

	Reference:	
Responsible Officer	Lisa Entwistle – Team Manager, Client Finance	
Cabinet Member:		
Support Officer		

Equality Impact Assessment Tool

Service Area:	Business Community Services
Budget Reduction Title:	

Stage 1: Initial Assessment

1a	Which service does this project, policy or proposal relate to?
	<p>The proposal relates to implementing a brokerage framework for service users, patients and children / young people who are eligible for health and social care support. Following a needs assessment, a direct payment (personal budget) maybe awarded and the recipient can choose to take this as a cash payment rather than having a package of support arranged for them.</p> <p>The aim of a direct payment is to enable people to have more choice and control over the support they receive. Many people choose to employ Personal Assistants (PA) to meet their services needs and manage any employment related processes.</p> <p>There is currently no framework in place to monitor and specify the requirements of a broker, therefore the Council and Oldham Cares have very limited oversight on the use of public funds and ensuring the direct payment provided is being used as the assessment states.</p> <p>There have been several attempts to implement a brokerage framework. In 2016 a proposed framework was approved by Cabinet. However, this approved provider list was suspended following a potential legal challenge by an existing broker who had not been successful in the tender process.</p> <p>A further consultation exercise took place in summer 2017, where it was proposed to tender for an open framework. This meant that any providers who were unsuccessful could reapply at any time.</p> <p>When exploring this proposal further and taking additional advice it was agreed that an open framework was no longer an option. An open framework would be too resource intensive both from a council and service user perspective and would not provide the end product in the best interest of the service user / representative.</p>
1b	What is the project, policy or proposal?
	<p>It is proposed to implement an integrated health & social care brokerage framework in compliance with the Care Act 2014, the SEND Code of Practice 2014 and the NHS (Direct Payment Regulations) 2013. This would be a closed framework.</p> <p>This would involve a tender process and award of contract to the successful providers. This would inevitably ensure appropriate oversight of market stability and ensure appropriate pre-checks are completed on providers during a through procured process.</p> <p>This would also ensure those in receipt of this service are not limited and can be provided a choice of services and providers.</p>

<p>1c</p>	<p>What are the main aims of the project, policy or proposal?</p> <p>The aims of the proposal are to Comply with legislation, such as Care Act 2014, SEND Code of Practice 2014 and NHS (Direct Payment Regulations) 2013.</p> <p>To implement a new brokerage model where providers can be selected against an agreed specification and complete a legal contract between the council, CCG and provider.</p> <p>It will provide choice to individuals, as those in receipt of services would be provided with an agreed list of successful providers, to choose from and also be given clear information of what each provider delivers in regard to services.</p> <p>Once the proposed framework is implemented, it will also support the local authorities and CCG to have accountability for public funds.</p>
<p>1d</p>	<p>Who, potentially, could this project, policy or proposal either benefit or have a detrimental effect on, and how?</p> <p>People identified that will be affected by the implementation of the Brokerage Framework are those that fall into the following groups:</p> <ul style="list-style-type: none"> • Disabled people • People in particular age groups • Vulnerable Adults • Parent / Carers of Children • People on low income <p>The above groups can be further identified further into the following categories:</p> <p>Service users:</p> <ul style="list-style-type: none"> • If their current broker is not successful in the tendering process following the implementation of the new model, service users may not want to change brokers as they would have built a relationship and trust with the existing one. However the council would not continue to provide funding to pay the broker where they are not on the framework. • If service users have to be transferred to a new broker because of the new framework list, it may cause upset to them and delays with commence of support from their new brokers. • There will also be a positive effect to service users as the implementation of the new model would ensure that service users are receiving consistent support in accordance with legislation and in line with charging policies. It would also ensure that the service they receive is vetted and ‘fit for purpose’. <p>Service Providers –</p> <ul style="list-style-type: none"> • Service providers will be expected to meet certain criteria to be awarded a contract and added the framework. This could impact business in relation to finances as where some may not be successful, the loss of business may mean the closure of their company. • Providers will be expected to enter into an agreed framework and adhere to the terms and conditions of that framework.

