



Equality Impact Assessment (EIA)

Title of policy/process under consideration

Backdating Payments

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 applies to all ILF users equally, setting out the circumstances under which the ILF will make backdated payments. It is not seen to have an adverse impact upon any of the protected characteristics. The ILF is able to make exceptional decisions on backdating awards where there is a good reason to do so. The main impact of the policy is to clarify the ILF position and to enable more effective financial management, which benefits users as a whole.

What are the policy/process objectives and aims?

The policy sets out limitations for the period in which ILF payments may be backdated; this ensures that the ILF is able to manage payments within a set budget and also sets out realistic expectations for users. Through being able to manage payments closely the ILF is able to use limited resources more effectively to the benefit of users as a whole*.

The ILF has a legitimate concern that without a clear policy users may employ care without any formal ILF agreement to meet the cost. Given the limitations on when ILF increases can be agreed, a clear procedure is required. This process protects users from misunderstanding through clarifying expectations.

It usually applies to either circumstances in which users payments have been suspended and the award subsequently revised, or where there has been an increase in ILF funding following a reassessment. The policy should be understood in relation to a process that involves the ILF making an offer of funding that the user or their representative then agrees to accept. The user needs to state a date from which they wish to take up the offer of funding.

The ILF will automatically backdate payments up to four weeks from the receipt of the user agreement form. If users have an exceptional reason for backdating further then this may be considered by the Senior Management Panel (SMP), which will take into consideration reasonable circumstances when making a decision.

In a significant number of circumstances the Local Authority will provide short-term assistance pending a decision on an ILF increase. Local Authorities have an obligation to ensure users health and wellbeing is maintained under departmental guidance. The ILF will not reimburse expenditure incurred by local authorities in meeting these obligations even where we later increase provision. This does not impact directly upon users although there are differences in the eligibility criteria set by Local Authorities.

*ILF funding is provided as grant in aid delegated from the DWP and calculated as part of the departmental expenditure limit. The budget for the financial year 2012-13 is £330.7m.

Please state the reasons why the changes are taking place.

Commencement of ILF payments has always been subject to an offer being agreed, this policy was introduced to ensure that users did not accrue excessive arrears as a result of employing care without the ILF agreement.

The ILF budget is set as part of the spending review and as such it is necessary to closely monitor expenditure to ensure that ILF expenditure stays within a set budget. The policy achieves this through usually limiting backdated awards to four weeks from the receipt of an agreement form.

The policy is being amended to take into account circumstances where the ILF make an administrative error resulting in users requesting a longer backdating period. The amendment should ensure that should this occur the ILF will normally backdate payments without having to consider this as an exceptional decision.

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 is universally applied to all ILF users and is not expected to have an impact relating to age.
Disability	0	The policy is universally applied however there may be circumstances in which someone's impairment has an impact upon the date at which a user is able to return an agreement form, the SMP are expected to consider making allowances for this when considering requests.
Gender	0	The policy is universally applied to all ILF users and is not expected to have an impact relating to gender.
Gender reassignment	0	The policy is universally applied to all ILF users and is not expected to have an impact relating to gender reassignment.
Marriage and civil partnership	0	The policy is universally applied to all ILF users and is not expected to have an impact relating to marital status.
Pregnancy and maternity	0	The policy is universally applied to all ILF users and is not expected to have an impact relating to pregnancy and maternity.
Race	0	The policy is universally applied to all ILF users and is not expected to have an impact relating to race.
Religion or belief	0	The policy is universally applied to all ILF users and is not expected to have an impact relating to religion or belief.
Sexual orientation	0	The policy is universally applied to all ILF users and is not expected to have an impact relating to sexual orientation.

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

The Senior Management Panel can make exceptional decisions and should consider legitimate circumstances where it was unreasonable for the user to return the agreement form within four weeks of employing care. Consideration should be taken of the individual's circumstances.** It is noted that the nature of someone's impairment may impact someone's ability to return information within the time required.

** From January 2012 to July 2012 the Senior Management Panel considered 9 cases for backdating in excess of 4 weeks and agreed to 8 of these.

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

Trustees paper 2006
Senior Management Panel exceptional decision requests
Guidance on Direct payments for community care, services for carers and children's services – England 2009

Are any future actions required for example monitoring or review?

The policy is subject to the ILF's rolling review programme. The Operations Policy Board can consider interim recommendations for a review of the policy.

EIAB comments/recommendations

The EIAB reviewed the EIA on 30 August 2012 and agreed to the EIA with no amendment requests.

Date form completed 9 July 2012

Signature of EIAB chair Jesse Harris

Date 31 August 2012

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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