

Equality Impact Assessment

Strategy or Policy Template

Name of the strategy or policy
House Adaptations for Disabled Children and carers homes – Capital bid

File ref:	Adaptations – Carers of disabled cyp	Issue No:	
Date of Issue:	17 January 2012	Review date:	31 July 2012

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Part 1 The Public Sector Equality Duty and Equality Impact Assessments (EIA)

1.1 The Council must have due regard to its Public Sector Equality Duty when making all decisions at member and officer level. An EIA is the best method by which the Council can determine the impact of a proposal on equalities, particularly for major decisions. However, the level of analysis should be proportionate to the relevance of the duty to the service or decision.

1.2 This is one of two forms that the County Council uses for Equality Impact Assessments, both of which are available on the intranet. This form is designed for any proposal, strategy or policy. The other form looks at services or projects.

1.3 The Public Sector Equality Duty (PSED)

The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have “due regard” to the need to

- eliminate direct and indirect discrimination, harassment and victimisation and other conduct prohibited under the Act,
- advance equality of opportunity and foster good relations between those who share a “protected characteristic” and those who do not share that protected characteristic (see below for “protected characteristics”)
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

These are sometimes called equality aims.

1.4 A “protected characteristic” is defined in the Act as:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race (including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and gender.

1.5 East Sussex County Council also considers the following additional groups/factors when carry out analysis:

- Carers – A carer spends a significant proportion of their life providing unpaid support to family or potentially friends. This could be caring for a relative, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems. [Carers at the Heart of 21st Century Families and Communities, 2008]
- Literacy/Numeracy Skills

- Part time workers
- Rurality

1.6 Advancing equality (the second of the equality aims) involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristic
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people including steps to take account of disabled people's disabilities
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

NB Please note that, for disabled persons, the Council must have regard to the possible need for steps that amount to positive discrimination, to "level the playing field" with non-disabled persons, e.g. in accessing services through dedicated car parking spaces.

1.6 Guidance on Compliance with The Public Sector Equality Duty (PSED) for officers and decision makers:

1.6.1 To comply with the duty, the Council must have "due regard" to the three equality aims set out above. This means the PSED must be considered as a factor to consider alongside other relevant factors such as budgetary, economic and practical factors.

1.6.2 What regard is "due" in any given case will depend on the circumstances. A proposal which, if implemented, would have particularly negative or widespread effects on (say) women, or the elderly, or people of a particular ethnic group would require officers and members to give considerable regard to the equalities aims. A proposal which had limited differential or discriminatory effect will probably require less regard.

1.6.3 *Some key points to note :*

- The duty is regarded by the Courts as being very important.
- Officers and members must be aware of the duty and give it conscious consideration: e.g. by considering open-mindedly the EIA and its findings when making a decision. When members are taking a decision, this duty can't be delegated by the members, e.g. to an officer.
- EIAs must be evidence based.
- There must be an assessment of the practical impact of decisions on equalities, measures to avoid or mitigate negative impact and their effectiveness.
- There must be compliance with the duty when proposals are being formulated by officers and by members in taking decisions: the Council can't rely on an EIA produced after the decision is made.
- The duty is ongoing: EIA's should be developed over time and there should be evidence of monitoring impact after the decision.
- The duty is not, however, to achieve the three equality aims but to consider them – the duty does not stop tough decisions sometimes being made.

- The decision maker may take into account other countervailing (i.e. opposing) factors that may objectively justify taking a decision which has negative impact on equalities (for instance, cost factors)

1.6.4 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published. However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty.

Part 2 – Aims and implementation of the proposal, strategy or policy

2.1 What is being assessed?

a) Proposal or name of the strategy or policy.

House Adaptations for Disabled children and carers homes

b) What is the main purpose or aims of proposal, strategy or policy?

To present a bid to receive grants from capital strategy which, if successful, are to be used for home adaptations for foster carers that are accepting children “under permanence”. This means the child will remain with them until at least the age of 18 years. The ability to adapt a foster carers home reduces the amount of agency care that has to be purchased by ESCC.

c) Manager(s) and section or service responsible for completing the assessment

Melanie Griffin, Capital Strategy Team

2.2 Who is affected by the proposal, strategy or policy? Who is it intended to benefit and how?

Children and young people who are disabled and need either short break or permanent care support.

