

Equality Impact Assessment Form

APPENDIX 1

Department	Adult & Community Services	Version no	4.0
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Section 1: What is being assessed?

1.1 Name of proposal to be assessed:

Changes to Adult Social Care Non Residential Charges prompted by the Government's Adult Care Reform agenda.

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

1.2.1 BACKGROUND

The Care Act 2014 is the primary legislation providing the single legal framework for charging for care and support, with the Care and Support Regulations governing the scope of 'local authorities' power to charge for meeting eligible needs and for financial assessments under the primary legislation.

1.2.2 PROPOSAL

- a) We have undertaken a refresh of the Council's Adults Social Care Non Residential Care Services Charging Policy, which sets out the Council's approach to how we charge for services in accordance with the duties set out in the Care Act 2014.
- b) The refresh of the policy includes a proposal to charge service users the actual cost to the Council for their services. Currently service users pay a reduced amount, and the difference is topped up by the Council through a subsidy.

The Council is having to make these changes due to the significant increase in the cost of everything from food, electricity, fuel, which has put a major pressure on the Council's budget.

- c) The Council is legally obliged to consult with those that will be affected by the changes we are proposing, which includes the following cohorts:
- I. those termed 'full-costers' and have assets above the current capital threshold of £23,250.
 - II. those who are not currently charged at the maximum level of their financially assessed contribution.

1.2.3 **SCALE OF IMPACT**

- d) The Council's Department of Health and Wellbeing is responsible for the provision of care and support under the Care Act 2014, and its strategic and assistant directors have delegated powers to formulate and implement the financial assessment and charging arrangements that are required under the Assessment Regulations. These arrangements will be formulated in a refreshed policy document **entitled the Charging Policy for Non-Residential Care Services for Adults**.
- e) The Council recognises that the implementation of the refreshed policy will result in changes to the financial assessment arrangements for all affected service users and in the charges that they pay for non-residential care services provided either by the Council or by a third party.
- f) The table outlined below provides a summary for both of the cohorts identified in paragraph 1.2.2.c above. It needs to be noted that the number of service users impacted and the cost of their packages of care and support are based on data at August 2022. (this will be updated just before the consultation commences).
- g) It also should be noted that as packages can change for a variety of reasons: a service user is no longer receiving a service or following a care review and/or a financial assessment review, the number of hours and their financial assessed contribution could change this data will be refreshed at the end of November to ensure any changes are picked up.

Charge all 'Full-Cost Payers' (those with eligible needs and assets above the current capital limit of £23,250) the actual cost of their services.

- The legislation is clear when choosing to charge for care and support services an authority must **not** charge more than the cost it incurs in meeting the assessed needs of the service user.
- The Council currently had as at 30/11/2022 353 services users classed as 'full-cost payers' who have asked the council to commission non-residential care and support services on their behalf.
- These service users have no 'maximum assessed contribution' as they are above the current capital limit of £23,250 and so have to contribute fully to the cost of their care and support.
- These service users have asked the Council to commission their care, although as 'full-cost payers' or 'self-funders' the Council currently has no legal obligation

to commission care on their behalf.

- The Council currently charges all service users at a historical nominal cost for services which has not been uplifted each year with inflation. This is not the 'actual' cost of the services to the Council. The actual cost is more than the nominal cost, by 36.8% for the majority of services based on the current level of charges and costs i.e. those for the 2022/23 financial year. The Council is effectively subsidising the cost of these services.
- This will impact 353 service users currently receiving a total of 3,6333.81 hours of care and support per week, with increases ranging from less than £10 per week up to in excess of £300 per week for 5 service users. An additional 17 new service users have been identified as full cost service users identified during the consultation process as part of the business as usual financial assessment process.
- Further detail is provided in tables outlined below, along with a summary of the number of hours received per week e.g. 97 of these service users receive less than 5 hours of care per week, 7 receive between 20 and 50 hours per week and 1 receives more than 50 hours of care per week.

