



CABINET – 10 FEBRUARY 2023

**OUTCOME OF CONSULTATION ON ELIGIBILITY FOR CARE
TECHNOLOGY SERVICES**

REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

PART A

Purpose of the Report

- 1 The purpose of this report is to advise on the outcome of the consultation on the eligibility for care technology services and the four options for repairs and maintenance for legacy equipment that have been considered. The Cabinet is asked to agree that any requests for repairs and maintenance for legacy equipment provided by the Council's Care Technology Service be considered as part of a care and support assessment review from 1 April 2023.
- 2 The proposed change would mean that where a person is assessed as having eligible care and support needs and care technology can help meet their outcomes, then a service would continue to be provided. If a person is not eligible for local authority-funded social care, then they would be signposted to alternative support for maintenance/repair of the equipment.

Recommendations

- 3 It is recommended that:
 - a) The outcome of the consultation be noted;
 - b) From 1 April 2023 requests for repairs and maintenance for legacy equipment be considered as part of a care and support assessment review and be subject to Care Act eligibility criteria, to ensure fairness across the service and those it supports.

Reasons for Recommendation

- 4 Since the launch of the new Care Technology (hereinafter "CT") service on 25 April 2022, a discretionary repair and maintenance service has been provided, but this is not sustainable as demand increases for statutory provision.
- 5 It is proposed that requests for repairs and maintenance for legacy equipment be considered in future as part of a care and support review and that

consideration of such requests be assessed by reference to Care Act eligibility criteria to ensure fairness across the service and those it supports.

Timetable for Decisions (including Scrutiny)

- 6 The Adults and Communities Overview and Scrutiny Committee considered a report at its meeting on 7 November 2022 and supported the consultation exercise on eligibility for CT services (the consultation documentation was shared with the Committee prior to commencement of the consultation).
- 7 The Adults and Communities Overview and Scrutiny Committee received a report on the outcome of the consultation on 23 January 2023 and its comments are set out at paragraphs 49 below.
- 8 Subject to the Cabinet's agreement the proposed approach will be implemented from 1 April 2023.

Policy Framework and Previous Decisions

- 9 The relevant policy framework is the Delivering Wellbeing and Opportunity in Leicestershire Adults and Communities Department Ambitions and Strategy for 2020–2024.
- 10 The Cabinet approved the business case for the new CT service on 5 February 2021 and the new service went live on 25 April 2022. The service recognises the importance of assisted technology in enabling people with care and support needs to lead independent and fulfilling lives.
- 11 The majority of the CT service is provided on an eligibility basis. This is defined as a person being assessed as having eligible needs under the Care Act 2014 or is likely to have such needs within six months. The person must also be over 18 years old and live in Leicestershire. If a person is not eligible, then they are signposted to alternative support.
- 12 The Council has an amount of legacy equipment that has been previously provided on a discretionary basis, particularly to people who are deaf or hearing impaired. This equipment includes doorbells, smoke detectors and loop systems.

Resource Implications

- 13 To set up the new CT service, funding has been utilised from previous equipment budgets and in-year reserves to fund new equipment. Any additional costs arising from the selected option would have to be met and managed from the existing budget and be within Medium Term Financial Strategy proposals.
- 14 The Director of Corporate Resources has been consulted on the content of this report.

Legal Implications

- 15 The Director of Law and Governance has been consulted on this report and has confirmed that the approach proposed to be taken is in keeping with the Council's statutory duties under Section 9(1) of the Care Act 2014 where it appears to a local authority that an adult may have needs for care and support, the authority must assess those needs for support.
- 16 The requirements of the Public Sector Equality Duty (created under the Equality Act 2010) as they relate to the proposals in this report are considered at paragraphs 50 to 59 below. As the Council's aim is broadly to allocate its finite resources to address the needs of individuals with the greatest need the Cabinet is advised that it is reasonable, and not in contravention of the Duty, to agree the recommendation above.

Circulation under the Local Issues Alert Procedure

- 17 None.

