

## **Equality Impact Assessment: Transformation Plan for the Redesign of Health & Social Care Services in the Forres Locality Area**

### ***Important***

Under the Equality Act 2010 we must assure that all decisions are taken only after an active assessment of the impact of the decision on people affected by the decision. Where necessary, those who may be affected should be consulted beforehand.

If this is not done, the decision could be unlawful and the council can be prevented from acting upon the decision until the impact has been assessed. This will result in major delays in the implementation as well as financial, reputational and other potential damage and loss to the council.

London Councils had decided to cut £10 million from their grants budget of £26 million. No act of consideration or assessment was given of the impact of the decision on the users of services supported by the grants. Court action was taken by the users against the councils. The Court decided in January 2011 that the decision was unlawful and instructed the councils to assess the impact of the decision. The Court also decided that no grant was to be terminated until 3 months after the conclusion of the assessment exercise.

Service: Health & Social Care Moray

Title of policy/activity: Redesign of Health & Social Care Services in the Forres Locality Area

1. What are the aims and objectives of the policy/activity?

The aim of the draft Transformation Plan is to outline changes in the way that health and social care services are delivered in the Forres area.

The draft plan is of interest to the community following the decision in September 2018 to suspend operations at Leancoil Community Hospital. The Transformation Plan has been developed on the premise that the hospital will not re-open.

The following is a summary of the key changes and intended benefits that the redesign of health and social care services in the Forres area aims to achieve:-

- A new multi-disciplinary team structure will be established. For the first time in the Forres locality area, District Nurses, Occupational Therapists, Physiotherapists, Podiatrists, Home Carers and Social Workers will be based alongside GP's at Forres Health Centre. Co-locating staff from different

professional disciplines will help improve communication and will lead to a more integrated and responsive service for people accessing health and social care services.

- A re-ablement and a rehabilitation recovery service will be created at Varis Court. Following the closure of Leancoil Community Hospital and the testing of a new model of nursing care at this Hanover (Scotland) Housing Ltd complex, a dedicated 24 hours/7 days a week nursing team will be established to support short-term admissions to 5 units at Varis Court. Unlike a hospital ward setting, this more homely environment will support faster re-ablement and recovery and is intended to prevent re-admissions to an acute hospital setting.
- Nursing beds will be commissioned at the Residential Care Homes located in the Forres area. Leancoil Community Hospital has in the past been used to care for patients who were waiting for legal guardianships to be processed. In many cases, there had been no other alternative than to admit a patient to Leancoil Community Hospital. The commissioning of beds at local residential care homes provides a more appropriate caring environment for people who have recently been discharged from hospital and who are frail and elderly.
- The new Multi-disciplinary Team Structure will improve the retention and recruitment of Nursing Staff. The testing of a new model of care at Varis Court was considered to be an attractive career opportunity for nursing staff. It is the intention that this new organisational structure -with a greater focus on empowerment- will be seen as an exciting career opportunity for nurses thereby leading to the better retention and recruitment of the nursing workforce.
- A redesign of health & social care services in the Forres area will be financially sustainable. While Leancoil Community Hospital has served the Forres community well for many years, it is estimated that Health & Social Care Moray would require to spend in the region of £4-5 million to ensure that the building provides a safe environment for patient care. In the context of current budgetary restraints, meeting these repair and maintenance costs for Leancoil Community Hospital is not financially sustainable.

## 2. List the evidence that has been used in this assessment

Internal data (customer satisfaction surveys; equality monitoring data; customer complaints)	Both quantitative and qualitative data is available from evaluating the Forres Neighbourhood Care Team (FNCT) and the Augmented Care Units (ACU's) at Varis Court.
Consultation with officers or partner organisations	A partnership called the Forres Locality Professional Core Group was formed in November 2017 with the task of developing the Transformation. The Group includes representatives from the GP at Varis and Culbin

	practices, Allied Health Professionals, Nurses and Forres Area Wellness Network (FAWN). Their views and comments have informed the draft Transformation Plan and this EIA.
Consultation with community groups	Feedback responses from this consultation exercise. In total there were 27 responses submitted from both people who use health and social care services, the joint workforce and stakeholder organisations.
External data (statistics, census, research)	Reference is also made to redacted NHS patient data in relation to people who use health and social care services in the Forres locality area.  The Stonewall reports on the impact of accessing health services for people with an ethnicity or who are LGBT also provided useful statistical evidence of their experience.
Other	Over the last 12 months, Forres Community Engagement events have been facilitated by the Chief Officer for Health & Social Care Moray. Comments made at these events have also informed this EIA.

