

## 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>	Residential Review Programme	<b>Person / people completing analysis</b>	Tracey Dowker																				
<b>Service Area</b>	Adult Care & Community Wellbeing	<b>Lead Officer</b>	Roz Cordy and Justin Hackney																				
<b>Who is the decision maker?</b>	Executive	<b>How was the Equality Impact Analysis undertaken?</b>	Desktop exercise																				
<b>Date of meeting when decision will be made</b>	01/03/2022	<b>Version control</b>	V0.04																				
<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>Lincolnshire County Council needs to ensure that it delivers its statutory obligations to people who are eligible for social care.</p> <p>ASC supports people who have had their care needs assessed as substantial or critical. When those care needs are to be met by residential or nursing placements the care provider should offer a quality service. Quality is determined as providing a service which is safe, effective and delivers a positive experience of care. This is encompassed within regulatory standards.</p> <p>We currently have 3,039 people paced in long term care:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Service Users By Age Band</th> <th style="text-align: center;">Female</th> <th style="text-align: center;">Male</th> <th style="text-align: center;">Grand Total</th> </tr> </thead> <tbody> <tr> <td>18 - 24</td> <td style="text-align: center;">6</td> <td style="text-align: center;">18</td> <td style="text-align: center;">24</td> </tr> <tr> <td>25 - 34</td> <td style="text-align: center;">31</td> <td style="text-align: center;">61</td> <td style="text-align: center;">92</td> </tr> <tr> <td>35 - 44</td> <td style="text-align: center;">45</td> <td style="text-align: center;">64</td> <td style="text-align: center;">109</td> </tr> <tr> <td>45 - 54</td> <td style="text-align: center;">82</td> <td style="text-align: center;">99</td> <td style="text-align: center;">181</td> </tr> </tbody> </table>			Service Users By Age Band	Female	Male	Grand Total	18 - 24	6	18	24	25 - 34	31	61	92	35 - 44	45	64	109	45 - 54	82	99	181
Service Users By Age Band	Female	Male	Grand Total																				
18 - 24	6	18	24																				
25 - 34	31	61	92																				
35 - 44	45	64	109																				
45 - 54	82	99	181																				

55 - 64	111	147	258
65+	1680	695	2375
Grand Total	1955	1084	3039

Service User by Service Type	LTC Nursing	LTC Residential	Grand Total
A - Autism / Aspergers: Autism		1	1
A - Learning Disability Support	45	419	464
A - Mental Health Support	92	303	395
A - Physical Support: Access & mobility only	38	220	258
A - Physical Support: Personal care support	325	1306	1631
A - Sensory Support: Support for dual impairment		4	4
A - Sensory Support: Support for hearing impairment		1	1
A - Sensory Support: Support for visual impairment		6	6
A - Social Support: Substance misuse support		1	1
A - Social Support: Support for social isolation / other		20	20
A - Social Support: Support to carer	4	10	14
A - Support with Memory and Cognition	42	202	244
Grand Total	546	2493	3039

Lincolnshire County Council currently holds contracts with 159 different provider organisations, covering 273 Care Homes within Lincolnshire.

LCC is required to set Usual Costs for each year with an amount set per category of care.

The current fee levels were set in 2018 which incorporate an inflationary increase each year to 2020/21. Due to Covid a further inflationary increase was applied to 2021/22.

New fee rates are required from April 2022, in line with the end of the current Residential Framework Agreement.

In setting rates the Council must have due regard for the cost of providing care in Lincolnshire and the existing market conditions.

#### **Proposed Changes**

A proposed increase in residential fees will support Care Home providers in Lincolnshire to continue to provide a good quality service to residents.

A report was commissioned from Care Analytics to understand the current costs of delivering in care in Lincolnshire. The findings and recommendation in the Care Analytics report was informed by responses from Care Homes with a response rate of 43% of Older Adults Care Homes, 33% of Mental Health Care Homes, 74% of Learning Disability Care Homes and 50% of Physical Disability Care Homes.

The following uplift is proposed.

