

## Equality Impact Assessment Template – Stage Two

<b>Name of item being assessed:</b>	Funding arrangements framework for domiciliary care
<b>Version and release date of item:</b>	Version 2, revised 04.04.12
<b>Owner of the item being assessed:</b>	Adult Social Care
<b>Name of assessor:</b>	Jan Evans / Margaret Goldie
<b>Date of assessment:</b>	4 <sup>th</sup> April 2012

### 1 What are the main aims of the item?

To introduce an upper cost parameter for the cost of domiciliary care.

### 2 What research has been undertaken to inform this assessment?

A briefing paper was sent to West Berkshire Independent Living Network (WBILN) who agreed to facilitate the consultation process in respect of WBC's proposed consultation on proposed cuts to the 2012/13 budget. The WBILN is a user led organisation representing the interests of disabled people. The response was co-ordinated by WBILN following a 4 week consultation period.

WBILN arranged an open meeting on 6<sup>th</sup> January 2012 at The Royal British Legion, Newbury at which 60 people attended. The meeting was divided into 2 parts : the first part consisting of workshops facilitated by WBILN and WB Links members where participants were asked the following questions :-

- Do you understand WBC's proposals for cuts to the 2012/13 budget that will affect local disabled people and their carers? Have you had enough information on these issues?
- How do you think the budget proposals will affect you?
- What is your overall view of the budget proposals?
- Is there an alternative to making cuts to the budget that will affect local disabled people and their carers?

The second part of the meeting was chaired by the WBILN Chairman and consisted of a Q&A session from the floor to a panel of WBC Officers and the Elected Member responsible for Adult Social Care.

Views were also sought on the proposed cuts to the 2012/13 budget via the 'It's my Life' group. This is a Learning Disability forum run by service users for service users.

There was also a meeting held of the DES (Disability Equality Scrutiny) Board regarding the proposed cuts.

Proposals were published on the council's website and all individual service users (circa 2,500) who would be potentially affected by the proposals were written to advising where to find information and response forms on the Internet and stated that if they were unable to do so, they could telephone and obtain a full consultation pack with response forms to complete.

Specific meetings were also set up with a range of stakeholder groups, for example WB LINK (Local Involvement Network), and Parent Carers for adults with a Learning Disability. Discussion took place at the Learning Disability Partnership Board meeting in November 2011 and at the WB Neurological Alliance in January 2012.

There was significant press coverage.

In relation to domiciliary care proposals, there was also a review of neighbouring authorities policies where upper cost ceilings were evident and had been implemented within the legal framework.

Legal advice was sought on this matter and confirmed that an upper cost parameter can be introduced as a guide. Local Authorities can take resources into account when presented with 2 placements which objectively offer a real and present choice of how to meet an individual's need. However, decisions on placement must always be specific to an individual.

### 3 What are the results of your research?

Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this.
Adults with disabilities and Older People	There may be more people moving into long term care homes., thereby impacting upon independence/ family life.  This process may be accelerated	Consultation responses / case management records
Adults who are dependent on	Their choices may be limited compared to	Knowledge of service users and their

public funding for their care services	those who are independently funded.	circumstances / case management records
<p>An analysis of feedback received in relation to the proposal on cost ceilings for care homes and domiciliary and non-residential care together was undertaken by WBC officers. The analysis is attached to view. In relation to domiciliary care, there was strong opposition to the principle of not continuing to support people to live in their own home, even if this costs more than a residential place.</p> <p>However, some individuals accepted that it was unrealistic to expect the Council to pay significantly more to keep people in their own home, if they would be happy to take a place in residential care.</p> <p>West Berkshire Disability Alliance (WBDA) which is a member of WBILN also provided a written response to the consultation process. They stated that they totally rejected the proposal from WBC to introduce an upper cost parameter for the cost of domiciliary care and non residential care services and did not view the case of Khana (referenced in the report) as a valid one as it was not concerned with affordability issues.</p> <p>Some alternatives were suggested to the overall proposed budget cuts, including :-</p> <ul style="list-style-type: none"> <li>- a 1% rise in council tax and /or a local referendum if a raise of more than 3%</li> <li>- looking at cuts to alternative council services before adult social care</li> <li>- cuts to staff salaries</li> <li>- Ensuring PCT contribute to high end cost packages</li> <li>- Investing more in the voluntary sector</li> </ul> <p>Alternative suggestions in relation to upper guide prices for domiciliary care included amalgamating providers and merging back-office services to reduce overheads.</p>		
<p><b>Further Comments relating to the item:</b></p> <p>Legal advice was sought further to the WBDA response and confirmed that the case of Khana raised the issue of how 'independence' and 'cost effectiveness' should be balanced. The Gloucestershire judgment which is referenced clearly in the report says that in deciding how to meet need, a LA can take account of its resources when faced with 2 placements which objectively offer a real and present choice of how to meet and individual's need.</p>		

<b>4 What actions will be taken to address any negative effects?</b>			
<b>Action</b>	<b>Owner</b>	<b>By When?</b>	<b>Outcome</b>
Ensure a comprehensive needs assessment which is specific to each	ASC senior management	Ongoing	Ensure legal compliance and best outcomes for individuals and their

<p>individual and takes account of family life where appropriate.</p> <p>Continue to monitor complaints to ensure policy is being implemented fairly and appropriately</p> <p>Ensuring the upper cost parameter is used as such, instead of a ceiling.</p>	<p>Head of Service</p> <p>Head of Service</p>	<p>Ongoing</p> <p>Ongoing</p>	<p>families.</p> <p>Ensure lessons learned and complaints used to inform future policy and operational decisions</p> <p>Decisions will be based on individual need and parameters will be used as a guide only</p>
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**5 What was the final outcome and why was this agreed?**

Responses from the consultation included strong opposition to the principle that residential accommodation would be seen as appropriate for anyone who could be supported in the community.

In terms of suggested alternatives, the Council has already made reductions in back office support and is continuing to seek best value in terms of domiciliary care provision. However, this needs to be considered alongside the quality of the care being provided.

Taking into account all of the mitigating actions as above, it is recommended that Executive adopt this proposal.

**6 What arrangements have you put in place to monitor the impact of this decision?**

Weekly Resource Panel will monitor impact of decision making

Comments and Complaints process will be used where appropriate. Lessons learned can inform the process.

Case Management supervision

**7 What date is the Equality Impact Assessment due for Review?**

April 2013

**Signed: Margaret Goldie**

**Date: 4<sup>th</sup> April 2012**

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**Please now forward this completed template to the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.**

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