

Integrated Impact Assessment

Informing our approach to fairness

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| Title of proposal | General Residential and Nursing Services |
| Date of assessment | 30/07/2015 |
| Officer responsible for Impact Assessment | Catherine Stokes |
| Assessment Team | Commissioning and Procurement |
| Review Date | February 2016 |

Version Control

| | |
|-------------------------|------------|
| Version | 0.3 |
| Date | 19/08/2015 |
| Replaces version | 0.2 |

Proposal

This section should outline details of the proposal / function.

1. The proposal / function

- 1.1
- Specify services included in the scope of this proposal
 - Information on the current approach to the service(s) including setting out all core functions
 - Specify whether the areas included in proposal are statutory or non-statutory. Include info relating to legislation including level of prescription (i.e. general duty or specific duty)

Wellbeing, Care and Learning Directorate currently contracts with 25 organisations for generalist residential and nursing accommodation under spot contracts, covering 49 Homes across the City. 1 organisation (operating 2 Homes in Newcastle) is effectively 'out of contract' with the City. No new admissions have been made to these Homes since 3 October 2011.

The current negotiated contract has been in place since April 2014, and reflects the price structure that was agreed by Cabinet in September 2013.

In October 2014 a fee setting process commenced; in response to concerns from providers a third party organisation was commissioned to carry out the cost of care modelling on our behalf. We did not however appoint the third party organisation preferred by the provider association and, as such, have experienced both delays and challenges to the process which means we have not as yet been able to move to the second stage of the exercise and consult with providers on setting our fees.

These services enable the Local Authority to meet their statutory duties under the Care Act 2014.

- 1.2
- Description of the proposal / function

A cost modelling exercise was carried out by Valuing Care Financial Management Ltd in early 2015 and a draft report was presented to Newcastle City Council in May 2015. Providers of general residential and nursing care services are to be invited to consultation meetings to discuss the findings of the report and feedback their comments. Following this consultation period a report will be presented to Cabinet which will reflect the feedback received during the consultation exercise. Cabinet will then set the fee structure for residential and nursing care services within the City.

Following completion of the consultation and agreement on the new fee structure, the aim would be to carry out a one stage procurement exercise for a framework agreement, should providers not engage in the consultation exercise, or agree with the fee setting process, there is the potential that these providers will not take part in the procurement exercise – resulting in no contract being awarded to these providers and no new admissions being made to homes run by these organisations.

The Council does not intend moving any residents living in Homes that may not be in contract with the Authority and will continue to fund these placements. The ceasing of admissions would only apply to new admissions.

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| <p>We're aware that this consultation will be taking place at a time of huge changes for employers as a result of the introduction of the National Living Wage at £7.20 per hour from April 2016. We are in the process of measuring the cost pressure this policy will create for the Council however, until the Comprehensive Spending Review is published in November 2015, we have no information as to any funding the Government will make available to mitigate this pressure on the Council's budgets. As such, we propose to recognise this change as a change in law and meet with providers in January, once the Council has had the opportunity to review its position. We believe we will then be in a position to agree any identified increase over and above that, which is agreed in the fee setting consultation process, for 2016/17 and 2017/18.</p> |
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2. Evidence and research – identifying need

What research, information or other intelligence have you used to develop this proposal?

This can include monitoring information, satisfaction surveys, desktop research, professional journals, comments or complaints. It could also include information contained within the Local Information System, MOSAIC, or drawn from the Newcastle Future Needs Assessment, Joint Strategic Needs Assessment etc. Previously Let's Talk Newcastle consultations/engagement is another source of information.

