

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

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Directorate: Social Care, Health & Wellbeing

Name of policy, procedure, project or service:
Residential & Nursing Guide Prices.

What is being assessed?

This Equality Impact Assessment (EqIA) assesses the impact of provisional changes to the Older Persons Residential and Nursing Guide Prices for 2016-17.

The Guide Price is the price that KCC can usually expect to pay for residential and nursing, as set out at the beginning of the financial year.

The provisional Guide Price enables KCC to manage its budget in order the effectively meet the needs of people in Kent with eligible social care needs.

What is the scope and impact?

The scope of this EqIA identifies the impact on residents living in a care home and who are paying either a third party top up, full costs, or a deferred payment.

Responsible Owner/ Senior Officer

DMT Representative - Mark Lobban, Director of Commissioning
Senior Responsible Officer, Christy Holden, Head of Strategic Commissioning – Accommodation Solutions
Commissioning Lead – Ben Gladstone, Commissioning Manager – OPPD Residential
Procurement Lead – Clare Maynard (Strategic Corporate Procurement)

Date of Initial Screening: 15 October 2015 **Date of Full EqIA:** to be confirmed

Version	Person	Date	Comment
1	Kerry Kearney	15/10/15	First draft.
2	Janice Grant	16/10/15	Clarification about Guide Price is minimum contribution, when we will pay more: Choice, to accommodate language barriers etc. Communication with residents. Clarity on the contractual requirements that all needs cultural, religious or other needs must be met. Third Party Top Ups and The Care Act – clarity provided. Personal Budgets.

3	Christy Holden	16/10/15	Added KCC budget not yet set, hence provisional Guide Price. Kent Integrated Care Alliance added.
4	Clive Lever – Equalities Team	19/10/15	Additional info added for Race. Indicate that this is a positive change for service users. Clarification on communication strategies.
4b	Ben Gladstone	19/10/15	Change to Tel No.
5	Clive Lever	20/10/15	Change to Action required, Area clarified.
6	Clive Lever	21/10/15	Option 1 changed to option 2, areas further clarified.

What changes are proposed?

The provisional Guide Prices will increase. The provisional Guide Prices do not reflect the impact of the National Living Wage due to be implemented from 1 April 2016 and further work will be carried out to identify what impact this will have – hence these are ‘provisional’ proposals. In addition, the KCC formal budget is not due to be agreed for 2016/17 until February ’16 but the Guide Prices are required to fit with the tender timescale.

A new category will be introduced for high level nursing needs for residents in nursing homes who are identified as needing greater input.

There will be 4 guide prices in the following categories:

1. Residential - Medium
2. Residential - High
3. Nursing - Medium
4. Nursing - High

Where care homes tender an indicative price that is higher than the KCC Guide Price, following the Care Act Guidance, the family or a third party is required to pay a Third Party Top Up.

By increasing the Guide Prices, residents who pay a third party top up, or have a deferred payment, will benefit because the contribution that KCC will pay towards their care will increase and this will reduce or remove their contribution.

KCC will pay above the Guide Price to meet the assessed needs of a person where there is no other home available at a lower price and may pay over the Guide Price to meet needs identified as protected characteristics, for example, someone who requires a home with a particular language.

The provisional Guide Price(s) proposed are set out below and will be applied from 4 April 2016:

	Guide Price 2015	Provisional Guide Price 2016	% increase
	£	£	%
Residential (All Areas)	352.18	367.99	4%
Residential High Area 1*	408.48	448.72	10%
Residential High Area 2*	440.30	448.72	2%
Nursing Medium Area 1	450.72	497.81	10%
Nursing Medium Area 2	487.42	497.81	2%
Nursing High Area 1	450.72	523.01	16%
Nursing High Area 2	487.42	523.01	7%

*Note: Areas 1 and 2 were East and West Kent broadly but some of the EK homes which were difficult to place in were moved to WK. These Areas therefore no longer exist.

The proposed Guide Prices have been subjected to substantial scrutiny, detailed analysis of the market costs, placement patterns and other financial pressures. This information has been informed by the tender for the Older Person's Residential and Nursing Care contracts.

The expectation is that care homes meet the individual needs of a person within their indicative price and this includes all of the protected characteristics including sexual orientation, religion etc.