Officers to Contact

Jon Wilson
Director of Adults and Communities
Adults and Communities Department
Tel: 0116 305 7454
Email: jon.wilson@leics.gov.uk

Tracy Ward
Assistant Director, Integration, Access and Prevention
Adults and Communities Department
Tel: 0116 3057563
Email: Tracy.ward@leics.gov.uk

Steve Pugh
Head of Service – Access and Digital
Adults and Communities Department
Tel: 0116 305 6941
Email: steve.pugh@leics.gov.uk

PART B

Background

- 18 The CT service now offers a range of different equipment to that provided before 25 April 2022, with a focus on falls protection, bed and door monitors and a 24/7 responder service. This is available free of charge to eligible adult residents in the county who meet the criteria and who will receive support in respect of their care needs.
- 19 People who have received care and support services in the past, including CT, will be assessed as part of their care and support review. If a person is not eligible to receive support, they will be signposted to other organisations who may be able to assist them.
- 20 The new CT service is proving to be highly successful since its launch with higher levels of demand than originally planned:
- 1,400 processed referrals;
 - 1,050 installations;
 - 2,025 pieces of equipment installed;
 - 890 people in total on the service as at 25 January 2023.
- 21 Legacy equipment is equipment no longer provided by the new supplier under the new CT service. Examples include personal listeners, amplified phones, adapted smoke alarms, doorbells, medication safes, big button telephones and key locators.
- 22 The Council has an amount of older, legacy, equipment that was previously provided on a universal/discretionary basis by the former Assistive Technology service, particularly to people who are deaf or hearing impaired. It is estimated that there are over 8,000 items of legacy equipment. Since the launch of the new CT service it has continued to respond to requests for repairs and maintenance of old equipment, but capacity issues mean that doing this is impacting the service's ability to install new equipment.

Consultation

- 23 A four week public consultation was held online from 11 November to 9 December 2022, and provided the background on the proposal for requests for repairs and maintenance for legacy equipment to be considered as part of a care and support assessment review and be subject to Care Act eligibility criteria, and that the Council was seeking views on the CT service. The consultation included a link to a questionnaire to be completed.
- 24 Local communities were asked for their views on what the service offer could be going forward for people with legacy equipment, and also about their experiences of using the Council's and other repair services.

- 25 The consultation was promoted through the Council's social media channels and an easy-read version of the consultation was produced and published. The consultation was also promoted internally to Care Pathway staff and on the Council's Yammer platform.
- 26 A letter was sent to 1,130 people who had previously used the CT service for legacy equipment from the Council since 2018. This outlined similar information provided on the website and invited people to complete the survey online or to contact the Council for a paper copy of the questionnaire.
- 27 A letter was also sent to the main organisations which specifically support deaf or hard of hearing communities seeking their views.
- 28 An offer was made to attend and explain the consultation to a local group representing deaf/hard of hearing and deaf/blind people aged over 50 but this was not taken up.
- 29 A letter was received from the British Deaf Association, expressing concern from some members. An offer has been made to meet with their members and provide details of the consultation with a BSL interpreter present. To date no response has been received.

Findings from the Consultation

- 30 The findings from the consultation are detailed in Appendix A and are summarised below.
- 31 49 responses were received (47 online and two postal responses). A further week was given for postal returns to arrive because of recent postal disruptions.
- 32 94% (46) of responses were from individuals and 6% (3) from those representing an organisation.
- 33 83% (35) indicated they had a disability and 24% (9) had a role as a carer.
- 34 81% (25) of respondents had previously used the former assistive technology Council service and 58% (14) indicated that they had had equipment repaired or maintained in the last two years.
- 35 14 people responded that they had legacy equipment repaired and 100% had this done via the Council CT service. 83% (10) said they were fairly or very satisfied with that service with positive comments about the promptness and helpfulness of the services provided.
- 36 People were asked to respond to a proposed approach, whereby as part of a care and support assessment review the Council would apply eligibility criteria currently in place for the new CT service, to requests for repairs and maintenance for legacy equipment. The approach was supported by 41% (20), and 49% (24) tended to disagree or strongly disagreed.

- 37 Many comments reflected the impact that the proposals may have if someone was assessed as ineligible, in particular how it would impact on a person's independence and the affordability of repairs.
- 38 There was concern from a national charity that essential equipment for people with hearing loss would not be provided as part of a comprehensive policy and that people with hearing loss would not receive equipment to enable them to remain safely independent in their own home.
- 39 There were also comments from those who felt that this would add pressure on front line staff to carry out assessments.
- 40 However, it was also commented that those who could afford to pay for services should do so, and the Council should use its scarce resources sensibly and prioritise those in greatest need. It was suggested that the Council should ensure people know what equipment is available and where to get it, and to provide a chargeable service to those who did not meet eligibility criteria for the new CT service. One person suggested finding a benefactor to operate a repairs service.
- 41 When it came to charging for a service, 12% (6) agreed and 38% (18) strongly disagreed, with a further 23% (11) tending to disagree. In addition, 34 comments were received, with the majority of people being concerned about affordability and that the equipment "was the Council's" and that repairs to equipment should therefore be the responsibility of the Council.
- 42 Affordability was reflected in the responses when people were asked if they would pay for a repairs service. 33% (10) indicated that it was not very likely or not at all likely that they could afford a service. However, 40% (12) stated that it was fairly or very likely that they could pay. A high number, 27% (8), of people did not know whether they would be able to afford it.
- 43 Comments were mixed with some people who disagreed with the proposal saying that they relied on the equipment and would pay for repairs. Others stated it would depend on the cost of the repairs or on the cost and quality of alternatives.
- 44 In the event that a person was no longer eligible for Council support, 36% (10) stated this would impact them to a great extent and 50% (14) stated this would impact them to some extent.
- 45 Comments suggested that people would try to find ways of paying if the equipment was an essential part of living independently. Whilst 61% (29) disagreed with charging and 86% (24) indicated it would impact them, 40% (12) said that they were fairly or very likely to pay if they were found to be ineligible for Council services.

- 46 Comments varied with some people stating that it would depend on the equipment and cost involved and others on the impact on their quality of life and independence.
- 47 The consultation also asked for any additional comments. Content varied with people wanting the status quo, some feeling that a decision had already been made, some were unaware that they had had a service until they received a letter, some people needing more support and others suggesting that providing the specialist equipment enabled people to live safely and independently in their own homes, especially adapted smoke alarms.

Proposals/Options

- 48 The responses to the consultation led to the following four options being considered:

- a) Option 1 - Continue to provide a service for users of legacy equipment using the existing resource in the CT service - This option is considered to be unsustainable as it does not achieve the Council's objectives or ambition for the use of technology to improve people's wellbeing and to deliver the most efficient service.

It would also create a two-tier system as the legacy service provided would be based on universal service provision when the rest of the service offer is based on eligibility. This would create unfairness and impact deliverability of the new service.

Utilising the existing staff resource would reduce the capacity of the new service to support all those individuals that meet the eligibility criteria as set out in the Care Act to the extent that was intended when the new service was launched. This would therefore adversely impact the benefits identified in the business case approved by the Cabinet in February 2021.

Replacement equipment would need to be purchased at an estimated additional cost of £110,000 to provide the service (based on the 2021 budget).

The cost for that equipment would have to be met from the existing budget, adversely impacting funding available for new equipment, thus reducing the cashable benefits identified in the original business case.

- b) Option 2 - Continue to provide a service for users of legacy equipment and recruit additional resource to manage the demand - The benefit of this option would enable the Council to retain and allocate any calls for repairs and maintenance, including replacement of broken equipment. The resource can be utilised to service requests for the new CT equipment when there is available capacity.

The disadvantages are that this will require additional staffing and replacement equipment. A dedicated assessor/installer post would be

needed at a cost of £30,078 plus subsistence costs of £45,000 to cover visits across the County, plus £110,000 for equipment.

As with Option 1, this option does not achieve the Council's objectives or ambition for the use of technology to deliver the most efficient service. It would also still create a two-tier system with the legacy service being provided on universal service provision when the rest of the service offer is based on eligibility creating unfairness.

The costs of this option would also still have to be met from the existing budget, which would adversely impact delivery of the new CT service and reduce the cashable benefits identified in the original business case.

- c) Option 3 - Commission a third party that could provide the repairs and maintenance service on behalf of the Council - The benefit of this option is that a service partner allocates any calls for repairs and maintenance, including replacement of broken equipment, leaving the Council team to focus on delivery of the new service.

The disadvantages include the requirement to monitor the successful provider's budget and contract management/performance.

The costs would have to be met from the existing budget, again adversely impacting the delivery of the CT service and reducing the cashable benefits identified in the original business case.

It may not be possible to find an organisation that offers specialist repairs and installation. Recent contracts awarded by local councils are for provision of additional support and reablement to those with sensory impairments.

As with Options 1 and 2, this option also does not achieve the Council's objectives or ambition for the use of technology to deliver the most efficient service and would still create a two-tier system with the legacy service being provided on universal service provision when the rest of the service offer is based on eligibility creating unfairness. It would mean operating a dual model.

