



Derby City Council

## Equality impact assessment form

Directorate	People Service
Service area	Home First
Proposal	To pay a one-off payment of up to £500, funded by the NHS to retain home care workers over the winter period when demand is expected to increase.
Reason for proposal	The Joined-Up Care Derbyshire JUCD has identified, and the pandemic has demonstrated, an increasing number of people and their families are expecting to be supported in their own homes rather than deciding upon admission to care homes. It is expected that the demand for care and support at home will continue to increase and be impacted by associated winter season hazards such as inadequate heating, trips and falls and respiratory viruses. The payment is intended to address significant pressures in resourcing the home care services. Within Derby City Council this funding would be paid to Adult Care Workers in Home First.
Sign off (Director/Head of Service)	
Date of assessment	

**Please read the support notes to help you in Appendix 1 before completing your assessment**

### The form

You need to attach the completed form to any report to help councillors and colleagues make their decisions by taking equality implications into account.

### The assessment team or name of individual completing this form

**Team leader's name and job title** – Helen Bounds HR Lead Policy and Strategy

Other team members if appropriate

Name	Job title	Organisation	Area of expertise
Nic Gerard	HR dvisor	Derby City Council	HR
Rebecca Hilton-Barber	HR Advisor	Derby City Council	HR
Sue Bliss	Service Manager Home First	Derby City Council	Social Care
Anne Webster	Lead on Equality and Diversity	Derby City Council	Equality and Diversity

## Step 1- setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side- tracked.

<p>1. What are the main aims, objectives and purpose of the decision you want to make?</p>	<p>To take proactive action to retain staff in Social Care roles in Care Homes. To make a one-off payment of up to £500, funded by the NHS to retain home care workers over the winter period when demand is expected to increase.</p> <p>This is additional funding from the NHS, aside from grants received by the Government through the Workforce Recruitment and Retention Fund for Adult Social Care. It is intended to address significant pressures in resourcing the home care service across the private and public sector – following a difficult and ongoing pandemic whilst heading into a notoriously hard winter season. Staffing during the winter pressures period has always been a challenge but has been compounded by the pandemic. This payment is in no regard meant as a reward payment for working during the pandemic, it is purely to aid retention during this extremely difficult winter period.</p>
<p>2. Why do you need to make this decision?</p>	<p>It is intended to address significant pressures in resourcing the home care service following a difficult and ongoing pandemic whilst heading into a notoriously hard winter season. Staffing during the winter pressures period has always been a challenge but has been compounded by the pandemic.</p>
<p>3. Who delivers/will deliver the changed service/policy including any consultation on it and any outside organisations who deliver under procurement arrangements?</p>	<p>The City Council is working closely with Derbyshire County Council to ensure a consistent approach so as not to create further recruitment and retention issues. A one-off payment of up to £500, funded by the NHS is being considered by Joined Up Care Derbyshire (JUCD) to retain home care workers over the winter period when demand is expected to increase.</p>
<p>4. Who are the main customers, users, partners, colleagues or groups affected by this decision?</p>	<p>In the case of Home First, not being able to meet demands for the service will impact on the speed at which patients can be discharged from hospital, putting more pressure on an already stretched NHS service or resulting in discharged patients not receiving the level of care they require. The consequences of not being able to resource the Home First service are potentially life</p>

	and death. If the payment does reduce staff turnover and retain staff over this difficult winter period then this will help to support the vulnerable service users in adult social care within Derby City.
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**Step 2 – collecting information and assessing impact**

5. Who have you consulted and engaged with so far about this change, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.	We have not consulted with any community groups.
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6. Using the skills and knowledge in your assessment team or what you know yourself, and from any consultation you have done, what do you already know about the equality impact of the proposed change on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each protected characteristic group whether this is a negative or a positive impact. Only fill in the mitigation box if you think the decision will have a negative impact and then you'll need to explain how you are going to lessen the impact.

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
<b>Age</b> – older and younger people	The impact of not having enough staff to cover the needs of older people requiring care will be detrimental to health and wellbeing.	<b>Yes</b>		
<b>Disability</b> – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties, people living with autism and people with physical impairments	<p>Many disabled individuals will be in the group of people requiring care and therefore, giving a retention payment to staff in an attempt to retain carers should impact positively on customers.</p> <p>The approach that has been developed is that those employees who do not attend work for the full period owing to short term sickness (apart from Covid), they will not usually receive the payment. This could impact directly on disabled members of staff, but we will make sure we do not breach the Equality Act.</p>	<b>Yes</b>	<b>Yes</b>	Each case will be looked at individually and we will make sure we do not breach the Equality Act

