

1. Topic of assessment

EIA title:	Direct Payments Support Services for adults and children: (1) Peer Support and Personal Assistant Support service (2) Carers' one off Direct Payments support
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2. Approval

	Name	Date approved
Approved by	Shelley Head, Area Director Adult Social Care, Project Sponsor	09 June 2017
	Adult Social Care Directorate Equalities Group	16 June 2017

3. Quality control

Version number	1.0	EIA completed	31 May 2017
Date saved	19 June 2017	EIA published	23 June 2017

4. EIA team

Name	Job title (if applicable)	Organisation	Role
Shelley Head	Project Sponsor	Surrey County Council	Area Director NW Surrey, Service Lead
John Bangs	Carers Strategy and Development Manager, Adult Social Care	Surrey County Council	Lead commissioner Carers Advisor
Dina Bouwmeester	Policy Development Manager, Adult Social Care	Surrey County Council	Policy Development
Chris Esson	Senior Commissioner, Adult Social Care	Surrey County Council	Lead Commissioner Direct Payments support services
Kathryn Pyper	Senior Programme Manager, Adult Social Care	Surrey County Council	Chair of Adult Social Care Directorate Equality and Diversity Group

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Borislava Severova-Millard	Project Officer, Adult Social Care	Surrey County Council	Project Support
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5. Explaining the matter being assessed

<p>What policy, function or service is being introduced or reviewed?</p>	<p>The service being reviewed is the provision of the following Direct Payments¹ (DP) support services offered to DP recipients or individuals who wish to take up a DP:</p> <ul style="list-style-type: none"> • Peer Support² and Personal Assistant Support service • Carers' one off Direct Payments Support <p>For the past four years Surrey Independent Living Council (SILC) has been contracted by Surrey County Council (SCC) to provide independent DP support services to young people and adults in Surrey, amongst which:</p> <ul style="list-style-type: none"> • Information and advice about DP (also includes independent peer support) • Personal Assistant finder service • Administering one off DPs for Carers <p>The current contract with SILC expires at the end of August 2017 which has given the Council the opportunity to look at how services are delivered in the future to ensure support is proportionate, tailored to individuals' needs and represents value for money whilst at the same time meeting the requirements of the Care Act 2014 and the Children and Families Act 2014.</p> <p>On 04 July 2017 the Cabinet Member for Adult Social Care, Wellbeing and Independence will be presented with a report recommending the award of contract(s) to the successful bidder(s) following a competitive tender for:</p> <p>(1) Peer Support and Personal Assistant Support service (2) Carers' one of Direct Payments support.</p> <p>The retender may lead to a change of provider(s) from 01 September 2017, dependent upon whether the current provider (SILC) chooses to bid and the outcome of the tender process.</p>
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¹ Direct payments (DP) are monetary payments made to individuals who request to receive one to meet some or all of their eligible care and support needs. The legislative context for DP is set out in the Care Act 2014, section 117(2c) of the Mental Health Act 1983, the Care and Support (DP) Regulations 2014 and the Children and Families Act 2014. The payment must be sufficient to enable the service user or carer to purchase services to meet their eligible needs, and must be spent on services that meet eligible need. The County Council must offer a DP to the parent of a disabled child or adult receiving a care package or carer who is offered a carer's service. Like community care services, DP for adults are means-tested so their value is dependent on a person's income and assets as well as their eligible needs.

² Peer support involves people sharing knowledge, experience or practical help with each other and may be defined as the help and support that individuals with lived experience of a physical, sensory, mental illness or a learning disability are able to give to one another. Peer support is intended to help people considering the use of a DP to understand the benefits in terms of choice and control over their lives and thereby achieving greater independence.

