



# Equality Impact Assessment Record Form 2012-16

This form is to be used for recording the Equality Impact Assessment (EIA) of Council activities. It should be used in conjunction with the guidance on carrying out EIA in **Annex 2** of the Equality Scheme. The activities that may be subject to EIA are set out in the guidance.

EIA is particularly important in supporting the Council to make fair decisions. The Public Sector Equality Duty requires the Council to have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

Using this form will help Council officers to carry out EIA in an effective and transparent way and provide decision-makers with full information on the potential impact of their decisions. The purpose is to avoid inadvertent disadvantage or discrimination resulting from decisions.

EIA is not a fixed process – it will vary according to the scale and type of activity. The form and guidance are designed to cover all eventualities. Officers should not be discouraged by the form, but should use their discretion in using it flexibly according to the activity they are assessing.

EIA does not happen at a single point in time. It is an ongoing and integral part of the development of the activity or proposal. This EIA template should be kept open and live as a planning document, and updated as the activity or proposal progresses.

## Section 1 – Service Details and Summary of EIA Activity

<b>Title of activity:</b>	Changes to the current Direct Payment hourly rate to bring them in line with commissioned services.
<b>Lead Officer responsible for this EIA:</b>	Mark Humble
<b>Telephone:</b>	01325 388066
<b>Service Group:</b>	Commissioning and Development
<b>Service or Team:</b>	People Commissioning
<b>Assistant Director accountable for this EIA</b>	Chris Sivers
<b>Who else will be involved in carrying out the EIA:</b>	<p>The EIA will be undertaken by the re-commissioning and re-procurement Domiciliary Care Officers Group, has representation as follows:</p> <p>Mark Humble  Warren Tweed  Pippa Jones  Denise Rudkin  Joanne Scott  Gordon Peacock  Heather McQuade  Mandy Cheung  Susan White</p>

### What stage has the EIA reached?

Following the re commissioning of a framework agreement for domiciliary care and support it was identified that any reduction in the current hourly rate for commissioned support from an agency would need to be reflected in the current hourly rates paid through a Direct Payment. For those people who use a Direct Payment to employ their own staff there will be little impact as that rate will not change, this is currently £10.86 an hour. However there are a number of people, particularly although not exclusively with a learning disability, who currently commission with an agency for their support at the current rate that the Local Authority pays to those on our contract framework. It is proposed that the Direct Payment hourly rate should be reduced to that of the newly commissioned rate. The proposal is to reduce from a rate of up to £13.32 an hour to £12.75 an hour for those with complex needs to £11.25 and hour for those with general support needs. It is likely that approximately 100 people will have a reduction in their current Direct Payment hourly rate. The decision in relation to the hourly rate will be made by a care manager using a simple formula that considers the impact of the support needed.

**This table provides a ‘cover note’ of progress to be maintained as the EIA is developed over time.**

**Stage categories 1-3 listed below refer to the funnel model. Note the stage reached and any consultation or engagement carried out. Simple activities may not need all these stages. Provide details of population/individuals affected in Section 2**

Stage	Date	Summary of position
<b>Stage 1: Initial Officer Assessment. Whole Population likely to be affected identified</b>	17 <sup>th</sup> April 2013	As a result of the re-procurement of the Domiciliary Care and Support Framework agreement there will be a potential associated impact for older and disabled people who currently receive a Direct Payment. These people are located across the borough.
<b>Stage 2: Further Assessment. Target Population likely to be affected identified</b>	17 <sup>th</sup> April 2013	People in receipt of a Direct Payment who commission with an agency to have their eligible social care needs met. Predominantly this will be disabled people.
<b>Stage 3: Further Assessment. Individuals likely to be affected identified</b>	17 <sup>th</sup> April 2013	All individuals potentially affected by any changes have been identified.
<b>Stage 4: Analysis of Findings</b>	17 <sup>th</sup> April 2013	If the procurement exercise does result in a reduction in the hourly cost there could be a potential impact on those people in receipt of a direct payment who purchase their support through an agency. In those cases the unit cost of the Direct Payment will be aligned to the unit cost on the Framework. It may well be that agencies do not agree to accept a lower hourly rate and individuals may need to seek support elsewhere. However the successful tender of domiciliary care and support will result in at least alternative providers able to meet an individuals support needs.
<b>Stage 5: Sign-Off</b>	31 <sup>st</sup> May 2013	Agreed by Chris Sivers. Impacts have been considered.
<b>Stage 6: Reporting and Action Planning</b>		

