

Integrated Relevance Assessment Form

1. Details of proposal	
Policy Title (include budget reference number if applicable)	Contributions Policy for Non-Residential Social Care Services – reviewed during COVID19
Service Area (detail which service area and section this relates to)	Social Policy - IJB
Lead Officer (Name and job title)	Jo MacPherson, Head of Social Policy
Other Officers/Partners involved (list names, job titles and organisations if applicable)	Senior Manager Assessment and Care Management, Group Managers, Community Care, Legal Lead, Financial Management
Date relevance assessed	August 2020
2. Does the council have control over how this policy will be implemented?	
YES	<input checked="" type="checkbox"/> X
NO	<input type="checkbox"/>
3. The General Duty of the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to:	
<ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct • Advance equality of opportunity between those who share a protected characteristic and those who do not; and • Foster good relations between those who share a protected characteristic and those who do not <p>NB: In this section you must also consider the Human Rights Act and the key PANEL (Participation, Accountability, Non-Discrimination, Empowerment and Legality) principles of Human Rights – (further detail on what these are, are provided in the guidance document)</p>	
Which groups of people do you think will be, or potentially could be, impacted upon by the implementation of this policy? You should consider employees, clients, customers and service users (Please tick below as appropriate)	
Age - Older people, young people and children	<input checked="" type="checkbox"/>
Disability - people with disabilities/long standing conditions	<input checked="" type="checkbox"/>
Gender reassignment - Trans/Transgender Identity – anybody who's gender identity or gender expression is different to the sex assigned to them at birth	<input type="checkbox"/>
Marriage or Civil Partnership – people who are married or in a civil partnership	<input type="checkbox"/>
Pregnancy and Maternity – woman who are pregnant and/or on maternity leave	<input type="checkbox"/>
Race - people from black, Asian and minority ethnic communities and different racial backgrounds	<input type="checkbox"/>
Religion or Belief – people with different religions and beliefs including those with no beliefs	<input type="checkbox"/>
Sex - Gender Identity - women and men (girls and boys) and those who self-identify their gender	<input type="checkbox"/>
Sexual Orientation – lesbian, gay, bisexual, heterosexual/straight	<input type="checkbox"/>

4. Do you have evidence or reason to believe that this policy will or may impact on socio-economic inequalities? Consideration must be given particularly to children and families			
Socio-economic Disadvantage			Impact – please tick below as appropriate)
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing			✓
Low and/or no wealth – enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future			✓
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies			✓
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)			✓
Socioeconomic Background – social class i.e. parents education, employment and income			✓
5. Integrated impact assessment required? (Two ticks (✓) above = full assessment necessary)			
YES	✓	NO	
6. Decision rationale – if you have ticked no above, use this section to evidence why a full IIA is not required			
Based on the information and evidence gathered, it is recommended that a full Integrated Impact assessment is undertaken.			
Signed by Lead Officer		JO MACPHERSON	
Designation		HEAD OF SOCIAL POLICY	
Date		August 2020	
Counter Signature (Head of Service or Depute Chief Executive responsible for the policy)			
Date			

- **No assessment required – process ends**
- **Include** a detailed summary of the decision rationale in any council reports and include a copy of the IRA with the background papers.
- **Full Assessment required – continue to Full Assessment Form**

