

Appendix 'C'

Section 4

Equality Analysis Toolkit

Supported Lodgings
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

A reduction of £100k, from £460k to £360k, in the overall funding available for supported lodgings provision in Lancashire from April 2015.

What in summary is the proposal being considered?

To reduce the level of funding and re-procure supported lodgings provision via a mini competition under Lancashire County Council's Framework for Housing Related Support.

The tendering will be as follows:

- 3 separate lots based on the 3 localities North, Central & East
- Providers on the framework having the option to bid for all 3 or for individual lots
- We will allow a variety of consortium arrangements to deliver the service, provided appropriate arrangements are in place to protect the County Council and service users.

The main changes resulting from the proposal are as follows

- Loss of the specialist offender service; however generic services will be expected to offer a service to offenders
- Reduction in the number of young people able to be supported as a result of the reduction in funding

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
- 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. Given that the service is aimed at young people, there will be a negative impact on people between the age of 16 and 25 year olds. However, as the purpose of the proposal is to ensure an equitable and consistent supported lodging service offer across the County, it is thought that there will not be a disproportionate negative impact on any groups of young people with protected characteristics. (e.g young people from a BME group)

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.)

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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.

The client record data provides a profile of people accessing services each year.



Supported
Lodgings.xlsx

An analysis is attached

Key points are as follows:

- 46% of individuals accessing the service in 2012/13 were 16 or 17

years old compared to 35 % of people accessing services in 2013/14

- 53.7% of individuals accessing the service were between 18 and 24 years old in 2012/13 compared to 62% in 2013/14
- 14.6% of individuals accessing the service in 2012/13 were disabled compared to 20.3% in 2013/14
- 36.6% of individuals accessing the service in 2012/13 were female compared to 49.9% in 2013/14.
- 100% of individuals were from a white ethnic group in 2012/13 compared to 93.8% in 2013/14

Given the small number of people accessing services, the proportion can vary significantly between different years

However, it is clear that higher proportions of young people and disabled people are accessing the service than are present in the wider population, consequently reductions in funding will have a greater impact on these groups

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)

A comprehensive approach to consultation was undertaken in order to obtain the views of those potentially affected by the decision. The consultation was conducted in the following ways:

On Line Consultation for stakeholders – The summary report was published on the Lancashire County Council Have Your Say web site

from Monday 4 August with a closing date of Wednesday 8 October. The details of this were distributed via email to over 500 email addresses, and also promoted on the Supporting People web site.

Stakeholder Event – An event was held on Friday 26 September 2014 at the Woodlands Conference Centre, Chorley. The session opened at 10:00 am and closed at 16:00 pm. Invitations were distributed to 514 email addresses. These included all providers on the Framework Agreement, District Housing Leads, Public Health Contacts and wider charitable and voluntary sector organisations across Lancashire. An agenda was distributed in advance of the event.

A total of 12 people attended. Those in attendance included representatives from existing supported lodgings provider organisations, the Leaving Care service, District Housing Teams, the Youth Offending Team and a Drug and Alcohol Service.

Young People Focus Groups – Invitations to young people were distributed via the 4 current supported lodgings providers. The service providers were encouraged to invite young people who were currently living in supported lodgings and also previous users of the service.

The focus groups were held at the offices of the 4 existing providers as follows:

- Monday 22 September 5:00-6:00 pm (M3 Project, Rawtenstall)
- Tuesday 23 September 4:30-5:30 pm (Preston Nightstop, Preston)
- Wednesday 24 September 7:00-8:00 pm (Child Action North West, Wilpshire)
- Tuesday 30 September 3:00 – 4:00 pm (SLEAP, Leyland)

21 young people attended the 4 sessions. The profile of the young people was as follows:

- 9 females with ages ranging from 17-23 years
- 12 males with ages ranging from 17-24 years

Questionnaire for Young People – Information detailing an online questionnaire was distributed to young people currently in supported lodgings via the service providers. The young people were offered the option of completing the questionnaire on line or in hard copy format. 4

have been received

Questionnaire for Host providers- Information detailing an online questionnaire was distributed to existing host providers via the service providers. The host providers were offered the option of completing the questionnaire on line or in hard copy format. 9 have been received

Both questionnaires were distributed to service providers on the 3rd September, with a closing date of 10th October 2014.

A report outlining the full consultation feedback is attached



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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 reduction in funding will impact on the number of young people who can access supported lodgings services. However, within this group, there are no other factors, to our knowledge, that might heighten disadvantage amongst people with any of the other protected groups (e.g ethnic origin, sex).

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 figures below show that currently people from minority ethnic groups are under- represented in supported lodgings services and people with disabilities are over represented when compared to the Lancashire wide population or 16-24 year olds.

In 2013/14

10.86% of the Lancashire population (16-24) is from an ethnic minority whereas 6.25% of people accessing SP services are white.

