

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated May 2015)

Health and Adult Services – Consultation on fair charges for the cost of care

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যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھیے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Health and Adult Services, Care and Support
Lead Officer and contact details	Anton Hodge
Names and roles of other people involved in carrying out the EIA	Anton Hodge Dale Owens Linda Porritt Shanna Carrell Ian Spicer
How will you pay due regard? e.g. working group, individual officer	This project is governed through 2020 processes as part of the Care and Support Where I Live sub-programme within Health and Adult Services.

	<p>All proposed changes will be subject to a formal 90 day public consultation and the recommendations if approved will influence changes to be made to the HAS Charging Policy.</p> <p>The EIA will be reviewed throughout this process and will be finalised depending on the outcome of the updated Policy.</p>
When did the due regard process start?	The Client Contributions project initially started in November 2017.

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

This EIA is about proposed changes to the HAS Charging Policy due to the requirement to create additional savings within the Local Authority (LA) whilst still providing services to those who require support.

Significant analysis work has been carried out in relation to two specific areas:

- To explore changes to the method of calculating the total cost of care, which may impact on the contribution that people make to that cost
- To strengthen application of existing policy through process improvement and further explore options for future charging levels and approaches

The Local Authority is planning to go out to public consultation on the above two areas. The consultation feedback will help the local authority to understand the potential impact on key groups with protected characteristics who are currently in receipt of the services and other stakeholders.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

The Council is facing severe budget pressures, with reductions in government funding of 49% between 2010 and 2018. Although we have prioritised spending on Adult Social Care in this period, we still need to find ways to save money and use our more limited resources as efficiently as possible.

If following consultation, the proposals are implemented the Local Authority intends to still provide care and support to those who need it the most. Customers directly affected by the changes will pay for services on a more equitable basis; according to their individual financial means and their agreed social care and support requirements.

The Local Authority must ensure its charging policies and procedures are fit for purpose and are compliant with the legal requirements and code of practice.

The aims of this work are outlined below:

Overall objectives

- To review elements of the charging policy for community based care and support to ensure a more equitable and consistent approach to assessing client contributions against the cost of providing their care and support
- To review options for the approach to charging and consider any potential impacts and how these may be mitigated.
- To consult with the public on the proposed revised elements of the charging policy which will include proposed changes around contributing towards the cost for providing a second carer and charging a more realistic and appropriate cost for the use of subsidised transport

Approach to charging for second carers:

- To introduce a charge for the second care worker, when there are two care workers required at the same time, based on the overarching principle of charging the client against the total cost of providing their care and support in the community (subject to consultation – this is a preferred option at this stage). Currently, only one care worker is charged for when two care workers are required at the same time.

Transport

- Revise processes and systems to enable charges to be collected more effectively and efficiently.
- Develop an accurate process to ‘track and bill’ for journeys undertaken to ensure accurate charging and collection;
- By collecting charges more efficiently, increase the amount paid towards subsidised transport; currently around £57k of eligible charge is not collected. (This is ensuring effective application of current policy.)
- Consult on proposals to increase the charge levied per journey, to reduce the overall cost of transport to the Directorate

Section 3. What will change? What will be different for customers and/or staff?

The council will have a more efficient system of billing people for the transport that they have used to get to social care services. Customers will be billed regularly and accurately. For some customers, this may mean that they start receiving bills when previously they have not.

Subject to the outcome of consultation, the charges for transport to social care services may increase. This means that customers may pay more for their transport. However, we have considered the impact of any increase in charges on the amount of money a person has left to live on. We have done this by looking at the government’s Minimum Income Guarantee and any allowances that people may be paid to assist with mobility costs. The proposals therefore also include a cap on weekly charges to reduce the potential financial impact.

Subject to the outcome of consultation, the full cost of a person’s care package will be taken into account when calculating how much a person should contribute towards the cost. For some people who require two care workers at the same time, this may lead to an increase in charges. A person’s contribution to the cost of their care will be based in a means-tested financial assessment.

The savings from these changes will help the council to continue providing transport and social care to people who require support.

Feedback from the consultation will be taken into consideration and a consultation outcomes report prepared for the Elected Members and Management Board of the Local Authority to inform any decisions. Following this, if the proposals are approved, the charging policies and procedures will be updated and the changes will be implemented.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

Pre-Consultation:

Ahead of the formal consultation we carried out pre-consultation activity throughout July – September 2018. Sessions with various engagement groups have taken place around the County for people to have the opportunity to voice their views and concerns ahead of the formal consultation. The pre-consultation period also included making Councillors and internal staff aware of the upcoming consultation. This period was used to provide an initial sense test on the proposals as well as suggestions for implementation and people's views on this such as how people think it will affect them and what can we do to mitigate the impact of this. We sought advice on assistance with communication methods and how to get the message out to stakeholders. Throughout this period we established a baseline from the feedback and also provided some example scenarios of how the changes may affect people.

Formal Consultation:

Subject to approval, the formal 90 day public consultation will take place from Monday 29 October 2018 until 21 January 2019. Everyone who currently receives a community based service from us will be informed of the consultation via letter and directed to the survey, although not all of these people will be directly affected. Throughout the formal consultation there will be an online survey for people to complete with easy read and paper versions available if required, including via libraries and other council buildings. Further public events will be arranged as well as utilising existing forums such as the Learning Disability Partnership Board and North Yorkshire Disability Forum.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Double Carers – increased client/ customer contributions towards the cost of providing two care workers per visit; according to their individual financial means and their agreed social care and support requirements. The impact of this proposal on council budgets will be to reduce the council's current costs. The savings achieved by this change will depend on the impact of individual financial assessments, but we expect these will meet the target of £100k.

