

# Equality Impact Assessment (EIA)

## Document control

<b>Title of activity:</b>	Re-commissioning of Short Break services for Children with Disabilities
<b>Type of activity:</b>	Re-commissioning of Short Break services for Children with Disabilities
<b>Lead officer:</b>	Georgina Shapley, Commissioning Development Officer, Children and Adults with Disabilities, Learning and Achievement
<b>Approved by:</b>	Please include your name, job title, service and directorate
<b>Date completed:</b>	10/05/2016
<b>Scheduled date for review:</b>	N/A

The Corporate Policy & Diversity team requires **5 working days** to provide advice on EIAs.

<b>Did you seek advice from the Corporate Policy &amp; Diversity team?</b>	Yes / <del>No</del>
<b>Does the EIA contain any confidential or exempt information that would prevent you publishing it on the Council's website?</b>	<del>Yes</del> / No?

# 1. Equality Impact Assessment Checklist

The Equality Impact Assessment (EIA) is a tool to ensure that your activity meets the needs of individuals and groups that use your service. It also helps the Council to meet its legal obligation under the [Equality Act 2010 and the Public Sector Equality Duty](#).

Please complete the following checklist to determine whether or not you will need to complete an EIA. Please ensure you keep this section for your audit trail. If you have any questions, please contact the Corporate Policy and Diversity Team at [diversity@havering.gov.uk](mailto:diversity@havering.gov.uk)

## About your activity

1	<b>Title of activity</b>	<i>Re-commissioning of Short Break services for Children with Disabilities</i>
2	<b>Type of activity</b>	Re-commissioning of Short Break services for Children with Disabilities
3	<b>Scope of activity</b>	<p>The Voluntary sector review has been completed and the current 2015/16 Short breaks contracts have been extended until March 2017 for the following providers Lambourne End, Family Information Group, Sycamore Trust, First Step, DABD and Carers Trust.</p> <p>Providers will continue to provide a provision to service users. During the extension period, commissioners will be carrying out consultation activities with children/young people and their families. We intend on organising engagement activities with existing and future providers. We will be ensuring procurement exercises are carried out this will include revised service specifications, contracts, and the short breaks statement.</p> <p>In addition to the points above, as part of the re-commissioning of the Short breaks we will be revisiting the current internal processes and procedures. It is hoped that the short breaks process will become streamlined, parents will have a better understanding of the service. The Education and Social Care teams are involved in the decision making process and are better informed.</p>
4a	<b>Is the activity new or changing?</b>	Yes
4b	<b>Is the activity likely to have an impact on individuals or groups?</b>	

<b>5</b>	<b>If you answered yes:</b>	<i>Please complete the EIA on the next page.</i>
<b>6</b>	<b>If you answered no:</b>	N/A

<b>Completed by:</b>	Georgina Shapley, Commissioning Development Officer, Children and Adults with Disabilities, Learning and Achievement
<b>Date:</b>	18/08/2016

## 2. Equality Impact Assessment

The Equality Impact Assessment (EIA) is a tool to ensure that your activity meets the needs of individuals and groups that use your service. It also helps the Council to meet its legal obligation under the [Equality Act 2010 and the Public Sector Equality Duty](#).

For more details on the Council's 'Fair to All' approach to equality and diversity, please visit our [Equality and Diversity Intranet pages](#). For any additional advice, please contact [diversity@havering.gov.uk](mailto:diversity@havering.gov.uk)

Please note the Corporate Policy & Diversity Team require **5 working days** to provide advice on Equality Impact Assessments.

Please note that EIAs are public documents and must be made available on the Council's [EIA webpage](#).

### Understanding the different needs of individuals and groups who use or deliver your service

In this section you will need to assess the impact (positive, neutral or negative) of your activity on individuals and groups with **protected characteristics** (this includes staff delivering your activity).

Currently there are **nine** protected characteristics (previously known as 'equality groups' or 'equality strands'): age, disability, sex/gender, ethnicity/race, religion/faith, sexual orientation, gender reassignment, marriage/civil partnership, and pregnancy/maternity/paternity.

