



Equality Impact Assessment Record Form 2012-16

Section 1 – Service Details and Summary of EIA Activity

Title of activity:	Development of a Darlington Borough Council Disabled Facilities Grant (DFG) Policy
Lead Officer responsible for this EIA:	Helen Watson Supporting People Contracts Officer (as a member of the Home Improvement Agency strategic review project group)
Telephone:	01325 388278
Service Group:	People
Service or Team:	Supporting People – Development and Commissioning
Assistant Director accountable for this EIA	Duncan Clark
Who else will be involved in carrying out the EIA:	HIA Strategic Review Group Corporate Equality Group.

Background Context

Disabled Facilities Grant (DFG)

1.1 The principle legal provisions are contained in the Housing Grants, Construction & Regeneration Act 1996 (HGCRA) and regulations made under it. The following is a summary of the key legal provisions:

- DFGs are mandatory grants and are available to Disabled People when works to adapt their home are judged necessary and appropriate to meet their assessed needs, and when it is reasonable and practicable to carry them out having regard to the age and condition of the dwelling or building.
- DFGs are also subject to a means-test (except in the case of children), which means that applicants' and partners income and savings have to be assessed to determine the amount of any contribution they are required to make towards the cost of the required work, and hence the amount of grant available to them. The way in which the means-test is carried out is set by regulations and the Council does not have any discretion in applying it. Applicants in receipt of certain specified benefits are; however, exempted.
- Subject to all the eligibility criteria (outlined in section 4 of the full of DFG Policy) being met, the Council must 'determine' (i.e. approve) properly made applications 'as soon as reasonably practicable', but no later than 6 months from the application date.

- The maximum DFG is currently set at £30,000 as determined by The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008

What stage has the EIA reached?

This is important to note that this EIA should not be considered in isolation and must be reviewed alongside the previously completed EIA for the strategic review and remodelling/re-commissioning of the Home Improvement Agency Service. This EIA was previously included in the report to Cabinet on the 1st July 2013 can be accessed at:

<http://www.darlington.gov.uk/PublicMinutes/Cabinet/July%201%202013/Item%208c%20-%20Appendix%201.pdf>

The above EIA directly considered the potential impacts from the introduction of a system of prioritisation for DFG Applications with all Disabled People who had previously received a DFG within 12 months of the consultation or were receiving a DFG at the point of the consultation.

It is important to note that the intention of the DFG Policy is to provide a clear reference guide which details the process followed by Darlington Borough Council with regard to DFG applications and, it is not reflective of any change to existing practice. In order to make the DFG Policy information as accessible as possible as part of the EIA consultation, a summary version of the DFG Policy and a plain English version of the Policy have both been produced. Information was also issued detailing the opportunities for information to be provided in alternative formats via the Corporate Information Service.

If the Consultation Draft Policy is agreed the intention is to implement with immediate effect.

Stage	Date	Summary of position
Stage 1: Initial Officer Assessment. Whole Population likely to be affected identified	September 2013	<i>Disabled People (including children) seeking Disabled Facilities Grant assistance within the Borough of Darlington.</i>
Stage 2: Further Assessment. Target Population likely to be affected identified		<i>Disabled People (including children) seeking Disabled Facilities Grant assistance within the Borough of Darlington.</i>
Stage 3: Further Assessment. Individuals likely to be affected identified		<i>Disabled People (including children) seeking Disabled Facilities Grant assistance within the Borough of Darlington.</i>
Stage 4: Analysis of Findings		Please refer to page 13
Stage 5: Sign-Off		<i>Helen Watson</i>

**Stage 6: Reporting
and Action Planning**

Please refer to page 14.

Section 2 – The Activity and Supporting Information

Contextual Information:

Darlington Borough Council has the following statutory duties/powers which the provision of DFG's facilitates the delivery of:

1. Adaptations - (Chronically Sick and Disabled Persons Act 1970 s.2 (1) (e))
2. DFG's (Housing Grants, Construction and Regeneration Act 1996 Part 1)
3. Additional facilities designed to secure greater safety, comfort, or convenience (Chronically Sick and Disabled Persons Act 1970 s.2 (1) (e))
4. Minor adaptations (Community Care (Delayed Discharges etc) Act 2003 ss15 and 16)
5. Practical assistance within the home (Chronically Sick and Disabled Persons Act 1970 s.2 (1) (a))
6. Publish general information about help available to Disabled People in the area by the LA (Chronically Sick and Disabled Persons Act 1970 s.1 (2) (a))
7. General powers to improve living conditions in its area. (The Regulatory Reform Order (Housing Assistance) (England and Wales) 2002) Discretionary power.
8. Make arrangements for promoting the welfare of old people (Health Services and Public Health Act 1968 s.45) Discretionary power.