Table 1: Summary of Full-Costers Impacted

Type of Service	No of Service Users	Number of Hours weekly (includes Day Care and Timeout sessions)
Double Handed Home Care	56	644.25
Home Care	277	2,318.25
Timeout	1	6.00
Day Care	12	25.00
Supported Living	7	340.31
Full Cost Payers	353	3,333.81

Table 2: Number of Full Cost Service Impacted by band of weekly cost increases

Weekly Rate Increase £	Service Users/Packages Impacted
< 10	11
10 -19	60
20 - 49	120
50 - 99	103
100 - 199	50
200 - 299	4
> 300	5
Total	353

Charge all services users the actual cost of their services – this will impact on those not currently paying up to the assessed maximum contribution.

- The Council could not have differential charges for full-cost payers and service users who make a partial contribution to the cost of their care. It would therefore be necessary if considering the introduction of charges based on actual costs to apply this increase to all service users.
- The Council currently has 130 services users who make a contribution to the cost of their care but do not pay the 'full-cost' receiving 566.50 hours of care and support per week (this is predominantly Home Care).
- An additional 7 new service users have been identified as service users who will have to make a financial contribution but will not be required to pay the 'full-cost' of their care during the consultation process as part of the business as usual financial assessment process.
- For 39 service users the increase would be capped at their maximum assessed contribution, for 91 it would be the full 36.81% increase. The table below provides a more detail breakdown.

Table: 3 Summary of service users not at their financially assessed maximum contribution.

Type of Service	Number	Number of Hours weekly incl Day Care and Timeout Sessions	Number of Service Users Impacted	
Double Handed Home Care	1	5.25	Increase capped at Maximum Assessed Contribution	39
Day Care Sessions	5	6.00	Does not reach Maximum Assessed Contribution	91
Home Care	124	553.50		
Total	130	566.50		130

Table 4: Number of Service Users Impacted by band of weekly increase

Weekly Rate Increase £	Service User/Packages Impacted
< 10	25
10 -19	68
20 - 49	33
50 - 99	4
100 - 199	0
200 - 299	0
> 300	0
Total	130

1.2.5 **IMPACT BY PROTECTED CHARACTERISTIC**

- a) The Council also has a legal obligation to undertake an objective assessment of the impact of these changes upon existing and future service users in order to identify whether that impact will have a significant adverse effect upon them, and whether that effect may directly or indirectly be due to, relate to or be on the grounds of their (or another person) possessing a protected characteristic as defined within the Equality Act 2010.
- b) Our initial assessment of the service users that are likely to be affected by the New Charging Policy fall into the following range:
- All over 18 years old.
 - Some of them are over 60 years old.
 - All of them require care and support to meet their assessed needs under the Care Act 2014.
 - They all possess various degrees of vulnerability and may be disabled under the Equality legislation, or lack mental capacity for a variety of purposes as defined by the Mental Capacity Act 2006 or the Mental Health Act 1983.
 - Their gender, sexual orientation ethnicity and religion is varied but has not been specifically identified within the cadre of service users that has been assessed under the policy for the purposes of this report.
- c) The protected characteristics of the effected cohort are outlined in the tables below:

Full Costers	Male	Female	TOTAL
Sex	134	219	353
Age			
Under 25	0	0	0
Working Age	14	10	24
Older Person	121	208	329
TOTAL	135	218	353
Race Working Age			
Asian/Asian British	2	4	6
Black/African/Caribbean/Black British	0	0	0
Mixed/Multiple	2	2	4
Other Ethnic Group	0	0	0
Undeclared/Not Known	0	1	1
White	10	3	13
TOTAL Working Age	14	10	24
Race Older Person			
Asian/Asian British	11	1	12
Black/African/Caribbean/Black British	1	4	5
Mixed/Multiple	12	34	46
Other Ethnic Group	2	5	7
Undeclared/Not Known	0	6	6
White	95	158	253
TOTAL Older Person	121	208	329
TOTAL All Ages	135	218	353

