

Equality Analysis (EqA)

London Borough of Barnet
Adults and Communities

Questionnaire

Please refer to the guidance before completing this form.

1. Details of function, policy, procedure or service:	
Title of what is being assessed	Local policies to support implementation of the Care Act 2014
Is it a new or revised function, policy, procedure or service?	New
Department and Section	Adults & Communities
Date assessment completed	20/01/2015
2. Names and roles of officers completing this assessment:	
Lead officer	Mathew Kendall, Adults and Communities Director
Stakeholder groups	Citizens – Clients and Carers Adults and Communities Social Care Joint Commissioning Unit Experts by Experience Barnet Carers Centre Partnership Boards
Representative from internal stakeholders	James Mass, AD Community and Wellbeing Karen Jackson, AD Adult Social Care Jon Dickinson, Head of Integrated Care Older People/Physical Disabilities Karen Morrell, Head of Integrated Care Learning Disability/Mental Health Kiran Vagarwal, Head of Community Safety Rodney D'Costa, Head of Social Care Commissioning Andrea Breen, Head of Prevention & Wellbeing Enid Coleman, Head of Care Quality
Representative from external stakeholders	A Public Consultation exercise was held from 17 November 2014 to 16 January 2015 with a wide group of external stakeholders. The full list can be found in the report which can be found on the Council's website.
Delivery Unit Equalities Network rep	Emily Bowler, Customer Care and Change Manager
Performance Management rep	Deborah Robinson, Interim Business Improvement, Adults and Communities
HR rep (for employment related issues)	N/A

3. **Full description of function, policy, procedure or service:** Please describe the aims and objectives of the function, policy, procedure or service.
Please include – why is it needed, what are the outcomes to be achieved, who is it aimed at? Who is likely to benefit? How have needs based on age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, marriage and civil partnership and carers been taken account of? Identify the ways people can find out about and benefit from the proposals. Consider any processes they need to go through or criteria that we apply to determine eligibility.

Why is it needed?

The proposed draft policies are required to support the local implementation of the Care Act 2014. They set out Barnet Council's plans and key principles, which will guide decision-making in discharging its statutory functions in compliance with the Care Act 2014, associated Regulations and the Care and Support Statutory Guidance. They provide a high level statement of Barnet Council's intent on securing the outcomes below. When formulating these policies we have had regard to the UN Convention Rights, the Human Rights Act 1998 and the Equality Act 2010.

What are the outcomes to be achieved?

The Care Act 2014 is the biggest change to adult social care law in over 60 years and will introduce significant changes to the way social care services are delivered across England and in Barnet. It repeals almost all of the principal adult social care statutes and aims to simplify and consolidate in a single statute existing duties and best practice and introduces some new statutory duties.

Some of these provisions come into effect in April 2015, others come into effect in April 2016. Our proposed policies flowing from the Care Act 2014 set out the statutory functions (most of which are based on existing law) and the new duties. These include:

- **Prevention:** General duty to provide or arrange for provision of services, facilities or resources which the council consider will contribute towards preventing or delaying the development by adults of needs for care and support or development by carers of needs of support and reduce the needs for care and support of adults and needs for support of carers.
- **Information and advice:** Establishing and maintaining a service for providing people with information and advice relating to care and support for adults and support for carers. This will enable adults in need, carers and families to take control of, and make well-informed choices and decisions about their care and support and how to fund it.
- **Assessment and Eligibility criteria:** The Government has now set national minimum eligibility criteria for both adults with care needs and carers with support needs. Barnet adopts this national minimum eligibility criteria.
- **Charging for self-funders support planning and brokerage services:** Offering support for self-funders in assessing, planning and managing their care. A self-funder is someone who pays for all their care and support.
- **Carers support services:** New rights are established for carers, putting them on the same statutory footing as the adults they care for.
- **Provider failure:** A clear temporary duty is placed on councils to meet the care and support needs of adults and support needs of carers in the event of business failure to ensure that no one goes without care if their provider fails, regardless of who pays for their care, where they are ordinarily resident or whether their needs meet the eligibility criteria.