Overview of Disabled Facilities Grants

Details of the activity (including the main purpose and aims)

To develop a Policy for the administration of Disabled Facilities Grants (DFG's) within the Borough of Darlington.

Who will be affected by the activity?

Whole population

Disabled People (including children) seeking Disabled Facilities Grant assistance within the Borough of Darlington.

Target population

Disabled People (including children) seeking Disabled Facilities Grant assistance within the Borough of Darlington.

Individuals

There were 183 individuals who received an adaptation through a DFG between the period 4th April 2011 and the 1st April 2012.

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

Statistical information provided by the current contractor relating to key lines of enquiry as part of the Strategic Review.

Quarterly contractor PI's which detail: service availability, service utilisation, new client profiles including key characteristics and presenting needs and outcomes following service intervention.

Occupational Therapy assessment information.

Contractor Client Satisfaction information.

5 detailed qualitative DFG's cases detailing customer experience and outcome achieved following service intervention.

It is important to note, that Officer Assessment Screens has been undertaken in relation to the introduction of the Policy only

Section 3: Officer Assessment –Development of a Draft DFG Policy

Protected Characteristics	Potential Impact			Potential level of impact				Summary of Impact
	Positive	Negative	Not Applicable	H	M	L	nil	
Age	p	N	NA	H	M	L	nil	There is no anticipated impact upon age as a protected characteristic group with regard to the implementation of the Consultation Draft DFG Policy. Applications for a DFG will be needs lead and assessed in line with the DFG Policy. Monitoring will be undertaken on the characteristics of individuals requesting a DFG and the outcome of the individual DFG request.
	P	N	NA	H	M	L	nil	There is no anticipated impact upon race as a protected characteristic group within regard to the implementation of the DFG Policy. Applications for a DFG will be needs lead and assessed in line with the DFG Policy. Monitoring will be undertaken on the characteristics of individuals requesting a DFG. and the outcome of the DFG.
Race	P	N	NA	H	M	L	nil	There is no anticipated impact upon race as a protected characteristic group within regard to the implementation of the DFG Policy. Applications for a DFG will be needs lead and assessed in line with the DFG Policy.
	P	N	NA	H	M	L	nil	There is no anticipated impact upon race as a protected characteristic group within regard to the implementation of the DFG Policy. Applications for a DFG will be needs lead and assessed in line with the DFG Policy.
Sex	P	N	NA	H	M	L	nil	There is no anticipated impact upon race as a protected characteristic group within regard to the implementation of the DFG Policy. Applications for a DFG will be needs lead and assessed in line with the DFG Policy.