2.3 How is, or will, the proposal, strategy or policy be put into practice and who is, or will be, responsible for it?

Melanie Griffin, Capital Strategy Team

2.4 Are there any partners involved? E.g. NHS Trust, voluntary/community organisations, the private sector? If yes, how are partners involved?

Foster carers, care homes

2.5 Is this project or procedure affected by legislation, legislative change, service review or strategic planning activity?

Service priority to ensure we are addressing resource implications of agency care, which takes up valuable resources that could be better deployed elsewhere.

Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.

3.1 List all examples of quantitative and qualitative data or any consultation information available that will enable the impact assessment to be undertaken.

Types of evidence identified as relevant have X marked against them			
	Employee Monitoring Data		Staff Surveys
x	Service User Data		Contract/Supplier Monitoring Data
	Recent Local Consultations		Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
	Complaints		Risk Assessments
	Service User Surveys		Research Findings
	Census Data		East Sussex Demographics
	Previous Equality Impact Assessments		National Reports
	Other organisations Equality Impact Assessments	x	Staff intelligence and awareness of local need

3.2 Evidence of complaints against the strategy or policy on grounds of discrimination.

No

3.3 If you carried out any consultation or research on the strategy or policy explain what consultation has been carried out.

n/a

3.4 What does the consultation, research and/or data indicate about the positive or negative impact of the strategy or policy?

Part 4 – Assessment of impact

4.1 Age: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County /District/Borough?

This policy aims to benefit disabled children and young people who are given a level of carer by the Council.

b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?

100% of the population impact are children and young people.

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

Yes – as above

d) What is the proposal, strategy or policy's impact on different ages/age groups?

Positive as it benefits them

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

n/a

f) Provide details of the mitigation.

g) How will any mitigation measures be monitored?

4.2 Disability: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

The Fostering Service is currently marketing to target 40 additional foster/short break carers over the next year to bring the total numbers of carers to 300.

b) How is this protected characteristic reflected in the reflected in the population of those impacted by the proposal, strategy or policy?

The estimate is that 11 carers' homes will require adaptations to enable the disabled children to be given care that is not by agency provision. 100% of this policy's target population is disabled.

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

Yes

d) What is the proposal, strategy or policy's impact on people who have a disability?

Positive – if disabled children are placed within adapted homes of long term carers, this will create a more stable, physically and emotionally supportive environment for them.

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

n/a

f) Provide details of any mitigation.

g) How will any mitigation measures be monitored?

4.3 Ethnicity: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

Not relevant

b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

d) What is the proposal, strategy or policy's impact on those who are from different ethnic backgrounds?

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

f) Provide details of any mitigation.

g) How will any mitigation measures be monitored?

4.4 Gender/Transgender: Testing of disproportionate, negative, neutral or positive impact

- a) **How is this protected characteristic target group reflected in the County/District/Borough?**

Not relevant

- b) **How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?**

- c) **Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?**

- d) **What is the proposal, strategy or policy's impact on different genders?**

- e) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

- f) **Provide details of any mitigation.**

- g) **How will any mitigation measures be monitored?**

4.5 Marital Status/Civil Partnership: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic target group reflected in the County/District/Borough?

Not relevant

b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

d) What is the proposal, strategy or policy's impact on people who are married or same sex couples who have celebrated a civil partnership?

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

f) Provide details of any mitigation.

g) How will any mitigation measures be monitored?

4.6 Pregnancy and maternity: Testing of disproportionate, negative, neutral or positive impact.

- a) How is this protected characteristic target group reflected in the County/District/Borough?**

Not relevant

- b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?**

- c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?**

- d) What is the proposal, strategy or policy's impact on pregnant women and women within the first 26 weeks of maternity leave?**

- e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

- f) Provide details of the mitigation**

- g) How will any mitigation measures be monitored?**

4.7 Religion, Belief: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

Not relevant

b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic.

d) What is the proposal, strategy or policy's impact on the people with different religions and beliefs?

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

f) Provide details of any mitigation.

g) How will any mitigation measures be monitored?

4.8 Sexual Orientation - Gay, Lesbian, Bisexual and Heterosexual: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

Not relevant

b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

d) What is the proposal, strategy or policy's impact on people with differing sexual orientation?

