

## Equality Impact Analysis Record Form

## Part 1. Introduction and context

Department		Adult Social Care & Health			
Lead Officer		Linda Elba-Porter			
EIA Team:		James Winson Graham Woodhouse Linda Elba-Porter			
Date analysis commenced	13/11/2023	Date completed	16/11/2023	Date approved	17/11/2023
<b>Proposal being assessed:</b>					
Recommendation to approve the implementation of the proposed revised Charging Policy for people receiving Adult Social Care support in the community and recommendations about the preferred course of action.					
<b>Aims/objectives of the service?</b>					
<p>A previous Equalities Impact Analysis was completed and included in the documentation provided to Cabinet on 15 June 2023. This provided Cabinet with information to assist with their decision making. The Equalities Impact Analysis considered two elements.</p> <p>1) engagement in the consultation 2) the impact of any proposed change</p> <p>Following the outcome of the public consultation the purpose of this Equalities Impact Analysis is to consider the impact of the recommended proposal.</p>					

The Council is committed to achieving good outcomes for residents who require Adult Social Care support; recognising that local residents want to remain living in their own homes, wherever possible, for longer. The Council is keen to offer support which promotes independence and offers local residents choice and control over this support.

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 would have a financial assessment undertaken.

Under the Care Act 2014, Local Authorities have discretion to choose whether to charge for Adult Social Care community support provided to meet eligible needs, except where it is required to arrange care and support free of charge (such as certain types of community equipment or if the care is to be provided free under other legislation for example section 117 of the Mental Health Act which entitles people to receive free aftercare following compulsory detention in hospital).

The regulations issued under the Care Act 2014 and LAC (DHSC) (2023)<sup>1</sup> set the current levels of capital (savings and assets) a person can have whilst qualifying for financial support from their local authority. The current upper capital limit is £23,250. People with capital between £14,250 and £23,250 are charged a tariff income of £1 for every £250.

The capital limits described above are mandatory for care home residents but for adults receiving Adult Social Care support in the community, local authorities have discretion to set a higher upper capital limit, a higher tariff income and a lower financial contribution rate.

The current charging policy for residents in Derbyshire who receive social care support in the community is as follows:

- People self-fund their care if they have savings above £50,000.

- For those who have savings of less than £50,000 and are in receipt of a benefit or allowance specifically made available for an assessed care/support need, such as Attendance Allowance (AA), Disability Living Allowance (DLA) or Personal Independence Payment (PIP), the maximum amount they contribute towards their care is £51.07 (75% of the benefit) per week or less.
- Tariff income is calculated at £1 for every £500 but people are not charged tariff income. It is applied solely to calculate if their income is of a high enough level to make a contribution towards their care costs.

The Council also operates a Disability Related Expenditure process.

The report to Cabinet on 15 June 2023 set out three options available to the Council for the consultation process with a view to potentially revising the current charging policy. During the consultation alternative suggested options could also be made. Since the consultation, officers have come to consider that Option 1 is not viable.

### **Option One**

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**

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**

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.)

Alongside the above proposals, to ensure a transparent and accessible approach to Disability Related Expenditure, the Council also as part of the consultation, consulted on revising the current Disability Related Expenditure process.

To ensure a standardised approach to charging for people who live in the community, it was also proposed to include the charging for short term residential respite within the proposed revised charging policy.

### **What outcomes would be achieved with the new or changing policy?**

The demand for services continues to increase and is set to rise significantly over the coming years. This increase is largely due to our aging population and number of people with complex needs. The Council must ensure everyone pays an appropriate amount for the care and support they receive based on their ability to pay and to help ensure the future sustainability of care and support services provided by the Council. The Council must be in a position where it can continue to support the people who most need it.

The aim is to revise the Council's current Charging Policy to make it sustainable for the future. This would 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 whilst continuing to ensure people:

- Receive support that prevents their care needs from becoming more serious or delays the impact of their needs.
- Can get the information and advice they need to make good decisions about care and support.
- Have a range of provision of high quality, appropriate services to choose from

Any changes to the current charging policy would ensure charges are:

- Comprehensive and equitable
- Clear and transparent and understandable for people in receipt of adult social care support. For example, aligning the upper capital limits for community charging to the same as for residential.
- Applying the charging rules fairly and equitably

The implementation of the revised Charging Policy would ensure greater clarity and fairness for all people including those with protected characteristics. All people would be individually assessed to determine their contribution to their Adult Social Care support. Everyone would receive a standard £20 per week Disability Related Expenditure disregard and a robust transparent Disability Related Expenditure process would be in place for those who consider that their disability or long term health condition impacts their daily costs of living at a higher amount to request a higher disregard figure. People's contributions would be based on their individual ability to pay as defined by the national framework with an additional 10% income of their disposable income protected.

