

Equality Impact Assessment (EIA)

The separate EIA guidance notes outline what should be included for each section. Please read them before you begin. If you have any queries, contact your Corporate Equality Group rep, or the Engagement Team on 643 2828.

1. Author, service area, date

Scott Woodhouse, Strategic Commissioning Manager Adults, People Based Commissioning Team, 8 July 2019

This EIA is updated December 2021 in line with the drafting of the report to Cabinet on 24 January 2021.

2. Who else has been involved in writing this EIA?

Adult Social Care, Finance, Legal

3. What proposal is this EIA assessing?

Pricing strategy for Adult Social Care for residential care provision for older people – 2019/20.

The Cabinet report follows on from the draft pricing strategy and the consultation that has happened as part of the process. Unfortunately the timescales on this have been extended due to COVID-19 and the delay on finalising the Cabinet report.

4. What is the purpose of your proposal and what is it expected to achieve?

The purpose of the proposal is to consider the development of a pricing strategy and set of baseline costs for the commissioning of residential care placements from the external care sector.

Each year the Authority is expected to agree a set of rates with care home providers and in doing so take account of the cost of providing the care being delivered. Any annual increase in fees will take account general price increases, ie consumer price index and employee wage increases, ie national minimum wage or national living wage.

The pricing strategy set out proposals for:

- *Setting a rate for residential care services for older people;*
- *Application of a differential rate for EMI / dementia care, using the residential rate as a basis for this;*
- *Application of a banded payment rate for different grades of residential care, following the completion of a quality monitoring visit and using the residential blended rate as a basis for this;*
- *Review of the quality monitoring tool and the scoring methodology;*
- *Determination of an hourly rate for additional 1:1 care, as determined following assessment and as detailed in individual support plans;*
- *Dealing with future inflationary price increases, including general cost increases and living wage increases;*
- *Formalising all of the above in a new three year contract / agreement.*

The Cabinet report updates on progress against these areas and the work undertaken on setting the fees and the procurement arrangements

5. Is there any relevance to the aims of the public sector equality duty?

Aim	Yes, No, or N/A	Details if 'yes'
<i>Eliminate unlawful discrimination, victimisation and harassment</i>	No	
<i>Advance equality of opportunity between people who share a protected characteristic and those who do not</i>	Yes	<p><i>The rates to be applied will be used transparently and equitably whether the service is commissioned by the Local Authority or a person makes their own arrangements. The rates will set a baseline for the Authority to determine its standard costs for residential care placements and can be used as a baseline for privately funded placements though it is acknowledged that care home providers may charge a different and higher rate for privately funded placements.</i></p> <p><i>This EIA aims to show that people with a protected characteristic are not treated with any disadvantage in comparison to service users without a protected characteristic.</i></p> <p><i>There are no further identified impacts of the proposed rates and commissioning arrangements as set out in the Cabinet report.</i></p>
<i>Foster good relations between</i>	No	

<i>people who share a protected characteristic and those who do not</i>		
---	--	--

6. Analysis by characteristic

Protected characteristic	Potential positive or negative impact?	Explanation and evidence
<i>Age</i>	<i>Neutral</i>	<p><i>The placements to be made within this pricing strategy will generally be for older people, ie people over the age of 65. The pricing strategy does change depending on the age of the individual. All placements for people over the age of 65 (ie pensionable age) will be paid at the same rate in each home.</i></p> <p><i>The pricing strategy will apply for all state funded placements and does not affect those people with the ability to pay for their care privately. Where state funded, the pricing strategy does not impact on the charge / contribution paid by individuals – this will be determined separately by the financial assessment.</i></p> <p><i>There are no further identified impacts of the proposed rates and commissioning arrangements as set out in the Cabinet report.</i></p>
<i>Disability</i>	<i>Negative</i>	<p><i>All of the people in residential placements in care homes for older people will have eligible care and support needs as determined by the Care Act 2014.</i></p> <p><i>There is a differential / enhanced payment in place for people with a dementia as it is recognised this will likely result in increased costs for the provider to care and support for these individuals, ie increased training costs, wage costs or staffing levels (due to higher dependency overall). In addition to this there is a further payment for nursing services that is set at a national level by the Department of Health and Social Care and also a locally determined payment level for continuing healthcare clients. Payment for both of these is the responsibility of the NHS / Clinical Commissioning Group.</i></p> <p><i>The fixed rate needs to be evidenced to be accurately calculated and sustainable to providers delivering services in North Tyneside. There is a risk that choice of provider will be limited as some providers may not be able to deliver services at the rate set by the Local Authority. Many Providers have already made efficiencies and passed</i></p>

Protected characteristic	Potential positive or negative impact?	Explanation and evidence
		<p><i>these on to the Local Authority.</i></p> <p><i>The pricing strategy will apply for all state funded placements and does not affect those people with the ability to pay for their care privately. Where state funded, the pricing strategy does not impact on the charge / contribution paid by individuals – this will be determined separately by the financial assessment.</i></p> <p><i>There are no further identified impacts of the proposed rates and commissioning arrangements as set out in the Cabinet report.</i></p>
Gender	N/A	<p><i>The rates paid will be the same irrespective of client gender.</i></p> <p><i>The pricing strategy will apply for all state funded placements and does not affect those people with the ability to pay for their care privately. Where state funded, the pricing strategy does not impact on the charge / contribution paid by individuals – this will be determined separately by the financial assessment.</i></p> <p><i>There are no further identified impacts of the proposed rates and commissioning arrangements as set out in the Cabinet report.</i></p>
Gender reassignment	N/A	<p><i>The rates paid will be the same irrespective of client gender reassignment.</i></p> <p><i>The pricing strategy will apply for all state funded placements and does not affect those people with the ability to pay for their care privately. Where state funded, the pricing strategy does not impact on the charge / contribution paid by individuals – this will be determined separately by the financial assessment.</i></p> <p><i>There are no further identified impacts of the proposed rates and commissioning arrangements as set out in the Cabinet report.</i></p>
Marriage and civil partnership status	N/A	<p><i>The rates paid will be the same irrespective of client marital or civil partnership status.</i></p> <p><i>The pricing strategy will apply for all state funded placements and does not affect</i></p>

