

## Equality Impact Assessment

### Part 1: Background and information

<b>Title of proposal</b>	Commissioning Strategy 2023 - 2026
<b>Brief description of proposal (including intended outcomes &amp; purpose)</b>	<p>The Commissioning Strategy 2023 – 2026 builds on the commissioning foundations established in the previous Commissioning Strategy 2021 - 2023.</p> <p>The Strategy sets out the context in which we will develop our approach to commissioning and takes account of our vision and strategic priorities in our newly published Strategic Plan 2023 to 2026 (<a href="https://www.fifehealthandsocialcare.org/Strategic-Plan-2023-to-2026-FINAL.pdf">Fife-Strategic-Plan-2023-to-2026-FINAL.pdf</a> (<a href="https://www.fifehealthandsocialcare.org">fifehealthandsocialcare.org</a>))</p> <p>Our strategic direction is to deliver reform, transformation, and sustainably, and to create clearer more service user aligned care pathways. This approach seeks to create conditions for a collaborative, systems approach to service design and delivery through operational delivery, professional standards and business enabling and support services.</p> <p>Our Commissioning Strategy seeks to set out the Partnership’s approach to commissioning by detailing our commissioning vision, commissioning priorities, standards, behaviours, and expectations of our partner providers.</p> <p>Our commissioning directions, standards and activities will continue to be informed by our ongoing engagement with local people and local providers both in the private and third sector. Only by working collaboratively, can we achieve a significant improvement in the overall health and wellbeing of the people of Fife.</p>
<b>Lead Directorate / Service / Partnership</b>	Fife Health and Social Care Partnership
<b>EqIA Lead Person</b>	Alan Adamson, Service Manager Quality Assurance, Health and Social Care Partnership

<b>EqlA Contributors</b>	<ul style="list-style-type: none"> <li>• Commissioning Strategy Working Group</li> <li>• Senior Leadership Team</li> <li>• Strategic Planning Group</li> </ul>
<b>Date of EqlA</b>	March 2023

**How does the proposal meet one or more of the general duties under the Equality Act 2010?** (Consider proportionality and relevance on p.12 and see p.13 for more information on what the general duties mean). If the decision is of a strategic nature, how does the proposal address socio-economic disadvantage or inequalities of outcome?)

<b>General duties</b>	<b>Please Explain</b>
Eliminating discrimination, harassment and victimisation	<p>Fife Health and Social Care Partnership is committed to promoting dignity, equality and independence for the people of Fife. Our Strategic Plan and collection of supporting strategies, including the Commissioning Strategy, will ensure that we continue to work effectively with partners, local communities, and individuals, to challenge sources of inequality such as discrimination, harassment and victimisation, and to promote equality of opportunity for all.</p> <p>The Partnership's Equality Outcomes and Mainstreaming Report has been refreshed (January 2023) and is currently pending approval by the IJB. This provides a summary of what we have completed over the last two years. The Partnership's equality outcomes have been updated to align with the new Strategic Plan and the Commissioning Strategy supports the new equality outcomes.</p>
Advancing equality of opportunity	<p>The Commissioning Strategy aligns with the Partnership's Locality Planning approach which brings decision making about health and social care local priorities closer to communities.</p> <p>The Commissioning Strategy supports our Locality Planning approach by demonstrating commitment to:</p>

- Collaborative Working.
- Adopting a community wealth building approach.
- Robust communication and engagement activity.
- Supporting and enabling better care co-ordination.
- Building on our existing relationships with our third and independent sector partners.
- Adopting a sustainable and ethical commissioning approach.

Locality Action Plans are currently being developed for each of the seven localities in Fife. The final versions of the Plans are due to be published in March 2023 and take account of extensive engagement carried out through wider stakeholder events that were run in each locality.

Participation and engagement is central to the work of the Health and Social Care Partnership and we are committed to listening to people to achieve the best possible outcomes for the people of Fife. The Participation and Engagement Team have carried out extensive and varied engagement with our partner agencies and members of the public during 2022 and this will continue. Our Participation and Engagement Strategy ensures that ongoing participation and engagement is embedded in our commissioning approach to all service review and delivery. This approach ensures that we offer equal opportunities for people's voices to be heard. We have strong links with a number of equality groups across Fife who support us in the development of appropriate engagement tools, policy and strategy. We are committed to tailoring our engagement materials to meet the needs of different groups and communities for example offering different formats of engagement materials as required so that everyone has an opportunity to participate in engagement opportunities.

