



Derby City Council

# **Equality impact assessment form**

**Adults Health and Housing**

**Service area**

**Your Life Your Choice Strategy Refresh**

**23 February 2015 and 28 February 2015**

**Signed off by**

**Cabinet, Personnel Committee or Chief Officer  
Group's decision**

**Date published on website**

## Equality impact assessment – please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact you need to do an equality impact assessment whenever a decision is needed that affects people and **before** that decision is made.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to do them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have ‘**due regard**’ to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a ‘**relevant protected characteristic**’ and people who don’t.

Having ‘due regard’ means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity

- race
- religion or belief
- sex
- sexual orientation

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Don't do the form by yourself, get a small team together and make sure you include key people in the team such as representatives from our Diversity Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have

found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

When you have completed the assessment, get it signed by your Head of Service or Service Director and send it to our Lead on Equality and Diversity for checking and to publish on our website. It is a public document so must not contain any jargon and be easy to understand.

Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010.

### **Equality groups and protected characteristics**

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties and people with physical impairments
- Gender reassignment – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers
- Race equality – the effects on minority ethnic communities, including newer communities, gypsies and travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls

- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

In addition, we have decided to look at the effects on families and people on low incomes too as we feel this is very important.

### **Contact for help**

Ann Webster – Lead on Equality and Diversity

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### **The form**

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures
- Key decisions such as allocating funding to voluntary organisations, budget setting
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays

If in doubt - do one! You never know when we may get a legal challenge and someone applies for Judicial Review.

### **What’s the name of the policy you are assessing?**

Your Voice Your Choice Strategy.

### **The assessment team**

Adult, Health and Housing has taken an innovative approach to measuring the equalities impact of the Your Life Your Choice policy in that it has formed an integral

part of our conversations with customers, taking a problem solving approach to issues.

Two sessions were held to formally look at the equalities impact. The first was with members of the Diversity Forums some of whom had not been directly involved in the wider consultation process and the second was with the steering group involved in co-producing the Your Voice Your Choice Strategy. This EiA is the synthesis of these meetings

**Diversity Forum Session** Facilitator: Christine Collingwood, Commissioning Manager

Other team members

Name	Job title	Organisation	Area of expertise
Felicity Coxon	Commissioning Officer	Derby City Council	Facilitator / Scribe
Andy Findlay		DPDF/50+ Forums	Participant
Moirra Findlay		DPDF/50+ Forums	Participant
Judi Bateman		DPDF Forums	Participant
Chris Wheeldon		50+ Forums	Participant
Janet Warner		DPDF Forums	Participant

**Your Life Your Choice Steering Group:** Session Facilitators: Brian Frisby and Neil Woodhead

Other team members

Name	Organisation
Claire Mehrbani	Derby Homes
Shelley Merrett	Derby City Council
Christine Collingwood	
Kirsty Everson	
Phil Taylor	
Steve Barr	
Amo Raju	Disability Direct
Raj Johal	
Joanne Goodison	Southern Derbyshire CCG
Jonathan Norton	Derbyshire Voice
Honor Simpson	Making Space
Janine Cherrington	Transition2
Naomi Hope	
Adam Chilcott	Co-Chair of the Learning Disability Partnership Board
Kath Cawdwell	Community Action Derby
Kathleen Smedley	Alvaston Residents Association
Katy Pugh	Age Concern

Name	Organisation
Narinda Sharma Helen Weston	Derbyshire Carers Association
Steve Trenchard	DHCFT NHS Trust

## Step 1 – setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side tracked.

**1 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.**

Adult social care is at cross-roads. With increasing need and less money we could, if we are not careful, resort to making it harder and harder for people to get the support they need.

We have created a strategy which shows how we will stop adult social care from becoming an emergency service and move it closer to and working with, individuals, families and communities.

