

Section 4

# Equality

# Analysis Toolkit

Threshold for charging for Residential care,  
from Short to Long Term

For Decision Making Items

November 2018

**Question 1 - What is the nature of and are the key components of the proposal being presented?**

Agree a change in the council's procedures to bring them into line with the Care Act's Care and Support Guidance, so that short term residential care is defined as up to 8 weeks.

If a person is in short term residential care for longer than 8 weeks, unless there are exceptional circumstances, they would be deemed to be in long term care, and charged as they would be for a long term care placement.

This does not affect those placements commissioned as "temporary" as defined by the Care Act. Temporary care is defined as up to 52 weeks. If a person is in residential care for longer than 52 weeks, unless there are exceptional circumstances, they would be deemed to be in long term care, and charged as they would be for a long term care placement.

**Question 2 - Scope of the Proposal**

Is the proposal likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected?

Currently, around 180 service users across county have care commissioned as short term residential care, but have been in residential care for longer than 8 weeks. Being charged as a long term resident may result in an increase in charge but this will be dependent on the person's individual circumstances. An increased charge will not be the outcome in all circumstances.

There are no service users currently with care commissioned as temporary residential care as at present residential care is commissioned on the system as either short or long term care.

There may be implications for the benefits and other allowances that individuals receive.

### **Question 3 – Protected Characteristics Potentially Affected**

Could the proposal have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:

- Age
- Disability including Deaf people
- Gender reassignment
- Pregnancy and maternity
- Race/ethnicity/nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership Status

And what information is available about these groups in the County's population or as service users/customers?

No particular group of adults would be targeted as this strategy aims to reduce the number of people funded as short term care for longer than 8 weeks, regardless of the characteristics named above.

However, we would anticipated that people from the disability and age (older person) protected characteristics groups are likely to be heavily represented in those affected.

### **Question 4 – Engagement/Consultation**

How have people/groups been involved in or engaged with in developing this proposal?

No consultation is proposed but it is envisaged that individuals currently affected who are in residential care will have their individual situations reviewed.

### **Question 5 – Analysing Impact**

Could this proposal potentially disadvantage particular groups sharing protected characteristics and if so which groups and in what way? This pays particular attention to the general aims of the Public Sector Equality Duty:

- To eliminate unlawful discrimination, harassment or victimisation because of protected characteristics;
- To advance equality of opportunity for those who share protected characteristics;
- To encourage people who share a relevant protected characteristic to participate in public life;
- To contribute to fostering good relations between those who share a relevant protected characteristic and those who do not/community cohesion;

This procedural change would be applied across county and relates to any individual over 18 years of age currently in Short Term care longer than 8 weeks, or Temporary Residential care that exceeds 52 weeks, funded via the local authority, where special circumstances have not been identified.

A long term placement for the service user will be created at the point where a short term residential care placement exceeds 8 weeks, and the short term placement will be ceased.

A long term placement for the service user will be created at the point where a temporary residential care placement exceeds 52 weeks, and the temporary placement will be ceased.

### **Question 6 – Combined/Cumulative Effect**

Could the effects of this proposal combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

Assessed contributions for short term care, takes into account an amount that would need to be left aside for home commitments including council tax, rent, water rates and insurance.

As a long term resident, home commitments are no longer allowed for within the financial assessment, and the service user's property may be taken into consideration in their financial assessment.

If a property is included in the financial assessment and a Deferred Payment Agreement is in place, then some home commitment may be allowable under the Care Act deferred payment guidance.

Individual's benefits and allowances are affected by their residential status and are ceased once an individual is deemed to be in Permanent Residential Care.

There are genuine circumstances where an individual required a period of short term care for longer than 8 weeks but will return to their own home.

Service users may choose to leave residential care, due to increased assessed charges and change in status and there may be increased pressures on home care services.

It will be crucial to monitor any impact this may have on other service challenges, and in particular the reduction in residential admissions.

Adult Social Care will need to prioritise reviews of individuals where short term care has been commissioned, and is likely to result in the individual being charged for long term care.

### **Question 7 – Identifying Initial Results of Your Analysis**

As a result of the analysis has the original proposal been changed/amended, if so please describe.

No change

### **Question 8 - Mitigation**

Will any steps be taken to mitigate/reduce any potential adverse effects of the proposal?

There will need to be clear changes to procedures for staff, and confirmation that Temporary Residential Care can be commissioned on the finance system where it is envisaged that the residential placement genuinely needs to exceed 8 weeks, but is less than 52 weeks.

Clear differentiation needs to be made between what would constitute short term care rather than temporary care. Training may be required. Publicity material will need to be made available for the public, partners and staff.

Clear exceptions need to be agreed.

Clear understanding of the financial implications and impact on performance will need to be monitored and addressed.

### **Question 9 – Balancing the Proposal/Countervailing Factors**

This weighs up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of the analysis.

This Service Challenge aims to deliver a budget saving target of £0.700m based on the number of customers who's short term placement exceeds 8 weeks.

It will ensure that the correct charge is applied to individuals where long term residential care is required. It will focus Adult Social Care to commission the appropriate level of residential care to meet assessed needs, and review short term placements in a timely manner.

### **Question 10 – Final Proposal**

In summary, what is the final proposal and which groups may be affected and how?

The proposal remains unchanged and with the correct application of the change in procedure this will improve the accuracy of the status,

and associated charge for Adults in residential care longer than 8, and 52 weeks respectively.

### **Question 11 – Review and Monitoring Arrangements**

What arrangements will be put in place to review and monitor the effects of this proposal?

It will be crucial to review the impact of the proposal in terms of the increased charges for individuals, increase in commissioning of Temporary placements, and any effect on the reduction in Residential admissions by ASC Community.

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Position/Role Head of Service ASC Community

Equality Analysis Endorsed by Line Manager and/or Service Head

Decision Signed Off By

Cabinet Member or Director

For further information please contact

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