

INITIAL SCREENING – STAGE 1 (See Guidance information page 5)

As a public authority we need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Full EINA is required.

Name of policy, strategy or function: Creation of 15,000 hours for a short term enablement service.	Ref: AC201108FT
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Responsible Officer: Beverley Stevens	Role: Chairperson of EINA Task Group
Directorate: Adults and Communities	Assessment Date: August 2011

Is this a: Policy <input type="checkbox"/> Strategy <input type="checkbox"/> Function <input type="checkbox"/> Service <input checked="" type="checkbox"/>
Is this: New or Proposed <input type="checkbox"/> Already exists and is being reviewed <input type="checkbox"/> Is Changing <input checked="" type="checkbox"/>

1. What are the main aims, objectives of the policy, strategy, function or service and the intended outcomes and who is likely to benefit from it

The specific aim of the project is increase capacity in the City Council's home care enablement service so that it can deliver a 15,000 hours of service across Birmingham to all service user groups. This will be achieved by cessation of the long term in house home care service, by moving current users to alternate providers and transferring staff and capacity into the enablement service. The current in house service provides long term home care to older adults (small number of service users with learning or physical disabilities) and is unable to meet demand.

The Enablement Service will make better use of city council resources and encourage people to live a full life exercising choice and control.

To do this will mean re-providing the care currently delivered by the in house service to long term home care service users with care providers in the independent sector. The external home care market is mature and already provides the majority of long term care commissioned by the City.

The outcomes will be that BCC will not be a direct provider of long term home care services but will provide an Enablement service which focuses on supporting people to be as independent as possible for as long as possible and helps them to stay in their own home. The expanded Enablement Service will have sufficient capacity to be able to offer enablement to every new service user who needs it from all service user groups.

All will therefore benefit from an opportunity to increase their level of independence. Delayed discharges from hospital will be reduced since the enablement is configured to respond rapidly to requests

The City will benefit through a better use being made of its resources as more people will be encouraged to live as independently as possible. This will result in considerable financial benefit being supported by the city as fewer citizens will be dependent upon the it for meeting their long term social care needs

2. Explain how the main aims of the policy, strategy, function or service will support the current Equality Duties? (Due to be replaced April 2011)

- | | | | |
|--------------------------------------|----------------------------|---|----------------------------|
| 1. Promote equality of opportunity? | x <input type="checkbox"/> | 5. Promote positive attitudes towards disabled people? | x <input type="checkbox"/> |
| 2. Eliminate discrimination? | x <input type="checkbox"/> | 6. Encourage participation of disabled people? | x <input type="checkbox"/> |
| 3. Eliminate harassment? | x <input type="checkbox"/> | 7. Consider more favourable treatment of disabled people? | <input type="checkbox"/> |
| 4. Promote good community relations? | x <input type="checkbox"/> | | |

Promote equality of opportunity

- Alternate providers of services will have been through a BCC procurement exercise, and have had to evidence an equality policy, which will cover the points 1-7 above, this .
- Service users will be able to choose between accepting an alternate contracted provider or to receive a Direct Payment and arrange their own care Utilising direct payments means service users will be able to engage personal assistants to support them to play an active part in the community. Both of these options will promote equality of opportunity for service users.
- All employees in the in house Homecare service have had the opportunity to apply for Voluntary redundancy.

Eliminate Discrimination

All service users(who have not had a annual review in the last 6 months) will have a review by a Social Worker and have there needs reassessed, the service users care needs will be matched with a alternate supplier will be found from an approved list to provide their care.

All service users who have had a review in the last months, their review paperwork will be reviewed by a Social Worker (they may be contacted if necessary) and they will be matched with a alternate provider from the approved supplier list. As the matching is based on service users need and provider availability to meet the need, the process reduces the likelihood of discrimination.

A clear and transparent criteria will be agreed with the unions and staff for deciding which staff are granted VR, however their leaving date will be service user lead.

A clear and transparent criteria will be agreed with unions should compulsory redundancy be needed.

Promote good Community relations

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- This increases their choice and control and access to more diverse range of provision and opportunities in the local community.
- It is anticipated that care agency staff and local providers are employed from the local area.

Promote positive attitudes towards disabled people

The enablement service will support people across all service user groups to be as independent as possible, to access facilities in the community.

Encourage participation of disabled people

The Enablement service will be offered to people with a learning or physical disability to support and improve their levels of independence.

3. Does your policy, strategy, function or service affect:

Service users	Yes <input type="checkbox"/> x	No <input type="checkbox"/>
Employees	Yes <input type="checkbox"/> x	No <input type="checkbox"/>
Wider community	Yes <input type="checkbox"/> x	No <input type="checkbox"/>

Please provide an explanation for your 'Yes' or 'No' answer

Service users – Current users of the in-house long term homecare service will be supported to identify and move to a suitable alternate provider of long term homecare or take a Direct Payment and arrange their own care.

Potential users, older adult will no longer have the option to choose an in-house homecare service for long term homecare.

The new enablement service will ensure that service users needs are more effectively met, to a wider group of users.

Wider Community- Carers, family, friends and neighbours may be impacted by the move to an alternative provider. We are supporting carers/families in the care and support of service users during the transition. from the internal service to an alternate provider.

In transferring the provision of care of former Home Care service users to the independent sector will result in increased employment opportunities in the wider community to meet this demand.

The future short term SCS enablement service will be working with local faith groups, voluntary sectors etc.

Employees in Home Care – The enablement service is a smaller service than the current home care service so there is a potential redundancy situation.

All staff have been invited to apply for VR, should an compulsory redundancy situation still arise, then home care managers will follow BCC process with staff and unions.

The department is currently investigating the need for the council to provide specialised services such as homecare for end of life care, severe dementia and safe guarding issues. This may mitigate against compulsory redundancies.