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<p>What proposals are you assessing?</p>	<p>Revised service specifications and potential change of provider(s) from 01 September 2017</p> <p>A working group of professionals from different functions across the Council lead by Shelley Head, Area Director Adult Social Care (ASC), and Chris Esson, Lead Commissioner ASC, have been reviewing the current DP support services so that they can be provided in a more efficient and sustainable way while still delivering the required outcomes under the Care Act 2014 and the Children and Families Act 2014.</p> <p>Based on the analysis it has been agreed that a full tender process, compliant with the European Public Procurement Regulations and Procurement Standing Orders, will be carried out for the following two lots:</p> <p>(1) Peer Support and Personal Assistant (PA) Support Service - to include independent peer support in relation to DP, specialist advice about PA, employment, recruitment, matching, payroll, training, monitoring.</p> <p>(2) Administration of one off Direct Payments for carers – services under this element include making one off Direct Payments to carers and responsible adults to provide support to young carers. This is part of the preventative offer available from SCC and our Clinical Commissioning Group (CCG) partners and is funded through the Better Care Fund.</p> <p>Analysis and rationale:</p> <ul style="list-style-type: none">➤ As of June 2017 there are 2,677 adults benefitting from a Direct Payment which represents 25% of community services commissioned (including Carers); each quarter Adult Social Care issues on average 136 new Direct Payments across all client groups; about 30% of all Direct Payments recipients employ a Personal Assistant.➤ As of June 2017 there are 500 families with a disabled child benefitting from a Direct Payment which represents 60% of the total number of children supported by Children, School and Families Services (CSF); each quarter CSF issue between 13 and 40 new Direct Payments; about 80% of Direct Payments recipients employ a PA.➤ The Council's knowledge of DP's has improved significantly over the existing contract period and staff are now able to offer comprehensive general DP advice and guidance without having to make referrals to an external organisation.➤ There are some areas of work where SCC does not have the required expertise and an external provider will need to be commissioned – specifically peer support, the advice, guidance & support to Direct Payments recipients to employ a personal assistant, and administering carers' one off Direct Payments; the specifications for these services have been revised as follows: <p>(1) Peer support and PA support service spec – with the new service</p>
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	<p>the Council aims to promote empowerment, independence and personalised support arrangements and at the same time reduce dependency on formal ongoing support.</p> <p>(2) The specification for the Carers One Off Direct Payments is very similar to the current contract arrangements with SILC as the Carers Commissioning Group consider the current service to be highly successful.</p> <ul style="list-style-type: none"> ➤ The outlined provision of DP support will be more financially sustainable for the Council and is expected to streamline processes and improve people's experience of DPs. ➤ The Council will ensure that the DP support services from 01 September 2017 will remain compliant with the requirements of the Care Act 2014 and the Children and Families Act 2014, and will continue to develop and comply with the prevention and personalisation agendas. ➤ The retender may lead to the change of provider(s) from 01 September 2017.
<p>Who is affected by the proposals outlined above?</p>	<p>The following groups might be affected by the outcomes of the tender:</p> <ol style="list-style-type: none"> 1. Individuals (children and adults) who currently use ongoing Peer support and PA support services from SILC 2. Their Carers including young carers and their families 3. Staff currently employed by SILC to deliver: <ol style="list-style-type: none"> (a) Peer support and PA support services (b) administering one off DP for carers <p>There will be no impact on Council staff with protected characteristics.</p>

6. Sources of information

Engagement carried out
<p>The process of developing these proposals and the subsequent retender process have built on engagement with:</p> <p>Council staff: Adult Social Care, Children School and Families Services, Finance, Procurement, Commissioning</p> <p>Service users, their families and carers - through an online survey in relation to DP advice and information, and a DP engagement workshop on 13 March 2017.</p> <p>User lead organisations – through update/ engagement meetings, DP engagement workshop on 13 March 2017 and Partner Update Meetings.</p> <p>The Carers Commissioning Group</p> <p>Clinical Commissioning Groups in relation to carer payments</p> <p>Providers – through a market testing event with organisations potentially interested in the tender.</p> <p>Following the engagement workshop with Direct Payments recipients, their families and carers on 13 March 2017, Peer Support was included in the PA support service specification as people told us it is an important aspect of independent information and</p>

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advice about DPs they would still like to benefit from.

