

STEP 1: Responsibility and involvement

Title of proposal/ project/strategy/ procurement/policy	Updating Hertfordshire County Council's Adult Social Care Charging Policy	Head of Service or Business Manager	Lynn Quick Deputy Head of Income & Payments
Names of those involved in completing the EqIA:	Lynn Quick – Deputy Head of Income and Payments	Lead officer contact details:	Simon Rowley Income Manager/Lynn Quick Deputy Head of Income and Payments
Date completed:	20/03/17	Review date:	

STEP 2: Objectives of proposal and scope of assessment – what do you want to achieve?

<p>Proposal objectives: – what you want to achieve – intended outcomes – purpose and need</p>	<p>Hertfordshire County Council (the council) provides care support to citizens of Hertfordshire who reside in their own homes. The council, in line with The Care and Support (Charging and Assessment of Resources) Regulations 2014 and The Care and Support Statutory Guidance (“the Care Act Guidance”) issued under the Care Act 2014, financially assesses service recipients to assess their eligibility for financial support and charges a contribution towards the services arranged.</p> <p>The council’s Charging Policy sets out how we charge for adult care services. It requires amendments to bring it up to date with the Care Act guidance, so that we can charge for services not currently charged for and apply similar treatments adopted by other local authorities.</p> <p>These amendments will ensure that income from contribution is maximised and assists to reduce the pressure on The council’s budgets and enables continuation of care support for the citizens of Hertfordshire. The expected additional income from the changes being proposed will be in excess of £3M.</p> <p>Services: Data available in October 2016 shows that around 15,500 people across all care groups are provided with services which support them to remain living in their own homes.</p> <p>The financial context for adult social care means that all ways of ensuring a sustainable budget need to be considered. Maximising income from client contribution will enable the council to continue to provide high levels of support to people so they can stay independent for longer and meet the Care Act duties to prevent, reduce and delay the onset of care needs.</p> <p>The proposed changes to the the council’s Charging Policy will result in an increase in costs for some people. Any increases are only applied if an individual’s income is above the minimum income guarantee, as directed by the Department of Works and Pension, plus an additional 25%. The value left is the chargeable income, against which charges can be applied. The charge will be less than or equal to the maximum chargeable income. This will make sure that an individual is never asked to pay more than they can afford.</p> <p>There are several elements included in the policy changes and all have been examined to see what impact they will have on service users.</p> <p>High Rates of Attendance Allowance and Disability Living</p>
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Allowance

Including both the higher rates of Attendance Allowance and Disability Living Allowance as income is directed by the Care Act. These benefits are paid specifically to provide funds to enable an individual to pay towards their care. The difference between the higher rate and standard rate is £27.20 per week. There are around 2250 service users who are in receipt of the higher rates and around 1800 will be required to use the full amount to pay towards their care. The benefit received will cover in full the additional cost and there will be no financial burden on the remainder of an individual's income. This will result in the higher rate element of the benefit no longer being available to the service user to spend on other items.

Double Handed Care

The policy change to align the client contribution to the actual cost of the service creates more equity to how other services are charged for. 136 pay the full cost of care and their charges will double. If the 136 independently purchased their care, as most self-funders do, they would be paying the full charge anyway. The policy as it stands allows self-funders to benefit by paying less for their care than it actually costs. This is at odds with the aim of the policy to apply charges fairly and equally to all service users. Additionally 20 service users will pay an additional contribution but it will not be double the amount and only up to the maximum value of their chargeable income.

Flexi-Care

630 service users fall into this group. The policy change would see service users paying an increased contribution up to the maximum available from their chargeable income.

Transport to Day Care Centres

The policy change will enable the transportation service to continue, which is not sustainable with the current funding model. The change would see a reasonable charge levied. Service users who have sufficient excess values in their chargeable income will pay an increased contribution and continue to receive a door to door service. In this group there are only 117 people who would be required to pay the full cost of the service, the remaining 406 would pay an additional amount. The charge applied would only be up to the maximum available from the chargeable income.

Telecare

4066 people are provided with telecare services. 2240 receive care services and will not be charged an additional amount for the telecare service. It is being proposed that the remaining 1826 will pay a nominal charge. This creates a fair approach to a contribution being paid towards support services. The fee will be set at a level that will not prove to be a burden on individuals.

Impact

The Policy changes will have a financial impact on service users although in the majority of cases this will be met by benefits being paid to them specifically to pay for care. The guaranteed minimum income as set by the Department for Work and Pensions provides sufficient funds to cover an individual's daily living costs. The additional 25% allowed by the council provides an individual with additional funds to pay for non-essential living costs.

