

COUNTY COUNCIL FULL EQUALITY IMPACT ASSESSMENT TEMPLATE

REVIEW OF ADULT SOCIAL CARE CHARGING POLICY

Stage of EIA	Description of Step	Checklist	Checklist
	<p>Is this a new or an existing policy?</p>	<p>The Adult Social Care Charging Policy for non residential services is an existing County Council policy</p> <p>The policy is being reviewed in line with Government guidance on charging.</p>	<p>Charging for non-residential services is discretionary. There is no statutorily defined procedure for assessing non-residential charges. The power to charge derives from Section 17 Health and Social Services and Social Security Adjudications Act 1983 – (HASSASSAA) which empowers the local authority to recover such charge (if any) for a service as they consider reasonable.</p> <p>Charging under Section 17 HASSASSAA is subject to means testing. Where a person is able to satisfy the local authority that his means are insufficient for it to be reasonably practicable for him to pay the full amount for the service, the local authority shall not require him to pay more than it appears to them that it is reasonably practicable for him to pay.</p>
<p>Stage 1</p>	<p>Defining policy objectives and how they will be achieved</p>	<p>Please summarise the planned outcomes for the policy:</p>	<p>How will the outcomes be achieved?</p>

		<p>When exercising the discretion to charge for non-residential services, a local authority is obliged to follow the Department of Health Guidance – Fairer Charging Policies for Home Care and other non-residential Social Services – the current Guidance was issued in 2003.</p> <p>In 2009 and 2010 the Department of Health issued further Guidance – Fairer Contributions Guidance – which specifically deals with calculating an individual's contribution to their personal budget. This Guidance is issued in addition to the 2003 Guidance and is not intended to replace it.</p> <p>The outcomes of the policy are to ensure consistent and equitable charging between those service users in receipt of a personal budget in the form of a direct payment and those who choose to have their services provided by the Council.</p> <p>The policy will ensure that charging will be based on the ability to pay, and meet the legal framework for such policies.</p> <p>The policy will also ensure transparency regarding the costs of services.</p>	<p>By ensuring a consistent policy is adopted.</p>
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<p>Stage 2</p>	<p>Information gathering/consultation Detail existing data/research/consultation sources you will use.</p>	<p>Existing Sources Consultation took place as follows:</p> <ul style="list-style-type: none"> • Letters and questionnaires sent out 31 December 2010 to all service users or financial representatives, with a consultation deadline of 31st March 2011 • The information was produced in large print for the visually impaired, and the information was offered in a variety of formats if recipients requested it. • Charging telephone number for queries • Information sent out to umbrella voluntary organisations (WAVOCC, WASU) • Easy read version commissioned, sent out February 2011, with an extension to the consultation deadline to 13th May 2011. • Consultation documents on Council's consultation portal • "Frequently Asked Questions" published • Members seminar 22 February 2011 	<p>What do these sources show you?</p> <p>There were a number of themes/issues that emerged from the consultation which are reported in the Cabinet report:</p> <ul style="list-style-type: none"> • Affordability of services • Alternative Services • Sustainability of Services • "Self Funders" what support will be offered to self funders who choose to make their own care arrangements? • Significant Increase in charges for a minority. • Unfairness towards savers • Impact on Carers • Transport – issue with transport not currently being part of the means test and currently charged as a flat rate charge. • Emerging Government proposal eg the review of the Disability Living

