

**Equality Impact Assessment Form – Appendix 8**

Reference – 3A1

<b>Department</b>	Adult & Community Services	<b>Version no</b>	4.0
<b>Assessed by</b>	Bev Tyson	<b>Date created</b>	13/11/2015
<b>Approved by</b>	Bev Tyson	<b>Date approved</b>	10/2/16
<b>Updated by</b>		<b>Date updated</b>	
<b>Final approval</b>	Lynn Sowray	<b>Date signed off</b>	12/2/16

**Section 1: What is being assessed?****1.1 Name of proposal to be assessed:****Changes to the Contributions Policy for Adult Social Care**

People who are able to reasonably afford it will pay more towards the cost of their non-residential care. Bradford's current policy is generous compared to other authorities and treats people with more income more favourably. No service user would pay more than they can reasonably be expected to afford.

A significant number of service users out of a total of 3,500 would see an increase of between 2p and £116 per week. People with higher levels of income or savings would be most affected.

**1.2 Describe the proposal under assessment and what change it would result in if implemented:**

Due to the design of Bradford's Contributions Policy, it is generally more generous than the standard alternative contributions policies adopted by the majority of Local Authorities. Service users with more income are more favourably treated under the Bradford Policy, broadly the more income that you have, the more you benefit from the Bradford's approach.

Bradford Council's current Contributions Policy is composed of the following four components:

- a basic charge
- a charge of 33% of middle rate Disability Living Allowance Care Component/ Attendance Allowance and 33% of Severe Disability Premium.
- a charge on income
- a charge on capital and savings

The total is used to calculate the service user's maximum weekly contribution. Calculating the contribution this way adds an extra level of complexity that is difficult to explain to service users

The standard alternative is based on a single component as follows:

- the total income of the service user is determined; from this the Minimum Income Guarantee (their basic income support/pension credit plus 25% buffer) and any housing related costs are deducted.
- an amount for Disability Related Expenditure (DRE) is disregarded. For the figures used in this report we have used a set figure of £10, however some local authorities assess each item of DRE separately.

After the above has been applied for the figures used in this report we have taken 100% of the remaining disposable income into account to calculate the service user's maximum weekly contribution, a lower percentage may be used.

The standard alternative would be simpler to administer. There are currently over 3500 service users across the District and the impact of the charging proposals is likely to have a greater impact on the savings and net disposable income of older people and working age adults that have more income and young people under the age of 25. Young people under the age of 25 in receipt of high rate DLA/PIP would see an increase of up to £20 per week once they are in receipt of benefits as an adult; there are currently approx 226 service users under 25 of these 127 (56%) are in receipt of high rate DLA/PIP. Approximately 400 service users (40%) of working age will see an increase of between 25p and £116 per week and approximately 700 service users (34%) of pension age will see an increase of between 2p and £110 per week. By definition virtually all those people receiving a social care service have a disability. However the proposed changes to the contributions policy have the greatest impact on young people under the age of 25 and those people who have acquired savings or have higher levels of income, and certainly above income support levels. In general people with severe and life limiting disabilities are less likely to be earning or acquiring savings. Approximately 400 service users (40%) of working age will see a decrease of between 13p and £43.70 per week and approximately 450 service users (23%) of pension age will see a decrease of between 8p and £52.49 per week.

If the proposal is agreed, in order to avoid increased charges, some service users may choose to reduce their care packages or purchase their care on the private market, which will benefit the purchased care budget, rather than the income budget.

In addition to the proposal to amend Bradford Contribution Policy to the Standard alternative used by many other Local Authorities, further additional changes are recommended to the existing Policy to ensure that a comprehensive Contributions Policy is in place across the District which captures all services for which a charge could possibly be made.

### **Shared Lives Full Time Placements**

Consideration needs to be taken to bring the Shared Lives Full Time Placements under the Contributions Policy. The current payment system is based on the residential charging model which is not applicable and leaves Bradford open to challenge and the possibility of being required to pay compensation.

The Shared Lives Scheme provides up to 37 full time placements for vulnerable adults. Placements are funded by a combination of housing benefit, client contribution and Local Authority top up with the current average cost of placement to the Department being £124.31 per week (excluding HB).

The service users are not currently put through the financial assessment arrangements but are left with a personal allowance of £72.50 per week. Under the fairer charging model the service users would be left with a personal allowance of between £91.38 and £176.38 depending on their income.

### **Shared Lives Short Breaks**

Currently the charge for Shared Lives short breaks is £8.97 per night which is less than the current charge for short breaks in Learning Disability Services of £11.35 the proposal is to bring shared lives in line with Learning Disability Services.

### **Charging for cost of service – Double Up's**

Under Bradford's current Policy, the cost for care visits which require two workers to be present at the same time are calculated on the time taken for the visit rather than the actual cost of the service. The Care Act 2014 determines that the actual cost of the service has to be used for calculating the Care Account and therefore the actual cost of the service should be used for the calculating the contribution. If implemented, this change will only affect those service users who have been financially assessed as contributing the full cost of their care i.e. self funders.

There are 417 service users that have two workers present. Of these 70 pay the full cost of service and 67 have chosen to pay the full cost of their care and not disclosed their financial circumstances. Their contributions would double with the increase in costs being between £13.75 and £409.06 per week.

