

Appendix 1

Equality Impact Assessment Form

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| Department | Adult and Community Services | Version no | V0_5 |
| Assessed by | Gareth Flemyng | Date created | 08.09.21 |
| Approved by | Jane Wood | Date approved | 14.09.21 |
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| Final approval | Iain Macbeath | Date signed off | 14.09.21 |

Section 1: What is being assessed?

1.1 Name of proposal to be assessed:

Recommendation of the Strategic Director of Health and Wellbeing on the Future Service Delivery Options for day services currently operated by 'Home Farm Trust', to the meeting of the Executive Committee to be held on 5th October.

1.2 Describe the proposal under assessment and what change it would result in if implemented:

The recommended to the Executive Committee is the establishment of a temporary Special Purpose Vehicle (SPV) and the transfer of day services currently operated by 'Home Farm Trust' into this new legal entity, bringing the service back under Council control.

The recommendation is designed to minimise change at this point ensuring there is only minimal impact on services, service users and staff.

The recommendation places the service in a temporary legal entity that is designed to support the longer-term goal to deliver transformation.

Stabilising the service until reliable financial and performance monitoring data emerges that can be used to inform strategic decision making. That will focus on a series of potential models including User Led Organisations and Co-operatives to establish real choice for people in a new care market where they can spend their personal health and care budget.

1.3 BACKGROUND

Home Farm Trust (HFT) has been operating a large contract for learning disability day services for 10 of the 20+ years that this former Council-run service was outsourced. Prior to that, the service was operated by the newly formed Bradford Care NHS Trust. The contract accounts for approximately 80% of the learning disability day service offer in Bradford & District supporting 63% of all the working age adults who use those services.

Whilst trying to work together with HFT over several years to transform the HFT service, the service has remained largely traditional and increasingly higher cost. The Council and HFT both agree that the current commercial contract constrains HFT from taking the risks to transform their offer and mutually agreed to end the current contract on 31 March 2022.

The service has not aligned to the national direction of day support for people with learning disabilities, nor is it delivering on the Council's 'Reimagining Day Services' strategy or personalised funding arrangements for people in receipt of Council-funded support.

The Council wants to protect day opportunities for people with learning disabilities and needs to transform the service as well as get it within budget. Both parties want to ensure a smooth transition for staff, people who use services and their families that provides reassurance of what lies beyond transfer and avoids unintentional loss of a valued and skilled workforce or concern to people who use the service.

Section 2: What the impact of the proposal is likely to be

The Public Sector Equality Duty under the Equality Act 2010, requires the Council when exercising its functions to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it;
- Relevant protected characteristics include age, disability, gender, sexual orientation, race, religion or belief.

2.1 Will this proposal advance equality of opportunity for people who share a protected characteristic and/or foster good relations between people who share a protected characteristic and those that do not? If yes, please explain further.

This assessment supports the view that the impact of the recommendation in relation

to the service and those who use the service is minimal. Its impact on those who share a protected characteristic is as close to neutral as possible.

The proposal is designed to deliver to the Council the best opportunity to both advance equality of opportunity and foster good relations in the subsequent transformation of the service.

The Care Act 2014 introduces duties on local authorities to facilitate a vibrant, diverse and sustainable market for high quality care and support in their area.

The statutory guidance to the Care Act 2014 states that the market should include a variety of different providers and different types of services. This should include a genuine choice of service types, not a single primary provider delivering 'block provision' to the majority of individuals who we support. The Council needs to move forward offering a wider number of personalised services with funds directly linked to individual need.

2.2 Will this proposal have a positive impact and help to eliminate discrimination and harassment against, or the victimisation of people who share a protected characteristic? If yes, please explain further.

This assessment supports the view that the impact of the recommendation in relation to the service and those who use the service is minimal. Its impact on those who share a protected characteristic is as close to neutral as possible.

The proposal is designed to establish a temporary delivery model that will enable the subsequent positive transformation of services to provide a wider range of choice to meet the individuals assessed needs of individuals who share a protected characteristic.

