

Equality Analysis (EA) (formally Equality Impact Assessment) Record Form

Revised April 2011

Department: **Children, Adult and Family Services**

Team or Service Area Leading Assessment: **Finance and Business Support**

Title of Policy/ Service or Function: **Fairer Contributions Policy**

Proposals to introduce/ alter/ delete policy, service, expenditure etc: **Proposed changes to the Fairer Charging Policy and introduction of a Fairer Contributions Policy for Adult Non Residential Social Care Services**

Date of proposals: **October 2011** Committee/Team: Finance and Business Support

Lead Officer: Delyth Curtis

STEP 1 - IDENTIFYING THE PURPOSE OR AIMS

1. What type of policy, service or function is this?

Existing New/ proposed Changing/ updated

2. What is the aim and purpose of the policy, service or function?

Councils are given discretionary powers to charge adult recipients of non-residential social care services under Section 17 of the Health and Social Services and Social Security Adjudications Act 1983. The Council currently uses this power to charge service users, subject to an assessment of their ability to pay and raise income towards the cost of care and support services. Without this income it would be difficult to maintain the provision of services.

The purpose of the Fairer Contributions Policy is to establish how the Council will calculate a person's contribution, which is the amount they will be expected to pay, towards the cost of adult non-residential social care support. The policy addresses the introduction of personal budgets and sets out how an individual's contribution, if any, to their personal budget will be determined.

The policy takes into account the ability of each individual to contribute towards the cost of the services that they receive and provides a structure for charging which is fair and proportionate to the level of support received.

3. Please outline any proposals being considered.

The current charging policy follows statutory guidance issued by the Department of Health (DH) entitled 'Fairer Charging Policies for Home Care and other non-residential Social Services' issued in 2003. Any financial contribution towards the cost of services is determined in line with this guidance to ensure that charging is fair and reasonable. The policy ensures that everyone keeps a basic level of income. Disability related expenditure and basic housing costs are taken into account and there is currently a maximum weekly charge of £270 applied regardless of the amount of disposable income available.

The Council is developing a more personalised approach to the delivery of adult social care to people aged 18 and over who are assessed as eligible for social care and support. This includes the allocation of personal budgets to allow people more choice and control in how their care needs are met.

Guidance was issued by the DH in November 2010 to reflect the changes that need to be made when charging for personal budgets. Rather than charging for services on the basis of how much is provided of each service at a set rate, councils are expected to calculate an individual's contribution, if any, towards their personal budget. This change recognises that people may choose to spend their budget on care and support which may not match the traditional types of service on offer and that some people may choose to spend their budget differently over a period of time.

The financial assessment process used to determine the income and savings available to make a contribution remains unchanged and is covered by the original guidance.

A review of the current charging policy has therefore been undertaken to address the requirements of the DH guidance. This has been consulted on together with other proposed changes to the current charging arrangements which are as follows:

- To remove the "cap" to charges which means that no-one currently pays more than £270 per week towards the cost of their care, regardless of their disposable income.
- To introduce or increase charges for certain services which are currently subsidised or provided free of charge.
- The financial assessment process for people in Shared Lives long term accommodation is brought into line with other non-residential social care services so that the new Fairer Contributions Policy is also applied in these circumstances. Following feedback from service users during the consultation period, it is proposed to leave the Shared Lives processes unchanged pending further evaluation of the complex interactions between benefits and personal budgets for this client group.

The proposed new and increased charges relate to

- A session of Day Care – increase the charge from £6.50 to a figure which reflects to a greater extent the full cost of providing the service
- Community Alarm/Telecare – introduce a weekly charge which reflects

the cost of providing the service

- A session of Day Care (Mental Health Services) – introduce a charge per session for service users attending Keats Enhanced Day Centre and the Cornerstones Level 3 Structured Day Service in line with the charge to other groups for similar service provision
- Palmer Mental Health Supported Living Scheme – introduce a charge per hour in line with the charge to other groups for similar service provision

4. What outcomes do we want to achieve?

- To develop a new charging policy which is fair and equitable for individual service users and between service user groups
- To comply with DH guidance regarding charging for non residential services and the calculation of contributions towards personal budgets
- To take account of people's ability to pay towards the cost of their care and support
- To allow more choice and control in how people meet their care needs
- To ensure that service user independence is maintained
- To understand and recognise the full or true cost of providing services
- To continue to facilitate the generation income to support the delivery of services

5. Who is the policy, service or function intended to help/ benefit?

Adult users of non-residential services will benefit from having a financial assessment which will ensure that contributions are based on ability to pay. A benefits check will also be available as part of the financial assessment process.

The policy is not applicable to residential and nursing care which are subject to a separate regulatory framework.

