

Equality Impact Assessment (EIA) Tool:

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| Title of proposal | Charging Policy Consultation |
| Name of division/service | Social Care and Education |
| Name of lead officer completing this assessment | Prashant Patel |
| Date EIA assessment commenced | 01.10.23 |
| Date EIA assessment completed (<i>prior to decision being taken as the EIA may still be reviewed following a decision to monitor any changes</i>) | 31.01.24 |
| Decision maker | City Mayor |
| Date decision taken | TBC |

| EIA sign off on completion: | Signature | Date |
|--|------------------|-------------|
| Lead officer | Prashant Patel | 30.01.24 |
| Equalities officer (has been consulted) | Sukhi Biring | 31.01.24 |
| Divisional director | Ruth Lake | 05.02.24 |

Please ensure the following:

- a) That the document is **understandable to a reader who has not read any other documents** and explains (on its own) how the Public Sector Equality Duty is met. This does not need to be lengthy but must be complete and based in evidence.
- b) That available support information and data is identified and where it can be found. Also be clear about highlighting gaps in existing data or evidence that you hold, and how you have sought to address these knowledge gaps.
- c) That the equality impacts are capable of aggregation with those of other EIAs to identify the cumulative impact of all service changes made by the council on different groups of people.
- d) That the equality impact assessment is started at an early stage in the decision-making process, so that it can be used to inform the consultation, engagement and the decision. It should not be a tick-box exercise. Equality impact assessment is an iterative process that should be revisited throughout the decision-making process. It can be used to assess several different options.
- e) Decision makers must be aware of their duty to pay 'due regard' to the Public Sector Equality Duty (see below) and 'due regard' must be paid before and at the time a decision is taken. Please see the Brown Principles on the equality intranet pages, for information on how to undertake a lawful decision-making process, from an equality perspective. Please append the draft EIA and the final EIA to papers for decision makers (including leadership team meetings, lead member briefings, scrutiny meetings and executive meetings) and draw out the key points for their consideration. The Equalities Team provide equalities comments on reports.

1. Setting the context

Describe the proposal, the reasons it is being made, and the intended change or outcome. Will the needs of those who are currently using the service continue to be met?

A statutory consultation was carried out between 9 October 2023 and 31 December 2023 on proposed changes to the treatment of Disability Benefits.

People who are eligible for adult social care may have a financial assessment to work out if they have to pay towards the cost of their care, and if so, how much. The financial assessment takes into account any benefits that people may receive from the Department of Work & Pensions (DWP) because of their disability.

Some people receive benefits from the DWP because they require frequent help or constant supervision. These benefits are paid at different rates depending on a person's level of need, and the council takes this into consideration during the financial assessment. These disability benefits and are paid in the form of:

- Attendance allowance (AA) – for over 65s
- Disability living allowance (DLA) – for under 65s
- Personal independence payments (PIP) – Slowly replacing DLA

A current financial assessment for non-residential care would consider £68.10 a person receives per week from these benefits as income. It would therefore be included in the calculation of assessable income for the purposes of financially assessing a person's ability to contribute towards the costs of the care they receive. If a person receives the higher or enhanced rate of £101.75, it is currently disregarded (to the lower rate of AA, or middle rate of DLA). This is in line with previous Department of Health guidance. There is a single proposal under consideration:

The Council acts as an appointee for people who lack capacity to manage their own finances. The Business Service Centre (BSC) is responsible for managing the finances for people if they lack the capacity to manage their own financial affairs or have complex care needs that require support with managing their finances. This may include concerns around safeguarding or financial abuse. To act as an appointee, the Council must attain permission from the Department for Work & Pensions (DWP). This is only exercised if there is no one else willing or able to carry out the role for the individual, and a social worker has subsequently requested for the Council to do so.

A dual proposal was consulted on:

- 1) to treat the higher rate of all disability benefits, where claimed, as income in full within the financial assessment for non-residential charges.
- 2) That an administration charge is introduced for adults that ask the Council's to act as their appointee

The Care Act 2014 guidance sets out that all income (care component only, not mobility component) can be taken into account, if the local authority wishes to do.

If the proposals were to be approved, the maximum additional amount that a person would have to contribute would be £33.65 per week for charges against the higher or enhanced rate of disability benefits and between £14-£16 for using the appointee service (if they have a savings balance of over £1k), to cover the Council's administration charge to provide the appointee service, based on the current caseload. Therefore, people were also asked how they would be impacted by the potential increase towards their weekly charge and any other considerations the Council should take into account, prior to making a decision.

