

Equality Impact Assessment Template

Title of proposal (include forward plan reference if available)	Adult Social Care Deferred Payment Agreements Policy
Directorate and Service Area	Adult Social Care/Finance (joint)
Name and title of Lead Officer completing this EIA	Kevin Balchin, Commissioning Policy Officer
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Names and titles of other officers involved in completing this EIA	Kay Murphy, Service Manager – Business Management Chris Cooper, Community Care Business Unit Manager
Partners involved with the EIA where jointly completed	None
Date EIA completed	11 th August 2022
Date EIA signed off or agreed by Director or Executive Director	
Name of Director or Executive Director signing off EIA	
Date EIA considered by Cabinet Member	

1. The purpose of the proposal or decision required (Please provide as much information as possible)

The Cabinet paper proposes the introduction of a Deferred Payment Agreements Policy to clarify the council's decisions on key areas of the operation and management of funds loaned under the national Deferred Payment Scheme. These have been identified from recent case law and the Council's own experience of areas requiring clear guidance.

2. Evidence used/considered

The main evidence that has been used to determine the impact of the new policy is:

1. Legal advice (in relation to Contributions, which are assumed to apply to other areas) on the need to align policy and practice to recent developments especially the Care Act, including removing outdated references and inconsistencies which could form the basis of a challenge that any policy is incoherent and is therefore irrational.
2. Consideration of the main areas of query and challenge in Deferred Payment Agreement practice where clearer guidance is required without fettering the discretion of the Council.

3. Consultation

Subject to the agreement of Cabinet to the changes proposed in the main paper, it is not proposed to undertake public consultation, as it is not a "material change" for many clients. There are only in the region of 40 people with a Deferred Payment Agreement at any one time, and only an average of 10 of those continue with an arrangement into the next year.

4. Assess likely impact

Overall, the changes proposed in the Cabinet Report for 12th October 2022 will have a **negative** impact in that the proposed policy introduces charges for the provision and administration of a deferred payment agreement. However, these charges do not have a wide impact as the number of people with such an agreement is low.

Other elements are **neutral** as they aim to ensure our practice is consistent and covers the costs incurred by the Council.

Clarifying areas of practice may lead to outcomes such as increases in appeals or challenge, but whether these occur, and which equalities characteristics may be involved cannot be predicted in advance. Overall, therefore, an examination of the proposals does not reveal any obvious or intentional discrimination.

Table 1 – Deferred Payment Agreements in place by protected characteristics

SUMMARY CHARACTERISTICS OF DEFERRED PAYMENT AGREEMENT CLIENTS*																	
	Female	Male	Under 65	Over 65	Asian	Black	Not Known	Mixed	Other	White	Learning Disability	Mental Health	Physical	Sensory	Social	Memory and Cognition	Total
Gender	46	10															56
Age Group			3	53													56
Ethnic Group					1	5	0	0	0	50							56
Primary Support Group											0	0	24	0	0	32	56
* as at 12/7/22																	
SUMMARY CHARACTERISTICS OF DEFERRED PAYMENT AGREEMENT CLIENTS AS PERCENTAGES*																	
	Female	Male	Under 65	Over 65	Asian	Black	Not Known	Mixed	Other	White	Learning Disability	Mental Health	Physical	Sensory	Social	Memory and Cognition	Total
Gender	82%	18%															100%
Age Group			5%	95%													100%
Ethnic Group					2%	9%	0%	0%	0%	89%							100%
Primary Support Group											0%	0%	43%	0%	0%	57%	100%
* as at 12/7/22																	

The tables above provide a summary of the equalities characteristics of current Deferred Payment Agreement clients, in numerical and percentage terms.

The outcomes when shown against the equalities characteristics do show variation, but the data does not provide an explanation of *why* these variations occur. The reasons can only be speculative, and do not necessarily equate to a specific impact on any one group of the proposed changes.

4a. Use the table to show:

- Where you think that the strategy, project or policy could have a negative impact on any of the equality strands (protected characteristics), that is it could disadvantage them or if there is no impact, please note the evidence and/or reasons for this.
- Where you think that the strategy, project or policy could have a positive impact on any of the groups or contribute to promoting equality, equal opportunities or improving relationships within equality characteristics.

Protected Characteristic	Positive Impact ✓	Negative Impact ✓	No Impact ✓	Reason and evidence (Provide details of specific groups affected even for no impact and where negative impact has been identified what mitigating actions can we take?)
Age		✓		Overall, the changes proposed introduce fees and interest to be paid by all age groups, so there is a negative impact, but it is not directly discriminatory. The proportion of older people in Sandwell is lower than the national average based on 2011 census data, being 19% of the adult population. However, for those clients having a deferred payment agreement, the proportion is 95%, but it is likely that this reflects the fact that older people are more likely to need residential or nursing care and have a property they wish to retain.
Disability		✓		Overall, the changes proposed introduce fees and interest to be paid by all disability groups, so there is a negative impact, but it is not directly discriminatory. Based on 2011 census data, Sandwell has a relatively high share of people with disabilities, and those with complex needs are a growing proportion of the population. Memory and Cognition, followed by Physical disability, which is likely to directly reflect the age group involved.

