



# City of Edinburgh Council Record of Equality and Rights Impact Assessment

## Part 1: Background and Information

### (a) Background Details

Please list ERIA background details:

**ERIA Title and Summary Description:** **One to One Day Services contract tender**

Service Area	Division	Head of Service	Service Area Reference No.
Planning and Commissioning - Older People's Services, Health and Social Care	Older People's services	Monica Boyle	HSC 47

### (b) What is being impact assessed?

Describe the different policies or services (i.e. decisions, projects, programmes, policies, services, reviews, plans, functions or practices that relate to the Corporate ERIA Title):

Policies and Services	Date ERIA commenced
<p>This ERIA relates to the tender of a contact for a registered one to one day service for older people throughout Edinburgh. The procurement approach to day services for older people has been developed in line with the Commissioning Plan for Social Care Day Services for Older People 2012-17 and the Market Shaping Strategy.</p> <p>One to one day service for older people are currently provided by Life Care. European and Scottish procurement legislation requires the Council to advertise contracts for competition. The results of a soft market testing exercise in October 2014 will demonstrate if there is interest from providers in delivering the service. Should there be interest in the delivery of this service the Council will be required to formally advertise the contract for tender.</p> <p>This ERIA considers any impacts that the procurement process may have on the equalities and rights of services users, staff and the wider community.</p>	<p>August 2014</p>

**(c) When is it due to be reviewed?** (insert furthest away date if question relates to a number of review dates) **October 2016**

**(d) ERIA Team**

Please list all ERIA Team Members:

Name	Organisation / Service Area
1. Mike Crossland Planning and Commissioning Officer, Health and Social Care 2. One to One day services procurement Project Team Representatives from Health and Social Care – Older People’s Services, Contracts, Corporate Governance – Procurement, Legal and Finance functions, Services for Communities – Property Services	Planning and Commissioning Officer, Health and Social Care
2. One to One day services procurement Project Team	Older People’s Services, Contracts, Corporate Governance – Procurement, Legal and Finance functions
Checkpoint Group for Older People	

## Part 2: Evidence and Impact Assessment

### (a) Evidence Base

Please record the evidence used to support the ERIA. Any identified evidence gaps can be recorded at [part 3a](#). Please allocate an abbreviation for each piece of evidence.

Evidence	Abbreviation
Live Well in Later Life 2012-22	LW
Reshaping Care for Older People 2011-21	RC
Commissioning Plan for Social Care Day Services for Older People 2012-17	CPS
ERIA - Commissioning Plan for Social Care Day Services for Older People 2012-17	ERIA CP
Report on the findings of the consultation on the future of day services for older people from minority ethnic communities, Health Social Care and Housing Committee 17 June 2014	RFMEC

### (b) Rights Impact Assessment – Summary

Please describe all the identified enhancements and infringements of rights against the following ten areas of rights. Please also consider issues of poverty and health inequality within each area of rights:

- Life
- Health
- Physical security
- Legal security
- Education and learning
- Standard of living
- Productive and valued activities
- Individual, family and social life
- Identity, expression and respect
- Participation, influence and voice

Please indicate alongside each identified enhancement or infringement the relevant policy or service (see [part 1b](#)) and relevant evidence (see [part 2a](#)).

#### Summary of Enhancements of Rights

##### Life

Helping people live as independently as possible for as long as possible in their own homes and communities is a key aim of Live Well in Later Life, Edinburgh's Joint Commissioning Plan for Older People 2012-22. Day services play an important role, as part of a wider range of services, in supporting people to continue living in the community, by providing socialisation, improved health and wellbeing, and providing a break for unpaid carers.

##### Health

Improved health and wellbeing for older people is a key outcome for all day services in the city. The service specification for registered day services for older people includes a number

of outcome measures which day service providers are required to meet.

#### Physical security

Feeling safe is a key quality of life outcome, included in the specification for registered day services for older people.

#### Legal security

Day services provide a range of support for older people which may include signposting service users to appropriate information, advice and support in relation to, financial, welfare rights and advocacy services.

#### Education and learning

Lifelong learning is a factor in successful ageing. Activities that can be facilitated by one to one day services include those which focus on keeping mentally active. Day services also have a role in encouraging service users to remain connected to community activities and resources which may be through classes, library resources or adult education courses.