**Please list any associated policies, services, or functions?**

Derbyshire County Council Adult Care Co-Funding for Non-Residential Services (Current Charging Policy for people receiving Adult Social Care Support in the community)  
The Care and Support (Charging and Assessment of Resources) Regulations 2014  
Care Act 2014  
Care and Support Statutory Guidance 2014  
Disputed Financial Assessment Procedure  
Financial contribution Review Procedure

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

Over the last nine years, since the introduction of the Care Act, the Council has not made any fundamental changes to its community charging policy. Consequently, social care charges in Derbyshire are significantly lower than the limits allowed by the national charging guidelines and those applied by many other Local Authorities across the country. This has been the Council's position for many years, with the most recent amendments to non-residential charging being in 2014.

The Council currently charges for services at a lower rate than the real cost of delivery. It delivers care and support by provision of a subsidy for some who may have the financial means to pay the full cost or could afford to pay more. The

Care Act 2014 and the wider legislation provides a national framework for Local Authorities to charge, providing charges are reasonable and appropriate ensuring people retain a certain level of income to cover their living costs.

It is important the Council finds solutions to manage its limited resources in ways that are equitable to all current users of Adult Social Care support, as well as those who may require this type of support in the future. All the proposed options align the Council's community charging policy closer to the national guidance and those applied by other Local Authorities. The national framework is the driver for the impact on disabled people.

Demand and costs are rising, and the Council can no longer afford to fund the current charging policy within the existing or future budget available. This concern for the sustainability of funding arrangements was emphasised within the consultation. The Council's current financial position announced on the 13 September 2023 brought affordability for Adult Social Care into even sharper focus.

To ensure the Council can continue to fulfil its statutory responsibilities, a decision is required to protect Adult Social Care provision for people who most need support from the Council.

By focusing on sustainability, the Council can support initiatives to provide adults with eligible needs support that maximises independence and promote good outcomes. These initiatives can support people to regain their independence, access local community activities and reduce and prevent the need for long term adult social care support. Many of these offers of initial support for example reablement ( a short term offer for older and / or people with a disability or long term health condition to gain back daily living skills following a period in hospital or following a crisis in the community) , equipment ( for example hand rails, community alarms), Community Connector Service ( a short term offer for people with a learning disability and / or who are autistic to connect them to community activities, volunteering or paid employment ) and Mental Health Enablement ( a short term offer for people recovering from mental ill health) are free of charges.

## **Public Sector Equality Duty**

The Equality Impact Analysis is prepared to assist the Council's decision makers in performing the Council's public sector equality duty imposed on public authorities by the Equality Act 2010. The duty is one requiring the Council, in the exercise of its functions, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics that are covered by the public sector equality duty are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. However, the Equality Impact Analysis has also considered the impact of the proposals more broadly, including in terms of the protected characteristics of marriage and civil partnership.

## **Would 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:**

This Equalities Impact Analysis is intended to support elected members understanding of local circumstances and facilitate decision making in respect of the community potentially affected by any change to the adult social care charging policy, generally, those who may require chargeable support in the foreseeable future and specifically those in receipt of chargeable support during the consultation period. Impact is considered in the broadest sense, not solely in connection with protected characteristics under the Equality Act 2010. Information focusing on protected characteristics can be found in this document.

The formal consultation on the future of the charging policy ran from the 3 July 2023 to 4 October 2023. The consultation aimed to reach all potentially impacted people or their financial representative and/or other interested parties to inform them of the proposed changes to the policy, as well as wider members of the public. Officers enabled as many people as possible to take part, by offering a range of ways in which people could share their views:

- Media releases were issued during the consultation and news releases were published on the Derbyshire County Council website. Articles were included in the council's e-newsletters and information was posted regularly on the council's corporate facebook and twitter pages. Posters encouraging people to take part were

sent to be displayed at all the county council's libraries as well as GP practices, district and borough council offices.