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

f) Provide details of the mitigation

g) How will any mitigation measures be monitored?

- 4.9 Other: Additional groups/factors that may experience impacts - testing of disproportionate, negative, neutral or positive impact.**
- a) How are these groups/factors reflected in the County/District/Borough?**

 - b) How is this group/factor reflected in the population of those impacted by the proposal, strategy or policy?**

 - c) Will people within these groups or affected by these factors be more affected by the proposal, policy or strategy than those in the general population who are not in those groups or affected by these factors?**

 - d) What is the proposal, strategy or policy's impact on the factor or identified group?**

 - e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

 - f) Provide details of the mitigation.**

 - g) How will any mitigation measures be monitored?**

4.10 Human rights- Human rights place all public authorities – under an obligation to treat you with fairness, equality, dignity, respect and autonomy. **Please look at the table below to consider if your proposal, policy or strategy may potentially interfere with a human right.**

Articles	
A2	Right to life (e.g. pain relief, suicide prevention)
A3	Prohibition of torture, inhuman or degrading treatment (service users unable to consent, dignity of living circumstances)
A4	Prohibition of slavery and forced labour (e.g. safeguarding vulnerable adults)
A5	Right to liberty and security (financial abuse)
A6 & 7	Rights to a fair trial; and no punishment without law (e.g. staff tribunals)
A8	Right to respect for private and family life, home and correspondence (e.g. confidentiality, access to family)
A9	Freedom of thought, conscience and religion (e.g. sacred space, culturally appropriate approaches)
A10	Freedom of expression (whistle-blowing policies)
A11	Freedom of assembly and association (e.g. recognition of trade unions)
A12	Right to marry and found a family (e.g. fertility, pregnancy)
Protocols	
P1.A1	Protection of property (service users property/belongings)
P1.A2	Right to education (e.g. access to learning, accessible information)
P1.A3	Right to free elections (Elected Members)

Part 5 – Conclusions and recommendations for decision makers

5.1 Summarise how this proposal/policy/strategy will show due regard for the three aims of the general duty across all the protected characteristics and ESCC additional groups.

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups
- Foster good relations between people from different groups

This proposal relates to the development of the local community’s potential for better care for vulnerable children. The grants are to be used for home adaptations for foster carers who are accepting children ‘under permanence’ i.e. the child remains with them until at least the age of 18. The priority for the service is to get ‘hard to place’ children in foster homes. Some of these children may have specific behavioural or other disability issues that have prevented them from being fostered previously. The proposal will impact positively on disability.

5.2 Impact assessment outcome Based on the analysis of the impact in part four please mark below ('X') with a summary of your recommendation.

X	Outcome of impact assessment	Please explain your answer fully.
x	A No major change – Your analysis demonstrates that the policy/strategy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.	
	B Adjust the policy/strategy – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	
	C Continue the policy/strategy - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate	
	D Stop and remove the policy/strategy – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether. If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.	

5.3 What equality monitoring, evaluation, review systems have been set up to carry out regular checks on the effects of the proposal, strategy or policy?

(Give details)

Capital Strategy Team, Joint Deputy Directors meetings every 6 months

5.6 When will the amended proposal, strategy or policy be reviewed?

31 July 2012

Date completed:	16 January 2012	Signed by (person completing)	Melanie Griffin
		Role of person completing	Head of Capital Strategy
Date:	18 January 2012	Signed by (Manager)	Hazel Cunningham

Part 6 – Equality impact assessment action plan

If this will be filled in at a later date when proposals have been decided please tick here and fill in the summary report.

The table below should be completed using the information from the equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact
4. **If no actions fill in separate summary sheet.**

Please ensure that you update your service/business plan within the equality objectives/targets and actions identified below:

Area for improvement	Changes proposed	Lead Manager	Timescale	Resource implications	Where incorporated/flagged? (e.g. business plan/strategic plan/steering group/DMT)

(a) 6.1 Accepted Risk

From your analysis please identify any risks not addressed giving reasons and how this has been highlighted within your Directorate:

Area of Risk	Type of Risk? (Legal, Moral, Financial)	Can this be addressed at a later date? (e.g. next financial year/through a business case)	Where flagged? (e.g. business plan/strategic plan/steering group/DMT)	Lead Manager	Date resolved (if applicable)