If implemented, this would mean that everyone is treated the same, no matter which level of benefit they receive. It would help the council spend its money more wisely so that as many people as possible can get the help they require. It brings us in line with national guidance and we think the proposal is fairer.

2. Equality implications/obligations

Which aims of the Public Sector Equality Duty (PSED) are likely be relevant to the proposal? In this question, consider both the current service and the proposed changes.

a. Eliminate unlawful discrimination, harassment and victimisation

- How does the proposal/service aim to remove barriers or disproportionate impacts for anyone with a particular protected characteristics compared with someone who does not share the same protected characteristics?
- Is this a relevant consideration? What issues could arise?

Disability benefits are paid via the Department for Work & Pension (DWP), to help with extra costs that someone may face if they have a disability severe enough that they require frequent help or constant supervision. These benefits reduce a person's likelihood to be disadvantaged because of their disability (this only covers the care component, not the mobility component). This enables the Council to ensure that we are meeting this aim of the PSED.

The aim of these benefits is to meet required expenditure to address specific individual needs that arise from being disabled; it has never been intended to supplement weekly household income. Therefore, the potential reduction of weekly household income, due to changes in the way disability benefits are treated within the financial assessment, will have a negative impact for some households. However, this does not discriminate against people in relation to their disability.

Acting as an appointee provides a legal mandate to receive a person's social security benefits (this does not extend to any jurisdiction of an occupational pension). As an appointee, the Council does not have power to access the person's bank accounts or any other money held. When acting as an appointee, the Council will receive the persons' benefits and then pay rent (including HRA houses), Council Tax, utilities, and costs towards any care they receive.

Once the DWP has given authorisation for the Council to start receiving an individual's benefits, the Council will pay all their bills and discharge any debts they may have, on their behalf. Being an appointee on behalf of the individual can provide social economic benefits in our communities, by way of improved health, education & employment outcomes.

The aim of this service is to ensure that people with limited capacity obtain the necessary support to ensure their financial affairs are handled effectively and without discrimination towards any disabilities.

b. Advance equality of opportunity between different groups

- Does the proposal/service advance equality of opportunity for people?
- Identify inequalities faced by those with specific protected characteristic(s).
- Is this a relevant consideration? What issues could arise?

The benefits provided via DWP enables people with a disability to achieve a relative degree of equality of opportunity to daily living opportunities compared to people who do not have a disability. Eligibility is based on an individual assessment of a person's needs against a set of criteria. The proposal does not negatively impact on the Council's ability to meet this aim as discretion will be applied during the financial assessment, to ensure care needs are still being met.

In adherence to the Care Act 2014, any decision to include the care element of any disability benefit at the higher or enhanced rate within an individual's financial assessment would need to be clearly set out within our charging policy document and should cover the approach we would adopt to assess an individual's circumstances and ultimately, grounds (or not) for any discretion around the inclusion of the full benefit level to be applied.

There is further protection for individuals in the form of the 'Minimum Income Guarantee (MIG)' within the assessment of a person's charge towards their care. The financial assessment is based on a comparison between their total income and an allowable amount of income that they should be left with in order to meet living expenses. Inclusion of the MIG calculation (also known as 'Protected Income') in the financial assessment should help to ensure any potential increase in charges for local authority arranged care is affordable.

All individuals would contribute financially for an appointee service that was previously provided at no cost (if they have a savings balance of over £1k). However, the Council cannot continue to provide this service in the same way without introducing a charge and therefore, the appointee service may not continue to be managed effectively. Also, people would certainly benefit from additional advice and guidance. This would ensure people lacking capacity continue receiving an effective service that continues to meet their needs.

c. Foster good relations between different groups

- Does the service contribute to good relations or to broader community cohesion objectives?
- How does it achieve this aim?
- Is this a relevant consideration? What issues could arise?

Removing the day-to-day barriers that arise from having a disability can increase the opportunities of the engagement of disabled people with others. The allocation of these benefits contributes towards this inclusive approach.

As people accessing appointeeship will have limited capacity, the service will ensure they are receiving the support they need from the Council's finance staff or external provider, which cannot be provided by a suitable family member or trusted person.

3. Who is affected?

Outline who could be affected, and how they could be affected by the proposal/service change. Include people who currently use the service and those who could benefit from, but do not currently access the service. Where possible include data to support this.

