

Appendix A: Equality Impact Analysis Day Care Recommissioning

Purpose

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 evolves on proposals for a:

- project
- service change
- policy
- commissioning of a service
- decommissioning of a service

You must take into account any:

- consultation feedback
- significant changes to the proposals
- data to support impacts of the 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. 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. 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

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 ask simple questions:

- who might be affected by this decision?
- which protected characteristics might be affected?
- how might they be affected?

These questions will help you consider the extent to which you already have evidence, information and data. It will show 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 decide where the balance of advantage or disadvantage lies. If an adverse impact is unavoidable, then it must be clearly justified and recorded as such. An explanation must be stated 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

Details	Response
Title of the policy, project or service being considered	Buildings Based Day Care Re-Procurement
Service area	Commercial Team/Adult Social Care
Person or people completing the analysis	Commercial Team
Lead officer	Justin Hackney
Who is the decision maker?	Executive
How was the Equality Impact Analysis undertaken?	<p>Desktop exercise. Alongside engagement activity being undertaken with the service development team</p> <p>A pre-market engagement activity was also undertaken with existing and potential new providers and Quality Assurance Team.</p>
Date of meeting when decision will be made	8 May 2024
Is this a proposed change to an existing policy, service, project or is it new?	Existing service that is being re-procured.
Version control	V0.2
Is it LCC directly delivered, commissioned, recommissioned, or decommissioned?	LCC Recommissioned Service
Describe the proposed change	<p>Lincolnshire County Council has an Open Select List (OSL) for Buildings Based Day Services. These contracts end on 31 August 2024. The Commercial Team are requesting permission to re-commission these services. The recommendation is to re-procure on a like for like basis for two years. This is an interim solution, pending the outcome of a wider review.</p> <p>The review work, to date identified several themes that can be addressed as part of the interim re-procurement without necessitating any fundamental changes to the model, including:</p>

Details	Response
	<ul style="list-style-type: none"><li data-bbox="750 264 1433 331"><i>i.</i> Greater flexibility in access times (including evenings and weekends) would benefit users.<li data-bbox="750 336 1433 470"><i>ii.</i> Rate constraints through the current pricing mechanism for packages requiring high levels of 1:1 and 2:1 support are impacting the viability and attractiveness of those packages.

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, consider the impacts the proposed changes may have on people:

- without protected characteristics
- and 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.](#)

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 on the protected characteristics for our workforce](#) on our website. Managers can obtain workforce profile data by the protected characteristics for their specific areas using Business World.

Positive impacts

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

Protected characteristic	Response
<p>Age</p>	<p>The reopening of the Building Based Day Care (BBDC) Open Select List (OSL) will allow new day service providers onto the Council contracted list. This may be beneficial to specific ages of users groups.</p> <p>For example, younger adults may benefit from day care providers of who may have links to education provision, which would provide an improved transition for these users. An increased range of provision will provide a wider range of opportunities, for example, providers who are more specialised at supporting young adults with disabilities into paid or voluntary work, as part of their day opportunities.</p> <p>Additionally, the re-procurement may be beneficial to older adults, the over 65s age group. Spend on commissioned buildings-based day care in OP/PD services declined significantly, following the covid-19 global pandemic. New contractual arrangements, will hopefully attract new applications from providers looking to specifically support this client group, potentially resulting in increased choice</p>
<p>Disability</p>	<p>The reopening of the Buildings Based Day Care Open Select List will hopefully widen the choice of services for people with disabilities.</p> <p>There is no proposal for a reduction in service. The re-procurement exercise for new contracts will hopefully offer users more choice and flexibility in the types of service they are able to offer.</p> <p>A clear contract with a detailed service specification with clear outcomes and performance measures, including equality monitoring, subject to robust contract management against delivery will ensure that all service users receive good quality inclusive services.</p>
<p>Gender reassignment</p>	<p>No positive impact</p> <p>A clear contract with a detailed service specification with clear outcomes and performance measures, including equality monitoring, subject to robust contract management against delivery will ensure that all service users receive good quality inclusive services. Therefore, individuals within this protected characteristic should not have barriers in accessing day services should they need it and therefore stand to benefit from it to the same extent and the in the same way was other eligible service users without a protected characteristic.</p>

Protected characteristic	Response
Marriage and civil partnership	<p>No positive impact</p> <p>A clear contract with a detailed service specification with clear outcomes and performance measures, including equality monitoring, subject to robust contract management against delivery will ensure that all service users receive good quality inclusive services. Therefore, individuals within this protected characteristic should not have barriers in accessing day services should they need it and therefore stand to benefit from it to the same extent and the in the same way was other eligible service users without a protected characteristic.</p>
Pregnancy and maternity	<p>No positive impact]</p> <p>A clear contract with a detailed service specification with clear outcomes and performance measures, including equality monitoring, subject to robust contract management against delivery will ensure that all service users receive good quality inclusive services. Therefore, individuals within this protected characteristic should not have barriers in accessing day services should they need it and therefore stand to benefit from it to the same extent and the in the same way was other eligible service users without a protected characteristic.</p>
Race	<p>No positive impact</p> <p>A clear contract with a detailed service specification with clear outcomes and performance measures, including equality monitoring, subject to robust contract management against delivery will ensure that all service users receive good quality inclusive services. Therefore, individuals within this protected characteristic should not have barriers in accessing day services should they need it and therefore stand to benefit from it to the same extent and the in the same way was other eligible service users without a protected characteristic.</p>
Religion or belief	<p>A re-procurement of day care, will be open to all potential day care providers. This could include applications from religious groups, and therefore would potentially improve the variety of day opportunities that support peoples religious beliefs.</p> <p>A clear contract with a detailed service specification with clear outcomes and performance measures, including equality monitoring, subject to robust contract management against delivery will ensure that all service users receive good quality inclusive services. Therefore individuals within this protected characteristic should not have barriers in accessing day services should they need it and therefore stand to benefit from it to the same extent and the in the same way was other eligible service users without a protected characteristic.</p>