Data used

1. 2011 Census in Surrey and related data from the Surrey JSNA
2. SILC Quarterly Performance Monitoring Reports
3. ASC volumes – spot report from ContrOCC
4. CSF volumes spot report

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7. Impact of the new/amended policy, service or function

7a. Impact of the proposals on residents and service users with protected characteristics

Protected characteristic ³	Potential positive impacts	Potential negative impacts	Evidence
Age	<p>(1) The revised service specification for Peer support and PA support service is expected to have the following positive impacts:</p> <ul style="list-style-type: none"> - flexible arrangements tailored to accommodate specific needs - promoting independence without having to rely on formal ongoing support - retaining independent peer support in relation to DPs which people have told us is important to them - promoting sustainability of the service in the future 	<p>(1) Some users of SILC peer support and PA support services have trust in their current support arrangements and may fear loss of relationships, skills and experience; this may lead to anxiety/stress in relation to moving to new arrangements and provider</p> <p>(2) Some users of SILC peer support and PA support services may find it difficult to adapt to the support arrangements of the new provider</p> <p>(3) Some users of SILC's PA support service who also receive ongoing support with managing their DP from SILC (quarterly reconciliations and SMA) may find it difficult to deal with two separate providers whilst transitioning to the new Council DP support arrangements</p>	<p>Peer support and PA support services are designed for DP recipients of all ages – both children and adults.</p> <p>The criteria for DP support will remain as before and will not be affected by the new model of delivery from 01 September 2017.</p> <p>The process of ageing however brings an increased risk to loss of independence and wellbeing through disease, frailty, sensory impairments and other long term conditions, especially for people over the age of 75. To accommodate for this, peer support and PA support services will be tailored to individual needs.</p>
Disability	As above	As above	<p>As required under the Equality Act 2010 (Section 149 the public sector Equality Duty) reasonable adjustments should be made to ensure that disabled people have equal access to services.</p> <p>Needs assessment and risk assessment will assist in any issues relating to disability.</p>

³ More information on the definitions of these groups can be found [here](#).

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Protected characteristic ³	Potential positive impacts	Potential negative impacts	Evidence
Gender reassignment	As above	As above	
Pregnancy and maternity	As above	As above	
Race	As above	As above	<p>According to data published in 2011 Census in Surrey, for nearly 65,000 individuals in Surrey or 6% of Surrey's population English is not a main language.</p> <p>Nearly 6,500 people cannot speak English well and further 1,000 cannot speak English at all. SCC will ensure that providers take account of race in the provision of services.</p>
Religion and belief	As above	As above	SCC will ensure that providers take account of religion and belief in the provision of services e.g. provision of gender sensitive PAs etc
Sex	As above	As above	SCC will ensure that providers take account of gender when providing DP support services e.g. provision of gender sensitive PAs.
Sexual orientation	As above	As above	
Marriage and civil partnerships	As above	As above	
Carers⁴	(2) Maintains successful preventative support services for carers - this	None identified	The service currently supports 2700 adult carers a year with breaks agreed by GP practices and 500 young carers. (Source: Contract monitoring

⁴ Carers are not a protected characteristic under the Public Sector Equality Duty, however we need to consider the potential impact on this group to ensure that there is no associative discrimination (i.e. discrimination against them because they are associated with people with protected characteristics). The definition of carers developed by Carers UK is that 'carers look after family; partners or friends in need of help because they are ill, frail or have a disability. The care they provide is unpaid. This includes adults looking after other adults, parent carers looking after disabled children and young carers under 18 years of age.'

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Protected characteristic ³	Potential positive impacts	Potential negative impacts	Evidence
	<p>enables over 3000 cares a year to have short flexible breaks.</p> <p>As the services are agreed by GPs this has an important role engaging GPs in our preventative agenda and supporting carers.</p>		<p>reports for 2016/17)</p> <p>The service has been highlighted as a best practice example by the Department of Health; both at Ministerial level and by officials and also by NHS England.</p>

7b. Impact of the proposals on staff with protected characteristics⁵

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
Age	<p>SILC staff (3) TUPE⁶ related opportunities:</p> <ul style="list-style-type: none"> - moving to another work base which might offer a more convenient commute - career and personal development opportunities, access to wider benefits 	<p>SILC staff (4) TUPE-related:</p> <ul style="list-style-type: none"> - risk of redundancies - change of work base - general stress and anxiety of having to change employer - potential difficulties with adapting to new processes and systems 	<p>Any special requirements will be taken into account on an individual basis, between SILC management, SILC staff and the new provider(s) of services - to ensure any specific needs are met</p>
Disability	As above	As above	As above

⁵ This section usually takes into consideration the impact on SCC staff but this EIA also considers the impact on SILC staff as the currently commissioned provider of services on behalf of the Council.