Our newly published Strategic Plan 2023 – 2026 identifies a key Strategic Priority of 'Local: A Fife where we will enable people and communities to thrive'. The Commissioning Strategy is committed to supporting this priority by embedding the following local principles into our commissioning practices:

- We will commission Social Care Services locally wherever possible.
- We will work with our localities to ensure that they have an active role in local planning of health and social care service provision.

The IJB has a duty of Best Value under the Local Government in Scotland Act 2003 to demonstrate a focus on continuous improvement in performance around each of the Best Value themes. There are five themes and two themes are identified as cross-cutting themes, 'Equality' is identified as one of the cross-cutting themes. We are committed to demonstrating Best Value including the equalities theme in all our contracting and commissioning activity. This is demonstrated through our procurement practices which include requiring any organisation that we contract with to have an equalities policy in place and ensuring that all contracts have robust terms and conditions that require organisations to comply with their responsibilities under the Equality Act 2010.

Our grant funded third and voluntary sector organisations are also subject to these requirements. These organisations must have a robust equalities policy in place and must agree and adhere to the following conditions within the Service Level Agreement terms and conditions.

#### Discrimination

*The Organisation shall not unlawfully discriminate either directly or indirectly on such grounds as race, colour, ethnic or national origin, disability, sex or sexual orientation, religion or belief, or age and without prejudice to the generality of the foregoing the Organisation shall not unlawfully discriminate within the meaning and scope of the "Equality Act 2010" or other relevant or equivalent legislation, or any statutory modification or re-enactment thereof. The Organisation shall take all reasonable steps to secure the observance of this Condition by all employees and representatives of the Organisation.*

	<p>Non-compliance of the Equality Act 2010 by any of our contracted providers in the third and independent sectors is addressed through contract and service level agreement robust monitoring, assurance and complaints processes.</p>
<p>Fostering good relations</p>	<p>Our Commissioning Strategy aims to maximise opportunities for collaborative commissioning with the aim of improving services, outcomes, processes and efficiency.</p> <p>We are committed to working with our Procurement partners in Fife Council and NHS Fife to deliver on our contracting and commissioning requirements. We are also committed to building on our existing good working relationships with our third and independent sector care providers and will demonstrate a commitment to partnership working as well as ensuring that feedback from those who use and those who deliver social care services is at the heart of our development and improvement plans.</p> <p>An example of fostering good relations and working collaboratively is the Care at Home Collaborative which was established to support capacity and efficiency improvements within the independent care at home sector. A Collaborative was established where 15 independent care providers have a regular meeting with the Commissioning Team to assess capacity and to better coordinate planning with regards to the delivery of packages of care. Significant progress has been made in returning people from interim beds via the Care at Home Collaborative. It is thought that this way of working is a first in Scotland.</p>
<p>Socio-economic disadvantage</p>	<p>We recognise that low income and reduced access to resources, can impact negatively on people’s health and wellbeing. For example, it can affect an individual’s ability to:</p> <ul style="list-style-type: none"> <li>• have safe, good quality, accessible housing,</li> <li>• access their local community and families for support,</li> <li>• access to nutritious food, and know how to prepare/cook fresh produce,</li> <li>• buy fuel to heat homes and cook nutritious meals.</li> </ul> <p>Our Commissioning Strategy aligns to our Wellbeing priority in the Strategic Plan 2023 –</p>

