



North

Yorkshire County Council

Equality Impact Assessment Template

Charging for community based services: proposals for budget decisions 2013/14

Revised post-consultation v1 @ 20th January 2014

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email communications@northyorks.gov.uk.

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 پوچھئے۔



Undertaking an Equality Impact Assessment

Equality Impact Assessments (EIA) should be undertaken at the business case stage when:-

- You are developing a new service or policy
- You are reviewing an existing service or policy
- You are proposing a change to an existing service or policy
- You are reviewing a service or policy carried out on behalf of the council or another organisation
- Your service is re-organised.

They should be referenced in your final recommendations on the service changes so that decision makers can reach an informed decision on the service/policy.

An EIA should cover all the social identity characteristics protected by equality legislation – referred to as ‘**protected characteristics**’ or equality strands. These are;

- Sex
- Sexual orientation
- Religion or belief
- Race – this include ethnic or national origins, colour and nationality
- Disability – including carers
- Pregnancy and maternity
- Gender reassignment
- Age
- Marital/civil partnership status

There is a lot of information available to support you in completing this assessment on the EIA pages on the NYCC intranet

Equality Impact Assessments are public documents. Full EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and available in hard copy for people attending the relevant meeting. To make it easier for people to find equality impact assessments the Council will also publish full equality impact assessments on the NYCC website.

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| Name of the Directorate and Service Area | Health and Adult Services | | |
| Name of the service/policy being assessed | Charging for community-based services: to review a number of areas relating to charging for adult social care services provided in the community | | |
| Is this the area being impact assessed a | Policy & its implementation? | X | Service? |
| | Function | | Initiative? |
| | Project? | | Procedure & its implementation? |
| Is this an Equality Impact Assessment for a (Note: the Equality Impact Assessment (EIA) is concerned with the policy itself, the procedures or guidelines which control its implementation and the impact on the users) | Existing service or a policy and its implementation? | | |
| | Proposed service or a policy and its implementation? | | |
| | Change to an existing service or a policy and its implementation? | | X |
| | Service or Policy carried out by an organisation on behalf of NYCC? | | |
| How will you undertake the EIA? Eg team meetings, working party, project team, individual Officer | Project Board | | |
| Names and roles of people carrying out the Impact Assessment | Linda Porritt, Benefits, Assessments and Charging Manager; Avril Hunter, Strategic Commissioning Manager; Shanna Carrell, Equality and Community Engagement Officer | | |
| Lead Officer and contact details | Linda Porritt linda.porritt@northyorks.gov.uk | | |
| Date EIA started | EIA process started 15.5.13 | | |
| Date EIA Completed | Revised post-consultation 20th January 2014 | | |
| Sign off by Assistant Director (or equivalent) | Debbie Hogg, Assistant Director Resources | | |
| Date of Publication of EIA | | | |

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| Monitoring and review process for EIA | |
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1. Operating Context

Please consider issues around impacts (positive or negative) raised for **all [protected characteristics](#)** and show your evidence

1.1 Describe the service/policy

What does the service/policy do and how? How would you describe the policy to someone who knows very little about Council Services?

If there is a proposal to change the service or policy, describe what it looks like now and what it is intended to look like in the future. What are the drivers for this proposed change?

Who does it benefit? What are its intended outcomes? Who is affected by the policy? Who is intended to benefit from it and how? Who are the stakeholders? identify those protected characteristics for which this service is likely to have an impact (positive or negative)

Are there any other policies or services which might be linked to this one? Have you reviewed the EIA for these policies/services? What do they tell you about the potential impact?

How will the policy be put into practice? Who is responsible for it?

The proposals relate to changes to the way the County Council charges for community-based social care. The way we charge for support in the community follows the Department of Health Fairer Charging Policies for Home Care and Non-Residential Social Services (Local Authority Social Services Act 1970) and Department of Health Fairer Contributions Guidance (November 2010) which advises local authorities to charge clients against the actual cost of providing services.

The proposals are being considered with a view to reducing the subsidy to people assessed as being able to contribute towards the cost of their services, in order to generate additional income to the local authority without causing undue financial detriment to our clients. It is intended that the income generated from these proposals will allow the authority to mitigate the necessity to reduce social care services to the most vulnerable people within the constraints of a reducing budget resulting from central government funding allocations to local authorities.

The rationale behind Proposal 3 (see below) also relates to the impact of legislative change concerning the national Welfare Benefits reform, where the current “passporting” routes through Housing Benefit and uniform Council Tax Benefit will no longer be available.

