Equality Impact Analysis Record Form

Part 1. Introduction and context

Department		Adult Social Care & Health	
Lead Officer		Linda Elba-Porter	
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Date analysis commenced	Date completed	Date approved	

Proposal being assessed:

The proposal is to make changes to the current non-residential Co-Funding charging policy to ensure equity for all people in receipt of adult social care support and align with the national context.

Aims/objectives of the service?

The purpose of this EIA is to:

- 1) Consider how during a specific public consultation the Council will engage the public, stakeholders and partners, and;
- 2) Consider the impact of the proposed changes on people with protected characteristics

The proposals set out to change the way a person in receipt of adult social care non-residential services is charged by:

- Lowering the upper capital limit in which people would be eligible for financial support
- Aligning tariff income calculations to be the same at the statutory levels for those people in residential care
- Remove the cap of the maximum amount a person would contribute towards their care costs

- Remove the need to be in receipt of specific benefits before they can be charged
- Align Minimum Income Guarantee with statutory levels for all age groups
- Respite Care

The Council has a duty to undertake an assessment of any adult with an appearance of need for care and support, or any carer with an appearance of need for support, regardless of their financial situation or whether the authority thinks the individual is eligible for support. This is to determine if they meet the eligibility criteria. If the person is deemed to have eligible needs which the Local Authority subsequently meets, the person will have a financial assessment undertaken. At this stage the Councils Co-Funding policy is then implemented and used to determine how a person's finances are used to calculate their contribution towards their care and support. The charges are calculated by considering their income, capital, and a range of other financial circumstances to ensure the charge they are to pay is reasonable and affordable. The Co-Funding policy has very specific criteria when considering a person's income and capital. A person must have savings of less than £50,000 and must be in receipt of specific benefits to be charged. The maximum weekly amount a person can be charged for the 2023/24 financial year is £51.07.

The Council's current Co-Funding Charging policy was introduced in 2014 following public consultation. As set out in the policy, the policy is reviewed annually. Following the Council reviewing its charging policy it has taken the opportunity to explore ways to raise revenue fairly and affordably from charges to help to ensure sustainability by looking at ways people are currently charged for care and support services whilst balancing significant central government reductions.

Following the review, three proposals have been recommended which would change the Council's Co-Funding Charging policy. This could mean some people receiving non-residential services may have to contribute more towards their care. The aim of the policy is to produce a sustainable, consistent and fair framework for charging and financial assessment for all people that receive care and support services. All three proposals include lowering the capital limit, changing tariff income, to charge against a percentage of disposable income, and include an automatic disability related expenditure disregard.

Option One being considered by the Council

To change the charging policy for local residents in receipt of support in the community to:

- > The national position concerning the capital limit of £23,250
- The national position concerning charging tariff income of £1.00 in every £250 for those with capital between £14,250 £23,250
- ➤ To charge on 100% of disposable income with a £20 per week Disability Related Disregard (*subject to the below).

Option Two being considered by the Council

To change the charging policy for local residents in receipt of support in the community to:

- The national position concerning the capital limit of £23,250
- The national position concerning charging tariff income of £1.00 in every £250 for those with capital between £14,250 £23,250
- > To charge on 90% of disposable income with a £20 per week Disability Related Disregard (*subject to the below).

Option Three being considered by the Council

To change the charging policy for local residents in receipt of support in the community to:

- The national position concerning the capital limit of £23,250
- The national position concerning charging tariff income of £1.00 in every £250 for those with capital between £14,250 £23,250
- ➤ To charge on 80% of disposable income with a £20 per week Disability Related Disregard (*subject to the below)

(*Under national guidance where a person feels the additional cost related to their disability (Disability Related Expenditure) is over and above that already allowed in the contribution determination, they are entitled to an individual assessment of their disability related expenditure. The purpose of this review is to establish whether a full or partial reduction in the contribution would be appropriate).

What outcomes will be achieved with the new or changing policy?

The aim is to update the Councils Co-Funding Charging policy to make it sustainable. This will support the Council to consider options available to generate additional revenue which can help to off-set some of the costs associated with providing care.

