

## EQUALITY IMPACT ASSESSMENT

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

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity for those with 'protected characteristics' and those without them
- Fostering good relations between those with 'protected characteristics' and those without them.

In addition the Council complies with the Marriage (same sex couples) Act 2013.

### Stage 1 – Screening

Please complete the equalities screening form. If screening identifies that your proposal is likely to impact on the Public Sector Equality Duty, please proceed to stage 2 and complete a full Equality Impact Assessment.

### Stage 2 – Full Equality Impact Assessment

An Equality Impact Assessment provides evidence for meeting the Council's commitment to equality and the responsibilities under the Public Sector Equality Duty.

**When an Equality Impact Assessment has been undertaken, it should be submitted as an attachment/appendix to the final decision making report. This is so the decision maker (e.g. Cabinet, Committee, senior leader) can use the EqIA to help inform their final decision. The EqIA once submitted will become a public document, published alongside the minutes and record of the decision.**

Please read the council's Equality Impact Assessment guidance before beginning the EIA process.

#### 1. Responsibility for the Equality Impact Assessment

<b>Name of proposal</b>	Reducing Disability Related standard disregard
<b>Service area</b>	P2 – Adult Social Service
<b>Officer completing assessment</b>	Raj Darbhanga
<b>Equalities/ HR Advisor</b>	Paul Green
<b>Cabinet meeting date (if applicable)</b>	
<b>Director/Assistant Director</b>	John Everson

## 2. Summary of the proposal and its relevance to the equality duty

*Please outline in no more than 3 paragraphs*

- The proposal which is being assessed*
- The key stakeholders who may be affected by the policy or proposal*
- Its relevance to the Public Sector equality duty and the protected groups*

### **MTFS Proposal Summary:**

The Disability Related Expenditure MTFS proposal sits within the wider MTFS Fees and Charges proposal which seeks to amend a number of fees and charges to bring them into line with other London boroughs and to enable cost recovery where possible and appropriate.

Specifically the Disability Related Expenditure proposal will seek to deliver £328k savings.

Haringey currently operates a 65% (£35.82) disregard and this policy has stayed the same since 2011. Other authorities have reduced the DRE and the range is from a flat rate of £10.00 to a rate of 35% (£19.00). Haringey is proposing to operate a DRE of £40%, (£22.04) by 2019/20 (i.e. 55% (£30.31 per week) saving an estimated £129k in 2017/18, 45% (£30.31 per week) saving an estimated £244k in 2018/19

### **Context:**

People who are allocated a personal budget for care and support funded by Haringey Council, have a financial assessment to see how much they should contribute towards the cost their care and support. The approach for the financial assessment is set out in the Council's Fairer Contributions Policy which is based on guidance set out in the Care Act 2014.

The financial assessment looks at the money an individual has coming in as well as their expenses. The expenses also include Disability Related Expenditure (DRE). DRE is the extra costs people have each week because of a disability, illness or age. For example, people may pay extra laundry costs or extra heating because of their disability (other examples are listed below in appendix A). It is important that the Council takes this expenditure into account in order to ensure service users retain income to meet these costs.

To be eligible for DRE, people must be in receipt of Attendance Allowance or the care components of Disability Living Allowance or Personal Independence Payment.

In addition to the DRE disregarded income, the financial assessment also disregards an amount for 'minimum income guarantee' as set out by the Department of Health.

### **Current practice:**

To ensure that the financial assessment process for Disability Related Expenditure is as easy and discreet as possible for service users, the Council uses a flat rate disregard. The use of a flat rate reduces the need for quite personal and sensitive discussions. This approach is to ensure that there is equitable treatment between service users. While a flat rate is applied as part of the financial assessment, individuals are offered the opportunity to complete a detailed individualised DRE assessment and any additional DRE above the standard level is also disregarded to bring a lower contribution.

At present, a standard proportion of Attendance Allowance, Disability Living Allowance Care Component or the Personal Independence Payment Daily Living Component is disregarded across all assessments with the offer of a detailed disability related expenditure assessment offered to all clients who pay towards the cost of their care. The proportion currently disregarded equates to 65% (on average £35.82 per week where the

lower rate of Attendance Allowance or middle rate of Disability Living Allowance care component or lower rate of the Personal Independence Payment Daily Living component is included in the financial assessment).

**Rationale for Proposal:**

The current standard disregard for DRE described above has been in place since April 2011 and research has confirmed that Haringey is much more favourable (i.e. has a much lower disregard) than other London Boroughs.

