

## App 1

### EQUALITY IMPACT ASSESSMENT FORM INCLUDING SOCIO-ECONOMIC DUTY

(Revised March 2021)

Please refer to the current Equality Impact Assessment guidance when completing this document. If you would like further guidance please contact the Diversity and Inclusion Team on 01443 444529.

An equality impact assessment **must** be undertaken at the outset of any proposal to ensure robust evidence is considered in decision making. This documentation will support the Council in making informed, effective and fair decisions whilst ensuring compliance with a range of relevant legislation, including:

- Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011
- Socio-economic Duty – Sections 1 to 3 of the Equality Act 2010.

This document will also contribute towards our duties to create a More Equal Wales within the

- Well-being of Future Generation (Wales) Act 2015.

The '[A More Equal Wales – Mapping Duties](#)' guide highlights the alignment of our duties in respect of the above-mentioned legislation.

**SECTION 1 – PROPOSAL DETAILS**

Lead Officer: **Jill Bow**  
 Service Area: **Adult Services**  
 Date: September 2023

1.a) What are you assessing for impact?

Strategy/Plan	Service Re-Model/Discontinuation of Service	Policy/Procedure	Practice	Information/Position Statement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1.b) What is the name of the proposal?

Commissioning of the Council’s Supported Living service for people with a learning disability

1.c) Please provide an overview of the proposal providing any supporting links to reports or documents.

It is recommended that following consideration of the information provided in the report that Cabinet approves:

- the transfer of the Council’s remaining nine Supported Living Services for people with a learning disability to specialist providers through the retender of the Council’s current Supported Living contract and commence from April 2024 in order to achieve transparency and best value.
- that the Director of Social Services is delegated authority, in conjunction with the Portfolio Holder, to award contracts following completion of the retender process and to make all necessary arrangements for the subsequent transfer.

It is important that the Council reviews its adult social care provision to ensure its current care and support offer continues to meet assessed need and remains cost effective. Through the implementation of recommended proposal, Adult Services will:

- continue to meet assessed need and support people with a learning disability to be as independent as possible by commissioning good quality care and support from specialist providers.
- commissions a sustainable model of supported living for people with a learning disability that achieves best value and sustainability without reducing the availability or quality of service provided to people in need of supported living.

As of 2021, there were 13,676 individuals<sup>[1]</sup> with a learning disability living in Wales (Stat Wales Dataset), 1,139 of which resided within Rhondda Cynon Taf – making up 8.3% of all individuals with a learning disability in Wales. People with a learning disability and their families are increasingly looking to live independently. People want opportunities to live and socialise in their communities.

According to the 2021/2022 data, 220 individuals within Rhondda Cynon Taf currently access lodgings/supported living, as noted by Stat Wales. With 220 individuals, this makes RCT the second largest local authority in Wales of individuals accessing lodgings/supported living and makes up almost 10% of all individuals accessing this accommodation type across Wales. This further emphasises the significance of developing our Supported Living arrangements in order to keep alignment with anticipated increased demand and need locally.

In Welsh Governments' publication, Learning Disability Improving Lives Programme (2018), Welsh Government note that data on people with a learning disability are recognised as being poor. Which is further reinforced by an anticipated 60,000 individuals with a learning disability across Wales not being known to social services.

Changing demographics show that people with a learning disability are living longer than before and as a result, have more complex needs.

Mencap's 2012 report ([https://www.mencap.org.uk/sites/default/files/2016-08/2012.108-Housing-report\\_V7.pdfnotes](https://www.mencap.org.uk/sites/default/files/2016-08/2012.108-Housing-report_V7.pdfnotes)) that "89% of parents whose son or daughter lives with them want to see greater independence for them."

1.d) Please outline where delivery of this proposal is affected by legislation or other drivers such as code of practice.

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In considering this proposal, the Council will need to meet its requirements under the Social Services and Wellbeing (Wales) Act 2014 and accompanying Part 4 code of practice.