Since 2010/11 the Council has been delivering essential public services within less and less money. It is really important that we are clear about what we are trying to achieve for local people and where we are heading. As part of our work on personalisation we have been talking to Derby people to better understand what their experience of our service is like and whether we are focusing on the right things.

We have identified what we think we need to do to make things better, based on the points above, but we want to be sure we have got this right.

The proposed strategy seeks to focus our energy on what matters to people and acting swiftly to achieve it. We seek to build the systems, relationships and resources to support people to live lives that are meaningful and uphold their dignity. We want to ensure that support is provided as close to home and family as possible.

What we hope this will look like in 3 years' time is that:

- People will be more in control of their care and support
- People will be able to get information on a range of subjects that help them to stay living at home
- People will be supported through a good network of family, friends and people in the community
- People won't see the join between health and social care because it will work better, together
- People will be supported at home and not in buildings that they have to go to

The aim of the strategy is that all diverse communities in the City will see a positive outcome as they will be enabled to shape services to meet their needs, and communities can work together to shape local solutions.



**2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?**

There is a shared commitment by the Government, local councils and providers of services to make sure that people who need care and support have the choice, flexibility and control to live their lives as they wish.

Adult Social Care is delivered in many cases by external providers who are commissioned to deliver services (such as residential care or Home Care)

**3 Who are the main customers, users, partners, employees or groups affected by this proposal?**

The main customer group of Adult Social Care services are those who are categorised as having 'substantial' or 'critical' risk to independence.

Most of those who access social care have at least one of the following issues:

- They can't manage to do essential things, and there's no other way of getting them done
- They are managing with a struggle, but they or their carer are at serious risk of injury, and there's no other way of getting things done
- They are at risk of going into residential or hospital care without support.

Population changes will impact on the way we deliver social care in coming years

- Our population in the UK is growing at an average 0.5% each year, its fastest rate since the 1960s.
- The number of people aged over 65 is expected to rise by almost 43% over the next 15/16 years.
- The number of people aged over 85 will rise by over 80% in the same period.
- The numbers of people living with dementia are set to double over the next 25 years.
- At the other end of the age range, many more severely disabled children are becoming adults, often requiring high levels of care and support.
- There is a projected rise of over 67% in the number of people living with a disability over the next 20 years, including big increases in older people with learning disabilities and younger people with complex needs.
- At the same time, increases in illness is having a big impact on health and social care with significant implications for costs.
- For example, the number of people with a long term condition is set to rise by 50% over the next 4 years.
- This isn't just about older people - as 15% of all school pupils aged 11-15 also have a long-term illness, disability or a medical condition.
- Many people with illnesses also have mental health problems which means that their potential for recovery and their quality of life can both deteriorate a lot.
- There is also a challenge in how all of those people are cared for and supported. This is because the proportion of the population of working age is projected to fall from 65% to 60% over the next 15 years so that there will be fewer people available to provide care and a smaller ratio of people in work, to pay taxes to pay for social service.

## **Step 2 – collecting information and assessing impact**

- 4 Who have you consulted and engaged with so far about this policy, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.**

The refresh of the Your Life Your Choice strategy has been consulted upon widely. A presentation has been produced to help organisations run sessions with their community. to make sure that they know how the Council thinks that adult social care needs to change, and to find out what they think

The Council has consulted with over 400 individuals in 30 workshops to give stakeholders the opportunity to say what they think by asking these 4 questions:

1. What do you like about what you've just heard
2. Is there something that has been missed?
3. What will you do to stay independent and keep well without relying on the Council?
4. How can the Council support you to achieve this?

Since 2010/11 the Council has been delivering essential public services with less and less money. It is really important that we are clear about what we are trying to achieve for local people and where we are heading. As part of our work on personalisation we have been talking to Derby people to better understand what their experience of our service is like and whether we are focusing on the right things.