Consider carefully what the information is telling you about your service and its users.

| Information source | What has this told you? |
|---|--|
| Fair Rates for Care Home Services – Valuing Care Financial Management Ltd Draft Report May 2015 | This has enabled us to identify a potential fee structure and gives a starting point for the consultation meetings which will be held with providers. |
| Local information systems | Information in relation to spend and budget to help to determine level of current and potential budgetary need. |
| Budget proposals for 2015/16 | Information was gathered from published budget proposals. Publicly available information is available at: http://www.newcastle.gov.uk/your-council-and-democracy/budget-annual-report-and-spending/budget/budget-2015-16/support-most-vulnerable-people-budget-2015-16 |
| Drawn from the Newcastle Future Needs Assessment | This has enabled us to map the market to help identify the potential population size of those groups who would be eligible for support (as guided by government impact assessment). |
| Market Position Statements | Information was gathered as part of the publication of the Market Position Statement for Information, Advice and Advocacy. These are publicly available at: https://www.newcastle.gov.uk/business/tenders-contracts-and-procurement/market-position-statements |

3. Engagement

In this section provide details of the engagement you have undertaken so far and the engagement still to happen. Please consider the individuals/groups you have/will engage with. This could include service users, groups with protected characteristics - for example BME communities, disabled people, older people, religious organisations, young people - or other groups or communities, such as specific neighbourhoods or staff, that might be affected by the proposal.

| Date of engagement | Details of whom you have or will engage with | Number of people invited/attended | Main issues raised |
|-----------------------|--|-----------------------------------|---|
| 24/06/15 – 14/08/15 | Let's Talk – Public Consultation on “Adult Social Care Market Position Statement” | Publicly available | Feedback from the publication of the Market Position Statement on Let's Talk will be reviewed and incorporated into a revised version of the document. Copies of all available Market Position Statements are available at: https://www.newcastle.gov.uk/business/tenders-contracts-and-procurement/market-position-statements |
| 22/10/15 and 13/11/15 | Consultation events for general residential and nursing service providers | 20+ | TBC – Consultation on fee structure for general residential and nursing services. These events will occur in October/ November 2015. This document will be publicly available on the Let's Talk website for the length of the consultation. |
| TBC | Let's Talk – Public Consultation on “Market Position Statement for General Residential and Nursing Services” | Publicly available | TBC – A Market Position Statement for General Residential and Nursing Services is (link above) publicly available on the Let's Talk website. Comments from the consultation will be fed into the Market Position Statement and IIA as required. |

Comments:

4. Assessing the impact

Using the table below, please identify:

- If the proposal could result in some groups being disadvantaged or treated unfairly; or if it could result in an opportunity to promote equality or inclusion.
- Where there is potential for disadvantage or unfair treatment what are your plans to overcome this, mitigate it or justify it.
- If you have not identified any impacts in **section 4**, please explain why your proposal does not impact on any individuals or groups:

Please Note:

We have a duty to consider impacts (actual or potential disadvantage, or beneficial) to individuals/groups with a **protected characteristic** (protected by legislation) or from a **socio-economically** excluded group. As part of the socio-economic impacts we also want to consider impacts to **business** i.e. will the proposal have a direct or indirect impact on businesses which could affect current or future jobs in the city.

We also have a duty to consider if there are implications to **health, Human Rights** and **community cohesion**. Please consider these elements as well when assessing impacts.

Wellbeing and Health - Could people's wellbeing and health be compromised if the proposal is implemented? For instance, could the proposal:

- have an impact on people's ability to maintain and/or improve their wellbeing and health (for example, their ability to be physically active, to afford healthy food, or to access wellbeing and health information)
- cause a change in demand for, or access to, health and social care services

Human Rights - By implementing the proposal, is there the potential for challenge under any of the 16 Articles (Rights) of the Human Rights Act 1998. Select the protected characteristic or socio-economic group(s) who may be disadvantaged. Clearly state why this may be a violation of their rights.

For wellbeing and health and Human Rights implications use the table below to identify the groups who will be affected and clearly highlight the implications.

Community Cohesion – Under the general equality duty, the law requires us to foster good relations between people who share a relevant characteristic and those who don't (community cohesion). You need to explain any potential cohesion impact and how it will be justified or addressed.

