



Derby City Council

Equality impact assessment form

People Services

Adult Social Care

Adult Social Care Charging Policy

22 December 2015 v0.4

Signed off by

Cabinet 10 Feb 2016

Date published on website

Equality impact assessment – please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact you need to do an equality impact assessment whenever a decision is needed that affects people and **before** that decision is made.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to do them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have ‘**due regard**’ to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a ‘**relevant protected characteristic**’ and people who don’t.

Having ‘due regard’ means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity

- race
- religion or belief
- sex
- sexual orientation

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Don't do the form by yourself, get a small team together and make sure you include key people in the team such as representatives from our Diversity Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you

may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

When you have completed the assessment, get it signed by your Head of Service or Service Director and send it to our Lead on Equality and Diversity for checking and to publish on our website. It is a public document so must not contain any jargon and be easy to understand.

Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010.

Equality groups and protected characteristics

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties and people with physical impairments
- Gender reassignment – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers
- Race equality – the effects on minority ethnic communities, including newer communities, gypsies and travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls

- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

In addition, we have decided to look at the effects on families and people on low incomes too as we feel this is very important.

Contact for help

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The form

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures
- Key decisions such as allocating funding to voluntary organisations, budget setting
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays

If in doubt - do one! You never know when we may get a legal challenge and someone applies for Judicial Review.

What’s the name of the policy you are assessing?

Adult Social Care Charging Policy

The assessment team

Team leader’s name and job title

Colyn Kemp, Head of Business Intelligence

Other team members

Name	Job title	Organisation	Area of expertise
Ann Webster	Lead on Equality and Diversity	Derby City Council	Equality and Diversity
Pam Thompson	Adults & Diverse Communities Participation Officer	Derby City Council	Community Participation
Shelley Harrod	Consultation Officer	Derby City Council	Public consultation
Christine Collingwood	Acting Head of Integrated Commissioning	Derby City Council	Public consultation Commissioning Provider relations
Judi Bateman	n/a	Disability Forum	Disability
SomBhalla	n/a	Diversity Community Forum Indian Community	Race equality Needs of diverse community Education
Moirra Findlay	n/a	Disability Forum Derbyshire Carers	Age Carers Disability
Andy Findlay	n/a	Disability Forum	Disability Age

Step 1 – setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side tracked.

- 1 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.**

The Council's current Fairer Contributions Policy was introduced following public consultation in early 2011 and was last updated in 2013. It is now out of date and, following recent changes in legislation, it is no longer fit for purpose.

The Care Act 2014 has changed the way that Councils can charge for adult social care services. Under the previous legislation, residential and non-residential care, have been charged under separate schemes. The Care Act 2014 brings these together under one new set of rules, which also gives the Council wider powers to decide whether different care services should be charged for or not.

The proposed Policy sets out the principles and policies for applying charges for Adult Social Care services in Derby City Council in accordance with the Care Act 2014.

The policy supports the Council Plan to build a more resilient Council. The money raised by charging for services helps the Council to deliver more services to more people.

2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?

The consultation on the revised charging policy is being managed by the Council's Consultation team.

The revised policy will be considered by Cabinet in February 2016, along with this equality impact assessment and their decision(s) will be applied by the Council's Homecare and Residential Care Charging and Support teams from April 2016.

3 Who are the main customers, users, partners, employees or groups affected by this proposal?

Everybody eligible for support from the Council for their social care needs, and receiving one or more of the services listed below will be directly affected by the revised charging policy. This will include older people, disabled people and their carers.

Service providers and voluntary organisations will be affected by having to explain the charging policy to their customers.

The scope of the Charging Policy includes these services...

- Personal Budgets
- Direct Payments
- Individual Service Fund
- Home Care (this includes help with personal care – including, practical tasks, shopping, bathing, night care and night sitting).
- Personal care provided in extra care settings.
- Day Care, whether in a day centre or other day activities
- Transport to and from a Day Care centre or other activity
- All meals
- Supported living arrangements, including Extra Care and the Shared Lives service
- Jointly funded services – contributions will be sought for the element of funding provided by the local authority only, this is regardless of whether the further funding is provided by the NHS, voluntary or charitable sector or some other body
- Life Lines and other Telecare equipment and services
- Community equipment and minor adaptations costing more than £1000
- Residential Respite Care
- Residential Care
- Nursing Care

Step 2 – collecting information and assessing impact

- 4 Who have you consulted and engaged with so far about this policy, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.**

A public consultation has been running between 9 September and 2 December 2015. An Easy Read version of the questionnaire and supporting information has been made available. We have also made reasonable adjustments for anyone who requested the information in other formats and languages.

The Council has written to around 4200 existing customers inviting them to take part in the consultation. The EIA team identified that some of these letters would have been better going to advocates and carers. The Council recognises that it would be helpful to ensure that information about suitable contacts is included and maintained in the data held about customers' communication preferences.

