

PROFORMA FOR A FULL EQUALITY IMPACT ASSESSMENT

Directorate:	Adult & Community Services	Function:	Commissioning & Contracting
Assessment by:	Gordon Stewart Judith McGuire	Related Policies:	<ul style="list-style-type: none"> ➤ Race Equality Scheme ➤ Procurement Code ➤ Commissioning Toolkit
Date:	March 11 th 2008	Related Procedures:	<ul style="list-style-type: none"> ➤ Contract Guidance ➤ Tender Guidance
Equality Impact Assessment Working Group	Names <ul style="list-style-type: none"> ➤ All Contract Team Members ➤ Abigail Evans - Commissioning 	Role on Group	<ul style="list-style-type: none"> ➤ Document screening and assessments ➤ Document screening and assessments

Step and page in Toolkit	Description of Step	Checklist	Checklist
<p>1 Pg 7</p>	<p>Identify all aims of the function/policy</p>	<p><i>What do you want to achieve?</i></p> <p>Ensure Commissioning and Contracting policies, procedures, documentation & guidance recognises and takes into account issues relating to Equality & Diversity.</p> <p>The following areas will be excluded: Specific service group commissioning strategies</p> <p>NB: Desktop screening process has identified that a full Equality impact assessment is not required for the Commissioning Toolkit, as no evidence was found of potential discrimination.</p>	<p>How will you do that?</p> <p>Audit existing policies, procedures, documentation & guidance. Conduct a planned timetable review. Devise, agree, timetable & implement an action plan.</p>
<p>2 Pg 7 - 10</p>	<p>Consider the evidence</p> <p>Identify existing data/research sources you will need?</p>	<p><i>Existing Sources</i></p> <ul style="list-style-type: none"> ➤ ➤ Procurement Code (NB: this can only can be influenced – need for EIA for this code) ➤ Service Specification ➤ Tender Pack ➤ Evaluation Criteria (bespoke) 	<p><i>What does the evidence show you?</i></p> <ul style="list-style-type: none"> ➤ Need to consult with Specific Service Groups. ➤ Approach is very dependent of individual's level of understanding and knowledge of Equality & Diversity.

		<ul style="list-style-type: none"> ➤ Contract negotiation and development guidance (Red Folder) ➤ Monitoring arrangements (Monitoring templates/outcomes) ➤ Annual Reviews ➤ End of Agreement Review ➤ Business Continuity Plan ➤ Risk Register ➤ Protocol(s) for involving Users and Carers in Commissioning and Contracting Processes. ➤ Grants to Vol Orgs ➤ Decommissioning ➤ Contract Compliance 	<ul style="list-style-type: none"> ➤ Need to identify evidence from other Contracting areas in ACS (particularly SP, SMAT). ➤ Potential risk for adverse impact.
	What new data or research, if any, do you need?	<p><i>New Sources</i></p> <ul style="list-style-type: none"> ➤ Evidence from other Contracting areas in ACS & across the Council. ➤ Best Practice – regional commissioning/Contracting teams and other groups. ➤ Evidence of outcomes. 	
3 Pg10-12	Assessing the likely Impact	<p><i>Could some groups be affected differently? If so state which ones</i></p> <ul style="list-style-type: none"> ➤ Potentially all groups could be 	<p><i>List the barriers to and opportunities to promoting equality and diversity?</i></p> <ul style="list-style-type: none"> ➤ Levels of engagement

		<p>affected.</p>	<ul style="list-style-type: none"> ➤ Accessibility to process ➤ Language ➤ Resource & capacity limitations (internal & external) ➤ Organisational culture ➤ People's Perceptions of their expectations/involvement ➤ Skills & confidence ➤ Data availability & validity. ➤ Political considerations
		<p>Negative impacts (if yes, state how) e.g.</p> <p><i>Is there any unlawful Discrimination?</i></p> <p>Desktop screening has identified some areas of potential unintentional discrimination which may occur.</p> <p><i>Could any communities get an adverse outcome?</i></p> <p>Potentially yes, If tender process is not screened to ensure marginalized groups are considered early in the process and actions identified in the attached action plan are not implemented</p>	<p>Positive impacts (if no, could they be yes) e.g.</p> <p><i>Does it promote equality of access or opportunity?</i></p> <p>Substantially yes – if robustly followed</p> <p><i>Does the policy/function address existing differential outcomes?</i></p> <p>Substantially yes – if robustly followed</p> <p><i>Does it challenge negative stereotypes?</i></p> <p>Not necessarily, needs further work identified in action plan to ensure this occurs.</p> <p><i>Does it give real choices?</i></p>

