

1. Topic of assessment

EIA title:	Adult Social Care Local Authority Trading Company (LATC) Business Case
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EIA author:	Simon Laker
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2. Approval

	Name	Date approved
Approved by	Directorate Equality Group	December 2013

3. Quality control

Version number	v0.3	EIA completed	November 2013
Date saved	04.12.13	EIA published	December 2013

4. EIA team

Name	Job title (if applicable)	Organisation	Role
Graham Wilkin	Interim AD, Service Delivery, Adult Social Care	Surrey County Council	Project Team Chair
Marion Price	Parent/Carer	LD partnership Board	Stakeholder
Simon Laker		Surrey County Council	Programme Manager
Omar Mehtar	HR Advisor	Surrey County Council	HR Advisor
Kat Macann	Project Manager	Surrey County Council	Project Manager

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5. Explaining the matter being assessed

<p>What policy, function or service is being introduced or reviewed?</p>	<p>On 17 December 2013 the council's Cabinet will be presented with report recommending the creation of a Local Authority Trading Company (LATC) as a new model of delivery for selected in-house services for adults with disabilities. This report will include a business case and a draft business plan for the LATC.</p> <p>As a starting point, this EIA focuses assessing the impact of the decision to create a LATC for the services listed below.</p> <p>If the business case is approved by Cabinet, we will start a consultation and engagement process to involve staff and other stakeholders in developing the business plan for the LATC, which will describe the company's vision and values, operating model, and plans for service development.</p> <p>This EIA will be updated over coming months to assess the impact of any changes identified through the business planning process.</p> <p>The services in scope are:</p> <ul style="list-style-type: none">• Day Services for people with learning disabilities and physical disabilities• AboutUs Accessible Learning Team• EmployAbility• Shared Lives Service• Personalisation Team <p>Day Services offer people with learning and physical disabilities a range of opportunities for leisure, activities, training, volunteering and work. Services sustain friendship networks and perform a critical respite function to support family carers, with specialist services provided for people on the autistic spectrum and those with dementia. The majority of services are offered on weekdays throughout the year from 9am to 4pm, with transport options provided. A range of evening breaks, social and holiday activities are also offered outside these hours on an ad hoc basis. The average age of people accessing day services is 48 and most people have been part of services for a number of years. Past consultations have indicated that these services are valued and held in high regard by people who use services, carers and families.</p> <p>The AboutUs Team works across the county with people who use day services. The team offers an accessible learning programme and works on accessible communications projects.</p> <p>EmployAbility works across the county offering support for people with disabilities (with the exception of mental health) to access paid employment, volunteering, life skills and training opportunities. Demand for this service is growing, particularly from younger people coming through transition from children's to adults' services. The team has been nationally recognised for its work with employers,</p>
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	<p>schools and colleges.</p> <p>The Shared Lives Service offers short-, long-term and respite care in a home environment to people with any type of eligible support need. The service recruits and trains Shared Lives Carers, then matches them with the person who needs the service and provides ongoing support to both.</p> <p>The Personalisation Team was created as an outcome of the PVR and works with groups of people using in-house services to facilitate Supported Self Assessments, uptake of personal budgets and support planning using community support networks.</p>
<p>What proposals are you assessing?</p>	<p>We are assessing the proposal to create a Local Authority Trading Company as a new model of delivery for selected in-house services for adults with disabilities.</p> <p>Business Case Proposal</p> <p><u>No changes to the delivery of current services are proposed</u></p> <p>The basis of the business case is that the LATC will be contracted by the Council to continue delivering the current services, but moving to a formal commissioner / provider relationship with the Council.</p> <p>Once the LATC is operational, will look for opportunities to develop through a combination of:</p> <ul style="list-style-type: none"> • Improving existing services • Offering services to a wider range of customers • Developing new community support services <p><u>Changes to Staffing</u></p> <p>All posts within in-scope services will be transferred across to the LATC under TUPE (Transfer of Undertakings, Protection of Employment) regulations. No changes are proposed to staff terms and conditions, duties or work locations.</p> <p><u>Changes to Governance</u></p> <p>The biggest change in this proposal is to how services are managed. The business case gives a summary of the proposed governance arrangements. The LATC will be wholly owned by the Council, but services will have a different relationship with the Council and Adult Social Care.</p> <p>To ensure that people who use services continue to be at the heart of our services, we are proposing to create an 'Involvement Board' to The Involvement Board will include representatives of:</p> <ul style="list-style-type: none"> • people with disabilities who use services • family carers and personal advocates • LATC staff and volunteers.

