

## **POLICIES SUPPORTING PROMOTING INDEPENDENCE IN DEVON**

### **Report from the Head of Adult Commissioning and Health**

*Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.*

**Recommendation:** That Cabinet agree the proposed policies on;

1. "Choice in Care" - Appendix A
2. "Support and Arrangements for People Funding Part or All of Their Care" - Appendix B

#### **1. Background/Introduction**

##### **Promoting Independence**

1.1 On the 14th June 2017 Cabinet agreed the Promoting Independence Policy <https://new.devon.gov.uk/adultsocialcareandhealth/policies-and-procedures/>

1.2 In order that we can continue to embed 'Promoting Independence' into Adult Support and Care two new policies have been written that:

- Clarify and describe the approach to service user choice in meeting eligible care needs
- Clarify and describe the approach the authority will take for those people who have the financial means to fund their own care.

1.3 The two new policies in this paper describe our duties relating to aspects of adult support and care as defined by the Care Act 2014. As experience, precedent and advice has developed nationally and locally we have recognised a need to confirm and clarify our duties under the Care Act 2014 under these policy headings so that people can refer in one place to the relevant policy statements on these areas of our work.

#### **2. Choice in Care Policy**

2.1 The Choice in Care Policy sets out the principles of choice in adult social care and provides clarity to staff and the public on how Devon County Council will provide choice within the parameters of our duty to achieve best value and the need to promote independence. Devon County Council will work with people to ensure that their choices and the support offered will maximise their independence. Consideration will be given to how the support offered may change as their independence increases.

### **3. Support and Arrangements for People Funding Part or All of Their Care**

- 3.1 This policy is in line with both national legislation and Devon County Council's Promoting Independence Policy. It specifically relates to people who have eligible needs for social care support but also the financial means to pay for that support.
- 3.2 The policy clarifies that Devon County Council will generally not arrange residential or nursing care on behalf of individuals if they are required to fund it themselves and they (or someone on their behalf) is able to arrange that care. The exception to this is if Devon County Council assesses that someone will be eligible for social care funding in the next 12 months. This enables us to ensure that a sustainable solution is in place prior to Devon County Council being responsible for funding and there is minimum disruption to an individual's care and support.
- 3.3 Where people need care and support in their own home or the community and are required to fund it themselves we will encourage and advise them on how they can arrange their own care. Where we are asked to arrange care we will do so.
- 3.4 Whenever we arrange care we will do this in the same way as we would for people who are eligible for support with the cost of social care. We will do this using our usual contracts. We will set-up and manage the contract with the service provider and obtain the payment that is then due to Devon County Council from the person receiving the service.

### **4. Financial Considerations**

- 4.1 There are no additional cost implications of these policies. The duties in these policies and the duty to promote independence are constant with the need to use public resources efficiently, effectively and fairly in providing the services that we are required to deliver.

### **5. Sustainability Considerations**

- 5.1 There are no sustainability impact issues arising from this report

### **6. Carbon Impact Considerations**

- 6.1 There are no carbon impact issues arising from this report

### **7. Equality Considerations**

- 7.1 An impact assessment has been completed and is attached at Appendix C. No new significant social or equality impacts are anticipated from these policies. In addition an impact assessment on implementation of the Care Act was published in June 2015. <https://new.devon.gov.uk/impact/care-act-implementation-impact-assessment-updated-september-2015/>. This is scheduled to be reviewed by June 2018. There will be an opportunity to evaluate the impact of implementation of all aspects of the Care Act.

### **8. Risk Management Considerations**

- 8.1 The recommendations and policies in this report are aimed at reducing any risk of not fully complying with our duties under the Care Act and ensuring that these duties are communicated to our staff, partner agencies and the public.

## **9. Summary/Conclusions/Reasons for Recommendations**

- 9.1 . The policies on **Choice in Care**, and on **Support and Arrangements for People Funding Part or All of Their Care**, will confirm and clarify our duties under the Care Act. This will enable the public, our staff and partner agencies to refer in one place to the relevant policy statements on these issues. They also enable us to clarify and reaffirm our duties and commitment to promoting independence in the context of how we provide options for choice in care and how we support people who fund all or part of their care.

