

APPENDIX 4

Stage 2 Full Equality Impact Assessment

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Directorate:	Adult Social Care
Date of Completion:	10 January 2018

Name of Policy/Strategy/Service/Function Proposal

The council is considering a change to the council's non-residential care charging policy by including disability related benefits at the higher or enhanced rate as part of a person's means tested financial assessment.

Specifically, the council is seeking to take account of disability related benefit income received by people as follows:

- Attendance Allowance (AA) – the consideration is the council includes AA income at the higher rate (currently only the lower rate is included in a financial assessment);
- Disability Living Allowance (DLA) – the consideration is the council includes DLA benefit income at the higher rate (currently only the lower rate or middle rate is included in a financial assessment);
- Personal Independence Payments (PIP) – the consideration is the council includes PIP income at the enhanced rate (currently only the standard rate is included in a financial assessment).

On 15 June 2017, Cabinet made the decision to seek a two month consultation period to consider people's views on the proposed changes. The consultation was aimed at determining the opinion of those people who received non-residential care services including those individuals who would be directly affected by the proposals.

The outcome of the consultation, including the potential effect on people within the protected characteristic groups, was that a majority of responders felt that the council should not change its charging policy in this way. Cabinet received a report on the outcome of the consultation on 9 November 2017 and agreed to defer a decision until Cabinet meeting on 15 February 2018 when Cabinet will have considered all savings proposals across the council and is able to evaluate them against corporate priorities.

This full equality impact assessment is updated from the version that was reported to Cabinet on 9 November 2017 and has been undertaken following a stage 1 assessment carried out in April 2017 and reported to Cabinet on 15 June 2017 and 9 November 2017. The stage 1 assessment established that people with the protected characteristic of disability will be negatively impacted by this proposal but that all other protected characteristic groups are neutral impact. The stage 1 assessment can be accessed as a background paper via the following link:

<https://www.iwight.com/Meetings/committees/Cabinet/15-6-17/PAPER%20C%20-%20APPENDIX%201.pdf>

The Aims, Objectives and Expected Outcomes:

The change has been considered for two reasons. Firstly it will ensure equity in how all disabled related benefit income is treated in that people who receive these benefits at the higher or enhanced rate have the difference between the lower and higher rates effectively ignored for purposes of means testing for adult social care. By way of contrast, those people who receive the lower, middle or standard rates of these benefits have all this income taken into consideration in the means test. Secondly, it will assist Adult Social Care to contribute to the councils overall savings targets which are £7.5m in 2018/19 and £19m in total over the next three years (2018/19 to 2020/21).

It is important to note that these proposals will not affect the level of care provided by the council but will change the amount that a person is required to pay.

The proposal is considered necessary in light of the financial challenges facing the council, the growing demand for adult social care services and the need to treat people with equity by ensuring that everyone who receives a disability related benefit has the full amount of the amount of their benefit taken into account in their charging assessment.

Income from charging is an important contribution to adult social care's budget. The council is facing a significant reduction of core central government funding in 2018/19 and 2019/20, alongside an increasing demographic demand for services that is reflected by more elderly people and increasing longevity of disabled people.

It is important to note that, where disability related benefits are taken into account as part of a person's income when assessing how much they are required to pay, the council takes account of any additional disability related expenditure to allow the person to keep enough benefit to meet any needs which are not being met by the council.

As at 23 October 2017, 1400 people receive chargeable non-residential care services and 770 of these are estimated to receive disability related benefits at the higher or enhanced rate. The overall number of people receiving care services at home is increasing. The difference between higher / enhanced and middle, lower or standard rate of payment of these benefits is £27.45 per week and it can be seen that any change the council makes to the way it assesses these benefits as income will have a significant effect to both an individual person and the council. It must be emphasised that, if the proposal is agreed, not everyone would be required to pay £27.45 per week more as the exact amount of any increase would depend on their financial circumstance. Of the 770 people who are paid disability benefits at the higher or enhanced rate, 95 people would not be affected as their chargeable income is too low and 75 people would pay an amount that is based on their individual financial circumstance that is less than £27.45 per week.

It must be noted that:

- The proposal is in line with the provisions of the Care Act 2014. Current council policy has chosen not to include these benefit payments at the higher rate;
- The mobility component part of DLA and mobility part of PIP will not be included in a person's

financial assessment;

- The council will continue to make sure that all eligible disability costs that a person may have (for example extra help for shopping, laundry, cleaning, prescriptions and higher fuel costs) are taken into account as part of how their charge is calculated. This is called Disability Related Expenditure;
- The council will also make sure that everyone has an allowance made in their financial assessment to meet the costs of their everyday living. The weekly allowance is set by the Dept of Health and covers food, heating and standard living costs;
- Services provided directly to carers will continue to be non-chargeable. It would only be the charge made for services to the cared for person which would be affected by these proposals.

