

Equality Impact Assessment (EIA):

Name of Report/Proposal/Strategy:	Key Decision for Occombe House site		
Name (Key Officer/Author):	Steve Honeywill, Torbay & Southern Devon Health & Care NHS Trust	Business Unit:	
Position:		Tel:	
Date:	September 2012	Email:	

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal/strategy and carried out appropriate consultation with key stakeholders. The EIA will allow the Mayor/Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require a EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

1)	Does this report relate to a key decision?	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
2)	Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following:		
	• The Community (including specific impacts upon the vulnerable or equality groups)	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
	• Our Partners	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
	• The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision)	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	<p>Clearly set out the purpose of the proposal</p>	<p><i>Outline exactly what the proposal is / whether there is any change including reasons for the change. List the key objectives of the proposal/strategy.</i></p> <p>In 2010 a proposal was submitted to the Care Trust Board and Torbay Council to consider the re-provision of Occombe House to secure high quality support in an environment that enables individuals with a severe learning disability to live the lives of their choosing, fulfilling their aspirations and individual choices enabling them to reach their full potential now and for the future as they grow older.</p> <p>The Board were also asked to give a mandate to undertake to procure services that will provide for the changing needs of the seven long stay residents of Occombe House. This decision takes into account the need to plan for the future of the residents now, in a way which offers sustainable services that are secure for their future and which can adapt to the growing needs of the residents as they become older.</p> <p>The key outcome for this development is:</p> <p><i>All people with a learning disability are supported to live in homes of their choice, choosing where, with whom and how they are supported within available resources.</i></p> <p>At the end of 2011 the Authority, in agreement with Torbay Council and the family and relatives of the residents of Occombe House, agreed that a program of best interest meetings would be arranged to identify what would be the most suitable accommodation and support arrangements for each of the individuals living in Occombe House; that the Occombe House site could be considered as an accommodation location for supported living arrangements within this process. There was also an agreement that the Authority (in partnership with families and staff) would implement a procurement process to identify a suitable alternative provider for the long term service currently provided at Occombe House.</p> <p>The decision has been considered and passed by the Torbay and Southern Devon Health and Care NHS Trust Board. As a key decision within the partnership agreement with Torbay Council, the decision has been approved by the elected Mayor of Torbay.</p>
2.	<p>Who is intended to benefit / who will be affected?</p>	<p><i>Who are the key stakeholders / which individuals / specific groups may benefit from the proposal or who will be most affected?</i></p> <ul style="list-style-type: none"> • <i>The current residents of Occombe House</i>

No	Question	Details
		<ul style="list-style-type: none"> <i>The Families and Carers of the current Occombe House residents</i>
3.	What is the intended outcome?	<p><i>It is important to identify the specific outcomes that this proposal intends to deliver.</i></p> <ul style="list-style-type: none"> <i>That the Trust out-sources the running of the current Occombe House facility via a procurement process to an independent operator.</i> <i>That the new operator within a set period and with the consent and support of families and carers develops a plan to replace the Occombe House residential unit with independent living accommodation on the Occombe site.</i> <i>The operator will work closely with the Planning Department of South Hams District Council to develop a scheme that delivers these objectives and that planning approval is sought.</i> <i>The new operator will lead and fund the capital scheme on the occombe site to build the independent living accommodation</i> <i>Torbay Council approves the use of the occombe site to achieve these objectives.</i>

Section 2: Equalities, Consultation and Engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **Equalities, Consultation and Engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions/proposals on the Torbay community.

Evidence, Consultation and Engagement

No	Question	Details
4.	Have you considered the available evidence?	<p><i>Consider data and research already available locally and nationally. Your assessment should be under-pinned by up-to-date and reliable information about the different groups the proposal is likely to affect. For instance, population profile, satisfaction data, deprivation statistics and how this helps to build a picture around your proposal.</i></p> <p>Response: <i>The move to support persons with a Learning Disability in independent living settings to maximise their independence and support integration into the community is a long standing national policy objective and direction of travel. (Valuing People policy, Department of Health 2009)</i></p>
5.	How have you consulted on the proposal?	<p><i>Have you carried out any consultation on your proposal and if so how? Focus groups / survey / events? Remember that it may be important to also consult on any alternative options. Also include who you have consulted with and if applicable which specific groups you have consulted with (i.e. groups who may be specifically affected by your proposal, specific equality or hard to reach groups).</i></p> <p>Response: <i>The residents of occombe have all received “Best Interest” review to independently establish the wishes and aspirations of these individuals. The families of the residents have been consulted and engage fully in the procurement process run by Trust to appoint an independent operator to initially run Occombe House but most importantly develop plans in consultation with the families to deliver independent living accommodation on the occombe site. Council bodies and Members have also been consulted during this process.</i></p>
6.	Outline the key findings	<p><i>Include feedback on your proposal including where you have consulted on any alternative options. Also include response rates, number of attendees to events / focus groups, outline of specific interest groups consulted. Use bullet points to summarise the key conclusions.</i></p> <p>Response: <i>Through the competitive dialogue process to procure an operator to develop independent living on the</i></p>

