

## Stage 1 Equality Impact Assessment – Initial Screening

<b>Assessor's Name:</b>	Catherine Smith-Ivory Helen Babington
<b>Directorate:</b>	Community Wellbeing and Social Care Directorate
<b>Date of Completion:</b>	19 <sup>th</sup> September 2016

### Name of Policy/Strategy/Service/Function Proposal

#### Deferred Payment Agreement Policy

The Policy has been refreshed in light of the Care Act 2014 and the Care and Support statutory guidance being updated and provides advice and practical guidance on the operation of Deferred Payment Agreements to business support staff. The policy also explains fees and charges, including an administration / joining fee together with the introduction of an annual fee for all service users who meet the criteria and wish to utilise the Deferred Payment Agreement (DPS).

People who go into permanent residential or nursing care may need to sell their property to pay the care home fees. Where there is a delay in selling the property or they do not want to sell the property immediately, payment can be deferred. If the local authority pays the care home fees it will recover the payment from the proceeds of sale once the property is sold. This is known as a deferred payment agreement (DPS).

A deferred payment agreement is only available if the care home resident has insufficient income to pay for residential care and has less savings than the upper capital limit which is currently £23,250. In these circumstances, the savings do not include the value of their property, but do include other savings such as money in bank accounts.

How the deferred payment agreement works:-

The local authority will enter into an agreement with the care home resident to put a legal charge (similar to a mortgage) on the care home resident's property. The local authority then pays the residential care fees in full. The resident is assessed to see whether they're able to pay a weekly charge to the authority. Their ability to pay the weekly charge is based on their income less the personal expenses allowance. Repayment of the money borrowed is deferred until the property is sold or the resident dies.

Under the Care Act 2014 local authorities must offer the deferred payments agreement. However, local authorities have the choice of agreeing to individual cases based on qualifying criteria.

The DPS is available for application to any service user who meets the criteria from the age of 18 years and upwards, whose needs are met in long-term residential or nursing care and who owns a property.

Under the Care Act 2014, the local authority is able to run the scheme on a cost-neutral basis and therefore the Act allows the new policy to introduce the administration / joining fee, the annual fee, the valuation fee and the application of compound interest from the first day of the signed agreement. (Currently the Local Authority receives no additional funding to provide this scheme, and therefore the associated costs have to be absorbed by the Local Authority, without any current means of recovering these).

The previous April 2015 policy was refreshed during an annual review in May-September 2016 and it was agreed to update with the September 2016 version, revising the interest rate to 1.85% from 1<sup>st</sup> July 2016 to 31<sup>st</sup> December 2016.

### The Aims, Objectives and Expected Outcomes

Aim: as above

Objective: To update in line with the Care Act 2014 and provide a clear and comprehensive Policy which outlines the circumstances under which a Deferred Payment Agreement will be entered into by the Isle of Wight Council and conditions to which the service must adhere to. The Isle of Wight Council already operates a Deferred Payment Agreement. The new Policy seeks to reflect the changes required under the Care Act 2014. The Policy explains fees and charges in respect of the Deferred Payment Scheme which will include the administration and legal fees appertaining to the scheme.

Expected Outcome:

To have a clear and transparent Policy outlining the criteria for the Deferred Payment Agreement offered to service users in long-term residential or nursing care. Service users who fulfil the criteria for DPS, and are accepted, will be required to pay a one-off administration / joining fee (£1000) and a valuation fee (£150 + VAT) at the point of entering into the scheme.

- The Policy has been updated in line with the Care Act 2014 and the Care and Support statutory guidance.

### Key Questions to Consider in Assessing Potential Impact

Will the policy, strategy, service or council function proposal have a negative impact on any of the protected characteristics or other reasons that are relevant issues for the local community and/or staff?	No
Has previous consultation identified this issue as important or highlighted negative impact and/or we have created a legitimate expectation for consultation to take place?	No
Do different groups of people within the local community have different needs or experiences in the area this issue relates to?	No
Could the aims of these proposals be in conflict with the council's general duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not?	No
Will the proposal have a significant effect on how services or a council function/s is/are delivered?	No
Will the proposal have a significant effect on how other organisations operate?	No
Does the proposal involve a significant commitment of resources?	No
Does the proposal relate to an area where there are known inequalities?	No

If you answer **Yes** to any of these questions, it will be necessary for you to proceed to a full Equality Impact Assessment

If you answer **No** to all of these questions, please provide appropriate evidence using the table below and complete the evidence considerations box and obtain sign off from your Head of Service.

