

EQUALITY IMPACT ASSESSMENT

FINANCIAL ASSESSMENTS AND CONTRIBUTION FOR COMMUNITY CARE SERVICES THROUGH PERSONAL BUDGETS

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

Implementation of the Fairer Contributions Policy in Adult Social Care for those people on Personal Budgets for their Community Care Services. This replaces the Council's Fairer Contribution Policy for Home Care

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 to implement the improvements to contribution for Community Care Services that the Transformation of the Customer Journey aims to deliver.

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 Day Care 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 and some hourly costs, such as Home Care, have been reduced
- 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 new 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 change, in the way they are assessed for their financial contribution to services, will be balanced against their ability to pay. Under the old system service users were charged according to the services received. This encouraged inequality among service users, now the contribution will be applied across all services provided affording service users choice over the way in which they wish their needs to be met without fear that this may have negative financial consequences. This will mean that some of those currently in receipt of services (namely older people and those with a disability), may incur increased costs. Likewise some services users (again sharing the same protected characteristics) will be required to make a lower contribution. None will be able to structure their care to avoid having to make a contribution. However whilst on the face of it this may appear to be an adverse impact it is more likely to have a positive impact in line with the Council's equality programme as it will encourage greater community involvement by ensuring that service users are not limited to traditional building based social care provision such as day centres. It will therefore enhance the Councils 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.
- It is also worth noting that for the first time some services that were hitherto free to customers will now be charged for. This addresses the unequal impact in the past of the Council's selective charging policy

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?

It is likely that the implementation of this Policy could result in an adverse financial impact on the group of people living in Extra Care Housing. This is housing for people who have very complex needs but for whom community based services are much more appropriate, although they can be quite extensive, and where there is no

statutory need to accommodate the person in residential or nursing home care.

People in this group are likely to be:

- Older People at least 55-60 but more likely to be in the late 70's and 80's
- More likely therefore statistically to be women than men
- More likely to have physical or sensory impairments because of their age.

The policy proposed to implement a requirement that individual service users, subject to their ability to pay, contribute against the full cost of their non-residential care provided. Currently, for this group, Brent Council has agreed to a maximum ceiling for contribution of £5.99 per week. This under represents the total cost to the council of providing these services and there appears little justification for subsidising this group over service users with the same protected characteristics who happen to reside in their own home or alternative accommodation. The implementation of the policy will ensure greater clarity and fairness for all services users, including those with protected characteristics. However in recognition that the implementation of this policy will have an adverse impact on this group in particular it is proposed to stagger the implementation of the policy for this client group over a transitional one year period to minimise any adverse financial impact.

The second group of people to be affected by these changes are likely to be adults with a disability who are attending day centres or day care resources run by the Council or privately run in certain circumstances for which there is currently no charge. This group of people have protected characteristics but under the old charging system received services for which there was no financial contribution to be made.

These people will be:

- Some younger adults (18-65) with a learning disability with a range of other protected characteristics
- Some younger adults (18-65) with a physical disability with a range of other protected characteristics
- Some older people aged 65+ again the majority of whom now and in the future are likely to be women and will have a physical or mental impairment or disability

This group of people will be assessed in the same way as other people with similar protected characteristics in order to determine their contribution to their community care services. Their contribution, as with all other people, will be based on their individual ability to pay. Currently this group of people do not pay for these specific services other than to pay for a mid-day meal, if this is provided, at the cost of that meal. Their service is therefore subsidised by the Council over and above the level of subsidy for other people with similar protected characteristics who have opted to

have their services provided by another means.

The implementation of the policy will ensure greater clarity and fairness for all services users, including those with protected characteristics. It is also noted that the financial assessment will likely mean that few of the current recipients of this service will have to pay full cost. However in recognition that the implementation of this policy will have an adverse impact on this group in particular it is proposed to stagger the implementation of the policy for this client group over a transitional one year period to minimise any adverse impact.

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.

The current practice gives incentives to those with disabilities, to remain accessing specialist day centres rather than use community facilities for leisure and to meet their welfare needs. If these incentives are removed then Brent Council will be able to fulfil two of the main arms of the Equality Acts general duty to promote equality opportunity and foster good relations between those with protected characteristics and those that do not. This ensuring that recipients of support are not limited to traditional building based provision, but can access community resources without fear that it will have adverse financial consequences.

