

December 2014

**KENT COUNTY COUNCIL**  
**EQUALITY ANALYSIS / IMPACT ASSESSMENT (EqIA)**  
**This document is available in other formats, Please contact**  
**michaelthomassam@Kent.gov.uk or telephone on 03000417238**

**Directorate:** Social Care, Health and Wellbeing

**Name of policy, procedure, project or service**  
ELIGIBILITY CRITERIA FOR ADULT CARE AND SUPPORT

**What is being assessed?**

Policy

**Responsible Owner/ Senior Officer**  
Michael Thomas-Sam – Strategic Business Adviser

**Date of Initial Screening**  
11 December 2014

**Date of Full EqIA:**

<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Comment</b>
0.1	Michael Thomas-Sam	11.12.14	
	David Firth	12.12.14	
	Jeremy Blackman	12.12.14	
0.2	Janice Hill	12.12.14	
Final Draft	Janice Hill	12.12.14	

December 2014

December 2014  
**Screening Grid**

Characteristic	Could this policy, procedure, project or service, or any proposed changes to it, affect this group less favourably than others in Kent? YES/NO If yes how?	Assessment of potential impact <b>HIGH/MEDIUM</b> <b>LOW/NONE</b> UNKNOWN		Provide details: a) Is internal action required? If yes what? b) Is further assessment required? If yes, why?	Could this policy, procedure, project or service promote equal opportunities for this group? YES - Explain how good practice can promote equal opportunities
		Positive	Negative	Internal action must be included in Action Plan	If yes you must provide detail
Age	No	<b>MEDIUM</b>	<b>NONE</b>		
Disability	No	<b>MEDIUM</b>	<b>NONE</b>		
Gender	No	<b>NONE</b>	<b>NONE</b>		
Gender identity	No	<b>NONE</b>	<b>NONE</b>		
Race	No	<b>NONE</b>	<b>NONE</b>		
Religion or belief	No	<b>NONE</b>	<b>NONE</b>		
Sexual orientation	No	<b>NONE</b>	<b>NONE</b>		
Pregnancy and maternity	No	<b>NONE</b>	<b>NONE</b>		
Marriage and Civil Partnerships	No	<b>NONE</b>	<b>NONE</b>		
Carer's responsibilities	NO	<b>HIGH</b>	<b>NONE</b>		For the first time carers have a legal right to support in their own right if they meet the national minimum eligibility criteria for carers

**Part 1: INITIAL SCREENING**

**Proportionality** - Based on the answers in the above screening grid what weighting would you ascribe to this function – see Risk Matrix

<b>Low</b>	<b>Medium</b>	<b>High</b>
Low relevance or Insufficient information/evidence to make a judgement.	Medium relevance or Insufficient information/evidence to make a Judgement.	High relevance to equality, /likely to have adverse impact on protected groups

State rating & reasons

Medium Positive overall  
Unlikely (2) and low (3)

It is believed that the NMEC, applicable from April 2015, will have a positive impact on the people covered by the protected characteristics this is because they strengthen the principle that each person should be assessed as an individual, taking into account the outcomes that matter to them and the way that their individual wellbeing (very broadly defined under Part1 of the Care Act 2014) is affected.

**Context**

The new eligibility criteria are being implemented as a result of the Care Act 2014. The criteria will be introduced from April 2015 and it will be used to decide when adults with care and support needs and carers with support needs meet the National Minimum Eligibility Criteria. Every local authority in England must follow the regulations published by the Government. The legal requirement is set out in section 13 of the Care Act 2014. The detail of the new criteria is contained in The Care and Support (Eligibility Criteria) Regulations 2014. It is the intention that the National Minimum Eligibility Criteria will be Kent County Council’s eligibility criteria policy for adults with care and support needs and, carers with support needs.

Nationally the Government report suggests that the new eligibility criteria will lead to an extra 4,000 individuals becoming eligible. In addition, it is assumed that a further 2,000 people may come forward for an assessment.

According to the Department of Health Impact Assessment the law reform are expected to have a significant positive impact on health and well-being. A key objective of the reforms is to build a clear, coherent legal framework for adult care and support, so that service users and carers can easily understand what they might be entitled to. Furthermore, The Government concludes that they do not consider that changes would be incompatible with human rights law. The reforms would comply with the objectives of promoting and protecting human rights under the Human Rights Act 1998.

December 2014

The conditions of the new National Minimum Eligibility from April 2015 are as follows:

In summary an individual with care and support needs will meet the minimum eligibility if:

- (a) their needs arise from or are related to a physical or mental impairment or illness AND
- (b) as a result they are unable to achieve a two or more specified outcomes AND
- (c) as a consequence there is, or is likely to be, a significant impact on their wellbeing, as defined under section 1 of the Care Act.

