create a specific unit for adults with more complex needs. This will enable more specialised support to be offered in a specially designed unit.</p>

<p>Gender reassignment</p>	<p>The services are open to all eligible users, regardless of their gender reassignment.</p> <p>No perceived positive impact. However the Council will place a requirement on the new service providers to offer an equal and accessible service in the re-procurement of the service, by clearly stipulating this in the service specification, which will be followed up through contract management. Therefore individuals with this protected characteristic should not face barriers in accessing the service should they need it, and stand to benefit from it in the same way as other eligible people without a protected characteristic.</p>
<p>Marriage and civil partnership</p>	<p>The services are open to all eligible users, regardless of their gender reassignment.</p> <p>No perceived positive impact. However the Council will place a requirement on the new service providers to offer an equal and accessible service in the re-procurement of the service, by clearly stipulating this in the service specification, which will be followed up through contract management. Therefore individuals with this protected characteristic should not face barriers in accessing the service should they need it, and stand to benefit from it in the same way as other eligible people without a protected characteristic.</p>
<p>Pregnancy and maternity</p>	<p>The services are open to all eligible users, regardless of their pregnancy or maternity status.</p> <p>No perceived positive impact. However the Council will place a requirement on the new service providers to offer an equal and accessible service in the re-procurement of the service, by clearly stipulating this in the service specification, which will be followed up through contract management. Therefore individuals with this protected characteristic should not face barriers in accessing the service should they need it, and stand to benefit from it in the same way as other eligible people without a protected characteristic.</p>
<p>Race</p>	<p>The services are open to all eligible users, regardless of their race.</p> <p>No perceived positive impact. However the Council will place a requirement on the new service providers to offer an equal and accessible service in the re-procurement of the service, by clearly stipulating this in the service specification, which will be followed up through contract management. Therefore individuals with this protected characteristic should not face barriers in accessing the service should they need it, and stand to benefit from it in the same way as other eligible people without a protected characteristic.</p>
<p>Religion or belief</p>	<p>The services are open to all eligible users, regardless of their religion or belief.</p> <p>There will be a requirement by the new service provider to offer a personalised service, that meets the individual requirements of that user, which would include meeting the individual's outcomes for religions or belief. This may include supporting religious celebrations or rituals or supporting any religious dietary requirements.</p> <p>No perceived positive impact. However the Council will place a requirement on the new service providers to offer an</p>

	<p>equal and accessible service in the re-procurement of the service, by clearly stipulating this in the service specification, which will be followed up through contract management. Therefore individuals with this protected characteristic should not face barriers in accessing the service should they need it, and stand to benefit from it in the same way as other eligible people without a protected characteristic. </p>
<p>Sex</p>	<p>The services are open to all eligible users, regardless of their sex.</p> <p>No perceived positive impact. However the Council will place a requirement on the new service providers to offer an equal and accessible service in the re-procurement of the service, by clearly stipulating this in the service specification, which will be followed up through contract management. Therefore individuals with this protected characteristic should not face barriers in accessing the service should they need it, and stand to benefit from it in the same way as other eligible people without a protected characteristic. </p>
<p>Sexual orientation</p>	<p>The services are open to all eligible users, regardless of their sex.</p> <p>No perceived positive impact. However the Council will place a requirement on the new service providers to offer an equal and accessible service in the re-procurement of the service, by clearly stipulating this in the service specification, which will be followed up through contract management. Therefore individuals with this protected characteristic should not face barriers in accessing the service should they need it, and stand to benefit from it in the same way as other eligible people without a protected characteristic. </p>

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.

Informal Carers (Sometimes referred to as unpaid carers).

Respite care is a period of temporary replacement care for a user, usually by an unpaid carer such as a friend or family member. Often this service is to give an informal carer a break from their caring role and to provide a meaningful activity for the service user. Under the Care Act 2014 all carers are entitled to a carer needs assessment and, where they are deemed to have an eligible level of need, they will be entitled to funded support and access to services from the Council as a right. In some cases the services will include some form of respite care.