No	Question	Details
		<i>occombe site, the proposals have been shaped with involvement of the occombe families. This is evidences via the minutes of these meetings and subsequent briefings and progress reports and other correspondence.</i>
7.	What amendments may be required as a result of the consultation?	<p><i>Has feedback from the consultation and engagement process identified any changes required to the proposal? Have you had to alter your decision and look at alternative options?</i></p> <p>Response: <i>The views of families have been central to this process and the competitive dialogue alluded to above. The option of proving independent living on the Occombe site has been the preference of the families throughout the process and the Trust has endeavoured to find a viable and affordable solution to deliver this aspiration.</i></p>

Positive and Negative Equality Impacts

No	Question	Details		
8.	Identify the potential positive and negative impacts on specific groups	<i>It is not enough to state that a proposal will affect everyone equally. There should be more in-depth consideration of available evidence to see if particular groups are more likely to be affected than others – use the table below. You should also consider workforce issues. If you consider there to be no positive or negative impacts use the ‘neutral’ column to explain why.</i>		
		Positive Impact	Negative Impact	Neutral Impact
	All groups in society generally			Only the occombe group and families directly concerned
	Older or younger people			Ditto
	People with caring responsibilities	With properly planned and supported independent living in place at Occombe the carers will be assured that future of the residents is settled via secure tenancies		
	People with a disability	As above		
	Women or men			As above
	People who are black or from a minority ethnic background (BME)			Only the occombe group of seven residents and families are directly affected, with no related BME influences

No	Question	Details	
	People who are lesbian, gay or bisexual		As above
	People who are transgendered		As above
	People who are in a marriage or civil partnership		As above
	Women who are pregnant / on maternity leave		As above, the above four elements are not a known factor for the specific ocombe residents
9.	Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and/or foster good relations?	<p><i>The council is committed to ensuring that we meet the diverse needs of our community. As part of the Equality Act there is a <u>general duty as well as our moral obligation</u> where we are required to have 'due regard' to eliminating unlawful discrimination, advancing equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. Outline how your proposal meets the general duty.</i></p> <p>Response: <i>The proposal does only impact upon the group of ocombe residents, however throughout the engagement conversation with residents and families the Trust has been mindful of its duty of care in this regard</i></p>	

Section 3: Steps required to manage the potential impacts identified

No	Action	Details
10.	Summarise any positive impacts and how they will be realised most effectively?	<p><i>Outline any positive impacts that you have identified relating to equalities and how these impacts will be realised most effectively. What ways can the positive impacts be maximised? Use the action plan on page 6 to outline actions, responsible officers and timescales</i></p> <p>Response: <i>The ocombe resident will be able to live independently using their own personal budgets and thus will have more choice as individuals which would enable them to integrate further into the community, than the traditional model of living in a residential care setting.</i></p>
11.	Summarise any negative impacts and how these will be managed?	<p><i>Outline any negative impacts that you have identified relating to equalities and how these impacts will be managed / monitored so that they are reduced / eliminated or mitigated. What ways can the negative impact be minimised? Use the action plan on page 6 to outline actions, responsible officers and timescales</i></p>

Response – None have been identified

Section 4: Course of Action

No	Action	Details
12.	State a course of action [please refer to action plan on page 9]	<p><i>Clearly identify an option and justify reasons for this decision. The following four outcomes are possible from an assessment (and more than one may apply to a single proposal). Please select from the 4 outcomes below and justify reasons for your decision - If '3' please provide full justification :</i></p> <p>Where: -</p> <p>Outcome 1: No major change required - EIA has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken.</p> <p>Outcome 2: Adjustments to remove barriers – Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality.</p> <p>Outcome 3: Continue with proposal - Despite having identified some <u>potential</u> for adverse impact / missed opportunities in relation to equalities or to promote equality. Full justification required, especially in relation to equalities, in line with the duty to have 'due regard'.</p> <p>Outcome 4: Stop and rethink – EIA has identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified.</p> <p>Response: Outcome 2, best describes the objective of residents moving from Occombe House to independent living as outlined in the attached report and this assessment.</p>

Section 5: Monitoring and Action Plan

No	Action	Details
13.	Outline plans to monitor the actual impact of your proposals	<p><i>The full impact of decisions will only be known once it is introduced. Identify arrangements for reviewing the actual impact of proposals once they have been implemented. Please also use the action plan below.</i></p>

Please use the action plan below to summarise all of the key actions, responsible officers and timescales as a result of this impact assessment

Action plan

Please detail below any actions you need to take: -

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	<i>To identify a new provider for the running of Occombe House and develop plans for independent living accommodation on the occombe site</i>		Torbay and Southern Devon Health and Care NHS Trust to deliver	TSDHC and Torbay Council	By the end of 2012
2	Obtain planning approval for Independent living at occombe site and agree scheme details with families and the Trust		TSDHC and new operator	New Operator and TSDHC	During 2013