

EQUALITY IMPACT ASSESSMENT

The **Equality Act 2010** places a '**General Duty**' on all public bodies to have '**due regard**' to the need to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity for those with 'protected characteristics' and those without them
- Fostering good relations between those with 'protected characteristics' and those without them.

In addition the Council complies with the Marriage (same sex couples) Act 2013.

Stage 1 – Screening

Please complete the equalities screening form. If screening identifies that your proposal is likely to impact on protected characteristics, please proceed to stage 2 and complete a full Equality Impact Assessment (EqIA).

Stage 2 – Full Equality Impact Assessment

An EqIA provides evidence for meeting the Council's commitment to equality and the responsibilities under the Public Sector Equality Duty.

When an EqIA has been undertaken, it should be submitted as an attachment/appendix to the final decision making report. This is so the decision maker (e.g. Cabinet, Committee, senior leader) can use the EqIA to help inform their final decision. The EqIA once submitted will become a public document, published alongside the minutes and record of the decision.

Please read the Council's Equality Impact Assessment Guidance before beginning the EqIA process.

1. Responsibility for the Equality Impact Assessment

Name of proposal	Choice and Third Party Top-up Policy
Service area	Adults
Officer completing assessment	Sam Jacobson
Equalities/ HR Advisor	Paul Green
Cabinet meeting date (if applicable)	
Director/Assistant Director	Beverley Tarka

2. Summary of the proposal

Please outline in no more than 3 paragraphs

- The proposal which is being assessed*
- The key stakeholders who may be affected by the policy or proposal*
- The decision-making route being taken*

The proposal in question is to introduce a choice and third party top-up policy in line with care act guidance. The policy will set out how residents will be afforded choice over the care home they are moving to; and circumstances when a third party to-up may apply.

Key stakeholders that will be affected by the proposal are Haringey residents who may move into a care home, as well as relatives and friends who may act as a 'third party' in respect of top-ups.

The policy relates to the formalisation of Haringey's approach to meet the legislative guidance within the Care Act (2014). There is no statutory obligation for the Council to consult on this matter. The decision to adopt the policy will be made at October cabinet, following approval from SLT and CAB.

3. What data will you use to inform your assessment of the impact of the proposal on protected groups of service users and/or staff?

Identify the main sources of evidence, both quantitative and qualitative, that supports your analysis. Please include any gaps and how you will address these

This could include, for example, data on the Council's workforce, equalities profile of service users, recent surveys, research, results of relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national. For restructures, please complete the restructure EqIA which is available on the HR pages.

Protected group	Service users	Staff
Sex	Data on Haringey-funded existing care home residents	N/A
Gender Reassignment	No data available	N/A
Age	Data on Haringey-funded existing care home residents	N/A
Disability	Data on Haringey-funded existing care home residents	N/A
Race & Ethnicity	Data on Haringey-funded existing care home residents	N/A
Sexual Orientation	No data available	N/A
Religion or Belief (or No Belief)	Data on Haringey-funded existing care home residents	N/A

Pregnancy & Maternity	N/A	N/A
Marriage and Civil Partnership	Data on Haringey-funded existing care home residents	N/A

Outline the key findings of your data analysis. Which groups are disproportionately affected by the proposal? How does this compare with the impact on wider service users and/or the borough's demographic profile? Have any inequalities been identified?

Explain how you will overcome this within the proposal.

Further information on how to do data analysis can be found in the guidance.

Service Impact

1. Sex

Care Home residents

Female 52%

Male 48%

The proposal will impact fairly evenly on male and female residents, as there is a relatively equal split of females and males in care homes.

The proposal is not expected to impact negatively on the basis of gender. Every resident will have equal rights to choice of home regardless of their gender.

2. Gender Reassignment

We do not hold any data relating to gender reassignment. If any resident requiring access to a care home was transgender we would ensure that no discrimination or harassment would occur.

3. Age

Age range of residents	
18-65	266
66-75	124
76-85	194
86-95	188
95+	22

As expected, older people make up the majority of care home residents in Haringey (66% of care home residents are 65+). Any decision pertaining to how residents choose care homes and how third party top-ups may apply will impact disproportionately on this group.

The impact of the policy is expected to be both positive and negative. The policy

formalises the rights of Haringey residents to a choice of service appropriate to need. It also formalises the responsibilities on behalf of the Council to ensure that residents have a range of appropriate and good quality options to choose from.

