

Equality Impact Assessment (EqIA)

Introduction

This EqIA is for:

Proposal to Update the Protection of Property and Pets, and Funeral Arrangements Policy

Details are set out:

Report to Adult Social and Public Health Committee 10 September 2018 – Protection of Property and Funeral Arrangements Policy

Report to Adult Social and Public Health Committee 4 February 2019 – Changes to the Protection of Property and Funeral Arrangements Policy

Officers undertaking the assessment:

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Cath Cameron-Jones, Group Manager, Strategic Commissioning
Karen Moss, Equality Officer

Assessment approved by:

Paul McKay, Deputy Director for ASC&PH

Date: 10.09.18
(based on
September 2018
report)

Mark McCall, Service Director, Mid-Notts

January 2019
(based on the
February 2019
report)

The Public Sector Equality Duty which is set out in the Equality Act 2010 requires public authorities to have due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation; Advance equality of opportunity between people who share a protected characteristic and those who do not; Foster good relations between people who share a protected characteristic and those who do not.

The purpose of carrying out an Equality Impact Assessment is to assess the impact of a change to services or policy on people with protected characteristics and to demonstrate that the Council has considered the aims of the Public Sector Equality Duty.

Part A: Impact, consultation and proposed mitigation

1 What are the potential impacts of proposal? *Has any initial consultation informed the identification of impacts?*

This proposal will impact on adults who have been assessed as eligible for social care support where they have been admitted to hospital or are receiving short term care away from home and need help from the council to protect their property, including any pets, during this period.

The type of individuals who may be impacted includes:

- Adults aged 65+.
- Adults aged 18-64 who have learning disabilities, physical disabilities, mental health needs, or those with Aspergers. This may include service users who are sectioned under the Mental Health Act 1983.

Most of the people currently receiving services are people with mental health problems, including those detained under the Mental Health Act 1983 or anyone admitted into hospital in an emergency.

The impact of the proposed policy changes on these individuals would be that in future, rather than paying for costs for up to 28 / 56 days, the Council will only pay for costs up to either 7 or 2 days (unless extensions are agreed), to allow service users to make alternative arrangements. During this time, social workers would be expected to endeavour to resolve such situations at the earliest opportunity, without the need for the Council to incur additional costs.

If at the end of the agreed period of storage / boarding, the individual is unable to take responsibility for this, and there is nobody else available to do so, then the Council would continue to protect property and pets. However, individuals would be billed for any costs incurred beyond the agreed period. Should payment not be received, the Council would implement its agreed arrangements to recover such funds.

There is a potential that the change in policy may cause stress to people and, for some, may hinder their recovery.

This is a particular risk for those who may lack the mental capacity or people with mental health problems.

Consultation comments received when the policy was last subject to review in 2015 included the risk that if such service users have less time to make decisions, this may hinder their recovery, undermine their trust in professional staff, and deprive them of assets that they could not afford to replace. There was particular concern about the rehoming of pets and the impact that this might have if done very quickly.

The proposed change in policy would also put more onus on those caring for affected service users to take on responsibility of pets / property whilst someone is in hospital or residential accommodation.

The proposal to tender for the provision of property and pets storage will have no impact on service users or their families / circles of support.

No consultation has yet been undertaken with service users who might be impacted by these changes. However, if approval to consult is obtained from ASC&PH committee, this will be undertaken.

