

## Equalities Comprehensive Impact Assessment

Reference: ECIA435099035

Submitted: 06 July 2022 20:52 PM

### Executive summary

**Title of policy / decision:** Health & Care Act 2022 – Adult Social Care Reforms

**Policy / decision type:** Cabinet Decision

**Overview of policy / decision:** This Equalities Comprehensive Impact Assessment reviews the available evidence to consider the equalities impact of both Social Care charging reforms being introduced in England by the Government, including the introduction of a capped cost model based upon the principles set out by the Dilnot Commission (to be implemented in October 2023) and the new national CQC assurance regime.

Details of the implementation of this policy have been published by the Government in Build back-better: our plan for health and social care, and include:

a cap of on the costs to meet their eligible care and support needs for adult residents in England of £86,000

individuals in residential care will be responsible for daily living costs (DLCs), with means tested support available on the same basis as for care costs. Individuals may also pay top ups for their preferred choice of accommodation. Neither DLCs nor top ups will contribute towards the cap

after reaching the cap individuals in residential care will remain responsible for a contribution towards DLCs, with means tested support available on the same basis as for care costs

for each person with eligible needs, the local authority must provide either a personal budget (PB), where the local authority is going to meet the person's needs, or an independent personal budget (IPB), where the person is meeting their own eligible needs. People will progress towards the cap at the rate set out in their PB or IPB, less any local authority financial support they may receive towards their cost should they fall within the means test

an "extended means test" – with the upper capital limit (UCL) rising to £100,000 and the lower capital limit (LCL) rising to £20,000

a tariff income (£1 per week for every £250) continues to be applied to those with assets between the lower and upper capital limits

the minimum income guarantee (MIG) in domiciliary and community care and the personal expenses allowance (PEA) for local authority supported residential care residents will be unfrozen for all adults from April 2022

The aspects of this policy that individuals interact with and are affected by will depend upon their personal care needs as well as their income, assets and wealth.

Local authorities with social care responsibility are legally required to implement these changes in compliance with the emerging regulatory framework and guidance. At this stage the Cabinet Decision associated with this ECIA requests access to the necessary resources to establish the programme required to deliver this package of

reforms. Further ECIA's may be required for individual strands of the reforms as detail on local implementation becomes clear.

**What outcome(s) are you hoping to achieve?:** The primary objective of the charging reform package is to address the risk individuals face due to unlimited care costs. The national assurance regime aims to quality assure our social care offer.

**Executive Director responsible for policy / decision:** Nick Presmeg (Adult Social Care (DASS))

**Cabinet Member responsible for policy / decision:** John Spence (Health and Adult Social Care)

**Is this a new policy / decision or a change to an existing one?:** New policy / decision

**How will the impact of the policy / decision be monitored and evaluated?:** A project approach will be taken to the implementation of these reforms. The deputy DASS will be the sponsor for this work supported with regular Steering Board meetings which will consider risks and issues as they arise in planning for October 2023 deadline. Learning will also be taken from the national programme of early adopter sites.

**Will this policy / decision impact on:**

**Service users:** Yes

**Employees:** Yes

**Wider community or groups of people:** Yes

**What strategic priorities will this policy / decision support?:** Health, Independence and Wellbeing for All Ages

**Which strategic priorities does this support? - Health:** Promoting independence

**What geographical areas of Essex will the policy / decision affect?:** All Essex

## Digital accessibility

**Is the new or revised policy linked to a digital service (website, system or application)?:** No

## Equalities - Groups with protected characteristics

### Age

**Nature of impact:** Positive

**Extent of impact:** Medium

### Disability - learning disability

**Nature of impact:** Positive

**Extent of impact:** Medium

### Disability - mental health issues

**Nature of impact:** Positive

**Extent of impact:** Medium

### Disability - physical impairment

**Nature of impact:** Positive

**Extent of impact:** Medium

### **Disability - sensory impairment**

**Nature of impact:** Positive

**Extent of impact:** Medium

### **Sex**

**Nature of impact:** Positive

**Extent of impact:** Medium

### **Gender reassignment**

**Nature of impact:** Positive

**Extent of impact:** Medium

### **Marriage / civil partnership**

**Nature of impact:** Positive

**Extent of impact:** Medium

### **Pregnancy / maternity**

**Nature of impact:** Positive

**Extent of impact:** Medium

### **Race**

**Nature of impact:** Positive

**Extent of impact:** Medium

### **Religion / belief**

**Nature of impact:** Positive

**Extent of impact:** Medium

### **Sexual orientation**

**Nature of impact:** Positive

**Extent of impact:** Medium

**Rationale for assessment, including data used to assess the impact:** The overall impact of this policy is expected be positive, based on the national Equality Impact Assessment (EQIA) provided by the Government to support the change. The reforms should provide people - both older people and working age adults - with financial protection from very high care costs and give them the peace of mind from knowing that they have this protection. Moreover, the policy also aims to increase the protection of those with lower wealth and incomes who fall under the means-test.

The aspects of this policy that individuals interact with and are affected by will depend upon their personal care needs as well as their income, assets and wealth, hence the overall rating of medium.

