Predictive: assessing and analysing proposed changes to services, policies and budgets

Enfield Council
Predictive Equality Impact Assessment (EQIA) - Equality Analysis

LOCAL OFFER FOR DISABLED CHILDREN - ANNUAL DELIVERY CHARGE
OCTOBER 2012
13. Predictive equality impact assessment/equality analysis template

Please complete this cover sheet

<table>
<thead>
<tr>
<th>Proposed change to service/policy/budget</th>
<th>Introduction of an Annual Delivery Charge for the provision of the Local Offer for Disabled Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer completing the assessment</td>
<td>Janet Leach</td>
</tr>
<tr>
<td>Extension Number</td>
<td>020 8363 4047</td>
</tr>
<tr>
<td>Service</td>
<td>Joint Service for Disabled Children</td>
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<tr>
<td>Department</td>
<td>Schools and Children’s Services</td>
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<tr>
<td>Date impact assessment completed</td>
<td>29th October 2012</td>
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</tbody>
</table>
Section 1 – About the service, policy or budget, and proposed change

Q1. Please provide a brief description of the service/policy/budget

The Joint Service collectively provides and commissions a range of support and short breaks for disabled children and young people (aged from 0 to 17 years inclusive) and their families.

Children and young people are eligible for support and services if they have a physical or mental impairment, which has a substantial and long-term effect on their ability to carry out day-to-day activities. This may include a physical or learning disability, a hearing or visual impairment. It includes children with autism and Asperger’s Syndrome and children who may have challenging behaviour as a result of their learning disability. It also includes children who have complex health needs and who may have palliative care needs, a life limiting or a life-threatening condition.

As an established multi-agency team, the service works with a range of partners and parent groups including ‘Our Voice’ Parent Forum, Parent2Parent (P2P), Carer2Carer and Children’s and Parent’s Advisory Group (GAPAG) as well as disabled children and young people.

Support services include; the provision of information, advice and guidance, counselling, allocation of a Lead Professional or Key Worker, support through key transition stages e.g. when children move from nursery to reception or from children’s services into adult’s services.

Short breaks; In addition to a comprehensive range of support services the Joint Service provides and commissions a wide range of inclusive and specialist short breaks including holiday play schemes, out of school play and leisure activities, home sitting, home care and overnight breaks. Short breaks are designed to ensure that children and young people have an opportunity to spend time away from their families, relaxing with friends and having fun and to provide parents and carers with a break from their caring responsibilities, providing them with a chance to unwind, rest or spend time with their other children.

The 2006 Parliamentary Hearings cited the lack of short breaks as the single source of most dissatisfaction for families with disabled children. These Hearings resulted in the national transformation programme – Aiming High for Disabled Children.
Q2. Please provide a brief description of the proposed change(s) to the service/policy/budget

To introduce a ‘charge’ to be determined by whether families are in receipt of the lower, middle or higher rate of Disability Living Allowance.

Working on the premise that we continue to deliver short breaks and family support services to 800 families and making the assumption that 500 of these are on the higher rate DLA (likely to be more), we would charge £150 per year. This equates to £75,000.

Assuming that 300 families are on the lower rate or a combination of the lower/middle - we would charge them £100 per year. This equates to £30,000 so a total of £105,000.

Families on the higher rate DLA with the mobility component receive £6,838 per year. Asking families who receive this maximum amount of DLA - provided by the State to help with the extra costs of disability - to contribute £150 equates to 2.2% of their DLA. This is further off set by the provision of the Local Offer which costs £1,800 per year. The Local Offer is a minimum level of short breaks and family support services available to children and families who meet the eligibility criteria. For example, for a school age child, we ensure access to a holiday play scheme or play activity during the main school holidays.

Q3. Does equalities monitoring of your service show that the beneficiaries in terms of the recipients of the service, policy or budget, and the proposed change, include people from the following groups?

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<tbody>
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Q4. If you answered ‘no’ to any of the groups listed in Q3, please state why?

We currently do not carry out equalities monitoring of this protected characteristic, but beneficiaries of the service are likely to include members of these groups.
**Q5. How will the proposed change eliminate discrimination, promote equality of opportunity, or promote good relations between groups in the community?**

This is a potentially difficult and contentious proposal as DLA is provided by the State to offset the additional financial costs of caring for a disabled child. DLA is not a means tested benefit - it is paid regardless of income, savings or National Insurance Contributions. There are two components to DLA, a care component and a mobility component. The care component is paid to those families who have a disabled child requiring help with personal care and who needs regular supervision, and the mobility component is paid to families who have children with mobility difficulties when walking outside.