		<ul style="list-style-type: none"> • Meetings with user/carer groups, interested parties (14 in total) in April/May 2011 • Proposals included in the “Have Your Say” road shows 	<p>Allowance</p> <p>These have been addressed as follows and in some cases recommendations have been amended to reflect the feedback received:</p> <ul style="list-style-type: none"> • Affordability of services a service user will only ever pay up to the maximum assessed charge for means tested services, which will take into account the ability to pay. The Council follows Government guidance to assess the maximum assessed charge which will ensure that service users are left with income support/pension credit guarantee level plus 25% after paying adult social care charges. The financial assessment also takes into account disability related expenses and basic housing costs. • Alternative Services If existing service users decide they no longer wish to continue receiving services, their social worker will firstly review this decision with the individual to ensure that they have the capacity to make that judgment. Social care staff will offer support in finding alternative services that will meet the individual's needs agreed through their social care assessment. The transitional
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			<p>arrangements, if approved, will also give service users the time to consider and reflect on alternative services.</p> <ul style="list-style-type: none"> • Sustainability of Services The sustainability of services is acknowledged and Government guidance states that the effect of service users refusing or withdrawing from services because of charges should be monitored. The transitional arrangements, if approved, should ensure that service users and providers will be able to review their choices over a longer period of time. • "Self Funders" their own care arrangements? Any new "self funders" would still have the right to an assessment and could then make a decision if they wanted to receive a service through the Council or not. • Significant Increase in charges for a minority. The level of potential increases for existing users is of concern, but the transitional arrangements will mitigate the effect on individuals. Service users will only ever be required to pay that which they have been assessed as able to afford. The current system for charging is not consistent between those service users receiving their care managed through the
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			<p>Council, and those who make their own arrangements either independently or through personal budgets in the form of a direct payment</p> <ul style="list-style-type: none"> • Unfairness towards savers “Those service users who have savings over £23,250 are deemed able to pay the full cost of services. This "capital threshold" is consistent with the Government's guidance for the charging of residential and nursing care and it is not appropriate to have a different level for those receiving non-residential services. The value of property is not taken into account when assessing the contribution for non-residential services. • Impact on Carers The impact on carers is a theme which is linked to the affordability of services and the potential for service users to withdraw from existing services. This will be mitigated by the fact that service users will only be charged their maximum charge as contained in their financial assessment and have transitional arrangements • Transport – issue with transport not currently being part of the means test and currently charged as a flat rate charge. The specific concern regarding transport
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			<p>(currently charged as a nominal flat rate charge) not being part of the means test, is accepted, and the proposal has been amended to bring transport charges into the means test for services. The result is that 319 people will be paying lower charges as a result of the revised recommendation.</p> <ul style="list-style-type: none"> Emerging Government proposal eg the review of the Disability Living Allowance. The Government launched its consultation on the review of Disability Living Allowance (DLA) on 6 December 2010. The proposal is to replace DLA with a new benefit – Personal Independence Payment (PIP). Just before the DLA consultation ended, the Government launched its Welfare Reform Bill. The Bill had its First Reading in the House of Lords on 16 June 2011 and the date of the Second Reading is on 19th July 2011. As a result it is recommended that the flat rate disability related expenses proposal is considered further once the future of the DLA is clarified
	<p>Do you consider these sources to be sufficient?</p> <p>Yes</p>	<p>If data is insufficient, what will you do to gather the data you need?</p> <p>These sources represent those who were directly affected by the proposals.</p>	<p>Recommendations have been revised following the consultation, showing that due regard has been given to the comments received.</p>

		<p>Cabinet is to give consideration to a wider public consultation on the transitional arrangements.</p>	
	<p>What further user engagement (if any) do you need to undertake?</p>	<p>Further consultation Who will you consult? Information and Advice to be offered to service users and carers.</p> <p>Further Consultation is proposed with service users and the wider public on the transitional arrangements for those existing service users adversely affected.</p>	<p>How will you communicate the consultation results; They will be communicated: To the public:</p> <ul style="list-style-type: none"> • By press release and via the internet • Open report to Cabinet <p>Within the organisation</p> <ul style="list-style-type: none"> • Via the staff intranet and e mail <p>To stakeholders:</p> <ul style="list-style-type: none"> • By e mail and letter
<p>Stage 3</p>	<p>Assessing the equality impact of your policy from evidence gathered.</p> <p>Decision should be based on 4 factors:</p> <ul style="list-style-type: none"> • Aims of the policy • Evidence collected • Results of both 	<p>From the information gathered, could the policy unlawfully discriminate or have a less favourable impact?</p> <p>The policy will have a less favourable impact on older people and people with a disability, the higher proportion of which will be female, but the nature of the users of social care is such that this is to be expected.</p>	<p>If there is adverse impact could it be justified?</p> <p>The charging policy will be applied consistently across all service users of non residential services, regardless of age, gender, disability or race. Those adversely affected are because they have had a financial assessment which calculates what they are able to afford to contribute towards their social care.</p>