The disability benefit proposal could affect approximately 3,860 people in receipt of non-residential based care. Should the proposal be agreed, some people are unlikely to see any change at all. They will either pay nothing as they do now or will continue to pay the same amount each week. This is because their income is either too low, or they are already paying the full cost of their services. Other people will see an increase to the cost of their care. Some people could start paying for the first time. The highest increase anyone would have to pay is £33.65 per week.

Of the approximate 689 people who currently use the Council's appointee service, some 600 individuals have a savings balance of over £1,000, though numbers fluctuate. If the appointeeship proposal goes ahead, these individuals would be liable to pay a fee of between £14-£16 per week if the Council were to charge for providing the service, resulting in a maximum total charge of £728-£832, per annum.

4. Information used to inform the equality impact assessment

- What **data, research, or trend analysis** have you used?
- Describe how you have got your information and what it tells you
- Are there any gaps or limitations in the information you currently hold, and how you have sought to address this? E.g. proxy data, national trends, equality monitoring etc.

The Council does not record the rate of these benefits for people (as currently all higher or enhanced level payments are disregarded to the lower rate), so only rough estimates can be made of the numbers that would be affected by using DWP statistics of cases in payment within Leicester, across the 3 benefit categories.

It is estimated that approximately 1,236 people potentially receive the higher or enhanced level of AA or DLA/PIP Care/Daily Living Component (based on cases in payment data in Leicester obtained from DWP statistics). This indicatively would equate to around 32% of those people who currently have at least the lower or standard level benefit in their current financial assessment.

The local authority must disregard expenditure to meet any disability related needs they are not meeting, with discretion applied accordingly. The Council will not apply a blanket policy to charge where circumstances would deem it unreasonable to do so and this would need to be assessed on a case by case basis.

It is recognised that some people's personal circumstances may have changed since their last means test assessment was undertaken. However, everyone will have the opportunity to provide any updated details to subsequent changes of personal circumstances, such that those existing people who are potentially affected by the proposals can be re-assessed, taking into account any additional qualifying expenditure or changes to income levels etc.

From a sample of authorities for which information was available, there appears to be a large variance in the approach of charging for the role of appointee. Some authorities operate a fixed rate, whilst others use a banded rate approach. The Council's proposed charge rate of £14-£16 is based on the current caseload, to cover the administrative costs of providing the service (whether in-house or via an external provider). Certain local authorities only apply a charge when the individual has savings above a £1k threshold. Details of the sample are as follows:

| Local Authority | Weekly Charge |
|------------------------|--|
| Staffordshire | £5 - £7.50 (over £1k savings) |
| Wigan | £15 |
| Portsmouth | £4 - £10 |
| York | £6.65 + costs for transactional activity |
| Bromley | £10.77 - £12.50 |
| Northamptonshire | £10 - £12.50 |
| Nottinghamshire | £12 (over £1k savings) |
| Derby | £6.68 - £12.03 |

5. Consultation

Have you undertaken consultation about the proposal with people who use the service or people affected, people who may potentially use the service and other stakeholders? What did they say about:

- What is important to them regarding the current service?
- How does (or could) the service meet their needs? How will they be affected by the proposal? What potential impacts did they identify because of their protected characteristic(s)?
- Did they identify any potential barriers they may face in accessing services/other opportunities that meet their needs?

The Council communicated the consultation with approximately 4,593 people (or their carers) in receipt of non-residential care support. A letter containing information on the proposal with a questionnaire was sent to these people with a free-post envelope. Easy read information and case studies (hypothetically detailing how people would be affected by the proposal) were made available online, along with the questionnaire via the Consultation Hub. A helpline was also made available to help with any in depth queries and translation requests. Three public consultation meetings were held around Leicester so that people could communicate their opinions about the proposal, directly to the consulting team. A total of 804 questionnaire responses were received – a response rate of around 18% overall. The highest responding age group were aged over 65, contributing 48% towards all questionnaire responses received. This would suggest that the majority of comments received on the proposal reflect the views of older people. 84% of respondents identified as having a disability. There was a wide range of disabilities reported, the most common being a physical impairment (48% of respondents). All respondents were also asked to state how a change in personal contribution would affect their (or someone they represent) day-to-day affordability. Over half of all the respondents (approx 51%) reported that an increase to their weekly charge would affect them (or someone they represent) a lot, including how much they have for essentials. Under a quarter (approx 12%) of respondents indicated that they would be affected a little, including how much they have for extras or treats. Other respondents noted that they would either be able to manage the increased charge (approx. 5%) or they would consider stopping the Adult Social Care services they receive (approx 12%). It is worth noting that the survey was sent to all recipients of a non-residential package of care or if they were using the Council's appointee service (or their carers). This would have included people who are not necessarily in receipt of any disability benefits, particularly not at a higher or enhanced rate. Comments received on this would suggest that current financial hardship could worsen, should the proposal be agreed.

