

**Care Quality Commission: 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.

For the record	
Who carried out the analysis	Fees and Income Manager
Current Version number	V1.0
Date analysis completed:	14/03/2019
Name of responsible Director/Head	Head of Financial Accounting
Date analysis was signed off by Director/Head:	22/03/2019
EDHR sign-off name	Equality, Diversity and Human Rights Manager
Date of EDHR sign-off	22/03/2019

3.

<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
<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. 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). 	No

4.

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 fees charges for 2019/20. One of our three proposals will complete the final year of the agreed four-year trajectory to recover full costs from within the community social care sector so that we achieve the Treasury requirement to reach full recovery of our chargeable costs. The remaining two proposals relate to residential social care providers and dental providers and both seek to ensure that the fees recovered are appropriately aligned to the cost of regulation. We aim to ensure that fees are spread according to the size of providers and in proportion to the cost of regulating the service.

Our proposals will change the fees for individual providers in these sectors. Fees for community social care providers and dental providers will increase. Fees for residential social care providers will fall. 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 and belief, and sexual orientation), or privacy.

Where fees increase for providers, this policy has the potential to interfere with the right to possession of under article 1 of protocol 1 because it makes changes to the fees that providers are obligated to pay.

In changing the fee providers are required to pay, there is the potential for the loss of property to result although such a loss would only occur in rare circumstances. However, CQC has concluded that the changes to the fees are necessary, proportionate and justified under the ECHR and HRA. For the three sectors impacted, 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 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.