The options set out in the Cabinet report to consider a change to the council's non-residential care charging policy by including disability related benefits at the higher or enhanced rate as part of a person's means tested financial assessment are:

Option 1 – To approve a change to the council's non-residential care charging policy by including benefits at the higher or enhanced rate as part of a person's means tested financial assessment.

Option 2 – To maintain the council's current non-residential care charging policy by having the difference between the lower and higher rates effectively ignored for purposes of means testing for non-residential care.

This impact assessment uses the monitoring information received as part of the consultation process undertaken between 16 August – 16 October 2017 and looks at the potential impacts of these proposals on the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- This is a new policy proposal

Scope of the Equality Impact Assessment

A stage 1 initial screening EIA was submitted to Cabinet on 15 June 2017 alongside the report from which members decided to seek a consultation on the proposal to change the council's non-residential care charging policy by including disability related benefits at the higher or enhanced rate as part of a person's means tested financial assessment.

The initial assessment recognised that people with a disability were likely to be negatively impacted by the proposal but that all other groups were neutral impact. It is important to recognise that only those disabled people that meet the national eligibility criteria (formerly critical or substantial needs in line with council's eligibility criteria) would potentially be affected by this proposal.

The Cabinet, in considering the report and the EIA together, will consider the full equality monitoring information gathered below as part of the consultation which took place between 16 August – 16 October 2017:

Age Profile:

What age group do you belong to?

Total count: 415

Under 25	5.06%
25 - 34	8.67%
35 - 44	8.92%
45 - 54	13.25%
55 - 64	10.12%
65 and over	50.60%
Prefer not to say	3.37%

Disability:

Do you consider yourself to have a disability, or a long-term illness, physical or mental health conditions?

Total count: 408

Yes	76.23%
No	16.42%
Prefer not to say	7.35%

Marriage & Civil Partnership:

What is your marital status?

Total count: 418

Single	32.30%
Separated	1.20%
Married	28.47%
Civil partnership	0.48%
Co-habiting	2.87%
Divorced	9.09%
Widow/widower	20.57%
Prefer not to say	4.55%
Other	0.48%

Pregnancy & Maternity:

Are you pregnant or have recently given birth?

Total count: 408

Yes	1.47%
No	70.59%
Not applicable	23.77%
Prefer not to say	4.17%

Race / Ethnicity:

How would you describe your ethnic group?

Total count: 423

White British	88.89%
Black British	0.00%
Asian British	0.47%
Irish	0.24%
White European	0.47%
Black European	0.00%
White - Black Caribbean	0.24%
White - Black African	0.47%
White & Asian	0.00%
Black Caribbean	0.00%
Black African	0.00%
Arab	0.00%
Indian	0.00%
Pakistani	0.00%
Bangladeshi	0.00%
Chinese	0.24%
Japanese	0.00%
Prefer not to say	6.62%
Other (please specify)	2.36%

Religion / Belief:

Do you have a religious belief?

Total count: 419

No	31.74%
Prefer not to say	20.05%
Yes	48.21%

Sex (male / female):

Which of the following options best describes how you think of yourself?

Total count: 417

Male	33.33%
Female	61.15%
Prefer not to say	4.80%
Neither male nor female	0.24%
Both male and female	0.48%

Sexual Orientation:

Which of the following options best describes how you think of yourself?

Total count: 393

Heterosexual	79.90%
Homosexual	0.25%
Bisexual	0.76%
Prefer not to say	16.28%

Analysis and assessment

The analysis and assessment of this EIA has to be seen in the context that services are only offered to people who meet the national eligibility criteria in relation to disability.

The consultation feedback clearly confirms that the proposed changes offered in option 1 will have a negative impact on some people who have a disability. All other protected characteristic groups are neutral impact.

The responses to the two month consultation undertaken between 16 August and 16 October 2017 were as follows:

The consultation was aimed at 900 people who receive non-residential care services. A total of 498 responses were received of which 337 responses were received from people via the paper survey and 161 further responses were received online. Importantly, of these responses 201 indicated they were someone who received social care and 107 as being an unpaid carer. This indicates that the views of people who are directly affected by these proposals have been represented in the survey. Overall, the response rate of 55 per cent is considered to be very good level of engagement.

1. Response to question 2

Which of the following best describes you?

