

Name of the activity being assessed	Commencement of a Tendering and Procurement Activity to commission Self Directed Support Services under a dynamic purchasing framework		
Directorate / Department	Adult Services	Service	Self-Directed Support
Assessment Author	Lynne Haworth		
Is this a new or existing activity?	<input checked="" type="checkbox"/> New <input type="checkbox"/> Existing	Responsible manager / director for the assessment	Sayed Osman
Date EIA started	20/08/2018	Implementation date of the activity	01/04/2019

SECTION 1 - ABOUT YOUR ACTIVITY

How was the need for this activity identified? i.e. Why are we doing this activity?	<p>The current commissioning arrangements for self-DP are no longer fit for purpose and it is therefore necessary under procurement legislation that a full tender exercise must be completed. A procurement exercise is necessary to increase the capacity in the list of quality providers, whilst at the same time allowing flexibility and responsiveness to changing levels and types of need.</p> <p>From April 2011, every person starting to receive on-going council funded support should have been receiving this via a personal budget, and by April 2013, all people receiving such funded support – new and ongoing- should have been offered a personal budget which they could use to ask the Council to purchase support on their behalf or take as a direct payment.</p> <p>This process became a duty through the 2014 Care Act which states that councils need to assign a personal budget to all people who are eligible for support so they can have more control over their support. The personal budget is the amount of money needed to cover the cost of the support for which a person is eligible. The process which underpins this is through a social care assessment which identifies the areas of support aligned to the Care Act 2014 with which individuals require support.</p>
What is the activity looking to achieve? What are the aims and objectives?	<p>By law the authority has to re-tender services to ensure that services provide good value for money and continue to be fit for purpose. There has been an increased demand for services.</p> <p>The procurement exercise allows the authority to re-specify the services it intends to purchase and make clear the outcomes and quality requirements it expects providers to meet in delivering services to vulnerable people.</p> <p>It is intended that within the procurement there will be separate lots to ensure better delivery of Payroll Services; Disclosure and Barring Service; Managed Account Service; Brokerage Services. Separating these lots, and differentiating terms and conditions is intended to ensure that there is sufficient capacity to meet needs, whilst ensuring enough demand and at a reasonable cost to make the service viable to a provider.</p> <p>It is the intention within the specification to ensure a responsive service that is flexible that service users have greater control over their direct payments.</p>

Aims

The Commissioner aims to achieve this by means of a mixed approach of the Commissioner's directly employed DP Support team, social work teams and an approved list of providers, from which service users can purchase their own support from their direct payment, according to their needs and preferences.

As service users will be able to choose freely from the services and provider(s) on the approved list, there can be no guarantee of numbers for service users for any provider. We do, however, expect the number of service users in receipt of a direct payment and eligible for support services to grow in line with national and local policy in the future.

It is expected that approximately 90% of service provision will relate to adult service users eligible for services under Care Act 2014 Criteria with 10% relating to Service Users referred via Children's social care.

To meet the statutory obligations within the Care Act 2014; National Health Service (Direct Payments) Regulations 2013, as amended by the National Health Service (Direct Payments) (Amendment) Regulations 2013; and the Children's and Families Act 2014 in a manner that delivers best value to the public purse.

- Improve the delivery of the essential services that people need to live as independently as possible, in particular to:
- Plan how to best meet their assessed eligible needs in a way that is personalised to them;
- Obtain and retain maximum control over their Personal Budget by utilising a Direct Payment.

Objectives

The general aim of the service, included in this Contract is to provide pre-employment checks, payroll and managed account services for recipients of direct payments and to provide a framework of brokers/planners who will help residents utilise their personal budget to its maximum potential

The provider(s) will assist the service users in Blackburn with Darwen to effectively manage payments and arrangements in a way which is cost effective and good value for money.

Service users should:

- Receive prompt, appropriate and personalised attention and services from the provider(s)
- Be able to make informed choices about provider(s) based upon transparent and accessible information
- Be enabled to manage their own direct payments and achieve increasing independence over a period of time agreed between individuals, based on need and risk. This must be demonstrated through the provider's annual review.
- Receive specialist support in relation to physical disabilities, learning disabilities, mental health needs, older people, carers, younger disabled people, and parents of disabled children.
- Be safeguarded

Expected Outcomes

- Service users are enabled to optimise the opportunities available to them through increased choice and control.
- Through an ethos of self-help Service User's feel empowered and have the ability and confidence to manage their own Direct Payment over an agreed period.