Full Integrated Impact Assessment Form

1. Details of proposal: Contributions Policy for Non-Residential Social Care Services (Revenue Budget Reference SJ3b)	
Details of others involved	Head of Social Policy, Corporate Transformation Team, Anti-Poverty Service, Social Work Assessment and Care Management
Date assessment conducted	August 2020
2. Set out a clear understanding of the purpose of the policy being developed or reviewed (what are the aims, objectives and intended outcomes) including the context within which it will operate.	
<p>Local authorities are permitted by law to charge adult users of non-residential care and support services provided under the Social Work (Scotland) Act 1968 and the Mental Health (Care and Treatment) (Scotland) Act 2003. These charges must be reasonable to pay having regard to the type of care and support provided and a person's ability to meet the cost. Any charges should not exceed the cost of providing the service. A person's ability to meet the cost of paid for non-residential care and support will be determined through a financial assessment, undertaken by the council's Financial Assessment Team.</p> <p>The Contributions Policy implemented in West Lothian in October 2018 complies with social care legislation, Scottish Government guidance and reflects COSLA's National Strategy and Guidance for Charges applying to Non-Residential Social Care Services, which provides a framework for councils to demonstrate that in developing their charging policies, they have followed best practice.</p> <p>In terms of the guidance on charging set out in the Scottish Office Circular SWSG1/1997 and with regard to subsequent development of the COSLA guidance, councils have the power to charge for a range of adult non-residential social care services, including:</p> <ul style="list-style-type: none"> • care at home • day care • lunch clubs • meals on wheels • domiciliary services • wardens in sheltered housing • community alarms and telecare • laundry services • aids and adaptations • care and support services for those who have or have had a mental illness • transport <p>The way that non-residential care and support services are provided to individuals changed following the introduction of the Social Care (Self-Directed Support) (Scotland) Act 2013. Self-Directed Support (SDS) enables individuals to have the right to make informed choices about the way support is provided to them and means developing plans for individuals based on outcomes and a selection of support to meet their individual needs, within an identifiable budget.</p> <p>In West Lothian, certain non-residential social care services were always chargeable to client groups, but this is not equitable to individuals and does not fit well with personalised choices.</p> <p>As more personalised choices are made with individuals moving away from traditional service delivery, recognition must be made of the need to move away from chargeable services towards a contribution towards the overall cost of care. The Contributions Policy is based on an individual's ability to pay and is consistent with COSLA and Scottish Government guidance. The value of the care plan will still be based on assessed eligible need, and any contribution will be calculated after the needs assessment has been undertaken.</p>	

The principle of a contributions policy is supported by COSLA on the basis that those who can afford to pay do so. COSLA has also stated that co-payment (the term COSLA uses for contributions) empowers an individual's ability to make choices with regard to the care they receive and any income raised through charging is invested back into social care. As reported in the council's Revenue Budget 2018/19 to 2022/23 report, agreed by the Council on 13 February 2018, the council's Social Policy Integration Joint Board budget, which includes social care expenditure on Adults and Elderly services is forecast to increase in cash terms from £69.098 million in 2017/18 to £76.044 million in 2020/21.

The Contributions Policy for Non Residential Social Care services has the potential to impact those who currently use social care services and new users, namely older people and people with disabilities. We know that people with disabilities in particular are at a higher risk of poverty than those without a disability.

The policy has resulted in more people in West Lothian being required to contribute to the costs of their eligible care and support; however the council policy does include a number ways in which the council will ensure that not all of an individual's income will be taken into account when determining how much they are being requested to contribute towards their care and support. These are referred to in the policy as personal allowances, disregards and tapers.

To ensure people who are assessed as contributing to their non-personal care package but feel the contribution is not correct or they feel the contribution will cause undue financial hardship, there is a Reconsideration and Review process in place, and this looks at peoples circumstances on an individual case basis on request.

3. Please outline any needs and/or barriers which equality groups (People with Protected Characteristics) may have in relation to this policy