The proposals will ensure the Council is:

- To operate more fairly and equitably when considering charging for people in receipt of Adult Social Care support.
- To align the upper capital limits for Derbyshire residents in residential and community settings.
- To be able to respond sustainably to demand for Adult Care support in the future.

The implementation of the revised Co-Funding policy will ensure greater clarity and fairness for all people including those with protected characteristics. All people will be assessed in the same way regardless of eligible needs in order to determine their contribution to their social care services. Their contribution will be based on their individual ability to pay.

Please list any associated policies, services, or functions?

Derbyshire County Council Adult Care Co-Funding for Non-Residential Services The Care and Support (Charging and Assessment of Resources) Regulations 2014 Care Act 2014

Care and Support Statutory Guidance 2014

Please list the main people or groups that this policy/ service is designed to benefit and any other stakeholder involvement?

Additional revenue from care charges will help to ensure the Council can maintain and extend its social care services whilst managing increasing significant financial pressures and constraints. It will also assist the Council in setting a balanced budget to ensure the impact on service provision is minimised.

It will ensure Adult Social Care services continue to be accessible to all of the local population, including those with fewer financial resources and lower incomes, but will reduce variation by treating people with high incomes/high capital resources consistently and equitably.

Will the policy/service and any changes impact on any other organisations such as community and voluntary sector groups?

Non-residential service users of social care services.

Voluntary Organisations supporting carers and supporting people who needed added support and care.

Providers of care at home services.

Respite Care Providers.

Benefits and welfare sector organisations.

Unpaid and paid carers.

Staff from partner health and care provider.

Staff within Derbyshire County Council.

Part 2. Supporting evidence

Please list and/ or link to below any recent and relevant consultation and engagement that can be used to demonstrate clear understanding of those with a legitimate interest in the policy/ service and the relevant findings:

Within Derbyshire when calculating a person's contribution towards their costs it has not been necessary to complete a full financial assessment and a light touch financial assessment has been sufficient. It is recognised because of this at the current time the Council holds minimal information as to how existing people of Derbyshire in receipt of adult social care services might be impacted. The Council did complete a small modelling exercise with 300 people receiving adult social care services in Derbyshire. The outcome of this provided some insight to how people may be affected.

Out of the 300 people it identified 53% would likely see an increase in what they are required to pay; 19.7% would continue making no contribution; 12.3% would be required to start paying a contribution; 10.7% would likely become liable to pay all of their care costs and 4% would pay less than they currently do. This is a small sample size in comparison to the number of people in receipt of adult social care services from the Council. During the public consultation and engagement, it will become clearer as to how people could be affected by the proposals.

If there is insufficient consultation or engagement information, please explain what action is being taken to obtain this information and when this consultation/ engagement will be completed and available:

At this stage there has been no formal consultation or engagement that can be used for the purpose of this Equalities Impact Assessment. The Equalities Impact Assessment is being undertaken at this stage to consider the impacts of those people already in receipt of non-residential services; and how the public consultation is to be undertaken to ensure people with protected characteristics are considered. If Cabinet, make a decision for the Council to go out to public consultation there will be a further Equalities Impact Assessment in which impacts can be considered and a further completion of an Equalities Impact Assessment. The public consultation would commence on 3 July 2023 and run until 30 September 2023.

Please list or link to any relevant research, data or intelligence, or any other information that is available and will be used to help complete the analysis?

The following lists sources of information which have been utilized in considering the equality impact of the proposals whilst also considering wider national context and background:

Demographic, financial and care package information held by the Council obtained from or electronic recording system.

- Derbyshire County Council's Adult Social Care Case Management System MOSAIC (for monitoring information about people using services).
- Derbyshire County Council's Derbyshire Observatory (for general data relating to demographics includes data from the 2021 Census).
- Benchmarking comparisons with the charging policies of other Councils.
- Financial modelling of the impact of the increase charges.
- Current and historic experience of the application of the Council's Adult Social Care charging policy and impacts on individuals.
- Current and historic experience consultation on the Adult Social care charging policy with individuals and the wider community.

