Cabinet

18 October 2017

Proposal for Changes to the Charging Policy for Non-Residential Social Care Services

MTFP Savings Ref. AHS 3.2

Report of Corporate Management Team
Jane Robinson Corporate Director of Adult and Health Services
John Hewitt, Corporate Director of Resources
Councillor Lucy Hovvels, Portfolio Holder for Adult and Health Services
Councillor Alan Napier, Portfolio Holder for Finance

Purpose of the Report

1 To outline proposed changes to the Non-Residential Charging policy for individuals who receive social care services and are assessed to determine their financial contribution towards their care costs.

2 The proposed policy change will bring DCC charging policy into line with Department of Health national guidance. The proposals in this report will ensure that the council continues to treat all care users fairly and equitably in the financial assessment.

Background

3 As outlined in the Medium Term Financial Plan (MTFP) report considered by Cabinet on 12 July, 2017, the financial outlook for the Council continues to be extremely challenging.

4 Savings of £37.4 million are forecast to be required to balance the budget over the 2018/19 to 2021/22 period, with £14.8 million (40%) falling in 2018/19.

5 The scale of the financial challenge faced by the Council is therefore very significant.

6 By 31 March 2018, savings of £209 million will have been delivered since the beginning of austerity in 2011/12 and it is forecast that this figure will be £246 million by 2021/22.

7 The Council's Non-Residential charging policy was reviewed in 2011 and again in 2013 and 2016 when the following changes were implemented:

(a) charges for day care services were introduced in 2011/12;

(b) service users with savings over £23,250 were required to meet the full cost of their non-residential care services from November 2013;

(c) the automatic disregarding of 50% of the weekly severe disability premium (SDP) in non-residential financial assessments for all new service users seeking to receive non-residential social care services was ended with effect from 1 October, 2016 and instead individual assessments of Disability Related Expenditure were introduced, in line all other non SDP service users.

8 The combined impact of these changes resulted in savings of £1.7 million being delivered across the period 2011/12 and 2013/14 and further estimated £1 million of savings from the changes to SDP disregards as part of the Council's MTFP across the period 2016/17 to 2019/20.

9 A local authority which intends to charge people in receipt of non- residential services has a duty to carry out a financial assessment to calculate how much they should be able to afford to contribute towards the services they receive. Durham County Council carry-out a 'means test' assessment, which is undertaken in line with statutory guidance and takes into account relevant income that the service users receive, including welfare benefits, plus any savings, pensions and other relevant assets that the person may have.

10 The financial assessment is undertaken by telephone in order to ease the burden on service users in terms of completing a financial assessment form themselves by qualified and trained assessment officers, who have access to care assessment undertaken by care and social work officers which identifies the individuals care needs and the care plan for how these needs will be met.

11 The process helps to ensure that those who are receiving services and are entitled to benefits, including attendance allowance, disability living allowance or personal independence payments, receive these benefits. Allowances and disregards for those on specific benefits have always been included in the financial assessment process according to individual circumstances.

12 This proposed policy changes outlined in this report will align DCC charging policy with Department of Health (DH) national guidance by adopting the recommended Minimum Income Guarantee rates.

Proposed Changes to Non Residential Charging Policy

13 Following a further review of the remaining discretionary elements of the Councils Non-Residential Care charging policy, potential changes to the treatment of service users in receipt of non-residential services have been identified in the use of the Minimum Income Guarantee (MIG).

14 When the Care Act 2014 came into force on 1 April 2015, the Department of Health prescribed the minimum amount of income a person must be left with after charging for care and support. Councils can allow people to keep more income if they wish. This is referred to as the Minimum Income Guarantee (MIG). The MIG allowances can be found in the Care and Support (Charging and Assessment of Resources) 2014 regulations.

15 The Care and Support Statutory Guidance provides that 'There are differences in how income is treated in a care home and in all other settings. Charging a person in a care home is provided for in a consistent national framework. When charging a person in all other settings, a local authority has more discretion to enable it to take account of local practices and innovations.' (Care Act Statutory Guidance, Annex C, par 2).