	<p>2026, 'A Fife where we will support early intervention and prevention'. To support the 'wellbeing' theme we have developed the following principles to embed into our commissioning practices:</p> <ul style="list-style-type: none"> <li>• We will actively promote commissioning solutions that enable prevention and early intervention.</li> <li>• We will actively promote self-care and self-management.</li> <li>• We will continue to support our unpaid carers and ensure that their needs are met.</li> </ul> <p>The Commissioning Strategy also supports our prevention and early intervention approach to service delivery and this has been identified within our Commissioning Strategy as one of our key priority areas. We want our commissioning practices to actively promote solutions that enable prevention and early intervention in line with our Prevention and Early Intervention Strategy. We want to deliver on service models which focus on early intervention and prevention and that promote community-based supports over residential settings. We want to build resilience through self-care and self-management, and we also want to support people to develop and maintain the knowledge to manage their own health conditions and live healthier lives.</p>
<p>Inequalities of outcome</p>	<p>Outcomes is a key theme of the new Strategic Plan 2023 -2026, and the related strategic priority is 'A Fife where we will promote dignity, equality, and independence'.</p> <p>This approach embeds equalities in our practice and ensures that we will, as appropriate, target specific actions to support communities and individuals most at risk of harm from inequalities. In addition, we will actively work to improve health and wellbeing outcomes across Fife.</p> <p>The Commissioning Strategy as one of the strategies that supports the delivery of the Strategic Plan will align with and embed the 'Outcomes' theme in the commissioning and delivery of social care services through our 'Outcomes' themed commissioning principles:</p> <ul style="list-style-type: none"> <li>• We will commission services with an outcome focus.</li> </ul>

	<ul style="list-style-type: none"> <li>We will ensure feedback from those who use social care services, their families and their carers, is at the heart of our development and improvement plans.</li> </ul> <p>Through our commissioning priority of maximising opportunities for collaborative working with our partners with the aim of improving services, outcomes, processes and efficiency this will achieve consistency in services delivered to individuals and improved service user satisfaction.</p> <p>We will shape services with an outcome focus to deliver the outcomes that the people of Fife want by ensuring that we embed the voice of lived experience in our commissioning development plans for the delivery of social care services leading to improved outcomes.</p>
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Having considered the general duties above, if there is likely to be no impact on any of the equality groups, parts 2 and 3 of the impact assessment may not need to be completed. Please provide an explanation (based on evidence) if this is the case.

An Equality Impact Assessment is required.

## Part 2: Evidence and Impact Assessment

**Explain what the positive and / or negative impact of the strategy is on any of the protected characteristics. If there is no impact, please explain why.**

<b>Protected characteristic</b>	<b>Positive impact</b> (May benefit an equality group.)	<b>Negative impact</b> (Could disadvantage an equality group.)	<b>Mitigations</b> (Steps we will take to reduce the risk of disadvantage by an equality group.)
Age (including older people aged 65+)	Through our 'local' themed principles, we will commission services locally wherever	There is a potential negative impact of commissioning locally if for example a	Our commitment to commissioning locally wherever possible is mitigated

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	<p>possible allowing people to stay in their local area for example: If they require a residential facility. This ensures that a supported individual can stay close to their loved ones and remain within a community that they are familiar.</p> <p>Our contracting and commissioning activity ensures through our contractual terms and conditions that any organisation that delivers health and social care services on behalf of Fife Health and Social Care Partnership:</p> <p><i>'Shall not unlawfully discriminate either directly or indirectly on such grounds as race, colour, ethnic or national origin, disability, sex or sexual orientation, religion or belief, or age and without prejudice to the generality of the foregoing the Organisation shall not unlawfully discriminate within</i></p>	<p>supported individual requires bespoke care that is not available in the local area or if a supported individual wants to move closer to their loved ones to give them more opportunities to spend quality time with them.</p>	<p>by only doing so where this is the right outcome for the individual and by having due regard to individual choice.</p> <p>Non-compliance of the Equality Act 2010 by any of our contracted providers in the third and independent sectors are addressed through contract and service level agreement robust monitoring, assurance and complaints processes.</p>



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	<i>the meaning and scope of the “Equality Act 2010” or other relevant or equivalent legislation, or any statutory modification or re-enactment thereof. The Organisation shall take all reasonable steps to secure the observance of this Condition by all employees and representatives of the Organisation.</i>		
Disability (Mental, Physical, Sensory, and Carers of Disabled People)	Within our ‘outcomes’ themed commissioning principles we have made a commitment to ensure that feedback from those who use social care services, their families and carers, is at the heart of our development and improvement plans. By ensuring that individuals have appropriate opportunities and accessible routes to get involved in the development of social care	Failure to consider and mitigate the specific barriers faced by people with mental and physical disabilities when developing the relevant commissioned services could serve to exclude them from the engagement process and fail to capture their feedback in relation to health and social care services important to them.	Discussion and collaboration with partners and community groups that have experience and expertise in engaging with people with mental and physical disabilities will enable the Partnership to identify and mitigate the potential barriers that disabled people face, and then take reasonable steps to reduce or remove these barriers.

