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| **Equality Impact Risk Analysis: Adult Social Care Charging Policy** | | | | |
| **Policy / Project / Function/Service:** | Adult Social Care Charging Policy | | | |
| **Date of Analysis:** | November 2019 | | | |
| **Analysis Rating:**  **(**Please Tick ✔)  (See Completion Notes) |  | x |  |  |
| **Red** | **Red /Amber** | **Amber** | **Green** |
| **Type of Analysis Performed:**    Please Tick ✔ | **Systematic Policy Analysis** | | | x |
| **Consultation** | | | x |
| **Meeting** | | |  |
| **Service Proposal** | | |  |
| **Other** | | |  |
| **Please list any other policies**  **that are related to or referred**  **to as part of this analysis** | Micro-Commissioning in Adult Social Care, Continuing Healthcare and Funded Nursing Care: principles of consistent, pragmatic, and ethical decision making | | | |
| **Who does the policy, project function or service affect ?**    Please Tick ✔ | **Employees** | | | X |
| **Service Users** | | | X |
| **Applicants** | | | X |
| **Members of the Public** | | | X |
| **Other (List Below)**  Providers of chargeable adult social care services | | | x |

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| **Equality Impact Risk Analysis:** | | |
| **What are the aims and intended**  **effects of this policy, project or**  **function ?** | The aim of the policy is to produce a consistent and fair framework for charging and financial assessment for all service users that receive care and support services, following an assessment of their individual needs and their individual financial circumstances. The policy has been reviewed and amended. | |
| **Is any Equality Data available**  **relating to the use or**  **implementation of this policy,**  **project or function ?**    (See Completion notes) | Yes | x |
| No |  |
| Data is available via SystmOne and Controc and can be provided when necessary | |
| **List any Consultation e.g. with**  **employees, service users,**  **Unions or members of the**  **public that has taken place in**  **the development or**  **implementation of this policy,**  **project or function** | The policy has been reviewed by members of staff within NELC, CCG and focus. A number of proposals to amend the policy are the subject of consultation. The consultation includes – a) inclusion of the draft policy on the CCG’s website with on-line questionnaire, b) email to members of ACCORD, HealthWatch and key partners with background information and link to online survey, c) written questionnaire sent to service users likely to be affected by the proposals, d) attendance at various community groups to secure qualitative as well as quantitative data, e) public open events with presentation and opportunity to ask questions. Consultation activities close on 1st April. The results of the consultation will be reported to elected members. | |
| **Financial Analysis**    If applicable, state any relevant cost implications  (e.g. expenses, returns or savings) as a direct result  of the implementation of this policy, project or  function  \*\* NOTE – THIS IS THE MAXIMUM SUM RECOVERABLE DURING A FULL YEAR OF APPLICATION OF A NEW POLICY (DEPENDENT UPON INDIVIDUAL’S FINANCIAL CIRCUMSTANCES). THE MAXIMUM SUM WILL NOT BE RECOVERABLE PRIOR TO THE FINANCIAL YEAR 2021/22 | **Costs (£m) \***  Implementation £  Est 10,000  Projected Returns £  \*\*Max est 80,000  Projected Savings £ | |

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| **Equality Impact Risk Assessment Test:** | | | | |
| **What impact will the implementation of this policy, project or function have on employees, service**  **users or other people who share characteristics protected by *The Equality Act 2010* ?** | | | | |
| **Protected**  **Characteristic:** | **Neutral**  **Impact:** | **Positive**  **Impact:** | **Negative**  **Impact:** | **Evidence of impact and if applicable, justification**  **where a *Genuine Determining Reason* exists** |
| **Gender**  (Men and Women) |  |  | X | More older people are in receipt of care and support services than younger people. Women form the largest part of the ageing population, and therefore the policy has the potential to impact on women more than men. However, charges will only be levied against those the law says can afford to pay them, following financial assessment. |
| **Race**  (All Racial Groups) |  |  | X | Whilst the policy itself is unlikely to have an impact on grounds of race, it is recognised that some nationalities may have difficulties understanding the policy due to limited English Language skills. Copies of the policy can made available in other languages on request. |
| **Disability**  (Mental and Physical,Sensory impairment, Autism, mental health issues) |  |  | X | More people with disabilities are in receipt of care and support services than those without disabilities. The policy has the potential to impact more on disabled people than non-disabled people. However, charges will only be levied against those the law says can afford to pay them, following financial assessment. |
| **Religion or Belief** | X |  |  | There is no specific impact on grounds of religion or belief. |
| **Sexual Orientation**  (Heterosexual, Homosexual  and Bisexual) | X |  |  | There is no specific impact on grounds of sexual orientation. |