The evidence supporting this assessment is set out in the national EQIA which can be accessed here:

<https://www.gov.uk/government/publications/build-back-better-our-plan-for-health-and-social-care/adult-social-care-charging-reform-public-sector-equalities-duty-impact-assessment#:~:text=Social%20care%20charging%20reform%20equality%20impact%20assessment&text=individu>

National modelling work by CCN/NewtonEurope released May 2022 suggests that for Essex approx. 30% of over 65's eligible for care will benefit from the increase in the minimum threshold from £14,250 to £20,000 and become fully funded by the Council. A further 34%-40% will become eligible for some help towards the costs of their care with the upper limit raised from £23,250 to £100,000. In addition, the 9%-12% estimated to have assets greater than £100,000 will be able to ask the Councils to arrange their care, benefiting from ECC expertise and contracts. The national modelling work by CCN/NewtonEurope estimated that 98% of working age adults receiving care have chargeable assets under £14,250 so would not be greatly impacted by the change in the thresholds. All client groups could benefit from the cap on care costs depending on how long they have eligible care needs for.

**What actions have already been taken to mitigate any negative impacts:**

## **Levelling up - Priority areas & cohorts**

**Children and adults with SEND, learning disabilities or mental health conditions (taking an all-age approach)**

**Nature of impact:** Positive

**Extent of impact:** High

**Children on Free School Meals**

**Nature of impact:** None

**Working families**

**Nature of impact:** None

**Young adults (16-25 who have not been in education, training or employment for around 6-12 months)**

**Nature of impact:** None

**Harlow**

**Nature of impact:** None

**Jaywick and Clacton**

**Nature of impact:** None

**Harwich**

**Nature of impact:** None

**Basildon (Town) housing estates**

**Nature of impact:** None

## **Canvey Island**

**Nature of impact:** None

## **Colchester (Town) - Housing Estates**

**Nature of impact:** None

## **Rural North of the Braintree District**

**Nature of impact:** None

**Rationale for assessment, including data used to assess the impact:** The changes impact Adult Social Care and to a lesser extent young people who will be transitioning to adult services. They represent a fundamental reform of the way adult social care operates, and have a statutory basis. The impact of the changes is set out above.

**What actions have already been taken to mitigate any negative impacts:**

## **Equalities - Inclusion health groups and other priority groups**

### **Refugees / asylum seekers**

**Nature of impact:** None

### **Homeless / rough sleepers**

**Nature of impact:** None

### **Offenders / ex-offenders**

**Nature of impact:** None

### **Carers**

**Nature of impact:** None

### **Looked after children**

**Nature of impact:** None

### **Veterans**

**Nature of impact:** None

### **People who are unemployed / economically inactive**

**Nature of impact:** None

### **People on low income**

**Nature of impact:** None

### **Working families**

**Nature of impact:** None

**Rationale for assessment, including data used to assess the impact:** Not in the scope of the legislative

changes.

**What actions have already been taken to mitigate any negative impacts:**

## **Equalities - Geographical Groups**

**People living in areas of high deprivation**

**Nature of impact:** None

**People living in rural or isolated areas**

**Nature of impact:** None

**People living in coastal areas**

**Nature of impact:** None

**People living in urban or over-populated areas**

**Nature of impact:** None

**Rationale for assessment, including data used to assess the impact:** Not in the scope of the legislative changes.

**What actions have already been taken to mitigate any negative impacts:**

## **Families**

**Family formation (e.g. to become or live as a couple, the ability to live with or apart from children)**

**Nature of impact:** None

**Families going through key transitions e.g. becoming parents, getting married, fostering or adopting, bereavement, redundancy, new caring responsibilities, onset of a long-term health condition**

**Nature of impact:** Positive

**Extent of impact:** Medium

**Family members' ability to play a full role in family life, including with respect to parenting and other caring responsibilities**

**Nature of impact:** Positive

**Extent of impact:** Medium

**Families before, during and after couple separation**

**Nature of impact:** None

**Families most at risk of deterioration of relationship quality and breakdown**

**Nature of impact:** None

**Rationale for assessment, including data used to assess the impact:** To the extent that the adults are accessing adult social care the two groups identified may benefit from the changes.

**What actions have already been taken to mitigate any negative impacts:**

## Climate

**Does your decision / policy involve elements connected to the built environment / energy?:** No

**Does your decision / policy involve designing service provision and procurement to minimise freight and staff travel and enable use of active and public transport options?:** No

**Does your decision / policy involve elements connected to waste?:** No

## Action plan to address and monitor adverse impacts

**Does your ECIA indicate that the policy or decision would have a medium or high adverse impact on one or more of the groups / areas identified?:** No

## Details of person completing the form

**I confirm that this has been completed based on the best information available and in following ECC guidance:** I confirm that this has been completed based on the best information available and in following ECC guidance

**Date ECIA completed:** 06/07/2022

**Name of person completing the ECIA:** Kate Bristow

**Email address of person completing the ECIA:** Kate.Bristow@essex.gov.uk

**Your function:** People and Transformation

**Your service area:** Programme and Project Management Support

**Your team:** Transformation Delivery & Support

**Are you submitting this ECIA on behalf of another function, service area or team?:** Yes

**Function:** Adult Social Care

**Service area:**

**Team:**

**Email address of Head of Service:** patrick.warrenhiggs@essex.gov.uk