



Equality Impact Assessment Record Form 2012-16

Section 1: Service Details and Summary of EIA Activity

Title of activity:	Independent Living Fund Closure
Lead Officer for EIA:	Turai Perumal
Telephone:	01325 406307
Service Group:	People
Service or Team:	Adult Social Care
Assistant Director accountable for this EIA	Suzanne Joyner, Director of Children and Adults Services
Who else is involved in carrying out the EIA:	Sharon Cable (involvement ended on 16-10-2015)

What stage has the EIA reached? Provide date and a brief note of where you're up to. List any consultation or engagement. Facts, figures and findings go elsewhere.

Stage	Date	Summary of position
Stage 1: Initial officer assessment to identify whole population likely to be affected	24/02/2015	Desktop assessment. Officer assessment identified adults aged 18+ with a physical disability, learning impairment or mental health needs.
Stage 2: Further assessment to identify target population	24/02/015	Desktop assessment. Officer assessment identified people currently in receipt of ILF funding.
Stage 3: Further assessment to identify individuals	24/02/2015	Desktop assessment. Officer assessment identified 59 people.
Stage 4: Analysis of Findings	24/02/2015 – 30/12/2015	Reassessments of 59 identified individuals, financial assessment and impact questionnaires completed and analysis of impacts. Also held 2 open sessions which aim to provide people with an update and clarify any questions they may have. Only 2 individuals and 2 carers attended these sessions.

		<p>Financial assessment following the transfer of resources to the local authority (as of 01-07-2015) has identified that there are not huge increases in recipients' financial contributions towards their care provisions (see Appendix 2 for details).</p> <ul style="list-style-type: none"> • Only 1 recipient has no changes in her contributions. • A majority of 43 recipients have a reduction in their contributions. The minimum reduction is 1.6% (£1.52) and the maximum is 100%. There are a total 7 recipients who have a total reduction and the highest amount is £193.20. • There is an increase in 15 recipients contribution, which is a minimum increase of 0.5% (£0.11) and a maximum increase of 14% (£13.84). <p>Impact questionnaires forms sent to all recipients to complete their views on how the changes may affect them and those who care for them.</p> <ul style="list-style-type: none"> • 27 cases were completed and returned; out of these 26 are service users and 12 are carers. • Recipients and their carers identified that it would impact on their general and mental health well-being and quality of life if there would be a reduction in their support hours. <p>Care provisions remained unchanged or have increased for almost all recipients following the reassessment. Only a few 160209 People Closure of the Independent Living Fund</p> <p>care provision elements funded by ILF has slightly reduced following the reassessment, as they were not utilising the provision at all as it was not required.</p> <p>Although no negatives impacts have been identified there would be some personal impact on employees/personal assistants and care providers. Also any changes to the support needs to take into consideration of the ILF users' contractual and legal obligations, for example, make redundancy payments and give notice period.</p>
Stage 5: Sign-Off		
Stage 6: Reporting and Action Planning		

Section 2: The Activity and Supporting Information

Details of the activity (main purpose and aims)

BACKGROUND

The Government established the Independent Living Fund (ILF) in 1988. The ILF is an Executive Non-Departmental Public Body of the Department for Work and Pensions (DWP). It was created to enable disabled people to purchase their own support in order to live independently in their own homes when the direct payments could not be made by local authorities.

From its creation the ILF ran as a charitable trust until 1993. In 1993 the original fund was closed to new applications and a new fund was created. The two funds ran in parallel until 2007 when they were amalgamated.

The two funds had different eligibility criteria which resulted in two separate groups of users, i.e. Group 1 and Group 2.

Group 1 users joined the ILF before April 1993 when their receipt of ILF was not dependent on them having support from the Local Authority. They have not been obliged to disclose their ILF funding when approaching local authorities for subsequent additional support.

There are 13 Group 1 users in Darlington Borough Council (DBC). There is only one user who does not receive a service from DBC. The maximum ILF payment is £815 per week. Awards to group 1 recipients were made against varying criteria and some of these recipients may not meet the eligibility criteria of The Care Act.