In addition to this, you should also consider **socio-economic status** as a protected characteristic, and the impact of your activity on individuals and groups that might be disadvantaged in this regard (e.g. carers, low income households, looked after children and other vulnerable children, families and adults).

When assessing the impact, please consider and note how your activity contributes to the Council's **Public Sector Equality Duty** and its three aims to:

- eliminate discrimination, harassment and victimisation;
- advance equality of opportunity, and
- foster good relations between people with different protected characteristics.

**Guidance on how to undertake an EIA for a protected characteristic can be found on the next page.**

## Guidance on undertaking an EIA

<b>Example: Background/context</b>	
<b>Example: Protected characteristic</b>	
Please tick (✓) the relevant box:	
<b>Positive</b>	<p><b>Overall impact:</b> In this section you will need to consider and note what impact your activity will have on individuals and groups (including staff) with protected characteristics based on the data and information you have. You should note whether this is a positive, neutral or negative impact.</p> <p><b>It is essential that you note all negative impacts. This will demonstrate that you have paid 'due regard' to the Public Sector Equality Duty if your activity is challenged under the Equality Act.</b></p> <p style="text-align: right;"><i>*Expand box as required</i></p>
<b>Neutral</b>	
<b>Negative</b>	
<p><b>Evidence:</b> In this section you will need to document the evidence that you have used to assess the impact of your activity.</p> <p>When assessing the impact, please consider and note how your activity contributes to the three aims of the Public Sector Equality Duty (PSED) as stated in the section above.</p> <p>It is essential that you note the full impact of your activity, so you can demonstrate that you have fully considered the equality implications and have paid 'due regard' to the PSED should the Council be challenged.</p> <ul style="list-style-type: none"> <li>- If you have identified a <b>positive impact</b>, please note this.</li> <li>- If you think there is a <b>neutral impact</b> or the impact is not known, please provide a full reason why this is the case.</li> <li>- If you have identified a <b>negative impact</b>, please note what steps you will take to mitigate this impact. If you are unable to take any mitigating steps, please provide a full reason why. All negative impacts that have mitigating actions must be recorded in the <b>Action Plan</b>.</li> </ul> <p style="text-align: right;"><i>*Expand box as required</i></p>	
<p><b>Sources used:</b> In this section you should list all sources of the evidence you used to assess the impact of your activity. This can include:</p> <ul style="list-style-type: none"> <li>- Service specific data</li> <li>- Population, demographic and socio-economic data</li> </ul> <p>Suggested sources include:</p> <ul style="list-style-type: none"> <li>- Service user monitoring data that your service collects</li> <li>- <a href="#">Havering Data Intelligence Hub</a></li> <li>- <a href="#">London Datastore</a></li> <li>- <a href="#">Office for National Statistics (ONS)</a></li> </ul> <p>If you do not have any relevant data, please provide the reason why.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>	

## The EIA

### Background/context:

The Children and Families Act was introduced in September 2014. Part 3 of The Children and Families Act 2014 focuses on Children and Young People with disabilities, the introduction of The Children and Families Act 2014 has changed the way children and young people with special educational needs and disabilities are assessed for Education, Health and Care support as a result The Act emphasises equality of opportunity and to eliminate discrimination towards children with SEND.

The legal duties for Short Breaks is set out in 'The Breaks for Carers of Disabled Children Regulations 2011', which set out in more detail the original duty in the Children and Young People's Act of 2008.

The 'Short Breaks duty' introduced by Part 2 section 25 of the Children and Young Persons Act 2008, amended the Children Act 1989 Schedule 2 (para 6) to include a new duty to 'to assist individuals who provide care for [disabled] children to continue to do so, or to do so more effectively, by giving them breaks from caring'.

Local authorities need to ensure that, when making short break provision; they have regard to the needs of different types of carers, not just those who would be unable to continue to provide care without a break;

To provide a range of breaks, as appropriate, during the day, night, at weekends and during the school holidays; and To provide parents with a short breaks services statement detailing the range of available breaks and any eligibility criteria attached to them.