	Rates					% Uplift			
	2018/19	2019/20	2020/21	2021/22	2022/23	2019/20	2020/21	2021/22	2022/23
<b>Residential Care</b>									
Older Peoples Standard Residential Cost per Week	483	502	521	533	567	3.9%	3.8%	2.3%	6.4%
Older Peoples Nursing Residential Cost per Week	531	553	574	588	627	4.1%	3.8%	2.4%	6.6%
Older Peoples High Dependency Residential Cost per Week	531	552	573	587	626	4.0%	3.8%	2.4%	6.6%
Physical Disabilities Standard Residential Cost per Week	623	647	671	687	731	3.9%	3.7%	2.4%	6.4%
Mental Health Standard Residential Cost per Week	503	522	542	555	590	3.8%	3.8%	2.4%	6.3%
Mental Health Nursing Residential Cost per Week	531	552	573	587	624	4.0%	3.8%	2.4%	6.3%
<b>Learning Disabilities</b>									
<b>Band 1</b>									
- Standard	599	619	637	651	678	3.3%	2.9%	2.2%	4.1%
- Smaller	642	663	682	697	725	3.3%	2.9%	2.2%	4.0%
- Smallest	686	707	727	743	772	3.1%	2.8%	2.2%	3.9%
<b>Band 2</b>									
- Standard	686	711	733	749	784	3.6%	3.1%	2.2%	4.7%
- Smaller	729	755	778	795	831	3.6%	3.0%	2.2%	4.5%
- Smallest	773	799	823	841	878	3.4%	3.0%	2.2%	4.4%
<b>Band 3</b>									
- Standard	859	893	924	944	993	4.0%	3.5%	2.2%	5.2%
- Smaller	902	937	969	990	1039	3.9%	3.4%	2.2%	4.9%
- Smallest	945	980	1,013	1,035	1,086	3.7%	3.4%	2.2%	4.9%

The proposed fee levels allow Providers a rate of return of 6%.

The market for Adult Care services continues to face significant challenges from the impact of COVID-19 in addition to long

standing cost pressures. Given the unpredictability of the markets cost of care following the pandemic and the anticipated social care reforms, the Council proposes to implement a multi-year contract with an annual rate review.

To reflect emerging cost risks in relation to utilities and insurances the Council also proposes to establish a Hardship Fund that may be used to assist providers with increases in such costs. |

### **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 increased funding to care providers should provide additional assurance that there is sufficient capacity within Lincolnshire for quality residential services.</p> <p>Changes to the Terms and Conditions are also proposed in order to provide greater clarity to Service Users and their families when entering into agreements with the Council and/or Provider on financial matters. By fixing Top Up prices and further clarifying how deferred payments are handled Service Users and their families will be able to better plan for the future and avoid situations wherein costs may change year by year</p> <p>The proposed Hardship Fund will create a resource which can be used to assist providers manage the volatility of costs related to utilities and insurances.</p>
<b>Disability</b>	<p>The increased funding to care providers should provide additional assurance that there is sufficient capacity within Lincolnshire for quality residential services. In addition the existing rate model recognises the key challenges within Learning Disability provision, namely the high variability of complexity in care needs, which will further support providers as well as allow the Council to undertake new initiatives.</p> <p>Changes to the Terms and Conditions are also proposed in order to provide greater clarity to Service Users and their families when entering into agreements with the Council and/or Provider on financial matters. By fixing Top Up prices and further clarifying how deferred payments are handled Service Users and their families will be able to better plan for the future and avoid situations wherein costs may change year by year.</p> <p>The proposed Hardship Fund will create a resource which can be used to assist providers manage the volatility of costs related to utilities and insurances.</p>
<b>Gender reassignment</b>	<p><i>No unique positive impact for this protected characteristic</i></p>

<b>Marriage and civil partnership</b>	<i>No unique positive impact for this protected characteristic</i>
<b>Pregnancy and maternity</b>	<i>No unique positive impact for this protected characteristic</i>
<b>Race</b>	<i>No unique positive impact for this protected characteristic</i>
<b>Religion or belief</b>	<i>No unique positive impact for this protected characteristic</i>
<b>Sex</b>	<i>No unique positive impact for this protected characteristic</i>
<b>Sexual orientation</b>	<i>No unique positive impact for this protected characteristic</i>

**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.**

Within the life of the new Residential Framework Agreement the council will be moving to a Gross payment model. Currently Lincolnshire County Council operates a net payment basis which sees the provider receiving one flow of funding from the Council and potentially two flows of funding from the service user for their cost of care and/or their third party.

