

Section 4

Equality Analysis Toolkit

Extra Sheltered Care Services

For Decision Making Items

January 2019

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.

Specific advice on completing the Equality Analysis and advice, support and training on the Equality Duty and its implications is available from the County Equality and Cohesion Team by contacting

Jeanette Binns (Equality and Cohesion Manager) at

Jeanette.binns@lancashire.gov.uk

Name/Nature of the Decision

This report informs Cabinet of the outcomes of the consultation on the proposed savings to the extra care budget (delivered in a sheltered housing setting) which was considered by Cabinet in January 2018, and makes recommendations in relation to the ceasing of the background care (24 hour staff presence) within specified sheltered housing based extra care schemes namely Beck View (Lancaster), Parkside Court (Morecambe), Plessington (Longridge) Torrentum (Thornton) and Croft (Freckleton)

Molyneux Court is not included in the analysis as consultation has still to be undertaken.

What in summary is the proposal being considered?

Owing to Lancashire's strategic commitment to developing extra care, the savings proposals outlined are seeking to reflect the wider strategic approach adopted by the County Council in relation to extra care.

Consequently, the potential of the 14 sheltered based extra care schemes to function fully as extra care schemes has been assessed. In other words, what is the potential for the number of people with care needs to be maximised, rather than limiting to a third of the scheme as was originally agreed with landlords?

The focus has been on potential usage, as it is widely recognised that currently the extra care service offer is not fully understood by older people, their families or staff. Therefore, it would be inappropriate to focus solely on current usage.

Consequently, we have considered the size of an individual scheme or the overall number of units within extra care schemes which are located in close proximity, the design and accessibility of the building especially in relation to fire safety, the size of the flats, location of scheme, communal facilities and the availability of purpose built services in the area.

This has led to the proposal that the 24 hour staff presence should be withdrawn from the following services:

- Beck, Lancaster, 36 flats, currently 8 service users receiving care
- Parkside, Morecambe, 36 flats, currently 8 service users receiving care
- Torrentum, Thornton, 33 flats, currently 9 service users receiving care
- Croft, Freckleton, 22 flats, currently 10 service users receiving care
- Plessington, Longridge, 39 flats, currently 13 service users receiving care

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.

As outlined above, the proposal is to withdraw the 24 hour staff presence from the following services:

- Beck, Lancaster, 36 flats, currently 8 service users receiving care
- Parkside, Morecambe, 36 flats, currently 8 service users receiving care
- Torrentum, Thornton, 33 flats, currently 9 service users receiving care
- Croft, Freckleton, 22 flats, currently 10 service users receiving care
- Plessington, Longridge, 39 flats, currently 13 service users receiving care

As was outlined in the January 2018 Equality Analysis, there are many sheltered accommodation schemes across the county owned and managed by various Registered Social Landlords and District or City Councils. The schemes are typically 30-50 individual rented flats, they have a visiting scheme manager and are aimed at the over 55's.

For the last 15+ years the county council has commissioned 24 x 7 onsite background (at least 1 x care worker onsite 24 x 7) and planned care for a small number of residents that live within 13 specific schemes located across Lancashire.

Over the years the number of residents using the service has fallen as people stay in their homes for longer or choose not to move to this style of accommodation. Residents have to have eligible social care needs identified through a social care assessment under the Care Act to access this service and pay for their planned care visits out of their personal budgets. The schemes, their location and the number of flats and number of residents using the service is as follows :-

| Scheme Name | Location | Number of extra care users with eligible care needs | Number of flats in the scheme not using service |
|------------------------|--------------------|---|---|
| Ainscough Brook House, | Ribbleton | 10 | 25 |
| Bannister Brook House | Leyland | 10 | 24 |
| Greenwood Court | Leyland | 13 | 37 |
| Marlborough Court | Skelmersdale | 12 | 38 |
| Kirk House, | Accrington | 15 | 33 |
| HyndBrook House | Accrington | 12 | 17 |
| Plessington Court | Longridge | 14 | 25 |
| St Ann's Court, | Clitheroe | 14 | 21 |
| Stanner Lodge | Lytham St Ann's | 6 | 48 |
| Croft Court | Freckleton | 6 | 16 |
| Torrentum Court , | Thornton Cleveleys | 7 | 32 |
| Parkside Court | Lancaster | 10 | 26 |
| Beck View | Lancaster | 9 | 27 |
| | Total | 130 | 369 |

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, particularly those with disabilities or poor health

By the very nature of the accommodation being specifically for over the 55 years of age, this decision would impact disproportionately on those with the protected characteristic of disability and age.

This decision would not affect the majority of residents in most of the schemes because they do not use the service.

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.

By the very nature of the accommodation being specifically for over the 55 years of age, this decision would impact disproportionately on those with the protected characteristic of disability, age. This decision would not affect the majority of residents in the accommodation because they do not use the service.

