

Equality Impact Assessment (EIA) Template: Service Reviews/Service Changes

Title of spending review/service change/proposal	Social Care Charging Policy Consultation
Name of division/service	Social Care and Education
Name of lead officer completing this assessment	Prashant Patel / Matt Cooper
Date EIA assessment completed	08.01.20
Decision maker	City Mayor
Date decision taken	tbc

EIA sign off on completion:	Signature	Date
Lead officer	Prashant Patel / Matt Cooper	08.01.20
Equalities officer	Hannah Watkins	13.01.20
Divisional director	Ruth Lake	13.01.20

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.

- (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.

1. Setting the context

Describe the proposal, the reasons it is being made, and the intended change or outcome. Will current service users' needs continue to be met?

A statutory consultation was carried out between 2 September 2019 and 15 November 2019 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

Currently, for non-residential care, the council does not include the higher or enhanced disability benefit rate in a person's financial assessment. We count up to £58.70 a person receives per week from these benefits as income. If the person receives the higher or enhanced rate of up to £87.65, the difference between the rates is disregarded and not considered as income. This is in line with previous Department of Health guidance.

There is a single proposal under consideration:

We want to change the financial assessment and treat all disability benefits as income in full. The council would take the full income into account where we are providing a care package that involves meeting night time care needs. However, the council will continue to apply discretion and disregard part of the income, where an individual is incurring costs for night time care that is not arranged by the local authority.

Why does the council want to change this amount?

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 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.

<p>2. Equality implications/obligations</p> <p>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.</p>	
	<p>Is this a relevant consideration? What issues could arise?</p>
<p>Eliminate unlawful discrimination, harassment and victimisation</p> <p>How does the proposal/service ensure that there is no barrier or disproportionate impact for anyone with a particular protected characteristic</p>	<p>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.</p> <p>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.</p>

<p>Advance equality of opportunity between different groups How does the proposal/service ensure that its intended outcomes promote equality of opportunity for users? Identify inequalities faced by those with specific protected characteristic(s).</p>	<p>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. The Minimum Income Guarantee (MIG)¹ will also apply, and no one will be asked to pay more than what the MIG suggests they can afford to do so, in accordance with the Council's charging policy.</p>
<p>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?</p>	<p>Removing the day-to-day barriers that arise from having a disability can increase the opportunities of the engagement of disabled service users with others. The allocation of these benefits contributes towards this inclusive approach.</p>

3. Who is affected?

Outline who could be affected, and how they could be affected by the proposal/service change. Include current service users and those who could benefit from but do not currently access the service.

¹ <https://www.gov.uk/government/publications/social-care-charging-for-local-authorities-2019-to-2020>

The proposal outlined could affect approximately 3100 service users 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 £28.95 per week.

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, etc.

The Council does not record the rate of these benefits for service users (as currently all higher 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 940 service users 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 36% of those service users who currently have at least the lower 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 service users' personal circumstances may have changed since their last means test assessment was undertaken. However, all service users will have the opportunity to provide any updated details to subsequent changes of personal circumstances, such that those existing service users who are potentially affected by the proposals can be re-

assessed, taking into account any additional qualifying expenditure or changes to income levels etc.

5. Consultation

What **consultation** have you undertaken about the proposal with current service users, potential users 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 3100 service users (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 service users 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 1011 questionnaire responses were received – a response rate of 32.8% overall.

The highest responding age group were aged over 65, contributing 55% towards all questionnaire responses received. This would suggest that the majority of comments received on the proposal reflect the views of older people.

88% of respondents identified as having a disability. There was a wide-range of disabilities reported, the most common being a physical impairment (28% 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. 64% of respondents stated that having to pay up to £28.95 per week more towards the cost of their care would affect them 'a lot', 17% stated it would affect them 'a little' and 13% stated they would reconsider their care arrangement with the Council. Approximately 6% of respondents stated that they would be able to manage the increased charges. It is worth noting that the survey was sent to all recipients of a non-residential package of care (or their carers). This would have included service users 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 service users and potential service users, 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.

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 that may be affected, along with their 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).

	Impact of proposal: Describe the likely impact of the proposal on people because of their protected characteristic and how they may be affected.	Risk of negative impact: How likely is it that people with this protected characteristic will be negatively affected? How great will that impact be on	Mitigating actions: For negative impacts, what mitigating actions can be taken to reduce or remove this impact? These should be included in the
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Protected characteristics	Why is this protected characteristic relevant to the proposal? How does the protected characteristic determine/shape the potential impact of the proposal?	their well-being? What will determine who will be negatively affected?	action plan at the end of this EIA.
Age²	<p>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 £28.95 per week towards their care.</p> <p>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)</p>	<p>55% of respondents were aged over 65 years, the highest responding age group. If eligible, these individuals would be in receipt of AA.</p> <p>People of all ages would be affected by the proposal, if they are in receipt of higher or enhanced rates of disability benefits.</p> <p>A recurring theme for those who commented on the proposals was around financial hardship and how the proposal could exaggerate this.</p>	<p>The Council will apply discretion to disregard costs that are incurred and evidenced for night time care, on a case by case basis.</p> <p>Whilst personal circumstances, income and benefits would be reviewed on an annual reassessment, service users 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 service users, outlining what the changes are, to</p>

² Age: Indicate which age group is most affected, either specify general age group - children, young people working age people or older people or specific age bands

			<p>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.</p> <p>If the decision is agreed, service users 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.</p>
Disability³	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.	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	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

³ Disability: 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.