Please list or link below to any relevant service user/ customer or employee monitoring data and what it shows in relation to any Protected Characteristic (Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race and ethnicity, Religion and belief including non-belief, Sex or gender, Sexual orientation)

This proposal aims to consider access of all sections of society to influence this specific Council policy. It needs to take account of the widest possible equality information, e.g., census data.

(Information taken from census data 2021, unless stated otherwise) <u>Derbyshire Observatory – 2021 Census Results –</u> First release

The last census data showed the Derbyshire population was 796,600, with a growth rate of 3.2%, much lower than the growth rate for England of 6.6%. All of the Derbyshire districts except Chesterfield have seen in an increase in its population. Out of the total population there is a slightly higher percentage of women (50.9%) compared to men (49.1%). There has been an increase in people aged 65+ at 22.8% since 2011, and they now represent 22.1% of the overall Derbyshire population which is well above the England average of 18.4%. Adult Social Care electronic record's Mosaic tells us we there are approximately 6153 Derbyshire people who have been assessed to have to contribute towards their care and support costs. Out of this age range 65+ has the highest proportion of people in receipt of adult social care support at 55.99% (with 33.52% of this being age 80 and above). The category age 18-30 make up the smallest number of people and take account for 10.24%. The age range 30-50 accounts for 16.38%; with 50- 65 at 17.39%. There are more females in receipt of services at 57.18%.

If there is insufficient information, please outline any plans to remedy this?

Part 3. Analysing and assessing the impact by equality Protected Characteristic group

Use the information, customer feedback and other evidence to determine upon whom the policy/service and any proposed changes will impact upon and how, highlighting where these are negative or positive, including where this could constitute unfair treatment, additional inequality or disadvantage or result in hardship and exclusion.

Against any identified negative potential impacts, you must provide details of any action or options which could mitigate against this, and in serious cases, you should highlight where the Council would be advised not to proceed with a new or changing policy or service, including any proposals which are being considered.

Please use your action plan attached to this analysis to record the action and the monitoring which will take place to deliver such mitigation.

	Consultation Impact	
Protected Characteristic or Group	Consultation - Actual or potential positive/negative outcome/ impact	Mitigation
1. All protected characteristics	All existing people in receipt of adult social care support will have an opportunity to give their views as part of the consultation. Existing people in receipt of adult social care support may still not be aware for some reason of the consultation e.g. do not receive their consultation letter in the post for reasons outside of the Council's control/do not open their mail.	A clear stakeholder engagement plan and strategy for both internal and external stakeholders to include maximising public participation. Consultation delivery plan is in place. All eligible people listed on our database (Mosaic) receive a letter detailing the proposed changes and a link to the on-line questionnaire or offer of a postal questionnaire with a pre-paid envelope should they require a paper copy. This will include ensuring the Council identifies any legal financial representatives or other appropriate representatives to send the letter maximise people's opportunity to give their views in some form.
	People in receipt of adult social care support and any general member of the public may wish to know how the proposals may affect them. They may want to check this for themselves or may need support to do so.	Online self-financial calculator to be made available for the public so they can check how the proposals may affect them compared to their current charges. Appropriate tools and materials are available including easy read formats which provide an

2. Age The	ere may be some barriers associated	
with	n age to prevent people from ponding to consultations, which may be ecific to one or multiple ages. For	differing localities across the county and Online (virtual meetings).

	example, younger people may be less likely to attend office spaces where consultations are carried out. Older people may be less likely to use digital options, so could be disadvantaged if the consultation is done solely online. People may feel reluctant to attend events because they may feel they are not relevant to them or may feel intimidated.	Dedicated telephone line and email for people to make contact and receive support through all of the process.
3. Disability	There are a number of sensory, learning, and physical disabilities which could make it more difficult for some disabled people to engage in the consultation.	Appropriate tools and materials are available including easy read formats which provide an outline of the proposals, case studies, a cofunding calculator, cabinet reports and the questionnaires.
	Information may not be accessible if it is produced only in one format.	People will be offered easy read postal questionnaire with a pre-paid envelope should they require a paper copy.
	Disabled people may have difficulty attending and participating in engagement activities.	Dedicated telephone line and email for people to make contact and receive support through all of the process
	Facilities at events may not meet the needs of disabled people.	