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 Findings

Consultation Process

- All tenants and service users in the 5 schemes identified as not having the potential to become fully functioning extra care schemes received questionnaires to their home (198) which asked questions about the services currently received; their views on the proposals and the likely impact of the proposals on them.
- The landlords, district councils and the care providers at the 5 schemes also received an email questionnaire.
- 129 questionnaires from tenants and service users were returned
- 4 electronic questionnaires and an email were returned from the landlords, district councils and care providers (but both care and housing providers have been involved and engaged with the process via meetings, email and telephone)
- One MP wrote to enquire about the decision.

Protected characteristics

Of the people responding,

- 50% are male and 50% female
- 17% are between 50 and 64 years old, 32% were between 65 and 74 years old and 52% were 75+
- 58% are deaf or have a disability
- 100% are of a white ethnic background

A breakdown by individual scheme can be found by following the link below:

Consultation Feedback

A breakdown by individual scheme can be found by following the link below including details in relation the protected characteristics outlined above

Service user & tenant

- 39 people responded that they received care from the onsite provider: 10 for more than 5 years, 19 for more than one year but less than 5, and 10 for less than 1 year.
- Of the 125 people who responded, 23 were receiving social care service from the onsite provider as a result of a social care assessment, 13 were paying privately and 89 did not receive care.
- 74 (60%) people either tend to disagree or strongly disagree with the proposal, 24 (20%) people neither agree or disagree and 25 (20%) tend to agree or strongly agree. The proportion of people who tend to disagree or strongly disagree with the proposals range from 47% at Beck View to 70% at Plessington Court. An additional 2 people in Plessington Court who have ticked that they agree with the proposal appear from their comments to in fact strongly disagree.
- The reasons most often given include:-
 - Reassurance in case of emergency (35%)
 - A care worker is important for elderly and vulnerable people (23%)
 - May need the service in the future (17%)
 - Reduction in quality of life (11%)
 - Some residents need 24 hour care (10%)
 - A high risk falls/accidents (7%)
- In response to the question about how this proposal will affect you, the reasons most often given include:-
 - No impact at this current time (39%)
 - People feel reassured and less anxious (31%)
 - Without onsite care it would not be a safe place (19%)
 - It would have a negative impact on me (15%)
- 27% of respondents thought that it important to have planned visits at night
- 50% thought it was very or fairly important to have access to social events

Support Provider, Landlord & district council feedback

- A short electronic questionnaire was sent to support providers, landlords and district councils. Only 4 responses have so far been received (from three landlords and 1 district)
(closing date 8th January so more responses may still be received)
- The questionnaire asks the extent to which the organisation agrees with the proposals, the reason for their answer and how the proposals will impact on the scheme and its residents plus any other comments
- Two of the landlords understood the rationale for the proposal: it isn't cost effective and night time care is not required. One of the landlords strongly disagreed with the proposal. The district didn't agree or disagree

- The following comments have been received about the impact of the proposal:
 - The weekly luncheon club will fold without the carer workers on site. Also those extra care clients that attend day trips/lunches out may not be able to attend if they have no care worker support.
 - If our Scheme Manager is called out to an emergency in the middle of the night which impacts on their ability to carry out their normal hours of work during the day, may lead to looking at whether particular service users are still adequately housed or whether they need to be moved on to care where there is someone around at night.
 - Plessington is the only facility to provide an extra care scheme in the Longridge area which is very highly utilized by local people who can remain living independently with the back up support required. This proposal is very upsetting to all the tenants and family members who rely on this service and is affecting enquiries regarding the scheme and whom we can support if accommodation was offered to them

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.

As outlined above, we have consulted with residents of 5 schemes.

Information collected through social care reviews undertaken in March and April 2018, along with the monthly returns from the care providers and the feedback from the Housing Providers (Dec 2018) have been used to assess the potential impact of withdrawing the 24 hour service.

However, given that people's needs will change over time, the initial analysis can only give a broad indication of the likely impact in order to assist the strategic decision making

| Scheme | Evidence suggests |
|-------------------|---|
| Beck View | No night time needs |
| Parkside | 1 person with planned night time needs |
| Plessington Court | Housing provider reports concerns about how needs will be met but care provider reports no night time planned needs, but there are some late evening planned visits |
| Croft Court | No night time needs |
| Torrentum | 2 people with planned night time needs |

It is understood that the statutory care needs of all service users can be met by visiting care workers; however given the time that has elapsed since the last reviews were undertaken there is the need to confirm that this is still the case. Consequently, Adult Social Care will undertake further reviews to ensure that appropriate care packages are put in place for all tenants with eligible care needs.

A range of services are available to support people who live at home who have care needs. People living in the scheme will have access to the same range of services.

These services include:

- Provision of a home care package to meet eligible care needs
- A roving night service which can meet individuals' planned night time social care needs
- Crisis support service which is a countywide service
- All tenants will have community alarms. An enhanced telecare service can be offered to any tenant who has an eligible care needs under the Care Act, This may include a lifting service

As shown in the consultation finding, concerns have been expressed that individuals may need to move in the future if the 24 hour service is withdrawn and there could be reduced access to social activities

There could also be a potential impact on the staff employed by the care organisation owing to a reduction in the number of hours of care being delivered.

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.