4. Are there any aspects of the policy, strategy, function or service, including how it is delivered, or accessed, that could contribute to inequality? (including direct or indirect discrimination to service users or employees)

Yes x

No

Please provide an explanation for your 'Yes' or 'No' answer

Service Users

The main trends are that current service users are (as at August 2011) ;

- women 71.2%
- older people 88.4%
- white 86%
- critical social care needs 61.2% and 35.1% with moderate social care needs(FACS banding),

The change in service provider should not cause any changes in how services are delivered and accessed as providers will need to meet service users needs, however following a social work review a change in service may be needed to meet the individuals needs.

All service users who are receiving social care are reviewed annually to identify any change in their needs and services are reviewed/changed to meet any change in need.

Disability

All service users are vulnerable and likely to have some form of disability.

The change should not impact on people with disability specifically, however the change to an alternate provider may be difficult for some Service users, who are receiving personal care from someone they have gotten to know and trust.

The transition will be handled very sensitively; the transition process allows for additional time to be spent with service users who find the transition difficult and home care will work with new providers to ensure the "hand over" process causes the minimum disruption for the service user in some instances to work along side the new provider to ensure the arrangement is working well.

Religious Beliefs

60% - Protestant

13.4% - Catholic

11.9% - Other

6.9% - None

This is not anticipated to be an issue as the majority of current service users have no specific requirements for personal care or provision meals to meet their religious beliefs.

The data above aligns very closely to the data of the service user profile in the independent sector:

51% protestant

14.4% catholic

9.6 % other

7.0% none

Sexual Orientation

The city has little data for this area, however all Agencies or PA's would need to be able to evidence employee awareness on this issue and training of employees to ensure service users are dealt with in a sensitive manner.

Employees

Most of the employees who work in the in-house home care service and are affected by the change in service are;

Women - 91.5

White – 69%

Age – 71% between 40 and 59 years of age

The profile of the staff requesting VR is;

Women – 90%

White – 82%

Age – 81% are between 50 and 69 years of age

The staff requesting VR are representative of the overall workforce in the in-house homecare service

Religious Belief

Sexual Orientation

*Information correct as at 07/12/10. This needs to be compared to JSNA and figures for clients in independent sector. (Beverley to get figures from Nick Lewin).

5. Will the policy, strategy, function or service, have a adverse (negative) impact upon the lives of people, including employees and service users?

Yes x

No

Please provide an explanation for your 'Yes' or 'No' answer

Service Users-

Some Service Users may find the need to change homecare provider upsetting and stressful. However service users will be supported through the process of transferring to an alternate provider and the home care service will work with the service user, their family and the new provider to ensure a smooth transition.

All service users and their carers/families will be informed about the change, all service users will be given a transition plan, and home care will continue providing the service until the new provider is ready to start provision. All service users will have their new care arrangements reviewed after the first month to ensure that it is satisfactory.

Service users with a disability will be give the appropriate time (depending on their needs) to meet and transition to a new provider. We will continue to provide care until a suitable provider has been found and the user is comfortable with the care provided.

Should the new provider be unable to meet the service users needs and alternate provider will be found.

Commissioning are meeting with independent providers to alert them to the change in demand and discuss service users need.

Employees – The cessation of the Long Term homecare service and development of the Enablement service will result in a reduced number of homecare staff needed, this will result in a the risk of a compulsory redundancy situation. As part of the Birmingham City Council corporate

Voluntary Redundancy Trawl, all staff in the in – house homecare service have been offered VR. Staff who are granted VR, and who cannot exit the organisation by the cut off date of 31st March 2012 due to business need, will be discussed at Corporate moderation.

In addition, managers are looking at the viability of developing specialist home care services such as dementia care and end of life care, and safeguarding and the viability will be assessed on a business need basis. This may negate the need for further redundancies.

Managers will follow the city council redundancy policy for any staff who are at risk of redundancy at a later date.

6. Is an Equality Impact Needs Assessment required?

If your answer to question 2 has identified potential adverse impact and you have answered 'yes' to any of the following questions 3, 4, or 5, then you should carry out a Full EINA.

Does the Policy, Strategy, Function or Service require a Full Equality Impact Needs Assessment (EINA)? Yes No

If a Full EINA is required, before proceeding you should discuss the scope of the assessment with service managers in your service area as well as the Directorate EINA Contact Officer.

If a Full EINA is Not required, please sign the declaration below and forward a copy of the Initial Screening to your Directorate EINA Contact Officer

DECLARATION

A Full EINA is not required, the Initial Screening has demonstrated that the Policy, Strategy, Function or Service is robust; there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

Chairperson:
Beverley Stevens

Summary statement:

Sign-off Date: 13th October 2011

Quality check: The screening document has been checked using the agreed audit arrangements in the Directorate:

<p>Name: (Officer/Group carrying out the Quality Check) Jim McManus</p> <p>Directorate: Adults and Communities</p> <p>Contact number: 0121 465 2966</p>	<p>Date undertaken: 14th October 2011</p>	<p>Screening review statement: I have checked this latest and amended version and am happy that the work needs a Full EINA and the screening conclusion is appropriate</p>
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EINA Task Group Members

	<u>Name</u>	<u>Role on Task Group</u> (e.g. service user, manager or service specialist)	<u>Contact Number</u>
□			
1.	Chairperson Beverley Stevens	Project manager Specialist Care Services	07825 979068
2.	David Gray	Group managr home care services	0121 464 1105
3.	Helen Lee	Team manager, Hodge Hill and Yardley home care	0121 303 8527
4.	Shabir Ladak	Finance	
5.	Sukhi Chattha	Business Analyst Business Change	
6.	Nick Scully	Project manager	020 790 0100
7.	Sharon Gentles	Business analyst	07766925453
8.	Janneth Rodney	Team manager, Sutton and Ladywood	0121 303 9258
9.			
10.			

FULL EINA – STAGE 2 (See Guidance information page 6 - 9)

Step 1– Scoping the Equality Impact Needs Assessment (EINA)

Building on the material included at the Initial Screening stage, you should begin the EINA by determining its scope. The EINA should consider the impact or likely impact of the policy, strategy, function or service in relation to all areas of our remit. The EINA should be proportionate to the significance and coverage of the policy, strategy, function or service.