		<p><i>Could any group be excluded from the benefits of the policy/function?</i> Potentially yes, language barriers may cause people to feel excluded.</p> <p><i>Does it reinforce negative stereotypes?</i> Potentially – Contracting needs to have measures in place to eliminate at start of process.</p> <p><i>Are there any trends?</i> Not know at this stage – investigate further.</p> <p><i>Does it damage relations?</i> There is a potential relations could be damaged if groups felt excluded, however no evidence is available which would substantiate this has occurred or likely to occur. Close monitoring and implementation of action plan activities will minimise the risk of this occurring.</p>	<p>Variable – dependent upon contracting area.</p>
		<p><i>Could these be justified?</i> <i>If so, how?</i></p> <p>Some possible justification on the basis of targeted activity to meet unmet needs and within statutory</p>	<p><i>What, if anything, could be done to improve positive impact or promote equality?</i></p> <ul style="list-style-type: none"> ➤ Robust information and evidence based decision

		requirements.	making. ➤ Clarity around decision making process.
		<p><i>What are the reasons for adverse impact? Is it illegal? Is it unavoidable? State why?</i></p> <p>Some legal justification – Community Care Act 1990.</p> <p>Resource/budget limitations</p> <p>Policy and procedures - needs further exploration following implementation of action plan activities to ensure risk has been minimised as much as possible.</p>	
4 Pg 12-14	Consider the alternatives	<p><i>What would make it possible to reduce or eliminate adverse impact?</i></p> <ul style="list-style-type: none"> ➤ Robust analysis at Commissioning stage ➤ Priority and intentions are based on the robust needs analysis. ➤ Inclusive access for all specifically considered in tendering, provider selection and contracting. 	<p><i>What action do you intend to take?</i></p> <p>Action plan devised and attached.</p> <p><i>Are you going to make changes that satisfy concerns raised?</i></p> <p>Yes – A review of all Contracting policies and procedures has been conducted and areas of concern have been linked to action plan for further exploration or corrective action to be implemented.</p>

			<p><i>Are you going to consider ways of putting the proposed policy into practice which remove or reduce potential for effecting equality groups adversely and that take into account the results of any investigations the council may have carried out into institutional barriers to equality of opportunity and equal treatment?</i></p> <p>Yes – support will be provided by:</p> <ul style="list-style-type: none"> ➤ team workshops for commissioning support group & contracting. ➤ Identify and meet team members specific training needs. <p><i>Are you going to find alternative ways of achieving the aims of your policy?</i></p> <p>As above</p> <p><i>Are you going to justify the policy, as originally proposed, because of the policy's importance on the grounds that it has nothing to do with equality?</i></p> <p>A review of policies and procedures has identified a number of areas of concerns. These concerns span a wide range of the policies and</p>
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			procedures within the contracting area.
5 Pg 15-16	Consult Formally Identify existing consultation data that you need	<i>Existing consultation sources:</i> <ul style="list-style-type: none"> ➤ Check Consultation database ➤ Consultation with specialists 	<i>What does this show you?</i> <ul style="list-style-type: none"> ➤ Consultations that have taken place ➤ That consultation in this area is very limited to date
	What new consultation, if any do you need to undertake?	Original consultation <i>Who?</i> <ul style="list-style-type: none"> ➤ Colleagues (Internal/External) ➤ Members of the public ➤ Service Providers & Prospective Providers ➤ Users & Carers <i>How?</i> <ul style="list-style-type: none"> ➤ Websites ➤ Forums & Focus Groups ➤ Feedback from procurement exercises ➤ Feedback from monitoring and review. 	New consultation Due to the complexities of commissioning and contracting the resources available to consult with are limited.
6 Pg 17-18	Decision and recommendation	<i>What is your decision/recommendation?</i> There are a number of areas, which need action to minimise risk of	Who will sign this off?

