

Equality Impact Assessment

Section 1: Your details

EIA lead Officer: Mal Price

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Head of Section: Jacqui Evans

Chief Officer: Graham Hodkinson

Department: Adult Social Services

Date: 14.06.2013

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 2013/2014 have been determined using a Council developed Wirral Model established in 2012/2013, which has been further updated 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 19 September 2013

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

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/adult-social-services>

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 Wirral Clinical Commissioning Group of people either jointly funded or 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>Negative – Choice of home for new Service Users requiring Residential or Nursing home care.</p> <p>At present 47% of homes have indicated that they charge a top up on new places (as at 14/06/2013). This does not suggest that all existing service users pay a top up.</p> <p>The practice of homes charging a top up has the potential to reduce choice for people who do not have access to a third party contribution.</p> <p>Most homes have a current contract in place to enable placements to be made at the Councils standard fees easily. There are two homes that have declined to enter into a new contract with the Council for permanent care places. People can however choose to enter these homes providing that a third party payment is available. The Council will enter into an individual contract when required to ensure that the Choice of Accommodations legislation is adhered to. However this arrangement is no different to a home entering into the Councils standard contract and admitting people on a discretionary basis. Placements are therefore not affected by the position that these providers have chosen to adopt. Quality Assurance Inspections may be restricted by a standard contract not being in place.</p>	<p>Ensure that all assessment and review staff are able to provide the Councils guidance for people that require residential care and their families and are able to explain the options available to them and the Choice of accommodations legislation.</p> <p>Make publically available a list of all homes that offer places at the Councils rates and those that charge a top ups. This will also be accessible through the Councils website.</p> <p>Offer a standard contract to these homes so they can operate on the same basis of all other homes and admit people on a discretionary basis or subject to a third party being available. The contract will be revised to complement the Fee Setting process and decision making.</p>	<p>Chris Beyga</p> <p>Debbie Ditchfield</p> <p>Amanda Kelly</p>	<p>July 2013</p> <p>July 2013</p> <p>September 2013</p>	

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5. Older People and disabled	<p>Negative - Old Contracts that pay the 2010/2011 fee rates remain in place at 8 homes and apply to 71 people all of whom were resident in the home of their choice prior to 11 April 2011. The residents are named in the contracts issued and are therefore part of a reducing population. 71 people represent 2% of the places funded by the Council.</p> <p>The Council is to consider terminating the remaining individual placements and provide funding at the usual fees now proposed only subject to review.</p> <p>Families will be anxious and concerned about the possibility of their relative having to relocate to an affordable home.</p>	<p>Undertake individual reviews of all people funded at 2010/2011 rates. Termination of the funding arrangements will be subject to the outcome of the review and consider the best interests on an individual basis.</p> <p>Ensure that all homes have a new contract in place or individual contracts are offered where appropriate.</p> <p>Write directly to all the service users and families that have been supported under the old contract and provide clarification.</p>	<p>Chis Beyga</p> <p>Debbie Ditchfield</p> <p>Amanda Kelly</p>	<p>September 2013</p> <p>September 2013</p> <p>September 2013</p>	
6. Older People and disabled	<p>Negative – People who self fund that subsequently qualify for DASS funding may be adversely affected where the home involved does not accept the local authority fees or will only do so if a third party payment is available. Funding arrangements are examined on an individual basis and may involve third party payments. The risk of needing to relocate to alternative accommodation is low.</p>	<p>Issue guidance for self funders and their families to explain the options available to them and the Choices of accommodations legislation.</p>	<p>Amanda Kelly</p>	<p>September 2013</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
7 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 £395 2012/2013 to £401 in the current proposal</p> <p>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 Only 9 homes out of 41 homes have a capacity of 37 beds or more. As a consequence 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.</p> <p>The averaged size residential home is 27 beds however 218 people are funded in homes of less than 25 beds. The Council has built its model on 37 beds in recognition that it cannot set its fees based on an inefficient size of operation. This increases the risk of closure and also the business need to charge top ups. Occupancy is currently at 92% for all residential homes regardless of size.</p>	<p>The Council has offered support from the Finance Team to review the business model of homes on an individual basis to enable them to work within the fees proposed.</p> <p>Homes of less than 37 beds will be contacted directly to assess their stability. The Council has identified 9 homes where the risk is potential high and will look to engage with these homes as a priority.</p> <p>The Council's Home Closure Policy would be followed to ensure appropriate action is taken.</p> <p>It should be noted that only one home of 14 beds closed in 2012.</p>	Head of Finance	<p>September 2013 onwards</p> <p>September 2013</p> <p>September 2013</p>	