16 Durham County Council currently use the Minimum Income Guarantee +25% as a mechanism by which service users can be left with a basic income plus a 25% buffer. The concept of MIG +25% was originally devised by Torbay Council and at the time recommended as best practise by the Department of Health.

17 The Department of Health has issued a circular [LAC (DH) (2017) 1], which states that the MIG allowances for 2017/18 will remain frozen to the rates first set in 2015/16.

18 This puts Durham in a position where it is currently applying allowances higher than those defined in DH guidance, which applies a buffer equivalent to MIG + 18.6%. This results in service users in County Durham contributing less towards their care than if the allowances set out in the Department of Health's circular were applied. A comparison of the MIG thresholds set out in the DH guidance compared to the policy that currently exists in Durham is set out below:

	MIG allowance in LAC(DH)(2017) 1	**Current MIG allowance used in DCC policy 2017/18**
Single person attained pension credit age	£189.00	£199.20
Member of a couple where one or both attained pension credit age	£144.30	£152.03
Single person aged 25-64	£131.75	£132.10
Member of couple where one or both between age 25-64	£114.70	£115.05
Single person aged 18-24	£132.45	£133.00
Member of Couple where one or both aged 18-24	£112.75	£113.10

19 Since 2010, several Welfare Reforms have been introduced to encourage people to support themselves through work rather than welfare. People of pensionable age have largely been protected from many of the wider welfare reform changes in comparison to those of working age.

20 From April 2017, the state pension was uprated by 2.5% in line with the governments ‘triple lock’ commitment. The minimum income guarantee in pension credit increased by 2.4% and the savings credit element of pension credit increased by 1%.

21 All working age benefits (main rates) remained at the 2016/17 rates, as they are being frozen for four years. Premiums paid to disabled people receiving working age benefits and to Employment Support Allowance claimants increased in line with the Consumer price Index (CPI) by 1%. The lower rates in social security rates are reflected in the lower disregards allowed for working age service users.

Regional Picture

22 The table below illustrates the rates of Minimum Income Guarantee thresholds currently used in the Adult Social Care Charging Policies across the region. Four Local Authorities in the region report that they have used their discretion to adopt the figures published on an annual basis in the Department of Health Local Authority Circulars (DH LAC) rather than MIG +25% as a part of their charging policy. None report a noticeable reduction in take up of services when they adopted the DH rate.

Local Authority	Policy	Comments
Durham	MIG + 25%	
Sunderland	MIG using Dept. of Health Threshold	Applies to all service users: Above Pension Credit age and working age.
Newcastle	MIG using Dept. of Health Threshold	Applies to all service users: Above Pension Credit age and working age
Hartlepool	MIG + 25%	
South Tyneside	MIG + 25%	
Northumberland	MIG using Dept. of Health Threshold	Applies to all service users: Above Pension Credit age and working age
North Tyneside	MIG + 25%	
Gateshead	MIG using Dept. of Health Threshold	Applies to all service users: Above Pension Credit age and working age
Redcar and Cleveland	MIG + 25%	
Middlesbrough	MIG + 25%	
Stockton	MIG + 25%	
Darlington	MIG + 25%	

Impact of Potential Policy Change – Movement to DH Guidance

23 There are 6,372 service users receiving non-residential care services. Of these 4,875 (76.5%) make a financial contribution towards their care costs based on a means tested financial assessment in line with national guidance and the DCC policy framework.

24 1,497 (23%) of all service users currently are on zero charge because they are already on minimum income i.e. no chargeable income.

25 1,975 (31%) of all service users, 41% of those who make a financial contribution towards the cost of their care, currently pay for the full cost of their non-residential care services. The level of care being delivered to them is dependent on the assessed level of care needs, some will pay more if the level of their care increases.

26 The amount a service user pays is dependent on the level of care they receive and their financial circumstances. Two different service users, each assessed as being able to pay a maximum charge of £30 may contribute entirely different amounts on a weekly basis e.g. one may only receive 1 hr of service so pays the full cost of that 1 hr service i.e. £14.00, whereas the other may receive 60 hours of service and pay the £30 maximum contribution.