	<ul style="list-style-type: none"> Providers will also be expected to comply with the cost of brokerage services as implemented by the council, therefore could result in a loss of income. Following the implementation of the framework, the council will be able to obtain oversight of the market. This would lead to stability within the brokerage economy as there is currently only one of the seven providers still providing this service from the approved list from 2011. <p>General Public –</p> <ul style="list-style-type: none"> The framework would ensure that public funds are safeguarded and that the council can be accountable. Protecting the council from litigation, ensuring compliance with legislation, ensuring service users are in receipt of their eligible needs and are charged only for their contribution towards the cost of care services.
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1e	Does the project, policy or proposal have the potential to <u>disproportionately</u> impact on any of the following groups?				
		None	Positive	Negative	Not sure
	Disabled people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Particular ethnic groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Men or women (includes impacts due to pregnancy / maternity)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People of particular sexual orientation/s	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People in a Marriage or Civil Partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People who are proposing to undergo, are undergoing, or have undergone a process or part of a process of gender reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People on low incomes	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	People in particular age groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Groups with particular faiths or beliefs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Are there any other groups that you think may be affected negatively or positively by this project, policy or proposal?				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

1f	What do you think the overall NEGATIVE impact on groups and communities will be?	None / Minimal	Significant
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

1g	Using the screening and information in questions 1e and 1f, should a full assessment be carried out on the project, policy or proposal?	Yes <input checked="" type="checkbox"/>
		No <input type="checkbox"/>

1h	How have you come to this decision?
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	<p>There are currently over 1000 service users in receipt of a broker service and 9 providers if a brokerage service.</p> <p>To ensure all options are captured and that impact on each group is made clear, it is in the interest of the service to complete a full Equality Impact Assessment.</p>
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Stage 2: What do you know?

What do you know already?
<p>The council and CCG currently spend over £1,200,000 on brokerage services annually. There are currently 9 brokers providing the brokerage service, where there is no accountability of public spend or service delivery.</p> <p>Within Adult Social Care there are currently 803 service users in receipt of direct payment, 573 of which use service from a broker.</p> <p>Children services have 220 service users, of which 202 use services from a broker.</p> <p>The CCG have 69 service users currently in receipt of a Personal Health Budget (PHB), 52 of which use the service from a broker.</p> <p>18 packages outstanding that will require conversion to a PHB all of which will need at least Lot 1 service and on average 40% of these will want to use a direct payment leaving 7 people wanting to use Lot 2 and 3 of the broker service.</p> <p>Children services have 13 service users with a PHB all of which use services from a broker</p>
What don't you know?
<p>Although a consultation process has been completed, there was a low response rate of 15% in regard to the survey's sent to those in receipt of services. Therefore, the impact on service users can only be determined from the limited responses received</p> <p>There were also 2 focus groups that took places for those in receipt of services, however only a handful of people attended. Although there was limited attendance, the information provided by those that attended, was invaluable to the requirements of the proposed framework.</p>
Further Data Collection

Summary (to be completed following analysis of the evidence above)

1e	Does the project, policy or proposal have the potential to <u>disproportionately</u> impact on any of the following groups?				
		None	Positive	Negative	Not sure
	Disabled people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Particular ethnic groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Men or women (includes impacts due to pregnancy / maternity)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People of particular sexual orientation/s	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	People who are proposing to undergo, are undergoing, or have undergone a	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

process or part of a process of gender reassignment				
People on low incomes	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
People in particular age groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Groups with particular faiths or beliefs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are there any other groups that you think may be affected negatively or positively by this project, policy or proposal?				
Vulnerable residents	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Stage 3: What do we think the potential impact might be?

3a	<p>Who have you consulted with?</p> <p>Consultation has taken place with colleagues to ensure that the implementation of the framework is compliant with The Care Act 2014 and other supporting guidance / regulations. Confirmation from legal colleagues has confirmed that the proposed scheme is within compliance of the statutory guidance.</p> <p>A benchmarking exercise has also been undertaken across the North West region to identify models of support in relation to brokerage services fellow local authorities adopt.</p> <p>Service users, patients, family and carers, who are in receipt of brokerage services were contacted to request for them to take part in the consultation. This was by asking for a survey to be completed to identify the experience they had received, whether or not they pay for current services from brokers and to identify their views</p> <p>Members of the public were contacted to request for them to take part in the consultation on the brokerage framework, a survey was issued with various questions relating to their experience with brokers and to identify their views on the introduction of a framework.</p> <p>As a result of the consultation process, identified groups have been given the opportunity to contribute towards the proposed framework, therefore ensuring that the council and CCG'S duty to have regard to the need to advance equality of opportunities are met.</p> <p>People consulted with, were representatives from the following groups:</p> <p><u>Primary Needs</u></p> <table border="1"> <thead> <tr> <th>Primary Need</th> <th>Number</th> </tr> </thead> <tbody> <tr> <td>Learning Disability</td> <td>315</td> </tr> <tr> <td>Mental Health Support</td> <td>65</td> </tr> <tr> <td>Physical Support: Access & Mobility</td> <td>11</td> </tr> <tr> <td>Physical Support: Personal Care</td> <td>223</td> </tr> <tr> <td>Sensory Support: Hearing Impairment</td> <td>4</td> </tr> <tr> <td>Sensory Support : Visual</td> <td>9</td> </tr> </tbody> </table>	Primary Need	Number	Learning Disability	315	Mental Health Support	65	Physical Support: Access & Mobility	11	Physical Support: Personal Care	223	Sensory Support: Hearing Impairment	4	Sensory Support : Visual	9
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Sensory Support : Visual	9														

