



Equality & Human Rights Impact Assessment (EHRIA)

This Equality and Human Rights Impact Assessment (EHRIA) will enable you to assess the **new, proposed or significantly changed** policy/ practice/ procedure/ function/ service** for equality and human rights implications.

Undertaking this assessment will help you to identify whether or not this policy/ practice/ procedure/ function/ service** may have an adverse impact on a particular community or group of people. It will ultimately ensure that as an Authority we do not discriminate and we are able to promote equality, diversity and human rights.

Before completing this form please refer to the EHRIA [guidance](#), for further information about undertaking and completing the assessment. For further advice and guidance, please contact your [Departmental Equalities Group](#) or equality@leics.gov.uk

***Please note: The term 'policy' will be used throughout this assessment as shorthand for policy, practice, procedure, function or service.*

Key Details	
Name of policy being assessed	Providing Direct Payment Cards to Cash Payment Customers
Department and section:	Adult Social Care, Adults and Communities
Name of lead officer/ job title and others completing this assessment	Tony Dailide, Assistant Director, Promoting Independence, Adults and Communities Andrea Woodier, Project Manager Tim Davis, Business Analyst
Contact telephone numbers:	3059569 & 3057742
Name of officer/s responsible for implementing this policy:	Tony Dailide, Assistant Director, Promoting Independence, Adults and Communities
Date EHRIA assessment started:	5 th October 2014
Date EHRIA assessment completed:	21 st October 2014

Section 1: Defining the policy

1 What is new or changed in this policy? *What has changed and why?*

Background

The Care Act 2014 states (*Section 1.1 Making Direct Payments Available*) that Local Authorities have a crucial role to play in promoting the use of direct payments, and enabling people to log requests to receive direct payments in an efficient way

At 15% of the Personal Budget population, Leicestershire County Council, Adult Social Care is currently under-represented in terms of Cash Payment (known as Direct Payments within the legislation) take up amongst its customers

Where a customer is eligible and capable of taking a Cash Payment their choice and control over their own care and support is increased, as they can arrange their own services to meet their agreed outcomes, and often shop around to get better prices

In Leicestershire, customers who are provided with a personal budget currently have several possible mechanisms for arranging their care and support, each with a different route to making payments for the services that they receive – a Managed Service, a Provider Managed Account (PMA), or a Cash Payment to the customer or a nominated third party. Where the customer opts for a Cash Payment it is LCC policy to insist that a separate bank account be opened for receipt and payment of funds, and review and reconciliation purposes. Where a PMA is set up, we are in effect still establishing a Cash Payment for the customer, but the monthly funds are sent to a nominated care provider to spend on the customer's agreed outcomes on the customer's behalf. In such circumstances LCC hold no contract with the care provider who is in receipt of the funds

The current approach to paying our customers is felt to present difficulties to workers in promoting the take up of Cash Payments, as the opening of a second bank account is time consuming, inefficient and on occasions difficult /impossible to arrange. In addition, the current paper based receipt checking approach extends the time to complete a review, and causes difficulties in the relationship with customers when they struggle to evidence their spending patterns. It also creates a disproportionate amount of effort for the customer to evidence their transactions, which also is contrary to the guidance from the Care Act 2014

Proposed Changes

To resolve these issues, and extend choice and control to more customers (a key principle of the Government's Personalisation Agenda), it is intended to introduce a standalone Direct Payment Card (in effect a fully functioning bank account, without the hassle of the customer having to arrange it all themselves), with on-line and call centre access to transaction information, regular reporting and Daily Transaction Alerts (e.g. no withdrawals from, or payments to, account for 30 days,) which help the customer to manage their funds without having to keep and submit paper receipts and bank statements, which has been a blocker to Cash Payment take up in

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the past. The transaction alerts will also help to Authority to identify any safeguarding concerns more quickly, if funds are not being spent, or are being used for other than the agreed purposes. In addition, if there is any excessive funds build up due to over commissioning, then funds retrieval is quick and easy for the Authority

The service will be introduced initially for new customers, extending to existing customers, and then, subject to satisfactory consultation and formal Change Board approval, to replace Provider Managed Accounts late in 2015. Additionally, this option would be introduced in conjunction with the new Employment Support Advice offering currently under development by the Market Development Team.

This more streamlined, simplified approach to payment of funds, using Prepaid Direct Payment Cards will increase the attractiveness of Cash Payments, and increase take up over time, which puts choice of care into the customer's hands, rather than LCC arranging it from a narrow list of providers which happened where a Managed Service is taken

Despite the benefits for customers and the Authority, the Direct Payment Card will not be right for everyone. Where a customer lacks mental capacity, and has no close family member or friend to manage their funds for them, then the option of a Managed Service, administered by LCC will remain. In fact, it is estimated that even with excellent promotion of the cards, and a healthy take up by customers, only 25% of people will take the Cash Payment Option over the next 3 years. If a customer wishes to take a Cash payment, the preferred option for providing them with funds will be the Direct payment Card. However, the Care Act 2014 precludes us from making this delivery mechanism mandatory, so we will continue to allow customer to open and manage their own second bank account in the rare cases where they prefer this option

What Are Direct Payment Cards?