Being able to take a short break is important for everyone, for people that have care needs it can support them meet outcomes such as:

- Developing and maintaining family and other personal relationships.
- Accessing and engaging in training or volunteering.
- Accessing facilities and services in the local community such as recreational activities.

For informal carers taking a short break can benefit their emotional well-being and can facilitate a sense of normality, freedom, peace of mind and relief. A Short break can also support them to continue in their caring role. Therefore the continuation of this service through a re-procurement will have a positive effect on informal carers in Lincolnshire.

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	<p>The service will be open to all eligible adults with an assessed need, within specialist services.</p> <p>The service is only available to adults aged 18 years and above, and those users who are aged under 18 years are funded by children's services. There is no upper age to users being able to access the service.</p> <p>No perceived adverse impact. </p>
Disability	<p>The service is open to all eligible adults with disability, who have an assessed need as described under the Care Act 2014.</p> <p>No perceived adverse impact. </p>
Gender reassignment	<p>The service is open to all eligible adults with an assessed need regardless of their gender.</p> <p>No perceived adverse impact. </p>
Marriage and civil partnership	<p>The service is open to all eligible adults with an assessed need, regardless of their marriage or civil partnership status.</p> <p>No perceived adverse impact. </p>
Pregnancy and maternity	<p>The service is open to all eligible adults with an assessed need, regardless of their pregnancy or maternity status.</p> <p>No perceived adverse impact. </p>

Race	<p>The service is open to all eligible adults with an assessed need, regardless of their race.</p> <p>No perceived adverse impact.</p>
Religion or belief	<p>The service is open to all eligible adults with an assessed need, regardless of their religion or belief.</p> <p>No perceived adverse impact.</p>
Sex	<p>The service is open to all eligible adults with an assessed need, regardless of their sex.</p> <p>No perceived adverse impact.</p>
Sexual orientation	<p>The service is open to all eligible adults with an assessed need, regardless of their sexual orientation.</p> <p>No perceived adverse impact.</p>

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.

None

Stakeholders

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

You must evidence here who you involved in gathering your evidence about benefits, adverse impacts and practical steps to mitigate or avoid any adverse consequences. You must be confident that any engagement was meaningful. The Community engagement team can help you to do this and you can contact them at consultation@lincolnshire.gov.uk

State clearly what (if any) consultation or engagement activity took place by stating who you involved when compiling this EIA under the protected characteristics. Include organisations you invited and organisations who attended, the date(s) they were involved and method of involvement i.e. Equality Impact Analysis workshop/email/telephone conversation/meeting/consultation. State clearly the objectives of the EIA consultation and findings from the EIA consultation under each of the protected characteristics. If you have not covered any of the protected characteristics please state the reasons why they were not consulted/engaged.

Objective(s) of the EIA consultation/engagement activity

This EIA was undertaken as a desktop exercise by Linda Turnbull.

Who was involved in the EIA consultation/engagement activity? Detail any findings identified by the protected characteristic

Age	N/A
Disability	N/A
Gender reassignment	N/A
Marriage and civil partnership	N/A
Pregnancy and maternity	N/A
Race	N/A
Religion or belief	N/A

Sex	N/A
Sexual orientation	N/A
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? The purpose is to make sure you have got the perspective of all the protected characteristics.	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?	The impact and benefits of the service will be monitored through contract management processes.

Further Details

Are you handling personal data?	No If yes, please give details.
--	--

Actions required	Action	Lead officer	Timescale
Include any actions identified in this analysis for on-going monitoring of impacts.	None		

Version	Description	Created/amended by	Date created/amended	Approved by	Date approved
1.0	First draft	Linda Turnbull	18/04/2019	TBC	TBC

Examples of a Description:
 'Version issued as part of procurement documentation'
 'Issued following discussion with community groups'
 'Issued following requirement for a service change; Issued following discussion with supplier'