Proposal one: to increase the weekly disposable income the Council deems that a client has available to contribute towards the cost of providing community based services from 90% to 100% of that disposable income value. The figure will continue to be calculated by completing the current means tested financial assessment.

Proposal two: to charge clients for both carers (resource workers) if two are required to attend and provide their community based support. Currently we only charge the client for one carer and do not take account of the additional cost involved if two carers attend. Two carers may attend due to the specific support requirements of the client but we may also make the decision to provide two carers if the need is identified as part of an assessment which demonstrates a wider health and safety implication for both the client and the members of staff

who are providing the care.

Proposal three: to further extend the application of the Fairer Contributions and Fairer charging guidance to housing-related support services provided through 'Supporting People'. Currently if a person is in receipt of council tax* and/or housing benefit they are 'passported' and do not make a financial contribution towards the cost of providing that service, in effect receiving a subsidy from Supporting People. People not in receipt of these benefits may apply for a means-tested financial assessment, the same as applied to people accessing community-based social care support. The proposal is therefore to remove the 'passport' and to apply the same method of calculating charges for all those in receipt of housing-related support as is used to calculate community based social care support. This would mean that following means-tested financial assessment, some people may continue to receive full subsidy, some may receive partial subsidy. A number of people are not currently 'passported' and receive no subsidy, paying the full cost of their housing-related support.

The services that will be affected are primarily older people's community support or sheltered housing and supported housing for people with learning disabilities, including warden support and telecare alarm systems. Weekly charges range from £3 per week to £384 in some learning disability services.

Proposal four: to begin collecting the financial contribution from clients where the assessed amount equates to £5 or less per week. This is not a formal policy change.

Currently, this amount is not collected due to the administrative costs; however new payment systems mean that collecting such contributions is becoming financially viable. In addition, if proposal 3 is approved and small housing-related charges are collected whereas those for social care are not, there will be a lack of equity.

Updated post consultation: January 2014

63.5% of respondents to the consultation questionnaire disagreed with the proposal to increase the amount of disposable income that goes towards services, and 36.5% agreed. 52.1% said that they thought the proposal would make their life a bit or a lot harder.

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| | <p>64.4% of respondents disagreed with the proposal to begin to charge for both care workers where two are required, and 35.6% agreed. 33.6% thought that the proposal would make their life a bit or a lot harder. Unlike other proposals, people disagreed with this proposal even though they thought that they would not be impacted.</p> <p>66.3% agreed with the proposal to change the way housing related support charges are calculated, and 33.7% disagreed. 32.8% thought that it would make their life a bit or a lot harder.</p> <p>64.9% agreed with the proposal to collect small contributions, and 35.1% disagreed. 41.5% thought that it would make their life a bit or a lot harder.</p> <p>For more detail, see ‘Making difficult decisions in adult social care: public consultation on eligibility and charging for adult social care’ consultation report 14.1.14.</p> <p>The County Council’s Executive will decide which if any of the proposals it wishes to implement on 4th February 2014.</p> <p>*Note that council tax benefit is now known as ‘local support for council tax’.</p> |
| <p>1.2 How do people use the policy/service?</p> <p>How is the policy/service delivered? How do people find out about the policy/service? Do they need specialist equipment or information in different formats? How do you meet customer needs through opening times/locations/facilities? Can customers contact your service in different ways? How do you demonstrate that your service/policy is welcoming to all groups within the community?</p> <p>Does the policy/service support customers to access other services? Do you charge for your</p> | <p>For proposals 1 and 2, people are first assessed for their eligible social care support needs, via a Community Care assessment and application of Fair Access to Care Services (FACS) eligibility criteria and threshold. They will then have a financial assessment to determine the amount of money that they will need to contribute towards the cost of their social care support.</p> <p>Proposal 1 – the amount we deem that a client has available to contribute towards the cost of the provision of community based service will increase. It is anticipate that circa £390k p.a. in additional income will be generated if this proposal is agreed and implemented.</p> <p>See appendix 2 for examples of calculations.</p> <p>Proposal 2 - the amount that a client has to contribute towards the cost of the provision of their care will increase. Currently the client pays no additional amount towards the extra cost for providing a second carer. From a sample taken in just one of the three geographical areas in</p> |

services? Do these changes affect everyone equally? Do some customers incur greater costs or get 'less for their money'? Are there eligibility criteria for the service/policy?

How do you ensure that staff/volunteers delivering the service follow the Council's equality policies? Does the Council deliver this policy in partnership or through contracts with other organisations? How do you monitor that external bodies comply with the Council's equality requirements?