Gender Reassignment	P							<p>assessed in line with the DFG Policy.</p> <p>Monitoring will be undertaken on the characteristics of individuals requesting a DFG. and the outcome of the DFG.</p>
		N	NA	H	M	L	nil	<p>There is no anticipated impact upon gender reassignment as a protected characteristic group within regard to the implementation of the DFG Policy.</p> <p>Applications for a DFG will be needs lead and assessed in line with the DFG Policy.</p> <p>Monitoring will be undertaken on the characteristics of individuals requesting a DFG. and the outcome of the DFG.</p>
Disability (summary of detail on next page)	P							<p>The Disabled Facility Grant Policy is specifically for Disabled People requiring adaptations. The Policy has a clear process for the administration of the Disabled Facilities Grant.</p> <p>It addresses a concern previously raised from a disabled person in Darlington regarding the availability of information relating to the administration of DFG's within the Borough of Darlington.</p> <p>When the previous consultation/ EIA was undertaken for the Home Improvement Agency Service Review, the main negative impact pertained to the fact that some individuals may never become a priority or needs change in the period through which they are waiting. As previously detailed this has been addressed in the Consultation Draft Policy.</p> <p>The policy is intended to provide clear information to explain how the Council will use its resources to assist those who need adaptations and how decisions will be made about the assistance it can give, the circumstances in which people may wait for assistance and how the Council will seek to make the best use of the resources available.</p>
		N	NA	H	M	L	nil	<p>There is no anticipated impact upon religion or belief as a protected characteristic group within regard to the implementation of the DFG Policy.</p> <p>Applications for a DFG will be needs lead and assessed in line with the DFG Policy.</p> <p>Monitoring will be undertaken on the characteristics of individuals requesting a DFG. and the outcome of the DFG.</p>
Religion or belief	P	N	NA	H	M	L	nil	<p>There is no anticipated impact upon religion or belief as a protected characteristic group within regard to the implementation of the DFG Policy.</p> <p>Applications for a DFG will be needs lead and assessed in line with the DFG Policy.</p> <p>Monitoring will be undertaken on the characteristics of individuals requesting a DFG. and the outcome of the DFG.</p>

Sexual Orientation	P	N	NA	H	M	L	nil	<p>There is no anticipated impact upon sexual orientation as a protected characteristic group with regard to the implementation of the DFG Policy.</p> <p>Applications for a DFG will be needs lead and assessed in line with the DFG Policy.</p> <p>Monitoring will be undertaken on the characteristics of individuals requesting a DFG and the outcome of the DFG.</p>
	P	N	NA	H	M	L	nil	<p>There is no anticipated impact upon sexual orientation as a protected characteristic group within regard to the implementation of the DFG Policy.</p> <p>Applications for a DFG will be needs lead and assessed in line with the DFG Policy.</p> <p>Monitoring will be undertaken on the characteristics of individuals requesting a DFG. and the outcome of the DFG.</p>
Marriage/ Civil Partnership	P	N	NA	H	M	L	nil	<p>No potential impact from the strategic review or service re-commissioning has been identified in relation to this particular characteristic.</p>

Section 3: Officer Assessment - continued

Mobility Impairment	P	N	NA	H	M	L	nil	There is no anticipated impact upon Mobility Impairment as a protected characteristic group with regard to the implementation of the DFG Policy.
Visual impairment	P	N	NA	H	M	L	nil	There is no anticipated impact upon visual impairment as a protected characteristic group with regard to the implementation of the DFG Policy.
Hearing impairment	P	N	NA	H	M	L	nil	There is no anticipated impact upon hearing impairment as a protected characteristic group with regard to the implementation of the DFG Policy.
Learning Disability	P	N	NA	H	M	L	nil	There is no anticipated impact upon Learning Disability as a protected characteristic group with regard to the implementation of the DFG Policy.
Mental Health	P	N	NA	H	M	L	nil	There is no anticipated impact upon Mental Health as a protected characteristic group with regard to the implementation of the DFG Policy.
Long Term Limiting Illness	P	N	NA	H	M	L	nil	There is no anticipated impact upon Long Term Limiting Illness as a protected characteristic group with regard to the implementation of the DFG Policy.
Multiple Impairments	P	N	NA	H	M	L	nil	There is no anticipated impact upon Multiple Impairments as a protected characteristic group with regard to the implementation of the DFG Policy.
Other – Carers/ those with caring responsibility.	P	N	NA	H	M	L	nil	Due to the nature of the support provisions property adaptations also have dual outcome often with a positive impact for carers and those with a caring responsibility.

Cumulative Impacts

Change activities	Potential cumulative impacts
	<ul style="list-style-type: none"> • Re-procurement of housing related support and domiciliary care. • Re-procurement of the Home Improvement Agency Service. • Procurement & Re-Commissioning of Advocacy Services • Tender for Carers Support Services for Young Carers. Parent Carers and Adults caring for Adults • Review of Vane House • Carers Emergency Support Service • Strategic Review of Extra Care • Welfare Reforms • Changes to Fair Access to Care (Eligibility Criteria) • Financial Contributions Changes • Severe Disability Premium Disregard • Localised Social Fund

- Localised Council Tax support (requiring contributions from all individuals of working age)

Section 4: Engagement Decision

Is engagement with affected people with Protected Characteristics required, now or during the further development of the activity?