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 you 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 in that many service users will be financially better off as a consequence, but some (particularly in the extra-care setting, and Day Centres) will be adversely affected. The precise figures of those involved and likely protected characteristics that they share are not available in detail at the present time. The reason for this is that as many of the people who may be affected by this have not had a financial assessment completed before, because of the types of services they have elected to receive, whether they will make a contribution or not to their services is yet to be determined.

However as at the 31st March 2011 the following number of people were in extra care housing and attending day services and may be affected by these changes:

- 272 people aged 65+ were attending day care
- 229 adults aged 18-65 with a learning disability were attending day care
- 39 adults aged 18-65 with a physical disability were attending day care
- 141 adults aged 18-65 with a mental health difficulty were attending day care (those on sec 117 after care cannot be assessed to pay for services)
- 115 people were permanently in extra care supported accommodation; added to this are a number of people who use this for step down from Hospital

This is out of a total of 4,331 people receiving community care services (non residential) as at 31st March 2011

Source of data Brent Council return to the Department of Health PSS-EX1 for the year April 2010 to March 2011

Appendix 1 of this report has the data for the people attending day care, those living in Extra care Housing and those who have used Extra Care as a step down facility following discharge from Hospital. This data is obtained from the Adult Social Care Customer Database "Frameworki" on which is recorded all information related to individual people for whom a service is being provided, an assessment has been completed, or where people have asked for information and advice from adult social care. This system is safeguarded by restricting access to authorised people only.

This data is broken down by:

- Age
- Gender
- Ethnicity
- Religion or faith
- Type of disability (as all people will have a disability)
- Marital status

This data is not broken down by:

- Gender Reassignment as this question has only been asked at the assessment stage since April 4th 2011 and the data is therefore not robust enough to provide meaningful information
- Sexual Orientation as this question has only been asked at the assessment stage since April 4th 2011 and the data is therefore not robust enough to provide meaningful information
- Pregnancy and maternity status is not a question that has been specifically included in the assessment process but it is possible that this information will be forthcoming, but as such it cannot be reported on at this stage to provide meaningful information
- Civil Partnership is not a question that is currently asked at the assessment stage

The breakdown of the data for people with mental health needs is also not currently available. This data is held on a system by Central and North West London Mental health NHS Trust (CNWL) and is currently being mapped for this report but is not available at the time of publishing this Impact Assessment.

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 ensure that the contributions policy is linked with the move towards Personal Budgets and the Customer Journey. 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. The adverse impact is mitigated by the intention to stagger implementation of the changes on those likely to be financially adversely effected over 12 months.

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?

Consultation on the proposed changes to the contribution policy ran from 11th April to 4th July 2011. The purpose of the consultation was to seek views on changes to the contribution policy, seek alternative options, how best to inform people of the changes and what transitional support ought to be put in place to help people whose contributions have increased.

A number of consultation activities took place. There were five consultation meetings all at Patidar House in London Road, Wembley; an accessible community building off the High Road:

* 6th May attended by 95 people the meeting was minuted and these minutes are available on the web site

*23rd May attended by 35 people the meeting was minuted and these minutes are available on the web site

*3rd June attended by 46 people the meeting was minuted and these minutes are available on the web site

*24th June attended by 15 people the meeting was minuted and these minutes are available on the web site

*27th June attended by 20 people at Patidar House. Notes were taken.

*The meetings on 3rd & 27th June were specifically for people with learning difficulties and were attended by some carers and advocates as well as Mencap.

This means that a total of 211 people attended these consultation meetings. Voluntary organisations were invited to the consultation meetings and the dates and

details of the meetings were available on the Brent Council Web site.

There was also a specific meeting with the Brent Pensioner Service Users Consultative Forum on Monday 6th June 2011 at Brent Town Hall where one of the main agenda items was the Consultation on Fairer Charging. A number of voluntary organisations attended this meeting at which the proposed changes to the charging policy were explained and details given of the consultation process.

