

**STEP 1: Responsibility and involvement**

<b>Title of proposal/ project/strategy/ procurement/policy</b>	Updating HCC's Adult Social Care Charging Policy	<b>Head of Service or Business Manager</b>	Lynn Quick Deputy Head of Income & Payments
<b>Names of those involved in completing the EqIA:</b>	Lynn Quick – Deputy Head of Income and Payments	<b>Lead officer contact details:</b>	Simon Rowley Income Manager/Lynn Quick Deputy Head of Income and Payments
<b>Date completed:</b>	20/03/17 & updated 13/12/17	<b>Review date:</b>	

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

<p><b>Proposal objectives:</b>                  – what you want to achieve                  – intended outcomes                  – purpose and need</p>	<p>Hertfordshire County Council (HCC) provides care support to citizens of Hertfordshire who reside in their own homes. HCC, in line with 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>HCC’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 HCC’s budgets and enables continuation of care support for the citizens of Hertfordshire. There will be additional income from the changes being proposed.</p> <p><b>Services:</b>                  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 budget for care services has been and continues to be cut year on year and is subject to additional pressures from an ageing population. Maximising income from client contribution will enable HCC 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 changes to the HCC 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 income buffer allowed by HCC which is the guaranteed income value, as directed by the Department of Works and Pension. 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.</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><b>High Rates of Attendance Allowance and Disability Living Allowance</b>                  Including both the higher rates of Attendance Allowance and Disability Living Allowance is permissible in the Care Act, it’s Guidance and Regulations. These benefits are paid specifically to provide funds to enable an individual to pay towards their care. The difference between</p>
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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 some may be required to use the full amount to pay towards their care when they receive a night service. The benefit received will cover in the additional cost. This will result in the higher rate element of the benefit no longer being available to the service user to spend on other items. The financial assessment process will make sure people are not asked to pay more than they can afford.

**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. 147 service users are in receipt of this type of service, 130 pay the full cost of care and their charges will double. If the 130 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. The remaining 17 will pay additional contribution but it will not be double the amount and only up to the maximum value of their chargeable income. The financial assessment process will make sure people are not asked to pay more than they can afford.

**Flexi-Care**

630 service users fall into this group. The policy change would see 31 service users paying an increased contribution and this would only be up to the maximum available from their chargeable income. The financial assessment process will make sure people are not asked to pay more than they can afford.

**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 the benefit of 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. The financial assessment process will make sure people are not asked to pay more than they can afford.

**Telecare**

4066 people are provided with telecare services. 1451 receive care services and will not be charged an additional amount for the telecare service. It is being proposed that the remaining 2615 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. The financial assessment process will make sure people are not asked to pay more than they can afford.

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 financial assessment process looks at the total cost of all services. The contribution is equal to or less than the chargeable income.

The charge rates for non-residential care are left for individual

	<p>authorities to decide. We have approached the national organisation NAFAO (National Association of Financial Assessment Officers) in 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><b>Stakeholders:</b>          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 Association 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><b>Relevant equality information: What the data tell us about equalities</b>          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><b>Age:</b>          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><b>Disability:</b>          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><b>Age</b></p>	<p>The majority of people who currently require care services are people aged over 65. Some receive help with funding these services from HCC, 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>During the consultation period concerns were raised in relation to the financial impact directly on individuals and indirectly on the family/carers:</p> <p>Taking the higher rate of Attendance Allowance and Disability Allowance penalising disabled people.</p> <p>Charging for double handed care was penalising people.</p> <p>Family may have to contribute towards expenses incurred by an individual.</p>	<p>Amending the Charging Policy will bring it in line with the Care Act guidance and will reduce the cost pressure to HCC. 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 Policy will continue to take into account disability related expenditure when calculating how much and individual can afford to pay towards their care.</p> <p>These concerns have been noted and the proposal has been amended to only take into account the higher rates of Attendance Allowance and Disability Allowance when an individual is in receipt of a night service. It is still considered that the Policy will continue to ensure people do not pay more than they can afford. The guaranteed income as set by the Department for Works and Pensions seeks to provide sufficient funds to cover an individual's daily living costs.</p>

<p><b>Disability Including Physical and Learning Disability</b></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 HCC 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 HCC. 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 Policy will continue to take into account disability related expenditure when calculating how much and individual can afford to pay towards their care.</p> <p>HCC 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. HCC 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> <p>These concerns have been noted and</p>

	<p>During the consultation period concerns were raised in relation to the financial impact directly on individuals and indirectly on parents/carers:</p> <p>Taking the higher rate of Attendance Allowance and Disability Allowance penalising disabled people.</p> <p>Charging for double handed care was penalising people.</p> <p>Boarding and lodging, food and clothing expenses were not considered.</p> <p>An individual would have less money for activities, wouldn't be able to go out as much, this would impact on their wellbeing and could suffer mental health issues and isolation.</p> <p>An individual may have to move from current home and move into residential.</p> <p>For an individual living within parents an increase in client contribution would mean that parents would be expected to contribute more towards their son/daughters expenditure.</p> <p>An individual may choose to cease their care rather than pay a higher contribution.</p>	<p>the proposal has been amended to only take into account the higher rates of Attendance Allowance and Disability Allowance when an individual is in receipt of a night service. It is still considered that the Policy will continue to ensure people do not pay more than they can afford. The guaranteed income as set by the Department for Works and Pensions seeks to provide sufficient funds to cover an individual's daily living costs.</p>
<p><b>Race</b></p>	<p>We do not have robust local data on the ethnicity of users accessing care services. It is not anticipated that the proposal will affect people disproportionately because of issues of Race. It is however acknowledged that information and guidance will need to be available in different languages.</p>	<p>HCC will continue to monitor the position and if any issues in respect of the protected characteristic are identified by HCC then the Action Plan will be amended accordingly.</p> <p>Access to interpreting services will be made available.</p>
<p><b>Gender reassignment</b></p>	<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>HCC will continue to monitor the position and if any issues in respect of this protected characteristic are identified by HCC then the Action Plan will be amended accordingly.</p>
<p><b>Pregnancy and maternity</b></p>	<p>It is not anticipated that the proposal will affect people disproportionately</p>	<p>HCC will continue to monitor the position and if any issues in respect of</p>