There are 46 Group 2 users in Darlington. Group 2 users joined ILF on or after April 1993 and have care packages which must include a minimum contribution from the Local authority of £17,680 per year (£340 per week) before receiving ILF support. The maximum ILF payment is £475 per week.

ILF works alongside, however outside of the mainstream care and support system. The ILF used different eligibility criteria than that of local authorities on determining eligibility for care and support needs and the funding thereafter of any care packages for eligible needs. The ILF frequently funds or meets needs that would be assessed by local authorities as being “desirable” elements of care or “low” or “moderate” within what was the Fairer Access to Care Service (FACS) criteria. It is likely that this will be reflected when measured against the new Care Act eligibility criteria. There are also significant differences between the ILF and adult social care rules on user contributions to support packages and fairer charging.

Following formal consultation in December 2012 followed by a national legal challenge the Government made the decision that the ILF would close on 30th June 2015. The ILF funding stream closed nationally with the responsibility and arrangements passing to local authorities from the Department of Work and Pensions.

The ILF worked in partnership with local authorities to make this transition as smooth as possible by keeping service users clearly informed of what was going to happen at every stage of the transfer.

The ILF worked closely with the Association of Directors of Adult Social Services (ADASS) and drew up a Code of Practice to ensure the transition was carried out with consistency nationally

and as seamlessly as possible for service users. ILF maintained their support to their users up to 30th June 2015, after which the budget transferred to local authorities.

It was agreed at the meeting of Cabinet on 16 June 2015 that the transfer of funding on 1 July 2015 will be ring-fenced until the end of the financial year 2015/16 enabling the individual ILF users to receive the same level of funding for their care and support for this year. The ILF users will be reassessed in accordance with the Care Act eligibility criteria and given a package for their care and support needs on this basis to start 2016/17.

The total annual award for the 59 users is £868,195.08. This is the annual amount which is transferred to Darlington Borough Council. This is however net of any contributions the recipients were assessed to pay which totalled £151,505.12. The gross annual total is £1,019,721.00 and future funding will be reduced by 5% each year as a natural attrition.

ILF eligibility is linked only to users having savings of less than £23,250 and being in receipt of the high rate Care Component of the Disability Living Allowance. The local authority, however, assesses under the criteria set out in the Care Act 2014 meaning there could potentially be a reduction in some service users' packages. Any negative impact should be mitigated by the increased involvement of adult social care with service users, should they be deemed eligible for Direct Payments, a funded or commissioned packaged then the eligible needs will be identified and met. Should funding reductions occur and impact on individual long term arrangements as ILF ceases recipients will be subject to the same funding criteria as all other recipients of Care Act 2014 eligible services. To create a two tier system of funding is felt to be unfair and the Care Act 2014 eligibility criteria must be applied consistently across all service users.

'ILF consulted with local authorities and recipients prior to the government making the decision to abolish the scheme. ILF users expressed concerns about their care packages being reduced and being unable to achieve the same outcomes as they have with ILF. This is most likely because the ILF provides greater flexibility in eligibility criteria in the use of funding than most local authorities. It is almost certain that closure of the ILF will mean that the majority of users will face changes to the way their support is delivered, including the real possibility of a reduction to the funding they currently receive. This is because the ILF funds some aspects of care that some local authorities do not and may also provide different levels of flexibility in the use of such funding. Loss of ILF funding could mean that current ILF users will have to make different choices about their daily lives. For example, no longer able to employ a personal assistant; inability to access social activities, voluntary work or employment.' (Department of Work and Pensions ILF Equality Analysis March 2014).

IMPLEMENTATION OF THE CARE ACT

1st April 2015 saw the start of the implementation of The Care Act and ALL local authorities must follow the guidance set out within the Act. Some changes under The Care Act are:

- The level of need that triggers support will change. This means there will be the same rules about who can get care and support, all over the country.
- Prior to 1st April 2015, responsibilities for assessments are set out in a number of different laws. The Care Act brings these together and simplifies them to make it more understandable.
- Assessments currently focus on what service should be provided, rather than on what the person actually needs and wants. The Care Act focusses on the individual and what they want to achieve.
- The assessment will also take into account the needs of the whole family as well as carers.