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	<p>services, these stakeholders will be able to provide feedback and lived experienced views on what person centred, outcome focussed services would make a difference to them.</p> <p>Our contracting and commissioning activity ensures through our contractual terms and conditions that any organisation that delivers health and social care services on behalf of Fife Health and Social Care Partnership:</p> <p><i>'Shall not unlawfully discriminate either directly or indirectly on such grounds as race, colour, ethnic or national origin, disability, sex or sexual orientation, religion or belief, or age and without prejudice to the generality of the foregoing the Organisation shall not unlawfully discriminate within the meaning and scope of the</i></p>	<p>Potential barriers include:</p> <ul style="list-style-type: none"> <li>• arranging engagement activities in buildings that lack appropriate access, or venues that require significant or specific travel arrangements.</li> <li>• providing limited access options, for example digital-only consultations, or failure to provide easy-read versions.</li> </ul>	<p>Mitigations include:</p> <ul style="list-style-type: none"> <li>• arranging physical engagement opportunities in locations with disabled access and appropriate facilities such as induction loops, interpreters, or extra staff assistance if required.</li> <li>• providing consultations and other information in alternative formats.</li> <li>• ensuring opportunities to engage are inclusive and cover an appropriate range of formats, for example digital, telephone, and face-to-face.</li> </ul> <p>Non-compliance of the Equality Act 2010 by any of our contracted providers in the third and independent sectors</p>

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	<i>“Equality Act 2010” or other relevant or equivalent legislation, or any statutory modification or re-enactment thereof. The Organisation shall take all reasonable steps to secure the observance of this Condition by all employees and representatives of the Organisation</i>		are addressed through contract and service level agreement robust monitoring, assurance and complaints processes.
Gender Reassignment	<p>Our contracting and commissioning activity ensures through our contractual terms and conditions that any organisation that delivers health and social care services on behalf of Fife Health and Social Care Partnership:</p> <p><i>‘Shall not unlawfully discriminate either directly or indirectly on such grounds as race, colour, ethnic or national origin, disability, sex or sexual orientation, religion or belief, or age and without prejudice to the generality of the foregoing the Organisation shall not</i></p>	<p>Failure to consider and mitigate the specific barriers faced by transgender people, their families and carers, when developing social care services could serve to exclude them from access to social care services.</p> <p>Potential barriers include:</p> <ul style="list-style-type: none"> <li>• failure to provide sufficient individual services as some individuals may prefer not to access support in a group setting.</li> </ul>	<p>This is mitigated by:</p> <p>Non-compliance of the Equality Act 2010 by any of our contracted providers in the third and independent sectors are addressed through contract and service level agreement robust monitoring, assurance and complaints processes.</p>

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	<i>unlawfully discriminate within the meaning and scope of the “Equality Act 2010” or other relevant or equivalent legislation, or any statutory modification or re-enactment thereof. The Organisation shall take all reasonable steps to secure the observance of this Condition by all employees and representatives of the Organisation.</i>	<ul style="list-style-type: none"> <li>• providing forms or surveys which do not include appropriate options for pronouns and gender (natal, identified, and expressed).</li> <li>• arranging social care services/activities in venues that do not provide suitable facilities for transgender people, for example buildings which only provide gender-neutral or single sex, toilets, signage, and other amenities.</li> </ul>	
Marital Status (Marriage and Civil Partnerships)	It is unlikely that an individual’s marital status will have an impact on their opportunity to access social work and social care services.	N/A	N/A
Pregnancy and Maternity	Within our ‘wellbeing’ themed principles, we are committed to promoting commissioning solutions that enable prevention and early	Failure to consider and mitigate barriers faced by women who are pregnant in developing our prevention and early intervention approach to	Discussion and collaboration with partners and community groups that have experience and expertise in engaging with women who are pregnant, will

