

## Stage 1 Equality Impact Assessment – Initial Screening

<b>Assessor(s) Name(s):</b>	Catherine Smith-Ivory
<b>Directorate:</b>	Adult Social Care and Community Wellbeing
<b>Date of Completion:</b>	3 <sup>rd</sup> October 2018

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

#### Ordinary Residence and Continuity of Care Policy

The Care Act 2014 provides clarity about which local authority is responsible for a person's care and support, depending on where the individual lives or spends the majority of their time. It is clear that the process of determining a person's ordinary residence must not delay the process of meeting needs. In cases where ordinary residence is unclear, the local authority should meet the individual's needs first and then resolve the question of residence.

The Policy explains in detail how the Isle of Wight council determines and manages ordinary residence. It describes how they will work with other local authorities to provide care and support without delay. Any dispute will not impact on the individual and will be resolved as quickly as possible.

### The Aims, Objectives and Expected Outcomes:

Please delete as appropriate:

- This is an update from v1.0 Ordinary Residence policy (August 2016) that has been reviewed in line with the Local Government Association Ordinary Residence Guide (August 2018).

## 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 – the intention is to provide support to all those who meet the ordinary residence criteria regardless of protected characteristic.
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? A legitimate expectation may be created when we have consulted on similar issues in the past or if we have ever given an indication that we would consult in such situations	No – the policy has been written as response to statutory duty under the Care Act and has been agreed by the DASS, ASC Senior Managers and Group Managers.
Do different groups of people within the local community have different needs or experiences in the area this issue relates to?	Yes – people are individuals so each will have differing needs.
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
<p>If you answer <b>Yes</b> to any of these questions, it will be necessary for you to proceed to a full Equality Impact Assessment after you have completed the rest of this initial screening form.</p> <p>If you answer <b>No</b> 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.</p>	

Protected Characteristics	Positive	Negative	No impact	Reasons
Age			✓	The process will be applied equitably to ensure that we meet the needs of the diverse range of people aged over 18 years of age who meet the criteria for this particular policy regardless of their age.
Disability			✓	The process will be applied equitably to ensure that we meet the needs of the diverse range of people who meet the criteria regardless of their disability.
Gender Reassignment			✓	The policy will ensure that procedures followed and decision made are carried out in a consistent and transparent manner and applied with equity irrespective of a person's status with regard to gender reassignment.
Marriage & Civil Partnership			✓	The policy will ensure that the procedures followed and decision made are carried out in a consistent and transparent manner and applied with equity irrespective of a person's marriage or civil partnership status.
Pregnancy & Maternity			✓	The policy will ensure that the procedures followed and decision made are carried out in a consistent and transparent manner and applied with equity irrespective of a person's pregnancy or maternity status.
Race			✓	The policy will ensure that the procedures followed and decision made are carried out in a consistent and transparent manner and applied with equity irrespective of a person's race or ethnic background.
Religion / Belief			✓	The policy will ensure that the procedures followed and decision made are carried out in a consistent and transparent manner and applied with equity irrespective of a person's religion or belief.
Sex (male / female)			✓	The policy will ensure that the procedures followed and decision made are carried out in a consistent and transparent manner and applied with equity irrespective of a person's gender.
Sexual Orientation			✓	The policy will ensure that procedures followed and decision made are carried out in a consistent and transparent manner and applied with equity irrespective of a person's sexual orientation.

<b>Are there aspects of the proposal that contribute to or improve the opportunity for equality?</b>	<b>Yes</b>
<p><i>If answered Yes, describe what these are and how they may be promoted or enhanced</i></p> <p>The policy clarifies the criteria of how to determine ordinary residence and which local authority has responsibility if the service user moves to another area.</p> <p>The policy explains how the council deals with cases where a person lacks capacity and/or suffers from mental health issues and various other aspects of Ordinary Residence.</p>	

<b>Evidence Considered During Screening</b>
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The policy has been formulated from legislation laid down in the Care Act 2014 & the Social Care Institute for Excellence (SCIE) Report 62.

[Local Government Association Ordinary Residence Guide \(August 2018\)](#)

[Care and Support Statutory Guidance.](#)

Further consultation and discussions have been carried out with the Leadership Group.

An Officer Decision Record (ODR) has been completed during the formation of this Policy.