The charge rates for non-residential care are left for individual authorities to decide. We have approached the national organisation NAFAO (National Association of Financial Assessment Officers) in

	<p>relation to treatment of the higher rate Attendance Allowance and Disability Living Allowance and about telecare charges.</p> <p>Authorities taking the higher rate Attendance Allowance and Disability Living Allowance benefit in full when calculating the financial contribution:</p> <p>70.6% Take the benefit in full. 5.8% Take the benefit in full for some services 11.8% Are planning to take the benefit in full 11.8% Are considering taking the benefit in full</p> <p>Authorities who are charging for telecare services:</p> <p>75% Charge 25% Do not charge</p> <p>Of the 25% who currently do not charge 8% are considering whether to do so</p> <p>Charges range from £1.55 to £5.61 with the most frequently used weekly fees being £3.00 or £4.60.</p> <p>Authorities who treat the cost of telecare as a Disability Related Expense:</p> <p>22.2% Do not treat as a disability related expense. 33.3% Do allow as a disability related expense. 11.1% Do allow if the individual is in receipt of a care service. 11.1% Allow if an external provider is used. 22.2% Did not respond</p>
<p>Stakeholders: Who will be affected: the public, partners, staff, service users, local Member etc</p>	<p>Citizens of Hertfordshire (and their families/carers) who require support with their care needs whilst living in the community and who are assessed to pay a contribution towards that care.</p> <p>Housing Association, Supported Living Units, the Care Home Provider Associate and voluntary organisations may experience an increase in enquiries for assistance and advice during the consultation period.</p>

STEP 3: Available data and monitoring information

<p>Relevant equality information: What the data tell us about equalities For example: Community profiles / service user demographics, data and monitoring information (local and national), similar or previous EqIAs, complaints, audits or inspections, local knowledge and consultations.</p>
<p>Age: Data compiled in April 2015 showed that nearly 15% of Hertfordshire residents (168,000) are aged over 65. National predictions are that there will be a 19 million increase in people aged over 65 by 2050. This ageing population will place increasing pressure on care and support services. In 2012/13 it was estimated that around 7% of the over 65 age group were receiving support; applying this percentage to the 2015 population gives a potential figure of 11,760 receiving care support.</p> <p>Disability: Over 68,000 people in Hertfordshire have a disability and around 23,000 have a severe physical disability with approximately 26,000 having a learning disability.</p>

STEP 4: Impact Assessment – Service Users, communities and partners (where relevant)
 Guidance on groups of service users to consider within each protected group can be found [here](#)

Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
<p>Age</p>	<p>The majority of people who currently require care services are people aged over 65. Some receive help with funding these services from the council, so any negative changes will have a differential impact on older people. There will be a financial impact on some individuals. Some additional charges will be funded entirely by benefits specifically awarded to pay for care. There will be an impact on some people who have to pay increased contribution but this will not be more than the chargeable income available and will not result in a financial burden or people being asked to pay more than they can afford.</p>	<p>Amending the Charging Policy will bring it in line with the Care Act guidance and will reduce the cost pressure to the council. In order to support service users and maintain that support the most reasonable mitigation is to levy charges that are fair and proportionate to the cost of the service.</p> <p>Charges have been proposed that we consider meet this criteria and they will be reviewed following the public consultation.</p> <p>Full details of the policy will be communicated to current service users and available to potential service users, along with details of support services available.</p> <p>The Policy will continue to ensure people do not pay more than they can afford. The Policy will continue to allow the guaranteed minimum income as set by the Department for Work and Pensions which provides sufficient funds to cover an individual's daily living costs. The additional 25% allowed by the council provides an individual with additional funds to pay for non-essential living costs.</p>
<p>Disability Including Physical and Learning Disability</p>	<p>There are also a significant number of people with a physical or learning disability who currently require care services. Some receive help with funding these services from the council so any negative changes will have a differential impact on people with a disability. There will be a financial impact on some individuals. Some additional charges will be funded entirely by benefits specifically awarded to pay for care. There will be an impact on some people who have to pay increased contribution but this will not be more than the chargeable income available and will not result in a financial burden or people being asked to pay more than they can afford.</p>	<p>Amending the Charging Policy will bring it in line with the Care Act 2014 guidance and will reduce the cost pressure to the council. In order to support service users and maintain that support the most reasonable mitigation is to levy charges that are fair and proportionate to the cost of the service.</p> <p>Charges have been proposed that we consider meet this criteria and they will be reviewed following the public consultation.</p> <p>Full details of the policy will be communicated to current service users and available to potential service users, along with details of support services available.</p> <p>The Policy will continue to ensure people do not pay more than they can afford. The Policy will continue to allow the guaranteed minimum income as set by the Department for Work and Pensions which provides sufficient</p>