### 3. Detail any gaps in the information that is currently available?

Consultation responses were not received from all protected groups. In particular, race, sexual orientation, gender re-assignment and marriage & civil partnerships. The following table categorises the protected characteristics that people chose to provide:-

- Gender – 55% female, 40% male, 5% preferred to self-describe (from 20 responses)
- Age – 44% were in the 45 to 64 years age group (from 18 responses), 22% in 65-47years and 26% in 75 age band.
- Sexual orientation – 83% heterosexual or straight, 11% preferred not to disclose, 6% preferred to self-describe (from 18 responses)
- Ethnicity – All identified as white Scottish, British or European (from 16 responses)
- Religion or belief – 58% Christian (from 12 responses)

### 4. What measures will be taken to fill the information gaps before the policy/ activity is implemented? These should be included in the action plan

Measure	Timescale
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The Forres Locality Professional Core Group will undertake to make arrangements to monitor the usage of the ACU's by protected group status and, in particular, in relation to race, sexual orientation, gender re-assignment and marriage & civil partnerships	December 2018 onwards.
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5. Are there potential impacts on protected groups? Tick as appropriate

	Positive	Negative	None	Unknown
Age – young	Y			
Age – elderly	Y			
Disability	Y			
Race				Y
Religion or belief	Y			
Sex	Y			
Pregnancy and maternity			Y	
Sexual orientation				Y
Gender reassignment				Y
Marriage and civil partnership				Y
Socio-economic (incorporating the Fairer Scotland Duty)	Y			

6. What are the potential impacts?

**Age (elderly):** In developing the draft Transformation Plan, it was identified that the average age of admission to the pathway over a 10 month period was 77. The ACU's at Varis Court have been developed for older people with the potential to be re-abled. The provision of nursing beds at Cathay and Meadowlark have been developed for older people who are very frail and elderly who do not have the same potential to be re-abled.

**Age (young):** Although responding overwhelmingly to the needs of older people, the admissions criterion (appendix to the draft Transformation Plan) does not stipulate any age criteria for admission. If deemed clinically appropriate, the ACU's or nursing beds at the residential care homes can be accessed by people aged 18 to 65.

**Disability:** The interim evaluation report (April to December 2017) identifies a range of health conditions that include pain management, COPD and palliative conditions that can be supported at the Varis Court ACU's.

**Race:** There is limited information on the ethnic background of respondents in terms of the community consultation.

**Religion or belief:** The community engagement events noted the importance of maintaining health and social care services within the Forres locality area. This will

also help people who are perhaps at the end of life to be able to more easily access spiritual support from for example their local church than if their care was provided outwith the Forres area.

**Sex:** The interim evaluation report for the ACU's (April to December 2017) showed that the informal carer was 4 times more likely to be the wife than the husband. The adjoining bedroom as part of this development will therefore have a disproportionately positive impact on females.

**Pregnancy and maternity:** This protected group is outwith the scope of this Transformation Plan.

**Sexual Orientation:** There is no information in relation to sexual orientation in terms of responses to the community consultation.

**Gender re-assignment:** There is no information in relation to gender re-assignment in terms of responses to the community consultation.

**Marriage and civil Partnership:** There is no information in relation to marriage and civil partnership in terms of responses to the community consultation.

**Socio-economic:** At the community engagement events, it was noted that retaining services in the Forres locality area was important to people. One of the reasons why this is important is that it reduces costs for informal carers, family members and friends to visit people at the ACU's or the residential care homes. Regular visits, in turn supports faster recovery.

In relation to the Fairer Scotland Duty (FSD), this element of the EIA did not identify any negative impacts as a consequence of implementing the Transformation Plan.

7. Have any of the affected groups been consulted. If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps.

The draft Transformation Plan was consulted on from 1 October to 1 November 2018. The Plan was made available via social media and paper copies were made widely available to community outlets including Forres Library, Forres Health Centre and Forres Access Points. Copies were also sent to MPs, MSP's, Elected Members, Forres Neighbourhood Forum and Forres Community Council and Dyke Community Council.

In addition, community engagement events were held to coincide with Flu clinics at Forres Health Centre.

All of the above protected groups affected by the implementation of the draft Transformation Plan were represented in responses to the consultation exercise except for 'race', 'sexual orientation', 'gender re-assignment' and 'marriage and civil partnerships'.

