

Budget Proposals 2014/15 and 2015/16: Equality Impact Assessment (EIA)

Business Unit:	Supporting People	Directorate:	Adults & Resources
Date Started :	9th September 2013	Date of current version:	6th February 2014

The council and its partners are facing a significant challenge in the savings it needs to make over the next couple of years. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of their proposals on the community. As a council we need to ensure that we are able to deliver the savings that we need to make while mitigating against any negative or adverse impacts on particular groups across our communities.

This EIA will evidence that the Council have fully considered the impact of the proposed changes and has carried out appropriate consultation on those changes with the key stakeholders. This EIA and the evidence provided within it will allow Councillors to make informed decisions as part of the decision-making process regarding the council's budget.

Executive Lead / Head Sign off :

Executive Lead(s)	Cllr Christine Scouler	Executive Head:	Fran Mason
Date:	6th February 2014	Date:	6th February 2014

Summary from Overall Budget Proposals:

Proposals – Outline	Savings for 2014/15 and 2015/16		Implementation Cost <i>Include brief outline + year incurred</i>	Delivery <i>When will this proposal realise income / savings</i>	Risks / impact of proposals <ul style="list-style-type: none"> • <i>Potential risks</i> • <i>Impact on community</i> • <i>Knock on impact to other agencies</i> • <i>If statutory service please state relevant legislation section and Act together with any statutory guidance issued.</i> 	Type of decision		
	Income £ 000's	Budget reduction £ 000's				Internal	Minor	Major
Personal budgets: People with Learning Disabilities who have medium to long term support needs were transferred to personal budgets. Personal budgets are also used to fund short term resettlement support to move people out of residential care into extra care.		Reduce by 100%: £250,000		Once budget decision agreed support plans can be reviewed ideally 3 months to implement	<ul style="list-style-type: none"> • Funding is attached to individual support plans. • Some people will have ongoing support needs which may mean an increase in demand for adult social care services. • Consultation and Equality Impact Assessment undertaken to assess the impact of the proposal. 			X

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	<p>Clearly set out the proposal and what is the intended outcome.</p>	<p>This proposal is to achieve savings by reducing the funding to the personal budget programme by 100% (£250,000)</p> <p>Personal Budgets (PB) are a way of delivering Social Care Services and have been initiated by central government. Supporting People piloted the use of personal budgets and evidenced achievement of positive outcomes for clients who require short term interventions to move from bed based care (i.e. residential care) to more independent living. Supporting People (SP) personal budgets are also used to support clients who have utilised SP services long term and have on-going support needs. In circumstances where services have not been recommissioned, personal budgets have been available to clients with long term needs to avoid disruption to support delivery when the SP approach (outcomes focused and enabling), is effectively meeting needs.</p> <p>Following assessment of eligible social care needs, PB funding is allocated by Torbay and Southern Devon Health and Care NHS Trust (TSDHCT) to assist in meeting those needs in the way that suits the customer best. Customers can then choose, and detail in a Support Plan, how they wish to arrange their support and how they wish to manage it (Direct Payments, Commissioned services or mixed package).</p>
2.	<p>Who is intended to benefit / who will be affected?</p>	<p>All client groups could be affected by this change, as the use of personal budgets has involved a range of clients from across society and acts innovatively as an early intervention thereby preventing the need for people to access other more acute and more intensive services, in particular adult social care services. Clients with long term needs who receive an SP personal budget will be affected and will need to be assessed by Adult Social Care to identify their individual support packages. Key stakeholders will include:</p> <ul style="list-style-type: none"> • Service users • Housing Link Workers (who often help to facilitate Personal Budgets) • Adult Social Care – zones • Learning Disability services • Mental Health teams/Devon Partnership Trust • Range of service providers who offer PB's

No	Question	Details
		<ul style="list-style-type: none"> Anyone who has completed a TSDHCT supported self assessment (SSA) tool that has led to the identification of eligible care needs. They must also have savings under £23,250 (as identified by finance and benefits assessment).