		<p>discrimination. These have been planned into the Contracts teams work plan and an action plan devised to monitor progress.</p> <p><i>Will you be taking immediate action?</i> Yes – An action plan has been identified and some actions already signed-off.</p> <p><i>Have you developed equality objectives and targets?</i> Yes – As a result of the assessments carried out several Equality related objectives have been identified.</p> <p><i>Have you attached a timescale to your targets?</i> Yes – There are short, mid and long-term objectives set and planned within the Contracts Team Plan.</p> <p><i>Have the equality objectives and targets been included in your service plan?</i> Yes</p> <p>Have these objectives and targets been incorporated into your monitoring and performance</p>	
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		<p>management system? Yes</p> <p><i>How often will they be monitored and by whom?</i></p> <p>The action plan progress will be reviewed during team and officer meetings.</p> <p>Progress against delivery of the objectives will be monitored by the Contracts Development Manager and through the Adult and Community Equalities Group (ACE Group).</p>	
<p>7 Pg 18-19</p>	<p>Make the monitoring arrangements</p>	<p><i>What monitoring arrangements are in place?</i></p> <ul style="list-style-type: none"> ➤ Regular review of progress against action plan and objectives will be carried out at Team level, by management structure and through ACE group. ➤ Annual desktop screening of policies and procedures will be scheduled. ➤ Tender documents will be 	<p><i>Who will monitor?</i></p> <ul style="list-style-type: none"> ➤ Contracts Development Manager. ➤ Team Members

		<p>desktop screened to ensure zero discrimination occurs at an early stage in contracting procedures. This will also feed into annual reviews of policies and procedures</p> <p>How will you publish results of monitoring?</p> <ul style="list-style-type: none"> ➤ Results will be recorded using the EIA toolkit and published via Diversity team lead on the Council's web pages. 	
<p>8 Pg 20-21</p>	<p>Publish assessment results</p>	<p><i>How will you publish?</i></p> <ul style="list-style-type: none"> ➤ These will be published in line with EIA guidance and will be available on the Council's appropriate web area. <p><i>Has a summary report been prepared?</i></p> <p>Yes – The action plan is intended to provide a summary of the actions required and should be considered alongside this assessment document.</p>	<p><i>Has a copy been given to your Directorate Equalities Lead?</i></p> <p>Yes</p>

Signed (Completing Officer)... *J.C. McEwen*

Dated.....02.04.2008.....

[Handwritten signature]

Signed (Lead Officer)

Dated...02.04.08.....

EIA – Action Plan

NB: Desktop screening process has identified that a full Equality impact assessment is not required for the Commissioning Toolkit, as no evidence was found of potential discrimination. All actions below relate to Contracting functions and policies only.

Requirement	Action(s)	Owner	Target Date	Updates
Standard wording in specifications and similar documentation to explicitly state the Council's E & D requirements, including the 6 strands of diversity	Develop suitable wording in consultation with Corporate Diversity staff.	Judith McGuire	18 th April 2008	
	Following consultation with Contracts Development Manager and Contract Officers, make wording available to ACS contracts team via U drive and ensure it's incorporation in standard contracting documentation, procedures and guidance.	Judith McGuire	25 ^h April 2008	
Tender and quotation documentation to include suitable standard question(s) to assess whether the Provider meets the Council's E&D requirements	Develop suitable wording in consultation with Corporate Diversity staff	Judith McGuire	18 th April 2008	
	Following consultation with Contracts Development Manager and Contract Officers, incorporate in standard contracting documentation, procedures and guidance.	Judith McGuire	25 ^h April 2008	
Develop clear, documented methodology for assessing/scoring Provider's response(s) to the standard	Develop suitable methodology in consultation with Corporate Diversity staff	Judith McGuire	18 th April 2008	

