

Appendix E – Domiciliary Care & Direct Payment Rates Equality Impact Assessment 2023 – 2024

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Details of proposal: (Clearly identify the proposal give details of relevant service provision and the demographics covered by the policy or service)

The proposal relates to the fees payable to Domiciliary Care Providers during the 2023/2024 financial year.

The specific detail of the proposal is a 9.89% increase to the Domiciliary Care hourly rate and increases to the sleep-in rates, which would also be applied to Direct Payment rates where the Direct Payment Recipient utilises a Care Quality Commission (CQC) registered Domiciliary Care Agency to deliver their care and support.

The proposal encompasses the implementation of the following fee rates for contracted Domiciliary Care services;

Table 1 - Proposed Domiciliary Care 2023/2024 Fees

Duration / Service Element	2023/2024 Proposed Rate	2022/2023 Originally Set Rates
1 Hour	£21.56	£17.89
45 Minutes	£16.17	£13.42
30 Minutes	£10.78	£8.95
Sleep-in (8 Hour Night)	£95.86	£87.40
Waking Night (8 Hour Night)	£172.48	£143.12

The proposal also encompasses the implementation of the following rates for Direct Payment Recipients that utilise an Agency;

Table 2 - Proposed Direct Payment (Agency) Rates

Duration / Service Element	2023/2024	2022/2023
1 Hour (Domiciliary Care & Community Support)	£21.56	£17.89
Sleep-in (10 Hour Night)	£119.83	£109.25
Waking Night (10 Hour Night)	£215.60	£178.90

The proposal also encompasses the implementation of the following rates for Direct Payment Recipients that utilise a Personal Assistant;

Table 3 - Proposed Direct Payment (Personal Assistant) Rates

Duration / Service Element	2023/2024	2022/2023
1 Hour	£14.55	£13.00
Sleep-in (10 Hour Night)	£119.83	£109.25
Waking Night (10 Hour Night)	£145.50	£130.00

Domiciliary Care Providers provide services for the following client groups:

- Older People
- Mental Health
- Alcohol / Drugs
- Learning Disabilities
- Physical Disabilities
- Terminal Illness

The demographics of Service Users accessing these services are outlined below in Tables 4 – 7. All percentages (%) shown are of the total service user group.

Age Group

Table 4 - Age Groups of Domiciliary Care and Direct Payment Service Users

	Total Clients	%
Adults	688	26.09%
Age 65-74	374	14.18%
Age 75-84	709	26.89%
Age 85-94	752	28.52%
Age 95+	114	4.32%
Sum:	2637	

Gender

Table 5 - Gender of Domiciliary Care and Direct Payment Service Users

	Female		Male	
	Total Clients	%	Total Clients	%
Adults	363	13.77%	325	12.32%
Older People	1294	49.07%	655	24.84%
Sum:	1657	62.64%	980	37.16%

Ethnicity

Table 6 - Ethnicity of Domiciliary Care and Direct Payment Service Users

Ethnic Group	Adults		Older People		Total	
	Total Clients	%	Total Clients	%	Total Clients	%
Any other ethnic group	1	0.04%	5	0.19%	6	0.23%
Arab	1	0.04%	1	0.04%	2	0.08%
Asian/Asian British - Any other Asian background	1	0.04%	1	0.04%	2	0.08%
Asian/Asian British - Bangladeshi	1	0.04%			1	0.04%
Asian/Asian British - Chinese	1	0.04%	2	0.08%	3	0.12%
Asian/Asian British - Indian			1	0.04%	1	0.04%
Black/Black British - Any other Black background	1	0.04%	1	0.04%	2	0.08%
Black/Black British - Caribbean	1	0.04%	2	0.08%	3	0.12%
Information not yet obtained	47	1.78%	134	5.08%	181	6.86%
Mixed - Any other mixed background	2	0.08%			2	0.08%
Mixed - White and Asian	3	0.11%	1	0.04%	4	0.15%
Mixed - White and Black Caribbean	2	0.08%	1	0.04%	3	0.12%
Not Recorded			2	0.08%	2	0.08%
Not Stated	2	0.08%	5	0.19%	7	0.27%
White - Any other White background	11	0.42%	42	1.59%	53	2.01%
White - British/English/Welsh/Scottish/Northern Irish	610	23.13%	1742	66.06%	2352	89.19%
White - Gypsy/Roma			1	0.04%	1	0.04%
White - Irish	3	0.11%	7	0.27%	10	0.38%
White - Traveller of Irish Heritage	1	0.04%			1	0.04%
Missing			1	0.04%	1	0.04%
Sum	688		1949		2637	

