

Appendix O

Equality Analysis Toolkit For Decision Making Items

Supported accommodation for older people
with sensory disability (hearing impairment)

August 2016

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 at

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/public-sector-providers/public-sector-equality-duty>

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

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

Jeanette.binns@lancashire.gov.uk

Name/Nature of the Decision

To cease the Supporting People funding for supported accommodation for older people with sensory disability (hearing impairment) from 31st March 2017, (£84,653.31, per annum).

What in summary is the proposal being considered?

Lancashire County Council is required to make savings of £262M by 2020/21. This extremely difficult financial position is the result of continued cuts in Government funding, rising costs and rising demand for our key services.

As part of its plan to achieve the overall level of savings required, LCC is proposing to cease SP funding for non-statutory services from 31st March 2017. The SP budget funds a range of services. This EA focuses on the proposal to withdraw funding for support from a service for older people with sensory disabilities (hearing impairment) in Preston

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.

Yes – The decision is likely to affect older people with a sensory disability (hearing impairment) both in Preston and potentially from across Lancashire if individuals from other areas were seeking to access this service.

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
- Gender reassignment
- 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. Older people and people with disabilities, people who are deaf or have a hearing impairment

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

Yes

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.

This is a long term service and staff work between 8.30am to 5.00pm Monday to Friday. Out of hours emergency on call service is provided by Community Voice.

At the site there are 42 self-contained sheltered housing flats with some on the ground floor and some on the first floor. Thirteen of these flats have been allocated to the deaf or hard of hearing residents. This also includes one flat which is used as a staff office. There is a communal lounge area which is accessible for all residents at the service. The Supporting People funds the housing support for the dedicated 13 units for people with hearing impairment plus the office.

As part of the consultation process we have contacted all 13 people receiving the service, and have received 13 responses to the consultation which show the following demographic profiles in relation to protected characteristics :

	Count	%
Male	5	38%
Female	8	62%
No response	-	
Total	13	100%

Have you ever identified as transgender	Count	%
Yes	-	
No	12	92%
No response	1	8%
Total	13	100%

Age on Last birthday	Count	%
50-64	5	38%
65-74	5	38%
75+	2	15%
No response	1	8%
Total	13	100%

Are you a deaf person or do you have a disability?	Count	%
Yes	12	92%
No	-	
No response	1	8%
Total	13	100%

Ethnic Background	Count	%
English/Welsh/Scottish/Northern Irish/British	10	77%
Caribbean	2	15%
No response	1	8%
Total	13	100%

Religion	Count	%
No religion	1	8%
Christian (including CofE, Catholic, Protestant and all other denominations)	12	92%
Total	13	100%

Marriage or Civil Partnership	Count	%
Marriage	3	23%
Civil partnership	-	
None of these	10	77%
Total	13	100%

Sexual Orientation	Count	%
Straight (heterosexual)	10	77%
Bisexual	-	
Prefer not to say	3	23%
No response	-	
Total	13	100%

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)

CONSULTATION PROCESS

Meetings

Separate meetings were held with district councils (commissioners) and providers on 23rd November 2015 to inform them of the proposal to cease SP funding from 31st March 2017.

Eleven out of twelve district council (commissioners) attended the above meeting, including Preston where the service is located, and approximately 60 providers.

LCC met with the provider of the housing support service on 20th May 2016 to discuss the budget savings proposed for the service and potential exit strategies.

A meeting was held with district council on 4th July to consider the interim consultation findings

Questionnaire

The consultation ran for 12 weeks from 16th May to 12th August 2016

- 13 questionnaires were sent out to service users and we received 13 completed questionnaires giving a 100% response rate

The single provider of the supported accommodation for older people with sensory disability (hearing impairment) responded to the provider questionnaire, 1 district

response and 1 response from a stakeholder was received.

Summaries of service user, district, stakeholder and provider responses have been provided in the Consultation Findings (see Appendix N).

Provider Response

In the event that the funding for the support for older people with sensory disability (hearing impairment) in Preston is removed then the provider has stated that the following is likely to take place:

- Service ceases
- Seeking alternative funding if any
- Explore social care to provide service who are eligible to receive them

The impact on service users will be as follows:

- No staff available in scheme or part time staff with no sign language skills
- Increased potential for misunderstanding within the scheme between tenants who cannot communicate with each other
- Risk of maintaining tenancies without the support and concerned about health and wellbeing of a very vulnerable group

District responses

The single district response was from Pendle and the consultation raised the following as the key issues on the impact on their organisation;

- Not known as the service is based in Preston and do not know how many service users are from Pendle

Stakeholder responses

The landlord of the service Places for People responded to the consultation and raised the following as the key issue.

- If there was an emergency it seems the residents would pull the cord but then they would just sit there not knowing what was being communicated to them via the social alarms team on the intercom. If a resident was to pull the cord they would not be able to inform social alarms of the emergency.

