

# **Equality impact assessment form**

**V1**

**People Services**

**Adult Social Care**

**Adult Social Care Charging Policy**

**Date of assessment: 7 Sept 2020**

**Name of Director/Head of Service signing it off:  
Kirsty McMillan**

**Decision of Cabinet**

**Date published on website:**

January 2019



Derby City Council



## 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 identity
- 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. Against every negative impact you will need to complete the mitigation section to explain how you will lessen the impact.

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, people living with autism and people with physical impairments
- Gender identity – 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

## **Contact for help**

Ann Webster – Lead on Equality and Diversity

[ann.webster@derby.gov.uk](mailto:ann.webster@derby.gov.uk)

Tel 01332 643722 Minicom 01332 640666 Mobile 07812301144

## 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 – it’s better and safer to do an Equality Impact Assessment than not to bother! 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	Equality and Diversity Lead	Derby City Council	Equality
Pamela Thompson	Engagement Officer - Diverse Communities	Derby City Council	Customer Engagement
Christina Waters	Market Manager	Derby City Council	Market management and commissioning care services

Name	Job title	Organisation	Area of expertise
Evelyn Clay	Social Care Team Manager	Derby City Council	Application of Care Act eligibility legislation, assessment and support planning
Alison Walker	Residential Care Charging & Support Manager	Derby City Council	Application of Care Act charging regulations
Joanne Moody	Community Care Charging & Support Manager	Derby City Council	Application of Care Act charging regulations
Judy Bateman		Disability Equality Hub	Disability equality/carers
Maira Findlay		Disability Equality Hub	Disability equality/carers
Andy Findlay		Disability Equality Hub / 60+ Forum	Disability equality
Som Bholla		Disability/Race Equality Hub / 60+ Forum	Disability/race equality
Dale Durrant		Disability Equality Hub	Disability equality

## 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 Adult Social Care Charging 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 is reviewed every two years and was last updated in July 2018. An equalities impact assessment was last carried out in 2015.

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.

The 2020 revision of the policy includes a number of changes which help to clarify and explain the policy.

**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.

It is anticipated that the revised policy will be considered by Cabinet in December 2020, 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 January 2021.

**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 covers 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.
- Lifelines 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 6 July and 28 September 2020. 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 5938 existing customers and carers inviting them to take part in the consultation, taking into account any communication preferences that had been recorded. Where appropriate, these letters were sent to advocates or carers instead of to the customer.

The consultation has been promoted by email to 41 community care direct service providers inviting them to take part in the consultation. See Appendix 1 for a list of the providers contacted.

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.

Any support requested by a Deaf person, for example a British Sign Language (BSL) interpreter could be provided.

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

- The “Derby City Council Newsroom” 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

The Council has publicised the consultation to affected groups and organisations who are members of the Council’s engagement groups: Learning Difficulties Partnership Board, the Equality Hubs, and the 60+ Forum

An Equality Impact Assessment workshop was held with representatives of the Council's Engagement Forums on 7 September 2020. This meeting was held in an accessible meeting room on the ground floor of the Council House and by Microsoft Teams. Due to Covid 19, we held a meeting for a small number of Hub members who had difficulty connecting remotely and the rest of the members were given the option to connect remotely. However, some external contributors encountered technical difficulties with joining the discussion. Despite this, they will still have access to the draft EIA and be able to contribute.

The consultation was also discussed at the Disability Equality Hub meeting on 15 September 2020 and at the Race Equality Hub meeting on 24 September 2020. Both of these meetings were held virtually using Microsoft teams. No further equality issues were identified.

A total of 49 respondents completed the public consultation survey. Some of the comments submitted as part of the responses to the consultation identified potential equality issues which are summarised here:

Potential equality issue identified	How this is addressed in the Policy or by the way it is applied
Some people may find sourcing independent financial advice difficult.	Customers are signposted to sources of financial advice on the Council's website: <a href="https://www.derby.gov.uk/health-and-social-care/your-life-your-choice/paying-for-your-own-care/planning-future/">https://www.derby.gov.uk/health-and-social-care/your-life-your-choice/paying-for-your-own-care/planning-future/</a>
Some people may find understanding independent financial advice difficult.	Customers can access the Council's independent advocacy service for support: <a href="https://www.derby.gov.uk/health-and-social-care/safeguarding-adults-at-risk/advocacy/">https://www.derby.gov.uk/health-and-social-care/safeguarding-adults-at-risk/advocacy/</a>
The Policy is written in a way that is difficult for some people to understand	The draft Policy is written in Plain English, which will be reviewed before publication. The subject is complex, and it may not be possible to simplify the wording any further. The option of publishing an Easy Read version will be explored.

