

Appendix 4: Equality Impact Assessment:

Equality impacts of financial recovery plan proposals June 2020

1. Introduction and legal background

This report outlines how the impacts of the Council's financial recovery plans relating to Covid-19 are being considered from an equality perspective. The Equality Act 2010 makes it unlawful to discriminate against an individual because of certain 'protected characteristics'. The law also requires that equality issues are considered by public bodies as part of decision making, especially where services are reduced or redesigned.

Failure to undertake proportionate Equality Analysis/Equality Impact Assessment could present risks of legal challenge to the Council for failing to pay due regard to its public sector equality duty.

2. Actions so far

Each proposal has been set out in a Financial Recovery Plan proposal template, with the high-level intentions outlined. The proposals describe what changes are being proposed and identifies if there are potential impacts upon residents and/or service users.

As part of the Council's equality analysis process, Directors (and their officers with delegated responsibilities) have also been tasked to consider their proposals from an equality perspective. This initial 'screening' process aimed to highlight if any of the proposals have the potential to have significant impacts upon service users, and if so, what actions could be taken to mitigate any unexpected or unintentional impacts. During the initial screening process, several proposals were deleted and will not be taken forward due to equality impacts that could not be mitigated. For the remaining proposals, the findings of the equalities screening process are contained within this report. Where potential impacts were highlighted, these are now summarised under the relevant protected characteristic(s). This is to assist Cabinet members in assessing how these various proposals may affect people from different groups, and also what the cumulative impacts upon particular groups might be.

If proposals are agreed, it is recommended that comprehensive and detailed equality analysis is carried out on those where significant potential impacts have been identified. This will help to ensure that opportunities to enhance equality are utilised, and any possible negative impacts or barriers for particular groups are taken account of, and if possible, mitigated.

3. Equalities scrutiny process

Budget proposals will be presented to Cabinet on 2nd July. The Cabinet is being briefed to enable them to scrutinise the proposals from an equality perspective (see *page 9 of this appendix*)

4. Specific savings proposals

Across the Council, every attempt has been made to achieve efficiencies through service redesign, with minimum reduction in frontline services or disproportionate increases in charges.

In respect to impacts on staff, the Council's Human Resources policies and procedures ensure there is full consultation and consideration of staffing matters and that employment-related equality issues are fully considered. Therefore, the focus here is largely on impacts upon service delivery and service users.

Broadly speaking, the proposals being put forward as financial savings have the potential for the greatest impact upon the following groups of people:

- Older people- particularly those in receipt of Adult Social Care services
- Young people
- Disabled adults
- Disabled children and children with Special Educational Needs

5. Impacts on specific protected characteristics:

5.1 Age

Proposals relating to older people include the following:

- **Reviewing care package delivery to identify efficiencies (RP20).** This could result in emotional distress and upheaval for older people and their families – especially if agencies give notice; this could result in people having to move to alternative accommodation or having to build new relationships with support staff from a new agency to enable them to remain in their own home. However, if this were to happen, steps should be taken to minimise such disruption.
- **External services cost reductions (RP24).** Some services have ceased operating or changed the way they deliver services during the Covid 19 lockdown period in order to comply with government guidelines; some service users have found alternative sources of support due to the lockdown in order for them to shield. There will be a change to older people day services which will mean that some older people will need to be supported to find alternative support and this may cause them and their families' emotional distress. However, alternative types of support offered during Covid lockdown have

also proved popular with some people and there may be positive opportunities for continuing some of these activities.

- **Delaying the start of the Better Care Fund schemes (RP21).** This is partly a consequence of the Covid 19 response and lockdown impacting on the capacity to take forward schemes as planned and partly a proactive choice to delay implementation. It will mean that improvements to practice are delayed which may result in a lost opportunity to improve the experience of service users.

Points for consideration: *In respect of Adult Social Care, changes were introduced by the Care and Support Charging and Financial Assessment Framework in April 2020 and further changes could be viewed negatively especially by those who were adversely impacted by the introduction of the Framework.*