- All current residents receiving Adult Social Care support in the community and their financial representatives (formal and informal) received an initial letter detailing the proposed changes to the charging for the service
- Within this initial letter there was a printed version of the questionnaire, with a stamped address envelope and explanatory information to help the recipient understand the proposals and how they may impact on them.
- There was also an invite to the planned meetings 5 online (held at different times of the day) and 6 face to face held across Derbyshire.
- The questionnaire was available upon request in different formats, such as other languages or larger print.
- A specific Derbyshire Consultation webpage was established, detailing the proposals and to enable completion of the online questionnaire.
- People were given opportunity to write into the Council via a letter or dedicated email address.
- Additional colleague resources were deployed in the Stakeholder Engagement team to ensure telephone interviews could be offered for those people requiring support to complete the questionnaire.
- An online calculator was developed so that respondents had the opportunity to input their personal financial circumstances to enable them to understand how each proposal might impact on them.
- This online financial calculator offer was enhanced allowing people to have a phone call from a finance specialist to assist with completing.

- A further letter was sent during the consultation to remind people of the closing date and inviting them to a further 7 meetings (both online and face to face)
- A British Sign Language (BSL) video was uploaded onto the Derbyshire County Council website describing to the deaf community how to get involved with the consultation.

During the consultation there were regular review intervals set up to monitor engagement. This identified actions to increase engagement including the Council sending a further reminder letter to all those people who received the letter originally; arranged further online and face to face consultation meetings and created a poster to be placed in GP practices. This had a positive impact by increasing the number of enquiries received.

In total 2375 people responded to the consultation. There are approximately 6535 people who are in receipt of long term Adult Social Care support in the community.

The main themes are highlighted below:

- **Negative Impact on Personal Finances:** respondents commented on the negative impact the proposals would have on their personal finances not only in terms of their weekly incomes and the current cost of living but also being a disincentive for people to save. Many respondents considered the percentages too high.
- **Disagree with the proposals:** most respondents disagreed with the proposals. A number of respondents stated the £50,000 capital limit should remain in place and considered the percentages to charge on weekly income too high. Respondents considered the current charging policy should remain and people in receipt of Attendance Allowance or Personal Independence Payments should not pay more towards their social care support.
- **Alternative Suggestions:** respondents, although recognising the budget pressures, suggested alternative options including a phasing in of approach and a reduction of the percentages. Some respondents

suggested the Derbyshire Minimum Income Guarantee should remain in place rather than the introduction of the National Minimum Guarantee.

- **Complexity of Consultation:** respondents commented on the complexity of the consultation. This is acknowledged as charging for Adult Social Care is complex and terms used within the national guidelines are not easy to interpret. Respondents attending the online or face to face meetings feedback was that these were useful and due to this a further 7 sessions were planned. Additional colleague resources were made available to the Stakeholder Engagement Team and the route of a phone call proved popular.
- **Agree with proposals:** some respondents agreed with the proposals. Whilst many responses to the consultation were not in favour of any changes to the charging policy, a higher number of respondents 21% agreed with the proposal to charge on 80% of disposable income Option 3. With 5.9% on 100% Option 1 and 3.3% on 90% Option 2.
- **Impact on People and Carers:** some respondents raised the negative impact that these proposals would have for people with a disability or those living with a long-term health condition. They stated that this group may be influenced to cancel their care if these proposals went ahead.

Detailed information about the consultation and feedback received is outlined in Appendix 4 and must be read alongside this report.

Following the consultation, a further modelling exercise has been completed on an additional 300 people in receipt of adult social care support to help understand the potential impact on people's contributions. The table below details this:

<b>Effect</b>	<b>No of People</b>	<b>% Of People</b>
Remain at Nil Cost	48	16.0%
From Nil to paying a contribution	17	5.7%
Increase in Charge	188	62.7%
Decrease in Charge	4	1.3%
Become Full Cost Payers	43	14.3%
Total	300	100.0%

**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:**

Not applicable

**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, for example census data.

(Information taken from census data 2021, unless stated otherwise) [Derbyshire Observatory – 2021 Census Results – 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 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%. The Council's electronic case management system (Mosaic) used by Adult Social Care for recording and associated finance services reports the number of people who have been financially assessed and deemed eligible for financial support for care in the community. This number changes daily but currently there are approximately 6535 who are in this category. 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%.

The English Indices of Deprivation 2019 (ID 2019) is the official measure of deprivation for small areas and provides a consistent measure of deprivation across England. Each area is given a deprivation score and a deprivation rank, providing an indication of relative deprivation. Out of the 151 Upper Tier Local Authorities in England, data from 2019, ranks Derbyshire as 103 (1 being the most deprived), which highlights a slight reduction overall in Derbyshire of deprivation compared to 2015. Within Derbyshire there are 491 Lower-layer Super Output areas and of these 86 areas (17%) fall within at least the 20% most deprived nationally. There are seven domains to measure deprivation. Out of this 20% of most deprived areas the key domains relevant to this Equalities Impact Assessment are `Health & Disability` which the second highest domain in Derbyshire at 22% with `Income` being the fourth highest with 15%. In Derbyshire, Bolsover is the most deprived Derbyshire district whilst Derbyshire Dales is the least deprived. Within the county 12% of older people are identified to live in low income households.

