

KENT COUNTY COUNCIL

EQUALITY IMPACT ASSESSMENT Interim review

Directorate:

Families and Social Care (Adults)

Name of policy, procedure, project or service

Non - Residential Charging Policy

Type

What are you impact assessing, a policy procedure or service?

Policy

Responsible Owner/ Senior Officer

Janice Grant, Senior Policy Manager

Date of Initial Screening

Please provide the date of your initial screening

Initial screening 14/02/2011

Interim review 06/07/2011

Final Review 03/08/2011

The interim review is set out in the action plan section of this Equality Impact Assessment. Pages 2- 8 remain as set in the initial screening.

Screening Grid

| Characteristic | Could this policy, procedure, project or service affect this group differently from others in Kent? YES/NO | Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO | Assessment of potential impact HIGH/MEDIUM/LOW/ NONE/UNKNOWN | | Provide details: a) Is internal action required? If yes, why? b) Is further assessment required? If yes, why? c) Explain how good practice can promote equal opportunities |
|-------------------|---|--|--|----------|---|
| | | | Positive | Negative | |
| Age | Yes | No Whilst the increases in charges will not be welcomed by service user. They are being levied fairly and equitably. The additional income at a time of reduced budgets will enable KCC to maintain preventative services | High | High | However the impact will deliver equality. The current policy for non – residential services provides that people who are under 65yrs and have a Mental Health need are not charged for any support. Those who are over 65yrs and have a MH need are charged for their support. The proposal will provide that all age groups are treated equitably, but in implementing this there will be a greater impact on people under 65yrs. |
| Disability | Yes | No Whilst the increases in charges will not be welcomed by service user. They are being levied fairly and equitably. The additional income at a time of reduced budgets will enable KCC to maintain preventative services | | High | The introduction of charging for Day Centre provision will impact differently for older people who use day centres and people with an LD who use day centres. This is because of the way day centre provisions have been commissioned and are provided. In the main, KASS knows who is in receipt of day care from KASS where the person has a learning disability, but where the person is over 65yrs recording and commissioning practices vary. Some people over 65yrs will access day care directly and others will access it via KASS, some of those accessing directly will be community care eligible, this may result in unequal application of charging for people over 65yrs. |

| | | | | | |
|--------------------------------|----|----|--|--|--|
| Gender | No | No | | | N/A |
| Gender identity | No | No | | | N/A |
| Race | No | No | | | Any changes to charging will be applied irrespective of the location of provision, so if a person chose to attend day care in a centre which is designed to meet a specific cultural need then the policy would be applied equally. Discretionary disregards will still apply. |
| Religion or belief | No | No | | | Any changes to charging will be applied irrespective of the location of provision, so if a person chose to attend day care in a centre which is designed to meet a specific cultural need then the policy would be applied equally. Discretionary disregards will still apply. |
| Sexual orientation | No | No | | | N/A |
| Pregnancy and maternity | No | No | | | N/A |

Part 1: INITIAL SCREENING

Context

Explain how this policy, procedure, project or service relates to a wider strategy

Following an assessment to identify a person's eligibility for social care the person will write a support plan (with help from a Families and Social Care (FSC) worker if required). This will outline any social care support the person might use to help them.

FSC is able to charge for the social care support it provides and so the person will be further assessed to see what, if anything, they may be expected to pay towards their care. KASS is able to do this because of a discretionary power contained within section 17 of the Health and Social Services and Social Security Adjudication Act.

The way Kent works out the contribution a person makes to the cost of their care is described in the Non-residential Charging Policy. This policy complies with the guidance issued by the Department of Health in 2001, LAC (2001)32: Fairer Charging policies for home care and other non-residential services.

Aims and Objectives

Provide a summary of what the policy, procedure, project or service is trying to achieve and how it will be achieved

In order to continue to provide support to the widest number of people in Kent who are eligible for social care support and to enable FSC to continue to invest in preventative services, we must review all mechanisms open to us to maximise management of the budget.

The current financial situation constraints for local authorities are placed within the national context of savings required by public sector organisations. One of the areas in which FSC is able to influence the budget position is the way it charges for services.

