

APPENDIX 2- EQUALITIES & IMPACT ASSESSMENT

STEP 1: Responsibility and involvement

Title of proposal/ project/strategy/ procurement/policy	Setting up a new Local Authority Trading Company for the delivery of adult care services	Head of Service or Business Manager	Steven Lee-Foster
Names of those involved in completing the EqIA:	Matthew Peirce	Lead officer contact details:	Steven.lee-foster@hertfordshire.gov.uk
Date completed:	September 2017	Review date:	July 2018

STEP 2: Objectives of proposal and scope of assessment

<p>Proposal objectives: –what you want to achieve –intended outcomes –purpose and need</p>	<p>Adult care services in Hertfordshire are facing unprecedented challenges while the demand for care is rising. At the same time there have been a number of cases of providers withdrawing from the market, and occasions in the home care, supported living, and residential care sectors that have required the council to intervene to source alternative provision or take on the services itself. This has highlighted the need to look at innovative solutions when the council is required to intervene to stabilise services and ensure continuity of care.</p> <p>Officers in Adult Care Services (ACS) have been looking at ways of mitigating the risks associated with these interventions and the development of a Local Authority Trading Company (LATC) will offer a new alternative to existing in-house solutions as this is currently the only option available when time and other constraints mean it is not possible to source a replacement provider.</p> <p>If a LATC is formed it will provide a new option to be assessed when responding to events that involve the withdrawal, cessation, failure, or likely failure of an adult care service. The placement of services within the LATC will only be considered for delivery through the company subject to individual business appraisals and while it is likely to undertake services on a temporary basis where necessary to stabilise a service it would also be able to deliver services for longer periods.</p>
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A LATC would be focused on ensuring the council can fulfil its requirement to ensure safe care can continue to be provided when a provider is facing difficulties or is no longer able or willing to provide a service. It is currently envisaged that the most likely areas where the LATC could be used as a suitable vehicle are:

- i. Supported living and accommodation-related services.
- ii. Care at home.
- iii. Day opportunities; and
- iv. Residential care.

The vision and service objectives are sufficiently broad to allow for the LATC to expand and develop its services in the future. The draft Business Plan identifies the potential to develop further services within the LATC, or establish further LATCs if necessary to meet the wider objectives of the council, and the context of this in terms of the challenges facing adult care services.

If the draft Business Plan is approved it will be used to develop and consult on any service model and an updated operational plan will need to be produced prior to the LATC going live.

Service developments will be subject to individual business cases. In this way the LATC can grow and develop incrementally if necessary. This has been recommended as the best approach given that the services to be provided by the LATC could be relatively small in scale and the company’s primary focus would be on innovation, partnership working, service-user involvement, and adding value to other existing services provided by external providers, rather than competing to win business from them within Hertfordshire.

The strategic objectives of the company are set out below:

- i. To deliver adult social care services by developing care and support solutions in partnership with other providers and stakeholders.
- ii. To increase the options available to the council in order that it can support the care market and mitigate risks of market failure.
- iii. To be in a position to respond to provider failure if asked to do so, including developing short-notice response and “turnaround” services.
- iv. To provide high quality services ensuring every customer is safe and has an opportunity to influence and shape the Company’s services.

	<p>v. To manage the business efficiently so that the LATC is able to provide alternative options to mitigate risk to vulnerable people.</p>
<p>Stakeholders: Who will be affected: the public, partners, staff, service users, local Member etc</p>	<ul style="list-style-type: none"> • Service Users • HCC Adult Care Services <ul style="list-style-type: none"> • Commissioning • Operational Teams • Social Care Access Service (SCAS) • Care Providers in Hertfordshire • Herts Care Providers Association • Members

STEP 3: Available data and monitoring information

<p>Relevant equality information For example: Community profiles / service user demographics, data and monitoring information (local and national), similar or previous EqIAs, complaints, audits or inspections, local knowledge and consultations.</p>	<p>What the data tell us about equalities</p>
<p>Population, demography and demand (focusing on Age and Disability)</p> <p>In Hertfordshire adult care services are facing specific challenges.</p> <ul style="list-style-type: none"> • The population as a whole is growing with increases in life expectancy. • Younger people with disabilities and health conditions are living into adulthood and enjoying much longer life expectancy. • Deaths from cancer and heart disease are falling, but more residents will experience chronic illnesses and long-term conditions. • The incidence of dementia and frailty in later life is set to increase significantly. • More residents are taking on caring roles for family and friends. 	<p>The specific challenges facing adult care services means that there will be increasing demand for services for older people, disabled people and people with long term health conditions, including mental health problems. There is also likely to be greater demands on the working age population and potentially young people who provider informal care for their family or friends if there are capacity issues with paid-for care providers.</p> <p>Funding and recruitment challenges will also mean that there is greater pressure on providers who deliver these services, which may increase the risk that providers will fail. This creates the potential for a differential and negative impact on the above groups.</p>

