

Proposal to change the amount the Council allows for disability related expenditure from £15 a week to £7.50 a week

Equality and rural impact assessment – findings and recommendations

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This assessment helps you to consider the impact of service changes on people with protected characteristics and in rural areas.

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The purpose of equality and rural assessments

1. The key aim, with both equality and rural assessments, is to enable elected members to consider the potential impact of decisions on different individuals and communities prior to decisions being taken. Mitigating actions can then be developed if adverse impact is identified.
2. It is not always possible to adopt the course of action that will best promote the needs of people with protected characteristics or people in rural areas. However, assessments enable informed decisions to be made, that take into account every opportunity to minimise disadvantage.

The Legal context

3. Public authorities have a duty under the Equality Act 2010 to consider the implications of proposals on people with protected characteristics. The Act states that public bodies must pay due regard to the need to:
 - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act¹;
 - Advance equality of opportunity between people who share a relevant protected characteristic² and people who do not share it³;
 - Foster good relations between people who share a relevant protected characteristic and people who do not share it⁴.
4. The full Act is available [here](#).

The assessment process

5. This assessment comprises four phases:
 - **Phase 1** – we gather evidence on the proposal – looking at the people who might be affected, the findings of related assessments and public consultation, contextual information about local areas and populations and other relevant data. Based on this evidence, we prepare and publish an initial equality and rural assessment.
 - **Phase 2** - We consult with service users and stakeholders to better understand any issues that must be taken into account.
 - **Phase 3** – we analyse all the results. We make sure that any impacts highlighted by service users and stakeholders inform the final assessment. If the evidence indicates that the proposal may impact adversely on people with protected characteristics, mitigating actions are identified.
 - **Phase 4** – the revised final assessment is published, and the findings are reported to elected members, to enable any issues to be taken into account before a decision is made.

The proposal

The Council is proposing to change the amount it automatically allows for disability related expenditure for people in their own home from £15 a week to £7.50 a week.

Background

1. Being disabled is expensive. Many disabled people have to pay for help with things that others take for granted. This is called 'disability related expenditure'. Disability related expenditure must be directly related to a person's disability or illness, and be greater than the average cost a person without a disability or illness spends on the same item.
2. The Council takes the amount people spend on their disability into account when it assesses them to identify how much they can afford to contribute towards their non-residential adult social care. Disability related expenditure reduces the amount that people are asked to pay towards their non-residential care. Some people do not have to pay anything towards their non-residential care, as their assessment shows that they cannot afford to do so.
3. At the moment, the Council automatically allows all service users receiving non-residential care £15 per week for disability related expenditure. This means that the Council automatically reduces the amount that people have to pay towards their care by £15 per week. This reduction is referred to as an 'allowance' or 'disregard'.
4. If people spend more than £15 per week, then they have to provide evidence of this (such as receipts) so that the Council can ensure that this is reflected in what they pay towards their care.
5. The Council has conducted research into how much people actually spend on disability related expenditure. This has indicated that the average amount that people currently spend is around £5.50 a week. This means that potentially, some service users are receiving an 'allowance' towards their care that they do not need.
6. The Council is therefore proposing to reduce the amount it automatically allows for disability related expenditure from £15 a week to £7.50 a week. This would save £1.18m in 2017/18 and £0.23m in 2018/19.

What would happen if the proposal goes ahead?

7. If the proposal goes ahead, there would be no change to the policy that service users can off-set their disability related expenditure against the cost of their adult social care. The main change is that if a service user spends more than £7.50 a week on disability expenditure, they will need to provide evidence of this, whereas previously, they did not need to show evidence until their disability related expenditure reached £15 per week.
8. If people do not ask for their needs to be reviewed, or if they currently spend £7.50 a week or less on disability related expenditure, then the proposal means they might have to start paying more towards the cost of their care – up to £9.99 per week⁵. If people receive a direct payment to purchase their own non-residential care they may

need to contribute up to an additional £7.50 to their personal direct payments account.

9. Full details of how service users can ask for a review and how the Council carries out financial assessments are set out in the consultation materials for this proposal, which should be read in conjunction with this initial impact assessment.
10. The proposal does not affect people who live in residential care or nursing homes. Neither will it affect people whose income falls beneath the amount the Council takes into account.

Who is affected?

11. The proposal will primarily affect disabled and older service users who live in their own home. This includes people with the following protected characteristics:

People of all ages	YES
Disability (all disabilities and long-term health conditions, including but not limited to people with reduced mobility; Blind and visually impaired people; Deaf and hearing impaired people; people with mental health issues; people with learning difficulties and people with dementia.	YES
Gender reassignment (e.g. people who identify as transgender)	YES
Marriage/civil partnerships	YES
Pregnancy & Maternity	YES
Race (different ethnic groups, including Gypsies and Travellers)	YES
Religion/belief (different faiths, including people with no religion or belief)	YES
Sex (i.e. men/women/intersex)	YES
Sexual orientation (e.g. lesbian, gay and bisexual people)	YES

12. Service users in rural areas will be affected.

Analysis of the people affected

13. The Council currently provides non-residential adult social care services to approximately 8,800 people.
14. At the moment, the majority of people who receive non-residential care services - around 4,000 people - don't have to make any financial contribution to their care. Around 600 people pay the full cost - these are called self-funders. This leaves around 3,650 people who contribute something towards the cost of their care.
15. In total, it is anticipated that around 3,850 people might be affected by the proposal. Of these, around 200 people might have to start paying something towards their social care for the first time.

16. These service users comprise people with a range of disabilities, including blind and visually impaired people, people with restricted mobility, Deaf and hearing impaired people, people with learning difficulties, people with mental health issues, people with dementia, and people with a wide range of health conditions or impairments. Often, service users may have more than one disability or long term condition.

Potential impact

17. In considering the potential impact of this proposal, it is important to note that there will be no change to the policy that service users can off-set their disability related expenditure against the cost of their adult social care. The main change is that if service users spend more than £7.50 a week on disability related expenditure, they will need to show evidence of this, whereas previously, they did not need to show evidence until their disability expenditure reached £15 per week.
18. On this basis, it is difficult to make a case for detrimental impact, because the Council will continue to reduce the amount that people are asked to pay towards their care based on their disability related expenditure.
19. However, one potential issue to take into account is that there may be some service users who currently receive the £15 a week 'allowance', but who use this for general living expenses, not for disability related expenditure. If the proposal goes ahead, these service users will need to pay more towards the cost of their care, or start paying something for the first time. Depending on their circumstances, they might have to pay anything up to £9.99 a week out of their current income – equivalent to £39.96 every four weeks, or £519.48 a year.
20. Clearly, this is a significant sum of money. Of course, not all service users will have to pay this – it will depend on whether or not they are using their allowance for its intended purpose. However, even if there is only a small increase in what they currently pay towards their care, given that most service users are likely to be living on a very low income, this may cause financial austerity for those people who suddenly find themselves having to contribute substantially more towards their care than they have done previously.
21. The impact of this would need to be balanced against the fact that:
 - Service users will only be asked to pay based on what the Government says they can afford⁶
 - It is not fair that some disabled service users may be effectively receiving help with their living expenses, whereas others are not (though it should be noted that, of course, this is no fault of their own, and due to the current policy of allowing everyone £15 per week for disability related expenditure, which is counted towards the cost of their care).
 - Demand for services is increasing, and the current model is not financially sustainable. There is an imperative to design a new model, in order to continue to be able to provide essential services to vulnerable service users.
22. Regardless of these issues, if the proposal goes ahead, it may place some service users – specifically, those who are using their £15 allowance to supplement living expenses and not for disability expenditure - into financial austerity, which could lead to the following impacts:

- A reduction in standard of living, quality of life, physical wellbeing and independence because people have less money available to pay for day-to-day expenses because they have to pay more towards their care.
 - An increase in anxiety and stress (with a concomitant impact on people's emotional and mental health) due to having to live on a lower income, and deal with new expenses and tighter budgeting, alongside the need to evidence spending and undergo review to determine need. Many service users may be unprepared for the change in their costs, both practically and emotionally.
 - Reducing people's access to services – because they have less money to spend on transport or the services themselves.
 - Making people more socially isolated – because they have less money to spend on social or leisure activities.
 - Increasing pressure on carers who may have to provide additional help at home.
 - People with multiple impairments, dementia or other progressive conditions may be at particular risk of financial impact.
23. The proposal may impact more on some groups of disabled people than others, particularly people with learning difficulties, people with some mental health conditions, and people with high levels of vulnerability - such as those who are very ill or who struggle with tiredness/fatigue. This is because the proposal will require service users to understand complex information, keep track of their expenditure, read and fill in forms, keep receipts and make regular judgements about what comprises disability related expenditure. This may be challenging for some people, and they may need initial and ongoing support to assist them to ensure that they are not disadvantaged because they did not make correct judgements about their expenditure or maintain the right paper work.
24. It should also be noted that additional local and national factors may act to compound the effects of the proposal on individual service users – for example:
- Service users may have more than one disability, including a mental health issue
 - Service users may find it difficult to travel to local services or communicate with service providers
 - Some service users may be fearful of requesting a review as they suspect that current entitlements may lessen or be withdrawn.
 - The increased cost of living, and predictions that increases may continue over coming years
 - Recent changes to welfare reform and support services, for example the introduction of Universal Credit and the move from Disability Living Allowance (DLA) to Personal Independence Payment (PiP)
 - Service users may be on a low income with no access to unpaid care and they may lack the physical, financial and emotional resources to negotiate the challenges highlighted in this assessment.
25. Another point to note is that for some service users, their disability related expenditure may fluctuate dramatically over periods of time, depending on the nature of their disability or long-term condition. For example, someone with a mental health issue may have crisis periods, which results in particular expenses at certain times; or someone may have a condition that flares and then goes into remission, which means they may only need services at certain times.

26. The proposal will impact on service users regardless of where they live. However, it may particularly impact upon disabled service users living in rural areas, because people in rural areas may have less access to services, fewer alternatives, and services (and transport to services) may be more costly. Because of this, service users in rural areas may be at greater risk of negative impact.

