

Equality Impact Assessment (EIA)

Title of policy/process under consideration

Run off payments (group 3)

Lead department

Corporate affairs

Is this policy/process? (Please tick)

New Existing Revised

Is this a full EIA? (Please tick)

Yes No

Please state the reasons for the above decision.

The policy has no significant impact on any of the protected characteristics.

What are the policy/process objectives and aims?

The intention of the policy is to clarify under which circumstances the ILF is able to make a Group 3 payment. The primary purpose in developing the policy on group 3 payments is to support users in meeting some of their statutory employment obligations after the ILF have ceased ordinary payments.

Under the employment rights act (1996), employees are entitled to both a period of notice before the termination of their employment or else payment in lieu of notice and a redundancy payment, provided that they meet the relevant qualifying criteria.

In some circumstances a user's ILF payments may be terminated at short notice. For instance, unplanned long term hospital admission, permanent residential care or other situations where they cease to meet the ILF eligibility criteria.

Where someone employs a PA this may result in a redundancy situation, after they have ceased to meet the common eligibility criteria.

Group 3 payments enable the Fund to support users to meet some or all of these statutory employment costs that have been incurred after the user has become ineligible for other payments from the ILF. The ILF Trust Deed allows a final payment to be made provided that such a payment does not exceed a period of more than 12 weeks and does not exceed the relevant maximum sum previously payable.

For further details on the ILF policy on statutory employment and redundancy costs reference should be made to the for the Employer Support policy.

The policy does not exclude the possibility of payments for other reasons, these being considered on an individual basis by the Trustees.

When introduced following changes to the Trust Deed signed off in 2007, the policy replaced a previous position in which the ILF was unable to make any payments once someone became ineligible.

However, the limitations written into the Trust Deed in the amount of funding that can be paid mean that in some circumstance all legal obligations incurred by a former group 1 or 2 user may not be met in full, as redundancy and payment in lieu of notice may amount to a payment in excess of 12 weeks funding. This limitation is most likely to impact on users who have employed their PA's over long period of time. As these limitations are written into the Trust Deed the content of this policy is a procedural explanation of mandatory provisions set out in the Trust Deed which limits the discretion available to the

ILF.

Please state the reasons why the changes are taking place.

The policy has been amended to simplify and update the content to make it more accessible. The amendments have not changed the purpose or nature of the policy.

Key		
-2	Significant negative impact	+1 Mild/moderate positive impact
-1	Mild/moderate negative impact	+2 Significant positive impact
0	Neutral impact	
Protected Characteristic	Impact	Notes
Age	0	The policy has no significant impact relating to age.
Disability	0	The policy has no significant impact relating to disability.
Gender	0	The policy has no significant impact relating to gender.
Gender reassignment	0	The policy has no significant impact relating to gender reassignment.
Marriage and civil partnership	0	The policy has no significant impact relating to marriage and civil partnership.
Pregnancy and maternity	0	The policy has no significant impact relating to pregnancy or maternity.
Race	0	The policy has no significant impact relating to race.
Religion or belief	0	The policy has no significant impact relating to religion or belief.
Sexual orientation	0	The policy has no significant impact relating to sexual orientation.

What alternative policy/process options have been considered to reduce or alleviate any identified impact?

Consideration has been given to seeking a further amendment to the Trust Deed to increase the scope of the ILF to make final payments, however the costs associated with this are uncertain particularly given the impending closure of the ILF.

In mitigation of the limitations of the policy the ILF encourages users to take out employers liability insurance where they directly employ a PA. The ILF will normally meet the full cost of such insurance which may cover redundancy costs. See employment support policy and ILF user booklet 'Becoming an employer'.

The ILF may also signpost users who were in receipt of joint funding to request support from their local authority.

Ongoing consideration should be given to ensuring that ILF staff and assessors are aware of the policy details and have an understanding of what employers liability insurance may cover.

What research has been gathered/considered when making decisions regarding the Protected Characteristics?

ILF 2006 Trust deed

Are any future actions required for example monitoring or review?


No

EIAB comments/recommendations

The EIA was presented to the board on 24 October 2013. The board agreed to the EIA as presented with no suggestions for amendment.

Date form completed 16 September 2013

Signature of EIAB chair



Date 5 November 2013

Subsequent amendments to policy/process

Date of amendment

Details of amendment

Reason why a new EIA is not required

Date of amendment

Details of amendment

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