In addition the proposals were discussed within relevant forums such as the LINK and the Pensions Forum to ensure that relevant groups were aware of the consultation and how to respond. People who were unable to attend any of the consultation meetings were given the opportunity to give their views in different ways by completing a short questionnaire, send their views via email or completing an online survey.

Information on the proposed changes, timetable and decision making process by the Council's Executive was given at each meeting. Translator and British Sign Language expertise were provided at the meetings. At the meetings for people with learning disabilities carers were also present. The question and answer session at each meeting provided opportunity for people to explore issues of concern to them including questions about implementation the date if changes are agreed, monitoring and service standards, and what the changes will mean to people who use the services. The results of this consultation were published on the 30 August 2011 on the Council's website at www.brent.gov.uk/consultation. For people who may not be able to access the website, provision will be made for alternative means of communicating the result of the consultation to them.

The total number of responses to the survey was 162, including on-line responses. An analysis of the survey is available on the web site on www.brent.gov.uk/consultation

The headline responses are as follows:

- a)** Respondents were split between disagreeing and having no view either way on the question – 'Brent Council should charge for all non-residential social services that could form a part of a personal budget, instead of just charging for home care services'. 20% of respondents agree that service users should contribute towards all non-residential services.
- b)** Respondents are fairly evenly split between agreeing and disagreeing on the questions 'Brent Council should use the actual cost of providing non residential services to work out how much a service user should pay instead of the average cost' **and** 'Brent Council should put in place a transitional arrangement of equal monthly increments over a 12 month period'. In both cases slightly larger proportions don't have a view either way.

Some open text comments from respondent support the guiding principles as outlined in paragraph 3.6 above, in terms of 'fairness' and 'contributions policy based on ability to pay'. The principle of fairness was further tested in relation to people who have worked most of their lives, contributed into the state and saved their

money who now have to further contribute to their care cost when other people who haven't done this are getting their care free for a lack of means. Other comments draw upon the current national economic climate and rising cost of living and how care should be taken to avoid financial hardship for vulnerable people. It was also suggested that social care should be free like it is in Scotland or should be seen as an extension of a NHS service and should be free at the point of delivery. Some respondent have used the opportunity to raise unrelated problems with the state, health & social care system and the Council. Useful suggestions were also received in relation to how best to communicate with service users.

Analysis of further questions shows the following responses:

When asked “Can you suggest some other ways that Brent Council can adopt in order to ensure that everyone is treated equally?”

- 41 people responded with ideas and suggestions such as:
 - I think that everyone should be able to contribute a certain amount that mean that whether they use that service or not or is not part of their personal budget. The cost of each service should be highlighted to everyone so that everyone knows what the cost of the service is. Also make sure everyone has to pay a minimum amount this affordable to everyone based on their financial assessment, so everyone pays a net rate
 - Social care should be free like it is in Scotland!!!
 - I can't think of any other suggestions but people can't be treated the same!
- 4 people wanted to keep things as they are now
- 3 people had no suggestions
- 8 people gave a response but not to this question

When asked “Can you suggest any other ways that Brent council could use to assess a service users contribution to the cost of non-residential social services?”

- 30 people responded with ideas and suggestions such as:
 - According to how much money a person has in the bank
 - Consideration of individuals need and circumstances i.e. health and safety problems falls etc - difficulties of housekeeping and such - no one should feel discarded because we are old and incapable of work
 - Make a full and fair assessment of all living costs, then take into account all additional expenditure related to disability. Otherwise those with very high support needs will not be able to afford the care they need and afford to live. The end result will be more people needing to move to residential care.
- 9 people had no suggestions
- 4 people gave a response but not to this question

When asked “Can you suggest an alternative transitional arrangement that could be put in place in moving from the current policy to the future policy?”

- 19 people responded with ideas and suggestions such as:
 - No the 12 months is reasonable and breaks down the payment and they won't have any hardship as it's a fixed amount each month
 - Very concerned about the monthly increments. I am petrified of the potential of rising monthly costs!
 - No more than £5.00 per week
- 2 people wanted to keep things as they are
- 8 people had no suggestions
- 8 people gave a response but not to this question

When asked “What other ways do you think Brent council could use to communicate the services it offers and their costs?”