Sensory Support: Memory & Cognition	6
Sensory Support: dual impairment	1
Social Support: Isolation / Other	1

Age Groups

<u>Age Group</u>	<u>Number</u>
18-65	<u>543</u>
<u>65-74</u>	<u>73</u>
<u>75-84</u>	<u>35</u>
<u>85+</u>	<u>21</u>

Gender Groups

<u>Gender</u>	<u>Number</u>
Male	<u>335</u>
<u>Female</u>	<u>301</u>

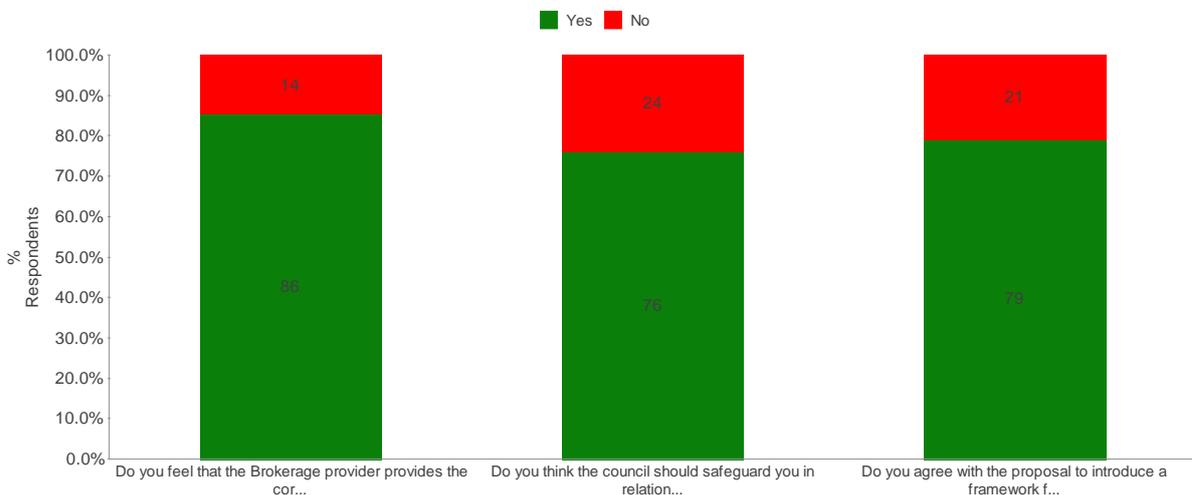
3b

How did you consult? (include meeting dates, activity undertaken & groups consulted)

A survey was issued to service users, patients or their carers / representatives with various questions relating to their experience with brokers and to identify their views on the introduction of a framework. Over 1000 surveys were issued with a covering letter inviting people to a one to one focus group session to provide a Q&A session. Members of the public attended two focus groups, which took place on 4 June 2019 and 11 June 2019. Those invited to the focus groups were people directly receiving brokerage services, carers and family. Over 1000 service users or representatives were contacted, we received 155 completed surveys. In attendance at the focus groups, three carers attended the first session on 4 June 2019 and one carer attend the second session on 11 June 2019.

The outcome from the survey questions were as follows:

Brokerage Framework



- 86% respondents felt their provider gave them the correct level of support.
- 76% respondents agreed that the council should safeguard you in relation to the services they receive.
- 79% agreed with the proposal to introduce a framework for Brokerage Providers
- Further analysis found a strong correlation between those who agreed that the Council should safeguard clients and the introduction of a framework
- An equally strong correlation was found between the age of the respondent and agreement of the introduction of a brokerage framework

The outcome from the focus groups were as follows, attendees thought:

- There was lack of communication between the broker and service user.
- Regular statements should be issued to the service user on a monthly basis to ensure that they are aware of their balance.
- A fact sheet for families regarding brokers should be implemented by the council to explain what they should expect from a broker.
- Brokers should communicate with the council when a carer requires a break.
- The fee to a broker should be based on the work they do, i.e. processing invoices / payroll.
- A fact sheet should be provided to service users re: all brokers and what they offer.