### Local authorities must:

- Provide a range of short breaks services;
- Give families the choice to access short breaks services using a direct payment;
- Publish a statement of their short breaks services on their website;
- Keep their short breaks statement under review;
- State in their short breaks service statement the range of short breaks services available, the criteria by which eligibility for services will be assessed, and how the range of services is designed to meet the needs of families with disabled children in their area;
- Consult parents as part of the review of the statement;
- Consider the legal implications of the eligibility criteria they apply to short breaks services; and
- Not apply any eligibility criteria mechanistically without consideration of a particular family's needs.

### Local authorities should ensure that:

- Short breaks are reliable and regular to best meet families' needs;

- Local authorities should try to reach groups of parents who may be more difficult to engage;
- Parents are engaged in the design of local short breaks services;
- Short breaks can build on and be offered by universal service providers;
- They are working in partnership with health services to understand the range of short breaks services in their area and to train the workforce;
- Short breaks promote greater levels of confidence and competence for young people moving towards adult life;
- Local authorities should ensure that those who use short breaks services have the chance to shape the development of those services; and
- They continue to develop their workforce in relation to short breaks services.
- It is good practice for the local authority to ensure that:
  - A 'local offer' is considered in order to provide families with access to some short breaks services without any assessment;
  - Formal assessment of families' needs leads to a tailored package of services for them;
  - in preparing the short breaks services they have thought about how best to share information about disabled children between agencies within existing data protection requirements;
  - They have considered working together with partners to ensure strategic sign off and shared accountability locally for the statement and the services it refers to; and
  - Commissioning is leading to more responsive short breaks services.
- Short breaks should not just be there for those at crisis point. Short breaks should be used to enhance the ability of parents to care for their disabled child and any other children they may have.

**We plan to re-commission the Short Breaks service for the following reasons;**

- The current Short breaks framework has become out of date, the demographics of the borough have changed in the last 5 years, and we need to establish the current needs of service users as this may now have changed. The current providers may no longer be suitable and unable to meet the needs of our Children and Young People with SEND.
- The recent SEND reforms have improved the way in which we commission; the reforms require us to move towards an outcome based commissioning model. Re-commissioning of the Short Breaks will allow us to revise our current commissioning model and implement an outcome based commissioning model.
- The Local Authority will be able to interlink services with the Education, Health and Care plans.
- To establish a better working relationship with our Health partners which as a result will lead better-quality services for our children and young people with SEND.
- The current Short Break statement must be reviewed along with the Service specifications.

- Streamline internal processes. Between the commissioning and Social Care teams.

*\*Expand box as required*

**Age:** Consider the full range of age groups

<i>Please tick (✓) the relevant box:</i>		<b>Overall impact:</b>  <i>Data on this protected characteristic has been collected via the Equalities data return during the Voluntary sector review. The data was provided in relation to the Service Users.</i>
<b>Positive</b>	✓	
<b>Neutral</b>		
<b>Negative</b>	✓	<b>Service User:</b> We are anticipating that the re-commissioning of the Short Breaks service will have a positive impact on 0-18 year olds. However there may be a negative impact on young people who will be transitioning into Adulthood and those who are under 5-8 for some provisions**  <b>Workforce:</b> We expect that the impact of the staff redundancies will in effect have a negative impact on the children and young people between the ages of 0-18**

*\*Expand box as required*

**Evidence:**

The re-commissioning of Short Breaks service is aimed at children and young people aged 0-18yrs with a Special Educational Need and Disability. The eligibility has not changed in respect of age range; therefore we do not foresee this having an impact on our current cohort of children. We envisage that the re-commissioning of the Short Breaks services will have a positive impact on 0-18 year olds who are accessing Short Breaks provision. The aim is to commission services that meet the young people's needs and that are of the best quality.

However we imagine there may be a negative impact on young people who are transitioning to adulthood. We hope that assessments for 18 year olds are carried out jointly with Adult services, to ensure young people above the age of 18 do not have a negative impact and to ensure there is continuity and consistency of services where appropriate.

\*\*Currently there is provision specifically for the 0-5 age range in the form of support groups and stay and play services, this cohort of children are presently unable to access other services, therefore we anticipate that the re-commissioning of the short breaks service will introduce new provision that can support this cohort.

