

**Kent County Council
Equality Analysis/ Impact Assessment (EqIA)**

Directorate/ Service: Adult Social Care and Health (ASCH)

Name of decision, policy, procedure, project or service: Adult Social Care Homecare and Other Non-Residential Charging Policy

Responsible Owner/ Senior Officer: Richard Smith

Version:

Version	Author	Date	Comment
0.1 Draft Equality Analysis	Simon Wiltshire	21/09/2022	Draft
0.2 Draft Equality Analysis	Simon Wiltshire	02/12/2022	Updated with project team comments
0.3 Draft Equality Analysis	Simon Wiltshire	19/04/2023	Updated with consultation feedback

Author: Simon Wiltshire

Pathway of Equality Analysis:

- ASCH Governance Directorate Management Team – updates and reports throughout the length of the project.
- ASCH Cabinet Committee – updates, reports throughout the length of the project.
- Key Decision

Summary and recommendations of equality analysis/impact assessment.

- **Context**

This work has been developed as a follow up to the decision taken on 10 June 2022 (Key Decision 1 22/00049 - Adult Social Care Charging Policy Update) to amend the Adult Social Care Charging Policy, in relation to the interpretation of the Savings Credit Disregard, and lays out the proposed approach to the remaining people affected.

In developing KCC's preferred option to address this discrepancy for those people who could be undercharged by the current policy, Counsel have been approached at the appropriate points in this work for legal advice and support the approach. In line with their advice, this document includes the justification for the approach, described as follows:

The existing (600+) people have been accustomed to their charge since first commencing the services and have not been aware that we have been too generous in our calculations. As a result, they have formed a general expectation that this level of charge would continue. If KCC were to change the policy for those individuals, some may feel that that because of their other outgoings and financial commitments, they can no longer afford to pay for their care and may

Updated 09/05/2023

choose to end their care package. This would mean that they may not be supported with their care needs appropriately.

New people who will be affected by the change will have their charge and their financial assessment explained to them at the outset and the charge will be based on the new policy. KCC will continue to exercise its discretionary powers to consider, on a case-by-case basis, anyone presenting with exceptional hardship with their charge following a means-test financial assessment.

Work has been completed develop this approach, including engagement and a public consultation and the outcome of this work is our Preferred Option, which will be the focus of this EqlA:

We are proposing to extend the Savings Credit Disregard that currently covers people in care homes, to also cover people who receive care in their own home or the community for people new to the service.

- **Aims and Objectives**

Before making any further changes to the Policy, it is necessary to consider and address how the disparity between policy and legislation may have impacted those people affected. To help determine the impact of the proposed changes, on people who may be charged more if the Charging Policy were changed to address this discrepancy, KCC has undertaken engagement with Kent County Council People's Panel and carried out a public consultation to gain the views of the people of Kent on our preferred option. If this Key Decision is taken, KCC will amend the policy for those that would otherwise be undercharged due to the new approach to the Savings Credit Disregard.

This EqlA has been updated and amended throughout the work as different stages of the project have been reached.

- **Summary of equality impact**

A **Negative Medium** impact has been identified, due to the potential increase in charges for people with care and support needs that have a higher likelihood of being disproportionately impacted due to their protected characteristics. This could be reduced or mitigated further by actions included in the Action Plan and further mitigations or different approaches identified in the engagement activities.

This assessment has been updated throughout the work as the preferred option, or proposal, and its mitigations have changed in response to inputs from the engagement and consultation activity and any recommendations or changes required have been recorded.

Adverse Equality Impact Rating **Low** / **Medium** / **High**

Negative Medium

Updated 09/05/2023

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment concerning Adult Social Care Charging Policy. I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

Head of Service

Signed: Name: Richard Smith

Job Title: Corporate Director, Adult Social Care and Health Date:

DMT Member

Signed: Name: Helen Gillivan

Job Title: Senior Accountable Officer – Date:
Making a difference every day

Part 1 Screening

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?

Could this policy, procedure, project or service promote equal opportunities for this group?