4. Gender Re-assignment	It is not considered likely there are specific barriers to responding to consultation related to a person's gender-reassignment status.	n/a
5. Marriage & civil partnership	It is not considered likely there are specific barriers to responding to consultation related to a person's marriage and civil partnership status.	n/a
6. Pregnancy & maternity	It is not considered likely there are specific barriers to responding to consultation related to a person's pregnancy or maternity.	n/a
7. Race & Ethnic Origin	There are a number of issues BME groups may face which may make it harder for people to respond to a consultation. This could include language barriers, cultural barriers, making people less likely to access formal spaces where consultations activities are sometimes carried out.	Appropriate tools and materials are available including easy read formats which provide an outline of the proposals, case studies, a cofunding calculator, cabinet reports and the questionnaires. People will be offered postal questionnaire with a pre-paid envelope should they require a paper copy. Alternative formats available on request.

8. Religion/Belief	It is not considered likely there are specific barriers to responding to consultations related to a person's religion/belief.	n/a
9. Sex or Gender	Although there are more women accessing adult social care services there is unlikely to be a significant differentiation between the needs of male and female respondents to the consultation.	n/a
10. Sexual orientation	It is not considered likely there are specific barriers to responding to consultations related a person's sexuality.	n/a
11. Human Rights	It is not considered likely there are specific barriers to responding to consultations related a person's Human Rights.	n/a
Other		
12. Community and Voluntary sector organistaions working with protected characteristic groups	There is a likelihood there will be an increase in people contacting their care provider during the consultation. Provider's may also want to give their views during the consultation as they may be affected by the proposals.	As part of the stakeholder engagement plan and communication plan external stakeholders and PVI sector to be invited to comment and feedback via: Online questionnaire (Paper copies available on request). Consultative Forums and User Groups or any other type of forum. This will enable the whole sector to engage themselves or the people they support in the consultation.

		The Council will ensure there is a dedicated telephone line and email for people to make contact and receive support through all of the process and to ensure any enquiries are passed to the correct team.
13. Carers including unpaid carers	Due to caring responsibilities some carers may find it difficult to engage particularly if there are no online/remote options for engagement.	Offer both face-to-face consultation meetings in differing localities across the county and Online (virtual meetings). Dedicated telephone line and email for people to make contact and receive support through all of the process. A clear stakeholder engagement plan and strategy for both internal and external stakeholders to include maximising public participation.
14. Deprivation	Socio-economic disadvantage is statistically quite likely to affect a person's likelihood to respond to consultation or engagement. This can be culturally defined, due to lack of awareness of local authority business, or be related to low skill levels. Some deprived communities may have particular interest in consultations affecting them, for example any regeneration-type activity in their neighbourhood. Consultation can be seen	A clear stakeholder engagement plan and strategy for both internal and external stakeholders to include maximising public participation. Offer both face-to-face consultation meetings in differing localities across the county and Online (virtual meetings).

	Dedicated telephone line and email for people to make contact and receive support through all of the process.
People may find additional travel expenses to any consultations not feasible.	

Proposals Impacts		
Protected Characteristic or Group	Proposals - Actual or potential positive/negative outcome/ impact	Mitigation
1. All protected characteristics	People may feel overwhelmed by the proposals and what this might mean for them, their family or and carers and their financial status. Some people may find there is no change to their charge or they actually pay less than they currently do.	include for example information about, carer
	People may withdraw from the process and proposals required and/or even end their care and support which could affect the	A support package will be provided. This may include for example information about, carer support; ways and opportunities to share worries/concerns about their care and support