The number of children and young people (0-19) in Havering is also expected to rise, growing by almost 25% by 2021. The fastest increase is expected to be in the single year of age eight and nine (44% each by 2021). This means that the demand for education, health and social care services will increase dramatically; therefore it is vital that we carry out re-commissioning activities to ensure the Local Authorities Short Break service will be able to cater for the demand.



2013	Number	Percentage of population (%)
All persons	242,080	100.0
0-4 years	14,808	6.1
5-10 years	16,867	7.0
11-17 years	20,445	8.5
18-24 years	21,048	8.7

\*\*The tendering process may cause have a negative effect on the current cohort of service users. We anticipate that the awarding of contracts will take place in February 2017 which will then lead into the mobilisation period and the projected contract commencement date is 1<sup>st</sup> April 2017. Providers have outlined that this timeframe will result in staff being issued redundancies in January 2017 providing them with at least 90 day notice period. During the notice period the providers may lose staff members, the provider may experience difficulties in recruiting replacement staff. There may be a possibility of recruiting agency staff should there be a large reduction in the number of staff. However this may lead to our complex young people finding it difficult to deal with the change in staff which will have a negative impact the service user experience. The staff loss may result in planned sessions not being able to take place and as a result not meeting the child/young person's needs.

This will have an overall negative impact on all groups involved including service users, families, providers and the Local Authority.

*\*Expand box as required*

**Sources used:**  
**Havering JSNA**  
**Resource Panel Spread sheet**  
**Voluntary Sector Review-Equalities Data**

*\*Expand box as required*

**Disability:** Consider the full range of disabilities; including physical mental, sensory and progressive conditions

Please tick (✓) the relevant box:

		<b>Overall impact:</b>
<b>Positive</b>	✓	<i>Data on this protected characteristic has been collected via the Equalities data return during the Voluntary sector review. The data was provided in relation to the Service Users.</i>
<b>Neutral</b>		
<b>Negative</b>	✓	<p><b>Service User:</b> It is expected that the re-commissioning of the Short Breaks service will have a positive effect on children and young people with Special Educational Needs and Disability.</p> <p><b>Workforce:</b> We expect that the impact of the staff redundancies will in effect have a negative impact on the children and young people with disabilities.</p>

**Evidence:**

The re-commissioning of Short Breaks service is aimed at children and young people with a special educational need and disability. The re-commissioning is inclusive of all disability as defined in the Equality Act 2010.

Within the document there are criteria to ensure services are prioritized for those with a significant level of need. For those who do not meet the criteria, the Equality Act 2010 places a duty on universal settings to support inclusion and access.

The eligibility criterion has not changed in respect of special educational need and disability; therefore we do not foresee this having an impact on our current cohort of children.

Currently there is a negative impact on children and young people with a physical disability. As current Short Breaks providers do not cater well for physically disabled children. Parents have often expressed their discontent with the lack of services available and Commissioners have often found it difficult to allocate services with wheelchair access. Therefore we are eager to commission wheelchair and physically disabled friendly providers and services and as a result have a positive impact on this cohort of young people.

As mentioned previously issue of redundancies may result in loss of specialist staff whilst the Local Authority continues the re-commissioning activities. and this could have an adverse impact on young people accessing services

\*Expand box as required

**Sources used:**

**Equality Act 2010**

**London Borough of Havering Short Breaks Statement 15/16**

**Voluntary Sector Review-Equalities Data**

\*Expand box as required

**Sex/gender:** Consider both men and women

Please tick (✓) the relevant box:

**Positive**

**Overall impact:**

*Data on this protected characteristic has been collected via the Equalities data return during the Voluntary sector review. The data was provided in relation to the Service Users.*

**Neutral**

✓

**Negative**

Service Users: We do not envisage there being an impact based on sex/gender. Current providers do not provide single sex group activities, should this arise it will be addressed with the provider

Workforce: We do not envisage that this characteristic will be impacted.