Protected Characteristics	Positive	Negative	No impact	Reasons
Age		X		Long-term residential or nursing care service users who are aged over 18 years old (and therefore liable for charging) <i>and</i> meet the criteria to join the scheme, will be liable to pay the fees and charges under this scheme. The application process does not discriminate against any particular protected characteristic, however, due to the fact that there is a higher proportion of the elderly in residential accommodation, it will have a greater impact on this group. The impact is mitigated by the fact that the scheme is voluntary. It is also mitigated by the fact that although the fees and charges will be applied, these can be deferred, albeit they will be subject to interest.
Disability		X		Long-term residential or nursing care service users who are aged over 18 years old (and therefore liable for charging) <i>and</i> meet the criteria to join the scheme, will be liable to pay the fees and charges under this scheme. The application process does not discriminate against any particular protected characteristic, however due to the fact that there is a higher proportion of the disabled in residential accommodation, it will have a greater impact on this group. The impact is mitigated by the fact that the scheme is voluntary. It is also mitigated by the fact that although the fees and charges will be applied these can be deferred albeit they will be subject to interest.
Gender Reassignment			X	Long-term residential or nursing care service users who are aged over 18 years old (and therefore liable for charging) <i>and</i> meet the criteria to join the scheme, will be liable to pay the fees and charges under this scheme. The application process does not discriminate against any particular protected characteristic and it is not anticipated that there will be any impact on this protected characteristic.
Marriage & Civil Partnership			X	Long-term residential or nursing care service users who are aged over 18 years old (and therefore liable for charging) <i>and</i> meet the criteria to join the scheme, will be liable to pay the fees and charges under this scheme. The application process does not discriminate against any particular protected characteristic. The property would be disregarded if

				occupied by a spouse or civil partner and therefore there will be no impact on this protected characteristic.
Pregnancy & Maternity			X	Long-term residential or nursing care service users who are aged over 18 years old (and therefore liable for charging) <i>and</i> meet the criteria to join the scheme, will be liable to pay the fees and charges under this scheme. The application process does not discriminate against any particular protected characteristic and it is not anticipated that there will be any negative impact on this protected characteristic.
Race			X	Long-term residential or nursing care service users who are aged over 18 years old (and therefore liable for charging) <i>and</i> meet the criteria to join the scheme, will be liable to pay the fees and charges under this scheme. The application process does not discriminate against any particular protected characteristic and it is not anticipated that there will be any negative impact on this protected characteristic.
Religion / Belief			X	Long-term residential or nursing care service users who are aged over 18 years old (and therefore liable for charging) <i>and</i> meet the criteria to join the scheme, will be liable to pay the fees and charges under this scheme. The application process does not discriminate against any particular protected characteristic and it is not anticipated that there will be any negative impact on this protected characteristic.
Sex (male / female)			X	<p>Long-term residential or nursing care service users who are aged over 18 years old (and therefore liable for charging) <i>and</i> meet the criteria to join the scheme, will be liable to pay the fees and charges under this scheme. The application process does not discriminate against any particular protected characteristic and it is not anticipated that there will be any negative impact on this protected characteristic.</p> <p>Currently 79% of females and 17% of males with an open Deferred Payment Agreement or Section 22 charges security property debt. in residential care on the Isle of Wight. This may impact on the females due to longer life expectancy.</p>
Sexual Orientation			X	Long-term residential or nursing care service users who are aged over 18 years old (and therefore liable for charging) <i>and</i> meet the criteria to join the scheme, will be liable to pay the fees and charges under this scheme. The application process does not discriminate against any particular protected characteristic and it is not anticipated that there will be any negative impact on this protected characteristic.

Are there aspects of the proposal that contribute to or improve the opportunity for equality?	Yes
The DPS is open for application to all long-term residential or nursing care services users who own a property, and meet the criteria, regardless of their protected characteristics.	

Evidence Considered During Screening	
Evidence from NAFAO and local benchmarking shows that currently the majority of Local Authorities apply a charge to join the DPS and have been applying these charges for some time. The Care Act 2014 and Care and Support statutory guidance dictates that all local authorities must operate a robust DPS available for all eligible service users.	
Head of Service Sign off:	Claire Foreman (Interim DASS) <i>C. Foreman</i>
Advice sought from Legal Services (Name)	Helen Miles / Vicky Parker
Date	19 <sup>th</sup> September 2016

The Deferred Payment Agreement Policy can be located on the Adult Social Care Intranet site and/or can be accessed under the documents tab, 'D' and named Deferred Payment Agreement Policy.

An Officer Decision Record (ODR) has also been completed and is filed within Adult Social Care's ICT system.

