

Appendix H - Community Support Equality Impact Assessment 2023-24

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Details of proposal: (Clearly identify the proposal give details of relevant service provision and the demographics covered by the policy or service)

The proposal relates to the hourly rate payable to Community Support Providers during the 2023/2024 financial year.

The specific detail of the proposal is a **20.51%** increase to the Community Support hourly rate.

The proposal encompasses the implementation of the following fee rate for contracted Community Support Services.

Table 1 - Proposed Community Support 2023-2024 Fees

Duration / Service Element	2023/24	2022/23
1 Hour	£21.56	£17.89

Community Support Providers provide services for the following client groups:

- Older People
- Mental Health
- Alcohol / Drugs
- Learning Disabilities
- Physical Disabilities
- Terminal Illness

The demographics of Service Users accessing these services are outlined in Tables 2 – 4. All %s (%) shown are of the total service user group.

Age Group

Table 2 - Age Groups of Community Support Service Users

	Total Clients	%
Adults	199	83.97%
Age 65-74	19	8.02%
Age 75-84	12	5.06%
Age 85-94	7	2.95%
Sum:	237	

Gender

Table 3 - Gender of Community Support Service Users

	Female		Male	
	Total Clients	%	Total Clients	%
Adults	75	31.65%	124	52.32%
Older People	13	5.49%	25	10.55%
Sum:	88	37.13%	149	62.87%

Ethnicity

Table 4 - Ethnicity of Community Support Service Users

	Adults		Older People		Total	
	Total Clients	%	Total Clients	%	Total Clients	%
Any other ethnic group			1	0.42%	1	0.42%
Asian/Asian British - Chinese	2	0.84%	1	0.42%	3	1.27%
Asian/Asian British - Indian	1	0.42%			1	0.42%
Black/Black British - Any other Black background	2	0.84%	1	0.42%	3	1.27%
Information not yet obtained	14	5.91%	5	2.11%	19	8.02%
Mixed - Any other mixed background	1	0.42%			1	0.42%
Mixed - White and Black African	1	0.42%			1	0.42%
White - Any other White background	1	0.42%			1	0.42%
White - British/English/Welsh/Scottish/Northern Irish	175	73.84%	30	12.66%	205	86.50%
White - Irish	2	0.84%			2	0.84%
Sum:	199	83.97%	38	16.03%	237	

Primary Support Reason

Table 5 - Primary Support Reason of Community Support Service Users

	Female				Male				Total	
	Adults		Older People		Adults		Older People			
	Total Clients	%	Total Clients	%	Total Clients	%	Total Clients	%	Total Clients	%
Learning Disability Support	37	15.6%	1	0.4%	65	27.4%	5	2.1%	108	45.6%
Mental Health Support	22	9.3%	1	0.4%	33	13.9%	7	3.0%	63	26.6%
Physical Support - Access and Mobility Only	3	1.3%			1	0.4%			4	1.7%
Physical Support - Personal Care Support	8	3.4%	6	2.5%	14	5.9%	9	3.8%	37	15.6%
Sensory Support - Support for Hearing Impairment	1	0.4%	1	0.4%					2	0.8%
Sensory Support - Support for Visual Impairment					1	0.4%			1	0.4%
Social Support - Substance Misuse Support					1	0.4%			1	0.4%
Social Support - Support for Social Isolation / Other	3	1.3%			7	3.0%	2	0.8%	12	5.1%
Support with Memory and Cognition	1	0.4%	4	1.7%	2	0.8%	2	0.8%	9	3.8%
Sum:	75	31.7%	13	5.5%	124	52.3%	25	10.6%	237	

Ramifications of Proposal:

The proposals relate to the fees paid to contracted Community rate

The specific proposals relating to contracted Community Support Providers are that for the 2023/2024 period it will introduce the following fees:

Table 6 - Proposed 2023/2024 Community Support rate

Duration / Service Element	2023/24	2022/23
1 Hour	£21.56	£17.89

There is the possibility that some Provider's may face difficulties adapting their services and could then become unviable which would lead to them withdrawing from the market. This could therefore reduce the availability of services that meet specific Service User needs.

Are there any protected characteristics that will be disproportionately affected in comparison to others?

The protected characteristics under the Equality Act 2010 are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Pregnancy and Maternity

Care Leavers was also adopted as a Protected Characteristic by Sefton Council in January 2023.

There are no proposals that change services on the basis of Protected Characteristics or identified to make an indirect negative effect. Furthermore, the proposals are planned to ensure that the rate paid for care is a sustainable rate. The fees proposed is aimed to support all residents to receive high quality Community Support regardless of their Protected Characteristics.

If the fee proposals were to be implemented and the above ramifications were to materialise then the following protected characteristics may be affected;

- **Disability** – a high proportion of service user have a learning disability
- **Gender** - as the majority of current service users are male

Consultation:

The consultation period commenced on 20th March 2023 and lasted until up to 16th April 2023.

The consultation period commenced on 20th March 2023 and lasted until up to 16th April 2023.

The consultation encompassed the original proposals outlined in the following tables:

Table 7 – Originally Proposed 2023/2024 Community Support Rates

Duration / Service Element	2023/2024 Proposed Rate	2022/2023 Originally Set Rates
1 Hour	£19.66	£17.89

As part of this consultation process the Council wished to particularly receive and consider feedback in relation to the following questions;

1. Whether the level of proposed fees set out in the proposals and tables above will cover the cost of delivering Community Support for the period from 1st April 2023 to 31st March 2024.
2. If you do not agree with the above rates, in particular if you consider that they will not cover the cost of delivering services, please provide budgeted costings, together with evidence of actual expenditure and a breakdown of your hourly rate, in support of your comments.