		<i>*Expand box as required</i>
<b>Evidence:</b>		
N/A		
<i>*Expand box as required</i>		
<b>Sources used:</b>		
<b>Voluntary Sector Review-Equalities Data</b>		
<i>*Expand box as required</i>		

<b>Ethnicity/race: Consider the impact on different ethnic groups and nationalities</b>		
<i>Please tick (✓) the relevant box:</i>		<b>Overall impact:</b> <i>Data on this protected characteristic has been collected via the Equalities data return during the Voluntary sector review. The data was provided in relation to the Service Users.</i>
<b>Positive</b>	<input type="checkbox"/>	
<b>Neutral</b>	<input checked="" type="checkbox"/>	
<b>Negative</b>	<input type="checkbox"/>	<b>Service Users:</b> We do not envisage there being any implications based upon ethnicity and race however should there be any needs that arise; this would be addressed within the provision.  <b>Workforce impact:</b> We do not envisage there being any implications on this cohort of people.
<i>*Expand box as required</i>		
<b>Evidence:</b>		
N/A		
<i>*Expand box as required</i>		
<b>Sources used:</b>		
<b>Voluntary Sector Review-Equalities Data</b>		
<i>*Expand box as required</i>		

<b>Religion/faith:</b> Consider people from different religions or beliefs including those with no religion or belief	
<i>Please tick (✓) the relevant box:</i>	
<b>Positive</b>	
<b>Neutral</b>	✓
<b>Negative</b>	
<p><b>Overall impact:</b></p> <p><i>Data on this protected characteristic has been collected via the Equalities data during the Voluntary sector review. The data was provided in relation to the Service Users.</i></p> <p><b>Service Users:</b> We do not envisage there being any implications based upon religion or faith however should any religious needs arise; this would be addressed within the provision.</p> <p><b>Workforce impact:</b> We do not envisage there being any implications on this cohort of people.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>	
<p><b>Evidence:</b></p> <p>N/A</p> <p style="text-align: right;"><i>*Expand box as required</i></p>	
<p><b>Sources used:</b></p> <p><b>Voluntary Sector Review-Equalities Data</b></p> <p style="text-align: right;"><i>*Expand box as required</i></p>	

<b>Sexual orientation:</b> Consider people who are heterosexual, lesbian, gay or bisexual	
<i>Please tick (✓) the relevant box:</i>	
<b>Positive</b>	
<b>Neutral</b>	✓
<b>Negative</b>	
<p><b>Overall impact:</b></p> <p><i>Data on this protected characteristic has been collected via the Equalities data returns during the Voluntary sector review. The data was provided in relation to the Service Users.</i></p> <p><b>Service Users:</b> We do not envisage there being any implications based upon sexual orientation</p> <p><b>Workforce impact:</b> We do not envisage there being any implications on this cohort of people.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>	

**Evidence:**

N/A

*\*Expand box as required*

**Sources used:**

**Voluntary Sector Review-Equalities Data**

*\*Expand box as required*

**Gender reassignment:** Consider people who are seeking, undergoing or have received gender reassignment surgery, as well as people whose gender identity is different from their gender at birth

<i>Please tick (✓) the relevant box:</i>		<p><b>Overall impact:</b></p> <p><i>Data on this protected characteristic has been collected via the Equalities data during the Voluntary sector review. The data was provided in relation to the Service Users.</i></p> <p><b>Service Users:</b> We do not envisage there being any implications based upon gender reassignment.</p> <p><b>Workforce impact:</b> We do not envisage there being any implications on this cohort of people.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>
<b>Positive</b>		
<b>Neutral</b>	✓	
<b>Negative</b>		

**Evidence:**

N/A

*\*Expand box as required*

**Sources used:**

N/A

*\*Expand box as required*

**Marriage/civil partnership:** Consider people in a marriage or civil partnership

<i>Please tick (✓) the relevant box:</i>		<b>Overall impact:</b>
<b>Positive</b>		<i>Data on this protected characteristic has been collected via the Equalities data during the Voluntary sector review. The data was provided in relation to the Service Users.</i>
<b>Neutral</b>	✓	
<b>Negative</b>		
		<p><b>Service Users:</b> We do not envisage there being any implications based upon marriage or civil partnership status as the service users are between the ages of 0-18.</p> <p><b>Workforce impact:</b> We do not envisage there being any implications on this cohort of people.</p> <p><i>*Expand box as required</i></p>
<b>Evidence:</b>		
N/A		
<i>*Expand box as required</i>		
<b>Sources used:</b>		
Voluntary Sector Review-Equalities Data		
<i>*Expand box as required</i>		