Primary Support Reason

Table 7 - Primary Support Reason of Domiciliary Care and Direct Payment Service Users

Primary Support Reason	Female				Male				Total Clients	
	Adults		Older People		Adults		Older People			
	Total Clients	%	Total Clients	%	Total Clients	%	Total Clients	%	Total Clients	%
Learning Disability Support	57	2.16%	2	0.08%	57	2.16%	7	0.27%	123	4.66%
Mental Health Support	61	2.31%	37	1.40%	80	3.03%	30	1.14%	208	7.89%
Missing data			1	0.04%	1	0.04%			2	0.08%
Physical Support - Access and Mobility Only	21	0.80%	47	1.78%	15	0.57%	32	1.21%	115	4.36%
Physical Support - Personal Care Support	211	8.00%	1092	41.41%	161	6.11%	538	20.40%	2002	75.92%
Sensory Support - Support for Dual Impairment	1	0.04%	1	0.04%					2	0.08%
Sensory Support - Support for Hearing Impairment			2	0.08%					2	0.08%
Sensory Support - Support for Visual Impairment	3	0.11%	6	0.23%	2	0.08%	7	0.27%	18	0.68%
Social Support - Substance Misuse Support	2	0.08%			1	0.04%	1	0.04%	4	0.15%
Social Support - Support for Social Isolation / Other	2	0.08%	3	0.11%	3	0.11%	2	0.08%	10	0.38%
Support with Memory and Cognition	5	0.19%	103	3.91%	5	0.19%	38	1.44%	151	5.73%
Sum:	363		1294		325		655		2637	

Ramifications of Proposal:

The proposals relate to the fees paid to contracted Domiciliary Care Providers, with the proposals also linking to Direct Payment rates.

The specific proposals relating to contracted Domiciliary Care Providers are that for the 2023/2024 period it will introduce the following fees;

Table 8 - Proposed 2023/2024 Domiciliary Care Rates

Duration / Service Element	2023/2024 Proposed Rate	2022/2023 Originally Set Rates
1 Hour	£21.56	£17.89

Duration / Service Element	2023/2024 Proposed Rate	2022/2023 Originally Set Rates
45 Minutes	£16.17	£13.42
30 Minutes	£10.78	£8.95
Sleep-in (8 Hour Night)	£95.86	£87.40
Waking Night (8 Hour Night)	£172.48	£143.12

In addition, Direct Payment rates Direct Payment Agency rates are aligned (in terms of how they are calculated) to the contracted Domiciliary Care rates. In order to maintain this, it is therefore proposed that the Direct Payment Agency rates are increased to the following;

Table 9 - Proposed 2023/2024 Direct Payment (Agency) rates

Duration / Service Element	2023/2024	2022/2023
1 Hour (Domiciliary Care & Community Support)	£21.56	£17.89
Sleep-in (10 Hour Night)	£119.83	£109.25
Waking Night (10 Hour Night)	£215.60	£178.90

With respect to the Direct Payment Personal Assistant rate, it is proposed that the current rates are increased to the following;

Table 10 - Proposed 2023/2024 Direct Payment (Personal Assistant) Rate

Duration / Service Element	2023/2024	2022/2023
1 Hour	£14.55	£13.00
Sleep-in (10 Hour Night)	£119.83	£109.25
Waking Night (10 Hour Night)	£145.50	£130.00

The proposals do not include any changes to how sleep-in rates are calculated, as outlined in the consultation.

There is the possibility that some Provider's may face difficulties adapting their services and could then become unviable which would lead to them withdrawing from the market. This could therefore reduce the availability of services that meet specific Service User needs.

Are there any protected characteristics that will be disproportionately affected in comparison to others?

The protected characteristics under the Equality Act 2010 are:

- *Age*
- *Disability*
- *Gender Reassignment*
- *Marriage and Civil Partnership*

- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Pregnancy and Maternity

Care Leavers was also adopted as a Protected Characteristic by Sefton Council in January 2023.