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
3.	Have you considered the available evidence?	<p>The value of the budget in 2013/14 is £250,000. This is used in the main for intensive brief intervention work which lasts typically up to twelve weeks (although can be extended to 24 weeks). There are currently around 30 people receiving brief intervention. There are a number of cases in which a personal budget has been set up in perpetuity; the budget is still reviewed regularly and is subject to change. In all such cases this prevents a cost-shunt to Adult Social Care budgets. This number currently stands at around 10 cases.</p> <p>Because of the short-term nature of Personal Budgets, and that at any one time there can be any number in payment, it is impossible to accurately predict spending patterns. At the time of writing (almost midway through the financial year) £100,070 has been committed from this budget.</p> <p>There is some anecdotal evidence that funding reductions to existing contracted services in 2012-13, and the subsequent lengthening of waiting lists for these services, has led to increased use of personal budgets for brief interventions or priority cases that cannot be met by contracted services.</p>
4.	How will / have you* consulted on the proposal?	Providers of Supporting People funded services

No	Question	Details
	<p><i>*delete as appropriate</i></p>	<p>The consultation period ran from Thursday 21 November 2013 to 16 January 2014</p> <p>On 21st November Providers were sent written details outlining the proposal(s) for their service(s) and given the Consultation Summary document detailing the overall proposals for the Supporting People (SP) programme, Equality Impact Assessments (EIAs) for their services and access to view the EIAs of other services online.</p> <p>Initial provider meetings/conversations were set up with SP Contract Managers in the week prior to the formal draft budget announcement. This was to explain the proposals and consultation process to providers and to allow the providers time to arrange meetings with their staff to take place on the day of the budget announcement (as for many services the proposals will affect staff)</p> <p>A client profile template was developed and sent to Providers to complete to identify clients in support services who were also in receipt of a statutory service. This information was used to inform the service EIAs and evidence where there might be an impact on the expenditure in other parts of the Authority.</p> <p>The Consultation Summary document and questionnaire were available on the Supporting People page of the Council's website.</p> <p>A follow up email was sent to Providers on 8th January asking if they were responding collectively, individually or both; and asking them to encourage referral agencies to respond to the consultation.</p> <p>Current and previous users of Supporting People funded services, and their carers, relatives and advocates.</p> <p>A standard letter outlining the specific proposals for each service was sent to the service provider to distribute to their service users. The letter outlined where service users could access and complete the client consultation questionnaire and explained the consultation process including the opportunity to attend focus groups or face to face interviews.</p> <p>Posters were sent to Providers to insert the details of the consultation events and promote these to service users.</p> <p>A number of focus groups proportionate to size of service were held for each of the affected services. Where services had more than 20 clients then 2 focus groups were offered, with the option for more if required, subject to the availability of resources to facilitate them. Focus groups used the same questions as the client questionnaire. However 1 focus group for clients in the supported employment service used different questions, chosen by by the external agency that facilitated this particular group.</p> <p>Focus groups were facilitated by representatives from Torbay Voice with a member of the SP team present to record comments. Where a focus group was organised but there were no attendees, the focus group has not been counted.</p> <p>Face to face interviews (with Torbay Voice representatives) or telephone interviews were offered to those choosing not to or unable to attend focus groups using the same questions.</p> <p>There may be a small duplication of respondents as some may have completed a questionnaire as well as attended a</p>

No	Question	Details
		<p>focus group</p> <p>Providers were encouraged to undertake their own consultations using the same questions, and some providers issued the questionnaires to their clients.</p> <p>The client questionnaire was available on the SP page of the Council's website and providers advised of this so that they could direct service users to it, or support service users to complete it themselves.</p> <p>Individual written submissions (email and letter) were received from service users, relatives, and family members.</p> <p>Stakeholders including statutory partners, referral agencies, local and national partner organisations</p> <p>An email was sent to all stakeholders attaching the SP Consultation Summary document and stakeholder questionnaire, a summary of SP services and a link to the EIAs for each service. Stakeholders were also encouraged to respond to the overall Council budget proposals and a link to the wider Council budget consultation was included in the email.</p> <p>Stakeholders included:</p> <ul style="list-style-type: none"> • Torbay and Southern Devon Health and Care NHS Trust • Devon Partnership Trust • Devon and Cornwall Probation Trust • South Devon Clinical Commissioning Group • Torbay Council Housing Services • Torbay Council Children's Services • Police • Referral agencies such as: Community Mental Health Teams, Disability Information Service, Housing Options team, Torbay Hospital <p>Other local and national partners such as: British Association of Supported Employment, Shelter, The Alzheimers Society, MIND and Mencap.</p> <p>See Appendix 1 for consultation results.</p> <p>Other including members of the public/non service users</p>