- 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 protected characteristic group whether this is a negative or a positive impact. If it's negative, fill in the mitigation section as well to explain how you are going to lessen the impact.**

### **Age**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
A customer's age has no bearing on the fees and charges made for social care services			n/a
Older people are more likely to need social care services. The Policy clearly lays out the principles and rules about how the Council charges for services and includes a financial assessment to ensure that people are left with enough money to live on.	✓		n/a
Extra costs for telecare will impact more on older people. The policy includes a Financial Assessment ("means test") to ensure that any charges are affordable.	✓		n/a

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
Decisions to not take services because of the cost involved could affect the individual's health and/or wellbeing. The policy includes a Financial Assessment ("means test") to ensure that any charges are affordable.	✓		n/a

## **Disability**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
Disabled people are more likely to need social care services. The Policy clearly lays out the principles and rules about how the Council charges for services and includes a financial assessment to ensure that people are left with enough money to live on.	✓		n/a
We know from research that it costs more to live as a disabled person. The Policy includes a Financial Assessment ("means test") which makes allowances for Disability Related Expenditure.	✓		n/a

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
Disabled people sometimes need to save for expensive items of equipment which could impact on eligibility for some benefits. The Policy includes a Financial Assessment ("means test") which makes allowances for Disability Related Expenditure.	✓		n/a
Extra costs for telecare will impact more on disabled people. The policy includes a Financial Assessment ("means test") to ensure that any charges are affordable.	✓		n/a
Decisions to not take services because of the cost involved could affect the individual's health and/or wellbeing. The policy includes a Financial Assessment ("means test") to ensure that any charges are affordable.	✓		n/a

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
We have discussed charging for services at our Deaf and Hearing Impaired People's Commitment Group and the Deaf Forum. Our Deaf Services Team has also produced an accessible handout about charging for services. We have a Video Relay Service for Deaf people to contact us by this method for comments on the Policy - Sign Video			

## **Gender identity - trans**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
A customer's gender identity has no bearing on the fees and charges made for social care services. Our colleagues have access to on-line Trans Equality training and there is also support from Derbyshire LGBT+			n/a

## **Marriage and Civil Partnership**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
The policy extends a disregard for occupational	✓		n/a

pensions to unmarried couples.			
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### **Pregnancy and maternity**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
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 who may need additional equipment			n/a

### **Race**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
A customer's race has no bearing on the fees and charges made for social care services.			n/a
Additional support and advocacy may be needed by people whose first language is not English. The Council has an interpretation and translation service to support people whose first language is not English			n/a

### **Religion or belief or none**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
A customer's religion, belief, or lack thereof has no bearing on the fees and charges made for social care services. The Council			n/a

will be sensitive to people's religious obligations when arranging meetings.			
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## Sex

What do you already know?	Positive impact	Negative impact	Mitigation
A customer's sex has no bearing on the fees and charges made for social care services. The customer can request a Financial Assessor of a specific gender if required			n/a

## Sexual orientation

What do you already know?	Positive impact	Negative impact	Mitigation
A customer's sexual orientation has no bearing on the fees and charges made for social care services. Colleagues have access to the Sexual Orientation on-line training and customers can also request support from Derbyshire LGBTQ+			n/a

**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?**

There were no negative impacts identified, but we will promote equality 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?**

<b>Outcome 1</b>	<b>X</b>	<b>No major change needed</b> – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
<b>Outcome 2</b>		<b>Adjust the policy</b> to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
<b>Outcome 3</b>		<b>Continue the policy</b> 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"> <li>• sufficient plans to stop or minimise the negative impact</li> <li>• mitigating actions for any remaining negative impacts</li> <li>• plans to monitor the actual impact.</li> </ul>
<b>Outcome 4</b>		<b>Stop and rethink</b> the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s)

## Outcome 1

Why did you come to this decision?

**Outcome 1 was selected because the Policy as it stands does not appear to discriminate between different groups of customers. In addition, the team have identified an opportunity to enhance the policy and make things fairer.**

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 this table 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

**Age**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>

## **Disability**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
Consider the option of allowing any savings earmarked for the purchase of Disability Related equipment, including those related to pregnancy for disabled people, to be disregarded in the Financial Assessment in addition to the statutory lower capital threshold (currently £14,250).	Customers saving towards substantial items of equipment will not be disadvantaged in their financial assessment.	This option will be presented to the Directorate Management Team when the revised Policy is approved ahead of consideration by Council Cabinet.	

## **Gender identity - trans**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>

## **Marriage and Civil Partnership**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>

### **Pregnancy and maternity**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>

### **Race**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>

### **Religion or belief or none**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>

### **Sex**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>

## **Sexual orientation**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>

## **Appendix 1**

List of direct service providers alerted to the consultation:

Active Support, Alternatives, Beckside Farm, Beechtree Day Services, Blay, Caring Links, Choice Support, Community Links, Cygnet, Disability Direct, Disability Syndicate, Ebenezer, Ellie Sunrise, Fosse, Future Home Care, Home Support Services, iCare, Key2Care, Manor Care Farm, Mediline, Mellow Care, Mixed Workcraft, Nationwide, No Limits, Opportunity Knocks, Pathway 2 Care, Quality Care Services, Quality Home Care, Right at Home, Senad, Sentricare, St James, Steps Derby, Sure Care, The Workshop, Thera, Umbrella, United Response, up24/7, Wise Care, and Your Choice AJ Support

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 Minicom: 01332 640666

### Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

Prosimy o kontakt:

Tel. tekstowy: 01332 640666

### Punjabi

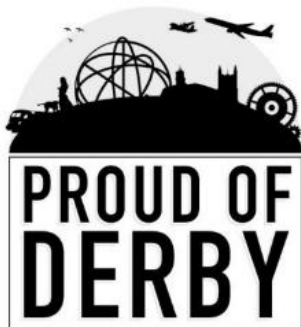
ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ ਮਿਨੀਕਮ 01332 640666 ਤੇ ਸੰਪਰਕ ਕਰੋ।

### Slovakian

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Skontaktujte nás prosím na tel.č: Minicom 01332 640666

### Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم منی کام 01332 640666 پر ہم سے رابطہ کریں۔



Derby City Council