

Equality Impact Assessment (EIA) Form

Please read EIA guidelines when completing this form

1. Name of Service Area/Directorate


| | |
|--|---------------------|
| Name of Head of Service for area being assessed | Lee Davis |
| Directorate | Community Wellbeing |

| Individual(s) completing this assessment | Name | Job Title |
|---|------------------|--|
| | Susie Binns | Team Manager |
| | Vanessa Robinson | Team Leader |
| | Suzanne Farmer | Financial Administration & Quality Assurance Officer |
| Date assessment completed | 16/02/2022 | |

2. What is being assessed

| | | | | |
|--|---|---|-------------------------------------|-------------|
| Activity being assessed (e.g. policy, procedure, document, service redesign, strategy etc.) | Proposed Care and Support Charging Policy | | | |
| What is the aim, purpose and/or intended outcomes of this activity? | The aim of the policy is to produce a consistent and fair framework for charging and financial assessments for all service users that receive care and support services, following an assessment of their individual needs and their individual financial circumstances. | | | |
| Name of lead for activity | Susie Binns | | | |
| Who will be affected by the development and implementation of this activity? | <input checked="" type="checkbox"/> | Service Users | <input checked="" type="checkbox"/> | Staff |
| | <input type="checkbox"/> | Patients | <input type="checkbox"/> | Communities |
| | <input checked="" type="checkbox"/> | Carers | <input type="checkbox"/> | Other _____ |
| | <input checked="" type="checkbox"/> | Visitors | | |
| Is this: | <input checked="" type="checkbox"/> | Review of an existing Policy | | |
| | <input type="checkbox"/> | New activity | | |
| | <input type="checkbox"/> | Planning to withdraw or reduce a service, activity or presence? | | |
| What information and evidence have you reviewed to help inform this assessment? (name sources, e.g. demographic information for services/staff groups affected, complaints etc.) | <ul style="list-style-type: none"> • Care and Support Statutory Guidance • Data Analysis of current charges • LGSCO decisions on council charging policies where LA's are not clear and transparent with how disability related expenses or areas of discretion are considered within their policies. • County Plan 2020-2024 • Understanding Herefordshire Report • Feedback from engagement questionnaire • Feedback from Consultation <p>The initial areas for review included:</p> | | | |

| | |
|--|--|
| | <ul style="list-style-type: none"> • The level of income protection afforded by Herefordshire's policy above the Minimum Income Guarantee (MIG) for some people with high care needs and people of pension age. • The first stage of the review was to carry out data analysis to identify the impact of the charging policy on working age people in receipt of disability benefits. The work we have done thus far has shown us that: <ul style="list-style-type: none"> • People in receipt of standard Personal Independence Payments (PIP) on average have a maximum charge that is 6.35% lower than those receiving enhanced PIP. People receiving Disability Living Allowance (DLA) at the high rate pay on average 20% less than those in receipt of DLA at the medium or low rate and PIP recipients. • 50% of people aged under 25 in receipt of high rate disability benefits do not have to pay a contribution, the average charge for those that pay is comparable with the average charge for all working age adults in receipt of high rate disability benefits, but they are left with a minimum income guarantee that is £19.00 per week lower than those aged 25 and over. • Only 1.5% of people receiving social care have earned income which is fully disregarded in accordance with government regulations. None of these people are paying a financial contribution towards their care. <p>Initial analysis of disability related expenses (DRE) and household expenses identifies that 99.88% of all charge payers receive DRE allowances and 86.94% receive allowances for household costs.</p> <p>Further detailed analysis of disability related expenses for people of all ages paying towards council funded care show that average costs vary by client group;</p> <p>Learning disabilities £13.97 per week Mental health £7.66 per week Physical disabilities £30.55 per week.</p> <p>This EIA considers the proposed care and support charging policy identifying any areas of inequality identified through consultation with service users, family representatives, and organisations that support or represent service users.</p> |
| <p>Summary of engagement or consultation undertaken (e.g. who and how have you engaged with, or why do you believe this is not required)</p> | <p>Initial engagement was undertaken by seeking views on the current policy with a selection of service users of mixed ages and disabilities, along with family members, carers and key workers from local organisations who support our service users day-to-day over a 2 week period.</p> <p>They were asked the following questions:</p> <ul style="list-style-type: none"> • Do you think you, or the people you support are treated fairly? <ul style="list-style-type: none"> ▪ 33 % of respondents felt that people were being treated unfairly ▪ 27 % of respondents felt that people were being treated fairly. ▪ 27 % Of respondents did not comment ▪ 13 % of respondents did not give a clear response in answer to this question <p>Key messages</p> |