*The Act is **built around people**, it:*

- ensures that people's **well-being**, and the outcomes which matter to them, will be at the heart of every decision that is made;
- puts **carers** on the same footing as those they care for;
- creates a new focus on **preventing and delaying needs for care and support**, rather than only intervening at crisis point;
- puts **personal budgets** on a legislative footing for the first time, which people will be able to receive as direct payments if they wish.

*The Act makes care and support **clearer and fairer**, it:*

- will ensure that people do not have to sell their homes in their lifetime to pay for residential care, by providing for a new **universal deferred payments scheme**;
- provides for a **single national threshold for eligibility** to care and support;
- gives new guarantees to ensure **continuity of care** when people move between areas, to remove the fear that people will be left without the care they need;
- includes new protections to ensure that **no one goes without care if their providers fails**, regardless of who pays for their care;
- has new provisions to ensure that young adults are not left without care and support during their **transition to the adult care and support** system.

Carers:

- For the first time, carers will be recognised in the same way as those they care for.
- The Care Act now gives carers a legal right to be assessed for Council support, something which they previously did not have.
- Once assessed, the Council will use similar eligibility criteria as used for people receiving care to decide whether the carer is entitled to support.
- If eligible, this support is provided for free, in recognition of the valuable contribution made by carers. But sometimes, a financial assessment may be carried out to see if the carer should be charged for any support provided.
- If supporting the carer means providing care to the person they look after, then the person they look after would need to have a financial assessment. Whether to charge carers for support provided to them personally is at the local authority's discretion.

OBJECTIVES GOING FORWARD

The central aim of this report is to decide how the annual ILF funding transferred to Darlington Borough Council is used going forward from 1 April 2016 and should a negative impact be unavoidable then steps to mitigate that effect need to be considered at the earliest possible stage.

Options

Option 1 – the transfer of ILF funding for financial year 2016/17 and going forward goes into the baseline budget for the Council.

Option 2 – the transfer of funding from 1 July 2015 goes into the baseline budget for adult social care on a recurring basis and is continually ring-fenced to ILF users to enable them to receive the package of care they received from the ILF.

Option 3 – the transfer of ILF funding for financial year 2016/17 and going forward goes into the baseline budget for adult social care and ex-ILF fund users are reassessed annually as are all

other social care users who meet the eligibility criteria, following the reassessment their care and support package will be changed accordingly if needed.

Impact of the Options

Option 1 – would place additional pressure on the adult social care budget as adult social care would have to fund any element of this care package that had been previously funded by ILF and was found to be an assessed need following reassessment. The majority of ILF users would face immediate change to the way their care and support is delivered and the possibility of a reduction to the funding that they currently receive. The loss of ILF funding on 30th June 2015 would mean that ILF users would probably face cuts to the funding they have now and therefore the hours of care they receive and have to make different choices about their daily lives.

Option 2 – would place an additional budget pressure on the adult social care budget as we would end up supporting ex-ILF recipients with packages of care/support that are higher than their eligible needs as the ILF eligibility and Care Act eligibility are completely different. In addition to this the Council would end up operating a two tier system where ILF users and adult social care users are assessed in different ways and this would be difficult to justify and open to challenge. This option would mean the only impact on the ILF users would be how their funding was actually paid and managed and no impact at all to their package of care.

Option 3 – would mean that the Council is able to use the funding available to Adult Social Care to support all disabled people in a consistent, effective and equitable way. The intention would be to offer support through the Direct Payments scheme where chosen by the ex-ILF users ensuring that they can retain choice and control albeit within resource constraints, including the continuation of their existing arrangements. However some ILF users may face a reduction to the funding that they currently receive and this would mean that they would have to make different choices about their daily lives.

Outcomes

- Care Act eligibility criteria applied consistently and fairly.
- Clear strategy for managing transfer of funds communicated to ex-ILF users, staff and stakeholders.