1.e) Please outline who this proposal affects:

- Service users
- Employees
- Wider community x

## SECTION 2 – SCREENING TEST – IS A FULL EQUALITY IMPACT ASSESSMENT REQUIRED?

Screening is used to determine whether the initiative has positive, negative or neutral impacts upon protected groups. Where negative impacts are identified for protected groups then a full Equality Impact Assessment is required. Please provide as much detail as possible of how the proposal will impact on the following groups, this may not necessarily be negative, but may impact on a group with a particular characteristic in a specific way.

### Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 - All social care staff undertake Equality and Diversity training as part of the Social Care Wales Induction Framework.

The Public Sector Equality Duty requires the Council to have “due regard” to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between different groups; and foster good relations between different groups. Please take an intersectional approach in recognising an individual may have more than one protected characteristic.

<u>Protected Characteristics</u>	<b>Does the proposal have any positive, negative or neutral impacts</b>	<b>Provide detail of the impact</b>	<b>What evidence has been used to support this view?</b>
<b>Age</b> (Specific age groups i.e. young people or older people)	Neutral (service users will continue to remain in their existing home, but the service will be delivered by an established independent provider. Positive – Continuity of care with existing staff	Staff current terms and conditions will continue in line with the Transfer of Undertakings Protection of Employment (TUPE) transfer legislation.  There will be no changes to staff terms and conditions if the proposal is agreed, in line with TUPE legislation.  Continuity of care will support a seamless transition for service users.	ITrent - employee profile data  5 supervisors/managers, 38 social care workers supported by a peripatetic team of 11 social care workers) are employed to run the Council's Supported Living Service  Welsh Community Care Information System (WCCIS) – Service user data.

<u>Protected Characteristics</u>	Does the proposal have any positive, negative or neutral impacts	Provide detail of the impact	What evidence has been used to support this view?
	transferring to the new provider.	We will ensure that the involvement and encouragement of individual's and their families is embedded throughout the process and will ensure development of transitional plans for all individuals'.	<p>28 individuals with a learning disability will be affected by the proposal.</p> <p>Ages profile of individual's residing in supported living.  Under 50 = 4  Over 50 =24</p> <p>Age profile of staff working in the service.</p> <p>Under 50 =15 staff members  Over 50 =36 Staff members</p> <p>Welsh Governments' publication, Learning Disability Improving Lives Programme (2018),</p>

<u>Protected Characteristics</u>	Does the proposal have any positive, negative or neutral impacts	Provide detail of the impact	What evidence has been used to support this view?
<p><b>Disability</b> (people with visible and non-visible disabilities or lo-term health conditions)</p>	<p>Immediate Negative</p> <p>Future - Neutral</p>	<p>All individuals affected by this proposal have a learning disability as their primary care need however some of these individuals may also have physical and sensory disabilities or mental health problems.</p> <p>The proposal indicates that in future service users will not be able to choose supported accommodation services provided directly by the Council.</p> <p>People with a learning disability may feel a lack of control or involvement in key decisions.</p> <p>Individuals with disabilities and their families may experience uncertainty and anxiety with changes to current service they receive as they are unclear of the implications.</p> <p>Provide service users and families with information and support to ensure effective transition is managed.</p>	<p>All service users with a learning disability who have a statutory entitlement to Adult Social Care and who need accommodation provided to meet their needs, will continue to receive services.</p> <p>Previous consultations.</p> <p>An <u>Easy Read</u>, accessible format of the information booklet and questionnaire will be created and supplied during the meetings</p> <p>Learning disability needs analysis and transformational plan.</p> <p>In terms of equality this ensures the council can offer provision with contractual arrangements which obligate providers to comply with equality legislation.</p>

<u>Protected Characteristics</u>	Does the proposal have any positive, negative or neutral impacts	Provide detail of the impact	What evidence has been used to support this view?
		<p>To ensure that there will be continual dialogue with individuals /families throughout the consultation period. Where a service user could not make an informed choice or has no family, an independent advocate would be made available with decisions required in selecting and moving to a suitable alternative service.</p> <p>Through the procurement process service users will be invited to be part of the evaluation panel when prospective providers have submitted their proposals in line with best practice</p> <p>An Easy Read format will be devised to ensure the service users are fully engaged in the procurement process.</p>	<p>Contract monitoring and quality performance requirements provide added assurance for service users that any provider commissioned by the council will have demonstrated their capacity and experience of delivering support services within a robust equality framework.</p>
<p><b>Gender Reassignment</b> (anybody who's gender identity or gender expression is different to the sex they were assigned at birth including non-binary identities)</p>	<p>Immediate Neutral  Future - Positive</p>	<p>It is considered that the proposal will have no direct impact on people who share this characteristic.</p>	<p>There is no evidence to suggest that the proposal will have an impact on people that share this characteristic. Providers will be expected to offer opportunities</p>



<b><u>Protected Characteristics</u></b>	<b>Does the proposal have any positive, negative or neutral impacts</b>	<b>Provide detail of the impact</b>	<b>What evidence has been used to support this view?</b>
		<p>Support providers will be expected to provide opportunities and be responsive to the needs of transgender people.</p> <p>Whilst we have no information on this characteristic within this proposal specifically, we understand that a person may transition at any point in their life.</p>	<p>and be responsive to the needs of transgender people.</p>
<b>Marriage / Civil Partnership</b> (people who are married or in a civil partnership)	Neutral	It is considered that the proposal will have no direct impact on people who share this characteristic.	<p>There is no evidence to suggest that the proposal will have an impact on people that share this characteristic.</p> <p>There are no married/civil partnership individual's residing in supported living</p>
<b>Pregnancy and Maternity</b> (women who are pregnant/on maternity leave)	Neutral	It is considered that the proposal will have no direct impact on people who share this characteristic.	<p>There is no evidence to suggest that the proposal will have an impact on people that share this characteristic.</p> <p>There is currently no individual pregnant or on maternity leave that live or work in the supported living service.</p>

<b><u>Protected Characteristics</u></b>	<b>Does the proposal have any positive, negative or neutral impacts</b>	<b>Provide detail of the impact</b>	<b>What evidence has been used to support this view?</b>
<b>Race</b> (ethnic and racial groups i.e. minority ethnic groups, Gypsy, Roma and Travellers)	Future – positive	It is considered that the proposal will have no direct impact on people who share this characteristic. Support providers will be expected to provide opportunities and be responsive to the needs of anyone of Race.	Providers employ staff from ethnic minority groups and will continue to support employment and admissions for individuals that share this characteristic. RCT and Commissioned Providers attend a joint quarterly Provider Forum, and staff profiles are provided as part of their reviews. Review of service users' needs take place on an annual basis, but if there are any changes to their needs that require a review, this will be undertaken outside of the annual review process.
<b>Religion or Belief</b> (people with different religions and philosophical beliefs including people with no beliefs)	Neutral	It is considered that the proposal will have no direct impact on people who share this characteristic.	There is no evidence to suggest that the proposal will have an impact on people that share this characteristic.
<b>Sex</b> (women and men, girls and boys)	Neutral – staffing perspective. Workforce is	It is considered that the proposal will have no direct impact on people who share this characteristic.	Women are more prominent within care sector workforce.

<b><u>Protected Characteristics</u></b>	<b>Does the proposal have any positive, negative or neutral impacts</b>	<b>Provide detail of the impact</b>	<b>What evidence has been used to support this view?</b>
	predominately female.	<p>Women are more prominent within care sector workforce.</p> <p>Female service users are more significant than men.</p> <p>Through the apprenticeship programme the service has been able to employ additional Male staff.</p>	<p>I Trent – employee profile data.</p> <p>Female service users are more significant than men.</p> <p>There are currently 17 Males and 37 Females working within the supported living service.</p>
<b>Sexual Orientation</b> (bisexual, gay, lesbian, straight)	Future - Positive	It is considered that the proposal will have no direct impact on people who share this characteristic.	The Independent provider service has a range of sexual orientation employees and will continue to support employment for people who share this characteristic.
<b>Armed Forces Community</b> (anyone who is serving, has served, family members and the bereaved)	Neutral	It is considered that the proposal will have no direct impact on people who share this characteristic.	There are currently no Armed Forces Veterans supported within our supported living service.
<b>Carers</b> (anyone of any age who provides unpaid care)	Neutral	The proposal would have a neutral impact on carers as their loved one will remain in their existing home and will continue to have continuity of care and support by their existing staff team.	The outcome of previous consultations and reports, together with supporting information from local adult social care records, learning