Screening Grid

Characteristic	Could this policy, procedure, project or service, or any proposed changes to it, affects 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/NO - 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	Yes. By definition as this client group are older people there will be a disproportionate impact on them compared to other residents of the County. This change will have a positive financial impact. With a large proportion of people aged 85+ this will have a greater impact on this group.	Medium	None	Yes. Communication of the change will be in line KCC's communication inclusion guidance. This will ensure that that the older people, their families or carers who are affected are fully informed and understand the impact of the change on them. This communication will be made available in a range of formats to ensure accessibility for all.	The setting of a higher guide prices will mean that more existing residents will pay less in third party top ups, or through their deferred payments. It is a condition of the residential and nursing care contract that providers must meet all of the care needs of individuals. This is monitored by Quality Monitoring Visits and through regular reporting of progress towards Key Performance Indicators.
Disability	No. For disabled clients, third party top ups and deferred payments are not charged. So this group is not affected by this change.	Medium	None	a) No Internal action is required Ensure that a clear exit strategy for existing service users is in place. b) Further assessment is not required; however, this EA will be updated if the proposed service is amended in a way that could affect this group.	Residential and nursing care providers service requires to meet the disability needs of individuals. This is monitored as above. This EA will be updated if the proposed service is amended in a way that could affect this group.
Gender	Yes, given that a higher proportion of people living in residential care are female this group will experience a greater impact. The high number of female residents in	Medium	None	No. The proportion of women in Kent living in care homes to the age of 85+ is line with the national picture.	The contract for residential care requires providers to meet the gender specific needs of individuals. This is monitored as above.

	Kent homes is a national trend, as demographics show that more women live to an older age than men.				
Gender identity	No	None	None	No	See above.
Race	No	Medium	None	Yes, information about the Guide Price changes will be provided in different languages if English is not the first language.	The contract for residential and nursing care requires providers to meet the race and ethnic needs of individuals. This is monitored as above.
Religion or belief	No	None	None	No.	The contract for residential and nursing care requires providers to meet the religious or belief needs of individuals. This is monitored as above.
Sexual orientation	No	None	None	No.	The contract for residential and nursing care requires providers to meet the sexual orientation needs of individuals. This is monitored as above.
Pregnancy and maternity	No	None	None	No.	Not applicable
Marriage and Civil Partnerships	No	None	None	No.	The contract for residential and nursing care requires providers to meet the marriage and civil partnership needs of individuals. This is monitored as above.
Carer's responsibilities	Yes. Carers may be affected as they may be required to contribute less financially to the cost of the care of their relative or where they have Power of Attorney.	Medium	None	No.	Where appropriate, Carers will be included in communication about the new Guide Prices.
Race	No	None	None	No.	See above.
Religion or belief	No	None	None	No.	

Sexual orientation	No	None	None	No	See above.
Pregnancy and maternity	No	None	None	No	See above.
Marriage and Civil Partnerships	No	None	None	No	See above.
Carer's responsibilities	Yes. Carers may be affected as they may be required to contribute less financially to the cost of the care of their relative.	Medium	None	No	See above.

Part 1: INITIAL SCREENING

Proportionality - Based on the answers in the above screening grid the weighting is described to this function as **Medium**.

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, because the proposed Guide Prices will affect the financial contribution KCC will make to care costs. The **positive** impact will be greater for older people and women.

Context:

The proposed new Guide Prices support the **Kent Accommodation Strategy**. The Strategy was launched in July 2014. It clearly articulates the agreed direction of travel in relation to care home provision. The conclusion of the Strategy for older people is to:

- Achieve enough capacity and coverage across the County.
- Ensure a sustainable and affordable price for care.
- Increase the provision of nursing care, particularly for those with dementia.
- Increase the provision of extra care housing and reduce the provision of standard residential care.
- Remodel services to be better geared up to accommodating people with dementia.
- Complete bed utilisation reviews for intermediate care.

The Care Act (2014)

Local authorities are already responsible for ensuring continuity of care for people whose needs they are already required to meet. The Act extends this duty to people who are self-funding a care home place. The Guide Price proposals have not taken account of the Care Act 2014 phase 2 because The Minister for Care and Support announced on 17 July 2015 that this part of the Act will be deferred until 2020.

Aims and Objectives:

The proposed change to Guide Price(s) aims to:

- Offer a reasonable and sustainable price for care.
- Achieve enough capacity and coverage.

Beneficiaries:

The beneficiaries to this proposal will be those people who pay a third party top up or have a deferred payment, both existing residents and those new to living in a care home. Through this proposal they will be required to contribute less to the cost of their care.

Impact on Residents:

Residents will benefit from a larger contribution from KCC and the third party top up will reduce as illustrated below:

Existing Guide Price 2015

2015 Existing Nursing Medium Guide Price	=	£487.42 per week
Care Home's Indicative Price	=	£550.00 per week
2015 Third Party Top Up	=	£62.58 per week

Proposed new Guide Price 2016

2016 Guide Price Nursing Medium Care Indicative Price	=	£523.01 per week
2016 New Third Party Top Up	=	£26.99 (reduced by £35.59)

The Guide Price is not a ceiling price, it reflects the minimum that KCC will pay and it supports the setting of estimated Personal Budgets.

Information and Data:

All KCC funded service users must meet the eligibility criteria to receive a residential care service. This is not influenced by their protected characteristics.

The population in residential care is generally older (85+) and a greater proportion of women live to a more advanced age. The picture in Kent is broadly the same nationally

Overall, there are around 20,700 older people who are in residential care in Kent. 4,400 (21%) of these people are accommodated in care homes arranged by KCC. 2,850 live in residential care homes and a further 1,500 live in nursing homes.