6. Potential Equality Impact

Based on your understanding of the service area, any specific evidence you may have on people who use the service and those who could potentially use the service and the findings of any consultation you have undertaken, use the table below to explain which individuals or community groups are likely to be affected by the proposal because of their protected characteristic(s). Describe what the impact is likely to be, how significant that impact is for individual or group well-being, and what mitigating actions can be taken to reduce or remove negative impacts. This could include indirect impacts, as well as direct impacts.

Looking at potential impacts from a different perspective, this section also asks you to consider whether any other particular groups, especially vulnerable groups, are likely to be affected by the proposal. List the relevant groups that may be affected, along with the likely impact, potential risks and mitigating actions that would reduce or remove any negative impacts. These groups do not have to be defined by their protected characteristic(s).

Protected characteristics

Impact of proposal:

Describe the likely impact of the proposal on people because of their protected characteristic and how they may be affected. Why is this protected characteristic relevant to the proposal? How does the protected characteristic determine/shape the potential impact of the proposal? This may also include **positive impacts** which support the aims of the Public Sector Equality Duty to advance equality of opportunity and foster good relations.

Risk of disproportionate negative impact:

How likely is it that people with this protected characteristic will be disproportionately negatively affected? How great will that impact be on their well-being? What will determine who will be negatively affected?

Mitigating actions:

For disproportionate negative impacts on protected characteristic/s, what mitigating actions can be taken to reduce or remove the impact? You may also wish to include actions which support the positive aims of the Public Sector Equality Duty to advance equality of opportunity and to foster good relations. All actions identified here should also be included in the action plan at the end of this EIA.

a) Age

Indicate which age group/s is/ are most affected, either specify general age group (children, young people, working aged people or older people) or specific age bands.

What is the impact of the proposal on age?

The proposal would affect income and result in allowances crossing over the threshold into paying for care, for those on higher or enhanced rates. This could mean that people start paying for the first time or pay up to an extra £33.65 per week towards their care.

Attendance Allowance (AA) benefits would affect those over 65, whilst Disability Living Allowance (DLA) would affect working age adults. Personal Independence Payment (PIP) is slowly replacing DLA, via the Department for Work & Pensions (DWP).

Appointeeship is available to all adults over 18, who wish to use the Council's service, and all individuals would be required to pay between £14-£16, under the new proposals. The policy will continue to provide an equitable process for financial assessments and contributions based on affordability.

What is the risk of disproportionate negative impact on age?

48% of respondents were aged over 65 years, the highest responding age group. If eligible, these individuals would be in receipt of AA.

People of all ages would be affected by the proposal if they are in receipt of higher or enhanced rates of disability benefits. People of all ages would be affected by the appointeeship proposal.

A recurring theme for those who commented on the proposals was around financial hardship and how the proposal could exaggerate this.

What are the mitigating actions?

The Council will apply discretion to disregard costs that are incurred and evidenced for night time care, on a case by case basis.

Whilst personal circumstances, income and benefits would be reviewed on an annual reassessment, people will be given the opportunity to provide the Council with updated circumstances (where applicable), as part of the implementation process, in order to ensure that there will not be an interim impact of shorter term financial hardship for those whose circumstances have changed.

This will be achieved via clear communications directly with people accessing our services, outlining what the changes are, to advise them whether, based on existing assessment, they will be affected and providing them with a questionnaire to complete to give them the opportunity advise if their personal circumstances have changed.

The appointeeship proposal will only affect those who wish to continue using the service and have a saving balance of over £1k.

If the proposals are agreed, people that would see an increase to their weekly charge may face financial hardship, having been reliant and accustomed to having a certain level of disregard. When the decision notice is communicated, people will be signposted to the Welfare Rights Service, Citizens Advice Bureau and Community Advice and Law Service for advice and guidance.

b) Disability

A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. If specific impairments are affected by the proposal, specify which these are. Our standard categories are on our equality monitoring form – physical impairment, sensory impairment, mental health condition, learning disability, long standing illness, or health condition.