The policy does however mean that if residents opt to move to a service which is more expensive than the range of options the Council identify to meet their needs, then they may have to arrange a third party top-up. The negative impact here is that this places a limit on choice; however, residents will be given a choice of homes appropriate to their needs where a top-up does not apply, so no resident will ever be required to arrange a top-up in order to access any service.

Conclusive data is not available on the age of the relatives of residents who may be required to pay a third party top-up if the resident they are known to opts to access a service which is more expensive than the service the Council offers them to choose from. However, given the age of residents it is likely that a high proportion of relatives may also be older (with the caveat that a number of 65+ residents will have sons and daughters and other younger residents too).

There may be a negative impact on the relatives of older people in relation to third party top-ups. The mitigation for this is as follows:

- Relatives will not need to make a third party top-up as a choice of affordable services appropriate to need and cultural and religious preferences will be offered to residents
- In the event that a resident opts to move to a more expensive home, the Council will financially assess any identified third party and provide them with the requisite information and advice to ensure that they could manage any top-up payments within their available income and savings. Any third party unable or unwilling to pay a top-up will not be required to do so.
- The Council will also review the circumstances of any third party to ensure that they continue to be able to make payments.

4. Disability

Disability of residents

Disability/impairment type	Percentage prevalence amongst care home residents
LD	17%
Aspergers/ASD	4%
MH	41%
Neurological	16%
Physical	40%
Sensory	9%

A high proportion of care home residents have either a physical disability or a mental health condition (including dementia). Any policy change pertaining to care homes will disproportionately effect this client group. However, the policy will also effect people with

a learning disability, autism, neurological disability or sensory disability.

The impact of the policy is expected to be both positive and negative. The policy formalises the rights of Haringey residents to a choice of accommodation-based service appropriate to need. It also formalises the responsibilities on behalf of the Council to ensure that residents have a range of appropriate and good quality options to choose from.

The policy does however mean that if residents opt to move to a service which is more expensive than the range of options the Council identify to meet their needs, then they may have to arrange a third party top-up. The negative impact here is that this places a limit on choice; however, residents will be given a choice of homes appropriate to their needs where a top-up does not apply, so no resident will ever be required to arrange a top-up in order to access any service.

Conclusive data is not available on the age of the relatives of residents with a disability who may be required to pay a third party top-up if the resident they are known to opts to access an accommodation based service more expensive than the services the Council offers them to choose from.

There may be a negative impact on the relatives of residents with a disability in relation to third party top-ups. The mitigation for this is as follows:

- Relatives will not need to make a third party top-up as a choice of affordable services appropriate to need and cultural and religious preferences will be offered to residents
- In the event that a resident opts to move to a more expensive home, the Council will financially assess any identified third party and provide them with the requisite information and advice to ensure that they could manage any top-up payments within their available income and savings. Any third party unable or unwilling to pay a top-up will not be required to do so.
- The Council will also review the circumstances of any third party to ensure that they continue to be able to make payments.

5. Race and ethnicity

Ethnicity of residents

Ethnicity	Percentage prevalence amongst care home residents
Asian / Asian British	6%
Black / African / Caribbean / Black British	24%
Mixed / multiple	1%
No data	4%
Other Ethnic Group	3%
White	61%

The majority of care home residents in Haringey are White, with a significant proportion of Black, African, Caribbean or Black British ethnicity. All residents will be supported in sourcing a service that best meets their needs, and consideration will be needed for any cultural needs. In relation to top-ups, a resident will only be required to make a top-up should they choose a service which is more expensive than other, culturally appropriate services to meet their needs. A resident will not be expected to make arrangements for a top-up unless there is a choice of culturally appropriate services available to ensure they are not disadvantaged for their cultural needs.

We do not hold the ethnicity of carers and family members impacted by this decision.

6. Sexual Orientation

We do not hold any data relating to sexual orientation and cannot determine the impact. Any resident that is in a same sex relationship will be treated the same as if they were heterosexual. If any resident requiring access to a care home was lesbian, gay or bisexual we would ensure that no discrimination or harassment would occur.

7. Religion or belief

Religion of service users

Religion	Percentage prevalence amongst care home residents
Buddhist	0%
Catholic	7%
Christian	30%
Greek Orthodox	3%
Hindu	2%
Jewish	3%
Muslim	4%
No Religion	3%
Not Stated	45%
Other Religion	3%
Rastafarian	0%
Sikh	0%

Christians make up the largest proportion of care home residents. All residents will be supported in sourcing a new Home that best meets their needs, and consideration will be to ensure that residents can still practise their religious beliefs. In relation to top-ups, a resident will only be required to make a top-up should they choose a service which is more expensive than other, culturally appropriate services to meet their needs. A resident will not be expected to make arrangements for a top-up unless there is a choice of culturally appropriate services available to ensure they are not disadvantaged for their cultural/religious beliefs.