Please note that the data in this table is a snapshot showing people in the system when the public consultation was being prepared. This work assumes that new people affected by this change would be expected to show the same proportions in relation to equalities characteristics, as we have no data to forecast these incoming people.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age		<p>This would have a medium negative impact upon the new people to the service who would need to pay more towards their care than those who are of the same age but already service users.</p> <p>All people affected are over 65, with 38% of people affected being between 70-79 and 36% of people affected being between 80-89. Therefore, this proposal is more likely to affect older people.</p>	<p>The people affected could also experience a low negative impact of having to deal with the increase in correspondence from the Council. Those KCC staff carrying out the correspondence are trained as standard in the appropriate form of communication, so this is only registered as a low negative impact.</p>	
Disability		<p>People affected have a higher chance of having a disability as they are accessing an</p>	<p>Due to all people affected having a higher chance of having a disability as</p>	

		<p>ASCH service, therefore, this proposal is more likely to affect disabled people.</p> <p>This would have a medium negative impact upon those people who are currently being undercharged, due to the incorrect application of the disregard.</p>	<p>they are accessing an ASCH service and with people with a learning disability potentially being affected, they could experience a low negative impact of having to deal with the increase in correspondence from the Council. Those KCC staff carrying out the correspondence are trained as standard in the appropriate, accessible, forms of communication (e.g. easy read format), and have access to individual preferences on KCC's system, so this is only registered as a low negative impact.</p>	
Sex		<p>There is a 68%/32%/<10% split between Female /</p>		

		<p>Male and people registered with Unknown sexes affected. Therefore, females may be more likely to be impacted by this proposed change.</p> <p>This would have a medium negative impact upon those people who are currently being undercharged, due to the incorrect application of the disregard.</p>		
Gender identity/ Transgender			None identified.	
Race		86% of people affected are White, 10% register an unknown Race and not stated / Asian/Asian British / Black/African/Caribbea	Due to 13% of all people affected registering as having a non-British race, they could experience a low negative impact of	

		<p>n/Black British / Other Ethnic Groups / Not Recorded / Black/Black British and Mixed/Multiple Ethnic Groups each cover <10% of the affected group.</p> <p>With up to 16% of people affected being from an ethnic minority, the potential impact upon these groups will need to be further explored and accounted for as part of the engagement work.</p> <p>This would have a medium negative impact upon those people who are currently being undercharged, due to the incorrect application of the disregard.</p>	<p>having to deal with the increase in correspondence from the Council if English is not their first language. Those KCC staff carrying out the correspondence are trained as standard in the appropriate form of communication (e.g. sourcing translations), so this is only registered as a low negative impact.</p>	
--	--	---	--	--

Religion and Belief			None identified.	
Sexual Orientation			None identified.	
Pregnancy and Maternity			N/A No impact expected due to the cohort being 65+, over pregnancy age.	
Marriage and Civil Partnerships			N/A Analysis has shown that couples both accessing KCC support will not be affected by this proposal and impact will not vary by marital status.	
Carer's Responsibilities		<p>The change may result in increased charges to individuals so may result in the following:</p> <p>Person may choose not to begin receiving care from KCC because of increased</p>	<p>This may have a low negative indirect impact on carers, due to the potential negative effect on the mood/wellbeing of the person that the carer supports' and their finances. This will be</p>	

		<p>charges. This might result in needs being unmet and could have an impact on their safety And as a result, any carer may be required to provide more care, thereby affecting their economic, social and emotional wellbeing.</p>	<p>explored further as part of the engagement / consultation.</p>	
--	--	---	---	--

Part 2

Equality Analysis /Impact Assessment

Protected groups

Analysis has suggested that those with the protected characteristics of Age, Disability, Sex, Race and Carers' Responsibilities will likely be negatively impacted by the changes. The engagement/consultation exercises have also enabled the Council to further test the impact on protected characteristic groups.

Any decision on applying the revised approach of following the legislation, rather than the guidance in relation to Savings Credit Disregard for people who draw on support will need to ensure KCC is mindful of the needs of residents within these protected characteristics groups.

Information and Data used to carry out your assessment

- Performance data held on the people who draw on support
- Financial data held on the people who draw on support
- Data gained from engagement with KCC's Peoples' Panel
- Responses received from public consultation

Who have you involved consulted and engaged?

- People with lived experience of social care as part of targeted engagement
- People of Kent as part of the public consultation
- Relevant charities and businesses representing the affected client groups of people affected
- Staff in management teams and wider teams have been engaged throughout the project
- Cabinet Member for Adult Social Care and Health
- Corporate Director for Adult Social Care and Health
- ASCH wider leadership Divisional Management Team
- Appropriate internal teams including Finance, Client Financial Affairs, ASCH Stakeholder Engagement

Analysis

Adverse Impact

The evidence gathered as part of the assessment indicates that there is a potential negative impact on people who draw on support with Age, Disability, Sex, Race and Carers' Responsibilities as protected characteristics. The proposal could potentially increase the costs of care paid by the people who are affected.

Updated 09/05/2023

11

After due consideration and obtaining legal advice, the Council is proposing to introduce a policy change for only **new** people coming under the auspices of the Authority's Adult Social Care. Existing people would continue to receive the more generous allowance.

