

PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty – see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none">(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none">(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none">(a) tackle prejudice, and(b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none">(a) age(b) disability(c) gender reassignment(d) pregnancy and maternity(e) race(f) religion or belief(g) sex(h) sexual orientation

Equality Analysis

Birmingham City Council Analysis Report

EA Name	Commissioning SCS Older Adults Day Centre Review - MIA20
Directorate	People
Service Area	Adults - Joint Commissioning
Type	New/Proposed Function
EA Summary	A review of Older adults day care as part of the Budget 2016+ savings (MIA 20).
Reference Number	EA001181
Task Group Manager	Sharon.D.Gentles-Garlick@birmingham.gov.uk
Task Group Members	Sueb.Jabbar@birmingham.gov.uk, parveen.ellahi@birmingham.gov.uk
Senior Officer	Maria.B.Gavin@birmingham.gov.uk
Quality Control Officer	Charles.Ashton-Gray@birmingham.gov.uk

Introduction

The report records the information that has been submitted for this equality analysis in the following format.

Overall Purpose

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

Relevant Protected Characteristics

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.

1 Activity Type

The activity has been identified as a New/Proposed Function.

2 Overall Purpose

2.1 What the Activity is for

What is the purpose of this that Function and expected outcomes?	<p>Birmingham city Council proposes to reorganise its internally provided services, so people may choose to buy these or different community based services which meet their assessed eligible need for care and support.</p> <p>The council gives people a personal budget of which all or some can be taken as a direct payment to spend on their care and support services.</p> <p>In the longer term this means we need to move away from mainstream funding the presencouncil day services and instead encourage people who are eligible for support to take up a Direct Payment</p> <p>The potential outcomes of the change to the day care service? are;</p> <ul style="list-style-type: none">• People using internal day care service have increased choice and control over the way they meet their assessed eligible need for care and support.• People can take a direct payment to access community services or engage in activities not provided by the internal service.• People have the opportunity to develop new support plans and be able to choose alternative services to meet their assessed eligible care and support needs.• Birmingham City Council achieves cost benefits by providing day care in a different way• People have the ability to purchase non-traditional forms of day care support should they choose to take a Direct Payment.• People have the opportunity to access more community based day services, with the potential to access services with adults of different ages, communities and abilities.
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For each strategy, please decide whether it is going to be significantly aided by the Function.

Public Service Excellence	Yes
<u>Comment</u> The proposals to exploring other options for vulnerable adults who require day services would open opportunities for people to have more choice on the type of activities they would like to do while still meeting their needs. They would have more control over the care they receive and the ability purchase care from a number of different agencies.	
A Fair City	Yes
A Prosperous City	NO
A Democratic City	NO

2.2 Individuals affected by the policy

Will the policy have an impact on service users/stakeholders?	Yes
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<u>Comment</u> This proposal would impact on people who currently attend the 7 older adults day centres managed by Specialist Care Services (SCS). This amounts to approx 300 (as at May 2016) vulnerable adults who attend day centres between 1 and 5 days per week. Older adults day services not only provide activities/support to older adults they also provide a break to their carers?	
Will the policy have an impact on employees?	Yes
<u>Comment</u> The proposal would have an impact on employees working in older adults day services, where their post may be put at risk of redundancy. There are approximately 61 (as at May 2016) employees working in older adults day centres.	
Will the policy have an impact on wider community?	Yes
<u>Comment</u> The wider community may be impacted by the change to this service in the form of future users of older adult day care.	

2.3 Analysis on Initial Assessment

Birmingham city Council proposes to reorganise its internally provided services, and encourage adults to take direct payments to purchase the care and support to meet their assessed eligible needs.

Research of the day care market indicates that there are 95 day care centres and activities run across Birmingham providing day care in the community, for the community. The 7 council run services provide a small percentage of the day care market.

The proposed changes should have a positive impact on Public service excellence and A Fair city.

The proposals will have an impact on service users, on employees and on the wider community in terms of future users.