<p>Gender reassignment Pregnancy and Maternity Race/Ethnicity Marriage and Civil Partnership Religion or Belief</p> <p>No meaningful local data is held in relation to the above protected characteristics in relation to demand for and access to adult care services.</p>	<p>Gender Reassignment If the rate of 20 per 100,000 people estimated for the UK is applied to Hertfordshire for those aged 15 or over, it would mean there were around 183 transgendered people in the County. It is difficult to predict the extent to which transgender people access or face barriers accessing adult care services in Hertfordshire.</p> <p>Race/Ethnicity Ethnicity of our population is changing. The proportion of people from black and minority ethnic groups living in Hertfordshire has increased over the past decade. While it remains lower among over 65s, there are still clear implications for the design and delivery of services, which will need to meet various communication and cultural needs – partly due to the number of care staff in Hertfordshire who are from black or minority ethnic backgrounds.</p> <p>Religion/Belief It has been clearly established that within the care sector vulnerable people should be supported with their religious needs (or if they are not religious) regardless of what religion the care staff are following. Although it is evident from countywide data that Christianity is more prevalent among people 65 and older than in younger generations, a range of religions are practiced which means there is a need to consider how to deliver culturally appropriate care and support.</p>
<p>Sexual orientation</p> <p>Data on Sexual Identity is not available at any areas lower than regional level. No meaningful data is held on the sexual orientation of service users.</p>	<p>The LATC will need to make sure that the services(s) it delivers are appropriate to meet the needs of service users regardless of their sexual orientation.</p>
<p>Sex</p> <p>National data suggests that more females than males access care services.</p>	<p>The LATC will need to make sure that the services(s) it delivers are appropriate to meet the needs of both male and females and the company may need to consider taking action to make it more accessible to males.</p>

<p>Carers All available data indicates there is a significant number of carers not currently receiving support or known to services. The Census 2011 reported that there were 108,615 carers living in Hertfordshire, equivalent to 9.8% of the population; the number of carers reached by <i>Carers in Hertfordshire</i> was 12,914 and the number of carers accessing carers breaks through Crossroads Care in 2013/14 was 1,311.</p>	<p>Whilst some carers may not want to receive support or be “known” this data and information on the health and economic impacts of caring highlights the need to identify and provide support and help to more carers in the county. Research has shown that carers are more likely to have health problems than those who do not have a caring responsibility. We also know that whilst carers continue to provide a range of support, they come to rely on the additional and sometimes specialist support they get from services such as Support at Home, which will need to factor in this element of support and have contingency to respond when needed. Carers also need to be acknowledged in their own right.</p>
<p>Sources of data for this EqIA</p> <ul style="list-style-type: none"> - Community profiles - Census 2011 	

STEP 4: Impact Assessment – Service Users, communities and partners

Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
<p>Age</p>	<p>It is not currently anticipated that the proposal to set up a LATC will negatively affect people due to their age.</p> <p>There is however the potential for a positive impact on older people, as a clear objective of these proposals is to improve market resilience to help the council respond effectively to provider failures in order to safeguard service users.</p>	<p>It is important that correct governance procedures are in place to hold the LATC to account for the delivery of services and the potential positive impacts identified.</p> <p>The proposed vision and values of the LATC include a commitment to work in a collaborative way and to engage and consult with service users and stakeholders to develop services.</p>
<p>Disability Including Learning Disability</p>	<p>It is not currently anticipated that the proposal to set up a LATC will negatively affect people due to their disability, impairment or health condition.</p> <p>There is however the potential for a positive impact on these groups, as a clear objective of these proposals is to improve market resilience to help the council respond effectively to</p>	<p>The LATC will be set up in a way that ensures it is compliant with relevant frameworks relating to discrimination, including making reasonable adjustments for staff and service users.</p> <p>A communications / engagement plan will set out how the LATC will share and agree new requirements and service offers with internal teams and external</p>

Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
	provider failures in order to safeguard service users.	partners.
Race	It is not anticipated that there will be a differential impact on people due to their race or ethnicity.	This will continue to be monitored and if any issues are identified, actions will be taken accordingly.
Gender reassignment	It is not anticipated that there will be a differential impact on people due to gender reassignment.	This will continue to be monitored and if any issues are identified, actions will be taken accordingly.
Pregnancy and maternity	It is not anticipated that there will be a differential impact on people due to pregnancy or maternity.	This will continue to be monitored and if any issues are identified, actions will be taken accordingly.
Religion or belief	It is not anticipated that there will be a differential impact on people due to their religion or belief.	This will continue to be monitored and if any issues are identified, actions will be taken accordingly.
Sex	It is not anticipated that there will be a differential impact on people due to their gender.	This will continue to be monitored and if any issues are identified, actions will be taken accordingly.
Sexual orientation	It is not anticipated that there will be a differential impact on people due to their sexual orientation.	This will continue to be monitored and if any issues are identified, actions will be taken accordingly.
Marriage & civil partnership	It is not anticipated that there will be a differential impact on people due to their marital status.	This will continue to be monitored and if any issues are identified, actions will be taken accordingly.
Carers	It is not anticipated that there will be a differential impact on people due to their caring responsibilities.	This will continue to be monitored and if any issues are identified, actions will be taken accordingly.
Opportunity to advance equality of opportunity and/or foster good relations		

Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
<p>The LATC option has been recommended for a number of reasons. These include the importance of retaining direct influence over activities to ensure the council’s “provider of last resort” responsibility can be fulfilled through the LATC. This will help ensure that the needs of some of our most vulnerable residents will continue to be met in the event of a provider failure – and in a way that meets the strategic objectives of the council.</p> <p>The LATC will develop a strong values-based approach to its work and importantly it will offer the same opportunities for co-production, involvement and engagement with service users and residents as other options.</p>		

Impact Assessment – Staff

It is not anticipated that staff will be negatively impacted due to any of the protected characteristics (except potentially Disability, see below). However, the information in this section is currently theoretical as no decisions have yet been taken about the staff and services that will transfer into the company.

When staff transfer over to the LATC, their current terms and conditions will be retained and a consultation and engagement process will take place prior to them transferring over to the LATC.

Potential issues have been highlighted below, which will all be considered as part of developing new terms and conditions for the LATC – and as part of full business appraisals prior to the transfer of any services.

Disability

Any staff with a disability may be disadvantaged if opportunities are not provided to engage with the consultation and transfer process via reasonable adjustments. Staff can raise any pertinent issues including during 1-1’s and as part of any handover arrangements. Staff can access HR and /or staffing support groups including Care well as appropriate. Reasonable adjustments will be supported to ensure equality of opportunity. Employees with a disability, with two years continuous service, who are under notice of dismissal on the grounds of redundancy (covered by the Equality Act 2010) will be given preference under the HCC Priority Application Process for suitable alternative vacancies.

Carers

Some staff and potential new staff may have caring responsibilities including for a family members with a disability/illness/frailty – for some this may mean they can only maintain caring and work with flexible working arrangements.

Impact on care market

Terms and conditions for staff will need to broadly reflect those currently offered by the market in order to avoid destabilising the care market in the county.

STEP 5: Gaps identified

<p>Gaps identified Do you need to collect more data/information or carry out consultation? (A 'How to engage' consultation guide is on Compass). How will you make sure your consultation is accessible to those affected?</p>	<p>No gaps identified however information relating to the impact of services transferred to the LATC will be collected following implementation and closely monitored.</p>
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STEP 6: Other impacts

N/A

STEP 7: Conclusion of your analysis

Select one conclusion of your analysis	Give details
<input type="checkbox"/> No equality impacts identified – No change required to proposal.	
<input type="checkbox"/> Minimal equality impacts identified – Adverse impacts have been identified, but have been objectively justified (provided you do not unlawfully discriminate). – Ensure decision makers consider the cumulative effect of how a number of decisions impact on equality.	
<input checked="" type="checkbox"/> Potential equality impacts identified – Take 'mitigating action' to remove barriers or better advance equality. – Complete the action plan in the next section.	<p>It is not anticipated that there will be any negative equality impacts as a result of these proposals; and there is significant potential for a positive impact on older people, young people, disabled people and people with long term health conditions and mental health problems in particular.</p> <p>A governance framework will be in place to ensure there is effective monitoring of the delivery of outcomes; and all services proposed for transfer to a LATC will be subject to individual, robust business appraisals before a decision is taken - this will include a full equalities impact assessment.</p>

Select one conclusion of your analysis	Give details
<p>Major equality impacts identified</p> <p><input type="checkbox"/> – Stop and remove the policy</p> <p>– The adverse effects are not justified, cannot be mitigated or show unlawful discrimination.</p> <p>– Ensure decision makers understand the equality impact.</p>	

STEP 8: Action plan

Issue or opportunity identified relating to:	Action proposed	Officer Responsible and target date
Individual business appraisals	Individual business appraisals subject to the council's decision making process will be carried out for each service proposed for transfer over to the LATC. This will include a full equalities impact assessment, and consultation and engagement as appropriate.	Project Team ongoing
Robust governance arrangements	The final implementation plan will include details or robust governance arrangements that will ensure that the council retains influence over the service and future direction of the LATC	Steven Lee-Foster April 2018
Monitoring	An update report will be prepared following the first six months of the new service, setting out progress on plans to develop and deliver services.	Steven Lee-Foster Winter 2018

This EqIA has been reviewed and signed off by:

Head of Service or Business Manager: Steven Lee-Foster Date: 31/10/17