

Equality Impact Assessment Form

PART 1 – Description

Directorate: Families and Wellbeing

Department: Adult Social Care

Assessment Lead Officer: Sally McGrail..... **Email:** smcgrail@warrington.gov.uk..... **Telephone Number:** x3946

Name of the Service/Policy/Service Change: Potential changes to financial assessments in respect of client contributions (treatment of standard disregards and higher rate allowances)

Date of Assessment:- June 2020

1. Background Information and Context

Warrington Adult Social Care provides a range of services for vulnerable people, but is reliant on income from charges to help pay for them. Without this income, service levels could not be maintained. Central Government anticipates that Social Services will partly fund its services from these charges and takes this into account when it calculates the amount it allocates to the Council.

Our charging policies take into account each individual's ability to contribute towards the cost of their services. A financial assessment, including disability related benefits and expenditure, will be undertaken for all service users who receive non-residential services such as home care, day care and supported living services. Meals, Community Alarms and assisted travel to day centres will be charged as a flat rate charge in addition to the assessed charge. The assessment of charges is combined with a service which provides a check to make sure people are getting all the benefits to which they are entitled.

The policy has been devised to meet the appropriate Department of Health (Central Government) legislation and guidelines.

The Adult Social Care Policy for non-residential services is available [here](#). Adult Social Care is facing considerable financial challenges as the cost of care is increasing, without any additional income from the Government. Changes to the way in which social care is funded has been due to be outlined in a Government Green Paper, however this has been further delayed. The Council is having to explore all opportunities available to reduce costs and increase revenue in order to mitigate against the increased cost of care and increasing demand. This proposal is being considered to enable the council to continue to provide services to meet the needs of an ageing population and increasing demand.

Proposals are currently being explored to change the way in which the client contribution is calculated, as follows:

- 1) To use the full level of DLA/PIP/AA care component that is used in the assessment for community services.

2. Details of the Service/Policy/Service Change?

1) To use the full level of DLA/PIP/AA care component that is used in the assessment for community services.

- a. As per the Care Act the Council could use the full level of DLA/PIP/AA care component that is used in the assessment for community services. When fairer charging was introduced in 2006 it was decided not to include the full amount of high rate care payments into account in the assessment, as we were not providing any overnight care. We only included the full AA/DLA/PIP in assessments for supported living cases. We therefore currently disregard £24.94 per week in the current assessments.
- b. As PIP high level (enhanced) is payable even if you do not have night care needs the criteria for receiving the care benefits has changed. This is further explained in Appendix 1, which is an extract from Disability Rights UK website. Technically, the full benefits should be included for the purpose of the financial assessment, and then if the individual has overnight needs that they are paying for privately – they should then claim this as disability related expenditure, which would be applied subject to evidence being provided of actual costs incurred by the individual to meet this need and that the need is identified in the individual's care plan.
- c. There are 773 clients in receipt of the above benefits at a Higher Level where the above applies at the end of June 2020.

PART 2 - Equality Impact Assessment

Equality Group or Protected Characteristic	People Profile	Consultation Statistics & comments. Identify gaps in feedback, have all relevant equality and geographical groups responded?	Type of Impact Positive, negative or no impact.	Action/s Required. To include additional consultation activities if gaps have been identified.
Age (children, young people, working age and older people)	<u>Children & Young People:-</u> Not applicable. The policy only relates to Adults	The ASC department provides support for approx. 2500 adults via packages of care. The changes to the financial assessment affect a relatively small proportion of this group,		The potential negative impact of the change to the financial assessment could be mitigated in the following ways:
	<u>Working age adults</u> ASC provide services and support to all Adults who have eligible needs under the Care Act Currently affects 766 Adults, 391 (51%) are under 65 and 375 (49%) are over 65	The policy is based on statutory guidance and allows a fair assessment and charge to be applied. Consultation will take place via letters to all existing service users affected by the change and a wider consultation will be posted on the council's website in order to capture views of potential future users or their representatives. Letters will be shared with relevant partnership and stakeholder groups (LD Partnership Board, Older People's Representative groups Carers Partnership Board, CAB, Advocacy Hub etc) to advise them of the consultation and encourage their participation.	Negative – the greatest impact will be for existing service users who may experience a significant increase in their contribution. There will be less impact for new service users as their financial contribution will be assessed for the first time.	<ul style="list-style-type: none"> • Communications emphasising the compliance with the requirements and that the role of the minimum income guarantee to ensure people have sufficient remaining income. • Consultation will ask people to further identify the impact that this may have and how it can be mitigated. • Advocacy support will be offered to support individuals to understand and take part in the consultation. • Consideration could be given to phasing the increased contribution over a period of time in order to mitigate the impact on disposable income, however this raises issues in relation to fairness and equity
	<u>Older People</u> ASC provide services and support to all Adults who have eligible needs under the Care Act. As above. A high proportion of the people supported by the council are older people (56.9%). The specific numbers of older people affected by the proposal are included above.			

