KENT COUNTY COUNCIL
EQUALITY ANALYSIS / IMPACT ASSESSMENT (EqIA)

Directorate: Adult Social Care, Health and Wellbeing

Name of policy, procedure, project or service

Charging Policy For Home Care And Other Non-Residential Care And Support.

What is being assessed?

Proposals to change the charging policy for home care and other non-residential care and support to come into effect from 10 April 2017.

The proposals are:

1. To change the rules on the treatment of savings/other capital (apart from a person's home) between £14,250 and £23,250 so that £1 per week for every £250 between these two amounts is taken into account (rather than the current £1 for every £500).

2. To change the current policy on the treatment of any second or more properties so that they are treated as capital in the financial calculation. It is proposed that this applies to new clients from April 2017 and existing clients from April 2018.

3. To introduce an Arrangement Fee for people who have over the capital threshold, currently £23,250, (and who therefore must pay the full cost of their care) but who nevertheless request KCC to make the arrangements for their care (as is permitted under the Care Act 2014).

Responsible Owner/ Senior Officer
Michael Thomas-Sam

Date of Initial Screening: January 2017

Date of Full EqIA : Not applicable.

Version	Author	Date	Comment
0.1	Jean Wells	24/01/17	Discussed at project group meeting
0.2	Jean Wells	26/01/17	Draft sent to diversity team for comment
0.3	Akua Agyepong	31/01/2017	Comments for review
0.4	Jean Wells	14/02/17	Comments discussed with project group-amendments made by group
0.5	Chris Grosskopf	1.3.17	Changes following review by Chris G and further discussion with Akua A (Equality Lead), Jean W and Michael Thomas-Sam
1	Jean Wells and Chris Grosskopf	2.3.17	Final version agreed

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/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
All	For all groups these changes help to ensure that KCC can continue to help as many people with care/support needs as possible within the limited resources available. To this extent there should be a positive impact. The changes also reduce certain inconsistencies in KCC's charging policy with regard to the treatment of capital.	Medium	Medium (see below)		Whilst the individual policy changes do not actively promote equal opportunities in and of themselves, the following should be noted: 1. The changes should raise extra income which will benefit all client groups. 2. Information about the changes (and the wider charging policy) is available in different formats, including easy read versions, other languages and braille on request. 3. Cases of individual hardship can be considered on a case by case basis. In certain exceptional cases discretion can be applied with senior management approval. 4. The changes to the treatment of second properties and the tariff income rules will bring more consistency with regard to the treatment of capital.
Age	YES but only indirectly, by virtue of the fact that: • older people are disproportionately represented in the adult social care client group. • Within the client group it is the older clients that are more likely to have the type of capital assets that these proposals		Medium	a) Yes b) Yes See action plan attached.	

	take into account. Within the client group itself the proposed changes will apply equally regardless of age.				
Disability	YES but only indirectly, by virtue of the fact that: • People with disabilities/chronic health problems are disproportionately represented in the adult social care client group. Within the client group itself the proposed changes will apply equally regardless of the type of disability/health condition.		Medium	a) Yes b) Yes See action plan attached.	
Gender	NO.		None		
Gender identity	NO.		None		
Race	This will be monitored with regard to the proposed policy on second homes as it is possible different arrangements pertain to different racial or faith groups.		Unknown	a) Yes b) Yes See action plan attached.	
Religion or belief	This will be monitored with regard to the proposed policy on second homes as it is possible different arrangements pertain to different racial or faith groups.		Unknown	a) Yes b) Yes See action plan attached.	
Sexual orientation	NO.		None		
Pregnancy and maternity	NO.		None		
Marriage and Civil Partnerships	NO. It is important to note that the application of the charging policy applies only to income and capital of the individual and not those of their partner. However, if the		None		

	partner is willing to disclose his/her financial circumstances a joint financial assessment can be carried out to determine if this would result in a lower charge. In this regard the definition of "partner" includes both heterosexual and same-sex partners, regardless of whether they are married/in a civil partnership or are living together as such.				
Carer's responsibilities	All the proposed changes apply to the person receiving care and support. KCC does not charge carers. However the impact of the proposed changes will be monitored particularly with regard to the proposed policy on second homes – for example if these are occupied by carers or if the resultant increase in charge results in the individual having to rely more on informal support.		Unknown	a) Yes b) Yes See action plan attached.	