6. Who are the main stakeholders/ customers/ communities of interest?

The policy is aimed at users and potential users of adult non-residential services including the following services: all types of day care, care at home, some Supporting People services, Telecare, Community Alarm, supported living schemes, personal budgets and direct payments.

Other stakeholders include :

- Providers of non-residential services - in-house and commissioned
- Carers
- Elected Members
- Voluntary sector organisations
- Blackpool residents

7. Does the policy, service or function have any existing aims in relation to Equality/ Diversity or community cohesion?

The financial assessment process ensures that individuals retain a basic level of income and that they have sufficient money to meet basic housing costs and any disability related expenditure.

The amount a person is expected to contribute will take account of a person's additional living costs in relation to their disability. The Council estimates the amount of disability related expenditure based upon the level of a person's disability benefits. However, the maximum level of disability related expenditure can be exceeded in cases where the expense is justified and can be verified through evidence of expenditure such as receipts.

STEP 2 - CONSIDERING EXISTING INFORMATION AND WHAT THIS TELLS YOU

8. Please summarise the main data/ research and performance management information in the box below.

<i>Data/ information</i>
<p>Background information on the profile of Blackpool's population is as follows :</p> <ul style="list-style-type: none"> • Blackpool has a resident population of some 140,000 • 23.6% are under 20 years of age • Although over half of the population (53.9%) are less than 45 years of age, Blackpool has a high proportion of older residents (aged 60 years and over) (25.8%), when compared to England (22.5%). • Both in numerical and percentage terms Blackpool has a small black and minority ethnic (BME) population. 98.4% of Blackpool's population is "white" thus indicating 1.6% to be BME; the BME element is a smaller proportion than present in many other localities within the Northwest Region.
<i>Research or comparative information</i>
<p>In order to understand the impact of introducing or increasing charges for some services and the removal of the maximum weekly cap, a modelling exercise has been undertaken to assess the effects upon individuals receiving services arranged by the Council. The figures are based on levels of activity in July 2011 and indicate the following:</p> <ul style="list-style-type: none"> • 1680 people are in receipt of non-residential services as recorded in the charging system • 47% (785) are not charged for their services based on their ability to pay • 29% (498) are already paying up to their maximum weekly charge and will not be required to contribute anything further • 11% (178) are anticipated to have no increase in their required contribution as they currently receive services not subject to an increased charge • 13% (219) people will potentially be affected by any proposed

changes

The following table provides an age/client category analysis of the people in receipt of non- residential services as recorded in the charging system in July 2011 :

CLIENT CATEGORY	AGE				Total	
	18-64	65-75	75-85	85+		
FRAILITY	42	73	219	246	580	35%
PHYSICAL DISABILITY	206	92	126	88	512	30%
LEARNING DISABILITY	278	18	3	0	299	18%
MENTAL HEALTH PROBLEMS	37	24	24	9	94	6%
DEMENTIA	2	13	45	45	105	6%
OTHER	39	16	23	6	84	5%
SUBSTANCE MISUSE	5	1	0	0	6	0%
	609	237	440	394	1680	100%
	36%	14%	26%	24%	100%	

Please note that the above figures do not allow for :

- The impact on approximately 800 service users who currently receive the community alarm/telecare service as a stand alone service funded by the Council.
- Approximately 150-200 service users who receive mental health services currently provided free but which may be subject to charging in future. These people may be asked to pay a contribution following a financial assessment.

Key findings of consultation and feedback

In summary there were 150 responses to the consultation and the results from the questionnaire are as follows :

Question 1: The cost of the agreed personal budget will be compared to a person's net disposable income (NDI). If a person's NDI is less than the amount of the agreed personal budget this will be the amount they actually pay. Contributions will still be based on the person's ability to pay and can still be paid weekly.

50% agreed or strongly agreed, 20% had no opinion and 30% disagreed or strongly disagreed.

Question 2: There will be no limit on the amount people may be asked to contribute to the cost of their care. The financial assessment process will still determine a person's ability to pay.

37% agreed or strongly agreed, 17% had no opinion and 46% disagreed or strongly disagreed.

Question 3: The charge will never exceed the cost of the annual personal budget. Depending on a person's ability some people may pay either a reduced amount or nothing at all.

63% agreed or strongly agreed, 17% had no opinion and 20% disagreed or strongly disagreed.

Question 4: We will no longer subsidise Council services, eg. Vitaline (Telecare) and Day Care, and will introduce or increase charges for these

services. Personal budget allocations will reflect the level of need and the associated costs of services.

33% agreed or strongly agreed, 19% had no opinion and 48% disagreed or strongly disagreed.

Question 5: The financial assessment process for people in Shared Lives long term accommodation will be brought into line with the process for other non-residential services. The impact will vary according to individual circumstances but the change will result in a more equitable arrangement with other users of non-residential services.

