



Derby City Council

# **Equality impact Assessment**

**Peoples Services**

**Adult Social Care Community Appointee ships**

**Adult Social Care Charging Policy**

**22 December 2015 v0.4**

**Signed off by**

**Cabinet 10 Feb 2016**

**Date published on website**

**Derby... *Achieving***

## **Equality impact assessment – please read this section first before you do the assessment**

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact you need to do an equality impact assessment whenever a decision is needed that affects people and **before** that decision is made.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to do them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have '**due regard**' to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a '**relevant protected characteristic**' and people who don't.

Having 'due regard' means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity

- race
- religion or belief
- sex
- sexual orientation

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Don't do the form by yourself, get a small team together and make sure you include key people in the team such as representatives from our Diversity Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you

may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

When you have completed the assessment, get it signed by your Head of Service or Service Director and send it to our Lead on Equality and Diversity for checking and to publish on our website. It is a public document so must not contain any jargon and be easy to understand.

Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law –Equality Act 2010.

### **Equality groups and protected characteristics**

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties and people with physical impairments
- Gender reassignment – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers
- Race equality – the effects on minority ethnic communities, including newer communities, gypsies and travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls

- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

In addition, we have decided to look at the effects on families and people on low incomes too as we feel this is very important.

## **Contact for help**

Ann Webster – Lead on Equality and Diversity

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## **The form**

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures
- Key decisions such as allocating funding to voluntary organisations, budget setting
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays

If in doubt - do one! You never know when we may get a legal challenge and someone applies for Judicial Review.

## **What’s the name of the policy you are assessing?**

Adult Social Care Policy - Appointeeship charging

## **The assessment team**

### **Team leader’s name and job title**

Keith Watkins, Senior Administration Manager

Other team members

| Name            | Job title                        | Organisation       | Area of expertise      |
|-----------------|----------------------------------|--------------------|------------------------|
| Katie Sanderson | Integrated Commissioning Officer | Derby City Council | Commissioning          |
| Ann Webster     | Equality and Diversity Lead      | Derby City Council | Equality and Diversity |
|                 |                                  |                    |                        |
|                 |                                  |                    |                        |
|                 |                                  |                    |                        |
|                 |                                  |                    |                        |
|                 |                                  |                    |                        |

**Step 1 – setting the scene**

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side tracked.

- 1 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.**

This proposed policy is about charging for an Appointeeship Service. Currently this service is free.

The Care Act has changed the way that Councils can charge for adult social services. The Care Act also gives the Council wider powers to decide whether different services should be charged for or not.

The Care Act:

- promotes an active approach to wellbeing and independence
- supports individuals to find their own solutions to developing needs
- focuses on helping people retain or regain their skills and confidence.

The purpose of the policy is to make sure there is a clear service offer that is more robust for those customers who, because of their impairment are not able to manage their own finances, and/or are being financially exploited and have no one else available to carry out this role.

Encourages social care staff to support customers to look at alternative ways to support themselves financially and that the Council are only considered as a last resort.

The policy supports the Council Plan to build a more resilient Council. The money raised by charging for an Appointeeship- service helps the Council deliver more services to more people.

## **2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?**

The Blue Badge and Community Appointeeship Service will deliver the Appointeeship Service. A survey with those who already receive an Appointeeship with the Council was carried out in April 2015.

The revised policy will be considered by Cabinet in February 2016, along with this equality impact assessment and their decision(s) will be applied by the Council's Community Appointeeship Service from April 2016.

### **3 Who are the main customers, users, partners, employees or groups affected by this proposal?**

Customers who are eligible for support from the Council for their social care needs and because of their impairment are unable to manage their own finances and/or are being financially abused. This will include some older people, people with a learning disability and people with mental health issues

Social care staff will be affected by having to explain the charging policy to their customers and carers.

## **Step 2 – collecting information and assessing impact**

### **4 Who have you consulted and engaged with so far about this policy, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.**

A survey was carried out in April 2015 with those customers who currently receive a community based Appointeeship with the Council. An Easy Read version of the questionnaire was sent out to everyone together with a prepaid envelope.

Eighty customers were contacted. Some of the responses were completed by the customers' carers.

The primary survey response channel was by post.

The survey found that most people did not agree with the initial proposed charges of between £31.50 and £55.25, but almost everyone said that if there was to be a charge then it should be lower. Our proposal of between £25 and £45 per month are well below the current market rate of private Appointeeship organisations who charge around £65 monthly and can be as high as £1500 a year.