Service user Response

There was 13 (100%) service user responses to the consultation outlining what support they had received in the services. What was important about the service? What they think that people who need this type of service would do in the future, if this service ended.

All 13 respondents said that the following aspects of service were very important to

them with the exception of one aspect (support to gain awareness of personal safety and security issues) where 12 respondents said it was very important and one did not respond:

- Staff are communicating in British Sign Language (BSL) with you;
- Finding, setting up and maintaining your home;
- Developing domestic/social and life skills;
- Learning to budget properly and pay bills;
- Claiming the right benefits;
- Improving physical health and mental health;
- Addressing substance misuse issues;
- Building and maintaining relationships with family and friends
- Accessing community facilities
- Managing a short term personal crisis
- Keeping safe and to avoid harm caused by others;
- To gain awareness of personal safety and security issues.

Service users responded as follows to the question: If the services ended, what do you think that people who need this type of service would do in the future?

- They would not go out (will be isolated) (13)
- Difficulties communicating with other people (13)
- Difficulties communicating with organisations, cannot contact anyone (10).

Respondents also stated the following if the funding for the support ceased;

- Upset, distress and angry (7)
- Can't phone taxi or hospital for appointments (4)
- Need the staff (3)
- Family is living away and cannot help (2)
- Don't know how to read letters (1) and
- Don't want to live in residential again (1).

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.

When comparing the profile of people accessing the service in Question 1 to the Lancashire data, it can be seen that there will be a significant disproportionate impact on older people and people who are deaf or have a hearing impairment. It would also appear that there will also be a disproportionate impact on women, Christians and BME communities.

Age Profile

38% (5) of the people were aged between 50-64 and 54% (7) of the people were aged 65 plus. As the service is aimed at older people, it is expected that the profile of people accessing the service is older than the general population

Disability including people who are deaf/hearing impaired

92% (12) of the people were disabled. As the service is aimed at deaf people and hearing impaired people, it is expected that the profile of people accessing the service has a higher proportion of people who are deaf people or have a hearing impairment than the wider population

Race/ethnicity

77% (10) of the people were White British/Irish/Other which appears to be lower than the wider population (92.3%) and 15% (2) of the people were Caribbean which appears to be higher than the wider population (6.1%), consequently this group maybe disproportionately impacted on by the proposal

Religion/Belief

92% (12) of the people were Christian which this appears to be significantly higher than the wider population (69%), consequently this group may be disproportionately impacted by the proposal

Gender

62% (8) of the people were female which appears to be significantly higher than the wider population (51%), consequently this group may be disproportionately impacted by the proposal.

Consultation findings

The supported accommodation for people with sensory disabilities (hearing impairment) is a preventative service which promotes health and wellbeing.

The consultation shows how the supported accommodation for older people with sensory disability (hearing impairment) has helped support older people with hearing impairments as follows: staff communicating in British Sign Language (BSL); support to find, set up and maintain a home; support to develop domestic/social and life skills; support to keep safe and avoid harm caused by others; support to gain awareness of personal safety and security issue. This contributes to advancing equal opportunities amongst older people who have a sensory disability (hearing impairment).

The personal safety of older people with sensory disabilities (hearing impairment) is paramount in terms of health and wellbeing, reducing isolation and helping service users to participate more fully in public life which are all connected to the Public Sector Equality Duty

In the event that the funding ceases there is likely to be the following impact:

- There is a potential risk for deaf people/people with hearing impairment to fall into crisis in the event that the support ceases and there are no staff on site to assist with communication.
- Should a small proportion of the service users require more costly social care services at an earlier stage, this could significantly reduce the overall savings achieved by the council in real terms.
- The positive impact of services in terms of promoting equality of opportunity and participation in public life is likely to be reduced.

Mitigation for those protected groups that may be disproportionately affected by the proposal is given in response to question 6

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)

For those of working age the transition being rolled out where people are moved from Disability Living Allowance and reassessed for eligibility for Personal Independence Payment could also have a cumulative impact. Communication is one of the factors in the daily living component of PIP but anyone who is being moved over probably feels some anxiety about how their PIP claim will be resolved.

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 proposal to withdraw funding from the service for older people with a sensory disabilities (hearing impairment).

Although the funding cuts are likely to impact upon service users, the provider, wider communities and other statutory services to varying degrees, there are mitigating factors which may lessen the impact of the funding cuts as outlined below.

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:

- The provider is exploring opportunities for any social care, but those who do not meet the criteria will not be eligible. The provider is seeking funding to at least provide some essential background and on call support to for the tenants even if on a very limited basis.
- Telecare
 - The Lancashire Wellbeing Service

Telecare may be an option for individuals who meet the national eligibility criteria for social care. The availability of appropriate solutions in relation to equipment and assistance will be explored with the local telecare provider including textphone or sms/mobile phone texting prior to 31st March 2017

There are other organisation who deliver low level support services such as the Lancashire wellbeing service, however this service would not provide a like for like replacement.