NYCC, it was identified that a further £150k p.a. in additional income would be generated

See appendix 2 for examples of calculations.

Proposal 3 – clients are currently assessed using housing-related support provider assessment processes. The financial contribution is based on either application of the 'passport' (in which cases the services are fully subsidised), or a means-tested financial assessment can be requested if the passport does not apply. Under the proposals, the 'passporting' rule will be removed and all clients will be subject to a means tested financial assessment using Fairer Contributions guidelines (unless they decline). As a result a number of people may have to contribute towards the cost of providing their Supporting People service where they have not done so previously. Using the data we have available it is estimated that circa £200k - £400k per annum of additional income would be generated.

| Cost of service Per person per week | No of people in total "passportd" | No of new applications per annum 2011/12 | | |
|---|---|---|-----------------------------------|-------|
| | | Social care involvement | Non social care involvement | Total |
| £5 or under | 401 | 78 | 58 | 136 |
| £5.01-£7.00 | 3,539 | 513 | 408 | 921 |
| £7 to £20 | 1,994 | 112 | 172 | 284 |
| More than £20 | 483 | 46 | 25 | 71 |
| Total | 6,417 | 749 | 663 | 1,412 |

See appendix 2 for examples of calculations.

Proposal 4 - we have previously not collected contributions from clients if their assessed contribution was £5 or less per week as this was felt to attract an unrealistic administration cost. Information is not available to identify the cost saving for this proposal but we are aware that this change will generate additional income to the local authority.

2. Understanding the Impact (using both qualitative and quantitative data)

Please consider issues around impacts (positive or negative) raised for **all protected characteristics** and show your evidence

2.1 What information do you use to make sure the service meets the needs of all customers?

What data do we use now? Is it broken down across protected characteristics (and are these categories consistent across all data sets)? How current is the data? Where is it from? Is it relevant?

What engagement work have you already done that can inform this impact assessment? Who did you talk to and how? What are the main findings? Can you analyse the results of this consultation across the protected characteristics? Are there differences in response between different groups? How has this changed the plans for the policy/service?

We collect client information on a database in order to manage their care needs. Financial information is stored on a separate database, including the financial history of each client.

Approximately 50% of clients accessing housing related support also access some form of adult social care and therefore their information is held on our client database. However, for the other 50% who receive only the housing-related support service, we have no individual information except that they have been awarded certain benefits. See 2.3 below.

Updated post-consultation @ January 2014

Data from consultation:

Equality profile of respondents: analysis of the equality profile of those responding to the consultation questionnaire showed that they were reasonably proportionally representative of the equality profile of those accessing support from adult social care. See appendix 2 for more information and data.

Quantitative responses (see appendix 3):

Gender: there was very little difference in response by gender.

Age: younger people tend to disagree more with the proposals than older, and are more likely to anticipate negative impact, apart from the proposal to charge for two care workers, where it is the age group 75-84 who most anticipate negative impact.

Ethnicity: the numbers, whilst reasonably proportionate, were too low to allow for meaningful analysis.

Disability - postal questionnaire: from the responses to the postal questionnaire, there are no

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| | <p>major differences, however people with mental health conditions were more likely to disagree with the proposals and people with learning disability had a higher rate of disagreement on the housing related support proposal than other groups.</p> <p>Age/ Disability - online / paper questionnaire: people completing the online and paper questionnaires have a higher rate of disagreement to the proposals than those responding to the postal questionnaire. There is a higher proportion of people aged 18-64 responding via online and paper questionnaires than to the postal version; there may be a link to the higher rate of disagreement as the analysis of all responses shows that younger people generally have a higher rate of disagreement than older. Note in particular the disagreement with the housing related and small contributions proposals, which contrast with the postal survey responses particularly from people with a learning disability and people with mental health conditions.</p> <p>Qualitative feedback: respondents were asked what impact the proposals might have on them. See section 3 of this equality impact assessment.</p> <p>Impact on women: the proposals may affect fewer women than the demographic profile would initially suggest, as women currently tend to have a lower income than men and so are likely to be less affected by these proposals.</p> |
| <p>2.2 What does the information tell you?</p> <p>Are there any differences in outcome for different groups e.g. differences in take up rates or satisfaction levels across groups? Does it identify the level of take-up of services by different groups of people? Does it identify how potential changes in demand for services will be tracked over time, and the process for service change?</p> <p>Please include data and analysis as an appendix</p> | <p>By nature of the services provided by Adult Social Care, all recipients will be disabled, frail or with long term health conditions. The majority of service recipients are elderly and tend to be those with age-related frailty, dementia and other long-term health conditions. There are also a number of recipients of working age, who would generally be those with physical and sensory impairment, and / or a learning disability.</p> <p>Overall, the impact of these proposals will therefore be on disabled people and more on older people than younger. The proposals will also impact more women than men, as women make up the greatest proportion of those accessing adult social care.</p> <p>Proposal 1: There are approximately 2000 people who will be affected as they currently only pay part of the cost towards services. From the sample of 58 clients, 9% were under the age of 65 and 91% were over 65; this is a higher proportion of older people than the profile of those</p> |

