

FULL EQUALITY IMPACT ASSESSMENT

1) AUTHOR(S) OF ASSESSMENT

Nia Davies on behalf of the Head of Adults, Health and Well-being Department

2) PARTNERS

Who are your partners when commencing or changing the policy / plan / practice?
They will need to be included when undertaking this assessment.

Stakeholders
Councils across North Wales
Service Users, including Prospective Users
Service User Representatives
Carers
Elected Members

3) ASSESSMENT START DATE

25 January 2016

4) ASSESSMENT END DATE

31 March 2017

5) AIMS AND OBJECTIVES OF THE POLICY / PLAN / PRACTICE

Note why the policy/plan /practice is needed. Note what the Authority aims to achieve through it

The Social Services and Well-being Act (Wales)(2014) provides an option for Gwynedd Council to exercise discretion when charging a fee for care services provided. Consequently, the Council has already established a Charging Policy to enable it to continue charging a fee for services that were the subject of fees prior to the introduction of the Act. The policy established confirms that the Council is adopting the requirements set in the regulations and the code of practice as policy.

The new Policy has been prepared in the context of the opportunities arising from the Act in relation to charging a fee for residential and non-residential care services. The code of practice associated with the Act allows the Council to exercise discretion when charging a fee or not and the proposals reflect that.

6) PARTICIPATION AND CONSULTATION

Have you undertaken engagement regarding the change in the policy / plan / practice? What was the outcome? Please note that it is a statutory requirement to engage with people who will be affected.

The consultation period was open between 14 October and 11 November 2016. A digital questionnaire was placed on the 'Have your Say' page, the consultations site on the Council's website, in order to gather public opinion.

Questionnaires were distributed by post directly to 2,112 non-residential services users. A further 600 letters were sent by post to residential service users informing them of the changes that could affect them should the Council decide to adopt the proposed recommendations. The letter also directed them to the website and included a contact telephone number if they required further information or if they wished to receive a copy of the questionnaire in order to participate in the consultation. The reason why questionnaires were not sent to residential services users was because the majority, all but one, of the proposed recommendations affected non-residential service users or prospective residential service users only. The feeling was that overloading them with irrelevant information could possibly lead to confusion and it was deemed fairer to present them in this way.

Easy-read versions were also prepared for people with learning disabilities and four requests for this version were received from service users.

The consultation was promoted via the 'Have your Say' page as well as via the Council's social media, such as Facebook and Twitter. A press statement was also released in order to raise awareness regarding the consultation.

A total of 520 responses were received through the post and via the online questionnaires. 347 of those were complete responses, i.e. every question on the questions trail had been answered (with the exception of question 10 and 11, which asked for comments). 173 were incomplete, i.e. that some but not all the questions on the questions trail had been answered.

Summary of the response to the consultation:

- Of the responses received, the vast majority were completed by the 'Service Users' themselves, namely (60.6%).
- Of the 520 responses, 58.3% (303) said that they agreed that those people who could afford to pay for adults care service should contribute to the cost of their social care in accordance with the financial assessment. 21.7% (113) did not agree with this. The remainder had either noted that they did not know whether they agreed or not, or had not responded at all.
- The service with which the respondents had the most contact was 'Domiciliary Care', 60.2% (313), with 'Telecare', 16% (83) and 'Supporting People Service', 10.2% (53), coming next.
- Of the 500 who responded that they did receive services, 28.2% (141) noted that Gwynedd Council did not charge them a fee, and 62.8% (314)

noted that they already contributed towards the cost of the services they received.

- Of the 500 who noted that they did receive services, 13% (65) noted that they would consider ending the service if they were forced to contribute financially towards it. 54.6% (273) noted that they would not end their service and that they would be willing to contribute financially.
- Of the responses received, 64.0% (333) noted that they understood why the Council was proposing recommendations that would mean that people would contribute what they could afford towards their care services. 18.7% (97) noted that they did not agree and 14.4% (75) did not know one way or another.
- Only 12.9% (67) noted that they agreed with the proposal to charge interest on service users who chose to commit to Deferred Payments Agreements. 46.2% noted that they did not agree, whilst 31.9% (166) noted that they did not know one way or another.
- Only 20.8% (108) noted that they agreed with the proposal to charge interest on service users who chose to commit to Deferred Payments Agreements. 46.2% (223) noted that they did not agree, whilst 29.0% (151) noted that they did not know one way or another.
- Of the responses received, 37.3% (194) noted that they were uncertain whether the proposed changes would directly affect them. 45.2% (235) noted that they believed that the changes would have some effect on them, whilst 13.7% (71) noted that they did not believe that the changes would affect them at all.

The final two questions of the questionnaire asked for further comments and suggestions from the service user on other ways that the Department could make financial savings if they did not agree with the proposed recommendations.

These main themes which arose from the suggestions were:

- Reduce the number/salaries of Council managers.
- Reduce number of administrative staff/improve administrative processes.
- Reduce costs of county members.

The main themes which arose from the invitation to make further comments:

- Have paid taxes/saved throughout my life and I don't agree with the recommendations.
- The changes are not completely clear in terms of the personal impact.
- Cannot cope without this level of care, but anxious about higher costs.

7) THE AVAILABLE EVIDENCE

The evidence can be based on local, regional or national data, for example, it can be a national report, data on the use made of the service, or regional equality statistics.

Act:

The Council acts within the guidelines set in the Social Services and Well-being Act (Wales) 2014. The Act allows the Council to exercise discretion to charge a fee for care services. When local authorities decide to charge a fee, they must do so in accordance with the regulations and code of practice noted in the Act.

