

**Kent County Council
Equality Analysis/ Impact Assessment (EqIA)**

Directorate/ Service: Adult Social Care and Health

Name of decision, policy, procedure, project or service: Charging for adult social care in a person's own home or in the community

Responsible Owner/ Senior Officer: Penny Southern

Version	Author	Date	Comment
0.1 Draft Equality Analysis	Rob Underwood and Jean Wells	05/04/2019	Draft
0.2	Lucy Alesbrook	18/09/2019	Draft updated to only include MIG changes and update to new EqIA format
0.3	Lucy Alesbrook	25/09/2019	Updated for new MIG figures
0.4	Akua Agyepong	08/10/2019	Updated with comments
0.5	Lucy Alesbrook	17/10/2019	Updated
1.0	Lucy Alesbrook	23/10/2019	Final version
1.1	Lucy Alesbrook	24/01/2020	Updated with consultation feedback

Author: Rob Underwood

Pathway of Equality Analysis: Directorate Management Team (DMT)

Summary and recommendations of equality analysis/impact assessment.

Context

Under the Care Act 2014, Local Authorities have the discretion to charge for care and support or not. However, if a decision is to charge, this must be done in accordance with the regulations and statutory guidance.

One of the requirements is that certain allowances must be deducted from a person's income before their "disposable income" for charging purposes is identified.

The Minimum Income Guarantee (MIG) is an amount of money stated by the Department of Health to be left with clients in order to meet daily living costs such as food and utilities. This is set out in The Care and Support (Charging and Assessment of Resources) Regulations 2014. It is made up of three premiums, a standard amount, a disability premium and an enhanced disability premium.

Every person who is subject to a financial assessment is allowed an allowance (i.e. a disregard from his or her income) depending on their age and whether they are a part of a couple. This applies regardless of whether the person is in receipt of any benefits.

When the person provides the data about their age and whether they are part of a couple, the three premiums are added together to provide the minimum income guarantee.

Aims and Objectives

It was decided in 2014 when the Care Act Guidance was brought in to leave KCC's charging policy as more generous towards its working age clients. A number of local authorities have reduced their subsidies and made this move to align with the guidance sooner. KCC have been fortunate to be able to delay any potential move for as long as possible.

However KCC continue to have a number of growing pressures, including reduced government funding and rising numbers of vulnerable adults.

This proposal would reduce the subsidies provided by adult social care by approximately £0.5m or an extra 0.03% of the total care package costs split over two financial years. The proposed policy changes are fully in line with the Care Act 2014 statutory framework, introduced in April 2015.

Under the current policy, KCC provide differing amounts depending on the person's age and relationship status.

- Any person over the pension credit age is currently allowed £189 and this will not change.
- Those aged 18 to pension credit age are currently allowed up to £151.45 and this is being proposed to be aligned to the Department of Health's guidance.

The proposal in this consultation is to align to the Department of Health's guidance by:

- Reducing the standard MIG rate from £91.40 to £72.40 per week for those aged 18 to less than 25.
- Only applying a Disability Premium MIG of £40.35 per week to the standard MIG for those with lower, standard, middle, enhanced and higher rates of disability benefits. The amount provided will not change.
- Only applying an Enhanced Disability premium MIG of £19.70 per week to the standard MIG for those on the enhanced and higher rates of disability benefits or the relevant working benefits. The amount provided will not change.

Please note:

- Those who are aged 25 to Pension Credit Age and have higher/enhanced rates of disability benefits will not be affected by these changes as they would maintain the same MIG rate as they do currently. This is because those people in receipt of higher rates of disability benefits are entitled to a higher MIG rate.
- Those who are in receipt of Universal Credit limited capability for work and work related activity, or Employment Support Allowance (ESA) in the support group and are over the age of 25 will not be affected by these changes.

Overall, approximately 551 people will be financially affected by this proposal, with approximately 94% of these being charged an additional £20 or less per week.