accessing adult social care overall. 42 (72.4%) were female and 16 (27.6%) were male; 57 (98%) White British.

Approximately 2000 will not be affected as they are already full cost payers, and a further 2000 will not be affected as they currently do not contribute to the cost of their services following means-tested financial assessment. However, some of the 2000 who do not currently contribute may be affected by proposal 4.

Proposal 2: There are approximately 250 people who will be affected by this proposal because they do not currently pay for the second carer and potentially could afford to contribute based on means-tested financial assessment. From a sample of 85 people potentially affected, 22% were under the age of 65 and 78% were over 65. 47 (55.3%) were female and 38 (44.7%) were male; this is a higher proportion of males compared to the profile of those accessing adult social care overall. 100% were White British.

Proposal 3: There are circa 6,500 people in receipt of assistance at the moment; 61% are over 65 and future service users are likely to have a similar age profile. The change from 'passporting' to application of community based charging and means-tested financial assessment to all clients will impact on both existing and future recipients. A sample of 96 people who receive social care and Supporting People (SP) services indicated that 93.6% would not be affected as their maximum contribution is less than the existing care package and 6.4% would be affected as they are either full cost payers or their existing care package is less than their assessed maximum contribution. If this sample is extrapolated to the whole population of people receiving SP funded services and a social care service, this would mean potentially between 2,736 and 3,015 would not be affected and between 185 and 464 would.

There are however a number of people (approximately half) who receive an SP funded service only, and we do not currently have information on their individual financial circumstances other than that they receive housing benefit or council tax benefit. It is difficult to assess the impact on this group at this point (see 2.3 below).

For proposal 3 there are 320 people with a learning disability who are passported through the Supporting People Charge. A sample of 90 showed that potentially 32% would have to pay more. This could be up to £50 per week.

Of the current people in receipt of assistance at the moment, 63% are female and therefore women will be disproportionately affected.

Ethnicity data not currently available.

Proposal 4: We do not currently have this data available.

Sexual orientation / Faith / marriage & civil partnership: no information currently available.

2.3 Are there areas where we need more information? How could we get this information?

What data is available? Do other directorates, partners or other organisations hold relevant information? Is there relevant information held corporately e.g. compliments and complaints? Are there national datasets that would be useful? Is there relevant census data? Do you need to collect more data? How could you do this?

Do you need to do more engagement work to inform this impact assessment? Have you identified information in other sections of this EIA that you need to assess the impact on different groups of people? What do you want to find out? Which existing mechanisms can you use to get this information?

Please refer to the Community Engagement toolkit on the NYCC intranet

Proposal 3: there are a number of people (approximately half) who receive an SP funded service only, and we do not currently have information on their individual financial circumstances other than that they receive housing benefit or council tax benefit. More information is required in order to assess the impact of the proposal on this group. However, this information is not available to us as it is held by other agencies and by the individual themselves, as it relates to their personal financial circumstances. We will therefore have to rely on the financial assessment process should this proposal be approved.

Of those who are included on our client database, further analysis including on protected characteristic is required.

Proposal 4: we do not currently have information on these clients as we cannot currently distinguish between those who pay nothing due to financial assessment or who pay nothing because their assessed contribution is £5 or less.

The County Council agreed on 24th July 2013 that these proposals should go forward to public consultation. The findings of the public consultation will be used to inform the final equality impact assessment and action plan, which will then contribute to the information used to reach decisions on the proposals.

Consideration should also be given to cumulative impact on people affected by a number of the proposals should any changes be made.

Updated post-consultation @ January 2014

The proposals went to public consultation in Autumn 2013. For more detail, see 'Making difficult decisions in adult social care: public consultation on eligibility and charging for adult social care' consultation report 14.1.14.