Head of Service Sign off:	Carol Tozer
Advice sought from Legal Services (Name)	Garion Bird, Trainee Solicitor
Date	19 <sup>th</sup> October 2018

## Stage 2 Full Equality Impact Assessment

<b>Assessor(s)Name(s):</b>	Catherine Smith-Ivory
<b>Directorate:</b>	Adult Social Care and Community Wellbeing
<b>Date of Completion:</b>	3 <sup>rd</sup> October 2018

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

#### Ordinary Residence and Continuity of Care Policy

The Care Act 2014 provides clarity about which local authority is responsible for a person's care and support, depending on where the individual lives or spends the majority of their time. It is clear that the process of determining a person's ordinary residence must not delay the process of meeting needs. In cases where ordinary residence is unclear, the local authority should meet the individual's needs first and then resolve the question of residence.

The Policy explains in detail how the Isle of Wight council determines and manages ordinary residence. It describes how they will work with other local authorities to provide care and support without delay. Any dispute will not impact on the individual and will be resolved as quickly as possible

#### The Aims, Objectives and Expected Outcomes:

Ordinary residence is crucial in deciding which local authority is required to meet the needs in respect of adults with eligible social care and support needs. Whether the person is ordinarily resident in the area of the local authority is a key test in determining where responsibilities lie between local authorities for the funding and provision of care and support.

The Isle of Wight (IWC) council will work together cooperatively and proactively, to ensure that people moving between areas are provided with timely and effective support. Individuals will remain at the centre of the assessment and planning process and will be able to make informed choices about their preferred care and support arrangements, including location. This may involve appropriate support and/or advocacy. In the case of any uncertainty or dispute about funding arrangements, the IWC will meet the needs of the individual on a 'without prejudice' basis, until the issue is resolved.

The Policy applies to all situations where an ordinary residence determination must be made in relation to an adult before reaching a determination who has eligible social care needs. The decision will be made on a case by case basis.

Please delete as appropriate:

- This is an update from v1.0 Ordinary Residence policy (August 2016) that has been reviewed in line with the Local Government Association Ordinary Residence Guide (August 2018).

### **Scope of the Equality Impact Assessment**

The Isle of Wight Council is committed to meeting its obligations in the way it supports adults in receipt of ordinary residence and demonstrates an ongoing commitment to person-centred and personalised outcomes for individuals.

This policy is applicable to all ASC departmental staff in their day-to-day practice and the people they support who have eligible social care needs under ordinary residence.

This policy reflects the statutory guidance underpinning the Care Act 2014.

### **Analysis and assessment**

This policy will have no negative impact on those with protected characteristics. It will improve communication, training and information will have a positive effect on all people who require ordinary residence support irrespective of their protected characteristic.

### **Recommendations**

It is recommended that this policy is adopted as it will improve the opportunity for equality for people who require care and support and who are classed as an ordinary resident.

- Scheduled review in April 2020.

**Action/Improvement Plan**

The table below should be completed using the information from your equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Remove or lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact  (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Age	No			<p>Where someone meets the criteria for ordinary residence, then the Isle of Wight council has a duty to identify how to meet their eligible social care needs.</p> <p>The council will need to ensure staff are aware of the need to identify those who require ordinary residence, know how to facilitate and encourage that support.</p> <p>All of these actions outlined in the policy will happen whichever protected characteristic(s) they have.</p>
Disability	No			All issues relating to mental capacity should be decided with



Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact  (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
				reference to the Mental Capacity Act 2005.  Under Section 117 of the Mental Health Act 1983, the Isle of Wight council, together with the Clinical Commissioning Group have a duty to provide mental health aftercare services for people who have been detained in hospital for treatment under certain sections of the 1983 Act.
Gender Reassignment	No			As above
Marriage & Civil Partnership	No			As above
Pregnancy & Maternity	No			As above
Race	No			As above
Religion / Belief	No			As above
Sex (male or female)	No			As above
Sexual Orientation	No			As above

Summary	
<b>Date of Assessment:</b>	3 <sup>rd</sup> October 2018
<b>Signed off by Head of Service/Director</b>	Carol Tozer
<b>Review date</b>	April 2020
<b>Date published</b>	19 <sup>th</sup> October 2018

This Policy can be located on the Adult Social Care's Information and Advice webpage by [clicking here](#)

or

<https://www.iow.gov.uk/Residents/Care-Support-and-Housing/Adults-Services/Information-and-Advice/Adult-Social-Care-Policies>

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