| | |
|-----------------------|---|
| | <ul style="list-style-type: none"> ▪ Everybody’s needs are so different ▪ Financial assessment is a daunting process and service users see a disparity between the differing amounts individuals are asked to pay towards care and support costs ▪ Many service users consider day opportunities to be “their job”. ▪ Vulnerable people should be looked after they are left with so little. • Do you think our current financial assessments consider each individuals’ personal circumstances and requirements appropriately? ▪ 40 % of respondents felt that people were not being considered appropriately ▪ 27 % of respondents did not comment. ▪ 27 % of respondents were undecided or did not give clear response in answer to this question ▪ 6 % of respondents felt that each individuals’ personal circumstances and requirements are currently being considered. <p>Key messages</p> <ul style="list-style-type: none"> ▪ People with disabilities have higher and unseen costs which can impact on quality of their life if not met. ▪ Disability Related Expenditures require clearer guidelines with examples ▪ Unfair that service users having to contribute to care costs when the have worked and saved all their lives <ul style="list-style-type: none"> • What changes should we make and why? ▪ 53 % of respondents commented on this question ▪ 47 % of respondents did not comment <p>Key messages</p> <ul style="list-style-type: none"> • Allow more income to remain with service users to allow for better quality of life • Consider extra Disability Related Expenditure in cases of service users with severe disabilities. <p>A consultation with current service users and organisations that represent or support them was undertaken from 15 December 2021 to 10 February 2022. Views were sought on 5 proposed policy changes. Details of the consultation can be found here</p> <p>The Results and key messages are provided below</p> <div style="text-align: center;">  <p>Consultation Responses Summary</p> </div> <p>All the views and feedback from service users, parents/carers, staff and key stakeholders have been taken into consideration when completing this assessment.</p> |
| Internal consultation | Engagement with staff that undertake financial assessments for care charges, social care professionals, and directorate leadership. |

3. The impact of this activity

Please consider the potential impact of this activity (during development and implementation) on each of the equality groups outlined below. **Please tick one or more impact box below for each Equality Group and explain your rationale.** Please note it is possible for the potential impact to be both positive and negative within the same equality group and this should be recorded. Remember to consider the impact on staff, public, patients, carers etc. in these equality groups.

| Equality Group | Potential <u>positive</u> impact | Potential <u>neutral</u> impact | Potential <u>negative</u> impact | Please explain your reasons for any potential positive, neutral or negative impact identified |
|----------------|---|--------------------------------------|---|--|
| Age | <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> | | <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> | <p>People of all ages will be left with more disposable income than the minimum income guarantee (MIG) set by the DHSC</p> <p>The minimum income guarantee for people of working age no longer differentiates between ages and provide people aged under 25 with more disposable income.</p> <p>People of pension age in receipt of Disability Living Allowance and Attendance Allowance that are currently benefiting from a discretionary income disregard may pay more towards their care costs if they don't pay for night time care. However after applying an increase to the minimum guarantee they are left with, the average increase is likely to be £4.32 per week</p> <p>People of working age in receipt of Disability Living Allowance that are currently benefiting from a discretionary income disregard may pay more towards their care costs if they don't pay for night time care. After applying an increase to the minimum guarantee they are left with, the average increase is likely to be £23.13 per week</p> |
| Disability | | <p style="text-align: center;">✓</p> | <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> | <p>People with conditions such as mental health issues or learning disabilities do not generally have the same level of disability related expenses as those with physical disabilities face. That combined with a lower MIG (if not in receipt of enhanced disability premiums) can result in higher assessed client contributions than a person of similar age with physical disabilities</p> <p>It is recognised that those with sensory impairments or with specific communication needs may have difficulties accessing the policy, although other formats can be provided on request.</p> <p>People in receipt of high rate disability benefits will be treated the same as the full amount of their disability benefit income will be taken into account in accordance with the statutory guidance. Allowances will be made for any disability related expenses they have.</p> |