	<ul style="list-style-type: none"> • Service users feel safe, secure and supported to achieve greater independence with minimal support. • Service users have improved quality of life. • Enjoy happy & fulfilled lives; • Achieve their full potential; • Experience choice and control; and • Enjoy personal dignity and respect.
<p>Services currently provided (if applicable)</p>	<p>Blackburn with Darwen Council's adult services department through our social work function , provide assessments and support plans for individuals to enable them to have choice and flexibility in meeting their social care needs and focus on their goals in life and wider community networks. Where individuals go on to choose a direct payment to arrange their own care, the Self Directed Support team provide the following for people who are considering or have decided to use a direct payment –</p> <ul style="list-style-type: none"> • PA recruitment • Support and practical guidance to become an employer of Personal Assistants including DBS checks and contracts of employment, insurance etc. • Establishing a system to provide the necessary financial documents to show how the direct payment is being used • Signposting to other services e.g. managed accounts and payroll <p>The Council will fund certain activities aligned to the uptake and ongoing use of a personal budget and direct payment. Where individuals do wish to use another organisation or individual to provide these services, these costs must be agreed as part of the support plan with the social worker and individual prior to commencement and documented within the support plan as to the reasoning for the funding being provided, all costed services are to be reviewed at 12 weeks for new DPs and annually thereafter.</p>
<p>Type of activity</p>	<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <p><input type="checkbox"/> Budget changes</p> <p><input type="checkbox"/> Change to existing activity</p> </div> <div style="width: 30%;"> <p><input type="checkbox"/> Decommissioning</p> <p><input checked="" type="checkbox"/> Commissioning</p> </div> <div style="width: 30%;"> <p><input type="checkbox"/> New activity</p> <p><input type="checkbox"/> Other [please state here]</p> </div> </div>

SECTION 2 - UNDERSTANDING YOUR CUSTOMER**What resources will support in undertaking the equality analysis and impact assessment?**

Please identify additional sources of information you have used to complete the EIA, e.g. reports; journals; legislation etc.

Service activity and financial data

Providers will be providing information on costs to ensure that the authority meets its care act responsibilities in terms of commissioning services at sustainable local market rates.

Who are you consulting with? How are you consulting with them? (Please insert any information around surveys and consultations undertaken)

A consultation meeting was held on the 20th September 2018 to generate market intelligence around current market position.



Who does the activity impact upon?*	Service users	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Indirectly			
	Members of staff	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly			
	General public	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly			
	Carers or families	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Indirectly			
	Partner organisations	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Indirectly			
Does the activity impact positively or negatively on any of the protected characteristics as stated within the Equality Act (2010)?* The groups in blue are not protected characteristics (please refer to p. 3 of the guidance notes)	Positive impact	<input checked="" type="checkbox"/> Age	<input checked="" type="checkbox"/> Disability	<input checked="" type="checkbox"/> Gender reassignment	<input checked="" type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity	<input checked="" type="checkbox"/> Vulnerable groups
		<input checked="" type="checkbox"/> Race	<input checked="" type="checkbox"/> Religion or belief	<input checked="" type="checkbox"/> Sex	<input checked="" type="checkbox"/> Sexual orientation	<input checked="" type="checkbox"/> Deprived communities	<input checked="" type="checkbox"/> Carers
	Negative impact	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity	<input type="checkbox"/> Vulnerable groups
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Deprived communities	<input type="checkbox"/> Carers
	No impact	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input checked="" type="checkbox"/> Pregnancy & maternity	<input type="checkbox"/> Vulnerable groups
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Deprived communities	<input type="checkbox"/> Carers

***If no impact is identified on any of the protected characteristics a full EIA may not be required. Please contact your departmental Corporate Equality & Diversity representative for further information.**

Does the activity contribute towards meeting the Equality Act's general Public Sector Equality Duty? *Refer to p.3 of the guidance for more information*
A public authority must have 'due regard' (i.e. consciously consider) to the following:

DUTY	DOES THE ACTIVITY MEET THIS DUTY? EXPLAIN
<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity removes or minimises disadvantages suffered by people due to their protected characteristic)</i></p>	<p>The provider will be non-stigmatising and non-discriminatory, providing fair and equitable access. The service will comply with the Equality Act 2010.</p> <p>The provider will work in a way that it does not discriminate against individuals on the grounds of gender, race, disability, sexual orientation, sexual practices, gender reassignment, age, pregnancy or maternity, marriage/civil partnership or belief system and will ensure that all applicable legislation is adhered to.</p>
<p>Advance equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity takes steps to meet the needs of people from protected groups where these are different from the needs of other people)</i></p>	<p>The service specification promotes community engagement and inclusion. The provider will be non-stigmatising and non-discriminatory, providing fair and equitable access. The service will comply with the Equality Act 2010.</p>
<p>Foster good relations between people who share a protected characteristic and those who do not <i>(i.e. the function encourages people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i></p>	<p>It is an expectation that providers will link into other statutory and non-statutory services to enable the individual to maximise potential and achieve outcomes.</p>