Who is it aimed at?

These proposed policies seek to secure implementation of the Care Act 2014 and when exercising the care and support functions promote the general wellbeing of adults and carers. The aim of the approach is to be person-centred, holistic and proportionate and by putting people at the heart of the system properly understanding needs, the impact on wellbeing, the outcomes people wish to achieve and whether provision of care and support could contribute to achieving those outcomes. Importantly, the Care Act 2014 places the rights of carers on a statutory footing.

Who is likely to benefit?

The duties in respect of provision of information and advice and preventative services apply to all people. Adults in need, carers and their families will all benefit from all of the proposed policies. Our person-centred approach and recognition of the different components of wellbeing as well as the recognition that some components will be more important to some people than others will benefit all adults and carers when Barnet Council is exercising its functions to provide care and support. The temporary duty to meet the care and support needs of adults and support needs of carers in the event of business failure will also benefit all of those currently being provided with regulated activities by registered care providers in Barnet.

How have needs based on the nine protected characteristics and carers been taken account of?

The project leads and subject matter experts have all given careful consideration to how the needs of those with protected characteristics and the needs of carers can be taken account of in formulating the proposed draft policies. Further information is provided in section 4 below.

What are the ways people can find out about and benefit from the proposals?

Barnet Council's consultation 'the Care Act 2014 have your say' enabled all adults, carers, families, stakeholders and partners to provide feedback, opinions and comments on the proposed plans. Barnet will publicly consult on all proposed policies which change its existing processes and delivery of care and support.

What are the processes they need to go through or criteria that we apply to determine eligibility?

For the first time a minimum national eligibility criteria has been set as a result of the Care Act 2014. This means all people will be measured against the same minimum threshold. Due to affordability costs Barnet Council has proposed to adopt the minimum level of the eligibility criteria and not a lower level.

4. How are the equality strands affected? *Please detail the effects on each equality strand, and any mitigating action you have taken so far. Please include any relevant data. If you do not have relevant data please explain why.*

Equality Strand	Affected?	Explain how affected	Relevant Data?	What action has been taken already to mitigate this? or What action do you plan to take to mitigate this?
1 Age	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>The older age ranges are the group who predominantly require both domiciliary and residential care. This group is most likely to benefit from the proposed policies by improved levels of accessibility and how services are provided.</p> <p>There is a specific duty on local authorities to prevent or delay the development of care and support needs, which is likely to especially benefit older people as they are most likely to develop such needs.</p> <p>Disabled adults aged 18 to 65 (??) will benefit from the better accessibility and services.</p> <p>Child carers who are approaching adulthood will benefit from new transition and carers provisions, which will allow adult social care services to assess these children and secure smooth transitions for disabled children into adulthood.</p>	2011 Census data on long-term health and age in Barnet.	<p>The provider failure policy aims to ensure continuity of care provided. The information and advice policy seeks to improve levels of access. Therefore, this group will benefit mostly as a result of the policy measures.</p> <p>The prevention policy aims to ensure all its population can benefit from effective prevention services when required. As older people are more likely to develop such needs the policy ensures appropriate services will be available in Barnet.</p> <p>The young carers policy highlights the new duties for young carers and carers transitioning to adult social care.</p>