People told us that:

- It is sometimes difficult to get good advice and information in order to make informed decisions.
- When we make changes we do not always explain them very clearly.
- People can find it difficult to speak promptly to the person who can help them with their issue and waiting times at the "front door" are growing.
- They can sometimes feel passed around and have to tell their story again.
- The assessment process tends to focus on the things people can't do and misses out the strengths and things that they can do for themselves or they can do with help from family or friends.
- Our processes are over-bureaucratic and reduce the time staff can spend focusing on solutions.
- We are sometimes too quick to offer the usual menu of services rather than think through more creative, more personalised and often simpler solutions.
- We can get involved too late in a situation which makes it so much harder to find a good solution.

- 5 Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each equality group whether this is a negative impact, a positive one or if you are not sure**

<b>Equality groups</b>	<b>What do you already know?</b>	<b>No impact</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Not sure</b>
<b>Age</b>	<p>The aim to keep individuals at home and independent for as long as possible is right for most individuals</p> <p>Your Life Your Choice re-positions Derby City Council to be closer to, and working with, individuals, families and communities in collaboration with our partners ensuring services can be shaped to meet the needs of diverse communities .</p> <p>Winter plans will help the most vulnerable older people cope with the difficulties the colder months bring</p> <p>A clear approach to the prevention of a crisis will promote independence and reduce the chances of an emergency leading to loss of independence</p> <p>Assistive Technology</p>		X		

	<p>will help make living at home for the elderly safer</p> <p>The strategy is aspirational and promotes a positive image of old age</p> <p>Some issues have been identified which will require actions to help individuals take full advantage of the empowering philosophy of Your Life, Your Choice</p> <p><b>Information and advice</b> Many older people will find self serving / information gathering via the internet difficult so ways of ensuring information reach these groups (such as via the 50+ forum) need to be maintained</p> <p>Some carers find organising and managing the care of their family member a strain and stressful to get right and so will require support the process throughout</p> <p><b>Managing the Market</b> Need to ensure providers used via direct payments provide high quality services, many older people do not like to complain Older people need to be able to access a variety of services to</p>				
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	<p>prevent isolation Some carers may find it difficult to relax at home whilst care is being given to their loved one</p> <p><b>Managing personal budgets</b> For younger people at transition families will need support to help them choose the right services</p> <p><b>Support in local communities</b> Transport needs to be in place to ensure individuals can access the community offer, local bus services need to be protected</p>				
<b>Disability</b>	<p>The aim to keep individuals at home for as long as possible is right for most individuals</p> <p>Your Life Your Choice re-positions Derby City Council to be closer to, and working with, individuals, families and communities in collaboration with our partners ensuring services can be shaped to meet the needs of diverse communities .</p> <p>A clear approach to the prevention of a crisis will promote independence and reduce the chances of</p>		X		

	<p>an emergency leading to loss of independence</p> <p>Assistive Technology will enable individuals remain at home more easily and safely</p> <p>Greater integration with Health will enable the persons needs to be looked at holistically</p> <p>Enabling approach will value the individual as expert in their own needs.</p> <p>Some issues have been identified which will require actions to help individuals take full advantage of the empowering philosophy of Your Life, Your Choice</p> <p><b>Support in the community</b> Some individuals on the Autistic spectrum find forming relationships difficult and will be less likely to make use of their local community. Support for this group needs to be tailored to their needs using the community resources which already exist.</p> <p>Some carers find organising and managing the care of their family member a strain and stressful to get right and so will</p>				
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	<p>require support the process throughout</p> <p>Transport needs to be in place to ensure individuals can access the community offer, local bus services need to be protected</p> <p>Leisure Offer needs to be maintained and strengthened For many disabled people access to free activities such as going to the park may be limited</p> <p><b>Information and advice</b> For some with Autism / Learning Differences expressing their opinions and choice may be difficult Encouraging non verbal communication methods to engage with individuals</p>				
<b>Gender reassignment – trans</b>	<p>Choice in provision with enable services to be tailored to individuals needs and preferences</p> <p>Your Life Your Choice re-positions Derby City Council to be closer to, and working with, individuals, families and communities in collaboration with our partners ensuring services can be shaped to meet the needs of divers</p>		X		