What is the impact of the proposal on disability?

The proposal is more likely to have an impact on those that identify as having a disability and access social care support – this is because of the nature of the eligibility criteria for disability benefits and appointeeship.

Of the approximate 3,860 people with a financial assessment for non-residential services, some 2,228 people are currently in receipt of some form of disability benefit. It is estimated that approximately 940 people receive the higher or enhanced rate. This equates to around 57% of those people who currently have at least the lower level benefit in their current financial assessment.

Of the approximate 689 people who currently use the Council's appointee service, some 600 individuals have a savings balance of over £1,000, though numbers fluctuate (87%). These individuals would be liable to pay a fee of £14-£16 per week if the Council were to introduce a charge for providing the service. Take-up of the appointee service is non-statutory.

What is the risk of disproportionate negative impact on disability?

By definition, nearly all people in receipt of social care support have a disability. This was accurately reflected in the responses received in the questionnaire where 88% of respondents identified as having a disability.

From the responses, 48% had a physical impairment, 35% had a long standing illness or health condition and 37% had a mental health condition.

Working age people who are unemployed and have a disability may see changes and benefits reduced as they migrate over to Universal Tax Credits.

Currently, only the lower or standard rate of disability benefits are treated as income. If someone receives the higher or enhanced rate, it is disregarded down the lower or standard rate, during the financial assessment. This may be viewed as a disproportionate disadvantage for those on the lower or standard rate, as a greater percentage of their benefits are treated as income (100%), in comparison to those on a higher or enhanced rate (42%). It could be argued that the proposal would ensure all rates are treated equally, within the financial assessment.

All individuals using appointeeship will be lacking capacity, either because they're mentally incapable or severely disabled. Everyone would be required to pay the same charge of £14-£16 (if they have a savings balance of over £1k) if the proposals are introduced. This would mean that all people on the appointee service will be treated equally, regardless of their age.

What are the mitigating actions?

Discretion will be applied where individuals can evidence incurred costs for night time care. This is in keeping with the fact that each person has individual needs. These are investigated by social workers and finance staff at the stage of assessment.

Whilst personal circumstances, income and benefits would be reviewed on an annual reassessment, people will be given the opportunity to provide the Council with updated circumstances (where applicable), as part of the implementation process, in order to ensure that there will not be an interim impact of shorter term financial hardship for those whose circumstances have changed. This will be achieved via clear communications directly with people accessing our services, outlining what the changes are, to advise them whether, based on existing assessment, they will be affected and providing them with a questionnaire to complete to give them the opportunity advise if their personal circumstances have changed.

If the decision is agreed, people that would see an increase to their weekly charge may face financial hardship, having been reliant and accustomed to having a certain level of disregard. People using the Council's appointee service, may be required to pay for the first time, though it is a non-statutory service. When the decision notice is communicated, people will be signposted to the Welfare Rights Service, Citizens Advice Bureau and Community Advice and Law Service for advice and guidance

c) Gender reassignment

Indicate whether the proposal has potential impact on trans men or trans women, and if so, which group is affected. a trans person is someone who proposes to, starts, or has completed a process to change his or her gender. A person does not need to be under medical supervision to be protected.

What is the impact of the proposal on gender reassignment?

No impact anticipated.

What is the risk of disproportionate negative impact on gender reassignment?

No disproportionate impact anticipated.

What are the mitigating actions?

Not applicable.

d) Marriage and civil partnership

Please note that the under the Public Sector Equality Duty this protected characteristic applies to the first general duty of the Act, eliminating unlawful discrimination, only. The focus within this is eliminating discrimination against people that are married or in a civil partnership with regard specifically to employment.

What is the impact of the proposal on marriage and civil partnership?

No impact anticipated.

What is the risk of disproportionate negative impact on marriage and civil partnership?

No disproportionate impact anticipated.

What are the mitigating actions?

Not applicable.

e) Pregnancy and maternity

Does the proposal treat someone unfairly because they're pregnant, breastfeeding or because they've recently given birth.

What is the impact of the proposal on pregnancy and maternity?

No impact anticipated.

What is the risk of disproportionate negative impact on pregnancy and maternity?

No disproportionate impact anticipated.