Equality Strand	Affected?	Explain how affected	Relevant Data?	What action has been taken already to mitigate this? or What action do you plan to take to mitigate this?
2 Disability	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>All service users, including disabled people will be given the right to have a personal budget. The Act also consolidates the law around disabled people being able to access direct payments.</p> <p>Local authorities are also required to:</p> <ul style="list-style-type: none"> • make contact with and keep a record of all deafblind people • ensure assessments of need for care and support is carried out by people with specific training and expertise • provide appropriate services for deafblind people • provide specially trained one-to-one support workers when necessary • provide accessible information for deafblind people • ensure that a Director-level member of the local authority senior team has overall responsibility for deafblind services. 	2011 Census data on long-term health and disability in Barnet.	<p>The prevention policy and the information and advice policy takes account of the duty on local authorities to ensure that in the future adults who use social care services (including disabled people) will have greater control over the services they use and their day to day life. Reasonable adjustments where necessary will be made to ensure disabled people have equal access to information and advice services.</p> <p>The prevention and information and advice policies take account of the new duties placed on Barnet to ensure appropriate information and services are provided by suitably trained staff. Barnet's sensory impairment team already lead on these activities and will continue to do so.</p>
3 Gender reassignment	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	We have not identified any inequitable impacts relating to gender reassignment or transgender people.	N/A	N/A

Equality Strand	Affected?	Explain how affected	Relevant Data?	What action has been taken already to mitigate this? or What action do you plan to take to mitigate this?
4 Pregnancy and maternity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	We have not identified any inequitable impacts relating to pregnancy and maternity.	N/A	N/A
5 Race / Ethnicity	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Barnet has a diverse range of people who speak a number of languages. Any service offered needs to be accessible to those for whom it is provided to ensure accessibility. This may also include needing to ensure this information is provided in different languages.	2011 Census data on main language in Barnet.	The information and advice policy seeks to ensure all users of the services are able to understand what is being offered. It takes into account the diverse make up of Barnet and will ensure that information is provided in different languages or format.
6 Religion or belief	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	With a diverse population in Barnet, a person's beliefs (religious and non-religious) are likely to impact the type of information and advice or care and support they require. Particularly where their beliefs play a role in how they access services or the specialist care they need.	2011 census data on ethnic groups and religion in Barnet.	The provider failure policy seeks to meet the duties placed on local authorities to find suitable alternative replacement services that ensure continuity of care. The information and advice policy takes account of a person's beliefs and seeks to ensure a range of accessible options are available to meet the diverse needs of Barnet. CHECK WHAT IS MEANT HERE
7 Gender / sex	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The new statutory rights for carers may affect women more than men as they are believed to be the greater number of carers in Barnet	2011 Census data on carers in Barnet.	In meeting these duties for carers needs for support, women are more likely to positively benefit from the proposed policies. All of the policies are equally applicable to men and women.

Equality Strand	Affected?	Explain how affected	Relevant Data?	What action has been taken already to mitigate this? or What action do you plan to take to mitigate this?
8 Sexual orientation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	We have not identified any inequitable impacts relating to sexual orientation	N/A	N/A
9 Marital Status	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	We have not identified any inequitable impacts relating to marital status	N/A	N/A
10 Other key groups?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	None	N/A	N/A

5. What will be the impact of delivery of any proposals on satisfaction ratings amongst different groups of residents?

The overall impact will be to increase equality of access to services for all Barnet residents.

Preventative services, information and advice will benefit all adults and carers and should result in improved satisfaction ratings.

Improved access to services and a strengthened adult social care services offer will have greater benefits for older people and disabled adults and should result in improved satisfaction ratings.

6. How does the proposal enhance Barnet's reputation as a good place to work and live?

These proposed policies will underpin better integrated working between Barnet Council and partner agencies, in particular Health and Barnet Homes. By working in partnership we will promote the general wellbeing of adults in Barnet and secure earlier intervention by the provision of good information and advice and preventative services. The joined working in particular between Barnet Council and our health colleagues on health and social care will inform Barnet's Joint Strategic Needs Assessment and Health and Wellbeing Strategy which will result in better integrated services and access to care and support for Barnet residents and their carers.

The effect of these proposed policies should improve community cohesion and also the relationship between Barnet Council and all of its residents.

Collectively, these will enhance Barnet's reputation as a good place to work and live.

