

## EQUALITY IMPACT ASSESSMENT

The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

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 protect characteristics, please proceed to stage 2 and complete a full Equality Impact Assessment (EqIA).

### Stage 2 – Full Equality Impact Assessment

An EqIA provides evidence for meeting the Council’s commitment to equality and the responsibilities under the Public Sector Equality Duty.

**When an EqIA 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 EqIA process.

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

<b>Name of proposal</b>	Charging for Managed Accounts
<b>Service area</b>	Commissioning
<b>Officer completing assessment</b>	Raj Darbhanga
<b>Equalities/ HR Advisor</b>	Lucy Fisher
<b>Cabinet meeting date (if applicable)</b>	June 2019
<b>Director/Assistant Director</b>	John Everson

#### 2. Summary of the proposal

*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*
- The decision-making route being taken*

### **Introduce charging administration fees for appointeeship**

The Council, as part of its Medium Term Financial Strategy (MTFS), agreed to the proposal to introduce administration fees for the management of accounts. Specifically, this is for the Department for Work and Pensions (DWP) **appointeeship clients** and clients who are **self-funders**.

The Council has a duty to manage its finances and recover the cost of the services it provides where appropriate.

Adults have the right to manage their own financial affairs. However, this may be difficult for some individuals due to lack of capacity, illness and or disability.

Where a person becomes unable to manage their own financial affairs and has not put into place a lasting power of attorney, the matter can be taken to the Department for Work and Pensions (DWP) and/or Court of Protection to request a third party is put into place to support the individual.

The third party can be a friend, family member or an organisation (including the Council as corporate appointee). Where the individual requiring this support only has DWP income, then an appointee can be appointed by the DWP.

Most local authorities provide a money management service for adult social care users who are unable to manage their own financial affairs. The Council recognises the importance of supporting vulnerable adults to manage their finances and to protect them from potential or actual financial abuse.

The council currently only becomes DWP appointee or court appointed deputy for finances as a last resort where there is no other party (or suitable party due to safeguarding concerns) to undertake this role.

### **What is appointeeship:**

A Department for Work and Pensions appointee is the person who is appointed by the DWP to manage an individual's DWP income.

The appointee responsibility includes making and maintaining any benefit claims, collecting payments and managing the money including the payment of bills.

### **Current Practice:**

Currently the Council does not charge administration fees for the management of appointeeship clients as it does for deputyship clients, where there are administration fees for managing client funds and assets.

The full set of deputyship charges for local authorities are set out by the Court of Protection (Practice Direction 19B Fixed Costs in the Court of Protection).

### **Proposal:**

The Council is currently able to charge Court of Protection clients based on legislative guidance issued by the Court of Protection. There is no national policy governing charging for DWP appointeeship. Policy and charges are therefore subject to local Council decisions.

As the number of DWP clients increase, the council recognises the administrative costs of managing appointee client accounts is increasing and there is a need to off-set this increasing cost. As the level and type of service provided to appointeeship clients is similar to deputyship clients, the proposal is to introduce **annual administration fees** comparable with deputyship charges for appointeeship clients.

**The proposed fees applicable from 01 October 2019 for DWP appointeeship clients is as follows:**

**It should be noted that the likely fee that will apply to all DWP appoint clients will be the Category II fee (see below) and the savings proposal of £70K is based on this fee only. It should also be noted that the fees are comparable with deputyship charges.**

<b>Category</b>	<b>Description</b>	<b>Fee Amount not exceeding</b>
Category I	Work up to and including the date the DWP appoint the LBH council as the corporate appointee. This fee will <u>not</u> be applied to existing clients (unless they are converted to court of protection). This will be a one-off fee.	£745
Category II	Annual management fee where LBH acts as corporate appointee for DWP income/ Benefits (a) For the first year (b) For the second year and subsequent years  Where the net savings of an individual are below £16,000 an annual management fee not exceeding 3.5% of the client's net assets on the anniversary of the DWP appointing the council as corporate appointee.	£745 £650
Category III	Annual management fee for property where the council is involved in the maintenance of the property. This will only be applied with agreement of client or family and service manager.	£300
Category IV	Preparation of appointee annual report. This will be optional and will only apply with agreement of client or family and service manager where requested.	£216

Where the appointeeship ends before the date the annual fees are due to be charged then pro rata fees will be calculated.