There are no proposals that change services on the basis of Protected Characteristics or identified to make an indirect negative effect. Furthermore, the proposals are planned to ensure that the rate paid for care is a sustainable rate. The fees proposed is aimed to support all residents to receive high quality Domiciliary Care regardless of their Protected Characteristics.

If the fee proposals were to be implemented and the above ramifications were to materialise then the following protected characteristics may be affected;

- **Age** - as the majority of current service users are aged over 65
- **Gender** - as the majority of current service users are female

Consultation:

The consultation encompassed the original proposals outlined in the following tables:

Table 11 – Originally Proposed 2023/2024 Domiciliary Care Rates

Duration / Service Element	2023/2024 Proposed Rate	2022/2023 Originally Set Rates
1 Hour	£19.66	£17.89
45 Minutes	£14.75	£13.42
30 Minutes	£9.83	£8.95
Sleep-in (8 Hour Night)	£95.86	£87.40
Waking Night (8 Hour Night)	£157.28	£143.12

In addition, Direct Payment rates Direct Payment Agency rates are aligned (in terms of how they are calculated) to the contracted Domiciliary Care rates. In order to maintain this, it is therefore proposed that the Direct Payment Agency rates are increased to the following;

Table 12 – Originally Proposed 2023/2024 Direct Payment (Agency) rates

Duration / Service Element	2023/2024	2022/2023
1 Hour (Domiciliary Care & Community Support)	£19.66	£17.89
Sleep-in (10 Hour Night)	£119.83	£109.25
Waking Night (10 Hour Night)	£196.60	£178.90

With respect to the Direct Payment Personal Assistant rate, it is proposed that the current rates are increased to the following;

Table 13 - Proposed 2023/2024 Direct Payment (Personal Assistant) Rate

Duration / Service Element	2023/2024	2022/2023
1 Hour	£14.55	£13.00
Sleep-in (10 Hour Night)	£119.83	£109.25
Waking Night (10 Hour Night)	£145.50	£130.00

As part of this consultation process the Council wished to particularly receive and consider feedback in relation to the following questions from Domiciliary Care Providers;

1. Whether the level of proposed fees set out in the proposals would cover the cost of delivering Domiciliary Care for the period from 1st April 2023 to 31st March 2024.
2. If Providers did not agree with the rates, in particular if they considered that they would not cover the cost of delivering services, to provide budgeted costings, together with evidence of actual expenditure and a breakdown of hourly rate, in support of comments.

With respect to the proposed Direct Payments (Personal Assistant) rates, Recipients, as part of the consultation process the Council wished to particularly receive and consider feedback in relation to the following questions from them:

1. Do the proposed rates set out cover the cost of employing a Personal Assistant and meeting assessed care needs for the period from 1st April 2023 to 31st March 2024?
2. If you do not think that the proposed rates will cover the cost of employing a Personal Assistant and meeting the Care Act 2014, assessed care needs, please outline why and provide any supporting information that you feel may be pertinent.

The consultation commenced on 20th March 2023 and had an initial end date of 16th April 2023. As part of this consultation process an initial Microsoft Teams consultation meeting was held with Providers on 30th March 2023 to enable them to raise questions to Senior Officers within the Council and also provided a further opportunity to state their general Views about the market and the challenges faced.

Following the end of the initial consultation period on 16th April 2023, the consultation responses were analysed, together a range of factors such risks raised in relation to additional costs and regional averages, and this resulted in the Domiciliary Care and Direct Payment (Agency) fee increases being increased from those originally proposed at the commencement of the consultation.

The consultation period was then extended to 26th April 2023 after the revised proposed rates were communicated to Providers. A further Microsoft Teams event was then held with Providers on 25th April 2023 to discuss the revised proposals.

Is there evidence that the Public Sector Equality Duties will be met?

The Equality Act 2010 requires that those subject to the Equality Duty must, in the exercise of their functions, have due regard to the need to:

- 1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.*
- 2. Advance equality of opportunity between people who share a protected characteristic and those who do not.*
- 3. Foster good relations between people who share a protected characteristic and those who do not.*

The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.*
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.*
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.*

The options proposed do not involve any change to the criteria for Domiciliary Care, as assessed via the Council's eligibility criteria nor do they involve any changes to the capacity of services or how payments for sleep-in services are formulated.

