



North

Yorkshire County Council

## Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated May 2015)

*101 Prospect Mount Road*

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যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔



**Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.**

Name of Directorate and Service Area	Health and Adult Services, Provider Services
Lead Officer and contact details	Joss Harbron 01609 535330
Names and roles of other people involved in carrying out the EIA	Dale Owens – Assistant Director for Care and Support
How will you pay due regard? e.g. working group, individual officer	Consultation with users of service, relatives and carers and staff.
When did the due regard process start?	October 2017

**Section 1. Please describe briefly what this EIA is about.** (E.g. are you starting a new service, changing how you do something, stopping doing something?)

The purpose of the EIA is to cover all aspects which may occur or require addressing during the planned closure of a North Yorkshire County Council (NYCC) Residential Home (Adults).

The process will address planned closures by the local authority, and will include relevant documentation to highlight and demonstrate the need to follow a clear project plan, communication plan in order to promote understanding and minimise distress with the people affected by the closure.

The procedure aims to provide a consistent and structured approach to planned local authority residential home closures, to develop and improve the consultation process and to promote involvement with people affected by the closure.

The procedure aims to actively involve residents, their relatives, people who receive a service from the home and people in the local community, in both the consultation process prior to any decisions being made to close an Elderly Persons Home (EPH), and throughout the closure process, as well as identify any specialist support that people may require through these processes.

“At present there is no statutory legislation regarding the closure of a residential home, however, existing guidance produced by The Department of Health states:

The responsibility of local authorities to assess vulnerable people;

Advice that it is sensible for local authorities to draw up plans and protocols in the event that a nursing home closes or a resident is evicted.

The requirement that care home providers apply to the Care Quality Commission (CQC) to close and should do so not less than three months before the proposed closure date. Notification to service users should be not more than  
seven days after application to the Commission; The  
requirement that residents should be given a written contract  
that includes a period of notice, and the opportunity of trial  
visits to new homes.

Recommended principles for good practice include:

Taking residents’ social and personal needs into account (existing friendships with residents, preferred geographical location, Ability of family and friends to visit); maximising residents’ ability to make an informed choice. “

( Ref Jacquetta Williams and Ann Netten PSSRU Discussion Paper 1861/2 October 2003)

“On the first of April 2009 a new Duty to Involve and Engagement Strategy came into force for local authorities and other best value organisations across England.”

This means that North Yorkshire County Council “has a duty to consult on ‘routine functions, as well as significant one-off decisions’; in short this means that there are few areas where the duty does not apply. Statutory guidance also makes it clear that ‘Appropriate engagement and empowerment should be embedded as standard practice throughout authorities, central to service delivery, policy and decision making.”

North Yorkshire County Council “will need to demonstrate to regulators: That NYCC understand community interests

That information, consultation and involvement opportunities are accessible and well-targeted  
That NYCC coordinate engagement activities with partners where appropriate  
That local people know how to get involved and feel that you provide good engagement opportunities.”

(Ref <http://www.involve.org.uk/assets/Docs-2/20090424-Duty-to-Involve-pager.pdf> )

The implementation of this procedure should not specifically affect residents in terms of their ethnicity, gender, financial status or abilities as everyone is assessed under the same Care Act principles and their choices and opinions will be included in any re assessments, where closures of EPH's are proposed.

The current residents affected by this procedure will be vulnerable older people living in the residential homes, usually aged 65+. They may include people who are from minority ethnic groups, people with disabilities and people who require support under The Mental capacity Act 2005.

North Yorkshire County Council need to ensure that people with diverse backgrounds maintain their social networks, particularly where this may be challenging due to rurality or lack of access.

The implementation of this procedure may adversely affect staff in terms of re deployment opportunities. The EPH's staff group are predominantly made up of women of all age groups.

Members of staff in redeployment situations will be treated equally regardless of their gender, age, race, disability etc. A full review of the staff team will be carried out by HR and Operational Management as required. Other options may have to be considered including redundancy options.

In rural areas identifying suitable placements may be more difficult than in urban areas, meaning that the residents may have to move away from the local community in which they live at present as well as relatives of these people having to travel further distances to visit their relative. Some of these relatives may themselves have difficulties in travelling; therefore consideration will be given during the assessment processes when arranging alternative placements.

NYCC's brokerage services collate data regarding current vacancies in their localities as well as holding a central data base to monitor vacancies across the county, this data will support care assessors/coordinators to identify suitable alternative placements,

Specialist advice will be sought during the consultation processes to ensure that people with dementia, cognitive impairments or those who require support under The Mental capacity Act 2005, have input into the consultation process, and if the decision is made to close an EPH, that they understand, as far as practicable, the processes involved, and that they are involved in decisions regarding alternative placements.

**Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it?** (E.g. to save money, meet increased demand, do things in a better way.)

- In increase the utilisation across existing services and provide best value for service provision.
- To ensure that service delivery is of modern standards and in line with the Care and Support Where I Live Strategy
- To deliver savings and efficiency to meet corporate targets set in the HAS 2020 plan
- To Improve the service offer to people in the locality

**Section 3. What will change? What will be different for customers and/or staff?**

The proposed procedure does not directly impact on specific groups of people, however the methods in which information is provide to people both during and after the consultation process, may have an impact on people’s inclusion in the processes. If the consultation process is carried out without providing different methods and levels of communication, people with dementia, cognitive impairment or limited capacity may not fully comprehend the proposals.