The draft EIA was made available during the consultation, on the consultation website and as a handout at consultation events. No comments have been received directly on the EIA. However, the consultation was designed in such a way to be able to identify equality profile of respondents and elicit their views on potential impacts, and this information has been used to develop the consultation report and update this EIA.

2.4 How will you monitor progress on your policy/service, or take-up of your service?

What monitoring techniques would be most effective? What performance indicators or targets would be used to monitor the effectiveness of the policy/service? How often does the policy/service need to be reviewed? Who would be responsible for this?

We will carry out monitoring by continuing to record reasons why services are declined by clients specifically due to financial reasons. We will support those clients who make the decision to decline services by ensuring that they are made fully aware of any other services that they may wish to access.

If an individual feels that their circumstances have changed or that they cannot financially manage, they may request a reassessment at any time.

The review date is still to be determined.

Updated post-consultation @ January 2014

Review date to be six months post implementation (see section 3.4 for decision-making process) and then annually.

3. Assessing the Impact

Please consider issues around impacts (positive or negative) raised for **all protected characteristics** and show your evidence.

3.1 Has an adverse impact been identified for one or more groups?

Has this assessment shown anything in the policy, plan or service that results in (or has the potential for) disadvantage or discrimination towards people of different groups? Which groups?

Do some needs/ priorities 'miss out' because they are a minority not the majority? Is there a better way to provide the service to all sections of the community?

The proposals, and therefore any adverse impact arising from the proposals, will affect disabled people, more older people than younger, and more women than men. The vast majority of those affected are White British. This is in line with the overall profile of those accessing adult social care. The total number of those potentially affected is up to 9,000, not including those affected by proposal 4 (as numbers not yet available). However, not all of that 9,000 would in fact be directly affected; we will not know the exact numbers until financial assessments have been completed. Note that this equality impact assessment is in draft and these numbers will be kept under review. The equality impact assessment will be finalised following the public consultation (subject to approval to go forward to public consultation).

Proposal 1 will impact on a disproportionality higher proportion of older people when compared to the overall profile of those accessing adult social care.

Proposal 2 will impact on a slightly higher proportion of men when compared to the overall profile of those accessing adult social care; however the greater number of those impacted will be female.

Proposal 3 will have a slightly disproportionate effect on younger people when compared to the overall profile of those accessing adult social care.

Proposal 4: not yet known.

The potential adverse impact will be a reduction in an individual's available income, as more of an individual's income will be taken into account when considering the amount of subsidy that they receive towards the cost of social care support. In addition, some currently fully subsidised services (for some people) will no longer attract that subsidy. This will mean that some people will pay more, or start to pay whereas previously they may not have done so, towards the cost of services, and will therefore have less personal income to spend on other items of expenditure. However, the amount that a person pays will continue to be calculated

by a means-tested financial assessment.

We will continue to ensure that clients are left with the recommended weekly income according to their circumstances. These figures are predetermined by central Government.

People may choose not to undertake a financial assessment and may decline services once they have been made aware that they will have to start making a financial contribution towards services which had previously been free of charge, particularly those provided through Supporting People. They may also cancel services if their weekly contribution increases. If clients do not receive such services their wellbeing may deteriorate and they could potentially require longer term more intensive support.

It should be noted though that the fundamental principle of Fairer Contributions will not change so the means tested financial assessment will still be completed; hence those clients that cannot afford to pay will still not pay towards their services.

Updated post-consultation @ January 2014

All charging proposals: of the respondents to the consultation who gave comments about the effect the proposals might have, the strongest theme was concern about financial hardship. This included impact on day to day living, financial resilience, carer/family financial resilience, increased social isolation, increased stress and anxiety, and concern that people would refuse support and thus their condition would deteriorate. There was also concern about the cumulative impact of increases in the cost of living, and the effect of welfare reform. See consultation report for more detail.

Proposal 2 – charging for two care workers: respondents to the consultation felt that this proposal would negatively impact on the most disabled people – the additional charge would be directly related to the level of disability and was unfair, and potentially discriminatory.