FSC is exploring a range of options which could deliver financial savings, one of those options is to review the non-residential charging policy, and this could potentially increase income by £2.9m (full year effect).

This policy aims to achieve increases in charges in as fair and equitable way as is possible.

Beneficiaries

Set out who the intended beneficiaries?

The review of non –residential charging will enable KASS to continue to provide support to as many people as possible who are eligible for social care. Without making changes to the charging policy it will be necessary for FSC to

make savings in other ways which would include cuts to service provision for some people. It would also mean that FSC would have less money to invest in preventative services and it is through this early intervention that FSC is able to help people to help themselves rather than become more dependant upon more expensive forms of support.

Consultation and data

Please record any data/research and/or consultation you have carried out to inform your screening

An analysis of FSC's client data system SWIFT was undertaken to identify the numbers of people who would be directly affected. This information was supplemented with local intelligence regarding those groups attending KASS funded voluntary sector provision.

Potential Impact

Provide a summary of the results from your initial screening, highlighting where there is any potential positive or adverse impact. If there is no impact on any group or the impact is unknown please state that here.

Adverse Impact:

(1) Increase % of net disposable income taken into account: The charging process basically compares the cost of an individuals care to their net disposable income (ndi) and charges them the lower of the two figures. The ndi is derived from the financial assessment and is the amount of money each week that it is calculated an individual can afford to contribute to the cost of their care. Currently only 85% of the ndi is taken into account when charging. It is proposed that this should be increase to 100% which will deliver additional income in the region of £1.350m per annum. This will not impact on those people who are already paying the full cost of their service (900). However, it will impact on those people who are making a contribution to their service (3300), but will not affect those people who do not contribute to their care (3400)

(2) Reduce the standard allowance for the Disability Related Expenditure Assessment (DREA): Councils are required to offer a Disability Related Expenditure Assessment to anyone who is in receipt of disability related benefits. The intention is to ensure that the additional costs incurred as the result of an individuals disability or illness are allowed for when calculating their charges. FSC has introduced a standard allowance which currently stands at £21 per week, but if anyone feels that their costs exceed this figure they are entitled to an individual DREA. It is proposed that the standard allowance is reduced to £17 per week and it is anticipated that this will deliver additional income of approximately £0.744m per annum after making an allowance for the cost of additional DREA's. This will not impact on those people who are already paying the full cost of their service. However, it will impact on those people who are making a contribution to their service and it is estimated that it will affect approximately 250 people who are not currently contributing to their care and will face charges of up to £4 per week.

(3) Charging Mental Health Service Users: Currently 560 service users in this client group are in receipt of non residential services and whilst it is not permissible to charge people who are in receipt of Section 117 aftercare, it is proposed that the remainder should be charged. It is estimated that additional income in the region of £0.160m per annum could be gained.

(4) Charging for day care and transport to day care: Approximately 2900 people are in receipt of day care. However, 1800 of these are also receiving a domiciliary package and most of these people will already be making the maximum contribution to their care although some will be paying full cost and therefore could make an additional contribution to their day care. It is proposed that the cost of day care and the cost of transport to day care are included as part of the cost of service in the charging process and therefore become chargeable services. This will impact mainly on the 1100 people who only appear to be receiving day care services and it is estimated that additional income of approximately £0.700m per annum will be achieved. Day care is provided in a range of ways:

- KCC provided within residential care homes (older persons)
- KCC provided within integrated care centres (older persons)
- KCC provided within stand alone day centres (older persons)
- KCC provided with Learning Disability 'day centres'
- KCC commissioned private sector day care
- Voluntary sector day care
- Purchased using a Direct payment

FSC will be able to identify those people who have a learning disability and use day care provisions; for older people the position holds less clarity as some people have been sign posted to access the provision directly and are community care eligible; there are others who access day care directly who are not community care eligible and some who access day care via FSC. It may take a period of time to identify which people over 65years may be required to contribute to the cost of their day care, it will therefore be essential to ensure that any changes to the charging policy for day care are applied equitably for all service groups.