<p>Age</p>	<p>What effect/difference will the policy have on people</p> <p>The policy applies to adults (18-64 year olds) and older people (65+). Some of our current clients receiving non-residential care and support services may have previously paid a charge for their services. These charges were removed when the policy was implemented and replaced by a contribution towards their care and support services, subject to a financial assessment which determines the level of contribution that is able to be made based on affordability. Individuals may therefore be assessed as not being required to contribute anything towards the costs of their care and support plan.</p> <p>In all cases, an individual's ability to contribute towards their care and support plans will be based upon their own individual financial circumstances.</p> <p>How do you know that</p> <p>The policy specifically relates to adults and older people. Benchmarking evidence from other Scottish councils who have introduced contributions based policies for non-residential social care services suggests that a greater number of clients are impacted by the introduction of such policies, and overall income has increased for these councils. The increase in income generated by the Contributions Policy will help to maintain and develop social care services, for which overall council resources will increase.</p>
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Disability	<p>What effect/difference will the policy have on people</p> <p>The policy will impact on adults and elderly people with disabilities who will be subject to a financial assessment to determine if they can contribute towards their eligible care and support needs. Free personal care applies to all adults and older people.</p> <p>In all cases, an individual's ability to contribute towards their care and support plans will be based upon their own individual financial circumstances.</p> <p>How do you know that</p> <p>Benchmarking evidence from other Scottish councils who have introduced contributions based policies for non-residential social care services suggests that a greater number of adults aged under 65 with a disability are impacted by the introduction of such policies, and overall income has increased for these councils. The increase in income generated by the Contributions Policy will help to maintain and develop social care services, for which overall council resources will increase.</p> <p>Evidence at national level tells us that disabled people are at greater risk of experiencing poverty. (See section 7 for evidence of how we know that)</p>
Gender Reassignment – Trans /Transgender Identity	<p>What effect/difference will the policy have on people</p> <p>The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p> <p>How do you know that</p> <p>There is little evidence either at national or local level to indicate particular issues relating to gender identity and poverty, however reports such as Stonewall Scotland and 'Your Services, Your Say' indicate that a number of individuals who identify as trans may feel uncomfortable being open about their gender identify when accessing services so any specific issues or impact may be hidden.</p>
Marriage or Civil Partnership	<p>What effect/difference will the policy have on people</p> <p>The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p> <p>How do you know that</p> <p>No relevant evidence was found through research or consultation, that there may be hidden needs relating to this protected characteristic.</p>
Pregnancy and Maternity	<p>What effect/difference will the policy have on people</p> <p>The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p> <p>All children's tax credits will be fully disregarded as part of the financial assessment of an individual's income.</p>

	<p>How do you know that</p> <p>No relevant evidence was found through research or consultation, that there may be hidden needs relating to this protected characteristic.</p> <p>The policy will allow for the full disregard of benefit income on behalf of dependent children including Child Benefit and Child Tax Credits.</p>
Race	<p>What effect/difference will the policy have on people</p> <p>The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic. The service will utilise the development of more online resources in translatable formats which may help break down barriers.</p>
	<p>How do you know that</p> <p>Evidence at a national level shows that black and minority ethnic people are more likely to experience poverty. The main issue identified locally is access to information and advice, particularly where a language barrier exists. In the 2011 national census, 6.3% of West Lothian's population were categorised as being Non White Scottish/British, compared to a national average of 8.2%.</p>
Religion or Belief	<p>What effect/difference will the policy have on people</p> <p>The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p>
	<p>How do you know that</p> <p>No relevant evidence was found through research or consultation, that there may be hidden needs relating to this protected characteristic.</p>
Sex - Gender Identity	<p>What effect/difference will the policy have on people</p> <p>The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p>
	<p>How do you know that</p> <p>No relevant evidence was found through research or consultation, that there may be hidden needs relating to this protected characteristic.</p> <p>Based on current West Lothian clients in receipt of a care and support plan for non-residential social care, approximately 55% are female and 45% male. This largely reflects the demographic nature of West Lothian's population of people aged over 16, which according to National Records of Scotland data for 2016 shows West Lothian's gender split as 52% female, 48% male.</p>

Sexual Orientation	What effect/difference will the policy have on people The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.
	How do you know that No relevant evidence was found through research or consultation, that there may be hidden needs relating to this protected characteristic however as already acknowledged in the Gender Reassignment – Trans /Transgender Identity section Stonewall Scotland and 'Your Services, Your Say' indicate that a number of individuals who identify as trans may feel uncomfortable being open about their gender identify when accessing services so any specific issues or impact may be hidden.
4. Please outline any needs and/or barriers which may affect vulnerable groups falling into poverty and disadvantage in relation to this policy Vulnerable groups may include the following;	
<ul style="list-style-type: none"> • People with a disability or long term health condition • Unemployed • Single parents and vulnerable families • People on benefits • Those involved in the criminal justice system • People in the most deprived communities (bottom 20 SIMD areas) • People who live in rural areas • Older People • Looked After Children • Carers including young carers • People misusing services • Others e.g. veterans, students • Single adult households • People who have experienced the asylum system • Those leaving the care setting including children and young people and those with illness • Homeless people • People with low literacy/numeracy • People with lower educational qualifications • People in low paid work • People with one or more Protected Characteristic 	
What effect/difference will the policy have on people <p>The Contributions policy as a whole aims to provide a paid for social care policy that enables individuals with eligible non-residential social care needs to be treated equally. Under the policy, all individuals under the scope of Self-Directed Support are financially assessed using the same means-tested approach. This will ensure an equitable approach is applied across the full client base as well as the policy being developed around fairness, consistency and transparency.</p> <p>The introduction of the policy brought more people into the scope of paid for care. Dependent on individual circumstances and the outcome of individual financial assessments, this has left some individuals worse off than they would be under the council's previous charging regime for non-residential social care services. In order to address concerns around financial hardship, the policy proposed a number of personal income thresholds, income and expenditure disregards, and a further taper, to ensure individuals are left with a level of income that allows individuals to live at home independently, safely and for as long as possible.</p> <p>Officers recognise the importance of individuals and families claiming the benefits that they are entitled to, and how this helps to maximise family incomes and can reduce poverty levels. All individuals who undertake a needs assessment and financial assessment will be entitled to receive a Personal Income Check, through the Council's Anti-Poverty Service, Advice Shop. As well as providing an income maximisation review, this service will also offer advice and support on debt, money management, energy and other housing options. The service will also be offered to carers and/or other members of</p>	

