

Equality Impact Analysis to enable informed decisions

The purpose of this document is to:-

- I. help decision makers fulfil their duties under the Equality Act 2010 and
- II. for you to evidence the positive and adverse impacts of the proposed change on people with protected characteristics and ways to mitigate or eliminate any adverse impacts.

Using this form

This form must be updated and reviewed as your evidence on a proposal for a project/service change/policy/commissioning of a service or decommissioning of a service evolves taking into account any consultation feedback, significant changes to the proposals and data to support impacts of proposed changes. The key findings of the most up to date version of the Equality Impact Analysis must be explained in the report to the decision maker and the Equality Impact Analysis must be attached to the decision making report.

****Please make sure you read the information below so that you understand what is required under the Equality Act 2010****

Equality Act 2010

The Equality Act 2010 applies to both our workforce and our customers. Under the Equality Act 2010, decision makers are under a personal duty, to have due (that is proportionate) regard to the need to protect and promote the interests of persons with protected characteristics.

Protected characteristics

The protected characteristics under the Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Section 149 of the Equality Act 2010

Section 149 requires a public authority to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by/or under the Act
- Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share those characteristics
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The purpose of Section 149 is to get decision makers to consider the impact their decisions may or will have on those with protected characteristics and by evidencing the impacts on people with protected characteristics decision makers should be able to demonstrate 'due regard'.

Decision makers duty under the Act

Having had careful regard to the Equality Impact Analysis, and also the consultation responses, decision makers are under a personal duty to have due regard to the need to protect and promote the interests of persons with protected characteristics (see above) and to:-

- (i) consider and analyse how the decision is likely to affect those with protected characteristics, in practical terms,
- (ii) remove any unlawful discrimination, harassment, victimisation and other prohibited conduct,
- (iii) consider whether practical steps should be taken to mitigate or avoid any adverse consequences that the decision is likely to have, for persons with protected characteristics and, indeed, to consider whether the decision should not be taken at all, in the interests of persons with protected characteristics,
- (iv) consider whether steps should be taken to advance equality, foster good relations and generally promote the interests of persons with protected characteristics, either by varying the recommended decision or by taking some other decision.

Conducting an Impact Analysis

The Equality Impact Analysis is a process to identify the impact or likely impact a project, proposed service change, commissioning, decommissioning or policy will have on people with protected characteristics listed above. It should be considered at the beginning of the decision making process.

The Lead Officer responsibility

This is the person writing the report for the decision maker. It is the responsibility of the Lead Officer to make sure that the Equality Impact Analysis is robust and proportionate to the decision being taken.

Summary of findings

You must provide a clear and concise summary of the key findings of this Equality Impact Analysis in the decision making report and attach this Equality Impact Analysis to the report.

Impact – definition

An impact is an intentional or unintentional lasting consequence or significant change to people's lives brought about by an action or series of actions.

How much detail to include?

The Equality Impact Analysis should be proportionate to the impact of proposed change. In deciding this asking simple questions “Who might be affected by this decision?” “Which protected characteristics might be affected?” and “How might they be affected?” will help you consider the extent to which you already have evidence, information and data, and where there are gaps that you will need to explore. Ensure the source and date of any existing data is referenced.

You must consider both obvious and any less obvious impacts. Engaging with people with the protected characteristics will help you to identify less obvious impacts as these groups share their perspectives with you.

A given proposal may have a positive impact on one or more protected characteristics and have an adverse impact on others. You must capture these differences in this form to help decision makers to arrive at a view as to where the balance of advantage or disadvantage lies. If an adverse impact is unavoidable then it must be clearly justified and recorded as such, with an explanation as to why no steps can be taken to avoid the impact. Consequences must be included.

Proposals for more than one option If more than one option is being proposed you must ensure that the Equality Impact Analysis covers all options. Depending on the circumstances, it may be more appropriate to complete an Equality Impact Analysis for each option.

The information you provide in this form must be sufficient to allow the decision maker to fulfil their role as above. You must include the latest version of the Equality Impact Analysis with the report to the decision maker. Please be aware that the information in this form must be able to stand up to legal challenge.

