

EQIA Submission – ID Number

Section A

EQIA Title

Strengthening Independence Service - For Disabled Children and Young People- Direct Payment Support Service

Responsible Officer

Steve Lusk - CED SC

Type of Activity

Service Change

No

Service Redesign

No

Project/Programme

No

Commissioning/Procurement

Commissioning/Procurement

Strategy/Policy

No

Details of other Service Activity

No

Accountability and Responsibility

Directorate

Children Young People and Education

Responsible Service

Strengthening Independence Service - For Disabled Children and Young People 0-25

Responsible Head of Service

Rosemary Henn-Macrae - CY LDCYP

Responsible Director

Kevin Kasaven - CY SCS

Aims and Objectives

KCC commissioned the Disabled Children and Young People Service (DCYPS) Direct Payment Support service in 2019. The current contract period is between April 2019 – March 2022, with two 12-month extension clauses enacted to extend the contract until March 2024.

Direct payments for disabled children and young people are a form of financial assistance made to individuals to meet some or all their eligible support needs. The legislative context is set out in the Children and Families Act 2014, the Care Act 2014, section 117(2c) of the Mental Health Act 1983, and the Care and Support (DP) Regulations 2014.

Direct payments aim to give families and carers more control over their child's care and support and enable them to choose the services that best meet their child's needs. Direct payments are usually made to the parents or carers of the disabled child, who are then responsible for managing the funds and arranging the necessary support. This means that families have more flexibility and choice regarding the level of support their child receives. Children aged 16 and over can receive their Direct payment directly if they have to capacity to manage it independently.

However, there are also challenges associated with direct payments. Some families may need help with the administrative tasks required to receive them and their role as employers. Therefore, KCC commissioned the DCYPS Direct Payment Support service to support families in setting up and managing the direct

payment and monitoring spend.

DCYPS currently commission the Direct Payment Support Service, which supports the following outcomes:

- 1) Employment legislation is complied with by service users who employ a personal assistant
- 2) Service users are supported, where appropriate, to find a suitable personal assistant with the skills, knowledge and experience required to support their child/young person
- 3) Personal assistants with current DBS clearance at the enhanced level support service users.
- 4) Direct payments are used appropriately to meet the agreed assessed needs
- 5) Young people in transition to adulthood and their families have a good experience of support for the transition of their direct payment. All service users feel supported in managing a direct payment
- 6) Young people aged 16-25 with the mental capacity to do so are supported to manage a direct payment should they choose to.

This EQIA is being undertaken as a part of the recommissioning planning for the future service. Governance approval will be sought via a Key Decision regarding re-commissioning decisions. This EQIA will inform decision-making and consultation, and engagement.

Summary of Analysis

It is not anticipated that the recommissioning of the service will adversely impact protected groups. However, ongoing monitoring will be required to ensure that all protected groups benefit as much as possible. The recommissioning process will include provider, social worker and parent/carer engagement to inform the business plan.

Section B – Evidence

Do you have data related to the protected groups of the people impacted by this activity?

Yes

It is possible to get the data in a timely and cost effective way?

Yes

Is there national evidence/data that you can use?

Yes

Have you consulted with stakeholders?

Yes

Who have you involved, consulted and engaged with?

A steering group with key stakeholders, including Children's Social care, Education, Health, Commissioning, Finance and Policy, has been created to consider the future service plans. Monthly meetings take place to discuss and document these discussions.

Service user feedback has been gathered to date from various resources, including a qualitative Short Breaks study in March 2023, The Disabled Children, Young Peoples and Families Survey in April 2020 and the Annual Service user feedback from the current provider.

Further engagement work is planned with social workers, service users and the market to shape the scope of the future service and inform decisions.

We have also engaged with other Local Authorities (LA's) to understand the offer in other areas. Information gathered has highlighted a mixture of LA's delivering DP support via in house provision and externally commissioning it to the third sector. There are also varying levels of Personal Assistant (PA) recruitment support given, with one end of the spectrum full PA recruitment support and the other more advice and information or a 'hands off' approach to PA recruitment.

There have also been various national publications relating to Direct Payments that will help to frame our considerations for the future scope of the service. Of note is July 2022 Think Local, Act Personal survey findings about Direct Payment recipients supported by a personal assistant titled, "The Forgotten Workforce: Recruiting and Retaining Personal Assistants". In Kent, approximately 90% of the DCYPS Direct Payments recipients use it to employ a Personal Assistant (PA).