**Tim Golby**  
**Head of Adult Commissioning and Health**

**Electoral Divisions:** All

Cabinet Member for Adult Social Care and Health Services: Councillor Andrew Leadbetter

Chief Officer for Adult Care and Health: Jennie Stephens

### **LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS**

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<u>Background Paper</u>	<u>Date</u>	<u>File Reference</u>
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Nil

## Appendix A

Choice in care policy	
<b>Version</b>	2
<b>Strategic Owner</b>	Head of Adult Social Care
<b>Business owner</b>	Principal Social Worker Operations
<b>Author</b>	James Martin, Senior Policy Officer
<b>Date of approval and commencement</b>	TBC
<b>Last review date</b>	July 2017
<b>Last reviewer</b>	James Martin Senior Policy Officer Paul Grimsey Policy Manager
<b>Next review date</b>	Quarter 2. 2020/21
<b>Supporting documents</b>	<ul style="list-style-type: none"><li>• <u>The Care Act 2014 and associated guidance and regulation</u></li><li>• <u>Adult Social Care: Choice Framework</u></li><li>• <u>Personal budgets policy</u></li><li>• <u>Direct payments policy</u></li><li>• <u>Fair and affordable care policy</u></li><li>• <u>Promoting Independence Policy</u></li></ul>

## Summary of policy

- This policy sets out the principles of choice in adult social care.
- We will always, in the first instance, look at a person's strengths and those in the community to promote independence outside of a DCC funded package of care
- When receiving DCC funded adult social care, individuals are able to make choices about how their care is arranged, who delivers their care, and the accommodation in which they receive it.
- We will consider the person's preferences and will take into account how decisions are likely to impact on the person's wellbeing.
- We will work with people to ensure that their choices and the support offered will maximise their independence; consideration will be given to how the level of support offered may reduce as their independence increases. This is will apply to all choices of support.
- Any DCC funded care must be compatible with the Fair and Affordable Care Policy and DCCs duty to meet needs at best value.
- The offer of preferred choice of accommodation or provider is dependent on this being available at best value and the provider agreeing to DCCs usual terms and conditions.

### 1. **Who this policy applies to**

- 1.1 This policy applies to people who are eligible for adult social care funding to meet their eligible needs. This policy supports DCC Adult Social Care staff when an individual expresses choice in how their care and support are to be delivered.

### 2. **Promoting independence**

- 2.1 The Care Act states that we need to consider promoting independence and reducing the needs a person has at every opportunity.

The Act emphasises the importance of *“preventing or delaying the development of needs for care and support and the importance of reducing needs that already exist. At every interaction with a person, a local authority should consider whether or how the person's needs could be reduced or other needs could be delayed from arising.”*

(Care and Support Statutory Guidance to the Care Act. 1.14.(b).

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/506202/23902777\\_Care\\_Act\\_Book.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506202/23902777_Care_Act_Book.pdf)

- 2.2 Devon County Councils Promoting Independence Policy will always be applied and the potential for the following support should always be considered as ways of promoting independence:

- Providing information on healthy life choices
  - Providing information on community resources
  - Identifying personal strengths and supportive relationships
- 2.3 Your care plan will wherever possible aim to reduce needs that already exist and to prevent or delay the developments of additional needs for care and support
3. **Care Act guidance**
- 3.1 In addition to promoting independence, the Wellbeing Principle also states that we are required to consider an individual's views, wishes, feelings and beliefs:

*Considering the person's views and wishes is critical to a person-centred system. Local authorities should not ignore or downplay the importance of a person's own opinions in relation to their life and their care. Where particular views, feelings or beliefs (including religious beliefs) impact on the choices that a person may wish to make about their care, these should be taken into account. This is especially important where a person has expressed views in the past, but no longer has capacity to make decisions themselves.*

(Care and Support Statutory Guidance to the Care Act. 1.14.(b).