Summary of equality impact

Adverse Equality Impact Rating **High**

This has been rated high because there is a high impact on age and disability, as well as a medium impact on gender identity and carer's responsibilities. The reason for this is that in order to align with the Department of Health guidelines, there will be a different impact on the basis of age, and the client group within adult social care consists largely of people with disabilities.

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment concerning charging for adult social care in a person's own home or in the community. I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

Head of Service

Signed:

Name: Richard Smith

Job Title: Interim Portfolio Manager for Adult social Care and Health

Date:

DMT Member

Signed:

Name: Penny Southern

Job Title: Corporate Director of Adult Social Care and Health

Date:

Part 1 Screening

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?

Could this policy, procedure, project or service promote equal opportunities for this group?

Protected Group	Please provide a brief commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/ Low Positive Impact Evidence
Age	<p>Of the clients affected, approximately 73% are aged 18 to 24 and 21% are aged 25 to pension credit age. People over pension credit age will not be affected.</p> <p>Of those affected who are aged 18 to 24, approximately 94% will be impacted by less than £20 a week. The remaining 6% will be impacted on average by £43.31 per week.</p> <p>Of those affected who are aged 25 to pension credit age, approximately 94% will be affected by less than £20 a week. The remaining 6% will be impacted on average by an average of £53.83.</p> <p>If the proposal is agreed, each client would have a financial assessment to determine their increase in charges based on their</p>			

	<p>financial circumstances. In addition there are processes and procedures in place to support people who might be financially impacted by this proposal called Exceptional Discretionary Disregards. People can access this support by contacting their practitioner. This will be available to all impacted clients, and will be assessed on a case by case basis.</p> <p>Finally, it is also proposed that KCC would support clients to maximise their benefits in order to reduce the impact of this proposal.</p> <p>The consultation has further developed the understanding of the impact on this group, and confirmed that there is a high adverse impact on 18-24 year olds. A full breakdown of this impact can be found in the Consultation Report.</p>			
Disability	<p>This proposal would adversely impact people claiming a higher rate of disability benefit less than those claiming no disability benefit.</p>			

<p>However, people with disabilities/chronic health conditions are disproportionately represented in the adult social care client group.</p> <p>In addition, people with learning disabilities may find the proposed policy hard to understand due to the complexities around financial assessments are complicated. To mitigate this, the consultation documents were available in easy-read formats, and the project team were available to speak to by phone or email to answer questions throughout the consultation. Staff were also briefed a week before the consultation to ensure they were able to support clients in understanding the proposal.</p> <p>If the proposal is agreed, it is proposed that each client would have a financial assessment to determine the increase in charges based on their financial circumstances. In addition there</p>			
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	<p>are processes and procedures in place to support people who might be financially impacted by this proposal called Exceptional Discretionary Disregards. People can access this support by contacting their practitioner. This will be available to all impacted clients and will be assessed on a case by case basis.</p> <p>Finally, it is also proposed that KCC would support clients to maximise their benefits in order to reduce the impact of this proposal.</p> <p>The consultation has further developed the understanding of the impact on this group, and confirmed that there is a high adverse impact on vulnerable people. A full breakdown of this impact can be found in the Consultation Report.</p>			
Sex			Of those clients impacted by this proposal, approximately 35% are women and 59% are men. The remaining 6% are unknown.	