## Section 2 – The Activity and Supporting Information

<b>Details of the activity (including the main purpose and aims)</b>
<p>In aligning the hourly rates for Direct Payments and the hourly rates commissioned through a domiciliary care and support framework will ensure equality for all individuals in the respective characteristic groups. Part of the exercise in re-procuring the new Framework Agreement is to achieve efficiencies for the Council.</p> <p>An individual's entitlement to receive support will not be affected by the procurement exercise.</p>
<b>Who will be affected by the activity?</b>
<p><b>See the guidance on carrying out equality impact assessment within the Equality Scheme 2012-16. Provide details of the groups and numbers of people affected below, updating the table as the EIA develops and the understanding of who will be affected emerges in more detail.</b></p>
<b>Whole population</b>
<p>People who use a Direct Payment to meet some or all of their social care needs by using their Direct payment to commission with a social care agency</p>
<b>Target population</b>
<p>People who use a Direct Payment to meet some or all of their social care needs by using their Direct payment to commission with a social care agency at a cost of above £10.86 per hour.</p>
<b>Individuals</b>
<p>All potentially impacted individuals have been identified and a consultation exercise has been carried out.</p>
<b>What data, research and other evidence or information is available which is relevant to the EIA?</b>
<p>Utilising financial information, it is possible to identify all people with a Direct Payment who could potentially be impacted upon by the new Framework agreement.</p>

**Check: before proceeding to the officer assessment, have you obtained all the data and information that is currently available?**

## Section 3: Officer Assessment [Version 1](#)

Use this table to record your views on potential impact on Protected Characteristics. As the activity and the assessment develop your views may change – record them here. It is important to be searching and honest about this – many Council activities are planned to be of positive benefit to identified target groups but can often have the potential for inadvertent effects on other groups.

Protected Characteristics	Potential Impact Positive/Negative/ Not Applicable			Potential level of impact H,M,L				Summary of Impact
<b>Age</b>			NA					There will be no direct impact due to an individual's age
<b>Race</b>			NA					There will be no direct impact due to an individual's race
<b>Sex</b>			NA					There will be no direct impact due to an individual's sex
<b>Gender Reassignment</b>			NA					There will be no direct impact due to an individual's gender reassignment
<b>Disability (summary of detail on next page)</b>								
<b>Religion or belief</b>		N			M			There may be an impact if the current provider has recruited staff with particularly cultural/religious beliefs
<b>Sexual Orientation</b>			NA					There will be no direct impact due to an individual's sexual orientation
<b>Pregnancy or maternity</b>			NA					There will be no direct impact due to an individual's pregnancy or maternity
<b>Marriage/ Civil Partnership</b>			NA					There will be no direct impact due to an individual being married or in a civil partnership.

### Section 3: Officer Assessment - continued

The Council must have due regard to disabled people’s impairments when making decisions about ‘activities’. This list is provided only as a starting point to assist officers with the assessment process. It is important to remember that people with similar impairments may in reality experience completely different impacts. Consider the potential impacts and summarise in the Disability section on the previous page. Officers should consider how the ‘activity’ may affect a disabled person.