Regulations:

The regulations in relation to financial assessment and charging a fee are:

The Care and Support (Choice of Accommodation) (Wales) Regulations 2015.

- The Care and Support (Charging) (Wales) Regulations 2015.
- The Care and Support (Financial Assessments) (Wales) Regulations 2015.
- The Care and Support (Deferred Payments) (Wales) Regulations 2015.
- The Care and Support (Review of Charging Decisions and Determinations) (Wales) Regulations 2015.

Code of Practice:

The code of practice in relation to financial assessment and charging a fee is:

- Part 4 and Code of Practice (Financial Assessments and Charging)

Service Users:

- There are approximately 620 residential and nursing service users of which a high percentage are older people and people with learning disabilities, and a lower percentage have a mental health illness.
- Approximately 2,200 non-residential service users. Older people and disabled people make-up the highest percentage of non-residential service users.

Consultation:

Following the consultation period, a report has been prepared by the Research and Analysis Team which is analysing the outcome of the consultation. (See Number 6 above for a summary).

8) GAPS IN EVIDENCE

Note any gaps in the evidence and explain how these will be filled.

We have considered the possibility that not everyone who received the questionnaire was able to complete it. Unfortunately, as so many service users receive care services, it was not possible to discover whether individuals are likely to experience difficulties and whether they required assistance. The Council does not hold such information about individual service users. A contact telephone number was noted on the letter so that people could get in touch if they required assistance.

From looking at the analysis of the consultation, it has become apparent that a number of people are uncertain about how the proposed changes could affect their individual circumstances. It was not possible to undertake an individual analysis for each user as everyone's circumstances are different, and each financial assessment is unique to the circumstances of the individual service user. This would have resulted in undertaking an individual financial assessment for each service user who received a letter as part of the consultation process and this was not practical.

9) RELEVANCE AND IMPACT

The relevance of the policy/service/function to the general equality duties and to each of the equality groups (protected characteristics) should be outlined. The actual or likely impact should be clearly noted. It is possible that not all duties or characteristics will be of relevance or will be impacted.

9a)

General Duties of the Equality Act	Relevance	The actual or likely impact
Abolishing illegal discrimination, harassment and victimisation	None	As the Council operates in accordance with Legislation which allows the Council to use its discretion to charge fees for care services, it does not discriminate
Promoting equal opportunities	None	Not relevant
Encouraging good relationships	None	Not relevant

9b)

Characteristics	Relevance	The actual or likely impact
Race	None	Not relevant to this feature. Prepared to provide in different languages.
Disability	Negative	The new Policy will have an impact on disabled people. The recommendations include changes to the way in which the Council charges those who can afford to pay for their care services. Close to 3,000 service users were given the opportunity to be part of the consultation and submit observations on the proposed recommendations. 520 responses were received. Of the responses received, 37.3% (194) noted that they were uncertain whether the proposed changes would directly affect them. 45.2% (235) noted that they believed that the changes would have some effect on them, whilst 13.7% (71) noted that they did not believe that the changes would affect them at all.
Gender	None	Not relevant to this feature.
Gender reassignment	None	Not relevant to this feature.
Sexual orientation	None	Not relevant to this feature.
Religion or belief	None	Not relevant to this feature.
The Welsh language	None	No impact, everything would be available bilingually.
Age	Negative	The changes would have an effect on service users of all ages, but the highest percentage of users are older people. If the Council decides to proceed with the proposed recommendations as part of its policy, each service user will be assessed in order to determine whether they have the ability to contribute toward their care services. Though negative, it must be

		emphasised that only those who can afford to pay will have to contribute or make an increased contribution toward the cost of their care. It is noted that the maximum weekly contribution is set by Welsh Government.
Pregnancy and maternity	None	No impact.
Marriage and civil partnership	None	No impact

10) ADDRESSING THE IMPACT

a)	<p>Note any possible impact in terms of equality (i.e. a summary of the above)</p> <p>The recommendation submitted will go toward enabling the Adults, Health and Well-being department to increase its income, either through sources that were formerly closed to it or where it chose not to. In adopting the new Charging Policy, Gwynedd Council ensures that people contribute what they can afford toward their care up to the weekly maximum as set by Welsh Government. Disabled people and older people make up the majority of care service users and, as such, these are the groups most likely to be affected by the proposed changes.</p>
b)	<p>What steps can be taken to reduce or improve these impacts?</p> <p>The guidelines set by the Government includes elements where, through a discretionary maximum weekly contribution, an attempt is made to ensure the arrangement is as fair as possible and to ensure that it does not have a substantially detrimental impact on any individual or group. The Council could choose not to use the discretion to raise/increase contributions but this would likely lead to cuts in some front line care services. This could have a considerable impact on the Council's ability to provide some services and, as such, could be more detrimental to some service users.</p>
c)	<p>Is there a need to reconsider the plan?</p> <p>The proposals are based on the discretion given to the Council in the new Legislation. There is no need to reconsider the plan.</p>

11) MONITORING AND REVIEWING ARRANGEMENTS

Which steps will you take to review the policy / plan / procedure once it has been adopted? Although the above assessment identifies the possible impact, it must be remembered that the full effect will not be seen until the policy etc. is implemented.

A further assessment will be held if proposals to amend the policy are submitted in future.

12) DECIDING

Submit to Cabinet for a decision on 17 January 2017