		<p>funds to cover an individual’s daily living costs. The additional 25% allowed by the council provides an individual with additional funds to pay for non-essential living costs.</p> <p>The council will take the necessary steps to ensure that information will be available in alternative formats such as Easy Read, Large print and translated where necessary to ensure equality of access. The council will also work with the Learning Disability Partnership Board and other relevant partners to help communicate and explain the reasons for the proposed changes and what they are likely to mean for service users.</p> <p>We will also make sure that we communicate in a clear, personalised way what the difference in charges will be if the changes are approved. This will take into account individual needs, including people with learning disabilities who may need additional support to understand the impact.</p>
Race	<p>It is not anticipated that the proposal will affect people disproportionately because of issues of Race. We do not have robust local data on the ethnicity of users accessing care services. It is however acknowledged that information and guidance will need to be available in different languages.</p>	<p>The council will continue to monitor the position and if any issues in respect of the protected characteristic are identified by the council then the Action Plan will be amended accordingly.</p> <p>Access to interpreting services will be made available.</p>
Gender reassignment	<p>It is not anticipated at this stage that the proposal will affect people disproportionately because of the issues of gender reassignment but the position will be monitored if the proposal proceeds.</p>	<p>The council will continue to monitor the position and if any issues in respect of this protected characteristic are identified by the council then the Action Plan will be amended accordingly.</p>
Pregnancy and maternity	<p>It is not anticipated that the proposal will affect people disproportionately because of issues around Pregnancy and Maternity but the position will be monitored if the proposal proceeds.</p>	<p>The council will continue to monitor the position and if any issues in respect of this protected characteristic are identified by the council then the Action Plan will be amended accordingly.</p>
Religion or belief	<p>It is not anticipated that the proposal will affect people disproportionately because of their religion/belief. We do not have robust local data on the religion or belief of users accessing care services.</p>	<p>The council will continue to monitor the position and if any issues in respect of this protected characteristic are identified by the council then the Action Plan will be amended accordingly.</p>
Sex	<p>The percentage split between females and males currently paying towards their service is 60/40. Any changes will affect more females.</p>	<p>the council will continue to monitor the position and if any issues in respect of the protected characteristic are identified by the council then the Action Plan will be amended accordingly.</p>
Sexual orientation	<p>It is not anticipated that the proposal will affect people disproportionately</p>	<p>the council will continue to monitor the position and if any issues in respect of</p>

	because of issues around sexual orientation but the position will be monitored if the proposal proceeds. We do not have robust local data on the sexual orientation of users accessing care services.	the protected characteristic are identified by the council then the Action Plan will be amended accordingly.
Marriage & civil partnership	It is not anticipated that the proposal will affect people disproportionately because of issues around Marriage and Civil Partnership but the position will be monitored if the proposal proceeds. We do not have robust local data on the marital status of users accessing care services.	The council will continue to monitor the position and if any issues in respect of the protected characteristic are identified by the council then the Action Plan will be amended accordingly.
Carers (by association with any of the above)	It is not anticipated that the proposal will affect people disproportionately because of caring issues but the position will be monitored if the proposal proceeds. We do not have robust local data on the caring responsibilities of users accessing care services or the number of people who are accessing care services who are also receiving support from informal carers. There may be an impact on carers if service users refuses care and is more reliant on the carer.	The council will continue to monitor the position and if any issues in respect of the protected characteristic are identified by the council then the Action Plan will be amended accordingly.
Opportunity to advance equality of opportunity and/or foster good relations (Please refer to the guidance for more information on the public sector duties)		
<p>Maximising income from client contribution will enable the council to continue to provide high levels of support to the people who most need it. There is also the opportunity to link this work with our Community First approach in order to increase awareness about the costs of care services and the need to work together with others to find the best solutions for caring for adults in Hertfordshire.</p> <p>Amending the Charging Policy will bring it in line with the Care Act 2014 guidance and will reduce the cost pressure to the council and will also facilitate the provision of services to more individuals within Hertfordshire.</p>		

Impact Assessment – Staff

Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
Age	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
Disability Including Learning Disability	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
Race	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
Gender reassignment	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
Pregnancy and maternity	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
Religion or belief	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
Sex	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.