All of the protected characteristics were assessed initially and at this point five characteristics have been identified as relevant, they are Age, gender, race, religion and Disability.

3.1 Age

3.1.1 Age - Differential Impact

Age	Relevant
<p><u>Comment</u></p> <p>Service users</p> <p>Data was collected from 286 service users registered to attend the 7 SCS older adults day centres. All the service users impacted by this proposed change are over 65 years of age.</p> <p>Employees</p> <p>Data collected from 61 employees who are based at the 7 older adults day centres. Over 65% of employees are over 50 years old and will be impacted by the change and potential loss of employment</p>	

3.1.2 Age – Impact

Describe how the Function meets the needs of Individuals of different ages?	Older adults day care meets the needs of older people with an assessed eligible need for care and support , there is no upper limit to the service.																
	The age ranges of the current users of the																
	<table><tr><th colspan="2">Older adults day care - age</th></tr><tr><td>65-74</td><td>18%</td></tr><tr><td>75-84</td><td>39%</td></tr><tr><td>85-94</td><td>32%</td></tr><tr><td>95+</td><td>3%</td></tr><tr><td>Unknown</td><td>7%</td></tr></table>			Older adults day care - age		65-74	18%	75-84	39%	85-94	32%	95+	3%	Unknown	7%		
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40-49	10	16%															
50-59	28	45%															
60+	13	21%															

Do you have evidence to support the assessment?	Yes
Please record the type of evidence and where it is from?	<p>The evidence is collected from service users social care assessment as recorded on carefirst, assessments are reviewed annually and information updated.</p> <p>Employee data is sourced from People solution</p>

Have you received any other feedback about the Function in meeting the needs of Individuals of different ages?	Yes
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Please record the nature of such feedback.	Market research completed by adults commissioning market intelligence team found 95 day centres and activities across Birmingham. This range of proposed alternatives to the current 7 day centres managed by the council should give adults choice and reduce the impact on them.
You may have evidence from more than one source. If so, does it present a consistent view?	Yes
Is there anything about the Function and the way it affects Individuals of different ages which needs highlighting?	No

3.1.3 Age - Consultation

Have you obtained the views of Individuals of different ages on the impact of the Function?	No
If not, why not?	There are plans to consult relevant individuals
Have you obtained the views of relevant stakeholders on the impact of the Function on Individuals of different ages?	No
If not, why not?	There are plans to consult relevant stakeholders
Is there anything about the Function and the way it affects Individuals of different ages which needs highlighting?	No

3.1.4 Age - Additional Work

Do you need any more information to complete the assessment?	Yes
Please explain what information you need.	Consultation on the proposed changes would need to be added to this assessment. Permission to consult current users, employees and the wider public will be sought in June and it is anticipated that consultation will then take place and this document will be updated with the results.
Is there any more work you feel is necessary to complete the assessment?	No
Do you think that the Function has a role in preventing Individuals of different ages being treated differently, in an unfair or inappropriate way, just because of their age?	No
Do you think that the Function could help foster good relations between persons who share the relevant protected characteristic and persons who do not share it?	No

3.2 Disability

3.2.1 Disability - Differential Impact

Disability	Relevant
<u>Comment</u> Approximately 59% of the adults that attend the council day centres have some form of diagnosed dementia. The impact of change and move to alternate provision may impact on them.	

