

## EQUALITY IMPACT ASSESSMENT

### Review of the Fairer Contributions Policy for Adult Social Services and related frameworks

#### 1. What is the service/policy/procedure/project to be assessed?

A review of the Fairer Contributions Policy in Adult Social Care to charge for non-residential services. This is an update of the 2011 policy following on from changes to the Department of Health's guidance dated 29<sup>th</sup> October 2012

#### 2. Describe the aim of the service/policy. What needs or duties is it designed to meet? How does it differ from any existing services/policies in this area?

The aim of this Policy change is ensure that policy and practice in Brent is in line with the Department of Health's Guidance and is consistently applied across all residents of Brent.

More specifically to ensure that:

- Customers contribute for services on the basis of their individual ability to pay for these services through financial assessment, this ensures that they are not left in financial hardship
- All services will now be subject to inclusion for contribution whereas in the past services such as respite did not form part of this group
- The Council is transparent with people about the level of social care funding (Personal Budget) they are entitled to in order to meet their community care needs
- Customers can take this Personal Budget as Direct Payments in order to fund their own services or have the Council buy these services for them
- Contribution for services is now based on the actual cost of services, whereas in the past this was a notional cost.
- Customers can then choose which combination of services to purchase to meet their needs; this is called Choice and Control
- The principles of a Reablement Service, that will benefit the majority of customers, remains free of contribution for the period of Reablement; up to 6 weeks
- The simplification of the contribution process is designed, as part of the Customer Journey, to streamline all of the processes in Adult Social Care for the Customer

This is set in the wider context of demographic changes which mean that the demand for all services will increase over time putting undue pressure on resources and possibly leading to the rationing of these resources in the future unless action is taken. The Transformation is aimed at improving the prevention work through information advice and signposting; improving the ability of people who need immediate support to remain independent for longer in their own homes; to improve the safeguarding of adults who might be at risk or are being abuse so that they can

remain as independent as possible and risk free; and focus the resources for people who require long term support on those with the most complex needs, through a Personal Budget and a Personal Support Plan.

### **3. Are the aims consistent with the council's Comprehensive Equality Policy?**

- Yes the aims are consistent in that this revised Policy does not set out to intentionally discriminate against any of the groups in the Equality Policy or against any individual person on those grounds. The extent to which people benefit from this policy, in the way they are assessed for their financial contribution to services, will be balanced against their ability to pay. It will therefore enhance the Council's ability to meet its duties under the Equality Act to enable people with protected characteristics to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- Some individual service users (including those from categories of protected characteristics under the Equality Act) might be financially worse off as a consequence of the implementation of this proposal. Others will financially benefit, however it is important to note that all service users will be individually assessed on their ability to pay and will not be left in financial hardship as a result of these changes.

### **4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health? What are the reasons for this adverse impact?**

The implementation of the revised policy will ensure greater clarity and fairness for all services users, including those with protected characteristics.

All service users will be assessed in the same way regardless of eligible needs in order to determine their contribution to their community care services. Their contribution will be based on their individual ability to pay.

This will also enhance the council's ability to meet its equality duties as the purpose behind this policy is to ensure fairness in the council's charging and to ensure that we act in compliance with community care legislation and relevant guidance as well as the Equality Act 2010.

How much they contribute will be determined following a very careful financial assessment which will take into account, among other things, any additional expenditure they have as a result of their disability

### **5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by race, gender and disability).**

The provision of adult social care is made available only to those who have a

requirement for such care and meet the Council's eligibility criteria. As a result most recipients will enjoy protection under the Equality Act either due to their age or a disability. The impact overall from the implementation of this policy is broadly thought to be neutral presently.