			<p>As more women are likely to be carers there is an intersectionality between the protected characteristics of sex and carers responsibilities. Further information about how this will be addressed is covered under Carers Responsibilities.</p> <p>There may also be an impact on women because some people who are part of a couple would be impacted by this proposal.</p> <p>The consultation has further developed the understanding of the impact on this protected characteristic and found that women responded with a wider range of views than men, and that men thought the staggered increase would not assist people more than women did. A full breakdown of this</p>	
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			impact can be found in the Consultation Report.	
Gender identity/ Transgender		<p>This is currently unknown; no data on gender identity/transgender is collected at present. The council will ensure that any actions are taken in compliance with the February 2019 Adult Social Care and Health and Children and Young People Education policy 'Supporting transgender users of our services'. This policy is designed to help staff in Adult and Children Social Care to offer the best service they can to trans users of Social Care services.</p> <p>The consultation contacted LGBT Groups for feedback but did not receive any responses, and there was no impact on this protected</p>		

		characteristic identified through the consultation responses.		
Race			<p>Approximately 86% of the service users who would be affected by the proposal are White British/Irish/Other. This group would be impacted on average by £19.59 per person per week.</p> <p>Approximately 5% of the service users affected are split over BME groups and would be impacted on average by £20.13 per person per week. The remaining 9% is unknown.</p> <p>The consultation contacted BME Groups for feedback but did not receive any responses, and there was no impact on this protected characteristic identified through the consultation responses. A full breakdown of this impact can be found in the Consultation Report.</p>	
Religion and			Approximately 37% of clients	

Belief			<p>impacted list their religion as none, 42% are unknown, 16% are Christian or of Christian denomination, and 5% are from other religions.</p> <p>The consultation has further developed the understanding of the impact on this protected characteristic and not found any further impact. A full breakdown of this analysis can be found in the Consultation Report.</p>	
Sexual Orientation			<p>Approximately 77% of clients potentially impacted by this do not have this characteristic recorded and 21% are heterosexual.</p> <p>There was no impact on this protected characteristic identified through the consultation responses.</p>	
Pregnancy and Maternity			<p>We have not identified any specific negatives around this protected characteristic.</p> <p>When a child has been born,</p>	

			<p>the family are entitled to a further MIG of £83.65 per child to help support the family.</p> <p>It has been identified that while someone is in receipt of Statutory Maternity Pay, their incomes might be affected. There are processes and procedures in place to support people in this position who might be financially impacted by this proposal called Exceptional Discretionary Disregards. People can access this support by contacting their practitioner. This will be available to all impacted clients and will be assessed on a case by case basis.</p> <p>There was no impact on this protected characteristic identified through the consultation responses.</p>	
Marriage and Civil Partner-	N/A	N/A	N/A	N/A

ships				
Carer's Responsibilities		<p>If the change was implemented it would result in increased charges to individuals because less income will be disregarded, so may result in the person stopping, reducing or not to begin receiving care from KCC because of increased charges.</p> <p>This might result in needs being unmet and could have an impact on their safety. As a result, any carer may be required to provide more care, thereby affecting their economic, social and emotional wellbeing.</p> <p>In addition, there is potential intersectionality between carers responsibilities and sex, belief and cultural and racial background.</p>		

		<p>KCC does have an existing policy to provide a framework for staff working with carers called Supporting Carers Policy and Practice Guidance.</p> <p>The consultation contacted Carers Groups for feedback but did not receive any responses and the questionnaire responses confirmed that there is an adverse impact on carers. A full breakdown of this impact can be found in the Consultation Report, and quotes from consultation responses can be found in Part 2.</p>		
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Part 2

Equality Analysis /Impact Assessment

Protected groups

Analysis has suggested that the majority of protected groups will be negatively impacted by the current proposal. The public consultation exercise will enable the council to further test the impact on protected characteristic groups.

Any decision on the future of charging will need to ensure KCC is mindful of the needs of residents within the following protected groups:

- Age
- Disability
- Sex
- Gender identify/Transgender
- Race
- Marital status
- Religion/Belief
- Sexual orientation
- Carer's responsibilities

Information and Data used to carry out your assessment

- Performance data held on the clients
- Financial data held on the clients

Who have you involved consulted and engaged?

