

Name of proposal/policy	Fair Contributions Policy review	Budget number (if applicable)	n/a
Service area responsible	NASS	Cabinet meeting date	12 th September 2017
Name of completing officer	Emma Gadsby	Date EqIA created	1 st August 2017
Approved by Director / Assistant Director	Anna Earnshaw	Date of approval	31 st August 2017

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'Due regard' to:

- Eliminating discrimination, harassment and victimisation
- Advancing equality of opportunity
- Fostering good relations

We do this by undertaking equality impact assessments (EqIAs) to help us understand the implications of policies and decisions on people with protected characteristics – EqIAs are our way of evidencing this.

All assessments must be published on the NCC equalities web pages. All Cabinet papers where an EqIA is relevant **MUST** include a link to the web page where this assessment will be published. If you require assistance in getting your EqIA published, please contact equalities@northamptonshire.gov.uk

PART 1

Description of current provision/policy and main beneficiaries/stakeholders

The Council has had a Fair Contributions Policy, which governs the charges for domiciliary care for adults with social care needs, since April 2014. This policy replaced the previous charging policy and ensured that the Council's charging practices were compliant with the Care Act 2014. The policy is applied to all adult social care customers and follows national legislation and guidance. Discretion regarding charging is applied where this is allowed within the law.

Prior to the Care Act 2014, Northamptonshire County Council (NCC) used the Fairer Charging Guidance issued by the Department of Health in order to create a policy for how they calculate contributions towards social care & support services in the community. This has since been superseded by the Care Act 2014.

The Fairer Charging Guidelines included guidance on how disability benefits should be treated within the financial assessment in terms of working out someone's income and expenditure when calculating what they should contribute towards the cost of their care. The current disability benefits in payment are Attendance Allowance (AA), Disability Living Allowance (DLA), and Personal Independence Payment (PIP). These benefits are paid out at different rates dependent upon the level of personal support required (low, middle and high).

The Fairer Charging Guidelines previously stated that local authorities should only take into account the lower or middle rate of any disability benefits if that LA is not providing any night time services. This is a principle which is currently within NCC's Charging Policy and is applied within the financial assessment.

Description of proposal under consideration/development

Within the Care and Support Statutory Guidance, it states what income should be included within the financial assessment. The wording used is as follows:

"Any income from the following benefits must be taken into account when considering what a person can afford to pay towards their care from their income:"

The guidance then goes on to list Attendance Allowance, Disability Living Allowance (Care Component) and Personal Independence Payment (Care Component). See part 16 of Annex C: Treatment of income on page 427 of the Statutory Guidance. There is not a section which states that only the lower or middle rate of disability benefits should be included within the financial assessment.

The proposal under consideration is to amend the NCC Charging Policy to enable the Financial Assessment Team to take into consideration the higher rate of Attendance Allowance, Disability Living Allowance or Personal Independence Payment when assessing the financial contributions that customers should make towards their care.

Data used in this Equality Impact Assessment (general population data where appropriate but each EqlA should contain information on people who use the service under consideration – if this is not applicable to your proposal then you probably do not need to do an EqlA)

Data Source (include link where published)	Please summarise what the data tells us – for example "X number of people use this service, X are male, Y are female etc"
There are currently 1,549 service users financially assessed who have the high rate of Attendance Allowance, Disability Living Allowance or Personal Independence	At the time of publishing the Cabinet paper and this EqlA, the exact profile of these customers was being established to ensure that they are individually

<p>Payment but are assessed as if they only have the low or middle rate (Financial Assessment Team records, July 2017).</p>	<p>contacted about the proposals and offered the opportunity to comment (see below for further work for an explanation of the consultation).</p> <p>The exact profile and updated EqIA will be published when this is available and in time for the decision on the proposal by the NCC Cabinet in February.</p> <p>However, with our understanding of the types of customers who access adult social care services, we know that all customers will have a disability of some sort, with a number living with more than one condition.</p> <p>Some customers will be receiving support for conditions relating to their age, while others are younger adults with disabilities, so customers cover all ages over 18 years.</p>
	<p>In addition, there are customers who are on the higher rate of the benefits in scope that do not currently make a financial contribution to the cost of their care but who may have to do so as a result of the proposed changes. Work will continue to identify those customers so that they are informed of the proposal and given the opportunity to give their views as part of the consultation, and this will allow us to develop this EqIA to include them in the final impact analysis.</p>

Tick the relevant box for each line by using a capital 'P' to make a <input type="checkbox"/>	Based on the above information, what impact will this proposal have on the following groups?			
	Positive	Negative	Neutral	Unsure
Sex				✓
Gender Reassignment				✓
Age				✓
Disability				✓
Race & Ethnicity			✓	
Sexual Orientation				✓
Religion or Belief (or No Belief)				✓
Pregnancy & Maternity				✓
Human Rights (Please see articles in toolkit)				✓
Other Groups (rural isolation, socio-economic exclusion etc)			✓	

Initial impact	
Explain your findings above	Actions identified to mitigate, advance equality or fill gaps in information
<p>Although precise analysis of customers is not yet available to allow us to fully analyse our data accurately in relation to customers' individual circumstances, due to the nature of the service users, any change to fees relating to adult social care will disproportionately affect people with disabilities and health conditions which require them to seek support from NASS.</p> <p>Although 'unsure' has been selected as the impact for gender reassignment, sexual orientation, religion/belief (including no belief), pregnancy and maternity and human rights based on the limited information held on these protected characteristics, there is no reason to believe this will be anything other than neutral, although this will be reviewed if the consultation suggests otherwise.</p>	<p>While we acknowledge that any change to fees relating to adult social care will disproportionately affect people with disabilities and health conditions, we believe that there are a number of reasons to support the change.</p> <p>Other authorities have already introduced this change relating to the higher rates of disability benefits so this would bring us into line with a number of other authorities. With budgets for adult social care under unprecedented pressure nationally, it is important the budget for adult social care is sustainable, and so it is important that the Council pursues avenues of income generation where the law permits it to do so and where it will not cause hardship to customers.</p> <p>To mitigate the possibility that the change could have on customers, the Cabinet paper proposing this change also proposes that a higher standard rate of Disability Related Expenditure (DRE) allowance is offered for those customers who are assessed against the high / enhanced rate of their disability benefits (this would be on top of the standard DRE allowance of £18 per week).</p> <p>Alternatively, if customers feel that their night time needs are not being taken into account in the financial assessment, they can ask for a personalised DRE assessment and provide evidence of the costs they have associated to their night time needs.</p> <p>A key element of the consultation on the proposal will be to ensure we understand the potential impact of the proposal and how best to manage changes to customer's circumstances as a result.</p>

Do you need to undertake further work (e.g. consultation, further equality analysis) based on the impact and actions identified above? If yes, set this out below and then carry out the work and complete Part 2

In order to seek views on the proposed changes to the Fair Contributions Policy and to understand how this might affect customers, this proposal will form part of a wider consultation on proposed changes to adult social care charges. The consultation will run for 12 weeks and the findings from the consultation will be considered by Cabinet in February 2018. If implemented, the changes will come into effect on 1 April.

Customers will be informed individually about the consultation, its proposals and the timescales via a letter. The letter will give them the opportunity to contribute online, request a printed questionnaire, attend one of the public meetings being organised or request a 1:1 meeting where necessary. Press releases will be issued to all local media advertising the dates and locations of public meetings, and guidance regarding taking part in online consultation. The consultation will be published on the Council's Consultation Register and promoted via social media.

PART 2 – if required

Consultation, follow up data and information gathered from actions identified above

	What does this information tell us?
To be completed following the conclusion of the consultation	

Final impact analysis (taking the findings from Part 2 into account) – including review date if required

To be completed following the conclusion of the consultation