Positive Impact:

The increase in charges will not have a positive impact on the individuals concerned but will enable FSC to maintain preventative services.

JUDGEMENT

Option 1 – Screening Sufficient **No**

Justification:

Option 2 – Internal Action Required **YES**

There is potential for adverse impact on particular groups and we have found scope to improve the proposal.

In order to gain a better understanding of the impact that this may have on people a 12 week period of consultation will be undertaken with the public as a whole as well as with those individuals who currently receive a non residential service before any changes are made..

This will be undertaken by holding a number of Public meetings as well as writing to those individuals who are currently in receipt of a service funded by FSC.

Voluntary sector providers such as Age Concern will also be provided with letters to send out to those individuals who have been referred by KASS but may not be recorded on SWIFT.

Loop systems will be available at public meetings to assist those with hearing difficulties and letters in easy read versions or large print will also be available if required.

KASS staff will ensure that benefits for individuals are maximised and will also retain the responsibility to assess if there has been an adverse impact on an individual case by case basis and to apply an exceptional disregard if this is assessed as appropriate.

Option 3 – Full Impact Assessment **NO**

Only go to full impact assessment if an adverse impact has been identified that will need to undertake further analysis, consultation and action

Sign Off

I have noted the content of the equality impact assessment and agree the actions to mitigate the adverse impact(s) that have been identified.

Senior Officer

Signed: Janice Grant

Date: 18th Feb 11

Name: Janice Grant

Job Title: Senior Policy Manager

Directorate Equality Lead

Signed: Keith Wyncoll

Date: 18th Feb 11

Name: Keith Wyncoll

Directorate Equality Lead

Review of EIA Non- Residential Charging 6th July 2011

Action Plan

The consultation on the of the 4 proposals to change the non residential charging policy commenced on 9th May 2011. The consultation was sent to more than 25000 people who are currently using social care services, have used services or who may be in need of services in the future.

The people sent the consultation were identified from the KCC social care client system and include carers.

The consultation was also sent to approximately 160 voluntary organisations both for their information and to invite their involvement and also so they could publicise this through their own networks.

Prior to commencing the consultation 3 of public meetings were organised to run during the consultation period. The numbers of venues was increased during the consultation in response to requests from the public.

A telephone helpline has also been available alongside on-line information throughout the consultation.

Monitoring and Review

The initial Equalities Impact Assessment was completed in February 2011 prior to commencing the consultation.

The decision was made by the steering group that the EIA should be reviewed during the consultation period to take account of the views of people raised in the public meetings. It will be reviewed again in August, at the close of the consultation period and will be submitted to Cabinet Members at their meeting on 19th September as part of the final report.

Protected Characteristics

Protected characteristics as set out in the Equality Act 2010 are: age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation. The issues identified in the action plan were raised within public meetings and it is therefore not possible to attribute them to some of the characteristics listed.

Sign Off

Senior Officer

Signed: Janice Grant

Date: 07/07/2011

Name: Janice Grant

Job Title: Senior Policy Manager

Directorate Equality Lead

Signed: Keith Wyncoll

Date: 07/07/2011

Name: Keith Wyncoll

Directorate Equality Lead

Equality Impact Assessment Action Plan – initial review

The issues identified in this action plan are those raised by members of the public attending the consultation meetings

| Protected Characteristic | Issues identified | Action to be taken | Expected outcomes | Owner | Timescale | Cost implications |
|--|---|--|--|-----------------------------------|------------------------------|-------------------|
| DISABILITY People with Mental Health needs | “Increased risk of debt due to the introduction of charges.” | Staff training plan. Experienced finance and benefits officers to undertake the assessments with an MH practitioner known to the person. Work with voluntary organisations. | Staff and voluntary organisations will be able to provide the right level of support for the person. The Finance and Benefits Officers will ensure the person is claiming benefits. | Michelle Goldsmith | 6 months | |
| DISABILITY People with a disability | “The cost of having a disability has not reduced but KCC propose to increase charges” | Individual Disability Related Expenditure Assessments (DREA) will continue to be available. Managers retain the flexibility to apply exceptional disregards in some circumstances depending on individual needs | Individual needs will be taken into account where they are indicated in the assessment Enablement will be used to maximise independence of services. | Janice Grant (Chris Grosskopf) | No change in current policy. | |
| DISABILITY People for who English is not a first language including those with sensory disabilities | “The person may not be able to understand the information presented to them.” | Charging information is available in accessible formats. Interpreters should be used where this is indicated. Staff training | Staff will be aware of communication needs. People will have access to information in a format which is accessible to them. | Janice Grant (Glyn Pallister) | No change in current policy | |