27 The effect of adopting a MIG allowance in line with DH LAC (2017) 1 as a disregard is best illustrated by case studies, which shows the maximum charge which could be paid currently and if the revised policy criteria was adopted. The greatest effect will be on the charges to Older People as a result of the fact that this group that have received the greatest uprating increases in benefit income compared to those people of working age over recent years. These examples are attached at Appendix 2.

MTFP Implications

28 Levels of service provided can vary on a weekly basis, making financial projections of the impact of these policy changes difficult.

29 However, just over 50% of those currently receiving a non-residential service would be unaffected and it is projected that the increase in income from a policy change where the Council adopted the figures published on an annual basis in the Department of Health Local Authority Circulars (DH LAC) rather than MIG +25% would be circa £800,000.

30 This would bring the Council's policy in line with four other authorities in the North East.

31 In line with other changes adopted by the Council in recent years, the new policy criteria would only be applied to new service users.

32 In the service users aged 65+ category there is an attrition rate of 34%, as they stop receiving non-residential services because they either go into residential/ nursing care or pass away. The attrition rate for people aged 18-64 is lower at 14%, as they are likely move into the aged 65+ cohort with the passage of time.

33 The MTFP(8) savings proposals put forward by AHS, include an additional £0.8million of income (AHS3.2) from a further review of the discretionary elements of the Non Residential Charging Policy. Based on a strategy of applying the changes to new service recipient, it is reasonable to assume

MTFP savings of c£267,000 per annum across the period 2018/19 to 2020/21 can be achieved. The savings therefore would be as follows:

Year	Savings: MIG Changes Applied to New Service Users Only [AHS3.2]
2018/19	266,667
2019/20	266,667
2020/21	266,666
	800,000

Future Developments: Universal Credit

34 The Welfare Reform Act 2012 provided for the introduction of 'Universal Credit'. Universal Credit (UC) is administered by the Department for Work and Pensions (DWP), who are responsible for leading the roll out of this project and ensuring that appropriate support frameworks are in place for claimants.

35 The DWP currently envisage that the movement of the current caseload of those on legacy benefits will have a 'managed migration' across to UC from 2019 to 2021.

36 In Durham, we can anticipate starting to see changes in service user's income as they move onto UC when they have changes in circumstances. This will be difficult to model as DWP have not given any indication as to how or at what rate this migration will be managed other than the dates it is expected to happen.

37 The impact of the roll out of Universal Credit on service users will be carefully monitored in preparation for the start of the managed migration in 2019 and the effect on the Council's charging income further evaluated at that stage.

Support for Service Users

38 Advice and support is always given to help service users to maximise their income and benefit entitlement wherever possible during the financial assessment. This is undertaken through joint work between the Financial Assessments Team and Welfare Rights, who also undertake the appeals.

39 Care management and social work staff will have carried out a care assessment and identified any care needs and together they will draw up a care plan to identify how these needs will be met. Should service users consider that their charges are prohibitive and subsequently decline a service, then a reassessment of the service user's care plan could be undertaken.

40 Service users who are unhappy with the contribution they would be assessed to make would be offered a further review of their financial assessment on request through our fast track review process.

41 In line with general charging principles there is the potential to consider the waiving of charges in exceptional circumstances due to severe hardship or if care management /social work staff consider a person to be at risk.

Equality Impact Assessment

42 An Equality Impact Assessment (EIA) has been undertaken to assess the impact on the groups most likely to be affected by the proposals contained in this report. The EIA is attached as Appendix 3.

43 At this stage it is clear that existing service users are more likely to be older and female. It can be anticipated that future service users will form a similar age and gender profile. Overall, these groups are more likely to be adversely affected through the financial impacts of additional charging as a result of this policy change. These impacts will be mitigated through the support to service users detailed above.

44 The EIA will be updated following the consultation.

Proposals for Consultation

45 It is proposed that the Council seeks the views of key stakeholders and the wider public, including relevant disability charities and Community and Voluntary Sector groups, through consultation on the proposed adoption of the Department of Health's Minimum Income Guarantee.

46 Some examples of how service users could be impacted by these proposals if they were applied to existing recipients are shown in Appendix 2.