the individual's household. In some cases, this service is likely to result in individuals increasing their household income if it enables individuals to access entitled benefits that they were previously not claiming for.

How do you know that

Prior to the introduction of the policy, engagement events held with representative groups during July 2018 raised questions about how the council could determine that people living with a disability could afford to contribute to having assessed eligible care needs met. The policy was designed to treat every client as an individual and not to propose fixed contributions from service users. Every individual who has been assessed as having eligible social care needs and who has a care and support plan agreed to meet those needs have had an individual financial assessment undertaken to establish if a contribution will apply. Every individual has been offered a personal income check, but may opt out of receiving this service if they wish.

The Contributions policy has been reviewed and proposed changes have been made to ensure service users are treated as equitable as possible. The review process for the policy has drawn on feedback from officers, benchmarking with other local authorities, and engagement with service users and representative forums. Proposed changes to the policy include:

- Clearer explanation that the 42 day period post hospital discharge applies to new and additional services and includes people who have been in day surgery (paragraph 2.4)
- Disregard for compensation payments including payments made by any Scottish Government Redress Scheme for historic child abuse (paragraph 4.7)
- Inclusion of housing building insurance premiums in applicable housing costs (paragraph 4.9)
- Addition of notice periods for planned and unplanned absences, along with an allowance that notice can be provided by a service user's representative (paragraph 10.4)
- To build on the success of income maximisation of £1,340,874 achieved since 01/10/18 the referral process for an income maximisation check will now take place at the initial engagement with the service user.

August 2020

Added additional clarification for exemptions for people who are terminally ill
Added section to clarify transition from child to adult services

5. Action Plan

What action/s will be taken, by whom and what is the timescale for completion

Actioner Name Jo Macpherson

Action Date November 2019

What is the issue

Service users have told us that they don't understand the wording on the recovery letters and are confused about the amount outstanding and arrears accumulated.

What action will be taken

Officers have fully considered the concern outlined above and propose that the wording of the financial assessment letters are reviewed and users and established engagement forums are included in this process.

Progress against action MHAP and COWL now involved in sign off for any letters

Action completed
Yes

Date completed
November 2019

Actioner Name Jo MacPherson	Action Date August 2019
<p>What is the issue Not all additional Disability Related Expenditure (DRE) is taken into account in the financial assessment process and could potentially cause undue financial hardship.</p>	
<p>What action will be taken The contribution policy has been updated to ensure that service users previously referred for a personal income check at the financial assessment point will now be referred at the first point of contact in the care assessment process. This will provide the opportunity for people to evidence additional DRE over and above the 65% taper and also identify any possible Disability Related Benefits (DRB).</p>	
<p>Progress against action Suggested in draft proposed policy changes.</p>	
Action completed Yes	Date completed 30/08/2019
Actioner Name Jo MacPherson	Action Date March 2020
<p>What is the issue Potential disruption to delivery of social care services during the COVID-19 pandemic which could result in people being asked to contribute to care and support that is being delivered in different ways or not at all. Potential for council resources to be redirected during the pandemic and financial assessments and personal income checks not being able to be carried out. This would be in contradiction to the principles of the policy.</p>	
<p>What action will be taken The collection of contributions for 2020/21 will be temporarily placed on hold until the impact of the pandemic is clearer.</p>	
<p>Progress against action Letters issued April 2020 and May 2020 confirming that services being delivered would not be subject to a contribution. In addition, in line with all service accounts of the council the recovery of debt for invoices relating to 2019/20 were also placed on hold. 18 August 2020 – Council Executive paper confirming the restart of the processes for 2020/21 effective 1 October 2020. Council Executive approved that there would be no retrospective contributions due for the care and support delivered in the period 1 April 2020-30 September 2020.</p>	
Action completed Restart underway	Date completed

