

Equality Impact Assessment (EqIA)

Introduction

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| This EqIA is for: | Use of Direct Payments | |
| Details are set out: | C04 Option for Change | |
| Officers undertaking the assessment: | Kate Rush, Commissioning Officer | |
| Assessment approved by: | Caroline Baria, Service Director, Strategic Commissioning, Access and Safeguarding | Date: Oct 2015 Updated: 10/2/2016 |

The Public Sector Equality Duty which is set out in the Equality Act 2010 requires public authorities to have due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation; Advance equality of opportunity between people who share a protected characteristic and those who do not; Foster good relations between people who share a protected characteristic and those who do not.

The purpose of carrying out an Equality Impact Assessment is to assess the impact of a change to services or policy on people with protected characteristics and to demonstrate that the Council has considered the aims of the Equality Duty.

Part A: Impact, consultation and proposed mitigation

1 What are the potential impacts of proposal? *Has any initial consultation informed the identification of impacts?*

This proposal sets out the intention to increase take-up of both Direct Payments (DPs) and the employment of Personal Assistants (PAs) using those DPs. In order for this to happen various approaches are described which will stimulate the market for PAs, improve recruitment and employers' compliance with legal requirements as well as ensuring robust systems for vetting individuals who wish to work as PAs. In addition the Council intends to improve the processes by which DPs are administered and monitored.

- Increasing the take-up of DPs and use of PAs: the evidence from successive evaluations¹ of DPs suggests that recipients from all groups generally benefit from the use of a DP, with additional benefits for all groups of employing a PA as opposed to using agency support. Little evaluation is available regarding the impact of DPs and the employment of PAs on people from Black and Minority Ethnic (BME) groups but "Trust is the Key" suggests that take-up of DPs amongst some BME groups may be low.² The work undertaken as part of this proposal should help increase the numbers of PAs from all ethnic backgrounds.
- Facilitating discharge from hospital using PA support: as above, with the added benefit that there will be consistent support from a trained worker, with whom the individual can develop a relationship, at a time when they are likely to be feeling particularly vulnerable.

¹ For example POET survey, pages 12, 16, 27, 47, 50. *Third National Personal Budget Survey* (Think Local Act Personal, October 2014). Available at: <http://www.in-control.org.uk/what-we-do/poet-%C2%A9-personal-outcomes-evaluation-tool.aspx>

² *Trust is the key: Increasing the take-up of direct payments* (Frances Hasler and Sandy Marshall, Disability Rights UK, September 2013). Available at: <http://www.thinklocalactpersonal.org.uk/library/TLAPTrustIsTheKeyFINAL.pdf>

- Market development and improvement of processes (including bringing Disclosure & Barring and the provision of Employers' Liability insurance in-house) should benefit all groups in terms of the availability of potential employees. Vulnerable people who wish to employ a PA can be sure appropriate safety checks have been done and that they are enabled to comply with their legal responsibilities as employers.

The impact of the roll-out of pre-paid debit cards has already been considered in a previous EqIA in October 2014.

2 Protected Characteristics: Is there a potential positive or negative impact based on:

| | | | |
|---|--|-----------------------------------|--|
| Age | <input checked="" type="checkbox"/> Positive | <input type="checkbox"/> Negative | <input type="checkbox"/> Neutral Impact |
| Disability | <input checked="" type="checkbox"/> Positive | <input type="checkbox"/> Negative | <input type="checkbox"/> Neutral Impact |
| Gender reassignment | <input type="checkbox"/> Positive | <input type="checkbox"/> Negative | <input checked="" type="checkbox"/> Neutral Impact |
| Pregnancy & maternity | <input type="checkbox"/> Positive | <input type="checkbox"/> Negative | <input checked="" type="checkbox"/> Neutral Impact |
| Race <small>including origin, colour or nationality</small> | <input checked="" type="checkbox"/> Positive | <input type="checkbox"/> Negative | <input type="checkbox"/> Neutral Impact |
| Religion | <input type="checkbox"/> Positive | <input type="checkbox"/> Negative | <input checked="" type="checkbox"/> Neutral Impact |
| Gender | <input type="checkbox"/> Positive | <input type="checkbox"/> Negative | <input checked="" type="checkbox"/> Neutral Impact |
| Sexual orientation <small>including gay, lesbian or bisexual</small> | <input type="checkbox"/> Positive | <input type="checkbox"/> Negative | <input checked="" type="checkbox"/> Neutral Impact |

3 Where there are potential negative impacts for protected characteristics these should be detailed including consideration of the equality duty, proposals for how they could be mitigated (where possible) and meaningfully consulted on:

| How do the potential impacts affect people with protected characteristics <i>What is the scale of the impact?</i> | How might negative impact be mitigated or explain why it is not possible | How will we consult |
|---|--|---|
| <p>There is some evidence nationally to suggest a low take-up of DPs and PA employment amongst people from BME backgrounds.</p> | <p>Specific market development activity will be carried out to stimulate the market for PAs from a wide variety of backgrounds.</p> <p>Consideration will be given to specific promotion of DPs for vulnerable people from BME backgrounds</p> | <p>For Older Adults we will consult through the Older People's Advisory Group.</p> <p>We will consult with Younger Adults via the following consultation mechanisms:</p> <ul style="list-style-type: none"> Learning Disability and Autism Partnership Board (and Service User Forum) Disability Nottinghamshire <p>Consultation with BME groups.</p> |

Part B: Feedback and further mitigation

4 Summary of consultation feedback and further amendments to proposal / mitigation

Generally positive feedback however comments were made about:

- need to consider contingency planning for unexpected situations e.g. PA being off sick
- pay rates for PAs need to be reasonable to attract people
- process needs to be as simple as possible otherwise people will use agencies instead of PAs
- support for individual who is receiving DP.

These points have already been identified as issues to be addressed in the course of the project.

Completed EqIAs should be sent to equalities@nottscc.gov.uk and will be published on the Council's website.