[IMD 2019 Infographic.xlsx \(derbyshire.gov.uk\)](#)

[IMD 2019 Infographic.xlsx \(derbyshire.gov.uk\)](#)

[Headline Report Indices of Deprivation 2019 \(derbyshire.gov.uk\)](#)

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

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### 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 would 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 would take place to deliver such mitigation.

<b>Proposals Impacts</b>		
<b><i>Protected Characteristic or Group</i></b>	<b><i>Actual or potential positive outcome/ impact</i></b>	<b><i>Actual or potential negative outcome/ impact</i></b>
<b>1. Age</b>	If the proposal goes ahead this would include transfer of charging contributions for short breaks within a residential setting to the proposed revised community charging policy. Currently older people who access short breaks within a residential setting are charged under the residential policy and pay standard rate contributions on top of any charge for their community support. This change would	Derbyshire is known to have higher numbers of older people (65 plus) compared to other areas and is above the England average. 55.99% of existing people in Derbyshire in receipt of adult social care support are over pension age.  Derbyshire has higher numbers of older people in receipt of Adult Social care support services compared to younger people.



**Proposals Impacts**

<b><i>Protected Characteristic or Group</i></b>	<b><i>Actual or potential positive outcome/ impact</i></b>	<b><i>Actual or potential negative outcome/ impact</i></b>
	<p>ensure older people requiring this type of support are not penalised, and charging would take account of the whole of the older person's support and their individual financial circumstances.</p> <p>At present, the Council's charging arrangements are not sustainable. Making the system more financially sustainable safeguards the Council's ability to ensure that older people with who most need the Council's support are able to access it</p>	<p>Therefore, the policy is likely to impact more on older people more than younger people. It should be noted whilst income from employment is disregarded from a financial assessment whilst it is being earned, occupational pension income (which arises from earnings) is not similarly disregarded. This potential differential, arising from the consequences of regulations, may have a greater impact on older people for example those in receipt of occupational pensions. It should be noted the National Minimum Income Guarantee is more generous to older people.</p> <p>Proposing to use the Government Minimum Income Guarantee may adversely impact on all age groups as these amounts are lower in comparison to the Council's own Minimum Income Guarantee which means people would have a lower amount they can be left with.</p> <p>The Council's Minimum Income Guarantee currently only distinguishes between over pension age and under pension age. Therefore, adopting the Government National Minimum Income Guarantee means people</p>

<b>Proposals Impacts</b>		
<b><i>Protected Characteristic or Group</i></b>	<b><i>Actual or potential positive outcome/ impact</i></b>	<b><i>Actual or potential negative outcome/ impact</i></b>
		<p>aged 18-24 are affected more. The cohort accounts for the smallest amount of people the Council currently support and people in this age group generally have less income, so impact is likely to be minimal. For younger generations who have on-going disability or a long term health condition, they would be impacted by the charging policies for longer period of their lives.</p> <p>Charges would only be levied against those the law says can afford to pay them, following individual financial assessment.</p>
<b>2. Disability</b>	<p>If the proposal goes ahead this would include transfer of charging contributions for short breaks within a residential setting to the proposed revised community charging policy. Currently disabled people who access short breaks within a residential setting are charged under the residential policy and pay standard rate contributions on top of any charge for their community support. This change would ensure disabled people requiring this type of support are not penalised, and charging</p>	<p>Applying the national Minimum Income Guarantee plus 10% would leave disabled people with less disposable income. The introduction of the standard £20 Disability Related Expenditure disregard and a robust transparent Disability Related Expenditure process for those who consider that their disability or long term health condition impacts their daily costs of living at a higher amount would ensure additional daily expenditure related to disability is disregarded. The Council would also disregard the difference</p>

