

## 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

<b>Title of the policy / project / service being considered</b>	Learning Disability – Section 75 Agreement	<b>Person / people completing analysis</b>	Gareth Maddison
<b>Service Area</b>	Specialist Adult Services	<b>Lead Officer</b>	Justin Hackney, Assistant Director of Adult Care and Community Wellbeing
<b>Who is the decision maker?</b>	Executive Councillor for Adult Care and Community Wellbeing	<b>How was the Equality Impact Analysis undertaken?</b>	Desktop research and data analysis. Initial analysis using feedback from project group. Feedback & performance review of existing agreement. Further engagement is planned for January and February 2022.
<b>Date of meeting when decision will be made</b>	23/02/2022	<b>Version control</b>	220113
<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>	Directly delivered
<b>Describe the proposed change</b>	<p>Summary:</p> <p>There is an existing Section 75 agreement in place (Health and Social Care Act 2006) between Lincolnshire County Council and the Lincolnshire CCG. Under this agreement the Council acts as lead commissioner for Adult Social Care and Continuing Health Care. As part of these arrangements the Council hosts a pooled budget from which is funded an integrated assessment and care management function as well as the provision of eligible services.</p> <p>The existing Section 75 Agreement ends on 31/03/2022 and therefore to continue these arrangements a new Section 75 Agreement will need to be agreed by the Council and the CCG. This agreement provides enhanced co-ordination of health and social care services, the use of expertise in managing particular support needs, reduced duplication of commissioning activities and a more joined up approach to market management. Most importantly, these benefits also</p>		

lead to improved outcomes for service users. The dissolution of these arrangements would lead to poorer outcomes for people with learning disabilities and the responsible commissioning organisation.

A new agreement is being developed to commence 1 April 2022. This would be as existing with only such changes as are necessary to

- (i) adjust the finances to reflect the creation of a new Pooled Budget and
- (ii) provide a mechanism for further amendments to reflect any phasing to the roll out of new Complex Case arrangements should these be agreed in the future.

Section 75 of the NHS Act 2006 allows partners (NHS bodies and councils) to contribute to a common fund which can be used to commission health or social care related services. This power allows a local authority to commission health services and NHS commissioners to commission social care. Lincolnshire has a strong history of integrated working across Specialist Adult Services. The Learning Disability Section 75 has been in place for over a decade and continues to deliver joined up outcomes for service users and good value for money for both LCC and LCCG.

LCCG have confirmed that their preference is to enter a new S75 Agreement with LCC for Learning Disability services with LCC continuing to act as lead commissioner and pooled budget manager. The Agreement aims to, provide the best possible health and social care provisions for adults aged over 18 years with learning disabilities, and to;

- Ensure the best use of resources to achieve overarching aims.
- Commission health and social care services that meet people's assessed needs and deliver improved outcomes, within a contracting framework that is flexible and provides the necessary protection for service users and carers.
- Promote and support integrated working and involve key stakeholders in service development.
- Ensure that a stable market that meets local needs exists.

Integrated care focuses on more coordinated and integrated forms of health & care provision. It is care that is planned with people who work together to understand the service user and their carers, puts them in control and coordinates and delivers services to achieve the best outcomes. This integrated care and LCC's Learning Disability support provide a focused approach to Strength Based Practice and Personalised Care and Support Plans.

### **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>	<ul style="list-style-type: none"><li>• This service is for people aged 18 and over only.</li><li>• It is restricted as an adult's service only because Children's Services have their own procedures in place.</li><li>• This proposal is for the renewal of a Section 75 Agreement between LCC &amp; LCCG that provides health and social care services that meet people's assessed needs. This acts as a renewal of an existing Section 75 Agreement and as such does not result in additional benefits however the integrated care results in many positive impacts on individuals such as:<ul style="list-style-type: none"><li>○ more holistic care</li><li>○ more person-centred care</li><li>○ clearer access &amp; more seamless pathways</li><li>○ improved experience for patient or user of services</li><li>○ improved outcomes</li><li>○ possible reduction in costs</li><li>○ greater focus on prevention</li><li>○ Dedicated assessment and care management team with identified key worker</li></ul></li></ul>
<b>Disability</b>	<ul style="list-style-type: none"><li>• This proposal is for the renewal of a Section 75 Agreement between LCC &amp; LCCG that provides health and social care services that meet people's assessed needs. This acts as a renewal of an existing Section 75 Agreement and as such does not result in additional benefits however the integrated care results in many positive impacts on individuals such as:<ul style="list-style-type: none"><li>○ more holistic care</li><li>○ more person-centred care</li><li>○ clearer access &amp; more seamless pathways</li><li>○ improved experience for patient or user of services</li><li>○ improved outcomes</li><li>○ possible reduction in costs to individuals</li><li>○ more focus on prevention</li><li>○ Dedicated assessment and care management team with identified key worker</li></ul></li></ul>