	because of issues around Pregnancy and Maternity but the position will be monitored if the proposal proceeds.	this protected characteristic are identified by HCC then the Action Plan will be amended accordingly.
<b>Religion or belief</b>	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.	HCC will continue to monitor the position and if any issues in respect of this protected characteristic are identified by HCC then the Action Plan will be amended accordingly.
<b>Sex</b>	The percentage split between females and males currently paying towards their service is 60/40. Any changes will affect more females.	HCC will continue to monitor the position and if any issues in respect of the protected characteristic are identified by HCC then the Action Plan will be amended accordingly.
<b>Sexual orientation</b>	It is not anticipated that the proposal will affect people disproportionately 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.	HCC will continue to monitor the position and if any issues in respect of the protected characteristic are identified by HCC then the Action Plan will be amended accordingly.
<b>Marriage &amp; civil partnership</b>	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.	HCC will continue to monitor the position and if any issues in respect of the protected characteristic are identified by HCC then the Action Plan will be amended accordingly.
<b>Carers (by association with any of the above)</b>	<p>It was not anticipated that the proposal would 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.</p> <p>During the consultation period concerns were raised in relation to the impact on carers.</p> <p>If an individual is charged more carers felt they may have to provide more care support as the individual will not want to pay the increased contribution.</p>	<p>HCC will continue to monitor the position and if any issues in respect of the protected characteristic are identified by HCC then the Action Plan will be amended accordingly. HCC will engage with Carers in Hertfordshire as part of the consultation process and their feedback will be reviewed and considered before final proposals are made.</p> <p>These concerns have been noted and it is still considered that the Policy will continue to ensure people do not pay more than they can afford. If the continued monitoring identifies any changes then the Action Plan will be amended.</p>
<p><b>Opportunity to advance equality of opportunity and/or foster good relations</b>                  (Please refer to the <a href="#">guidance</a> for more information on the public sector duties)</p>		

Amending the Charging Policy in line with the guidance provided under the Care Act 2014 will reduce the cost pressure to HCC and will enable HCC to continue to provide high levels of support to a greater number of Hertfordshire Citizens, all of whom will have Protected Characteristics, 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 availability of alternatives to support provided by the County Council and the need to work together with others to find the best solutions for caring for adults in Hertfordshire.

## Impact Assessment – Staff

Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
<b>Age</b>	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
<b>Disability Including Learning Disability</b>	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
<b>Race</b>	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
<b>Gender reassignment</b>	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
<b>Pregnancy and maternity</b>	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
<b>Religion or belief</b>	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
<b>Sex</b>	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
<b>Sexual orientation</b>	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
<b>Marriage &amp; civil partnership</b>	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
<b>Carers (by association with any of the above)</b>	It is not anticipated that there will be a negative impact on staff.	The position will be monitored and any identified action progressed.
<b>Opportunity to advance equality of opportunity and/or foster good relations</b> (Please refer to the <a href="#">guidance</a> for more information on the public sector duties)		
The position will continue to be monitored.		

## STEP 5: Gaps identified

<b>Gaps identified</b> Do you need to collect more data/information or carry out consultation? (A 'How to engage' consultation guide is on <a href="#">Compass</a> ). How will you make sure your consultation is accessible to those affected?	A number of people currently decline services or refuse to pay for them 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 or refuse to pay for a service based on an increase in their contribution to see if the additional charges have a negative impact.
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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"/> <b>No equality impacts identified</b> – No change required to proposal.	
<input type="checkbox"/> <b>Minimal equality impacts identified</b> – 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.	
X <b>Potential equality impacts identified</b> – Take ‘mitigating action’ to remove barriers or better advance equality. – Complete the action plan in the next section.	<p>It is anticipated that the proposed changes in the charging policy will have both an individual (each proposal) and cumulative effect on those with protected characteristics</p> <p>The financial assessment 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 seeks to provide sufficient funds to cover an individual’s daily 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"/> <b>Major equality impacts identified</b> – 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:	Action proposed	Officer Responsible and target date
– Mitigation measures – Further research – Consultation proposal – Monitor and review		
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 HCC website and contact made with partner and other interest organisations.	Simon Rowley/Lynn Quick date to be confirmed

<b>Issue or opportunity identified relating to:</b> – Mitigation measures – Further research – Consultation proposal – Monitor and review	<b>Action proposed</b>	<b>Officer Responsible and target date</b>
Monitor and Review	We will continue to monitor:  - 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  We will carry out an evaluation to assess whether there is an increase attributable to the changes in policy.	Simon Rowley/Lynn Quick date to be confirmed
<b>Mitigation Measures</b>	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:**            **December 2017**

HCC'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](mailto:equalities@hertfordshire.gov.uk)).  
 Thank you.