	person's health and/or wellbeing and increase risks to them.	needs; finance and budgets; Disability Related Expenditure. Social work staff and their managers will be reminded of their obligation to make decisions in line with national guidance when considering reassessment/review.
	Existing people in receipt of social care services will be required to have a full financial assessment, this includes providing evidence/documentation to the finance team. This may further impact on the person's health and/or wellbeing in providing this.	Support with submitting documentation when completing new financial assessments for existing people and new people to be available. Ensure Financial Assessments are streamlined (where possible) to minimise impact on the person where appropriate and have dedicated staff team to provide support, especially where people cannot provide online.
2. Age	Proposing to use the Government Minimum Income Guarantee (MIG) may adversely impact on specific age groups in comparison to the Council's MIG. The greatest financial impact is likely to be on people aged 18-24 which accounts for the smallest amount of people the Council support currently.	People will have the support to discuss any specific concerns / worries and be supported through the process of any change via their allocated workers or dedicated staff to support with any implementation. A support package will be provided. This may include for example information about, carer
	Decisions not to take services because of the costs involved could affect the person's health and/or wellbeing.	support; ways and opportunities to share worries/concerns about their care and support needs; finance and budgets; Disability Related Expenditure.

	The policy has the potential to impact greater numbers of older people as 55.99% of existing people in Derbyshire in receipt of adult social care support are over pension age. A person's age has minimal bearing on the fees and charges made for social care support.	Where people may be concerned about their charges and affordability, people will be entitled to request an individual assessment against the Disability Related Expenditure process.
3. Disability	Disabled people are more likely to need social care services and are aware it costs more to live as a disabled person. Disabled people sometimes need to save for items/equipment linked to their disability or may have increased living costs associated to their disability. Decisions not to take services because of the costs involved could affect the person's health and/or wellbeing. Those who are more severely disabled such that they are unable to supplement their benefit income with earned income, may have less total income available after charging (earned and benefit) than the working disabled.	A support package will be provided. This may include for example information about, carer support; ways and opportunities to share worries/concerns about their care and support needs; finance and budgets; Disability Related Expenditure; advocacy. Where people may be concerned about their charges and affordability, people will be entitled to request an individual assessment against the Disability Related Expenditure process.

4. Gender Re-assignment	It is not considered likely there are specific impact on grounds of gender-reassignment.	n/a
5. Marriage & civil partnership	Whilst all those in receipt of adult care and support are financially assessed as individuals, one of the proposals is the Council will change its approach to application of the MIG in a way that is less favorable to couples (whether married or not). This may mean that those who are living as a couple are worse off when compared with application of the current policy.	Where people may be concerned about their charges and affordability, charges will only be levied against those who are deemed able to afford it, following a financial assessment. A support package will be provided. This may include for example information about, carer support; ways and opportunities to share worries/concerns about their care and support needs; finance and budgets; Disability Related Expenditure; advocacy.
6. Pregnancy & maternity	It is not considered likely there are specific barriers to responding to consultation related to a person's pregnancy or maternity but there may be some impact for disabled pregnant women.	n/a
7. Race & Ethnic Origin	Whilst the policy is itself it unlikely to have an impact on grounds of race, it is recognised some nationalities may have difficulties understanding the policy due to any language or associated barriers.	n/a

8. Religion/Belief	It is not considered likely there are specific impacts on the grounds of religion/belief.	n/a
9. Sex or Gender	Within Derbyshire women form the largest part of those in receipt of services at 57.18%. Therefore, the policy has the potential to impact on women more than men.	Where people may be concerned about their charges and affordability, charges will only be levied against those who are deemed able to afford it, following a financial assessment.
10. Sexual orientation	It is not considered likely there are specific impacts on grounds of sexual orientation.	n/a
11. Human Rights	It is not considered likely there are specific impacts on grounds of Human Rights (excluding discrimination under Article 14 which is covered separately in relation to each of the protected characteristics above).	n/a
Other		
12. Community and Voluntary sector organistaions working with protected characteristic groups	Some providers may choose to raise their costs to anyone who may become a self-funder as a result of the proposals. Care providers may be affected by anyone who could move from a Co-Funding status to a self-funding status in terms of collecting money direct from the person in receipt of care. This could have	Stakeholder engagement plan and strategy will identify appropriate communication with providers and other stakeholders.