<u>Protected Characteristics</u>	Does the proposal have any positive, negative or neutral impacts	Provide detail of the impact	What evidence has been used to support this view?
			<p>disability needs analysis transformational plan, Regulation 73 and Regulation 80 reports and current service provision has informed the proposal, along with national policy and national and local strategy developments.</p> <p>There will be an assessment of impact on carers during and following the consultation stage.</p>

If the initial screening test has identified negative impacts then a full equality impact assessment (section 4) **must** be undertaken. However, if after undertaking the above screening test you determine a full equality impact assessment is not relevant please provide an adequate explanation below:

Not applicable

Are you happy you have sufficient evidence to justify your decision?

Yes

No

Name: Jill Bow

Position: Head of Service

Date: 02/08/2023

### SECTION 3 – SOCIO-ECONOMIC DUTY (STRATEGIC DECISIONS ONLY)

The Socio-economic Duty gives us an opportunity to do things differently and put tackling inequality genuinely at the heart of key decision making. Socio-economic disadvantage means living on a low income compared to others in Wales, with little or no accumulated wealth, leading to greater material deprivation, restricting the ability to access basic goods and services. Please consider these additional vulnerable groups and the impact your proposal may or may not have on them:

<ul style="list-style-type: none"> <li>• Single parents and vulnerable families</li> <li>• Pensioners</li> <li>• Looked after children</li> <li>• Homeless people</li> <li>• Students</li> <li>• Single adult households</li> </ul>	<ul style="list-style-type: none"> <li>• People living in the most deprived areas in Wales</li> <li>• People with low literacy and numeracy</li> <li>• People who have experienced the asylum system</li> <li>• People misusing substances</li> <li>• People of all ages leaving a care setting</li> <li>• People involved in the criminal justice system</li> </ul>
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All individuals are means tested prior to accessing supported living. Most of our current service users' care and support costs are funded via this method. The supported living service provides 24/7 care and support for people to live independently in their own home. They are supported to access the community and get involved in activities of their choice within the home and in the wider community. The supported living service also support people with:

- Understanding tenancy agreements
- Paying rent and household bills
- Getting help with their personal care needs.

<b><u>Socio-economic disadvantage</u></b>	<b>Does the proposal have any positive, negative or neutral impacts</b>	<b>Provide detail of the impact</b>	<b>What evidence has been used to support this view?</b>
<b><u>Low Income/Income Poverty</u></b> <i>(cannot afford to maintain</i>	Neutral	It is not envisaged that there would be any financially adverse impact on affected service users as a result of	All current service users will have been financially

<b><u>Socio-economic disadvantage</u></b>	<b>Does the proposal have any positive, negative or neutral impacts</b>	<b>Provide detail of the impact</b>	<b>What evidence has been used to support this view?</b>
<i>regular payments such as bills, food, clothing, transport etc.)</i>		<p>any decision(s) made in respect of the proposals.</p> <p>There will be no changes to staff terms and conditions if the proposal is agreed, in line with TUPE legislation</p>	<p>assessed to determine any contribution required.</p> <p>Staff current terms and conditions will continue in line with the Transfer of Undertakings Protection of Employment (TUPE) transfer legislation.</p>
<b>Low and / or No Wealth</b> <i>(enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provisions for the future)</i>	Neutral	It is not envisaged that there would be any financially adverse impact on affected service users because of any decision(s) made in respect of the proposals.	<p>All current service users will have been financially assessed to determine any contribution required.</p> <p>There will be assessment of impact during and following consultation stage.</p> <p>Data following the outcome of the consultation</p>
<b><u>Material Deprivation</u></b> <i>(unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, hobbies etc.)</i>	Neutral	It is not envisaged that there would be any financially adverse impact on affected service users as a result of any decision(s) made in respect of the proposals.	<p>All current service users will have been financially assessed to determine any contribution required.</p> <p>There will be assessment of impact during and following consultation stage.</p>