47 Following Cabinet approval of these draft proposals, it is proposed a 12 week consultation would begin immediately thereafter. A further report would be submitted to Cabinet on 14 March 2018 to enable members to make a final decision on these proposals, taking into account the outcome of the consultation. Any policy changes would be implemented 1 April 2018 for new service users.

Conclusion

48 This report sets out proposals to amend the Council's non-residential charging policy for social care services for service users in respect of the Minimum Income Guarantee disregard the rationale for these proposals being:

(a) the proposals reflect the need for the Council to carry out financial assessments which are equitable to all and which are bespoke to the individual service user;

(b) the proposals are in line with the Care Act guidance in respect of charging and financial assessments by adopting the Department of Health national guidelines on the rate of minimum guarantee.

49 The MTFP(8) savings proposals put forward by AHS, include an additional £0.8million of income (AHS3.2) from a further review of the discretionary elements of the Non Residential Charging Policy. Based on a strategy of applying the changes to new service recipient, it is reasonable to assume MTFP savings of c£267,000 per annum across the period 2018/19 to 2020/21 can be achieved. The savings therefore would be as follows:

Year	**Savings: MIG Changes Applied to New Service Users Only [AHS3.2]**
2018/19	266,667
2019/20	266,667
2020/21	266,666
	800,000

50 An Equality Impact Assessment has also been undertaken to assess the impact on the affected groups and appropriate mitigation of this impact. See Appendix 4.

Recommendations

51 Cabinet is asked to note the content of the report and support the following recommendations:

(a) that the consultation is undertaken on proposals to change the MIG+25% disregard and replace this with the disregards as set out in the DH guidance with this policy change applying to new service users only. This will generate c£800,000 of MTFP savings across a three year period;

(b) that a 12 week period of public consultation on these proposals is undertaken, with a further report on the outcome of this consultation to be considered by Cabinet in March 2018.

Background Papers

Care Act 2014

Charging Policy for Non-residential Care Services

MTFP (8) reports to Cabinet July 2017 and October 2017

Contact:	**Lee Alexander**	**Tel: 03000 268180**
	Paul Darby	**Tel: 03000 261930**

Appendix 1: Implications

Finance - If the policy changes proposed in this report are implemented then MTFP savings in the region of £800,000 would be achieved over a three year period. Implementation would be in April 2018 and apply to the financial assessments of new service users only, therefore, based on average caseload and customer turnover, savings would accrue across the period 2018/19 to 2020/21.

Staffing – None. Financial assessments are already undertaken and this policy change will be applied to new assessments for new service users and implemented as part of business as usual.

Risk – Should service users consider that their charges are prohibitive and decline a service then a reassessment of the service user's care plan could be undertaken.

If a service user considered that their charges are prohibitive and declined a service and the social worker considered that there could be risks to the service user's well-being as a consequence they would need to carry out a risk assessment and consider reviewing the care plan or if there are sufficient risks to consider waiving charges.

Equality and Diversity/Public Sector Equality Duty - A full impact assessment would need to be carried out as part of the consultation. An Equality Impact Assessment screening has been undertaken and is attached to this report.

Accommodation – None

Crime and Disorder - None

Human Rights - None

Consultation -– This is a significant policy change which requires consultation.

The Council will therefore seek the views of key stakeholders and the wider public, including relevant disability charities and Community and Voluntary Sector groups, through both targeted and open consultation on the proposed changes in adopting the Department of Health's Minimum Income Guarantee.

Following Cabinet approval of these draft proposals, it is proposed a 12 week consultation would begin immediately thereafter. A further report would then be presented to Cabinet on 14 March 2018 to enable members to make a final decision on these proposals, taking into account the outcome of the consultation.

Procurement - None

Disability Issues – The proposed policy changes set out in this report would impact on the financial assessment of people with a disability. However, the intention is to adopt the Department of Health's Minimum Income Guarantee and bring DCC charging policy into line with national guidelines. The proposals in this report will

ensure that the council treats all care users fairly and equitably in the financial assessment.

Legal Implications – People in receipt of non-residential services are required to have a financial assessment to calculate how much they can afford to contribute towards the services they receive. The assessment is a means test, is undertaken in line with statutory guidance and takes into account income, including welfare benefits, savings and assets that the person receives.

