



## Appendix B

# Telford & Wrekin Council’s Adult Social Care Residential and Non-Residential Charging Policies Review - Equalities Impact Analysis (EIA)

### Overview

Access to social care funding is means tested and how much each person contributes to the costs of their care depends on a financial assessment. This Equalities Impact Analysis (EIA) will support the review of the current Residential and Non-Residential Charging Policies, proposed changes and consultation to ensure the updated Charging Policies meets the needs of individuals in receipt of care and support services from Adult Social Care.

The Charging Policies review, EIA and subsequent consultation is for the residential and non-residential charging policies for those individuals receiving care and support.

The Adult Social Care Charging Policies set out the principles and policies for applying charges for Telford & Wrekin Council’s Adult Social Care Services in accordance with the Care Act 2014 to ensure that the policies are fair and equitable to all users in receipt of care and support services.

The aim of the policies is to produce a consistent and fair framework for charging and financial assessments for all people that receive care and support services, following an assessment of the person’s needs and their individual financial circumstances.

These policies apply equally across all operational Adult Social Care service areas for those who have been assessed as eligible for care and support.

The policies are reviewed annually and were last updated April 2023.

The policies support the Council’s Plan and Vision ‘**To Protect, Care and Invest to create a better borough**’. The Council Plan priorities are summarised as follows:



The policies will affect employees, service users, members of the public and providers of chargeable adult social care services.

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### **The Current Position**

Our legal requirements to ensure that we continue to deliver services in line with the charging policies includes:

- Ensuring that people are not charged more than it is reasonably practicable for them to pay
- Being comprehensive, to reduce variation in the way people are assessed and charged
- Clear and transparent, so people know what they will be charged
- Applying charging rules equally so those with similar needs or services are treated the same
- Sustainable in the long term.

The current services that can be charged providing essential support to people in order to help them to maintain their independence and dignity include:

- Personal home care; this is provided for people in their own homes and includes supported living and extra care housing environments.
- Residential care
- Day care
- Transport
- Housing adaptations not provided through the Disabled Facilities Grants
- The service elements of telecare equipment.

Some services are excluded from the charging process as there is no legal authority to charge, these include:

- Aftercare services provided under Section 117 of the Mental Health Act 1983
- Advice and Assessment
- Services provided to sufferers of Creutzfeldt Jacob Disease (CJD)
- Short term reablement services
- SEN education establishments (Residential colleges)

### **Contributions and Financial Assessment**

A person's financial assessment will be undertaken to determine the exact amount of contribution a person will be required to make towards any care costs. The Financial Declaration Form is used to undertake a financial assessment in order to work out how much the person will be required to contribute towards their care and support needs which they are entitled to. Currently, the assessment will make sure that the person retains a basic living cost allowance plus a buffer of 25%. This is a level of protected income that will not be considered in the financial assessment.

Living costs are calculated as follows:

- For those of working age, the standard personal allowance of Income Support plus the disability premium and where applicable the enhanced disability premium and the carers premium plus a 25% buffer
- For those over working age, the standard minimum guarantee of Pension Credit plus where applicable the carers additional amount plus a 25% buffer

### **Calculation of Income**

The following is always disregarded in the financial assessment:

- Earnings

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- Statutory sick pay, statutory adoptions and statutory maternity pay or allowance
- The mobility component of Disability Living Allowance and Personal Independent Payment
- The night-time element of care component of the Disability Living Allowance and Attendance Allowance unless night-time care is provided by Social Care
- War disablement pension and War Widows pension in line with local housing benefit scheme, however any constant Attendance Allowance paid will be included
- Savings Credit element of Pension Credit
- Working Tax Credit
- Winter fuel and cold weather payments
- Carers Allowance

This is not an exhaustive list, and individuals will be financially assessed on an individual basis with discretion applied where appropriate.

Full details of the current charging policies are detailed in Appendix D and E.