Each Service User will continue to have an individual care plan which is reviewed each year in accordance with the Care Act 2014. In assessing the care needs of Service Users Sefton Council is required to have regard to its public sector equality duty.

With respect to the above;

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Domiciliary Care services will continue to be provided on the basis of assessed need.

Performance monitoring of contracts regularly takes place and Social Workers, and families / advocates give feedback as to the treatment of Service Users. In addition, the Council monitors data on contracts to ensure that there is fair access to all that meet the eligibility criteria.

Advance equality of opportunity between people who share a protected characteristic and those who do not.

Domiciliary Care packages are based on a person's individual need and offers opportunities for people to live as independently a life as possible and under an enabling approach.

Under current eligibility assessments, Service User's religious and cultural needs are taken into account and where specific needs are identified these are met, thus enabling them to participate in public life.

Foster good relations between people who share a protected characteristic and those who do not.

Domiciliary Care services support people to continue to live within the community regardless of their Protected Characteristics, including age and disability. Thus making sure that residents receiving Domiciliary Care service are active in their community and are accepted and understood by the wider community.

All Provider's must evidence of how they will treat Service Users with respect and dignity, and deliver services in a way which is free from discrimination, bullying and harassment for Service Users and Domiciliary Care staff.

In addition;

- The Council will continue to work with Providers to ensure that they provide appropriate services to disabled people on a contract and service specification basis and monitoring of service delivery.
- The Council as commissioning agent will remind Providers, when undergoing changes to their services to treat their staff in accordance with Equality and Employment law.
- Service Users are, and will continue to be, assessed in a qualitative manner in accordance with national guidance and Care Act 2014.
- Under Section 47 of the National Health Service and Community Care Act 1990, individual services provided will be privy to regular review to assess if those services are meeting assessed needs.
- The current service specification contains specific requirements relating to equalities.
- Domiciliary Care is a program designed, costed, and targeted to support disabled people.

What actions will follow if proposal accepted by Cabinet & Council?

Include details of any mitigating action and ongoing monitoring to address any of the equality impacts highlighted above

- Ongoing consultation with Domiciliary Care Providers will include obtaining provider views on the economic impact of the implementation of any decision and this information will in turn be used to ascertain any possible economic impacts on clients or regulatory impacts on individual Providers.
- There is also ongoing work taking place relating to the national Department of Health and Social Care Market Sustainability and Fair Cost of Care programme, and the revised fee proposals have been formulated based on this programme and additional funding allocated to the Council for the "move towards" a fair cost of care for the Domiciliary Care (18+) sector.
- Future commissioning arrangements include associated Equality Impact Assessment.
- The demand for services will also be monitored, such as changes to the demographic profile of the borough and the demand for more specialist services.
- Risk management work will be conducted which will include analysis of the capacity within the market and the ability of the market to 'absorb' individual Providers withdrawing from the Sefton market. This analysis will also be informed by performance information on numbers of Domiciliary Care package commissioned and ability to meet demand and individual needs.

- Regular liaison with the Care Quality Commission will also continue and as part of this any issues identified with respect to the financial viability of individual Providers will be monitored. The impacts of any potential financial difficulties identified would be assessed, especially with respect to the impact on the wider Sefton Domiciliary Care market, meeting demand for services and capacity in the market. To this end the capacity of current services will be monitored regularly to assess capacity levels.
- The Care Act 2014 gives responsibilities to CQC for assessing the financial sustainability of certain care providers, it also gives them new powers to request information from those providers and to request a provider who they judge to be in financial difficulty to develop a sustainability plan and arrange an independent business review, to help the care provider remain financially sustainable. The Council will continue to work with CQC if and when they share concerns about care providers operating in Sefton.
- With respect to any potential impacts of the decision on the quality of service provided, regular monitoring will continue to take place. This will include monitoring of factors such as meeting Service User needs, the quality and retention of staff, staff training and overall management of services. Monitoring of Safeguarding referrals and regulatory notifications will also continue.
- Ongoing monitoring of Direct Payment accounts will continue to take place to both ensure that Recipients continue to have sufficient funding to commission services and to also monitor the level of surplus recoveries being made from Direct Payment accounts. As part of this work engagement with Sefton Carers Centre will continue to take place.
- Ongoing work will take place to assess sleep-in services, including rates paid for them.