

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.

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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	Direct Payments Support Service – Re-commissioning	Person / people completing analysis	
Service Area	Adult Care and Community Wellbeing	Lead Officer	Theo Jarratt
Who is the decision maker?	Executive Councillor for Adult Care, and Community Wellbeing	How was the Equality Impact Analysis undertaken?	There has been extensive consultation and feedback gained throughout the contract management process and service review. Pre-market engagement was also undertaken in the form of a questionnaire.
Date of meeting when decision will be made	27/11/2019	Version control	1.0
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?	Re-commissioned

Describe the proposed change

A countywide service that supports adults and children and their families with a direct payment.

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>The proposed outcomes of this process would be applicable to those adults whose assessed care needs meet the national threshold regardless of their age, where they have chosen to receive their Personal Budget as a Direct Payment. It is however, expected that the service will be more widely used by older people (65 and over).</p> <p>Positive impact – Increased support in accessing direct payments Service provides information and advice such as signposting to the appropriate services and support with payroll, as well as a fully managed account service. Reduces the risk in becoming an employer, a responsibility that a person over 65 would be less likely to want.</p>
Disability	<p>The proposed outcomes would be applicable to those adults whose assessed care needs meet the national threshold regardless of their disability, where they have chosen to receive their Personal Budget as a Direct Payment.</p> <p>Positive impact – All of the above, also provides better access to information about appropriate community services. Information about how to gain access to virtual wallets and virtual bank accounts, reducing the need to travel great distances</p>
Gender reassignment	<p>There is no specific positive impact relating to gender re assignment. The changes would be applicable to those adults whose assessed care needs meet the national threshold regardless of their gender reassignment, where they have chosen to receive their Personal Budget as a Direct Payment.</p> <p>There may be some advantages in allowing an individual to tailor their PA recruitment to meet specific conditions without falling foul of employment law</p>
Marriage and civil partnership	<p>There is no specific positive impact relating to marriage or civil partnership</p> <p>There may be some advantages in allowing an individual to tailor their PA recruitment to meet specific conditions without falling foul of employment law</p>
Pregnancy and maternity	<p>There is no specific positive impact relating to pregnancy and maternity</p> <p>There may be some advantages in allowing an individual to tailor their PA recruitment to meet specific conditions without falling foul of employment law</p>

Race	<p>There is no specific positive impact relating to race. The changes are applicable to those adults whose assessed care needs meet the national threshold regardless of race, where they have chosen to receive their Personal Budget as a Direct Payment.</p> <p>The ethnic origin profile of adults ASC currently supports is consistent with the current overall profile of Lincolnshire residents.</p> <p>There may be some advantages in allowing an individual to tailor their PA recruitment to meet specific conditions without falling foul of employment law</p>
Religion or belief	<p>There is no specific positive impact relating to religion or belief. The changes would be applicable to those people whose assessed care needs meet the national threshold regardless of their religion or belief, where they have chosen to receive their Personal Budget as a Direct Payment.</p> <p>There may be some advantages in allowing an individual to tailor their PA recruitment to meet specific conditions without falling foul of employment law</p>
Sex	<p>The changes would be applicable to those people whose assessed care needs meet the national threshold regardless of their sex, where they have chosen to receive their Personal Budget as a Direct Payment.</p> <p>There may be some advantages in allowing an individual to tailor their PA recruitment to meet specific conditions without falling foul of employment law</p>
Sexual orientation	<p>There is no specific positive impact relating to sexual orientation. The changes would be applicable to those people whose assessed care needs meet the national threshold regardless of their sexual orientation, where they have chosen to receive their Personal Budget as a Direct Payment.</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.

Due to the nature of the service supporting the recruitment of PA's and providing virtual and other methods of accessing the service, the re-commissioning of the service will provide a positive impact to those people who live in remote rural locations.

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'.

<p>Age</p>	<p>Age Over 65 Should the re-commissioning of this service not go ahead, the adverse impact on people will be lack of access to a dedicated codirect payment support service which would provide them with the help and support they need to promote independence and access to smaller community based services No mitigating action identified.</p> <p>People aged under 65 Should the recommissioning of this service not go ahead, the negative impact on people who would take a direct payment is that many will not be confident to take one without a dedicated service that will support them. No mitigating action identified</p>
<p>Disability</p>	<p>No perceived adverse impact</p>
<p>Gender reassignment</p>	<p>No perceived adverse impact</p>

Marriage and civil partnership	No perceived adverse impact
Pregnancy and maternity	No perceived adverse impact
Race	No perceived adverse impact
Religion or belief	No perceived adverse impact
Sex	No perceived adverse impact
Sexual orientation	No perceived adverse impact

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.

N/A

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

Engagement conducted to explore if change to service is necessary and if it would provide positive or negative impact for people.

The engagement process supports the procedure for providing Equality Impact Assessments, which will allow LCC ASC to check that new services are being introduced fairly and have evidence of wide ranging and appropriate community engagement.

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

Age	<p>Yes, The annual customer survey</p> <p>Engagement covers all adults (18-64 and 65 and over) whose assessed care needs meet the national threshold, all service providers included in the cohort regardless of their age and all professionals included in the cohort regardless of their age.</p> <p>This is a service which is predominantly accessed by older people (65 and over) but is used by service users from all eligible groups regardless of age.</p>
Disability	<p>Yes, The annual customer survey</p> <p>All disability groups, predominantly those whose primary care need is LD, Autism and/or Mental Health.</p>
Gender reassignment	<p>Yes, The annual customer survey</p>
Marriage and civil partnership	<p>Yes, The annual customer survey</p>
Pregnancy and maternity	<p>Yes, The annual customer survey</p>
Race	<p>Yes, The annual customer survey</p>

Religion or belief	Yes, The annual customer survey
Sex	Yes, The annual customer survey
Sexual orientation	Yes, The annual customer survey
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.	Proposed changes to the service are based on engagement with all stakeholders, this is with people that use the service as well as practitioners and health colleagues. The opportunity to engage was open to everyone using the current service including all protected characteristics.
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 changes will be evaluated regularly through contract monitoring as well as annual reviews into the service. We will consider engaging with users of the service as part of this.

Further Details

Are you handling personal data?

No

If yes, please give details.

Actions required

Include any actions identified in this analysis for on-going monitoring of impacts.

Action

Increased accessibility to be monitored

Lead officer

Contract Officer

Timescale

On-going throughout service contract

Version	Description	Created/amended by	Date created/amended	Approved by	Date approved
1.0	Version was created so that it could be used to consult stakeholders		05/11/19		

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'