

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

Title of spending review/service change/proposal	Adult Social Care Non-Residential Charging: Disability Related Expenditure (DRE)
Name of division/service	Social Care and Education
Name of lead officer completing this assessment	Prashant Patel / Matt Cooper
Date EIA assessment completed	10.11.18
Decision maker	City Mayor
Date decision taken	04.12.18

EIA sign off on completion:	Signature	Date
Lead officer	Prashant Patel / Matt Cooper	15.11.18
Equalities officer	Hannah Watkins	16.11.18
Divisional director	Ruth Lake	16.11.18

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 3 July 2018 and 28 September 2018 on proposed changes to Disability Related expenditure (DRE).

DRE is the extra cost that someone has to pay as a result of their illness or disability. These are costs that someone would not have to pay if they did not have their disability. DRE is observed during the financial assessment that a service user has when they have asked for care and support from Adult Social Care.

The financial assessment works out how much someone should pay (if any) towards the cost of their care services. The council may pay for some or all of the support, dependent on the financial circumstances of the service user.

There is a single proposal under consideration:

To reduce the amount allowed for disability related expenditure to a minimum of £10 per week (whether single or one of a couple).

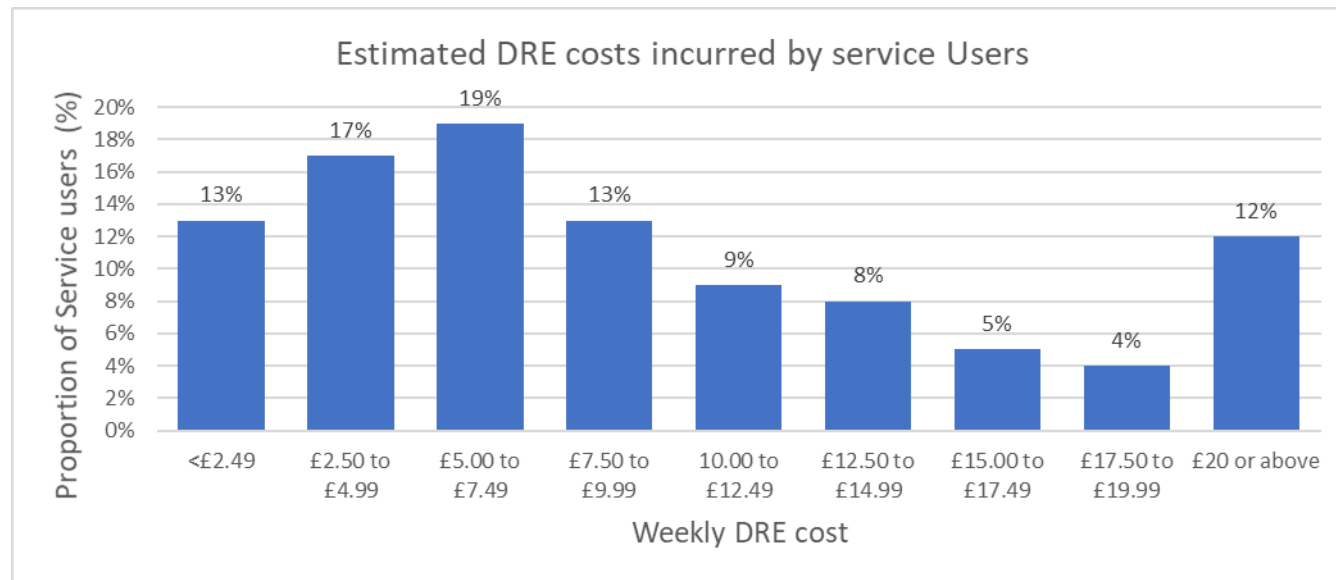
Currently, the Council allows a disregard of £20 per week to cover these costs (or £15 per week if one of a couple). If evidence can be provided, the council may allow more than the standard rate.

Why does the council want to change this amount?

The Council looked at the costs of service users in Leicester and found that the average disability related expenses were around £7.50 per week.

Reducing the minimum amount to £10 per week is closer to what people actually spend on disability related expenses. The Council would continue to employ discretion and consider disability related expenses that are higher than £10 per week, where this is evidenced. This approach will help in minimising or removing any disproportionate disadvantage experienced by service users in relation to their disability.

Should it be implemented, this proposal would help the Council spend its money more wisely so that as many people as possible can get the help that they need. The below chart displays the estimated DRE costs that are currently incurred by service users.