⁶ The TUPE (Transfer of Undertakings /Protection of Employment) Regulations provide employment rights to employees when their employer changes as a result of a transfer of an undertaking. Employees employed by the current employer SILC (the 'transferor') when the transfer takes effect automatically become employees of the new employer ('the transferee') on the same terms and conditions (exceptions may apply).

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Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
Gender reassignment	As above	As above	As above
Pregnancy and maternity	As above	As above	As above
Race	As above	As above	As above
Religion and belief	As above	As above	As above
Sex	As above	As above	As above
Sexual orientation	As above	As above	As above
Marriage and civil partnerships	As above	As above	As above
Carers	As above	As above.	As above.

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8. Amendments to the proposals

Change	Reason for change
No amendments are proposed as a result of the EIA	

9. Action plan

Potential impact (positive or negative)	Action needed to maximise positive impact or mitigate negative impact	By when	Owner
Potentially positive impact			
<p>(1) The revised service specification for Peer support and PA support service is expected to bring the following benefits:</p> <ul style="list-style-type: none"> - flexible proportionate arrangements tailored to accommodate specific needs - promoting independence without having to rely on formal ongoing support - promoting sustainability of the service in the future <p>(2) Maintains successful preventative support services for carers</p>	<ul style="list-style-type: none"> - The Council will be working with SILC / the new provider(s) to ensure there is a seamless transitioning of people into the new support arrangements - The Council will ensure there are proper support arrangements in place and the new services remain legally compliant and continue to develop with the prevention and personalisation agendas <ul style="list-style-type: none"> - Needs assessment and risk assessment will assist in identifying any specific support needs (eg provision of gender appropriate PA) - Robust Contract Monitoring of the new provider(s) to ensure desired outcomes are achieved in a timely manner 	By 31 August 2017 and ongoing in terms of Contract monitoring	Shelley Head, Area Director Chris Esson, Lead Commissioner John Bangs, Carers Strategy and Development Manager CSF New provider(s)
<p>(3) TUPE related opportunities for SILC staff:</p> <ul style="list-style-type: none"> - moving to another work base which might offer a more convenient commute - career and personal development opportunities, access to benefits 	<ul style="list-style-type: none"> - Any special requirements will be taken into account on an individual basis, between SILC management, SILC staff and the new provider(s) of services, to ensure any specific needs are met - Ensure compliance with TUPE Regulations 	By 31 August 2017	Richard Davy, SILC New provider(s)

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Potentially negative impact			
<p>(1) Some users of SILC peer support and PA support services trust their current support arrangements and may fear loss of relationships, skills and experience; this may lead to anxiety/stress in relation to moving to new arrangements and provider</p> <p>(2) Some users of SILC peer support and PA support services may find it difficult to adapt to the support arrangements offered by the new provider</p>	<ul style="list-style-type: none"> - The Council will be working with SILC and the new provider to ensure there is a seamless transitioning of people into the new support arrangements - Refresh the Council's DP information offer - The Council will ensure there are proper support arrangements in place and the new services remain legally compliant and continue to develop and comply with the prevention and personalisation agendas - Needs assessment and risk assessment will assist in identifying any specific support needs (eg provision of gender appropriate PA) 	<p>By 31 August 2017 and ongoing through contract monitoring</p>	<p>Richard Davy, SILC Shelley Head, Area Director Chris Esson, Lead Commissioner Siobhan Abernethy, Information Advice and Engagement Lead, ASC CSF New provider</p>
<p>(3) Some users of SILC's current PA support service who also receive ongoing support with managing their DP from SILC (quarterly reconciliations and SMA) may find it difficult to deal with two separate providers whilst transitioning into the new Council DP support arrangements</p>	<ul style="list-style-type: none"> - The Council will be working with SILC to ensure there is a seamless transitioning of people into the new support arrangements - Promote the Council's Pre-Paid Account/ supported Pre-Paid Account method of managing a Direct Payment which eliminates the need for reconciliations 	<p>By March 2018</p>	<p>Richard Davy, SILC Shelley Head, Area Director Chris Esson, Lead Commissioner CSF</p>
<p>(4) TUPE-related for SILC staff:</p> <ul style="list-style-type: none"> - potential risk of redundancies - potential change of work base - general stress and anxiety of having to move to another employer - potential difficulties with adapting to new processes and systems 	<ul style="list-style-type: none"> - Any special requirements will be taken into account on an individual basis, between SILC management, SILC staff and the new provider of services - to ensure any specific needs are met - The new provider may need to update existing systems and working arrangements to accommodate specific requirements from SILC staff (eg disabilities or caring responsibilities) 	<p>By 31 August 2017</p>	<p>Richard Davy, SILC New provider(s)</p>