(457 responses were received to this question)

	Number responders	
I receive social care which is paid for in full, or in part, by Isle of Wight Council (including Direct Payments)	201	43.98 per cent
I am an unpaid carer, for example a family member or friend, of someone who receives social care paid for by Isle of Wight Council	107	23.41 per cent
I am a representative of an organisation which provides social care services	1	0.22 per cent
I am a representative of a voluntary, independent or community organisation	8	1.75 per cent
I am an Isle of Wight Council employee	8	1.75 per cent
I am an NHS employee	4	0.88 per cent
None of the above	82	17.94 per cent
Prefer not to say	46	10.07 per cent

2. Response to question 4

Do you feel that people on the higher or enhanced rates (of Attendance Allowance, Disability living Allowance or personal independence Payments), should only have the lower, middle or standard rate of that benefit taken into account by Adult Social Care in the calculation of how much a person is required to pay towards the cost of their service (financial assessment)?

<i>425 responses were received to this question</i>		
	Number responders	
I feel people who are paid at the higher rate or enhanced rate should only have the lower, middle or standard rate of that benefit taken into account (as now)	248	58.35 per cent
I feel people who are paid at the higher rate or enhanced rate should have the full amount of the benefit taken into account (proposal)	70	16.47 per cent
I don't know	107	25.18 per cent

Of the 248 people who responded by indicating that people who are paid at the higher rate or enhanced rate should only have the lower, middle or standard rate of that benefit taken into account (as now), 219 indicated which type of benefit they currently received as follows:

In receipt of higher or enhanced rate of disability benefit	156
In receipt of lower, middle or standard rate of disability benefit	63

Similarly, of the 248 people who responded in this way, 170 indicated that they were either someone who received social care or were an unpaid carer as follows:

Received social care	109
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Recommendations

Following a review of savings options available and further consideration of the impacts given above, the recommendation to Cabinet is to approve a change to the council's non-residential care charging policy by including disability related benefits at the higher or enhanced rate as part of a person's means tested financial assessment.

If the recommendation is approved the negative impact on people with a disability will be mitigated wherever possible by ensuring that national guidance on how social care charges are assessed is followed and enough money is retained by each person to meet everyday living costs. Similarly, any additional disability related costs that a person in this protected characteristic has that meets the criteria used by the council, and is in addition to any such expenses assessed previously, will mitigate some of the impact.

In summary, the council will ensure the financial assessments of all the people negatively affected by this proposal are undertaken in line with Department of Health guidelines to make sure each person has sufficient money to meet their everyday needs.

Action/Improvement Plan

The table below should be completed using the information from your equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Remove or lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Age	No direct impact	NO The proposals would not have a specific impact on people because of their age. There is the potential that more people over the age of 65 will be impacted by these proposed changes as they are more likely to have a relevant disability and there is therefore the potential for indirect discrimination. However this protected characteristic will only be affected by this proposal if they have a disability with needs that could be seen as meeting the national eligibility criteria. People in this protected		A person's eligibility for care services, and therefore the need to charge them for any services they are eligible to receive based on their ability to pay, cannot improve any impact on age equality.

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
		characteristic without disability needs that meet the national eligibility criteria will not be affected. The measures or changes set out under the heading of Disability should be referred to.		
Disability	Negative	<p>YES</p> <p>Whilst option 2 retains the status quo, option 1 will result in a person who is in receipt of a higher or enhanced rate of disability benefit payment potentially having to pay more for their care services and this will have a negative effect on people with disabilities who live in the community.</p> <p>The comments received from the consultation highlighted five main areas of adverse impact about the proposed changes:</p> <ul style="list-style-type: none"> • Impact on how 	Option 1 can be justified on the grounds of ensuring that all people with disabilities are treated more fairly by having the full amount of their disability benefit payment taken into account as part of their financial charging assessment. Currently, people who receive these benefits at the higher or enhanced rate do not have their full care related income taken into account whilst those people who are paid benefits at the lower, middle or standard rate are required to have all	<p>If option 1 is taken to change the council's non-residential care charging policy by including disability related benefit income at the higher or enhanced rate as part of its mean tested financial assessment process the negative impact on people with a disability will be mitigated wherever possible by ensuring that national guidance on how social care charges are assessed is followed and enough money is retained by each person to meet everyday living costs. Similarly, any additional disability related costs that a person in this protected characteristic has that meets the criteria used by the council, and is in addition to any such expenses assessed previously, will mitigate some of the impact.</p> <p>In summary, the council will ensure the financial assessments of all the people negatively affected by this proposal are undertaken in line with Department of Health guidelines to make sure each person has sufficient money to meet their everyday needs. In addition, all current people affected by this proposal will be supported through the re-assessment process.</p>

