

# EQUALITY IMPACT ASSESSMENT

**TITLE: Market Sustainability Plan**

**VERSION CONTROL**

<b>Date</b>	<b>Version</b>	<b>Author</b>	<b>Description of Changes</b>
<b>01/07/2022</b>	<b>0.01</b>	<b>SAM/VC</b>	<b>Initial draft</b>

## CHESHIRE EAST COUNCIL –EQUALITY IMPACT ASSESSMENT

Stage 1 Description: Fact finding (about your policy / service /

<b>Department</b>	Integrated Commissioning		<b>Lead officer responsible for assessment</b>		Joanne Sutton	
<b>Service</b>	Contracts & Quality Assurance		<b>Other members of team undertaking assessment</b>		Sophie Middleton Victoria Caruana	
<b>Date</b>			<b>Version</b>			
<b>Type of document (mark as appropriate)</b>	<b>Strategy</b>	<b>Project X</b>	<b>Function</b>	<b>Policy</b>	<b>Procedure</b>	<b>Service</b>
<b>Is this a new/ existing/ revision of an existing document (please mark as appropriate)</b>	<b>New</b>		<b>Existing</b>		<b>Revision</b>	
<b>Title and subject of the impact assessment (include a brief description of the aims, outcomes, operational issues as appropriate and how it fits in with the wider aims of the organisation)</b>  <b>Please attach a copy of the strategy/ plan/ function/ policy/ procedure/ service</b>	<p><b>Market Sustainability Plan</b></p> <p>All local authorities are required to submit and publish a Market Sustainability Plan by 27<sup>th</sup> March 2023 which sets out how they will utilise Market Sustainability and Improvement Funding to improve and sustain care markets in their local authority area.</p> <p>The Market Sustainability Plan as required by the DHSC specifically deals with the care home market for those aged over 65 and care at home or domiciliary care for those over 18.</p> <p>The plan contributes to the following aims and objectives in the Council's Corporate Plan:</p> <ul style="list-style-type: none"> <li>• Vulnerable and older people live safely and maintain independence within community settings</li> <li>• To prioritise Home First for patients discharged from hospital. Where possible patients are discharged to a home of their choice.</li> </ul> <p>It should be noted that the Care Act places an expectation on the Council that the fees for all types of care should take account of both the actual cost of good quality care and the need to ensure a diverse and competitive provider market.</p>					

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<p><b>Who are the main stakeholders and have they been engaged with? (e.g. general public, employees, Councillors, partners, specific audiences, residents)</b></p>	<p>Residential and domiciliary care providers.          Employees of these care providers, delivering care in Cheshire East          Cheshire East residents          NHS Cheshire &amp; Merseyside Health &amp; Care Partnership          Care England          DHSC</p>	
<p><b>Consultation/ involvement carried out.</b></p>	<p>YES</p>	<p></p>
<p><b>What consultation method(s) did you use?</b></p>	<ul style="list-style-type: none"> <li>• Residential and domiciliary care providers were invited to participate in a <b>Cost of Care Exercise</b> via a survey and workshop sessions. Telephone support was also made available to care providers to allow them to feed into the exercise where possible. There have been significant increases to overheads since the original report was finalised, so the Council has since invited providers to update the information that was submitted to ensure a robust and accurate representation of provider costs were obtained and could be taken into account when formulating the Market Sustainability Plan.</li> <li>• Providers were engaged in the <b>development of the Market Sustainability Plan</b> via a survey and a workshop session.</li> <li>• Thirty care providers and Care England representatives attended a <b>Provider Engagement Event</b> on 08/06/2022 This included the ability to update information previously submitted (for the Cost of Care Exercise) to ensure a robust and accurate representation of provider costs were obtained. This has allowed for the increased cost of living and increased general running costs have been appropriately considered.</li> <li>• Follow up Market Sustainability webinars were held in February 2023 with both Care at Home and Accommodation with Care providers.</li> </ul>	

