

Equality Impact Assessment

Carrying out an Equality Impact Assessment (EIA) will help the County Council to meet its Public Sector Equality Duties (Equality Act 2010).

The duties which need to be considered when making decisions are to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

Failure to assess the equality impact may increase the risk of making an unfair decision which could potentially be discriminatory. It also prevents us from identifying opportunities to promote equality and therefore leaves the County Council open to potential legal challenge.

Using this EIA template will help to ensure that a decision is made in a fair way, based on evidence. It provides a clear and structured method to assess the potential impact on protected groups.

Title of policy or proposal	Review of charges to service users
Briefly describe the aims of the policy change, decision or proposal, the likely outcomes and the rationale for it	<p>The Council is considering a number of changes to its policy on charging for non-residential care and support services such as such as home care, day care, and “enabling” support to help people to get out and do things in the community.</p> <p>The changes being considered would mean some people would have to pay more for their care and support services, although changes would affect people in different ways, and some would continue to get services without being charged. The proposed changes would not affect people who live in a care home.</p> <p>The council expects to have to make budget savings of £36m over the next three years. Social care services for adults account for more than a third of the council’s budget, so it would be very difficult to make the overall savings required without some reductions in spending on adult social care.</p>

	<p>There are national rules about charges for care and support services. At the moment the Council's charging policy is more generous than required, and we are considering making changes that would bring our charges into line with national policy.</p> <p>Like many local authorities, we are looking at the things we provide as part of our legal responsibilities, and considering whether we can still afford to offer anything more than those legal requirements.</p>
<p>Consider the potential impact on any member of staff or member of the public with the following protected characteristics:</p> <p>Age, Disability, Gender identity/Gender reassignment, Race, Religion or belief, Sex, Sexual orientation, Women who are pregnant or have recently had a baby.</p> <p>Also, for issues affecting staff, consider employees who are married or in a civil partnership.</p>	
<p>What information is already held or have you obtained through consultation or engagement activity? (For each protected characteristic: What do you know about our employees, service users or anyone else who potentially could be affected by the proposal? Who has been consulted? If you have gaps in your evidence or data you may need to carry out targeted engagement activity and/or consider information from local or national research.)</p>	<p>The outcome of consultation on the proposals is reported as a separate appendix to the main report. Consultees suggested that charging policy would have a detrimental impact on a number of groups of people with protected characteristics under the Equality Act, including women, gay people, older people, and both disabled people in general and specific groups of disabled people.</p> <p>Gender: 56% of people receiving chargeable services who are on means-tested benefits are women; 58% of others with charges capped on the basis of an assessment of their income are women; 67% of those with charges based on savings above the capital limit (or on the person declining a financial assessment) are women. The main report indicates how the effects of individual proposals would differentially affect these three groups of service users. The greater proportion of women among those receiving chargeable services appears to be the consequence of the overall demography of disability. There is however a majority of men (54.7%) among those who are receiving <i>non-chargeable</i> services because they are getting aftercare under Section 117 of the Mental Health Act.</p> <p>Disability: Almost all of those affected by increases in charges are disabled people. Across the broad categories of disability used in our records (physical disability, mental health needs and learning disability),</p>

	<p>79% of those with a learning disability are receiving means-tested benefits and only 1.1% have savings; for the other two groups 47.2% are receiving means-tested benefits and 13.8% have savings above the capital limit. (Differences between those with physical health and mental health issues are small – in part because most people currently receiving chargeable services because of mental health needs are older people. Equality implications of introducing charging for working age mental health services provided by Blyth Star will be considered during the review recommended in the report.)</p> <p>Ethnicity: 98.3% of all those potentially affected are recorded as White – British. This proportion is slightly higher (98.7%) among those paying charges based on savings. Because numbers in other categories are small, variations between groups may be the result of chance.</p> <p>Religion. 88% of people receiving chargeable services have told us about their religion of beliefs. Of these, 83% belong to a Christian denomination, 16.3% have told us they have no religion, or that they are humanists, atheists or agnostics. There are small numbers of Buddhists, Hindus, Jews, Muslims and Sikhs. We currently have no information to suggest that charging policy has differential impacts linked to religion, though a small number of non-residential services are operated by organisations with religious links.</p> <p>Sexual orientation. We do not hold comprehensive information about the sexual orientation of service users. One respondent to the consultation on the proposals told us that “These increased costs discriminate against gay people because we are less likely than the rest of the population to have children to look after us and provide care in old age. Your proposals to increase costs will therefore fall more heavily on us, on average, than on the straight community.” While it seems plausible that gay people might have more need for services for this reason, and might therefore be more likely to pay charges, we do not know of any evidence specifically confirming this, and it is difficult to see what feasible adjustment to charging policy within the current statutory framework would offset any differential impact there may be. We think this issue would need to be</p>
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	<p>considered nationally during the consultation about the planned Green Paper on future funding arrangements for adult social care.</p> <p>It is not anticipated that implementation of this proposal would have any impacts on our employees which are relevant to the Council's equality duties.</p>
<p>After considering the information, which protected groups may potentially be affected? (Delete those not likely to be affected)</p>	<p>Age Disability Gender identity/Gender reassignment Race Religion or belief Sex Sexual orientation Women who are pregnant or recently had a baby People who are married or in a civil partnership</p>
<p>Using the information you have, give details of any potential positive and negative impacts on protected groups likely to be affected by the policy change, decision or proposal (For each protected characteristic where there could be a potential impact, consider the following: Could people from any protected groups be positively or negatively affected? Could anyone's ability to take part in public life be affected? Could this policy change, decision or proposal affect public attitudes towards any protected group? Could any groups become more or less likely to be at risk of harassment or victimisation as a result of this policy change, decision or proposal? Are there opportunities to create positive impacts?) <i>(remember that the law</i></p>	<p>The direct impact of increased charges will be a negative one for all those required to pay more. This will specifically and differentially affect disabled adults, and will affect a greater number of women than men, and of older people than younger adults (and will have no direct negative impact on children, who are not directly affected, and who are given some protection from indirect impacts by an provision in the Council's charging policy exempting from charges any household with dependent children receiving means-tested benefits).</p> <p>While it is not impossible that reduced disposable income could have some impact on people's ability to take part in public life, on public attitudes or on risks of harassment or victimisation, these indirect impacts appear less likely than the direct impact of reduced income in reducing the range of goods, services and activities which people can afford, and, particularly in the case of people whose charges are based on their level of savings, reducing the assets which they are able to bequeath to their heirs. All those affected will continue to have a right to support from adult social care, including advice, guidance and needs assessment, none of which are charged for. Safeguarding arrangements to protect people with care and support needs from harassment or victimisation are not affected by charging, and "Support Planners" funded by the Council provide non-chargeable assistance regardless of people's financial means with accessing services and community facilities which will help them to achieve</p>

