

## **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>                    | Strategic Market Support Service   | <b>Person / people completing analysis</b>                                       | Catherine Kinnaird |
| <b>Service Area</b>  | Adult Care   | <b>Lead Officer</b>  | Alexander Craig    |
| <b>Who is the decision maker?</b>  | Glen Garrod  | <b>How was the Equality Impact Analysis undertaken?</b>                          | Desktop            |
| <b>Date of meeting when decision will be made</b>                                  | 08/09/2021   | <b>Version control</b>   | V1                 |
| <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>The Strategic Market Support Service (SMSS) has been the Council's external workforce development and Care Home Trusted Assessor contract awarded in April 2018, to Lincolnshire Care Home Association (LinCA) Workforce Development Ltd. There were three lots to the contract.</p> <ul style="list-style-type: none"> <li>• (Part A) - Strategic Market Support</li> </ul> <p>To promote and deliver workforce development and training to all care providers in Lincolnshire, specifically (i) Residential and Nursing Home Services, (ii) Home Care and Community Support Services and (iii) Extra Care Housing.</p> <ul style="list-style-type: none"> <li>• (Part B) – Care Home Trusted Assessor Service (CHTA)</li> </ul> <p>To establish a team (5.8 whole time equivalent) of suitably qualified and experienced staff to support operational hospital discharges pressures. Their role is to conduct an operational assessment of all individuals identified as medically optimised and fit for discharge from Boston, Lincoln, Grantham and Peterborough hospitals; who may require short or long term social care support. On completion of the assessment, supplementary information is collated and submitted to the provider(s), reducing the</p> |  |                    |

necessity for individual providers to attend the hospital to complete their own assessment and therefore reducing unnecessary delays to hospital discharge.

- (Part C) – Innovation & Initiatives to enable the service provider to seek out and submit new proposals or initiatives to the Council that relate to the strategic outcomes of the contract.

The proposal is to re-procure the services but based on a new structure and an increased transparency of provider performance. The intention is also for the successful provider to actively source external funding so that the contract becomes self-sustaining by the end of the next contractual term.

This will mean splitting the current contract into two, one for the core market support and workforce development requirement (Parts A and C) and the other for the Care Home Trusted Assessor service (Part B). While all elements of the current contract contribute to the overall strength of the local workforce there are key differences in how Part B operates and its performance managed.

## **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 eligibility for the service includes all ages of adults, the care home trusted assessors enable the service users to transition from hospital to residential care quickly and easily.</p> <p>The workforce development element will offer all adult social care staff the opportunity to undertake training which will upskill them and expand their knowledge to support the service users better. Many service users are 65+ in age, a highly trained workforce is key to ensure they receive the best care and opportunities to live an enriched life.</p>   |
| <b>Disability</b>                     | <p>The Care Home Trusted Assessors are able to support adults with a range of disabilities to ensure they have a smooth transition from hospital to residential home.</p> <p>The contract will enable the assessors to support people with disabilities, their families and the care workforce. The assessors will focus on the service users needs, ensuring their needs are met during the transition from hospital to residential home.</p> <p>The workforce development element will offer all adult social care staff the opportunity to undertake training which will upskill them and expand their knowledge to support the service users better. Many service users are 65+ in age, a highly trained workforce is key to ensure they receive the best care and opportunities to live an enriched life. Innovation allows the Council to increase the budget and the Provider to undertake targeted work where the need is identified, this could be for example additional training for the adult care workforce in specific disabilities or medical conditions.</p> |
| <b>Gender reassignment</b>            | <p>There is no specific positive impact relating to gender re assignment.</p>  |
| <b>Marriage and civil partnership</b> | <p>There is no specific positive impact relating to marriage or civil partnership</p>  |
| <b>Pregnancy and maternity</b>        | <p>There is no specific positive impact relating to pregnancy and maternity</p>  |

|                           |  |
|---------------------------|--|
| <b>Race</b>               | There is no specific positive impact relating to race.               |
| <b>Religion or belief</b> | There is no specific positive impact relating to religion or belief. |
| <b>Sex</b>                | There is no specific positive impact relating to sex                 |
| <b>Sexual orientation</b> | There is no specific positive impact relating to sexual orientation. |

**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.**

Not applicable

### **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*'.**

|                                       |  |
|---------------------------------------|--|
| <b>Age</b>                            | No perceived adverse impact as the recommendation is for the contract to split into two but the delivery remains the same.   |
| <b>Disability</b>                     | No perceived adverse impact as the recommendation is for the contract to split into two but the delivery remains the same. This delivery ensures support is available for all services users and their families to ensure a quick and smooth transition from hospital to residential home. |
| <b>Gender reassignment</b>            | No perceived adverse impact.   |
| <b>Marriage and civil partnership</b> | No perceived adverse impact.   |
| <b>Pregnancy and maternity</b>        | 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.

Not applicable

## **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](mailto: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/ Consultation Position**

The proposal is to recommission the strategic market support service through a tender process Service users are only engaged with the service for a very limited period within the Part B., Therefore while the identity of the Service Provider may change, the nature of the service and its availability will not change.

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

|                                       |       |
|---------------------------------------|-------|
| <b>Age</b>                            | None. |
| <b>Disability</b>                     | None. |
| <b>Gender reassignment</b>            | None. |
| <b>Marriage and civil partnership</b> | None. |
| <b>Pregnancy and maternity</b>        | None. |
| <b>Race</b>                           | None. |
| <b>Religion or belief</b>             | None. |

|   |   |
|---|---|
| <b>Sex</b>  | None.   |
| <b>Sexual orientation</b>   | None.   |
| <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><br><br>The purpose is to make sure you have got the perspective of all the protected characteristics. | Yes.  |
| <b>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?</b>  | <p>This can be evidenced through a robust contract management framework captured on a quarterly basis including but not limited to:</p> <ul style="list-style-type: none"> <li>- The reporting of key performance indicators.</li> <li>- Close monitoring of the delivery of the specification and continuous improvement plan.</li> <li>- Extensive wider community and partnership engagement.</li> <li>- The demonstration of value for money.</li> <li>- The recovery following the pandemic</li> </ul> |

## Further Details

|                                 |  |
|---------------------------------|--|
| Are you handling personal data? | Yes<br><br>If yes, please give details.<br><br>The Service Provider will hold personal data regarding individual cases they are dealing with. The relationship is one of Joint Controllers |
|---------------------------------|--|

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