

APPENDIX 3

Moray Council Equality Impact Assessment

Important

Under the Equality Act 2010 we must assure that all decisions are taken only after an active assessment of the impact of the decision on people affected by the decision. Where necessary, those who may be affected should be consulted beforehand.

If this is not done, the decision could be unlawful and the council can be prevented from acting upon the decision until the impact has been assessed. This will result in major delays in the implementation as well as financial, reputational and other potential damage and loss to the council.

London Councils had decided to cut £10 million from their grants budget of £26 million. No act of consideration or assessment was given of the impact of the decision on the users of services supported by the grants. Court action was taken by the users against the councils. The Court decided in January 2011 that the decision was unlawful and instructed the councils to assess the impact of the decision. The Court also decided that no grant was to be terminated until 3 months after the conclusion of the assessment exercise.

Service: Community Care

Department: Education and Social Care

Title of policy/activity: Contributions Policy

1. What are the aims and objectives of the policy/activity?

Principles

1. The provision of an SDS budget is based on an assessment of social care needs by Moray council in accordance with the Council's eligibility criteria
2. The financial contribution an individual is required to make is based on the Community Care financial assessment process
3. The financial assessment will include specialist advice and assurance to support individuals maximise their income through claiming for welfare benefits to which they may be entitled
4. The proportion of the financial contribution the individual will be required to make will be based on their available income, not the size of care and support package required, and will never be greater than the cost of the package
5. Part or all of the individual's contribution can be abated/waived in case of hardship or exceptional need or circumstances through the Charging Appeals Panel, or as the outcome of a risk assessment.

2. List the evidence that has been used in this assessment

Internal data (customer satisfaction surveys; equality monitoring data; customer complaints)	Existing data held regarding financial assessments
Consultation with officers or partner organisations	Community Care Finance Accountancy IRISS (Institute for Research and Innovation in Social Services)
Consultation with community groups	All people currently making a payment toward their care and support or their legal proxy written information and questionnaire. Public sessions offered (8), 2 additional sessions for people who use Learning Disability and Mental Health services
External data (statistics, census, research)	Review of other local authorities policies on contributions and financial assessments

3. Detail any gaps in the information that is currently available?

The Contributions Policy will impact on people who would be regarded as having a disability and older adults, but overall the impact of Self Directed Support would be regarded as having a positive impact on the lives of these groups as it offers choice and control over the care and support they require to live an ordinary life.

4. What measures will be taken to fill the information gaps before the policy/ activity is implemented? These should be included in the action plan

Measure	Timescale
None.	

5. Are there potential impacts on protected groups? Tick as appropriate

	Positive	Negative	None	Unknown
Age – young			X	
Age – elderly			X	
Disability	X	X		
Race			X	
Religion or belief			X	
Sex			X	
Pregnancy and maternity			X	
Sexual orientation			X	
Gender reassignment			X	
Marriage and civil partnership			X	

6. What are the potential negative impacts?

Groups likely to be financially better off under the new policy are people under 65 who have large support packages. It is likely to have little impact on people who are over 65 and in receipt of Free Personal Care. It is likely to have a financial impact on people under 65 who use only Day Services as they have not previously contributed to their care and support, and through Self Directed Support they will. By taking into consideration aspects of household income for couples, rather than only the income of the person receiving care and support, it is likely that the person requiring care and support will now make a larger financial contribution to that made previously .

7. Have any of the affected groups been consulted. If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps.

Yes, consultation ran for 12 weeks from 5th May to 25th July 2014. It covered all client groups, a total of 227 responses were received, approximately a 25% return rate.

Service users were presented with a lot of information which some found confusing. The prospect of any change was also a concern. Just over a third of respondents confirmed they understood why the proposal was being put forward. There was clear support for the financial assessment process on the grounds of fairness.

There was an acknowledgement that the policy would have an impact (positive and negative) but people pointed out they will not know the full extent until they go through the assessment process.

It was suggested that if approved the impact of the policy could be reduced by a phased implementation.

A large number of comments made were on the whole principle of charging for social care.

8. What mitigating steps will be taken to remove those impacts? These should be included in the action plan.

Mitigating step	Timescale
<ul style="list-style-type: none"> Phased implementation and ongoing monitoring. The policy will be reviewed after one year and every three years subsequently. The financial assessment will ensure that contributions are based on people's ability to pay. To ensure an individual is not forced below recognised subsistence levels, the Moray Council applies an income protection threshold. This threshold is set at a person's basic DWP benefit entitlement (such as Income Support/Pension Credit) plus a buffer of 16.5%. There is a range of services which the Moray Council has a duty to provide for which an individual will not be required to use their individual budget to pay for. The financial assessment will include specialist advice and assistance to support individuals to maximise their income through claiming for welfare benefits to which they may be entitled Part or all of the individual's contribution can be abated/waived in case of hardship or exceptional need or circumstances through the Charging Appeals Panel. 	<p>3-5 years</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>

9. What steps can be taken to promote good relations between various groups? These should be included in the action plan.

NA

10. How does the policy/activity create opportunities for advancing equality of opportunity?

The policy is designed to give individuals who have care needs more control over the care they receive.

Policy is designed to ensure that individuals who have care needs receive the care most suited to their needs.

11. What monitoring arrangements will be put in place? These should be included in the action plan.

Monitoring is an inherent task within the SDS process and is written into the Policy. The policy will be reviewed after one year and every subsequent 3 years.

12. What is the outcome of the assessment? Tick as appropriate.

1	No impacts have been identified	
2	Impacts have been identified, these can be mitigated as outlined in question 8	
3	Positive impacts have been identified in relation to the need to:	
	a) Eliminate discrimination, harassment, victimisation and other behaviour prohibited by the Equality Act 2010	
	b) Promote equality of opportunity	
	c) Foster good relations between groups who share a protected characteristic and those who don't.	
4	The activity will have negative impacts which cannot be mitigated fully	X

13. Set out the justification that the activity can and should go ahead despite the negative impact?

There will be a financial impact on people under 65 which cannot be fully mitigated. This will be taken into account in the monitoring and review process and in the financial assessment process. The justification is that the policy has been designed to promote independence, health and wellbeing by giving an individual more choice and control over the support they want to meet their assessed eligible social care and support needs. There are various elements in the policy which ensure that these aims can be achieved.

Sign off and authorisation

Department	
Title of Policy/activity	
We have completed the equality impact assessment for this policy/activity.	Name: Joyce Lorimer Position: Service Manager Date:
Authorisation by Director or Head of Service	Name: Position: Date:

The impact assessment should now be authorised by either the Director or Head of Service.

Please return this form, along with the completed screening process and full assessment forms, to the Equal Opportunities Officer, Chief Executive's Office.

Action plan

Action	Start	Complete	Lead Officer	Expected Outcome	Resource Implications
Feedback on this policy from service-users, carers, the public, nominated government officials and council staff will be considered at review and amendments, enhancements made to the policy as appropriate.	One year after implementation	Ongoing every 3 years thereafter		Unforeseen impacts are identified and, where possible and appropriate, mitigated	