	<p>communities .</p> <p>Positive enabling approach with enable the individual to take responsibility for the care, aiding choice and control</p> <p>Emphasis on independence</p> <p>Some issues have been identified which will require actions to help individuals take full advantage of the empowering philosophy of Your Life, Your Choice</p> <p><b>Managing the market</b> Some individuals may find it difficult to find PA's / providers who understand their specific need</p>				
<b>Marriage and civil partnership</b>	<p>Choice in provision with enable services to be tailored to individuals needs and preferences</p> <p>Your Life Your Choice re-positions Derby City Council to be closer to, and working with, individuals, families and communities in collaboration with our partners ensuring services can be shaped to meet the needs of divers communities .</p> <p>Positive enabling approach with enable</p>		X		

	the individual to take responsibility for the care, aiding choice and control				
<b>Pregnancy and maternity</b>	<p>Choice in provision with enable services to be tailored to individuals needs and preferences</p> <p>Your Life Your Choice re-positions Derby City Council to be closer to, and working with, individuals, families and communities in collaboration with our partners ensuring services can be shaped to meet the needs of diverse communities .</p> <p>Positive enabling approach will enable will enable service users who are pregnant to shape their service to meet their changing needs</p> <p>Some issues have been identified which will require actions to help individuals take full advantage of the empowering philosophy of Your Life, Your Choice</p> <p><b>Managing the Market</b> It may be difficult to find a temporary replacement if an informal carer, care worker or PA becomes pregnant there may also be</p>		X		

	health and safety issues around lifting				
<b>Race</b>	<p>Choice in provision with enable services to be tailored to individuals needs and preferences</p> <p>Your Life Your Choice re-positions Derby City Council to be closer to, and working with, individuals, families and communities in collaboration with our partners ensuring services can be shaped to meet the needs of diverse communities .</p> <p>A community based approach will BME communities to tailor services to meet their needs and take ownership of how information and advice is conveyed</p> <p>Some issues have been identified which will require actions to help individuals take full advantage of the empowering philosophy of Your Life, Your Choice</p> <p><b>Information and advice</b> Hard to reach communities need to be fully engaged</p> <p>There may be gender related and stigma issues (ie Mental Health issues or need</p>		X		

	<p>for same sex carer) for some communities Language barriers, particularly in emerging communities may limit access to information and advice</p> <p><b>Support in the community LAC</b> Need to map / understand social capital in diverse communities</p>				
<b>Religion or belief or none</b>	<p>Choice in provision with enable services to be tailored to individuals needs and preferences</p> <p>Your Life Your Choice re-positions Derby City Council to be closer to, and working with, individuals, families and communities in collaboration with our partners ensuring services can be shaped to meet the needs of divers communities .</p>		X		
<b>Sex</b>	<p>Choice in provision with enable services to be tailored to individuals needs and preferences</p> <p>Your Life Your Choice re-positions Derby City Council to be closer to, and working with, individuals, families and communities in collaboration with our</p>		X		

	partners ensuring services can be shaped to meet the needs of divers communities .				
<b>Sexual Orientation</b>	<p>Choice in provision with enable services to be tailored to individuals needs and preferences</p> <p>Some issues have been identified which will require actions to help individuals take full advantage of the empowering philosophy of Your Life, Your Choice</p> <p>Your Life Your Choice re-positions Derby City Council to be closer to, and working with, individuals, families and communities in collaboration with our partners ensuring services can be shaped to meet the needs of divers communities .</p> <p><b>Managing the Market</b> However some individuals may find it difficult to find PA's / providers who understand their specific need</p>		X		
<b>Families and people on low income</b>	Choice in provision with enable services to be tailored to individuals needs and preferences		X		

