



# Equality impact assessment form

## What constitutes a good equality impact assessment?

Under the Equality Act 2010, public bodies (eg councils, the police, etc) must pay due regard to the 'equality duty' when planning, changing or commissioning services:

- Advancing equality of opportunity for people with 'protected characteristics'<sup>1</sup>
- Eliminating discrimination, harassment, victimisation and other prohibited conduct<sup>2</sup>
- Fostering good community relations<sup>3</sup>.

It is up to public bodies how they implement the duty. However they must be able to provide evidence that the duty was considered before a decision is made. Equality impact assessments are an effective way of demonstrating this.

## The principles below, drawn from case law, explain what is essential:

- **Proportionate** - where a proposal may affect large numbers of vulnerable people, the need to pay 'due regard' is very high.
- **Sufficient evidence** – you must consider what evidence you have and what further information may be needed to inform your assessment.
- **Consultation** - if a proposal constitutes a significant change to an existing service, people affected should expect to be consulted.
- **Genuine assessment** - the courts expect to see written evidence of a comprehensive and objective assessment. Your assessment will be considered inadequate if issues are only considered at a broad level or if relevant evidence is not taken into account.
- **No delegation** – the decision-makers responsible for determining the proposal cannot delegate consideration of the equality impact assessment to anyone else.
- **Contracted services** – the Council is responsible for ensuring that contracted services comply with equality law and do comply in practice.
- **Actions to mitigate any negative impact** – if adverse impact is identified by an assessment, consideration must be given to measures to avoid or mitigate this before agreeing the decision.

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<b>Title of proposal:</b>	Cost of Care Review
<b>Aims of proposal:</b>	<p>Councils are required to set their usual prices for residential and nursing care services they commission. In doing so they must have regard, amongst other things to the actual costs of providing care in the market place.</p> <p>Generally speaking councils are required to promote effective and efficient markets in social care and support services for adults which provide high quality services, choice and resilience and this should be borne in mind.</p>
<b>Directorate:</b>	Adult Social Services
<b>Lead Officer:</b>	Catherine Underwood
<b>Names of other officers/partners involved:</b>	Steve Holland Toni Jeary Sarah Gibb
<b>Version 1</b> 19 August 2016	Throughout the cost of care review project the EqIA is reviewed and updated as appropriate. The assessment will capture any issues identified and actions that need to be taken to address them.

## Analysis of Cost of Care Proposals & Potential Impact

One of Norfolk County Council's (the Council) functions is to support people who are assessed as being in need of care. Where the Council has assessed an adult as being in need of care, it may lead to a decision to make a placement in a residential care home or a nursing care home. Where that person expresses a preference for particular accommodation, the Council is obliged to arrange for care in that accommodation, provided that the price required by the provider does not exceed the amount specified in the adult person's personal budget for accommodation of that type.

The Council is required to set the usual rates it will pay for residential care placements. The key to this exercise, as always, is to determine what the actual cost of care in the local area is and thereafter set usual rates at a level that complies with the Norfolk County Councils various statutory duties and obligations.

In order to review and decide on what the Council would propose as its usual prices for older people for the 2016/17 financial year (and its next planning period) a cost of care exercise has been carried out with due regard to the legal framework. This sought to understand what the actual costs of providing residential and nursing care in Norfolk are and any other relevant matters including local factors to which it should have due regard.

This exercise involved the following process (and the Council corresponded regularly with providers throughout to keep them updated):

**The process includes:**

1) Setting of a Provisional Rate

Using the indicative cost model developed, consulted on and applied to set the 15/16 Usual Price, taking account of local and national data and information to apply an inflationary uplift

The Council will determine what they think the proposed usual prices should be for residential and/or nursing care services and produce a report to establish its position.

2) Consultation

The consultation began with the publication of a full report. The consultation report itself was sent as part of a pack to every provider which included:

- a) An equality impact assessment
- b) The timelines
- c) Who could be contacted in case of queries
- d) Details about how providers could respond using an online consultation facility and how they could participate in the consultation in other ways including but not limited to further evidence, critique of methodology, additional reports, comments and concerns, or data that they might want to share to support their arguments

3) Analysis

The consultation resulted in the provision of considerably more cost related data, correspondence from individual providers and provider representative groups and the completion of an online questionnaire. All the feedback and anything else considered to be relevant was fully considered and analysed.