<b>Pregnancy, maternity and paternity:</b> Consider those who are pregnant and those who are undertaking maternity or paternity leave		
<i>Please tick (✓) the relevant box:</i>		<b>Overall impact:</b>
<b>Positive</b>		<i>Data on this protected characteristic has been collected via the Equalities data return during the Voluntary sector review. The data was provided in relation to the Service Users.</i>
<b>Neutral</b>	✓	
<b>Negative</b>	✓	
		<p><b>Service Users;</b> We do not envisage there being any implications based upon pregnancy, maternity and paternity</p> <p><b>**Work force impact:</b> there may be a negative impact on pregnant employees if they are at the risk of becoming redundant, please see next characteristic for further information.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>

**Evidence:**

N/A

*\*Expand box as required*

**Sources used:**

**Voluntary Sector Review-Equalities Data**

*\*Expand box as required*

**Socio-economic status:** Consider those who are from low income or financially excluded backgrounds

<i>Please tick (✓) the relevant box:</i>		<p><b>Overall impact:</b></p> <p><i>Data on this protected characteristic has been collected via the Equalities data during the Voluntary sector review. The data was provided in relation to the Service Users.</i></p> <p>Service User: Short breaks are provided regardless of socio-economic status, we do not envisage there being any implication on this protected characteristic</p> <p>Workforce Impact: We envisage a negative impact on unsuccessful organization's employees**</p> <p style="text-align: right;"><i>*Expand box as required</i></p>
<b>Positive</b>		
<b>Neutral</b>	✓	
<b>Negative</b>	✓	

**Evidence:**

\*\*If the current voluntary sector organizations are not successful in the tendering process and are no longer providing a Short breaks provision. It is a possibility that staff may be made redundant. This will have a negative effect on staff members that are from a low income household. We are currently investigating the TUPE regulations. TUPE refers to the "Transfer of Undertakings (Protection of Employment) Regulations. The TUPE regulations apply in the following situations: if a contractor takes over activities from a client (known as outsourcing). If a new contractor takes over activities from another contractor (known as re-tendering). Finally if a client takes over activities from a contractor (known as in sourcing).

We will be supporting our current providers through the tendering process. We will be discussing the redundancy process with providers and provide support and guidance. We will check that all the providers have a redundancy policy in place and where possible we will support employees/volunteers through their redundancy process.

*\*Expand box as required*

**Sources used:**

**Current Short Breaks Contract  
Voluntary Sector Review-Equalities Data**

*\*Expand box as required*



## Action Plan

In this section you should list the specific actions that set out how you will address any negative equality impacts you have identified in this assessment.

Protected characteristic	Identified negative impact	Action taken to mitigate impact*	Outcomes and monitoring**	Timescale	Lead officer
Age	Negative impact on young people of the transitioning age.	Joint assessments to be carried out with adult services, a representative from adult's social care to be part of the re-commissioning steering group.	To ensure all young people of the transitioning age are reviewed with a member of the adult/transition to adulthood team	On-going	Georgina Shapley
Age	Negative impact on children of 0-5 age.	To research into providers for this cohort of children	To ensure that providers who are able to support children aged 0-5 are part of the market warming events and are invited to tender	Oct 2016	Georgina Shapley
Disability	Negative impact on children and young people with a physical disability	To invite providers who can support this cohort of children and young people.	To ensure that providers who are able to support children/young people with a physical disability are part of the market warming events and are invited	Oct 2016	Georgina Shapley

			to tender		
	Negative impact on workforce	Investigate TUPE terms and conditions	To ensure the procurement timeline is not delayed, providers are kept informed of any changes that may affect their workforce.  Request a copy of the redundancy policies and request information on staff that may be affected. We will provide organizations support through any redundancies identified.	Nov 2016-Feb 2017	Georgina Shapley

\* You should include details of any future consultations you will undertake to mitigate negative impacts

\*\* Monitoring: You should state how the negative impact will be monitored; how regularly it will be monitored; and who will be monitoring it (if this is different from the lead officer).

## Review

In this section you should identify how frequently the EIA will be reviewed; the date for next review; and who will be reviewing it.