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| **Equality Impact Risk Assessment Test:** | | | | |
| **What impact will the implementation of this policy, project or function have on employees, service**  **users or other people who share characteristics protected by *The Equality Act 2010* ?** | | | | |
| **Protected**  **Characteristic:** | **Neutral**  **Impact:** | **Positive**  **Impact:** | **Negative**  **Impact:** | **Evidence of impact and if applicable, justification**  **where a *Genuine Determining Reason* exists** |
| **Pregnancy and**  **Maternity** | X |  |  | There is no specific impact on the grounds of pregnancy and maternity. |
| **Transgender** | X |  |  | There is no specific impact on grounds of transgender. |
| **Marital Status** |  |  | X | Whilst all those in receipt of adult care and support are financially assessed as individuals, one of the proposals is that the Council will change its approach to application of the minimum income guarantee in a way that is less favourable to couples (whether married or not). This may mean that those who are living as a couple are worse off when compared with application of the current policy. |
| **Age** |  |  | X | More older people are in receipt of care and support services than younger people. The policy has the potential to impact more on older people than younger people. However, charges will only be levied against those the law says can afford to pay them, following financial assessment. |
| **Deprivation** |  |  | X | Those in receipt of adult care and support services may be amongst the most deprived. However, charges will only be levied against those who are deemed able to afford it, following a financial assessment. Levying charges against those who can afford it will increase the Council’s cost recovery, and contribute to the continued funding of adult care and support services. |
| **Unpaid Carers** |  | X |  | It is the Council’s policy not to charge for support provided to unpaid carers. In this respect the policy has a positive impact on carers. |

It should be noted that some people will fall within more than one of he protected characteristics e.g. an older woman with a disability; therefore any impacts on a person who falls within more than one category will be culmulative.

**This Equality Impact Risk Analysis was completed by: Emma Overton, Care and Independence Team, North East Lincolnshire CCG**

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| **Action Planning:** | | | | |
| **As a result of performing this analysis, what actions are proposed to remove or reduce any risks of**  **adverse outcomes identified on employees, service users or other people who share characteristics**  **protected by *The Equality Act 2010* ?** | | | | |
| **Identified Risk:** | **Recommended Actions:** | **Responsible Lead:** | **Completion Date:** | **Review Date:** |
| Gender: women form the largest part of the ageing population, and therefore the policy has the potential to impact on women more than men. | Charges will only be levied against those the law says can afford to pay them, following financial assessment. | **Bev Compton** | **June 2020** |  |
| Race: some nationalities may have difficulties understanding the policy due to limited English Language skills. | A clear process to be implemented to ensure all relevant staff are aware of translation services. | **Bev Compton** | **May 2020** |  |
| Disability: more people with disabilities are in receipt of care and support services than those without disabilities. The policy has the potential to impact more on disabled people than non-disabled people. | Charges will only be levied against those the law says can afford to pay them, following financial assessment. | **Bev Compton** | **June 2020** |  |
| Marital status: a change in approach to application of the minimum income guarantee may mean that those living as a couple (whether or not married) may be worse off. | Charges will only be levied against those the law says can afford to pay them, following financial assessment. | **Bev Compton** | **June 2020** |  |
| Age:more older people are in receipt of care and support services than younger people. The policy has the potential to impact more on older people than younger people. | Charges will only be levied against those the law says can afford to pay them, following financial assessment. | **Bev Compton** | **June 2020** |  |
| Deprivation: those in receipt of adult care and support services are likely to be amongst the most deprived. | Charges will only be levied against those who are deemed able to afford it, following a financial assessment. Levying charges against those who can afford it will increase the Council’s cost recovery, and contribute to the continued funding of adult care and support services. | **Bev Compton** | **June 2020** |  |
| General: data collation could be improved to support better identification of the impact of adult social care support on individuals with protected characteristics | Some data is already collected. This requires review to identify gaps, and make recommendations for addressing those gaps. | **Bev Compton** | **June 2020** |  |

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| **Completion Notes:** | |
| **Analysis Ratings:** | After completing this document, rate the overall analysis as follows:  **Red:** As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share *Protected Characteristics.* It is recommended that the use of the policy be suspended until further work or analysis is performed.  **Red Amber:** As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share *Protected Characteristics.* However, a genuine determining reason may exist that could legitimise or justify the use of this policy and further professional advice should be taken.  **Amber:** As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the *Action Planning s*ection of this document.  **Green:** As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share *Protected Characteristics* and no further actions are recommended at this stage. |
| **Equality Data:** | Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine *Protected Characteristics* – referred to hereafter as *‘Equality Groups’.*  Examples of *Equality Data* include: (this list is not definitive)  1: Application success rates *Equality Groups*  2: Complaints by *Equality Groups*  3: Service usage and withdrawal of services by *Equality Groups*  4: Grievances or decisions upheld and dismissed by *Equality Groups* |
| **Legal Status:** | This document is designed to assist organisations in *“Identifying and eliminating unlawful Discrimination, Harassment and Victimisation”* as required by *The Equality Act Public Sector Duty 2011.* An Equality Impact Analysis is not, in itself, legally binding and should not be used as a substitute for legal or other professional advice. |
| ***Genuine***  ***Determining***  ***Reason*** | Certain discrimination may be capable of being justified on the grounds that:   1. *A genuine determining reason exists* 2. *The action is proportionate to the legitimate aims of the organisation*   Where this is identified, it is recommended that professional and legal advice is sought prior to completing an Equality Impact Analysis. |