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/506202/23902777\\_Care\\_Act\\_Book.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506202/23902777_Care_Act_Book.pdf)

## **The policy**

### **4. Choice within best value**

- 4.1** We will always take people's preferences into account and aim to maximise people's independence.
- 4.2** Choices that individuals are offered about how their eligible care needs are met must only include the 'best value' options where DCC funding is being considered.
- 4.3** When we say best value we mean the most appropriately costed care package to enable a person's eligible needs to be met.]
- 4.4** Care packages that achieve the 'best possible' outcomes will not necessarily be funded without due regard to cost.
- 4.5** The funding made available to support a person will be determined by the most cost effective care package, and the prospect of successfully increasing independence, based on the local care market, the availability of providers and cost.
- 4.6** When catering for a person's preference, DCC will fund no more than 5% above the best value care package that meets eligible needs unless there are exceptional circumstances. For these exceptional circumstances to apply we would expect there to be clear evidence that the more expensive option is

likely to have greater impact in reducing dependence on publicly funded care and that there is a clear time table for reviewing the care package and for considering reducing the cost of the care package

## **5 Choice through direct payments**

- 5.1 If a person is eligible for social care support from DCC they may choose a direct payment so they can directly arrange support to achieve agreed outcomes. This may include choosing a provider that DCC does not usually work with.
- 5.2 The value of a direct payment will be no greater than the cost to DCC if it was commissioning the package of care to meet the individual's eligible needs.
- 5.3 If an individual wants to meet their needs in a way that is more expensive than best value, then the individual will be required to fund the additional amount above best value.
- 5.4 The Care Act 2014 currently restricts DCC from offering direct payments for long-term care in a residential setting.
- 5.5 Direct payments may be offered for short term placements or respite. The Care Act defines short term in this context as:
- 4 consecutive weeks in any 12-month period, or;
  - 2 or more periods separated by less than 4 weeks which added together total 4 weeks

The DCC [Direct Payments Policy](#) is available for more details

## **6 Choice of accommodation**

- 6.1 Individuals receiving adult social care funding are able to choose their accommodation as long as:
- a) It will meet their needs**
- 6.2 If residential or nursing care has been identified as the only appropriate way of meeting a person's needs then the individual may not choose another type of specified accommodation such as Supported Living or Shared Lives, but they are able to express a preference for a particular care home to live in.
- b) It will cost no more than DCC would usually pay**
- 6.3 In the first instance the best value placement within the specified accommodation, available at the time, is identified and offered. If a person's needs could be met in more than one type of specified accommodation then the cost of the best value type of accommodation will be offered,

- 6.4 Should a person choose to commit to a more expensive provision than the identified best value option then a top-up payment will need to be arranged.

**c) It is available**

- 6.5 The preferred choice of provision must be available and, where DCC is commissioning the support, the provider agrees to deliver the care under DCCs usual terms and conditions.

**7 Choice of home based or community based care provider**

- 7.1 DCC intends that all regulated personal care will be commissioned via a direct payments or through the Living Well at Home (LWAH) contract for regulated home based care.
- 7.2 A person can express a preferred choice of provider when DCC commissions their care. This will be dependent on the preferred provider being available and willing to provide the care under DCC usual terms and conditions.
- 7.3 A person can however refuse a direct payment or express a preferred choice of provider outside of LWAH. Receiving a preferred provider will depend on the provider being available and willing to agree to DCCs usual terms and conditions
- 7.4 In these situations exceptional circumstance will need to be identified for a spot contract to be arranged and the principles of best value will apply.
- 7.5 For unregulated care the person will be offered the provider or providers who are able to meet their needs in the most cost effective way.