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	<p>intervention in line with our Prevention and Early Intervention Strategy. The commissioning strategy lead will work closely with the prevention and early intervention lead to identify the commissioning activity that will support achievement of the prevention and early intervention priorities which includes a life course approach meaning that it is never too early to embed prevention and early intervention which we believe starts with a fetus and continues to be an important factor throughout all life stages. We are committed to empowering individuals to take ownership of their own health and wellbeing.</p> <p>Our contracting and commissioning activity ensures through our contractual terms and conditions that any organisation that delivers</p>	<p>commissioned services could lead to a failure of the life course approach, and result in poorer health and social care outcomes for those who are pregnant and breastfeeding.</p>	<p>enable the Partnership to identify and mitigate the potential barriers that individuals may face, and then take reasonable steps to reduce or remove these barriers.</p> <p>Mitigations include:</p> <ul style="list-style-type: none"> <li>• ensuring that the appropriate social care support services are in place to support a prevention and early intervention approach in pregnancy and early motherhood.</li> <li>• providing multiple engagement opportunities so that individuals have several opportunities to get involved and provide their views on the types of services that may be an enabler to prevention</li> </ul>

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	<p>health and social care services on behalf of Fife Health and Social Care Partnership:</p> <p><i>‘Shall not unlawfully discriminate either directly or indirectly on such grounds as race, colour, ethnic or national origin, disability, sex or sexual orientation, religion or belief, or age and without prejudice to the generality of the foregoing the Organisation shall not unlawfully discriminate within the meaning and scope of the “Equality Act 2010” or other relevant or equivalent legislation, or any statutory modification or re-enactment thereof. The Organisation shall take all reasonable steps to secure the observance of this Condition by all employees and representatives of the Organisation.</i></p>		<p>and early intervention for this group.</p> <ul style="list-style-type: none"> <li>• providing appropriate support so that women can breastfeed whilst accessing services.</li> </ul> <p>Non-compliance of the Equality Act 2010 by any of our contracted providers in the third and independent sectors are addressed through contract and service level agreement robust monitoring, assurance and complaints processes.</p>
Race (All Racial Groups including Gypsy/Travellers)	<i>Our contracting and commissioning activity ensures</i>	Failure to consider and mitigate the specific barriers	Non-compliance of the Equality Act 2010 by any of our

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	<p><i>through our contractual terms and conditions that any organisation that delivers health and social care services on behalf of Fife Health and Social Care Partnership:</i></p> <p><i>‘Shall not unlawfully discriminate either directly or indirectly on such grounds as race, colour, ethnic or national origin, disability, sex or sexual orientation, religion or belief, or age and without prejudice to the generality of the foregoing the Organisation shall not unlawfully discriminate within the meaning and scope of the “Equality Act 2010” or other relevant or equivalent legislation, or any statutory modification or re-enactment thereof. The Organisation shall take all reasonable steps to secure the observance of this Condition by all employees and representatives of the Organisation.</i></p>	<p>faced by some ethnic and racial groups when developing social care services could serve to exclude them from access to social care services.</p> <p>Potential barriers include:</p> <ul style="list-style-type: none"> <li>• not providing interpretation services as and when required to support ethnic and racial groups to access social care services.</li> <li>• failure to provide information in different languages.</li> <li>• arranging engagement activities in venues that may be difficult for some individuals to access, or at times that may be restrictive.</li> </ul>	<p>contracted providers in the third and independent sectors are addressed through contract and service level agreement robust monitoring, assurance and complaints processes.</p> <p>Additional mitigations include:</p> <ul style="list-style-type: none"> <li>• ensuring that interpretation services, including interpreting tools and face-to-face interpreters, are available if/when required.</li> <li>• providing consultations and other information in alternative formats and languages.</li> <li>• organising engagement events in accessible locations and offering tailored opportunities where required.</li> </ul>