No	Question	Details
		<p>A general questionnaire was placed on the Council’s website by the Council’s Policy and Performance Team asking about all of the Council budget proposals including a section on Supporting People. The SP section contained a link to the SP consultation documentation on the specific budget proposals for SP services.</p> <p>Further representations were made in writing (via letter, email and petition) by organisations and members of the public.</p> <p>A total of 285 representations were received, as well as 21 focus groups that were facilitated for clients and carers, where 160 people attended.</p>
5.	Outline the key findings	<p>There were 20 responses received which referred to this proposal.</p> <p>Services are currently provided by Parkview Society, Folks@Home, Sanctuary Housing.</p> <p>Below are a selection of comments from the consultation, grouped into themes.</p> <p>Impact on the Health, Wellbeing and Quality of Life of Existing and Potential Clients</p> <p>“Clients supported under Personal Budgets are able to receive intensive support with direct access to the service when they are in a crisis situation... this will result in loss of support to many clients who are facing crisis, need urgent re-housing or are being re-housed from residential care into extra care housing.</p> <p>“Support from staff is focussed around promoting the service user’s ability to live independently in a selection of accommodation. The service intends to provide support in the medium term to long term, with the aim that service users will hopefully be able to then move on to greater independence.“</p> <p>“I am now able to manage my finances on my own as she has increased my income and re-taught me money management skills.”</p> <p>“It has built my confidence, increased my income and improved my living conditions.”</p> <p>Impact on Statutory Services and National Priorities</p> <p>“Without support... will enter a crisis situation risking their health and their safety and they would almost certainly both access residential care, at a cost to Torbay Care Trust.”</p>

No	Question	Details
		<p data-bbox="591 153 2159 284">“The clients were previously covered by a Supporting People accommodation support contract which expired in March 2013. In recognition of the long-term enduring mental health issues impacting on these clients, IB’s were established to maintain their quality of life, independence and integration in local community. These needs will not disappear as a result of budget reductions.”</p> <p data-bbox="591 325 2145 424">“If I had not received support I would have no way of leaving residential care, I would have debt collectors after me. I think I would have gone down-hill very quickly and would be very likely to be in and out of hospital as a result of my self-neglect.”</p> <p data-bbox="591 466 2056 529">“...proposal to cut the personal budgets of people with learning disabilities at a time when personalisation is being promoted by government.”</p> <p data-bbox="591 603 1061 635">Financial Impact of the Proposals</p> <p data-bbox="591 676 2159 775">“The proposed reductions will cost Torbay more in short and long term as support and monitoring delivered by Parkview support workers will inevitably be replaced by increased workload burdens on local GP’s, Community Mental Health Teams, Torbay Care Trust Adult Social Care Teams and Devon and Cornwall Police.”</p> <p data-bbox="591 817 2159 916">“With the cuts in personal budgets that is proposed by a 100% we feel in particular this may have an adverse effect on clients that we are supporting through these budgets... This will resort in them potentially having to move into residential care settings which will cost the Local Authority.”</p> <p data-bbox="591 957 2145 1021">“It is considered that those people supported by SP personal budgets would need to be re-referred to DPT for additional services should those budgets be cut.”</p> <p data-bbox="591 1062 1039 1094">Impact on the Service / Provider</p> <p data-bbox="591 1136 2159 1235">“Diverse and competitive range of services provided by Parkview in Torbay are able to be delivered as a result of economies of scale. Narrowing of our range of services will result in increased service costs to Council, Torbay Care Trust and Mental Health Services.”</p> <p data-bbox="591 1276 981 1308">Quality of Service Provision</p>

No	Question	Details
		<p>“The service’s willingness to consider challenging service users has ensured that there have not been issues of significance, which required SP, relevant CMHT’s and other referring agencies, to ask for formal feedback/complain over the service seeking to be overly risk averse with new referrals.”</p> <p>“My support worker is voice for people without a voice.”</p>
6.	What amendments may be required as a result of the consultation?	Provider organisation and Police, probation and health services request a delay in implementation of the proposals so that alternative sources of funding can be investigated.