Background Information

Title of the policy / project / service being considered	Adult Care Contributions Policy	Person / people completing analysis	Wendy Crosson-Smith Paul Drury Samantha Hardy
Service Area	Adult Care and Community Wellbeing	Lead Officer	Theo Jarratt
Who is the decision maker?	Glen Garrod, Executive Director of Adult Care and Community Wellbeing Councillor Mrs P Bradwell OBE, Executive Councillor for Adult Care Health and Children's Services.	How was the Equality Impact Analysis undertaken?	
Date of meeting when decision will be made	09/04/2020	Version control	1.7
Is this proposed change to an existing policy/service/project or is it new?	Existing policy/service/project	LCC directly delivered, commissioned, re-commissioned or de-commissioned?	Commissioned

Describe the proposed change

Adult Care & Community Wellbeing (AC&CW) charges for the services it provides to eligible adults. People receiving residential services are currently charged using national guidance and there is no written LCC policy. For people who receive services to support them at home, the Council is able to make some choices about the way they decide to charge. This is set out in the Non-Residential Adult Social Care Contributions Policy.

The last review of the Contributions Policy took place in 2015 and the current policy was agreed by the Council in November 2015 and implemented in April 2016, with a review date of April 2020.

The major issue with the operation of the current policy has been the time taken to carry out financial assessments and this factor in particular will be addressed in this review.

The main purpose of this review is to:

1. Produce a unified policy for Residential and Non-Residential Care providing a single, comprehensive approach to charging for ASC incorporating all changes to national guidance;
2. To reduce the time taken to carry out financial assessments (FAs) by:
 - a. Moving to an on-line FA system;
 - b. Improving the transactional process; and
 - c. Ensuring that the amount of evidence required is proportional to the risk of error.

We will ensure that the policy continues to operate in a fair and transparent manner and that service users and carers are provided with good quality information to enable them to understand their liability to be required to make a contribution towards the cost of their care.

The new policy will cover Residential and Non-Residential care so that there is consistency between them with the FA process and so it is clear to service users what the process is whatever type of care they require. We will introduce a policy which is fully compliant with guidance and legislation, including the Care Act 2014. This compliance is essential to support good practice and to ensure that the Council minimises the risk of legal challenge in this area. This will be accomplished by the following changes:

1. There will no longer be 'provisional' assessments for either residential or non-residential. To maintain care homes' cash flow, if there are any excessive delays in the FA process, LCC will pay care homes direct, until the FA is available when it would be recouped from the service user;
2. New minimum income guarantee (MIG) rates to be introduced for non-residential in line with national guidance. MIG rates will be based on a combination of age, relationship status and number of dependent children. As LCC currently base MIG rates on age only this will be a significant change for some people. For a number of people their charge will be decreased but for those whose charge will significantly increase this will be phased in over 12 months;

3. There will no longer be a flat rate for short term care (up to 8 weeks); this will be assessed as for temporary residential;
4. For temporary residential care, 8 – 52 weeks, a person will be assessed as for permanent residential care but additional expenses will be allowed to maintain their home in all cases;
5. Any backdating of charges will be from the start of the change or the beginning of the financial year, whichever is the shorter;
6. Any refund due to a change in circumstances will be from when the notification of change was given.

This review seeks to make procedural changes to **reduce the time taken to carry out financial assessments**, which will improve the customer's experience, reduce transactional costs and the consequential strain on limited resources and speed up the time taken to notify people of their charges, saving resources and the effect on the income the Council collects.

This will be achieved by changes to the following processes:

1. moving to an online form;
2. reduce the emphasis on providing evidence;
3. only collect 2 years of evidence when a 'self-funder' returns to the council for financial support - with full disclosure if deprivation of assets is suspected for any reason found in the evidence; and
4. only backdate charges from the start of the change or the beginning of the financial year, whichever is the shorter

Evidencing the impacts

In this section you will explain the difference that proposed changes are likely to make on people with protected characteristics. To help you do this first consider the impacts the proposed changes may have on people without protected characteristics before then considering the impacts the proposed changes may have on people with protected characteristics.