We also want to consider impacts on the **Environment** and to **Community Safety** of which links to further guidance can be found at the back on this document and in the associated guidance which covers all the various impacts.

| Impact for (staff or service users) | Assess the impact of the proposal(s) on the following specific groups and any others you can identify | Impact (actual/potential disadvantage, beneficial outcome or none) | Detail of the Impact | |
|---|---|--|--|--|
| | | | Could the proposal(s) lead to any groups being disadvantaged or treated unfairly? Please explain why. | Could the proposal reduce inequalities or disadvantage? Please explain how. |
| How will you address this or mitigate any disadvantage? | | | | |
| People with protected characteristics: | | | | |
| Service Users | Older people (age) | Potential negative | <p>For those who are eligible and assessed as requiring these services, potential to have a negative impact if rates for services increase and service users charges increase, if rates for services are maintained or reduce there should be no direct impact on service users.</p> <p>If the rates for services are set at a level which is too low to cover provider's costs then it is possible that there would be a negative impact on service users. The number of activities available to residents may be affected, catering standards within homes could also be impacted on or the amount of care hours available to individuals.</p> <p>In the event that rates were so low that providers could not maintain their business and homes closed, residents would have to move. This could cause distress and upheaval particularly for those well settled residents with friends amongst the staff and other residents. Unless well managed it could also be injurious to health for the</p> | <p>To work with finance to identify clients who are likely to be impacted by any rate changes and keep adults and carers / family members fully informed of any changes to fees.</p> <p>Work closely with providers to agree a fee structure and future contracting arrangement that will ensure that where possible the needs of all service users continue to be met.</p> <p>The Council does not intend moving any residents living in Homes that may not be in contract with the Authority and will continue to fund these placements. The ceasing of admissions would only apply to new admissions.</p> |

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| | | | most vulnerable and cause confusion to dementia sufferers. | |
| Service Users | Disabled people | Potential negative | <p>For those who are eligible and assessed as requiring these services, potential to have a negative impact if rates for services increase and service users charges increase, if rates for services are maintained or reduce there should be no direct impact on service users.</p> <p>If the rates for services are set at a level which is too low to cover provider's costs then it is possible that there would be a negative impact on service users. The number of activities available to residents may be affected, catering standards within homes could also be impacted on or the amount of care hours available to individuals.</p> <p>In the event that rates were so low that providers could not maintain their business and homes closed, residents would have to move. This could cause distress and upheaval particularly for those well settled residents with friends amongst the staff and other residents. Unless well managed it could also be injurious to health for the most vulnerable and cause confusion to dementia sufferers.</p> | <p>To work with finance to identify clients who are likely to be impacted by any rate changes and keep adults and carers / family members fully informed of any changes to fees.</p> <p>Work closely with providers to agree a fee structure and future contracting arrangement that will ensure that where possible the needs of all service users continue to be met.</p> <p>The Council does not intend moving any residents living in Homes that may not be in contract with the Authority and will continue to fund these placements. The ceasing of admissions would only apply to new admissions.</p> |
| Service Users | Carers | Potential negative | There is no evidence to suggest that this group would be adversely affected by these proposals. | Dependent upon eligibility and need for services |

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|----------------------|---|--------------------|--|---|
| Service Users | People who are married or in civil partnerships | None | There is no evidence to suggest that this group would be adversely affected by these proposals. | Dependent upon eligibility and need for services |
| Service Users | Sex or Gender (Includes Transgender, pregnancy and maternity) | None | This group will not be adversely affected by these proposals | Dependent upon eligibility and need for services |
| Service Users | People's sexual orientation | None | There is no evidence to suggest that this group would be adversely impacted by these proposals at this time. | Dependent upon eligibility and need for services |
| Service Users | People of different races | None | There is no evidence to suggest that this group would be adversely impacted by these proposals at this time. | Dependent upon eligibility and need for services |
| Service Users | People who have different religions or beliefs | Potential negative | <p>A number of smaller care home providers were historically for people from certain religious denominations and, although they are now open to all, still retain that religious focus within the home.</p> <p>If rates for services were set at a level which is low this may impact on the catering options within the home which may meet particular religious requirements.</p> <p>In the event that rates were so low that providers could not maintain their business and homes closed residents would have to move. This could cause distress and upheaval particularly if people have chosen the home based on their religious denomination as they may feel their other options were limited or there were no other suitable options (based on religious preference).</p> | <p>To work with finance to identify clients who are likely to be impacted by any rate changes and keep adults and carers / family members fully informed of any changes to fees.</p> <p>Work closely with providers to agree a fee structure and future contracting arrangement.</p> <p>The Council does not intend moving any residents living in Homes that may not be in contract with the Authority and will continue to fund these placements. The ceasing of admissions would only apply to new admissions.</p> |