***The above fees are based on Practice Direction 19B Fixed Costs in the Court of Protection. The fees and charges are subject to change and we change these fees in line with practice Directions set out above.***

**For existing clients as at 01 April 2019 (proposed implementation date):**

1. For clients with savings over £16K and where the council has been DWP corporate appointee for over a year, the first (category II) fee to be applied at 01 June will be £650 and **not** £745. If the appointment has been for under a year, then a pro-rata fee will apply.
2. For DWP appointee clients who have less than £16K in savings and where the council has been DWP corporate appointee for over a year, the first annual management fee (category II) will be 3.5% of the savings held on 01 June 2019. If the appointment has been under a year, then a pro-rata fee will apply.

**OR:**

For existing DWP corporate appointee clients the category II fee will apply on the anniversary date the council was appointed DWP appointee.

**What will this mean:**

The proposal will impact on current corporate DWP appointee clients where the council manages their DWP income / benefits.

**Consultation**

This will be necessary if the proposal is to go ahead. Any consultation will need to involve the clients affected to ensure the introduction of administration charges does not have an adverse effect or impact on their wellbeing.

**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. Please include any gaps and how you will address these*

*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. For restructures, please complete the restructure EqIA which is available on the HR pages.*

Protected group	Service users	Staff
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	Current data on service users does not breakdown	N/A

No Belief)	by religion or belief.	
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

**Outline the key findings of your data analysis. Which groups are disproportionately affected by the proposal? How does this compare with the impact on wider service users and/or the borough's demographic profile? Have any inequalities been identified?**

*Explain how you will overcome this within the proposal.*

*Further information on how to do data analysis can be found in the guidance.*

See 5.

**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 outline which groups you may target and how you will have targeted them*

Further information on consultation is contained within accompanying EqIA guidance

A consultation will take place. All clients, their cares and stakeholders will be consulted through a questionnaire and face to face engagements and drop in sessions in various locations in the borough will be arranged with the view to ascertain the views of current, their carers of the adults who receive service in Haringey.

**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?*

N/A at this stage.

**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

Those affected will be either current or future service users of Adult Social care and where the council manages their DWP income.

**1. Sex**

As of August 2018, of the 188 service users whose income is managed by the council through DWP Appointeeship, there were 101 male users (54%) and 87 female users (46%). This proposal will therefore impact a slightly larger proportion of males. This is in contrast with the wider population receiving adult social care, where females are over-represented. 1881 Adult Social Care Service Users were female (54%) and 1625 were male (46%).

This compares to a broadly even gender split in the wider Haringey population, where 49% of residents are female and 51% are male.

There is limited concern around this protected characteristic, as males are only slightly more likely to be affected than females.

## **2. Gender reassignment**

Data on gender reassignment among appointees is not available, so it is therefore not possible to say whether this group is more likely to be appointees or not. While there is not data to suggest that transgender people are more likely to be recipients of adult social care, according to the charity Stonewall this group is more likely to lack support from their families, and therefore could be more likely to become appointees.

During the consultation we will try to capture information from people who identify as transgender, to minimise any disproportionate impact the proposed changes could have on this group.

## **3. Age**

As of 9 August 2018, of the 188 service users where the council manages their DWP income, 129 are 61+ (61%) and 59 are under 61 years of age (29%). This age group is also over-represented in the wider cohort of Adult Social Care users: of the 3514 Adult Social Care Users, 2038 are 61+ (58%).

While the proposal will impact all age groups, it is expected that the impact will fall mostly on those aged 61+.

During the consultation we will try to capture information from those aged 61+, to minimise any disproportionate impact the proposed changes could have on this group.

## **4. Disability**

Care and support is provided to vulnerable adults all of whom have a disability. Adults who receive this service and where their DWP income is managed by the council through DWP Appointeeship will be affected by this proposal.

During the consultation we will try to capture information from people with a disability, to minimise any disproportionate impact the proposed changes could have on this group.

## **5. Race and ethnicity**

As of 09 August 2018, the ethnicity of the 188 service users is as follows:

Asian / Asian British	7	4%
Black / African / Caribbean / Black British	57	30%
Mixed / Multiple	2	1%
White	102	54%
Other Ethnic Group	9	5%
Unidentified	11	6%

The impact of this proposed change will impact across all ethnicity groups, however, there is likely to be a greater impact for the following groups: Black / African / Caribbean / Black British and White. This is expected as these groups are predominant in the people being provided the Appointeeship service, as well as Adult Social Care. This also supported by the overall Haringey data from the Haringey (2017 Greater London Authority) projections.

