

<b>AssessmentNo</b>	488	<b>Owner</b>	levans
<b>Resource</b>	HSCP		<b>Service/Establishment</b> Joint
	First Name	Surname	<b>Job title</b>
<b>Head Officer</b>	Laura	Evans	Service Improvement Lead
	(include job titles/organisation)		
<b>Members</b>	Chief Financial Officer HSCP - Julie Slavin Lynne McKnight, Care at Home operations manager Richard Heard, Care at Home service manager Hazel Kelly, COPT operations manager Robert MacFarlane, Learning Disabilities operations manager Lorraine Davin, Learning Disabilities service manager Fraser Downie, Mental Health operations manager Annie Ritchie, Childrens Care operations manager Paul Kyle, Childrens Care operations manager David Buchan, Addictions senior social worker SDS ideas WDC Carers Bernadette Smith, Residential and Adult day services operations manager Access Panel Argyll and Lomond Advocacy		
	<i>(Please note: the word 'policy' is used as shorthand for strategy policy function or financial decision)</i>		
<b>Policy Title</b>	Charging Policy for Non-Residential Care Services 2020/2021		
	<b>The aim, objective, purpose and intended out come of policy</b>		
	West Dunbartonshire Health and Social Care Partnership (hereafter referred to as HSCP) in partnership with West Dunbartonshire Council aims to support all of our citizens to live at home or in a homely setting independently, safely and for as long as possible. The Council's Non-Residential Charging Policy sets out the legislative background to charges for non-residential social care services, and describes the services for which charges may apply. This charging policy complies with the COSLA (Convention of Scottish Local Authorities) National Strategy and Guidance on Charges Applying to Non-Residential Social Care Services and the Scottish Office Circular SWSG1/1997, which sets out the powers local authorities, can use to charge for a range of non-residential services. There is a requirement that all local authorities have a charging policy and currently WDC does not have one in place for HSCP services despite charging WDC citizens. This policy will correct this and ensure it is clear for all service users, employees of WDC, citizens of WDC what HSCP services are chargeable and what is not.		
	<b>Service/Partners/Stakeholders/service users involved in the development and/or implementation of policy.</b>		
	Chief Financial Officer HSCP - Julie Slavin Lynne McKnight, Care at Home operations manager Richard Heard, Care at Home service manager Hazel Kelly, COPT operations manager Robert MacFarlane, Learning Disabilities operations manager Lorraine Davin, Learning Disabilities service manager Fraser Downie, Mental Health operations manager Annie Ritchie, Childrens Care operations manager Paul Kyle, Childrens Care operations manager David Buchan, Addictions senior social worker SDS ideas WDC Carers Bernadette Smith, Residential and Adult day services operations manager Access Panel Argyll and Lomond Advocacy Terry Wall, HSCP Accountant		
<b>Does the proposals involve the procurement of any</b>		<b>Yes</b>	

goods or services?			
If yes please confirm that you have contacted our procurement services to discuss your requirements.		No	
<b>SCREENING</b>			
<i>You must indicate if there is any relevance to the four areas</i>			
Duty to eliminate discrimination (E), advance equal opportunities (A) or foster good relations (F)		Yes	
Relevance to Human Rights (HR)		Yes	
Relevance to Health Impacts (H)		Yes	
Relevance to Social Economic Impacts (SE)		Yes	
<b>Who will be affected by this policy?</b>			
Any service user of the following services: Addictions Mental Health Learning Disability Care at Home Adult services Older people services Childrens and families Carers			
<b>Who will be/has been involved in the consultation process?</b>			
Chief Financial Officer HSCP - Julie Slavin Lynne McKnight, Care at Home operations manager Richard Heard, Care at Home service manager Hazel Kelly, COPT operations manager Robert MacFarlane, Learning Disabilities operations manager Lorraine Davin, Learning Disabilities service manager Fraser Downie, Mental Health operations manager Annie Ritchie, Childrens Care operations manager Paul Kyle, Childrens Care operations manager David Buchan, Addictions senior social worker SDS ideas WDC Carers Bernadette Smith, Residential and Adult day services operations manager Access Panel Argyll and Lomond Advocacy Laura Evans, Service Improvement Lead			
<b>Please outline any particular need/barriers which equality groups may have in relation to this policy list evidence you are using to support this and whether there is any negative impact on particular groups.</b>			
	<b>Needs</b>	<b>Evidence</b>	<b>Impact</b>
<b>Age</b>	<p>Availability of services and funding varies dependant on age. Minimum income thresholds is based on age</p> <p>Maximises income</p> <p>Yes, consistent with human rights principles</p> <p>Maximisation of benefits. Will offer more opportunities, choices and resources for individuals of all ages</p>	<p>No impact as policy is not applicable to children under the age of 19 years.</p> <p>Impact will require to be considered by adult services at point of transition from child to adult services where this is applicable. This policy and procedure adheres to legislative requirements, protecting the reputation of West Dunbartonshire HSCP, and responding to COSLA Protocols and best practice.</p> <p>Currently services and resources are limited to some community groups</p>	<p>Negative - Service package can differ in adulthood</p> <p>Positive - all benefits will be maximised</p>