- Paul Carter, Leader of Kent County Council
- Clair Bell, Cabinet Member for Adult Social Care and Health
- Richard Smith, Portfolio Manager
- Penny Southern, Corporate Director
- Michelle Goldsmith, Finance Business Partner
- Jean Wells, Policy
- Tracy Issacs, Client Financial Affairs
- Tristan Booth, Finance
- Charlotte Jones, Consultation and Engagement Officer
- Kerry Short, Head of Community Care
- Clients who may be directly impacted by the proposals
- Groups representing client interests (LGBT, BME and Carers)

Analysis

Adverse Impact,

January 2020

The evidence gathered as part of the assessment indicates that there is a potential negative impact on age, disability and carer's responsibilities. The proposal could potentially increase the costs of care paid by clients from age 18 to pension age. Of the clients affected, approximately 73% are aged 18 to 24 and 21% are aged 25 to pension credit age.

For those aged 18 to 24, approximately 94% will be impacted by less than £20 a week. The remaining 6% will be impacted on average by approximately £43.31 per week.

For those affected who are aged 25 to pension credit age, approximately 94% will be affected by less than £20 a week. The remaining 6% will be impacted on average by an average of approximately £53.83.

The large majority of clients impacted have a disability, although those receiving a higher rate of disability benefit are not impacted.

As a result of any changes, there is a potential for informal carers to have to provide more care if individuals reduce, stop or decline services, thereby adversely affecting their economy, social and emotional health and wellbeing.

The impact on protected groups was further tested through a public consultation. The results of this consultation reflected the assumptions made that there would be an impact on age, disability and carer's responsibilities. In the open-ended questions from the questionnaire, there was a recurring theme that people felt there would be a disproportionate impact on 18-24 year olds and vulnerable people.

The consultation also indicated that there would be an adverse impact on carer's responsibilities, with a recurring theme that people felt they would have to reduce the number of activities for the client, thereby having an impact on carers.

The following are some quotes from the consultation that summarise the potential impact on carers:

"...having done some quick sums we may have to stop having carers and my wife will have to struggle on her own."

"It is difficult to manage already on the income that I receive and it is only with family support that I can maintain a basic lifestyle."

"I wouldn't be able to have carers anymore. They help me with personal care and my social needs. I wouldn't be able to have a wash everyday or even wash my hair as much as it needs to be washed. My mum is unable to do all of this the amount of times I need these things."

Please see Appendix 1 for details of the approximate client numbers affected.

Positive Impact:

There are currently no positive impacts identified in relation to protected groups.

JUDGEMENT

- **Adjust and continue** - adjust to remove barriers or better promote equality
 - The proposal has been adjusted to include a staggered financial increase by £10 per week per person for the first two years. In addition, plans have been put in place to contact advocacy groups for those protected characteristics who could be most impacted. The consultation will also seek to gather the views of different groups which can then be used to inform a decision on the proposal.

Internal Action Required YES

There is potential for adverse impact on particular groups and we have found scope to improve the proposal by completing a consultation to fully understand the impact on different groups.

Equality Impact Analysis/Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
Age Disability Sex Sexual orientation Race Religion/Belief Carer's responsibilities	Potential low to high negative impact for these protected characteristic groups because of a potential increase to their contribution to their social care costs.	Public consultation to be run in order to gain a better understanding of the impact of the proposal, including engaging with people who will not be directly impacted now, but may be in the future. This action has been completed as at the end of the consultation period.	Ensure decisions will be information by an analysis of the impact on protected groups.	Robert Underwood	October 2019	TBC
Gender Identity/ Transgender	There is no equalities data currently gathered, so unable to fully understand the impact on this protected characteristic groups.	Public consultation to be run in order to gain a better understanding of the impact of the proposal. LGBT groups will be contacted to seek their views on the proposal. This action has been completed as at the end of the consultation period.	Ensure decisions will be information by an analysis of the impact on protected groups.	Robert Underwood	October 2019	TBC

