

## Equality Impact Assessment

### Section 1: Your details

**EIA lead Officer:** Mal Price

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**Head of Section:** Paul Cook

**Chief Officer:** Graham Hodkinson

**Department:** Adult Social Services

**Date:** 24.01.13

### Section 2: What Council proposal is being assessed?

Options and recommendations with regard to fees paid by the Council to independent sector residential and nursing homes for older people.

The process ensures that the 'usual cost' the council pays for its social care placements in care homes is set at a level it would expect to pay to meet the 'usual cost of care and accommodation' needs of the individuals receiving the service.

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 and balance this against paying a fair fee that does not disadvantage or discriminate against particular groups of people.

The fees paid to specialist mental health and Learning Disability homes will be subject to separate proposals in 2013/2014 which will build on the work undertaken in proposing the fee levels for Older 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 - 7 February 2013

Please add hyperlink to where your EIA is/will be published on the Council's website (see your Departmental Equality Group Chair for appropriate hyperlink)

.....

**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)

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](mailto: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](mailto: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.**

<b>Which group(s) of people could be affected</b>	<b>Potential positive or negative impact</b>	<b>Action required to mitigate any potential negative impact</b>	<b>Lead person</b>	<b>Timescale</b>	<b>Resource implications</b>
	<b>General Market Issues</b>				
1. Older People and disabled	<b>Positive</b> – The proposals being considered represent an increase in fees and therefore additional investment in market to ensure that that the demand for residential based care can be met. The increase in fees has the potential to increase the number of homes operating at the Councils standard rate.				
2. Older People and disabled	<b>Positive</b> – 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.				
3. Older People and disabled	<b>Positive</b> – Short Term and Respite Care The proposed increase in fees could make the provision of respite more attractive to home owners and support a range of service user requirements.				

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><b>Negative</b> - New Service Users requiring Residential or Nursing home care.</p> <p>At present 50% of homes have indicated that they charge a top up on new places. This does not suggest that all existing service users pay a top up.</p> <p>This has the potential to reduce choice for people without a third party contribution.</p>	Develop guidance for service users and their families to explain the options available to them and the Choices of accommodations legislation. Also ensure that information provided to service users clearly identifies contracted homes that offer places at the Councils rates and those that charge a top ups.	M Price	March 2013	
5. Older People and disabled	<p><b>Negative</b> - Old Contracts that have continued to pay the 2010/2011 fee rates will be terminated where the home has also signed a new contract.</p> <p>Homes that do not sign the new contract and agree to the council's usual fees would not be available to council funded residents in accordance with the Choice of Accommodations Legislation. This may reduce choice in the market.</p> <p>Homes that do not accept the new rates and do not wish continue to provide places at the 2010/2011 rates to the listed individuals may serve notice on the individuals concerned thereby placing them at risk of relocation.</p>	<p>Homes that have not entered into the new contract will continue to operate under the old contract for the named residents until their residency ends or the home signs a new contract accepting the council's usual cost fee for 2012/2013.</p> <p>The offer of a new contract will remain open to all home owners. Under the new contract all resident would be paid at the council's usual fee for 2012/2013. Homes are not compelled to offer places at Councils rates and can charge more if they wish and provided they have a contract in place would be able offer places to people who have a third party payment available to them.</p>	<p>M Price</p> <p>M Price</p>	<p>March 2013</p> <p>March 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
5. continued		Write directly to all the service users and families that have been supported under the old contract and provide clarification.	M Price	February 2013	
6. Older People and disabled	<b>Negative</b> – Self funding Service Users that subsequently qualify for DASS funding may be adversely affected where the home involved does not accept the local authority fees. 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.	Develop guidance for self funders and their families to explain the options available to them and the Choices of accommodations legislation.	M Price	February 2013	
	<b>Proposal Issues</b>				
7. Older People and disabled	<p><b>OPTION 2 RESIDENTIAL - including EMI Fee based on 50 Beds at 90% occupancy</b></p> <p><b>Positive</b> Setting the occupancy level at 90% allows homes to more readily accept respite placements in that it recognises that respite can create gaps in occupancy. The full capital return value is achieved at a 90%. Returns also increase if occupancy of 90% or more is achieved.</p> <p><b>Negative</b> There are only 5 residential homes with a capacity of 50 beds or more. As a consequence homes with less than 50 beds would be more motivated to introduce a third party payment. A third party arrangement may not be available to all service users thereby reducing choice.</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 25 beds will be contacted directly to assess their stability followed by the balance of homes with less than 50 beds.</p>	Head of Finance	<p>October 2012 Onwards</p> <p>February 2013</p>	

