

# Voluntary Sector Spending Review Equality Impact Analysis, Issue Log & Action Plan

## What is Equality Impact Analysis?


The Equality Act 2010 seeks to eliminate discrimination and meet the positive promotion aspects of equality legislation. An Equality Impact Analysis uses equality information and the results of engagement with groups to understand the actual or the potential effects of change or key decisions on our workforce and the general public. Completing this analysis will assist Members and officers to identify practical steps to address any negative effects and to highlight positive interventions.

## Section 1 - Ownership

This section identifies the individual(s) responsible for identifying the potential positive and negative impacts from developing and implementing the spending reductions. There will be a number of potential positive and negative internal impacts which should be undertaken and monitored by the person responsible for implementing the proposed reductions

<b>Title:</b>	Equality Impact Assessment on the proposed changes to funding / spending reductions in the voluntary sector				
<b>Service impacted by proposed spending review</b>	First Step <ul style="list-style-type: none"><li>• Young Carers – Reframe Kids (£9750.00)</li></ul>				
<b>Date Created</b>	22/12/15	<b>Review Date:</b>	18 <sup>th</sup> January 2016	<b>Version:</b>	3
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<b>Person completing EIA:</b> Insert name of individual(s) writing EIA	
<b>Signed:</b> <u>U Beaton</u>	<b>Date:</b> 22/12/15
<b>Person supervising EIA:</b> Insert name of individual responsible for agreeing activities and ensuring that the activities are undertaken	
<b>Signed:</b> 	<b>Date:</b> 22/12/15

### Section 2 - Potential Issues

Key Issues:	Impacts on:	Mitigating Action Taken:
Reframe Kids provides support to younger carers (aged 5-8) who have a brother or sister with special need or a disability	Parents / families who have children aged 5-8 who have a sibling with special needs or a disability	Service will be re-commissioned to include all young carers and advocates can be matched to service users' needs. During the tender processes we will be seeking assurance that bidders are able to meet the needs of young carers from a range of backgrounds and caring roles i.e. carers of parents, siblings or both. We will offer the service on a consortium basis.
Location of service may change (from First Step)	Young carers / families	A new provider will be required to locate the service in close proximity to the majority of young carers' home addresses and within the allocated resources.
Reduced level of service i.e. Young Carers assessments, individual case work and family case work	The level of capacity and expertise needed	Young Carers assessments will be undertaken by local authorities Early Help team. This will support the transition to individual case work where this has been identified.

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### Section 3 - Potential Workforce Issues

There is no direct impact on Council staff as the grant does not fund any LBH staff.

If 50% of the provider's paid employed staff time is spent on this contract they will be subject to TUPE as part the tender process and will therefore be protected.

Protected Characteristics	Description of Issue	Date Raised	Mitigating Actions	Action Status	Open/Closed	Owner
Age	We will be carrying out a survey of staff employed by First Step to determine those with protected characteristics; however, the process will need to comply with First Step's process for existing staff.  2 sessional workers are used alongside 2 sessional volunteers	Jan 2016	The organisation will be expected to follow its own organisational policies relating to managing the impacts on existing staff.		Open	First Step
Disability						
Sex						
Gender Reassignment						
Marriage & Civil Partnership						
Pregnancy & Maternity						
Race						
Religion or Belief						
Sexual Orientation						

### Section 4 - Communication and Engagement Activity

Target Audience	Date	Activity	Summary of Feedback	Actions Raised	Action Status	Open/Closed	Owner
First Step	11/09/15	Initial information and	Providers were anxious about the outcome of the review (i.e. decommissioning) but welcomed the	No further action	completed	closed	

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Target Audience	Date	Activity	Summary of Feedback	Actions Raised	Action Status	Open/Closed	Owner
		consultation meeting	opportunity to describe their service in detail and the level of engagement.				
First Step	October 2015	Letter of termination questionnaire	Questionnaire was completed and returned	Clarification questions raised.	completed	closed	VB
First Step	3/11/15	Clarification	Further clarification was raised in a couple of areas and responded to	No further action	completed	closed	VB
First Step		Meeting and additional questions	<p>First Step again reiterated their willingness to participate in the review process. During the discussion First Step explained that they anticipated having to move from being local authority funded to be self-supporting and have planned for this scenario. They agreed to share this plan but despite several requests from the commissioners this has yet to happen.</p> <p>Feedback - Questionnaire was difficult to match to the council's strategic outcomes</p>	Clarification sought from the Council's Early Help team that the First Step Early Help service was being provided by the Early Help team and this was confirmed.	completed		
First Step		Additional meeting with First Step – Early years and family support.	First Step to share its self-funding plan and a further meeting to be arranged to discuss the transition.	First Step self-funding plan to be shared and further meeting to be arranged.	Awaiting receipt of information	open	VB
Providers of Young Carers		Retendering		Procurement to be undertaken	To be initiated	Open	VB

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Target Audience	Date	Activity	Summary of Feedback	Actions Raised	Action Status	Open/Closed	Owner
Support							

### Section 5 - Service Delivery Impacts and Issues

#### Due regard – Brown principles

These principles have been taken from the Equality and Human Rights Commission’s paper on making fair financial decisions (Equality and Human Rights Commission, 2012).