Who will be affected by the activity? (groups and numbers)

Whole population

People age 18+ with physical disability, learning impairment or have mental health needs.

	Physical Disability	Mental Health	Learning Disability	Total
Number of Service Users	435	290	375	1125

Filter Criteria: Year (2013/14)
Area (North East - Darlington (117))
Age Band (Age 18 to 64)

Source: Referrals, Assessments and Packages of Care data (RAP) - Table P4

Target population

We are aware of 59 people who are in receipt of ILF funding before the fund closed.

There may a number of people receives ILF but have not contacted DBC.

100% of ILF recipients are White.

Individuals

Individuals in receipt of ILF funding before fund closure – 59 people we are aware of.

There are 28 female recipients and 31 male recipients.

There are 55 recipients aged 18-64 and 4 aged 65+ the age range is 25-68.

Age Range	No. of Service Users
21-30	8
31-40	15
41-50	17
51-60	11
61-70	8
Total	59

44 recipients have a learning impairment and 15 have a physical disability.

What data, research and other evidence or information is available which is relevant to the EIA?

Department for Work and Pensions - Closure of the Independent Living Fund (ILF) – Equality Analysis (06-03-2014)

ILF ADASS LGA Code of Practice (November 2015)

United Nations Convention of the Rights of Persons with Disabilities
(<http://www.un.org/disabilities/default.asp?id=259>)

List of service users provided by ILF

Copy of Final ILF assessment and package of care funded by ILF for each service user

Care Act 2014: Statutory Guidance for Implementation

Section 3: Officer Assessment

Use this table to record officer views on potential equality impacts. As the activity and assessment develop, views may change – record them here.			
Protected Characteristic	Potential Impact: Positive Negative Mixed N/A	Potential level of impact: High Medium Low Nil	Summary of Impact
Age	Positive	Nil	<p>Positive: The transfer of ILF funding goes into the baseline budget for adult social care. This means that more money goes into adult social care baseline budget and the Council is able to use the funding available to support all social care users in a consistent, effective and equitable way especially when facing constrain on budget.</p> <p>The level of impact has been assessed as nil because ex-ILF fund users are reassessed annually as are all other social care users who meet the eligibility criteria and their care and support package will be provided as per their eligible needs.</p> <p>Negative: Access to ILF funding was limited to those in the 18-64 age group, although a number of recipients are now aged 65+, which will be no longer ring fence to them as the fund goes into the baseline budget for adult social care.</p> <p>There are/may be impacts for working age recipients including bedroom tax, benefits changes, etc, that affect people because of their age.</p> <p>The level of impact has been assessed as low in terms of recipients' financial contribution as a result of the transfer of ILF fund to the local authority. There is a small increase in their contributions towards their care provisions for 15 recipients, which is a minimum increase of 0.5% (£0.11) and a maximum increase of 14% (£13.84).</p> <p>Any negative impact should be mitigated by the increased involvement of adult social care with this service users, should they be deemed eligible for Direct Payments, a funded or commissioned packaged then the eligible needs will be identified and met.</p> <p>However some ex-ILF users may face a reduction to the funding that they currently receive and this would mean that they would have to make different choices about their daily lives.</p>
	Negative	Low	