1. What data, research and other evidence or information is available which will be relevant to this EINA? Please tick all that apply

Service Targets	<input type="checkbox"/>	Performance Targets	<input type="checkbox"/>	Service Take-up	<input checked="" type="checkbox"/>
User Satisfaction	<input type="checkbox"/>	Press Coverage	<input type="checkbox"/>	Census Data	<input type="checkbox"/>
Workforce Monitoring	<input checked="" type="checkbox"/>	Community Intelligence	<input type="checkbox"/>	Previous EINA	<input type="checkbox"/>
Complaints & Comments	/	Information from Trade Unions	<input type="checkbox"/>	Staff Survey	<input type="checkbox"/>
Other (please specify)	<input checked="" type="checkbox"/>				

Please provide details on the available evidence/information you have selected?

Service User take up data – Adults and Communities Business Information Unit, have provided data broken down by FACS, Gender, Ethnicity and Age groups, by the 5 geographical areas.

Workforce monitoring- From People Solutions broken down by gender, age, ethnicity and grade, disability and 5 areas.

Complaints- from Your views system

Census data- JSNA

Trade union info- from minutes of meetings with trade unions, as part of workforce consultation

Other – staff consultation and briefings

Evidence from previous consultations demonstrates need for clear, appropriate and timely communication to allay unnecessary stress for the most vulnerable people.
Commissioning/brokers intelligence on suppliers capacity/quality.

2. Have you identified any gaps in relation to the above question? Yes No
If 'Yes' please detail including what additional research or data is required to fill these gaps? Have you considered commissioning new data or research?

If 'No' proceed to Step 2.

We have no data on sexual orientation, language or religion of employees and service users as this is not recorded on Carefirst or by HR.

Up to date data on quality of suppliers from an independent body ie CQC- no longer monitor domiciliary care agencies.

Consideration was given to commissioning new data on suppliers, however new service users in need of Domiciliary care are currently successfully matched to suppliers from the approved list without this information. So current long term service users would be being treated in the same way as new service users.

Step 2 – Involvement and Consultation (See Guidance information page 7)

Please use the table below to outline any previous involvement or consultation with the **appropriate** target groups of people who are most likely to be affected or interested with this policy, strategy, function or service. (See Appendix 3 - for details on each target group)

Target groups	3. Describe what you did, with a brief summary of the responses gained and links to relevant documents, as well as any actions
Age	A Service Users satisfaction survey is carried out monthly using a sample of service users. Staff are consulted as part of corporate consultation
Disability	As above- including all disability groups
Gender	As above- including both genders

Race	As above – including all races
Religion or belief	As above
Sexual orientation	As above

4. Who are the main stakeholders and what are their requirements?

Current Service users – Current users of the in-house long term homecare service requirements will be to receive appropriate home care that meets their assessed need.

Future service users – will require the appropriate long term home care that meets their assessed needs

The new enablement service will ensure that the future service users are always either supported to be as independent as possible, or where this is not feasible, receive a period of enhanced assessment so that any long term care needs are more effectively understood and responded to.

Wider Community- Councillors, Carers, family, friends and neighbours may be impacted by the move to an alternative provider, especially if the service user expresses anxiety about the transfer their main requirement is reassurance that the service users will continue to be appropriately cared for.

The wider communities requirement is to live as independently as possible exercising choice and control over the care they receive.

Employees in Home Care and trade unions –

The requirement of employees are to remain in work or to take VR if that is appropriate for them. The requirements of the unions is to keep as many people employed as want to remain employed and to ensure their members are treated fairly.

Employees in Commissioning/brokers – Home care staff will need to work closely with commissioning staff and home support brokers to ensure providers are aware of the project and work seamlessly together to achieve smooth transitions of care provision.

External Agencies –

External agencies requirements are to gain as much work as possible from the council at the agreed price.

Agencies will need to be aware of level and timing of increased call upon their services to be able to meet the demand for quality, cost effective home carer assistants, and personal assistants (refer to Framework contracts/PA commissioning- Shabir).

City Council- The main requirement is to make best use of resources (in this case releasing staff resources (15000 hours) from long term home care to deliver a more effective enablement service).

5. Amongst the identified groups in the previous question, what does your information tell you about the potential take-up of resulting services?

In terms of long term home care, future customers will receive this from alternative providers in independent sector

The Wider Community will be able to receive the benefits of the enlarged enablement service. In 2010/11 the enablement service had capacity to support 2,100 service users. The proposed changes would ensure that the future anticipated demand of 3,500- 4,000 service users per year by 2014 can be met.~

Step 3 – Assessing Impact and Strengthening the Policy

(See Guidance information page 7)

6. What will be done to improve access to, and take-up of, or understanding of the policy, strategy, function or service?

There is an process in place to ensure a smooth transition and handover to an alternate provider and that all staff and service users are communicated with and receive a review/handover at right time.

Service users;

1. Face to face visit to service user by Home Care Organiser to explain change and how it will be made
2. Printed information left with service user for sharing with family and relatives
3. Telephone access for service user and family to worker handling change to care arrangements
4. Reviews of all new care arrangements after the first month to ensure service user satisfaction
5. Helpline for queries and questions.

Staff:

1. Staff consultation meetings held in all teams
2. regular consultation with unions
3. Briefing notes distributed to staff at meetings
4. manager available to answer queries
5. weekly review meetings with the review team and Homecare to review progress

Suppliers

Commissioning are discussing the change with providers on the approved list, and informing them of the dates, numbers of service users so they may plan.

Step 4 – Procurement and Partnerships

(See Guidance information page 8)

7. Is this project due to be carried out wholly or partly by contractors?

Yes /

No

If 'yes', have you done any work to include equality considerations into the contract already? Specifically you should set out how you will make sure that any partner you work with complies with equality legislation.