**Proposals Impacts**

<b><i>Protected Characteristic or Group</i></b>	<b><i>Actual or potential positive outcome/ impact</i></b>	<b><i>Actual or potential negative outcome/ impact</i></b>
	<p>would take account of the whole of the older person's support and their individual financial circumstances.</p> <p>At present, the Council's charging arrangements are not sustainable. Making the system more financially sustainable safeguards the Council's ability to ensure that people with disabilities who most need the Council's support are able to access it.</p>	<p>between the lower and higher rate of Attendance Allowance and Personal Independence Payment (Daily Living Component) and the difference between the mid and high rate of Disability Living Allowance. This would ensure that additional daily living costs incurred by disabled people or people with a long term health condition are recognised and protected.</p> <p>Decisions not to take advantage of Council services because of the costs involved could affect the person's health and/or wellbeing and/or an increased demand upon carers.</p> <p>The proposed policy is therefore likely to impact more on disabled people than non-disabled people. However, charges would only be levied against those the law says can afford to pay them, following individual financial assessment</p>

<b>Proposals Impacts</b>		
<b><i>Protected Characteristic or Group</i></b>	<b><i>Actual or potential positive outcome/ impact</i></b>	<b><i>Actual or potential negative outcome/ impact</i></b>
<b>3. Gender Re-assignment</b>	It is not considered likely there are specific impact on grounds of gender identity, but the Council does not currently hold this information.	There is not enough information on the gender reassignment of people who access adult social care support in the community or carers to draw meaningful conclusions. However, it is not anticipated that the proposed changes would have a disproportionately negative or positive impact on people who have a gender that is different to the gender assigned to them at birth.
<b>4. Marriage &amp; civil partnership</b>		<p>Currently, the Council financially assesses people as single people regardless of their relationship status. Under the proposals this would change as people's individual circumstances would be considered in line with adopting the Government Minimum Income Guarantee, which specifically considers people in relationships. This recognises people living with a partner can share costs of living whilst those in single households bear the whole of these costs. The proposal to move to the national Minimum Income Guarantee rates which recognise this additional financial burden for single people.</p> <p>The proposed policy is therefore likely to impact more on those people who are married</p>

<b>Proposals Impacts</b>		
<b><i>Protected Characteristic or Group</i></b>	<b><i>Actual or potential positive outcome/ impact</i></b>	<b><i>Actual or potential negative outcome/ impact</i></b>
		or in a civil partnership in contrast to the current policy.
<b>5. Pregnancy &amp; maternity</b>	n/a	From the information we have it is not believed that the type and quality of care and support would be impacted negatively for someone who is pregnant or on maternity leave.
<b>6. Race &amp; Ethnic Origin</b>	n/a	Whilst the policy is itself it unlikely to have an impact on grounds due to racial or ethnic origin of race, it is recognised some people whose first language is not English may have difficulties understanding the policy due to any language or associated barriers. Support would be put in place to address this including information provided in people's first language and access to translation services.
<b>7. Religion/Belief</b>	It is not considered likely there are specific impacts on the grounds of religion/belief.	
<b>8. Sex or Gender</b>	In seeking to deliver a consistent/ fair framework following an assessment approach applicable to all, the policies are gender neutral.	Within Derbyshire there is a higher proportion of women in receipt of adult social care support in the community than men. Figures vary from time time but currently,

**Proposals Impacts**

<b><i>Protected Characteristic or Group</i></b>	<b><i>Actual or potential positive outcome/ impact</i></b>	<b><i>Actual or potential negative outcome/ impact</i></b>
		<p>approximately 57.18% of people receiving such support are women in comparison to 42.65% who are men. Therefore, women are potentially more negatively affected than men.</p> <p>Women tend to have salaries and lower pension entitlements compared to men but this may vary based on individual circumstances, for example, whether they have been able to gain income through earnings. Charges would only be levied against those the law says can afford to pay them, following individual means tested financial assessment.</p> <p>The recommended proposal includes a standard Disability Related Expenditure disregard of £20 per week. In addition, should people feel they incur Disability Related Expenditure above the standard £20 per week they would be able to make an application, supported by evidence, for additional Disability Related Expenditure which would be assessed in accordance with the proposed updated Disability Related Expenditure Policy, which would reduce impact.</p>

<b>Proposals Impacts</b>		
<b><i>Protected Characteristic or Group</i></b>	<b><i>Actual or potential positive outcome/ impact</i></b>	<b><i>Actual or potential negative outcome/ impact</i></b>
<b>9. Sexual orientation</b>	It is not considered likely there are specific impacts on grounds of sexual orientation.	
<b>10. Human Rights</b>		Potentially someone may refuse or reduce services due to the proposed increase in charges and as a consequence end up living in conditions that are a risk to themselves. Under the Care Act 2014 Adult Social Care has statutory responsibilities in relation to Safeguarding. These statutory responsibilities are not subject to charging and provide safeguards for the most vulnerable.
<b>Other</b>		
<b>11. Community and Voluntary sector organisations working with protected characteristic groups</b>	N/A	N/A
<b>12. Carers including unpaid carers</b>	Where a personal budget is made available or support is provided for carers support following a “carers assessment,” the Council would not request a financial contribution from the carer.	During the consultation respondents raised the possibility that higher charges for their cared for person may increase the burden on them if the person chooses to reduce the level of Adult Social Care Support.