6. Details of consultation and involvement**Who will be or has been involved in the consultation review process**

- a. State which groups are involved in this process and describe their involvement.**
- b. Describe any planned involvement saying when this will take place and who is responsible for managing the involvement process.**
- c. Describe the results of the involvement and how you have taken this into account.**

As part of the policy review, formal and informal engagement was undertaken with representative groups, service users and staff to see views on the contribution policy and associated processes and procedures.

During July and August 2019 Social Policy engaged with service users to gauge feedback of their experience with the contribution policy and to allow users feedback to influence service delivery improvement.

Service Users were asked 4 questions:

1. Is the policy accessible - do you know where to find a copy of it?
2. Did you find the explanation of the policy clear and if not what would have helped?
3. Are any letters or correspondence you have received clear?
4. Do you know who you would contact for any enquiry e.g. when to speak to Benefits and when to speak to Social Policy or the Advice Shop?

For people who have gone through the contributions policy review and reconsideration process they were invited to offer open comments on the information available on the process including how they were kept informed throughout the process.

In light of customer feedback a few improvement measures were identified and will be implemented over the coming months:

- review of financial assessment letters will be undertaken to help aid understanding of how the assessed contribution is calculated.
- Council and Health & Social Care Partnership websites are currently under review and access to the policy will be reviewed to ensure it is easily accessible to the public.
- Contact details for any enquiries will be clear on information available.

7. Data and Information

What equality data, poverty data, research, information or other evidence has been used to inform this assessment?

(Information can include, for example, surveys, databases, focus groups, in-depth interviews, pilot projects, reviews of complaints made, user feedback, academic publications and consultants' reports)

- a. **What information or other evidence has been used in the development of the policy?**
- b. **What does research, consultation and other data or information tell you about the impact of the policy? (Describe the information and the conclusions, and state where the information can be found).**
 - (i) **Quantitative (numbers, percentages, statistical data)**
 - (ii) **Qualitative – (written/spoken words, opinions, surveys)**
- c. **Describe any gaps in the available information, and record within section five (Action Plan Section), action you are taking in relation to this (e.g. new research, further analysis) and when this is planned.**
- d. **Give details of any existing local or national evidence which has been used to inform the development of your policy.**

There is substantial evidence to suggest that those with a disability or living with a person with a disability are significantly more at risk of poverty, less likely to be in employment and more likely to be low paid. In 2018, the employment rate for disabled people in Scotland was 45.6% compared to an overall employment rate of 74.1% (16-64 year olds) (Annual Population Survey 2018).

The Scottish Government's statistical analyses of income and poverty found that between 2002/03 and 2015/16, the proportion of individuals in relative poverty (before housing costs) was higher in families containing a disabled adult than in families with no disabled adults. Similarly, in 2015/16, 19% of individuals in families containing a disabled adult were in relative poverty. For families with no disabled adults the figure was 15%.

Disabled people have also been found to be less likely to be coping financially. Households that contained at least one person with a long-term illness or a disability were more likely to be 'not coping' (15%) than those that did not (10%). The survey also found marked age differences in how well people manage financially; adults aged 16-24 were the least likely to be coping financially and least likely to have savings. Conversely, with increasing age, people were more likely to be coping financially and more likely to have savings.

Campaigners, Scotland against the Care Tax (SACT), suggest that social care in any form is an equality and human right issue, and that a society which pursues a policy of charging those who are entitled to non-residential care services does not do this. SACT have set out in their petition to the Scottish Parliament (PE01533) that having separate income disregards based on age is potentially discriminatory and have identified seven different human rights that are breached by charging for care.

In their response to the SACT petition, COSLA stated that for disabled people and frail older people, they would agree that access to care can be important to the realisation of human rights. However, COSLA did not find the evidence submitted by the petitioners to be compelling, and in COSLA's view, co-payment (COSLA'S term for contributions) is therefore not inconsistent with a socially just system of accessing health and social care.