The Council will only use contracted home support providers. As part of the procurement process all providers have been evaluated against the questions and descriptions of evidence prescribed by the Secretary of State in respect of Section 18 (5) of the Local Government Act 1988, to ensure that they fully comply with the Council Equal Opportunities Standards.

Further all home support providers are legally required to comply with the Health & Social Care Act 2008 (Regulated Activities) Regulations 2010 and the Care Quality Commission (Registration) Regulations 2009 and are monitored by inspectors from the Care Quality Commission.

Step 5 – Making a Decision (See Guidance information page 8)

8. Summarise your findings and give an overview of whether the policy, strategy, function or service will meet the authority's responsibilities in relation to equality and support the council's strategic outcomes?

The Council has a legal duty of care to its service users to ensure that the care it commissions is safe and of a suitable quality.

As the council stopped taking any referrals for home care some 18 months ago, in transferring the care arrangements from in house Home Care to the independent sector, the Council will be using the same selected providers as used by the majority of its service users, ensuring that the new care received is of the same quality. The same safeguards/contractual arrangements are in place for alternate providers as the council.

The process of changing care provider for current users of the in house service needs to be handled in a way which minimises any anxiety that may be created in those affected by the news that the care provider is to change. This may be especially pertinent for service users with a disability, which will be the majority of service users.

Consideration has been given to communication needs and mental capacity issues, to mitigate against this, Home Care organisers who have regular contact with service users will have the initial face to face conversation on the change so they can allay any anxiety.

Information leaflets will be left with each user so they can read and/or discuss with family members and a helpline set up to answer queries, questions and deal with any specific issues.

..Information will be available in accessible formats and interpreters and/or signers will be used to ensure service users fully understand the change and can give their views.

The reviews carried out by social workers will ensure care packages meet service users on going needs.

For service users with mental capacity issues, home care will support them through the transition process while to allow for familiarity to build with the new provider.

The new enablement service will increase the directorate's capacity to support/encourage more people with disability to be more independent and contribute to their communities.

As this change is anticipated to reduce the number of staff needed in the, staff in home care have been included in the directorate trawl and will receive the same benefits as colleagues across the council.

Agreement is currently being sought from Adults and Communities DMT to extend the benefits of the corporate trawl past the close date of 31/3/12 for those home care staff who would wish to take VR, but are unable to leave on 31/3/12 due to business requirements.

Step 6 – Monitoring, Evaluating and Reviewing

(See Guidance information page 8 and 9)

Before finalising your action plan you must identify how you will go about monitoring the policy/function or the proposals, following the assessment, and include any changes or proposals you are making.

9. What structures are in place to monitor and review the impact and effectiveness of the new policy, strategy, function or service?

Senior Management Team

Reports on progress of the 15,000 hours, issues and concerns will be taken to SMT for senior management decisions.

15,000 hours Project Board

This meeting is held monthly and reports from the Weekly Operational Review meeting and lessons learned log will be taken to this board to review progress and agree any major changes/amendments to the project.

Weekly Operational review meetings

A weekly meeting will take place to review the previous weeks work, number of assessments issues, risks and dependencies. As the change is happening by geographical area a lessons learned log will be kept, so lessons learned can be captured and feed into the process as the change happens around the city.

Monthly Performance Boards monitor reports/Performance board

These monthly reports give management information on number of users, staff, care hours etc and will be used to chart progress against benefits.

The Board also receives reports on the number of complaints received from service users and their families; it needs also now to record the causes of these.

Step 7 – Action Plan (See Guidance information page 9)

Any actions identified as an outcome of going through the Steps 1 – 6, should be mapped against the headings within the Action Plan.

10. Taking into consideration the responses outlined in the Initial Screening Stage and Steps 1-6 of the Full Assessment, complete the action plan below.					
	Ref (if appropriate)	Actions	Target date	Responsible post holder and directorate	Monitoring post holder and directorate (if appropriate)
Involvement and Consultation		Service users, will be informed and involved at each step of the change to an alternate provider.	From 17 th October 2011	David Gray- Adults and Communities	Diana Morgan Adults and Communities
		Staff/unions will be consulted on how cessation of the long term service and change to an enablement service affects them.	September 2011	David Gray – Adults and Communities	Diana Morgan Adults and Communities
		Providers will be briefed on the change, dates, order of work to enable them to review their capacity.	October 2011	Jonathan Radburn Adults and Communities	Diana Morgan Adults and Communities
Data Collection		Data will be collected weekly and monthly on the outcomes of the project	October 2011	Liz Cook, Nick Lewin, Team Managers in each home care area Adults and Communities	Diana Morgan Adults and Communities

Assessment and Analysis		<p>Data will be analysed weekly and monthly to monitor outcome of the change on service user/employee groups</p>	<p>October 2011</p>	<p>David Gray, Sharon Gentles – Adults and Communities</p>	<p>Diana Morgan Adults and Communities</p>
Procurement and Partnership		<p>Commissioning are engaged with contracted home support providers to plan the transfer process. capacity information is being collected to match demand and agree the handover process. As part of the 28 day review all service users will be asked to complete quality assurance questionnaire which will then be analysed to ensure that the transfer to the new provider has gone</p>	<p>October 2011</p>	<p>John Radburn- Adults and Communities</p>	<p>Diana Morgan Adults and Communities</p>

Monitoring, Evaluation and Reviewing		satisfactorily			
		The 15,000 hours project is being monitored and evaluated in partnership with business change function using project management tools	August 2011	Diana Morgan, David Gray, Sharon Gentles and Beverley Stevens-Adults and Communities.	Diana Morgan Adults and Communities

Step 8 – Sign-Off (See Guidance information page 9)

The final stage of the EINA process is to formally sign off the document as being a complete, rigorous and robust assessment

The policy, strategy or function has been fully assessed in relation to its potential effects on equality and all relevant concerns have been addressed.

Chairperson of EINA Task Group

Name: Beverley Stevens	Job Title: Project Manager	Directorate Adults and Communities	Sign-off Date: 13/10/11
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Concluding statement:
The action plan lists actions to ensure all stakeholders are being communicated with equally and the impact on Service Users, carers and employees is being monitored.