Proposal 3 - housing related support: whilst the largest number of people accessing housing related support are older people, there are a number of people with learning disability (who are also in age group 18-64) in supported housing. Some of this group may experience a

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| | <p>greater impact as their support input and therefore costs are higher. As this group are likely to have a higher income due to disability related benefits, they would see a higher proportion of current income taken to pay towards housing-related support. The number of people potentially affected is estimated at around 100 people (see section 2.2 – 32% of 320 people) but this cannot be confirmed until means-tested financial assessments are completed.</p> <p>Proposal 4: this relates to very small charges and as such should have little impact, although the concern expressed through the consultation for people on very low incomes is noted.</p> |
| <p>3.2 How could the policy be changed to remove the impact?</p> <p>Which options have been considered? What option has been chosen?</p> | <p>Other options considered for proposals 1, 2 and 4: to continue with the current arrangements. However, this would mean that opportunities to increase income by reduction or removal of current subsidies for those who are assessed as being able to afford to pay more towards their care are not taken, and due to the overall reduction in budget for adult social care will result in there being less money available to support the most vulnerable people with the highest needs.</p> <p>A number of savings measures have already been put into place including ‘back office’ savings in previous budget rounds and efficiencies continue to be made.</p> <p>Other options considered for proposal 3 included:</p> <ul style="list-style-type: none"> • Fully subsidising housing-related support. However, this would result in a loss of income to the council which could then impact on the council’s ability to continue to provide services to the most vulnerable. • Alternative passports. This would be complex to administer and would incur additional administrative costs. It could also build in inequity and possible discrimination due to the different benefit eligibility and review rules for working age and older adults, and/or the different ‘council tax support’ amounts and rules across the county, depending on passport used. • No financial assistance: whilst this option would generate income and reduce administrative charges, it would have a considerable adverse impact on people who may not be able to afford the cost of the service and who may therefore opt to no longer receive |

it, or to no longer receive other charged-for services. This could result in an increase in dependency.

In order to mitigate against adverse impact, the means-tested financial assessment will be applied to calculate income and outgoings thus determining the amount that a person can reasonably be asked to contribute towards their care and support services. The financial assessment includes a welfare benefits check, so builds in the opportunity to check and maximise the client's income. If an individual's circumstances change, they can request a review at any time. The usual adult social care complaints process would apply should a person feel that decisions reached are incorrect. Advocacy support is available to people who require support.

Updated post-consultation @ January 2014

All charging proposals: financial impact would be mitigated via the application of the means-tested financial assessment, as above. It should also be mitigated via the implementation of the County Council's new operating model and Prevention Strategy, which will develop and enhance community provision with the aim of increasing community resilience and reducing reliance on formal support.

As part of the means-tested financial assessment we will continue to ensure that we maximise clients' weekly income by completing welfare benefit checks and assisting clients to claim the benefits to which they are entitled. We have already recognised the need for increased support for clients and the wider community to mitigate the impact of welfare reform, as highlighted by people's concerns about financial health and wellbeing, and we are increasing our activity in this area.

Proposal 2: the impact would be reduced via community care re-assessment to check that the most effective support is in place, and subsequently via the means-tested financial assessment.

Proposal 3: adverse impact would be mitigated via the means-tested financial assessment, as for other charging proposals. Individuals will also have had a community care assessment in order to establish support needs, and assessments will continue to be regularly reviewed to

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| | <p>check that support arrangements are effective.</p> <p>Proposal 4: whilst the council does not believe that this proposal would lead to adverse impact, it is proposing to apply a 'floor' so that contributions of £1 or less are not collected, in order to help make sure that the proposal is cost effective.</p> |
| <p>3.3 Can any adverse impact be justified?</p> <p>If the adverse impact will remain, can this be justified in relation to the wider aims of the policy or on the grounds of promoting equality of opportunity for one target group?</p> <p>Please seek legal advice on whether this can be justified.</p> | <p>It is intended that the income generated from these proposals will allow the authority to mitigate the necessity to reduce services to the most vulnerable people within the constraints of a reducing budget from central government funding allocations to local authorities.</p> <p>By making the changes to charging for non-residential services we are utilising some of the discretionary elements of the Fairer Charging guidance issued by the Department of Health.</p> <p>Advice was sought from NYCC Legal Services on the proposals.</p> <p>The proposals are within the remit of the Department of Health Fairer Charging guidance, which says that local authorities have discretion to charge for non-residential services and may recover such charges as it considers reasonable. The Fairer Charging guidance advised that local authorities were required to complete an assessment of a client's financial circumstances (the means tested financial assessment) to determine how much a client could reasonably be expected to pay towards their community based service. Fairer Contributions guidance then further advised that if there is a cost to the local authority for providing community based services then the charge to the client can be assessed against that cost. Guidance also reminds councils that the ability to pay for a service should not be assessed and levied for any one service in isolation. The means-tested financial assessment does provide for the client's income to be considered against the cost of all social care services.</p> <p>Legal advice on proposal 3 indicates that whilst the removal of passporting and proposed application of Fairer Contributions is a significant change, the rationale for the proposal is a reasonable one given the facts of the changes to welfare benefits (see below). However, the proposal, as the 'preferred option', is subject to consultation. See 3.2 above for a summary of the alternative options considered.</p> |