Part 1: INITIAL SCREENING

1. **Proportionality** - Based on the answers in the above screening grid what

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

RISK weighting would you ascribe to this function – see Risk Matrix

State rating & reasons

Medium

The proposed changes may have a negative impact on the limited numbers affected across all ages and disability groups as they involve a potential increase to the charges payable. The nature of the impact will vary according to the specific proposal. The proposal with regard to the arrangement fee is likely to have only a minimal impact, whereas there is potential for the proposals on tariff income and second homes to have a more significant impact for some. A small number of people will be affected by more than one of the changes. Monitoring will take place to determine the impact, including on certain protected characteristic groups (as outlined in the screening grid above).

For all groups these changes help to ensure that KCC can continue to help as many people with care/support needs as possible within the limited resources available. To this extent there should be a positive impact. The changes also reduce certain inconsistencies in KCC's charging policy with regard to the treatment of capital.

2. **Context – What we do now and what we are planning to do**

In light of the increasing demand for services and the need to deliver savings, KCC proposes to make changes to the Charging Policy for Home Care and other Non-Residential Services.

Under the Care Act 2014, KCC has discretion to choose whether to charge for services to meet both eligible and non-eligible needs, except where KCC is required to arrange care and support free of charge. KCC does charge for those services (care and support) where it is permitted to do so under the Care Act. A Key Decision to this affect was taken on 3 February 2015 before the implementation of the Care Act in April of that year (Decision number 14/00135).

Having taken a decision to charge, KCC must follow the rules on the treatment of income and capital laid down in The Care and Support (Charging and Assessment of Resources) Regulations 2014. KCC's charging policy reflects these regulations but, as is allowed, has to date exercised its discretion to not charge the maximum possible in the areas of tariff income, the treatment of second homes and the ability to apply an arrangement fee to certain full-cost clients.

The charging policy is put into practice by means of a financial assessment which ensures that no client is left with less than a nationally determined minimum income guarantee. In addition this minimum can be increased by taking into account certain disability related expenditure for those in receipt of disability benefits (Attendance Allowance, Disability Living Allowance Care Component, Constant Attendance Allowance, Exceptionally Severe Disablement Allowance or Personal Independence Payment). In Kent all clients are allowed at least £17 per week for disability related expenditure and this can be increased if an individual assessment is requested.

2.1 Proposed changes to the policy on tariff income

The current tariff income rule for non-residential charging is based on the assumption that for every £500 (or part thereof) of capital[1] between £14,250 and £23,250, the client is able to contribute £1 per week towards the cost of their care. This amount is added to the weekly income when assessing the weekly charge payable by eligible clients. This is in contrast to the current rule for residential charging which assumes that for every £250 (or part thereof) of capital the client is able to contribute £1 per week towards the cost of their care.[2]

The Care and Support (Charging and Assessment of Resources) Regulations 2014, lay down the maximum amount of tariff income that can be taken into account, that is no more than £1 for every £250 between the two amounts referred to above. However the regulations do allow flexibility so that local authorities can apply more generous rules if they so wish, as KCC has been doing since 2003.

It is proposed that the tariff income rules for non-residential care be made consistent with the residential care charging tariff income rules (£1 for every £250). This will also bring them in line with all other local authorities that we are aware of. A recent exercise was undertaken to compare KCC's tariff income rules on non-residential charging with other local authorities in England and KCC's policy on tariff income appeared to be the outlier as all other authorities sampled considered £1 for every £250 of capital.

This proposal will not be applied retrospectively and will only apply to the financial assessment from April 2017, both to new clients from this point and also existing clients in their annual reassessment.

[1] For non-residential charging the value of the person's home is not taken into account in the calculation of their capital.
[2] People who have over £23,250 in capital (excluding their home) are expected to pay the full cost of their care so an income calculation is not carried out.