Quality Check and Review by the Directorate EINA Contact Officer:

Name: Jim McManus	Directorate Team: Public Health	Review Date: 19 th October 2011
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Summary of strengths and area(s) for improvement: This document has improved significantly and in particular has made efforts to address the s49a Disability Discrimination Act duty

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Service Director or Senior Officer (sign-off)

Name:
Glynis Hovell

Job Title:
Service Director

Date:
19.10.11

GOVERNANCE AND QUALITY ASSURANCE

The Equality and Diversity Division is able to provide guidance and advice to staff and senior managers to assist with the impact assessment process. Officers will also attend EINA Task Group meetings and periodically audit a sample of completed EINAs as part of the Governance arrangements. However the Directorate EINA Contact Officers will provide input and experience of the service around the completion of the impact assessment form. They will also provide quality assurance by agreeing the auditing arrangements with their service managers on the proposed or completed Initial Screenings and Full EINAs in their Directorate.

Their role will also involve the following:

- Ensuring that there is consistency of quality and approach;
- Ensuring that assessment forms are completed in compliance with the Corporate EINA guidance;
- Providing supporting advice and guidance;
- Providing assurance to the senior managers and the Equality and Diversity Lead officer that the EINA process has been complied with across their directorate;
- Monitoring the arrangements as agreed in their directorates on the delivery of actions developed as an outcome of the EINA process;
- Overseeing the arrangements and liaising with the Equality and Diversity Lead officer for publishing the Directorates EINA schedules onto the City Council's website
- Maintaining the Directorate's EINA Schedule (the schedule should contain all EINAs completed during each EINA cycle);

Overall accountability of the EINA process rests with senior managers/service heads and should be viewed on par with the current arrangements around risk management. It is a requirement for an impact assessment to be undertaken when policies or strategies, are submitted to Cabinet and forms part of the Cabinet Reports Checklist.

Key points to remember:

- The EINA process allows us to question whether any current policies, strategies and functions have discriminatory outcomes;
- EINAs take into account whether services are meeting the requirements of the Race, Disability and Gender Equality Duty, Equality Act and are appropriately taking into account the needs and concerns of people from the protected characteristics;
- The object is to produce a 'reasonable' assessment, which can form the basis for equality objectives, target setting and developing meaningful local equality performance indicators, which are then embedded within Directorate Service/Business Plans;
- It is a legal requirement to publish equality impact assessments. It is also important to show the local community that the council is actively engaged and committed to challenging potential discrimination, as well as improving its service delivery and employment practices in relation to equalities.

EINA Reference No.

All Initial Screenings and Full EINAs completed will need to be allocated a reference number, details of how you allocate a reference number is on page 5 of the Guidance information.

GENERAL DUTY TO PROMOTE

<p>General Duty to Promote Race Equality - Race</p>	<p>General Duty to Promote Equality for Disabled People - Disability</p>	<p>General Duty to Promote Gender Equality - Gender</p>
<p>Due regard to the need to:</p> <ol style="list-style-type: none"> 1. Eliminate unlawful racial discrimination 2. Promote equality of opportunity 3. Promote good relations between persons of different racial groups <p>To comply – identify which of your functions and policies are relevant to the duty, and then assess whether these are being carried out in ways that meet the three parts of the duty. If not, changes have to be made.</p>	<p>Due regard to:</p> <ol style="list-style-type: none"> 1. Promote equality of opportunity between disabled persons and other persons 2. Eliminate discrimination that is unlawful under the DDA 1995 3. Eliminate harassment of disabled persons that is related to their disabilities 4. Promote positive attitudes towards disabled persons 5. Encourage participation by disabled persons in public life 6. Take steps to take account of disabled persons’ disabilities even where that involves treating disabled persons more favourably than other persons 	<p>Due Regard to:</p> <ol style="list-style-type: none"> 1. Eliminate unlawful discrimination – with regard to obligations under the Sex Discrimination Act and the Equal Pay Act – and take steps to ensure compliance with those. 2. Promote equality of opportunity between men and women – take active steps to promote gender equality when carrying out functions and activities.

GENERAL DUTY TO PROMOTE

Specific Duties - Race	Specific Duties - Disability	Specific Duties - Gender
<p>Publish a Race Equality Scheme setting out how you intend to fulfill the duty's requirements:</p> <ul style="list-style-type: none"> • List functions and policies that are relevant to the general duty on race • Arrangements for assessing and consulting on the likely impact of proposed policies • Arrangements for monitoring policies for any adverse impact • Arrangements for publishing the results of assessments • Arrangements to ensure public have access to information and services we provide • Arrangements for training staff on the race duty <p>Required to monitor employment procedures and practices</p> <ul style="list-style-type: none"> • Review scheme every three years • Schools to have a Race Equality Policy 	<p>Publish a Disability Equality Scheme</p> <ul style="list-style-type: none"> • Set out the methodology you will use to assess the impact of existing and proposed activities on disabled people • Demonstrate that disabled people have been involved in producing the scheme and developing the action plan • Set out a plan for the actions you will take over the following three years to fulfill the general duty <p>Review scheme every three years</p>	<p>Publish a Gender Equality Scheme</p> <ul style="list-style-type: none"> • Scheme with specific gender equality goals and how these will be implemented • Consider the need to include objectives to address the causes of any gender pay gap • Conduct gender impact assessments on new policies and services, to understand their impact on men and women, and mitigate any negative effects <p>Review scheme every three years</p>

FREQUENTLY ASKED QUESTIONS ON THE EINA PROCESS

The EINA Procedure

When do you conduct an EINA?

On any new, existing or amended policy, strategy or function which is relevant to equality. There are two stages. The first stage is the Initial Screening. This checks to what extent the policy, strategy or function is relevant to the council's equality duties. The second stage is a Full EINA where a more detailed process is undertaken. The best time to do an EINA is at the earliest stage in policy development and before a cabinet report is prepared. The process should ideally be integrated into your business and service plans.