	<p>Of the approximate 3,380 service users with a financial assessment for non-residential services, some 2,710 service users 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 36% of those service users who currently have at least the lower level benefit in their current financial assessment.</p>	<p>a disability.</p> <p>From the responses, 28% had a physical impairment, 18% had a long standing illness or health condition and 14% had a mental health condition.</p> <p>Working age people who are unemployed and have a disability may see changes and benefits reduced as they migrate over to Universal Tax Credits.</p> <p>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 rate, as a greater percentage of their benefits are treated as income (100%), in comparison to those on a higher rate (67%). It could be argued that the proposal would ensure all rates are treated equally, within the financial</p>	<p>stage of assessment.</p> <p>Whilst personal circumstances, income and benefits would be reviewed on an annual reassessment, service users 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 service users, 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.</p> <p>If the decision is agreed, service users that would see an increase to their weekly charge may face financial hardship, having been reliant and accustomed to having a</p>
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		assessment.	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
Gender Reassignment⁴	No disproportionate impact anticipated.		
Marriage and Civil Partnership	No disproportionate impact anticipated.		
Pregnancy and Maternity	No disproportionate impact anticipated.		
Race⁵	<p>If the proposal was implemented, White service users may be marginally more affected, in terms of numbers, as there are greater numbers within this group.</p> <p>Of the 1011 responses received, the majority of the respondents</p>	There appears to be relatively little difference between different ethnic groups and the proposal would not disproportionately affect a particular group.	If the decision is agreed, service users 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

⁴ Gender reassignment: indicate whether the proposal has potential impact on trans men or trans women, and if so, which group is affected.

⁵ Race: given the city's racial diversity it is useful that we collect information on which racial groups are affected by the proposal. Our equalities monitoring form follows ONS general census categories and uses broad categories in the first instance with the opportunity to identify more specific racial groups such as Gypsies/Travellers. Use the most relevant classification for the proposal.

	<p>were either White (47%) or Asian or Asian British (45%).</p> <p>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 service users that stated they could manage the increase in charges, in comparison to other groups.</p> <p>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</p>		<p>Service, Citizens Advice Bureau and Community Advice and Law Service for advice and guidance</p>
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	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.		
Religion or Belief⁶	No disproportionate impact anticipated.		
Sex⁷	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.	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.	If the decision is agreed, service users 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
Sexual Orientation⁸	No disproportionate impact anticipated.		

⁶ Religion or Belief: If specific religious or faith groups are affected by the proposal, our equalities monitoring form sets out categories reflective of the city's population. Given the diversity of the city there is always scope to include any group that is not listed.

⁷ Sex: Indicate whether this has potential impact on either males or females

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

These protected characteristics are prevalent within existing service users who incur DRE. The proposal may have some impact, in terms of reduced levels of disposable income, particularly where a service user 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.

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 DRE. 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.

Other groups	<p>Impact of proposal: Describe the likely impact of the proposal on children in poverty or any other people who we consider to be vulnerable. 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</p>	<p>Risk of 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?</p>	<p>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.</p>
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⁸ Sexual Orientation: It is important to remember when considering the potential impact of the proposal on LGBT communities, that they are each separate communities with differing needs. Lesbian, gay, bisexual and transgender people should be considered separately and not as one group. The gender reassignment category above considers the needs of trans men and trans women.

	opportunities that meet their needs/address inequalities they face?		
Children in poverty	<p>Children of disabled parents may have further hardship.</p> <p>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.</p> <p>Furthermore, it could also have a negative impact on their schoolwork and sociability.</p>	<p>High Risk</p> <p>Currently, there is no data to inform number of child dependents that belong to service users 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 service users.</p>	<p>All service users will be sent a questionnaire to highlight any changes to their circumstances. Where service users have a financial assessment, it will pick up whether there are any additional benefits that service users may be entitled to. Financial assessments take place annually, however, an individual can request for an assessment at any time.</p> <p>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.</p>
Other vulnerable groups	<p>People who currently don't need social care may need support in the future, if they develop a condition and meet the eligibility criteria.</p>	<p>Very low risk as these people would not be used to the historical disregard of higher or enhanced rates of disability benefits.</p>	

Other (describe)			
<p>7. Other sources of potential negative impacts Are there any other potential negative impacts external to the service that could further disadvantage service users 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 service users; 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.</p>			
<p>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.</p>			
<p>8. Human Rights Implications Are there any human rights implications which need to be considered (please see the list at the end of the template), if so please complete the Human Rights Template and list the main implications below:</p>			
<p>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 disregard which corresponds with their qualifying disability related expenditure 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.</p>			
<p>9. 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:</p>			

- 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.

Where service users 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.

10. 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 service users are aware of the changes and that they are in receipt of all eligible disability benefits.	Letter to be sent out to service uses to: <ol style="list-style-type: none"> 1) Advise them of the decision to change the way in which disability benefits are treated within the financial assessment 2) Advise them on the potential impact 3) Give them opportunity to complete a questionnaire (to be sent with the letter) to advise if their personal circumstances have recently changed and how 	Prashant Patel / Operational Finance Team	Post decision making process.

	<p>4) Include signposting information referenced in this impact assessment</p> <p>This opportunity will be presented to all service users, 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 service users 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.	Rachel Parsons	Post decision making process.
Ensure all service users 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	Target – Where deemed necessary Finance Team to continue to refer service users 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.

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