The consultation commenced on 20th March 2023 and had an initial end date of 16th April 2023. As part of this consultation process an initial Microsoft Teams consultation meeting was held with Providers on 30th March 2023 to enable them to raise questions to Senior Officers within the Council and also provided a further opportunity to state their general Views about the market and the challenges faced.

Following the end of the initial consultation period on 16th April 2023, the consultation responses were analysed, together a range of factors such risks raised in relation to additional costs and regional averages, and this resulted in the fee increases being increased from those originally proposed at the commencement of the consultation.

The consultation period was then extended to 26th April 2023 after the revised proposed rates were communicated to Providers. A further Microsoft Teams event was then held with Providers on 25th April 2023 to discuss the revised proposals.

Is there evidence that the Public Sector Equality Duties will be met?

The Equality Act 2010 requires that those subject to the Equality Duty must, in the exercise of their functions, have due regard to the need to:

1. *Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.*
2. *Advance equality of opportunity between people who share a protected characteristic and those who do not.*
3. *Foster good relations between people who share a protected characteristic and those who do not.*

The Act explains that having due regard for advancing equality involves:

- *Removing or minimising disadvantages suffered by people due to their protected characteristics.*
- *Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.*
- *Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.*

The options proposed do not involve any change to the criteria for Community Support, as assessed via the Council's eligibility criteria nor do they involve any changes to the capacity of services.

Each Service User will continue to have an individual care plan which is reviewed each year in accordance with the Care Act 2014. In assessing the care needs of Service Users Sefton Council is required to have regard to its public sector equality duty.

With respect to the above;

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Community Support services will continue to be provided on the basis of assessed need.

Performance monitoring of contracts regularly takes place and Social Workers and families / advocates give feedback as to the treatment of Service Users. In addition, the Council monitors data on contracts to ensure that there is fair access to all that meet the eligibility criteria.

Advance equality of opportunity between people who share a protected characteristic and those who do not.

Community Support packages are based on a person's individual need and offers opportunities for people to live as independently a life as possible and under an enabling approach.

Under current eligibility assessments, Service User's religious and cultural needs are taken into account and where specific needs are identified these are met, thus enabling them to participate in public life.

Foster good relations between people who share a protected characteristic and those who do not.

Community Support services support people with disabilities to continue to live within the community thus making sure that disability is accepted and understood by the wider community.

All Provider's must evidence of how they will treat Service Users with respect and dignity and deliver services in a way which is free from discrimination, bullying and harassment for Service Users and Community Support staff.

In addition;

- The Council will continue to work with Provider's to ensure that they provide appropriate services to disabled people on a contract and service specification basis and monitoring of service delivery.
- The Council as commissioning agent will remind service Provider's, when undergoing changes to their services to treat their staff in accordance with Equality and Employment law.
- Service Users are and will continue to be assessed in a qualitative manner in accordance with national guidance and Care Act 2014.

- Under Section 47 of the National Health Service and Community Care Act 1990, individual services provided will be privy to regular review to assess if those services are meeting assessed needs.
- The current service specification contains specific requirements relating to equalities.
- Community Support is designed, costed, and targeted to support disabled people.

What actions will follow if proposal accepted by cabinet & Council?

Include details of any mitigating action and ongoing monitoring to address any of the equality impacts highlighted above

- Ongoing consultation with Community Support Providers will include obtaining provider views on the economic impact of the implementation of any decision and this information will in turn be used to ascertain any possible economic impacts on clients or regulatory impacts on individual Providers.
- Central Government have announced reforms which will be introduced from 2022-23 and will impact on Adult Social Care fee rates and fair cost of care exercises. Work will take place on implementation of these reforms for the Community Support sector and further consultation and engagement with Providers will take place
- Future commissioning arrangements will be devised including assessments on;
 - Change in demand for services and strategic objectives
 - Service delivery issues – such as any issues with delivery in specific Sefton geographical areas
 - New contractual and payment arrangements – such as block bookings
 - Workforce development and support
 - Recruitment and retention of staff
 - Further implementation of enabling approach
 - Implementing new I.T. systems for better recording of care delivery
 - Linkages to other initiatives such as greater use of Technology Enabled Care solutions
- The demand for services will also be monitored, such as changes to the demographic profile of the borough and the demand for more specialist services.
- Risk management work will be conducted which will include analysis of the capacity within the market and the ability of the market to ‘absorb’ individual Providers withdrawing from the Sefton market. This analysis will also be informed by performance information on numbers of Community Support packages commissioned and ability to meet demand and individual needs
- Regular liaison with the Care Quality Commission will also continue and as part of this any issues identified with respect to the financial viability of individual Providers will be monitored. The impacts of any potential financial difficulties identified would be assessed, especially with respect to the impact on the wider Sefton market, meeting demand for services and capacity in the market. To this end the capacity of current services will be monitored regularly to assess capacity levels.
- The Care Act 2014 gives responsibilities to CQC for assessing the financial sustainability of certain care providers, it also gives them new powers to request information from those providers and to request a provider who they judge to be in financial difficulty to develop a sustainability plan and arrange an independent business review, to help the care provider remain financially sustainable. The Council will continue to work with CQC if and when they share concerns about care providers operating in Sefton.
- With respect to any potential impacts of the decision on the quality of service provided, regular monitoring will continue to take place. This will include monitoring of factors such as meeting Service User needs, the quality and retention of staff, staff training

and overall management of services. Monitoring of Safeguarding referrals and regulatory notifications will also continue.