3.2.2 Disability - Impact

Describe how the Function meets the needs of Individuals with a disability?	The 7 older adults day centres work with social workers to meet the needs of older adults with disabilities and with forms of dementia. The day centres are wheel chair accessible. 59% of the current service users have a dementia diagnosis and 1% have indicated they have a disability. Employees 5% of employees have indicated they have a disability.
Do you have evidence to support the assessment?	Yes
Please record the type of evidence and where it is from?	<u>Service users</u> The information to support this has been collected from social care assessments completed by social workers and recorded on Carefirst. Employees The data on disability has been collected from the councils People solutions records.
Have you received any other feedback about the Function in meeting the needs of Individuals with a disability?	Yes
Please record the nature of such feedback.	Evidence supplied by providers in the day care market have indicated their ability to meet the needs of older adults with a range of disabilities including dementia.
You may have evidence from more than one source. If so, does it present a consistent view?	y e s
Is there anything about the Function and the way it affects Individuals with a disability which needs highlighting?	Yes

3.2.3 Disability - Consultation

Have you obtained the views of Individuals with a disability on the impact of the Function?	No
If not, why not?	There are plans to consult relevant individuals
Have you obtained the views of relevant stakeholders on the impact of the Function on Individuals with a disability?	No

If not, why not?	There are plans to consult relevant stakeholders
Is there anything about the Function and the way it affects Individuals with a disability which needs highlighting?	No

3.2.4 Disability - Additional Work

Do you need any more information to complete the assessment?	Yes
Please explain what information you need.	<p>Consultation on the proposed changes would need to be added to this assessment.</p> <p>Permission to consult current users, employees and the wider public will be sought in June and it is anticipated that consultation will then take place and this document will be updated with the results.</p>
Is there any more work you feel is necessary to complete the assessment?	Yes
Do you think that the Function has a role in preventing Individuals with a disability being treated differently, in an unfair or inappropriate way, just because of their disability?	No
Please explain what work needs to be done.	<p>Consultation on the proposed changes would need to be added to this assessment.</p> <p>Permission to consult current users, employees and the wider public will be sought in June and it is anticipated that consultation will then take place and this document will be undated with the results.</p>
Do you think that the Function could help foster good relations between persons who share the relevant protected characteristic and persons who do not share it?	No
Do you think that the Function will take account of disabilities even if it means treating Individuals with a disability more favourably?	No
Do you think that the Function could assist Individuals with a disability to participate more?	No
Do you think that the Function could assist in promoting positive attitudes to Individuals with a disability?	No

3.3 Religion or Belief

3.3.1 Religion or Belief - Differential Impact

Religion or Belief	Relevant
<u>Comment</u> The 7 older adult's day services make every effort to meet service user's religious beliefs religious, religious festivals are respected and recognised.	

3.3.2 Religion or Belief – Impact

Describe how the Function meets the needs of Individuals of different religions or beliefs?	<p>The 7 day centres have service users attending with a range of religious beliefs, and every effort is made to meet the needs of their religious beliefs. Specific food is purchased and cooked and religious festivals are observed.</p> <p>The details of the current service users religious beliefs are detailed below;</p> <p>Older adults day care - Religion</p> <p>Buddhist 0</p> <p>Christian Orthodox 3%</p> <p>Eastern Orthodox 0.30%</p> <p>Hindu 3.40%</p> <p>Information not yet obtained 5%</p> <p>Jehovahs Witness 0.60%</p> <p>Jewish 0</p> <p>Muslim 13.6.%</p> <p>None 8.30%</p> <p>Other 14.30%</p> <p>Protestant 34%</p> <p>Rastafarian 0</p> <p>Refused 0.60%</p> <p>Roman Catholic 8%</p> <p>Seventh Day Adventist 2%</p> <p>Sikh 5.50%</p> <p>(blank) 0.30%</p> <p>Information on employees religious beliefs are not available at the moment.</p>
Do you have evidence to support the assessment?	Yes
Please record the type of evidence and where it is from?	The statistics regarding service users religious beliefs are taken from social care assessments completed by social workers and recorded on Carefirst.
Have you received any other feedback about the Function in meeting the needs of Individuals of different religions or beliefs?	Yes
Please record the nature of such feedback.	Evidence supplied by providers indicate their ability to meet the needs of people with a range of religious beliefs.

