

Appendix A

Section 4

# Equality Analysis Toolkit

**Sheltered housing and community alarms**

**For Decision Making Items**

November 2011

## **What is the Purpose of the Equality Decision-Making Analysis?**

The Analysis is designed to be used where a decision is being made at Cabinet Member or Overview and Scrutiny level or if a decision is being made primarily for budget reasons. The Analysis should be referred to on the decision making template (e.g. E6 form).

When fully followed this process will assist in ensuring that the decision-makers meet the requirement of section 149 of the Equality Act 2010 to have due regard to the need: to eliminate discrimination, harassment, victimisation or other unlawful conduct under the Act; to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard means analysing, at each step of formulating, deciding upon and implementing policy, what the effect of that policy is or may be upon groups who share these protected characteristics defined by the Equality Act. The protected characteristics are: age, disability, gender reassignment, race, sex, religion or belief, sexual orientation or pregnancy and maternity – and in some circumstances marriage and civil partnership status.

It is important to bear in mind that "due regard" means the level of scrutiny and evaluation that is reasonable and proportionate in the particular context. That means that different proposals, and different stages of policy development, may require more or less intense analysis. Discretion and common sense are required in the use of this tool.

It is also important to remember that what the law requires is that the duty is fulfilled in substance – not that a particular form is completed in a particular way. It is important to use common sense and to pay attention to the context in using and adapting these tools.

This process should be completed with reference to the most recent, updated version of the Equality Analysis Step by Step Guidance (to be distributed) or EHRC guidance - [EHRC - New public sector equality duty guidance](#)

Document 2 "Equality Analysis and the Equality Duty: Guidance for Public Authorities" may also be used for reference as necessary.

This toolkit is designed to ensure that the section 149 analysis is properly carried out, and that there is a clear record to this effect. The Analysis should be completed in a timely, thorough way and should inform the whole of the decision-making process. It must be considered by the person making the final decision and must be made available with other documents relating to the decision.

The documents should also be retained following any decision as they may be requested as part of enquiries from the Equality and Human Rights Commission or Freedom of Information requests.

Support and training on the Equality Duty and its implications is available from the County Equality and Cohesion Team by contacting

[AskEquality@lancashire.gov.uk](mailto:AskEquality@lancashire.gov.uk)

Specific advice on completing the Equality Analysis is available from your Directorate contact in the Equality and Cohesion Team or from Jeanette Binns

[Jeanette.binns@lancashire.gov.uk](mailto:Jeanette.binns@lancashire.gov.uk)

## **Name/Nature of the Decision**

Reduction in sheltered housing and community budget by £2 million

## **What in summary is the proposal being considered?**

Reduction in funding for sheltered housing and community alarms from £4.5 million to £2.5 million. This is likely to result in the following:

- Reduction in overall level of support
- More targeted support
- Charges for services

In some services there may be an increase in housing management staff which will to some extent off set the reduction in support staff. Details of impact by individual provider is attached at question 2.

There are around 17,000 unit of sheltered housing, of which around 12,000 people receive financial assistance. As a result of the eligibility criteria for services, people affected will predominantly be people who are over the age of 55 years old, but there will be a smaller number of people below 55 years old with disabilities. LCC does not have access to a detailed breakdown.

The provision of sheltered housing is not a statutory service. Services have been funded in order to promote health and wellbeing and to prevent individuals requiring more high cost intensive services.

The following principles have been adopted when trying to consider how to allocate funding and reconfigure services:

- Ensure greater consistency in terms of the funding being allocated to individual services as current funding reflects historical funding patterns.
- Enable flexibility within a provider market which comprises organisations of different size and geographical presence (local or national)
- Minimise administration and transaction costs.

## Funding

Contract values will be calculated by dividing the total amount of funding available in Lancashire by the total number of people who are eligible for financial assistance in Lancashire. This formula generates an annual figure of £253.27 amount per sheltered housing tenant and £78.21 amount per recipient of a community alarm service with no planned support. Contract values for individual providers will be calculated by multiplying the number of their tenants receiving financial assistance by the figures identified.

Whilst it is proposed that the level of funding allocated to providers will in the future be based on a transparent formula, this has not been the case historically. Therefore the impact of the savings on providers will vary. The average reduction (median) is 44.98% and the changes to contract value range from an increase in funding of 50.87% (although this represents less than £5,000 as the original contract was small) to a 64.38% reduction (£235,192). The highest reduction would be £309,279 which is a 55.42% reduction.