Gender	Totals	%
Female	3,198	72.6
Male	1,202	27.4
Total	4,400	100%

Ethnicity		No of Service Users	%
White	White British	4068	92.4
	White Irish	37	0.8
	White Other	78	1.77
	Gypsy/Roma	1	0.04
Mixed	White Asian	1	0.04
	Asian Other	8	0.18
	Bangladeshi	1	0.04
	Chinese	1	0.04
	Indian	16	0.36
Black or Black British	Black African	1	0.04
	Black Caribbean	6	0.14

	Black Other	1	0.04
Not Recorded		181	4.11
Total		4,400	100%

Predominance of Women

The data above is based on a snapshot taken on 1 October 2014. The data indicates that a higher proportion of the residential care population is female, compared with males. This is due to a number of reasons, including the longer life expectancy of women.

But also, in line with KCC's strategy, residential care is considered the last resort and the Social Care, Health & Wellbeing Directorate aims is to keep people at home and independent for as long as is possible.

The 2011 census shows that for Kent the male/female split in the age category 90+ is 75% female and 25% male. The figures above are broadly in line with this.

Ethnicity:

A high proportion of the residential care population are White British, this may be because when Case Managers enter the data to swift it will default to White British, unless it is over written. In many instances, ethnicity is not gathered by Case Management – this data may therefore not be 100% accurate. But there is no reason to believe that the ethnicity of those paying top ups or receiving deferred payment will not reflect the normal spread.

Engagement and Communication:

- The setting of Guide Prices happens on an annual basis. This will be communicated with residents, families and carers through letters from finance and through individual communication between residents and their Case Managers.
- Information, in a range of formats, will be provided to individuals affected by these changes. The Finance Team will write to advise individuals about any changes to their contribution to their care. Individual discussions, where required, will take place with Case Managers.
- Meetings will be held with Providers and the Kent Integrated Care Alliance (KICA) to communicate the provisional Guide Prices.
- Providers will receive information in November 2015, providing them with the new Guide Prices and they will be informed about the work that will carry on regarding the impact of the National Living Wage.
- In the lead up to the tender process for the new residential and nursing care contract for 2016, engagement events are planned across East and West Kent.
- Workshops will be held in to guide providers through the tender process, and the Guide Price will be covered.
- Commissioning Officers will continue to provide advice to providers about Guide Prices.
- Guidance and Frequently Asked Questions will be provided on the Kent Business Portal.
- Feedback from events will be taken account of.

There is a risk that providers may challenge the Guide Prices and some may choose not to do business with KCC, this risk is recorded in the Risk Log. Where existing providers take this decision, meetings will be held with them to discuss concerns, but there will be no negotiation on the Guide Prices.

Providers will need to consider their position and they can set their indicative price; this is the maximum price that they will charge KCC for a residential placement, when they tender for the residential and nursing care contact.

This price setting process commenced from information provided in 2014 and detailed analysis of the market prices. The design of the contract is for providers to price against need and therefore it was much clearer to identify availability and for individual choice.

Potential Impact

The impact of the higher Guide Price will be positive for residents in care homes across all protected characteristics.

Adverse Impact:

None due to this Equality Impact Assessment.

Positive Impact:

The impact of the higher Guide Prices will be positive across all protected characteristics.

JUDGEMENT

Option 2 – Internal Action is required.

Action Plan

Actions are identified in the plan below.

Monitoring and Review

An exit strategy has been identified on the Risk Log for the setting of these Guide Prices and will be built into the implementation timetable to ensure this occurs. Monitoring and review requirements will be developed as part of the exit strategy.

Sign Off

I have noted the content of the Equality Impact Assessment and agree any future actions to mitigate the adverse impact(s) that have been identified.

Senior Officer:

Signed:



Name: Christy Holden

Job Title: Head of Strategic Commissioning – Accommodation Solutions

Date: 21st October 2015

DMT Member:

Signed:



Name: Mark Lobban

Job Title: Director of Commissioning

Date: 21st October 2015

Equality Impact Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
Age	<p>Communication of the change to the Guide Prices through Case Management involvement with existing and new service users.</p> <p>Update to the Charging for Residential Care Policy.</p>	<p>Communication of the change will be in line KCC's communication inclusion guidance. This will ensure that that the older people affected or those who have a dementia, a disability or for whom English is not their first language will be fully informed and understand the impact of the change on them.</p>	<p>This will reduce any confusion about the impact of the change.</p>	Finance and Procurement	By the effective date of the change.	Basic administration costs
Race	<p>Some service users may not have English as their first spoken language.</p>	<p>Communication will be in line with the Communication Inclusion Policy and will provide, where appropriate information in a range of different languages.</p>	<p>This will reduce any confusion about the impact of the change.</p>	Finance and Procurement	By the effective date of the change.	Basic administration costs