Once the Council moves to a gross payment model, currently planned for Summer 2022, the provider would receive one payment for all residents for whom Lincolnshire County Council pays a financial contribution towards their care. The provider would no longer need to seek to collect funding directly from people in their care or their third parties. Collection of resident and third-party contributions will instead be managed by the Council. This represents a significant change in process, and will have a positive impact for providers, who will benefit from a reduced administrative burden and improved cash flow position.

**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'.**

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<p><b>Age</b></p>	<p>Adult Care services and budgets continue to be pressured and while the measures in the new contracts have been put forward to directly address this there are concerns that ongoing pressures in the wider Health and Social Care system may impact on the availability and quality of the care which is provided</p> <p>There are concerns that the fee rate impacts on the viability of the providers.</p> <p>If Providers decide to increase their prices above usual costs then there is the risk that service users could be required to find a third party to pay the additional amount.</p> <p>If there is no third party available then service users could be asked to move to an alternative home which could cause distress.</p> <p>The increased funding and improved terms offered through the new contracts supported by the proposed Hardship Fund represents an appropriate proposal to address these potential negative impacts based on the evidence of costs obtained by the Council from the market</p>
<p><b>Disability</b></p>	<p>Adult Care services and budgets continue to be pressured and while the measures in the new contracts have been put forward to directly address this there are concerns that ongoing pressures in the wider Health and Social Care system may impact on the availability and quality of the care which is provided</p> <p>There are concerns that the fee rate impacts on the viability on some of the Council's providers to deliver services.</p>

	<p>If Providers decide to increase their prices above expected costs then there is the risk that service users could be required to find a third party to pay the additional amount.</p> <p>If there is no third party available then service users could be asked to move to an alternative home which could cause distress.</p> <p>The increased funding and improved terms offered through the new contracts supported by the proposed Hardship Fund represents an appropriate proposal to address these potential negative impacts based on the evidence of costs obtained by the Council from the market.</p>
<b>Gender reassignment</b>	[This proposal is related to the residential care rate for Lincolnshire which is not specific to gender reassignment]
<b>Marriage and civil partnership</b>	[This proposal is related to the residential care rate for Lincolnshire which is not specific to marriage or civil partnership]
<b>Pregnancy and maternity</b>	[This proposal is related to the residential care rate for Lincolnshire which is not specific to pregnancy or maternity]
<b>Race</b>	[This proposal is related to the residential care rate for Lincolnshire which impacts on all placements and not specific to person's race.]
<b>Religion or belief</b>	[This proposal is related to the residential care rate for Lincolnshire which impacts on all placements and is not specific to a person's religion/belief.]
<b>Sex</b>	[This proposal is related to the care fee rate for Lincolnshire, which is not specific to sex. However data also shows that the rate will have a greater impact on woman as they have a longer life expectancy and therefore are proportionally more likely to receive residential or nursing care.]

**Sexual orientation**

This proposal is related to the residential care rate for Lincolnshire which impacts on all placements and is not specific to a person's sexual orientation

**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

Engagement on the new model has been undertaken directly with Care Providers as the changes proposed are commercial in nature. There are no proposed changes on how Service Users will access or receive care services differently and it is expected that with the increased funding available through the proposal services in both Specialist Adults Services and Adult Frailty and Long-Term Conditions will be maintained at current quality if not improved.

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

<b>Age</b>	
<b>Disability</b>	
<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>	
<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.	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>	As all residential providers are already managed closely further meetings with the care providers will be undertaken to address the implementation of the new contracts. These meetings will consider whether there are any emerging impacts against individual service users, particularly those who are protected under the Equality Act 2010.

## Further Details

**Are you handling personal data?**

No

If yes, please give details.

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**Actions required**

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

**Action**

**Lead officer**

**Timescale**

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**Version**

**Description**

**Created/amended by**

**Date created/amended**

**Approved by**

**Date approved**

V0.4

Version issued to support decision making in the setting of Usual Costs for Residential & Nursing Care for financial year 2022-23

Tracey Dowker

2<sup>nd</sup> February 2022

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**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'