This proposal may add to the cumulative effect of reducing the amount of accessible social housing that is available to people with protected characteristics that need support over 24 x 7. It may also increase the exposure of people to the financial impact of possible future changes to the charging policy for non-residential care.

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

Whilst it is recognised that many tenants value the current 24 hour service, it is not considered cost effective to carry on providing a 24 hour care service in all schemes.

Consequently, Cabinet is recommended to agree that the 24 hour staff presence will be removed from the following schemes

- Beck View (Lancaster), Parkside Court (Morecambe), Croft (Freckleton), Torrentum (Wyre), Plessington (Longridge)

The County Council will ensure that the eligible care needs of all service users are met, consequently individual care packages will be put in place which can include, where appropriate, the roving night service, crisis support and telecare

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.

There are a number of services that can be used to try and mitigate the impact on the tenants that will be affected. There is visiting domiciliary home care service, possibly employing the same care workers who currently work at the schemes, there are various rehabilitation and reablement services that can be used, there are telecare and technology solutions and statutory social care needs will always be met.

Service users at these locations would require a reassessment of their needs and be subject to the same judgement as any community based service user: Most are likely to require a continuation of service organised via home care, roving nights service or reablement or greater use of telecare.

Whilst it currently appears that service users should be able to continue to live in the sheltered housing with a care package, in the event that updated reviews show that service users might be better supported in residential care, the wishes of the individual will be considered carefully as part of the assessment and subsequent decision.

As previously discussed there is an opportunity for people to pool resources together to collectively purchase care to replace this service, but this is not something that any agency or group could insist upon and therefore is judged unlikely to proceed

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.

An assessment was undertaken of the long term suitability, in terms of size and design, of these schemes to deliver an extra care service. Consultation has been undertaken in 5 services identified as being the least sustainable and cost effective in the future.

In other words, the potential of the 14 sheltered based extra care schemes to function fully as extra care schemes has been assessed. In other words, what is the potential for the number of people with care needs to be maximised, rather than limiting to a third of the scheme as was originally agreed with landlords?

The focus has been on potential usage, as it is widely recognised that currently the extra care service offer is not fully understood by older people, their families or staff. Therefore, it would be inappropriate to focus solely on current usage.

Consequently, we have considered the size of an individual scheme or the overall number of units within extra care schemes which are located in close proximity, the design and accessibility of the building especially in relation to fire safety, the size of the flats, location of scheme, communal facilities and the availability of purpose built services in the area.

This has led to the proposal that the 24 hour staff presence should be withdrawn from the following services:

- Beck, Lancaster, 36 flats, currently 8 service users receiving care
- Parkside, Morecambe, 36 flats, currently 8 service users receiving care
- Torrentum, Thornton, 33 flats, currently 9 service users receiving care
- Croft, Freckleton, 22 flats, currently 10 service users receiving care
- Plessington, Longridge, 39 flats, currently 13 service users receiving care

In addition, we have agreed a reduction to the contract price within the schemes in which we are proposing to retain a 24 hour staff service.

It is understood that the statutory care needs of all service users can be met by visiting care workers; however given the time that has elapsed since the last reviews were undertaken there is the need to confirm that this is still the case. Consequently, Adult Social Care will undertake further reviews to ensure that appropriate care packages are put in place for all tenants with eligible care needs.

It is acknowledged that service users living in the scheme will be disadvantaged in that there will no longer be a 24 hour staff presence. However a range of services are available to support people who live at home who have care needs. People living in the schemes with eligible care needs will have access to the same range of services. These services include:

- Provision of a home care package to meet eligible care needs
- A roving night service which can meet individuals' planned night time social care needs
- Crisis support service which is a countywide service

- All tenants will have community alarms. An enhanced telecare service can be offered to any tenant who has an eligible care needs under the Care Act, This may include a lifting service
- There could be a potential impact on the staff employed by the care organisation owing to a reduction in the number of hours of care being delivered.

Question 8 – Final Proposal

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

This report informs Cabinet of the outcomes of the consultation on the proposed savings to the extra care budget (delivered in a sheltered housing setting) which was considered by Cabinet in January 2018, and makes recommendations in relation to the ceasing of the background care (24 hour staff presence) within specified sheltered housing based extra care schemes: Beck View(Lancaster), Parkside Court(Morecambe), Pleasington (Longridge) Torrentum (Thornton) and Croft (Freckleton)

Owing to the nature of the service, older people and people with disabilities living in the scheme will be disproportionately disadvantaged.

Question 9 – Review and Monitoring Arrangements

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

Will monitor the admissions to residential care placements, any increase in calls to the telecare, any increase in admissions to hospital from the people affected.

Will monitor the admissions to residential care placements, any increase in calls to the telecare, any increase in admissions to hospital from the people affected.

Equality Analysis Prepared By Policy, Information & Commissioning Manager – Age Well

Position/Role Policy, Information & Commissioning Manager – Age Well

Equality Analysis Endorsed by Line Manager and/or Service Head Dave Carr, Head of Service: Policy, Information and Commissioning (Start Well)

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.

For further information please contact

Jeanette Binns – Equality & Cohesion Manager

Jeanette.binns@lancashire.gov.uk

Thank you