HAS Transport – increased contributions towards subsidised transport. The impact of this proposal on council budgets will be to reduce the council's current costs. The current estimates indicate that in future the Council is likely to pay around £1.8m for transport with contributions from people being approx. £650k. The actual split of costs will depend on how many people are limited by the cap.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	X		X	<p>Of the clients most likely to be directly affected by these proposals, 434 clients are over 60 years old 380 clients are under 60 years old As the client groups most directly affected are slightly more likely to be older people (53%), it is anticipated that there may be some adverse impact in relation to age.</p> <p>There may be some adverse impact on some people if they are asked to contribute more to their social care costs and will therefore have less disposable income.</p> <p>This will be mitigated by a means tested financial assessment and proposal to cap transport costs.</p> <p>There is also potential for some neutral or positive impact as the proposals will assist the Council to continue to provide the services referred to in the proposals</p>
Disability	X		X	<p>People affected by the proposals will be receiving a social care service, including transport to those services, as a result of disability, condition or frailty and could therefore all be considered as 'disabled'.</p> <p>There may be some adverse impact on some people if they are asked to contribute more to their social care costs and will therefore have less disposable income.</p> <p>This will be mitigated by a means tested financial assessment and proposal to cap transport costs.</p> <p>There is also potential for some neutral or positive impact as the proposals will assist the Council to continue to provide the services referred to in the proposals</p>
Sex (Gender)	X			<p>There is a slightly higher proportion of female clients at 416 than male clients 398.</p> <p>It is anticipated there would be no identifiable impact on specific groups in relation to sex as a result of the project.</p>

Race	X			Of the client groups most likely to be directly affected by the proposals, 97.3% identify as white British and 2.6% as minority ethnic, including other white backgrounds. This is slightly higher than the overall figure for North Yorkshire, which is 94% white British. It is anticipated that there would be no identifiable impact on minority ethnic people as a result of the proposals.
Gender Reassignment	x			It is anticipated there would be no identifiable impact on specific groups in relation to Gender Reassignment as a result of the project.
Sexual orientation	x			It is anticipated there would be no identifiable impact on specific groups in relation to Sexual orientation as a result of the project.
Religion or belief	x			It is anticipated there would be no identifiable impact on specific groups in relation to Religion or belief as a result of the project.
Pregnancy or maternity	x			It is anticipated there would be no identifiable impact on specific groups in relation to pregnancy or maternity as a result of the project.
Marriage or civil partnership	x			It is anticipated there would be no identifiable impact on specific groups in relation to Marriage or civil partnership as a result of the project.

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?	X			It is acknowledged that some people may not have alternative access to transport options who live in a rural area and therefore may be affected by the possible changes to transport charges. However, no one in receipt of transport services from the Council will be penalised in terms of distance as the transport charges are not calculated on this basis. This will remain the same regardless of the outcome of the consultation as there are no proposals associated with charging on a 'per distance' basis.
...have a low income?	X			People with a low income will not be affected by these proposals as they will be protected due to their financial assessment and taking

				<p>into account their ability to pay for care and support.</p> <p>There is a proposal to implement a cap for transport charges to ensure an individual's spare income is not consumed entirely by transport charges.</p>
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Section 8. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.

People with the combined protected characteristics of age (older people) and disability may be slightly more likely to experience some adverse impact as a result of the proposals. This will be monitored throughout the consultation and will be updated if the position changes as a result of any changes following the consultation prior to implementation.

Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	X
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<p>Explanation of why option has been chosen. (Include any advice given by Legal Services.)</p> <p>There is some potential for adverse impact on some people, as their disposable income may reduce as a result. However, this will be mitigated, if the proposals are agreed, by the application of the means tested financial assessment and by the implementation of a cap for transport charges.</p> <p>The proposals will be subject to public consultation; the Local Authority will consider all responses to the consultation before bringing final recommendations before county councillors, who will make the final decision.</p> <p>As the proposals for consultation were developed, potential for adverse impact was considered and the proposals were amended to reflect this, for example by the proposal for a cap on weekly transport costs and the decision not to propose a charge based on distance. However, it is recognised there may still be some adverse impact as outlined above.</p>	

Section 10. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

The effect of the changes if implemented will be from April 2019 onwards. The Local Authority will continue to monitor the impact these changes may have on clients currently in receipt of community based services.

The project has a clear project plan, communication strategy and risk log, all with detailed requirements which are monitored and updated regularly. There are clear paths to implementation and who the key stakeholders are, this will continually be reviewed throughout the consultation.

Section 11. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Actions to be agreed following review of consultation feedback and development of final proposals to be submitted to decision makers.

Action	Lead	By when	Progress	Monitoring arrangements

Section 12. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

There is potential for some adverse impact on those with protected characteristics of age and disability. The proposals include some mitigation in the form of the means-tested financial assessment, and considerations of affordability when calculating the proposed transport charges and weekly cap.

The information gathered from the consultation process will be used to further consider the impact of these proposals and will be monitored during this process.

The information about impact will be considered when developing final proposals, with the aim of balancing potential for adverse impact on the groups who may be affected with the need to continue to provide social care support for those who require it.

Section 13. Sign off section

This full EIA was completed by:

Name: Anton Hodge
Job title: Assistant Director, Strategic Resources
Directorate: Central Services
Signature: A Hodge

Completion date: 25.10.18