		and funding varies dependant on age Availability of services and funding varies dependant on age. No equity of spend	
<b>Cross Cutting</b>	A clear charging policy, that is accessible to all, and well publicised is a core requirement	Respite definition and clarity that a carer will not get charged when getting a carer is getting respite	Positive impact in terms of clarity and accessibility of the policy, which will be informed by the Councils' Communicating Effectively' guidance
<b>Disability</b>	Lack of formal or informal consultation with stakeholders before the implementation of charges. Due to a lack of Equality Impact Assessment being completed before the implementation of charges, this potentially created avoidable organisational risk in terms of the legal expectations of this work-taking place. A completed Charging Policy was unavailable for consultation, along with the notified service concerns before the implementation of charges. The policy could be clearer when determining what service users are specifically being charged for, e.g. what is included in the day charge. Therefore, there could be room for misunderstanding and resulting	This policy and procedure adheres to legislative requirements, protecting the reputation of West Dunbartonshire HSCP, and responding to COSLA Protocols and best practice	Negative - charges were implemented before a policy was in place and consultation Positive - all benefits will be maximised

inequitably in application of charge. A significant challenge the policy has is ensuring a fair charge for all client groups, whilst also recognising and respecting the unique differences that may exist across these same client groups. The impact on people with disabilities relating to the implementation of charges for the services provided in Learning Disability Day Services. Implementing a day charge which includes the provision of a lunch does not acknowledge the key principles of the national Learning Disability Strategy 'Keys to Life'; Self Directed Support; and European Convention on Human Rights (ECHR). Under section 6 of the Human Rights Act (1998), which highlights that, people (including those with learning disabilities) have the right to 'Choice and Control'. This includes the right to determine the food they wish to eat and where they eat it. The Policy also overlooks individual's complex health conditions

and related anxieties, which can involve peg feeding (nil by mouth) or specialist dietary requirements provided from home. The same applies to the inclusion of transport costs within the daily charge. Some individuals, due to the complexities of their disability or by personal choice, cannot or do not wish to use the Centre Transport. By including transport in the charge, this could easily result in an increase in demand for transport and effectively the service then discourages more able individuals from using public transport; and limiting their opportunity in acquiring independence skills. The main concerns raised have been previously documented and include: • A subsequent negative impact on individual choice and control for people with disabilities. • The potentially unfair implementation which could require people to pay for transport they do not use or meals they do not take, either due to choice,

personal circumstance or disability preventing them from doing so.

- The use of the £30 per week cap could result in some people paying this for a 5-day service, whilst other people only receiving a 3-day service could pay the same amount.
- Potential loss of skills that the café experience provided. People previously paid for their lunch, if they choose to have one, at the time of purchase, hence promoting the development of money handling and independent living skills. The policy would remove this opportunity.
- The Care Inspectorate as being at odds with the principles of the national strategy for Learning Disabilities, e.g. 'choice, control, and active citizenship', could view the introduction of a broader charge.
- The introduction of the charge could result in the lowering of the overall cost of the package of support and therefore the service contribution to the care costs. This could easily then have a knock on effect on whether this service

contribution is equal to the ILF contribution? If it is lower, then either the ILF contribution needs to be reduced or the service contribution needs to be increased. If people who are utilising ILF are exempt from charges then this could be viewed by the Care Inspectorate as inequitable and ultimately discriminatory to those that are not.