ASSESSMENT	Is a full EIA required?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please explain how you have reached your conclusion <i>(A lack of negative impacts must be justified with evidence and clear reasons, highlight how the activity negates or mitigates any possible negative impacts)</i></p>			
<p>The re-tendering exercise looks to promote the increased availability for DP that is reliable, provides continuity of relationships and a competent workforce. It is likely that rates payable for some elements of the service will increase to allow future national living wage rises to be accommodated. The ethos of service specifications is for the services to support increased personalisation; health and well-being and participation in people's own care.</p>			

Author Signature		Date	20/08/2018
Head of Service/Director Signature		Date	13/11/2018

The above signatures signify acceptance of the ownership of the Initial EIA and the responsibility to publish the completed Initial EIA as per the requirements of the Equality Act 2010.

Departmental E&D Lead Signature		Date	08/11/2018
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FULL EQUALITY IMPACT ASSESSMENT

SECTION 3 – ANALYSIS OF IMPACT

Does the activity have the **potential** to:

- **positively** impact (benefit) any of the groups?
- **negatively** impact/exclude/discriminate against any group?
- **disproportionately** impact any of the groups?

Explain how this was identified – through evidence/consultation.

Any negative impacts that are identified within the analysis need to be captured within the action plan in **Section 4**

N.B. Marriage & Civil Partnership is only a protected characteristic in terms of work-related activities and NOT service provision

Characteristic	Positive	Negative	Don't know	Reasons for positive and/or negative impact Please include all the evidence you have considered as part of your analysis	Action No.
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Marriage & Civil Partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Pregnancy & Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Vulnerable Groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Deprived Communities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Carers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other [please state]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>Does the activity raise any issues for community cohesion?</p> <p>Does the activity contribute positively towards community cohesion?</p>	No
<p>Does the activity raise any issues in relation to human rights as set out in the Human Rights Act 1998? Details of which can be found here</p>	No
<p>Does the activity support / aggravate existing departmental and/or corporate risk?</p>	<p><i>Is the activity on the departmental risk register? If it is not, should it be?</i></p> <p>No</p>

CONCLUSIONS OF THE ANALYSIS

Action following completion of the impact assessment			
<i>It is important that the correct option is chosen depending on the findings of the analysis. The action plan must be completed as required.</i>			
<input type="checkbox"/> No major change in the activity	<input type="checkbox"/> Adjust activity	<input type="checkbox"/> Continue with activity	<input type="checkbox"/> Stop and reconsider activity
Please explain how you have reached your conclusion			

Informal consultations have taken place with service users and the feedback has been analysed. The outcome of the feedback received highlighted service users want greater freedom of choice which under the DPS will provide.

SECTION 4**ACTION PLAN**

Action No.	What is the negative / adverse impact identified?	Actions required to reduce / mitigate / eliminate the negative impact	Resources required	Responsible officer(s)	Target completion date
	N/A				

MONITORING AND REVIEW

The responsibility for establishing and maintaining the monitoring arrangements of the EIA action plan lies with the service completing the EIA. These arrangements should be built into the performance management framework.

Monitoring arrangements for the completion of EIAs will be undertaken by the Corporate Equality & Diversity Group and the oversight of the action plans will be undertaken by the Management Accountability Framework.

If applicable, where will the EIA Action Plan be monitored?	<i>e.g. via Service Management Team; Service Leadership Team; Programme Area Meetings</i> N/A
How often will the EIA Action Plan be reviewed?	<i>e.g. quarterly as part of the MAF process</i> N/A
When will the EIA be reviewed?	<i>It should be reviewed at least every 3 years to meet legislative requirements</i> N/A
Who is responsible for carrying out this review?	N/A

Author Signature		Date	
Head of Service/Director Signature		Date	
<i>The above signatures signify acceptance of the ownership of the full EIA, the responsibility for the associated Action Plan (if applicable) and the responsibility to publish the completed full EIA as per the requirements of the Equality Act 2010.</i>			
Departmental E&D Lead Signature		Date	