There could be financial implication both for the County Council and self-funders, who may have to pay more for private residential care, if no alternative NYCC accommodation is available

Residents who have dementia could be adversely affected due to the limited numbers of establishments who offer dementia services.

In rural areas identifying suitable placements may be more difficult than in urban areas, meaning that the residents may have to move away from the local community in which they live at present as well as relatives of these people having to travel further distances to visit their relative.

The implementation of this policy may adversely affect staff in terms of re deployment opportunities. The EPH’s staff group are predominantly made up of women of all age groups.

**Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

Please explain briefly why this will be the result.

The proposal will reduce Council Expenditure by £514,000 per annum. This is through utilising spare capacity in existing in house provision, securing alternative provision within the private sector at significantly advantageous rates and also transferring some provision to the voluntary sector in line with the Carers Strategy.

<b>Section 6. How will this proposal affect people with protected characteristics?</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc. (see Appendix 1)</b>
Age		✓		The services currently offered at 101 Prospect Mount Road are predominantly for clients aged 65+. The accommodation from which the services are provided is ageing itself and would not meet modern day standards. Reprovision will allow for all long term residents to transfer to modern purpose built accommodation without incurring any financial detriment. A 12 week consultation was undertaken with users of services, their families, carers and staff to enable feedback for the proposed changes to be obtained. No submissions were received through this process.

Disability		✓		<p>Accessibility to purpose build accommodation that is fully accessible with ensuite accommodation should reduce the need for the use of hoisting equipment and provide an improved experience for the individual.</p> <p>All services that are reprovided have been done so based on information obtained via a reassessment of needs and have been personalised to individuals, taking into consideration the wishes and concerns to prevent adverse effects on users.</p>
Sex (Gender)	✓			<p>Staff groups predominantly made up of female workers would be affected by this proposal. A 12 week consultation was undertaken with all staff and bespoke advice provided. All efforts will be made to secure alternative employment for all staff as part of this process. No formal comments on the consultation were received other than general concerns regarding redundancy and terms and conditions.</p>
Race	✓			<p>No issues raised or identified from the consultation process and no adverse impacts expected.</p>
Gender reassignment	✓			<p>No issues raised or identified from the consultation process and no adverse impacts expected.</p>
Sexual orientation	✓			<p>No issues raised or identified from the consultation process and no adverse impacts expected.</p>
Religion or belief	✓			<p>No issues raised or identified from the consultation process and no adverse impacts expected.</p>
Pregnancy or maternity	✓			<p>No issues raised or identified from the consultation process and no adverse impacts expected.</p>
Marriage or civil partnership	✓			<p>No issues raised or identified from the consultation process and no adverse impacts expected.</p>

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Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?	✓			Consideration will be given to providing travel support to staff who are redeployed to alternative premises and are required to travel further than at present. All services that are re-provided are within a 7 mile radius of existing provision and therefore not impacts expected or raised as part of the consultation
...have a low income?	✓			All services that are reprovided will be at the same costs as those currently provided to users of existing services. Therefore there will be no financial impact on those people with a low impact.

**Section 8. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.**

There is a potential that older women aged 65+ may be impacted more due to the demographic breakdown of existing users within NYCC EPH's.

Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. <b>No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	✓
2. <b>Adverse impact - adjust the proposal</b> - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. <b>Adverse impact - continue the proposal</b> - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. <b>Actual or potential unlawful discrimination - stop and remove the proposal</b> – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<b>Explanation of why option has been chosen.</b> (Include any advice given by Legal Services.)	
Although we have highlighted those groups at greater risk of impact we believe that following the 12 week consultation and the process to provide a reassessment of needs and tailored support plan we have mitigated any risk to this cohort.	

**Section 10. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)**

- Individual personal reviews will be undertaken following implementation at no more than 12 weeks following changes. Any required adjustments can then be made to support plans and these will be monitored and reviewed annually as a minimum.

**Section 11. Action plan.** List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
12 week formal consultation with users of service, their families and carers	Joss Harbron	Jan 2018	Completed	Outcome of the consultation included in report to executive.
12 week formal consultation with staff	Joss Harbron/H R	Jan 2018	Completed	Outcome of the consultation included in report to executive.
Re assessment of individuals affected by the reprovision	Locality Assessment Teams	Feb2018	Most are completed. Some users of service are awaiting the outcome of the meeting on 30 January.	Review after a maximum of 12 weeks or before if requested and annually thereafter.

**Section 12. Summary** Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

This EIA considers the impact of the reprovision of an NYCC Elderly Persons Home on people using services, their families, carers and staff.

We have undertaken a formal 12 week consultation with all affected parties involved and included any learning and outcomes in the actions stated.

We believe that the reprovision of services, protecting users financially and ensuring that their individual needs and wishes are addressed as part of an assessment of need meets the Councils obligations under the Equality Act 2010.

**Section 13. Sign off section**

This full EIA was completed by:

**Name:** Joss Harbron

**Job title:** Head of Provider Services

**Directorate:** Health and Adult Services

**Signature:**

**Completion date:** 17/01/18

**Authorised by relevant Assistant Director (signature):**

**Date:** 19<sup>th</sup> January 2018