- 31 people responded with ideas and suggestions such as:
 - The web is not to me helpful. I cannot use it, and I have no access. To be typed in paper. As I have mention before the only social service I receive is I have the shower lady come every other week. I am very worried that the changes can affect me. I would be grateful if you could let me know.
 - Put an article in Brent magazine of the fixed proposed changes for 1st August 2011. So everyone can have a read and it's well communicated. Also letter or posters or leaflets sent out to people on the service about how it would affect them after the changes. And updated changes communicated to each service user by form of leaflets
 - You could also use local surgeries (DR) to advertise and promote the real cost as the surgery is often the most contact service user visit. Produce a easy read leaflet also and instructional video on your new website would be helpful to convey the message
- 11 people gave a response but not to this question

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

Yes the results have been published on the Brent web site on the 30th August 2011 at www.brent.gov.uk/consultation other means of providing this information to people who cannot use or access the website will be arranged according to the needs of those people.

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

There could be public concern that this policy may increase some costs for service users at a time of financial constraint to people's own budgets. However this policy is also aiming to address anomalies in contributions that have existed for some time and there will be some customers who may be financially better off as a result of

these changes and have more choice and control over how their budget for community care services is used.

People who attend Day Services will have to pay towards these for the first time, depending on their ability to pay, but this addresses an inequality that has been around for a long time where they had to pay nothing.

Some people who opt just for a home care service though their personal budget may end up paying less than before.

Some people may end up paying the same

The Fairer Contributions Policy Consultation document sets out examples of how groups of people may be affected by this change in policy.

It is also important to note however that these changes do actually enhance the ability of the Council to meet its duties under the Equality Act by virtue of removing inequalities where some people, with the same protected characteristics, were assessed to pay a contribution towards their services and others were not; not on the basis of their ability to pay but on the basis of the service choice they made.

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.

The projected adverse impact on people who live in extra care sheltered housing, and those in receipt of day services, can be justified because of a need to apply a transparent, lawful and consistent policy across all those in receipt of non-residential services.

However in extra-care housing the impact is likely to be on a specific group of older women customers and could be mitigated by the proposal to phase in the increased contribution over a 12 month period from this group of people so as minimise the financial impact. Service users will still be individually assessed so they will not be left in financial hardship.

The same process will apply to those people in receipt of day care

At the end of this period of time, these groups will not be paying any more, proportionately, than any other group of service users for their Community Care Services.

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

The impact can be justified but is also being mitigated by being phased in over a period of 12 months for those affected.

The Council also operates an “Exceptional Hardship Policy” so if a service user happens to experience exceptional hardship as a result of these changes 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?

This does not apply to this policy per se, although ensuring that all people are assessed as soon as possible after Reablement for a contribution towards their Personal Budget according to their ability to pay has become a priority for the Finance Team.

13. What is the justification for taking these measures?

The justification is based on the following:

- Need to seek contributions for all community care services according to a person’s ability to pay
- Need to provide for a free reablement service
- Need to provide more choice and control for people on a Personal Budget
- Need to implement a more streamlined approach to contributions in line with the principles of the Customer Journey
- Need to have a policy that complies with the 2003 and 2009 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 policy including the phased introduction for those in receipt of services living within extra-care housing accommodation and for those in receipt of day services.

Should you:

- *Take any immediate action?* This is being done through the consultation proposals and outcomes being made available on-line and a report going to

- the Council's Executive for approval on Monday 19th September 2011
- *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 April 2012. 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.
 - Appendix 2 of this report (Appendix B of the Fairer Charging Report) sets out examples of how this change in policy may affect certain groups of people who receive services

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

Data can be collected from all 6 protected groups. An analysis of this data both in terms of input numbers and outcomes will enable the Department to assess whether the service is impacting disproportionately on any of those 6 groups

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

The Reports are owned by the Finance Team they will produce the reports for DMT meetings

The Senior Finance Analyst will need to allocate the resources for this to be done

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:

Senel Arkut Head of Service for Support Planning and Review

Person Responsible for monitoring the impact of these changes:

Altin Bozhani Senior Finance Analyst

David Hardman reviewer and report author 14th September 2011