- Prepaid Direct Payment Cards operate in a similar way to normal debit cards except that funds are preloaded onto the cards by the council and then spent by the cardholder until the balance is exhausted.
- Each customer's card has its own bank sort code and account number, and can be used to make and receive payments in the same way as a normal bank account, i.e. standing order, direct debit, counter and ATM transaction, faster payment (but a cheque book is not provided)
- As they do not incorporate a credit facility the cards cannot become overdrawn and are not linked to a bank account.
- Funds can be loaded onto the card by the council or the customer at any time.
- As well as using their card to make payments, the customer can make transactions over the internet, or via the card provider's telephone call centre. Transaction costs for such payments are absorbed into the fees charged to the Authority by the Card Provider. This is typically via a monthly account management fee. Cash withdrawals through an ATM are charged for by the provider at around £1 per transaction. Where a customer expects to make periodic cash withdrawals, the anticipated charges are reflected in their support plan

As all transactions are recorded automatically it is possible to track when uploads and subsequent

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	<p>spend take place, and monitor how the funds are spent (this looks and feels similar to internet banking)</p>
<p>2</p>	<p>Does this relate to any other policy within your department, the Council or with other partner organisations? <i>If yes, please reference the relevant policy or EHRIA. If unknown, further investigation may be required.</i></p> <p>Yes, it will affect policies, practices, procedures, functions and services within the Adult Social Care Department, in particular whichever area is selected to set up and manage the small Transaction Monitoring Team that is envisaged by the Business Case for the project (possibly Community Care Finance – but this needs confirmation), and the Locality Workers who conduct community care assessments, agree Personal Budgets, and promote Cash Payments – including the Direct Payment Card in future.</p> <p>In time, there will need to be close liaison with the Help to Live at Home project as it progresses towards completion The new payment approach will work towards improving outcomes for people as part of the department’s aims within the Customer Journey Simplification project.</p> <p>This project is part of the Adults and Communities Efficiencies and Service Reduction Programme which commenced in July 2013 and its key objectives are to achieve the provision of a simple and seamless customer journey that ensures the transfer of a personal budget to service users quickly and with a proportionate approach.</p> <p>Direct Payment Cards will also help to facilitate the implementation of the Care Act, which provides new regulations for adult social care, and which begins its introduction in April 2015.</p> <p>Our aim is to support our customers to achieve their outcomes in a way that reflects their preferences. Section 2, Question 8 outlines in brief the consultation that we have undertaken with our staff and customers on this matter. We provide people with a personal budget which they use to arrange their care and support, and need to encourage more people to take their Personal Budget as a cash payment, which offers more choice and control</p>
<p>3</p>	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>This EHRIA is concerned with the following service grouping.</p> <p>The service has the potential to affect anybody living in Leicestershire aged 18 years or over (i.e. of adult age) who are eligible and in need of community care services under The Care Act 2014 (<i>Under The Care Act, individuals and carers seeking or referred for social care support are entitled to an assessment of their circumstances, needs and risks</i>), who will opt to take their Personal Budget as a Cash Payment to purchase care and support from providers of their choice:</p> <ul style="list-style-type: none"> • Older people • People with physical disabilities • People with learning disabilities • Those with mental health conditions • Those with sensory impairment • Those who are terminally ill

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	<ul style="list-style-type: none"> Carers 	<p>Under the Personalisation agenda, we must ensure that customers can maintain as much control of the care and support that they receive in their lives as possible, and of the opportunities to engage in training, employment, civil society and voluntary activities.</p> <p>The groups of people affected are those who need help to live at home, and the change for them will be in simplifying and speeding up their access to funds at the start of the care package, by providing a prepaid debit card rather than requiring that a secondary bank account be opened.</p> <p>This will provide wider access to services and a better price in some instances, and will also reduce the need for customers to keep paper records of all of their expenditure, which they often find onerous, and frustrating</p>		
4	<p>Will this policy meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following aspects? (Please tick and explain how)</p>			
	Yes	No	How?	
	✓		The service provided is most likely to benefit all adults in Leicestershire who are eligible for social care support under Fair Access to Care criteria. These groups are likely to benefit from the proposed commissioning intentions.	
	✓		As above	
	✓		As above	

Section 2: EHRIA Screening

Section 2: Equality and Human Rights Impact Assessment Screening
 The purpose of this section of the assessment is to help you decide if a full EHRIA is required.
 If you have already identified that a full EHRIA is needed for this policy/ practice/ procedure/ function/ service, either via service planning processes or other means, then please go straight to [Section 3](#) on Page 7 of this document.