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10. Potential negative impacts that cannot be mitigated

Potential negative impact	Protected characteristic(s) that could be affected
None identified	

11. Summary of key impacts and actions

<p>Information and engagement underpinning equalities analysis</p>	<p>The above analysis has been underpinned by information gathered through engagement with:</p> <p>Council staff: Adult Social Care, Children School and Families, Finance, Procurement, Legal, Commissioning</p> <p>External:</p> <p>Service users, their families and carers - through an online survey and a Direct Payments support engagement workshop on 13 March.</p> <p>User lead organisations – through updates/ engagement meetings, Direct Payments support engagement workshop on 13 March and Partner Update Meetings</p> <p>Carers Commissioning Group</p> <p>Clinical Commissioning Groups</p> <p>Providers – through a market testing event with organisations potentially interested in the tender.</p>
<p>Key impacts (positive and/or negative) on people with protected characteristics</p>	<p>Individuals (adults and children) in receipt of a Direct Payment or wishing to take up a Direct Payment – potential positive impacts:</p> <p>The new service specs are expected to bring the following positive impacts:</p> <ul style="list-style-type: none"> - proportionate flexible arrangements tailored to accommodate specific needs - promoting personal independence without having to rely on formal ongoing support - promoting sustainability of the Council’s Peer support and PA support service in the future - maintaining successful preventative support services for carers <p>Individuals (adults and children) in receipt of Direct Payments or wishing to take up a Direct Payment – potential negative impacts:</p> <p>Some users of existing peer support and PA support services from SILC may:</p> <ul style="list-style-type: none"> - experience anxiety about potentially losing existing relationships, skills and experience when moving to the new arrangements and provider; - find it difficult to adapt to the support arrangements of the new provider - those who currently receive ongoing support with

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	<p>managing their DP from SILC (quarterly reconciliations and SMAs) may find it difficult to deal with two separate providers whilst transitioning into the new Council DP support arrangements</p> <p>SILC staff positive impacts – potential TUPE related opportunities:</p> <ul style="list-style-type: none"> • moving to another work base which might offer a more convenient commute • career and personal development opportunities, access to benefits <p>SILC staff negative impacts – TUPE related:</p> <ul style="list-style-type: none"> • potential risk of redundancies • change of work base • general stress and anxiety of having to move to another employer • potential difficulties with adapting to new processes and systems of the new provider(s)
<p>Changes you have made to the proposal as a result of the EIA</p>	<p>None identified</p>
<p>Key mitigating actions planned to address any outstanding negative impacts</p>	<p>The Council will be working with the currently commissioned provider SILC and the new provider(s) to ensure there is a seamless transitioning of people into the new support arrangements in place from 01 September 2017.</p> <p>The Council will ensure there are proper DP support arrangements in place and the new services:</p> <ul style="list-style-type: none"> ➤ Remain legally compliant in line with the requirements of the Care Act 2014 and the Children and Families Act 2014 ➤ Continue to develop and comply in line with the prevention and personalisation agendas. ➤ There is a refreshed Council's Direct Payments information offer ➤ Needs assessment and risk assessment will assist in identifying any specific support needs (eg provision of gender appropriate PA) ➤ There is a robust contract monitoring of the new provider(s) ensuring desired outcomes are met in a timely manner
<p>Potential negative impacts that cannot be mitigated</p>	<p>None identified</p>

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