- d) Option 4 – Align criteria for the legacy equipment with the new care technology offer - Requests for repairs and maintenance for legacy equipment would be considered as part of a care and support assessment review and be subject to Care Act eligibility criteria.

The main benefit of this option places this offer on the same equitable basis as the new equipment provision, to ensure fairness across the service and those it supports.

Those not meeting the eligibility criteria would be signposted to other available support. Many of the legacy devices are available from consumer sites at low cost, and devices could be easily sourced and replaced where

they are beyond economical repair. Examples of typical equipment and the costs include:

- Personal Listener – £128;
- TV Loop - £170;
- Doorbell - £40;
- Amplified Phone – £50-£80;
- Smoke Alarm £125;
- Easy to use mobile - £150;
- AutoDial / Emergency Phone - £55.

Under this option, the CT service would be able to focus on delivering the new equipment to those identified as being in most need of support. It would continue to maximise the value of care technology across Leicestershire and driving the benefits to people and the cashable savings identified in the business case.

The Council would not remove legacy equipment unless this was specifically requested by the person to whom it had been provided.

Comments of the Adults and Communities Overview and Scrutiny Committee

- 49 The Adults and Communities Overview and Scrutiny Committee considered the outcome of the consultation on eligibility for care technology services at its meeting on 23 January 2023. Members considered the different options presented to them in the report and were overall supportive of the preferred approach (Option Four). Whilst a concern was raised about the cost implications for those affected at this current time, Members acknowledged the need for a level playing field in terms of eligibility, which it was suggested would provide a fairer service.

The Public Sector Equality Duty

- 50 Decision makers evaluating whether or not to pursue the recommended option should have in mind the requirements of the 'Public Sector Equality Duty'.
- 51 For ready reference, the terms of Section 149 of the Equality Act 2010 are set out in Appendix B attached to this report. Materially, the duty requires public bodies to have due regard to the need to eliminate discrimination and advance equality of opportunity as between groups of persons who share a relevant protected characteristic and persons who do not share such protected characteristics.
- 52 The legislation explains that advancing equality of opportunity includes removing or minimising disadvantages suffered by persons who share a relevant protected characteristic.
- 53 It is right to recognise that CT services are routinely provided to persons with protected characteristics. For example, in the case of people with hearing or

sight impairments, technology is used to minimise the disadvantages caused by the person's disability.

- 54 Many individuals with such disabilities will fulfil the eligibility criteria under the Care Act to receive support from the Council. However, some elderly or disabled persons (*and who are deemed in law to have a protected characteristic*) may not meet the eligibility criteria under the Care Act.
- 55 The issue then is that the Council is proposing to withhold services from certain persons who may have a protected characteristic on the basis that they do not meet the current eligibility criteria.
- 56 Undoubtedly, the objective of the Public Sector Equality Duty is to ensure that public bodies discharge their various functions in a manner which seeks to minimise discrimination and promote equality between different groups in society. The removal of discretionary services from a group with protected characteristics has the potential to adversely impact on the equality of opportunities as between groups.
- 57 Of course, the Public Sector Equality Duty does not create an immutable rule that the Council should apply its resources in a particular manner or for the benefit of a particular group (*whether or not they have protected characteristics*). Rather the duty is to have "due regard" to the objectives set out in the legislation.
- 58 Decision makers should properly have due regard to the impact on those who have historically received discretionary services and who may no longer receive such services (*if they do not meet the eligibility criteria*).
- 59 However, in this case the Council's goal is broadly to allocate its finite resources to addressing the needs of individuals who demonstrably have the greatest need (*as shown by the fact that they meet eligibility criteria*). Decision makers may then be satisfied that although they have considered the likely impacts of the proposed option it is reasonable (*and not in contravention of the Public Sector Equality Duty*) to adopt the proposed option.

Conclusion

- 60 Option 4 is recommended as the preferred approach.
- 61 Moving from a universal service provision to one based on eligibility is generally unpopular, with those who have received the service in the past having an expectation that it continues, and particularly in the current economic climate.
- 62 However, it is considered that providing repairs/maintenance for legacy equipment as part of a care and support assessment review, subject to Care Act eligibility criteria is a fairer way to provide resources, enabling the Council to target those people most in need of support and ensure equity across the service being provided.