Section 2			
A: Research and Consultation			
5.	Have the target groups been consulted about the following?	Yes	No*
	a) their current needs and aspirations and what is important to them;	✓	
	b) any potential impact of this change on them (positive and negative, intended and unintended);	✓	

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	c) potential barriers they may face	✓	
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?	n/a	
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?	n/a	
8.	<p>*If you answered 'no' to the question above, please use the space below to outline what consultation you are planning to undertake, or why you do not consider it to be necessary.</p> <p>As part of the wider Customer Journey Simplification project, we are currently undertaking a customer consultation with those who receive a Cash Payment. The survey, which is administered by Lancaster University, and is known as POET (Personal Outcomes Evaluation Tool) has been sent to 1200 customers and their carers, and so far we have had 200+ responses, which are positive about providing choice and control through Cash Payments, but which outline some issues with the advice and guidance received and the means of making payments to customers. The introduction of a Direct Payment Card will simplify the set-up of payments and make it far easier for customer to control their funds</p>		

Section 2			
B: Monitoring Impact			
		Yes	No
9.	<p>Are there systems set up to:</p> <p>a) monitor impact (positive and negative, intended and unintended) for different groups;</p> <p>b) enable open feedback and suggestions from different communities</p>	<p>✓ The Payment Card has daily alerts and transaction reporting submitted to the Authority by the card provider to identify any issues with expenditure that could affect the customer's care outcomes</p> <p>Support & guidance in setting up payments from the card will be provided + there will be a courtesy call after 6 weeks to check that everything is ok</p> <p>Customers will have access to a Card Call Centre to help with any payment or physical card issues. These calls are charged at local rates and typically call volumes are very low, e.g. London Borough of Merton's customers make around 15 calls per month</p> <p>Where a customer has any major issues with either taking a Payment Card, or keeping it once it has been issued, they will have the option to either open a second bank account or take a Managed Service – this is in line with the requirements of the Care Act 2014</p>	
<p>Note: If no to Question 8, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.</p>			

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Section 2 - C: Potential Impact				
10.	Use the table below to specify if any individuals or community groups who identify with any of the ‘protected characteristics’ may <u>potentially</u> be affected by this policy and describe any positive and negative impacts, including any barriers.			
		Yes	No	Comments
	Age	✓		<p>The proposed services are intended to be for all adults included in this EHRIA that are eligible for care and support services under Fair Access to Care criteria.</p> <p>There will be no overall negative impact on age or disability as the services will be accessible for those aged 18 years and older (no upper age limit). However, in limited cases where our customer is very old and frail, or is partially sighted or blind, the existing mechanisms for accessing our services will remain in place to mitigate these problems, i.e. a Managed Service can still be delivered, or, if a Cash Payment is desired this can be administered by a carer, or the customer can still choose to open their own second bank account and administer their funds through this.</p> <p>Additionally, where a customer wishes to take a Direct Payment Card to help meet their desired outcomes, but is not confident in how to maximise the benefits, then it is planned that either the Locality Worker or a member of the Transaction Monitoring Team will visit them to help them set up their payments. We will also provide a six week courtesy call to ensure that they are happy with how the Direct Payment Card is working for them</p> <p>The mechanism for accessing support for these groups of services will be via an assessment carried out by the Adult Social Care Pathway. Those without a passport/ driving licence, or any other accepted form of identification currently struggle to open a bank account, and are therefore excluded from taking a Cash Payment, thus limiting their choice and control over their services and outcomes. Providing a Direct Payment Card will overcome these issues, and make a positive impact on customer experience</p>
	Disability	✓		
	Gender Reassignment		x	No impact – Direct Payment Cards can be issued in any name, and if a customer changes

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			their name, this can be reflected on the card
Marriage and Civil Partnership		x	No impact – Direct Payment Cards can be issued in any name, and if a customer changes their name, this can be reflected on the card
Pregnancy and Maternity		x	No impact - The proposed services are intended to be for all adults included in this EHRIA that are eligible for care and support services under Fair Access to Care criteria.
Race		x	No impact - The proposals set out that access to services will be in line with the Department's eligibility criteria which do not discriminate against any individual or community group Depending on the Card Provider selected from the tender process, their call centre will be able to deal with enquires in up to 12 languages, should this be required
Religion or Belief		x	No impact - The proposed services are intended to be for all adults included in this EHRIA that are eligible for care and support services under Fair Access to Care criteria. Additionally, the Direct Payment Card has no loan or overdraft functionality which would have made it unacceptable to some faiths
Sex		x	No impact - The proposed services are intended to be for all adults included in this EHRIA that are eligible for care and support services under Fair Access to Care criteria.
Sexual Orientation		x	No impact - The proposed services are intended to be for all adults included in this EHRIA that are eligible for care and support services under Fair Access to Care criteria.
Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	✓		Carers Under the Care Act 2014, Carers will be entitled to their own individual needs assessment, and Personal Budget. Where they are assessed as having ongoing support needs which will be funded by LCC, the Carer will be entitled to exactly the same funding arrangements as other customers, i.e. they will be able to take a Cash Payment if they choose, or in exceptional circumstances they may decide to maintain a secondary bank account Carers who look after the Cash Payments of customers who cannot cope with them themselves (currently known as Service User Representatives), will be allowed to take a Direct Payment Card, if they so wish
Community		x	No impact - The proposed services are intended