| People vulnerable to socio-economic disadvantage: | | | | |
|--|--|--------------------|--|--|
| Service Users | People living in deprived areas | None | This group will not be adversely affected by these proposals | Dependent upon eligibility and need for services |
| Staff | People in low paid employment, or in households with low incomes | Potential negative | If the rate set by the Council is too low to cover costs there is the potential for providers to withdraw from the market, resulting in numbers of people in low paid employment losing their jobs and overall having a negative impact on employment levels in the City. | Work closely with providers to agree a fee structure and future contracting arrangement. |
| Service Users | People facing barriers to gaining employment, such as low levels of educational attainment | None | This group will not be adversely affected by these proposals | Dependent upon eligibility and need for services |
| Service Users | Looked after children | None | This group will not be adversely affected by these proposals | Dependent upon eligibility and need for services |
| Service Users | People facing multiple deprivation, through a combination of factors such as poor health (physical or mental) or poor housing/homelessness | Potential negative | Issues set out above in older/disabled people section | |
| Businesses: | | | | |
| Staff and Service Users | Businesses providing current or future jobs in the city | Potential negative | If the rate set by the Council is unsustainable there is the potential for providers to withdraw from the market as they are unable to agree with the fee setting process this could have an adverse impact on the residential and nursing care market in the City which could result in a market which is reliant on large national | Work closely with providers to agree a fee structure and future contracting arrangement. |

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| | | | <p>providers and does not include smaller, local organisations.</p> <p>Closure of services would also have a negative impact on employment levels in the area.</p> | |
| Other potential or specific impacts: | | | | |
| Staff and Service Users | <p>Cumulative or cross cutting impacts. Impacts that may affect numerous groups or whole populations.</p> | Potential negative | | |

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| The impact on community cohesion: | | | |
|---|---|--|---|
| Assess the impact of the proposal(s) on community cohesion | Impact (actual/potential disadvantage/tension, beneficial outcome or none) | Detail of the Impact | If the answer is yes to any of the questions or you're not sure, how will you address this? |
| Community Cohesion | Potential tension | <p>Could any groups see the proposal as unfair (even if you believe they are fair)?</p> <p>Could the proposal bring different groups into greater contact with each other?</p> <p>Could proposal cause or contribute to conflict or tensions between groups?</p> | We will work closely with providers to understand their concerns and address them through the consultation process. |
| The impact on community safety: | | | |
| Assess the impact of the proposal(s) on community safety | Impact (actual/potential negative impact, beneficial outcome or none) | Detail of the Impact | How will you address this or mitigate any negative impact? |
| Community Safety | | <p>Could the proposal affect actual levels of crime and/or anti-social behaviour?</p> <p>Could the proposal affect the fear of crime, the perception of crime or community confidence in an area?</p> <p>Could the proposal affect road traffic accidents?</p> | |

If you have not identified any impacts in Section 4 please explain why your proposal does not impact on any individuals or groups.

5. Authorisation

| Authorising Officer | Signature | Date |
|---|-----------|------|
| Director / Head of Service: | | |
| Head of Finance: | | |
| Officer responsible for Integrated Impact Assessment: | | |

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Integrated Impact Assessment Review

Review Date:

Officer:

Provide an update on how the proposal has progressed.

Provide an update for each actual/ potential areas of disadvantage you identified in section 4 of the Impact Assessment.

| Detail of the Impact | Actions identified in Section 4 | Who is responsible for this? | When will the action be complete? | Update |
|-----------------------------|--|-------------------------------------|--|---------------|
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Please note: If the proposal has changed significantly, you may need another Impact Assessment.

Further Information:

For further information see the Equality Section of the Council's Website www.newcastle.gov.uk/your-council/equality-and-diversity

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