2 Protected Characteristics: Is there a potential positive or negative impact based on:

Age	<input type="checkbox"/> Positive	<input checked="" type="checkbox"/> Negative	<input type="checkbox"/> Neutral Impact
Disability	<input type="checkbox"/> Positive	<input checked="" type="checkbox"/> Negative	<input type="checkbox"/> Neutral Impact
Gender reassignment	<input type="checkbox"/> Positive	<input type="checkbox"/> Negative	<input checked="" type="checkbox"/> Neutral Impact
Pregnancy & maternity	<input type="checkbox"/> Positive	<input type="checkbox"/> Negative	<input checked="" type="checkbox"/> Neutral Impact
Race <small>Including ethnic origin, colour or nationality</small>	<input type="checkbox"/> Positive	<input type="checkbox"/> Negative	<input checked="" type="checkbox"/> Neutral Impact
Religion or belief	<input type="checkbox"/> Positive	<input type="checkbox"/> Negative	<input checked="" type="checkbox"/> Neutral Impact
Sex (gender)	<input type="checkbox"/> Positive	<input type="checkbox"/> Negative	<input checked="" type="checkbox"/> Neutral Impact
Sexual orientation <small>including gay, lesbian or bisexual</small>	<input type="checkbox"/> Positive	<input type="checkbox"/> Negative	<input checked="" type="checkbox"/> Neutral Impact

3 Where there are potential negative impacts for protected characteristics these should be detailed including consideration of the equality duty, proposals for how they could be mitigated (where possible) and meaningfully consulted on:

How do the potential impacts affect people with protected characteristics <i>What is the scale of the impact?</i>	How might negative impact be mitigated or explain why it is not possible	How will we consult
<p>This proposal impacts most on service users aged 65+, and adults aged 18-64 who have learning disabilities, physical disabilities, mental health needs, or Aspergers. The qualifying criteria for the policy does not distinguish by age or disability.</p> <p>See section 1 above for the anticipated impact on them.</p> <p>In terms of the potential scale of the impact, during 2017/18:</p> <ul style="list-style-type: none"> • 8 properties were cleared and moveable items put into storage. • Pets were boarded for 43 people, at an average of 48 days. 	<p>Staff are to be reminded to work with their assigned service users to identify and set in place advance arrangements, as part of any assessment or review, for other individuals who could be called upon to intervene and look after pets / property / furniture and other personal items, if required. For example family, relatives, close friends or other representatives. This will include signposting service users to other sources of community support, including from the Voluntary and Community Sector, using tools such as Notts Help Yourself.</p> <p>The use of County Council secured facilities will be explored.</p> <p>If there are significant concerns regarding a service user's capacity to make a decision regarding their property (or pets), during the revised timescale, their assigned social worker must ensure a capacity assessment is undertaken. If there is a lack of capacity, consideration must be given to an</p>	<p>It is proposed that consultation is undertaken over a six week period via established forums. This includes:</p> <ul style="list-style-type: none"> • An on-line survey will be made available on the Council's website. • A link to the survey will be shared with the Mental Health Co-Production Group, Experts by Experience Group, the Home Care Group, the Older People's Advisory Group, and the Citizens' Panel. • Letters to relevant service users over the past 12 months. <p>NB: letters and copies of the survey will also be made available in an easy read format.</p>

	<p>application to the Court of Protection.</p> <p>If the person has either a Deputy or Attorney for their property or financial affairs, the social worker must liaise with this person to make arrangements for the property/pets. The person representing the interests of a person who lacks capacity will be responsible for arrangements for property and pets.</p> <p>If, after the agreed period of storage / boarding, the individual is unable to take responsibility for this, and there is nobody else available to do so, then the Council would continue to protect property and pets. However, it will bill the individual for any costs incurred beyond the agreed period. Should payment not be received, the Council would implement its agreed arrangements to recover such funds.</p> <p>The assistance of the Nottinghamshire Enablement Service would be requested, to help identify and secure alternative arrangements (i.e. source local providers of pet care / storage care).</p>	<p>The results of the consultation and any proposed changes to the policy will be brought to the 10 December 2018 Adult Social Care and Health Committee.</p> <p>If consultees are unhappy about the consultation period, approval for a time extension will be considered.</p>
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Part B: Feedback and further mitigation

4 Summary of consultation feedback and further amendments to proposal / mitigation

At 10th September 2018 ASC&PH Committee approval was given to hold a six week consultation on the proposal to revise the current policy. A total of 50 people responded to the consultation between 27th September and 8th November 2018. Of these responses, 76% were Nottinghamshire County residents, 4% were service users and 18% were relatives, carers or friends of a service user. 4% did not specify which group they belonged to.