What are the mitigating actions?

Not applicable.

f) Race

Race refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. A racial group can be made up of two or more distinct racial groups, for example Black Britons, British Asians, British Sikhs, British Jews, Romany Gypsies and Irish Travellers.

What is the impact of the proposal on race?

If the proposal was implemented, White people may be marginally more affected, in terms of numbers, as there are greater numbers within this group.

Of the 804 responses received, the majority of the respondents were either White (49%) or Asian or Asian British (41%).

This breakdown is largely comparable to the whole sample of recipients. However, when compared to average figures, there was a slightly higher proportion of White people that stated they could manage the increase in charges, in comparison to other groups.

Of the 3 highest groups of respondents who answered the question, 8% of those identifying as White stated they could manage the changes, 19% stated they would be affected a little, 59% stated they would be affected a lot and 14% stated they would reconsider services with the Council. 6% of those identifying as Asian stated they could manage the changes, 16% stated they would be affected a little, 68% stated they would be affected a lot and 11% stated they would reconsider services with the Council. 3% of those identifying as White stated they could manage the changes, 15% stated they would be affected a little, 63% stated they would be affected a lot and 20% stated they would reconsider services with the Council.

What is the risk of disproportionate negative impact on race?

There appears to be relatively little difference between different ethnic groups and the proposal would not disproportionately affect a particular group.

What are the mitigating actions?

If the decision is agreed, people that would see an increase to their weekly charge may face financial hardship, having been reliant and accustomed to having a certain level of disregard. When the decision notice is communicated, people will be signposted to the Welfare Rights Service, Citizens Advice Bureau and Community Advice and Law Service for advice and guidance

g) Religion or belief

Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition. This must be a belief and not just an opinion or viewpoint based on the present state of information available and.

- be about a weighty and substantial aspect of human life and behaviour
- attain a certain level of cogency, seriousness, cohesion, and importance, and
- be worthy of respect in a democratic society, not incompatible with human dignity and not in conflict with fundamental rights of others. For example, Holocaust denial, or the belief in racial superiority are not protected.

Are your services sensitive to different religious requirements e.g., times a customer may want to access a service, religious days and festivals and dietary requirements

What is the impact of the proposal on religion or belief?

No impact anticipated.

What is the risk of disproportionate negative impact on religion or belief?

No disproportionate impact anticipated.

What are the mitigating actions?

Not applicable.

h) Sex

Indicate whether this has potential impact on either males or females.

What is the impact of the proposal on sex?

Although there are more women in receipt of non-residential care than men (nearly 60% being female), there is no significant difference in how the proposal would affect them.

What is the risk of disproportionate negative impact on sex?

There are significantly more women with a financial assessment than men, however, a similar proportion of each gender group is expected to be affected and therefore no disproportionate impact in relation to sex is anticipated.

What are the mitigating actions?

If the decision is agreed, people that would see an increase to their weekly charge may face financial hardship, having been reliant and accustomed to having a certain level of disregard. When the decision notice is communicated, people will be signposted to the Welfare Rights Service, Citizens Advice Bureau and Community Advice and Law Service for advice and guidance

i) Sexual orientation

Indicate if there is a potential impact on people based on their sexual orientation. The Act protects heterosexual, gay, lesbian or bisexual people.

What is the impact of the proposal on sexual orientation?

No impact anticipated.

What is the risk of disproportionate negative impact on sexual orientation?

No disproportionate impact anticipated.

What are the mitigating actions?

Not applicable

7. Summary of protected characteristics

a. Summarise why the protected characteristics you have commented on, are relevant to the proposal?

These protected characteristics are prevalent within existing cohort of people. The proposal may have some impact, in terms of reduced levels of disposable income, particularly where a person has become accustomed to additional income, regardless of whether it is currently spent on disability related expenditure, which is what this financial support is intended for.

b. Summarise why the protected characteristics you have not commented on, are not relevant to the proposal?

These protected characteristics are not likely to be impacted by the proposals, these characteristics in themselves are unlikely to disproportionately affect someone's eligibility to receive disability benefits. Not all protected characteristics are monitored by the service as equality monitoring must be proportionate and the service must be able to demonstrate how that information can be used for service improvement, however no equalities issues related to these characteristics were raised as part of the consultation and, therefore, no disproportionate impacts are anticipated. Having said this, the service will continue to monitor through existing feedback and complaints mechanisms and address any unexpected equalities impacts should they arise.