Impairment	Potential Impact Positive/Negative/ Not Applicable P,N,NA			Potential level of impact H,M,L				Summary of Impact
<b>Mobility Impairment</b>		N				L		<p>An individual may not be supported by the people that they are supported by now.</p> <p>An individual may not be supported by the Agency that they are supported by now.</p>
<b>Visual impairment</b>		N				L		<p>An individual may not be supported by the people that they are supported by now.</p> <p>An individual may not be supported by the Agency that they are supported by now.</p>
<b>Hearing impairment</b>		N				L		<p>An individual may not be supported by the people that they are supported by now.</p> <p>An individual may not be supported by the Agency that they are supported by now.</p>
<b>Learning Disability</b>		N				L		<p>An individual may not be supported by the people that they are supported by now.</p> <p>An individual may not be supported by the Agency that they are supported by now.</p>
<b>Mental Health</b>		N				L		<p>An individual may not be supported by the people that they are supported by now.</p> <p>An individual may not be supported by the Agency that they are supported by now.</p>

<b>Long Term Limiting Illness</b>		N				L		<p>An individual may not be supported by the people that they are supported by now.</p> <p>An individual may not be supported by the Agency that they are supported by now.</p>
<b>Multiple Impairments</b>		N				L		<p>An individual may not be supported by the people that they are supported by now.</p> <p>An individual may not be supported by the Agency that they are supported by now.</p>
<b>Other - Specify</b>			NA				NA	
<b>Geographical Location</b>			NA				NA	
<b>Not protected characteristic groups; however, areas where there may be specific impacts to be considered.</b>								
<b>Unpaid Carers</b>		N				L		<p>If there is someone who requires a very specialist type of support e.g. in relation to their cultural needs and there is no provider available this may impact on family/unpaid carers.</p>

<b>Cumulative Impacts</b>	
<p>The officer responsible for this EIA should seek input from the Corporate Equalities Group on the potential for this activity to combine with other recent, current or proposed activities, both Council and in the external environment, to result in more severe impacts on people with Protected Characteristics through their cumulative effects. The Corporate Equalities Group will advise on the content for this section of the EIA.</p>	
<b>Change activities</b>	<b>Potential cumulative impacts</b>
	Not applicable

## Section 4: Engagement Decision

The decision about who to engage with, and how and when to engage, is the key to effective EIA. Please see Annex 2 of the Equality Scheme for guidance on the engagement decision.

Is engagement with affected people with Protected Characteristics required, now or during the further development of the activity?	Yes
<b>If YES, proceed to the next section. If NO, briefly summarise below the reasons why you have reached this conclusion.</b>	

If you have come to the conclusion that engagement is not required, seek ratification from the Corporate Equalities Group through your service Equalities Co-ordinator.

If engagement is not required but the officer assessment has identified changes that should be made to the activity, please complete Sections 7 and 8. If not the assessment can be signed-off at Section 9.

Any reports to decision-makers during the development of the activity, for example feasibility or options appraisal reports, should include content on the latest thinking and findings of the EIA even though, like the activity, further development of the EIA may be required before final reporting.

The findings of the officer assessment should be included in any reports to decision-makers. These may be feasibility or options appraisal reports where the activity is at an early stage of development, but it is essential that any equality findings are taken into account in formal decisions at all stages of development of the activity.



## Section 5 – Involvement and Engagement Planning

<b>Has the assessment shown that the activity will treat any groups of people with Protected Characteristics differently from other people? Yes</b>
<b>If yes, please state which groups and how</b>  The scope for this is primarily a group of people with a learning disability, as they currently commission support at a higher hourly rate than other groups. However all of those who will be impacted will be engaged.
<b>Will the differential treatment advance equality for people with Protected Characteristics? Yes</b>
<b>If yes, please state which groups and how.</b>  Under the new framework agreement the Enhanced Rate for support will be applicable for all Protected Characteristic groups identified above. The current agreement does allow for an enhanced rate, for those who do not have a learning disability, however this is rarely used.
<b>Will the differential treatment cause or increase disadvantage for people with Protected Characteristics? No</b>
No

**From the above, prepare a simple plan using the template overleaf for involving and engaging with the organisations, groups, and individuals likely to be affected by the activity.**

**There may be several stages of involvement and engagement, particularly for more complex activities. Initially it may be possible to identify and engage only with stakeholder and representative organisations for the people with Protected Characteristics who may be affected. Further development of the activity may be required before the individuals who will be affected can be identified.**

**The Involvement and Engagement Plan should evolve accordingly, with new engagement proposals added as they are identified.**