## Shape of Services

The key outcomes that customers in sheltered housing will be expected to experience will be:

- Keeping in touch
- Staying as well as you can
- Feeling safe

There will be no special requirements in relation to assessments. However, it was agreed that the service should be targeted at those people who have the greatest need for support.

Following consultation with their tenants, support providers will determine how to allocate funding and what charging arrangements will be put in place.

Is the decision likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected? If so you will need to consider whether there are equality related issues associated with the locations selected – e.g. greater percentage of BME residents in a particular area where a closure is proposed as opposed to an area where a facility is remaining open.

The decision is likely to affect people across the county in a similar way.

**Could the decision have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:**

- Age
- Disability including Deaf people
- Genderreassignment
- Pregnancy and maternity
- Race/ethnicity/nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership Status

In considering this question you should identify and record any particular impact on people in a sub-group of any of the above – e.g. people with a particular disability or from a particular religious or ethnic group.

It is particularly important to consider whether any decision is likely to impact adversely on any group of people sharing protected characteristics to a disproportionate extent. Any such disproportionate impact will need to be objectively justified.

Yes. There are around 17,000 unit of sheltered housing, of which around 12,000 people receive financial assistance. As a result of the eligibility

criteria for services, people affected will predominantly be people who are over the age of 55 years old, but there will be a smaller number of people below 55 years old with disabilities. LCC does not have access to a more detailed breakdown

If you have answered "Yes" to this question in relation to any of the above characteristics, – please go to Question 1.

If you have answered "No" in relation to all the protected characteristics, please briefly document your reasons below and attach this to the decision-making papers. (It goes without saying that if the lack of impact is obvious, it need only be very briefly noted.)

## Question 1 – Background Evidence

What information do you have about the different groups of people who may be affected by this decision – e.g. employees or service users (you could use monitoring data, survey data, etc to compile this). As indicated above, the relevant protected characteristics are:

- Age
- Disability including Deaf people
- Gender reassignment/gender identity
- Pregnancy and maternity
- Race/Ethnicity/Nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership status (in respect of which the s. 149 requires only that due regard be paid to the need to eliminate discrimination, harassment or victimisation or other conduct which is prohibited by the Act).

In considering this question you should again consider whether the decision under consideration could impact upon specific sub-groups e.g. people of a specific religion or people with a particular disability. You should also consider how the decision is likely to affect those who share two or more of the protected characteristics – for example, older women, disabled, elderly people, and so on.

Sheltered schemes offer housing with support: a 24 hour alarm service and a scheme manager/support worker who will visit the scheme to make contact with individuals, to provide support or to arrange communal activities.

Around 12,000 people currently receive financial assistance and there are around 17,000 units of sheltered accommodation.

Services are accessed by people over the age of 55 and people with disabilities who benefit from the sheltered housing service model.



## **Question 2 – Engagement/Consultation**

How have you tried to involve people/groups that are potentially affected by your decision? Please describe what engagement has taken place, with whom and when.

(Please ensure that you retain evidence of the consultation in case of any further enquiries. This includes the results of consultation or data gathering at any stage of the process)

Given the number of organisations and the range of business models that service providers will be implementing, it was agreed that providers would consult directly with tenants regarding the proposed changes and feedback the responses to the Supporting People Team.

### **Consultation undertaken directly by Lancashire County Council**

- 516 people were sent the link to the consultation proposals and questionnaire, including all providers on the framework agreement, district councils and a range of other organisations
- A total of 24 people attended the stakeholder consultation event. Those in attendance included representatives from existing sheltered housing provider organisations, district councils and a representative from a hearing loss organisation
- A standard statement was sent to sheltered housing providers which they were asked to share with their service users

### **Consultation Feedback to Electronic Questionnaire (providers and stakeholders)**

- Provider and tenants can decide to fund the cost of community alarms or support or both - 88% tend to agree or strongly agree, 8% tend to disagree or strongly disagree, 4% don't know
- Funding proposal outlined above – 84% tend to agree or strongly agree, 16% tend to disagree
- Providers and tenants will be able to determine their own approach to allocating funding and charging – 92% tend to agree or strongly agree, 16% tend to disagree and 4% don't know

- Providers and tenants will be able to determine if they wish to use part of their funding on an out of hours service - 92% tend to agree or strongly agree, 4% strongly disagree and 4% don't know

#### **Consultation undertaken by Providers**

- The majority of providers contacted residents by letter. Some providers also met with tenants
- A few providers who only have one scheme in Lancashire met with tenants instead of sending letter
- A few providers who have received a marginal increase have not consulted with tenants
- The full details have been included within the Equality Analysis

The attached document provide details of the consultation process and the potential impact on service users.