Protected characteristic	Potential positive or negative impact?	Explanation and evidence
		<p><i>those people with the ability to pay for their care privately. Where state funded, the pricing strategy does not impact on the charge / contribution paid by individuals – this will be determined separately by the financial assessment.</i></p> <p><i>There are no further identified impacts of the proposed rates and commissioning arrangements as set out in the Cabinet report.</i></p>
<i>Pregnancy and maternity</i>	N/A	<p><i>The rates paid will be the same irrespective of client pregnancy or maternity status.</i></p> <p><i>The pricing strategy will apply for all state funded placements and does not affect those people with the ability to pay for their care privately. Where state funded the pricing strategy does not impact on the charge / contribution paid by individuals – this will be determined separately by the financial assessment.</i></p> <p><i>There are no further identified impacts of the proposed rates and commissioning arrangements as set out in the Cabinet report.</i></p>
<i>Race</i>	N/A	<p><i>The rates paid will be the same irrespective of client race.</i></p> <p><i>The pricing strategy will apply for all state funded placements and does not affect those people with the ability to pay for their care privately. Where state funded, the pricing strategy does not impact on the charge / contribution paid by individuals – this will be determined separately by the financial assessment.</i></p> <p><i>There are no further identified impacts of the proposed rates and commissioning arrangements as set out in the Cabinet report.</i></p>
<i>Religion or belief</i>	N/A	<p><i>The rates paid will be the same irrespective of client religion or belief.</i></p> <p><i>The pricing strategy will apply for all state funded placements and does not affect those people with the ability to pay for their care privately. Where state funded, the pricing strategy does not impact on the charge / contribution paid by individuals – this will be determined separately by the financial assessment.</i></p>

Protected characteristic	Potential positive or negative impact?	Explanation and evidence
		<p><i>There are no further identified impacts of the proposed rates and commissioning arrangements as set out in the Cabinet report.</i></p>
<p><i>Sexual orientation</i></p>	<p><i>N/A</i></p>	<p><i>The rates paid will be the same irrespective of client sexual orientation.</i></p> <p><i>The pricing strategy will apply for all state funded placements and does not affect those people with the ability to pay for their care privately. Where state funded, the pricing strategy does not impact on the charge / contribution paid by individuals – this will be determined separately by the financial assessment.</i></p> <p><i>There are no further identified impacts of the proposed rates and commissioning arrangements as set out in the Cabinet report.</i></p>

7. Have you carried out any engagement in relation to this proposal? If so, what?

The following information has been received and considered as part of the completion of this document:

- *Feedback from care home providers and Care North East – North Tyneside as part of the care home fee setting process over the last two years;*
- *Understanding of care home fees paid by other Local Authorities in the NE region;*
- *Information from 30 care homes for older people operating across North Tyneside on staffing levels and dependency ratings of the clients they have in their care homes;*

Furthermore, this document forms part of an open engagement / consultation exercise with all care homes for older people operating across North Tyneside and also with Care North East – North Tyneside (being the representative body of a majority of the care homes operating in North Tyneside).

Information from this will be reviewed by the Authority and will feed into final decisions on the pricing strategy and this Equality Impact Assessment.

In addition to this and as part of compiling information for the Cabinet report on 24 January 2022, the following has been undertaken:

- *Additional engagement and feedback from care home providers and Care North East (North Tyneside) on costs and delivery of care home provision in North Tyneside;*
- *Benchmarking of proposed rates against rates paid by other Local Authorities in the North East*

8. Is there any information you don't have that you need to find?

None

9. What actions are already in place, or will be taken, to remove or reduce potential negative impacts?

Action	Responsibility	Timescale
<i>Quality monitoring tool to be reviewed and updated, this tool is used to monitor provider performance</i>	<i>Commissioning</i>	<i>October / November in each year</i>
<i>Review of the pricing strategy on an annual basis – rates paid for care home provision, due to inflationary uplifts</i>	<i>Commissioning</i>	<i>November to February in each year and fed into the Authority's budget setting process where growth is required</i>
<i>Quality monitoring tool to be extended to include other areas of performance monitoring to measure impact of fixed rate setting.</i>	<i>Commissioning</i>	<i>October / November in each year</i>
<i>1:1 meetings with Care Providers and Care North East (North Tyneside) to understand the impacts and concerns affecting individual provider organisations</i>	<i>Commissioning</i>	<i>As required</i>

10. Are there any potential negative impacts that cannot be removed or reduced? If so, why is this?

None

11. Based on your conclusions from this assessment, what are your next steps?

The next steps relating to the implementing the fee rates are:

- *Feedback to care home providers following decision by Cabinet on 24 January 2022;*
- *Progress the procurement process for the award of new framework contracts with all care home providers operating in North Tyneside.*

12. How will the impact of this proposal be monitored after it is introduced?

Monitor and review through actions identified at 9 above

13. When will this EIA be reviewed?

Annually as part of the fee setting process and inflationary / cost increases, in February / March of each financial year leading into fees for the following financial year.