You must evidence here who will benefit and how they will benefit. If there are no benefits that you can identify please state 'No perceived benefit' under the relevant protected characteristic. You can add sub categories under the protected characteristics to make clear the impacts. For example under Age you may have considered the impact on 0-5 year olds or people aged 65 and over, under Race you may have considered Eastern European migrants, under Sex you may have considered specific impacts on men.

Data to support impacts of proposed changes

When considering the equality impact of a decision it is important to know who the people are that will be affected by any change.

Population data and the Joint Strategic Needs Assessment

The Lincolnshire Research Observatory (LRO) holds a range of population data by the protected characteristics. This can help put a decision into context. Visit the LRO website and its population theme page by following this link: <http://www.research-lincs.org.uk> If you cannot find what you are looking for, or need more information, please contact the LRO team. You will also find information about the Joint Strategic Needs Assessment on the LRO website.

Positive impacts

The proposed change may have the following positive impacts on persons with protected characteristics – If no positive impact, please state 'no positive impact'.

Age	<p>1. Younger adults may find on-line access easier, resulting in immediate notification. Although older adults may find it less easy to use, for those that are able to use it, they may find it easier and quicker than hard copy forms. This can lead to quicker responses and less stress/anticipation to whether they qualify</p> <p>Feedback from Voiceability and Carers First –</p> <ul style="list-style-type: none">• 81% of people said they had used online services• Easy, quick, and convenient• More efficient than paper• Reduced the amount of paperwork• Reduced a need to travel• Confidential and secure
Disability	<p>1. Applying on-line results in immediate notification and therefore while certain people with a disability may find it less easy to use an online system where they are able to do so it will led to quicker responses and therefore less stress/anticipation to whether they qualify</p> <p>Feedback from Voiceability and Carers First –</p> <ul style="list-style-type: none">• 81% of people said they had used online services• Easy, quick, and convenient• More efficient than paper• Reduced the amount of paperwork• Reduced a need to travel• Confidential and secure
Gender reassignment	<p>The online system will be available for all people undertaking a financial assessment and the positive impacts of such a system will be available to people regardless of gender reassignment</p> <p>Feedback from Voiceability and Carers First –</p> <ul style="list-style-type: none">• 81% of people said they had used online services

	<ul style="list-style-type: none"> • Easy, quick, and convenient • More efficient than paper • Reduced the amount of paperwork • Reduced a need to travel • Confidential and secure
Marriage and civil partnership	<p>The online system will be available for all people undertaking a financial assessment and the positive impacts of such a system will be available to people regardless of marriage and civil partnership</p> <p>Feedback from Voiceability and Carers First –</p> <ul style="list-style-type: none"> • 81% of people said they had used online services • Easy, quick, and convenient • More efficient than paper • Reduced the amount of paperwork • Reduced a need to travel • Confidential and secure
Pregnancy and maternity	<p>The online system will be available for all people undertaking a financial assessment and the positive impacts of such a system will be available to people regardless of pregnancy and maternity</p> <p>Feedback from Voiceability and Carers First –</p> <ul style="list-style-type: none"> • 81% of people said they had used online services • Easy, quick, and convenient • More efficient than paper • Reduced the amount of paperwork • Reduced a need to travel • Confidential and secure
Race	<p>Applying on-line results in immediate notification and therefore while certain people whose first language is not English may find it less easy to use an online system where they are able to do so it will led to quicker responses and therefore less stress/anticipation to whether they qualify</p> <p>Feedback from Voiceability and Carers First –</p>