	<p>formal/informal consultation</p> <ul style="list-style-type: none"> • Pros and cons of alternative approaches to delivering policy objectives 	<p>If discrimination is unlawful, what will you do? Not applicable as the policy will comply with the legal framework.</p> <p>If adverse impact is found to exist, Please describe what this impact is: The policy will adversely impact those who are not currently paying their maximum assessed charge or paying for subsidised services. It will also adversely affect those currently paying the "full cost" of services. The issue is that the current "full cost" is subsidised.</p> <p>What groups could potentially be disadvantaged? Social Care service users which will include older people, people with a disability, the higher proportion of which will be female. However they will all have the ability to pay under the policy.</p> <p>Describe the degree of negative impact and the number of people likely to be affected*: The majority of service users will have no</p>	<p>If 'yes', what are your reasons and what evidence did you base this decision on?(for example: positive action to target particular parts of community)</p> <p>The revised policy will be based on ability to pay and applies to all service users regardless of service received. Those that will face increased charges will do so as a result of their financial assessment. The policy change will bring equity to all service users.</p> <p>The revised recommendations as they currently stand will realise savings of just over £2 million. This is less than the initial target of £2.5million, because it is proposed that transport be brought into the means test following consultation.</p> <p>These recommendations were one of a number of options considered as part of the overall BOLD programme and the need to balance the budget. In considering possible options we have had due regard to the Equality Duty (as set out in S149 of the Equality Act, 2010). If the proposals are not agreed consideration will need to be given to</p>
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		<p>increases in their charges, and some will see a decrease if we bring transport into the means test. 23% of service users will receive an increase in charges. Numbers are shown in the table below:</p> <table border="1" data-bbox="882 485 1276 855"> <tr> <td>Number with No increase in charges : 2,771</td> </tr> <tr> <td> </td> </tr> <tr> <td>Number with Decrease in Charges : 319</td> </tr> <tr> <td> </td> </tr> <tr> <td>Number with Increase in Charges : 921</td> </tr> <tr> <td> </td> </tr> </table> <p><u>Age</u> The age profile of those adversely affected is shown in the table. It is important to note that service users enter and leave services on a regular basis.</p> <table border="1" data-bbox="875 1102 1193 1321"> <thead> <tr> <th>Age group</th> <th>Number of people</th> </tr> </thead> <tbody> <tr> <td>18-30 yrs</td> <td>29</td> </tr> <tr> <td>31-50 yrs</td> <td>82</td> </tr> <tr> <td>51-65 yrs</td> <td>72</td> </tr> <tr> <td>66-80 yrs</td> <td>223</td> </tr> </tbody> </table>	Number with No increase in charges : 2,771		Number with Decrease in Charges : 319		Number with Increase in Charges : 921		Age group	Number of people	18-30 yrs	29	31-50 yrs	82	51-65 yrs	72	66-80 yrs	223	<p>realise the savings by other means. This could potentially mean more radical measures being taken such as reducing the volume of available services which would potentially have impact on a greater number of service users. The recommendations are not about reducing the volume of available services, they are about charging those that are financially assessed as able to pay the full cost of their service or up to their maximum assessed contribution. This will maximise income and in turn realise the required savings in a fairer way and so avoid more radical measures having to be taken.</p> <p>Cabinet did consider the option of restricting eligibility criteria to critical needs only but determined not to support this potential alternative as it would reduce or withdraw services to a large number of people.</p>
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		<p><u>BME</u> There are 11 service users out of 921 from Black Minority Ethnic Groups. The remaining 910 are white.</p>	
		<p>Will the policy have any positive impacts for particular groups? Yes</p>	<p>Yes. It is recommended that Transport charges will now be part of the means test which means that some people will see a decrease in their charges. It is estimated that 319 people will receive a decrease.</p>
<p>Stage 4</p>	<p>Action Planning and Time Frames</p> <p>Please complete your EIA Action Plan template</p> <p>Transitional Arrangements Review Impact on Services Users particularly with a view to the effect on Services</p>	<p>What equality objectives and targets have you developed? The effect of increasing charges will be monitored in terms of:</p> <ul style="list-style-type: none"> • Potential withdrawal from services • Increased debt • Impact on budgets <p>Have you attached a timescale to your targets? If yes, what?</p> <p>As contained in the action plan</p> <p>Have the equality objectives and targets been included in your service plan? Yes</p>	<p>Have these objectives/ targets been incorporated into your monitoring and performance management system? Y/N How often will they be monitored and by whom? Will be monitored monthly by service managers and the Directorate Management team</p> <p>Who will sign this off? The Adult and Community Services Directorate Management team.</p>