Therefore the proposal seeks to bring disregard for DRE more in line other London Boroughs. The reduction will result in an increase in charges for service users who are currently making a contribution and have a DRE disregard included in their financial assessments. In addition, when DRE reduces to 40%, this will result in some service users of working age who are currently assessed not to contribute having to make a small contribution.

If the decision is approved, as shown in the table below, the reduction in DRE will still be more favourable than other London Boroughs.

Authority	DRE Disregard Policy	Person retains this amount per week to pay for Disabled Related Expenditure
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<b>Haringey</b>	65% (current)	£35.82
<b>Haringey 2017/18</b>	55% (post decision)	£30.31
<b>Haringey 2018/19</b>	45% (post decision)	£24.80
<b>Haringey 2019/20</b>	40% (post decision)	£22.04

Hackney	25%	£13.78
Hounslow	30%	£16.53
Ealing	35%	£19.29
Merton	Flat Rate	£10.00
Newham	Flat Rate	£15.00
Greenwich	Flat Rate	£15.30
Barking & Dagenham	Flat Rate	£15.00

**What will the proposal mean:**

People will have to pay more towards the cost of their care they receive. All service users paying a contribution towards the cost of care where disability related expenditure has been used to calculate the contribution will see an increase in their contribution if the disregard is reduced.

**Mitigations:**

To mitigate the impact of the increase in charges to service users, consideration has been given to the impact of reducing the standard disregard from 65% to a sum which reflects a reasonable amount of weekly expenditure as outlined above.

The proposal will also reduce the standard 65% to 40% by 2019/2020 over a number of years (as set out below) rather than an immediate reduction from 65% to 40%.

**Proposal to reduce DRE in increments:**

2016/2017 – reduce the disregard to 55% (from £35.82 to £30.31)

2017/2018 – reduce the disregard to 45% (to £24.80)

2019/2019 – reduce the disregard to 40% (to £22.04)

In addition we will continue to offer an individualised detailed DRE assessment to identify any additional costs above the standard disregard to reduce the contribution.

Where people opt to have an individual assessment to determine the level of DRE, they will be required to provide a detailed breakdown and evidence of this expenditure to identify any additional expenditure above the standard disregard. The expenditure has to be as result of their disability, age or health.

It is acknowledged that reducing the DRE could result in increased requests for detailed individual assessments and potentially require additional resources to manage this process and to mitigate the increase in charges as a result of reducing the DRE. This will be assessed if the proposal progresses.

**Disability Related Expenditure (DRE) Impact of Changes:**

The following examples are for illustrative purposes. The examples are calculated in line with Council's Contribution policy, which is based on Care Act guidance. Charges are calculated on the ability to pay.

Examples (please note that all figures relate to benefit rates effective from April 2016 and DH Minimum Income Guarantee rates):

**Retirement Age**

At present a 75 year old woman living alone receiving Pension Credit of £217.45 plus Attendance Allowance of £55.10 would pay £47.73.

Reducing the disregard from 65% to 55% would increase her charge to £53.24 (increase of £5.51).

Reducing the disregard from 65% to 45% would increase her charge to £58.75 (increase of £11.02).

Reducing the disregard from 65% to 40% would increase her charge to £61.51 (increase of £13.78 ).

**Working Age and in receipt of Employment and Support Allowance**

At present a 55 year old man living alone receiving Employment Support Allowance Credit of £186.90 plus Disability Living Allowance Care of £55.10 would pay £54.73.

Reducing the disregard from 65% to 55% would increase his charge to £60.24 (increase of £5.51).

Reducing the disregard from 65% to 45% would increase his charge to £65.75 (increase of £11.02).

Reducing the disregard from 65% to 40% would increase his charge to £68.51 (increase of £13.78).

**Who will be affected:**

As described if the proposal to reduce the DRE is approved, any person who is currently assessed to pay towards their care and support costs and a DRE is included in their financial assessment, will have an increase in their contribution.

At present there are approximately 1879 people in receipt of care in the community (that is not residential /nursing care). Initial analysis indicates a standard DRE is currently applied to approximately 700 financial assessments of which two thirds make a contribution towards the cost of their care. Any changes will mainly impact on this group. In the 700 financial assessments, there are service users that are currently not required to pay but will be required to pay when the DRE is reduced to 40%.

It is important to note that the illustrations/examples above use the benefit rates and DH guidance that are in place for 2016/17. Changes to the benefit rates and DH guidance in 2018/19 and 2019/20 could affect the above illustrations/examples.