Stage 2 Initial Screening

<p><b>Who is affected and what evidence have you considered to arrive at this analysis?</b>  <b>(This may or may not include the stakeholders listed above)</b></p>	<p><b>Residential providers</b> providing services to people aged over 65 and <b>domiciliary care providers</b> who provide care to over 18s will all be affected by the Market Sustainability Plan. The Cost of Care Exercise demonstrated that the Council's current published rates for both residential and domiciliary care fall below the actual cost of providing this care. However, due to the way that CE commissions residential care, many residential care payments are higher the Council's rates and in addition, the average cost of care for CE's domiciliary care providers was not too dissimilar to the rates currently paid.</p> <p><b>Employees</b> and potential employees of the above care providers will also be affected. Increasing payments to care providers to ensure that they are paid closer to the fair cost of care, should allow a fair level of remuneration, meaning that providers should be able to attract new employees and retain their existing workforce more easily.</p> <p><b>Service Users</b> will benefit from a sustainable care market, where providers can recruit and retain more easily, meaning that care can be sourced when needed. The retention of staff and being able to attract new recruits into the sector should allow increased availability of care, continuity of care and enhance the quality of the care available.</p>
<p><b>Who is intended to benefit and how</b></p>	<ul style="list-style-type: none"> <li>• <b>Care at Home Providers</b> The Council is creating a Market Sustainability Plan that shows how it plans to sustain local care markets. This plan must be submitted to the DHSC in order for the Council to be eligible for Government funding. The funding will help providers become more financially sustainable, allowing them to be more competitive with remuneration so that they can attract and retain staff more easily and to expand their business operations locally to enable more people to retain their independence and reduce the reliance on bed-based care.</li> <li>• <b>Care provider employees</b> By moving towards paying the fair cost of care, the Council will be facilitating more carers to be paid at the Real Living Wage (or above). This is extremely important to the industry, which already has a huge number of vacancies, and is struggling with recruitment.</li> <li>• <b>Service Users</b> A more sustainable care market, where employers can recruit more easily, should mean that service users will be more likely to be able to access a quality, sustainable care provision when they need it.</li> </ul>

	<p>Improving employee retention and reducing vacancies should help reduce the number of care concerns/safeguardings raised for short/missed calls. The plan contributes to the Council's Home First Strategy which aims to enable people to retain their independence for longer by ensuring they are able to live in their own homes with the right level of support.</p>
<p><b>Could there be a different impact or outcome for some groups?</b></p>	<p>Government guidance is that the Market Sustainability Plan should focus on residential care for people aged 65 and over and domiciliary care providers that provide services for people aged 18 and over. Therefore, services for children under 18, and those delivering services outside of the guidance (e.g. supported living, complex care, residential care, short stay and respite provision for under 65s) are excluded from the plan and subsequently benefiting from the Council's anticipated receipt from the Market Sustainability and Fair Cost of Care Fund.</p>
<p><b>Does it include making decisions based on individual characteristics, needs or circumstances?</b></p>	<p>All social care services are offered on the basis of assessed eligible needs.</p> <p>This plan does not change the basis of those individual assessment decisions.</p>
<p><b>Are relations between different groups or communities likely to be affected? (eg will it favour one particular group or deny opportunities for others?)</b></p>	<ul style="list-style-type: none"> <li>• Availability of Residential Care for over/under 65s It is possible that providers might cease "all ages" care home provision and only provide for over 65s if the fees for over 65s are increased under the Market Sustainability Fund and other rates do not rise in line with them.</li> <li>• Service Users with disabilities and/or high/complex needs Increasing the rates for only some parts of the care sector may also force providers currently delivering care across multiple settings, for example Complex and Supported Living to withdraw from less financially beneficial packages to focus their attention on the more profitable packages. This could impact on the availability of services not included in the Market Sustainability Plan. It is possible that Service Users in receipt of care provision outside of the scope of the Market Sustainability Plan may be forced to pay 'top ups' to allow providers to meet the cost of their care.</li> <li>• Rural Communities Rural communities are already disproportionately impacted by the current challenges in the care at home market. Lower numbers of residents in rural areas are willing to work in care and the increased travel times between care calls impacts on fuel costs and, in some cases, wages as not all care providers pay for "downtime". This makes providing domiciliary care to rural communities less attractive (profitable) for providers and their employees (who may only be being paid for time spent delivering</li> </ul>

	care). The Market Sustainability Plan aims to encourage Care at Home provision in rural and hard to serve areas by paying a higher hourly rate for care provision in these areas ensuring there is greater equality of access to care provision.						
<b>Is there any specific targeted action to promote equality? Is there a history of unequal outcomes (do you have enough evidence to prove otherwise)?</b>	Proposed actions: <ul style="list-style-type: none"> <li>• Inclusion of residential care for service users aged 18-64 in the services covered by the Market Sustainability Fund</li> <li>• Funding an uplift for complex care providers from budgets earmarked in the Medium Term Financial Strategy.</li> <li>• Tiered pricing structure for Care at Home providers which pays a higher rate in rural areas where care is more expensive to deliver.</li> </ul>						
<b>Is there an actual or potential negative impact on these specific characteristics? (Please tick)</b>							
<b>Age</b>	<b>Y</b>		<b>Marriage &amp; civil partnership</b>		<b>N</b>	<b>Religion &amp; belief</b>	<b>N</b>
<b>Disability</b>	<b>Y</b>		<b>Pregnancy &amp; maternity</b>		<b>N</b>	<b>Sex</b>	<b>N</b>
<b>Gender reassignment</b>		<b>N</b>	<b>Race</b>		<b>N</b>	<b>Sexual orientation</b>	<b>N</b>

