

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 that services are diverse, sustainable, and are of a high quality for the local population. This includes those who pay for their own care. The Government's definition of a sustainable market is one which "has a sufficient supply of services but with providers 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, Local Authorities across England with social care responsibilities were required to provide information on the sustainability of their local care provider market, and to conduct and exercise with the market to establish the costs of providing care.

As part of the reform agenda, Local Authorities were expected to produce 2 Cost of Care Reports (one for Care Homes and another for Home Care) as well as a Market Sustainability Plan. In late December 2022, DHSC announced that all Local Authorities must publish their Cost of Care reports on their GOV.UK websites by 1st February and publish their Market Sustainability Plans by 27th March 2023. PCC's Cost of Care reports and Market Sustainability Plan (MSP) can be found here [Cost of Care Exercise and Market Sustainability Plan - Peterborough City Council](#).

Following submission of the MSP, DHSC released updated guidance in late March 2023 which outlined the next steps for Local Authorities. The guidance can be found here [Social care resources explanatory note - GOV.UK \(www.gov.uk\)](#). The Council now needs to provide DHSC with a report by 24th May 2023. The report will set out: -

1. Confirmation that PCC has allocated its share of the Market Sustainability Funding in full to Adults Social Care;
2. Confirmation that PCC has used its share of the £162 million Fair Cost of Care component of the fund to maintain fee uplifts originally made as part of the 2022 and 2023 Market Sustainability and Fair Cost of Care Fund;
3. Confirmation of which of the 3 target areas PCC will aim to improve alongside planned spend on each, and;
4. Reporting against all the metrics set out in the 'Activities and Metrics' section of the guidance.

PCC's Market Sustainability Plan outlined the key market sustainability challenges for Peterborough as: -

- Recruitment and retention;

- Sufficiency within some markets (e.g., nursing and nursing dementia places)
- Fee rate in some parts of the market
- Unprecedented inflation levels
- Increase in demand for services and complexity of customers
- A lack of accommodation available to support some markets (e.g., Learning Disability).

PCC proposes to allocate the Market Sustainability Funding in alignment with its published Market Sustainability Plan and towards target area 1, increasing fee rates paid to Adult Social Care providers in local areas. PCC's intention is to tackle the most acute sustainability issues in Peterborough to begin with, prioritising funding towards the most unsustainable fee rates in 2023/24.

PCC decided to allocate the Market Sustainability Funding across the entire Adult Social Care market, rather than the limited markets contained in the Cost of Care exercise. This section highlights the market sectors we are proposing to allocation portions of the MSF funding to and our justification for their inclusion in the allocation.

The outcomes and impacts will not be fully known until completion of the Annex A report. However, the Council's plan for market sustainability is centred around: -

- Tackling the most acute sustainability issues in Peterborough to being with, prioritising funding towards the most unsustainable fee rates in 2023/2024.
- Permanent increases to 'floor' fee rates in the sectors and fee rates deemed most unsustainable.
- Development of a care workforce strategy
- Strategic market shaping to ensure future demand can be met in a sustainable way.
- Exploration of investment in the market to create conditions for growth and innovation.

Which individuals or groups are most likely to be affected?

Adults over 18 with assessed care and support needs will be most affected. The MSF may also impact on adults without assessed care needs (such as carers) due to investment in Early, Intervention and Prevention. There may also be certain types of providers/care workers who benefit as a by-product. For example, care workers tend to be women/lower paid, investment in these areas may impact them positively.

PCC will be allocating to the following service areas: -

- Care Homes (residential 65+ and nursing 65+)
- Homecare
- Extra Care (Housing and support for older people)
- Self-Directed Support
- Early, Intervention and Prevention and Voluntary Sector Organisations
- Learning Disability – Supported Living
- Learning Disability – Day Opportunities
- Mental Health – Support living
- Internal administrative costs.

These services impact a wide range of people and it is likely that people from most of the protected characteristics will access care and support via one of the avenues outlined above.

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

Equality Group	Note any positive or negative effects
Particular age groups	<p>This is unknown at this stage. Once we have completed the allocation modelling we will be able to establish exactly how the funding will be distributed. However, we do know that PCC will be allocating funding to the above noted service areas. As stated above, these services impact a wide range of people and it is likely that people from most of the protected characteristics will access care and support via one of the avenues outlined above. Therefore, we expect that older people (65+) with assessed care and support needs will be positively affected. Together with working adults with assessed care and support needs (18 – 64).</p> <p>For example, funding received by care homes could be spent to benefit those in residential care. However, it is unknown how much of an impact market sustainability funding will have on individual providers.</p> <p>As stated in our CMDN, the level of funding received from central government is not sufficient to bridge the funding gap, therefore, impacts on those with protected characteristics may be limited but we expect no negative impacts on the rest of the Protected Characteristic groups.</p> <p>At present, we are asking the Member to note the ongoing work to produce a Market Sustainability Funding allocation plan as set out in template Annex A.</p>
Disabled people	Disabled people with assessed care and support needs will be positively impacted by the funding

	allocation.
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?

Information available: -

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
5. Social Care Explanatory Note - [Social care resources explanatory note - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/social-care-resources-explanatory-note).
6. Guidance on grant conditions, activities and metrics, reporting, monitoring and grant determination, allocation and conditions - [Market Sustainability and Improvement Fund 2023 to 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/market-sustainability-and-improvement-fund-2023-to-2024)
7. Appendix A Template – <https://www.gov.uk/government/publications/market-sustainability-and-improvement-fund-2023-to-2024>

The following service areas will be beneficiaries of the market sustainability funding, however, total allocations are yet to be confirmed: -

- Older People (65+) with assessed care and support needs
- Working age adults (18 – 65) with assessed care and support needs.

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 before the Terms and Conditions of funding were confirmed 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

Contracts colleagues will also be engaging with providers via letters to confirm inflationary uplifts and allocation of Market Sustainability Funding once modelling is complete.

Additionally, we have published our Market Sustainability Report on the PCC Website and via democratic processes.

Can any differences be justified as appropriate or necessary?

Differences will only be clear once financial modelling has been completed together with inflationary uplift work. 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.

Market Sustainability Funding are allocated on principles of supporting all parts of the ASC market and targeting the most acute pressures in the market. Therefore, whilst different providers may receive different levels of funding, it is within the context of their overall fee levels so the lowest will get more.

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 the appropriate colleagues.

Monitoring of key metrics will also be measured by officers and the Department of Health and Social Care via an initial report submitted on the 24th May and a final report in March 2024.

Policy review date	27/03/2023
Assessment completed by	Charlotte Knight
Date Initial EqIA completed	15/04/2023
Signed by Head of Service	Gurdev Singh – 18/04/2023