KCC have carried out a public consultation to gain feedback from, and on behalf of, those people who this proposed change could affect, in order to inform the proposal and this EqlA, prior to a Key Decision being taken.

The clear theme rising from the consultation feedback was that of the strain that would be caused by even a small increase in the cost charged to the group affected by the proposed changes. This supports the decision to report the impact of the proposed changes in this EqlA as medium on the affected characteristic groups, rather than small, especially during a cost of living crisis and with inflation so high.

We have also ensured that any new individual financial assessments have been carried out, which will consider the person's individual financial circumstances and determine the impact to each individual.

The changes could potentially increase the costs of care paid by the people affected by an average amount of £6.46 per week.

Positive Impact:

For those people who are currently being undercharged, KCC's preferred outcome would mean that they would continue to be charged the same amount when they could have been charged more. This could be seen to be a positive impact.

JUDGEMENT

- **Adjust and continue** - adjust to remove barriers or better promote equality.

In weighing the justification against the impact, it has been concluded that this approach, along with the following proposed mitigations, is appropriate and proportional. Added to that:

- KCC is reviewing the potential financial impacts of this proposal on the people who could draw on support in the future to understand the impact upon the individual.
- To lessen the impact KCC have delayed addressing this part of the work for those people being undercharged for as long as practicable.
- The preferred option has been proposed to reduce the number of people this could affect.

Internal Action Required YES

There is potential for adverse impact on groups, and we have found scope to improve the proposal by completing engagement and consultation activities to fully understand the impact on different groups.

The feedback to these activities has helped us to understand the impact more fully.

Equality Impact Analysis/Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
All	Potential medium to high negative impact for these protected characteristic groups because of a potential increase to their contribution to their social care costs.	Engagement activities and public consultation have been carried out to gain a better understanding of the impact of the proposal, including engaging with people who will not be directly impacted now, but may be in the future.	Ensure decisions will be informed by an analysis of the impact on protected groups.	Simon Wiltshire, Senior Project Officer	December 2022 to March 2023	£42 – posters for Libraries and Gateways
Age Disability Sex Race Carer's Responsibilities	These protected characteristic groups have a potential medium negative impact.	Each person has a financial assessment to determine the cost of their care based on their individual circumstances. In addition, there are processes and procedures in place to support people who might be financially impacted by this	Ensure the person affected is supported through any changes, and any increases are affordable to those people.	Michelle Vickery	July 2023 onwards	None identified – carried out as part of Business As Usual practices

Updated 09/05/2023

14

		proposal or are experiencing financial hardship. People can access this support by contacting their practitioner. This support will be available to all people impacted and will be assessed on a case-by-case basis.				
Age Disability Sex Race Carer's Responsibilities	These protected characteristic groups have a potential medium negative impact.	This part of the proposal has been delayed to reduce the impact on those affected. This change has been purposely processed separately to the reduction in charges for those previously being overcharged, according to the new interpretation (see Key Decision 1 22/00049 - Adult Social Care Charging Policy Update, 10 June 2022). The	Ensure the person affected is supported through any changes, and any increases are affordable to those people.	Michelle Vickery	July 2023	KCC has absorbed the cost of any potential income that could have been due from these changes up until the decision, due May 2023

		proposed increase to charging is not planned until July 2023, whereupon financial assessments would take place to ensure affordability.				
Age Disability Race	These protected characteristic groups have a potential medium negative impact.	Publish the consultation documents with Easy Read and large print versions on the website, and all compatible with audio transcription software. All documentation also made available in hard copy on request. Also, translation of documents on request was also available to people where English is not their first language.	Ensure that the engagement and consultation is as accessible to people as possible to enable them to give their views and suggest possible ways to lessen the impact.	Simon Wiltshire	January to March 2023	None identified – all drafting has taken place in house and no translations were requested
Age Disability Sex Race Carer's	These protected characteristic groups have a potential medium negative impact, and the	The Project Team was contactable during the public consultation to answer any questions and	Ensure that the engagement and consultation is	Simon Wiltshire	December 2022 to March 2023	None identified – carried out in house

Responsibilities	engagement activities and public consultation could be challenging to understand. Also carer and familial responsibilities could make contacting the team difficult.	provide support via a telephone line and email address. These were available from 9am-5pm Monday to Friday throughout the consultation.	as accessible to people as possible to enable them to respond, give their views and help shape the final outcome.			
------------------	--	---	---	--	--	--

Have the actions been included in your business/ service plan?

No – actions will be monitored through the Savings Credit Disregard Project Board.