



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

Title of activity:	Changes to the current Direct Payment rate for a sleep-in to bring it in line with commissioned services.
Lead Officer responsible for this EIA:	Mark Humble
Telephone:	01325 388066
Service Group:	Commissioning and Development
Service or Team:	People Commissioning
Assistant Director accountable for this EIA	Chris Sivers
Who else will be involved in carrying out the EIA:	The EIA will be undertaken by the re-commissioning and re-procurement Domiciliary Care Officers Group, has representation as follows: Mark Humble Darlington Association on Disability Joanne Scott

<p>What stage has the EIA reached?</p> <p>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 pay for a sleep- in service from either an Agency or employ their own staff there will be an impact. A reduction in the current rate of £63.22 per night may have particular impact for those who employ their own staff.</p> <p>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</p>		
Stage	Date	Summary of position
Stage 1: Initial Officer Assessment. Whole Population likely to be affected identified	1 st May 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.
Stage 2: Further Assessment. Target Population likely to be affected identified	1 st May 2013	People in receipt of a Direct Payment who either commission with an agency or employ their own staff to have their eligible social care needs met. Predominantly this will be disabled people.

Stage 3: Further Assessment. Individuals likely to be affected identified	1 st May 2013	All individuals potentially affected by any changes have been identified.
Stage 4: Analysis of Findings	1 st May 2013	Following a tender exercise (not yet completed) there is every indication that at least 15 Domiciliary Care Agencies will be in a position to provide a sleep-in support service for up to £40 per night.
Stage 5: Sign-Off	31 st May 2013	Following recent procurement 15 providers have indicated that they are able to provide a sleep in support for up to £40 per night.
Stage 6: Reporting and Action Planning		

Section 2 – The Activity and Supporting Information

Details of the activity (including the main purpose and aims)
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. An individual's entitlement to receive support will not be affected by the procurement exercise.
Who will be affected by the activity?
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.
Whole population
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 or employ their own staff.
Target population
People who use a direct payment to meet some or all of their social care needs by using it to commission with a social care agency or employ their own staff to provide any sleep-in support that they need.
Individuals
All potentially impacted individuals have been identified and a consultation exercise will be carried out.

What data, research and other evidence or information is available which is relevant to the EIA?

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.

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

Section 3: Officer Assessment

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
Age			NA					There will be no direct impact due to an individual's age
Race			NA					There will be no direct impact due to an individual's race
Sex			NA					There will be no direct impact due to an individual's sex
Gender Reassignment			NA					There will be no direct impact due to an individual's gender reassignment
Disability (summary of detail on next page)								
Religion or belief		N			M			There may be an impact if the current provider has recruited staff with particularly cultural/religious beliefs

Sexual Orientation			NA					There will be no direct impact due to an individual's sexual orientation
Pregnancy or maternity			NA					There will be no direct impact due to an individual's pregnancy or maternity
Marriage/ Civil Partnership			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
Mobility Impairment		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> <p>There may be some additional cost incurred to ensure needs are met.</p> <p>An individual may not employ their own staff</p>
Visual impairment		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> <p>There may be some additional cost incurred to ensure needs are met.</p> <p>An individual may not employ their own staff</p>

Hearing impairment		N					<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> <p>There may be some additional cost incurred to ensure needs are met.</p> <p>An individual may not employ their own staff</p>
Learning Disability		N					<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> <p>There may be some additional cost incurred to ensure needs are met.</p> <p>An individual may not employ their own staff</p>
Mental Health		N					<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> <p>There may be some additional cost incurred to ensure needs are met.</p> <p>An individual may not employ their own staff</p>
Long Term Limiting Illness		N					<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> <p>There may be some additional cost incurred to ensure needs are met.</p> <p>An individual may not employ their own staff</p>
Multiple Impairments		N					<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> <p>There may be some additional cost incurred to ensure needs are met.</p>

								An individual may not employ their own staff
Other - Specify			NA				NA	
Geographical Location			NA				NA	
Not protected characteristic groups; however, areas where there may be specific impacts to be considered.								
Unpaid Carers		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> <p>Carers may have their need for a short break only met through specialist services</p>

Cumulative Impacts	
<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>	
Change activities	Potential cumulative impacts
	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
If YES, proceed to the next section. If NO, briefly summarise below the reasons why you have reached this conclusion.	

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

Has the assessment shown that the activity will treat any groups of people with Protected Characteristics differently from other people? no
If yes, please state which groups and how

Will the differential treatment advance equality for people with Protected Characteristics? no
If yes, please state which groups and how.
Will the differential treatment cause or increase disadvantage for people with Protected Characteristics? No
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.

Involvement and Engagement Plan			
Which organisations, groups and individuals do you need to involve or engage and how?			
Date of plan entry	Organisation, Group or Individuals	Date of event or activity	Type of activity – venue, channels, method and staffing
1/5/13	Darlington Borough Council Finance Section	1/5/13	Develop a dataset on the profiles of current individuals receiving a direct payment, who commission or employ to meet their need for overnight sleep in support
1/5/13	Development and Commissioning	1/5/13	Develop consultation documentation including EIA and share with all of those impacted
1/5/13	People directly impacted by the proposal	8/05/13	Hold a meeting to offer those impacted the opportunity to share the potential impacts.
1/5/13	People directly impacted by the proposal	30/5/13	Review impacts received

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

Section 6: Engagement Findings

	Date/summary of engagement carried out	Summary of impacts identified
Age		None directly related to characteristic
Disability		None directly related to characteristic
Mobility Impairment		None directly related to characteristic
Visual impairment		None directly related to characteristic
Hearing impairment		None directly related to characteristic
Learning Disability		None directly related to characteristic
Mental Health		None directly related to characteristic
Long Term Limiting Illness		None directly related to characteristic
Multiple Impairments		None directly related to characteristic
Other - Specify		None directly related to characteristic
Race		None directly related to characteristic
Sex		None directly related to characteristic
Gender Reassignment		None directly related to characteristic
Religion or belief		None directly related to characteristic
Sexual Orientation		None directly related to characteristic
Pregnancy or maternity		None directly related to characteristic
Marriage / Civil Partnership		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.

a) How will the proposal help to eliminate discrimination, harassment, and victimisation?
b) How will the proposal help to advance equality of opportunity?
c) How will the proposal help to foster good relations?