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It will be an active planning and steering group and will have a representative on the management panel of the LATC.

Background

The proposal follows a large-scale consultation in 2009 on the future of Day Services and the 2012 Learning Disability Public Value Review.

On 22 October 2013 Cabinet received a report from the Strategic Director for Adult Social Care which outlined the options available to the Council regarding the future of in-house day services and community support options for people with disabilities and older people. Three options for these services were assessed in terms of their potential to meet both current and future needs of customers and secure the long term sustainability of services:

- stay “as is”
- de-commission services and re-commission in the market
- adopt a different model of delivery.

The report concluded that a different model of delivery, namely a Local Authority Trading Company (LATC), was the preferred option for the following reasons:

- *Sustainability*: The LATC model offers sustainability in terms of financial returns to the Council, modest but consistent growth projections and ongoing efficiency savings
- *Customer Benefits*: Greater flexibility to offer services to a wider market, including people who do not meet current eligibility criteria
- *Ownership*: The Council will own the LATC and any surplus or dividend will revert back to the Council for further investment in services
- The LATC will deliver flexible and adaptable services, aligned to its objectives, at comparatively low cost
- Retaining a skilled workforce and links to the Council’s trusted brand
- By retaining ownership, the Council could continue to shape the market.

Authority was given to the Strategic Director to proceed with investigating the feasibility of creating a LATC.

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Who is affected by the proposals outlined above?	<u>Staff</u> Approximately 294 staff are expected to be part of the transfer.																
	<u>People who use services, families and carers</u> This table shows the approximate number of people each service currently works with:																
	<table border="1"> <thead> <tr> <th>Service</th> <th>Who is it for?</th> <th>Number of people¹</th> </tr> </thead> <tbody> <tr> <td>Day Services and AboutUs</td> <td>Adults (18+) with learning disabilities, autism, physical disabilities and/or sensory impairments</td> <td>794</td> </tr> <tr> <td>EmployAbility</td> <td>Any adults who are eligible for support from the Council, except for people with mental health as their main support need</td> <td>646 registered job seeking and/or on courses 511 in work or voluntary placements</td> </tr> <tr> <td>Shared Lives Service</td> <td>Any adults who are eligible for support from the Council, including older people</td> <td>22</td> </tr> <tr> <td>Personalisation Team</td> <td>All adults who currently access the Council's in-house provider services</td> <td>165</td> </tr> </tbody> </table>	Service	Who is it for?	Number of people ¹	Day Services and AboutUs	Adults (18+) with learning disabilities, autism, physical disabilities and/or sensory impairments	794	EmployAbility	Any adults who are eligible for support from the Council, except for people with mental health as their main support need	646 registered job seeking and/or on courses 511 in work or voluntary placements	Shared Lives Service	Any adults who are eligible for support from the Council, including older people	22	Personalisation Team	All adults who currently access the Council's in-house provider services	165	
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<u>Future potential customers</u> The business case identifies opportunities for the LATC to develop new services or offer current services to a wider range of customers. These may include:																	
<ul style="list-style-type: none"> • People who are funded by SCC (or Other local authorities) but do not currently access LATC services • People who are not funded by SCC (or OLAs) but can afford to purchase services • Commissioners and other organisations 																	

¹ Data from September 2013. Some people access multiple services – the Personalisation Team currently works solely with individuals accessing an in-house service.

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6. Sources of information

Engagement carried out

The process of developing these proposals has built on successive consultation periods since 2009. Most significantly, the Learning Disability PVR and subsequent Commissioning Strategy were developed by the Learning Disability Partnership Board, and involved people who use services, their carers and families.

An 'easy read' style version of the 22 October Cabinet report was published on the Council's website, with a link circulated to the all affected staff, ASC managers and all stakeholders on the Learning Disability Partnership Board and Empowerment Boards email lists.