**Yes*
Please refer to clarification detailed below.**

If YES, proceed to the next section.

Engagement Methodology:

As detailed earlier, the engagement methodology builds on previously obtained client consultation information and EIA which was undertaken on the service review of the Home Improvement Agency through which all recipients of a DFG in a 12 month period (supplemented by additional individuals who were commencing DFG works at the point of the Equality Impact Assessment)

This previous EIA was the first stage, to inform the development of the Consultation Draft DFG Policy.

The engagement methodology was supplemented by, written requests to the local voluntary organisations representing the key potentially impacted protected characteristics groups of Older and Disabled People to invite a response on behalf of their members.

Current contractors delivering support services to people with a learning disability and/or physical and sensory impairment were contacted to ascertain any arising impacts from the Consultation Draft Policy. (Please refer to Appendix 1 for a copy of the EIA consultation documentation). Reminder information and a full recirculation of the Consultation Draft of the DFG Policy was sent at the mid way point of the consultation.

In addition in order to effectively capture the diversity of DFG applicants and the potential arising impacts from individuals living within different parts of the Borough and across accommodation tenures, the DFG Policy consultation was sent to selection of private sector landlords and Housing Associations.

An online impact assessment questionnaire was also available for completion via the current consultation section on the DBC website.

Section 5 – Involvement and Engagement Planning

Has the assessment shown that the activity will treat any groups of people with Protected Characteristics differently from other people? Yes

If yes, please state which groups and how

The Policy is specifically for Disabled People who may require an adaptation to their home.

Will the differential treatment advance equality for people with Protected Characteristics? Yes/No

If yes, please state which groups and how

The Policy will provide clarity for Disabled People on the Administration of Disabled Facilities Grants within the Borough of Darlington.

A system of prioritisation where required will be used to ensure those individuals with the greatest needs/highest risk receive a response service. However, this will be supplemented by a process to ensure that any individuals on a waiting list are reviewed to ensure their circumstances have not changed. All DFG awards will take place within the statutory timeframes.

Will the differential treatment cause or increase disadvantage for people with Protected Characteristics? Yes/No

If yes, please state which groups and how

There will be no differential treatment or increased disadvantage for Disabled People as a result of the implementation of a Policy for the Administration of Disabled Facilities Grant.

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
11.09.13	Impact Assessment Questionnaires/consultation document with Consultation Draft DFG policy and accompanying plain text and summary version sent to local Third Sector organisations providing support to and /representing Disabled and Older People	Live Consultation 11.09.13 – 23.10.13	Impact Assessment Questionnaires/and consultation documentation dispatched.

11.09.13	Impact Assessment Questionnaires/consultation document with Consultation Draft DFG policy and accompanying plain text and summary version sent to a sample of private sector Landlords and Housing Association to ensure that consultation responses reflected the diversity of accommodation tenure of individuals receiving a DFG.	Live Consultation 11.09.13 – 23.10.13	Impact Assessment Questionnaires with example impact information dispatched with prepaid envelopes.
11.09.13	Online consultation available via DBC live consultations	Live Consultation 11.09.13 – 23.10.13	Web based consultation.

Section 6: Engagement Findings

The information obtained from the previously completed EIA on the strategic review of the Home Improvement Agency, which considered **“What would the potential impact (positive or negative) be if there was a waiting list system, with priority given to urgent cases (e.g. to support a hospital discharge) for Disabled Facilities Grant? (This may mean that some people experience a delay.)**

Through this impact assessment the following points were raised for clarification/consideration in the current consultation Draft of the DFG policy.