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| DISABILITY Carers | “There may be an increase in the numbers of people who refuse a service or support because they feel they cannot afford to pay, this would have an impact on their carers” | People will be assessed on their ability to pay. Individual DREA’s are available. Exceptional circumstances can be taken into account by the manager. Carers are entitled to an assessment in their own right to ensure their needs are taken into account – and can inform the above. KCC is developing a strategy for carers assessments to be undertaken by voluntary organisations. | Carers needs will be looked at to inform individual circumstances where it is indicated that charges are causing hardship. Enablement will be used to maximise independence of services. | Janice Grant (Naomi Hill) | 6 months | |
| DISABILITY Disabled people who are home owners | “Increases in charging will reduce the ability to maintain homes” | Individual DREA can take maintenance costs into account. | Costs of living are taken into account where applicable | Janice Grant (Chris Grosskopf) | Current policy | |
| DISABILITY All groups consulted | “The consultation documents are inaccessible to some people” | Public meetings and a helpline are available. Alternative formats are also available. The complexity of the | Use comments to inform future work and improve accessibility | Janice Grant (Glyn Pallister) | Added to lessons learned | |

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|--|--|---|--|------------------------|-----------------|-------------|
| | | <p>subject is acknowledged, the information is also available in easy read versions and there is also a help line and public meetings to enable as many people to have access to a range of different ways of receiving information as possible. Interpreters have attended public meetings. Add to 'lessons learned' to inform future consultations and surveys conducted by KCC</p> | | | | |
| <p>DISABILITY</p> <p>All groups consulted living in Swale/ areas where no public meetings held</p> | <p>"The public meetings set up at the outset of the consultation were in only 3 localities."</p> | <p>During the consultation 13 additional public meetings were arranged to ensure they were accessible Kent wide. Staff also presented at the Learning Disability Partnership Board and Directorate Involvement Group as well as other forums.</p> | <p>The meetings would be accessible Kent wide</p> | <p>Jeremy Blackman</p> | <p>actioned</p> | <p>£600</p> |
| <p>DISABILITY</p> <p>Disability</p> | <p>"Disability organisations should have been consulted prior to</p> | <p>The consultation went live on 9th May 2011, the press was briefed on the morning of the 9th and letters sent to</p> | <p>Disability groups feel they would have been better prepared to support people had</p> | <p>Steering group</p> | <p>NFA</p> | |

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| organisations | going live.” | all groups as well as users on the same day. | they been informed beforehand, however the decision made by the steering group was that all information should be released on the same day. | | | |
|---------------|--------------|--|---|--|--|--|

Final review of EIA Non- Residential Charging 3rd August 2011

Action Plan

Statutory guidance requires local authorities to undertake a consultation exercise where a change in policy would, or may result in significant changes for some service users.

KCC considers that in undertaking a 12 week consultation on the proposed changes to the non- residential charging policy it has ensured that people who will be, or may be affected have had opportunity to read, interrogate and respond to the proposals using a variety of mechanisms.

The methodology for consultation involved written consultation documents, the option to complete a telephone response or on-line response, and or attendance at one of the public meetings held across the county.

The interim EIA demonstrated a need to make documents and public meetings more accessible. As the consultation had already started the documents could not be changed, easy read has been available throughout the consultation period. However, the council was able to add further public meetings. The scheduled 3 meetings was increased and in total 16 public meetings were held between 13th May and 29th July 2011

The process for calculating an individuals contribution to social care services is complex and detailed It requires the assessor to look at the individual's financial circumstances in detail and to measure their income against a number of specifications to determine what, if any income should be considered when making a charge for care services. The detail of the proposals is therefore complex and difficult to present, this complexity resulted in a number of respondents challenging the complexity of the consultation documents. KCC considers that the provision of a dedicated hot-line and the public meetings provided a mechanism for people to ask for more detail or explanation of how the changes might affect them or the wider population.

