

Equality Analysis



Please refer to the guidance for carrying out Equality Analysis (available on the intranet).
Text in blue is intended to provide guidance – you can delete this from your final version.

What are the proposals being assessed?	ASCICPH 124 - Adult Social Care- Mental Health S75 agreement
Which Department/ Division has the responsibility for this?	Adult Social Care, Integrated Care & Public Health

Stage 1: Overview

Name and job title of lead officer	Graham Terry, Assistant Director of Commissioning
1. What are the aims, objectives, and desired outcomes of your proposal? (Also explain proposals e.g., reduction/removal of service, deletion of posts, changing criteria etc)	<p>LBM is the only SWL borough with a section 75 agreement (Section 75 of the National Health Services Act 2006 between partners (NHS bodies and local authorities) can include arrangements for pooling resources and delegating certain NHS and local authority health-related functions to the other partner) in place with SWL STG MH Trust (South West London St Georges Mental Health Trust).</p> <p>All other SWL boroughs have ended their section 75 arrangements and returned their social work staff into their council structures, while still undertaking their statutory duties and working closely with the MH Trust. All SWL boroughs (and the MH Trust) report that they are happy with this arrangement and that they have more control over their Care Act Duties and are better able to ensure that they meet statutory responsibilities.</p> <p>We would also be able to ensure that all Care Act activity undertaken by staff is recorded accurately on Merton's client database and be able to report on our statutory duties and functions. We would review the current model and pathways and remodel based on best practice working with all stakeholders to co-produce.</p> <p>We would have to give formal notice to end the section 75 agreement with the mental health trust following internal approval for this proposal.</p>
2. How does this contribute to the council's corporate priorities?	This proposal supports a sustainable future for ASC and Merton by ensuring that the council can meet its statutory functions in respect of people with mental health needs and better able to report on and monitor

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	<p>delivery of these with direct accountability for them. The proposal would also support the wider health and wellbeing agenda, promoting community support alternatives.</p>
<p>3. Who will be affected by this proposal? For example, who are the external/internal customers, communities, partners, stakeholders, the workforce etc.</p>	<p>We would need to consult with staff and stakeholders. Statutory duty performance is different to internal LBM teams and the current set up is a risk to Care Quality assurance as operating practices differ across delivery of our Care Act functions and impact on performance reporting. The target implementation would be in October 2024.</p> <p>Staffing Implications - 23 FTE staff are on the LBM payroll and 15.5 on trust payroll working for LBM within the MH Trust. We may need to restructure our social work teams within Merton to accommodate all our staff and functions; it would also profile the specific specialist social work skills of the mental health social workers.</p> <p>The improved fulfillment of our statutory care act duties arising from this proposal will benefit residents.</p>
<p>4. Is the responsibility shared with another department, authority, or organisation? If so, who are the partners and who has overall responsibility?</p>	<p>This proposal would end the current Section 75 agreement with the SWL STG MH Trust who provide this on our behalf and return the provision of social care for people with mental health needs into Adult Social Care within the council.</p> <p>A discussion with the MH trust has taken place and they have indicated that they support the proposal and feel that it can have a positive impact on our residents when implemented in partnership with the council.</p>

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Stage 2: Collecting evidence/ data

5. What evidence have you considered as part of this assessment?

Provide details of the information you have reviewed to determine the impact your proposal would have on the protected characteristics (equality groups).

The proposal can have a beneficial impact on the protected characteristics (equality groups) by better meeting our statutory responsibilities toward them, ensuring direct control of our mental health social work services, monitoring, and reporting of our performance. The other savings proposal to return the brokerage of mental health social care services could be implemented sooner than this expected October 2024 date for the end of the S75 agreement and hence why they are separate proposals.

The implementation of the proposal would seek to ensure that joint working with individual service users would continue with the MH trust similarly to the other SWL boroughs.

Stage 3: Assessing impact and analysis

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 6. From the evidence you have considered, what areas of concern have you identified regarding the potential negative and positive impact on one or more protected characteristics (equality groups)?

Protected characteristic (equality group)	Tick which applies		Tick which applies		Reason Briefly explain what positive or negative impact has been identified
	Positive impact		Potential negative impact		
	Yes	No	Yes	No	
Age	✓		✓		There is the potential for both and positive and negative impacts. To mitigate this, we will learn from the other 5 SW LB's and other Local Authority arrangements nationally, who have ended their S75 agreement with the trust to avoid a loss of joined up health and social care working experienced by service users. The proposal can better meet our statutory responsibilities toward them, especially with regard to the protected characteristics, ensuring direct control of our mental health social work services, monitoring, and reporting of our performance. This direct control will enable us to respond to any potential disparities regarding the protected characteristics and ensure equitable measures are in place.
Disability	✓		✓		We will learn from the other 5 SW LB's who have ended their S75 agreement with the trust to avoid a loss of joined up health and social care working experienced by service users. The proposal can better meet our statutory responsibilities toward them, ensuring direct control of our mental