<b>Proposals Impacts</b>		
<b><i>Protected Characteristic or Group</i></b>	<b><i>Actual or potential positive outcome/ impact</i></b>	<b><i>Actual or potential negative outcome/ impact</i></b>
<b>13. Deprivation</b>	<p>The existing policy has a criteria for using non-means tested benefits for determining a person's charge. If a person is not in receipt of the specified benefit, they are not charged a fee, regardless of whether they could afford to contribute as set out in the national guidelines. The recommended proposal would mean everyone would be treated in the same way and people would be charged 90% of their disposable income. This would allow people to retain an additional 10% more than the national guidelines set out. The national guidelines set out Minimum Income Guarantees and Capital / Asset limits ensuring those with low income or low capital assets receive financial support to pay for their Adult Social Care Support.</p>	



## Part 4. Summary of main findings

This Equalities Impact Analysis has been completed to consider the potential impact of implementing the proposed amended Charging Policy for all people including those in protected characteristic groups, also additional groups and `impact` in the broadest sense as to who may be affected by the proposals.

The outcome of this EIA with the consideration of the public consultation analysis, highlights there are more negative impacts than there are positive, and some groups identified could be impacted more so than other groups. It is worth noting that the reason for this is not because the proposals target these groups in any way, the nature of social care needs are such that the Council's major cohort of people using adult social care services relates to age and disability.

Considering the proposals, it is recognised all groups and existing people in receipt of adult social care support 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 would mean all people would be treated individually and all people would be charged for their services only up to an amount they are deemed able to afford, as set by the national guidelines.

Under the proposals each person receiving chargeable care would have an individual means-tested full financial assessment based on their specific situation. This moves away from historical light touch financial assessments. It is proposed the assessment process would begin in January 2024 to ensure people have prior notice to prepare for the new charges.

Every person already in receipt of adult social care support in the community would be offered a review of their care and support plan, unless a review has been undertaken in the last 6 months, to ensure they are in receipt of the most appropriate care for their needs.

During the transition period, the Council would ensure sufficient support, information and guidance was available to assist people. This may include referrals to Welfare Rights or people signposted, where appropriate, to the online *Welfare Rights Better Off*, to maximise their income.

There is a national statutory framework taking into account extra expenditure that people incur in relation to disability or a long term health condition; this is known as Disability Related Expenditure. A Local Authority must take this expenditure into account in financial assessments to make sure that people who pay towards their care and support have enough money to live on. It is recommended that the Council adopts a new Disability Related Expenditure Process. This would include a standard £20 disregard but would permit individuals to apply more of their expenditure defined as Disability related. The Council would also disregard the difference between the lower and higher rate of Attendance Allowance and Personal Independence Payment (Daily Living Component) and the difference between the mid and high rate of Disability Living Allowance. This would ensure that additional daily living costs incurred by disabled people or people with a long term health condition are recognised and protected.

The Council considers that offering standard rate of disregard would make the process less onerous for disabled people. If no standard disregard is offered, this would require a large number of people to go through the Disability Related Expenditure Process. This would be more onerous for people receiving Adult Social Care support in the community and would place an additional administration burden on them. Therefore, if an individual's Disability Related Expenditure is generally £20 or less, they would not need to go through this administrative process. The Council believes that this level would cover the majority of additional daily living costs faced by disabled people and people with a long term health condition.

Careful consideration has been given to the right level for any standard disregard rate. To this end, research was completed across other Local Authorities who currently charge in line with the national guidance. This showed that a number of Local Authorities do not offer a standard disregarded amount. For those Local Authorities who do offer a standard rate varies, the average disregarded sum varies. In the end, the Council has identified the rate of £20 per week, which is offered by Nottinghamshire County Council. This rate was arrived at by Nottinghamshire County Council in cooperation with people with relevant lived experience. This standard rate would be reviewed on a yearly basis.