Respondents were also concerned that vulnerable groups are being targeted to make savings and that they may refuse care services due to fear about additional costs. KCC is committed to supporting those for whom it provides services and where people believe they have exceptional circumstances those will be considered during the financial assessment.

Monitoring and Review

The initial Equalities Impact Assessment was completed in February 2011 prior to commencing the consultation.

The decision was made by the steering group that the EIA should be reviewed during the consultation period to take account of the views of people raised in the public meetings and again at the close of the consultation period

This final review considers the responses received by telephone, letter and on-line and will be submitted to Cabinet Members at their meeting on 19th September as part of the final report.

The review does not replicate the interim review but takes the key topics identified in the analysis of the consultation.

Protected Characteristics

Protected characteristics as set out in the Equality Act 2010 are: age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation. The issues identified in the action plan were raised within public meetings and it is therefore not possible to attribute them to some of the characteristics listed.

There were no issues raised which related to gender reassignment, race, religion or belief or sex and sexual orientation.

One attendee asked why the income of a spouse is not taken into consideration especially where the spouse may have a lot of savings or a very high income. This is not considered within the consultation as the spouses income disregard is based on Government guidance

Sign Off

Senior Officer

Signed: Janice Grant

Date: 03/08/2011

Job Title: Senior Policy Manager

Signed: Keith Wyncoll

Date: 09/08/2011

Name: Keith Wyncoll

Job Title: Directorate Equality Lead

Directorate Management Team approval: 10/08/2011

Corporate Management Team Approval: 23/08/2011

Equality Impact Assessment Action Plan – final review

The issues identified in this action plan are those raised by members of the public attending the consultation meetings

| Protected Characteristic | Issues identified | Action to be taken | Expected outcomes | Owner | Timescale | Cost implications |
|--------------------------|---|---|---|--------------------------------|---|-------------------|
| DISABILITY | Increasing charges will make it harder for people, many of whom can't afford to pay anymore. | People will be assessed on their ability to pay. Individual DREA's are available. Exceptional circumstances can be taken into account by the manager. | The policy will reflect managers discretionary role | Janice Grant (Chris Grosskopf) | In line with any agreed implementation of changes | |
| DISABILITY | The increases will cause distress and worry to a lot of people particularly those with a mental illness | Staff training plan. Experienced finance and benefits officers to undertake the assessments with an MH practitioner known to the person. Work with voluntary organisations. | Staff will provide the required support and advice to people if there are any changes in the contribution they make to the costs of their services. | Michelle Goldsmith | In line with any agreed implementation of changes | |
| | Complexity of the questionnaire | A telephone help line and public meetings were made available to provide second line support. | People would have access to further details of the proposals. This will also be recorded and considered in future consultation processes. | Steering group | complete | |

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|---|--|---|---|--------------------------------|---|--|
| DISABILITY | People will be deterred from taking up services. | People will be assessed on their ability to pay. Individual DREA's are available. Exceptional circumstances can be taken into account by the manager. | The policy will reflect managers discretionary role Enablement will be used to maximise independence of services. | Janice Grant (Chris Grosskopf) | In line with any agreed implementation of changes | |
| AGE – DISABILITY | People should not be penalised for having saved and paid into a pension all their life | People are individually assessed on their ability to contribute to the cost of their care services in line with central government guidance. | KCC acts within the guidance as set out by government. | Janice Grant | NFA | |
| GENDER REASSIGNMENT RACE RELIGION or BELIEF SEX and SEXUAL ORIENTATION | No issues raised or identified through the consultation responses | | | | NFA | |
| MARRIAGE or CIVIL PARTNERSHIP | The spouses/ partners income is not taken into account | No action to be taken as the spouses income is disregarded in line with government guidance | KCC acts within the guidance as set out by government. | Janice Grant | NFA | |