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	<p>The Equality Act 2010 includes a public sector equality duty (Section 149) which is also extended to those exercising public functions. The duty requires public bodies, in the exercise of their functions, to have due regard to the need to:</p> <ul style="list-style-type: none"> <li>• eliminate unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010.</li> <li>• advance equality of opportunity between persons who share a protected characteristic and persons who do not.</li> <li>• foster good relations between persons</li> </ul>	<p>Failure of a provider to have due regard to the duties in section 149 may result in an employee from a protected characteristic being discriminated against carrying out specific duties without reasonable enquiry or evidence to sustain a request. For example: A service user requesting a carer with a specific race.</p>	<p>We will ensure that any provider delivering care and support services on the Partnership's behalf has a robust Equality Policy in place which ensures any allegations of discrimination, harassment and victimisation of employees is taken seriously and that they will seek to resolve any issues and concerns raised. Providers are also required to have a robust Grievance Procedures to support this process.</p> <p>The Partnership will also make a commitment to meeting people's specific preferences with regards to their care and support, however not where it would breach the duties in the Equality Act 2010.</p>



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	who share a protected characteristic and those who do not.		
Religion, Belief, and Non-Belief	<p>Our contracting and commissioning activity ensures through our contractual terms and conditions that any organisation that delivers health and social care services on behalf of Fife Health and Social Care Partnership:</p> <p><i>‘Shall not unlawfully discriminate either directly or indirectly on such grounds as race, colour, ethnic or national origin, disability, sex or sexual orientation, religion or belief, or age and without prejudice to the generality of the foregoing the Organisation shall not unlawfully discriminate within the meaning and scope of the “Equality Act 2010” or other relevant or equivalent</i></p>	<p>Failure to consider and mitigate the specific barriers faced by individuals with particular religious or philosophical beliefs, or individuals connected to someone who has a particular religion or belief, when developing social care services could serve to exclude them from access to social care services important to them.</p> <p>Potential barriers include:</p> <ul style="list-style-type: none"> <li>• arranging social care services on specific days or at times that are likely to be restrictive for particular religious groups for example: day care centre(s).</li> </ul>	<p>Non-compliance of the Equality Act 2010 by any of our contracted providers in the third and independent sectors are addressed through contract and service level agreement robust monitoring, assurance and complaints processes.</p> <p>Additional mitigations include:</p> <ul style="list-style-type: none"> <li>• ensuring opportunities to attend social care services e.g. day care are available on a variety of days and times so as not to restrict particular religious groups.</li> </ul>

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	<i>legislation, or any statutory modification or re-enactment thereof. The Organisation shall take all reasonable steps to secure the observance of this Condition by all employees and representatives of the Organisation.</i>	<ul style="list-style-type: none"> <li>• only using religious venues, for example churches or denominational schools as venue's for delivering social care services e.g. The Wells.</li> <li>• providing information and materials that contain content that could be perceived as discriminatory towards particular groups.</li> </ul>	<ul style="list-style-type: none"> <li>• providing multiple venues to deliver social care services to ensure that churches for example are not the only place that a person from this protected characteristic group can access social care services.</li> <li>• ensuring that information relating to social care services do not contain biased or potential discriminatory content.</li> </ul>
Sex (Women and Men)	<p>Our contracting and commissioning activity ensures through our contractual terms and conditions that any organisation that delivers health and social care services on behalf of Fife Health and Social Care Partnership:</p> <p><i>'Shall not unlawfully discriminate either directly or</i></p>	<p>Failure to consider and mitigate the specific barriers faced by individuals of a particular sex when developing social care services may serve to exclude them access to social care services.</p> <p>Potential barriers include:</p>	<p>Non-compliance of the Equality Act 2010 by any of our contracted providers in the third and independent sectors are addressed through contract and service level agreement robust monitoring, assurance and complaints processes.</p>

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	<p><i>indirectly on such grounds as race, colour, ethnic or national origin, disability, sex or sexual orientation, religion or belief, or age and without prejudice to the generality of the foregoing the Organisation shall not unlawfully discriminate within the meaning and scope of the “Equality Act 2010” or other relevant or equivalent legislation, or any statutory modification or re-enactment thereof. The Organisation shall take all reasonable steps to secure the observance of this Condition by all employees and representatives of the Organisation.</i></p>	<ul style="list-style-type: none"> <li>• only offering access to specific social care services e.g. counselling services on specific days and times that are likely to be restrictive for particular groups for example, individuals with child-care responsibilities.</li> <li>• only offering face to face engagement opportunities on a specific day and times that are likely to be restrictive for particular groups for example individuals with child-care responsibilities.</li> </ul>	<p>Additional mitigations include:</p> <ul style="list-style-type: none"> <li>• ensuring access to social care services e.g. counselling services are offered on a range of days and times that offer flexibility for particular individuals for example those with child-care responsibilities.</li> <li>• providing multiple face to face engagement opportunities on a variety of days and times so that particular groups e.g. those with child-care responsibilities are not excluded from participating in face to face engagement opportunities.</li> <li>• Ensure digital opportunities for access to services are available, for example:</li> </ul>