Under the current policy, income from the contributions of service users constitutes about 18% of the funding available for non-residential care services locally, the remaining 72% of care costs are being met from government grant and Council Tax. Service users' contribution to non residential care costs, in 2011/12, was £3.0m (12/13 forecast £3.0m). All contributions are subject to a means test (as set out within the policy) and as a result in 2011/12 34% (12/13 forecast 37%) of service users did not contribute to their care costs due to their low income, 5% (12/13 forecast 6%) contributed below £10 per week, 29% (12/13 forecast 27%) contributed between £10 and £49, 27% (12/13 forecast 23%) contributed between £50 and £99.99, 5% (12/13 forecast 6%) contributed between £100 and £199.99 and 1% (12/13 forecast 1%) at £200 or above per week. Only 18% (12/13 forecast 19%) paid the full cost of their care, with 82% of service users receiving a subsidy towards the cost of their care. The % are projected to fall with the implementations to the changes in benefits, with more people being financially assessed as being unable to contribute towards their care as their benefit levels drop.

Whilst there is the potential therefore for certain protected characteristics to be affected more than others, any adverse effect will be mitigated by the operation of the policy (because individuals will be assessed on a case by case basis according to their own circumstances and any adverse impact is proportionate as necessary for the operation of a sustainable and lawful practises.

**6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable)**

Overall the impact of this policy will be positive as it will continue to ensure that the contributions policy remains linked to Personal Budgets. It is much more transparent, consistent and fair, and enables more choice and control to over the provision of non- residential services to service users.

It ensures that the aims set out within s149 Equality Act 2010 are more likely to be realised for the reasons given above.

**7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the**

**consultation?**

N/A – this is a revision to a policy in line with changes to the Department of Health’s Guidance. Consultation was undertaken in 2011 prior to implementation of the existing policy and the changes introduced by this revision are expected to have very limited effect for a very small number of individuals.

**8. Have you published the results of the consultation, if so where?**

N/A

**9. Is there a public concern (in the media) that this function or policy is being operated in a discriminatory manner?**

None .

**10. If in your judgement, the proposed service/policy does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.**

N/A

**11. If the impact cannot be justified, how do you intend to deal with it?**

The Council also operates an “Exceptional Hardship Policy” so if a service user happens to experience exceptional hardship as a result of being required to contribute towards their care, their case can be considered under this policy by the Director of Adult Social Services

**12. What can be done to improve access to/take up of services?**

N/A

**13. What is the justification for taking these measures?**

The justification is based on the following:

- Need to have a policy that complies with the 2012 Department of Health Guidance on charging/contributions for non- residential services.

**14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible for this on the front page.**

The monitoring of the impact of this policy change will be undertaken by the Senior Finance Analyst in Adult Social Care through closely monitoring the outcome of the individual financial assessment and comparing this with previous years, if this is

applicable.

**15. What are your recommendations based on the conclusions and comments of this assessment?**

To adopt the changes within the current policy

Should you:

- *Take any immediate action?* None
- *Develop equality objectives and targets based on the conclusions?* This will be done by the Senior Finance Analyst and reported to the Departmental Management Team via reports produced from the client information system Frameworki
- *Carry out further research?* This will need to be addressed again in February 2013. Every year a service user's financial contribution needs to be reviewed and re-assessed to ensure that their contribution is fair and proportionate to their ability to pay. This revision can then be screened to assess if there has been any further adverse impact on any other groups of services user by comparing the outcome of this with current practice. The Council also, each year, needs to take account of the true cost of the services it provides and balance the income to be received from service users against these costs. This ensures that the Council carries out its duties to ensure value for money for the council tax payers in Brent. The Council also has duties under the Equalities Act to ensure no one group with protected characteristics is treated more fairly or unfairly than another group thereby encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

**16. If equality objectives and targets need to be developed, please list them here.**

N/A

**17. What will your resource allocation for action comprise of?**

Reports are produced and owned by the Business Partner Team and will be presented to regular DMT meetings

The Senior Finance Analyst currently undertakes this pole

DMT will determine if further investigation is needed in certain reporting areas and where any further reports need to go

**Person Responsible for publishing the results of the Equality Impact Assessment:**

***Elizabeth Jones – Assistant Director of Finance***

**Person Responsible for monitoring the impact of these changes:**

***Minesh Patel – Senior Finance Analyst***