Children’s services have the power to charge for services provided under the Children’s Act 1989. ‘Authorities may recover such charges as they think appropriate’ if the child is under 16 then they take into account the parent’s financial circumstances and if 16 or over take into account the child’s means. However, no person can be charged whilst in receipt of income support or a range of other benefits. Furthermore an authority cannot require a person to pay more than they can reasonably be expected to pay.

Children’s services can also charge for services provided under the Chronically Sick and Disabled Person’s Act 1970. In practice few authorities do charge parents or children for services provided either under the CA 1989 or the CSDPA 1970.

Further discussions are required with our legal team to clarify both the legality and feasibility of this proposal – linking the charge to DLA - and to ascertain the potential impact for families of children with disabilities in Enfield.

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**Section 2 – Consultation and communication**

**Q6. Please list any recent consultation activity with disadvantaged groups carried out in relation to this proposal**

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<tr>
<td><strong>R</strong></td>
<td>No consultation has yet been carried out. These proposals are at a very early stage and prior to public consultation further work will need to be done on the ‘legality’ of the proposal.</td>
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Q7. Please state how you have publicised the results of these consultation exercises, and what action you have taken in response

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D Not yet applicable

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Section 3 – Assessment of impact

Q8. Please describe any other relevant research undertaken to determine any possible impact of the proposed change

A recent ‘Think Tank’ session was held with a number of local authorities represented including the London Borough of Enfield. The event was facilitated by ‘impact’ the organisation commissioned by Government to support the on-going transformation and delivery of short breaks. It is clear that pressures on budgets are starting to have a substantial impact on this agenda – so colleagues are looking at creative and alternative ways to generate income and prevent the reduction of the delivery of short breaks.

Potentially introducing a nominal charge may:-

- engender a sense of increased ownership and commitment to the service – better attendance – less waste
- maintain/ enhance service delivery
- support sustainability for providers
- support local authority administration costs
- support local authorities to develop the market

It may also:-

- confuse families – may complicate eligibility criteria
- may be viewed as discriminatory – against the ‘spirit’ of the welfare state
- families may not want to use services that were previously ‘free’
- cause local authorities difficulties in terms of administration costs – so negating any potential cost savings

It may help to :-
- consider a graduated introduction of service charges rather than a one-off charge based on DLA allocation
- reference to an ‘ordinary life’ – families pay for activities for non-disabled children and young people

It will be necessary to pay attention to equality legislation and equal access – ensuring any process is non-discriminatory.

Q9. Please list any other evidence you have that the proposed change may have an adverse impact on different disadvantaged groups in the community

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D | None available – further research is required
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Q10. Could the proposal discriminate, directly or indirectly, and if so, is it justifiable under legislation? Please refer to the guidance notes under the heading, 7. Useful Definitions

As stated, further work is required to clarify the legal position and to ensure that any proposal does not directly or indirectly discriminate.

Q11. Could the proposal have an adverse impact on relations between different groups? If so, please describe

There is potential for adverse impact on different groups of parents – i.e. parents in receipt of different levels of DLA – hence the need for further consultation with legal services, prior to developing any proposal with our parent partnership groups.

Q12. How could this proposal affect access to your service by different groups in the community?

R

D | Any proposal would need to be transparently agreed with our parent forums and there will need to be clear guidance to ensure it is reasonably and fairly administered.
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Q13. How could this proposal affect access to information about your service by different groups in the community?

This proposal will not affect access to information.

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Section 5 – Tackling socio-economic inequality

Q14. Will the proposal in any way specifically impact on communities disadvantaged through the following socio-economic factors? Please explain below. If it does not, please state how you intend to remedy this (if applicable to your service), and include it in the action plan.

Communities living in deprived wards/areas

The Joint Service will work with our parent groups to ensure that if an ‘annual delivery charge’ for the Local Offer is implemented – following wide ranging consultation and liaison with legal services – that the circumstances of families disadvantaged through various socio-economic factors are fully taken into consideration.

