

# Equality Impact Assessment

**Relating to: Youth Support Service Commissioning 2013**

**Date: 22 May 2012 (updated 14<sup>th</sup> November 2012)**

## Introduction

This Impact Assessment supports the County Council in meeting its legal obligations under the **Public Sector Equality Duty**, now contained in section 149 of the Equality Act 2010. The Equality Duty ensures that public bodies have due regard to the statutory needs referred to in section 149 when exercising their functions.

Section 149 provides that in exercising its functions an authority must have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- foster good relations between people who share a protected characteristic and those who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it involves having due regard (in particular) to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and those who do not share it involves having due regard (in particular) to the need to tackle prejudice and to promote understanding.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled person's disabilities.

Compliance with the duties in section 149 may involve treating some persons more favourably than others; but not if that would itself involve conduct which is made unlawful under the Equality Act 2010.

The protected characteristics to which the duty applies are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, also marriage and civil partnership but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard to** means consciously thinking about the statutory needs as part of the process of decision making, when the proposals are still at a formative stage, and before a decision is reached. This means that consideration of those equality issues must influence the decisions reached by public bodies. The Equality Duty must be exercised in substance, with rigour and with an open mind.

Indirect discrimination occurs where a condition criterion or practice is applied which would put people with one of the protected characteristics at a disadvantage, and the imposition of that condition, criterion or practice is not a proportionate means of achieving a legitimate aim, i.e. it cannot be objectively justified.

It is important to understand and consider how different people will be affected by the decisions the Council makes, so that policies and services are appropriate and accessible to all and meet different people's needs.

This assessment will help you think about the potential impact your proposals will have on all sections of the community. Recognising these impacts early on in the process of developing policies will assist good decision making and ensure that the County Council delivers services appropriate to people's needs. Remember that the Equality Duty involves having due regard to the needs to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, as well as to eliminate discrimination and other conduct which is unlawful under the Equality Act 2010.

#### 1. Person responsible for undertaking this assessment:

**Name:** Simon Bilous, Lead Commissioner

**Service:** Commissioning: Children & Families

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**Date of Assessment:** 22 May 2012 (updated 14<sup>th</sup> November 2012)

**2. Name and brief description of the policy, service, strategy, procedure or function: (indicate whether new or revised)**

**Commissioning Youth Support Service in 2013**

The original EIA for the Meeting the Challenge Young People's Change Programme contained provision to do supplementary EIAs, analysing the implications of different aspects of the change programme. This one is on how the recommendations for awarding the contract for the Youth Support Service for 2013 might affect staff and service users, especially those from protected groups under the Equalities Act.

**3. Briefly describe its aims and expected outcomes**

The staff and stakeholder review of the Youth Support Service's new service model and of the options for commissioning from 2013 included consideration of equalities issues, in particular any potential impacts on service users or staff from protected groups under the Equalities Act. This review included involvement of staff and unions, as well as partners and stakeholders and in turn informed deliberations on the options, and the subsequent commissioning proposal.

The responses to the invitation to tender (ITT) were assessed by three separate panels: one comprising council, NHS and independent sector commissioners, one comprising current Youth Support Service staff employed by the council, and the third, young people who have used the services. These evaluations were used to inform the recommendation to award a contract to the preferred provider included in the report for 28<sup>th</sup> November 2012 Cabinet.

**4. Describe how this policy will impact on the Council's duty to:**

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations

Identify what particular groups of people will be affected by this policy.

The proposal is to maintain the current service model in terms of budget and staffing levels and structures, scope, integration and reach of service, and engagement of young people across equalities groups. There will be no change in the range of service users.

The YSS workforce will also largely remain in place, whether currently employed by Prospects or GCC, but under the proposed new contract a new provider will lead and manage the service and employ the majority of the staff from 2013. Staff would transfer with TUPE and Fair Deal pensions protections. The buildings currently used by the Youth Support Service as centres for area teams and access points for young people will remain owned by the council.

Outcomes from the commissioning of the Youth Support Service in 2013 are detailed in the Cabinet Report. Information from the review, including equalities considerations, is part of Cabinet decision making process.

**5. Provide details of the evidence you have gathered in making this assessment, including data sources, consultation undertaken and the outcome/s of this.**

A staff and stakeholder review from 20 April to 18 May 2012 included consideration of potential equalities issues and involvement of staff and unions. All YSS teams (representing 227 staff) made a contribution to the review, as did partners from health (public health, mental health, substance misuse, NHSG), the youth justice system (police, probation, HM Courts, YJB), the voluntary and community sector (VS Assembly, Young Carers, Diocese), housing associations, local government (Districts, GCC commissioning and delivery).