### **Charging for care provided in Supported Living**

Supported Living is not currently an assessed charge under the existing Contributions Policy. There are currently 221 service users in Supported Living care settings who receive 24/7 support in their Supported Living accommodation. 151 of those service users currently receive other services that do come under the Contributions Policy for which they are assessed as being able to make a contribution towards and are charged. The remaining 70 do not receive any other services and therefore do not make a contribution towards the cost of their care.

If the Supported Living service was to be considered under the Contributions Policy the 151 already being charged will not see an increase in their charge because they are already paying the maximum they can afford to pay. However, if the remaining 70 are assessed as being able to afford the minimum contribution of £22.73.

## **Section 2: What the impact of the proposal is likely to be**

The Equality Act 2010 requires the Council to have due regard to the need to-

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups

**2.1 Will this proposal advance equality of opportunity for people who share a protected characteristic and/or foster good relations between people who share a protected characteristic and those that do not? If yes, please explain further.**

No

**2.2 Will this proposal have a positive impact and help to eliminate discrimination and harassment against, or the victimisation of people who share a protected characteristic? If yes, please explain further.**

No

**2.3 Will this proposal potentially have a negative or disproportionate impact on people who share a protected characteristic? If yes, please explain further.**

This proposal is likely to have a disproportionate impact on older people and working age adults with disabilities who have more income and young people under the age of 25 in receipt of high rate Disability Living Allowance/Personal Independence Payment.

There are currently over 3500 service users across the District and the impact of the charging proposals is likely to have a greater impact on the savings and net disposable income of older people and working age adults that have more income and young people under the age of 25. Young people under the age of 25 in receipt of high rate DLA/PIP would see an increase of up to £20 per week once they are in receipt of benefits as an adult; there are currently approx 226 service users under 25 of these 127 (56%) are in receipt of high rate DLA/PIP. Approximately 400 service users (40%) of working age will see an increase of between 25p and £116 per week and approximately 700 service users (34%) of pension age will see an increase of between 2p and £110 per week. By definition virtually all those people receiving a social care service have a disability. However the proposed changes to the contributions policy have the greatest impact on young people under the age of 25 and those people who have acquired savings or have higher levels of income, and certainly above income support levels. In general people with severe and life limiting disabilities are less likely to be earning or acquiring savings. Approximately 400 service users (40%) of working age will see a decrease of between 13p and £43.70 per week and approximately 450 service users (23%) of pension age will see a decrease of between 8p and £52.49 per week.

The Shared Lives Scheme provides up to 37. Under the proposals the service users would be left with a personal allowance of between £91.38 and £176.38 depending on their income as apposed to £72.50 currently.

Charging for double up's, there are 417 service users that have two workers present. Of these 70 pay the full cost of service and 67 have chosen to pay the full cost of their care and not disclosed their financial circumstances. Their contributions would double with the increase in costs being between £13.75 and £409.06 per week.

Charging for supported living, there are currently 221 service users in Supported Living.

If the Supported Living service was to be considered under the Contributions Policy the 151 already being charged will not see an increase in their charge because they are already paying the maximum they can afford to pay. However if the remaining 70 are assessed as being able to afford to contribute they will have to start to make a contribution. This amount will depend on their income.

**2.4 Please indicate the level of negative impact on each of the protected characteristics?**

(Please indicate high (H), medium (M), low (L), no effect (N) for each)

<b>Protected Characteristics:</b>	<b>Impact</b>
Age	H
Disability	H
Gender reassignment	N
Race	L
Religion/Belief	N
Pregnancy and maternity	N
Sexual Orientation	N
Sex	M
Marriage and civil partnership	N
<b>Additional consideration:</b>	
Low income/low wage	M

**2.5 How could the disproportionate negative impacts be mitigated or eliminated?**

The current Contributions Policy ensures that no individual service user, especially those with limited income, contributes more than they can reasonably afford to pay. That principle will not change under this proposal and all existing service users will have a new financial assessment with help to maximise benefits. There is also an appeals process if the service user cannot afford any newly assessed contribution

## **Section 3: What evidence you have used?**

### **3.1 What evidence do you hold to back up this assessment?**

A snapshot was taken of existing service users and the above proposals were implemented against the information we held.

### **3.2 Do you need further evidence?**

A new financial assessment would be needed for all existing service users to ensure that we had the correct financial information on which to base the new contribution.

## **Section 4: Consultation Feedback**

### **4.1 Results from any previous consultations**

None Done

### **4.2 Your departmental feedback**

N/A

### **4.3 Feedback from current consultation**

Concern was expressed that the change in policy will have a disproportionate impact on low income groups.

It was also suggested that the process needs to be reviewed to ensure its fair for all service users e.g. not everyone who gets benefits gets everything for free and those with small savings have to pay.

### **4.4 Your departmental response to this feedback – include any changes made to the proposal as a result of the feedback**

When people are financially assessed their outgoings including home maintenance are taken into account. People can also appeal against a decision if they feel they cannot afford to pay.

The basis of the proposal is that people are assessed in line with most other local authorities and based on people's assessed ability to pay. The current policy has a system of appeal in place and this will also continue to be the case.

The intention and practice continues to be the equitable application of all Council policies