

### Stage 1 Equality Impact Assessment – Initial Screening

<b>Assessor(s) Name(s):</b>	Catherine Smith-Ivory Matt Porter
<b>Directorate:</b>	Community Wellbeing and Social Care Directorate
<b>Date of Completion:</b>	9 <sup>th</sup> May 2017

### Name of Policy/Strategy/Service/Function Proposal: Third Party Top-Up Policy

On 1<sup>st</sup> April 2015 the rules regarding the charging of third party top ups for residential and nursing care changed. The Care and Support Statutory Guidance issued under the Care Act 2014 sets out the circumstances in which top ups may be changed.

The policy relates to accommodation types specified in the Care Act 2014:

- Residential / Nursing Care
- Supported Living accommodation

### The Aims, Objectives and Expected Outcomes:

The objective of updating the policy is to explain the way in which the Isle of Wight Council (IWC) manages top up payments, to clarify what a third party top up is and provide information and advice in a Third Party Top Up Leaflet. The policy defines the council's position on the arrangements for an additional top up, what happens when the council revises its standard residential care fees and the consequences when the person responsible for paying the top up does not maintain payments in accordance with the signed Third Party Top Up Agreement. The Policy details the criteria required for ending the Third Party Top Up Agreement and what individuals can do if they wish to make a complaint or appeal against a decision.

The previous Third Party Top Up Policy (v0.7 September 2015) has been refreshed in light of new leadership in Adult Social Care.

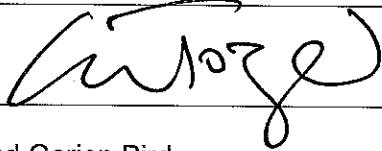
Please delete as appropriate:

- This is an update from the previous September 2015 policy.

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? 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
Do different groups of people within the local community have different needs or experiences in the area this issue relates to?	Yes
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?	Yes
Will the proposal have a significant effect on how other organisations operate?	Yes
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.

Are there aspects of the proposal that contribute to or improve the opportunity for equality?	Yes
<p><i>If answered Yes, describe what these are and how they may be promoted or enhanced</i></p> <p>The overarching aim of this Policy is to explain about top ups and ensure individuals know the full implications of choosing accommodation that is more expensive and that the additional cost will need to be met for the full duration of the time in the chosen accommodation. Should the additional cost not be met, the person will be moved to alternative accommodation that is within the assessed personal budget.</p> <p>The IWC wish to explain to all individuals (regardless of protected characteristic) the principles required for receiving a direct payment personal budget and their position to managing them.</p>	

Evidence Considered During Screening	
<p>The policy has been formulated from legislation laid down in the Care Act 2014.</p> <p><u>Annex A of the Care and Support Statutory Guidance.</u></p> <p>In March 2017 discussions were carried out with the Assistant Director of Social Services and in April 2017 a Third Party Project Team was formed to update the previous policy, internal processes and supporting documentation. Members included the Finance Group Manager, Service Lead, Finance Department, Financial Assessment and Charging Manager and Payments Team Leader.</p> <p>The Financial Assessment and Charging Manager will attend various department team meetings to explain the policy, processes and responsibilities in relation to third party top ups and embed into daily practice.</p> <p>An Officer Decision Record (ODR) has been completed during the formation of this Policy.</p>	
Head of Service Sign off:	Carol Tozer  11/5/17
Advice sought from Legal Services (Name)	Roger Merry and Garion Bird
Date	9 <sup>th</sup> May 2017

## Stage 2 Full Equality Impact Assessment

<b>Assessor(s)Name(s):</b>	Catherine Smith-Ivory
<b>Directorate:</b>	Community Wellbeing and Social Care Directorate
<b>Date of Completion:</b>	9 <sup>th</sup> May 2017

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

#### Third Party Top-Up Policy

On 1<sup>st</sup> April 2015, the rules regarding the charging of third party top-ups for residential and nursing care changed. The Care and Support Statutory Guidance issued under the Care Act 2014 sets out the circumstances in which top-ups may be changed.

The policy relates to accommodation types specified in the Care Act 2014:

- Residential / Nursing Care
- Supported Living accommodation

### The Aims, Objectives and Expected Outcomes:

The objective of updating the policy is to explain the way in which the Isle of Wight Council (IWC) manages top up payments and clarifies a third party top up is the difference between the amount the IWC will pay (as identified in the social care personal budget) and the money the provider requires for the placement. The policy defines the council's position on the arrangements for an additional top up, what happens when the council revises its standard residential care fees and the consequences when the person responsible for paying the top up does not maintain payments in accordance with the signed Third Party Top Up Agreement. The Policy details the criteria required for ending the Third Party Top Up Agreement and what individuals can do if they wish to make a complaint or Appeal against a decision.

The previous Third Party Top Up Policy (v0.7 September 2015) has been extensive refreshed in light of new leadership in Adult Social Care.

Please delete as appropriate:

- This is an update from the previous September 2015 policy.

### Scope of the Equality Impact Assessment

The Care and Support Statutory Guidance issued under the Care Act 2014 sets out how Local Authorities manage third party top ups in residential/nursing care and Supported Living accommodation. The framework ensures clarity and consistency around the IWC determinations on third party top ups and how they are managed. This policy reflects the legislative position.

The overarching aim of this Policy is to ensure individuals know the full implications of choosing a placement that is more expensive and that the additional cost will need to be met for the full duration of the time in the chosen accommodation. Should the additional cost not be met, the person will be moved to alternative accommodation that is within the personal budget.

The person agreeing to pay the top-up payment will also be asked to sign a Third Party Top-Up Agreement.

### Analysis and assessment

The Third Party Top Up policy has been refreshed to support Adult Social Care employees to adhere to the provisions of the Care Act 2014 and provide a comprehensive framework for individuals and providers. The Local Authority will support the process and clarify to everyone the council's position regarding third party top ups. The council wish to make it clear and easy for anyone trying to find information and a Third Party Top Up Factsheet has been created to support individuals.

### Recommendations

*Please summarise the main recommendations arising from the assessment. If it is not possible to diminish negative impacts to an acceptable or even a lawful level the recommendation should be that the proposal or the relevant part of it should not proceed.*

- Yearly review of policy.

**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:

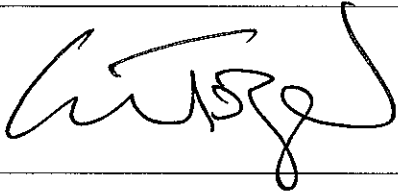
1. Remove or lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact

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			Where someone is assessed as having eligible needs, then the Local Authority has a duty to provide the individual with at least one option that is affordable within the person's personal budget and should try and offer more than one. It will be then be the individual's choice where they would like to be placed. The council will provide sufficient written information and advice to ensure the individual understands the terms and actively encourage them to consider taking independent financial advice. If the choice is accommodation over and above the assessed amount, there may need to be a third party top-up to meet the extra cost. This will apply regardless of any protected characteristic(s) the individual may have.

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)
Disability	No			As above
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	
Date of Assessment:	9 <sup>th</sup> May 2017
Signed off by Head of Service/Director	 Carol Tozer
Review date	June 2018
Date published	

The Third Party Top-Up Policy can be located on [iwight.com](http://iwight.com) under Your Council, Documents, Document Library A-Z, under 'T' and named 'Third Party Top-Up Policy'.

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