For those service users with actual DRE of less than £20, the average DRE is around £7.50. Given that the means-test disregards £20 of their income, this illustrates that, on average, people are currently left with £12.50 per week more than they actually need to cover the additional costs associated with their disability. Nearly two thirds of people have DRE of less than £10 per week.

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.

	Is this a relevant consideration? What issues could arise?
<p>Eliminate unlawful discrimination, harassment and victimisation How does the proposal/service ensure that there is no barrier or disproportionate impact for anyone with a particular protected characteristic</p>	<p>Disability Related Expenditure covers additional costs, such as heating, services, and equipment required to support disabled service users in their day to day living. These ‘reasonable adjustments’ reduces a person’s likelihood to be disadvantaged because of their disability. This enables the Council to ensure that we are meeting this aim of the PSED.</p> <p>The aim of DRE 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 because of the reduced DRE weekly</p>

	disregard will have a negative impact for some households, but one that does not discriminate against them in relation to their disability.
<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 funding to cover additional costs through Disability Related Expenditure 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. DRE is based on an individual assessment of a person's needs and how they can be best met. The proposal does not negatively impact on the Council's ability to meet this aim as there is no maximum allowance, provided that expenditure to address specific individual needs arising from a disability is evidenced and conforms to the requirement as set out in 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. Disability Related Expenditure contributes towards this inclusive approach.</p>

3. Who is affected?

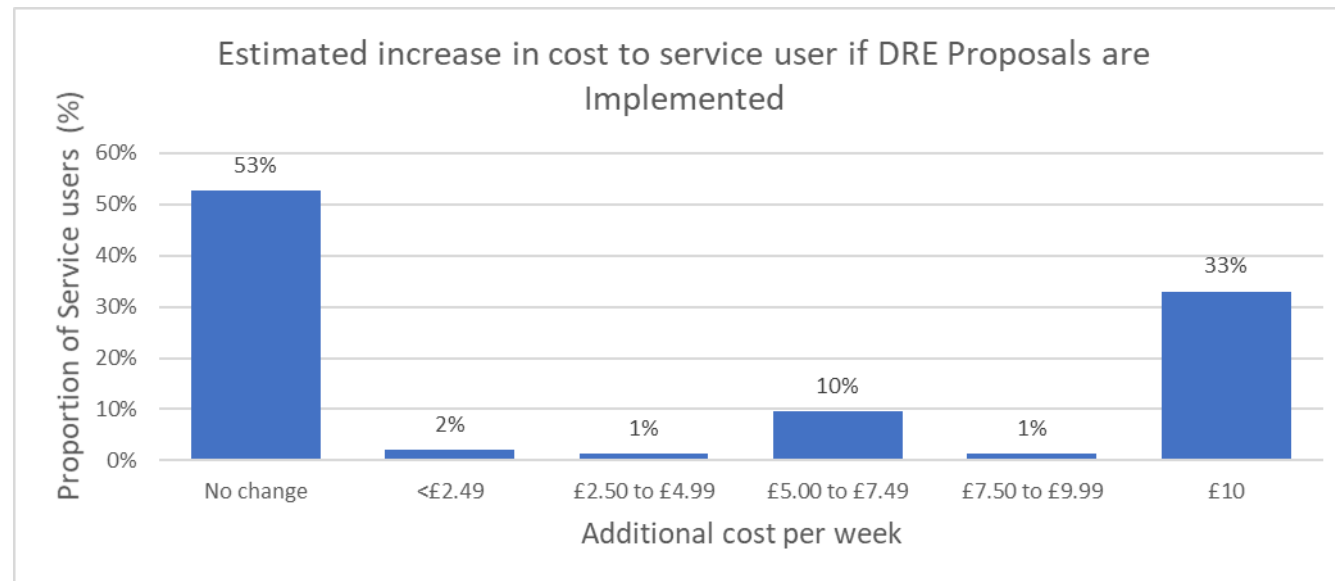
Outline who could be affected, and how they could be affected by the proposal/service change. Include current service users and

those who could benefit from but do not currently access the service.

The proposal outlined could affect approximately 3200 service users in receipt of non-residential based care.

Should the proposal be agreed, people that are affected will receive a minimum disregarded of £10 per week towards contribution to their care services – this could be up to £10 less than what is currently available (or up to £5 less, for one of a couple).