4) Decision Making

The Council's Adult Social Care Committee (the Committee) on 29 April 2016 delegated decision making of the final usual prices to the Lead Member for Adult Social Care and the Executive Director of Adult Social Services.

The Council is currently at point 3 in this process. From the work it has done to date, it is considered that the following points should be taken account of in this equality impact assessment:

- **Which particular groups of service users' are affected?** – These are residential and/or nursing services for older people including those with physical disability and/or dementia
- **Are any other groups affected?** It is recognised that the social care workforce in Norfolk is predominately female (81%) with 45% of that workforce being part time. The impact of any decision that may affect the workforce will therefore need to be taken account of throughout the project and in the proposals being made

- **Does the exercise recognise the needs of people from different groups?**  
As part of the cost of care exercise providers have been given the opportunity to submit information about the cost of providing a residential and/or nursing service which will highlight additional costs or cost pressures for particular service user groups. This would then be put forward for consideration as part of the pricing exercise and will feed into the proposals being made
- **Are user involvement mechanisms inclusive of everyone and do they accommodate different needs?**  
Providers have been communicated with via the normal method of email correspondence. A cost of care mailbox has been established to assist with communication, dedicated web space has been created to keep providers up to date and informed

A minority of providers do not use email. To address any issues identified, letters and a hardcopy of the consultation were sent to all providers that do not use email. As will any future correspondence.

## Action to address any negative impact

If your assessment identified any adverse impact, you must consider measures to avoid or mitigate this before a final decision is taken. This might include taking action to ensure that the needs of a particular protected group are met.

Below is a summary of actions taken as a result of ongoing equality impact assessment work and planned actions identified as part of this EqIA.

<b>EqIA Version</b>	<b>Action/s</b>	<b>Date completed</b>	<b>Comment</b>	<b>Deadline</b>
1	<b>Consider impact on workforce</b>			
V1	Inflationary uplift to proposed usual price takes account on National Minimum Wage	July 16	Evidenced in Consultation report	July 16
	Consultation feedback provided evidence that inflationary uplift required further review with regard to pay	Sept 16	Evidence in Final Report to Committee	Oct 16
2	<b>Ensure provider engagement including consultation is inclusive and accessible</b>			
V1	Addressed in 15/16 process continuing to adhered to inclusive practices	Done	No further action	
3	<b>Ensure that cost of care analysis work takes account of the needs of people from different groups</b>			
V1	Evidenced in 15/16 process through development of indicative cost model	Done	No further action	

The next EqIA review point will be at the decision making stage of the process (see point 4). A further review of the impact that the decisions on usual price may have on protected groups and will be included.

## List of evidence used to conduct analysis

Care and Support Market Position Statement 2016/17  
[www.norfolk.gov.uk/view/ncc160979](http://www.norfolk.gov.uk/view/ncc160979)

The National Minimum Data Set for Social Care (NMDS-SC)

Norfolk County Council Provider database

Data received from providers through consultation

**An assessment is a live document to help consider the implications of service changes on service users or employees - particularly potentially vulnerable service users. Assessments can be updated at any time so that it informs ongoing service planning and commissioning.**

**Help or more information is provided by Norfolk County Councils Corporate Planning & Partnerships team.**

1 The **protected characteristics** are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Having due regard to the need to advance equality of opportunity might mean:

- (a) Removing or minimizing disadvantages suffered by people who share a relevant protected characteristic that are connected to that characteristic;
- (b) Taking steps to meet the needs of people who share a relevant protected characteristic that are different from the needs of others;
- (c) Encouraging people who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such people is disproportionately low.

## **2 Prohibited conduct:**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

Indirect discrimination occurs when a condition, rule, policy or practice in your organisation that applies to everyone disadvantages people who share a protected characteristic.

Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

3 Having due regard to the need to foster good relations between people and communities involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding.