

Equality Impact Assessment (EIA)**Housing and Adult Social Services (HASS), City of York Council****Title of report or proposal:**

Charging for Social Carer Services proposal
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Describe in full the aims, objectives and purpose of the proposal, including desired outcomes:

The Council is facing demographic challenges with a resultant increase in the need for social care. This reflects the national picture. The Council is also facing a financial challenge as the formula grant settlement continues to be at a lower rate than the national average.

Local authorities are required by statute to provide services for those with an assessed social care need. Councils may charge for such services. This is a discretionary decision. However, central government's assumption when setting the formula grant is that councils will charge for non residential as well as residential services, as 97% of councils do. Charging for non residential services is governed by the "Fairer Charging Policies for Home Care and other non-residential Services (Department of Health, 2003).

In February 2009, this Council agreed in principle to look at a review of the non-residential charging policy. The proposals being considered during January 2010 would realise an estimated £360,000 net additional income per annum assuming a full collection of charges. Administration of the scheme would cost approximately £100,000 per annum for staffing costs.

The Council is conducting consultation, the outcome of which will be detailed in the report to the Executive Member in January. Consultation topics included:

- The reasonableness of the proposal, including whether people were or were not opposed to charging in principle and any suggestions from people regarding alternatives
- Options for assessing for disability related expenditure
- Groups of people who might be particularly affected
- How the Council could minimise any adverse impact
- Any related general concerns

Further details of the consultation process are outlined below (question six).

The Decision report includes the following recommendations:

1. It is recommended that the Council changes its policy on Disability-related Expenditure (DRE) in line with the Fairer Charging Guidance (Department of Health, 2003) with an implementation date of April 1st 2010.

- 2. a) Reduce the Disability Related Benefits (DRE) disregard to 20%
or
- 3. b) Reduce the DRE disregard to 0%

Of the above options the recommended option is (3). This will enable the council to afford some of the increasing costs of care as currently forecast.

If the Council amended the current non-residential charging policy the principal planned outcome would be the continued ability of the Council to meet the population's adult social care needs at the current threshold for services.

The equalities impact assessment was carried out by council officers.

Department:

Housing and Adult Social Services

Form and report must be checked and countersigned by the Council's lead officer with responsibility for ensuring statutory compliance in relation to equality and diversity.

Officer Responsible:

Bill Hodson, Director, Housing and Adult Social Services, x 4000
Bill.hodson@york.gov.uk

Signed:.....

Date:.....

Housing and Adult Social Services Lead Officer

Debbie Mitchell, Head of Finance x4161

Email: debbie.mitchell@york.gov.uk

Signed:.....

Date:.....

Please answer the following questions:

1. Who are the main people that this decision will affect?

A decision to reduce the current disability disregard and complete individual assessments of DREs would affect current and prospective home care service users over 18 years regardless of age, gender, disability or impairment, ethnic origin, sexuality or belief system.

In particular, current service users who are in receipt of DLA + AA would be affected. At the time of the consultation there were approximately 1,300 home care service users although this figure inevitably fluctuates slightly over time, of whom an estimated 700 would be affected by this change.

Such a decision would affect informal carers similarly, where they currently care for someone who is in receipt of home care services, where they might in the future do so, or where they receive home care services in their own right.

Young disabled people between 16 and 18 would not be directly affected by any change, but if a decision to amend the policy on charging for home care services was made this group of people would be informed of this as charging could affect their services upon transition.

A decision to amend the home care charging policy could potentially affect adult social care staff who would require training and development regarding fair and accurate assessment of DRE and the charging scheme.

If the Council amends the current home care charging policy the principal planned outcome is the continued ability of the Council to meet the population's adult social care needs at the current threshold for services.

2. Identify the risks that could prevent the planned outcomes

There is a risk that Executive Members could decide not to amend the home care charging policy.

There is a risk that the changed home care charging policy might not deliver the forecast income and therefore that there might still be shortfall in the adult social care budget.

There is a risk that staff training might not be sufficient to ensure that the home care charging scheme is applied consistently, fairly and accurately in relation to assessments of DRE.

There is a risk that people refuse to pay any increase in their charge.

There is a risk that people are dissatisfied with the DRE assessment process or the outcome of their DRE assessment.

There is a risk that the Council cannot process the backlog of DRE assessments or cannot process DRE assessments where people's circumstances change.

There is a risk that people are dissatisfied with the quality of their home care and therefore do not think it is fair to pay the charge.

There is a risk that the costs of managing and administering the home care charging scheme exceed those forecast.

3. Could the proposal have a positive impact on a) race b) disability c) gender d) sexual orientation e) age f) belief system groups? (Please provide evidence e.g. user feedback, complaints, monitoring?)

A decision to amend charging for social care services could have a positive impact on current and prospective service users across race, disability, gender, sexual orientation, age and belief system groups.

The key positive impact for disadvantaged groups would be the continued ability of the Council to meet the population's growing adult social care needs up to and including 2010/2011 at the current threshold for services. Therefore, the change in charging policy could promote the continued ability of the Council to ensure that the widest possible access to and benefit from services is maintained.