A review has been undertaken on the Residential and Non-Residential Adult Social Care Charging Policies and this has identified key areas for proposed change. These changes for consideration and consultation will affect people who use, or who are likely to use, adult social care. Principally, older people and people with disabilities including their partners and families.

### **What are the proposed changes are we planning?**

The proposed changes are:

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### Summary of Proposed Changes

	Area of Charging	Brief Description	Additional considerations if applicable
1	<p>Minimum Income Guarantee (MIG) (non – residential)</p> <p><b>Person Impact:</b> Total receiving non-residential care <b>1394</b> <b>481</b> no change <b>913</b> increased contribution</p>	<p>To change the calculation of the Minimum Income Guarantee (MIG) figure used in the non-residential financial assessment to the level permitted by the Department of Health &amp; Social Care (DHSC).</p> <p><b>TW Current</b> MIG = the basic level of Income Support <b>Plus</b> any <b>applicable</b> disability premiums as set by the Department of work and Pensions (DWP) each year + <b>25%</b> for 18+</p> <p><b>Proposed:</b> MIG = the Department of Health and Social care (DHSC) MIG published each year. Including using the under 25 MIG rates and only awarding disability premium where applicable</p>	<p>The Minimum Income Guarantee only applies to non-residential care services.</p> <p>Residential care services allow a Personal Allowance that is set by the DHSC each year.</p>
2	<p>Implement Tariff Income (non-residential)</p> <p><b>Person Impact:</b> Total receiving non-residential care <b>1394</b> <b>1247</b> no change <b>147</b> increased contribution</p>	<p>To introduce tariff income in the calculation of the financial assessment for non-residential care. (Tariff income is a weekly amount added to a person's income to take account of the notional income they receive from their capital).</p>	<p>Tariff income is already included in the TW residential financial assessments but is currently not included in non-residential financial assessments.</p>
3	<p>High-rate Attendance Allowance &amp; Disability Living Allowance</p> <p><b>Person Impact:</b> Total receiving non-residential care <b>1394</b> <b>1147</b> no change</p>	<p>To include as income the high rates of Attendance Allowance and Disability Living allowance in the financial assessment.</p>	<p>If night-time care is funded privately the difference between the lower/middle and higher rate may be disregarded in the financial assessment.</p>

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	247 increased contribution		
4	<p>Charging self-funders for brokering and administration of care</p> <p><b>Person Impact</b> 33 effected</p>	To introduce an ongoing annual administrative charge to self-funders for sourcing, arranging and the administration of care.	These number are expected to increase significantly when the delayed Charging Care Reforms come into force in 2025 (currently we only have 33 self-funding clients this was expected to rise to approximately 350 when the Care Reforms were initially being implemented in Oct 2023).
5	<p>Telford &amp; Wrekin Appointee and Deputy Services</p> <p><b>1. Person Impact</b> 122 effected</p> <p><b>2. Person Impact</b> 172 effected</p> <p><b>3. Person Impact</b> 13 effected</p>	<ol style="list-style-type: none"> <li>1. To introduce a weekly administrative charge for people in receipt of Appointee Services provided by the Council. To be increased annually in line with inflation.</li> <li>2. To pass on charges for bank and prepayment card charges for people in receipt of Deputy and Appointee Services provided by the Council.</li> <li>3. To introduce an annual property management fee to people in rented accommodation who are in receipt of Deputy services provided by the Council.</li> </ol>	<p>Appointee Service: Costs associated may be disregarded in the financial assessment. This will mean that any care contribution may decrease by this amount dependant on individual financial circumstances. However, if contribution remains £0 or they are on a nil charge band this will still increase income to the Council through the administrative charge.</p> <p>We will consider disregarding the annual fees where a corporate body has been appointed. This will mean that any care contribution may decrease by this amount dependant on individual financial circumstances. However, if contribution remains £0 or they are on a nil charge band this will still increase income to the Council through the administrative charge</p> <p>We will consider disregarding the annual fees where a corporate body has been appointed. This will mean that any care contribution may decrease by this amount dependant on individual financial circumstances. However, if contribution remains £0 or they are on a nil charge band this will still increase income to the Council through the administrative charge</p>

