

# Appendix F - Supported Living Equality Impact Assessment 2023-2024 Rates

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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 fees payable to Supported Living Providers during the 2023/24 financial year.

The specific detail of the proposal is a 9.84% increase to the Supported Living hourly rate and increases to the sleep-in rates / waking night rates.

The proposal encompasses the implementation of the following fee rates for contracted Supported Living services:

*Table 1 - Proposed Supported Living 2023-24 Fees*

<b>Duration / Service Element</b>	<b>2023/24</b>	2022/23
Hourly Rate	<b>£18.41</b>	£16.76
Sleep-in (9 Hours)	<b>£107.85</b>	£98.33
Sleep-in (10 Hours)	<b>£119.83</b>	£109.25
Waking Night (9 Hours)	<b>£165.69</b>	£150.84
Waking Night (10 Hours)	<b>£184.10</b>	£167.60

Supported Living Providers provide services for the following client groups:

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

The demographics of Service Users accessing these services are;

### Age Group

Table 2 - Age Groups of Supported Living Service Users

	Total Clients	Percentage
<b>Adults</b>	448	88.02%
<b>Age 65-74</b>	49	9.63%
<b>Age 75-84</b>	12	2.36%
<b>Sum:</b>	<b>509</b>	

### Gender

Table 3 - Gender of Supported Living Service Users

	Female		Male	
	Total Clients	Percentage	Total Clients	Percentage
<b>Adults</b>	130	25.54%	318	62.48%
<b>Older People</b>	22	4.32%	39	7.66%
<b>Sum:</b>	<b>152</b>		<b>357</b>	

### Ethnicity

Table 4 - Ethnicity of Supported Living Service Users

	Adults		Older People	
	Total Clients	Percentage	Total Clients	Percentage
<b>Asian/Asian British - Any other Asian background</b>	1	0.20%		
<b>Asian/Asian British - Chinese</b>	2	0.39%		
<b>Black/Black British - Any other Black background</b>	1	0.20%		
<b>Information not yet obtained</b>	14	2.75%	3	0.59%
<b>Mixed - Any other mixed background</b>	4	0.79%	1	0.20%
<b>Mixed - White and Asian</b>	2	0.39%		
<b>White - Any other White background</b>	5	0.98%		
<b>White - British/English/Welsh/Scottish/Northern Irish</b>	417	81.93%	57	11.20%
<b>White - Irish</b>	1	0.20%		
	1	0.20%		
<b>Sum:</b>	<b>448</b>		<b>61</b>	

## Primary Support Reason

Table 5 - Primary Support Reason of Supported Living Service Users

	Female				Male			
	Adult		Older People		Adult		Older People	
	Total Clients	%	Total Clients	%	Total Clients	%	Total Clients	%
<b>Learning Disability Support</b>	81	15.91%	13	2.55%	177	34.77%	26	5.11%
<b>Mental Health Support</b>	42	8.25%	8	1.57%	113	22.20%	9	1.77%
<b>Physical Support - Access and Mobility Only</b>					1	0.20%		
<b>Physical Support - Personal Care Support</b>	5	0.98%	1	0.20%	21	4.13%	2	0.39%
<b>Sensory Support - Support for Visual Impairment</b>							1	0.20%
<b>Social Support - Substance Misuse Support</b>					1	0.20%		
<b>Social Support - Support for Social Isolation / Other</b>	1	0.20%			2	0.39%		
<b>Support with Memory and Cognition</b>	1	0.20%			3	0.59%	1	0.20%
<b>Sum:</b>	<b>130</b>		<b>22</b>		<b>318</b>		<b>39</b>	

### Ramifications of Proposal:

The proposals relate to the fees to be paid to Supported Living Providers as from 1<sup>st</sup> April 2023.

The specific proposals relating to Supported Living Providers are that for the 2023/24 period it will introduce the following fees:

Table 6 - Proposed 2023/24 Supported Living Rates

Duration / Service Element	2023/24	2022/23
Hourly Rate	<b>£18.41</b>	£16.76
Sleep-in (9 Hours)	<b>£107.85</b>	£98.33
Sleep-in (10 Hours)	<b>£119.83</b>	£109.25
Waking Night (9 Hours)	<b>£165.69</b>	£150.84
Waking Night (10 Hours)	<b>£184.10</b>	£167.60

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.*

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

- **Disability** - as the majority of current service users have a learning disability
- **Gender** – high proportion of services delivered to males

**Consultation:**

The consultation period commenced on 20<sup>th</sup> March 2023 and lasted until up to 16<sup>th</sup> April 2023. 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 Domiciliary Care for the period from 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024.
2. If Providers did not agree with the rates, in particular if they considered that they would not cover the cost of delivering services, to provide budgeted costings, together with evidence of actual expenditure and a breakdown of hourly rate, in support of comments.

The consultation commenced on 20<sup>th</sup> March 2023 and had an initial end date of 16<sup>th</sup> April 2023. As part of this consultation process an initial Microsoft Teams consultation meeting was held with Providers on 30<sup>th</sup> 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 16<sup>th</sup> 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 26<sup>th</sup> 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 Supported Living, 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.**

Supported Living services will continue to be provided on the basis of assessed need.

Performance monitoring of contracts regularly takes place and Social Workers, families/advocates provide feedback as to the treatment of Service Users via the review process. 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.**

Supported Living services 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.**

Supported Living 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 Supported Living 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.
- Supported Living services are designed, costed and targeted to support disabled people to remain living within the community.

**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 Supported Living 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.
- 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 Supported Living placements commissioned and the ability to meet current and future demand and complex individual needs
- Regular liaison with the Care Quality Commission will also continue and as part of this any issues identified with respect to the quality and financial viability of individual Providers will be monitored.
- 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 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.