Sexual orientation	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
Marriage & civil partnership	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
Carers (by association with any of the above)	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
Opportunity to advance equality of opportunity and/or foster good relations (Please refer to the guidance for more information on the public sector duties)		

STEP 5: Gaps identified

<p>Gaps identified Do you need to collect more data/information or carry out consultation? (A 'How to engage' consultation guide is on Compass). How will you make sure your consultation is accessible to those affected?</p>	<p>A number of people currently decline services as they do not wish to make a contribution towards them although they are in the minority. We will monitor the number of additional service users who decline the service based on an increase in their contribution.</p> <p>The number of service users not paying their client contribution will continue to be monitored and action to recover outstanding debt will continue to be actioned to ensure all income from charging is achieved. The debt position will continue to be monitored to see if the additional charges have a negative impact.</p>
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STEP 6: Other impacts

Consider if your proposal has the potential (positive and negative) to impact on areas such as health and wellbeing, crime and disorder and community relations. There is more information in the guidance.

STEP 7: Conclusion of your analysis

Select one conclusion of your analysis	Give details
<input type="checkbox"/> No equality impacts identified – No change required to proposal.	
<input type="checkbox"/> Minimal equality impacts identified – Adverse impacts have been identified, but have been objectively justified (provided you do not unlawfully discriminate). – Ensure decision makers consider the cumulative effect of how a number of decisions impact on equality.	
<input checked="" type="checkbox"/> Potential equality impacts identified – Take 'mitigating action' to remove barriers or better advance equality. – Complete the action plan in the next section.	<p>It is felt that the proposed changes will have an individual and cumulative effect on those upon which they impact</p> <p>However the financial assessment process which forms part of the Care Act Guidance ensures that an individual will only be asked to pay a contribution if they can afford to do so. The Policy will continue to allow the guaranteed minimum income as set by the Department for Work and Pensions which provides sufficient funds to cover an individual's daily living costs. The additional 25% allowed by the council</p>

Select one conclusion of your analysis	Give details
	<p>provides an individual with additional funds to pay for non-essential living costs. We will only ask people to use the excess income to pay a contribution towards their care.</p> <p>The proposals are also subject to Public Consultation, the outcome of which will be considered and used to further inform the proposals.</p>
<input type="checkbox"/> Major equality impacts identified <ul style="list-style-type: none"> - Stop and remove the policy - The adverse effects are not justified, cannot be mitigated or show unlawful discrimination. - Ensure decision makers understand the equality impact. 	

STEP 8: Action plan

Issue or opportunity identified relating to: <ul style="list-style-type: none"> - Mitigation measures - Further research - Consultation proposal - Monitor and review 	Action proposed	Officer Responsible and target date
Consultation	A 12 week consultation will be conducted which will include letters to all service users explaining how the proposed changes will affect them. Information will be available on the the council website and contact made with partner and other interest organisations.	Simon Rowley/Lynn Quick date to be confirmed
Monitor and Review	<p>We will continue to monitor:</p> <ul style="list-style-type: none"> - the debt position - the number of appeals about charging - the number of people who decline services as they do not want to make a contribution <p>We will carry out an evaluation to assess whether there is an increase attributable to the changes in policy.</p>	Simon Rowley/Lynn Quick date to be confirmed

Issue or opportunity identified relating to: – Mitigation measures – Further research – Consultation proposal – Monitor and review	Action proposed	Officer Responsible and target date
Mitigation Measures	People will continue to pay only what they can afford. Benchmarking with other authorities relating to the higher rate of Attendance Allowance and the higher rate of Disability Living Allowance. Send individual communication direct to everyone who is in receipt of a non-residential service with guidance on how the changes once agreed will impact on them. Send information to stakeholders about when the changes will be introduced and who any queries should be directed to.	Completed

This EqIA has been reviewed and signed off by:

Head of Service or Business Manager: Helen Maneuf

Date: August 2017

Equality Action Group Chair:

Date:

The council's Diversity Board requires the Equality team to compile a central list of EqIAs so a random sample can be quality assured. Each Equality Action Group is encouraged to keep a forward plan of key service decisions that may require an EqIA, but please can you ensure the Equality team is made aware of any EqIAs completed so we can add them to our list. (Email: equalities@hertfordshire.gov.uk). Thank you.