7. How will members of Barnet's diverse communities feel more confident about the council and the manner in which it conducts its business?

The proposed policies seek to treat all groups equally by giving equal access to all and where appropriate making reasonable adjustments, providing information and advice in different languages and formats.

In formulating these proposed policies we have given due regard to the public sector equality duty the need to:

- Eliminate discrimination, harassment and victimisation and other conduct prohibited by or under the Equality Act 2010.
- Advance equality of opportunity between those with a protected characteristic and those without.
- Promote good relations between those with a protected characteristic and those without.

All the policies will be widely publicised in a variety of formats and encourage transparency, openness and customer involvement.

The draft proposals have already been the subject of a formal public consultation exercise (17 November 2014 to 16 January 2015). The responses to the consultation have informed these proposed policies and will further be taken into account in finalising the policies and making decisions. The responses to the consultation will be publicised under the "We Asked, You Said, We Did" communications methodology on Barnet Council's website and a formal consultation response to the adults and safeguarding committee.

8. What measures and methods have been designed to monitor the application of the policy or service, the achievement of intended outcomes and the identification of any unintended or adverse impact? *Include information about the groups of people affected by this proposal. Include how frequently will the monitoring be conducted and who will be made aware of the analysis and outcomes? Include these measures in the Equality Improvement Plan (section 15)*

What measures and methods have been designed to monitor the application of the policy?

The application of the proposed policies will be monitored after the Care Act 2014 comes into force in April 2015. Monitoring will be facilitated by the new technology systems being designed that will provide effective reporting mechanisms and identify emerging trends as well as changes in practice. This will include reporting on the change in the numbers of those who benefit from the new duties, (for example with regard to carers or adults and carers impacted by business failure) compared to pre April 2015. This intelligence will inform forward planning to continuously improve services in Barnet.

What measures and methods have been designed to monitor the achievement of intended outcomes?

The broad intended outcomes are referred to in part 3 of this document and will be measured in a number of ways, after the Care Act 2014 comes into force in April 2015. For example Barnet's prevention outcomes will be measured by the number of people benefitting from preventative services such as Telecare. This will be the same for adults in need of care and support and carers in need of support.

Other outcomes such as the provision of information and advice and accessibility of the same by all can be measured by the increased number of people (after April 2015) who call in and are then successfully informed and or advised and signposted to the right service.

The new national minimum eligibility criteria for adults in need of care and support and carers in need of support will be applied to all people from April 2015. Also anyone who pays for all their care and support (self-funder) can ask Barnet to arrange this for them, at a cost. This will be measured for all self-funder requests from April 2015 for Community Care and April 2016 for Residential Care.

As part of our contingency planning we will work closely with providers in Barnet to ensure we can secure continuity of care. The provider failure policy outcomes will be measured by the number of cases satisfactorily resolved in the event of business failure(s) as and when such a situation arises to ensure those affected are provided with continuity of care.

What measures and methods have been designed to monitor the identification of any unintended or adverse impact?

There do not appear to be any adverse impacts

The groups of people affected by this proposal.

The people affected by the proposed policies include anyone who uses care and support, carers and their family members. The wider prevention and information and advice policies affect all Barnet residents.

Include how frequently will the monitoring be conducted and who will be made aware of the analysis and outcomes?

Reporting will occur both weekly and monthly to monitor intended outcomes and any unintended adverse impact that may arise.

This can be in the form of weekly reports to the adults and communities locality teams and their Heads of Service.

Reports will also be generated on a monthly basis for adults and communities senior management team to ensure intended outcomes meet targets as well as remain in line with the Care Act 2014. These will identify and respond speedily to emerging trends.

These measures are in the Equality Improvement Plan (section 15)

9. How will the new proposals enable the council to promote good relations between different communities? *Include whether proposals bring different groups of people together, does the proposal have the potential to lead to resentment between different groups of people and how might you be able to compensate for perceptions of differential treatment or whether implications are explained.*

Do the proposals bring different groups of people together?