Evidence from the review: With regard to service users, participants in the review did not identify many potential equalities impacts or differences between the two models, noting that these would come more at the service delivery level through a specification which was clear on equalities commitments. Mention was made of access issues, though, both through well-placed buildings and provision for young people in rural areas, and of the benefits of well-supported and seamless transitions for young people with disabilities or learning difficulties into adult life.

With regard to equalities impacts on staff, participants noted the importance of the values and policies of any future provider in how they treated staff: future terms and conditions, managing change, relative stability, organisational and management culture, equal opportunity recruitment (part-time working, disabled employees etc) and the ongoing partnership with other GCC (and NHS, police) services in multi-professional delivery.

Information given on the implications of Option A or Option B was mostly about the options as affecting the service or staff as a whole, rather than on specific potential equalities impacts.

6. Is this Policy affected by, or will it have an impact on other Meeting the Challenge proposals? Yes/No. (If yes, please specify relevant project and indicate how it is affected).

No.

7. Where any particular group is affected differently by the policy in either a negative or a positive way, if you identify a negative impact, explain what actions you have undertaken or you plan to undertake, including consideration of any alternative proposals, to lessen or negate this impact.

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including who will be responsible for monitoring.
<b>Age</b>			x	No change in specified age range of service users: 10-24 with main cohort 13-19.		
<b>Disability (indicate different impacts on different types of disability)</b>			x	No change in current transitions service to young people 16-24 with SEN or disabilities, with potential for developing more work in this area.		
<b>Gender reassignment</b>			x	The service will continue to work inclusively with LGBT young people.		
<b>Marriage &amp; civil partnership</b>			x	No impacts identified. The equality impact will be kept under review as the procurement proceeds.		

<b>Pregnancy &amp; maternity</b>			x	The service will continue to give ongoing support for teenage parents.		
<b>Race (including Gypsy &amp; Traveller)</b>			x	The service will continue to have a priority focus on young people at risk in their communities.		
<b>Religion or Belief</b>			x	The service will continue to work inclusively with young people from all represented religions.		
<b>Sex</b>			x	The service will continue with its balanced approach to service users and use of single sex programmes where appropriate.		
<b>Sexual Orientation</b>			x	The service will continue to work inclusively with LGBT young people.		
<b>Indirect Discrimination</b>			x	The equality impact will be kept under review as the procurement proceeds.		
<b>Other groups: e.g. rural isolation, long term unemployed, health inequality, carers</b>			x	The service will continue to have a focus on young people at risk, including those facing isolation or health inequalities, those Not in Education, Employment or Training, and young carers.		
<b>Socio-economically deprived groups</b>			x	The service will continue to have a priority focus on young people at risk in their communities.		

<p><b>Community Cohesion</b></p>	<p>Provide details of any ways in which the proposed activity would promote equality in the community between those who share a protected characteristic and those who do not, and how it would promote good relations between such groups</p> <ul style="list-style-type: none"> <li>• Is there equality between those who will and won't benefit from the proposal?</li> <li>• Are there strong relationships between groups and communities in the area affected and will the proposed action promote positive relationships?</li> <li>• Does the proposal bring groups/communities into increased contact with each other?</li> </ul>	<p>The service will continue to have a priority focus on young people at risk in their communities, and to promote good relations between individuals, peer groups, families and communities.</p> <p>The impact on community cohesion will be kept under review as the procurement proceeds.</p>		
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## Declaration

We are satisfied that an Assessment has been carried out and where a negative impact has been identified, actions have been developed to lessen or negate this impact where possible.

Where the impact on equalities of the policy or proposals is very significant, and mitigating actions do not sufficiently lessen the impact, or mitigating actions cannot be identified, we have considered whether to go ahead with the original proposal at all, or whether to reformulate it.

We understand that the Equality Impact Assessment is required by the County Council and that we take responsibility for the completion and quality of this assessment.

Completed by: Simon Bilous

Date: 14<sup>th</sup> November 2012

Role: Lead Commissioner

Countersigned by Head of Service: Linda Uren *Linda Uren*

Date: 14<sup>th</sup> November 2012

Name of relevant Portfolio Holder/Cabinet Member: Cllr Paul McLain

I confirm that I have examined and understood the potential impact of the proposal and confirm that I have had due regard to the needs set out in section 149 of the Equality Act 2010.

*Paul McLain*  
..... Portfolio Holder/Cabinet Member

Date: *21<sup>st</sup> Nov 2012*