8. Armed Forces Covenant Duty

The Covenant Duty is a legal obligation on certain public bodies to 'have due regard' to the principles of the Covenant and requires decisions about the development and delivery of certain services to be made with conscious consideration of the needs of the Armed Forces community.

When Leicester City Council exercises a relevant function, within the fields of healthcare, education, and housing services it must have due regard to the aims set out below:

a. The unique obligations of, and sacrifices made by, the Armed Forces

These include danger; geographical mobility; separation; Service law and rights; unfamiliarity with civilian life; hours of work; and stress.

b. The principle that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the Armed Forces

A disadvantage is when the level of access a member of the Armed Forces Community has to goods and services, or the support they receive, is comparatively lower than that of someone in a similar position who is not a member of the Armed Forces Community, and this difference arises from one (or more) of the unique obligations and sacrifices of Service life.

c. The principle that special provision for Service people may be justified by the effects on such people of membership, or former membership, of the Armed Forces

Special provision is the taking of actions that go beyond the support provided to reduce or remove disadvantage. Special provision may be justified by the effects of the unique obligations and sacrifices of Service life, especially for those that have sacrificed the most, such as the bereaved and the injured (whether that injury is physical or mental).

Does the service/issue under consideration fall within the scope of a function covered by the Duty (healthcare, education, housing)? Which aims of the Duty are likely to be relevant to the proposal? In this question, consider both the current service and the proposed changes. Are members of the Armed Forces specifically disadvantaged or further disadvantaged by the proposal/service? Identify any mitigations including where appropriate possible special provision.

The Covenant Duty would not be affected by the disability benefits and appointeeship proposals, and all individuals accessing these services would be treated equally and fairly, without facing any discrimination. All assessments for these individuals would be handled on a case by case basis, with discretion applied, where appropriate.

9. Other groups

Other groups

Impact of proposal:

Describe the likely impact of the proposal on children in poverty or any other people who we may consider to be vulnerable, for example people who misuse substances, care leavers, people living in poverty, care experienced young people, carers, those who

are digitally excluded. List any vulnerable groups likely to be affected. Will their needs continue to be met? What issues will affect their take up of services/other opportunities that meet their needs/address inequalities they face?

Risk of disproportionate negative impact:

How likely is it that this group of people will be negatively affected? How great will that impact be on their well-being? What will determine who will be negatively affected?

Mitigating actions:

For negative impacts, what mitigating actions can be taken to reduce or remove this impact for this vulnerable group of people? These should be included in the action plan at the end of this EIA. You may also wish to use this section to identify opportunities for positive impacts.

a. Children in poverty

What is the impact of the proposal on children in poverty?

Children of disabled parents may have further hardship.

If the parent can no longer afford caring support, their caring responsibilities for parent or younger siblings may increase having a negative impact on their health and well-being as some studies have shown.

Furthermore, it could also have a negative impact on their schoolwork and sociability.

What is the risk of negative impact on children in poverty?

High Risk

Currently, there is no data to inform number of child dependents that belong to people with a disability. However, no potential impacts related to parental or caring responsibilities was raised as part of the consultation in relation to how it would affect people.

What are the mitigating actions?

Everyone accessing our services will be sent a questionnaire to highlight any changes to their circumstances. Where people have a financial assessment, it will pick up whether there are any additional benefits that people may be entitled to. Financial assessments take place annually, however, an individual can request for an assessment at any time.

Signpost the availability of local welfare rights services that assist in ensuring they are receiving all the benefits they are eligible for. Communicate the changes to the Welfare Rights Team in advance, in order to ensure that they are aware of the potential risks, particularly in regard to children in poverty.

b. Other vulnerable groups

What is the impact of the proposal on other vulnerable groups?

People who currently don't need social care may need support in the future, if they develop a condition and meet the eligibility criteria.

What is the risk of negative impact on other vulnerable groups?

Very low risk as these people would not be used to the historical disregard of higher or enhanced rates of disability benefits.

What are the mitigating actions?

Not applicable.

c. Other (describe)

What is the impact of the proposal on any other groups?

No impact anticipated.

What is the risk of negative impact on any other groups?

No disproportionate impact anticipated.

What are the mitigating actions?

Not applicable.