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	<p>The Equality Act 2010 includes a public sector equality duty (Section 149) which is also extended to those exercising public functions. The duty requires public bodies, in the exercise of their functions, to have due regard to the need to:</p> <ul style="list-style-type: none"> <li>eliminate unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010.</li> </ul>	<p>Failure of a provider to have due regard to the duties in section 149 may result in an employee from a protected characteristic being discriminated against carrying out specific duties without reasonable enquiry or evidence to sustain a request. For example: A service user requesting a carer with a who is a specific gender.</p>	<p>women/men who have caring responsibilities that limit face-to-face access. Offer alternative formats such as consultations via Near Me.</p> <p>We will ensure that any provider delivering care and support services on the Partnership's behalf has a robust Equality Policy in place which ensures any allegations of discrimination, harassment and victimisation of employees is taken seriously and that they will seek to resolve any issues and concerns raised. Providers are also required to have a robust Grievance Procedures to support this process.</p> <p>The Partnership will also make a commitment to meeting people's specific preferences with regards to their care and</p>

<b>Protected characteristic</b>	<b>Positive impact</b> (May benefit an equality group.)	<b>Negative impact</b> (Could disadvantage an equality group.)	<b>Mitigations</b> (Steps we will take to reduce the risk of disadvantage by an equality group.)
	<ul style="list-style-type: none"> <li>• advance equality of opportunity between persons who share a protected characteristic and persons who do not.</li> <li>• foster good relations between persons who share a protected characteristic and those who do not.</li> </ul>		support, however not where it would breach the duties in the Equality Act 2010.
Sexual Orientation (Heterosexual, Gay, Lesbian and Bisexual)	<p>Our contracting and commissioning activity ensures through our contractual terms and conditions that any organisation that delivers health and social care services on behalf of Fife Health and Social Care Partnership:</p> <p><i>'Shall not unlawfully discriminate either directly or indirectly on such grounds as</i></p>	<p>Failure to consider and mitigate the specific barriers faced by individuals who are (or who are perceived as) heterosexual, gay, lesbian or bisexual, when developing and delivering social care services could serve to exclude them from access to social care services.</p> <p>Potential barriers include:</p>	<p>Non-compliance of the Equality Act 2010 by any of our contracted providers in the third and independent sectors are addressed through contract and service level agreement robust monitoring, assurance and complaints processes.</p> <p>Additional mitigations include:</p>

<b>Protected characteristic</b>	<b>Positive impact</b> (May benefit an equality group.)	<b>Negative impact</b> (Could disadvantage an equality group.)	<b>Mitigations</b> (Steps we will take to reduce the risk of disadvantage by an equality group.)
	<p><i>race, colour, ethnic or national origin, disability, sex or sexual orientation, religion or belief, or age and without prejudice to the generality of the foregoing the Organisation shall not unlawfully discriminate within the meaning and scope of the “Equality Act 2010” or other relevant or equivalent legislation, or any statutory modification or re-enactment thereof. The Organisation shall take all reasonable steps to secure the observance of this Condition by all employees and representatives of the Organisation.</i></p>	<ul style="list-style-type: none"> <li>• failure to provide sufficient individual social care services as some individuals may prefer not to access support in a group setting.</li> <li>• providing forms or surveys which do not include appropriate options sexual orientation.</li> <li>• failure to provide sufficient privacy during engagement opportunities, as some individuals may prefer not to share their views in a public forum.</li> </ul>	<ul style="list-style-type: none"> <li>• ensuring that opportunities to access social care services are offered in a variety of formats for example, group and individual services.</li> <li>• Ensuring that forms and surveys include the appropriate options for sexual orientation.</li> <li>• Ensuring that engagement opportunities allow for private discussions for those who wish to share their views privately and not in a public forum.</li> </ul>