Race	N/A	Nil	There will be no specific disproportionate negative impact based race.
Sex	Negative	Low	There will be no specific disproportionate negative impact based sex.
Gender Reassignment	N/A	Nil	There will be no specific disproportionate negative impact based gender reassignment.
Disability (summary of detail on next page)	Positive Negative	Nil Low	<p>Positive: The transfer of ILF funding goes into the baseline budget for adult social care. This means that more money goes into adult social care baseline budget and the Council is able to use the funding available to support all social care users in a consistent, effective and equitable way especially when facing constrain on budget.</p> <p>The level of impact has been assessed as nil because the care and support packages will be provided to all social care users as per their eligible needs.</p> <p>Negative: All users of the ILF are disabled and have critical or substantial levels of need. The amount of support they currently receive may be affected by the closure of the ILF and the application of the Fairer Charging Policy. However the Care Act requires the local authority to consider whether the failure to achieve eligible outcomes would have a significant impact on their wellbeing. Impacts would include social isolation, unable to attend activities, distress relating to change of carers, possible poorer health outcomes, family placement breakdown, not being able to remain in current accommodation.</p> <p>The level of impact has been assessed as low because ex-ILF fund users are reassessed annually as are all other social care users who meet the eligibility criteria and their care and support package will be provided as per their eligible needs.</p> <p>However some ex-ILF users may face a reduction to the funding that they currently receive and this would mean that they would have to make different choices about their daily lives.</p>
Religion or belief	N/A	Nil	There will be no specific disproportionate negative impact based religion or belief.
Sexual Orientation	N/A	Nil	There will be no specific disproportionate negative impact based sexual orientation.

Pregnancy or maternity	N/A	Nil	There will be no specific disproportionate negative impact based pregnancy or maternity.
Marriage/Civil Partnership	N/A	Nil	There will be no specific disproportionate negative impact based marriage/civil partnership. However there is one person informed that there may be a potential impact on her life relationship with her husband and her quality of life as she is more likely to become a carer if there is a reduction to the funding.

Section 3: Officer Assessment – continued

The Council must consider disabled peoples’ impairments when making decisions about ‘activities’. This list is provided only as a starting point to assist officers with the assessment process. People with similar impairments may experience completely different impacts. Consider the potential impacts and summarise in the Disability section on the previous page.			
Mobility Impairment	Positive	Nil	As per the overall assessment mentioned above.
	Negative	Low	There will be no specific disproportionate negative impact based on mobility impairment.
Visual impairment	Positive	Nil	As per the overall assessment mentioned above.
	Negative	Low	There will be no specific disproportionate negative impact based on visual impairment.
Hearing impairment	Positive	Nil	As per the overall assessment mentioned above.
	Negative	Low	There will be no specific disproportionate negative impact based on hearing impairment.
Learning Disability	Positive	Nil	As per the overall assessment mentioned above.
	Negative	Low	There will be no specific disproportionate negative impact based on learning disability.
Mental Health	N/A	Nil	There will be no specific disproportionate negative impact based on mental health.
Long Term Limiting Illness	N/A	Nil	There will be no specific disproportionate negative impact based on long term limiting illness.
Multiple Impairments	Positive	Nil	As per the overall assessment mentioned above.
	Negative	Low	There will be no specific disproportionate negative impact based on multiple impairment.

Other - Carers	Positive	Nil	Because ILF recipients have relatively high support needs any reduction in funding may impact on carers having to provide more support. However it is anticipated that this will be mitigated via the measures to support carers introduced by the Care Act and the requirement to consider whether carers may be eligible for support in their own right.
	Negative	Low	

Potential Cumulative Impacts

Changes to benefits

- Change to Housing Benefit (HB) for working age living in the social rented sector (bedroom tax) - some people are worse off.
- Change to Local Housing Allowance from HB in the private-rented sector (starting in 2008) has led to only three in ten rents being affordable – poverty.
- Reduction in the amount of help with Council Tax people of working age are able to get, from 100% to 80%. People who are not exempt (or do not know that they are exempt) from paying Council Tax are worse off.
- Changes to Working Tax Credit – some reductions for people on low incomes who are working at least 16 hours per week.
- Re-assessment of all DLA claimants of working age – the Government is expecting 20% of existing claimants to lose entitlement.
- Benefit uprating limited to 1% from 2013 – poverty.
- Changes to Financial Assessment charges – severe disability premium, transport charges etc.

We have not been able to show the impacts of any of the above changes to benefits as some of these happen in the future but we should be aware that some of these may cause cumulative impacts to some ILF users. All ex-ILF users have been given a full financial reassessment along with their social care reassessment and this will highlight any benefits that may be incorrect/not in receipt of and this will be rectified following the reassessment.