| Equality Group | Potential <u>positive</u> impact | Potential <u>neutral</u> impact | Potential <u>negative</u> impact | Please explain your reasons for any potential positive, neutral or negative impact identified |
|--|----------------------------------|---------------------------------|----------------------------------|--|
| | | | | |
| Gender Reassignment | | ✓ | | No areas of inequality were identified |
| Marriage & Civil Partnerships | | ✓ | | No areas of inequality were identified |
| Pregnancy & Maternity | | ✓ | | No areas of inequality were identified |
| Race (including Travelling Communities and people of other nationalities) | | ✓ | | Whilst the policy itself is unlikely to impact on grounds of race, it is recognised that some nationalities may have difficulty understanding the policy due to limited English language skills. Communication needs are noted by staff and copies of the policy can be made available in other languages on request. |
| Religion & Belief | | ✓ | | No areas of inequality were identified |
| Sex | ✓ | | | Application of a couple adjustment under the current charging policy and guidance ensures women with reduced pensions are left with income in line with minimum income amounts. |
| Sexual Orientation | | ✓ | | No areas of inequality were identified |
| Other Vulnerable and Disadvantaged Groups (e.g. carers, care leavers, homeless, social/economic deprivation, etc.) | ✓ ✓ | ✓ | | Service charges for home care will be based on the same rate for all council commissioned services regardless of whether a person receiving care lives in an urban or rural area or self-funds their care. Carers receive adult social care funded support free of charge. The Care Act regulations require earned income to be disregarded in full resulting in the 1.5% of people receiving social care funding not having to contribute towards their care. |
| Health Inequalities (any preventable, unfair & unjust differences in health status between groups, populations or individuals that arise from the unequal distribution of social, environmental & economic conditions within societies) | | | ✓ | Severely disabled people in receipt of high rate disability benefits who are unable to work contribute disproportionately more of their income toward social care charges than those with earned income. |

| Equality Group | Potential <u>positive</u> impact | Potential <u>neutral</u> impact | Potential <u>negative</u> impact | Please explain your reasons for any potential positive, neutral or negative impact identified |
|----------------|----------------------------------|---------------------------------|----------------------------------|---|
| | | | | |

What actions will you take to mitigate any potential negative impacts?

| Potential negative impact | Actions required to reduce/ eliminate negative impact | Who will lead on action? | Timeframe |
|---|--|---------------------------|------------|
| Service users with physical disabilities on average have higher disability related expenses included in assessments to those with learning disability or mental health needs. | Provide more detailed guidance and examples of disability related expenses, beyond those already provided in the statutory guidance to ensure all people include all eligible allowances. | Lee Davis/ Susie Binns | 11/04/2022 |
| People of pension age in receipt of high rate disability benefits affected by the removal of the income disregard may pay more in charges. | When they are notified of the increased charge invite them to request a review of their financial assessment to ensure all of their eligible expenses are taken into account and they will be informed of their right to appeal charges. | Lee Davis/ Susie Binns | 11/04/2022 |
| People of working age in receipt of high rate disability benefits affected by the removal of the income disregard may pay significantly more in charges. | They will be invited to have a full face to face review of their financial assessment to ensure all of their eligible expenses are taken into account and they will be informed of their right to appeal charges, | Lee Davis/ Susie Binns | 11/04/2022 |
| People with sensory impairments or with specific communication needs may have difficulties accessing the policy | Ensure the policy meets accessibility standards when published on the website and work with service users or groups that represent them to improve access to the policy and guidance | Lee Davis/ Susie Binns | 11/04/2022 |
| Severely disabled people in receipt of high rate disability benefits who are unable to work contribute disproportionately more of their income toward social care charges than those with earned income | It is a requirement of the Care Act 2014 regulations to disregard all earned income. | | |

4. Monitoring and review

| | |
|---|--|
| How will you monitor these actions? | Through the charging policy review project plan and directorate management reporting |
| When will you review this EIA? (eg in a service redesign, this EIA should be revisited regularly throughout the design & implementation) | Within 3 months post implementation of the policy. |

5. Equality Statement

- All public bodies have a statutory duty under the Equality Act 2010 to set out arrangements to assess and consult on how their policies and functions impact on the 9 protected characteristics.
- Herefordshire Council will challenge discrimination, promote equality, respect human rights, and design and implement services, policies and measures that meet the diverse needs of our service, and population, ensuring that none are placed at a disadvantage over others.
- All staff are expected to deliver services and provide services and care in a manner which respects the individuality of service users, patients, carers etc, and as such treat them and members of the workforce respectfully, paying due regard to the 9 protected characteristics.

| | |
|---|--------------------|
| Signature of person completing EIA | <i>Susie Binns</i> |
| Date signed | 21/02/2022 |