



Equality Impact Assessment (EIA)

Title of policy/process under consideration

Available Income

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 reflects the expectation of a user contribution as specified in paragraphs 6 and 7 of the Conditions of Grant Agreement (COGA). It explains how a contribution is to be calculated. The EIA screening does not identify any adverse affects on any of the protected characteristic groups.

What are the policy/process objectives and aims?

The ILF makes payments to users in order to enable them to live independently within their communities. This support is targeted towards people with the greatest needs who are without the financial means to meet the cost associated with their support needs. Therefore, when calculating an offer of funding the ILF takes into account the financial resources available to users to meet the cost of their support.

The Conditions of Grant Agreement (COGA) regulates how the ILF must calculate available income. The COGA states that an ILF user (with the exception of Group 1 protected candidates) is expected to contribute, if received, the full amount of their Severe Disability Premium (SDP) and half of the care component of the Higher Rate of Disability Living Allowance (HRDLA) or 1/2 Attendance Allowance. As the care component of HRDLA, Attendance Allowance and SDP are paid towards meeting the additional costs associated with someones impairment this requirement ensures that public money from two sources is not used to fund the same needs.

The COGA also states that where a person is not in receipt of Income Support or an equivalent benefit then the difference between their weekly resources and their weekly needs should be calculated in accordance with Income Support Regulations in respect of allowances, premiums and disregards.

The policy confirms the ILF position in respect of the COGA and sets out the expected contributions. The policy also advises the process to take regarding a previous Trustees decision to reduce or waive a users assessed contribution and the ILF position on available income and raising overpayments.

Please state the reasons why the changes are taking place.

The policy has been amended to make it easier to administer and to allow flexibility regarding who can pay the assessed contribution. In particular it is proposed that the conditions around the payment of available income are simplified. There has always been a concern around what happens if a user chooses not to contribute their available income towards the assessed qualifying support and services. The policy will provide greater clarity to users and ILF staff around the process.

The revised policy will make it clear to users and staff that an overpayment should only be raised based on the actual net payments made by the ILF and not the 'gross' award.

The previous policy placed some conditions around available income including that it could not be funded by the Local Authority, National Health Service (NHS) or other government funded body and that users cannot

substitute unpaid care for available income. In practice these principles are very difficult to monitor as users can receive a direct payment from both Local Authorities and the NHS. The payments that users receive from Local Authorities can be used flexibly towards personal outcomes, provided that they meet the relevant threshold sum. It is therefore acknowledged that it is difficult to determine precisely how the user has met the cost of support covered by available income. The revised policy is therefore concerned with ensuring that the ILF net award and the Local Authority threshold sum are spent on qualifying support and services and not to prescribe how available income is used to meet the assessed support.

The revised policy will better reflect the government's position on personalisation (allowing users greater choice and control) and the realities of personal budgets.

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	-1	The policy is universally applied to all ILF users. It is noted that some of our users may be of pensionable age and receive a state and/or an occupational pension. Whilst the ILF disregards earnings when calculating available income we take into account any occupational pension, this may therefore disadvantage users who have contributed to an occupational pension over the course of their working lives, as they will be no better off than an individual who has not contributed. Whilst this issue has been considered when drafting the policy, the concession to disregard earnings has never been extended to occupational pensions and it is not within the authority of the ILF to do so. The ILF is focused on individuals who have substantial care needs and may not have the means of supporting their care costs. If a user has the finances to contribute towards their support costs then a contribution is expected to be made.
Disability	0	The policy is universally applied to all ILF users and is not expected to have an impact relating to disability. The ILF take some disability related benefits into account when calculating a users available income to ensure that public money from two sources is not used to fund the same needs.
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	-1	The policy is universally applied to all ILF users. It is noted that the ILF takes into account partners income when calculating how much someone has to contribute to their

		support needs. If a user is married to a person who receives a state and/or an occupational pension then this is taken into account when calculating the available income. As previously noted (under the protected characteristic for age), if a user has the finances to contribute towards their support costs then a contribution is expected to be made.
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?

In the majority of instances the ILF supports users to live independently in conjunction with local authority direct payments. It was therefore recommended by the 2007 review of the Independent Living Funds that the ILF charging system be brought into alignment with guidance on Fairer Access to Care Services (FACS) guidance before being integrated fully as a single financial assessment.

This has never been implemented due to the cost implications. For the ILF to waive charges it would cost £53.3 million in the first year and then increase each year in line with current benefit rates *

In addition the ILF is a UK wide organisation that applies a consistent criteria to all users whereas the application of FACS is variable, in addition there are different charging policies applied in the devolved administrations.

Separately the ILF have on previous occasions considered the issue of occupational pensions being taken into account as this has been a cause of concern with users. However, as the COGA is currently drafted a change in policy is not within the authority of the ILF.

*As of 05/10/12

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

ILF Trust Deed - 17th January 2012

ILF Conditions of Grant Agreement - 17 January 2012

Income Support (General) Regulations 1987

Review of the Independent Living Funds - Melanie Henwood and Bob Hudson 2007

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 29 November 2012 and subject to the minor amendments detailed in the minutes of 29 November 2012 the board agreed to the EIA.

Date form completed 8 October 2012

Signature of EIAB chair



Date 17 December 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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