Positive and Negative Equality Impacts

No	Question	Details		
7.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact	Neutral Impact
	Older or younger people			No differential impact
	People with caring responsibilities			No differential impact
	People with a disability		Client groups of all ages (18+) across society are affected but most especially people with poor mental health.	
	Women or men			No differential impact
	People who are black or from a minority ethnic background (BME)			No differential impact
	Religion or belief (including lack of belief)			No differential impact
	People who are lesbian, gay or bisexual			No differential impact
	People who are			No differential impact

No	Question	Details	
	transgendered		
	People who are in a marriage or civil partnership		No differential impact
	Women who are pregnant / on maternity leave		No differential impact
	Socio-economic impacts (Including impact on child poverty issues and deprivation)		Client groups of all ages (18+) across society are affected but most especially people with poor mental health, and people who are threatened with homelessness or at risk of becoming homeless.
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		The withdrawal of this service may impact on the ability of people to recover from drug/alcohol misuse and manage their physical and mental health appropriately.
8a.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	The proposed 100% cut to SP floating support services means there will no alternative support available to mitigate the impacts. These services help people to take control of their finances, avoid or reduce debts and prevent the need for other statutory services. Potential impacts could include, Council Tax arrears, failure to pay rent leading to eviction, homelessness and pressure on temporary accommodation and associated costs.	
8b.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	Increased reliance on Adult Social Care services that would have been prevented by this service. Increased use or Residential Care, less effective discharge from hospital, Increased A&E and other unplanned hospital visits. Increased waiting times for any remaining SP funded services . Potential for impacts on police , probation services.	

Section 3: Mitigating action

No	Action	Details
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9. Summarise any negative impacts and how these will be managed?

Negative impacts identified in section 7:

1. Client groups of all ages (18+) across society are affected but most especially people with poor mental health, and people who are threatened with homelessness or at risk of becoming homeless.
2. The withdrawal of this service may impact on the ability of people to recover from drug/alcohol misuse and manage their physical and mental health appropriately.

Managing this impact:

It will be very difficult to minimise negative impacts due to the cumulative effect of the overall reduction in Supporting People services, meaning that there are no alternative services to refer people to. Where people have a Care Manager/Care Co-ordinator, we will inform them of the ending of the service so they can re assess individuals. However, this will have an impact on the workload of the Care co-ordinators and Care Managers, and potentially an impact on Adult Social Care budgets if people are found to met the FACS criteria and therefore are entitled to a service.

Monitoring this impact:

It will be possible in the short term to track individuals who receive personal budgets to understand the impact of the withdrawal of the funding and its impact on other statutory services.

Personal Budgets are implemented as a rapid response to a poor or deteriorating situation when it is thought that one of the contracted services would not be able to provide support in time, or when a degree of complexity takes a client outside the normal contract commissioned for outreach work. The budget needs to cover recurring pressure for those with longer term needs who would otherwise present cost pressure to Adult Social Care & to facilitate short term support to move people from more intensive, costly services, i.e. residential care, hospital to lower level support.

A reduction in the budget may mean that clients fall outside of commissioned services and access other more costly statutory services following a crisis, such as ambulance call outs, emergency admissions to hospital, delayed hospital discharge and increased temporary and permanent residential care placements.

There is also the potential for increased numbers of people at risk of homelessness, in debt and rent arrears which will add pressure to the Housing team in the council.