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<p><b>6</b></p>	<p>Community Alarms</p> <p><b>Person Impact</b> <b>680</b> effected</p>	<p>To introduce new eligibility criteria for Council funded Community Alarms and associated charging for the monitoring function of the Community Alarm service</p>	<p>Costs associated may be disregarded in the financial assessment. (as above)</p>
<p><b>7</b></p>	<p>Deferred Payment Agreement</p> <p><b>Person Impact</b> <b>12</b> effected</p>	<p>Increase Deferred Payment Agreement fees and introduce an annual administration charge.</p> <p>(A deferred payment agreement is a type of loan that homeowners can use to pay for their care home or nursing home. It is designed for people who cannot afford their weekly care costs because most of their money is tied up in the value of their home and they do not want to sell their home straight away)</p>	

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### Impact Assessment

*Consider how people who share protected characteristics are affected by these proposed changes in relation to the General Equality Duty;*

- *eliminate unlawful discrimination, harassment and victimisation*
- *advance equality of opportunity*
- *foster good relations between different groups*

Protected Characteristic	Impact (X limited, XX High impact)				Who is affected?	How are they affected?	Comment
	Positive	Negative	Neutral	No data			
Age		X			Over 18's	<p>Charges will only be levied against those the law says can afford to pay them, following individual financial assessment.</p> <p>Older people would be proportionately more impacted – this is because the majority of service users are older people and demographic trends indicate that this age group will increase significantly.</p> <p>As a person gets older, they are more likely to develop a disability or long term condition, so more likely to be impacted by these policies. They are more likely to have higher living costs and disability related expenses than younger generations which will need to be fair.</p> <p>In addition, evidence shows that older people are proportionately more likely to have lower incomes, resulting in a greater impact due to a lower ability to pay increased charges</p>	

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						<p>For younger generations who have an ongoing disability or long term condition, they will be impacted by the charging policies for a longer period of their lives</p> <p>Income from charges is essential to ensure future service delivery whilst managing rising costs fairly. The increase and/or introduction of some charges for some services previously not charged, will have a negative impact. Overall costs increase will be mitigated as much as possible but are balanced against the provision of reasonable and lawful services.</p>	
<b>Disability</b>		X			More people with disabilities	<p>Charges will only be levied against those the law says can afford to pay them, following individual financial assessment.</p> <p>More people with disabilities are in receipt of care and support services than those without disabilities. The policies are likely to impact more on disabled people than non-disabled people.</p> <p>Given the nature of the service, the proposed changes will have a disproportionate impact on people with a disability. This impact will be largely financial in nature in that it will result in some service users having less disposable income.</p> <p>People with disabilities who receive care packages from the Council may find they are charged or charged more for the same service</p> <p>There is a risk of people ending or reducing support as a result of an increased charge, with subsequent risks to wellbeing and/or an increased burden placed on unpaid carers.</p> <p>The policies will include disability related expenditure (DRE) where allowances are intended to offset reasonable costs specifically arising from disability</p>	



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						People with a disability may be more likely to need clear information in an accessible format.	
<b>Gender</b>			X		Both but more women	<p>Charges will only be levied against those the law says can afford to pay them, following individual financial assessment.</p> <p>In seeking to deliver a consistent/ fair framework following an assessment approach applicable to all, the policies are gender neutral.</p> <p>Women are the largest part of the ageing population and therefore these policies are likely to impact more on women than men.</p> <p>The aim of the policies is to produce a consistent and fair framework for charging and financial assessment for all service users.</p>	
<b>Marriage or civil partnership</b>			X			<p>There is not enough information on the status of service users and carers in relation to marriage or civil partnerships to draw meaningful conclusions. However, it is not anticipated that the change will have a disproportionately negative or positive impact as it relates to this characteristic.</p> <p>The Charging Policies position as they relate to couples (those married, in a civil partnership and living in the same household; or those living together as a couple in the same household) will not change because of these changes.</p>	
<b>Pregnancy or maternity</b>			X			It is not anticipated that the change will have a disproportionately negative or positive impact as it relates to this characteristic.	
<b>Race, nationality</b>			X			Whilst the policies themselves are unlikely to impact on grounds of race, it is recognised that some nationalities may	