People not in employment, education or training

As above

People with low academic qualifications

As above

People living in social housing

As above

Lone parents

As above

People on low incomes

As above
<table>
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<tr>
<th>People in poor health</th>
<th>As above</th>
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<tr>
<td>Any other socio-economic factor</td>
<td>As above</td>
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**Section 6 – Impact on staff**

**Q15.** How have you consulted, or otherwise engaged with, all relevant staff about this proposal (including any staff on sickness or maternity leave)?
Staff will be engaged in the development of this proposal as appropriate

**Q16.** If your proposal involves a staff restructuring, how have you discussed this with relevant trade unions?

N/A

**Q17.** Does job matching of existing staff against the new proposed staff structure, following any assimilation process, indicate that any particular groups of staff are adversely affected more than others?

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**Q18.** Are there any proposed changes to working hours, work locations or duties likely to have a negative impact on particular groups of staff?

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<th>N/A</th>
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<th>As above</th>
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Section 7 - Miscellaneous

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<tr>
<th>Q19. Do you plan to publicise the results of this assessment? Please describe how you plan to do this</th>
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<tbody>
<tr>
<td>Information about this proposed Annual Delivery Charge will be shared with families and professionals and will be made available to newly commissioned providers. Prior to this there will be widespread consultation. Through our parent forums we will continue to keep families informed of the need to identify savings whilst ensuring minimum impact on children and families. Following further research the proposal will be discussed at the Joint Service Steering Group – parent groups attend these meetings. If this is agreed then Information about the charge will be incorporated into the Short Breaks Statement published on the Council Website. This assessment/analysis will be listed in the Council's Equality and Diversity Annual Report and published on the Council website.</td>
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<tr>
<th>Q20. How and when will you monitor and review the effects of this proposal?</th>
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<tr>
<td>If and when introduced, this will be an on-going process to ensure that any eligible child and family is not inadvertently prevented from accessing their short break and benefiting from the support. The delivery charge would be officially reviewed 6 months after implementation and thereafter annually.</td>
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</tbody>
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14. Action plan template for proposed changes to service, policy or budget

Proposed change to, or new, service, policy or budget…Introduction of an annual Deliver Charge for the provision of the Local Offer to disabled children

Team: Joint Service for Disabled Children       Department: Schools and Children’s Services

Service manager: Janet Leach

<table>
<thead>
<tr>
<th>Issue</th>
<th>Action required</th>
<th>Lead officer</th>
<th>Timescale</th>
<th>Costs</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>A need to identify savings</td>
<td>Consider and develop a proposal to implement a nominal annual charge to generate income to support the on-going delivery of short breaks to vulnerable children and families.</td>
<td>Janet Leach</td>
<td>2015</td>
<td>Potential income generation of £105K</td>
<td>Further work on feasibility including the legality of this proposal – linking the charge to the rate of DLA received – is essential before publicaly consulting with our parent forums.</td>
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<tr>
<td>The need to consult through and with our parent forums</td>
<td>Via Parent2Parent and Our Voice we will carry out a consultation exercise with parents and children about the specific proposal and will work with them to ensure that vulnerable families are not disadvantaged by the introduction of this proposal</td>
<td>Janet Leach</td>
<td>2013</td>
<td>Consultation costs will need to be assessed and factored into the budget – as in previous years</td>
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<tr>
<td>Description</td>
<td>Activity</td>
<td>Responsible Party</td>
<td>Year</td>
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<tr>
<td>The need to carry out further research to ascertain the position of other</td>
<td>Discuss at the London Strategic Managers Forum and via Impact – the organisation commissioned by</td>
<td>Janet Leach</td>
<td>2013</td>
<td>No cost</td>
<td></td>
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<tr>
<td>Local Authorities and the potential impact of charging</td>
<td>Government to support the delivery of short breaks</td>
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<tr>
<td>Check the legality of the proposal</td>
<td>Work with the legal team to ascertain the legality and feasibility of the proposal</td>
<td>Janet Leach</td>
<td>2013</td>
<td>Costs will need to be agreed with colleagues in Legal Services</td>
<td></td>
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</tbody>
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Please insert additional rows if needed

APPROVAL BY THE RELEVANT ASSISTANT DIRECTOR - NAME……………………………SIGNATURE……………………………….