Individuals whose Disability Related Expenditure exceeds this level would be able to make an application for a higher amount to be disregarded. For the purpose of assessing applications, a specialist team would be established to support disabled people and people with a long term health condition who consider their daily living costs linked to their disability or long term health condition to be higher. This would ensure any additional claims can be dealt with by colleagues who have specialist knowledge, applying a transparent, accessible and straightforward process.

## Part 5. Equality Action Plan

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

Issue identified	Action required to reduce impact/mitigate	Timescale and responsibility	Monitoring and review arrangements
<p>Age / Deprivation – A significant number of people would contribute more towards their care costs with a bigger impact on older people. People have shared they are concerned about the level of disposable income they would retain and affordability if the Co-funding policy was amended as proposed</p>	<p>People receiving Local Authority-arranged support other than in a care home need to retain a certain level of income to cover their living costs. Under the Care Act 2014, charges must not reduce people’s income below a certain amount, but local authorities can allow people to keep more of their income if they wish. This is a weekly amount is known as the Minimum Income Guarantee. The rates of the Minimum Income Guarantee are set annually and the current rates may be found <a href="#">here</a>.</p> <p>If the recommended proposal goes ahead people will be charged on 90% of their disposable income. This would allow people to retain an additional 10% more than the national framework provides for.</p>	<p>Ongoing - in line with implementation of Cabinet report recommendations.</p>	<p>If agreed, implementation would take place over a six month period. A Monitoring and Review Group would be created that would oversee the implementation of any proposals agreed by Cabinet. This would identify where any other adjustments may need to be considered to support people.</p>

	<p>Adult Social Care Practitioners, Welfare Rights Team and the Financial Assessment Team are available to support people to maximise their income.</p> <p>If the proposal is agreed implementation would take six months and the new Charging Policy would start on 15 July 2023.</p> <p>The Financial Assessment Team would undertake individual financial assessments between January 2024 and April 2024 to ensure people are aware of any changes to their charges in advance and therefore would understand their financial circumstances and be able to financially plan for any change.</p> <p>The recommended proposal also includes a standard Disability Related Expenditure disregard of £20 per week. The Council recognises that not offering a standard rate would be more</p>		
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	<p>onerous for people receiving Adult Social Care support in the community and would place an additional administration burden on them to request a disregard. The proposal enables people to automatically retain £20 of their income each week.</p> <p>The Council would also disregard the difference between the lower and higher rate of Attendance Allowance and the difference between the mid-rate and higher rate of Disability Living Allowance.</p> <p>The Council believes the amount set out above covers the majority of additional daily living costs faced by disabled people and people with a long term health condition.</p> <p>In addition, should people feel they incur Disability Related Expenditure above the standard £20 per week they would be able to make an application, supported by evidence, for</p>		
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	<p>additional Disability Related Expenditure which would be assessed in accordance with the proposed updated Disability Related Expenditure Policy.</p> <p>The merits of the application would then be considered by a specialist team who would undertake a detailed analysis to determine the outcome. The proposed policy would create transparency and provide an accessible straightforward process. Any decision made about additional Disability Related Expenditure would be subject to any relevant evidence submitted and the person's ability to afford to contribute.</p> <p>This process would ensure no-one would suffer undue financial hardship.</p> <p>If the outcome of the financial assessment and any additional Disability Related Expenditure concludes the person is not eligible for a reduction of their</p>		
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	<p>contribution, they would be able to ask for this decision to be reviewed.</p> <p>Where it is deemed people must pay for the full cost of their care, as they have capital above £23,250 or disposable income above the cost of their care, they would be supported by the relevant team to ensure the provision of their care and support needs remains the priority and would be supported with managing with their ongoing care needs.</p> <p>The Care Act 2014 and Care Act Statutory Guidance enables a person who can afford to pay for their own care and support in full to ask the local authority to arrange their care on their behalf</p>		
<p>Disability – More people with disabilities are in receipt of support than those without disabilities. A change in</p>	<p>People receiving Local Authority-arranged support other than in a care home need to retain a certain level of income to cover</p>	<p>Ongoing - in line with implementation of</p>	<p>A Monitoring and Review Group would be created that would oversee the implementation of any proposals agreed by Cabinet.</p>