<b>Involvement and Engagement Plan</b>			
Which organisations, groups and individuals do you need to involve or engage and how?			
<b>Date of plan entry</b>	<b>Organisation, Group or Individuals</b>	<b>Date of event or activity</b>	<b>Type of activity – venue, channels, method and staffing</b>
	Darlington Borough Council Finance Section		Develop a dataset on the profiles of current individuals receiving a direct payment, who commission with a social care agency over the final commissioned rates
	Those impacted by proposals		Develop consultation documentation including EIA and share with all of those impacted and review feedback.
	Those impacted by the proposals	9 <sup>th</sup> April 2013	Organise a number of meetings to offer those impacted the opportunity to share the potential impacts.

**Engagement to identify impacts works best in face-to-face and small group settings**

## Section 6: Engagement Findings

	<b>Date/summary of engagement carried out</b>	<b>Summary of impacts identified</b>
<b>Age</b>		None directly related to characteristic
<b>Disability</b>		See Learning Disability
<b>Mobility Impairment</b>		None directly related to characteristic
<b>Visual impairment</b>		None directly related to characteristic
<b>Hearing impairment</b>		None directly related to characteristic
<b>Learning Disability</b>		<ul style="list-style-type: none"> <li>• A change in personnel who support an individual</li> <li>• Loss of routine</li> <li>• Increased anxiety and worry regarding possible changes</li> <li>• Loss of complex relationships / time it takes to build new ones</li> <li>• Loss of support at a higher level</li> <li>• Impact on general well being</li> </ul>
<b>Mental Health</b>		None directly related to characteristic
<b>Long Term Limiting Illness</b>		None directly related to characteristic
<b>Multiple Impairments</b>		None directly related to characteristic
<b>Other - Specify</b>		None directly related to characteristic
<b>Race</b>		None directly related to characteristic
<b>Sex</b>		None directly related to characteristic
<b>Gender Reassignment</b>		None directly related to characteristic
<b>Religion or belief</b>		None directly related to characteristic
<b>Sexual Orientation</b>		None directly related to characteristic

<b>Pregnancy or maternity</b>		None directly related to characteristic
<b>Marriage / Civil Partnership</b>		None directly related to characteristic

Section 6: Engagement Findings – Continued

**Drawing on the engagement findings and your understanding of the effects of the activity, indicate how it will contribute, if at all, to the three strands of the Public Sector Equality Duty.**

<b>a) How will the proposal help to eliminate discrimination, harassment, and victimisation?</b>
The proposal will bring the support that people with a learning disability need brought in line with other groups.
<b>b) How will the proposal help to advance equality of opportunity?</b>
<b>c) How will the proposal help to foster good relations?</b>

<b>During the engagement process were there any suggestions on how to avoid, minimise, or mitigate any negative impacts? If so, please give details.</b>
<ul style="list-style-type: none"> <li>• Individuals could use their Direct Payment to employ the individuals who support them directly</li> <li>• Individuals could use their own income to pay any difference in hourly rate.</li> </ul>

This completes the assessment, but there will be further work to do to contribute to the reporting and implementation stages of the activity. First though, it is important to draw a line under the assessment to maintain a separation between assessment of impacts and any proposals to manage those impacts. The assessment should therefore be signed-off at this stage.

## Section 7 - Sign-off when assessment is completed

<b>Officer Completing the Form:</b>		
<b>Signed</b>	<b>Name:</b>	Mark Humble
	<b>Date:</b>	31 <sup>st</sup> May 2013
	<b>Job Title:</b>	Strategic Commissioning Manager
<b>Assistant Director:</b>		
<b>Signed</b>	<b>Name:</b>	Chris Sivers
	<b>Date:</b>	31 <sup>st</sup> May 2013
	<b>Service:</b>	Services For People

## Section 8 – Reporting of Findings and Recommendations to Decision Makers

The findings of the EIA may be reported to decision-makers at several stages during the development of an activity. For example, the initial officer assessment findings may be included in a feasibility report or options appraisal to be considered by the Transformation Board or Chief Officers' Executive.

