

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	Residential Review Programme	Person / people completing analysis	Pam Clipson								
Service Area	Adult Care & Community Wellbeing	Lead Officer	Afsaneh Sabouri and Justin Hackney								
Who is the decision maker?	Executive	How was the Equality Impact Analysis undertaken?	Desktop exercise								
Date of meeting when decision will be made	07/03/2023	Version control	V0.01								
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	<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 2,969 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;">19</td> <td style="text-align: center;">25</td> </tr> </tbody> </table>			Service Users By Age Band	Female	Male	Grand Total	18 - 24	6	19	25
Service Users By Age Band	Female	Male	Grand Total								
18 - 24	6	19	25								

25 - 34	28	64	92
35 - 44	48	71	119
45 - 54	67	97	164
55 - 64	105	151	256
65+	1613	700	2312
Grand Total	1867	1102	2969

Service User by Service Type	LTC Nursing	LTC Residential	Grand Total
A - Learning Disability Support	43	420	463
A - Mental Health Support	85	290	375
A - Physical Support: Access & mobility only	36	217	253
A - Physical Support: Personal care support	283	1301	1584
A - Sensory Support: Support for dual impairment		5	5
A - Sensory Support: Support for hearing impairment		3	3
A - Sensory Support: Support for visual impairment		5	5
A - Social Support: Support for social isolation / other	1	14	15
A - Support with Memory and Cognition	51	215	266
Grand Total	499	2470	2969

Lincolnshire County Council currently holds contracts with 157 different provider organisations, covering 273 Care Homes within Lincolnshire.

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

The current fee levels were set for the period 1 April 2022 – 31 March 2023.

New fee rates are required from April 2023, in line with the current Residential Framework Agreement 1 April 2022 – 31 March 2025.

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 costs of delivering 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. It is assumed that this is a representative sample of the care market in Lincolnshire.

The following uplift is proposed.

Older Persons	2022-23			2023-24			Uplift
	Std	Nrsg	High Dep	Std	Nrsg	HighDep	
Weekly Rate	567	626	625	624	680	687	10.1%

Learning Disabilities	2022-23			2023-24			Uplift
	Band 3	Band 2	Band 1	Band 3	Band 2	Band 1	
Standard - Weekly rate	991	784	678	1,074	848	733	8.4%

Smaller - Weekly rate	1,039	831	725	1,126	901	786	8.4%
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Smallest - Weekly rate	1,086	878	772	1,178	953	838	8.4%
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Mental Health	2022-23		2023-24		Uplift
	Std	Nrsg	Std	Nrsg	
Weekly Rate	590	624	646	683	9.5%

Physical Disabilities	2022-23	2023-24	Uplift
	Std	Std	Std
Weekly Rate	731	801	9.5%

The market for Adult Care services continues to face significant challenges. Given the unpredictability of the markets cost of care following the pandemic and the current cost of living crisis, the Council has implemented a three-year contract with an annual rate review.

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	The increased funding to care providers should provide additional assurance that there is sufficient capacity within Lincolnshire for quality residential services.
Disability	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 LD 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.
Gender reassignment	<i>No unique positive impact for this protected characteristic</i>
Marriage and civil partnership	<i>No unique positive impact for this protected characteristic</i>
Pregnancy and maternity	<i>No unique positive impact for this protected characteristic</i>
Race	<i>No unique positive impact for this protected characteristic</i>
Religion or belief	<i>No unique positive impact for this protected characteristic</i>

Sex	<i>No unique positive impact for this protected characteristic</i>
Sexual orientation	<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 see 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 we move to gross, 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 collect funding directly from people in their care or their third parties. This is a significant change in process.

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'.

Age	<p>Adult Care services and budgets continue to be pressured and while the measures in the new contracts awarded in 2022 have been put in place to directly address this there are concerns that ongoing pressures in the wider Health and Social Care system, the fee rate 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 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, the proposed hardship fund and the rate structure minimises the negative impacts.</p>
Disability	<p>Adult Care services and budgets continue to be pressured and while the measures in the new contracts awarded in 2022 have been put in place to directly address this there are concerns that ongoing pressures in the wider Health and Social Care system, the fee rate 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, the proposed hardship fund and the rate structure minimises the negative impacts.</p>
Gender reassignment	This proposal is related to the residential care rate for Lincolnshire which is not specific to gender reassignment
Marriage and civil partnership	This proposal is related to the residential care rate for Lincolnshire which is not specific to marriage or civil partnership
Pregnancy and maternity	This proposal is related to the residential care rate for Lincolnshire which is not specific to pregnancy or maternity
Race	This proposal is related to the residential care rate for Lincolnshire which impacts on all placements and not specific to person's race.
Religion or belief	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.
Sex	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 proportionality 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

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 was undertaken directly with Care Providers during 2021 aligned to the award on a new three-year contract. Consultation on the 2023-24 rates has commenced with the market through Lincolnshire Care Association. There are no proposed changes on how Service Users will access or receive care services differently and it is hoped that with the increased funding available through the proposal services in both Specialist Adults Services and Adult Frailty and Long-Term Conditions shall improve.

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

Age	
Disability	
Gender reassignment	
Marriage and civil partnership	
Pregnancy and maternity	
Race	
Religion or belief	

Sex	
Sexual orientation	
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.	Yes
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?	Formal communications structures are in place between the Council and providers. These meetings will continue to 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	Action	Lead officer	Timescale
Include any actions identified in this analysis for on-going monitoring of impacts.			

Version	Description	Created/amended by	Date created/amended	Approved by	Date approved
V0.1	Version issued to support decision making in the setting of Usual Costs for Residential, Nursing Care & Community Supported Living Services for financial year 2023-24	Pam Clipson	6 February 2023		

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'

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