<b><u>Socio-economic disadvantage</u></b>	<b>Does the proposal have any positive, negative or neutral impacts</b>	<b>Provide detail of the impact</b>	<b>What evidence has been used to support this view?</b>
<b><u>Area Deprivation</u></b> <i>(where you live (rural areas), where you work (accessibility of public transport))</i>	Neutral	It is not envisaged that there would be any financially adverse impact on affected service users as a result of any decision(s) made in respect of the proposals.	All current service users will have been financially assessed to determine any contribution required in line with financial assessment procedures.
<b><u>Socio-economic background</u></b> <i>(social class i.e. parents education, employment and income)</i>	Neutral	It is not envisaged that there would be any financially adverse impact on affected service users as a result of any decision(s) made in respect of the proposals.	All current service users will have been financially assessed to determine any contribution required.  There will be assessment of impact during and following consultation stage.
<b><u>Socio-economic disadvantage</u></b> <i>(What cumulative impact will the proposal have on people or groups because of their protected characteristic(s) or vulnerability or because they are already disadvantaged)</i>	Neutral	It is not envisaged that there would be any financially adverse impact on affected service users as a result of any decision(s) made in respect of the proposals.	All current service users will have been financially assessed to determine any contribution required.  There will be assessment of impact during and following consultation stage.

## SECTION 4 – FULL EQUALITY IMPACT ASSESSMENT

You should use the information gathered at the screening stage to assist you in identifying possible negative/adverse impacts and clearly identify which groups are affected.

- 4.a) In terms of disproportionate/negative/adverse impacts that the proposal may have on a protected group, outline the steps that will be taken to reduce or mitigate the impact for each group identified.

An action plan to reduce/mitigate these impacts will be collated during and following the engagement and procurement process. Proposed mitigation, subject to the engagement and procurement process, includes:

- The welfare of service users would be the primary consideration in the event of any transfer of service outlined in the delegation of service report. It would be approached in a planned and carefully managed way, in line with Procurement regulations and national best practice guidance. This would include the involvement of residents, families, friends, and staff in the Supported Living Service.
- Where a service user could not make an informed choice or has no family, an independent advocate would be made available with decisions required in selecting and moving to a suitable alternative service.
- The Service Provider will be required to submit an annual report summarising the performance data as per contractual requirements and a forward business plan for the following year.

- 4.b) If ways of reducing the impact have been identified but are not possible, please explain why they are not possible.

- Staff to be kept fully updated throughout the TUPE process. Meetings with HR, Union reps, management and prospective providers. The welfare of staff would be the primary consideration in the event of any transfer of service outlined in the delegation of service report. It would be approached in a planned and carefully managed way, in line with Procurement regulations and national best practice guidance. This would include the involvement of residents, families, friends, and staff in the Supported Living Service.



- 4.c) Give sufficient detail of data or research that has led to your reasoning, in particular, the sources used for establishing the demographics of service users/staff.

The outcome of previous consultations (Annual Quality Assurance reports), Regulation 73 reports and Regulation 80 Quality of Care Review, together with supporting information from local adult social care records, learning disability needs analysis transformational plan and current service provision has informed the proposal, along with national policy and national and local strategy developments.

- 4.d) Give details of how you engaged with service users/staff on the proposals and the steps taken to avoid any disproportionate impact on a protected group. Explain how you have used feedback to influence your decision.

Engagement plan will be in place, if proposal agreed, of planned engagement with staff and service users to mitigate the identified adverse effects of service transfer.

Engagement and staff communication will also align with the council management of change and according to the Legal requirements of TUPE.

All engagement and consultation will consider the communication needs of the service users and staff including support to Welsh speaking workers and service users and carers, interpreters including BSL will be commissioned to support people as appropriate as will independently advocates.

All communications with staff will be alongside full cooperation with the trade unions

- 4.e) Are you satisfied that the engagement process complies with the requirements of the Statutory Equality and Socio-economic Duties?

Yes

No

## **SECTION 5 – MONITORING, EVALUATING AND REVIEWING**

5a) Please outline below how the implementation of the proposal will be monitored:

Following the consultation, the impact assessment will be updated, and Cabinet will receive a further report on the outcome of the consultation.

Implementation of a robust transition plan.