As part of the consultation process two Q&A sessions took place for the providers, on 7 June 2019 and 10 June 2019. A market engagement event also took place on 19 June 2019 and 14 February 2020, to ensure a wider audience was captured. This was advertised via the council's procurement team on The Chest. This was an opportunity to explain the proposals of introducing a framework and provide updates. It was also an opportunity to obtain brokers' feedback directly on the proposals. During this meeting, information regarding the consultation period and cabinet process was also provided to brokers.

Brokers were informed of the results from the focus groups in relation to the service users. Feedback from the providers was as follows:

- Providers were happy and open to the idea of working with a framework
- Biggest Issue – Brokers having to collect client contribution
- If Brokers are invoice only – there are no contact details
- Families being able to “add on” different care needs and hours if they have money still in the personal budget, that this is currently not possible and would need to be assessed by a social worker beforehand
- Following the last consultation – providers felt they were not treated very well
- Lack of training for PA's
- Brokers requested that within the Framework clarity was provided on the different services and what the Local Authority expects. This will support both the individual and the broker in delivery of what the individual needs. This will also support brokers with the differing terminology across different Local Authorities. This will also support the social workers.
- Another suggestion was to use quality questions as a Quality Assurance function. These could be completed every 6 or 12 months so that everybody is clear about what is or isn't happening.

3c

What do you know?

	<ul style="list-style-type: none"> The following stakeholders have been identified as being potentially affected by the implementation of the framework from a positive and negative point of view. <p>Service users</p> <ul style="list-style-type: none"> Those who want to remain with their current provider, will incur additional costs if the provider is not successful during the framework tendering process. Concern to the service users may be caused due to change. Implementation of the new model would ensure that service users are receiving consistent support in accordance with legislation and in line with charging policies, it would also ensure that the service they receive is vetted and 'fit for purpose'. <p>Service Providers</p> <ul style="list-style-type: none"> Due to the change in criteria, providers will be expected to meet a certain criteria to be awarded a contract and added to the approved provider list. This could impact business in relation to finances as, where some may not be successful, the loss of business may mean the closure of their company. Providers will be expected to enter into a contract with the council and adhere to the terms and conditions of that contract Providers will also be expected to comply with the cost of brokerage services as implemented by the council, therefore could result in a loss of income. Following implementation of the framework, the council will be able to obtain oversight of the market; this would lead to stability within the brokerage economy <p>General Public</p> <ul style="list-style-type: none"> The framework would ensure that public funds are safeguarded and that the council can be accountable for public funds. The result of the implementation would also protect the council from litigation, ensuring compliance with legislation, ensuring service users are in receipt of their eligible needs. 								
3d	<p>What don't you know?</p> <p>Although a consultation process has been completed, there was a low response rate of 15% in regard to the survey's sent to those in receipt of services. Therefore, the impact on service users can only be determined from the limited responses received</p> <p>There were also 2 focus groups that took places for those in receipt of services, however only a handful of people attended. Although there was limited attendance, the information provided by those that attended, was invaluable to the requirements of the proposed framework</p>								
3e	<p>What might the potential impact on individuals or groups be?</p> <table border="1"> <tr> <td data-bbox="193 1630 743 1682">Generic (impact across all groups)</td> <td data-bbox="746 1630 1497 1682">None</td> </tr> <tr> <td data-bbox="193 1686 743 1917">Disabled people</td> <td data-bbox="746 1686 1497 1917">Individuals with a disability will be primarily affected by the proposed change as they may have to be transferred to another provider. However, a positive impact would be that the council could ensure that the service user receives a quality service as this could be monitored and assessed as 'fit for purpose' and meet the assessed needs of the individual.</td> </tr> <tr> <td data-bbox="193 1921 743 1973">Particular ethnic groups</td> <td data-bbox="746 1921 1497 1973">None</td> </tr> <tr> <td data-bbox="193 1977 743 2101">Men or women (<i>include impacts due to pregnancy / maternity</i>)</td> <td data-bbox="746 1977 1497 2101">Men will be disproportionately affected, demographics show 53% of respondents are male and 47% are female</td> </tr> </table>	Generic (impact across all groups)	None	Disabled people	Individuals with a disability will be primarily affected by the proposed change as they may have to be transferred to another provider. However, a positive impact would be that the council could ensure that the service user receives a quality service as this could be monitored and assessed as 'fit for purpose' and meet the assessed needs of the individual.	Particular ethnic groups	None	Men or women (<i>include impacts due to pregnancy / maternity</i>)	Men will be disproportionately affected, demographics show 53% of respondents are male and 47% are female
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Disabled people	Individuals with a disability will be primarily affected by the proposed change as they may have to be transferred to another provider. However, a positive impact would be that the council could ensure that the service user receives a quality service as this could be monitored and assessed as 'fit for purpose' and meet the assessed needs of the individual.								
Particular ethnic groups	None								
Men or women (<i>include impacts due to pregnancy / maternity</i>)	Men will be disproportionately affected, demographics show 53% of respondents are male and 47% are female								