- The legal time frame for the Council to provide a decision from the date of application, with payment of the grant no later than 12 months from the date of application. Any system of prioritisation would adhere to the time scales as detailed within **Housing Grants, Construction and Regeneration Act 1996.**
- More detail of the criteria for prioritisation needed.
- A delay could put clients at higher risk of falls and neglect.
- Delay might lead to increased admissions to hospital and additional pressure on Social Care and Housing for individuals in need of urgent alternations.
- If you weren't urgent when would you become a priority?
- There will always be hospital discharges.
- People may have been struggling at home for long time before making contact with the service. People may be in pain and discomfort whilst they wait.
- Everyone could be urgent, it is only urgent for the person.
- You may have a progressive illness and have to wait a long time, how would people know how you were?
- May have to cope longer with insufficient equipment.
- There was particular concern from individuals whose adaptations related to access to toilet and washing facilities. (Relating to maintaining dignity)

In response to the findings from the above named impact assessment, the following mitigation actions were identified:

- Any system of prioritisation would occur following a full Occupational Therapy assessment which would take account of presenting needs and risks.
- Consideration will be given to any interim measures which could be implemented while an individual was on the waiting list.
- Individuals would be informed to keep in touch and advise if their circumstances change, in addition to this a review of the waiting list will be introduced by Occupational Therapists.

These mitigation factors have been incorporated into the Consultation Draft DFG Policy as detailed below:

“6.6 If the number of clients waiting for a DFG far exceeds the limited budget available for the provision of adaptations, clients will be placed on a waiting list and dealt with in strict date order to ensure fairness and transparency. Clients must be approved or refused within 6 months of the application date.

6.7 The waiting list will be reviewed on a monthly basis to identify changing need by the Occupational Therapy Team. If a client feels their needs have become urgent they can also approach a member of the Occupational Therapist (OT) team for review.

6.8 Where a client has an urgent need identified by the Occupational Therapy Team, their referral will be dealt with as a priority. A decision regarding this priority is only made after a detailed risk assessment is carried out by a member of the Occupational Therapist (OT) team.

6.9 Clients will receive written confirmation of the receipt of the referral from the Occupational Therapy Team and will also be kept informed of their progress on the waiting list by the provider.”

The engagement methodology for the EIA on the Draft DFG Policy was supplemented by, written requests to the local voluntary organisations representing the key potentially impacted protected characteristics groups of Older and Disabled People to invite a response on behalf of their members. Specifically in relation to the EIA on the Consultation Draft DFG Policy, two responses were received in the consultation period. The first did not identify any particular impacts for their organisation or the individuals who they represent. The second response highlighted a number of points, which included:

- The delivery arrangements for DFG's would benefit from further clarification covering commissioned support provision and independent arrangements.
- The process for completing applications to be further defined in the Policy.

An online impact assessment questionnaire was available for completion for the duration of the consultation period via the current consultation section on the DBC website.

Section 6: Engagement Findings – Continued

a) How will the proposal help to eliminate discrimination, harassment and victimisation?
<p>A DFG Policy available in a variety of formats (which will include full text, summary and plain English and any other additional formats as requested) will provide clear information for Disabled People regarding the administration of Disabled Facilities Grant.</p> <p>The prioritisation system for the DFG would provide timely intervention to individuals with the greatest need to assist disabled individuals to live as independently as possible.</p>
b) How will the proposal help to advance equality of opportunity?
<p>A DFG Policy available in a variety of formats (which will include full text, summary and plain English and any other additional formats as requested) will provide clear information for Disabled People regarding the administration of Disabled Facilities Grant.</p> <p>The prioritisation system for the DFG would provide a timely intervention to individuals with the greatest need to assist disabled individuals to live as independently as possible.</p>
c) How will the proposal help to foster good relations?
<p>The fostering of good relations was not within the scope of this impact assessment.</p>

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

No further impacts identified

Section 7 - Sign-off when assessment is completed

Officer Completing the Form:							
Signed	<table border="1"> <tr> <td style="background-color: #e0e0e0;">Name:</td> <td><i>Helen Watson</i></td> </tr> <tr> <td style="background-color: #e0e0e0;">Date:</td> <td>24.10.13</td> </tr> <tr> <td style="background-color: #e0e0e0;">Job Title:</td> <td>Supporting People Contracts Officer</td> </tr> </table>	Name:	<i>Helen Watson</i>	Date:	24.10.13	Job Title:	Supporting People Contracts Officer
Name:	<i>Helen Watson</i>						
Date:	24.10.13						
Job Title:	Supporting People Contracts Officer						
Assistant Director:							
Signed	<table border="1"> <tr> <td style="background-color: #e0e0e0;">Name:</td> <td></td> </tr> <tr> <td style="background-color: #e0e0e0;">Date:</td> <td></td> </tr> <tr> <td style="background-color: #e0e0e0;">Service:</td> <td></td> </tr> </table>	Name:		Date:		Service:	
Name:							
Date:							
Service:							

Section 8 – Reporting of Findings and Recommendations to Decision Makers

What does the review of the information show?