Service satisfaction will be monitored through the service providers' quality assurance framework, contract monitoring visits, and regular monitoring and review of residents and staff.

EIAs to be continually updated in line with decision making and ongoing engagement.

Implementation of the proposed service model and affected processes to be mapped and planned appropriately.

5b) When is the evaluation of the proposal due to be reviewed?

To be determined following the outcome of the stakeholder engagement.

5c) Who is responsible for the monitoring and review of the proposal?

Director of Adult Services.

5d) How will the results of the monitoring be used to develop future proposals?

To be determined following the outcome of the procurement process with prospective independent providers and respective housing providers

## SECTION 6 – REVIEW

For all policy proposals, whether it is a Significant Key Decision or not, you are required to forward this assessment to Diversity and Inclusion team – [equality@rctcbc.gov.uk](mailto:equality@rctcbc.gov.uk) and the Consultation and Engagement team – [consultation@rctcbc.gov.uk](mailto:consultation@rctcbc.gov.uk) in the first instance for some initial guidance and feedback.

As part of the Welsh Language, Equalities and Socio Economic Duty Impact Assessment Process all proposals that fall within the definition of Significant Key Decision should present at the Officer Review Panel. This panel is made up of officers from across Council Services and acts as a critical friend before your report is finalised and published for SLT/Cabinet approval.

If this proposal is a Key Strategic Decision please forward your completed impact assessment, policy proposal/report and consultation report to [CouncilBusiness@rctcbc.gov.uk](mailto:CouncilBusiness@rctcbc.gov.uk) for an Officer Review Panel to be organised to discuss your proposal. See our guidance document for more information on what a Significant Key Decision is.

It is important to keep a record of this process so that we can demonstrate how we have considered and built-in equality/Socio economic considerations wherever possible. Please ensure you update the relevant sections below in collaboration with the relevant departments.

<b>Diversity and Inclusion team Comments</b>	<b>Date Considered</b>	<b>Brief description of any amendments made following the Diversity and Inclusion team consideration</b>
	September 2023	The comments of the Diversity and Inclusion team have been incorporated into the EIA.
<b>Consultation Comments</b>	<b>Date Considered</b>	<b>Brief description of any amendments made following consultation</b>
N/A		
<b>Officer Review Panel Comments</b>	<b>Date Considered</b>	<b>Brief description of any amendments made following Officer Review Panel considerations</b>
		An officer Review Panel will take place during the week commencing 16 <sup>th</sup> October 2023 and the feedback will be

		presented to Cabinet prior to its meeting on 23 <sup>rd</sup> October 2023.
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## **SECTION 7 – SUMMARY OF IMPACTS FOR THE PROPOSAL**

Provide below a summary of the impact assessment. This summary should be included in the equality and socio-economic impact section of the Cabinet report template. The impact assessment should be published alongside the report.

Proceeding with the proposal would have an impact on existing and future supported living individuals, as:

Proceeding with the proposal would have an impact on existing and future supported living individuals, as the proposal indicates that in future service users will not be able to choose supported accommodation services provided directly by the Council. Service users would continue to remain in their existing home and staff would TUPE over to the respective provider, providing continuity of care. Staff current terms and conditions will continue in line with the Transfer of Undertakings Protection of Employment (TUPE) transfer legislation which would result in a neutral impact for service users and the staff team.

The Council will take account of the challenges which the people affected by the proposals in this report face, both in terms of participation in the consultation and in ensuring that the impact of any changes is mitigated as detailed in the impact assessment, if they are to be implemented.

Following any procurement process and contract award the service would engage with all affected service users to address any concerns or questions they may have and the impact assessment will be reviewed and updated to include any further mitigated risks following the consultation process.

## **SECTION 8 – AUTHORISATIONS**

Lead Officer: Jill Bow

Position: Director of Adult Services

Date: 2 October 2023

I recommend that the proposal:

- Is implemented with no amendments
- Is implemented taking into account the mitigating actions outlined
- Is rejected due to disproportionate negative impacts on protected groups or socio-economic disadvantage

Head of Service/Director Approval:

Name: Neil Elliott

Position: Director of Social Services

Date: 3 October 2023

Please submit this impact assessment with any SLT/Cabinet Reports.