Proposals relating to younger people include

- **Children's attainment in school:** School improvement budget reduction (RP25) will mean that there is very little Council resource to focus on reducing disadvantages in attainment in the B&NES area. We will continue to explore alternative sources of funding or capacity to continue the focus on this.
- **Children's health and wellbeing:** Schools Health Education Unit Survey not being undertaken (RP23). This biennial survey helps us to understand the health and wellbeing of children across different protected characteristics in B&NES, to identify levels of bullying/discrimination, and also to assess the impact of any interventions we are making to address problems and inequalities. Future funding or alternative funding sources could allow this to be recommissioned at a later date so that this is only creating a longer than usual gap between surveys. There is also a proposal in relation to vacancy management that will reduce capacity to develop children's health programmes (RP22)
- **Revise service offer for children and young people - children's participation:** The reduction in support for the participation of young people (RP28) would mean that children and young people's ideas and views are no longer heard in the same way as the Council's financial contribution would be reduced. We would need to work with the provider to look at how the service offer can be adapted, or alternative sources of funding identified.
- **Protecting vulnerable children:** A reduction in commissioned services relating to Child Sexual Exploitation (RP26) and Children's Centres service reductions (RP31) would mean that services to some of our most vulnerable community members are remodelled; the services relating to children who are

at risk of sexual exploitation will be provided in an alternative way to ensure their needs are met which we believe will be beneficial rather than having an adverse impact. However, it is possible a small number of children may feel this change is not what they would choose.

- **Revise support offered to children and young people providers (RP30);** This would require a change to the way children and young people's groups and organisations across B&NES share their views and the way the Council and other partners share information with them; this is not a statutory function of the Council but it will mean groups and organisations need to find alternative ways to ensure they keep abreast of new developments across the sector.

***Points for consideration:** Narrowing the gap in respect of educational attainment and health & wellbeing remains a key challenge for B&NES. It is anticipated that Covid-19 lockdown will have had a disproportionate impact upon the educational attainment of pupils from disadvantaged backgrounds, and impacted much more harshly upon the health and wellbeing of vulnerable children and young people.*

5.2 Disability

Proposals relating to children with SEND (Special Educational Needs and Disability):

- **Removal of SEND corporate contingency (RP06):** – The DfE has now made clear that councils must not fund Dedicated Schools Grant overspends so the responsibility for this will sit with the Schools Forum (national policy guidance).
- **Miscellaneous underspends:** The removal of uncommitted budgets may represent a lost opportunity or delay to some service improvements through the SEND strategy.
- **Reduction of support to families with children who have special educational needs (RP27):** This includes a reduction in the level of council funding contributing to the support to families which helps them access mainstream support and preparing for school. We need to work with the provider to fully assess savings that have been possible during lockdown and the actual impact on the service that results from this reduction in funding.
- **Reducing the range of disabled children's respite support (RP29):** Reducing this support to statutory levels may decrease the number of options disabled young people have for respite support. This will have knock on impacts upon families. Further work will need to be done to fully assess the impacts with the provider.

Points for consideration: *some families who have a child/children with SEND may find that they are affected by more than one of the above proposals. This could result in families losing support that they rely on to help them cope with the challenges of having a disabled child/child with SEND.*

Proposals that may have an impact upon disabled adults:

- **Reviewing care package delivery to identify efficiencies** (RP20) could result in emotional distress and upheaval for disabled people and their families – especially if agencies give notice and people have to move to alternative accommodation or have to build relationships with new members of staff supporting them from a new agency in their own home. However, if this were to happen, steps should be taken to minimise such disruption.
- **External services cost reductions** (RP24). Some services have ceased operating or changed the way they deliver services during the Covid 19 lockdown period in order to comply with government guidelines; some service users have found alternative sources of support due to the lockdown in order for them to shield.
- **Delaying the start of the Better Care Fund schemes** (RP21). This is partly a consequence of the Covid 19 response and lockdown impacting on the capacity to take forward schemes as planned and partly a proactive choice to delay implementation. It will mean that improvements to practice are delayed which may result in a lost opportunity to improve the experience of service users.
- **Waste collection changed times** (RP40). Collections occurring as early as 6am or in the evening may cause alarm and anxiety to those who receive assisted collections (where rubbish is removed from or near their front doorstep).
- **Less Blue Badge enforcement** (RP47) could result in abuse of the scheme and less appropriate parking being available for Blue badge holders.
- **Reviewing the contract for Independent Mobility Assessments** (RP48): These assessments help determine if someone qualifies for a Blue Badge. If the assessment process is no longer a part of the application, this could mean an increase in Blue Badges being issued (possibly to those who do not meet the criteria), and more competition over access to disabled parking bays.
- **Deferring weed control for 20-21** (RP44) If weed control is not undertaken throughout the summer months this could have an impact upon disabled people who may find it difficult to negotiate overgrown pavements. Pathways will be cleared on request if they become difficult or overgrown

Points for consideration: *In respect of Adult Social Care, changes were introduced by the Care and Support Charging Framework in 2019 and further changes could be viewed very negatively especially by those who were adversely impacted by the introduction of the framework.*

We need to consider the impacts of the financial recovery proposals upon disabled people alongside other changes we are introducing (e.g. increasing pedestrianisation/road closures post Covid-19 lockdown; Active Travel initiatives; etc) to ensure that we are aware of the extent of impacts upon disabled people.