Should the equality impact needs assessment be considered by Cabinet?

In some cases the equality impact needs assessment may relate to policy, strategy, procedure or functions that could require consideration by Cabinet or a similar body within the council. In this case it is important for the report to make reference to the findings of the equality impact needs assessment and action plan, and how these have influenced the shaping and development of overall policy. This will ensure evidenced-based decision making. Cabinet reports make direct reference to any identified equality impact issues.

What are BCC Constitution Arrangements in relation to EINAs?

Democratic Services staff has been instructed to return any report that does not comply with the corporate template/checklist. Section G of this template makes reference to EINAs and asks if the report adequately addresses the issue. (*Volume B -Part 5(c) Appendix 3 - Executive Decision Making Reports Templates and Guidance Revised May 2010*)

Why does a Task Group need to be formed?

This ensures that the knowledge, expertise and experiences of all relevant officers and customers are used to inform the EINA assessment and does not rely on the judgement of just one officer this reduces the potential of unwitting or witting prejudice or discrimination.

Who should be involved in the impact assessment?

- Service/Section Manager or Responsible Officer
- Staff who work within the service
- Officers from other teams that provide supporting services to the policy, strategy or function
- Internal customers and stakeholders, such as representatives from staff groups
- External customers and stakeholders from different equality forums and networks representing different equality strands

On those occasions where we share the responsibility for a policy with another local authority, the necessary arrangements should be put in place to ensure full co-operation in carrying out an EINA.

If a major amendment is done to a policy, does a new EINA need to be done?

Yes. Major amendments include any amendment which has an impact on equalities such as added/deleted objectives, and decisions to stop or start a service, remember to look at any earlier EINAs completed and draw comparisons from your original findings.

What will happen if we do not do an EINA or if the EINA is not done properly?

The Directorate EINA contact officer using the audit arrangements agreed with service managers in the directorate will audit EINAs for compliance inline with the audit form produced by the Equality and Diversity division. Our corporate audit and scrutiny teams as well as Officers working in the Equality and Division may also audit a sample of EINAs. It is a breach of the Race relations (Amendment) Act 2000 not to do an EINA.

What should be included in an Action plan?

The action plan should include actions that will remove or alleviate the potential for the activity to unlawfully discriminate or impact less favourably on one or more communities. The action plan should include references to any additional monitoring or research that was identified in the information-gathering part of the process. It should also include references to any information that is still required or was not retrievable at the point of assessment. This will be needed in subsequent reviews or in order to complete actions.

What other information should be included in the action plan?

To ensure that the action plan is more than just a list of proposals and good intentions, the following should be included:

- each action be attributed to a key person who is ultimately responsible
- reasonable timescales
- relevant and appropriate activities and progress milestones
- any cost implications and how these will be addressed.

When should progress being made within the action plan be reviewed?

Progress against the action plan should be reviewed regularly, usually bi-annually. Actions arising from the equality impact assessment should be built into relevant service plans and team plans. This will enable monitoring to take place as part of an established timetable.

Who are our stakeholders/main customer groups? We haven't always got data.

Stakeholders include all local area and Birmingham residents, residents in neighbouring local authorities who may also use the function as commuters/visitors, all above. Main customer groups are those who use the function/policy e.g. local businesses, or local road users. If there are gaps in the data then say so and say what steps you have taken or will take to close gaps.

How do you ensure that EINAs do not take up too much time on a "tick box exercise", with no benefits?

EINAs should not be "tick box" exercises but is a way of formalising what should already be part of your normal work. Any impact on different groups should be considered when designing, reviewing or amending any policy, strategy or function, but also gives the chance to think creatively about alternative measures to improve policy and service delivery. The legislation requires that we monitor the progress of the action plan within the EINA following its completion.

EINA Cycle

What is the "EINA cycle"?

EINAs are done in 3 yearly cycles. The previous was 2005-08 and the present cycle is 1st June 2008 – 31st May 2011.

When do we need to do them by?

EINAs need to be completed in this cycle by 31st May 2011. All EINAs of the 08/11 cycle need to be completed by the deadline. The next cycle starts 1st June 2011 to 31st May 2014.

How often should we review our EINA?

The law requires local Authorities to review their EINAs at least once every 3 years. If your policy, strategy or function has not been amended after adoption and there is no change in the operating environment (customers, staff, agencies, contractors, partners etc) then EINA review is not required

Impact

What is Positive Involvement and Consultation?

The race equality duty requires that proposed policies are consulted on as well as assessed. The gender and disability duties are not as explicit, but require involvement of disabled people and consultation of women and men as a key method of meeting the equality duties.

What is a Differential Impact?

A differential impact is where a policy, strategy or function has different outcomes for one or more community, customer or employee group when compared to another. Or, it could mean that where a universal approach is taken to the delivery of a service or function it results in some people being affected differently. In making your assessment you will need to consider whether any impact amounts to unlawful discrimination. If you find this, then you are duty bound to act to try and ensure that the Council acts lawfully – by changing the policy or procedures in question. If it is not unlawful, but there is evidence that groups or communities are treated less favourably, you will need to consider whether:

- The policy, strategy or function is intended to address the specific needs of a particular group or community and it is necessary to promote equality of opportunity for this group over others.
- If this is not the case, are there alternative measures that could be taken to help other people to benefit too?

Considering whether there are ways of mitigating adverse impact and alternative ways of achieving the same goals is an important part of the assessment.

What is Mitigating an Adverse Impact?

Mitigating an adverse impact can either mean lessening the impact or providing some other remedy if it is not possible to reduce it. Coming up with alternative ways for delivering the service where the impact will not be as adverse is also important. For example, you may need to develop different delivery strategies for different groups to ensure that the service you are delivering is appropriate and accessible to them all.

Altering your proposals is another option, to change them so that they meet the needs of others not initially identified when the proposals were first being drawn up.