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<b>and ethnic origin</b>						have difficulty understanding the policies due to limited English language skills. Communication needs are noted by staff and copies of the policies can be made available in other languages on request.	
<b>Religion or belief</b>			X			The policies will apply equally to all service users who receive support from the Council regardless of religious belief.	
<b>Sexual orientation</b>			X			The policies will apply equally to all service users who receive support from the Council regardless of sexual orientation.	
<b>Transgender status</b>			X			There is not enough information on the gender reassignment of adult social care users or carers to draw meaningful conclusions. However, it is not anticipated that the proposed changes will have a disproportionately negative or positive impact on people who have a gender that is different to the gender assigned to them at birth	
<b>Deprivation *</b>			X			Those in receipt of adult care and support may be amongst the most deprived. However, charges will only be levied against those who are deemed able to afford it, following individual 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.	
<b>Unpaid Carers</b>	X				Unpaid Carers	Unpaid carers are not charged for the support they are provided with, and it is proposed that this will continue. Therefore, the policies have a positive impact on carers.	
<b>People who have been under the care of local authority</b>			X			It is not anticipated that the proposed changes will have a disproportionately negative or positive impact as it relates to this characteristic.	

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<b>Armed Forces and connected persons</b>			X			It is not anticipated that the proposed changes will have a disproportionately negative or positive impact as it relates to this characteristic.	
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\*Deprivation is not a protected characteristic; however, it is an indicator of likely social inequality often related to a combination of different protected characteristics.

**Analysis of Impacts**

Increased charges will have a negative impact on some service users, since they will need to pay more for the services. 100% of people fall under the definition of ‘Disability’. Most people are older people. In respect of gender, proportionately more service users are female, however, males would also be impacted by the increased costs. People from BAME backgrounds are less likely, (when compared to the population as a whole) to be people, however, who would be impacted by the increased costs. It is noted that there is clear evidence to show that disabled people, older people and people from minority ethnic backgrounds have proportionately lower levels of income and would therefore be impacted due to having a lower ability to pay for services. Charges will only be levied against those the law says can afford to pay them, following individual financial assessment.

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### Evidence and Data

Data is available on the electronic client record on Liquid Logic Adult Social Care record and the financial data is available via ContrOcc.

#### Population Profile:

Population of T&W: 185,842  
 Population aged 18+: 144,424  
 Population aged 18-64: 111,451  
 Population aged 65+: 32,973

*Source: January 2023 from 2021 ONS population estimate*

#### ASC Budget Income

In 2023/24 current budget estimate around £9.93m income from client contributions to cost of care.

### Mitigation

The implementation of this policies, following review and consultation, may reduce or increase risk of adverse outcomes identified on employees, people receiving a service or other people who share characteristics protected by the Equality Act 2021. This may include the following regarding people who are eligible under the Care Act 2014 and receive services from Adult Social Care:

Subject	Mitigation
<p><b>Age:</b> More older people are in receipt of care and support services than younger people. The policies have the potential to impact more on older people than younger people. A change in approach to the application of the minimum income guarantee (MIG), following the consultation, may mean those aged 65+ may be worse off, due to an increase in contribution charges</p>	<p>Charges will only be levied against those the law says can afford to pay them, following individual financial assessment</p>
<p><b>Disability:</b> more people with disabilities are in receipt of care and support services than those without disabilities. The policies have the potential to impact more on disabled people than non-disabled people. A change in approach to the application of the MIG, following the consultation, may mean they may be worse off, due to an increase in contribution charges</p>	<p>Charges will only be levied against those the law says can afford to pay them, following financial assessment.                      The policies will be made available in alternative formats when requested.</p>
<p><b>Gender:</b> Women form the largest part of the ageing population and therefore the policies have the potential to impact more on women. Although the policies will apply equally to all service users who receive support from the Council regardless of gender</p>	<p>Charges will only be levied against those the law says can afford to pay them, following financial assessment</p>
<p><b>Marriage or civil partnership:</b> The policies will apply equally to all service users who receive support from the Council regardless of marital or civil partnership status</p>	<p>Charges will only be levied against those the law says can afford to pay them, following financial assessment</p>

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<b>Pregnancy or Maternity:</b> The policies will apply equally to all service users who receive support from the Council regardless of pregnancy or maternity	Charges will only be levied against those the law says can afford to pay them, following financial assessment
<b>Deprivation:</b> Those in receipt of adult care and support services are likely to be amongst the most deprived.	Charges will only be levied against those the law says can afford to pay them, following financial assessment
<b>Race, nationality and ethnic origin:</b> some nationalities may have difficulties understanding the policies due to limited English language skills.	To ensure that the policies are available in alternative languages when requested.
<b>Religion or belief:</b> The policies will apply equally to all service users who receive support from the Council regardless of religion or belief	Charges will only be levied against those the law says can afford to pay them, following financial assessment
<b>Sexual orientation:</b> The policies will apply equally to all service users who receive support from the Council regardless of sexual orientation	Charges will only be levied against those the law says can afford to pay them, following financial assessment
<b>Transgender status:</b> The policies will apply equally to all service users who receive support from the Council regardless of transgender status	Charges will only be levied against those the law says can afford to pay them, following financial assessment
<b>Unpaid Carers:</b> Unpaid carers are not charged for the support they are provided with, and it is proposed that this will continue. Therefore, the policies have a positive impact on carers	N/A
<b>People who have been under the care of local authority:</b> It is not anticipated that the proposed changes will have a disproportionately negative or positive impact as it relates to this characteristic.	Charges will only be levied against those the law says can afford to pay them, following financial assessment
<b>Armed Forces and connected persons:</b> It is not anticipated that the proposed changes will have a disproportionately negative or positive impact as it relates to this characteristic.	Charges will only be levied against those the law says can afford to pay them, following financial assessment
<b>General:</b> 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 the gaps.

### Consultation Approach

The approach to consultation on the Adult Social Care Charging Policies has been undertaken with due regard to the Public Sector Equality Duty of the S149 Equality Act 2010.

### Aims of the consultation

The aims of this consultation are to:

- Communicate clearly to residents and stakeholders the proposed changes to the Adult Social Care Charging Policies.
- Ensure any resident or stakeholder who wishes to comment on the changes has the opportunity to do so, enabling them to raise any impacts the implementations of changes may have.

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- Allow participants to propose alternative suggestions for consideration which they feel could achieve the objective in a different way.
- Provide feedback on the results of the consultation to Elected Members to enable them to make informed decisions about implementation.
- Ensure that the results are analysed in a meaningful, timely fashion, so that feedback is taken into account when decisions are made.

Please refer to **Appendix C** for the full details of the consultation approach, including methodology, supporting communication methods and consultation questions.

### Review

The EIA will be reviewed alongside the Charging Policies on an annual basis. However, initially the impacts identified in this document will be reviewed and monitored against the public consultation process in line with updating the current charging policies for people in receipt of care and support needs. An action plan will be developed with the outcome of consultation to ensure that all actions are captured, and work is undertaken to mitigate any associated risks.

This Impact Analysis was completed by

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Date of agreement	