Availability of services and funding varies dependant on disability(Care at home) Availability of services and funding varies dependant on disability. No equity of spend(COPT) Expenses for those who have multiple profound complex needs, needs to be considered (Carers WD) Disability related expenditure (SDS Ideas) Community alarms should not be charged for those with a disability (SDS ideas) Lack of services, there is a requirement for more resources and choices to be offered to individuals, due to self-directed support and funding/benefits can vary dependant on disability. Charging someone for a full

	service they may not be able to fully access (Residential and Adult day services) Those who don't receive a ILF will get charged.		
<b>Social &amp; Economic Impact</b>	Policy falls with definition of a strategic policy in terms of the Fairer Scotland duty	Financial assessments are not always completed Maximisation of benefits is inconsistent	If income is high individual could be getting maximum charge for practical tasks. Those at lower end of threshold may not be charged equally.
<b>Sex</b>	Women are more likely to be income deprived than men (e.g. 80% plus of single parents are women) Consistent with human rights principles Maximisation of benefits	Women are more likely to be income deprived than men. Women are more likely to provide care than men. This policy and procedure adheres to legislative requirements, protecting the reputation of West Dunbartonshire Council, and responding to COSLA Protocols and best practice.	Negative - Women are more likely to be income deprived than men. Positive - all benefits will be maximised
<b>Gender Reassign</b>	Consistent with human rights principles Maximisation of benefits Appropriate care	This policy and procedure adheres to legislative requirements, protecting the reputation of West Dunbartonshire HSCP, and responding to COSLA Protocols and best practice. There currently is not any data available to determine this	Positive - all benefits will be maximised
<b>Health</b>			
<b>Human Rights</b>	Articles 3, 8 and 14 of ECHR are especially relevant Human Rights is now included in the Scottish	Equality and Human Rights concerns cross cut	Services need to be provided in such a way as to support privacy, avoid degrading treatment and discrimination



	Governments National Performance Framework		
<b>Marriage &amp; Civil Partnership</b>		This policy and procedure adheres to legislative requirements, protecting the reputation of West Dunbartonshire HSCP, and responding to COSLA Protocols and best practice.	
<b>Pregnancy &amp; Maternity</b>	This area cross cuts significantly with considerations under sex	This policy and procedure adheres to legislative requirements, protecting the reputation of West Dunbartonshire HSCP, and responding to COSLA Protocols and best practice.	No Impact
<b>Race</b>	Consistent with human rights principles Maximisation of benefits	People from Black minority ethnic groups are more likely to be income deprived compared to people from white groups. People from some ethnic groups may have little or no english	Positive - all benefits will be maximised
<b>Religion and Belief</b>	There is some differential across the breakdown of faith and religion in relation to nil charging. However, as the lowest Nil charge is where religion is not stated it is difficult to determine any actual or potential negative outcomes accurately. Consistent with human rights principles Maximisation of	This policy and procedure adheres to legislative requirements, protecting the reputation of West Dunbartonshire HSCP, and responding to COSLA Protocols and best practice. Some individuals may have financial commitments arrangements made with their church, which may need to	Positive - all benefits will be maximised Negative - titheing will not be seen as an expense

	benefits	be considered within the assessment Issue of Titheing may need to be considered as an outgoing.	
<b>Sexual Orientation</b>	Consistent with human rights principles Maximisation of benefits	This policy and procedure adheres to legislative requirements, protecting the reputation of West Dunbartonshire HSCP, and responding to COSLA Protocols and best practice.	Positive - all benefits will be maximised

**Actions**

**Policy has a negative impact on an equality group, but is still to be implemented, please provide justification for this.**

There are actions which are detailed within the EIA which will remove or reduce the negative impact however the following negative impacts cannot be addressed. • Those with a higher income will receive a higher charge against those who have a lower income. • Availability of services and income depends on the nature of the disability • Those without an ILF will get charged for services. • If a partner refuses to divulge income and there is a concern there is a domestic abuse case then the social worker will deal with this scenario at the time. If a partner refuses to divulge details and there isn't a concern of domestic abuse then the full charge will be applied.

**Will the impact of the policy be monitored and reported on an ongoing bases?**

There are two projects which will require its own EIA which is discussed in the actions (financial assessments review and embedding SDS into HSCP services). The rest of the actions will be completed ahead of IJB and full council approval. The charging policy will be reviewed yearly and the EIA will be reviewed to see if the changes made impact the EIA.

**Q7 What is your recommendation for this policy?**

Introduce

**Please provide a meaningful summary of how you have reached the recommendation**

The changes should contribute to overall clarity and accessibility of the policy. A range of potential positive for some groups, gender reassignment, Ethnicity, sexual orientation, and mix of positive and negative impacts for other groups which are detailed in section 2 of the EIA There are actions which are detailed within the EIA which will remove or reduce the negative impact however some negative impacts cannot be addressed which are again detailed in section 2.