<b>Gender reassignment</b>	No positive impact
<b>Marriage and civil partnership</b>	No positive impact
<b>Pregnancy and maternity</b>	No positive impact
<b>Race</b>	No positive impact
<b>Religion or belief</b>	No positive impact
<b>Sex</b>	No positive impact
<b>Sexual orientation</b>	No positive impact

**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.**

- Enhanced oversight of the Quality of Care arrangements for agreed cohort of Adults
  - Clinical oversight of the cases enhanced
  - Insuring services being commissioned are delivering what they should
  - Support and challenge role with other providers
  - Greater oversight of out-of area cases
- Enhanced Market Management of providers of Care for people with learning disabilities
  - Improved VFM
  - Improved Quality of Care
  - Peoples Independence is Maximised
  - Providers have a re-ablement offer
  - Clearer understanding of what is being commissioned
  - More consistent procurement and contract management approaches
  - Reduced duplication and therefore reduced transaction costs (for the system)
  - Improved engagement with providers

The person in receipt of Social Care of CHC will have one key worker with individual support for people in receipt of services.



### 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 counterbalanced 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>	<ul style="list-style-type: none"><li>This is a new service for vulnerable adults with learning disabilities over the age of 18 years old. This service does not support anyone under 18 years old.</li><li>No perceived adverse impact to those eligible for services.</li></ul>
<b>Disability</b>	<ul style="list-style-type: none"><li>There are no specific negative impacts for people with the protected characteristic of disability.</li></ul>
<b>Gender reassignment</b>	<ul style="list-style-type: none"><li>There are no specific negative impacts for people with the protected characteristic of gender reassignment.</li></ul>
<b>Marriage and civil partnership</b>	<ul style="list-style-type: none"><li>There are no specific negative impacts for people with the protected characteristic of marriage and civil partnership.</li></ul>
<b>Pregnancy and maternity</b>	<ul style="list-style-type: none"><li>There are no specific negative impacts for people with the protected characteristic of pregnancy and maternity.</li></ul>
<b>Race</b>	<ul style="list-style-type: none"><li>There are no specific negative impacts for people with the protected characteristic of race.</li></ul>
<b>Religion or belief</b>	<ul style="list-style-type: none"><li>There are no specific negative impacts for people with the protected characteristic of marriage religion or belief.</li></ul>
<b>Sex</b>	<ul style="list-style-type: none"><li>There are no specific negative impacts for people with the protected characteristic of sex.</li></ul>
<b>Sexual orientation</b>	<ul style="list-style-type: none"><li>There are no specific negative impacts for people with the protected characteristic of sexual orientation.</li></ul>

**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.**

## 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 [engagement@lincolnshire.gov.uk](mailto:engagement@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

In proposing to extend these arrangements via a new agreement we have consulted with Lincolnshire's Learning Disability Partnership Board to seek their views which were endorsing of the continuation of the existing arrangements.

Part of the implementation of introducing this renewed service, included gathering feedback and suggestions from service users and key stakeholders. This included seeking the views of service users and whether introducing this type of service would be beneficial.

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

<b>Age</b>	N/A
<b>Disability</b>	Learning Disability Partnership Board
<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>                      The purpose is to make sure you have got the perspective of all the protected characteristics.</p>	Yes
<p><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>	<p>The Services under this Agreement may be monitored by the Care Quality Commission.</p> <p>LCC will report to the Joint Delivery Board and JCOG monthly, on the operation of the services and performance levels against agreed Performance Measures, targets and priorities, the management of the Pooled Fund and the exercise of the functions of this agreement.</p> <p>LCC &amp; LCCG will review the operation and all or any procedures or requirements on the coming into force of any relevant Legislation or guidance affecting the agreement so as to ensure that the arrangements comply with such Legislation.</p> <p>The partnership board will ensure that service users and their families fully participate in arrangements through this</p>

agreement and that an annual evaluation of the LCC's performance takes place and includes outcomes which are qualitative as well as quantitative.

Individuals receiving services will receive, as a minimum, an annual review of the service provision and care arrangements.

## Further Details

**Are you handling personal data?**

Yes or no – please select

If yes, please give details.

Yes,

A, Information Sharing Agreement is in place between LCCG and LCC produced in collaboration with the Information Governance Team. The case management system, Mosaic, will hold the personal details of all the service users that are supported from the Learning Disability service.

**Actions required**

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

**Action**

**Lead officer**

**Timescale**

Version	Description	Created/amended by	Date created/amended	Approved by	Date approved