5.3 Race

Proposals relating to race equality include:

- **Children’s health and wellbeing:** Schools Health Education Unit Survey not being undertaken (RP23). This biennial survey helps us to understand the health and wellbeing of children across different protected characteristics in B&NES, to identify levels of bullying/discrimination, and also to assess the impact of any interventions we are making to address problems and inequalities. Future funding or alternative funding sources could allow this to be recommissioned at a later date so that this is only creating a longer than usual gap between surveys.
- **Children’s attainment in school:** School improvement efficiency savings (RP25) will mean that there is very little resource to focus on reducing disadvantages in attainment in the B&NES area. We will continue to explore alternative sources of funding or capacity to continue the focus on this.

Points for consideration: *Given the Council’s longstanding commitment to race equality and support for the Black Lives Matter campaign, consideration should be given to how we maintain or increase work that focuses on reducing gaps in educational attainment or health & wellbeing, rather than reducing such work. This may rely on exploring alternative routes to resource or deliver some of these activities in future.*

6. Recommendations

For each proposal that is taken forward, the following recommendations should be considered (as appropriate), to ensure that equality issues continue to be considered during the implementation stages.

- a. **Full Equality Impact Assessments/equality analysis** should be carried out on all proposals where initial reviews have revealed likely impacts upon

particular groups of people due to their protected characteristics. This enables the Council to demonstrate it has taken due regard to equality issues and has thoroughly considered how to uphold the requirements of the Public Sector Equality Duty. The Council's Equality Impact Assessment template can be found on the Council's [EIA web pages](#), and support is available from the Equality Team in carrying out the assessments. Completed EIAs should be published on this web page.

- b. **Inclusive consultation.** Where consultation is arranged as part of taking any of these proposals forward, it is vital that a diverse range of people are encouraged to take part. This will help highlight any additional equality impacts that may need to be addressed and mitigated where possible. A variety of methods should be used to access consultees. The Equality Team can advise on this and on how to access participants from groups representing different equality strands. The [Independent Equality Advisory Group](#) can also be used as a consultative body, and will provide further guidance on likely impacts, and ways of mitigating these.
- c. **Clear and transparent communication.** Wherever it is planned to introduce changes, it is important to ensure that the communication and publicity strategies are accessible to disabled people (for example, people with visual impairment or learning disability) and those for whom English is an additional language. The Council has commissioned Oncall Interpreting services to assist with [Interpreting and Translation](#) where necessary.
- d. **Incorporating equality issues within commissioning specifications.** Where proposals include commissioning or recommissioning external providers, detailed equality requirements should be built into contract specifications. This will ensure that best practice relating to equality in delivery of services is continued and improved upon when delivered by external partners.
- e. **Workforce training and development.** A number of the budget proposals are dependent upon the ability of officers to recognise opportunities to advance equality (for example, within recommissioning, or by targeting services towards those who are most vulnerable). It is also important that officers are aware of, and sensitive to, the particular needs of different groups of people. Equality training is available as part of the Corporate Training programme, and bespoke training can be arranged by the Council's Equality Team.
- f. **Ongoing monitoring.** Where services are subject to redesign, equality monitoring should be carried out to help identify if the service is operating as intended, if it is reaching and meeting the needs of our most vulnerable

communities; and if there are any unforeseen impacts that need to be addressed. See the Council's sample [equalities monitoring template](#) for the data categories that should be used.

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June 2020

Briefing note for Cabinet members: considering equality issues in decisions relating to financial recovery

Background

The Equality Act 2010 makes it unlawful to discriminate against an individual because of certain personal characteristics ('protected characteristics').

The law also requires that equality issues are considered by public bodies as part of decision making, especially where services are reduced or redesigned.

The Public Sector Equality Duty (PSED) requires us to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people.

The questions below are intended to assist Cabinet members to scrutinise the proposals (within their remit) from an equalities perspective.

For each new draft proposal to be put before Cabinet in June 2020:

- Are Cabinet members clear that this proposal has been considered from an equality perspective?
- Do we know what the impact will be on the most vulnerable people?
- Are there any potential unintended impacts or "knock-on" effects consequences - e.g. on partners, residents or other services?
- Have we consulted people and listened to what they have told us about this?
- During the implementation of the proposal – how will we continue to check for unintended effects on particular groups of people?
- Will there be room for discretion if during the implementation we discover that the change of service disproportionately disadvantages some people?
- Considering all the proposals together, what will the cumulative impact be, and will adverse impacts fall disproportionately on specific groups?