	<ul style="list-style-type: none"> • 81% of people said they had used online services • Easy, quick, and convenient • More efficient than paper • Reduced the amount of paperwork • Reduced a need to travel • Confidential and secure
Religion or belief	<p>The online system will be available for all people undertaking a financial assessment and the positive impacts of such a system will be available to people regardless of religion or belief</p> <p>Feedback from Voiceability and Carers First –</p> <ul style="list-style-type: none"> • 81% of people said they had used online services • Easy, quick, and convenient • More efficient than paper • Reduced the amount of paperwork • Reduced a need to travel • Confidential and secure
Sex	<p>The online system will be available for all people undertaking a financial assessment and the positive impacts of such a system will be available to people regardless of sex</p> <p>Feedback from Voiceability and Carers First –</p> <ul style="list-style-type: none"> • 81% of people said they had used online services • Easy, quick, and convenient • More efficient than paper • Reduced the amount of paperwork • Reduced a need to travel • Confidential and secure

Sexual orientation

The online system will be available for all people undertaking a financial assessment and the positive impacts of such a system will be available to people regardless of sexual orientation

Feedback from Voiceability and Carers First –

- 81% of people said they had used online services
- Easy, quick, and convenient
- More efficient than paper
- Reduced the amount of paperwork
- Reduced a need to travel
- Confidential and secure

If you have identified positive impacts for other groups not specifically covered by the protected characteristics in the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.

Adverse/negative impacts

You must evidence how people with protected characteristics will be adversely impacted and any proposed mitigation to reduce or eliminate adverse impacts. An adverse impact causes disadvantage or exclusion. If such an impact is identified please state how, as far as possible, it is justified; eliminated; minimised or counter balanced by other measures.

If there are no adverse impacts that you can identify please state 'No perceived adverse impact' under the relevant protected characteristic.

Negative impacts of the proposed change and practical steps to mitigate or avoid any adverse consequences on people with protected characteristics are detailed below. If you have not identified any mitigating action to reduce an adverse impact please state 'No mitigating action identified'.

Age	<p>1. Older people may need assistance to complete on-line forms</p> <p>Feedback from Voiceability and Carers First included –</p> <ul style="list-style-type: none">• 18% of people said they had not used online service before• 21% of those who had been online, required support• Concerns about security, fraud and data protection, hacking, online safety• Impact on people with poor or no internet• Impersonal• Confusing or difficult to understand• Needing help or to ask questions• Fear of making mistakes <p>Feedback from Age UK included</p> <ul style="list-style-type: none">• Need support to do things on line• Friends and family do it• Like to talk to someone rather than fill a form• Prefer to do things over the phone or in person• Not confident on computers• Don't have a very good signal (wifi connection) <p><i>Mitigation</i></p> <p>a. Can request a paper copy</p>
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- b. Will be able to receive support from a social worker (to be introduced)*
- c. Security measures built into online form*
- d. Staff at Age UK can support people with those less confident*

The Charging Policy applies equally to any adult who the Council may charge as a result of them receiving Council care services including by reason of their age. It applies to older people rather than younger people as this is the group that the services it applies to are designed to support.

Disability

1. People with a disability may need assistance to complete on-line forms

Feedback from Anchor Day Centre included –

- People with brain injuries often have memory issues
- Some people with learning disabilities often don't understand their own needs and what they need support with
- There is often a lack of understanding of what information is required
- Do not have confidence or ability to use the computers
- Support staff and key workers are required to support with form filling

Feedback from Voiceability and Carers First included –

- 18% of people said they had not used online service before
- 21% of those who had been online, required support
- Concerns about security, fraud and data protection, hacking, online safety
- Impact on people with poor or no internet
- Impersonal
- Confusing or difficult to understand
- Needing help or to ask questions
- Fear of making mistakes

Mitigation

- a. Can request a paper copy*
- b. Will be able to receive support from a social worker (to be introduced)*

The Charging Policy applies equally to any adult who the Council may charge as a result of them receiving Council care services including whether they have a disability or not. Although it will differentially apply to people with a disability compared to people without a disability this is because the need for the services that are being charged for disproportionately relate to people with a disability rather than because the Policy applies differentially to people with and without that protected characteristic.

