

Equality Impact Assessment

Section 1: Your details

EIA lead Officer: Jacqui Evans

Email address JacquiEvans@wirral.gov.uk

Head of Section: Jacqui Evans

Chief Officer: Graham Hodkinson

Department: Adult Social Services

Date: 13th March 2014

Section 2: What Council proposal is being assessed?

Proposed fees to be paid by the Council to independent sector residential and nursing homes for older people.

The proposals for 2014/15 have been determined using a Council developed Wirral Model established in 2012/2013 to ensure that the 'usual cost' the council pays for its social care placements in care homes are set at a level it would expect to pay to meet the 'usual cost of care and accommodation' needs of the individuals requiring residential based care.

It is not possible to set fees that eliminate all risk of home closure or that meet all the aspirations of all home owners with regard to the returns they would want to achieve. The Council is required to seek best value, to have due regard to actual cost, to enable and facilitate a sustainable market position that affords diversity and choice and balance these factors against paying a fair fee that does not disadvantage or discriminate against particular groups of people.

Section 2b: Will this EIA be submitted to a Cabinet or Overview & Scrutiny Committee?

Yes If 'yes' please state which meeting and what date

Cabinet – 13.03.14

Please add hyperlink to where your EIA is/will be published on the Council's website

.....

Section 3: Does the proposal have the potential to affect..... (please tick relevant boxes)

- ✓ **Services** The aim of the fee setting process is to ensure that there are a sufficient places available to accommodate demand and choice to meet the needs of people assessed as requiring residential or nursing care in Wirral.

The workforce

- ✓ **Communities**

- Other** (please state eg: Partners, Private Sector, Voluntary & Community Sector)

Increase costs to NHS Wirral of people funded as Continuing Health Care (CHC)

If you have ticked one or more of above, please go to section 4.

- None** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 4: Does the proposal have the potential to maintain or enhance the way the Council (please tick relevant boxes)

- ✓ Eliminates unlawful discrimination, harassment and victimisation
- ✓ Advances equality of opportunity
- ✓ Fosters good relations between groups of people

If you have ticked one or more of above, please go to section 5.

- No** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 5: Could the proposal have a positive or negative impact on any of the protected groups (race, gender, disability, gender reassignment, age, pregnancy and maternity, religion and belief, sexual orientation, marriage and civil partnership)?

You may also want to consider socio-economic status of individuals.

Please list in the table below and include actions required to mitigate any potential negative impact.

Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications
	General Market Issues				
1. Older People and disabled	Positive – The proposals being considered represent an increase in the contribution paid by DASS for all fees and therefore represent continued additional investment in market by the Council.	None required			
2. Older People and disabled	Positive – The proposal establishes clearly the usual terms and conditions of the Council with a single set of fees so that service users, their families and home owners understand the market.	None required			
3. Older People and disabled	Positive – Short Term and Respite Care The proposed increase in fees could make the provision of respite for people with residential needs more attractive to home owners.	None required			

Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications
4 Older People and disabled	<p>FEE PROPOSAL RESIDENTIAL Fee based on 37 beds at 95% Occupancy</p> <p>Positive The Council contribution towards the cost of residential care bed has been increased from £397 2013-14 to £402 in the current proposal The increase in fees although small also has the potential to increase the number of places available at the Councils usual cost</p> <p>Negative Homes with less than 37 beds would be more motivated to charge a top up or reduce the quality of care they provide while remaining compliant to registration standards but may have a higher risk of closure. No small residential home closed in 2013-14.</p>	<p>The Council's Home Closure Policy would be followed to ensure appropriate action is taken.</p>	<p>Senior Manager Transformation and Contracts</p>	<p>April 2014</p>	

Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications
5 Older People and disabled	<p>FEE PROPOSAL RESIDENTIAL EMI Fee based on 37 beds at 95% Occupancy</p> <p>Positive The Council contribution towards the cost of residential care bed has been increased from £430 2013-14 to £444 in the current proposal. Due to the flexibility introduced CQC in relation to registration the Council has 3 residential homes dedicated to dementia care and 10 homes that provide dementia places as part of their care offering through dedicated units. The increase in fees has the potential to increase the number of places available at the Councils usual cost and to encourage further capacity for people requiring dementia care.</p> <p>Negative Homes with smaller capacity may be more motivated to charge a top up or reduce the quality of care they provide while remaining compliant to registration standards or have a higher risk of closure.</p>	<p>The Council's Home Closure Policy would be followed to ensure appropriate action is taken.</p>	<p>Senior Manager Transformation and Contracts</p>	<p>April 2014</p>	
6 Older People and disabled	<p>FEE PROPOSAL NURSING Fee based on 45 beds at 95% Occupancy</p>				

Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications
	<p>Positive The Council contribution towards the cost of nursing care bed has been increased from £433 in 2013-14. to £436 in the current proposal</p> <p>.</p> <p>.</p> <p>Negative Homes that have a capacity of less than 45 beds might be motivated to charge a top up or reduce the quality of care they provide while remaining compliant to registration standards and may have a higher risk of closure.</p>	<p>The Council's Home Closure Policy would be followed to ensure appropriate action is taken.</p>	<p>Senior Manager Transformation and Contracts</p>	<p>April 2014</p>	
<p>7 Older People and disabled</p>	<p>Positive The Council contribution towards the cost of nursing EMI care bed has been increased from £451 in 2013-14. to £456 in the current proposal</p> <p>.</p> <p>.</p> <p>Negative</p>	<p>The Council's Home Closure</p>	<p>Senior Manager</p>	<p>April 2014</p>	

Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications
	Homes that have a capacity of less than 45 beds might be motivated to charge a top up or reduce the quality of care they provide while remaining compliant to registration standards and may have a higher risk of closure.	Policy would be followed to ensure appropriate action is taken.	Transformation and Contracts		
8. Older People and disabled	<p>It is recognised that homes can at any time choose to terminate the residency of service users that are council funded. Reasons for taking this action may include a preference to accommodate private clients only at a higher fee or the absence or default of a third party contribution. Although we have no evidence that this has occurred in practice.</p> <p>Negative; Council may be required to assist service users to choose alternative accommodation.</p> <p>Moving individual can be detrimental to the health and wellbeing of the individual.</p>	<p>DASS Locality Team would be responsible for reviewing the needs of affected service users and would work with them and their family, carer, representative or advocate finding suitable alternative accommodation.</p> <p>Dependant upon the outcome of the assessment. The action taken would be considered on a case by case basis.</p> <p>The Council would not move any individual where to do so would be detrimental to their immediate health and welfare</p>	Senior Managers in localities	April 2014 onwards as required – this matter remains a possibility	

Section 5a: Where and how will the above actions be monitored?

Capacity in the Market is monitored in the Quality Assurance Team
Homes are asked on a regular basis to confirm any additional charges they levy

Section 5b: If you think there is no negative impact, what is your reasoning behind this?

Negative impacts have been identified and those that had been recognised in the September 2013 Cabinet Report taken forward

Section 6: What research / data / information have you used in support of this process?

1. Provider actual cost information
2. Market Intelligence re capacity, vacancies, and council funded places.
3. Consultation feedback received on interim proposals leading to the final proposal

Section 7: Are you intending to carry out any consultation with regard to this Council proposal?

YES

Home Owner Consultation

The Council has implemented a rolling programme of Care Home Provider engagements and this has taken a number of forms involving seeking direct input from Care Home Providers, responding to individual and legal representative enquiries and dedicated Provider Forum meetings. The process of consultation has endeavoured to distil and apply learning from previous experiences relating to Fee Setting. This recognises that this work has been continuous in nature given the need to determine Fee levels on an annual basis.

Service Users and their families

No –

It would not be appropriate to consult the public on what fee levels should be. Furthermore until the fees are set and offered to Home owners, they will not be in a position to declare if they are willing to accept them and enter into a contract with the Council on it's usual terms and conditions or not. Prior to this time the Council would not want to cause any unnecessary upset or anxiety for service users and their families. For homes that accept the final fees there will be no impact on the service user or their family. If a home owner declines the fees offered, arrangements will be made to review the needs of each

individuals affected and explore with them their family, carer or representative the options available to them

(please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 8: How will consultation take place and by when?

The Consultation process was undertaken electronically with all home owners and the Residential/Nursing Care Home Forum established by Adult Social Care..

Before you complete your consultation, please email your preliminary EIA to equalitywatch@wirral.gov.uk via your Chief Officer in order for the Council to ensure it is meeting it's legal requirements. The EIA will be published with a note saying we are awaiting outcomes from a consultation exercise.

Once you have completed your consultation, please review your actions in section 5. Then email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for re-publishing.

Section 9: Have you remembered to:

- a) **Add appropriate departmental hyperlink to where your EIA is/will be published** (section 2b)
- b) **Include any potential positive impacts as well as negative impacts?** (section 5)
- c) **Send this EIA to equalitywatch@wirral.gov.uk via your Chief Officer?**
- d) **Review section 5 once consultation has taken place and sent your completed EIA to equalitywatch@wirral.gov.uk via your Chief Officer for re-publishing?**