



Equality Impact Assessment (EIA)

Title of policy/process under consideration

Agency Care

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 is not considered to have any negative impacts on any of the protected characteristics.

What are the policy/process objectives and aims?

The policy considers three distinct areas linked to the engagement of agency care by ILF users, these are:

The registration of agencies:

All agencies that provide personal care within the home are required by law to be registered by the Care Quality Commission (CQC) (or the equivalent national organisation). The policy states that the ILF will only agree to make payments where an agency is correctly registered. The regulation of agency care ensures that users of care services are protected and that services meet minimum national standards.

In recognition of the potential impact that a sudden loss of financial support may have on an individual relying upon a support service the policy allows users to continue to receive ILF funding for up to 3 months where an agency is not correctly registered providing that the said agency is either in the process of being registered or the user is in the process of sourcing an alternative provision.

Where an agency is barred from providing a service or the ILF is aware of a particular risk to the user from the continued engagement of a care service the ILF may withdraw support with immediate effect. To reduce any risk associated with an immediate loss of support for an individual the ILF social work team will identify any safeguarding concerns and take appropriate action to resolve these, in partnership with the local authority where appropriate. Local authorities have an obligation to work in partnership with other agencies in ensuring that vulnerable adults are not put at risk.

Introduction agencies:

The policy notes that these are not required to be registered and therefore that the ILF will not take any action.

Relatives and care agencies:

The ILF will allow relatives to provide care if they are working within an agency but will not normally agree to fund towards agencies that are owned directly by the user or their partner to living in the same household.

This ensures that the user does not gain a direct financial benefit from the ILF award. There is in addition, a reasonable expectation that users in such scenario would be able to directly employ a PA at a lower rate and that this would be a more efficient use of public funds.

Please state the reasons why the changes are taking place.

The policy provides clear guidance to ILF users, local authorities and staff to ensure a consistent approach that meets the needs of our users and enables us to support our users in ensuring that the agencies that they are engaging are legitimately registered.

The amendments to the policy are intended to clarify the ILF position and ensure that users that are employing an agency that is not registered are not put at risk.

It is noted that it is illegal for an agency to provide regulated activities within someone's home if they are not registered

| 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 to all ILF users and is not expected to have an impact relating to disability. |
| 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 marriage or civil partnership. |
| Pregnancy and maternity | 0 | The policy is universally applied to all ILF users and is not expected to have an impact relating to pregnancy or 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 ILF does not directly engage agency care and does not participate in managing a user's support package other than providing the necessary assessment and funding. This ensures that users retain as much choice and control over their support as possible.

This policy replaced a previous policy in which the ILF simply advised agencies about their legal obligation to register but didn't withdraw funding. The current policy has developed as an alternative to this to provide greater support and protection to users in employing agencies that are legitimately registered. The policy recognises the disruption that any change in support may have and mitigates this through the the continuation of payments (in most circumstances) for a period of 3 months.

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

The ILF collects no statistics on the number of users that have been employing an unregistered agency, however it is to be expected that this is an infrequent occurrence. As there are no statistics available and we have not identified any research detailing the use of unregistered agencies in the wider population it is uncertain of what the impact of this policy may be. However the application of the policy is likely to prevent abuse of vulnerable adults through the engagement of illegal enterprises. It should be noted that it is a criminal offence for an agency to provide personal care within someone's home unless that agency is registered.

Are any future actions required for example monitoring or review?

The policy area is subject to periodic review. Revisions of criteria at regulating agencies may result to changes in the policy and will be monitored.

EIAB comments/recommendations

The EIAB reviewed the EIA on 20 February 2014 and agreed to the EIA as presented with no suggestions for amendments.

Date form completed January 2014

Signature of EIAB chair



Date 21 February 2014

Subsequent amendments to policy/process

| | |
|-------------------|--------------|
| Date of amendment | 7 March 2014 |
|-------------------|--------------|

Details of amendment

On 6 March 2014 the Government made a decision to close the Independent Living Fund (ILF) on 30 June 2015. The funding and responsibility for users ILF care and support needs will be transferred to local authorities in England and the devolved administrations in Scotland, Wales and Northern Ireland from 1 July 2015. The ILF commenced a Transfer Review Support Programme (TRSP) on 7 March 2014.

The policy has been updated to include a paragraph advising assessors to consider the compatability of the users current care arrangements with the practice of their local authority.

Reason why a new EIA is not required

The current EIA does not identify any negative impact on the protected characteristics as the policy is intended to be applied to each group equally.

The revisions to the policy do not affect this impact and therefore a new EIA is not required.

| | |
|-------------------|--|
| Date of amendment | |
|-------------------|--|

Details of amendment

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