<p><i>permits disabled people to be treated equally or better than other groups this is to enable reasonable adjustments to be made).</i></p>	<p>the outcomes which they wish to in their lives. Non-chargeable reablement and preventative services, provided through joint arrangements between the Council and the NHS, aim to maximise people's independence and ability to participate in the life of the community.</p> <p>The Council's charging policy will continue to provide both for disability-related expenditure in excess of the standard allowances to be taken into account in assessing what people can afford to pay, and for the partial or complete waiving of charges where people cannot reasonably afford to pay them for any other reasons. Information materials and financial assessment processes will be reviewed to ensure that these elements of the charging policy are communicated as clearly as possible.</p>
<p>Give details of any Human Rights implications and actions that may be needed to safeguard Human Rights.</p>	<p>It is possible in principle that increased charges could have an impact on private and family life, for instance by creating financial obstacles to maintaining contact with family members, or by making it seem less sustainable for someone to remain in their family home rather than moving into a care home. However the Council will the wider duties of the Council under the Care Act will ensure that</p> <p>The right to respect for private and family life is therefore not felt to be affected. The financial assessment process is judged to have sufficient procedural safeguards to ensure the right to a fair hearing, and the right to education does not appear to be affected.</p>
<p>Give details of any actions that can be taken to promote equality or to lessen any potential adverse impact on protected groups.</p>	<p>Actions will include:</p> <ul style="list-style-type: none"> • Ensuring that service users have clear information about their entitlement to a detailed assessment of their disability-related expenditure, and about the potential for a review if they believe they cannot reasonably afford to pay the charge for any reason. • Ensuring that social workers and care managers monitor the impact on individuals. • Ensuring that there continue to be a comprehensive range of adult social care services offering advice, guidance, reablement, needs assessment and support to reduce, delay or prevent care and support needs.
<p>What plans are there to monitor and review the actual impact of the</p>	<p>If the proposals are implemented, social workers, care managers and financial assessment and benefit officers will be asked to bring any specific issues</p>

policy change, decision or proposal on equality of opportunity?	caused for individuals to the attention of senior management. We will also ask social workers and care managers to record any cases where people decide to withdraw from Council-funded services or reduce their level of services because of increased charges, and to make checks on these people's welfare.
When will follow up review be done?	The effects of the revised policy will be reviewed in time to enable any issues to be taken into account before the next general uplift of charges in April 2020, and could be reviewed earlier if there is evidence of any significant problems.
Based on a consideration of all the potential impacts, mark one of the following as an overall summary of the outcome of this assessment:	
	The equality analysis has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.
	The equality analysis has identified risks or opportunities to promote better equality; the change, decision or proposal will be adjusted to avoid risks and ensure that opportunities are taken.
X	The equality analysis has identified risks to equality which will not be eliminated, and/or opportunities to promote better equality which will not be taken. Acceptance of these is reasonable and proportionate, given the objectives of the change, decision or proposal, and its overall financial and policy context.
	The equality analysis shows that the change, decision or proposal would lead to actual or potential unlawful discrimination, or would conflict with the Council's positive duties to an extent which is disproportionate to its objectives. It should not be adopted in its current form.
Explain how the judgement above was reached and summarise steps which will be taken to reduce any negative or to enhance any positive impacts on equality	<p>The judgement takes account of the overall financial situation of the Council, which anticipates having to make savings reducing its net annual budget by £36m over the next three financial years, and appears to have no reasonable options for doing so without substantial budget savings in adult social care.</p> <p>No potential for direct positive effects has been identified, but a number of steps are identified above designed to mitigate the impact of the proposals.</p>

Name(s) and job title(s) of person (people involved in) carrying out this assessment	Stephen Corlett, Senior Manager (Policy) Neil Bradley, Head of Finance, IT and Estates Keith Thompson, Rights Team Manager
Authorising director or head of service	
Date authorised	
The completed equality impact assessment must be attached to the report that will be considered by the decision maker or decision makers to enable them to give due regard to the impact of the policy, decision or proposal on protected groups	
Please send a copy to keith.thompson@northumberland.gov.uk and irene.fisher@northumberland.gov.uk	