A table is included which details by individual provider:

- The proposal – what is the provider going to do to manage the proposed funding shortfall?
- Consultation – how has the provider consulted?
- What is the likely impact? If not known, what steps need to be taken

**(See attached Appendix A1)**

### **Question 3 – Analysing Impact**

Could your proposal potentially disadvantage particular groups sharing any of the protected characteristics and if so which groups and in what way?

It is particularly important in considering this question to get to grips with the actual practical impact on those affected. The decision-makers need to know in clear and specific terms what the impact may be and how serious, or perhaps minor, it may be – will people need to walk a few metres further to catch a bus, or to attend school? Will they be cut off

altogether from vital services? The answers to such questions must be fully and frankly documented, for better or for worse, so that they can be properly evaluated when the decision is made.

Could your proposal potentially impact on individuals sharing the protected characteristics in any of the following ways:

- Could it discriminate unlawfully against individuals sharing any of the protected characteristics, whether directly or indirectly; if so, it must be amended. Bear in mind that this may involve taking steps to meet the specific needs of disabled people arising from their disabilities
- Could it advance equality of opportunity for those who share a particular protected characteristic? If not could it be developed or modified in order to do so?
- Does it encourage persons who share a relevant protected characteristic to participate in public life or in any activity in which participation by such persons is disproportionately low? If not could it be developed or modified in order to do so?
- Will the proposal contribute to fostering good relations between those who share a relevant protected characteristic and those who do not, for example by tackling prejudice and promoting understanding? If not could it be developed or modified in order to do so? Please identify any findings and how they might be addressed.

Almost all providers have already reconfigured, or are in the process of reconfiguring, services with a greater focus on housing management and less focus on support

- Five providers have already reconfigured their services and are intending to deal with the outstanding shortfall of funding in the following ways:

- subsidising the costs;
  - reduce the number of staff so a more targeted service will be delivered;
  - charging for out of hours service/consulting on
  - charging for out of hours response;
  - introduction of charges and changes to the way the service is being delivered;
  - introduction of charges.
- Ten providers are still awaiting decisions from housing benefits. Most providers have identified contingency arrangements which they would put in place in the event that Housing Benefits refuse their claims. These include introducing charging and reducing the level of support available or a combination
  - Two providers have not developed firm proposals. One is an organisation which operates across a number of local authorities so intends to subsidise services whilst they develop an organisational response which can be implemented across all local authorities. The second organisation is a local authority which operates under different legislation which impacts on the options available to focus on a housing management service
  - One provider although receiving additional funding is now charging as previously the contract wouldn't allow this
  - Two providers with small increases in funding have not undertaken consultation as there will be no negative impact

See under Question 2 for full details of impact  
**(See attached Appendix A1)**

#### **Question 4 –Combined/Cumulative Effect**

Could the effects of your decision combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

For example - if the proposal is to impose charges for adult social care, its impact on disabled people might be increased by other decisions within the County Council (e.g. increases in the fares charged for

Community Transport and reductions in respite care) and national proposals (e.g. the availability of some benefits) . Whilst LCC cannot

control some of these decisions, they could increase the adverse effect of the proposal. The LCC has a legal duty to consider this aspect, and to evaluate the decision, including mitigation, accordingly.

If Yes – please identify these.

The effects of the reduction in funding could combine with the national welfare reforms and other local proposals to make savings to exacerbate the impact (e.g. changes in relation to equipment, the amount of funding available for care packages)

### **Question 5 – Identifying Initial Results of Your Analysis**

As a result of your analysis have you changed/amended your original proposal?

Please identify how –

For example:

Adjusted the original proposal – briefly outline the adjustments

Continuing with the Original Proposal – briefly explain why

Stopped the Proposal and Revised it - briefly explain

We are proposing to continue with the original proposals to reduce the level of funding.

However, the feedback from the stakeholder event will impact on the approach to contracting for services.

We will continue to take account of any further consultation feedback received.

### **Question 6 - Mitigation**

Please set out any steps you will take to mitigate/reduce any potential adverse effects of your decision on those sharing any particular protected characteristic. It is important here to do a genuine and realistic evaluation of the effectiveness of the mitigation contemplated. Over-optimistic and over-generalised assessments are likely to fall short of the “due regard” requirement.

Also consider if any mitigation might adversely affect any other groups and how this might be managed.