Case law sets out broad principles about what public authorities need to do to have due regard to the aims set out in the general equality duties. These are sometimes referred to as the 'Brown principles' and set out how courts interpret the duties. They are not additional legal requirements but form part of the Public Sector Equality Duty as contained in section 149 of the Equality Act 2010.

Under the duty, local authorities must, in the exercise of their functions have due regard to the need to:

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

In summary, the Brown principles say that:

- Decision-makers must be made aware of their duty to have 'due regard' and to the aims of the duty.
- Due regard is fulfilled before and at the time a particular policy or proposal that will or might affect people with protected characteristics is under consideration, as well as at the time a decision is taken.
- Due regard involves a conscious approach and state of mind. A body subject to the duty cannot satisfy the duty by justifying a decision after it has been taken. Attempts to justify a decision as being consistent with the exercise of the duty, when it was not considered before the decision, are not enough to discharge the duty. General regard to the issue of equality is not enough to comply with the duty.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.

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- The duty has to be integrated within the discharge of the public functions of the body subject to the duty. It is not a question of 'ticking boxes'.
- The duty cannot be delegated and will always remain on the body subject to it.
- It is good practice for those exercising public functions to keep an accurate record showing that they had actually considered the general equality duty and pondered relevant questions. If records are not kept it may make it more difficult, evidentially, for a public authority to persuade a court that it has fulfilled the duty imposed by the equality duties.

### Potential Service delivery impacts (Positive and Negative)

The service will be re-commissioned as part of a generic young carers support service

Protected Characteristics	Description of Issue	Date Raised	Mitigating Actions	Action Status	Open/Closed	Owner
Age	The current young carers services are commissioned by a number of factors including age (5-8yrs).	September 2015	All young cares, irrespective of age, will have access to the newly commissioned young carers support.	Service specification to be finalised.	open	VB
	There is currently no other provision specifically for families of children aged 0-5 with an undiagnosed condition	January 2015	The Council is currently working to increase the inclusivity of its own children's centre services to make them more accessible to children with special educational needs and disabilities (SEND) and their families, so that they can access a wide range of universal, inclusive and integrated services from these settings, and an even wider range of services through onward referral to partner		ongoing	JT

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			<p>services where appropriate. Some local peer support groups also cater for this cohort of children. Some local pre-schools and nurseries also provide services for children aged under 5 with social communication or autistic spectrum disorders whose needs cannot be met within mainstream nursery provision.</p>			
Disability	Ensuring the service is in close proximity to the young carer's home so that a parent with a disability can manage transport.	21/12/2015	This will be a quality question that will be raised and scored during the tender. We will investigate with the new provider a location for continuity of provision	Establishing the likelihood of succession planning at the new location.	open	VB
Sex	<p>The gender profile of children and families accessing First Steps services is broadly in line with the gender profile of the borough as a whole, suggesting that neither males nor females are disproportionately affected by the proposal.</p> <p>However the gender profile of SEND children indicates that boys are twice as likely to have a SEND statement than girls. It is also known that there is a higher</p>	January 2015	The Early Help service will continue to work closely with partners in the Health service (e.g. community nurses who carry out development checks within children's centres) to ensure that together we identify and address higher levels of need for specialist pre-school education for children and their families.	ongoing	Open	JT

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	prevalence of autism amongst boys than girls. This would suggest that the gender profile of service users is not currently reflective of the gender profile of all children with SEND.					
Gender Reassignment						
Marriage & Civil Partnership						
Pregnancy & Maternity						
Race						
Religion or Belief						
Sexual Orientation						

### Section 6: Data Sources

Data used	How has this information informed your decision
Contract monitoring data	The service is contracted to work with 20 unique new children per year. During Quarter 2, 9 young carers attended (2 full time, 2 x seven sessions, 2 x six sessions, 1 x five sessions and 2 x 3 sessions). The First Step service has a very limited focus and caters for a small group of children. These young carers could be supported within a newly commissioned young carers' service that has a broader brief and is available for a range of young carers