Allowances and disregards are included in the financial assessment, depending on individual circumstances. The Government has also set a minimum income guarantee and if income is below this level service users are not required to pay for their services. The minimum income guarantee is dependent on age and if the person has an underlying entitlement to Severe Disability Premium.

Appendix 2 – Examples of the Impact of Proposed Changes

Case Study 1: Aged 65+ based upon service user on basic single person Pension Credit including the Severe Disability Premium and lower rate Attendance Allowance;

Weekly Income:	£
Pension Credit	221.80
Attendance Allowance	55.65
Total income	**277.45**

Financial Assessment applying current DCC MIG plus 25% disregard:

	£
Weekly income:	277.45
MIG+25%	- 199.20
Weekly maximum charge contribution	78.25

Annual contribution £78.25 x 52 weeks = £4,069

Financial Assessment applying proposed DH disregard:

	£
Weekly income	277.45
DH LAC (2017) 1 disregard	- 189.00
Weekly maximum contribution	88.45 [+£10.20 per week]

Annual contribution £88.45 x 52 weeks = £4,599.40

This could produce a maximum annual increase in income of £530.40.

Case Study 2: Couple where one or both attained pension credit age with one Attendance Allowance in payment;

Weekly Income:	£
Pension Credit	243.25
Attendance Allowance	+55.65
Total income	298.90

Couples are assessed on income of MIG rate x 50% so would be based on an income of £243.25 x 50%= £121.63 plus any Attendance Allowance

Financial Assessment for couples with current DCC charging policy:

Weekly assessed income	£
MIG x 50%	121.63
Attendance Allowance	+ 55.65
Total assessed income	177.28

Assessed income	177.28
DCC income disregard	- 152.03
Weekly maximum contribution	25.25

Annual contribution £25.25 x 52 weeks = £1,313

Financial Assessment applying proposed DH disregard:

	£
Total assessed income	177.28
DH LAC (2017) 1 disregard	- 144.30
Weekly maximum contribution	32.98 [+£7.73]

Annual contribution £32.98 x 52 weeks = £1,714.96

This could produce a maximum increase in income of £401.96 per annum.

Case Study 3: Aged 25 64 in receipt of Employment and Support Allowance:

Due to varying rates of benefits paid to service users under pensionable age possible change to contribution more difficult to predict;

Aged 25-64 on Employment and Support Allowance (ESA) including the support group, lives with parents at home and on standard rate of Personal Independence Payment;

Weekly Income:	£
ESA	125.55
PIP	55.65
Total income	181.20

Financial Assessment applying current MIG plus 25% disregard:

	£
Weekly income	181.20
MIG+25%	- 132.10
Weekly maximum contribution	49.10

Annual contribution £49.10 x 52 weeks = £2,553.20

Financial Assessment applying proposed DH disregard:

	£
Weekly income	181.20
DH LAC (2017) 1 disregard	- 131.75
Weekly maximum contribution	49.45 [+£0.35]

Annual contribution £49.45 x 52 weeks = £2,571.40

This could produce a maximum increase in income of £18.20 per annum.

Case Study 4: Aged 25-64 on Employment and Support Allowance (ESA) including the work capability component and standard rate of Personal Independence Payment (PIP):

Weekly Income:	£
ESA	174.25
PIP	55.65
Total income	229.90

Couples are given a disregard on their income (not including PIP/DLA) x 50%. This would be based on an income of £174.25 x 50%= £87.12 plus any PIP.

Financial Assessment for couples with current charging policy:

	£
Assessed income	229.90
Allowance for spouse x 50% of income	- 87.12
DCC disregard	- 115.05
Maximum weekly contribution	27.73

Annual contribution £27.73 x 52 weeks = £1441.96

Financial Assessment applying proposed DH disregard:

	£
Total assessed income	229.90
DH disregard	- 114.70
Allowance for spouse x 50% of income	- 87.12
Weekly maximum contribution	28.08 [+£0.35]

Annual contribution £28.08 x 52 weeks=£1,460.16

This could produce a maximum increase in income of £18.20 per annum

Durham County Council Equality Impact Assessment

NB: The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Assessing impact on equality and recording this is one of the key ways in which we can show due regard.