#### Standard of living

Registered one to one day services provide personal care for service users that require it. This may include washing and showering. These services have an important role in the standard of living for frail, older people living in the community. Signposting to welfare advice services and providing a break for unpaid carers, who can often be under considerable stress, all contribute to improved standards of living.

#### Productive and valued activities

One to one day services provide an important opportunity for service users to take part in a range of productive and valued activities. Providers are required to demonstrate the provision of meaningful physical and cognitive activities, tailored to individuals, and to facilitate activities based on outcomes and wished identified from service users.

#### Individual, family and social life

The provision of one to one day services is intended to ensure that people who have care and support needs and wish to continue living in their own home or community are supported to do so. Social isolation can be a reason why a person may wish to consider alternatives to remaining at home therefore one to one day services promote these rights. The value of family connections in older age has been identified within research studies however it has also been recognised that some older people do not have family members on whom they can rely. One to one day services provide an important opportunity for isolated older people to continue to maintain social networks or activities they have previously had interest in.

#### Identity, expression and self-respect

Provision of a personalised service, based on individual choice, is central to the service specification for registered one to one day services.

#### Extract from service specification:

Successful delivery of the service involves putting the person at the centre of decisions about the way they want to live and the support they want to receive. It requires that services are provided in a way which reflects a strong commitment to the principles set out in the National Care Standards. The principles are dignity, privacy, choice, safety, realising potential and equality and diversity. It also requires close co-operation with and listening to the views of people who use the service and where appropriate, family carers and friends.

#### Participation, influence and voice

Registered day service providers are required to ensure that people contribute to and are fully involved in the development and regular review of their Personal Plan, have a variety of opportunities to express their views on the service and are actively involved in the development of the services – for example through one to one conversations, reviews of service and outcomes or questionnaires.

### **Summary of Infringement of Rights**

Can these infringements be justified? Are they proportional?

This ERIA relates to the tender of a contract for a registered one to one day service for older people. The process may result in a change in provider for the service. The quality of service provision and the protection of the rights of service users is a key priority throughout the procurement process. The following actions have been taken to ensure that these priorities are met:

- A robust service specification has been developed for the service, with a focus on the rights of service users and quality standards
- The service is required to be registered with the Care Inspectorate and as such will be required to adhere to registration requirements
- The evaluation of tender bids will be carried out in a way that aims to ensure that quality standards are maintained, this includes;
  - application of a 'quality : cost' weighting
  - evaluation questions cover key areas of the service in relation to quality of service, equalities and rights
  - a robust evaluation process undertaken by staff with appropriate experience of older people's health and social care services
  - a communications plan will be developed and will be implemented in partnership with the current provider to ensure that key messages are communicated to relevant stakeholder in a timely and appropriate manner
  - If the result of the tender means that the contract is awarded to another provider, transition arrangements will be well planned to ensure minimum disruption for service users.

### **(c) Equality Impact Assessment – Summary**

Please consider all the protected characteristics when answering questions 1, 2 and 3 below. Please also consider the issues of poverty and health inequality within each protected characteristic:

- Age
- Disability
- Gender identity
- Marriage / civil partnership
- Pregnancy / maternity
- Race
- Religion / belief
- Sex
- Sexual orientation

1. Please describe all the positive and negative impacts on the duty to eliminate unlawful discrimination, harassment or victimisation. Please indicate alongside each identified impact the relevant policy or service (see [part 1b](#)) and relevant evidence (see [part 2a](#)).

### **Positive Impacts**

All day services for older people are required to “take positive action to combat discrimination and identify individual needs arising from specific ethnic, religious, cultural, gender, sexuality, disability or age requirements and ensure their staff are able to meet these needs” (extract

from service specification).

Age - Registered one to one day services provide support for older people (over 65) who are socially isolated or with unpaid carers experiencing high levels of stress due to their caring responsibilities. The criteria for these services mean that the majority of service users are aged over 80 years old. One to one days services recognise that older people are not a homogenous group, and offering personalised services.

Disability – Day services provide support for older people who are frail, have mobility difficulties, physical disabilities, cognitive impairment, dementia and mental health issues. One to one day services can be of benefit to people who's needs mean that group day care settings are not appropriate. This may be because their level of mobility means they are housebound or have dementia or mental health needs that mean one to one support is required to reduce distress or facilitate engagement.