The specified outcomes are:

- (a) managing and maintaining nutrition;
- (b) maintaining personal hygiene;
- (c) managing toilet needs;
- (d) being appropriately clothed;
- (e) being able to make use of the adult's home safely;
- (f) maintaining a habitable home environment;
- (g) developing and maintaining family or other personal relationships;
- (h) accessing and engaging in work, training, education or volunteering;
- (i) making use of necessary facilities or services in the local community including public transport, and recreational facilities or services; and
- (j) carrying out any caring responsibilities the adult has for a child.

The move to the National Minimum Eligibility Criteria is considered to offer a similar threshold for accessing care and support as the current "moderate" level applicable in Kent. For this reason it is thought to be reasonable to adopt the national minimum.

This view is informed by an evaluation of 102 cases against the new criteria. A breakdown of cases according to service user groups is as follows:

Sensory Impairment	7 (including 2 deaf-blind)
Physical Disability	9
Older People	16
Learning Disability	70
Total	102

The result of the evaluation:

94 cases were found to meet the new criteria  
3 cases were found not to meet the new criteria  
5 cases had insufficient information.

Therefore, it was concluded that the overwhelming majority (92% excluding the cases where there was insufficient information) of people currently receiving services will be unaffected.

### **Aims and Objectives**

The decision will enable the policy and guidance to be developed. The eligibility criteria policy and guidance is set within the context of the reform of care and support in England. KCC will have regard to the general principle of promoting wellbeing and the following key principles and standards

- (a) the importance of beginning with the assumption that the individual is best-placed to judge the individual's wellbeing
- (b) the individual's views, wishes, feelings and beliefs
- (c) the importance of preventing or delaying the development of needs for care and support and the importance of reducing needs that already exist
- (d) the need to ensure that decisions are made having regard to all the individual's circumstances (and are not based only on their age or appearance, any condition they have, or any aspect of their behaviour which might lead others to make unjustified assumptions about their wellbeing).
- (e) the importance of the individual participating as fully as possible in decisions about them and being provided with the information and support necessary to enable the individual to participate.
- (f) the importance of achieving a balance between the individual's wellbeing and that of any friends or relatives who are involved in caring for the individual.
- (g) the need to protect people from abuse and neglect
- (h) the need to ensure that any restriction on the individual's rights or freedom of action that is involved in the exercise of the function is kept to the minimum necessary

In practice this means:

- (i) An individual seeking or referred for help with care and support needs, regardless of their difficulty, is entitled to an assessment
- (ii) An individual's financial situation must not pre-empt or influence the assessment of their social care needs. Needs assessment always precedes financial assessment
- (iii) Assessments and support planning are focussed on ways to achieve agreed outcomes, not driven by needs or difficulties
- (iv) Information, advice and advocacy are means to exercising wider choice and control, whether or not the individual is likely to be eligible for publicly funded support
- (v) Personalisation, promotion of wellbeing, greater choice and control for adult with care and support needs, and carers with support are core responsibilities
- (vi) Considering community other facilities such as suitably adapted housing, assistive technology and community equipment, improved healthcare, greater benefits take-up and community

December 2014

support networks can all help to prevent, reduce or delay the need for care and support.

### **Beneficiaries**

People over 18 who may have care and support needs and their carers and are found to have eligible needs. KCC can use a variety of approach in how it can their meet needs.

Those found not to have eligible needs may still be provided with information and advice as to how their needs could be addressed. The information and advice will be made available irrespective of who pays for the care and support.

The rights of young people in transition have been strengthened under the Care Act and may also benefit from the changes.

### **Information and Data**

The relevant service information is provided on the next page.

<b>Characteristic</b>									
<b>Age</b> (Local Account – Service level information)	<b>18-64</b>	<b>65-74</b>	<b>75-84</b>	<b>85+</b>					
	12,128	3,717	7,043	9,415					
<b>Disability</b> (Local Account – Service level information)	<b>Older People and People with Physical Disability</b>	<b>People with a Learning Disability</b>	<b>People with Mental Health Needs</b>						
	22,750 (70%)	4,208 (13%)	5,324 (17%)						
<b>Gender</b> (Local Account – Service level information)	<b>Male (Service Users)</b>	<b>Female (Service Users)</b>	<b>Total Population Split</b>						
	12,884 (40%)	19,419 (60%)	48.9% Males 51.1% Female						
<b>Race</b> (Local Account – Service level information)	<b>Asian / Asian British</b>	<b>Black African/Caribbean or Black British</b>	<b>Mixed / Multiple ethnic group</b>	<b>Other Ethnic Groups</b>	<b>White / White British</b>	<b>Ethnicity Unknown</b>			
	1.45%	0.51%	0.59%	0.61%	89.86%	6.97%			
<b>Religion</b> (2011 Census – KCC Area)	<b>Christian</b>	<b>No religion</b>	<b>Religion not stated</b>	<b>Muslim</b>	<b>Hindu</b>	<b>Sikh</b>	<b>Buddhist</b>	<b>Other religion</b>	<b>Jewish</b>
	62.5%	26.8%	7.3%	1.0%	0.7%	0.7%	0.5%	0.4%	0.1%
<b>Sexual Orientation</b> (2011 Census – Kent county level)	Civil partnerships formed in Kent in 2011			NB. Currently the number of civil partnerships formed within Kent is the only data set that provides a measure of sexual orientation. However, this data set only relates to civil partnerships that are formed within Kent.					
	134 (68 – 50.7% were male partnerships and 66 – 49.3% were female)								
<b>Pregnancy</b>									
<b>Marriage / Civil Partnership</b> (2011 Census – KCC Area)	<b>Single</b>	<b>Married</b>	<b>Civil Partnership</b>	<b>Separated</b>	<b>Divorced or Partnership now legally dissolved</b>	<b>Widowed or surviving partner</b>			
	31.3%	48.8%	0.2%	2.8%	9.6%	7.3%			
<b>Carers</b> (2011 Census – KCC Area)	<b>Total number</b>	<b>1-19 hrs</b>	<b>20-49 hrs</b>	<b>50+ hrs</b>					
	151,777	97,464	18,432	35,881					

December 2014

### **Involvement and Engagement**

Some engagement meetings were held with local community groups and other bodies to provide information on the new eligibility which will come into effect from April 2015. The general principles which underpin the new care and support eligibility criteria were well received.

Tonbridge & Malling Local Strategic Partnership 12 September 2014

Kent Wide Senior Forum 10 October 2014

Thanet Adult Strategic Partnership 20 November 2014

Northgate Community Group

Kent Health and Wellbeing Board 19 November 2014

Tonbridge Forum 24 November 2014

TAMS - Tonbridge and Malling Seniors Forum 27 November

Minster Parish Council 2 December 2014

Age UK in Kent Consortium 3 December 2014

### **Potential Impact**

#### **Adverse Impact:**

No specific adverse identified. However, it is important to state that safeguarding has separate criteria and therefore if safeguarding issues are identified, care and support can if necessary be provided regardless of whether the individual meets the minimum eligibility for care and support.

Also, KCC will continue to work in a way where in individual cases Case Managers always have the discretion to accept a person as eligible even when they do not strictly meet the criteria and this is thought to be sufficient to cover those cases, as now, that may be on the borderline of eligibility

#### **Positive Impact:**

KCC will write to all existing service users to inform them about the new criteria and confirm that they will continue to be recorded as eligible under the new national minimum criteria without the need for a reassessment unless their needs have clearly changed. This step is recommended by the Care and Support Statutory Guidance (paragraph 23.11).

### **JUDGEMENT**

**Option 3 – Full Impact Assessment                      YES**

We have carried out consultation with relevant groups and from that consultation judge that there will not be a negative impact.

### **Action Plan**

December 2014

Following the implementation in April 2015 we will review the EqIA to ensure that our assessment is correct.

### **Monitoring and Review**

The implementation of the new criteria will be monitored and robust and proportionate set of information will be collected and reported to the Senior Management Team and KCC Members.

We will review the EqIA 6 months after implementation to ensure that our assessment is correct.

### **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: M Thomas-Sam

Name: Michael Thomas-Sam

Job Title: Strategic Business Adviser

Date: 11.12.14

### **DMT Member**

Signed: A Ireland

Name: Andrew Ireland

Job Title: Corporate Director

Date:

December 2014

**Equality Impact Assessment Action Plan**

<b>Protected Characteristic</b>	<b>Issues identified</b>	<b>Action to be taken</b>	<b>Expected outcomes</b>	<b>Owner</b>	<b>Timescale</b>	<b>Cost implications</b>
Age, Sex, Gender and Disability	Review implementation of criteria to ensure that our assessment is correct.	The implementation of the new criteria will be monitored and robust and proportionate set of information will be collected and reported to the Senior Management Team and KCC Members		DMT	6 months	
Carers	For the first time carers have a legal right to support in their own right if they meet the national minimum eligibility criteria for carers	Review service take up by carers		DMT	6 months	