We do not hold data on the religion of carers and family members impacted by this decision.

8. Pregnancy and Maternity

Due to the age-range of residents, there may be some people who have parental responsibilities and/or are pregnant. Conclusive data is not available for this group. If any resident with parental responsibilities required access to a care home we would ensure that no discrimination or harassment would occur.

9. Marriage and Civil Partnership Status

Due to the age-range of residents, there will be some people who are married and have civil partnership status. Conclusive data is not available for this group. If any resident with said status required access to a care home we would ensure that no discrimination or harassment would occur.

Staff Impact

N/A

4. a) How will consultation and/or engagement inform your assessment of the impact of the proposal on protected groups of residents, service users and/or staff?

Please outline which groups you may target and how you will have targeted them

Further information on consultation is contained within accompanying EqlA guidance

No consultation is planned for this policy as it involves the implementation of legislative guidance and formalisation of existing practice.

4. b) Outline the key findings of your consultation / engagement activities once completed, particularly in terms of how this relates to groups that share the protected characteristics

Explain how will the consultation's findings will shape and inform your proposal and the decision making process, and any modifications made?

N/A

5. What is the likely impact of the proposal on groups of service users and/or staff that share the protected characteristics?

Please explain the likely differential impact on each of the 9 equality strands, whether positive or negative. Where it is anticipated there will be no impact from the proposal, please outline the evidence that supports this conclusion.

Further information on assessing impact on different groups is contained within accompanying EqlA guidance

1. Sex Residents

The initial impact of this option is likely to be negative as would require moving existing clients to alternative accommodation, the majority of which are female. However, this is because of the standard of care in their current location is low and we will provide them with a better standard of care.

We do not have any information relating to the impact of carers and family members but we intend to identify any equality implications through consultation.

Due regard will need to be given to minimise disruption to residents and effectively plan any transition processes.

Positive	X	Negative	X	Neutral impact		Unknown Impact	
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2. Gender reassignment Residents

We do not hold data on this protected group. We do not have any information relating to the impact of carers and family members but we intend to identify any equality implications through consultation.

We will ensure that should any resident, family member or carer identify as transgender we will try to minimise discrimination, harassment or victimisation for this protected group.

Positive		Negative		Neutral impact		Unknown Impact	X
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3. Age Residents

The policy will have a positive and negative impact on older residents, who are

proportionately more likely to require a move to an accommodation based service.

The positive impact is borne from the fact that the policy will codify the Council's commitment to offering choice to residents.

The negative impact pertains both to older residents and their relatives, who may be required to make a third party top-up in instances where they choose a service which is more expensive than equivalent services they are offered from the Council.

The impact is negative because it puts constraints on choice. However, the policy will not significantly negatively impact relatives financially because only those able and willing to make a third party top-up will be asked to do so, and even then the arrangement will be kept under review.

Positive	X	Negative	X	Neutral impact		Unknown Impact	
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4. Disability

Residents

As with older residents, the policy will have a positive and negative impact on people with disabilities, who are proportionately more likely to require a move to an accommodation based service.

The positive impact is borne from the fact that the policy will codify the Council's commitment to offering choice to residents.

The negative impact pertains both to disabled residents and their relatives, who may be required to make a third party top-up in instances where they choose a service which is more expensive than equivalent services they are offered from the Council.

The impact is negative because it puts constraints on choice. However, the policy will not significantly negatively impact relatives financially because only those able and willing to make a third party top-up will be asked to do so, and even then the arrangement will be kept under review.

Importantly, where an individual has complex needs (e.g. autism and challenging behaviour etc.) and there are market constraints on the number of available options, a resident will not be expected to arrange a third party top-up where there are only 1 or 2 options available to them to meet their particular needs. A potential top-up only applies where there is choice.

Positive	X	Negative	X	Neutral impact		Unknown Impact	
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5. Race and ethnicity

Residents

The policy is not expected to have a negative impact on particular ethnic groups.

The policy formalises resident's rights to choose from culturally appropriate services. A third party top-up may only apply if a resident has sufficient choice of options, and opts to choose a more expensive one. If there is an absence of choice on cultural grounds at a period in time when a placement is being sought, then a third party top-up would not apply.