You may have evidence from more than one source. If so, does it present a consistent view?	Yes
Is there anything about the Function and the way it affects Individuals of different religions or beliefs which needs highlighting?	No

3.3.3 Religion or Belief - Consultation

Have you obtained the views of Individuals of different religions or beliefs on the impact of the Function?	No
If not, why not?	There are plans to consult relevant individuals
Have you obtained the views of relevant stakeholders on the impact of the Function on Individuals of different religions or beliefs?	No
If not, why not?	There are plans to consult relevant stakeholders
Is there anything about the Function and the way it affects Individuals of different religions or beliefs which needs highlighting?	No

3.3.4 Religion or Belief - Additional Work

Do you need any more information to complete the assessment?	Yes
Please explain how individuals may be impacted.	This may encourage more integration of adults with different religious beliefs.
Please explain how.	This may encourage more integration of adults with different religious beliefs.
Please explain what information you need.	<p>Further information on employees religious beliefs is needed to add to the assessment. Consultation on the proposed changes would need to be added to this assessment.</p> <p>Permission to consult current users, employees and the wider public will be sought in June and it is anticipated that consultation will then take place and this document will be updated with the results.</p>
Is there any more work you feel is necessary to complete the assessment?	Yes
Do you think that the Function has a role in preventing Individuals of different religions or beliefs being treated differently, in an unfair or inappropriate way, just because of their religion or belief?	Yes
Please explain what work needs to be done.	<p>Consultation on the proposed changes would need to be added to this assessment.</p> <p>Permission to consult current users, employees and the wider public will be sought in June and it is anticipated that consultation will then take place and this document will be updated with the results.</p>

Do you think that the Function could help foster good relations between persons who share the relevant protected characteristic and persons who do not share it?

Yes

3.4 Gender

3.4.1 Gender - Differential Impact

Gender	Relevant
<u>Comment</u> Service users The gender mix is 70% female, 30% male which is reflective of the wider population of this age group. Employees The gender mix for employees is 63% female and 37% male , so will impact on females more than males.	

3.4.2 Gender - Impact

Describe how the Function meets the needs of Men and women?	The majority of service users who attend the 7 day centres are female, the gender mix is 70% female and 30% male. This is in line with the general population of this age group. The majority of employees who work at the 7 day centres are female, the gender mix is 63% female and 37% male.
Do you have evidence to support the assessment?	Yes
Please record the type of evidence and where it is from?	The data is collected from the city councils personnel record- People solution's and from locally held information by managers. Information on service users has been collated from social care assessments completed and updated by social workers on Carefirst.
Have you received any other feedback about the Function in meeting the needs of Men and women?	Yes
Please record the nature of such feedback.	Initial discussions with market providers of day care indicate they are able to meet the needs of male and female older adults.
You may have evidence from more than one source. If so, does it present a consistent view?	Yes
Is there anything about the Function and the way it affects Men and women which needs highlighting?	No

3.4.3 Gender - Consultation

Have you obtained the views of Men and women on the impact of the Function?	No
If not, why not?	There are plans to consult relevant individuals
Have you obtained the views of relevant stakeholders on the impact of the Function on Men and women?	No
If not, why not?	There are plans to consult relevant stakeholders
Is there anything about the Function and the way it affects Men and women which needs highlighting?	Not Answered Yet

3.4.4 Gender - Additional Work

Do you need any more information to complete the assessment?	Yes
Please explain what information you need.	Consultation will take place on the proposed changes to older adults day services provided by the council, the consultation results will need to be considered to assess the impact of the proposed changes on men or women.
Is there any more work you feel is necessary to complete the assessment?	Yes
Do you think that the Function has a role in preventing Men and women being treated differently, in an unfair or inappropriate way, just because of their gender?	No
Please explain what work needs to be done.	<p>Consultation on the proposed changes would need to be added to this assessment.</p> <p>Permission to consult current users, employees and the wider public will be sought in June and it is anticipated that consultation will then take place and this document will be updated with the results.</p>

3.5 Race

3.5.1 Race - Differential Impact

Race	Relevant
<p><u>Comment</u></p> <p>SCS older adult's day centres work with service users from a range of ethnic backgrounds to meet their assessed unmet care needs.</p>	