Section One: Description and Screening

Service/Team or Section	Adult Services
Lead Officer	Lee Alexander
Title	Proposal for Changes to the Charging Policy for Non-Residential Social Care Services
MTFP Reference (if relevant)	AHS 3.2
Cabinet Date (if relevant)	18 October 2017
Start Date	September 2017
Review Date	

Subject of the Impact Assessment

Please give a brief description of the policy, proposal or practice as appropriate (a copy of the subject can be attached or insert a web-link):
This relates to a change to the Adult Social Care Charging policy. Proposals are to change the approach to calculating the Minimum Income Guarantee (MIG) that is part of the Adult Social Care Financial Assessment for charging. Currently the policy is based on MIG PLUS 25%. It is proposed that the new policy is brought in line with DoH guidance, which changed in 2014 and which now equates to MIG PLUS 18.6%. Other Councils have already or are considering this approach (4 in the region have already moved to this position). Transitional arrangements will be used similar to those in other policy changes, where existing recipients will see no change in their current arrangements, but new clients, would be subject to the new rules from 01.04.18. People in receipt of non-residential services are required to have a financial assessment (means tested) to calculate how much they can afford to contribute towards the services they receive. The financial assessment is undertaken by telephone (on a pre-arranged time and date), in order to ease the burden on service users in terms of completing a financial assessment form themselves, by qualified

and trained assessment officers, who have access to care assessment undertaken by care and social work officers which identifies the individuals care needs and the care plan for how these needs will be met.

All financial assessments comply with the Government's Care Act Guidance which will ensure that no-one is asked to pay more than they can afford, in line with national guidelines. During this assessment a benefit maximisation check is also carried out for those who require it. It is not proposed to change the way in which financial assessments are carried out.

The assessment is means tested and takes into account income, including welfare benefits, savings and assets. We also make allowances and disregards in the financial assessment depending on individual circumstances. The Government has set a minimum income and if the assessment income is below this level service users are not required to pay for their services.

Prior to the financial assessment people will have had a care assessment with a social worker and their care needs will be identified and a care plan will be drawn up with the service user to identify how these needs will be met. When undertaking the care needs assessment social workers will ask the service user whether they have someone who helps them with their finances and whether they want or need them present at the point of undertaking the financial assessment.

If at any time during the course of a financial assessment it becomes clear that the service user is struggling to understand or answer the questions or their carer or family member is not present then the assessment is rearranged and potentially a home visit arranged to undertake the assessment.

Following a review of the remaining discretionary elements of the Councils Non-Residential Care charging policy, potential changes to the treatment of service users in receipt of non-residential services have been identified in the use of the Minimum Income Guarantee (MIG).

When the Care Act 2014 came into force on 1 April 2015, the Department of Health prescribed the minimum amount of income a person must be left with after charging for care and support. However local councils can allow people to keep more income if they wish. This is referred to as the Minimum Income Guarantee (MIG). The MIG allowances can be found in the Care and Support (Charging and Assessment of Resources) 2014 regulations.

The Care and Support Statutory Guidance provides that 'There are differences in how income is treated in a care home and in all other settings. Charging a person in a care home is provided for in a consistent national framework. When charging a person in all other settings, a local authority has more discretion to enable it to take account of local practices and innovations.' (Care Act Statutory Guidance, Annex C, par 2).

Durham County Council currently use the Minimum Income Guarantee +25% as a mechanism by which service users can be left with a basic income plus a 25% buffer. The concept of MIG +25% was originally devised by Torbay Council and at the time recommended as best practice by the Department of Health (DH). This puts DCC in a position where it is currently applying allowances higher than those defined in DH guidance, which applies a buffer equivalent to MIG + 18.6%. This results in service users in Co Durham contributing less towards their care than if the allowances set out in the Department of Health's circular were applied. One area that DCC can use to mitigate any increase in charges is to take account of disability related expenses (DRE's) of the allowances made in the financial assessment. Finance Officers can refer to the care plan when DRE's are identified during the financial assessment. A 12 week consultation with service users and potential service users is planned regarding changes to the charging policy. This change to the charging policy is estimated to achieve around £800,000 in savings through additional adult social charging income if implemented in 2018/19.