3.22% of the Lancashire population (16-24) are disabled whereas 20%

of people accessing SP services are disabled.

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 planned changes to Welfare Reform in the form of Universal Credit may impact on the proposal. The timescales for the roll out of Universal Credit have slipped and it is likely that in the short term the status quo will apply. In the medium and longer term the picture is less clear. Supported Lodgings forums are working with Central Government in an attempt to have supported lodgings classified as "exempt or specified accommodation" and therefore still subject to housing benefit. In the event that the services are not classified in this way the future viability of supported lodgings would be seriously threatened.

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

There are no changes to the planned level of funding reduction. The feedback gained through the consultation process supports the provision of generic services. However, there is some detailed consultation feedback which will lead to amendments being made to the original operational proposals.

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.

Whilst the overall level of provision will reduce, some services have been under-utilised. Consequently, the actions taken to improve access to services may result in the reduction in actual numbers of young people being proportionately less than the reduction in funding would suggest.

A service specification will be drawn up which will fully detail the nature of the service that is to be delivered.

Included in the service specification will be the need for the provider/s of the supported lodging service to ensure that they recruit and train host families who will be able to support young people at risk with a range of needs including the needs of young people who are, or who are at risk of

becoming, offenders.

The performance of the supported lodging providers will be monitored as set out in the Performance and Monitoring policy in a number of ways (Appendix 1 of the Contract Terms and Conditions); this will include ongoing monitoring and regular analysis of quantitative and qualitative information. Information will also be captured which will provide a detailed breakdown of the profile of the clients being offered a service.

Under delivery or failure to meet the service specification will be addressed in performance management meetings.

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 primary driver behind this proposal is to achieve the budget savings. A comprehensive review of the supported lodgings service was undertaken in 2013. The review concluded that the supported lodgings provision was not being offered on a consistent basis across Lancashire and that improvements could be made to the model of service delivery which would also achieve the efficiency savings. This proposal is based on the findings of that review.

The clients who could potentially be affected by this proposal would be all young people. Young offenders may be more affected as the specialist service will no longer be provided; however if generic services

support a significant number of young offenders in the future then all young people could be similarly affected. However, the under-utilisation of all services will reduce the impact.

Access to services is closely monitored for all housing related support service and the data, which is provided on a quarterly basis, would serve to highlight potential issues with inappropriate refusals to the service. A failure to offer the service appropriately would be addressed as part of the performance and quality management approach.

More generally, re-shaping the services could potentially cause some disruption to the current arrangements in the short term given the nature of the service and in the context of host providers having established good relationships with the current service provider.

The Supporting People team will work closely with the current providers during this process to minimise the risk of disruption to existing supported lodgings placements as much as possible.

Question 8 – Final Proposal

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

The proposal is to reduce the overall funding available for supported lodgings provision in Lancashire by £100k from April 2015.

The supported lodgings provision will be subject to a mini competition under Lancashire County Council's Framework for Housing Related Support.

The tendering will be presented as follows:

- 3 lots based on the 3 localities North, Central & East

Providers on the framework will have the option to bid for all 3 or for individual lots. Consortium bids will be allowed so that smaller voluntary

sector organisations are not disadvantaged

All young people could be affected owing to the reduction in funding. This includes young offenders, as this specialist service will no longer be provided under the new structure. However, as generic services will be required to offer a service to young offenders, it is likely that all young people will be impacted as the generic service will take less other young people.

It is further acknowledged that re-shaping the services could potentially cause some disruption to the current arrangements in the short term given the nature of the service and in the context of host providers having established good relationships with the current service provider. It is the intention of the Supporting People team to work with the current providers during this process to minimise the risk of disruption to existing supported lodgings placements as much as possible.

Question 9 – Review and Monitoring Arrangements

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

The Supporting People team has well established procedures in place relating to the Performance Monitoring and Quality Assurance of all housing related support services.

The performance monitoring and quality assurance process includes:

- Enabling actions to be agreed which are required to improve performance
- Providing a focus for ongoing communication and development of constructive relationships between commissioners/quality assurance staff and providers and;
- Providing opportunities to identify service development in some situations.

Performance monitoring is a regular activity which will be undertaken to ensure that the service is being delivered in line with the performance

and quality standards. Performance monitoring takes place continually throughout the lifespan of the contract and informs performance and quality reviews.

In addition liaison/meetings with the district housing leads will provide additional opportunity to capture their views on the effectiveness of the service in meeting supported housing needs.

The Supporting People Commissioning Board will provide a further outlet for service commissioners to express their views and to raise any potential issues arising from the implementation of the proposal.

Equality Analysis Prepared By **Bev Cartwright, Contract Officer, and Sarah McCarthy, 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

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

Contact for Children & Young Peoples Directorate

Pam Smith – Equality & Cohesion Manager

Pam.smith@lancashire.gov.uk

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

Thank you