

Appendix 'A'

Section 4

Equality Analysis Toolkit

Family Intervention Projects
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

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

Name/Nature of the Decision

Decommissioning of Family Intervention Projects funded from the Supporting People budget

What in summary is the proposal being considered?

Decommissioning of 5 Family Intervention Projects, delivered by three providers, which are funded from the Supporting People budget. This will achieve £242k savings. In the region of between 30 and 40 people received support during 2013/14.

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 funded services are located in

- Burnley
- Pendle
- Wyre
- Preston
- Chorley and South Ribble

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

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

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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.

Client Record Data 2012/13, 2013/14

Client record data provides a profile of service users who have accessed Family Intervention Projects during 2012/13 and 2013/14. A summary data report is attached:



clientrecorddatafip
s.docx

The most accurate comparison would be between the profile of people accessing services and the profile of people within Lancashire with a need for support from a family intervention project. However, as this data is not available, we have used the population of Lancashire as our comparator group.

- The 32-38 year old category is the highest each year with 39-45 increasing in 13/14. In every household at least one member of the family is under 18 years old.
- 16% of people accessing FIPS are disabled compared to 14.66% of people between the ages of 16 and 64 across Lancashire
- 100% of people accessing services in 2013/14 were white and 93% in 2012/13 compared to 92.22% of people between the ages of 16 and 64 across Lancashire

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 on the decommissioning of the family intervention projects took place from 4th August 2014 to 8th October 2014

- 516 organisations were emailed the link to the proposals and online questionnaire. This included all providers on the framework agreement, district councils and a range of other organisations. Only two organisations responded:

- Fylde Council supports the recommendations
- Pendle Council are concerned that the removal of FIPs, although only working with a small number of families in Pendle, will leave a gap which will not be filled by the Working Together with Families (WTWF) approach. FIPs work positively on a daily basis with families who need intensive, personalised support to stabilise initially and then move on and improve to become more viable: less of a concern to the communities where they live and the agencies who support them. The dedicated FIP worker and holistic family approach cannot be replicated by the WTWF Lead professional and Team Around the Family approach with the most difficult to manage families. The FIP team, working in the Partnership office, in the Town Hall have also helped to support a small number of families of young people identified through the Prevent and Deter Panel of the Community Safety Partnership.
- An individual meeting with a member of staff from the SP team was offered to providers. One provider took up this offer.

There was a recognition by the Provider of the changing landscape since FIPs were established and of the financial position of the County Council. However, the following points were raised:

- The Early Support contracts are of a shorter duration and offer less intensive support than FIPs. Therefore Early Support services could partially replace some elements of the support offered by the FIPs, but for a shorter duration. Decisions have not yet been made as to whether or not these contracts will be extended beyond March 2015
- Working Together with Families is about changes to ways of working rather than delivering a service. Lack of clarity about who would be the lead professional in relation to WTWF.
- Recommendation that there is a requirement to undertake independent evaluation of services within contracts in order to inform future commissioning e.g. consider whether it is appropriate to commission more intensive service for smaller numbers of people or less intensive service for more people
- Recommendation that consideration is given to the increased role that charities can play e.g. in relation to national campaigning

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.

The decommissioning of services will have an impact on all groups of people with protected characteristics.

Due to the lack of certainty regarding the future of Working Together with Families and floating support, it is difficult to describe the level of support which will be available to individuals who would have previously accessed Family Intervention Projects. In the future families will be assessed against the eligibility criteria for services which are in place after April 2015

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.

Yes. Given the high proportion of people who are not working and dependent on benefits, it is possible that the decision could combine with other factors or decisions taken at local or national level to exacerbate the impact on particular groups e.g. welfare reforms.

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.

The level of service which will be available, after April 2015, through, WTWF and floating support is unclear at the moment. Families will be assessed against the criteria for services which are in place following April 2015

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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.

Within the proposals there was a recognition that since the Supporting People funded FIP /Vulnerable Household Projects were set up around 2008, Lancashire County Council has adopted the Working Together

with Families (WTWF) approach and the Government has launched the Troubled Families Programme. Consequently, the context in which the FIPs operate has changed

However, in terms of the future, it has not been decided if LCC will enter Phase 2 of the Troubled Families Unit (TFU) programme. LCC are completing a cost benefit analysis and will report this to the WTWF Governance Group later this year.

The TFU financial framework for Phase 2 is not yet available, but the Department of Communities and Local Government has indicated that funding will be significantly less than Phase 1 and that the programme will have to reach a greater number of families which would indicate that this type of intensive approach would be even less sustainable going forward.

In Lancashire, the WTWF approach agreed by its Governance Group is not based on a FIP model. The Working Together With Families (WTWF) approach and the Prevention and Early Help (P&EH) service going forward operate on a lead professional model and we would expect this lead professional (LP) to be drawn from the appropriate service across the partnership and for the work to form part of their "normal" caseload, so if the primary needs are housing there could be an expectation that many of the LPs came from District Housing Authority or the Registered Social Landlord.

In the event that the proposal to decommission services is agreed, there would be clear transition arrangements so that existing service users receive appropriate levels of support. The Lancashire Children and Young People Safeguarding Board (LCSB) and Children and Young People Trust have agreed a Continuum of Need (CON) and Common Assessment Framework (CAF) as the mechanism for identifying thresholds for access to different services. This means that some families may not be eligible for support.

Due to the lack of certainty regarding the future of Working Together with Families and floating support, it is difficult to describe the level of support which will be available to individuals who would have previously accessed Family Intervention Projects. In the future families will be assessed against the eligibility criteria for services which are in place after April 2015

In the event that the proposal to decommission services is agreed, there

would be clear transition arrangements so that existing service users receive appropriate levels of support. Services will stop accepting new referrals as soon as the decision is made so there are unlikely to be many existing service users requiring support when the contract ceases

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.

There is a need to make the budgetary savings. Owing to the lack of certainty around the future of a range of preventative services, it is difficult to know the final impact on the group of people who would have accessed the services. There are currently around 40 people accessing services each year.

Question 8 – Final Proposal

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

The final proposal is to decommission the family intervention projects. All groups will be affected. At this stage it is unclear as to how much support will be available given that no decision has been made about the

Working Together with Families. The floating support service may be able to deliver housing related support to a few families. However, given that the level of floating support available is being more than halved, it is unclear as to the level and duration of support to be available.

Question 9 – Review and Monitoring Arrangements

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

Applications for floating support services and other preventative services will be monitored by protected characteristic so we are able to see the level of referrals from families at risk of homelessness

Equality Analysis Prepared By **Sarah McCarthy**

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

Contact for Adult & Community Services Directorate

Jeanette Binns – Equality & Cohesion Manager

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

Saulo Cwerner – Equality & Cohesion Manager

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Contact for Children & Young Peoples Directorate

Pam Smith – Equality & Cohesion Manager

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

Thank you