Action to address any negative impact

	Action/s	Lead	Date
1.	If the proposal goes ahead, contact all service users affected by the proposal, to offer guidance and advice on any steps they need to take if their disability expenditure exceeds £7.50 per week. This will include how to ask for a review, and the type of evidence that is required, to enable all their individual needs to be taken fully into account.	Executive Director of Adult Social Care	From 1 April 2017
2.	Work with relevant stakeholders to ensure that the guidance provided is simple, clear and accessible, particularly for people with learning difficulties and people with mental health issues, and that it addresses the fact that some service users may be fearful of requesting a review as they worry that current entitlements may lessen or be withdrawn.	Executive Director of Adult Social Care	From 1 April 2017
3.	Where the review highlights any potential financial austerity for service users, offer appropriate budget planning or other relevant support to make sure people are spending as effectively as possible, and ensure transition plans are established.	Executive Director of Adult Social Care	From 1 April 2017
4.	Ensure that service users with learning difficulties or any of the other disabilities highlighted in the assessment have appropriate support in place to maintain paperwork/make judgements about expenditure and are not disadvantaged.	Executive Director of Adult Social Care	From 1 April 2017
5.	Ensure that there is sufficient capacity within the information and advice system to support affected service users through the process.	Executive Director of Adult Social Care	From 1 April 2017

Evidence used to inform this assessment

- Equality Act 2010
- Public Sector Equality Duty
- Norfolk County Council's Non-Residential Care Charging Policy
- Department of Health's "Care and Support (Charging and Assessment of Resources) Regulations 2014" under the Care Act 2014.
- Consultation materials for the proposal including the Frequently Asked Questions developed for the proposal

- Feedback from public consultation on this proposal

Further information

For further information about this equality impact assessment please contact Jo Richardson, Corporate Planning & Partnerships Manager:
jo.richardson@norfolk.gov.uk, 01603 223816.



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Annex 1

More information about disability related expenditure

Disability related expenditure must be directly related to people's disability or illness and be greater than the average cost a person without a disability or illness spends on the same item.

To aid understanding here are some examples of disability related expenditure:

- A community alarm system
- Specialist washing powders or paying for your bedding to be washed more often
- Having a larger water bill, to pay for more washing or for dialysis
- Spending more on your weekly shopping because you have a special diet
- Paying more for heating as you get cold very easily
- Special clothing or footwear
- Purchase, maintenance or repair of disability- related equipment

¹ Prohibited conduct:

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

Indirect discrimination occurs when a condition, rule, policy or practice in your organisation that applies to everyone disadvantages people who share a protected characteristic.

Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

2 The protected characteristics are:

Age – e.g. a person belonging to a particular age or a range of ages (for example 18 to 30 year olds).

Disability - a person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment - the process of transitioning from one gender to another.

Marriage and civil partnership

Pregnancy and maternity

Race - refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief - has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (such as Atheism).

Sex - a man or a woman.

Sexual orientation - whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

3 The Act specifies that having due regard to the need to advance equality of opportunity might mean:

- Removing or minimizing disadvantages suffered by people who share a relevant protected characteristic that are connected to that characteristic;
- Taking steps to meet the needs of people who share a relevant protected characteristic that are different from the needs of others;
- Encouraging people who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such people is disproportionately low.

4 Having due regard to the need to foster good relations between people and communities involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding.

⁵ Why might people paying for the first time end up having to pay £9.99 a week more when you proposing to change the disability related expenditure disregard/allowance to £7.50?

Currently if our assessment shows us that people need to pay under £10 a month towards their non-residential care we don't bill them as this is too expensive for us. This means that if someone currently should be paying nothing or up to £2.49 a week we don't ask them to make a contribution at all. Under our proposal, someone who currently should be paying £2.49 a week will be assessed as needing to contribute an additional £7.50 a week. This means they could end up being asked to pay £9.99 a week.

⁶ We have the ability to charge people for non-residential care services following a financial assessment to see how much, if anything, they can afford to pay.

The way we carry out an assessment is set out in Norfolk County Council's Non-Residential Care Charging Policy which is based on the Department of Health's "Care and Support (Charging and Assessment of Resources) Regulations 2014" under the Care Act 2014.

Under the Care Act there is a minimum income guarantee set by Government so that people are left with a certain amount of money to live on.

In the financial assessment we see how much income people have coming in. We then take into account people's costs such as housing costs and day-to-day living expenses. As well as these basic living expenses, some people have to pay more money for things because of their disability, illness or mental health condition. We call this disability related expenditure or DRE.

Therefore once we have looked at people's basic costs we then take into account the amount people spend on their disability related expenditure.

Currently we automatically allow a flat rate amount of £15 per week for disability related expenditure for everyone.

Even if people do not spend £15 a week on their disability needs, we assume they do and reduce the amount we ask them to pay for their care by this amount.

If people spend more than £15 a week on their disability needs they can show us their receipts and tell us why they spend this money. If this amount comes to more than £15 a week we allow them the actual amount they spend. For example, if someone is spending £17.50 per week on their disability related expenditure we will allow them £17.50 a week as their disability related allowance.