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8 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 £425 2012/2013 to £439 in the current proposal.</p> <p>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.</p> <p>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 Only 6 homes out of 13 homes offering dementia places have a capacity of 37 beds or more and 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 has offered support from the Finance Team to review the business model of homes on an individual basis to enable them to work within the fees proposed.</p> <p>Homes of less than 37 beds will be contacted directly to assess their stability.</p> <p>The Council's Home Closure Policy would be followed to ensure appropriate action is taken</p>	Head of Finance	<p>September 2013 onwards</p> <p>September 2013</p> <p>September 2013</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
9 Older People and disabled	<p>FEE PROPOSAL NURSING Fee based on 45 beds at 95% Occupancy</p> <p>Positive The Council contribution towards the cost of nursing care bed has been increased from 2012/2013. Taking into account the FNC payment provided by the NHS to fund nursing care the overall fee which a home receives per bed has reduced by £2.21 from £537 in 2012/2013 to the proposed £534.79.</p> <p>The financial impact of this will be a reduction of £115.23 per bed per annum. On average 75% of beds in a nursing home are funded by the Council.</p> <p>The reduced income for a 45 bed nursing home with 75% occupancy funded by the Council and NHS would be £3,900 per annum. The Council does not therefore anticipate that overall reduction in payment would destabilise the market or result directly in home closures. Home closures can however happen for a variety of reasons and cannot be ruled out.</p> <p>Negative There are currently 23 out of 41 homes that have a capacity of less than 45 beds. As a consequence these homes would be more 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 has offered support from the Finance Team to review the business model of homes on an individual basis to enable them to work within the fees proposed.</p> <p>Homes of less than 45 beds will be contacted directly to assess their stability.</p> <p>The Council's Home Closure Policy would be followed to ensure appropriate action is taken</p> <p>The Council has and continues to actively engage with Wirral CCG to ensure oversight of this element of the market for health and social care. The CCG will consider quality incentives from 2014/15.</p>	<p>Head of Finance</p> <p>Sarah Quinn, Wirral CCG</p> <p>Debbie Ditchfield</p>	<p>September 2013</p> <p>September 2013</p> <p>September 2013</p> <p>January 2014</p> <p>September 2013</p>	

		Make publically available a list of all homes that offer places at the Councils rates and those that charge a top ups. This will also be accessible through the Councils website.			
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
10 Older People and disabled	<p>FEE PROPOSAL NURSING EMI Fee based on 45 beds at 95% Occupancy</p> <p>Positive The Council contribution towards the cost of nursing care bed has been increased from 2012/2013. Taking into account the FNC payment provided by the NHS to fund nursing care the overall fee which a home receives per bed has reduced by £2.22 from £552.01 in 2012/2013 to the proposed £549.79..</p> <p>The financial impact of this will be a reduction of £115.75 per bed per annum. On average 75% of beds in a nursing home are funded by the Council.</p> <p>The reduced income for a 45 bed nursing home with 75% occupancy funded by the Council and NHS would be £3,900 per annual. The Council does not therefore anticipate that overall reduction in payment would destabilise the market or result directly in home closures. Home closures can however happen for a variety of reasons and cannot be ruled out.</p> <p>Negative</p>	<p>The Council has offered support from the Finance Team to review the business model of homes on an individual basis to enable them to work within the fees proposed.</p> <p>Homes of less than 45 beds will be contacted directly to assess their stability.</p> <p>The Council's Home Closure Policy would be followed to ensure appropriate action is taken</p> <p>As indicated the Council and Wirral CCG are actively considering the market position of Nursing Home Care. Wirral CCG will consider Quality incentives from 2014/15.</p>	Head of Finance	<p>September 2013</p> <p>September 2013</p> <p>September 2013</p>	

	<p>Due to the flexibility introduced CQC in relation to registration the Council has 5 Nursing homes dedicated to dementia care and 13 homes that provide dementia places as part of their care offering through dedicated units.</p> <p>There are currently 6 out of 18 Nursing homes providing dementia care that have a capacity of less than 45 beds. As a consequence these homes would be more 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>Make publically available a list of all homes that offer places at the Councils rates and those that charge a top ups. This will also be accessible through the Councils website.</p>	<p>Debbie Ditchfield</p>	<p>September 2013</p>	
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11. 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.</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>	Head of Delivery	September 2013 onwards as required	

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

Capacity in the Market is monitored in the Quality Assurance Team/Care Quality Commission, sharing market intelligence

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

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

1. Laing and Buisson Report Wirral April 2011
2. Market Intelligence re Top up, market capacity, vacancies, trends across North West Local Authorities, Safeguarding trends and analysis and council funded places.(noting the Wirral Market Position Statement)
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 launched a consultation process on 19 April 2013 which concluded on 30 June 2013. The Council also invited individual questions from home owners during this period which were subsequently shared with all home owners including responses. The consultation has also involved regular meetings with the Residential Forum and the Wirral Care Homes Association Limited. The information from this process has been collated to inform and update the Wirral Model.

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 meetings with the Wirral Care Homes Association.

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?**