## Appendix B

Policy on support and arrangements for people funding part or all of their care	
<b>Version</b>	2
<b>Strategic Owner</b>	Head of Adult Social Care
<b>Business owner</b>	Principal Social Worker, Operations
<b>Author</b>	James Martin, Senior Policy Officer
<b>Date of approval and commencement</b>	July 2017
<b>Last review date</b>	July 2017
<b>Last reviewer</b>	James Martin, Senior Policy Officer Paul Grimsey, Policy Manager
<b>Next review date</b>	Quarter 2. 2020/21
<b>Supporting documents</b>	<ul style="list-style-type: none"> <li>• <u>The Care Act 2014 and associated guidance and regulation</u></li> <li>• <u>Adult Social Care: Choice Framework</u></li> <li>• <u>Personal budgets policy</u></li> <li>• <u>Direct payments policy</u></li> <li>• <u>Fair and affordable care policy</u></li> <li>• <u>Promoting Independence Policy</u></li> </ul>

## **1. Who this policy applies to**

- 1.1** This policy will apply to you if you are not eligible for adult social care funding either because your financial assets are greater than the upper capital limit or you do not wish to have a financial assessment.
- 1.2** This policy will apply if we are assessing you for the first time or if your needs and financial situation are being reviewed.
- 1.3** It also applies when we are putting services in place to meet an urgent need you may have prior to assessment.
- 1.4** This policy will need to be considered when individuals are moving from Children's to Adult Social Care.

## **2. Why we need this policy**

- 2.1** The Care Act 2014 places new powers and duties on us in relation to how we can and must arrange care for you if you have eligible social care needs. This policy is required to ensure a consistent approach is maintained across Devon.

## **3. What this policy will achieve**

- 3.1** The aims and objectives of this policy are:
  - a) To ensure that if you are vulnerable and in need of social care we support you in having your eligible needs met;
  - b) To help you remain as independent as possible;
  - c) To set out when and how we can and will arrange care and support for you if you are funding your own care;
  - d) To demonstrate that we are applying national legislation.

## **4. The Policy**

### **When we will arrange your care and support**

- 4.1** If you have eligible needs but you are not financially eligible for social care funding, we have a duty to arrange care and support for you in the following circumstances:
  - a) When you require care and support in your home or the community (i.e. not in a residential or nursing care home) and have asked us to arrange it on your behalf
  - b) When you require care and support in a **care home** and are not able to arrange this yourself and no deputy or lasting power of attorney for property and financial affairs has been appointed to do so for you

We may also exercise our power to arrange your care in the following circumstances:

- c) If you approach us to arrange your care in a care home and, after a financial assessment, we conclude that it is likely you will be eligible for social care funding within a period of 12 months, then we may exercise our power to arrange your care home placement. The 12 month timeframe is a guiding principle and each individual will be assessed on case-by-case basis with the benefit to both the individual and DCC considered
- d) We may exercise our power to arrange the care and support you are paying for if it is interrupted due to the provider no longer being able to provide it

### **How your care and support can be arranged**

- 4.2** We will undertake a needs assessment to establish your eligible social care needs.
- 4.3** We will discuss with you the options for how your care and support could be arranged. The options are:
  - a) You may be able to and want to arrange your own care and support
  - b) You may want us to find the care and support so that you can arrange it.
  - c) You may like us to find and arrange your care and support

### **Promoting independence**

- 4.4** The Care Act states that we need to consider promoting independence and reducing the needs a person has at every opportunity.
- 4.5** The Act emphasises the importance of *“preventing or delaying the development of needs for care and support and the importance of reducing needs that already exist. At every interaction with a person, a local authority should consider whether or how the person’s needs could be reduced or other needs could be delayed from arising.”*  
(Care and Support Statutory Guidance to the Care Act. 1.14.(c).  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/506202/23902777\\_Care\\_Act\\_Book.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506202/23902777_Care_Act_Book.pdf)
- 4.6** Devon County Councils Promoting Independence Policy will always be applied and the potential for the following support should always be considered as ways of promoting independence:
  - Providing information on healthy life choices
  - Providing information on community resources
  - Identifying personal strengths and supportive relationships

- 4.7** Your care plan will wherever possible aim to reduce needs that already exist and to prevent or delay the developments of additional needs for care and support