In relation to the above groups, the series of Stonewall publications in relation to the experience of accessing health services for people who have an ethnicity or who are LGBT is informative.

Please see below for the proposed mitigating actions.

8. What mitigating steps will be taken to remove those impacts? These should be included in the action plan.

Mitigating step	Timescale
<ul style="list-style-type: none"> <li>Ensure that as part of the induction for all nursing staff to the FNCT team, that equalities training has been renewed;</li> </ul>	December 2018 onwards
<ul style="list-style-type: none"> <li>Ensure that all information materials for the ACU's and, in particular, for the guest room within the ACU flats are LGBT and same sex friendly.</li> </ul>	December 2018 onwards
<ul style="list-style-type: none"> <li>Audit usage of the ACU's in relation to protected group status and, in particular, by race, sexual orientation, same sex relationships and gender re-assignment.</li> </ul>	December 2018 onwards

9. What steps can be taken to promote good relations between various groups? These should be included in the action plan.

There is no evidence to suggest that there are not good relations between the various groups who access health and social care services in the Forres area.

10. How does the policy/activity create opportunities for advancing equality of opportunity?

Delivering health and social care services within the local community addressed social deprivation and inequality. It is the bedrock of a decent society. Furthermore, the redesign of health and social care services provides an opportunity to more effectively promote these services through public engagement events and providing the above noted information in a variety of formats and languages.

11. Are any of the rights under the Human Rights Act 1998 potentially engaged? Use the following checklist.

<b>Type of right</b>	<b>List of convention rights</b>	<b>Describe, where applicable, if and how specific rights are protected or interfered with</b>	<b>Relevance to Health &amp; Social Care Moray</b>
Absolute rights	Article 2: Right to life	Not affected	These should apply only if there is a duty on Health & Social Care Moray to prevent a breach of these rights. If they apply in any other way the proposed actions will be unlawful.
	Article 3: Prohibition of torture and degrading or inhuman treatment	Not affected	
	Article 4: Protection from slavery and forced labour	Not affected	
	Article 7: No punishment without law	Not affected	
Limited rights	Article 5: Right to liberty and security	Not affected	Can be interfered with only in relation to the Mental Health (Care and Treatment) (Scotland) Act 2003
	Article 6: Right to a fair trial	Not affected	<ul style="list-style-type: none"> <li>• Processing benefits, awards, permits, licenses</li> <li>• Appeals</li> <li>• Decision-making processes such as planning, child care, confiscation of property</li> </ul>
Qualified rights	Article 8: Right to respect for private and family life, correspondence and the home	Covered by existing health and social care policy and procedures.	<ul style="list-style-type: none"> <li>• Accessing, handling or disclosing personal information</li> <li>• Entry to property</li> <li>• Housing</li> <li>• Surveillance or investigation</li> <li>• Children and families</li> <li>• Environmental issues such as waste management, pollution or noise</li> <li>• Health and social care</li> </ul>
	Article 9: Freedom of	Not affected	<ul style="list-style-type: none"> <li>• Public functions</li> </ul>

Type of right	List of convention rights	Describe, where applicable, if and how specific rights are protected or interfered with	Relevance to Health & Social Care Moray
	thought, conscience and religion		<ul style="list-style-type: none"> <li>• Recruitment and employment</li> <li>• Teaching, training or education</li> <li>• Religious duties, services and ceremonies</li> <li>• Dress codes</li> </ul>
	Article 10: Freedom of expression	Not affected	<ul style="list-style-type: none"> <li>• Demonstrations, marches, processions</li> <li>• Industrial action</li> <li>• Whistleblowing</li> <li>• Press</li> </ul>
	Article 11: Freedom of assembly and association	Not affected	<ul style="list-style-type: none"> <li>• Public protests, demonstrations and marches</li> <li>• Industrial relations</li> <li>• Policy making</li> </ul>
	Article 12: Right to marry	Not affected	Registering marriages or civil partnerships
	Article 14: Prohibition of discrimination (in relation to the convention rights)	Not affected	Whenever any of the other rights are engaged. Protection on more grounds than just the protected characteristics under the Equality Act 2010
	Article 1 of Protocol 1: Protection of property	Not affected	<ul style="list-style-type: none"> <li>• Any work that can deprive people of their possessions or property</li> <li>• Planning, licensing or allowing people to exercise a trade or profession</li> <li>• Decisions about social security benefits</li> <li>• Compulsory purchase</li> </ul>
	Article 2 of Protocol 1: Right to education	Not affected	<ul style="list-style-type: none"> <li>• Teaching or school administration</li> </ul>

Type of right	List of convention rights	Describe, where applicable, if and how specific rights are protected or interfered with	Relevance to Health & Social Care Moray
			<ul style="list-style-type: none"> <li>• Education policy</li> <li>• Non-school –based education</li> </ul>
	Article 3 of Protocol 1: Right to free elections by secret ballot	Not affected	Arranging elections

12. What monitoring arrangements will be put in place? These should be included in the action plan.

The implementation of the above actions will be monitored by the Forres Locality Professional Core Group. This group meets on a monthly basis.