Question 2 of the consultation asked people to consider to what extent they agreed or disagreed with 3 options:

- a. No change to current policy, i.e. for the Council to continue to pay for the storage of property and care of pets for 28 days, with a possible 28 day extension:
 - 32 respondents strongly agreed or agreed.
 - 9 respondents strongly disagreed or disagreed.
 - 7 respondents neither agreed or disagreed.
 - 2 respondents did not answer this question.
- b. A change to the current policy - to reduce the number of days to 7 days, with an extension of 7 days in exceptional circumstances:
 - 17 respondents strongly agreed or agreed.
 - 32 respondents strongly disagreed or disagreed.
 - 1 respondent did not answer this question.
- c. A change to the current policy - to reduce the number of days to 2 days, with an extension of 2 days in exceptional circumstances:
 - No one strongly agreed or agreed.
 - 49 respondents strongly disagreed or disagreed.
 - 1 respondent did not answer this question.

A significant proportion of respondents (64%) wanted no changes to be made to the current policy (option A). 64% are not in favour of option B, and 98% were not in favour of option C.

Question 3 asked respondents to make comments about the proposals. Half the respondents completed this question:

- a. All comments referred to the importance of pets to the wellbeing of the service users. *“Pets are really valuable to people and knowing they are safe..... aid recovery, so is more cost effective in the long term”.*
- b. 2 comments were made about the service user paying for the service if they had the finances. *“I do think that IF patients can afford it and family are able to arrange it then this should be paid for by the patient”.*
- c. Some comments indicated that reducing the number of days may cause more work for other people. *“I appreciate that the current arrangements are costly to the council but they are only used when a service user has no other option for care of a pet and so by reducing the time will simply put more pressure on service users and workers to make alternative arrangements which could impact on her mental health negatively potentially extending hospital stay even longer.”*

In conclusion, it is to be recommended to Members at the 4 February 2019 Committee that there should be no change to the number of days for the reasons listed below:

- In recognition of the outcome of the consultation exercise.

- A reduction of the number of days to 7 or 2 days is insufficient time for service users to make alternative arrangements and could hamper their recovery time. It would also have a significant impact on social care workers' time, as they would have to get involved more frequently in making arrangements for property or pets.

Instead, savings will be realised through:

- 1) Reducing the budget by £30,000, which has been the approximate underspend for the last 2 years.
- 2) A pet care procurement exercise (as approved at the September 2018 Committee meeting), where a set figure will be offered to the potential provider. This will commence in February 2019 to seek a provider who will manage and coordinate care provision, delivering a cost effective service. Equity of service across the County will be required, reducing the costs and stress associated with transporting pets long distances. The quality of care will be paramount, so pets will be cared for appropriately and receive veterinary treatments in a timely fashion, if required.
- 3) The tightening up of the current policy and process. For example, social care workers will work with service users to identify and set in place advance arrangements, as part of any assessment or review, for individuals such as family, relatives, close friends or other representatives who could be called upon to intervene and look after property / pets, where service users are unable to fulfil this responsibility themselves.

Amendments to the policy will ensure more advance planning is completed with pet owners which will help to reduce cost. The tightening up of invoice collection, introduction of repayment plans (if costs are incurred), together with the future procurement exercise, will also make the service more efficient.

In summary, the Council will continue to pay for costs up to 28 days (unless extensions are agreed), to allow service users to make alternative arrangements. During this time, Social Workers would be expected to endeavour to resolve such situations at the earliest opportunity, without the need for the Council to incur additional costs. The Council will work with the service user to implement a repayment plan if continuing storage/boarding rather than expect the service user to make arrangements for payment at the time.

Completed EqlAs should be sent to equalities@nottscc.gov.uk and will be published on the Council's website before any decision is made.