

Care Quality Commission: Draft equality and human rights duties impact analysis (decision making and policies)

Equality Act 2010
Human Rights Act 1998

1.

Identifying Name (name of project, policy, work, or decision)	2019/20 Provider fees consultation
Intended outcomes (include outline of objectives or aims)	Enables CQC to recover fees to meet the costs of its regulatory activity and functions that is not covered through grant-in-aid from the Department of Health. It is intended a revised scheme of fees will take legal effect from 1 April 2019.
Who will be affected? (People who use services, CQC staff, the wider community)	All registered providers.

2.

<ul style="list-style-type: none"> Does the work affect people who use services, employees or the wider community? (This is not only refers to the number of those affected but also by the significance of the impact on them) 	Possibly, but not quantifiable. We have requested comment from providers as part of the consultation.
<ul style="list-style-type: none"> Is it a major piece of work, significantly affecting how functions are delivered? 	No
<ul style="list-style-type: none"> Will it have a significant effect on how other organisations deliver their functions in terms of equality or human rights? 	No
<ul style="list-style-type: none"> Does it relate to functions that previous engagement has identified as being important to particular protected groups or human rights? 	No
<ul style="list-style-type: none"> Does or could it affect different protected groups differently? 	No
<ul style="list-style-type: none"> Does it relate to an area with known inequalities or breaches of human rights? 	No
<ul style="list-style-type: none"> Does it relate to an area where equality objectives have been set by CQC? 	No
<ul style="list-style-type: none"> Does or could it impact upon personal privacy? For example by: <ul style="list-style-type: none"> Using personal data (information about identifiable individuals) in new or significantly changed ways, or for new purposes. Collecting new identifiers (i.e. information which identifies people, such as name, D.O.B., NHS number, postcode etc). Combining anonymised data sources in such a way as to risk identifying individuals? Disclosure or publication of personal data or identifiers. 	No

- New or additional information technologies with substantial potential for privacy intrusion (e.g. surveillance, image or video recording of individuals, tracking or monitoring of individual).
- Observing or monitoring with potential for privacy intrusion (e.g. observing intimate personal care).

If the work does or could impact upon personal privacy, explain how (for example: what additional information is being collected, used or shared?)
 If there is no anticipated impact upon personal privacy, skip this box and continue below.

3.

Do the answers above indicate that this work is relevant to equality or human rights?
 If yes skip this box and continue below.

If no, document the reasons below and forward this EHRDIA to the EDHR team for sign-off

The fees consultation and its proposals have no direct impact on equality or human rights.

The main proposal sets out the proposed fees charges for 2019/20. Now that we have met the government requirement (that fee-setting bodies are at full chargeable cost recovery) for most sectors, we are reviewing the fees scheme to ensure that fees are charged and distributed fairly, and that the direction of fee-setting means that the fees charged are broadly aligned to the cost of regulating the sectors. All our proposals reflect this approach.

Our proposals are designed to address this. We are approaching this carefully so that fees do not fluctuate unduly. We have targeted sectors where we believe there is variance in relation to the total costs and fees. Community social care providers will see an increase as they are in their last year of the four-year trajectory to full chargeable cost recovery. Dental providers will see their fees increase and residential care providers will see their fees decrease.

We remain of the view that the fees scheme does not directly affect any of the characteristics protected in the Equality Act (age, disability, gender, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief, and sexual orientation), or privacy.

This policy has the potential to interfere with a provider's qualified right to peaceful enjoyment of their possessions under Article 1 of Protocol 1 of the Human Rights Act 1998 because it proposes to increase the fees that some providers are obligated to pay.

The additional fees some providers are required to pay may amount to possessions for the purposes of Article 1 or Protocol 1. However, we consider that the proposed changes to fees are both lawful and in the public interest. Any interference with providers' possessions is considered to be proportionate and justified. For community social care providers, fee increases are in line with a key government policy for government arms-length bodies to recover the costs of their chargeable regulatory activities from fees from providers rather than from grant-in-aid. We have undertaken this for all other sectors. For other sectors where fees change, this rebalances the fees in a direction that moves towards a position where the fees charged are broadly aligned against the cost of regulating the sectors. CQC is therefore justified in taking steps to make changes to the fees it charges providers to offset its reliance on grant-in-aid and ensure that the fees scheme is fair.

Sign off by:

Executive Director of Strategy and Intelligence

Equality, Diversity and Human Rights Manager