In addition to the Equality Action Plan, the Draft Transformation Plan will be amended to incorporate the above actions.

13. What is the outcome of the assessment in relation to the Equality Act 2010? Tick as appropriate.

1	No impacts have been identified (negative?)	X
2	Impacts have been identified, these can be mitigated as outlined in question 8	
3	Positive impacts have been identified in relation to the need to:	X
	a) Eliminate discrimination, harassment, victimisation and other behaviour prohibited by the Equality Act 2010	
	b) Promote equality of opportunity	X
	c) Foster good relations between groups who share a protected characteristic and those who don't.	
4	The activity will have negative impacts which cannot be mitigated fully	

14. What is the outcome of the assessment in relation to the Human Rights Act 1998?

<b>Outcome</b>	<b>Tick</b>
The proposals have no relevance to the Human Rights Act 1998	X
Actions outlined in the proposals are required to prevent breach of absolute rights.	N/A
Article 5 rights are engaged in accordance with the Mental Health (Care and Treatment) (Scotland) Act 2003.	N/A
The proposals require a reasoned decision to enable those affected to raise a legal challenge (article 6).	N/A
The proposals engage one or more of the qualified rights and need a justification.	N/A
The proposals are necessary to protect one or more of the qualified rights	N/A

15. Set out the justification that the activity can and should go ahead despite the negative impact or human rights interference. It is recommended that you take legal advice in this.

There are no negative impacts identified following this EIA.

In light of the absence of data in relation to race, sexual orientation, same sex relationships and gender re-assignment, 3 actions are proposed.

These are:-

- Ensure that as part of the induction for all nursing staff to the FNCT team, that equalities training has been renewed;
- Ensure that all information materials for the ACU's and, in particular, for the guest room within the ACU flats are LGBT and same sex friendly;and
- Audit usage of the ACU's in relation to protected group status and, in particular, by race, sexual orientation, same sex relationships and gender re-assignment.

### **Sign off and authorisation**

Department	Health & Social Care Moray
Title of Policy/activity	The Transformation Plan for the Redesign of Health & Social Care Services in the Forres Locality Area
We have completed the equality impact assessment for this policy/activity.	Name: Robin Paterson Position: Snr Project Officer

	Date: 3 11 18
Authorisation by Director or Head of Service	Name: Sean Coady Position: Head of Service Date: 4 11 18

The impact assessment should now be authorised by either the Director or Head of Service.

Please return this form, along with the completed screening process and full assessment forms, to the Equal Opportunities Officer, Chief Executive's Office.

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## Action plan

Action	Start	Complete	Lead Officer	Expected Outcome	Resource Implications
Ensure that as part of the induction for all nursing staff to the FNCT team, that equalities training has been renewed.	December 2018	March 2019 (and onwards for the recruitment of additional team members)	Matt Offer (FNCT Nurse Facilitator)	Nursing staff are aware of issues affecting people with protected characteristics – specifically race, sexual orientation, same sex relationships and gender re-assignment-is renewed.	None (based on existing materials)
Ensure that all information materials for the ACU's and, in particular, for the guest room within the ACU flats are LGBT and same sex friendly.	December 2018	April 2019	Fiona MacPherson (Public Involvement Officer)	That Health & Social Care Moray clearly demonstrates its commitment to equal opportunities and that informal carers with a protected characteristic feel welcomed.	Leaflets would be prepared and printed in house. Cost would be minimal.
Audit usage of the ACU's in relation to protected group status and, in particular, by race, sexual orientation, same sex relationships and gender re-assignment	December 2018	May 2019 (review action)	Robin Paterson (Snr Project Officer)	That the Forres Locality Professional Core Group seek to have data of the protected characteristics of people and service users who use the ACU's at Varis Court. This will help address the information	None. The existing data gathering process will be further

				gap identified following the implementation of this EIA.	developed.

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