If you are considering proceeding with a proposed policy knowing that it will have an adverse impact on one of the protected characteristics, you must first satisfy yourself of the following:

- If the policy is directly discriminatory in any of the areas currently covered by Statutory Duties or any other equalities legislation – then it would be unlawful and should be rejected. A directly discriminatory policy cannot be justified and other ways should be explored for achieving the objectives stated.
- If the policy is indirectly discriminatory, that is, it would disadvantage people from targeted equality groups, you may also need to reject it, unless you can justify the policy which means you would probably have to show in court that:
 - The policy was necessary in order to carry out your functions you were unable to find another way of achieving the aims of the policy that had less discriminatory effect
 - You believe that the means you have employed to achieve the aims of the policy are proportionate, necessary and appropriate.

Examples of potential significant adverse impact.

- Lower success rates in selection processes for employment
- Eligibility criteria which disadvantages any groups
- Access to services restricted when compared to other groups
- Experiencing increased difficulty or indignity when using services e.g. public buildings with segregated access for those with mobility disabilities
- Lower participation rates compared to other groups
- Higher or lower uptake, failure to access/receive a poorer or inferior service
- Changing a policy that reduced or increases benefits disproportionately for one group.

Do we need Data Collection and Analysis?

Yes. While existing/tailored data collection will be necessary for individual EINAs it is much more efficient to collect certain types of data such as workforce profiles, statistics on employment, customer feedback or general research across the organisation as part of mainstream data collection and analysis. Local, regional and national research should also be utilised particularly when internal data is scarce.

Completion of the EINA

Who will read or use the completed EINAs?

Completed EINAs are available on the Birmingham City Council website or/and directorate website page and can be used by anybody or any organisation.

Is there a chance to get feedback before publication?

Your local Directorate EINA Contact Officer should be in a position to provide feedback on draft equality impact needs assessments. It may also be useful to discuss or peer review the assessment within the directorate, using a small focus group.

How should equality impact assessments be published?

The race, disability and gender duties, requires publication of the results and the EINAs consultations. All equality impact assessments are public documents that need to be published. This could be on the council's website, in hard copy or by electronic distribution. However, before they are published they should be signed off by the relevant service head. If the equality impact needs assessment is very long or complex, then an executive summary will help make it more accessible to the wider community.

Definitions

What is a review?

A review refers to the standard reassessment of statutory and non-statutory strategies and business development appraisal.

What is a policy?

A policy can be written or unwritten, formal or informal. This includes strategies, guides, manuals and common practice. It outlines an approved decision, principle, plan or set of procedures that influence, direct and determine the way business is carried out both internally and externally.

What is a project?

A project is a temporary structure or scheme created to achieve a specified business benefit or goal. This includes functions and events that are carried out either annually or on a regular basis.

What is a service?

A service is a term usually used to mean facilities, resources or provisions made by the council for its residents. This is made either directly or indirectly through partnership with the public, or through financing private provision of services with third sector organisations and agencies. For example, leisure, education or car parking.

What is a function?

A function is the term that is usually referred to as actions and activities assigned to, required by or expected of the council.

What is Organisational change?

Organisational change is defined as change that has an impact on the way that work is performed and has significant effects on staff. This could include changes:

- in the structure of an organisation
- to organisational operation and size of a workforce
- to working hours or practices
- in the way roles are carried out

Organisational change can have an impact irrespective of whether changes are viewed as large or small.

What is indirect discrimination?

Indirect discrimination is an apparently neutral provision, criteria or practice which disadvantages a considerable or large proportion of the members of one group or community.

What is direct discrimination?

Direct discrimination is where a person is treated less favourably on the grounds of race, gender, disability, sexual orientation, age, religion and belief.

PROTECTED CHARACTERISTICS: DEFINITIONS

The below provides you with the information on each of the nine protected characteristics as detailed on the EHRC web page.

Age

Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment

The process of transitioning from one gender to another.

Marriage and civil partnership

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex

A man or a woman.

Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

USEFUL INFORMATION SOURCES

The following sources of information may be useful in carrying out your equality impact needs assessment:

1) Equality Legislation

- Race Relations (Amendment) Act 2000 - (came into effect 31st May 2002)
- Disability Discrimination Act 2005 - (came into effect 4th December 2006)
- Equality Act 2006 - (came into effect 6th April 2007)

For England and Wales, and Scotland, see: [Codes of Practice](#)

2) The Equality Act

The government has signalled a commitment to improving equality in society by pressing ahead with the implementation of the Equality Act

The Equality Act received Royal Assent on 8 April 2010, and brings together nine separate pieces of legislation into one single Act.

The Act protects people from discrimination on the basis of 'protected characteristics'. The Equality Act covers the same groups that were protected by existing equality legislation - age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity - but extends some protections to groups not previously covered.

Detailed guidance to the new Equality Act is being rolled out by the Equality and Human Rights Commission. The Commission is producing statutory guidance ("Codes of Practice") and other guidance ("non-statutory guidance") aimed at people who want to know how the law applies in different settings. Information about the new Equality Act can be found on the Commission's website [visit:www.equalityhumanrights.com/ea2010](http://www.equalityhumanrights.com/ea2010) or via its national helpline: England 0845 604 6610, Scotland 0845 604 5510 or Wales 0845 604 8810.

The Government Equalities Office in partnership with the British Chambers of Commerce, Citizens Advice, ACAS and the Equality and Diversity Forum have produced a series of summary guides and quick start guides to the key changes in the law entitled '**Equality Act 2010: What do I need to know?'** *have been produced* by. The simple guides provide details for business, the public sector, the voluntary sector and the public.

3) Consultation and Engagement

To prevent potential barriers to participation, consultation exercises should seek the views of as wide a spectrum of respondents as possible, including representative bodies related to specific equality groups, i.e. Disability, Race, Gender, Sexual Orientation, Age, Religion and Belief.