Section 4: Monitoring

No	Action	Details
10.	Outline plans to monitor the actual impact of your proposals	<p>The following impacts will be monitored and reported to Commissioning for Independence Board, Chaired by the Director of Adult Services:</p> <p>Tracking of the individuals who received personal budgets will be reported in the short term (6 months) to ascertain the direct impact on other statutory services.</p> <p>As well as showing any impact of the reduction in service capacity, this data will inform any future commissioning strategies produced by Torbay Council, Adult Social Care and/or the Clinical Commissioning Group</p>

Section 5: Recommended course of action –

No	Action	Outcome	Tick ✓	Reasons/justification for recommended action
11.	State a recommended course of action	Outcome 1: No major change required - EIA <i>has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken</i>		
		Outcome 2: Adjustments to remove barriers – <i>Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality</i>		
		Outcome 3: Continue with proposal - Despite <i>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’.</i>	x	The purpose of this proposal is not to discriminate directly or indirectly, and does not amount to unlawful discrimination. The Council has to deliver significant savings, and in doing so has to prioritise its statutory responsibilities. Whilst the consultation has highlighted the benefits derived from the service together with the impact upon those who currently receive the service, this service is not statutory. The Council

				will endeavour, with its partners and the community, to mitigate against any adverse impacts. If any individual affected by the decision meets the FACS criteria, they will receive a service to meet their needs from Torbay & Southern Devon Health & Care Trust.
		Outcome 4: Stop and rethink – EIA has identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified		

Appendix 1

Consultation Results: Personal Budgets - Reduce by 100%

There were 20 responses received which referred to this proposal.

Services are currently provided by Parkview Society, Folks@Home, Sanctuary Housing.

Category	Examples of comments
Impact on the Health, Wellbeing and Quality of Life of Existing and Potential Clients	<p>“Clients supported under Personal Budgets are able to receive intensive support with direct access to the service when they are in a crisis situation... this will result in loss of support to many clients who are facing crisis, need urgent re-housing or are being re-housed from residential care into extra care housing.</p> <p>“Support from staff is focussed around promoting the service user’s ability to live independently in a selection of accommodation. The service intends to provide support in the medium term to long term, with the aim</p>

Category	Examples of comments
	<p>that service users will hopefully be able to then move on to greater independence.“</p> <p>“I am now able to manage my finances on my own as she has increased my income and re-taught me money management skills.”</p> <p>“It has built my confidence, increased my income and improved my living conditions.”</p>
<p>Impact on Statutory Services and National Priorities</p>	<p>“Without support... will enter a crisis situation risking their health and their safety and they would almost certainly both access residential care, at a cost to Torbay Care Trust.”</p> <p>“The clients were previously covered by a Supporting People accommodation support contract which expired in March 2013. In recognition of the long-term enduring mental health issues impacting on these clients, IB’s were established to maintain their quality of life, independence and integration in local community. These needs will not disappear as a result of budget reductions.”</p> <p>“If I had not received support I would have no way of leaving residential care, I would have debt collectors after me. I think I would have gone down-hill very quickly and would be very likely to be in and out of hospital as a result of my self-neglect.”</p> <p>“...proposal to cut the personal budgets of people with learning disabilities at a time when personalisation is being promoted by government.”</p>
<p>Financial Impact of the Proposals</p>	<p>“The proposed reductions will cost Torbay more in short and long term as support and monitoring delivered by Parkview support workers will inevitably be replaced by increased workload burdens on local GP’s, Community Mental Health Teams, Torbay Care Trust Adult Social Care Teams and Devon and Cornwall Police.”</p>

Category	Examples of comments
	<p>“With the cuts in personal budgets that is proposed by a 100% we feel in particular this may have an adverse effect on clients that we are supporting through these budgets... This will resort in them potentially having to move into residential care settings which will cost the Local Authority.”</p> <p>“It is considered that those people supported by SP personal budgets would need to be re-referred to DPT for additional services should those budgets be cut.”</p>
<p>Impact on the Service / Provider</p>	<p>“Diverse and competitive range of services provided by Parkview in Torbay are able to be delivered as a result of economies of scale. Narrowing of our range of services will result in increased service costs to Council, Torbay Care Trust and Mental Health Services.”</p>
<p>Quality of Service Provision</p>	<p>“The service’s willingness to consider challenging service users has ensured that there have not been issues of significance, which required SP, relevant CMHT’s and other referring agencies, to ask for formal feedback/complain over the service seeking to be overly risk averse with new referrals.”</p> <p>“My support worker is voice for people without a voice.”</p>