The proposed policies aim to support the implementation of the Care Act 2014 and secure a cohesive approach to care and support. The proposals will give groups such as carers mainstream access to care and support in their own right. This will ensure both carers and adults in need of care and support are able to support each other better.

The information and advice policy will mean not just eligible people but all groups of people from the community can have appropriate and timely support when required. It will promote the engagement between voluntary organisations, self-funders and professional bodies such as our Health partners.

Does the proposal have the potential to lead to resentment between different groups of people and how might you be able to compensate for perceptions of differential treatment or whether implications are explained.

There is the potential for resentment between those who access care and support funded by the council and those who fund themselves. If the impact of supporting self-funders begins to affect council funded people then this may build resentment.

However, clear, transparent information about the services and support provided to all people on the Council's website, in printed and other formats, will help manage this.

10. How have residents with different needs been consulted on the anticipated impact of this proposal? How have any comments influenced the final proposal? *Please include information about any prior consultation on the proposal been undertaken, and any dissatisfaction with it from a particular section of the community.*

The proposed policies implement the Care Act 2014 which simplifies and consolidates existing duties as well as introduce some new duties.

Citizens and representative groups in Barnet have been consulted on the draft proposals with a number of specific questions on details of changes and what Barnet proposes to do. Responses have in the majority agreed with Barnet's proposals for information and advice, prevention, the national minimum eligibility criteria, carers support and provider failure. The only areas where responses have been mixed are around charging arrangement fees to self-funders.

Nonetheless, some useful suggestions have been received and these and the views expressed will be reflected wherever possible in the committee report to the Adults and Safeguarding Committee, and also on the Council's Engage Space.

Overall Assessment

1. Overall impact		
Positive Impact <input checked="" type="checkbox"/>	Negative Impact or Impact Not Known ¹ <input type="checkbox"/>	No Impact <input type="checkbox"/>
2. Scale of Impact		
Positive Impact Minimal <input type="checkbox"/> Significant <input checked="" type="checkbox"/>	Negative Impact or Impact Not Known Minimal <input type="checkbox"/> Significant <input type="checkbox"/>	

3. Outcome			
No change to decision <input checked="" type="checkbox"/>	Adjustment needed to decision <input type="checkbox"/>	Continue with decision (<i>despite adverse impact / missed opportunity</i>) <input type="checkbox"/>	If significant negative impact - Stop / rethink <input type="checkbox"/>

4. Please give full explanation for how the overall assessment and outcome was decided
Developed as part of formulating the proposed policies and associated Committee reports. It also takes account of the Department of Health's overall Equality Analysis for the Care Act 2014, ADASS response to consultation, the Equality and Human Rights Commission response to the government consultation on the regulations and statutory guidance, public law duties generally, the public sector equality duty and key principles that have been established in case-law.

¹ 'Impact Not Known' – tick this box if there is no up-to-date data or information to show the effects or outcomes of the function, policy, procedure or service on all of the equality strands.

5. Equality Improvement Plan

Please list all the equality objectives, actions and targets that result from the Equality Analysis (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Objective	Action	Target	Officer responsible	By when
The proposed policies are to be widely available to all residents, cared for people, carers and other authorised representatives who access adult social care, staff from the Council and its partners.	<p>The final policies will be made available in a variety of formats including on the Council's website and printed materials.</p> <p>The Council will publicise the proposed changes and related policies along with other aspects of the implementation requirements of the Care Act 2014.</p> <p>Staff groups within A&C and partner agencies will be briefed and kept updated about the development of the policies.</p>	The numbers assessed as eligible for the proposed changes as well as the numbers making enquiries about the changes will be monitored through the Care Act Implementation Project.	M Kendall	01/04/2015

1st Authorised signature (Lead Officer)	2nd Authorised Signature (Delivery Unit management team member)
Date:	Date: