

Budget proposals and Service change : Equality Impact Assessment (EIA)

Officer Name:	Steve Honeywill	Position:	Head of Operational Change
Business Unit:	Community Services Division	Directorate:	Operations
Executive Lead:		Date:	February 2016

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/Trust Board members to make informed decisions as part of the decision-making process regarding the council's budget.

Executive Lead / Head Sign off:

Executive Lead(s)	Sonja Manton to October 15 Liz Davenport from October 15	Executive Head:	Steve Honeywill
Date:	Draft one co- design August 15 Draft two consultation start December 2015 Final draft consultation close February 2016	Date:	February 2016

Summary from Overall Budget Proposals:
Copy from Overall Budget Proposal template

Proposals – Outline	Savings for 2016/17		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
<p>In 2014 TSD community Trust published its provider commissioning strategy for learning disabilities (LD). That stated that the NHS would no longer directly provide LD services, but would ensure that services are in place for those people who need them.</p> <p>We are consulting on these two proposals:</p> <ul style="list-style-type: none"> • The closure of Baytree House Short Breaks Unit run by TSDFT (the NHS) • Our proposal for alternative Short Breaks provision. <p>Last year the NHS consulted on its policy for short breaks which has been applicable since 1st April 2015. The policy included providing eligible carers with funding for a short break in a variety of forms. We considered how best to ensure our policy with regard to short breaks is</p>		£250,000		2016/17 full year	<p>There is potential for negative response/publicity at the consultation phase.</p> <p>This could be viewed in the wider context of budgetary pressures however; our arrangements do require review and need to provide fairer outcomes and equity across the board.</p> <p>Baytree House has a small but long-standing cohort of carers to rely on the facility for Short-Breaks and value the service highly. Some of these carers are opposed to the closure of the unit and providing short-breaks in the independent sector.</p> <p>Key concerns for carers</p> <ul style="list-style-type: none"> * Quality of and access to alternatives in the independent * Potential stress and uncertainty of transition to any new arrangements. * Loss of Baytree could potentially 			Yes

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<p>fair and transparent and supports carer's rights under the Care Act.</p> <p>We also have to consider managing services on substantially reduced budgets and a financial savings have to be delivered from this approach as part of the budget agreed by Torbay Council.</p>					<p>result in breakdown in long term care in the family home for older carers.</p>			

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the proposal and what is the intended outcome.	<p>The closure of Baytree House Short Breaks unit run by TSDFT (the NHS) by 31/3/2016 or early in the 2016/17 financial year.</p> <p>Our proposal is to re-provide these short breaks in alternative Short Breaks provision in the independent sector.</p>
2.	Who is intended to benefit / who will be affected?	<p>Carers and personal budget holders who have previously accessed short breaks at Baytree House.</p> <p>The alternative provision in the independent sector is for this cohort and service users for whom Baytree House has not been suitable due to its estate or other limitations. We also be mindful of providing more choice than currently for personal budget holders and planning for young people and families in transition who will be future users of short-breaks and will require more flexibility.</p>

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>Yes, information with regard to occupancy and sustainability of Baytree as a unit financially, in estate terms and for future demand.</p> <p>Also the requirement to extend market choice for users</p> <p>Implementation of the requirements of the Trust Provider Commissioning Strategy.</p> <p>We have carried out an extensive engagement using a co-design model over 5 sessions at different times. All users families and carers of Baytree have been invited, families in transition and other stakeholder and those with an interest in learning disabilities such as Mencap and Health Watch. During the consultation period 1-2-1's were offered, and further face to face forums occurred with carers during December and January.</p>

No	Question	Details						
4.	<p data-bbox="163 116 472 220">How will / have you* consulted on the proposal?</p> <p data-bbox="163 300 472 331"><i>*delete as appropriate</i></p>	<p data-bbox="562 188 2107 403">Following three Co-design sessions (five meetings) in August, September and October 2015 we then have proceeded to a formal consultation. The Co-design sessions were inclusive and transparent. We listened to carers concerns and the features that they valued in the service at Baytree so these elements can feature in alternative services in the independent sector. We have also been very open about the financial requirements due to austerity that are part of the reasons for closing Baytree, the limitations of the estates and the low occupancy of the service making it unsustainable.</p> <p data-bbox="562 448 1816 480">Formal public Consultation Ran from 4th December 2015 and close of 5th February 2016.</p> <p data-bbox="562 523 1473 555">Specifically we are seeking responses to the following questions:</p> <table border="1" data-bbox="562 595 2107 1453"> <tbody> <tr> <td data-bbox="562 595 2107 746">1. Do you agree with our proposals to close Baytree House and provide alternative bed and non-bed based short breaks?</td> </tr> <tr> <td data-bbox="562 746 2107 898">2. What are the features of a good short break service, in your view? Please list the aspects that matter to you.</td> </tr> <tr> <td data-bbox="562 898 2107 1010">3. Are there any unique features about the service provided at Baytree?</td> </tr> <tr> <td data-bbox="562 1010 2107 1161">4. Are there any aspects of the service at Baytree which you think could be Improved?</td> </tr> <tr> <td data-bbox="562 1161 2107 1313">5. If you have chosen not to use Baytree would you be able to outline the Reasons?</td> </tr> <tr> <td data-bbox="562 1313 2107 1453">6. If have considered other providers, please give us any feedback you have On them.</td> </tr> </tbody> </table> <p data-bbox="562 1497 1989 1568">7. Do you think this proposal is unfair towards any group of people (with regards to their gender, ethnicity, age, religion, disability or sexuality)?</p>	1. Do you agree with our proposals to close Baytree House and provide alternative bed and non-bed based short breaks?	2. What are the features of a good short break service, in your view? Please list the aspects that matter to you.	3. Are there any unique features about the service provided at Baytree?	4. Are there any aspects of the service at Baytree which you think could be Improved?	5. If you have chosen not to use Baytree would you be able to outline the Reasons?	6. If have considered other providers, please give us any feedback you have On them.
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No	Question	Details
5.	Outline the key findings	<p>This section is included in the Board consultation report with an appendix of verbatim feedback from carers with respect to the Trust's proposals.</p> <p>A full and transparent report with regard to the consultation will be reported to the NHS Trust Board and Torbay Council's Health Scrutiny Committee as the decision making and scrutinising bodies.</p>
6.	What amendments may be required as a result of the consultation?	<p>None</p> <p>The Consultation approved by the Trust Board and Council Scrutiny from 4-12-15 to 5-2-15, it is anticipated that a decision will be made at the March 2016 Trust Board. 1-2-1's were also available to Carers and parents during the consultation period, on 15/12/15.</p>

Positive and Negative Equality Impacts *TO BE UPDATED ONCE CONSULTATION UNDERTAKEN (Completed as at February 2016)*

No	Question	Details		
7.	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. EVERY BOX MUST BE COMPLETED – if there is no impact please state either ‘No Positive Impact’ or ‘No Negative Impact’.</i>		
		Positive Impact	Negative Impact	Neutral Impact
	Older or younger people			X
	People with caring responsibilities			X
	People with a disability			X
	Women or men			X
	People who are black or from a minority ethnic background (BME)			X
	Religion or belief (including lack of belief)			X
	People who are lesbian, gay or bisexual			X
	People who are transgendered			X
	People who are in a marriage or civil partnership			X
	Women who are pregnant / on maternity leave			X
	Socio-economic impacts (Including impact on child poverty issues and deprivation)			X

No	Question	Details	
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		X
8a.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	<i>Are any cumulative impacts identified across your service area from proposals in other departments OR from other service areas? Please explain what these might be (you may need to revisit this section once proposals have been further defined)</i> NONE	
8b.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	<i>Are any cumulative impacts identified across your service area from proposals in other public services or partner organisations? Please explain what these might be (you may need to revisit this section once proposals have been further defined)</i> NONE	

Section 3: Mitigating action *TO BE UPDATED ONCE CONSULTATION UNDERTAKEN*

No	Action	Details
9.	Summarise any negative impacts and how these will be managed?	Those families and carers who have particularly valued the short breaks service at Baytree may find this change challenging and worrisome given the service has been used for a number of years. These people may require additional support during any transition to new services by our staff. Any extended transition period beyond 31/3/16 will be recommended. New services will not meet some carers expectations and needs in terms of choice, access and quality

Section 4: Monitoring

No	Action	Details
10.	Outline plans to monitor the actual impact of your proposals	<p>The service changes as a result of the proposed closure of Baytree upon individuals will be monitored at individual review.</p> <p>New arrangements for short breaks will be monitored by the Trust's care teams and commissioners.</p>

Section 5: Recommended course of action –

No	Action	Outcome	Tick ✓	Reasons/justification for recommended action
11.	State a recommended course of action <i>Policy is implemented as outlined above in Section 1</i>	Outcome 1: No major change required - <i>EIA has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken</i>		See comment to outcome 4
		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 - <i>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'.</i>	✓	<p>Closure of Baytree and the user of alternative provision will impact upon these carers who have historically used the service in a significant fashion.</p> <p>We will need to address any concerns in practice and the issues carers subsequently make.</p> <p>Potential concern for some service is a possible lack of provision in the residential market or provision that</p>

			<p>meets their aspirations. This may lead to problems with short-break users finding a vacant bed to place their relative and means that forward planning could be difficult.</p> <p>Meeting the needs of very complex people, including those in receipt of Continuing Health Care,</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>Some carers in the consultation feel the proposal is unfair to disabled people and those with a learning disability.</p>