**5 Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each equality group whether this is a negative impact, a positive one or if you are not sure**

| Equality groups | What do you already know?  | Impact<br>choose from: No impact<br>Positive impact<br>Negative impact<br>Not sure |
|-----------------|--|--|
| <b>Age</b>      | <ul style="list-style-type: none"> <li>• Older people are more likely to need social care services About 42% of the people who receive Appointeeship are older people. 58% are aged between 18-64</li> <li>• Decisions to not</li> </ul> | √ <b>Negative impact</b>   |

|                                    |   |  |
|------------------------------------|---|--|
|                                    | <p>use this service because of the cost involved could affect the individual's health and/or wellbeing and leave them open to financial abuse</p>   |  |
| <b>Disability</b>                  | <ul style="list-style-type: none"> <li>• Disabled people are more likely to need social care services.</li> <li>• We know from research that it costs more to live as a disabled person.</li> <li>• Decisions to not use this service because of the cost involved could affect the individual's health and/or wellbeing and leave them open to financial abuse. 48% have a Learning disability and 43% have mental health issues.</li> </ul> | <p>√ <b>Some impact</b><br/>√ <b>Negative impact</b></p> |
| <b>Gender reassignment - trans</b> | <ul style="list-style-type: none"> <li>• A customer's gender has no bearing on the fees, but we know that sometimes trans people become isolated from their families and they need this service as they may have no-</li> </ul>   | <p>√ <b>Some impact</b></p>                              |

|                                       |  |                          |
|---------------------------------------|--|--------------------------|
|                                       | one else to help them  |                          |
| <b>Marriage and civil partnership</b> | <ul style="list-style-type: none"> <li>• Sometimes, it is the partner who is committing financial abuse and so our service needs to protect the vulnerable partner from this</li> </ul>                      | √ <b>Negative impact</b> |
| <b>Pregnancy and maternity</b>        | <ul style="list-style-type: none"> <li>• A customers pregnancy and maternity may have an impact in the amount of money they have to spare to pay for the service in particular disabled women.</li> </ul>    | √ <b>Some impact</b>     |
| <b>Race</b>                           | <ul style="list-style-type: none"> <li>• A customer's race has no impact on the fees, but</li> <li>• additional support and advocacy may be needed by people whose first language is not English.</li> </ul> | √ <b>Some impact</b>     |
| <b>Religion or belief or none</b>     | <ul style="list-style-type: none"> <li>• A customer's religion or belief has no impact on the fees.</li> </ul>   | √ <b>No impact</b>       |
| <b>Sex</b>                            | <ul style="list-style-type: none"> <li>• A customer's sex has no impact on the fees.</li> </ul>  | √ <b>No impact</b>       |
| <b>Sexual Orientation</b>             | <ul style="list-style-type: none"> <li>• A customer's sexual orientation has no impact on the fees, however we know that some LGBT people may be estranged from</li> </ul>                                   | √ <b>Some impact</b>     |

|   |   |                                 |
|---|---|---------------------------------|
|   | <p>their family because of declaring their sexuality and so may need this service as they have no-one else to help..</p>  |                                 |
| <p><b>Families and people on low income</b></p> | <ul style="list-style-type: none"> <li>• Those on low income could be further disadvantaged. A free service may need to be offered to families on low income</li> </ul> | <p>√ <b>Negative impact</b></p> |

**Important** - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

**6 From the information you have collected, how are you going to lesson any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?**

The negative impacts identified above will be lessened by taking the actions described in the action plan below.

### Step 3 – deciding on the outcome

**7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?**

|                  |   |  |
|------------------|---|--|
| <b>Outcome 1</b> |   | <b>No major change needed</b> – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken  |
| <b>Outcome 2</b> |   | <b>Adjust the policy</b> to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?   |
| <b>Outcome 3</b> | X | <b>Continue the policy</b> despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> <li>• sufficient plans to stop or minimise the negative impact</li> <li>• mitigating actions for any remaining negative impacts</li> <li>• plans to monitor the actual impact.</li> </ul> |
| <b>Outcome 4</b> |   | <b>Stop and rethink</b> the policy when the EIA shows actual or potential unlawful discrimination  |

Our Assessment team has agreed Outcome number(s)

**Outcome 3**

Why did you come to this decision?

We selected this outcome because we have identified some negative impacts, but we have also identified the necessary actions to lessen them.

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality Action Plan to lessen the effect of the negative impact. This is really important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is really important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

**Step 4 – equality action plan – setting targets and monitoring**

**8 Fill in the table (on the next page) with the equality actions you have come up with during the assessment. Indicate how you plan to monitor the equality impact of the proposals, once they have been implemented.**

