

Appendix I – Day Care Rates Equality Impact Assessment 2023 – 2024

Figure 1 - Table of Contents

Contents

Details of proposal.....	2
Ramifications of Proposal.....	4
Are there any protected characteristics that will be disproportionately affected in comparison to others?	4
Consultation	5
Is there evidence that the Public Sector Equality Duties will be met.....	5
What actions will follow if proposal accepted by Cabinet & Council.....	8

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 rate payable to Day Care Providers during the 2023/2024 financial year.

The specific detail of the proposal is a **9.84%** increase to the Day Care rate.

The proposal encompasses the implementation of the following fee rate for contracted Day Care services.

Day Care Providers provide services for the following client groups:

- Learning Disabilities
- Physical Disabilities
- Older People
- Mental health

The demographics of Service Users accessing these services are outlined in Tables 1 - 3. All %s (%) shown are of the total service user group.

Age Group

Table 1 - Age Groups of Day Care Service Users

	Female		Male		Total	
	Total Clients	%	Total Clients	%	Total Clients	%
Adults	138	25.51%	228	42.14%	366	67.65%
Age 65-74	18	3.33%	17	3.14%	35	6.47%
Age 75-84	45	8.32%	32	5.91%	77	14.23%
Age 85-94	37	6.84%	20	3.70%	57	10.54%
Age 95+	3	0.55%	3	0.55%	6	1.11%
Sum:	241		300		541	

Gender

Table 2 - Gender of Day Care Service Users

	Female		Male		Total	
	Total Clients	%	Total Clients	%	Total Clients	%
Adults	138	25.51%	228	42.14%	366	67.65%
Older People	103	19.04%	72	13.31%	175	32.35%
Sum:	241	44.55	300	55.45%	541	

Ethnicity

Table 3 - Ethnicity of Day Care Service Users

	Adults		Older People		Total	
	Total Clients	%	Total Clients	%	Total Clients	%
Any other ethnic group	1	0.18 %	2	0.37 %	3	0.55%
Asian/Asian British - Bangladeshi	1	0.18 %			1	0.18%
Asian/Asian British - Chinese	2	0.37 %			2	0.37%
Asian/Asian British - Indian	1	0.18 %			1	0.18%
Information not yet obtained	30	5.55 %	9	1.66 %	39	7.21%
Mixed - Any other mixed background	3	0.55 %			3	0.55%
Mixed - White and Asian	2	0.37 %			2	0.37%
Mixed - White and Black African	1	0.18 %			1	0.18%
Mixed - White and Black Caribbean	1	0.18 %			1	0.18%
Not Stated			1	0.18 %	1	0.18%
White - Any other White background	4	0.74 %	3	0.55 %	7	1.29%
White - British/English/Welsh/Scottish/Northern Irish	320	59.15 %	160	29.57 %	480	88.72 %
Sum:	366		175		541	

Primary Support Reason

Table 4 - Primary Support Reason of Day Care Service Users

	Female				Male				Total	
	Adults		Older People		Adults		Older People			
	Total Clients	%	Total Clients	%	Total Clients	%	Total Clients	%	Total Clients	%
Learning Disability Support	108	19.96%	2	0.37%	194	35.86%	7	129%	311	57.49%
Mental Health Support	2	0.37%	7	129%	1	0.18%	5	0.92%	15	2.77%
Physical Support - Access and Mobility Only	1	0.18%	1	0.18%	1	0.18%	4	0.74%	7	1.29%
Physical Support - Personal Care Support	18	3.33%	56	10.35%	22	4.07%	35	6.47%	131	24.21%
Sensory Support - Support for Visual Impairment	1	0.18%			1	0.18%			2	0.37%
Social Support - Support for Social Isolation / Other	5	0.92%	4	0.74%	7	1.29%	4	0.74%	20	3.70%
Support with Memory and Cognition	3	0.55%	33	6.10%	2	0.37%	17	3.14%	55	10.17%
Sum:	138		103		228		72		541	

Ramifications of Proposal:

The proposals relate to the fees paid to contracted Day Care Providers.

The specific proposals relating to contracted Day Care Providers are that for the 2023/2024 period it will introduce an increase of 9.84%

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 Day Care 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:

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 would cover the cost of delivering Day Care services for the period from 1st April 2023 to 31st March 2024.
2. If Providers did not agree with the rates, in particular if they considered that they would not cover the cost of the Care Act 2014, the cost of delivering Day Care services, to outline why and provide any supporting information that they feel may be pertinent.

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. The consultation period was then extended to 26th April 2023.

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 Day Care, 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.

Day Care services will continue to be provided based on assessed need and to improve required outcomes.

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.

Day Care services enable local people to live the lives they want to lead, retain their independence, and live a fuller life, enabling them to socialise with others and meet people who may be in a similar situation whilst making a positive contribution to the community.

People should have a purpose, to do things members of the wider community would do, ensure friendships and connections whilst creating a sense of belonging which prevents social isolation.

Under current eligibility assessments, Service User's religious and cultural needs are considered 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.

Day Care services support people with disabilities to continue live and become part of the community thus making sure that disability is accepted and understood by the wider community.

Day Care services provide services users with the opportunity to connect with others, linking into other support and making service users feel safe and secure.

Day Care services provide respite to carers to allow them to continue in their caring role.

All Provider's must evidence 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 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
- Day Care services are designed, costed and targeted to support disabled people, older people to remain in the community but have access to activities and friendship groups.

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 Day Care 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 Day Care sector and further consultation and engagement with Providers will take place
- We will continue to explore ways in which we can improve the Day opportunity sector, including;
 - Developing pathways onto education, supported employment, internships, job coaching, training and volunteering opportunities
 - Facilitate a cultural shift based on strength-based practice and commissioning at place level linked to the integration agenda
 - Developing innovation partnerships with stakeholders
 - Facilitate the development of community interest companies
 - Facilitate participation in leisure, arts, hobbies and socialising
 - Enable friendships and local connections within the community to develop a sense of belonging
 - Appropriate training to upskill staff support for more complex service users
 - Identifying scope for reducing overreliance on support in services through Providers identifying flexibilities in support hours which adapt to changes in Service User's needs and continues to promote independence
 - Linkages to other initiatives such as greater use of Technology Enabled Care solutions for better self-management of longer-term health conditions
 - Robust market management in relation to cost and quality
 - Cost of Care modelling to inform appropriate unit cost
 - Align to the implementation of the Extra Care Strategy
 - Align to the implementation of the Supported Living Plan and Strategy
 - Align to the implementation of the Intermediate Care Strategy/Domiciliary Care and Enablement
 - Plan and shape the market more effectively in relation to transitions and preparation for adulthood.
- 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 support more complex individuals. This analysis will also be informed by performance information on numbers of day opportunity places commissioned and the ability to meet current and future demand and complex individual needs
- Monitoring of Safeguarding referrals and regulatory notifications will also continue.