Protected characteristic	Response
Sex	<p>No positive impact</p> <p>A clear contract with a detailed service specification with clear outcomes and performance measures, including equality monitoring, subject to robust contract management against delivery will ensure that all service users receive good quality inclusive services. Therefore, individuals within this protected characteristic should not have barriers in accessing day services should they need it and therefore stand to benefit from it to the same extent and the in the same way was other eligible service users without a protected characteristic.</p>
Sexual orientation	<p>No positive impact</p> <p>A clear contract with a detailed service specification with clear outcomes and performance measures, including equality monitoring, subject to robust contract management against delivery will ensure that all service users receive good quality inclusive services. Therefore, individuals within this protected characteristic should not have barriers in accessing day services should they need it and therefore stand to benefit from it to the same extent and the in the same way was other eligible service users 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.

Positive impacts
<p>Informal or unpaid carers are a group that are not specifically covered by the protected characteristics in the Equality Act 2010. However unpaid carers are a group that Lincolnshire County Council have a responsibility to provide services for under the Care Act.</p> <p>Many services users accessing day services, receive support with socialisation and activities of their own choice. However, in doing so, this can also give the main carer a break from their careering role.</p> <p>The re-procurement of day care will widen the commissioning opportunities available. This therefore will be beneficial to informal/unpaid carers.</p>

Adverse or 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*'.

Protected characteristic	Response
Age	'No mitigating action identified'
Disability	'No mitigating action identified'
Gender reassignment	'No mitigating action identified'
Marriage and civil partnership	'No mitigating action identified'
Pregnancy and maternity	'No mitigating action identified'
Race	'No mitigating action identified'
Religion or belief	'No mitigating action identified'
Sex	'No mitigating action identified'
Sexual orientation	'No mitigating action identified'

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.

Negative impacts
<p>We have spot contracts in place for a small number of buildings based day care packages. These contracts are for a time limited amount of time and there is a need for these providers to join the OSL. There may be a negative impact on users if the provider who currently delivers their day services is not successful in meeting the minimum standards in order to gain a place on the ultimate contract mechanism, or their current provider chooses to not participate in the procurement process because they do not like an aspect or aspects of the process or of the updated contract mechanism. These users would be offered a direct payment, if they wished to remain with the same provider. These users could include people with any of the protected characteristic. If providers were not willing to enter into a contract due to an issue with rates then the council would look to maintain the existing rates with the providers for these service users to minimise any service user disruption but would not look to make any new placements with these providers.</p> <p>Procurement processes leading to a new contract mechanism may result in current providers either not being accepted, or choosing not to contract with the Council based on an objection to the new form of contract. Users will either be offered the opportunity to remain with the same provider through use of a direct payment, or to change providers. A change of provider will impact on persons with a protected characteristic arising out of the location of services and/or employment impact on staff delivering the service. The staff employed by the current provider will be affected by the termination of the current agreement. Mitigating factors will relate to the legal protections that will be in place through TUPE and general employment laws. The contract that will be entered into will also contain clauses requiring the contractor to comply with the Equality Act.</p>

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
- 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. You can contact them at engagement@lincolnshire.gov.uk

State clearly what (if any) consultation or engagement activity took place. Include:

- who you involved when compiling this EIA under the protected characteristics
- any organisations you invited and organisations who attended
- the date(s) any organisation was involved and method of involvement such as:
 - EIA 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 or engaged with.

Objective(s) of the EIA consultation or engagement activity
<p>The Service development team consulted existing service users and providers as part of the day care service review. This was done a face-to-face basis and the information was used to inform the service review. This review was used to inform the new service model.</p> <p>All existing day care providers were invited to a individuals Teams meeting to feedback on the existing day care contract. This information was used to inform the further development of services and the new service model.</p> <p>The objective of the engagement activity was to identify the most appropriate new service model.</p>

Who was involved in the EIA consultation or engagement activity?

Detail any findings identified by the protected characteristic.

Protected characteristic	Response
Age	Users consulted were not asked details of their protected characteristics.
Disability	Users consulted were not asked details of their protected characteristics.
Gender reassignment	Users consulted were not asked details of their protected characteristics.
Marriage and civil partnership	Users consulted were not asked details of their protected characteristics.
Pregnancy and maternity	Users consulted were not asked details of their protected characteristics.
Race	Users consulted were not asked details of their protected characteristics.
Religion or belief	Users consulted were not asked details of their protected characteristics.
Sex	Users consulted were not asked details of their protected characteristics.
Sexual orientation	Users consulted were not asked details of their protected characteristics.
Are you confident that everyone who should have been involved in producing this version of the Equality	

Protected characteristic	Response
<p>Impact Analysis has been involved in a meaningful way?</p> <p>The purpose is to make sure you have got the perspective of all the protected characteristics.</p>	
<p>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?</p>	<p>Through service user engagement conducted by the providers which will be built into the contract.</p>

Further details

Personal data	Response
Are you handling personal data?	Yes
If yes, please give details	<p>Names of users attending existing day services were collated as part of the day care project.</p> <p>The providers will handle personal data and will comply with the data protection legislation.</p>

Actions required	Action	Lead officer	Timescale
Include any actions identified in this analysis for on-going monitoring of impacts.	N/A	N/A	N/A

Version	Description	Created or amended by	Date created or amended	Approved by	Date approved
V0.1	Version 0.2.	Linda Turnbull	27.03.2024		

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