3.5.2 Race - Impact

Describe how the Function meets the needs of Individuals from different ethnic backgrounds?	<p>The 7 day centres offer older adults day care to adults from a range of ethnic backgrounds including two day centres which are predominantly attended by African Caribbean elders or South Asian elders.</p> <p>The data below shows the ethnic origin of service users.</p> <p>Older adults day care - Ethnicity</p> <p>Asian Other 3%</p> <p>Bangladeshi 0.50%</p> <p>Black - Other 1%</p> <p>Black African 1%</p> <p>Black-African Caribbean 31%</p> <p>Chinese 0</p> <p>Indian 6%</p> <p>Information not yet obtained 0.30%</p> <p>Irish 4%</p> <p>Mixed - Other Mixed Background 0</p> <p>Mixed - White and Black Caribbean 0</p> <p>Other 0.30%</p> <p>Pakistani 12.50%</p> <p>White - Other 1.30%</p> <p>White - UK 37%</p> <p>(blank) 0.50%</p>
Do you have evidence to support the assessment?	Yes
Please record the type of evidence and where it is from?	The statistics of service users ethnic origin was taken from social care assessments carried out by social workers and recorded on Carefirst.
Have you received any other feedback about the Function in meeting the needs of Individuals from different ethnic backgrounds?	Yes
Please record the nature of such feedback.	Evidence supplied by providers of day care in Birmingham indicates their ability to meet the needs of adults from a range of different ethnic backgrounds.
You may have evidence from more than one source. If so, does it present a consistent view?	Yes

Is there anything about the Function and the way it affects Individuals from different ethnic backgrounds which needs highlighting?	No
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3.5.3 Race - Consultation

Have you obtained the views of Individuals from different ethnic backgrounds on the impact of the Function?	No
If not, why not?	There are plans to consult relevant individuals
Have you obtained the views of relevant stakeholders on the impact of the Function on Individuals from different ethnic backgrounds?	No
If not, why not?	There are plans to consult relevant stakeholders
Is there anything about the Function and the way it affects Individuals from different ethnic backgrounds which needs highlighting?	No

3.5.4 Race - Additional Work

Do you need any more information to complete the assessment?	Yes
Please explain how individuals may be impacted.	This could encourage more integration of older people from different ethnic backgrounds
Please explain how.	This could encourage more integration of older people from different ethnic backgrounds
Please explain what information you need.	<p>Further information is needed on the ethnicity of employees.</p> <p>Consultation on the proposed changes would need to be added to this assessment.</p> <p>Permission to consult current users, employees and the wider public will be sought in June and it is anticipated that consultation will then take place and this document will be updated with the results.</p>
Is there any more work you feel is necessary to complete the assessment?	Yes
Do you think that the Function has a role in preventing Individuals from different ethnic backgrounds being treated differently, in an unfair or inappropriate way, just because of their ethnicity?	Yes
Please explain what work needs to be done.	<p>Consultation on the proposed changes would need to be added to this assessment.</p> <p>Permission to consult current users, employees and the wider public will be sought in June and it is anticipated that consultation will then take place and this document will be updated with the results.</p>

Do you think that the Function could help foster good relations between persons who share the relevant protected characteristic and persons who do not share it?

Yes

3.6 Concluding Statement on Full Assessment

The impact of the proposals for the future of the seven BCC run older adults day centres have been considered. Any change to the current provision could impact on service users with a disability (dementia) if there is not adequate provision in the market. This will need to be carefully considered during and after consultation.

Service users who attend the culturally specific day centres may also be impacted, initial market analysis indicates market provision for Asian elders, however further work would be needed to identify provision for African Caribbean elders if this is their preferred choice.

Transport is currently provided and this will also need to be considered in the consultation period.

4 Review Date

30/06/16

5 Action Plan

There are no relevant issues, so no action plans are currently required.