	implications for the provider with chasing debt and debt recovery which could affect their ability to remain resilient in providing care services. Some people may choose to reduce aspects of their care which could reduce income for the provider/service.	
13. Carers including unpaid carers	With potential increases in charges carers may make the decision to take on more caring responsibilities to reduce financial impacts. This could lead to carer burn out or breakdown affecting both carer and person cared for.	A support package will be provided. This may include for example information about, carer support; ways and opportunities to share worries/concerns about their care and support needs; finance and budgets; Disability Related Expenditure; advocacy.
14. Deprivation	The current policy on using non-means- tested benefits as the criterion for determining Co-Funding contributions is potentially discriminating unfairly in favour of those people who do not qualify for relevant benefits, but nevertheless have social care needs. This group currently receive care for free, irrespective of their total income, whereas people in qualify or are in receipt of the non-means tested benefits must contribute as determined by the outcomes of the assessment of their income and capital.	Where people may be concerned about their charges and affordability, charges will only be levied against those who are deemed able to afford it, following a financial assessment. A support package will be provided. This may include for example information about, carer support; ways and opportunities to share worries/concerns about their care and support needs; finance and budgets; Disability Related Expenditure; advocacy.

Some people may find they have to pay more towards their care, but others may find they stay the same or pay less.

Based on a small sample size (300) of existing people in receipt of adult social care support, 53% are likely to have to pay more than they currently do, 19.7% would not make any contribution; 10.7% would become self-funders and 4% would pay less than they currently do.

Part 4. Summary of main findings

This EIA has considered the protected characteristic groups but also additional groups who may be affected by the consultation and proposals.

Public Consultation

Whilst the EIA has identified there are some specific protected characteristic groups who may be impacted more in terms of engagement during a consultation this is not as a direct result of the proposals. It is important to recognise these groups but consider engagement in the wider context of a consultation and what measures can be put in place to maximise engagement and inclusivity with the consultation especially those already in receipt of adult social care services. There are mitigating factors listed below to support engagement both with the protected groups but also the wider groups.

Proposals

The outcome of this EIA highlights there are some groups identified who could be impacted more so than other groups in a negative way. It is worth noting the reason for this is not because the proposals target these groups in any way, only that by the nature of social care, the Council's major cohort of people using services is focused on age and disability.

Considering the proposals, it is recognised all groups and existing people in receipt of adult social care services are likely to be affected in some way, whether this is positive, negative, or neutral, even if the outcome is the person is charged less than they currently pay. The proposals mean all people will be treated in the same way and all people are charged for their services only up to an amount they are deemed to afford. Any negative effect on a person will be measured against that person's financial status, as determined by a financial assessment. This will also include people being able to request individual disability related expenditure claims which are above that of the automatic applied discretion, which will provide additional protection for people with the lowest incomes and most severely disabled.

Part 5. Equality Action Plan

Please complete this Action Plan for any negative or unknown impacts identified in the Analysis above.

Task/Activity Required	Timescale and responsibility	Monitoring and review arrangements
Carry out a consultation delivery plan which may	By 7 June 2023	Linda Elba-Porter
include:		
 Length of public consultation. 		
 Number of face-to-face consultation meetings. 		
Number of virtual meetings.		
 Letters to people in receipt of adult social care support (or appropriate identified representative) 		
 Alternative translation formats on request 		
 Using data available to consider if targeted information sessions/meetings are required 		
e.g. specific community groups		
 Appropriate tools and materials are available including easy read formats which provide an 		

		,
 outline of the proposals, case studies, a cofunding calculator, cabinet reports and the questionnaires. Online self-financial calculator on the DCC website Workforce resources required during consultation to respond to enquiries. 		
Produce a stakeholder engagement plan and strategy for both internal and external stakeholders to include consideration of ways to maximise participation via timely publicity intervals.		
Adult Social Care to have a digital self-serve tool to support people to find information and advice including services which may prevent or reduce the need for paid care.	8 June 2023	James Winson
An additional EIA to be completed after any consultation to better identify and understand the impact of the proposals on people.	7 December 2023	
Carry out a review of the existing Disability Related Expenditure process		
Carry out an implementation delivery plan should any proposals take place which may include:		

What the support package will consist of for existing people in receipt of adult social care	
support.	
 Workforce required to support any implementation. 	
 Any appropriate training for workforce 	
 How new people are made aware of how charges may be affected. 	