Sex, sexual orientation, marriage/ civil partnership – all day services must be welcoming of people of all gender identities and/ or sexual orientations. Activities should be personalised to the individual, based on their preferences, avoiding stereotypes or assumptions. One to one day services have the potential to match staff to a person that has an understanding of the person's identity, background or protected characteristics. The service specification includes the following in requirement of provider ' as far as reasonably possible, allocate staff and or volunteers to deliver the service in accordance with the individual needs, cultural, religious and gender preferences of the service user'

#### **Negative Impacts**

Age – The criteria for the service does exclude younger adults. However, the focus of the services on older, frail adults, means that the service is unlikely to be suitable for, and would not be chosen by, adults under 65. The City of Edinburgh Council provides and funds other services for younger adults with health and social care needs. However, each case will be considered on an individual basis.

2. Please describe all the positive and negative impacts on the duty to advance equality of opportunity (i.e. by removing or minimising disadvantage, meeting the needs of particular groups that are different from the needs of others and encouraging participation in public life)? Please indicate alongside each identified impact the relevant policy or service (see [part 1b](#)) and relevant evidence (see [part 2a](#)).

#### **Positive Impacts**

The advancement of equality of opportunity is a key aspect of day services for older people, which aim to minimise any disadvantage faced by older people, whether through disability, dementia, frailty or isolation. The services are tailored to meet the needs of the people using the services in a personalised a way as possible. The Service is aimed at people who do not have equality of opportunity to access centre based day care due to their individual needs, such as mobility or level of dementia.

#### **Negative Impacts**

N/A

3. Please describe all the positive and negative impacts on the duty to foster good relations (i.e. by tackling prejudice and promoting understanding)? Please indicate alongside each identified impact the relevant policy or service (see [part 1b](#)) and relevant evidence (see [part 2a](#)).

#### **Positive Impacts**

Day services are required to tackle prejudice or discrimination (see section iii a).

- The report on the findings of the consultation on the future of day services for older people from minority ethnic communities, shows how services tailored to the needs of older people from minority ethnic communities ('specialist' services) are valued by service users and families. The report also sets out the importance of mainstream services being

accessible to older people from ethnic minority groups. Included within service specification is the need for the provider to have training for staff and volunteers on diversity and working with marginalised groups.

**Negative Impacts**

N/A

### Part 3: Evidence Gaps, Recommendations, Justifications and Sign Off

#### (a) Evidence Gaps

Please list all relevant evidence gaps and action to address identified gaps.

Evidence Gaps	Action to address gaps

#### (b) Recommendations

Please record SMART recommendations which may include actions to

- (i) eliminate unlawful practice or infringements of absolute rights;
- (ii) justify identified infringements of rights; or
- (iii) mitigate identified negative equality impacts
- (iv) further advance equality and rights, and promote good relations.

Recommendation	Responsibility of (name)	Timescale
1. Ensure that the service specification for the one to one day service includes clear requirements in relation to equalities and rights issues.	Mike Crossland	20/10/14
2. Include a question within the tender documentation on how equalities requirements will be met by the provider, to be evaluated by the panel.	Mike Crossland	20/10/14
3. Continue to work with service provider to ensure learning, good practice from all day services is shared with the provider of one to one day services. The findings from the consultation on the future of day services for older people from minority ethnic communities in relation to equalities and rights should, where relevant to one to one day services inform ongoing delivery of the one to one day service.	Mike Crossland	ongoing

#### (c) Sign Off

I, the undersigned, am content that:

- (i) the ERIA record represents a thorough and proportionate ERIA analysis based on a sound evidence base;
- (ii) the ERIA analysis gives no indication of unlawful practice or violation of absolute rights;
- (iii) the ERIA recommendations are proportionate and will be delivered;
- (iv) the results of the ERIA process have informed officer or member decision making;
- (v) that the record of ERIA has been published on the Council's website / intranet, or
- (vi) that the ERIA record has been reviewed and re-published.



Date	Sign Off (print name and position)	Reason for Sign Off (please indicate which reason/s from list (i) to (vi) above)
3.11.14	Monica Boyle	