Gender reassignment	<p>'No perceived adverse impact at this moment in time relating to the changes to financial assessments'</p> <p>The Charging Policy applies equally to any adult who the Council may charge as a result of them receiving Council care services regardless of gender assignment.</p>
Marriage and civil partnership	<p>'No perceived adverse impact at this moment in time relating to the changes to financial assessments'</p> <p>The Charging Policy applies equally to any adult who the Council may charge as a result of them receiving Council care services regardless of marriage and civil partnership.</p>
Pregnancy and maternity	<p>'No perceived adverse impact at this moment in time relating to the changes to financial assessments'</p> <p>The Charging Policy applies equally to any adult who the Council may charge as a result of them receiving Council care services regardless of pregnancy and maternity.</p>
Race	<p>People whose first language is not English may need assistance to complete on-line forms</p> <p><i>Mitigation</i></p> <ol style="list-style-type: none"> a. Can request a paper copy b. Will be able to receive support from a social worker (to be introduced) <p>The Charging Policy applies equally to any adult who the Council may charge as a result of them receiving Council care services regardless of race.</p>
Religion or belief	<p>'No perceived adverse impact at this moment in time relating to the changes to financial assessments'</p> <p>The Charging Policy applies equally to any adult who the Council may charge as a result of them receiving Council care services regardless of religion or belief.</p>
Sex	<p>'No perceived adverse impact at this moment in time relating to the changes to financial assessments'</p> <p>The Charging Policy applies equally to any adult who the Council may charge as a result of them receiving Council care services regardless of sex.</p>

Sexual orientation

'No perceived adverse impact at this moment in time relating to the changes to financial assessments'

The Charging Policy applies equally to any adult who the Council may charge as a result of them receiving Council care services regardless of sexual orientation.

If you have identified negative impacts for other groups not specifically covered by the protected characteristics under the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.

Stakeholders

Stake holders are people or groups who may be directly affected (primary stakeholders) and indirectly affected (secondary stakeholders)

You must evidence here who you involved in gathering your evidence about benefits, adverse impacts and practical steps to mitigate or avoid any adverse consequences. You must be confident that any engagement was meaningful. The Community engagement team can help you to do this and you can contact them at consultation@lincolnshire.gov.uk

State clearly what (if any) consultation or engagement activity took place by stating who you involved when compiling this EIA under the protected characteristics. Include organisations you invited and organisations who attended, the date(s) they were involved and method of involvement i.e. Equality Impact Analysis workshop/email/telephone conversation/meeting/consultation. State clearly the objectives of the EIA consultation and findings from the EIA consultation under each of the protected characteristics. If you have not covered any of the protected characteristics please state the reasons why they were not consulted/engaged.

Objective(s) of the EIA consultation/engagement activity

Who was involved in the EIA consultation/engagement activity? Detail any findings identified by the protected characteristic

Age	Age UK service users Carers First
Disability	Anchor Day Centre, staff and service users Voiceability Carers First
Gender reassignment	
Marriage and civil partnership	
Pregnancy and maternity	
Race	
Religion or belief	

Sex	
Sexual orientation	
Are you confident that everyone who should have been involved in producing this version of the Equality Impact Analysis has been involved in a meaningful way? The purpose is to make sure you have got the perspective of all the protected characteristics.	Yes
Once the changes have been implemented how will you undertake evaluation of the benefits and how effective the actions to reduce adverse impacts have been?	

Further Details

Are you handling personal data?	<p>No</p> <p>If yes, please give details.</p>
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Actions required	Action	Lead officer	Timescale
Include any actions identified in this analysis for on-going monitoring of impacts.			

Version	Description	Created/amended by	Date created/amended	Approved by	Date approved
1.4	Updated with additional changes highlighted by policy review process	VF & WCS	04/12/19		
1.5	Updated with information with staff and service users at Anchor day centre	Engagement team	09/01/20		
1.6	Updated with feedback from CarersFirst and Voiceability	VF	30/01/20		
1.7	Updated with comments for service users at Age UK	Engagement team	18/02/20		

Examples of a Description:

'Version issued as part of procurement documentation'

'Issued following discussion with community groups'

'Issued following requirement for a service change; Issued following discussion with supplier'