**Stage 3 Evidence**

<b>What evidence do you have to support your findings? (quantitative and qualitative) Please provide additional information that you wish to include as appendices to this document, i.e., graphs, tables, charts</b>		<b>Level of Risk (High, Medium or Low)</b>
<b>Age</b>	Some care home providers have expressed concerns that as Government guidance is directed at residential accommodation for over 65s that accommodation for under 65s will remain underfunded. This could lead to providers reducing the provision for under 65s.	<b>Medium</b>

<b>Marriage and Civil Partnership</b>		
<b>Religion</b>		
<b>Disability</b>	<p>Nearly half of the total packages currently provisioned by the Authority are outside of the scope of the Market Sustainability Plan.</p> <p>Supported Living, complex care provision, day services, rapid response and direct payments are all excluded from the Government guidance and are out of scope for the MSP, so people with disabilities may not benefit from the plans for working towards paying providers the Fair Cost of Care.</p> <p>The services that are not included in the scope may remain underfunded and struggle to attract and/or retain staff. There may be issues with availability and maintaining quality of care because of this and the market in these sectors may be less sustainable.</p>	<b>Medium</b>
<b>Pregnancy and Maternity</b>		
<b>Sex</b>		
<b>Gender Reassignment</b>		
<b>Race</b>		
<b>Sexual Orientation</b>		

**Stage 4 Mitigation**

<b>Protected characteristics</b>	<b>Mitigating action</b> <i>Once you have assessed the impact of a policy/service, it is important to identify options and alternatives to reduce or eliminate any negative impact. Options considered could be adapting the policy or service, changing the way in which it is implemented or introducing balancing measures to reduce any negative impact. When considering each option you should think about how it will reduce any negative impact, how it might impact on other groups and how it might impact on relationships between groups and overall issues around community cohesion. You should clearly demonstrate how you have considered various options and the impact of these. You must have a detailed rationale behind decisions and a justification for those alternatives that have not been accepted.</i>	<b>How will this be monitored?</b>	<b>Officer responsible</b>	<b>Target date</b>
<b>Age</b>	Care home placements for people aged 18-64 have been included in the modelling.	As part of MSP monitoring	Jo Sutton	As per project dates
<b>Marriage and Civil Partnership</b>				
<b>Religion</b>				
<b>Disability</b>	An uplift for complex care providers is planned from budget set aside in the Medium Term Financial Strategy.  There will also be an ongoing review of sustainability of the care market, outside of the scope of the MSP.	As part of Market Sustainability Planning.	Jo Sutton	Ongoing

<b>Pregnancy and Maternity</b>				
<b>Sex</b>				
<b>Gender Reassignment</b>				
<b>Race</b>				
<b>Sexual Orientation</b>				

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## 5. Review and Conclusion

**Summary: provide a brief overview including impact, changes, improvement, any gaps in evidence and additional data that is needed**

The recommendations in this report will have a positive impact on public health as the Market Sustainability Plan should improve the quality and overall availability of care services locally.

The care market is currently facing unprecedented challenges resulting from increasing costs and workforce shortages. The Council is under constant pressure from the market to increase fee rates with some providers telling commissioners that delivering care in Cheshire East is no longer sustainable. There is, therefore, a need to take urgent action to support the care market through the provision of increased funding in the short term and through service redesign in the longer term. If the Council decides not to submit a Market Sustainability Plan it will not be eligible for additional funding to support the market. Given the current and increasing pressures in the market as highlighted by the cost of care exercise this could have implications for the Council's ability to meet its statutory duties under the Care Act 2014.

<b>Specific actions to be taken to reduce, justify or remove any adverse impacts</b>	<b>How will this be monitored?</b>	<b>Officer responsible</b>	<b>Target date</b>
Inclusion of residential provision for under 65s	As part of MSP monitoring	Jo Sutton	As per project dates
Ongoing market review of all care provision outside of scope of MSP.		Jo Sutton	Ongoing
Provider Business Modelling	Ongoing review – estimates v actual	Jo Sutton	
<b>Please provide details and link to full action plan for actions</b>			

<b>When will this assessment be reviewed?</b>			
<b>Are there any additional assessments that need to be undertaken in relation to this assessment?</b>			
<b>Lead officer sign off</b>		<b>Date</b>	
<b>Head of service sign off</b>		<b>Date</b>	

Please publish this completed EIA form on the relevant section of the Cheshire East website

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