

Equality Impact Assessment (EIA) – Short Breaks Policy

Officer Name:	Joanna Williams	Position:	Operational Change Lead
Business Unit:	Operational Change	Directorate:	Operations
Executive Lead(s):	Cathy Williams	Date:	22/12/14

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

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

Executive Lead / Head Sign off:

Executive Lead(s)	Cllr Scouler	Executive Head:	Steve Honeywill
Date:		Date:	

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 proposal is for a new Short Breaks Policy (The Policy) which will align current practice with the changes required under The Care Act. The Policy defines what a carer is under the legislation and ensures that The Council's legal duties are exercised appropriately.</p> <p>New arrangements for short breaks will be developed following agreement of The Policy and a subsequent options appraisal for the commissioning and delivery of services to meet the needs of carers in a person centred way.</p>
2.	Who is intended to benefit / who will be affected?	<p>The Short Breaks Policy underpins Torbay and Southern Devon Health and Care NHS Trust's (TSDHCT) (The Trust's) commitment to supporting carers to continue in their valuable role by ensuring access to a range of services which provide eligible carers with a break from their caring role.</p> <p>It affects all people who potentially may use short breaks – everyone receiving a care package in the community and their carers.</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?	The consultation response rate was very low and only one objection to the policy was received.

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="562 116 2078 256">The consultation ran from Friday 19 December 2014 and closed on Friday 13 February 2015. TSDHCT was keen to seek views on the proposed new policy on short breaks in Torbay. The consultation provided an opportunity to comment on the draft policy. Our objective is to make the right decisions for individuals whilst also considering the tough choices we need to make in order to manage services on reduced budgets.</p> <p data-bbox="562 300 1406 331">Specifically we sought responses to the following questions:</p> <ul data-bbox="607 376 2096 517" style="list-style-type: none"> <li data-bbox="607 376 2096 440">• Whether you think we have taken all the facts and issues into account in our policy and if you think the policy is fair. <li data-bbox="607 448 1675 480">• Any concerns you may have about any content or omission in the policy. <li data-bbox="607 488 1532 517">• What support you would like if any changes were to go ahead. <p data-bbox="562 560 1619 592">The public could respond with a completed feedback form by email or post.</p> <ul data-bbox="607 635 2123 1070" style="list-style-type: none"> <li data-bbox="607 635 2123 699">• A link on the front page of the Trust's website was live at the start of consultation on 19th December; this took the public directly to a copy of the policy and an electronic feedback form for ease of response. <li data-bbox="607 707 1944 738">• The same information and way of responding was available via the Torbay Council website. <li data-bbox="607 746 2107 810">• Hard copies of the policy and feedback form were available from the Trust engagement team, including a freepost envelope for response. <li data-bbox="607 818 2107 882">• The January issue of the Carers "Signpost" newsletter also featured an article with regard to the Short Breaks consultation, including how to respond and encouraging carers to have their say in the process. <li data-bbox="607 890 2101 999">• Also we utilised the carer's service electronic distribution of some 900 carers people so that the details of the consultation were circulated and so public awareness was raised and that it was clear how to respond to the policy proposal. <li data-bbox="607 1007 2114 1070">• The information was also made available to Health watch so a link to the consultation could be included on their website to raise public awareness.

No	Question	Details
5.	Outline the key findings	<p>Four written responses were received. A session was held with users of the In House Short Break Unit (users, facilitated by Speaking Out Torbay)</p> <p>Two completed forms were returned.</p> <ul style="list-style-type: none"> • Form One – Member of the public. Supportive, no concerns. • Form Two – Provider. Supportive, one concern about offering breaks to older people from managing their own care. Additional concern about younger people with a learning disability who need a break from their family environment. <p>Two emails were received regarding the consultation:</p> <ul style="list-style-type: none"> • Email One – Member of the public. Short breaks should be ring-fenced for carer, not included in the RAS. Opposes the proposals. • Email Two – Member of the public. Short breaks should include holidays. • Email Three – Member of the public. A suggestion that retreats should be available. <p>In House Short Breaks unit feedback: Service users value Short Breaks and they enjoy the activities.</p>
6.	What amendments may be required as a result of the consultation?	None

Positive and Negative Equality Impacts

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		Overall care packages will be reduced by a strict adherence to the new policy's proposal that all short breaks be costed from within the Resource Allocation Service.	
	People with caring responsibilities		Overall care packages will be reduced by a strict adherence to the new policy's proposal that all short breaks be costed from within the Resource Allocation Service.	
	People with a disability		Overall care packages will be reduced by a strict adherence to the new policy's proposal that all short breaks be costed from within the Resource Allocation Service. This means that people with learning disabilities, in that particular, will find that a vacancy based generous allocation of short break vouchers will reduce.	
	Women or men			x
	People who are black or from a minority ethnic background (BME)			x

No	Question	Details	
	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
	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

No	Action	Details
9.	Summarise any negative impacts and how these will be managed?	<p>There is potential negative impact to frail older people, carers and people with a disability</p> <p>This negative impact is the same, overall care packages will be reduced by a strict adherence to the new policy's proposal that all short breaks be costed from within the Resource Allocation Service. This means that people with learning disabilities, in that particular, will find that a vacancy based generous allocation of short break vouchers will reduce.</p> <p>The mitigation of this action is a commitment that all assessments are person centred, and allocated amounts based on need – with flexibility dependent on individual circumstances.</p>

Section 4: Monitoring

No	Action	Details
10.	Outline plans to monitor the actual impact of your proposals	<p>The policy's impact on individuals will be monitored at individual review.</p> <p>New arrangements for short breaks will be developed and a subsequent options appraisal for the commissioning and delivery of services to meet the needs of carers in a person centred way.</p>

Section 5: Recommended course of action –

No	Action	Outcome	Tick	Reasons/justification for recommended action
11.	<p>State a recommended course of action <i>Policy is implemented as outlined above in Section 1</i></p>	<p>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></p>	✓	
		<p>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></p>		
		<p>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>	✓	<p>The new policy is designed to address inequalities and operational difficulties in current policy and practice.</p> <p>We also need to address concerns in practice issues and concerns from carers:</p> <ul style="list-style-type: none"> • A lack of provision in the residential market – this leads to problems with short break users finding a vacant bed to place their relative and means that forward planning is extremely difficult • Review of the existing short breaks voucher system which experiences problems in its application, due to inconsistencies in its application and provision problems (above) • Meeting the needs of very complex people, including

				<p>those in receipt of Continuing Health Care</p> <ul style="list-style-type: none"> • The use and efficiency of The Baytree Short Breaks Unit (in house provision).
		<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>		