**3. What data will you use to inform your assessment of the impact of the proposal on protected groups of service users and/or staff?**

*Identify the main sources of evidence, both quantitative and qualitative, that supports your analysis. This could include, for example, data on the Council's workforce, equalities profile of service users, recent surveys, research, results of relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national.*

*Further information on data sources is contained within accompanying EqIA guidance. (part 8)*

<b>Protected group</b>	<b>Service users</b>	<b>Staff</b>
Sex	Mosaic data of service users	N/A
Gender Reassignment	Current data on service users does not breakdown by gender reassignment.	N/A
Age	Mosaic data of service users	N/A
Disability	Mosaic data of service users	N/A
Race & Ethnicity	Mosaic data of service users	N/A
Sexual Orientation	Current data on service users does not breakdown by sexual orientation.	N/A
Religion or Belief (or No Belief)	Current data on service users does not breakdown by religion or belief.	N/A
Pregnancy & Maternity	Current data on service users does not breakdown by pregnancy and maternity.	N/A
Marriage and Civil Partnership	Current data on service users does not breakdown by marriage and civil partnership.	N/A

**If there are any gaps in the data for particular groups or no data is available, please**

**explain how you will address this gap**

We don't have this information and we do not believe there will be a disproportionate impact based upon these protected characteristics.

**4. a) How will consultation and/or engagement inform your assessment of the impact of the proposal on protected groups of residents, service users and/or staff?**

*Please provide a brief outline of:*

- *How you intend to consult with those affected by your proposal including those that share the protected characteristics*

Further information on consultation is contained within accompanying EqlA guidance (part 9)

A consultation will take place. This will be developed.

**4. b) Outline the key findings of your consultation / engagement activities once completed, particularly in terms of how this relates to groups that share the protected characteristics**

*Explain how will the consultation's findings will shape and inform your proposal and the decision making process, and any modifications made?*

TBC

**5. What is the likely impact of the proposal on groups of service users and/or staff that share the protected characteristics?**

*Please explain the likely differential impact on each of the 9 equality strands, whether positive or negative. Where it is anticipated there will be no impact from the proposal, please outline the*

*evidence that supports this conclusion.*

Further information on assessing impact on different groups is contained within accompanying EqIA guidance (part 10)

Those affected will be either current or future service users of Adult Social funded care. Social care is provided to people as a result of ill health, disability, ethnic origin and age and these categories will be impacted. The proposed change to reduce the DRE will impact on service users who currently have a DRE applied to their financial assessment irrespective of their age, disability, ethnic origin and gender.

The service users who are in receipt of Attendance Allowance or the care components of Disability Living Allowance or Personal Independence Payment and a DRE disregard is applied to their financial assessment will be affected by this proposal. At present there are 1879 service users who are in receipt of home care and or attend a day centre of. Of the 1879 people, 500 will be affected by this proposal.

### **1. Sex**

As of 01 January 2017, of the 1879 total service users there 855 (46%) Male users and 1022 (54%) females. Comparing this to the overall Haringey data from the 2011 census, where 51.1% are male and 49.9% are female means that the proposal will be more likely to affect females. This is expected given that there are more female users of Adult Social Services funded care and it is recognised that women live longer than men and therefore will more likely be impacted by the reduction of DRE

### **2. Gender reassignment**

This data is not available and we do not envisage a negative impact based upon this protected characteristic.

### **3. Age**

As of 01 January 2017, the age range of the 1879 total service users, 1008 are aged 60+ and 871 are below the age of 60. The effects of reducing the disability related expenditure will be felt across the age range under and 65+. However, it is expected that the impact will fall mostly on the 60+ as they are predominant in the people being provided with a service and being charged and therefore will be impacted.

### **4. Disability**

Care and support is provided to vulnerable adults all of whom have a disability. Adults who receive this service who have a disability related expenditure disregard applied in their financial assessment and contribute towards the cost of their care will be affected by this proposal.

### **5. Race and ethnicity**

As of 01 January 2017, the ethnicity of the 1879 service users is as follows:

Asian / Asian British	146	8%
Black / African / Caribbean / Black British	686	37%
Mixed / Multiple	35	2%
White	881	47%
Other Ethnic Group	75	4%
Unidentified	56	3%

The impact of this proposed change will impact across all ethnicity groups however there is likely to be great impact for the following groups: Black / African / Caribbean / Black British and White compared to the general population. This is expected as these groups are predominant in the people being provided the

service and therefore will slightly be disproportionately impacted by this decision

#### **6. Sexual orientation**

Data is not collected in relation to the charges for clients and we do not envisage a negative impact based upon this protected characteristic.