2.2 Proposed changes to the policy on second and other properties

In the calculation of capital for non-residential charging the value of a person's main home (which they live in) cannot be taken into account. However it is permitted to take into account the value (net of mortgages etc.) of any second/additional properties owned by the client unless they are clearly part of a business and the person is taking steps to realise their share.[3]

Despite this being permitted, KCC does not currently include the value of any additional properties in the calculation of capital. Only rental income, if any, is taken into account in the calculation of weekly income. The effect of this is that we are financially contributing to the care of some people who would otherwise be assessed as having above the £23,250 threshold and therefore able to pay the full cost of their care.

The rationale for the current policy was that it might be difficult for some people with second/other properties to release the capital locked in these properties in time to pay for their care and support. However it appears that again, Kent is an outlier with regard to this policy and most other local authorities do take the value into account as capital.

It is proposed that we bring KCC's policy in line with the government regulations and the practice of most other authorities. The proposal is to introduce the change for new clients from April 2017 but to only apply it to existing clients from April 2018, thereby giving them a year to make the necessary arrangements.

In practice this policy will make most people to which it applies self-funders or full-costers if they wish KCC to continue to make the arrangements, as they are allowed to do under the Care Act.

There is a concern that it might be difficult for some individuals to release the capital in such properties quickly enough to be able to pay for their care. In view of this it should be noted that individuals will be able to continue to have their care arranged by KCC (with the amount owed building up as a debt until they can release the capital in their second home) and in exceptional circumstances discretion can be used to disregard the property completely (with senior management approval).

2.3 Proposal to introduce an Arrangement Fee for full-cost clients

People who have over the current capital threshold of £23,250 (excluding their main home if they live in the community in a non-residential setting) usually make their own arrangements for care and support. They are what are known as "self-funders". KCC has always, nevertheless, arranged care for some people in this category and charged them the full cost of their care and support. Such clients are known as "full-costers". Until the Care Act came into effect in April 2015 we could not charge such people an arrangement fee for

[3] The Care and Support (Charging and Assessment of Resources) Regulations, Schedule 2, para 9 and Para 50 in Annex B to the Care and Support Statutory Guidance.

this. The Care Act does now give us this power but currently only for non-residential care and support and only for certain categories of full-cost clients as shown in the table below.

Circumstances under which a non-residential client is paying the full cost	Can an arrangement fee be charged?
Clients paying the full cost of their care because their available income (following the financial assessment) is more than the cost of their care. By definition they have below the capital threshold which is why a detailed financial assessment of their income has taken place.	NO
Clients with capacity who have over the "financial limit" but who nonetheless ask the LA to meet their needs (Section 18 (3) of the Care Act).	YES
Clients without capacity who have over the "financial limit" but where someone authorised to act on their behalf nonetheless asks the LA to meet their needs (Section 18 (3) of the Care Act).	YES
Clients who lack the capacity to arrange for their own care and who have no-one authorised to do so on their behalf, regardless of whether they have over the capital limit or not (Section 18 (4) of the Care Act).	NO

It is proposed to charge a flat annual arrangement fee from April 2017 of £104. This will be paid in weekly instalments (£2 per week) and added to the invoice for the care and support.

The annual fee of £104 includes the cost of raising an invoice, paying a provider invoice and negotiating and arranging a care package.

It is proposed to apply the Arrangement Fee to both those new and existing clients that we are permitted to charge such a fee. This will include someone with over the capital limit who has previously asked us to make the arrangements (since April 2015 when the Care Act came in) and for whom we are doing so but at the moment not charging any fee.

3. Aims and Objectives

The main objective behind the above proposals is to raise additional income through charging, thus contributing to the savings required to the Adult Social Care budget and the ability to protect front line services. In addition, the proposed changes will bring KCC's policy into line with the majority of local authorities in England and are fully in line with the Government regulations on what KCC can charge people receiving care and support services.