The transformational approach and the Council's Re-Imagining Days Strategy is designed to ensure service user control and co-production of changes to the service.

Supporting the development of local provision based on people's outcomes and interests, placing people at the heart of their community with a focus on employment, leisure, sports, music and the arts, supporting a movement away from attending more traditional buildings-based services.

2.3 Will this proposal potentially have a negative or disproportionate impact on people who share a protected characteristic? If yes, please explain further.

This assessment supports the view that the impact of the recommendation in relation to the service and those who use the service is minimal. Its impact on those who share a protected characteristic is as close to neutral as possible.

2.4 Please indicate the level of negative impact on each of the protected characteristics?

(Please indicate high (H), medium (M), low (L), no effect (N) for each)

| Protected Characteristics: | Negative Impact (H, L, N) |
|-----------------------------------|--------------------------------------|
| Age | N |
| Disability | N |
| Gender reassignment | N |
| Race | N |
| Religion/Belief | N |
| Pregnancy and maternity | N |
| Sexual Orientation | N |
| Sex | N |
| Marriage and civil partnership | N |
| Additional Consideration: | |
| Low income/low wage | N |

2.5 How could the disproportionate negative impacts be mitigated or eliminated?

Although the recommendation is assessed as having the minimum impact on individuals who share a protected characteristic. The unavoidable context of change (within which the recommendation sits) will have some impact no matter what steps we take to minimise change at this point.

Four specific work streams within the wider HFT Exit Programme are designed to mitigate against or eliminate any disproportionate negative impact on individuals who share a protected characteristic, they are:-

- The formal Care Act reviews of all individuals who are supported by HFT
- The HFT Staff Engagement Activity delivered jointly by the council and HFT.
- The formal Consultation with HFT Staff in relation to the TUPE process. Delivered by HFT as the current employer but developed in partnership with the Council.
- The current Service User Consultation (see 5.2 below)

Section 3: Please consider which other services would need to know about your proposal and the impacts you have identified. Identify below which services you have consulted, and any consequent additional equality impacts that have been identified.

- 3.1 The HFT Exit Programme has a governance structure that sits across both organisations and goes up to CEO/Director level. Officers from both organisations involved in the currently active work streams are meeting regularly. The Programme Group meets bi-weekly and the Strategic Group monthly.
- 3.2 The Programme has very significant dependencies across a wide range of Council departments and is reporting monthly to the Corporate Transformation Steering Group.
- 3.3 Key health partners including those from the Clinical Commissioning Group (CCG) are engaged in the current transfer and subsequent transformation of the service. They are represented in the work streams and have been involved in the initial communications work.

Section 4: What evidence you have used?

4.1 What evidence do you hold to back up this assessment?

Bowne Jacobson has provided legal advice to assist in clarifying the options available and establishing such an entity and, a standard form of due diligence questionnaire has also been provided to the Council.

The document is confidential and cannot be provided as evidence but has informed this assessment and is reference in the report to Exec.

4.2 Do you need further evidence?

No

Section 5: Consultation Feedback

5.1 Results from any previous consultations

A large scale consultation exercise was undertaken with people who have learning disabilities and their families during 2019 and early 2020 called 'The Big Conversation'. A series of events considered how people wanted to live their lives and what activities they wanted to undertake to feel happy and fulfilled. The conclusion of that exercise was that people said they wanted:

- Somewhere to live where they feel safe and have their own front door.
- Paid employment in an interesting job where they have colleagues and friends.
- Someone to love, a relationship, marriage, children, grandchildren.
- The opportunity to talk about their hopes and dreams and make these happen.

5.2 Feedback from current consultation

The current consultation was launched on 2 September 2021 and at this point there is no formal feedback.

The consultation has been developed and is being delivered with specific consideration to our duty under the Equality Act 2010. An Equality Impact Assessment in relation to this consultation was completed on 23 April 2021 and then updated on 30 June 2021.

5.3 Feedback from current consultation following the proposal development (e.g. following approval by Executive for budget consultation).

None.