Engagement regarding the preparation of the business case has included:

- Briefing staff in affected services and creating a Questions and Answers document responding to questions raised in these sessions
- Personalisation Team away day
- Meeting with Trade Union representatives
- Meeting with the Learning Disability Partnership Board to discuss the proposal and future communication needs/ideas
- Preparation of a general 'Q&A' document for external stakeholders.

A Communication and Engagement Plan is attached to the business case, outlining plans to engage with staff and other stakeholders from January 2014 onwards. We plan to involve staff and people who use services, carers and families in a co-design process over coming months to refine the business plan for the LATC.

There has been no specific consultation with stakeholders outside the EIA team regarding the preparation of this initial EIA, aside from incorporating feedback from the ASC Directorate Equalities Group. However, the EIA will continue to be revised over coming months as part of the wider engagement that is planned.

Once the LATC is operational, the governance structure (described above) will ensure that stakeholder engagement is a key part of business as usual.

Data used

- Data regarding people using services was updated by in-scope services in September 2013
- Staffing data, for the purpose of due diligence, has been gathered from Surrey County Council Payroll and Organisational Management databases
- Options Appraisal and SWOT analysis presented to Cabinet 22 October 2013

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7. Impact of the new/amended policy, service or function

7a. Impact of the proposals on residents and service users with protected characteristics

Protected characteristic ²	Potential positive impacts	Potential negative impacts	Evidence
Age	The LATC's draft business plan includes ideas for developing new services for younger people with disabilities and older people	None identified	Commissioners have highlighted demand for a greater of services for young people; each year approximately 90-120 young people with high support needs are leaving school, of which 75% have a primary need of learning disability or Autism. ³
Disability	Sustainability and continued improvement of existing services Opportunities for the LATC to develop new services Flexibility for the LATC to offer services to people who are not currently eligible for support from the Council	None identified in terms of the proposal to create a LATC People with learning disabilities may find it difficult to understand what the changes may mean for them.	The Cabinet Report on 22 October included a SWOT analysis showing the benefits of the LATC model in terms of protecting services. The LATC will be legally allowed to trade with private individuals or businesses, whereas the Council cannot.
Gender reassignment	None Identified	None Identified	
Pregnancy and maternity	None Identified	None Identified	
Race	None Identified	None identified in terms of the proposal to create a LATC We will need to ensure information regarding changes and services is accessible to people whose first language is	

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² More information on the definitions of these groups can be found [here](#).

³ Children's Services February 2013

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		not English	
Religion and belief	None Identified	None Identified	
Sex	None Identified	None Identified	
Sexual orientation	None Identified	None Identified	
Marriage and civil partnerships	None Identified	None Identified	
Carers⁴	<p>The LATC's draft business plan includes ideas that could have a positive impact on carers, such as:</p> <ul style="list-style-type: none"> • develop new services for carers, including assessments and support planning • extend evening and weekend options for services • further develop short breaks and holidays offer • flexibility for the LATC to offer services to people who are not currently eligible for support from the Council 	None Identified	

⁴ Carers are not a protected characteristic under the Public Sector Equality Duty, however we need to consider the potential impact on this group to ensure that there is no associative discrimination (i.e. discrimination against them because they are associated with people with protected characteristics). The definition of carers developed by Carers UK is that 'carers look after family, partners or friends in need of help because they are ill, frail or have a disability. The care they provide is unpaid. This includes adults looking after other adults, parent carers looking after disabled children and young carers under 18 years of age.'

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7b. Impact of the proposals on staff with protected characteristics

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
Age	None Identified	None Identified	All staff currently employed in the services and teams listed in the proposals will transfer under TUPE to the LATC with no changes to their terms and conditions, duties or work location. As the proposals do not entail a significant change to current working conditions we do not anticipate any impact on staff with protected characteristics
Disability	The LATC's draft business plan states that we want to work closely with EmployAbility to identify work and volunteering opportunities for people with disabilities within the LATC	None identified in terms of the proposals themselves We will need to ensure the consultation process is fully accessible to staff with physical or sensory impairments or learning disabilities Possible negative impact on service delivery during implementation of the LATC if key staff/managers are heavily involved in project work	As above
Gender reassignment	None Identified	None Identified	As above
Pregnancy and maternity	None Identified	None identified in terms of the proposals themselves We will need to ensure the	As above