Birmingham City Council InLine pages contain a wide variety of information on Birmingham Consultation and Engagement exercises. For more information go to:

[Birmingham Consultation and Engagement](#)

4) The Equality and Human Rights Commission (EHRC)

The Equality and Human Rights Commission (EHRC) has developed materials to help those delivering public services make decisions which are fair to all. These can be accessed from their website – www.equalityhumanrights.com

Using the equality duties to make [fair financial decisions](#) - This guide aims to assist decision-makers in ensuring that;

- The process followed to assess the equality impact of financial proposals is robust;
- The impact financial proposals could have on the equality target groups are thoroughly considered before any decisions are arrived at.

[Equality Impact Assessment guidance](#) - This is a Step by Step guide to integrating equality impact assessment into policy making and review

A short guide to managing the downturn and preparing for recovery – Guidance on redundancies and equality issues www.here4business.net/a-guide-to-redundancy/

Also see www.timesonline.co.uk./tol/news/politics/article5581549.ece

Frequently Asked Questions (FAQs) – [Public Authorities and Service providers](#) - A number of FAQs to help public authorities and service providers understand the importance and value of assessing the equality impact of proposed changes as well as the process itself.

Frequently Asked Questions (FAQs) – [Service Users and Organisations](#) - A number of FAQs to help service users and organisations understand the importance and value of assessing the equality impact of proposed changes as well as the process itself

5) Archive sites from the previous equality commissions:

Before the Equality and Human Rights Commission was set up, there were three equality commissions: the Commission for Racial Equality (CRE), the Disability Rights Commission (DRC) and the Equal Opportunities Commission (EOC). These were merged into the new Commission in October 2007.

Archive information on these [Previous Commissions](#)

COURT JUDGEMENT

Public Sector Duty

Importance of Impact Assessment

R (Kaur) v London Borough of Ealing **The High Court rules that a local authority acted unlawfully in making an initial funding decision in respect of issues arising from domestic violence without carrying out a racial equality impact assessment.**

Administrative Court (Lord Justice Moses), 29 July 2008
 For the claimants: Helen Mountfield and Professor Aileen McColgan

For the defendants: Declan O'Dempsey
 For the Equality and Human Rights Commission
 intervening: Karon Monaghan QC

Section 71 of the Race Relations Act as amended requires local authorities (and other public sector organisations) to have “due regard to the need – (a) to eliminate unlawful racial discrimination; and (b) to promote equality of opportunity and good relations between persons of different racial groups.”

The Race Relations Act 1976 (Statutory Duties) Order 2001 amplifies this by providing for specific duties requiring public authorities to formulate race equality schemes, which set out the authority’s arrangements for “assessing and consulting on the likely impact of its proposed policies on the promotion of race equality”.

This case concerned Ealing’s policy for providing financial support to organisations dealing with domestic violence. Since the mid-1980s, Ealing had provided financial support to Southall Black Sisters, a well-known community organisation providing services to women of Afro-Caribbean and Asian origin. However, in 2007, Ealing took the view that, in the interests of “community cohesion”, it was no longer appropriate to fund an organisation providing services to only one section of the community. Instead, it drew up a specification that would have required the service provider to provide a borough-wide service to “all individuals irrespective of gender, sexual orientation, race, faith, age, disability, resident within the Borough of Ealing experiencing domestic violence.”

Users of the services of Southall Black Sisters challenged Ealing’s decision on grounds that it had failed to carry out a proper racial equality impact assessment before making its proposals. The Equality and Human Rights Commission intervened in the case.

Lord Justice Moses holds unequivocally that “the authority was not entitled to formulate policy before any equality impact assessment.” The statutory provisions, he says, “express the vital principle that the impact of any proposed policy should be assessed and steps to obviate any adverse impact considered *before* the adoption and implementation of the proposed policy.” He adds: “What is important is that a racial equality impact assessment should be an integral part of the formation of a proposed policy, not justification for its adoption.”

In this case, Ealing failed to carry out the necessary racial equality impact assessment at the stage when it was formulating the criteria it would use to award grants.

“Throughout the process leading to its decision it failed to assess the impact on black minority ethnic women of its requirement that the provider of services for victims of domestic violence should be a single-service provider or a single consortium providing services to all individuals resident in the borough.”

In arriving at his conclusion, the judge was very critical of Ealing’s reasoning that the community cohesion principle precluded support for an organisation that focuses on only one section of the community. “There is no dichotomy between the promotion of equality and cohesion and the provision of specialist services to an ethnic minority ... [I]n certain circumstances the purposes of s.71 and the relevant statutory code may only be met by specialist services from a specialist source.”

What it means

This judgment is the latest in a series of cases in which the courts have taken an increasingly bold approach to a failure by a public authority to comply with its obligations to carry out a race, gender or disability impact assessment before making a policy decision. The result in this case suggests that a decision that is made without a proper equality impact assessment having been carried out may well be quashed and declared legally null and void.

The three existing public equality duties are supplemented by codes of practice and guidance issued by the former Commission for Racial Equality, Disability Rights Commission and Equal Opportunities Commission. For example, the CRE issued a non-statutory guide – *Duty to provide and promote race equality, a guide to public authorities 2002* – which sets out the stages a local authority should follow in issuing a race equality impact assessment. It is noteworthy that Lord Justice Moses says that “an authority is only entitled to depart from the statutory code for reasons which are clear and cogent (see *R (Munjaz) v Mersey Care NHS Trust* [2006] 2 AC 148). I suggest that that is sufficient authority for the proposition that any authority would have to justify its departure from the non-statutory guide.” This is the first time that the courts have accorded such deference to non-statutory guidance from the enforcement agencies. The result is to considerably strengthen the role of the Equality and Human Rights Commission.

It remains to be seen whether the proposed single equality duty that will be set out in the Equality Bill will continue to require equality impact assessments. The Equality Bill will extend the public sector equality duty to religion or belief, sexual orientation and age. Although the Government was originally doubtful, following strong representations as to the importance of impact assessments, it now seems more likely than not that they will continue to play an important role under the new arrangements.

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