Due to the changes in welfare benefits arising from the Welfare Reform Act, the current benefit passporting arrangements will no longer apply. Housing benefit will be replaced by Universal Credit and council-tax benefit will be replaced by local support for council tax, subject to local implementation and thus there are different eligibility and subsidy arrangements in each of the seven district council areas in North Yorkshire. In addition, the government regulations for council tax support require greater protection and therefore subsidy for older people than younger. Both of these issues could lead to inequity and potential age-related discrimination if council tax benefit were to continue to be applied as a passport.

The authority must pay due regard to the Public Sector Equality Duty in considering the impact of its proposals. This is being undertaken through the equality impact assessment process. The equality impact assessment will be completed following the public consultation so that the findings may be taken into account.

Proposal 4 relates to an administrative decision previously taken by HAS and is therefore not a formal policy change.

Updated post-consultation @ January 2014

Proposal 2: adverse impact would remain for clients requiring two carers and who contribute to their care costs following means-tested financial assessment. Their contribution to care costs could rise substantially. Legal advice indicates that whilst this proposal lies within the powers of the county council under Fairer Charging and Fairer Contributions guidance, there is an argument under the Equality Act 2010 that in order to minimise the disadvantage to the most disabled compared to those who are less disabled, there is a need to treat them more favourably. The Act also states that less favourable treatment can be justified if equally favourable treatment would incur substantial extra costs and having regard to resources, the extra costs would be too great and it is reasonable, in all the circumstances of the case, for the council to hold that opinion.

Proposal 3: some adverse impact particularly for some people with learning disability will remain. However, this is justified as:

| | |
|--|---|
| | <p>a) It will be equitable (see 'LD Provider Efficiencies Project' EIA, dated June 2012) as some people with LD receive subsidised support via historical Supporting People funding arrangements but other people with LD also in supported housing do not, and Fairer Charging / the means-tested financial assessment already applies to these people.</p> <p>b) Other options would have greater adverse impact for more people.</p> |
| <p>3.4 Are you planning to consult people on the outcome of this impact assessment?</p> <p>When and how will you do this? How will you incorporate your findings into the policy?</p> | <p>The County Council agreed on 24th July 2013 that these proposals should go forward to public consultation. The findings of the public consultation will be used to inform the final equality impact assessment and action plan, which will then contribute to the information used to reach decisions on the proposals.</p> <hr/> <p>Update post consultation @ January 2014</p> <p>The proposals went out to public consultation between 2 September and 25 November 2013. The results will be taken into consideration by the Executive who will decide on each proposal, on 4th February 2014. The consultation report will also be considered by the Care and Independence Overview and Scrutiny Committee on 23rd January 2014. For more detail, see 'Making difficult decisions in adult social care: public consultation on eligibility and charging for adult social care' consultation report 14.1.14.</p> |
| <p>3.5 How does the service/policy promote equality of opportunity and outcome?</p> <p>Does the new/revised policy/service improve access to services? Are resources focused on addressing differences in outcomes?</p> | <p>The proposals promote equality of outcome for all individuals receiving services via application of the same equitable means-tested financial assessment process.</p> |
| <p>Don't forget to transfer any issues you have identified in this section to the Equality Action Plan</p> | |

| Action Plan | | | | | |
|---|---|---|--------------------------------|--|-------------------------------|
| What are you trying to change (outcome)? | Action | Officer responsible | Deadline | Other plans this action is referenced in (e.g. Service Performance Plan, work plan) | Performance monitoring |
| Assess impact of proposals (depending on Executive decisions to implement) | Develop monitoring framework Review 6 months post-implementation and then annually | Assistant Director Resources | March 2014 October 2014 | | |
| Support clients of social care and wider community to maintain financial health and wellbeing | Continue to support clients and wider community to maximise their income through benefits advice and support | Assistant Director Resources Benefits and Assessment Manager | | | |
| Support clients of social care and wider community to maintain financial health and wellbeing | Via the Operating Model and Prevention Strategy, support community resilience so that people can access informal support in their own communities; continue to provide information and advice on benefits, finance and day-to-day management, and cost-of-living reduction eg | Director Health and Adult Services Director Public Health | April 2014 and ongoing | | |

| | | | | | |
|--|--------------------------------|--|--|--|--|
| | through Warm Homes initiatives | | | | |
|--|--------------------------------|--|--|--|--|