The Council has publicised the consultation to staff via internal communication channels.

The primary consultation response channel was via an on-line questionnaire, but respondents could telephone/text/minicom to ask for a printed copy if they wanted one.

The Council has publicised the consultation to the public via the following channels:

- The “What's Happening in Derby?” email and web news feed
- The Your City, your Say section of the Council website
- Promotion via the Council's Facebook page
- Promotion via the Council's Twitter account
- A general press release
- A request that it should be promoted on BBC radio Derby

The Council has publicised the consultation to affected groups and organisations via the following channels:

- The consultation was discussed at the October 2015 meeting of the Council's Carers' Forum.
- Details about the consultation were presented at the October 2015 meeting of the Council's Diversity Forum, which was supported by BSL interpreters. Those present gave other ideas for communicating with people protected by the Equality Act. One of these suggestions was to visit Derby Deaf Club to explain about the consultation and new policy.

- The following groups were invited to attend the October meeting of the Council's Diversity Forum: Baltic Community Group in Derby, Bangladeshi Community Group, British Deaf Association, Communications Unlimited, Derbyshire Autism Services Group, Derby Black Parents Association, Derby BME Health Network, Derby Bosnia-Herzegovina Community Association, Derby Deaf Forum, Derby Fibromyalgia, Derby Irish Association, Derby Shopmobility, Derbyshire Carers, Derbyshire Fire & Rescue Service, Derbyshire Friend, Derby West Indian Community Association, Food & Education Enterprise CIC, Guide Dogs for the Blind, Hadhari Day Centre, Hamaari (The Voice for East Africans in Derby), Indian Community Centre Association, Making Space, Multi Faith Centre, Muscular Dystrophy Association, New Testament Church of God Friendship Group, New Testament Church of God Men of Honour, Persian Community, Polski Link Ltd, Refuge - Asian Women's Services, Sight Support Derbyshire, Transcend, TRAQ - Derby Homes, Ukrainian Cultural Centre, Umbrella, Women in Neighbouring Communities, Women's Works.
- The consultation has been promoted by email to voluntary sector groups funded by the Council: Age UK Derby and Derbyshire, Alternatives Activity Centre, Austin Community Enterprise, CamTAD, Citizens Advice and Law Centre, Community Action Derby, Derby Bosnia Herzegovina Community Association, Derby Community Accountancy Service, Derby Persian Cultural Association, Derby Shopmobility, Derby Stroke Club No. One, Derbyshire Chinese Welfare Association, Derbyshire Friend, Derwent Group, Disability Direct, Hadhari, HadhariNari, Headway, Indian Community Day Support, MHA Live at Home Schemes, Opieka Lunch Club and Visiting Scheme, Padley Day Centre, Padley Development Centre, Sahakra Day Centre and outreach, Sahakar Group, Sahaly Womens Group, Sight Support Derbyshire, Sinfin and Stenson Fields Asian Overs 60's Social Welfare Club, Derby City and South Derbyshire Mental Health Carers Forum, St James Centre, Moving On, Ukrainian Day Centre Outreach
- The consultation has been promoted by email to direct service providers commissioned by the Council [\[list\]](#)
- The consultation has been promoted by email to members of the Derby Information and Advice Network: Disability Direct, Derbyshire Carers, Derbyshire Friend, Opieka, Citizens Advice and Law Centre,

Carers Ambassadors, HadhariNari, The Derwent Club, Forwards Together Sight Support, Sight Support Derbyshire, British Red Cross, Alzheimers Society, Direct Help and Advice, Ukrainian Day Centre, First Contact, St James Centre, Indian Day Care Support Service, Sterling Homecare Ltd, Communication Unlimited, Derbyshire Advocacy, Headway Derby, Age UK Derby and Derbyshire, Umbrella, Healthwatch Derby, Financial Inclusion Support, CamTAD, Derby Stroke Club, Derbyshire MIND, JET: Jobs Education and Training, Midland Community Finance, Creative Carers, National Careers Service, Derby Unemployed and Claimants Group, The Livewell Service, Residents Advocacy Service, Rethink, Derby City Mission, Deda, Active Support, Transition 2, Relate Derby and Southern Derbyshire.

- The consultation has been promoted to approximately 800 recipients of the Community Action Derby newsletter.

The Council has not started to collate and analyse the responses received to date, but any relevant comments included in these responses will be used to inform the final version of this document.

An Equality Impact Assessment workshop was held with representatives of the Council's Engagement Forums on 17 November 2015. This meeting was held in an accessible meeting room on the ground floor of the Council House.