Disability (physical or sensory impairments, and mental health)	The proposals affect individuals with a disability who are in receipt of benefits. All of the individuals affected are in receipt of disability related benefits.	As above. However the policy is in line with national guidance.	Negative	As above.
Learning Disability and Autism	The proposals affect individuals with a disability who are in receipt of benefits. All of the individuals affected are in receipt of disability related benefits.	As above. However due to the nature of disability and benefits, the impact of charging for disabled people is less significant. This is due to the whole of the care element of DLA/PIP already being included in the financial assessment if a client is living in supported living accommodation. Therefore they will not be affected by this change.	Negative	As above.
Gender Reassignment (person proposing to undergo, is undergoing or has undergone reassigning their sex)	No	No	N/A	
Pregnancy and maternity (the rights of a woman and her maternity leave)	No	No	N/A	

Race (include nationality, ethnicity inc. Gypsy and Travellers)	No	No	N/A	
Religious / Faith Groups (specify group)	No	No	N/A	
Sex (men, women and gender non-conforming)	Currently affects 766 adults, 436 (57%) are female and 330 (43%) are male.	No	N/A	
Sexual Orientation	No	No	N/A	
Carers of Children and Dependant Adults		Whilst the authority could apply charges to carer's services, it has opted not to. The policy relates to individuals in receipt of care and support and excludes carers receiving services in their own right. However the changes to the policy may impact on a household's available income so may adversely affect some carers.	Negative	As above
Socio-Economic	All of the individuals affected by the proposed changes are in receipt of benefits, however the national approach and framework for charging takes account of the money individuals need to live on and a Minimum Income Guarantee allowance is applied to all assessments.	The Policy approach to charging is fair and equitable and individual financial assessments are carried out to fully take account of an individual's circumstances.	Negative	As above

SECTION 3: Monitoring and Review

Who will be responsible for monitoring and reviewing the service change?

Responsible Officer:.....Sally McGrail..... Job Title: ...Head of Service, Business and Service Development.....

Directorate:.....Families and Wellbeing..... Department: Business and Service Development

Contact.....

Telephone Number:443946..... Email:smcgrail@warrington.gov.uk.....

Date to be reviewed:September 20.....

Authorisation

Service Manager Signature: Date:

Assistant Directors Signature: Date:

Appendix 1: Extract from Disability Rights UK Website:

Non-Residential Charges: Paying towards the cost of your care and support at home

Previously, the Fairer Charging Guidance made a distinction between day and night care, as well as the three different rates of DLA, and higher rate and lower rate of the AA. This has now changed because DLA is being replaced by PIP which has two rates and there is no distinction between day and night care as stated in paragraph 47 of the guidance.

DLA care component & PIP daily living component

If you receive the highest rate DLA care component for both daytime and night-time care needs, but your local authority is only meeting your daytime care needs and you have to self-fund for your night-time care needs, then LA would be asked to apply paras 39 and 40 of Annex C of the updated Care and Support guidance to allow a disregard of the night-time part of your DLA care as this night-time care cost would be considered as a disability related expenditure (DRE) in this case. This also applies if you are getting higher rate attendance allowance. So your local authority would just take the part for daytime care when conducting a financial assessment.

However, it would be harder to challenge LA if you are getting the highest rate of DLA care or higher rate of AA care when you don't actually pay for night-time care. This means that if you are not paying for night time care (from your own income) and your night time needs are not being met, it would be difficult to argue that there is a "disability-related expenditure" for night time care needs. Local authorities must allow sufficient funds to be retained for night time care when they are not providing you with night time care.

If your local authority charges against PIP, it may take all of your PIP daily living component in the financial assessment. Things vary between councils. At present, many councils are beginning to treat the whole of DLA care and AA as income in the same way as they would PIP daily living. On the other hand, few councils are applying the night-time disregard to PIP daily living in the same way as for DLA care and AA.

While the Care & Support guidance and regulations explicitly state that the mobility component of DLA/PIP cannot be taken into account in the process of a financial assessment, it does not clearly mention that local authorities cannot take into account the highest rate DLA/AA if night time care is not being provided.

You could however argue that you are receiving the highest rate of care because you have night time care needs your LA may disregard an amount for the night element.

Local councils should make an assessment of your disability-related expenditure and allow you to keep enough benefit to meet any needs not being met by the council. The local authority needs to take into account any Disability Related Expenses (DRE) you have when carrying out the financial assessment. The DRE is any additional expenses incurred because of your disability. This can include laundry costs due to incontinence, high heating bills (if, for example, you have poor blood circulation), accessible taxi fares costs, equipment, essential dietary requirements costs, special clothing (because of wear and tear), internet costs, therapies. You should try and make a full list of all your disability related expenses if you are having a local authority assessment. Any requested contribution to costs needs to be reasonably practicable for you to be able to pay.