Service Users Not At Maximum Assessed Financial Contribution	Male	Female	TOTAL
Sex			
Age			
Under 25	0	0	0
Working Age	24	10	34
Older Person	45	51	96
TOTAL	69	61	130
Race Working Age			
Asian/Asian Bristish	1	1	2
Black/African/Carribean/Black British	1	0	1
Mixed/Multiple	2	2	4
Other Ethnic Group	0	0	0
Undeclared/Not Known	2	1	3
White	18	6	24
TOTAL Working Age	24	10	34
Race Older Person			
Asian/Asian Bristish	4	2	6
Black/African/Carribean/Black British	0	2	2
Mixed/Multiple	5	7	12
Other Ethnic Group	0	0	0
Undeclared/Not Known	1	3	4
White	35	37	72
TOTAL Older Person	45	51	96
TOTAL All Ages	69	61	130

	Full Costers		Service Users Not At Maximum Assessed Financial		
New Service Users	Male	Female	Male	Female	TOTAL
Sex					
Age					
Under 25	0	0	0	0	0
Working Age	1	0	2	0	3
Older Person	8	9	5	0	22
TOTAL	9	9	7	0	25
Race Working Age					
Asian/Asian Bristish	0	0	1	0	1
Black/African/Carribean/Black Briti	0	0	0	0	0
Mixed/Multiple	1	0	0	0	1
Other Ethnic Group	0	0	0	0	0
Undeclared/Not Known	0	0	0	0	0
White	0	0	1	0	1
TOTAL Working Age	1	0	2	0	3
Race Older Person					
Asian/Asian Bristish	0	0	1	0	1
Black/African/Carribean/Black Briti	0	0	0	0	0
Mixed/Multiple	1	4	1	0	6
Other Ethnic Group	1	0	0	0	1
Undeclared/Not Known	3	1	1	0	5
White	3	4	2	0	9
TOTAL Older Person	8	9	5	0	22
TOTAL All Ages	9	9	7	0	25

The changes to this policy are not expected to significantly impact on the following groups:

Protected Characteristics		Charge all 'Full-Cost Payers' (those with eligible needs and assets above the current capital limit of £23,250) the actual cost of their services.	Charge all services users the actual cost of their services – this will impact on those not currently paying up to the assessed maximum contribution.
Age	Under 25	0	0
	Working Age	25	36
	Older People	346	101
Disability			
Gender reassignment			
Race		As set out in the above tables	As set out in the above tables
Religion/Belief			
Pregnancy and maternity			
Sexual Orientation			
Sex		As set out in the above tables	As set out in the above tables
Marriage and civil partnership			
Low income / low wage			

1.2.6 OUTCOME OF CONSULTATION AND APPROVAL

- a) Following the consultation period as agreed by on 6th December 2022 Bradford Council's Executive, the Executive will be considering the outcome of consultation and the recommendation to agree to the changes to the non-residential charges with effect from April 2023 and this Equality Impact Assessment and based on these deliberations will consider whether to approve (or not) ensuring that due regard is made to the Council's public sector duty as set out in the Equality Act 2010.

b) As part of the consultation process HWB Financial Service staff took inbound calls, working through a set of questions with the service user or their representative:

- For some service users due to the nature of their care need HWB Financial Service staff visited them in person to take them through the letter and the set of questions.
- The calls confirmed the service user details including contact and service details, explained the proposed changes and asked them for their views. They were asked if they understood why they were classed as a self-funder, given the opportunity to provide update financial information as to their assets and capital, the offered financial assessment reviews, offered a review of any disability related expenditure, and offered benefit advice for them and their families (41 took up the offer), including completion and submission of any claims for benefits where relevant – the main one was Attendance Allowance. The table below sets out the actions arising from the Welfare Benefit Referrals.