During the engagement process were there any suggestions on how to avoid, minimise, or mitigate any negative impacts? If so, please give details.
<ul style="list-style-type: none">• A number of individuals expressed their anxiety that the proposal would impact directly on the amount of support they received. However, there is no requirement that anyone has a reduction in support• There are potentially 15 providers who can provide the service at the proposed cost• Given the complexity of some peoples arrangements, individual reviews were suggested and some flexibility agreed in relation to the current proposed rate.

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

Officer Completing the Form:		
Signed	Name:	Mark Humble
	Date:	31 st May 2013
	Job Title:	Strategic Commissioning Manager
Assistant Director:		
Signed	Name:	Chris Sivers
	Date:	31 st May 2013
	Service:	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?

c)
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
Individuals will not be in a position to continue to employ their staff. (Lack of consistency)	An individual Care Management Review to take place that will result in an agreed direct payment rate that continues to meet an individuals needs for sleep-in support.		April 2014
Individuals may be taken to industrial tribunals following potential constructive dismissal	An individual Care Management Review to take place that will result in an agreed direct payment rate that continues to meet an individuals needs for sleep-in support.		April 2014
A reduction may result in individuals needs not being met. The current rate includes any time an employee is awake. The new rate does not.	An individual Care Management Review to take place that will result in an agreed direct payment rate that continues to meet an individuals needs for sleep-in support		April 2014
Some people are using the whole of their Direct Payment to meet their needs; therefore the impact on the overall package will need to be reviewed. An impact is that this may cost more to the Council as my support	An individual Care Management Review to take place that will result in an agreed direct payment rate that continues to meet an individuals needs for sleep-in support		April 2014

needs remain consistent.			
A number of people were unable to identify potential impacts without support to do so.	An individual Care Management Review to take place that will result in an agreed direct payment rate that continues to meet an individuals needs for sleep-in support		April 2014
Personal Assistants have contracts of employment which will need individually negotiating if rates go down. Some Personal Assistants may not accept revised terms and conditions and therefore redundancy payments needed and then new assistants recruited. This impacts on people emotionally as they have known and trusted staff and will need some additional support to make the changes.	An individual Care Management Review to take place that will result in an agreed direct payment rate that continues to meet an individuals needs for sleep-in support		April 2014
Some individuals use the payment to give carers a break away from the family home, which also has some additional costs. If those additional costs are not met then this may be more expensive.	An individual Care Management Review to take place that will result in an agreed direct payment rate that continues to meet an individuals needs for sleep-in support		April 2014
Performance Management			
Date of the next review of the EIA	April 2014		
How often will the EIA action plan be reviewed?			
Who will carry out this review?	Mark Humble		

Changes to Direct Payment Sleep- in rate: Impact Assessment overview

Everyone who currently receives a direct payment to pay for a sleep-in was contacted about the proposed changes and invited to detail any impacts that a reduction in payment from £63.22 to £40 a night would have on them. There were 13 individual responses and a congregate response on behalf of a number of individual users compiled by Darlington Association on Disability. A meeting was held with users of a direct payment on the 8th of May 2013.

The impacts raised were mainly in relation to the risk of losing current providers/employees and the loss of those personal relationships. The impacts that were brought up included;

- Some people are using the whole of their Direct Payment to meet their needs; therefore the impact on the overall package will need to be reviewed. An impact is that this may cost more to the Council as individual support needs remain consistent.
- A number of people were unable to identify potential impacts without support to do so.
- The current rate includes all costs. Under the new commissioned service, if a member of staff is woken up more than twice a night then the rate will revert to an hourly rate. For people with a Direct Payment, they will need to ensure that they have enough in their budget to cover any additional support.
- Individuals have a negotiated a range of sleep-in agreements, some nine hours and some 10 hours. Any change may result in additional support hours.
- Personal Assistants have contracts of employment which will need individually negotiating if rates go down. Some Personal Assistants may not accept revised terms and conditions and therefore redundancy payments will be needed and then new assistants recruited. This impacts on people emotionally as they have known and trusted staff and will need some additional support to make the changes.
- Some individuals use the payment to give their unpaid carers a break. This break can involve the individual spending time away from the family home, which also has some additional costs.
- 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
- Personal Assistants have said that if their sleep in rate is reduced they will leave. Many people have very positive relationships with their employees.
- Individuals have stressed they do not want strangers supporting them.
- Individuals feel unable to contribute to any additional costs
- Some Personal Assistants may feel that this constitutes constructive dismissal and may sue their employer.

Analysis/Mitigation

- The primary impact that those who use a direct payment identified was the loss of a particular individual offering them their support. In relation to this support being commissioned from an Agency. In mitigation, the preferred worker could move to an agency that will accept the reduced rate. The new Domiciliary Framework will include up to 15 potential employers.

- In relation to a user of a direct payment employing their own staff, they could simply re negotiate their contract, however this may result in individuals deciding to leave and taking legal advice in relation to the working time directive.
- 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 independent Advocacy 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 individuals who could be impacted by the changes to Fair Access to Care.
- There may be a small number of individuals 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.