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		<p>the council allows disability related expenses</p> <ul style="list-style-type: none"> • Impact on a person's everyday living costs • Impact on the provision of night time care • Impact on the needs of an unpaid carer • Impact on a person's lifestyle 	<p>their benefit income included in their charging assessment. The current charging policy has been in place for many years and the council is now in a significantly different financial position.</p>	<p>By analysing the comments received as part of the consultation, the council recognises the impact the proposal would have as follows:</p> <p><u>Impact on how the council allows disability related expenses:</u></p> <p>If a person considers that the higher or enhanced disability related benefit income is currently being used to meet activities that are related to their disability and which the individual feels are important, the council has a duty to assess these activities against its eligibility criteria to consider how the charging assessment will be affected. It could be that the council may seek to support these services as part of its care assessment and meet them through their personal budget or a request can be made for these costs to be considered as a disability related expense (DRE) and an allowance may be made to reduce their charge.</p> <p>However, if, as part of the care assessment, these activities are considered to be more of a lifestyle choice than an eligible need, they will not be included as either part of a personal budget or a disability related expense.</p> <p>The Isle of Wight Council's assessment of DRE is reviewed annually to ensure that genuine expenses are included in the financial assessment. They are based on good practice guidelines developed by the National Association of Financial Assessment Officers (NAFAO). The DRE guidelines are set out in the Isle of Wight Council's charging policy for non-residential</p>

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				<p>adult social care services (Appendix 1 pages 12 to 16) which can be accessed via the following link:</p> <p>https://www.iwight.com/documentlibrary/view/charging-policy-for-non-residential-asc-services</p> <p><u>Impact on a person's everyday living costs</u> The council recognises how people feel their everyday standard of living would be impacted by the proposal. It is important to note the council applies charging guidance in such a way to make sure people are able to meet their everyday living costs alongside their charging assessment.</p> <p>The need to charge for social care services, and then apply those charges based on a person's individual ability to pay, is determined by guidance issued by the Dept of Health.</p> <p>The guidance requires the council to make sure it allows an amount (Minimum Income Guarantee plus an additional allowance of 25%) that is considered by the Dept of Health to be appropriate to enable a person to meet their everyday living costs. This includes basic living expenses such as clothes, furniture, house repairs, utility costs, food, insurance and holidays that all people are required to pay. In addition, housing costs such as rent, mortgage and council tax are separately allowed as expenses in the charging assessment.</p> <p>If the council included disability related benefit income</p>

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				<p>at the higher or enhanced amount as part of its charging assessment it would still have to ensure that the same Minimum Income Guarantee amount was available to everyone in order to meet their everyday living costs.</p> <p>A person is entitled to request a re-assessment of their needs at any time.</p> <p><u>Impact on the provision of night time care</u> The council is aware how people feel their night time care would be impacted by the proposal.</p> <p>The Care Act 2014 (Annex C: Treatment of Income) allows the council to include disability related benefits in its charging assessment and does not make any reference to night time needs.</p> <p>It is acknowledged that the higher rate of Attendance Allowance and Disability Living Allowance is paid when a person has to have help at night. In all cases, the council is responsible for assessing a person's night time needs and providing support if they are eligible and cannot be met in any other way. This would include a person's safety.</p> <p>Support that is available includes a mobile night personal care visit to assist toileting, pad changing or a welfare call. In addition, a full range of remote electronic monitoring (telecare) is available that can assist changes in behavioural patterns, detect movement and falls together with equipment such as</p>

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				<p>bed turning support.</p> <p><u>Impact on the needs of an unpaid carer</u> The council appreciates the vital role that unpaid carers undertake. The proposal ensures that the cared for person has sufficient resources to pay for their own services based on their own ability to pay.</p> <p>An unpaid carer is entitled to an assessment of their own needs and this can be requested at any time. This can result in a re-assessment of the needs of the cared for person or an unpaid carer being eligible for support in their own right.</p> <p>People who live in their own home but only receive respite care services in residential care home are financially assessed under different guidance issued by Dept Health. This proposal would not change a person's charge if they only received respite care.</p> <p>It must be emphasised there would be no impact on the amount of care supported by the council given that a person's charge is mainly linked to their individual ability to pay. It is not the case that any increase in the amount a person is required to pay could be reduced by a person choosing to receive less care.</p> <p><u>Impact on a person's lifestyle</u> The council recognises the impact the proposal may have on a person's quality of life and lifestyle. If it is considered that the higher or enhanced disability related benefit income is currently being used to meet activities that are related to their disability, and which</p>

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				<p>the individual feels are important, it could be that the council may seek to support these services as part of its care assessment or may make an allowance as part of a person's disability related expenses.</p> <p>However, if, as part of the care assessment, these activities are considered to be more of a lifestyle choice than an eligible need, they will not be included as either part of a personal budget or a disability related expense.</p> <p>It must be noted that disability related benefits are specifically paid to support a person's care needs and are not intended to be used to purchase items or activities that are not care related.</p> <p>The need to charge for social care services, and then apply those charges based on a person's individual ability to pay, is determined by guidance issued by the Dept of Health.</p> <p>The guidance requires the council to make sure it allows an amount (Minimum Income Guarantee) that is considered by the Dept of Health to be appropriate to enable a person to meet their everyday living costs. This includes basic living expenses such as clothes, furniture, house repairs, utility costs, food, insurance and holidays that all people are required to pay. In addition, housing costs such as rent, mortgage and council tax are separately allowed as expenses in the charging assessment.</p> <p>If the proposal is agreed it is intended to make sure that people are given sufficient notice of any increase</p>

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
				to their care charge to allow them sufficient time to make any necessary adjustments to their current arrangements.
Gender Reassignment	No impact	NO The proposals would not have a specific impact on people because of gender reassignment. It is possible that people in this protected characteristic may be affected by this proposal but only if they have a disability with needs that could be seen as meeting the national eligibility criteria.		A person's eligibility for care services, and therefore the need to charge them for any services they are eligible to receive based on their ability to pay, cannot improve any impact on gender reassignment equality.
Marriage & Civil Partnership	No impact	NO The proposals would not have a specific impact on people because they are married, in a civil partnership or are unmarried. It is possible that people in this protected characteristic may be affected by this proposal but only if they have a disability with needs that could be seen as meeting the national eligibility criteria. People		A person's eligibility for care services, and therefore the need to charge them for any services they are eligible to receive based on their ability to pay, cannot improve any impact on marriage or civil partnership equality.

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
		in this protected characteristic without disability needs that meet the national eligibility criteria will not be affected.		
Pregnancy & Maternity	No impact	NO The proposals would not have a specific impact on people because they are pregnant or have a young family. It is possible that people in this protected characteristic may be affected by this proposal but only if they have a disability with needs that could be seen as meeting the national eligibility criteria. People in this protected characteristic without disability needs that meet the national eligibility criteria will not be affected.		A person's eligibility for care services, and therefore the need to charge them for any services they are eligible to receive based on their ability to pay, cannot improve any impact on equality for young mothers.
Race	No impact	NO The proposals would not have a specific impact on people because of any		A person's eligibility for care services, and therefore the need to charge them for any services they are eligible to receive based on their ability to pay, cannot improve any impact on race equality.

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
		particular heritage. It is possible that people in this protected characteristic may be affected by this proposal but only if they have a disability with needs that could be seen as meeting the national eligibility criteria. People in this protected characteristic without disability needs that meet the national eligibility criteria will not be affected.		
Religion / Belief	No impact	NO The proposals would not have a specific impact on people because of their faith. It is possible that people in this protected characteristic may be affected by this proposal but only if they have a disability with needs that could be seen as meeting the national eligibility criteria. People in this protected characteristic without disability needs that meet the national eligibility criteria will not		A person's eligibility for care services, and therefore the need to charge them for any services they are eligible to receive based on their ability to pay, cannot improve any impact on faith or belief equality.

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
		be affected.		
Sex (male or female)	No impact	NO The proposals would not have a specific impact on people because of their gender. It is possible that people in this protected characteristic may be affected by this proposal but only if they have a disability with needs that could be seen as meeting the national eligibility criteria. People in this protected characteristic without disability needs that meet the national eligibility criteria will not be affected.		A person's eligibility for care services, and therefore the need to charge them for any services they are eligible to receive based on their ability to pay, cannot improve any impact on sex equality.
Sexual Orientation	No impact	NO The proposals would not have a specific impact on people because of their sex orientation. It is possible that people in this protected characteristic may be affected by this proposal but only if they have a disability with needs that could be seen as meeting		A person's eligibility for care services, and therefore the need to charge them for any services they are eligible to receive based on their ability to pay, cannot improve any impact on equality because of sex orientation.

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		the national eligibility criteria. People in this protected characteristic without disability needs that meet the national eligibility criteria will not be affected.		

Summary	
Date of Assessment:	10 January 2018
Signed off by Head of Service/Director	
Review date	
Date published	