41% agreed or strongly agreed, 40% had no opinion and 19% disagreed or strongly disagreed.

9. What are the impacts or effects for Key Protected Characteristics?

Age

A differential impact is anticipated predominantly for those aged 65 years and over. From the data available from the charging system, it is estimated that of those people affected by the proposals to increase or introduce charges, 94% will be aged 65 years and over. The following table gives an indication of the age breakdown of service users.

Age breakdown of service users receiving a community based care package during 2010/11.

Source : Referrals, Assessments and Packages return 2010/11

Age Group	%
18-24	2.9%
25-29	2.1%
30-34	1.9%
35-39	2.6%
40-44	4.0%
45-49	4.2%
50-54	4.0%
55-59	4.4%
60-64	5.0%
65-69	6.5%
70-74	8.1%
75-79	11.9%
80-84	16.6%
85-89	14.8%
90+	11.1%

Disability

A differential impact is anticipated for those people with a disability. Most service users will have some form of disability or frailty.

The move to personal budgets will mean that service users have more choice and control when deciding how their care needs are to be met. However, services for Adults with a Learning Disability are typically

specialised and therefore charged at a higher rate than services for other client categories. The process for allocating personal budgets will take account of the need to pay a higher market rate for Learning Disability services.

Gender Reassignment

No differential impact is anticipated.

Marriage and Civil partnership

No differential impact is anticipated.

Pregnancy and Maternity

No differential impact is anticipated.

Race

No differential impact is anticipated. The following table gives an indication of the ethnicity of service users.

Ethnicity of service users receiving a community based care package during 2010/11.

Source : Referrals, Assessments and Packages return 2010/11

Ethnicity	%
White	94.6%
Mixed	0.3%
Asian or Asian British	0.2%
Black or Black British	0.0%
Chinese or Other Ethnic Group	0.2%
Not Stated	4.7%

The percentages of people receiving a community based care package from an ethnic background are broadly similar to Blackpool's overall population profile.

Religion and Belief

No differential impact is anticipated.

Sex

Blackpool's mid year population estimates 2010 (ONS) indicate that 49% of the total population are male, whilst 51% are female. The following table gives an indication of the gender of service users.

Gender of service users receiving a community based care package during 2010/11.

Source : Referrals, Assessments and Packages return 2010/11

Gender	%
Female	59.9%
Male	40.1%

A differential impact is anticipated as women are more likely to receive a community based care package and therefore be affected by the proposals to increase or introduce charges. It is also expected that the impact will be disproportionate for elderly women as people aged 65 years and over are more likely to be receiving services. While it is important to recognise and monitor the impact on elderly women, the proposals should be consistent across genders.

Sexual Orientation

No differential impact is anticipated.

12. What do you know about how the proposals could affect community cohesion?

As part of the personalisation agenda people are being supported to exercise choice and control and consider alternative ways of meeting their needs. People will be supported to engage in community based activities where possible if this is appropriate to their needs. This may help to raise awareness of the needs of vulnerable people in the community and increase social inclusion.

STEP 3 - ANALYSING THE IMPACT

13. Is there any evidence of higher or lower take-up by any group or community, and if so, how is this explained?

There is a higher take up of non-residential social care services by older people and people with a disability because these groups are at risk and require care and support and to maintain their independence.

14. Do any rules or requirements prevent any groups or communities from using or accessing the service?

The Council's Fair Access to Care Services (FACS) criteria is used to consider whether a person is eligible for help from Social Services.

15. Does the way a service is delivered/ or the policy create any additional barriers for any groups of disabled people?

The proposals to increase or introduce charges for services will impact the most on those people with a disability or frailty who have been assessed as able to contribute more towards the cost of their support. However the financial assessment process will continue to take into account disability related expenditure so that any additional expenses resulting from a person's disability will be recognised.

16. Are any of these limitations or differences "substantial" and likely to amount to unlawful discrimination?

Yes No

If yes, please explain (referring to relevant legislation) in the box below

17. If No, do they amount to a differential impact, which should be addressed?

Yes No

If yes, please give details below.

There will be a differential impact on older people, people with a disability and women, however, the proposals will be consistent across gender and disability groups.

STEP 4 - DEALING WITH ADVERSE OR UNLAWFUL IMPACT

18. What can be done to improve the policy, service, function or any proposals in order to reduce or remove any adverse impact or effects identified?

Contributions towards care and support will continue to be based on ability to pay. The Fairer Contributions Policy will continue to provide for a protected level of income based on the Department of Health's requirements and help to ensure that everyone receiving care services is treated equally. The Policy will also take account of qualifying outgoings including basic housing costs and any disability related expenditure.

Some services such as respite services will continue to be subsidised.