Key findings from the Think Local, Act Personal survey were that 77% of people who had needed to recruit a PA had found it more difficult and two thirds said people were taking jobs with better pay rather than PA jobs. 59% think it's harder to find PAs with the right skills, values or training and overall low pay, poor terms and conditions, and insufficient hours were critical factors in PAs leaving.

2019 research by the University of Leeds Legal Entitlements and Problem-Solving (LEaP) Project into direct payments for disabled children and young people and their families found deep levels of dissatisfaction with the way that local authorities administer Direct Payment arrangements. The problems identified by the research findings can be summarised as 1) Lack of access to services, 2) Lack of information and clarity and 3) Restrictions on choice and flexibility.

Has there been a previous Equality Analysis (EQIA) in the last 3 years?

Yes

Do you have evidence that can help you understand the potential impact of your activity?

Yes

Section C – Impact

Who may be impacted by the activity?

Service Users/clients

Service users/clients

Staff

Staff/Volunteers

Residents/Communities/Citizens

Residents/communities/citizens

Are there any positive impacts for all or any of the protected groups as a result of the activity that you are doing?

Yes

Details of Positive Impacts

The eligibility is based on the Social Care Assessment (either the Children and Families Assessment or the Care Act assessment). The service is delivered without discrimination on the grounds of protected characteristics.

There is evidence that diverse groups are engaging with the service, and no signs of indirect discrimination have been identified in the practices. Due regard Equality Act 2010 was given during the commissioning of the service, and this ethos is embedded in the contract and reflected in the service provision.

Age:

The service is currently commissioned to deliver support to parents/ carers of disabled children aged 0-25 years and young people aged 16 years and over if they can manage a DP independently.

The eligibility criteria for the service are not determined by age but by the assessed need in the Social Care Assessment. The commissioned provider is expected to deliver the service in a way that meets the needs of various age groups. The service is designed with positive regard for the unique need's children and young people.

We do not hold data for the age of the parents/ carers that receive the Direct Payment to support their child's care; however, the service operates in a way that can accommodate all age groups of carers.

The current proportion of the children receiving a DP by age group is as follows: 0-5 years 4%, 6-10 years 24%, 11-15 years 27%, 16-20 years 24%, 21-25 years 21%.

Disability:

The eligibility criteria for the service are not determined by disability but by the assessed need in the Social Care Assessment. The service is commissioned to support families with a disabled child and, as such, proactively looks to remove barriers to engaging with support and reducing inequality due to disability within its policy and practices. The Service meets service users in their homes to ensure it is as accessible as possible and offers phone and video consulting if preferred. Where there is a need for additional support relating to disability, the service will work to overcome these barriers or work with children's social care to mitigate them.

We do not hold data about the disability status of the parents/ carers that receive the Direct Payment to support their child's care.

Please see the supporting data table for the proportion of cases by Disability type.

Sex:

The eligibility criteria for the service are not determined by Sex but by the assessed need in the Social Care Assessment.

Please see the supporting data table for the proportion of cases by Sex.

Race/ethnicity:

The eligibility criteria for the service are not determined by Race/ ethnicity but by the assessed need in the Social Care Assessment. The service promotes racial equality and inclusion by working with families to understand individual needs regarding ethnicity. This includes facilitating translation/interpretation if English is not a first language and recognition that different beliefs may observe religious festivals/celebrations/ practices.

Please see the supporting data table for the proportion of cases by Ethnicity and comparisons to the Census data.

Carer's Responsibilities:

The service works to support parents and carers through the set-up and maintenance of their direct payment. The service offers flexibility in how and when that support is given to ensure that carers can access it and fully understand their roles. Carers can access and contact the service in various ways to accommodate caring responsibilities.

Religion and Belief:

The eligibility criteria for the service are not determined by religion/belief but by the assessed need in the Social Care Assessment. The current service specification and any future service will be specified to adhere to the Equality Act 2010. Support is tailored to individual needs, including religion and belief.

Gender identity/ Transgender

The eligibility criteria for the service are not determined by Gender identity/ Transgender but by the assessed need in the Social Care Assessment. The current service specification and any future service will be specified to adhere to the Equality Act 2010. Support is tailored to individual needs, including Gender identity/ Transgender.

Sexual Orientation:

The eligibility criteria for the service are not determined by Sexual Orientation but by the assessed need in the Social Care Assessment. The current service specification and any future service will be specified to adhere to the Equality Act 2010. Support is tailored to individual needs, including Sexual Orientation.