#### **What happens when we arrange your care and support?**

- 4.8** If you require ongoing care and support then we will identify an amount of money sufficient to meet your needs, this is called a personal budget. We will plan and arrange your care and support in the same way as we would for people who are eligible for support with the cost of social care using our usual contracts. We will set-up and manage the contract with the provider of your service. You will be required to pay us for the care and support you receive according to the financial assessment completed.
- 4.9** You may want to have control over the arrangement and management of your contract with the provider, if we feel you are able to do this, we will help you identify your care and support needs, find a suitable provider of services and help you set-up a contract with your provider. You will be required to pay your provider in full for the care and support you receive.
- 4.10** You are able to make choices about the care and support you receive. If you want care and support beyond the value of your personal budget we will help you to arrange it as long as we feel you can afford and sustain the cost.
- 4.11** You need to be aware that if at a future point in time you are no longer able to afford your chosen care and support or you become eligible for funded care and support, your care and support may need to change to reflect the value of your personal budget i.e. you may need to change provider or move to a different care home.

#### **Reviewing the care and support you have in place and how it is arranged**

- 4.12** We will review the care and support you are receiving in a care home or your own home on an annual basis or when you tell us that your care needs have changed. This will ensure that the care and support you are receiving is still appropriate and is meeting your needs.
- 4.13** If we arrange your care in a care home we will regularly review this to ensure it is still appropriate for us to be making the arrangements. Your circumstances may change and you may have the ability to arrange your care in a care home yourself or someone may have been appointed to act on your behalf.
- 4.14** There may be instances where we are arranging your care solely because you do not have a suitable deputy or lasting power of attorney for property and financial affairs. Where this is the case and where it is felt that this is significantly impacting on your wellbeing or we are not able to recover monies due to it, then we may need to apply to the Court of Protection to become your deputy.
- 4.15** Where Devon County Council is appointed as deputy for a person, the council may choose to cease the purchase of care services using its own contractual arrangements with providers. In such cases new

arrangements for the purchase of services would be made privately by the acting deputy on behalf of the person i.e. the contractual arrangement becomes direct between person and provider as opposed to between the council and provider.

## Impact Assessment

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Version 2017b.

To publish, please send a dated PDF to [impactassessment-mailbox@devon.gov.uk](mailto:impactassessment-mailbox@devon.gov.uk)

3. Assessment of: Adult Social Care Promoting Independence Policies –
  - Choice in Care
  - Support and Arrangements for People Funding Part or All of Their Care

Service: Adult Social Care

Head of Service; Tim Golby Head of Social Care Commissioning

Date of sign off/version: 27.10.17

Assessment carried out by (incl. job title): Paul Grimsey Policy Manager Adult Social Care

### Section 1 – Background

#### Description

Two new policies have been written that provide statements on,

1. Choice in Care
2. Support and Arrangements for People Funding Part or All of Their Care

The two new policies describe our duties relating to the aspects of adult support and care that they cover as defined by the Care Act 2014. Some of these duties are specifically defined requirements while others, such as the duty to promote independence, are more wider ranging but no less important. Creating these policy statements also allows us a further opportunity to re-emphasise our duties to promote independence in the context of these aspects of our work.

The Choice in Care Policy sets out the principles of choice in adult social care and provides clarity to staff and the public on how Devon County Council will provide choice within the parameters of our duty to achieve best value and the need to promote independence. Devon County Council will work with people to ensure that their choices and the support offered will maximise their independence. Consideration will be given to how the support offered may reduce as their independence increases.

The Policy on Support for People Funding Part or All of Their Care is in line with both national legislation and Devon County Council's Promoting Independence Policy. Devon County Council will in most cases not arrange residential care for an individual if that person is required to fund it themselves and they are, or someone on their behalf is, able to arrange that care.

The only exception to this is if Devon County Council anticipate that someone will become eligible for social care funding in the next 12 months. In this situation we will arrange **residential care** if asked to. This enables us to ensure that a sustainable solution is in place prior to Devon County Council being responsible for funding and there is minimum disruption to people care and support.

Where people need care and support **in their own home or the community** and are required to fund it themselves we will advise them on how they can arrange their own care. However where ask to do so we will arrange their care for them.