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		consultation process is fully accessible to staff who are on maternity leave	
Race	None Identified	<p>None identified in terms of the proposals themselves</p> <p>We will need to ensure the consultation process is fully accessible to staff whose first language is not English</p>	As above
Religion and belief	None Identified	None Identified	As above
Sex	None Identified	<p>None identified in terms of the proposals themselves</p> <p>We have a significant percentage of female staff who work part time. We will need to ensure the consultation process is fully accessible to these staff.</p>	As above
Sexual orientation	None Identified	None Identified	As above
Marriage and civil partnerships	None Identified	None Identified	As above
Carers	None Identified	<p>None identified in terms of the proposals themselves</p> <p>We will need to ensure the consultation process is fully accessible to staff who have caring responsibilities</p>	As above

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8. Amendments to the proposals

Change	Reason for change
Updated Communication & Engagement plan to include ideas from the Learning Disability Partnership Board	Added ideas for communication actions in response to feedback.

9. Action plan

Potential impact (positive or negative)	Action needed to maximise positive impact or mitigate negative impact	By when	Owner
Accessibility of consultation and engagement processes for people with learning disabilities	All key public documents will be published in an 'easy read' format The Communications & Engagement Plan will include presenting information using different media such as video and radio	Full Communications Plan to be in place by 20 December	Claire Richards / Gail Petty
Accessibility of consultation and engagement processes for people with English as a second language	All key public documents will be published in an 'easy read' format Information will be presented to staff in face to face meetings and discussions. Line managers will be fully briefed and will be able to support staff individually if required	As above	Claire Richards / Gail Petty
Accessibility of consultation and engagement processes for staff who are on maternity leave, work part time or have caring responsibilities	Hard copies of all key information, including question and answer documents, will be sent to all staff. All communications will be cascaded in hard copy as well as electronic formats Line managers will be fully briefed and will be able to support staff individually if required	As above	Claire Richards / Gail Petty
Negative impact on service delivery during implementation of the LATC if key staff/managers are involved in project work	Thorough implementation planning to identify key actions and resources required; plan ahead to ensure 'business as usual' will be adequately supported Dedicated project resource to	Draft implementation plan by 18 November Full implementation plan by 20	Kat Macann

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	support implementation	December	
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10. Potential negative impacts that cannot be mitigated

Potential negative impact	Protected characteristic(s) that could be affected

11. Summary of key impacts and actions

<p>Information and engagement underpinning equalities analysis</p>	<p>Information:</p> <ul style="list-style-type: none"> • Data regarding current customers from service data collection September 2013 • Staff data from Surrey County Council Payroll and Organisational Management databases. • Data regarding potential future customers from the LATC Draft Business Plan <p>Engagement:</p> <p>While developing the proposals we have engaged early on with affected staff and key stakeholder groups to identify their initial concerns and questions.</p> <p>Wider consultation and engagement with staff and other stakeholders is planned as part of the next phase of the project and will include specific engagement regarding equalities impacts.</p>
<p>Key impacts (positive and/or negative) on people with protected characteristics</p>	<p>The Draft Business Plan identifies a number of opportunities to improve and develop services for existing customers and other potential customers – in particular older people, young adults with disabilities, and a wider range of people with disabilities.</p> <p>No specific negative impacts on people with protected characteristics have been identified with regard to the proposals themselves. (The Cabinet Report addresses general benefits and risks of the proposals.)</p> <p>The potential negative impacts that have been identified with regard to the process of implementing the proposals will be addressed through the HR and Communications workstream</p>

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	of the project team.
Changes you have made to the proposal as a result of the EIA	Incorporated ideas from early engagement into the Communications and Engagement Plan.
Key mitigating actions planned to address any outstanding negative impacts	<p>The Communications and Engagement Plan will ensure that staff and other stakeholders are fully informed and consulted throughout the process of creating the LATC, particularly the development of the business plan.</p> <p>Once the LATC is established, the Involvement Board will ensure that people who use services, families, and carers, as well as staff and volunteers, will be actively involved</p>
Potential negative impacts that cannot be mitigated	None identified

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