The Council will continue to offer discretion and consider evidence provided by service users or carers to allow more than the standard rate of £10 per week. The chart below shows an estimated increase in the weekly cost to service users, if the proposals were implemented (53% of people would see no change to their current charge, 2% would see an increase of less than £2.49, 1% would see an increase of £2.50-£4.99, 10% would see an increase of £5.00- £7.49 and 33% would see an increase of £10):



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 full existing caseload of approximately 3,200 service users in receipt of a non-residential care package has been analysed to assess the potential impact of the proposed changes. The existing caseload provides details of service user income, benefits, allowances and package costs. This has enabled various modelling to take place to identify potential impacts on live cases. This has also allowed further sub-analysis to identify equality impacts and the effects on groups with particular protected characteristics.

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 3200 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 788 questionnaire responses were received – a response rate of 24.7% overall. This is a 4% improvement from the last time that the Council consulted on Disability Related Expenditure, in 2016.

The highest responding age group were aged over 65, contributing 47% towards all questionnaire responses received. This would suggest that the majority of comments received on the proposal reflect the views of older people.

86% 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).

More than half of responses disagreed with the proposal to reduce the minimum DRE to £10. 23% of respondents did not have a view on the matter, whilst 20% agreed with the proposal. Comments received on this would suggest that current financial hardship would worsen, should the proposal be agreed.

All respondents were also asked to state how a change in personal contribution would affect their (or someone they represent) day-to-day affordability. 53% of respondents stated that having to pay £10 per week more towards the cost of their care would affect them 'a lot'. The responses provided, suggest that people would like the current standard amounts to remain for the future. 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 DRE disregard. It has not been possible to break down the survey results to see how many of those who would like the current standard amounts to remain were service users who would be directly affected by the proposed change vs. service users who would not be affected by the proposed change.

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).

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?	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 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? These should be included in the action plan at the end of this EIA.
Age¹	The DRE proposal would mean that for people over 65, their income and allowances cross	47% of respondents were aged over 65 years, the highest responding age group.	It is anticipated that of the people affected, the majority will not have to pay more than £10 extra per

¹ 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>over the threshold into paying for care. 53% of service users aged over 65 would see no change, 15% would see an increase of between £5.00 to £7.49, 1% between £7.50 to £9.99 and 29% may see an increase of up to £10.</p> <p>Similarly, 53% of service users aged under 65 would see no change, 3% would see an increase of between £5.00 to £7.49, 2% between £7.50 to £9.99 and 38% may see an increase of up to £10.</p>	<p>With more than half of respondents disagreeing with the proposal to reduce the minimum disregard, people of all ages would be affected by the proposal. A recurring theme for this disagreement was the current financial hardship experienced and how the proposal would only exaggerate this.</p>	<p>week towards the cost of their care.</p> <p>The Council will continue to review evidence of disability related expenditure provided by service users and carers to apply discretion and allow more than the standard rate.</p> <p>Whilst personal circumstances and DRE costs would be routinely reviewed as part of any 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 (should the proposed change be approved) 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</p>
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			<p>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>
Disability²	<p>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 in which the DRE disregard is awarded.</p> <p>Of the cohort, those with a disability that are likely to be affected will see an average</p>	<p>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 86% of respondents identified as having a disability.</p> <p>From the responses, 28% had a</p>	<p>Individuals who can evidence that their Disability Related Expenditure is more than the minimum of £10 per week will be considered for a higher rate of disregard.</p> <p>This is in keeping with the fact that each person has individual needs. These are investigated by social work and finance staff at the stage</p>

² 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>increase of £4.04 per week. Of the primary client groups, the proposals would affect 38% of those with physical disabilities, 21% with frailty/temp illness, 20% with learning disabilities, 11% with mental health and 6% with dementia. Other client groups make up the remaining 4%.</p>	<p>physical impairment, 18% had a long standing illness/health condition and 16% had mental health.</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>of assessment.</p> <p>Whilst personal circumstances and DRE costs would be routinely reviewed as part of any 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 (should the proposed change be approved) 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</p>
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			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.
Gender Reassignment³	No disproportionate impact anticipated.		
Marriage and Civil Partnership	<p>The proposal looks to make the minimum DRE disregard £10 per week, whether single or one of a couple.</p> <p>This would mean that one of a couple could be required to pay up to £5 more per week, should the proposal be accepted.</p>	<p>This proposal would only affect certain people.</p> <p>A single pensioner or WAA is likely to be affected by more of an average increase than one of a couple, given that the proposed change would see less of a reduction in the minimum standard allowance (down from £15 to £10) for one of a couple.</p>	<p>Nobody would have less allowance than their evidenced disability related expenditure.</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</p>

³ Gender reassignment: indicate whether the proposal has potential impact on trans men or trans women, and if so, which group is affected.