Pregnancy and Maternity:

The eligibility criteria for the service are not determined by Pregnancy/ Maternity but by the assessed need in the Social Care Assessment. The current service specification and any future service will be specified to adhere to the Equality Act 2010. Support is tailored to individual needs, including pregnancy and maternity.

Marriage and Civil Partnerships:

The eligibility criteria for the service are not determined by Marriage/ Civil Partnership but by the assessed need in the Social Care Assessment. The current service specification and any future service will be specified to adhere to the Equality Act 2010. Support is tailored to individual needs, including Marriage and Civil Partnerships.

Negative impacts and Mitigating Actions

19. Negative Impacts and Mitigating actions for Age

Are there negative impacts for age?

No

Details of negative impacts for Age

Not Applicable

Mitigating Actions for Age

Not Applicable

Responsible Officer for Mitigating Actions – Age

Not Applicable

20. Negative impacts and Mitigating actions for Disability

Are there negative impacts for Disability?

Yes

Details of Negative Impacts for Disability

If the parent/ carer cannot manage a Direct Payment due to their own disability, then the option of a direct payment is not available to them. However, the Council can arrange the care and support required.

Mitigating actions for Disability

Additional support is given where appropriate to ensure a Direct Payment is accessible to parents/ carers. Children's Social care will look to offer alternative provisions that meet the assessed need.

Responsible Officer for Disability

Kevin Kasavan

21. Negative Impacts and Mitigating actions for Sex

Are there negative impacts for Sex

No

Details of negative impacts for Sex

Not Applicable

Mitigating actions for Sex

Not Applicable

Responsible Officer for Sex

Not Applicable

22. Negative Impacts and Mitigating actions for Gender identity/transgender

Are there negative impacts for Gender identity/transgender

No

Negative impacts for Gender identity/transgender

Not Applicable

Mitigating actions for Gender identity/transgender
Not Applicable
Responsible Officer for mitigating actions for Gender identity/transgender
Not Applicable
23. Negative impacts and Mitigating actions for Race
Are there negative impacts for Race
No
Negative impacts for Race
Not Applicable
Mitigating actions for Race
Not Applicable
Responsible Officer for mitigating actions for Race
Not Applicable
24. Negative impacts and Mitigating actions for Religion and belief
Are there negative impacts for Religion and belief
No
Negative impacts for Religion and belief
Not Applicable
Mitigating actions for Religion and belief
Not Applicable
Responsible Officer for mitigating actions for Religion and Belief
Not Applicable
25. Negative impacts and Mitigating actions for Sexual Orientation
Are there negative impacts for Sexual Orientation
No
Negative impacts for Sexual Orientation
Not Applicable
Mitigating actions for Sexual Orientation
Not Applicable
Responsible Officer for mitigating actions for Sexual Orientation
Not Applicable
26. Negative impacts and Mitigating actions for Pregnancy and Maternity
Are there negative impacts for Pregnancy and Maternity
No
Negative impacts for Pregnancy and Maternity
Not Applicable
Mitigating actions for Pregnancy and Maternity
Not Applicable
Responsible Officer for mitigating actions for Pregnancy and Maternity
Not Applicable
27. Negative impacts and Mitigating actions for Marriage and Civil Partnerships
Are there negative impacts for Marriage and Civil Partnerships
No
Negative impacts for Marriage and Civil Partnerships
Not Applicable
Mitigating actions for Marriage and Civil Partnerships
Not Applicable
Responsible Officer for Marriage and Civil Partnerships
Not Applicable
28. Negative impacts and Mitigating actions for Carer's responsibilities

Are there negative impacts for Carer's responsibilities

Yes

Negative impacts for Carer's responsibilities

There is a risk that parents/ carers will have to take time away from their caring responsibilities to find and source a Personal Assistant to care for their child. The current service specification does not support families around Personal Assistant recruitment and retention.

If required, Carer's need to source enhanced training to understand their responsibilities as an employer and manage the paperwork associated with this, which their caring responsibility commitments will compound.

Mitigating actions for Carer's responsibilities

The future Service scope will consider the need for Personal Assistant recruitment and retention support. Future Service scope is considering the need for training for families in their role as employers and PA training.

Reviewing the cost-setting guidance for Personal Assistant wage rates is also recommended.

Responsible Officer for Carer's responsibilities

Steve Lusk