Who are the main stakeholders? (e.g. general public, staff, members, specific clients/service users):
• Service users, families and carers • Social workers and finance staff • Relevant disability charities and Community / voluntary groups.

Screening

Is there any actual or potential negative or positive impact on the following protected characteristics?		
Protected Characteristic	Negative Impact Indicate: Y = Yes, N = No, ? = unsure	Positive Impact Indicate: Y = Yes, N = No, ? = unsure
Age	Y	N
Disability	Y	N
Marriage and civil partnership (workplace only)	N	N
Pregnancy and maternity	N	N
Race (ethnicity)	N	N
Religion or Belief	N	N
Sex (gender)	Y	N

Sexual orientation	N	N
Transgender	N	N

Please provide **brief** details of any potential to cause adverse impact. Record full details and analysis in the following section of this assessment.
The adverse effect will derive from the increase in care costs predominantly affecting older disabled women.
How will this policy/proposal/practice promote our commitment to our legal responsibilities under the public sector equality duty to: • eliminate discrimination, harassment and victimisation, • advance equality of opportunity, and • foster good relations between people from different groups?
It is anticipated that this policy will implement consistency across all new service users post April 2018.

Evidence

What evidence do you have to support your findings? Please **outline** your data sets and/or proposed evidence sources, highlight any gaps and say whether or not you propose to carry out consultation. Record greater detail and analysis in the following section of this assessment.
This saving relates to an increase in charging income in respect of adult social care provision by adopting the Department of Health's disregard known as minimum income guarantee (MIG). There are currently 6,372 service users receiving a non-residential services. The current caseload has been used as a proxy for future caseload in terms of this Equality Impact Assessment screening. Of the existing clients receiving this disregard the following demographic characteristics currently apply: **Age Group** **Clients** 18 – 24 325 25 - 64 2,161 65+ 3,886 **Client Group** **Clients** Older People 3,621 Learning Disabilities 1,544 Mental Health 388 Physical Disability 710 Other 109 **Gender** **Clients** Female 3,678 Male 2,667 Transsexual less than 5 Blank 26

At this stage it is clear that the affected clients are more likely to be older and female and in need of some support with their daily living. It can be anticipated that future clients will form a similar age, gender and disability profile. Overall these groups are more likely to be adversely affected through the financial impacts of additional charging as a result of this policy change. These impacts are planned to be mitigated through specific support for clients.

There are 6,380 service users receiving non-residential care services. Of these 4,880 (76.5%) make a financial contribution towards their care costs based on a means tested financial assessment in line with national guidance and the DCC policy framework.

1,500 (23%) of all service users currently are on zero charge because they are already on minimum income i.e. no chargeable income.

1,978 (31%) of all service users, 41% of those who make a financial contribution towards the cost of their care, currently pay for the full cost of their non-residential care services. The level of care being delivered to them is dependent on the assessed level of care needs, some will pay more if the level of their care increases. The amount a service user pays is dependent on the level of care they receive and their financial circumstances.

As the levels of service provided can vary on a weekly basis, making accurate projections is difficult. However, in view of the fact that just over 50% of those receiving a non-residential service would be unaffected it is projected that the increase in income from a policy change where adopting the figures published on an annual basis in the Department of Health Local Authority Circulars (DH LAC) rather than MIG +25% would be circa £800,000.

Support for Service Users

- Advice and support is always given to help service users to maximise their income and benefit entitlement where ever possible during the financial assessment. This is undertaken through joint work between the Financial Assessments Team and Welfare Rights, who also undertake the appeals.

- Care management and social work support will be available to clients if required. Should clients find that the charges are prohibitive and decline a service, and then a reassessment of the service user's care plan could be undertaken.

- Clients who are unhappy with the contribution they would be assessed to make would be offered a further review of their financial assessment on request through our fast track review process. The appeal would be considered by an independent officer and with the support of the Welfare Rights team. In line with general charging principles there is the potential to consider the waiving of charges in exceptional circumstances due to severe hardship.