Positive		Negative		Neutral impact	X	Unknown Impact	
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6. Sexual orientation

Residents

We do not hold data on this protected group. However, we do not envisage any disproportionate impact on this protected group. We will ensure that should any resident, family member or carer be lesbian, gay or bisexual we will try to minimise discrimination, harassment or victimisation for this protected group. We will treat a same sex couple the same as if they were in a heterosexual couple.

Positive		Negative		Neutral impact	X	Unknown Impact	
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7. Religion or belief (or no belief)

Resident

The policy is not expected to have a negative impact on particular ethnic groups.

The policy formalises resident's rights to choose from culturally appropriate services. A third party top-up may only apply if a resident has sufficient choice of options, and opts to choose a more expensive one. If there is an absence of choice on cultural grounds at a period in time when a placement is being sought, then a third party top-up would not apply.

Positive		Negative		Neutral impact	X	Unknown Impact	
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8. Pregnancy and maternity

Residents

We do not hold data on this protected group. However, we do not envisage any disproportionate impact on this protected group.

Positive		Negative		Neutral impact	X	Unknown Impact	
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9. Marriage and Civil Partnership

Residents

We do not hold data on this protected group. However, we do not envisage any disproportionate impact on this protected group.

Positive		Negative		Neutral impact	X	Unknown Impact	
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10. Groups that cross two or more equality strands e.g. young black women

Residents

The home is predominately made up of people with the disability characteristic, who are also women and/or BAME.

Outline the overall impact of the policy for the Public Sector Equality Duty:

- Could the proposal result in any direct/indirect discrimination for any group that shares the protected characteristics?
- Will the proposal help to advance equality of opportunity between groups who share a protected characteristic and those who do not?
This includes:
 - a) Remove or minimise disadvantage suffered by persons protected under the Equality Act
 - b) Take steps to meet the needs of persons protected under the Equality Act that are different from the needs of other groups
 - c) Encourage persons protected under the Equality Act to participate in public life or in any other activity in which participation by such persons is disproportionately low
- Will the proposal help to foster good relations between groups who share a protected characteristic and those who do not?

Residents

The proposal will advance equality of opportunity by formalising the rights of residents across protected characteristics to choice.

There are particular groups (e.g. older people and people with disabilities etc.) whose needs are such that they may be disproportionately effected as they are more likely to require an accommodation based service.

These groups may subsequently be more likely to have to arrange for a third party top-up in the event that the resident in question opts to receive a more expensive service than the choices offered to them. However, any potential financial disadvantage to any third party will be mitigated by the financial assessment and review process.

6. a) What changes if any do you plan to make to your proposal as a result of the Equality Impact Assessment?

Further information on responding to identified impacts is contained within accompanying EqIA guidance

Outcome			Y/N
No major change to the proposal: the EqlA demonstrates the proposal is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken. <u>If you have found any inequalities or negative impacts that you are unable to mitigate, please provide a compelling reason below why you are unable to mitigate them.</u>			Y
Adjust the proposal: the EqlA identifies potential problems or missed opportunities. Adjust the proposal to remove barriers or better promote equality. Clearly <u>set out below</u> the key adjustments you plan to make to the policy. If there are any adverse impacts you cannot mitigate, please provide a compelling reason below			
Stop and remove the proposal: the proposal shows actual or potential avoidable adverse impacts on different protected characteristics. The decision maker must not make this decision.			
6 b) Summarise the specific actions you plan to take to remove or mitigate any actual or potential negative impact and to further the aims of the Equality Duty			
Impact and which protected characteristics are impacted?	Action	Lead officer	Timescale
Age, Disability	Establish a financial assessment and review approach for third party top-ups to ensure that residents do not enter into arrangements they do not consent to or are unable to fulfil.	Charlotte Pomery	31 st October 2017
All groups	Continue to engage with the market to identify and develop appropriate services to meet gaps in supply, and ensure all groups are offered choice.	Charlotte Pomery	On-going
All groups	At the point of implementation, monitor how much choice is offered to each protected group via the DPS.	Charlotte Pomery	31 st October 2017

Please outline any areas you have identified where negative impacts will happen as a result of the proposal but it is not possible to mitigate them. Please provide a complete and honest justification on why it is not possible to mitigate them.

N/A

6 c) Summarise the measures you intend to put in place to monitor the equalities impact of the proposal as it is implemented:

See section 6.b

7. Authorisation

EqlA approved by
(Assistant Director/ Director)

Date

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8. Publication

Please ensure the completed EqlA is published in accordance with the Council's policy.

Please contact the Policy & Strategy Team for any feedback on the EqlA process.