	<p>Your Life Your Choice re-positions Derby City Council to be closer to, and working with, individuals, families and communities in collaboration with our partners ensuring services can be shaped to meet the needs of diverse communities .</p> <p>Some issues have been identified which will require actions to help individuals take full advantage of the empowering philosophy of Your Life, Your Choice.</p> <p><b>Information and advice</b> PC's / Internet are now more difficult to access in libraries so self serve / information and advice more problematic to get</p> <p><b>Managing personal budgets</b> Some carers find organising and managing the care of their family member a strain and stressful to get right and so will require support the process throughout</p> <p><b>Support in the Community LAC</b> Free activities are difficult to access</p>				
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**Important** - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

**6 From the information you have collected, how are you going to lessen any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?**

On the whole Your Life Your Choice was seen as a very positive step change. What was felt was that some customers will need some support to make full advantage of the empowering service model. There are key areas which will help mitigate any negative impacts of the Your Life Your Choice strategy are:

- Better Information and advice  
Managing the Market and ensuring diversity in provision
- Supporting individuals in managing personal budgets
- Developing support in local communities and Local Area Co-ordination

Actions around these areas are described in the Action Plan

### Step 3 – deciding on the outcome

**7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?**

<b>Outcome 1</b>		<b>No major change needed</b> – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
<b>Outcome 2</b>		<b>Adjust the policy</b> to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
<b>Outcome 3</b>	<b>X</b>	<b>Continue the policy</b> despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> <li>• sufficient plans to stop or minimise the negative impact</li> <li>• mitigating actions for any remaining negative impacts</li> <li>• plans to monitor the actual impact.</li> </ul>
<b>Outcome 4</b>		<b>Stop and rethink</b> the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s)

3
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Why did you come to this decision?



The group agreed that Your Life Your Choice offered many positive things for diverse communities, with choice, community based solutions and helping individuals stay at home seen as the way forward. There are some groups who will need extra support in order to meet the aims of the strategy. It was felt that it would be useful to revisit the EiA in 12 months time once the consultation process is finalised and the strategy is put into practice.

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality Action Plan to lessen the effect of the negative impact. This is really important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is really important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

#### **Step 4 – equality action plan – setting targets and monitoring**

- 8 Fill in the table (on the next page) with the equality actions you have come up with during the assessment. Indicate how you plan to monitor the equality impact of the proposals, once they have been implemented.**

## Equality action plan – setting targets and monitoring

<b>What are we going to do to advance equality?</b>	<b>How are we going to do it?</b>	<b>When will we do it?</b>	<b>What difference will this make?</b>	<b>Lead officer</b>	<b>Monitoring arrangements</b>
EiA to be repeated in 12 months		Feb 2016	To understand the impact on equality groups	C Collingwood	Diversity Forums
<b>Better Information and advice</b>	Building upon the existing project working with the third sector to ensure that the diverse communities in the City receive advice and information in a way which is easily understood	on-going	Information will reach all communities to help them fully access choice and control	Brian Frisby	Your Life Your Choice Steering Group
<b>Managing the Market and ensuring diversity in provision</b>	Using the Market position statement and understanding of local provision to ensure we promote and work with providers to develop high quality services which meet local need	on-going	The market place offers support for individuals that promotes independence and meets individual needs	Brian Frisby	Your Life Your Choice Steering Group
<b>Supporting individuals in managing personal budgets</b>	Help carers and individuals exercise their choice and control over their care	on-going	Services meet the needs of the individual	Brian Frisby	Your Life Your Choice Steering Group

<b>Developing support in local communities and Local Area Co-ordination</b>	Community based approaches promote social capital and community resilience. Local solutions are developed to meet local needs	on-going	Services are developed locally that are targeted to community needs A preventative approach is taken to minimize intervention by statutory agencies	Brian Frisby	Your Life Your Choice Steering Group

**Make sure you include these actions in your Directorate service business plans.**