

Equality Impact Assessment:

Initial assessment

What are the proposed outcomes of the policy?

Under section 5 of the Care Act 2014, local authorities have a 'market shaping' duty to promote the efficient and effective operation of their local social care market to ensure services are diverse, sustainable, and high quality for the local population, including those who pay for their own care. Government's definition of a sustainable market is one which "has a sufficient supply of services but with provider entry and exit, investment, innovation, choice for people who draw on care, and sufficient workforce supply".

In 2021, the Department for Health and Social Care (DHSC) published Build Back Better-our plan for health and social care and People at the heart of care - adult social care reform white paper which outlined significant legislative changes to Adult Social Care, planned to come into effect from October 2023. In preparation for these changes, councils across England with social care responsibilities were required to provide information on the sustainability of their local care provider market, and to conduct an exercise with the market to establish the costs of providing care.

In December 2021, DHSC announced the Market Sustainability and Fair Cost of Care Fund to support local authorities to prepare their markets for reform and move towards paying providers a fair cost of care. As a condition of receiving funding, local authorities were required to submit the following to DHSC by 14th October 2022:

- cost of care exercises for older peoples' care homes and homecare (for adults aged 18+),
- a draft market sustainability plan, using the cost of care exercise as a key input to identify risks in the local market, and
- a spend report detailing how funding allocated for 2022-23 is being spent in line with the fund's purpose.

The scope and methodology of the Cost of Care (CoC) exercise was set by DHSC to help local authorities identify the lower, median, and upper quartile costs in the local area for a series of care categories. The term 'cost of care' describes the actual costs a care provider incurs in delivering care at the point in time that the exercise is undertaken. It is typically presented as a unit cost for an hour of homecare or a bed per week in a care home.

In summer 2022, the Council commissioned Laing-Buisson to undertake the Cost of Care data gathering exercise on its behalf, the results of which were used to produce the Council's two Cost of Care reports and Market Sustainability Plan. The three documents were submitted in draft form to DHSC in October 2022. In November 2022, the Chancellor announced the planned Adult Social Care Charging Reforms would be delayed for 2 years (to 2025). In late December, DHSC announced all local authorities must publish their Cost of Care reports on their GOV.UK websites by 1st February 2023 and Market Sustainability Reports by 27th March 2023. The report being taken to Cabinet is to update Members on the published CoC Exercises and the ongoing work to produce a Market Sustainability Plan.

Which individuals or groups are most likely to be affected?

Service users across Homecare and Care Homes still be impacted by additional funding,

however, until the Government publishes its Term and Conditions, it is not clear who else will be impacted.

Now consider whether any of the following groups will be disproportionately affected:

Equality Group	Note any positive or negative effects
Particular age groups	This is unknown at this stage. Once we have received the Terms and Conditions from the Government, we will be able to establish exactly how the funding will be distributed. As soon as this is known, we will be able to establish the positive or negative impacts on the different protected characteristics. At present, we are asking Cabinet to note the published Cost of Care Reports and ongoing work to produce a Market Sustainability Plan.
Disabled people	As above
Married couples or those entered into a civil partnership	As above
Pregnant women or women on maternity leave	As above
Particular ethnic groups	As above
Those of a particular religion or who hold a particular belief	As above
Male/Female	As above
Those proposing to undergo, currently undergoing or who have undergone gender reassignment	As above
Sexual orientation	As above

What information is available to help you understand the effect this will have on the groups identified above?

Who will be the beneficiaries of the policy?

1. Department of Health and Social Care – “Build Back Better; our plan for Health and Social Care”
2. Department of Health and Social Care – “People at the Heart of Care – Adult Social Care Reform White Paper”
3. Cost of Care exercise completed in 2022 for Care Homes
4. Cost of Care exercise completed in 2022 for Home Care

More information will be known once PCC are in receipt of the Market Sustainability Funding Terms and Conditions from DHSC. The Terms and Conditions will outline which

providers will be in receipt of market sustainability funding and we will therefore have a better understand on the impacts this will have.

Has the policy been explained to those it might affect directly or indirectly?

3 market engagement events took place at the beginning of February 2023 to explain to the local provider market PCC position in relation to the Market Sustainability Plan and obtain the markets view on the same. The following events took place via teams:

- 6th February 2023 – Engagement session for Residential Care Providers
- 7th February 2023 – Engagement session for Homecare Providers
- 8th February 2023 – Engagement session for Support Living and Housing Related Support Providers

Can any differences be justified as appropriate or necessary?

Differences will only be clear once Terms and Conditions are received. At this point, we will be able to understand any inequalities. For example, if learning disability providers are not listed in the market sustainability fund terms and conditions, this could lead to service users with protected characteristics from receiving a lower level of additional monies to support services. Whilst PCC will seek to address any of these inequalities via its own funding, it may not be able to do so fully particularly whilst the differences are not yet known.

Are any remedial actions required?

N/A

Once implemented, how will you monitor the actual impact?

When the Market Sustainability Funding is allocated and implemented the usual contract monitoring process will be carried out by Contracts colleagues.

Policy review date	27/03/2023
Assessment completed by	Charlotte Knight
Date Initial EqIA completed	22/02/2023
Signed by Head of Service	03/02/2023 – Gurdev Singh