	Due to the low number of homes having 50 beds or more this proposal has an increased risk of closures	The Council's Home Closure Policy would be followed to ensure appropriate action is taken.		February 2013	
<b>Which group(s) of people could be affected</b>	<b>Potential positive or negative impact</b>	<b>Action required to mitigate any potential negative impact</b>	<b>Lead person</b>	<b>Timescale</b>	<b>Resource implications</b>
8 Older People and disabled	<p><b>OPTION 2 NURSING -including EMI Fee based on 50 Beds at 90% occupancy</b></p> <p><b>Positive</b> Setting the occupancy level at 90% allows homes to more readily accept respite placements thereby increasing availability. The full capital return value is achieved at 90% occupancy making the home more stable beyond this level.</p> <p><b>Negative</b> There are currently only 12 out of 42 homes that have a capacity of 50 beds or more. As a consequence homes with less than 50 beds would 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>Due to the low number of homes having 50 beds or more this proposal has an increased risk of closures</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 25 beds will be contacted directly to assess their stability followed by the balance of homes with less than 50 beds.</p> <p>The Council's Home Closure Policy would be followed to ensure appropriate action is taken</p>	Head of Finance	<p>From October 2012 onwards</p> <p>February 2013</p> <p>February 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><b>OPTION NEW RESIDENTIAL including EMI</b>  <b>Fee based on 37 beds at 95% Occupancy</b></p> <p><b>Positive</b>  Basing the model on the average number of beds in the market will increase stability in the market. The increase in fees although small also has the potential to increase the number of places available at the Councils usual cost  None identified</p> <p><b>Negative</b>  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 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>From October 2012 onwards</p> <p>February 2013</p> <p>February 2013</p>	

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10 Older People and disabled	<p><b>OPTION NEW NURSING -including EMI</b>  <b>Fee based on 37 beds at 95% Occupancy</b></p> <p><b>Positive</b>  Basing the model on the average number of beds in the market will increase stability in the market. The increase in fees although small has the potential to increase the number of places available at the Councils usual cost</p> <p><b>Negative</b>  There are currently 24 out of 41 homes that 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 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>From October 2012 onwards</p> <p>February 2013</p> <p>February 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
11. Older People and disabled	<p>It is recognised that some homes may 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 of a third party contribution.</p> <p><b>Negative;</b> 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 Assessment Services	February 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  
Homes are asked on a regular basis to confirm any additional charges they levy. Taking responsibility to pay and recover third party top ups from September 2013 will increase market intelligence in this area.

**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, council funded places..
3. Questionnaire completed by Home Owners February 2012
4. Consultation feedback received in relation to the Option 2 Proposals as presented to Cabinet on 18 October 2012
5. Experience of current practice

**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 22 October 2012 and accepted written feedback to 26 November 2012. The Council also invited individual questions from home owners during this period which were subsequently shared with all home owners including responses.

**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](mailto: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.

Before you complete your consultation, please email your preliminary EIA to [equalitywatch@wirral.gov.uk](mailto: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](mailto: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](mailto: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](mailto:equalitywatch@wirral.gov.uk) via your Chief Officer for re-publishing?**