- 5 Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each equality group whether this is a negative impact, a positive one or if you are not sure**

Equality group	What do you already know?	Impact choose from: No impact Positive impact Some Impact Negative impact Not sure
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Equality group	What do you already know?	Impact choose from: No impact Positive impact Some Impact Negative impact Not sure
Age	<ul style="list-style-type: none"> Older people are more likely to need social care services. A customer's age has no bearing on the fees and charges made for social care services. Extra costs for telecare and meals will impact more on older people. Decisions to not take services because of the cost involved could affect the individual's health and/or wellbeing. 	<ul style="list-style-type: none"> ✓ Some Impact ✓ Negative impact
Disability	<ul style="list-style-type: none"> Disabled people are more likely to need social care services. We know from research that it costs more to live as a disabled person. Disabled people sometimes need to save for expensive items of equipment which could impact on eligibility for some benefits. Extra costs for telecare and meals will impact more on disabled people. Decisions to not take services because of the cost involved could affect the individual's health and/or wellbeing. 	<ul style="list-style-type: none"> ✓ Some Impact ✓ Negative impact
Marriage and civil partnership	<ul style="list-style-type: none"> The proposed policy extends a disregard for occupational pensions to unmarried couples. 	<ul style="list-style-type: none"> ✓ Positive impact
Pregnancy and maternity	<ul style="list-style-type: none"> A customer's pregnancy status has no bearing on the fees and charges made for social care services, however there may be some impact for disabled pregnant women. 	<ul style="list-style-type: none"> ✓ Some Impact
Race	<ul style="list-style-type: none"> A customer's race has no bearing on the fees and charges made for social care services. Additional support and advocacy may be needed by people whose first language is not English 	<ul style="list-style-type: none"> ✓ No impact
Families and people on low income	<ul style="list-style-type: none"> Carrying out a financial assessment and means test ensures that people only pay what they can afford towards the cost of their care and support. Most people do not pay anything. Those on low income could be further impoverished by paying full cost for Telecare equipment that has been provided as part of an agreed package of Care and Support. 	<ul style="list-style-type: none"> ✓ Negative impact

Equality group	What do you already know?	Impact choose from: No impact Positive impact Some Impact Negative impact Not sure
Gender reassignment - trans	<ul style="list-style-type: none"> for each of these protected characteristics, a customer's status has no bearing on the fees and charges made for social care services 	✓ No impact
Religion or belief or none		
Sex		
Sexual Orientation		

Important - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

6 From the information you have collected, how are you going to lessen any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?

The negative impacts identified above will be lessened by taking the actions described in the Action Plan below.

The Council will extract relevant information from all the responses received to the consultation and identify any additional equality gaps that should be added to the equality plan.

Step 3 – deciding on the outcome

7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?

Outcome 1		No major change needed – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
Outcome 2		Adjust the policy to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
Outcome 3	X	Continue the policy despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> • sufficient plans to stop or minimise the negative impact • mitigating actions for any remaining negative impacts • plans to monitor the actual impact.
Outcome 4		Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s)

Outcome 3

Why did you come to this decision?

We selected this Outcome because we have identified some negative impacts, but we have also identified the necessary actions to lessen them.

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality Action Plan to lessen the effect of

the negative impact. This is really important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is really important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

Step 4 – equality action plan – setting targets and monitoring

- 8 Fill in the table (on the next page) with the equality actions you have come up with during the assessment. Indicate how you plan to monitor the equality impact of the proposals, once they have been implemented.**

Equality action plan – setting targets and monitoring

What are we going to do to advance equality?	How are we going to do it?	When will we do it?	What difference will this make?	Lead officer	Monitoring arrangements
Ensure that appropriate support and advocacy is provided when needed to enable people whose first language is not English to engage with the process, especially for older women	Reminder to staff and provide on-going training	By 31 March 2016	Communication will be improved and people will be more engaged in the process	tbc	Monitor the number of advocacy referrals made.
The Council should ensure that Financial Assessments are conducted in a timely manner	Streamline the process and make better use of the appointment letter to explain what information will be required.	By 31 March 2016	This will reduce uncertainty about charges more quickly and help to prevent large debts building up	tbc	Monitor the elapsed time between the start and end of the Financial Assessment process
Ensure that Visiting Officers are familiar with the Disability Related Expenditure allowances	Provide refresher training for Visiting Officers	By 31 March 2016	This will improve the accuracy of financial assessments and reduce disputes over allowances	tbc	Monitor the number of disputed financial assessments

What are we going to do to advance equality?	How are we going to do it?	When will we do it?	What difference will this make?	Lead officer	Monitoring arrangements
Ensure that the financial assessment process is accessible	Remind Care Managers to record information about the customer's communication needs in the system. Remind Visiting Officers to check for any support required before the financial assessment process starts	By 31 March 2016	Communication will be improved and people will be more engaged in the process	tbc	Monitor the number of customer records that include the customer's communication preferences. Seek feedback from customers.

Make sure you include these actions in your Directorate service business plans.