Section 4: Engagement Decision

Do you need to engage now, or during the development of the activity, to better understand how the activity might affect people because of their protected characteristics?	No
If YES, proceed to the next section. If NO, briefly summarise below the reasons why you have reached this conclusion.	
<p>National level: Following formal national consultation in December 2012 followed by a national legal challenge the Government made the decision that the ILF would close on 30th June 2015. The ILF funding stream closed nationally with the responsibility and arrangements passing to local authorities.</p> <p>All ILF recipients were consulted via individual reviews which were undertaken jointly by the ILF and local authorities prior to the transfer.</p> <p>In Darlington: All ILF recipients and their carers were individually consulted via a programme of reassessment to determine the amount of support that will be available to them post June 2015.</p> <p>Impact questionnaires forms sent in August 2015 to all ILF recipients and their carers to complete their views on how the changes may affect them and those who care for them. 27 cases were completed and returned these forms and out of these 26 are individuals and 12 are carers.</p> <p>2 open sessions were held on 05th and 13th October 2015 which aims to provide ILF recipients and their carers with an update and clarify any questions they may have. There were only 2 individuals and 2 carers were attended these sessions.</p>	

Section 5: Involvement and Engagement Planning

Has the assessment shown that the activity will have a different effect on people because of their protected characteristic(s)? Yes/No
If yes, please state which groups and how Yes, because the commissioned care provisions to meet the needs of the ILF recipients who have relatively high care and support needs due to their disability/impairment and any reduction in funding may impact on their well-being and quality of life including their carers.
Will the difference advance equality for people with that protected characteristic? Yes/No
If yes, please state which groups and how No, ex-ILF fund users are reassessed annually as are all other social care users who meet the eligibility criteria, their care and support package will be provided as per their eligible needs and will be supported through one equitable and streamlined social care system.
Will the difference cause or increase disadvantage for people with that protected characteristic? Yes/No
If yes, please state which groups and how No, the activity will not cause differential treatments of increase disadvantages; however there may be different impacts on different protected characteristics as outlined in Section 3.

Involvement and Engagement Plan

Which organisations, groups and individuals do you need to involve or engage and how?

Date of plan entry	Organisation, Group or Individuals	Date of event or activity	Type of activity – venue, channels, method and staffing

Section 6: Engagement Findings

	Date/summary of engagement carried out	Summary of impacts identified
Age		
Disability		
Mobility Impairment		
Visual impairment		
Hearing impairment		
Learning Disability		
Mental Health		
Long Term Limiting Illness		
Multiple Impairments		
Other - Specify		
Race		
Sex		
Gender Reassignment		
Religion or belief		
Sexual Orientation		
Pregnancy or maternity		
Marriage / Civil Partnership		

Section 6: Engagement Findings – Continued

Please explain your findings for each area of the Public Sector Equality Duty.

a) Does the activity help to eliminate discrimination, harassment and victimisation?

b) Does the proposal help to advance equality of opportunity?

c) Does the proposal help to foster good relations?

During the engagement process were there any suggestions on how to avoid, minimise or mitigate any negative impacts? If so, please give details.

Section 7 - Sign-off when assessment is complete

Officer Completing the Form:		
Signed	Name:	
	Date:	
	Job Title:	
Assistant Director:		
Signed	Name:	
	Date:	
	Service:	

Section 8: Report Findings to Decision Makers

Any report to decision makers should clearly identify impacts, options and reasons. What does the EIA show? More than one may apply:

✓	a) No negative impact. All opportunities to advance equality have been taken. Monitor progress on implementation.
✓	b) Negative impacts identified. Adjustments to remove barriers or to better advance equality have been proposed.
	c) Negative impacts or missed opportunities to advance equality have been identified. If the proposal is for the activity to continue unchanged, justification or compelling reasons have been given.
	d) Unlawful discrimination identified. Stop and rethink activity.

Section 9: Action Plan and Performance Management

What is the negative impact?	Actions required to reduce/eliminate the negative impact (if applicable)	Who will lead on action	Target completion date

Performance Management	
Date of the next EIA review	
Further review dates	
Who will lead the review?	