- 63 When a person is assessed as having eligible care and support needs and care technology can help meet their outcomes, a service will continue to be provided for them; for example, where a deaf person is eligible and susceptible to falling, then the assessor would look to install both a falls protection device and a hearing loop system.
- 64 Should a person not be eligible for local authority funded social care, they would instead be signposted to alternative support. The legacy equipment would not be removed unless a person specifically requested its removal.
- 65 The need for better signposting to other available support where devices can be obtained, and repairs sourced is noted and further consideration will be given to improving information given by the Council's customer services agents and information provided on its website.

Equality and Human Rights Implications

- 66 An Equality and Human Rights Impact screening assessment was undertaken to assess the impact of the creation of the new CT service and the approach on the protected groups. That screening document indicated that the proposals would not reduce care and would be based on individual assessments and the outcomes for the person.
- 67 The original Equality and Human Rights Impact screening assessment has been revisited in light of the consultation to identify any potential impact of the proposal (positive and negative, intended and unintended) on people receiving the service and also that the previous service had a focus on people who were deaf or hard of hearing.
- 68 Users of the former Assistive Technology service were contacted by letter, as were groups specifically involved in supporting people who are deaf and hard of hearing and the views of those who responded are included in this report.
- 69 The outcome of the review of the original Equality and Human Rights Impact screening assessment was that, overall, the proposal would have a neutral impact on the following basis:
- Discretionary services will stop meaning that individuals will require signposting to other sources of support and specialist suppliers with equipment readily available;
 - People who are deaf or hard of hearing will still be able to access the service if they have eligible care and support needs;
 - The impact on people who are deaf or hard of hearing is assessed overall as neutral. There will be some people who are ineligible and unable to afford equipment and they would see a negative impact. However, there will be people who meet the eligibility criteria for the service. 40% of people who responded to the consultation indicated that they would be likely to pay for a service;
 - Across all groups, the new service and eligibility criteria will deliver a positive impact for the people of Leicestershire;

- Care technology, used appropriately, will enable service users to be more independent in their own homes or care setting. By adopting the same approach for eligibility across the care technology offer, provision for repairs and maintenance is on the same equitable basis as the new care technology equipment and ensures that all persons in need of support qualify on an equal or comparable basis.

Partnership Working and Associated Issues

- 70 The CT service already engages with a number of stakeholders including the NHS, the Health and Wellbeing Board, Public Health and local district councils to ensure that the approach aligns with related activity across their sectors.

Risk Assessment

- 71 There is a risk that some groups will see the changes as negatively impacting people to live safely and independently in their own homes. The mitigation is that the care technology that has been introduced since April 2022, is directly provided to enable people to live safely and independently in their own homes, to support carers and to speed up discharges from hospital and to provide a 24/7 response service.
- 72 There is a risk that the new service has to split its focus on delivering the new value added equipment if it has to continue to provide repairs and maintenance to legacy equipment. This can be addressed by moving to a service based wholly on eligibility.
- 73 The national charity, Royal National Institute for Deaf People (RNID) stated that lives will be put at risk if people do not have access to the appropriate equipment, especially safe and reliable adapted smoke alarms. However these are readily available on the consumer market. The RNID has links to specialist suppliers of equipment with smoke alarm prices at £55, doorbells and amplified/big button phones from about £40.
- 74 There is a risk that lack of access to a specialist assessment and the recommendation of safe and reliable assistive devices in the home can lead to people with hearing loss becoming isolated, which can lead to more complex support needs developing – for example, mental or physical health issues. The mitigation is that a person in need would be assessed and if they were not eligible for Council services would be signposted to a range of reliable and cost-effective alternatives.
- 75 There is a risk of negative publicity for the Council as people who may have received a service in the past, find that they need an assessment and, as a result, are no longer eligible for the service. The mitigation will be to explain that the service is for those most in need and to signpost to a range of reliable and cost-effective alternatives.

Background Papers

Delivering Wellbeing and Opportunity in Leicestershire – Adults and Communities
Department Ambitions and Strategy for 2020-24

<https://bit.ly/3IXgHsU>

Report to the Cabinet: 5 February 2021: Technology Enabled Care

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=6440&Ver=4>

Report to the Adults and Communities Overview and Scrutiny Committee: 7

November 2022 – Consultation on Eligibility for Care Technology

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1040&MId=6842&Ver=4>

Report to the Adults and Communities Overview and Scrutiny Committee: 23

January 2023 – Outcome of Consultation on Eligibility for Care Technology Services

<https://politics.leics.gov.uk/ieListDocuments.aspx?MId=7106>

Appendices

Appendix A - Consultation findings

Appendix B - Section 149 of the Equality Act 2010

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