(Appendix 1)

Summary of Protected Characteristics

Analysis by age and (%)

Analysis by gender and ethnicity (%)

| age | 18-64 | 65-74 | 75-84 | 85+ | totals | | Male | Female | Ethnicity |
|-----|-----------------|-----------------|-----------------|---------------|--------|--|---------------|---------------|---|
| P1 | 5(9) | 7(12) | 15(26) | 31(53) | 58 | | 16(28) | 42(62) | 57(98) white British 1(2) white other |
| P2 | 19(22) | 9(11) | 26(31) | 31(36) | 85 | | 38(45) | 47(55) | 85(100) white British |
| P3 | 1,189 (18.5) | 1,274 (19.9) | 2,084 (32.5) | 1,865 (30) | 6,412 | | 2,353 (37) | 4,062 (63) | Not Available |

Appendix 2

Case Studies to illustrate impact of proposed change in relation to the charging regime within Health and Adult Services

Proposal One - Changes to the charging calculations by taking 100% rather than 90% of clients disposable weekly income into account

Client currently pays nothing towards their services

- Weekly income is £191.90 (£72.06 State Retirement Pension, £119.84 Private Pension)
- Individual currently received 19 ¼ Hours personal care at a cost of £326.28 per week
- Current charge NIL
- New Charge NIL

Client pays part of the cost for providing their services

- Weekly income is £322.31 (£198.40 State Retirement Pension, £79.15 Attendance Allowance High Rate, £38.76 Private Pension, £6.00 Tariff Income)
- Less weekly outgoings of £268.31 including housing and other related costs
- Leaving them £54.00 disposable income deemed to be available to pay towards the cost of their services to pay towards services
- Cost of service £211.93 per week
- Current charge £48.60 per week
- New Charge £54.00 per week

Client pays the full cost for providing their services

- Weekly income is £268.89 (£150.17 State Retirement Pension, £53.00 Disability Living Allowance Middle Rate care component, £65.72 Private Pensions, £25,800 savings)
- Current charge £78.25 per week
- New charge £78.25 per week

Proposal 2 - Charging for a second carer (double carers)

Client currently pays nothing towards their services

- Weekly income is £250.94 (State Retirement Pension £77.32, £48.62 Pension Credit, £125.00 DLA and Mobility)
- Current cost of service £227 per week
- Provision of the personal care actually costs £454.12 per week
- Current charge NIL
- New Charge NIL

Client pays part of the cost for providing their services

- Weekly income is £294.85 (£117.62 State Retirement Pension, £86.78 Pension Credit, £77.45 Attendance Allowance High Rate, £13.00 tariff income)
- Less weekly outgoings of £219.52 including housing and other related costs
- Leaving them £75.33 disposable income to pay towards services
- Provision of the personal care actually costs £531 per week including the cost for hours including a second carer
- Currently charge £67.80 per week
- New charge of £75.33 per week

Client pays the full cost for providing their services

- Individual has savings over £23,250
- Provision of the personal care actually costs £528.99 per week
- Currently Charge £264.49 per week
- New Charge £528.99 per week

Proposal 3 - Charging for Supporting People services in line with Fairer Contributions

Client pays nothing towards the Supporting People service

- Weekly income of £144.70 (Income Support £102.70, Disability Living Allowance low rate care £21.00, low rate mobility £21.00).
- Less weekly outgoings including housing and other related costs
- Leaving them no disposable income deemed available to pay towards the cost of their services.
- The client also receives £63 per week Housing Benefit
- Supporting People service costs £6.18 per week
- Current charge NIL
- New Charge NIL

Client pays part of the cost for providing their services

- Weekly income of £309.90, State Retirement Pension £85.08 Private Pension of £149.82, Disability Living Allowance Middle Rate Care £53.00, Low Rate Mobility £21.00.
- Less weekly outgoings of £222.75 for housing and other related costs
- They also receive Housing Benefit of £40 per week
- Supporting People service costs £53.00 per week
- Current charge NIL
- New Charge £53.00 per week

Client pays part of the cost for providing their services

- Weekly income of £277.50 (income support £94.85, Severe Disability Allowance £82.50, Disability Living Allowance high rate care £79.15 and low rate mobility £21)
- Less weekly outgoings including housing and other related costs £193.31
- They also receive £15 per week Housing Benefit
- Supporting People services costs £43 per week
- Client currently receives personal care of 2 hours costing £34.60 per week
- Current Charge £34.60 per week
- New Charge £77.60 per week