The Lancashire Wellbeing Service helps people to deal with the underlying causes that are affecting their ability to manage their health and wellbeing. It aims to ensure that people feel included in their communities, are able to live more independently and to enjoy a good quality of life. Referrals into the service can be made by a wide range of professionals or through self-referral. The service is available to all people over the age of 18yrs who are affected by one or more of

the following issues:

- Mild mental health problems (such as low mood, anxiety, stress and mild depression)
- Social Isolation, loneliness, few or poor social networks
- Experiencing difficult circumstances e.g. problems with family, finance, employment
- Struggling to cope/feeling overwhelmed
- Need support in relation to healthy living and developing a healthier lifestyle, through understanding and adapting behavior

The support provided consists of

- Personal support to make positive changes in your life for up to 6 sessions
- Provide opportunities that open up other support and social networks such as volunteering, peer networks, community groups
- Provide drop-in facilities in your local communities
- Identify and point you in the direction of relevant services in your community

It is a non-clinical service and doesn't provide social care services or manage people's long term health conditions.

Should a decision be made to withdraw LCC funding to the supported accommodation people with sensory disabilities (hearing impairment), prior to implementing the decision we will promote the Lancashire Wellbeing service within this service. Some work with the wellbeing service will need to be explored around communicating with the service users in BSL.

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.

This proposal has originally emerged following the need for the County Council to make unprecedented budget savings. The Medium Term Financial Strategy reported in the November 2015 forecast that the County Council will have a financial shortfall of £262 million in its revenue budget in 2020/21.

This is a combination of reducing resources as a result of the Government's

extended programme of austerity at the same time as the Council is facing significant increases in both the cost (for example as a result of inflation and the national living wage) and demand for its services.

The revised position following the financial settlement for 2016/17 is now a budget gap of £200.507m by 2020/21. This revised gap takes into account the impact of the settlement, new financial pressures and savings decisions taken by Full Council in 2014/15, 2015/16 and 2016/17 regarding the future pattern of Council services.

We acknowledge that some people from protected characteristics groups may be negatively affected however we will strive to minimise any negative impacts by developing as many mitigating actions as possible and by taking into account the views from the consultation.

Disabled people, people who are deaf or have a hearing impairment, older people people from BME communities and women are likely to be disproportionately impacted.

Whilst the following mitigating actions, as outlined above in section 6, have been identified, it is recognised that even with the mitigation, because of the communication issues/need for BSL support, existing service users could be significantly adversely affected by the proposal. The mitigating actions are:

- Undertaking statutory assessments under the Care Act
- The provision of Lancashire Wellbeing Service and other low level support services (but would not deliver like for like service)
- Telecare

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:

- To implement Supporting People budgetary savings in relation to supported accommodation for people with sensory disabilities (hearing impairment)

The following groups will be affected

- Vulnerable older people with sensory disabilities - hearing impairment (55+)

Question 9 – Review and Monitoring Arrangements

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

We will work with supported accommodation provider for people with sensory disabilities to minimise the impact of the funding cuts and maximise knowledge and linkages to other services.

Where service users meet national eligibility criteria for social care services, they can request an assessment of needs and support service can be individually commissioned to meet their needs.

Equality Analysis Prepared By: Tahera Chaudhrey

Position/Role: Strategy Needs Analysis Co-ordinator

Equality Analysis Endorsed by Line Manager and/or Service Head Sarah McCarthy

Decision Signed Off By

Cabinet Member or Director

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 Service contact in the Equality and Cohesion Team.

Service contacts in the Equality & Cohesion Team are:

Karen Beaumont – Equality & Cohesion Manager

Karen.beaumont@lancashire.gov.uk

Contact for Adult Services; Policy Information and Commissioning (Age Well); Health Equity, Welfare and Partnerships (PH); Patient Safety and Quality Improvement (PH).

Jeanette Binns – Equality & Cohesion Manager

Jeanette.binns@lancashire.gov.uk

Contact for Community Services; Development and Corporate Services; Customer Access; Policy Commissioning and Information (Live Well); Trading Standards and Scientific Services (PH), Lancashire Pension Fund

Saulo Cwerner – Equality & Cohesion Manager

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Contact for Children's Services; Policy, Information and Commissioning (Start Well); Wellbeing, Prevention and Early Help (PH); BTLS

Pam Smith – Equality & Cohesion Manager

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Contact for Governance, Finance and Public Services; Communications; Corporate Commissioning (Level 1); Emergency Planning and Resilience (PH).

Thank you