In addition,

- The increase in charges might also promote people's propensity to complain where their home care service is not of an acceptable quality and therefore could lead to an improvement in the quality of service provided.

4. Could the proposal have a negative impact on a) race b) disability c) gender d) sexual orientation e) age f) belief system groups? (Please provide evidence e.g. user feedback, complaints, monitoring,?)

A decision to amend the charging policy would have a negative impact on those current and prospective service users who would be asked to pay more and on informal carers who support service users who would be asked to pay.

The Council has a legal obligation to provide services to meet assessed need regardless of service users' ability to pay. Despite this, some people might be reluctant to request or accept home care services even where services are to meet an assessed need above the Fair Access to Care Services eligibility threshold because they feel they are unable to afford home care charges even where they have been assessed as able to afford them.

These potentially adverse impacts would not be related to age, gender, disability or impairment, ethnic origin, sexuality or belief system. These impacts would mirror the known profile of home care service users. Therefore there would be no group for whom the proposed changes in charging policy would have a disproportionately adverse impact.

a) Race

- Council data as at November 2009 shows that less than 0.5% of Home Care users are Asian or Black. This is representative of the local population where 3% is Asian or Black.
- The charging policy changes proposed would not have a differential impact on any particular ethnic group.

b) Disability

- As of Council data produced Nov. 2009, of the 759 home care users affected, 568 or 74% were older people.
- Consequently, older people are the largest group of home care service users who would be affected by any change in home care charging policy.
- As the change in policy specifically relates to disability related allowances and expenditure all 759 affected will have some form of disability. The impact of this is mitigated by completing individual assessments for all customers.

c) Gender

- As of Council data produced in Nov 2009, 525 or 69% of home care users affected are female and 234 or 31% are male.
- This is compared to the local population (as recorded in the 2001 Census) where 93,957 or 51.88% of people are female and 87,137 or 48.12% of people are male.
- York Housing and Adult Social Services (HASS) figures show a significant number of more women using HASS services in York, particularly over the age of 85. However, it is recognised that women live longer and are more likely to require social care if they are living alone with no partner to care for them. Older People Living Alone in York figures illustrate this (POPPI - Projecting Older People Population information).
- Therefore, it is probable that more women would be affected were home care charging introduced.

d) Sexual orientation

- A home care charging policy should not have a differential effect dependent on sexual orientation.

e) Age

- As of Council data produced in Nov 2009, of 759 home care service users affected, 71% or 537 were aged 65 and over. Therefore, older people would be the largest group to be affected by a change in home care charging policy. This is proportionate. Older people were highlighted through consultation events as the group most likely to be adversely affected by a home care charging policy.
- Of the 759 home care users, 71 or 4% are aged 65-74; 167 or 9.5% are aged 75 – 84; 299 or 17% are over 85.
- This is compared to the local over 18 population (from census 2001) where 15,804 or 9% are aged 65-74; 11,032 or 6% are aged 75 – 84; 3,724 or 2% are aged over 85.

f) Belief system groups

- A change in home care charging policy should not have a differential effect dependent on belief system.

5. Can any negative impact of the decision be justified?

The intended positive impact of a decision to change the charging policy for home care services would be the continued ability of the Council to meet the population's growing adult social care needs up to and including 2010/2011 at the current threshold for services. Therefore, a change in home care charging policy would ensure that the most vulnerable people continued to have access to and benefit from the services that they need.

- The Fairer Charging Guidance ensures that customers are charged only an amount they can afford to pay and in many cases this will result in no charge. The assessment of a person's ability to pay is completely distinct from the assessment of need for services so disabled people should not receive fewer services as a result of this proposed policy. However, it is likely to be the case that a number of customers will choose to purchase their care from private providers especially where only domestic support is required as their costs may be less than the Council's charge.

6. If you have undertaken any internal/ external research or consultation(s) please list these below:

This equalities impact assessment has been informed by a comprehensive consultation programme which ran for two months from Dec. 2009 to Jan. 2010.

A total of 4 consultation events were held with customers, carers, the general public and were attended by approximately 40 people in total.

Consultation packs including questionnaires were sent to 757 HASS customers with a total of 204 hard copy questionnaires returned i.e. a response rate of 27%.

All consultation material was also available on york.gov.uk and the questionnaire could be completed online.

Paragraph 2.35 of the Statutory Code of Practice requires the Council to determine whether or not the consultation was relevant to disabled people. Members were advised that the home care charging consultation was extremely relevant to disabled people. Paragraph 2.36 of the Statutory Code of Practice requires the Council to determine how proportionately affected disabled people would be by such a policy. Members were advised that this policy affects only people who are disabled in the broadest sense and therefore members must give full consideration as to how a home care charging policy would affect disabled people.

7. Do you need to undertake any further consultation? If so, what and with whom?

No further consultation on home care charging policy is required at this time.