	People of particular sexual orientation/s	None
	People in a Marriage or Civic Partnership	None
	People who are proposing to undergo, are undergoing, or have undergone a process or part of a process of gender reassignment	None
	People on low incomes	The impact on people where they fall into this category would be additional costs payable by them, if their preferred provider is not part of the framework, they would be expected to fund the additional amount, and this would not be taken into account as expenditure of their assessed contribution under The Care Act 2014. This would not be allowed as a disregard under the financial assessment. Therefore, would have to pay their contribution towards their services plus a brokerage fee, if the broker was not one of the preferred providers following the tender process.
	People in particular age groups	The implementation of the new framework would have an effect on all age groups.
	Groups with particular faiths and beliefs	None
	Other excluded individuals (e.g. <i>vulnerable residents, individuals at risk of loneliness, carers or service and ex-serving members of the armed forces</i>)	Other groups such as vulnerable residents where maybe they have dementia or carers will also be impacted. However, a positive impact would be that the council could ensure that the service user receives a quality service as this could be monitored and assessed as 'fit for purpose'.

Stage 4: Reducing / Mitigating the Impact

4a	What can be done to reduce or mitigate the impact of the areas you have identified?	
	Additional Cost to service user	Full consultation with service users, family and advocates took place in June 2019 to fully explain why additional costs would incur if they wish to remain with providers where they do not meet the framework requirements.
	Change for a service user	Robust transition plan to a new broker for service user to be put in place to ensure that the impact on them is low.
	Loss of business to service provider	Full robust tender process to be completed, with clear expectations of requirements, to include a mixed panel that will include service users, who are in receipt of a broker service. Full consultation has taken place with providers in June and July 2019 and February 2020.
	Potential challenge from provider	Full consultation took place with all providers in June and July 2019 and February 2020.

4b	<p>Have you done, or will you do anything differently, as a result of the EIA?</p> <p>Yes, we will ensure we have a plan to mitigate any of the impacts identified to service users.</p>
4c	<p>How will the impact of the project, policy or proposal and any changes made to reduce the impact be monitored?</p> <p>The outcomes of the tender process and transfer of providers will be recorded, including the previous provider and the new provider. This will then be monitored and reviewed, including the mitigating actions taken, to ensure that the measures taken are effective.</p>

<p>Conclusion</p> <p><i>This section should record the overall impact, who will be impacted upon, and the steps being taken to reduce / mitigate the impact</i></p>
<p>Whilst there could potentially be both positive and negative impacts on a range of protected characteristic groups – disabled people and people on a low income, appropriate mitigating actions have been identified to reduce the potential impact, this will include options given to those affected people to appoint an approved broker, by giving them choice of the preferred broker list, therefore resulting in the council covering brokerage fees and not the person themselves. Where it has been assessed that there may be a negative impact on disabled people, this relates to a change in provider. Some people will have been with their broker for many years, if their broker is not successful in the tender process, the person will be expected to change to an approved broker, which may cause uncertainty and stress for the person. This will be managed in an effective way, to support transition by a social worker and also on a case by case basis, it will be assessed if it's in the person's best interest to remain with their broker, if the outcome impacts significantly on their health and wellbeing. Overall the impacts on those in protected characteristic groups are positive and will support the delivery of their allocated care and support plan.</p>

Stage 5: Signature

Role	Name	Date
Lead Officer	Lisa Entwistle	12 March 2020
Approver Signatures		

EIA Review Date:	
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