#### **7. Religion or belief (or no belief)**

Data not collected in relation to charges and we do not envisage a negative impact based upon this protected characteristic.

#### **8. Pregnancy and maternity**

Data not collected in relation to charges and we do not envisage a negative impact based upon this protected characteristic.

#### **9. Marriage and Civil Partnership**

Not available and we do not envisage a negative impact based upon this protected characteristic.

#### **10. Groups that cross two or more equality strands e.g. young black women**

Not available

### **Outline the overall impact of the policy for the Public Sector Equality Duty:**

- **Could the proposal result in any direct/indirect discrimination for any group that shares the protected characteristics?**
- **Will the proposal help to advance equality of opportunity between groups who share a protected characteristic and those who do not?**
- **Will the proposal help to foster good relations between groups who share a protected characteristic and those who do not?**

The Care Act 2014 for assessing contributions sets the standard to ensure policies promote wellbeing and social inclusion. The proposal being considered is compliant with this framework.

Implementation of this proposal would affect current and future adult social care service users aged 18 and over who may be asked to contribute more towards their care and support across protected groups.

The policy will continue to provide an equitable process for financial assessments and contributions based on affordability.

Analysis of previous changes to the contributions policy indicates that the proposed changes would impact on the protected characteristics of disability. This is also supported by the analysis above. This is expected given that the profile of those most likely to receive care and support from the Council.

The proposal will result in individuals contributing more but no one will suffer severe financial hardship as a result of this decision because we are means testing individuals to ensure that they have the ability to pay through a financial assessment.

### **6. a) What changes if any do you plan to make to your proposal as a result of the equality impact assessment?**



Further information on responding to identified impacts is contained within accompanying EqIA guidance (part 11)

Outcome	Y/N
<b>No major change:</b> the EIA demonstrates the policy is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.	Y
<b>Adjust the policy:</b> the EIA identifies potential problems or missed opportunities. Adjust the policy to remove barriers or better promote equality. Clearly <u>set out below</u> the key adjustments you plan to make to the policy.	N
<b>Continue the policy:</b> the EIA identifies the potential for adverse impact or missed opportunities to promote equality. Clearly <u>set out below</u> the <b>justifications for continuing</b> with it. For the most important relevant policies, <b>compelling reasons</b> will be needed.	N
<b>Stop and remove the policy:</b> the policy shows actual or potential unlawful discrimination. It must be stopped and removed or changed.	N

**6 b) Summarise the specific actions you plan to take to remove or mitigate any actual or potential negative impact and to further the aims of the Equality Duty**

Impact	Action	Lead officer	Timescale

**6 c) Summarise the measures you intend to put in place to monitor the equalities impact of the proposal as it is implemented:**

This will be monitored through the number of appeals received for charge contributions and the number of individual requests for DRE assessments.

**7. Authorisation**

EIA approved by .....	Date .....
(Assistant Director/ Director)	

## 8. Publication

*Please ensure the completed EIA is published in accordance with the Council's policy.*

### Appendix A

#### Examples of Disability Related Expenditure includes:

1. Payment of any community alarm.
2. Costs of any privately arranged care services required, including respite care.
3. Costs of any speciality items or services intended to meet disability needs, for example:
  - (a) Day or night care which is not being arranged by the local authority;
  - (b) Specialist washing powders or laundry;
  - (c) Additional costs of special dietary needs due to illness or disability (permission to approach their GP in cases of doubt);
  - (d) Special clothing or footwear, for example, where this needs to be specially made; or additional wear and tear to clothing and footwear caused by disability;
  - (e) Additional costs of bedding, for example, because of incontinence;
  - (f) Any heating costs, or metered costs of water, above the average levels for the area and housing type, required by age, medical condition or disability;
  - (g) Reasonable costs of basic garden maintenance, if necessitated by a disability and not met by social services;
  - (h) Reasonable costs of cleaning or domestic help, if necessitated by a disability and not met by social services;
  - (i) purchase, maintenance, and repair of disability-related equipment, including equipment or transport needed to enter or remain in work; this may include IT costs where necessitated by a disability; reasonable hire costs of equipment may be included, if waiting for supply of equipment from Haringey Council;
  - (j) Personal assistance costs, including any household or other necessary costs;
  - (k) Other transport costs necessitated by illness or disability, including costs of transport to day centres, over and above the mobility component of DLA or PIP, if in payment and available for these costs but it will be reasonable not to take account of such costs for example where a suitable cheaper form of transport is available but is not being used.