4. Beneficiaries

KCC uses the financial contributions that people make to ensure we are able to continue to help as many people as possible with the limited resources that are available. These proposals will contribute to our objective of protecting front line services and continuing to provide the level of care and support needed by people in Kent who are elderly or who have disabilities or chronic ill health.

5. Information and Data used to carry out your assessment

Figure 1 below provides relevant data with regard to those receiving non-residential services as at January 2017.

Fig 1.

Total Number of Non Residential clients	10,327
Total number on an assessed charge (i.e. making a financial contribution to their care and support)	5,657
Total number on a nil charge	4248
Total number of full cost (capital over threshold)	422

The following table is a breakdown of people likely to be impacted by the proposals as at January 2017.

Fig 2.

Tariff Income	965
2nd property	45
Arrangement Fee	388
Total	**1378** (of which 20 may be impacted by more than one proposal

.
The estimated number likely to be affected by the second property proposal relates to the known people who have rental income from a second property currently included in their financial assessment.

The breakdown of the 1378 by the main service user groups is as follows:

Fig 3.

Older person, physical disability	1287
Learning disability or mental health condition	91

6. Who have you involved and engaged with

The proposals to make some changes to our current charging policy for home care and other non-residential care and support was referenced in Kent County Council's (KCC) budget proposals for 2017/18 which was approved by the County Council on 9 February 2017. However, decisions relating to the specific proposals will be made by the Cabinet Member for Adult Social Care and Public Health, taking into account this report.

KCC notified relevant users of services in January prior to the above budget discussion on 9 February. This was by way of a letter which was sent to existing people that may be affected by any of the three proposed changes (see Fig 2 and Fig 3 above). The letter made clear that the changes were still subject to a decision being taken by the County Council. A telephone call log recorded the main issues raised by individuals who received the letter.

A full consultation was not carried out, however this could be challenged.

The following provide an overview of the calls received up to 14 February 2017.

Fig 4.

Number of calls	Main issue	Action taken
6	Did not understand letter	Answered Query
1	Advised going into residential care	Answered Query
1	Advised self-funding and should not have received letter	Answered Query
3	Advised change in capital levels	Referred to Finance
4	Client Died	Removed from database
1	Complaint about the policy of having an arrangement fee	Response from Head of Strategy and Business Support
4	Worried about increase in charge	Answered Query (3) Referred to Finance (1)
14	Required further detailed explanation	Answered Query

A summary of the proposals has been provided on www.kent.gov.uk website.

If the proposed changes are approved, further communication will be sent to those affected following the financial reassessment with details of their new charge from 10 April 2017.

7. Potential Impact

Positive Impact:
For all groups these changes help to ensure that KCC can continue to help as many people with care/support needs as possible within the limited resources available. To this extent there should be a positive impact. The changes also reduce certain inconsistencies in KCC's charging policy with regard to the treatment of capital.

Adverse Impact and how can these adverse impacts be mitigated, (capture this in the action plan):
The proposed changes may have a negative impact on the limited numbers affected across all ages and disability groups as they involve a potential increase to the charges payable. The nature of the impact will vary according to the specific proposal. The proposal with regard to the arrangement fee is likely to have only a minimal impact, whereas there is potential for the

proposals on tariff income and second homes to have a more significant impact for some. A small number may be impacted by more than one proposal. See action plan below for details of how some of the impacts may be mitigated.

It should be noted that these changes bring KCC's charging policy more fully in line with the national regulations (see page 5) and no individual will be left with less than the minimum amount stipulated by these. This minimum can be increased by taking into account certain disability related expenditure. In Kent all clients are allowed at least £17 per week for disability related expenditure and this can be increased if an individual assessment is requested.

8. JUDGEMENT

Option 1 – Screening Sufficient NO

Option 2 – Internal Action Required YES

There is potential for adverse impact on particular groups and we have found scope to improve the proposal (see Action Plan below).

Option 3 – Full Impact Assessment NO

9. Monitoring and Review

Following the sending of the letters in January to potentially affected clients, a call log spreadsheet was set up for Adult Social Care policy and finance use. Calls received were logged to include details of the main issues raised. See Fig 4 for details of calls received to date. Comments will be reviewed by the project group prior to discussion on 14 March 2017 at the Adult Social Care and Public Health Cabinet Committee meeting.