<p>Stage 5</p>	<p>Publication</p> <p>This is a legal requirement so you MUST send your EIA results for publishing.</p> <p>*This is for accessibility purposes for lengthy EIA's.</p>	<p>Have you sent a copy of this assessment to the Corporate Equality and Diversity Team for publication on the website? Yes</p> <p>Have you logged your EIA onto the Listening to our communities - consultation and community engagement webpage? Yes</p>	<p>Have you sent a copy of this assessment to your Directorate Equalities Lead? Yes</p> <p>Has an executive summary been prepared*? Not applicable</p>
<p>Stage 6</p>	<p>Monitoring and Review</p>	<p>How will you monitor/evaluate the policy? Monthly review through service managers, budget monitoring meetings.</p> <p>Have you planned policy reviews? If so, how often? Yearly</p>	<p>Who will be responsible for monitoring? Ultimately the Directorate Management Team of Adult and Community Services through support from the Directorate Equalities group and the relevant Heads of Service.</p> <p>How will you use the monitoring results? To assess the impact on service users, budgets and the wider market for alternative services.</p>

Signed (Completing Officer).....Sue Alexander.....

Date.....12th July 2011.

Signed (Lead Officer)Sue Alexander.....

Date.....12th July 2011

WORCESTERSHIRE COUNTY COUNCIL EQUALITY IMPACT ASSESSMENT ACTION PLAN TEMPLATE

What are your key objectives/targets?	Will this help to remove potential for adverse impact?	Will this prevent unlawful discrimination?	Does this promote equality of opportunity?
1. To comply with the Government guidance on Fairer Contributions for Charging for non residential services	The new policy will be compliant.	The policy will ensure that all service users are treated consistently	Yes. It will not matter if service users receive their services from the Council or take their personal budget as a cash payment.
2. To meet increased income target, including better debt management.	No	There is no unlawful discrimination as the Council will be operating within the legal framework.	All service users will be treated consistently
3. To monitor the impact of any decisions taken by service users to withdraw from services, and consider if the revision of policy has an impact on specific groups.	Yes	There is no unlawful discrimination as the Council will be operating within the legal framework.	All service users will be treated consistently

Target/Objective	Specific Actions Needed	How will you know when this is achieved?	What resources/costs will be involved?	Who is responsible for this action?	Completion Date	Cross Reference to Strategic Plan (if any)
1. To comply with the Government guidance on Fairer Contributions for Charging for non residential services	Cabinet Approval	Cabinet meeting 21 July 2011	No additional resources required	Head of Finance and Business Support	12 July	
2. To meet increased income target, including better debt management.	Receipt of Income	Monthly budget monitoring reports	No additional resources required. Monitoring reports through existing staff	Head of Finance and Business Support	Ongoing	
3. To monitor the impact of any decisions taken by service users to withdraw from services.	Review of Social Care service users	Service users care plans in place	Potential for additional reviewing resource in adult social care	Head of Adult Social Care	Ongoing	