Whenever we arrange someone's care, where they are required to meet the full cost of this care, we will do this in the same way as we would for people who are eligible for support with the cost of social care. We will do this using our usual contracts. We will set-up and manage the contract with the service provider and obtain the payment that is then due to Devon County Council from the person receiving the service.

### **Reason for change/review**

As experience, precedent and advice has developed nationally and locally we have recognised a need to confirm and clarify our duties under the Care Act under these policy headings so that everyone involved can refer in one place to the relevant policy statements on these areas of our work. We also want to take the opportunity to embed the Promoting Independence duties under the Care Act into Adult Support and Care.

## **Section 2 - Impacts, options and recommendations (see sections 3, 4 and 5 for background analysis)**

### **Options Appraisal and Recommendation**

Maintaining the status quo and not creating these policy statements was considered. However we had feedback from staff, partners and the public that while there were statements on these duties and powers in a range of places within the Care Act and local and national guidance, there was a need identified to confirm and clarify our duties and powers for these aspects of our work under these policy headings.

### **Social/equality impacts (summary)**

No new significant and specific social/ equality impact is anticipated from these policies.

Devon County Council will continue to carry out our duties in ensuring everyone receives the adult social care support they are eligible for in line with the requirements of the Care Act. This includes offering financial assessments so that people with assets below the nationally prescribed threshold do not need to pay for their care. We will continue to provide these services to all people in Devon and to monitor their impact on people with different characteristics of race, gender, identity, age and culture through DCCs Adult Social Care performance framework, service monitoring and engagement processes.

### **Environmental impacts (summary)**

No significant and specific environmental impact is anticipated from these policies

### **Economic impacts (summary)**

No significant and specific economic or local business impact is anticipated from these policies.

Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences')

No other significant and specific impact is anticipated from these policies

### **How will impacts and actions be monitored?**

We will monitor the impact on people with different characteristics of race, gender, identity, age and culture through DCCs Adult Social Care performance framework, service monitoring and engagement processes. The review of the impact assessment on implementation of the Care Act is due to be completed by June 2018. This will also be an opportunity to evaluate the impact of implementation of all aspects of the Care Act including these policies.

### **Background Analysis**

This section describes how relevant questions and issues have been explored during the options appraisal.

## **Section 3 - Profile and views of stakeholders and people directly affected**

### **People affected**

All adults who are eligible for adult social care services and support. This includes providing advice and information where we may be providing a funded care service.

### **Diversity profile and needs assessment of affected people**

These policies have the potential to apply to any adult in Devon as anyone may develop social care needs or be a carer. The county has over 750,000 residents, with a higher proportion of older people than the national average. It is also one of the most sparsely populated counties, with few large settlements and a dispersed rural population. A breakdown of Devon's demography is available at:

<https://new.devon.gov.uk/factsandfigures/the-people/>

### **Other stakeholders (agencies etc.)**

Adult Social Care Staff

Statutory Agencies involved in the Health and Social Care System

Independent Health and Social Care Providers

### **Consultation process and results**

We have engaged with a range of service users, carers and other stakeholders on the principles and the Promoting Independence Policy that the amendments to the existing policies reflect.

Consultation has also taken place on the new policies through facilitated discussion with a range of service user representatives including the Commissioning Involvement Group.

The Adult Social Care approach to promoting Independence that informs these policies has also been considered and discussed by;

- The DCC, Adult Care, Staff Reference Group

- The Provider Engagement Network

- Health and Social Care partners through STP planning and partnership arrangements



Research and information used

These policies are based on advice from our legal department and on the new Promoting Independence Policy that has informed these policies.

We have also been informed by the Care Act and its statutory guidance.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/506202/23902777\\_Care\\_Act\\_Book.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506202/23902777_Care_Act_Book.pdf)

## Section 4a - Social Impacts

### Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.

- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

In what way can you eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage? Are there any lawful, reasonable and proportionate, unavoidable negative consequences?

All residents (include generic equality provisions):

These two policies consolidate existing duties and powers under the Care Act and will therefore have a neutral impact on equalities issues.