			Service for advice and guidance. Finance Team to continue signposting, where appropriate.
Pregnancy and Maternity	No disproportionate impact anticipated.		
Race⁴	<p>If the proposal was implemented, White service users will be marginally more affected, in terms of numbers, as there are greater numbers within this group who do not currently pay, but just sit below the threshold for charging.</p> <p>Of the 3 highest respondent groups, approximately 25% of White service users agreed with the proposal, whilst 53% disagreed and 23% did not have a view; 15% of Asian or British Asian service users agreed with the proposal, whilst 60% disagreed and 26% did not have a view; 18% of Black or Black</p>	<p>There are 1,633 white service users, 50% of them would see an average increase of £4.29 per week. There are 1369 Asian or Asian British service users and 42% of them would see an average increase of £3.84 per week. Of the 205 Black or Black British service users, 6% would see an average increase of £3.87</p> <p>Therefore, there appears to be relatively little difference between different ethnic groups, although White service users are marginally more affected. This is because there are greater numbers within this group who do</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>

⁴ 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>British service users agreed with the proposal, whilst 61% disagreed and 21% did not have a view.</p> <p>This breakdown is largely comparable to the whole sample of respondents. However, when compared to average figures, there was a slightly higher proportion of White service users that agreed with the proposals and a slightly higher proportion of Asian or British Asian service users that disagreed with the proposal.</p>	<p>not currently pay but sit just below the threshold for charging. These people would start to contribute to their care costs under the proposals.</p>	
Religion or Belief ⁵	No disproportionate impact anticipated.		
Sex ⁶	Although there are more women in receipt of non-residential care than men (nearly 60% being female), broadly the same proportion of each gender group is expected to be affected (48%	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	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

⁵ 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.

⁶ Sex: Indicate whether this has potential impact on either males or females

	of female and 46% of males would see no change). There is also no significant difference in the increase in average weekly charges for those affected (females would see an average of £4.07 and males would see a £3.98 average increase)	disproportionate impact in relation to sex is anticipated.	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 Orientation⁷	No disproportionate impact anticipated.		
<p>Summarise why the protected characteristics you have commented on, are relevant to the proposal?</p> <p>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.</p> <p>Summarise why the protected characteristics you have not commented on, are not relevant to the proposal?</p> <p>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.</p>			

⁷ 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.

<p>Other groups</p>	<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 opportunities that meet their needs/address inequalities they face?</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>
<p>Children in poverty</p>	<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 affected will be sent a questionnaire to highlight any changes to their circumstances. Where service users have a financial assessment, it will be picked up whether there are any additional benefits that service users may be entitled to. Financial assessments take place annually, however</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,</p>

			in order to ensure that they are aware of the potential risks, particularly in regard to children in poverty.
Other vulnerable groups	<p>People currently paying full cost for their care may go below the threshold for paying full cost at some point. The means test would then become relevant to them.</p> <p>People who currently don't need social care may need support in the future.</p>	Very low risk as these people would not be used to the historically generous arrangements	
Other (describe)			
<p>7. Other sources of potential negative impacts</p> <p>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 change.</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:

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 allowable 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.

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:

- 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
<p>Ensure that service users are aware of the changes and that they receive the full amount of DRE that they are eligible for.</p>	<p>Letter to be sent out to service uses to:</p> <ol style="list-style-type: none"> 1) Advise them of the decision to change the standard allowance 2) Advise them whether, based on existing assessment, they would be impacted or not 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 4) Include signposting information referenced in this impact assessment <p>This opportunity will be presented to all service users, whether or not we believe (based on existing assessment data) they are impacted or not.</p>	<p>Prashant Patel / Operational Finance Team</p>	<p>Post decision making process.</p>
<p>Ensure all service users particularly those over 65 years and disabled parents are receiving all the benefits they are entitled</p>	<p>Ensure Welfare Rights Team work with individuals to claim the benefits they are entitled to, whilst providing interpretation service, where necessary.</p>	<p>Darren Moore</p>	<p>Target – Where deemed necessary Finance Team to continue to refer service users to the Welfare Rights</p>

to.			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. This to continue.

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