COSLA recommends that councils should not base the contribution required from the supported person on all the remaining income but rather a percentage of this income from 0% up to any percentage the local authority can justify. Given that any disregarded benefit allowance is to provide for costs over and above what a person without a disability would need to spend, those whose chargeable care costs are more or the same than the amount over which their disposable income exceeds the COSLA minimum

threshold, will be in relative poverty if asked to contribute 100% of that amount. Those who do not meet the threshold for making a contribution would already be considered to be living in relative poverty (as defined by the Joseph Rowntree Foundation). The council's proposed policy is to apply a taper, which restricts the maximum contribution an individual will be required to contribute to 65% of the income they have remaining after disregarded income, expenditure and personal allowances have been applied.

Higher Cost of Living

Several studies have found that people with disabilities face a higher cost of living.

Disability charity Scope UK published a report for 2019 on the additional costs of living with a disability. The key findings from their report were:

- On average, disabled people face extra costs of £583 a month related to their impairment or condition. This is on top of welfare payments designed to help meet these costs.
- One in five disabled people face extra costs of more than £1,000 a month.
- After housing costs, disabled people spend 50 per cent of their income on disability-related costs

They reported that it was vital that disabled people have adequate support from extra cost payments – Personal Independence Payment (PIP), Disability Living Allowance (DLA), and Attendance Allowance (AA) to help meet some of these additional costs, and further action was required to drive down these costs.

Discrimination can also be seen as contributing to increased costs for disabled people. Indirect discrimination will include, for example, insufficient or lack of access to transport, services or public venues. Additional costs are incurred whenever a disabled person has to use private, rather than public, transport; has to provide a sign language interpreter in order to use a bank; or cannot 'shop around' for the cheapest goods because shops are inaccessible. Direct discrimination is seen when, for example, disabled people are charged extra premiums for life insurance, content and motor insurance, and mortgage facilities (Lamb and Layzell, 1994).

As a result, disabled people can face severe social isolation. For example, the Disability in Great Britain report (Grundy et al., 1999) found that more than 40 per cent of the most severely disabled people had not been out shopping, to visit family or friends, or on any kind of excursion in the four weeks prior to interview. Although for many this will be the result of inaccessibility of social venues, it is likely that insufficient income is also a primary cause of social exclusion.

Financial Abuse (access to joint funds)

Vulnerable adults including older people and people with learning disabilities are more at risk from financial abuse. Some people with mental health issues may also be at a higher risk.

Financial exclusion, low levels of financial capability, and cognitive impairment can mean that older people become dependent upon others to manage their finances or to access their income or savings. A 'Centre For Policy On Ageing (CPA)' Briefing on the Financial Abuse of Older People (2009) states that "new opportunities for financial exploitation arise from government policy such as direct payments/individual budgets where people are expected to manage large sums of money; financial assessments for long term care involving property".

Social exclusion can increase the potential for financial abuse. Strong local communities and the effective delivery of services are crucial to the well-being and quality of life of all older people. Engagement of older people in local decision-making is important, in particular for those at risk of social exclusion (*The Financial Abuse of Older People*, Help the Aged, 2007).

When assessing joint income, the Scottish Office Circular SWSG1/97 states that "Local authorities may, in individual cases, wish to consider whether a client has sufficient, reliable access to resources, other than his or her own resources, for them also to constitute his or her means for the purpose of Section

87(1A)". The Scottish Government recommends that Local Authorities consider each case in light of their own legal advice but COSLA suggests this statement is ambiguous.

8. Mitigating Actions

If the policy has a negative/adverse impact on a particular group/s, but is still to be implemented, please provide justification for this.

Note: If the policy is unlawfully discriminatory under the Equality Act 2010 and/or is having a negative impact on poverty and socioeconomic disadvantage under the Fairer Scotland Duty, you MUST identify, how the policy can be amended or justified so the Council acts lawfully.