Welfare Benefit Referrals	Number	Comments
Receiving Maximum Benefit Entitlement	9	Offered to support claim when forms arrive either via phone or visits
Advised to Claim Attendance Allowance	9	
Still to be contacted following referral 2 & 3/02/2023	5	
Voicemail left	2	
Family member to call back	1	Offered to support claim when forms arrive either via phone or visits
Package of Care Transferred to another authority	1	
Advice on pension credit, carers allowance, council tax reductions	14	
TOTAL	41	

- Checks were also made to ensure service users were in receipt of all of the cost of living support, universal and where appropriate the targeted support.
- Where the service user said they may need to reduce their hours if costs increased a workflow referral was made to the social work operational team for a care review. 31 such referrals were made, the outcome of the reviews completed to date are summarised below.

Actions
Ending Service - no unmet needs.
No longer a self-funder
Package of care being reduced no unmet needs
Reducing package of care no unmet needs & support being provided to apply for benefits.
Continuing with service.
Applying for Attendance Allowance
Entered Residential Care
Reassessment of needs being undertaken.
Home visit & Continuing Healthcare checklist completed.
Passed Away

- All responses as well as outcomes of financial, welfare benefit and care reviews were recorded in a detailed spreadsheet, which was reviewed daily.
- The consultation process has now ceased, however, the dedicated phone number and email address will remain open until at the end of February for anyone seeking guidance in relation to the changes proposed in the consultation.

c) Subject to approval the changes to charges will commence from April 2023.

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.

Yes. The provision of more cost effective and sustainable non-residential care services will facilitate the integration of persons with disabilities into the community and will enable older persons to gain greater access to community services and resources.

It will enable them to participate in the broader social milieu outside their homes and so improve their opportunities to access services (including services that may lead to employment) and foster good relations between different groups of service users by ensuring equality and transparency of service access and with the local community.

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.

Yes, see section 2.1.

Discrimination and harassment may include unintended exclusion from opportunities or isolation from family, friends and the community. By securing on-going equal access to non-residential services the policy will reduce the potential for such exclusion and isolation.

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

Yes, our initial assessment outlined in section 1.2.5 above shows that the proposed changes to charging for the two cohorts set out in paragraph 1.2.2. have a disproportionate adverse impact on a total of 483 service users receiving a total of 3900.31 hours per week and a further 25 new services users who are having their packages of care finalised.

We have assumed that there is a high probability that people receiving a social care service will have a disability under the Equality Act 2010, and that there is an unquantifiable negative correlation between possessing severe and life limiting disabilities and the ability to earn or acquire savings.

- Older people

- Working age adults that have more income and
- Young people under the age of 25.

Analysis of impact:

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)

Protected Characteristics:	Impact
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
Additional consideration:	
Low income/low wage	M

2.5 How could the disproportionate negative impacts upon the affected groups of service users be mitigated or eliminated?

- 2.5.1 The current charging policy ensures that individual service users, including those with limited income, are not required to contribute more than they can reasonably afford. That principle will not change under the refreshed charging policy and all existing service users will have a new needs assessment / review, financial assessment with help to maximise benefits, review of Disability Related Expenditure and affordability of any contribution. There is also an appeals process if the service user cannot afford any newly assessed contribution.
- 2.5.2 Where the assessment process under the refreshed policy identifies a change in service provision we will work with the service user and their family

members, carers and advocates to support the implementation of the new charges.

Section 3: What evidence you have used?

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

See section 2.3

3.2 Do you need further evidence?

A new financial assessment would be needed for all existing service users to ensure that we are using the most up to date financial information to determine the new charging costs. As part of the consultation process we have discussed financial reviews with the cohort of service users, these have or are being undertaken for those service users where there has been a change in their financial circumstances.

Section 4: Consultation Feedback

4.1 Results from any previous consultations

The main message from the consultation undertaken in 2016 was around the potential disproportionate impact on low income groups and the need for robust mitigation actions to be put in place.

4.2 Your departmental 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

4.3 Feedback from current consultation

The table below provides the response rate from those service users or their representatives included in the consultation. There are 34 'full-cost payers' and 26 service users who max a contribution but have not reached their maximum contribution where no response to the various forms of contact has been received.