It is hoped that the following services will mitigate some of the impact; however, this will be dependent on the level of capacity and whether individuals meet the eligibility criteria:

- asset based approaches to providing support
- telecare
- Integrated Wellbeing Service

In addition, within the future service model:

- Support should be targeted at those people who have the greatest need for support
- Service providers will be asked to provide a summary of out of hours activity over the last 12 months to share with health and social care commissioners in order to inform future service planning with a view to determining if there could be any support available as part of wider developments in relation to social care.
- It is hoped that, as already happens in many schemes, service providers can promote use of their communal resources to individuals from the neighbouring area. However, this will be at the discretion of the providers
- Some service providers are reconfiguring their services to provide a greater emphasis on the housing management which may help to offset some of the potential reduction in staffing

### **Question 7 – Balancing the Proposal/Countervailing Factors**

At this point you need to weigh up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the

proposal at this time – against the findings of your analysis. Please describe this assessment. It is important here to ensure that the assessment of any negative effects upon those sharing protected characteristics is full and frank. The full extent of actual adverse impacts must be acknowledged and taken into account, or the assessment will be inadequate. What is required is an honest evaluation, and not a marketing exercise. Conversely, while adverse effects should be frankly acknowledged, they need not be overstated or exaggerated. Where effects are not serious, this too should be made clear.

The proposals have been generated in order to address the need for budget savings. Sheltered housing is a preventative service which promotes health and wellbeing. The reduction in funding will result in the reduction of support, so service users may potentially need higher cost services at an earlier stage. It appears that in some services support will be more targeted, whereas in others people will need to pay for the service.

### **Question 8 – Final Proposal**

In summary, what is your final proposal and which groups may be affected and how?

The final proposal is as follows:

- Reduction of funding from £4.5million to £2.5 million.
- Contract values to be calculated based on a standard amount for sheltered housing and a standard amount for community alarm services with no planned support. These figures will then be multiplied by number of service users
- Directly award contracts from the Supporting People Framework as staff provide an integrated housing management and support service so a mini competition would not be appropriate.

The following groups will be affected

- People over the age of 60 years old
- People with disabilities



The impact is that:

- People will receive less support
- Support will be more targeted
- People will be charged for the service
- Some providers are reconfiguring services to provide more housing management which may offset some of the reductions in support

### **Question 9 – Review and Monitoring Arrangements**

Describe what arrangements you will put in place to review and monitor the effects of your proposal.

All providers will be required to complete and submit a Service Proposal Statement. The information in the statement will outline the nature of service and level of activity to be provided under the contract. The information required will include:

- The outcomes
- The details of the charging policy
- The number of people being supported (This will vary depending on approach to charging. If funding is to be distributed across the board then the numbers will include both people receiving financial assistance and self-funders)

The Service Proposal Statement will form the specification to the contract and will need to be agreed by Lancashire County Council before the start of the contract. Monitoring will take place against the performance levels identified within the Service Proposal Statement.

Monitoring of service users/referral data will be undertaken by protected characteristic

Position/Role Head of Supporting People

Equality Analysis Endorsed by Line Manager and/or Chief Officer

Decision Signed Off By

Cabinet Member/Chief Officer or SMT Member

**Please remember to ensure the Equality Decision Making Analysis is submitted with the decision-making report and a copy is retained with other papers relating to the decision.**

Where specific actions are identified as part of the Analysis please ensure that an EAP001 form is completed and forwarded to your Directorate's contact in the Equality and Cohesion Team.

Directorate contacts in the Equality & Cohesion Team are:

Karen Beaumont – Equality & Cohesion Manager

[Karen.beaumont@lancashire.gov.uk](mailto:Karen.beaumont@lancashire.gov.uk)

Contact for Adult & Community Services Directorate

Jeanette Binns – Equality & Cohesion Manager

[Jeanette.binns@lancashire.gov.uk](mailto:Jeanette.binns@lancashire.gov.uk)

Contact for Environment Directorate, Lancashire County Commercial Group and One Connect Limited

Saulo Cwerner – Equality & Cohesion Manager

[Saulo.cwerner@lancashire.gov.uk](mailto:Saulo.cwerner@lancashire.gov.uk)

Contact for Children & Young Peoples Directorate

Pam Smith – Equality & Cohesion Manager

[Pam.smith@lancashire.gov.uk](mailto:Pam.smith@lancashire.gov.uk)

Contact for Office of the Chief Executive and the County Treasurer's Directorate

Thank you