- a) **No negative impact on people because of their Protected Characteristics - continue with the activity and monitor progress on implementation**
- b) Negative impact identified – recommend continuing with the activity; clearly specify the people affected and the impacts, and providing reasons and supporting evidence for the decision to continue
- c) Negative impact identified - adjust the activity in light of the identified impact to avoid, minimise or mitigate the impact
- d) Negative impact identified - stop activity and provide an explanation why

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
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No additional negative impacts were identified arising from the consultation on the Draft DFG Policy. (This has been attributed to the fact that all potential negative impacts identified from the earlier consultation pertaining to a potential system of prioritisation for DFG applications were fully mitigated in the consultation Draft of the DFG Policy)

Performance Management

Date of the next review of the EIA	The EIA will be reviewed in line with any relevant feedback received in relation to the application of the Policy. In addition in the first year of the Policy becoming operational it will be reviewed at the 6 month interval.
How often will the EIA action plan be reviewed?	NA
Who will carry out this review?	DFG Allocation Panel

Example



Development & Commissioning
Room 222
Town Hall
Feethams
Darlington DL1 5QT
Tel: (01325) 388542 Fax: (01325) 388090
DX 69280 Darlington 6
Web site: www.darlington.gov.uk
Date : 11.09.13
Please ask for : Helen Watson
Email Address : helen.watson@darlington.gov.uk
Direct Line : 01325 388278
Document Name : CONSULTATION DRAFT DFG
POLICY

Dear Stakeholder,

Re: Equality Impact Assessment on Darlington Borough Council's Consultation Draft Disabled Facilities Grant (DFG) Policy.

Darlington Borough Council has developed a Consultation Draft Disabled Facilities Grant Policy. The Consultation Draft Policy and accompanying impact information will be presented for consideration at Cabinet on the 5th November 2013 and subject to approval will be implemented with immediate effect.

A full text and summary version of the Consultation Draft DFG Policy have been produced (separately attached).

The Equalities Impact Assessment on the Consultation Draft Policy (which can be found from page 3 onwards) is taking place between the **11th of September and 23rd of October 2013**. **Please return any impact assessment information before 5pm on the 23rd October 2013 to supportingpeopleteam@darlington.gov.uk**

Thank you for your time.

Yours sincerely

Helen Watson
Supporting People Contract Officer.

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Please contact:

**Public Support and Information Service, 2nd Floor, Town Hall, Darlington
DL1 5QT**

Telephone: 01325 388818

E-mail:publicinformationteam@darlington.gov.uk

Optional

Name:

Organisation (where applicable)

Contact number:

Background

The Consultation Draft DFG Policy contains the following key areas:

- 1) Introduction and Objectives
- 2) Legal Framework
- 3) Works eligible for DFG
- 4) Approval of Application
- 5) Application for a DFG
- 6) Financial Assessment
- 7) Conditions
- 8) Undertaking works
- 9) Successive Applications
- 10) Post completion of works

Please note: Areas 1 and 2, The Legal Framework and Works eligible for a DFG are out of the scope of the Equality Impact Assessment.

As part of the Equality Impact Assessment (EIA) Darlington Borough Council is seeking to establish:

- 1) What is the potential impact (affect on or for you, or people whom you represent) either positive and/or negative from any of the following areas contained within the Consultation Draft DFG Policy.
 - 4) Approval of Application
 - 5) Application for a DFG
 - 6) Financial Assessment
 - 7) Conditions
 - 8) Undertaking works
 - 9) Successive Applications
 - 10) Post completion of works

Please state which area and why.

Positive Impact	Negative Impact

2) Where a negative impact has been identified, can you identify anything which may reduce this negative impact?

Please use this section to detail any additional comments, or further impact information regarding the Consultation Draft DFG Policy.

Please return to supportingpeopleteam@darlington.gov.uk before 5pm on Wednesday 23rd of October 2013.

Thank You