The following measures will help to reduce adverse effects :

- Rather than remove the 'cap' or maximum weekly charge altogether, increase the current maximum weekly charge from £270 per week to a figure which is still less than the typical cost of residential care.
- Introduce or increase charges for services over a longer period of time making this process more gradual than was originally proposed.

- Keep a subsidy in place for Day Care on the grounds that the level of increase would be too great within a relatively short time period.
- Continue to provide a community alarm/telecare service free of charge in recognition of the importance of these services in helping people to stay independent and living in their own homes.
- Continue to ensure that any financial difficulties already experienced by service users are not exacerbated by charges for care services to the extent that the individual's well-being is threatened.
- Ensure that financial information relating to individuals is kept up to date to allow the correct assessment of ability to pay. This would allow changes in financial circumstances to be picked up so that people are charged the correct amount.
- Continue to make available a benefits maximisation check as part of the financial assessment process.
- Give service users who are subject to new or increased charges extended notice of the amount due in order to allow time to make adjustments to finances.
- Continue to allow women who are part of a couple to request a joint financial assessment to ensure that the couple's income is not reduced below the basic Income Support/Pension Credit level for a couple plus the 25% buffer.

19. What would be needed to be able to do this? Are the resources likely to be available?

Extra resources may be required by the Social Care Benefits Team to enable them to maintain up-to-date financial information.

Approval by the Council's Executive Committee will be required to agree any proposed changes.

20. What other support or changes would be necessary to carry out these actions?

STEP 5 - CONSULTING THOSE AFFECTED FOR THEIR VIEWS

21. What feedback or responses have you received to the findings and possible courses of action? Please give details below.

Feedback indicates that :

- Some people felt unable to comment because they did not know how the proposals would affect them on an individual basis.
- There was concern about the affordability of increased charges because of other cost of living price increases.
- Some people were concerned that they would not be able to afford services if charges were introduced or increased or the maximum weekly charge no longer applied.
- There was concern that some people may opt to no longer receive a service if charges are introduced or increased and this would leave them at increased levels of risk.
- Some of the issues being consulted on were complex and needed further clarification.
- Some people agreed that charges should be increased or introduced as long as the people affected are financially assessed as able to pay.
- The removal of the maximum weekly charge was seen by some as a fair proposal as people who are assessed as able to do so should be asked to contribute more.
- If charges are to be based on the full cost of providing a service then Value for Money and quality need to be demonstrated. Service users should be given assurance that charges are reasonable.
- The financial assessment process for people in Shared Lives long term placements should remain as it is for the current time and any changes be considered alongside the introduction of personal budgets.

22. If you have not been able to carry out any consultation, please indicate below how you intend to test out your findings and recommended actions.

STEP 7 - ARRANGEMENTS FOR MONITORING AND REVIEW

Please outline your arrangements for future monitoring and review below.

Agreed action	Monitoring arrangements	Timeframe	Responsibility	Added to Service Plan etc.

Date completed: 20.10.2011

Signed:



Name: Delyth Curtis

Position: Service Director -
Commissioning Performance and Resources

Postscript following the meeting of the Executive Committee 14.12.2011

On 14th December 2011, the Executive Committee agreed to a revision of the original consultation proposals in order to take into account the concerns expressed by stakeholders and also the potential adverse impact on older people and people with a disability. The recommendations which have now been approved are as follows:

- To implement the proposed Fairer Contributions Policy in order to comply with Department of Health guidance regarding charging for personal budgets.
- To continue to provide all but the lowest level of Community Alarm/Telecare services free of charge in recognition of the importance of these services in maintaining independence in a safer home environment, subject to the availability of funding in the future. Service users requiring the lowest level of the community alarm service will be expected to pay the full cost of the service

to the provider of their choosing since this level of service would not normally be regarded as meeting eligible social care needs.

- To continue to subsidise the cost of day care services.
- To introduce day care charges for Mental Health service users who attend Keats Enhanced Day Centre and the Cornerstones Level 3 Structured Day Service in line with similar provision for other service user groups. At the moment there is inconsistency in the charging scheme with different service user groups subject to different arrangements. The introduction of charges for certain Mental Health services will result in a greater equality and consistency in these arrangements.
- To introduce a new charge for the Palmer Mental Health Supported Living Scheme in line with similar provision for other service user groups.
- To retain the 'cap' or maximum weekly charge but increase the limit from £270 to a figure which is still less than the typical cost of residential care to ensure that there is no perverse financial incentive to opt for residential care rather than support to stay at home. This change will affect a very small number of service users.

With respect to the financial assessment process for people in Shared Lives long term accommodation, it was agreed that there would be no change at the present time until further work has been undertaken to understand the implications of personal budgets and the Shared Lives service.