

December 2014

KENT COUNTY COUNCIL
EQUALITY ANALYSIS / IMPACT ASSESSMENT (EqIA)
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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:

Version	Author	Date	Comment
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 HIGH/MEDIUM LOW/NONE 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	MEDIUM	NONE		
Disability	No	MEDIUM	NONE		
Gender	No	NONE	NONE		
Gender identity	No	NONE	NONE		
Race	No	NONE	NONE		
Religion or belief	No	NONE	NONE		
Sexual orientation	No	NONE	NONE		
Pregnancy and maternity	No	NONE	NONE		
Marriage and Civil Partnerships	No	NONE	NONE		
Carer's responsibilities	NO	HIGH	NONE		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

Low	Medium	High
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.

Characteristic									
Age (Local Account – Service level information)	18-64	65-74	75-84	85+					
	12,128	3,717	7,043	9,415					
Disability (Local Account – Service level information)	Older People and People with Physical Disability	People with a Learning Disability	People with Mental Health Needs						
	22,750 (70%)	4,208 (13%)	5,324 (17%)						
Gender (Local Account – Service level information)	Male (Service Users)	Female (Service Users)	Total Population Split						
	12,884 (40%)	19,419 (60%)	48.9% Males 51.1% Female						
Race (Local Account – Service level information)	Asian / Asian British	Black African/Caribbean or Black British	Mixed / Multiple ethnic group	Other Ethnic Groups	White / White British	Ethnicity Unknown			
	1.45%	0.51%	0.59%	0.61%	89.86%	6.97%			
Religion (2011 Census – KCC Area)	Christian	No religion	Religion not stated	Muslim	Hindu	Sikh	Buddhist	Other religion	Jewish
	62.5%	26.8%	7.3%	1.0%	0.7%	0.7%	0.5%	0.4%	0.1%
Sexual Orientation (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)								
Pregnancy									
Marriage / Civil Partnership (2011 Census – KCC Area)	Single	Married	Civil Partnership	Separated	Divorced or Partnership now legally dissolved	Widowed or surviving partner			
	31.3%	48.8%	0.2%	2.8%	9.6%	7.3%			
Carers (2011 Census – KCC Area)	Total number	1-19 hrs	20-49 hrs	50+ hrs					
	151,777	97,464	18,432	35,881					

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

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
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	