					health social work services, strengthening the professional supervision and support for the staff, monitoring, and reporting of our performance.
Gender Reassignment	✓		✓		We will learn from the other 5 SW LB's who have ended their S75 agreement with the trust to avoid a loss of joined up health and social care working experienced by service users. The proposal can better meet our statutory responsibilities toward them, ensuring direct control of our mental health social work services, monitoring, and reporting of our performance.
Marriage and Civil Partnership	✓		✓		We will learn from the other 5 SW LB's who have ended their S75 agreement with the trust to avoid a loss of joined up health and social care working experienced by service users. The proposal can better meet our statutory responsibilities toward them, ensuring direct control of our mental health social work services, monitoring, and reporting of our performance.
Pregnancy and Maternity	✓		✓		We will learn from the other 5 SW LB's who have ended their S75 agreement with the trust to avoid a loss of joined up health and social care working experienced by service users. The proposal can better meet our statutory responsibilities toward them, ensuring direct control of our mental health social work services, monitoring, and reporting of our performance.
Race	✓		✓		We will learn from the other 5 SW LB's who have ended their S75 agreement with the trust to avoid a loss of joined up health and social care working experienced by service users. The proposal can better meet our statutory responsibilities toward them, ensuring direct control of our mental health social work services, monitoring, and reporting of our performance.
Religion/ belief	✓		✓		We will learn from the other 5 SW LB's who have ended their S75 agreement with the trust to avoid a loss of joined up health and social care working experienced by service users. The proposal can better meet our statutory responsibilities toward them, ensuring direct control of our mental health social work services, monitoring, and reporting of our performance.
Sex (Gender)	✓		✓		We will learn from the other 5 SW LB's who have ended their S75 agreement with the trust to avoid a loss of joined up health and social care working experienced by service users. The proposal can better meet our statutory responsibilities toward them, ensuring direct control of our mental health social work services, monitoring, and reporting of our performance.
Sexual orientation	✓		✓		We will learn from the other 5 SW LB's who have ended their S75 agreement with the trust to avoid a loss of joined up health and social care working experienced by service users. The proposal can better meet our statutory responsibilities toward them, ensuring direct control of our mental health social work services, monitoring, and reporting of our performance.
Socio-economic status	✓		✓		We will learn from the other 5 SW LB's who have ended their S75 agreement with the trust to avoid a loss of joined up health and social care working experienced by service users. The proposal can better meet our

					statutory responsibilities toward them, ensuring direct control of our mental health social work services, monitoring, and reporting of our performance.
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a. If you have identified a negative impact, how do you plan to mitigate it?

Consultation with services users, staff and stakeholders would be undertaken to identify any concerns to address at the outset and continue their engagement during its implementation if the proposal is approved. A key objective would be to ensure that effective integrated working is established in a new partnership with the MH trust.

A project governance and plan to manage the proposal if approved would be established to oversee this work and manage any risks arising. A dedicated staffing resources to facilitate the implementation and meet its key objectives would be required.

Stage 4: Conclusion of the Equality Analysis

8. Which of the following statements best describe the outcome of the EA (Tick one box only)

Please refer to the guidance for carrying out Equality Impact Assessments is available on the intranet for further information about these outcomes and what they mean for your proposal

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- Outcome 1** – The EA has not identified any potential for discrimination or negative impact and all opportunities to promote equality are being addressed. **No changes are required.**
- Outcome 2** – The EA has identified adjustments to remove negative impact or to better promote equality. **Actions you propose to take to do this should be included in the Action Plan.**
- Outcome 3** – The EA has identified some potential for negative impact or some missed opportunities to promote equality and it may not be possible to mitigate this fully. **If you propose to continue with proposals you must include the justification for this in Section 10 below, and include actions you propose to take to remove negative impact or to better promote equality in the Action Plan. You must ensure that your proposed action is in line with the PSED to have 'due regard' and you are advised to seek Legal Advice.**
- Outcome 4** – The EA shows actual or potential unlawful discrimination. **Stop and rethink your proposals.**

Stage 5: Improvement Action Pan

9. Equality Analysis Improvement Action Plan template – Making adjustments for negative impact

This action plan should be completed after the analysis and should outline action(s) to be taken to mitigate the potential negative impact identified (expanding on information provided in Section 7 above).

Negative impact/ gap in information identified in the Equality Analysis	Action required to mitigate	How will you know this is achieved? e.g., performance measure/ target)	By when	Existing or additional resources?	Lead Officer	Action added to divisional/ team plan?
<p>Consultation with services users, staff and stakeholders would be undertaken to identify any concerns to address at the outset and continue their engagement during its implementation if the proposal is approved. A key objective would be to ensure that effective integrated working is established in a new partnership with the MH trust.</p>	<p>Project governance and a plan to manage the consultation and engagement, any implementation and detailed objectives will be established to oversee this work and manage any risks arising.</p> <p>The proposal would be implemented in conjunction with the MH trust and draw on the learning from the 5 SW LB and their successful models of service.</p>	<p>The project will be part of the ASC Toward Outstanding Programme (TOP) and monitored via TOP.</p> <p>A full project plan will be devised with clear actions and milestones to enable the monitoring of progress. The project will involve MH trust colleagues, staff, service users, carers, and stakeholders.</p>	1 st April 2023	A project resourcing plan will identify the staffing required to deliver it.	Graham Terry	Yes, following approval.

Note that the full impact of the decision may only be known after the proposals have been implemented; therefore it is important the effective monitoring is in place to assess the impact.

Stage 6: Reporting outcomes

10. Summary of the equality analysis

This section can also be used in your decision-making reports (CMT/Cabinet/etc.) but you must also attach the assessment to the report, or provide a hyperlink.

This Equality Analysis has resulted in an Outcome 2 Assessment

Stage 7: Sign off by Director/ Head of Service

Assessment completed by	Graham Terry	Signature: 	Date: 19 th October 2023
Improvement action plan signed off by Director/ Head of Service		Signature:	Date: