

Name of proposal/policy	Review of the Disability Related Expenditure model in the ASC Fair Contributions Policy	Budget number (if applicable)	N/A
Service area responsible	NASS	Cabinet meeting date	10 th September 2019
Name of completing officer	Ashley Leduc/Lisa Walsh	Date EqIA created	13 th August 2019
Approved by Director / Assistant Director	Anna Earnshaw	Date of approval	2 September 2019
Signed off by NCC Equalities Lead	Emma Gadsby	Date of sign off	2 September 2019

For sign off by the NCC Equalities Lead, email egadsby@northamptonshire.gov.uk or equalities@northamptonshire.gov.uk

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. To have your EqIA published, please contact equalities@northamptonshire.gov.uk

PART A

1) Description of current provision/policy and main beneficiaries/stakeholders

The Fair Contributions Policy sets out the Council's policy and guidance on how the Council calculates a person's contribution towards their care and support. It was created in 2014, and has had a number of changes made to the policy since it was implemented, namely the Introduction of a standard rate of Disability Related Expenditure (DRE) and Disability benefits rates being fully included with the financial assessment.

The Council carries out a financial assessment to work out how much money each person has to contribute towards their care and support. This ensures that people are left with enough money to live on after paying their contribution. This is known as protected income. The protected income will not need to cover expenses people may have that are related to a disability, illness or physical or mental frailness – this is known as disability related expenditure (DRE) and allowances may be made within the financial assessment for these.

2) Description of proposal under consideration/development

To undertake a review of the current DRE model to incorporate a single standard rate of DRE. It is recommended that the single standard rate of DRE would be set between the two current rates of disability benefits (lower/middle £18, higher £28), set at £23 per week, and allow everyone to have a personalised DRE assessment on request.

The Council offers a standard allowance for any DRE that a service user may have in their financial assessment. As DRE can be confusing for service users, a standard rate affords a level of protection for those who do not wish provide any DRE information to the Council. However, a request for a full DRE assessment can be requested at any time.

The Council currently offers two different rate of standard DRE, based on the level of disability benefits that a service user receives. The rates are:

- £18 per week based on the lower / middle rate of disability benefits
- £28 per week based on the higher rate of disability benefits

This proposal would see the standard rate set in between these two rates, at £23 per week.

3) Data used in this Equality Impact Assessment (general population data where appropriate but each EqIA 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 EqIA)

Data Source (include link where published) – quantitative or qualitative	What does this data tell us?
Currently, there are 885 service users who receive the lower standard rate of DRE of £18 per week and 2239 who receive the higher rate of £28 per week.	At the time of publishing the Cabinet paper and this EqIA, the exact profile of these customers has been established and careful consideration

of individual circumstances have been taken into account to ensure that they are all contacted about the proposals and offered the opportunity to comment (see below for further work for an explanation of the consultation).

An updated EqlA will be published when the consultation has been completed and in time for the decision on the proposal by the NCC Cabinet in February 2020.

4) Please give details about planned consultation or engagement with communities and other stakeholders that are likely to be affected by the policy/decision/service change. Contact the Consultation, Equalities & Accessibility Team (ceat@northamptonshire.gov.uk) for advice or complete the online form with details of your consultation/engagement activity.

If you are not carrying out any consultation or engagement activity, please provide reasons why you think this is not necessary.

Given that the proposals would have a direct impact upon current service users, as well as having the potential to affect future service users, it is important that the Council seeks their views and provides the opportunity for people to feedback on how the proposals could affect them and what Members should take into consideration before making their final decision on the proposals.

Consideration has been given in making the recommendations as to the level of change and to limit its impact based on the assessment of the client groups affected and the experience of other authorities. It is now proposed that we undertake a 12 week consultation with all customer groups that may be affected by the proposals and other stakeholders. These will take place via:

- on-line and printed questionnaires (available in standard and easy-read format)
- public meetings in various accessible locations across the county
- meetings with key customer reference groups
- 1:1 consultations where required
- a dedicated telephone line to address concerns from service users as to the impact of the proposals

This will take place between the 11th September – 3rd December 2019 and Interested members of the public will also be able to comment on the proposals via a questionnaire.

5) If consultation or engagement has been carried out in the past, please provide details. If so, what were their views and how have their views influenced the work to date?

The Council last changed the Policy in April 2018, when approximately 2,250 working age adult service users were impacted by a policy change. This was implemented after a 3 month consultation period.

Protected characteristics as set out in the Equality Act 2010

6) Based on the above information, what is the likely impact on the following groups? Please explain why you have made this assessment. If you are unsure, set out what you will do to get enough information to make an assessment.

Sex	Impact and explanation	Neutral Explanation: There is no reason to suggest this will have a particular impact upon people due to their gender
	Mitigations/actions	In order to fully understand what impact the introduction of any change might have on the basis of people's sex, the proposal will be consulted upon.
Gender Reassignment	Impact	neutral Explanation: There is no reason to suggest this will have a particular impact upon people due to gender reassignment.
	Mitigations/actions	In order to fully understand what impact the introduction of any change might have on the basis of people's gender reassignment, the proposal will be consulted upon.
Age	Impact	unsure Explanation: There is no reason to suggest this will have a particular impact upon people due to their age
	Mitigations/actions	However, in order to fully understand what impact the introduction of any change might have on basis of age, the proposal will be consulted upon. The consultation will establish the extent and how this can be mitigated.
Disability <i>(Is someone or a group of people particularly affected by the subject of this EqIA because of their disability e.g. service is provided to people with a disability/change to service will make it harder for disabled people to access)</i>	Impact	unsure Explanation: 221 service users who receive the lower standard rate of DRE of £18 per week would be positively effected and 645 who currently receive the higher rate of DRE of £28 per week would be negatively effected
	Mitigations/actions	In order to fully understand what impact the introduction of any change might have on the basis of disability, the proposal will be consulted upon. However, due to the proposal affecting people in receipt of disability benefit the initial assessment is that this may impact negatively on the people impacted. The consultation will establish the extent and and how this can be mitigated.
Race & Ethnicity	Impact	neutral

<i>(Is someone or a group of people particularly affected by the subject of this EqIA because of their race or ethnicity e.g. service has high levels of access by people from a particular ethnic background/eligibility criteria is changed to require residence for a certain period of time)</i>		Explanation: There is no reason to suggest this will have a particular impact upon people due to race and ethnicity.
	Mitigations/actions	In order to fully understand what impact the introduction of any change might have on the basis of people's race and ethnicity the proposal will be consulted upon.
Sexual Orientation	Impact	neutral Explanation: There is no reason to suggest this will have a particular impact upon people due to their sexual orientation.
	Mitigations/actions	In order to fully understand what impact the introduction of any change might have on the basis of people's sexual orientation, the proposal will be consulted upon.
Religion or Belief (or No Belief)	Impact	neutral Explanation: There is no reason to suggest this will have a particular impact upon people due to their religion or belief.
	Mitigations/actions	In order to fully understand what impact the introduction of any change might have on the basis of people's religions or beliefs, the proposal will be consulted upon.
Pregnancy & Maternity:	Impact	neutral Explanation: There is no reason to suggest this will have a particular impact upon people due to pregnancy & maternity
	Mitigations/actions	In order to fully understand what impact the introduction of any change might have on the basis of pregnancy and maternity, the proposal will be consulted upon.

Cross-cutting considerations

7) Based on the above information, what is the likely impact on the following groups? Please explain why you have made this assessment. If you are unsure, set out what you will do to get enough information to make an assessment.		
Human Rights – relevant articles: <i>Article 14 – Protection from discrimination (e.g. NCC must not discriminate against one or more protected groups in relation to other rights in the Human Rights Act)</i>	Impact	Unsure Explanation: In order to understand what impact the introduction of any change might have on people's human rights the proposal will be consulted upon.
	Mitigations/actions	<ul style="list-style-type: none"> • Active engagement with customers and all stakeholders • Listen to concerns during consultation period to mitigate confusion/concerns

		<ul style="list-style-type: none"> We have acknowledged that there is a disproportionate impact on people with protected characteristics and this is being addressed in the EqIA and through consultation
Rural isolation	Impact	Unsure Explanation: In order to understand what impact the introduction of this change might have on rural isolation the proposal will be consulted upon
	Mitigations/actions	As above
Socio-economic exclusion	Impact	Neutral Explanation: By its nature, this proposal affects people already in receipt of state benefits
	Mitigations/actions	In order to fully understand what impact the introduction of any change might have on people's socio-economic status, the proposal will be consulted upon. While some service users may see a decrease in their income as a result of these changes, the protected income amount set by Government remains in place to ensure that people are not charged more than they can afford.
Health and wellbeing considerations, for example: <ul style="list-style-type: none"> <i>Health behaviours (healthy eating, physical activity, smoking, alcohol)</i> <i>Family, friends and community (social isolation, community safety, mental health, family support)</i> <i>Environment (housing standards, fuel poverty, air pollution, green spaces)</i> <i>Work and education (employment, working conditions, income)</i> 	Impact	negative Explanation: some service users may see a decrease in their income as a result of these changes.
	Mitigations/actions <i>(Can you identify any mitigating actions that can be taken to reduce a negative impact or any actions that can improve a neutral or positive impact?)</i> Note: Depending on the scale of the impact identified, there may be a recommendation for a full Health Impact	In order to understand what impact the introduction of any change might have on people's health and wellbeing the proposal will be consulted upon with every individual currently impacted by the proposal and where appropriate their family and friends. Customers will be informed individually about the consultation, its proposals and the timescales via a letter. The letter will give them the opportunity to have a 1:1 meeting, request a printed questionnaire, where necessary. The consultation will be more widely published on the Council's Consultation Register and promoted via social media. Response from Public Health: Public Health have assessed that a full Health Impact Assessment is not required.