During the consultation we will try to capture information from people from different ethnic groups, to minimise any disproportionate impact the proposed changes could have on this group.

## **6. Sexual orientation**

Data on sexual orientation among appointees is not available, so it is therefore not possible to say whether this group is more likely to be appointees or not. There is not data to suggest that LGBT people are more likely to be appointees, and therefore this group is not expected to be disproportionately impacted by the proposal.

During the consultation we will try to capture information from LGBT residents, to minimise any disproportionate impact the proposed changes could have on this group.

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

Data on religion or belief among appointees is not available, so it is therefore not possible to say whether this group is more likely to be appointees or not. There is not data to suggest that people of certain faiths are more likely to be appointees, and therefore the proposal is not expected to have a disproportionate impact on this area.

During the consultation we will try to capture information from people of different religions, to minimise any disproportionate impact the proposed changes could have on this group.

## **8. Pregnancy and maternity**

Data on pregnancy and maternity among appointees is not available, so it is therefore not possible to say whether this group is more likely to be appointees or not. However, given that the majority of appointees are aged 61+, there is not an expectation that this group is more likely to be appointees, and therefore the proposal is not expected to have a disproportionate impact on this area.

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

Data on marriage and civil partnership status among appointees is not available, so it is therefore not possible to say whether one group is more or less likely to be appointees. There is not data to suggest that those in a marriage or civil partnership are more likely to be appointees, and therefore this group is not expected to be disproportionately impacted by the proposal.

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

Older people with a disability are more likely to be impacted by the proposed changes, therefore during the consultation we will try to capture information from people from this group, to minimise

any disproportionate impact the proposed changes could have on them.

**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 relevant protected characteristics?**
- **Will the proposal help to advance equality of opportunity between groups who share a relevant protected characteristic and those who do not?**

**This includes:**

- a) **Remove or minimise disadvantage suffered by persons protected under the Equality Act**
- b) **Take steps to meet the needs of persons protected under the Equality Act that are different from the needs of other groups**
- c) **Encourage persons protected under the Equality Act to participate in public life or in any other activity in which participation by such persons is disproportionately low**
- **Will the proposal help to foster good relations between groups who share a relevant protected characteristic and those who do not?**

Implementation of this proposal would affect current and future adult social care service users aged 18 and over, where the council manages their benefit income through Department for Work and Pensions (DWP) Appointeeship.

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

Analysis indicates that changes to the contributions policy could impact on the protected characteristics of disability, age and ethnicity. Consultation will seek to identify whether this is the case and to explore how the impact could be minimised.

**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

Outcome	Y/N
<b>No major change to the proposal:</b> the EqIA demonstrates the proposal is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken. <u>If you have found any inequalities or negative impacts that you are unable to mitigate, please provide a compelling reason below why you are unable to mitigate them.</u>	N
<b>Adjust the proposal:</b> the EqIA identifies potential problems or missed opportunities. Adjust the proposal to remove barriers or better promote equality. Clearly <u>set out below</u> the key adjustments you plan to make to the policy. If there are any adverse impacts you cannot mitigate, please provide a compelling reason below	N
<b>Stop and remove the proposal:</b> the proposal shows actual or potential avoidable adverse impacts on different protected characteristics. The decision maker must not make this decision.	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 and which relevant protected characteristics are impacted?	Action	Lead officer	Timescale
Potential impact on income for any resident affected.	All subject to individual assessment and engagement with individual on any potential impact.	Raj Darbhanga	From date of implementation and ongoing.

**Please outline any areas you have identified where negative impacts will happen as a result of the proposal, but it is not possible to mitigate them. Please provide a complete and honest justification on why it is not possible to mitigate them.**

N/A

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

We will keep details of all individuals assessed for charging and monitor any impact.

**7. Authorisation**

EqIA approved by ..... <i>Charlotte Sawyer</i> ..... (Assistant Director/ Director)	Date 24 April 2019
--	--------------------

**8. Publication**  
*Please ensure the completed EqIA is published in accordance with the Council's policy.*

--

Please contact the Policy & Strategy Team for any feedback on the EqIA process.