Gender reassignment				It is not known how many residents in Sandwell have had a gender reassignment, nor how many have a Deferred Payment Agreement with the Council, due to low numbers or declaration rates. Consequently, there is no evidence that the new Direct Payments Policy will contribute to any differential impact (positive or negative) on gender reassigned people.
Marriage and civil partnership				The breakdown by marital status of Sandwell residents who have a Deferred Payment Agreement with the Council is unknown. Consequently, there is no evidence that the new Deferred Payment Agreement Policy will contribute to any differential impact (positive or negative) on marital status.
Pregnancy and maternity				The breakdown by pregnancy or maternity status of Sandwell residents holding a Deferred Payment Agreement with the Council is unknown. Consequently, there is no evidence that the new policy will have any differential impact on those of this status, and this is not an outcome that the service works to.
Race		✓		The 2011 national census data shows the Sandwell population is 66% self-declaring as white and 34% other ethnic groups. For those people having a deferred payment agreement, there is a higher number of those declaring themselves white (89%), but this is likely to be due to the high proportion of older adults amongst users of ASC services, and older adults are numerically more likely to declare themselves white.
Religion or belief				The recorded breakdown of Sandwell residents is that 55.2% are Christian whilst the remaining 44.8% are either “other” or “no” religion. A breakdown of those people who have a Deferred Payment Agreement with the Council is not available, so there is no evidence that the new policy will have any differential impact on people of different religion or belief.

Sex			✓	The 2011 national census data on the Sandwell population shows that there are slightly more women (51%) than men. In terms of people who have a Deferred Payment Agreement, the proportions are higher for women (82%), likely to be because they have higher life expectancy.
Sexual orientation				The breakdown of Sandwell residents by sexual orientation is not known. Consequently, there is no evidence that the new Deferred Payment Agreement Policy will have any differential impact on people of different sexual orientation
Other – health conditions				The breakdown of Sandwell residents by health condition is not known. Consequently, there is no evidence that the new Deferred Payment Agreement Policy will have any differential impact on people of different health condition. Adult Social Care services are focused on people with age- or disability-related care or medical conditions which impact on their ability to maintain their independence. There is no evidence that suggests that the new policy proposed would have a differential impact on people with different health conditions

Does this EIA require a full impact assessment? Yes ☐ No ☒

If there are no adverse impacts or any issues of concern or you can adequately explain or justify them, then you do not need to go any further. You have completed the screening stage. You must, however, complete sections 7 and 9 and publish the EIA as it stands.

If you have answered yes to the above, please complete the questions below referring to the guidance document.

5. What actions can be taken to mitigate any adverse impacts?

The adverse effects arise solely from the proposal to charge an arrangement fee and interest, as provided for by the Care Act. Although this has a negative impact on those that have a deferred payment agreement, this impacts only a small proportion of ASC clients, and it ensures that the costs incurred on the scheme do not fall on ASC care budgets.

An improved Review and Appeals process set out in the new Contribution Policy approved in 2022 offers a rational, considered process whereby decisions on policy and exceptions are made and recorded, and this will also apply to Deferred Payment Agreements to ensure that any decision is evidence-based. Equalities monitoring will form a part of this process.

6. As a result of the EIA what decision or actions are being proposed in relation to the original proposals?

No changes are proposed – these changes ensure the scheme is cost-neutral. In accordance with the Care Act, the fees cannot be more than the cost to the council of making the arrangement, and these will be reviewed annually by the Director of Finance to ensure that they comply with this requirement. The interest rates are determined nationally by the Office of Budget responsibility.

7. Monitoring arrangements

The Community Care Business Unit will continue to monitor the take up of their service by protected characteristics

8. Action planning

You may wish to use the action plan template below

Action Plan Template

Question no. (ref)	Action required	Lead officer/ person responsible	Target date	Progress

9. Publish the EIA

This EIA will be published as part of the Cabinet Report and will be available on Corporate Management Information System of Sandwell Council.

Where can I get additional information, advice and guidance?

In the first instance, please consult the accompanying guide “Equality Impact Assessment Guidance”

Practical advice, guidance and support

Help and advice on undertaking an EIA or receiving training related to equalities legislation and EIAs is available to **all managers** across the council from officers within Service Improvement. The officers within Service Improvement will also provide overview quality assurance checks on completed EIA documents.

Please contact: Kashmir Singh - 0121 569 3828