<p>approach to the application of the Minimum Income Guarantee following the consultation, may mean they may be worse off, due to an increase in contribution charges.</p> <p>People already in receipt of care reducing or ending support or new people assessed as eligible for support declining to receive the care as a result of an increased charge by amending the Co-funding policy.</p>	<p>their living costs. Under the Care Act 2014, charges must not reduce people's income below a certain amount, but local authorities can allow people to keep more of their income if they wish. This is a weekly amount and is known as the Minimum Income Guarantee. The rates of the Minimum Income Guarantee are set annually and the current rates may be found <a href="#">here</a>.</p> <p>If the recommended proposal goes ahead people would be charged on 90% of their disposable income. This would allow people to retain an additional 10% more than the national framework sets out.</p> <p>Adult Social Care Practitioners, Welfare Rights Team and the Financial Assessment Team support people to maximise their income.</p> <p>If the proposal is agreed implementation would take six months and the new Charging</p>	<p>Cabinet report recommendations</p>	<p>This would identify where any other adjustments may need to be considered to support people.</p>
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	<p>Policy would start on 15 July 2023. The Financial Assessment Team would undertake individual financial assessments between January and April to ensure people are aware of the changes to their charges in advance and therefore would be able to financially plan.</p> <p>The recommended proposal also includes a standard Disability Related Expenditure disregard of £20 per week. The Council recognises that not offering a standard rate would be more onerous for people receiving Adult Social Care support in the community and would place an additional administration burden on them.</p> <p>The Council would also disregard the difference between the lower and higher rate of Person Independent Payments (Daily Living Component) and the difference between the mid-rate and higher rate of Disability Living Allowance.</p>		
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	<p>The amount set out above would cover the majority of additional daily living costs faced by disabled people and people with a long term health condition.</p> <p>In addition, should people feel they incur Disability Related Expenditure above the standard £20 per week they would be able to make an application, supported by evidence, for additional Disability Related Expenditure which would be assessed in accordance with the proposed updated Disability Related Expenditure Policy.</p> <p>The merits of the application would then be considered by a specialist team who would undertake a detailed analysis to determine the outcome. The proposed policy would create transparency and provide an accessible straightforward process. Any decision made about additional Disability Related Expenditure would be</p>		
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	<p>subject to any relevant evidence submitted and the person's ability to afford to contribute.</p> <p>This process would ensure no-one would suffer undue financial hardship.</p> <p>If the outcome of the financial assessment and any additional Disability Related Expenditure concludes the person is not eligible for a reduction of their contribution, they would be able to ask for this decision to be reviewed.</p> <p>The Care Act 2014 and Care Act Statutory Guidance enables a person who can afford to pay for their own care and support in full to ask the Local Authority to arrange their care on their behalf</p>		
<p>People with a disability or long term health condition not being fully informed of the changes to</p>	<p>Should the proposals be agreed, a communication plan will be drawn up with the final proposal.</p>	<p>Ongoing - in line with implementation of</p>	<p>A Monitoring and Review Group would be created that would oversee the implementation of</p>

<p>the Co-funding policy or understanding it due to inaccessible communication, and/or people with a disability experiencing anxiety or stress as a result of amending the Co-funding policy.</p>	<p>This would set out how and when communication would be available to existing people with care packages and new people accessing the service for the first time. This would include accessible information in a variety of ways using plain English, for example, leaflets; webpages, liaising where appropriate with local private, voluntary and the independent sector in the community.</p> <p>If the proposal is agreed implementation would take six months and the new Charging Policy would start on 15 July 2023. The Financial Assessment Team would undertake individual financial assessments between January 2023 and April 2023 to ensure people are aware of the changes to their charges in advance and therefore would be able to financially plan.</p>	<p>Cabinet report recommendations</p>	<p>any proposals agreed by Cabinet. This would identify where any other adjustments may need to be considered to support people.</p>
<p>Carers - Concerns arising on impact to carer health / emotional wellbeing if the</p>	<p>Every person already in receipt of Adult Social Care support in the community would be offered</p>	<p>Ongoing - in line with implementation of</p>	<p>A Monitoring and Review Group would be created that would oversee the implementation of</p>

<p>person choices to reduce the level of Adult Social Care Support.</p>	<p>a review of their care and support plan, unless a review has been undertaken in the last 6 months, to ensure they are in receipt of the most appropriate care for their needs.</p> <p>Where a personal budget is made available or support is provided for carers support following a “carers assessment,” the Council would not request a financial contribution from the carer.</p> <p>We intend to work with Derbyshire Carers to offer joint support where required.</p> <p>The Care Act 2014 and Care Act Statutory Guidance enables a person who can afford to pay for their own care and support in full to ask the local authority to arrange their care on their behalf.</p>	<p>Cabinet report recommendations</p>	<p>any proposals agreed by Cabinet. This would identify where any other adjustments may need to be considered to support people.</p>
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