Age Disability Sex Sexual orientation Race Religion/Belief Carer's Responsibilities	These protected characteristic groups have a potential high negative impact.	Each client has a financial assessment to determine the cost of their care based on their individual circumstances. In addition there are processes and procedures in place to support people who might be financially impacted by this proposal called Exceptional Discretionary Disregards. People can access this support by contacting their practitioner. This will be available to all impacted clients, and will be assessed on a case by case basis.	Ensure the service user is supported through any changes, and any increases are affordable to those service users.	Robert Underwood	April 2020	TBC
Age Disability Sex Sexual orientation Race Religion/Belief Carer's Responsibilities	These protected characteristic groups have a potential high negative impact.	Part of this proposal is to cap the increase to affected service users to a maximum of £10 per week for the first two years. After the first two years clients will pay the full increased amount. However, KCC would work with affected clients to maximise their	Ensure the service user is supported through any changes, and any increases are affordable to those service users.	Robert Underwood	April 2020	TBC

		benefits during this two years.				
Age Disability Sex Sexual orientation Race Religion/Belief Carer's Responsibilities	These protected characteristic groups have a potential high negative impact.	Make the questionnaire available to people in a paper version on request, and put the full suite of documents available as easy-read. This action has been completed as at the end of the consultation period.	Ensure that the consultation is as accessible to people as possible to enable them to respond and give their views.	Robert Underwood	October 2019	TBC
Age Disability Sex Sexual orientation Race Religion/Belief Carer's Responsibilities	These protected characteristic groups have a potential high negative impact, and the consultation could be challenging to understand.	The Project Team will be contactable during the consultation to answer any questions via a telephone line and email address. These will be available from 9am-5pm Monday to Friday throughout the consultation. This action has been completed as at the end of the consultation period.	Ensure that the consultation is as accessible to people as possible to enable them to respond and give their views.	Robert Underwood	October 2019	TBC

Have the actions been included in your business/ service plan?

No – actions will be monitored through the Discretionary Charging Project Board.

Appendix 1:

Age:

Of the clients affected, 73% are aged 18 to 24 and 21% are aged 25 to pension credit age.

For those aged 18 to 24, 94% will be impacted by less than £20 a week. The remaining 6% will be impacted on average by £43.31 per week.

For those affected who are aged 25 to pension credit age, 94% will be affected by less than £20 a week. The remaining 6% will be impacted on average by an average of £53.83.

Age bracket:	Percentage of Clients:
18-24	73%
25-64	21%
Unknown	6%
Total:	100%

Sex:

Sex:	Percentage of Clients:
Female	35%
Male	59%
Unknown	6%
Total:	100%

Race:

86% of the service users who would be affected by the proposal are White British/Irish/Other. This group would be impacted on average by £19.59 per person per week.

5% of the service users affected are split over BME groups and would be impacted on average by £20.13 per person per week.

Race:	Percentage of Clients:
Bangladeshi	≤1%
Black African	1%
Black Caribbean	≤1%
Indian	1%
White British/Irish/Other	86%
Any other Asian background	≤1%
Any other ethnic group	≤1%
Any other mixed background	1%
Unknown	9%
Total:	100%

Religion and Belief:

Religion and Belief:	Percentage of Clients:
Atheist	≤1%
Buddhist	≤1%

Christian*	16%
Hindu	≤1%
Jehovah's Witness	≤1%
Jewish	≤1%
Muslim	≤1%
Sikh	≤1%
None	37%
Other	4%
Unknown	42%
Total:	100%

*including Church of England, Catholic and Protestant and all other Christian denominations.

Sexual Orientation:

Sexual Orientation:	Percentage of Clients:
Bisexual	≤1%
Gay Man	≤1%
Gay Woman/Lesbian	≤1%
Heterosexual	21%
Other	2%
Unknown	77%
Total:	100%

Please forward a final signed electronic copy and Word version to the Equality Team by emailing diversityinfo@kent.gov.uk

If the activity will be subject to a Cabinet decision, the EqIA must be submitted to committee services along with the relevant Cabinet report. Your EqIA should also be published .

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