question(s)	Following consultation with Contracts Development Manager and Contract Officers, incorporate in standard contracting documentation, procedures and guidance.	Judith McGuire	25 ^h April 2008	
Requirement	Action(s)	Owner	Target Date	Updates
Tender and quotation documentation to require the submission of meaningful standard documentation to demonstrate the provider's approach to E&D.	Identify documentation required in consultation with Corporate Diversity staff.	Judith McGuire	18 th April 2008	
	Following consultation with Contracts Development Manager and Contract Officers, ensure it's incorporation in standard contracting documentation, procedures and guidance.	Judith McGuire	25 ^h April 2008	
Develop a clear, documented methodology for assessing/scoring the documentation Provider's submit.	Develop suitable methodology in consultation with Corporate Diversity staff	Judith McGuire	18 th April 2008	
	Following consultation with Contracts Development Manager and Contract Officers, incorporate in standard contracting documentation, procedures and guidance.	Judith McGuire	25 ^h April 2008	
Guidance needs to be developed for the Contracts Team about possible requirements for including additional non-standard questions and requiring additional non-standard documentation	Develop suitable guidance in consultation with Corporate Diversity staff.	Judith McGuire	2 nd May 2008	

<p>in a tender pack/quotation submissions (This might for example cover where not already covered by standard requirements), sampling sizes and ratios; timetabling and methodology for consultation; staff training.</p>	<p>Following consultation with Contracts Development Manager and Contract Officers, to ensure it's incorporation in standard contracting documentation, procedures and guidance.</p>	<p>Judith McGuire</p>	<p>16th May 2008</p>	
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Requirement	Action(s)	Owner	Target Date	Updates
Tender and quotation documentation to be reviewed to ensure it does not directly or indirectly disadvantage people in minority groups. Documentation to be revised to ensure that help to understand it and/or submit a tender/quotation is available and is signposted.	Review documentation and identify changes required.	Judith McGuire	18 th March 2008	
	Following consultation with Contracts Development Manager and Contract Officers, incorporate in standard contracting documentation, procedures and guidance.	Judith McGuire	25 th March 2008	
Develop clear guidance for evaluating tenders submitted by a minority group in a non-standard format where the tenderer has otherwise complied with the tender advice/requirements	Develop suitable methodology in consultation with Corporate Diversity staff	Judith McGuire	23 rd May 2008	
	Following consultation with Contracts Development Manager and Contract Officers, to ensure it's incorporation in standard contracting documentation, procedures and guidance.	Judith McGuire	30 th may 2008	
Develop mini -EIA to be signed off by the working group for each tender/quotation prior to the tender/quotation pack being issued.	Develop suitable documentation and guidance for completion.	Judith McGuire	18 th March 2008	
	Following consultation with Contracts Development Manager and Contract Officers, incorporate in standard contracting documentation, procedures and guidance.	Judith McGuire	25 th March 2008	

Requirement	Action(s)	Owner	Target Date	Updates
Existing wording regarding E&D in contracts and related documents needs to be reviewed and, where necessary, changed.	To review with Corporate Diversity staff and identify content needing change.	Judith McGuire	2nd May 2008	
	To agree any change with legal services	Judith McGuire	23 rd May 2008	
	Following consultation with Contracts Development Manager and Contract Officers, to ensure it's incorporation in standard contracting documentation, procedures and guidance.	Judith McGuire	30 th May 2008	
Monitoring requirements in contracts and related documents need to incorporate arrangements for ensuring E&D requirements in service specifications etc. are being met. This is to particularly cover requirements relating to, for example, sampling sizes and ratios; timetabling and methodology for consultation; staff training.	To develop, with Corporate Diversity staff suitable documentation	Judith McGuire	2nd May 2008	
	Following consultation with Contracts Development Manager and Contract Officers, to ensure it's incorporation in standard contracting documentation, procedures and guidance.	Judith McGuire	16 th May 2008	