Contact With Service User Or Their Representative	Service Users	Contact Made And Responses Recorded
Total Number of Service Users sent initial letter	483	423
Additional Service Users included in the consultation	25	25
Total Service User Numbers	508	448
Percentage	100%	81.20%

Responses to the consultation and questions while varied were focussed around the following themes, political, acceptance, timing in relation to the cost of living crisis and a couple of suggestions received so far saying that this should be phased.

The table below provides a representation of responses from service users or their families

Service Area	Service	Summary of Comments
Older People	Homecare	Understands the reasons why and the mess with the government. Comment: "If you do have to increase charge please try and keep it as low as possible"
Older People	Homecare	Understood. "Will wait for a figure and see what I'm going to do in April" Believes charges too high as not doctors and nurses only provide a shower and help dress.
Older People	Homecare	"In our case no impact as such, will just be paying more"
Older People	Homecare	Doesn't feel it is fair but service user has dementia and needs the care will have to pay for it.
Older People	Homecare	Feeling strongly that it has gone from getting support with the cost of care to proposing no financial support whatsoever, cost of living is high for all and this is just another increase. The stress of caring and trying to manage finances is enormous to elderly people and client's families. Feels the Council is being cold in sending a letter out is poor way of communicating such a big change to financial situation. There is more to this than financial implications it's a very emotional highly stressful situation for a family when a loved one requires much needed care.
Older People	Homecare	Understood and commented "Sounds pretty fair but nobody likes to have increases. Yes I agree"
Older People	Homecare	Happy to make the increase in cost and no need to explain anything further.
Older People	Homecare	Feels unfair it is a big increase but care is essential and service user does need the care. If the proposal goes through may consider going privately but doesn't want to at this stage

Service Area	Service	Summary of Comments
Older People	Homecare	Son didn't feel he wanted to comment in full, but wanted to say: "it is unfortunate that help and care is needed in later life. Care enables people to stay in their home and his father wouldn't have been able to prepare a meal if he hadn't had his care package. The care package wasn't always brilliant but it worked and kept the client in family home longer at a cheaper cost. Care is an essential need for some people."
Older People	Homecare	Note the client did not have a financial assessment as chose to self-fund. The council should have taken a stepped approach in advance of this to get people used to the increases - done gradually over 2-3 year period. The increase is a ridiculous amount. The rise in service would be a 36% increase - yet attendance allowance and state pension are not increasing at this same level. This is awful for those on a fixed income where would they get the extra money from?
Older People	Homecare	Understands the argument in terms of allocative efficiency. Don't believe in the social cost of this.
Older People	Homecare	"BMDC are doing everything they can, The carers are alright - nice people"
Older People	Homecare	"Will we receive another letter about the outcome or just an invoice?"
Older People	Homecare	Just to comment that "we saved, made sensible choices but are penalised for it against those who squandered their money."
Older People	Homecare	"One could always be awkward, but the care we receive does help and we do not want to cancel it"
Older People	Homecare	Will have to take the increase in cost on the chin although feels it is a little disappointing
Physical Disability	Homecare	Cancelling, feels don't need the services anymore. Said had decided before consultation letter as service doesn't benefit them. A referral has been made for a care review.
Mental Health	Homecare	Service user feels care should be provided without being charged for. Service user is concerned as she has OCD she may need to cut back on things and is concerned she may need to cut back on the clothes she wears. She has also advised she interpreted the letter as though the increase was her current charge and the council charge.
Older People	Homecare	Understands the rationale why and couldn't afford privately provided services.

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

No changes are proposed to those consulted on as a result of the consultation based on the feedback received. There may be changes for individuals following welfare benefit reviews, financial assessment reviews, social care reviews and joint finance and social visits as requested or were deemed appropriate during the consultation process. This level of support will continue, the phone line and email address remaining in operation and similar support will be offered when the proposed changes are implemented.

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.