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
<b>Gender identity</b> - trans and those people who don't identify with a particular gender, for example, non-binary, genderfluid, genderqueer, polygender and those who are questioning their gender or non-gendered identity.	The impact of not having enough staff to cover the needs of Trans people requiring care will be detrimental to health and wellbeing if we do not offer this payment.	<b>Yes</b>		
<b>Marriage and Civil Partnership</b>				
<b>Pregnancy and maternity</b> - women who are pregnant or who have recently had a baby, including breast feeding mothers	The impact of not having enough staff to cover the needs of pregnant and those just giving birth customers who require care will be detrimental to health and wellbeing if we do not offer this payment.			
<b>Race</b> - the effects on minority ethnic communities, including newer communities, Gypsies and Travellers and the Roma community	The impact of not having enough staff to cover the needs of Black, Asian and Minority Ethnic customers who require care will be detrimental to health and wellbeing if we do not offer this payment.	<b>Yes</b>		
<b>Religion or belief or none</b> - the effects on religious and cultural communities, customers and colleagues	The impact of not having enough staff to cover the needs of customers with a range of religious and no beliefs, who require care will be detrimental to health and wellbeing if we do not offer this payment.			
<b>Sex</b> - the effects on both men and women and boys and girls	<p>The impact of not having enough staff to cover the needs of men and women customers who require care will be detrimental to health and wellbeing if we do not offer this payment</p> <p>Given Home First is predominantly female populated this payment has obvious equal pay implications</p>	<b>Yes</b>	<b>Yes</b>	Whenever there is a predominantly male or female group of staff receiving an additional payment there will be equal pay risks. Additional payments can be defended so long as the reason is not based on sex. To reduce the risks the Council needs to ensure there is a robust justification for needing to make the payments: In this case an externally funded retention payment is being

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
				proposed to ensure the Council, already carrying a high proportion of vacancies in this area, has sufficient resources to provide the critical home care service over the winter period and where the consequences of not being able to provide the service are severe for service users.
<b>Sexual orientation</b> - the effects on lesbians, gay men, bisexuals, pansexual, asexual and those questioning their sexuality	The impact of not having enough staff to cover the needs of of LGBTQ+ customers who require care will be detrimental to health and wellbeing if we do not offer this payment	<b>Yes</b>		

**Important** - For any of the equality groups you don't have any information about, then please contact our Lead on Equality and Diversity for help. You can also get lots of information on reports completed from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

### Step 3 – deciding on the outcome

7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?

<b>Outcome 1</b>		<b>No major change needed</b> – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
<b>Outcome 2</b>		<b>Adjust the proposal</b> to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
<b>Outcome 3</b>	<b>x</b>	<b>Continue the proposal</b> despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> <li>• sufficient plans to stop or minimise the negative impact</li> <li>• mitigating actions for any remaining negative impacts</li> <li>• plans to monitor the actual impact.</li> </ul>
<b>Outcome 4</b>		<b>Stop and rethink</b> the proposal when the EIA shows actual or potential unlawful discrimination

Why did you come to this decision?

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the proposal. You also need to make sure that there are actions in the Mitigation Box to lessen the effect of the negative impact. This is so important and may face a legal challenge in the future.

The role of carers is to provide the critical home care service over the winter period and where the consequences of not being able to provide the service are severe for service users who are some of the most vulnerable individuals within our care. In the case of Home First, not being able to meet demands for the service will impact on the speed at which patients can be discharged from hospital, putting more pressure on an already stretched NHS service or resulting in discharged patients not receiving the level of care they require. The consequences of not being able to resource the Home First service are potentially life and death. For this reason we believe that we should continue with the proposal.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is so important that the equality impact assessment is done thoroughly, as this is what the Judge will consider

## Appendix 1

### Equality impact assessment form– please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact, you need to do an equality impact assessment whenever a decision is needed about our services and functions that affects people and **before** that decision is made. This also includes quick Covid 19 related decisions.

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures.
- Key decisions such as allocating funding to voluntary organisations, budget setting.
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to complete them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have ‘**due regard**’ to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a ‘**relevant protected characteristic**’ and people who don’t. The nine

protected characteristics are age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race religion and belief, sex and sexual orientation.

Having 'due regard' means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

This completed form should be attached to any Corporate Leadership, Senior Leadership, Cabinet or Personnel Committee report to help decision makers take the equality implications into account when they make the decision. Equality impact assessments **must be done before** decisions are made.

You'll find that completing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Unless this is a quick Covid 19 decision, don't do the form by yourself. Get a small team together and make sure you include key people in the team such as representatives from our Equality Hubs and Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community. Against every negative impact you will need to complete the mitigation section to explain how you will lessen the impact.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

Remember, we need to complete these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010. If in doubt – it's better and safer to do an Equality Impact Assessment than not to bother! You never know when we may get a legal challenge and someone applies for Judicial Review.

When you have completed the assessment, get it signed by your Head of Service or Service Director and **send it to our Lead on Equality and Diversity for checking and to publish on our website.** It is a public document so must not contain any jargon and must be easy to understand.

### Contact for help

Ann Webster – Lead on Equality and Diversity

[ann.webster@derby.gov.uk](mailto:ann.webster@derby.gov.uk)

Tel 01332 643722 mobile 07812301144

[Sign Language Service](#)

We can give you this information in any other way, style or language that will help you access it. Please contact us on **01332 643722, 07812301144** or **[derby.gov.uk/signing-service/](http://derby.gov.uk/signing-service/)**

### Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਇੱਥੇ ਸੰਪਰਕ ਕਰੋ: **01332 64XXXX** ਜਾਂ **[derby.gov.uk/signing-service/](http://derby.gov.uk/signing-service/)**

### Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku. Prosimy o kontakt: **01332 64XXXX** lub **[derby.gov.uk/signing-service/](http://derby.gov.uk/signing-service/)**

### Slovak

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Prosím, kontaktujte nás na tel. č.: **01332 64XXXX** alebo na stránke **[derby.gov.uk/signing-service/](http://derby.gov.uk/signing-service/)**

### Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم **01332 640000** یا **[derby.gov.uk/signing-service/](http://derby.gov.uk/signing-service/)** پر ہم سے رابطہ کریں