10. Other sources of potential negative impacts

Are there any other potential negative impacts external to the service that could further disadvantage people over the next three years that should be considered? For example, these could include:

- other proposed changes to council services that would affect the same group of people.
- Government policies or proposed changes to current provision by public agencies (such as new benefit arrangements) that would negatively affect residents.
- external economic impacts such as an economic downturn.

More disabled people than non-disabled are living in poverty or are materially deprived and social security reforms have had a particularly disproportionate, cumulative impact on rights to independent living and an adequate standard of living for disabled people ('Being Disabled in Britain; A journey less equal', The Equality and Human Rights Commission). This makes signposting to appropriate financial advice and information vital where someone may experience financial hardship arising from the proposed changes to the treatment of disability benefits.

11. Human rights implications

Are there any human rights implications which need to be considered and addressed (please see the list at the end of the template), if so, please outline the implications and how they will be addressed below:

Public authorities have an obligation to treat people in accordance with their convention rights. There are no anticipated human rights implications arising from the proposal. There are mitigations in place to ensure that people continue to receive the Minimum Income Guarantee (MIG) and clear signposting to ensure that people are aware of what to do in the event that they are experiencing financial hardship, particularly families with children living in poverty.

12. Monitoring impact

You will need to ensure that monitoring systems are established to check for impact on the protected characteristics and human rights after the decision has been implemented. Describe the systems which are set up to:

- monitor impact (positive and negative, intended and unintended) for different groups
- monitor barriers for different groups
- enable open feedback and suggestions from different communities
- ensure that the EIA action plan (below) is delivered.

If you want to undertake equality monitoring, please refer to our [equality monitoring guidance and templates](#).

Where people are affected by the change and seek to appeal any changes to their charge, monitoring information will be recorded as part of the appeal process and any unexpected equalities issues that arise will be responded to.

13. EIA action plan

Please list all the equality objectives, actions and targets that result from this assessment (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

| Equality Outcome | Action | Officer Responsible | Completion date |
|---|--|--|-------------------------------|
| Ensure that people are aware of the changes and that they are in receipt of all eligible disability benefits. | <p>The consultation portal page will be updated to:</p> <ol style="list-style-type: none"> 1) Advise people of the decision to change the way in which disability benefits are treated within the financial assessment 2) Advise people of the decision to introduce a charge for the appointee service 3) Advise them on the potential impact 4) Give them opportunity to complete a questionnaire (to be sent with the letter) to advise if their personal circumstances have recently changed and how | Operational Finance Team / Business Service Centre | Post decision making process. |

| Equality Outcome | Action | Officer Responsible | Completion date |
|---|--|-------------------------------|---|
| | <p>5) Include signposting information referenced in this impact assessment</p> <p>This opportunity will be presented to everyone accessing our services, as it is not currently possible to identify which individuals will or will not be affected by the proposal.</p> | | |
| To identify the number of people who will be affected by the proposed changes to the treatment of disability benefits, within the financial assessment. | Improved data set and records via collation of returned financial customer survey, to monitor any issues as they arise and to record demographic information. | Cory Laywood | Post decision making process. |
| Ensure all people accessing our services and disabled parents are receiving all the benefits they are entitled to. | Ensure Welfare Rights Team work with individuals to claim the benefits they are entitled to, whilst providing interpretation service, where necessary. | Darren Moore | Where deemed necessary Finance Team to continue to refer people to the Welfare Rights Team within 4 weeks of completing their financial review. |
| Welfare Rights officers to be aware of all benefits and criteria | Up to date training for all Welfare Staff | Darren Moore | Training is already in place for officers who carry out benefit checks. |
| Ensure people are fairly assessed and charged accordingly | The individual is entitled to raise an appeal or complain and request a reassessment, to monitor and address any equality concerns. | Social Worker / Joanne Tansey | Ongoing, business as usual. |

Human rights articles:

Part 1: The convention rights and freedoms

Article 2: Right to Life

Article 3: Right not to be tortured or treated in an inhuman or degrading way

Article 4: Right not to be subjected to slavery/forced labour

Article 5: Right to liberty and security

Article 6: Right to a fair trial

Article 7: No punishment without law

Article 8: Right to respect for private and family life

Article 9: Right to freedom of thought, conscience and religion

Article 10: Right to freedom of expression

Article 11: Right to freedom of assembly and association

Article 12: Right to marry

Article 14: Right not to be discriminated against

Part 2: First protocol

Article 1: Protection of property/peaceful enjoyment

Article 2: Right to education

Article 3: Right to free elections