Further Evidence
• Growing demand for social care services and demographic information as set out in the JSNA • Views expressed following the proposed consultation process (to be included in revised assessment). • As more clients are women, then the potential is for women to be more affected by any changes than men. (Source: SSID data). • Most clients consulted will have some form of physical disability, mental health condition, or general frailty due to old age.

Screening Summary

On the basis of this screening is there:	Confirm which refers (Y/N)
Evidence of actual or potential impact on some/all of the protected characteristics which will proceed to full assessment?	Y
No evidence of actual or potential impact on some/all of the protected characteristics?	N

Sign Off

Lead officer sign off: Lee Alexander	Date: September 2017
Service equality representative sign off: Research and equalities manager	Date: September 2017

Section Two: Data analysis and assessment of impact

Please provide details on impacts for people with different protected characteristics relevant to your screening findings. You need to decide if there is or likely to be a differential impact for some. Highlight the positives e.g. benefits for certain groups, advancing equality, as well as the negatives e.g. barriers for and/or exclusion of particular groups. Record the evidence you have used to support or explain your conclusions. Devise and record mitigating actions where necessary.

Protected Characteristic: **Age**		
What is the actual or potential impact on stakeholders?	Record of evidence to support or explain your conclusions on impact.	What further action or mitigation is required?
Existing clients are more likely to be older and female. It can be anticipated that future clients will form a similar age and gender profile. Overall these groups are more likely to be adversely affected through the financial impacts of additional charging as a result of this policy change.	**Age Group** **Current Clients** 18 – 24 325 25 - 64 2,161 65+ 3,886	These impacts will be mitigated through the support to new clients including the use of DRE's.

Protected Characteristic: **Disability**		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
All clients will have had an assessment of their needs and will have a degree of disability in order to access services. All those people affected by this financial change will have a disability.	**Group** **Current Clients** Older People 3,621 Learning Disabilities 1,544 Mental Health 388 Physical Disability 710 Others 109	These impacts will be mitigated through the support to new clients.

Protected Characteristic: **Marriage and civil partnership (workplace only)**		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
N/A		

Protected Characteristic: **Pregnancy and maternity**		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
Insufficient evidence available to show whether or not impact is likely.		

Protected Characteristic: **Race (ethnicity)**		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
There is no evidence available to show whether or not impact is likely.		

Protected Characteristic: **Religion or belief**		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
There is no evidence available to show whether or not impact is likely.		

Protected Characteristic: **Sex (gender)**		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
58% of clients affected are expected to be female based on the current client profile. On average they will likely see an increase in their charge.	**Gender** **Current Clients** Female 3,678 Male 2,667 Transsexual less than 5 Blank 26	These impacts will be mitigated through the support to new clients.

Protected Characteristic: **Sexual orientation**		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
There is no evidence available to show whether or not impact is likely		

Protected Characteristic: **Transgender**		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
There is less than five transgender service user in receipt of services.	Transgender: less than five	These impacts will be mitigated through the support to new clients

Section Three: Conclusion and Review

Summary

Please provide a brief summary of your findings stating the main impacts, both positive and negative, across the protected characteristics.
The EIA does say that there are impacts of the change overall, (affected people are more likely to be older, female and obviously have some form of severe disability), but it also says that future clients are likely to be of a similar profile to existing clients. So it is unlikely that there is to be any disproportionate effects with respect to the protected characteristics by taking these transitional measures. Transitional arrangements have been used in other policy changes, where existing recipients will see no change in their current arrangements, but new clients, after a specific point in time, are subject to the new rules.

Will this promote positive relationships between different communities? If so how?

Action Plan

Action	Responsibility	Timescales for implementation	In which plan will the action appear?
12 week public consultation	Lee Alexander	Oct 2017 – if agreed at Cabinet	

Review

Are there any additional assessments that need to be undertaken? (Y/N)	N
When will this assessment be reviewed? Please also insert this date at the front of the template	October 2017

Sign Off

Lead officer sign off: Lee Alexander	Date: September 2017
Service equality representative sign off: Research and equalities manager	Date: September 2017

Please return the completed form to your service equality representative and forward a copy to **equalities@durham.gov.uk**