The additional emphasis on promoting independence should have a positive impact on all adults requiring social care support.

Age:

These policies apply people aged 18 and over and the likelihood of needing adult social care support increases as people get older. These policies apply equally to any adult irrespective of their age.

Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:

People with disabilities are significantly more likely to need social care support.

Culture and ethnicity: nationality/national origin, skin colour, religion and belief:

The additional emphasis on promoting independence should have a positive impact on adults from minority ethnic cultural and religious groups requiring social care support. This approach aims to recognise and maximise peoples social networks and relationships while continuing to provide care services where needed.

Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed):

It is not anticipated that there will be a negative impact on people with other protected characteristics, e.g. sexual orientation, gender etc.

Sexual orientation and marriage/civil partnership:

It is not anticipated there will be disproportionate negative impact on people with other protected characteristics, e.g., sexual orientation, gender etc.

Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation:

It is not anticipated there will be disproportionate negative impact on other socio-economic factors.

In what way can you advance equality (meet needs, encourage participation, make adjustments for disabled people, 'close gaps'). In what way can you foster good relations between groups (tackle prejudice and promote understanding), if relevant?

All residents (include generic equality provisions):

**Age:**

The additional emphasis on promoting independence should have a positive impact on older people requiring social care support. This approach aims to recognise and maximise peoples social networks and relationships while continuing to provide care services where needed.

Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:

The additional emphasis on promoting independence should have a positive impact on people with disabilities requiring social care support. This approach aims to recognise and maximise peoples social networks and relationships while continuing to provide care services where needed.

Culture and ethnicity: nationality/national origin, skin colour, religion and belief:

Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed):

Sexual orientation and marriage/civil partnership:

Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation:

Human rights considerations:

These policies have been developed with Legal advice from DCC's legal team and no human rights considerations have been identified.

**Supporting independence, wellbeing and resilience**

Give consideration to the groups listed above and how they may have different needs.

These policies are aimed at promoting independence and supporting wellbeing and resilience for people with adult social care and support needs

**Section 4b - Environmental impacts**

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties.

The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please select from the list and proceed to the 4c, otherwise delete this paragraph and complete the environmental analysis below):

- Devon County Council's Environmental Review Process for permitted development highway schemes.

- Planning Permission under the Town and Country Planning Act (1990).
- Strategic Environmental Assessment under European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment”.

Describe any actual or potential negative consequences (consider how to mitigate against these). Describe any actual or potential neutral or positive outcomes (consider how to improve as far as possible).

Reduce waste, and send less waste to landfill:

Conserve and enhance biodiversity (the variety of living species):

Safeguard the distinctive characteristics, features and special qualities of Devon’s landscape:

Conserve and enhance the quality and character of our built environment and public spaces:

Conserve and enhance Devon’s cultural and historic heritage:

Minimise greenhouse gas emissions:

Minimise pollution (including air, land, water, light and noise):

Contribute to reducing water consumption:

Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):

Other (please state below):

No significant and specific environmental impact is anticipated from these policies.

#### **Section 4c - Economic impacts**

Describe any actual or potential negative consequences (consider how to mitigate against these). Describe any actual or potential neutral or positive outcomes (consider how to improve as far as possible).

Impact on knowledge and skills:

Impact on employment levels:

Impact on local business:

No significant and specific economic or local business impact is anticipated from these policies.

#### **Section 4d -Combined Impacts**

Linkages or conflicts between social, environmental and economic impacts:

No significant and specific combined impacts are anticipated from these policies. Devon County Council will continue to carry out our duties in ensuring everyone receives the adult social care support they are eligible for in line with the requirements of the Care Act. This includes offering financial assessments so that people with assets below the nationally prescribed threshold do not need to pay for their care. We will continue to provide these services to all people in Devon.

#### **Section 5 - 'Social Value' of planned commissioned/procured services:**

How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?

The additional emphasis on promoting independence should have a positive impact on people requiring social care support and their carers. This approach aims to recognise and maximise peoples social networks and relationships while continuing to provide care services where needed.