A further 3, 6 and 12 months review, including impact on protected groups after implementation will be undertaken by the project group.

10. 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
Name: Michael Thomas-Sam Date:

Job Title: Head of Strategy and Business Support

Signed:

DMT Member
Name: Andrew Ireland Date

Job Title: Corporate Director for Social Care, Health and Wellbeing

Signed: Name:

Please forward a final signed electronic copy to the Equality Team by emailing

diversityinfo@kent.gov.uk

The original signed hard copy and electronic copy should be kept with your team for audit purposes.

Updated 06/03/2017

Equality Impact Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost
Age and Disability due to these groups being disproportionately represented in the client group affected).	Potentially affected clients need to be identified and informed well in advance. These include: • Any that have between £14, 250 and £23,250 • Any who have been assessed as paying the full cost of their care • Any who have rental income included in their financial assessment Staff need to record and respond to queries once letters have been sent to current service users. Relevant staff need to be well briefed on the proposed changes in order to answer queries and, if necessary, respond to any cases of potential hardship.	A letter to be sent to existing people who may be affected by any of the three proposals. The letter will also have to be sent to any new people who will be impacted who are financially assessed between the 3rd January 2017 to the effective date of the 10th April 2017. Contact Centre and Complaint Team to be briefed. Produce and publish question and answers sheet for staff reference. Global email to case management and finance Call log to be produced and used by Policy team and finance. Respond to complaints and issues raised.	Potentially affected clients will have the chance to consider the proposals, request further clarification and if necessary, consideration of exceptional circumstances can take place.	Finance SCHWB Policy	19 January 2017 12 January 2017 19 January 2017 to April 2017	Nil

Age and Disability due to these groups being disproportionately represented in the client group affected).	If the proposed changes are agreed, new and existing clients, case management, finance officers and purchasing officers need to understand the detail of the changes and how they will apply in their practice. This is particularly important with regard to the policy on second homes due to the complexity of the issue and the ability to exercise discretion in exceptional circumstances.	Charging Policy to be updated. E-learning module to be updated. "Charges and Rates Payable 2017-18" booklet and "Charging for Care provided in your own home and support in the community -April 17" booklet updated and published in www.kent.gov.uk . 3, 6 and 12 months review after implementation.	Staff will be able to fully explain the changes to new and existing clients and understand where help can be given to alleviate hardship (e.g longer time to pay an invoice) and where discretion can be exercised in exceptional circumstances.	Finance and SCHWB Policy	3 April 2017 June and September 2017 and April 2018.	Nil
Age and Disability due to these groups being disproportionately represented in the client group affected).	Arrangement Fees: People who lack mental capacity and have no one appointed to act for them must not be charged an arrangement fee. Some people may not have the cash available to pay the £104 fee upfront.	Case management need to accurately identify such people and inform Finance. KCC Client system needs amending so practitioners and purchasing officers can record when and for whom an Arrangement Fee is applicable. No-one will be asked to pay the £104 upfront. Instead £2 will be added to each monthly invoice, thus spreading the cost over the	Potentially affected clients are treated fairly and reasonably.	Project group Social Care Systems Team	March 2017 and ongoing 3 April 2017	Nil

		whole year.				
Race Religion/belief	There is a small possibility that different racial or faith groups will be differently affected by the proposed policy on second homes. At present we do not have firm evidence of this.	This issue will be carefully monitored and the policy reviewed after 3, 6 and 12 months.	Not yet known	Project group	September 2017 and April 2018	Nil
Carer's responsibilities	The proposed changes do not apply to carers as KCC does not charge this group. However it is possible that the policy on second homes may indirectly affect carers as outlined in the screening grid above.	This issue will be carefully monitored and the policy reviewed after 3, 6 and 12 months. Staff will be well briefed on the discretion available in exceptional circumstances.	Not yet known	Project group	September 2017 and April 2018	Nil