Any report for formal decisions by Cabinet or Council should include the latest findings of the EIA, even if these are at a relatively early stage. The report recommending final approval of the activity should await and include the findings of the completed EIA. The report should present clearly the impacts that have been identified through the engagement process, including potential cumulative impacts.

The report may include recommendations based on the findings of the EIA, but these should be separate from the reporting of impacts. Recommendations will be developed separately from the EIA and arise from considering equalities impacts combined with other aspects of the activity such as finance, the benefits of the activity, and so on.

Based on the EIA findings, the report may consider the options in the table below, but the report must contain a clear statement of the impacts so that decision-makers can understand the effects of the decision that is being recommended.

What does the review of the information show?	
a)	No negative impact on people because of their Protected Characteristics - continue with the activity and monitor progress on implementation
b)	Negative impact identified – recommend continuing with the activity; clearly specify the people affected and the impacts, and providing reasons and supporting evidence for the decision to continue
c)	Negative impact identified - adjust the activity in light of the identified impact to avoid, minimise or mitigate the impact
d)	Negative impact identified - stop activity and provide an explanation why

## Section 9 – Action Plan and Performance Management

The report to decision-makers, and the decision made may require actions to be taken to avoid, minimise or mitigate the negative impacts of the activity. Option C in the table in Section 8, combined with mitigation measures that may have been highlighted during engagement and listed in Section 6 (if adopted) will require action planning to implement them.

Any actions to address equalities impacts should be listed below, with performance management review proposals, to complete the full EIA.

What is the negative impact?	Actions required to reduce/eliminate the negative impact (if applicable)	Who will lead on action	Target completion date
Performance Management			
Date of the next review of the EIA			
How often will the EIA action plan be reviewed?			
Who will carry out this review?			

## Changes to Direct Payment hourly rate: Impact Assessment

The approximately 100 people who currently receive a Direct Payment above £10.86 an hour were contacted about the proposed changes and invited to attend a drop in event at the Dolphin Centre on Tuesday 9<sup>th</sup> April and/or to return an impact sheet. Eight people attended the drop in, nine people returned completed impact forms and approx 10 telephone calls were received in relation to the impacts of the proposal.

The impacts raised were mainly in relation to the risk of losing current providers and the loss of that relationship. The impacts that were brought up included;

- Loss of routine
- Increased anxiety and worry regarding possible changes
- Loss of complex relationships / time it takes to build new ones
- Loss of support at a higher level
- Impact on general well being

One option people have is to pay from their own income the difference between the existing rate and the new rate. A number of individuals highlighted this as a potential impact, as some people were not prepared to pay the additional cost or were just unable to do so and this was causing some anxiety. Additional costs for activities and travel may need to be found and some individuals expressed a worry about this too.

Several general queries were raised including; how do individuals go about employing their own staff and these were sign posted to their Care Managers and the DAD Support Service to take this up further.

### Analysis/Mitigation

- The primary impact that those using a direct payment identified was the loss of a particular individual offering them their support. In mitigation, the preferred worker could move to an agency that will accept the reduced rate. The new Domiciliary Framework will include up to 20 potential employers.
- The user of a direct payment could also use the Direct Payment to employ the individual directly. Support to do this is available through the Direct Payments Support Service commissioned by Darlington Council.
- The Local Authority commission Darlington Association on Disability to provide a support service for those individual who have a direct payment.
- No one would need to pay any additional costs in relation to their support as the framework identifies a range of providers prepared to offer support at the agreed price.
- Each individual will be offered support from a care manager where required to support any transition to a new provider.
- Access to an advocacy service, should individuals need it, is available.
- Individuals will be tracked through the process using a spreadsheet and supported by a Care Manager where needed.
- Should Cabinet agree to the recommendation a delivery plan will be put in place.

## Cumulative Impacts

- There may be a small number of people use who direct payments who could be impacted by the changes to Fair Access to Care.
- There may be a small number of people who use direct payments who may also be impacted by recent changes to adult social care transport.
- Cumulative impacts would be monitored through the spreadsheet and managed with care management support.