Please also consider the impact of the policy change in relation to:

	<b>Positive impact</b>	<b>Negative impact</b>	<b>No impact</b>
Armed Forces Community	<p>Many members of the armed forces community are included in the protected characteristics groups highlighted above. This includes members of the armed forces community who are in protected characteristics groups themselves, and their families that are in protected characteristics groups.</p> <p>All members of the armed forces community are included in the Partnership's Participation and Engagement activity in relation to the development of social care services, guidance, and procedures. This approach ensures that the voice of armed forces community members, and potential impacts on their health and wellbeing are considered in all planning and decision-making.</p>	<p>Changes to the way that services are delivered can impact on individuals, and the people who care for them. For example, reductions in service provision for the individual can have a negative impact on a family members health and wellbeing, work role, financial situation, family relationships or other commitments.</p> <p>The risk of adverse impacts on members of the armed forces community and their families will be addressed through the proactive delivery of our statutory requirements within the Armed Forces Covenant.</p>	<b>N/A</b>
Carers	<p>Many carers are included in the protected characteristics groups highlighted above. This</p>	<p>Changes to the way that services are delivered can impact on individuals, and the</p>	<b>N/A</b>

	<p>includes carers who are in protected characteristics groups themselves, and individuals who care for other people that are in protected characteristics groups.</p> <p>All carers are included in the Partnership's Participation and Engagement activity in relation to the development of social care services, guidance, and procedures. This approach ensures that carers, requirements, and potential impacts on their health and wellbeing, as well as their capacity to undertake their caring role, are considered in all planning and decision-making.</p>	<p>people who care for them. For example, reductions in service provision for the individual can have a negative impact on the carers' health and wellbeing, work role, financial situation, family relationships or other commitments.</p> <p>The risk of adverse impacts will be addressed through the implementation of the Carers Strategy and proactive inclusion of carers in service planning, decision-making, and delivery.</p>	
Looked After Children and Care Leavers	These groups are included in the mitigations highlighted above.		X
Privacy (including information security, data protection, and human rights)	Fife Health and Social Care Partnership has robust procedures in place to ensure compliance with legislative requirements including data protection and privacy rights.		X



Economy	The Partnership's Medium-Term Financial Strategy includes appropriate mitigations for potential economic impacts.		X
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- Please record the evidence used to support the impact assessment. This could include officer knowledge and experience, research, customer surveys, service user engagement.
- Any evidence gaps can also be highlighted below.

<b>Evidence used</b>	<b>Source of evidence</b>
1. Equality Outcomes and Mainstreaming Report	Legislative requirements, benchmarking, stakeholder input.
2. Locality Action Plans	Multi-agency discussions.
3. Commissioning Strategy Engagement Overview	Ongoing engagement with key stakeholder groups.
4. Annual Performance Report 2021 to 2022	Service updates and case studies.
5. Strategic Plan 2023 to 2026	Strategic Direction, Vision, Mission and Priorities

### Part 3: Recommendations and Sign Off

(Recommendations should be based on evidence available at the time and aim to mitigate negative impacts or enhance positive impacts on any or all of the protected characteristics).

Review	Lead Person	Timescale
This EqIA will be reviewed 12 months after final governance route approval and thereafter annually or following a significant change that requires the EqIA to be updated.	Strategic Planning Team/Service Manager Quality Assurance	April 2024.

### Sign off

(By signing off the EqIA, you are agreeing that the EqIA represents a thorough and proportionate analysis of the policy based on evidence listed above and there is no indication of unlawful practice, and the recommendations are proportionate.

Date completed: March 2023	Date sent to Fife Health and Social Care Partnership Compliance Team: <a href="mailto:FOI.IJB@fife.gov.uk">FOI.IJB@fife.gov.uk</a> : 31/03/2023
Senior Officer Name: Alan Adamson	Designation: Service Manager Quality Assurance, Health and Social Care Partnership

EqIA Ref No.	2023.001
Date checked and initials	03/04/2023 AS