<ul style="list-style-type: none"> • <i>Transport (active travel, public transport, road injury risk, traffic management)</i> • <i>Quality and access to care</i> 	Assessment to be completed.	
---	-----------------------------	--

PART B – if you are undertaking any further work before the decision on this policy or service change is made, please complete Part B and then make a final assessment based on this additional information

REMOVE ALL GUIDANCE IN ITALICS ONCE COMPLETED

1) Consultation, follow up data and information gathered from actions identified above	
	What does this information tell us?
<i>Describe any consultation or engagement that you have carried out since you completed Part A and number of responses/event attendees/contacts</i>	<i>What did people tell you? Did they support the proposal? Did they make any alternative suggestions? Did support differ depending on who was responding?</i>
<i>Describe any further work you have undertaken since completing Part A – have you had further discussions with providers? Has the budget changed? Are alternative proposals being considered? Have you been able to fill in any gaps in information that you had identified?</i>	<i>What does this tell you?</i>

Protected characteristics as set out in the Equality Act 2010 – see Part A for explanations and guidance

2) Based on the above information, what is the likely impact on the following groups? Please explain why you have made this assessment. If you are still unsure, please explain what you plan to do in future to address this.		
Sex <i>Refer back to Part A for detail</i>	Impact	Positive / neutral / negative / unsure (delete as appropriate) Explanation:
	Mitigations/actions	
Gender Reassignment <i>Refer back to Part A for detail</i>	Impact	Positive / neutral / negative / unsure (delete as appropriate) Explanation:
	Mitigations/actions	
Age	Impact	Positive / neutral / negative / unsure (delete as appropriate)

<i>Refer back to Part A for detail</i>		Explanation:
	Mitigations/actions	
Disability <i>Refer back to Part A for detail</i>	Impact	Positive / neutral / negative / unsure (delete as appropriate) Explanation:
	Mitigations/actions	
Race & Ethnicity <i>Refer back to Part A for detail</i>	Impact	Positive / neutral / negative / unsure (delete as appropriate) Explanation:
	Mitigations/actions	
Sexual Orientation <i>Refer back to Part A for detail</i>	Impact	Positive / neutral / negative / unsure (delete as appropriate) Explanation:
	Mitigations/actions	
Religion or Belief (or No Belief) <i>Refer back to Part A for detail</i>	Impact	Positive / neutral / negative / unsure (delete as appropriate) Explanation:
	Mitigations/actions	
Pregnancy & Maternity <i>Refer back to Part A for detail</i>	Impact	Positive / neutral / negative / unsure (delete as appropriate) Explanation:
	Mitigations/actions	

Cross-cutting considerations – see Part A for explanations and guidance

3) Based on the above information, what is the likely impact on the following groups? Please explain why you have made this assessment. If you are still unsure, please explain what you plan to do in future to address this.

Human Rights (Please see articles in the toolkit for more information) <i>Refer back to Part A for detail</i>	Impact	Positive / neutral / negative / unsure (delete as appropriate) Explanation:
	Mitigations/actions	
Rural isolation <i>Refer back to Part A for detail</i>	Impact	Positive / neutral / negative / unsure (delete as appropriate) Explanation:
	Mitigations/actions	

Socio-economic exclusion <i>Refer back to Part A for detail</i>	Impact	Positive / neutral / negative / unsure (delete as appropriate) Explanation:
	Mitigations/actions	
Health and wellbeing considerations <i>Refer back to Part A for detail</i>	Impact	Positive / neutral / negative / unsure (delete as appropriate) Explanation:
	Mitigations/actions	

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

Based on all the information contained in this assessment, and based on what you are proposing to do/recommend, what do you assess the impact to be – in particular, highlight where there may be negative impacts, and what can be done to mitigate them. These need to be made clear so that decision-makers are fully informed before making their decision. This equality impact assessment will be the Council's evidence of meeting its duties under the Equality Act and would be referred to in the event of a legal challenge.