- a. **How could you modify the policy to eliminate discrimination or to reduce any identified negative impacts? If necessary, consider other ways in which you could meet the aims and objectives.**
- b. **How could you modify the policy to create or maximise the positive aspects of the proposals and to increase equality and reduce poverty and socioeconomic disadvantage.**
- c. **Describe any modifications which you can make without further delay (for example, easy, few resource implications).**
- d. **If you propose to make any of the modifications shown above, describe any potential new negative impacts on other groups in society or on the ability to achieve the aims and how you will minimise these.**
- e. **Please describe the resource implications of any proposed modifications taking into account financial, people and property issues.**

During the course of undertaking the original Equality Impact Assessment of the proposal to introduce a Contributions Policy for Non-Residential Social Care, a number of considerations were made that could help address concerns around in particular, the risk of people with disabilities falling into relative poverty.

Taking account of these concerns, and further concerns raised during engagement with representative groups in July 2018, the following mitigating actions were accepted in the policy and remain valid at the policy review:

- The policy applies a personal allowance threshold, to ensure individuals who have income below this threshold are not required to make a financial contribution for their care and support needs.
- The personal allowance is linked to rates set by the DWP for income support, disability premiums and pension credit. In order to provide more help to those on low incomes and to recognise that not all of someone's income above these rates should be taken in contributions, a buffer of 25% is added to these rates, as recommended in the COSLA National Guidance.
- As recommended in the COSLA guidance, the council will amend these personal allowance thresholds annually, in line with any DWP changes to income support, disability premiums and pension credit levels.
- The council will use benchmarking to monitor how its personal allowance thresholds compare with other Scottish council's. The council will keep the COSLA National Guidance under review, in particular for any changes that look at standardising charging thresholds across the different age groups.
- Councils can apply additional discretion to the level of residual income that individuals will have calculated in their financial assessment. The draft policy is based on the council restricting contributions to 65% of the level of excess income calculated. This taper will be applied to all individuals affected by the policy, and will assist those in financial hardship, or who have other household expenditure such as additional disability related costs.

- All individuals who undertake a needs assessment and financial assessment will be entitled to receive a Personal Income Check, through the Council's Advice Shop. As well as providing an income maximisation review, this service will also offer advice and support on debt, money management, energy and other housing options. The service will also be offered to carers and/or other members of the individual's household. In some cases, this service is likely to result in individuals increasing their household income.
- The policy gives individuals the right to request a review of their level of contributions, if they feel the level of contribution has been calculated incorrectly, or if they provide additional evidence that it will leave them in financial hardship. Requests for a review will be considered on a case by case basis, and dependant on the outcome of individual reviews, could result in a reduction or waiving of the level of contribution.

- **9. Monitoring and Review**
- **How will the implementation and impact of the policy be monitored, including implementation of any amendments? For example, what type of monitoring will there be? How frequent?**
- **What are the practical arrangements for monitoring? For example, who will put this in place? When will it start?**
- **How will results of monitoring be used to develop future policies?**
- **When is the policy due to be reviewed?**
- **Who is responsible for ensuring this happens?**
- **Please detail below**

Systems development work is being undertaken to monitor the level of contributions individuals are asked to make, and this will allow for updates to personal allowance thresholds and benefit disregard rates to be automatically built in to the financial assessment process to ensure it is accurate and up to date. This will also allow for key management reports to be developed which will allow scrutiny of the policy impact on individuals and collectively for all clients.

The policy will be kept under review by Social Policy in light of any key changes proposed in the annual COSLA updates to the National Strategy and Guidance for Charges Applying to Non-Residential Social Care Services.

10. Recommendation and Reasoning

- Implement proposal with no amendments
- Implement proposal taking account of mitigating actions (as outlined above)**
- Reject proposal due to disproportionate impact on equality, poverty and socioeconomic disadvantage

Reason for Recommendation

A number of recommendations for mitigating action have been incorporated into the policy, based around previous concerns raised in the Equality Impact Assessment published in February 2018 and further engagement with service users during July 2018.

August 2020

The policy has been reviewed against the COSLA guidance for 2020/21 and a couple of minor amendments made to clarify exemptions for terminal illness and also transition from child to adult services. All financial thresholds for 2020/21 updated.

An action for the temporary hold on the collection of contributions during the COVID-19 pandemic has also been added.

Signed by Lead Officer	JO MACPHERSON
Designation	HEAD OF SOCIAL POLICY
Date	August 2020
Counter Signature (Head of Service or Depute Chief Executive responsible for the policy)	
Date	