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	Cohesion			to be for all adults included in this EHRIA that are eligible for care and support services under Fair Access to Care criteria.
11.	<p>Are the human rights of individuals <u>potentially</u> affected by this proposal? Could there be an impact on human rights for any of the protected characteristics? (Please tick)</p> <p>Explain why you consider that any particular article in the Human Rights Act may apply to your policy/ practice/ function or procedure and how the human rights of individuals are likely to be affected below: [NB. Include positive and negative impacts as well as barriers in benefiting from the above proposal]</p>			
		Yes	No	Comments
Part 1: The Convention- Rights and Freedoms				
	Article 2: Right to life		X	
	Article 3: Right not to be tortured or treated in an inhuman or degrading way		X	
	Article 4: Right not to be subjected to slavery/ forced labour		X	
	Article 5: Right to liberty and security		X	
	Article 6: Right to a fair trial		X	
	Article 7: No punishment without law		X	
	Article 8: Right to respect for private and family life	✓		The Direct Payment Card further extends choice and control to our customers, and will contribute to an increase take up of Cash Payments themselves. Both of these factors will have a positive impact on a citizen's private and family life, as they can choose how they want to meet their own outcomes, and help to maintain their independence
	Article 9: Right to freedom of thought, conscience and religion		X	
	Article 10: Right to freedom of expression		X	
	Article 11: Right to freedom of assembly and association		X	
	Article 12: Right to marry		X	
	Article 14: Right not to be		X	

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	discriminated against			
Part 2: The First Protocol				
	Article 1: Protection of property/ peaceful enjoyment			
	Article 2: Right to education			
	Article 3: Right to free elections			
Section 2				
D: Decision				
12.	Is there evidence or any other reason to suggest that: a) this policy could have a different effect or adverse impact on any section of the community; b) any section of the community may face barriers in benefiting from the proposal	Yes	No	Unknown
			x	
			x	
13.	Based on the answers to the questions above, what is the likely impact of this policy			
	No Impact <input type="checkbox"/>	Positive Impact <input checked="" type="checkbox"/>	Neutral Impact <input type="checkbox"/>	Negative Impact or Impact Unknown <input type="checkbox"/>
Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.				
14.	Is an EHRIA report required?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

Section 2: Completion of EHRIA Screening

Upon completion of the screening section of this assessment, you should have identified whether an EHRIA Report is required for further investigation of the impacts of this policy.

Option 1: If you identified that an EHRIA Report is required, continue to [Section 3](#) on Page 7 of this document to complete.

Option 2: If there are no equality, diversity or human rights impacts identified and an EHRIA report is not required, continue to [Section 4](#) on Page 14 of this document to complete.

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Section 3: EHRIA Report

Section 3: Equality and Human Rights Impact Assessment Report

This part of the assessment will help you to think thoroughly about the impact of this policy and to critically examine whether it is likely to have a positive or negative impact on different groups within our diverse community. It is also to identify any barriers that may detrimentally affect under-represented communities or groups, who may be disadvantaged by the way in which we carry out our business.

Using the information gathered either within the EHRIA Screening or independently of this process, this EHRIA Report should be used to consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights as outlined in Leicestershire County Council’s Equality Strategy.

**Section 3
A: Research and Consultation**

When considering the target groups it is important to think about whether new data needs to be collected or whether there is any existing research that can be utilised.

15.	<p>Based on the gaps identified either in the EHRIA Screening or independently of this process, <u>how</u> have you now explored the following and <u>what</u> does this information/data tell you about each of the diverse groups?</p> <ul style="list-style-type: none"> a) current needs and aspirations and what is important to individuals and community groups (including human rights); b) likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights); c) likely barriers that individuals and community groups may face (including human rights)
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16.	<p>Is any further research, data collection or evidence required to fill any gaps in your understanding of the potential or known affects of the policy on target groups?</p>
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When considering who is affected by this proposed policy, it is important to think about consulting with and involving a range of service users, staff or other stakeholders who may be affected as part of the proposal.

17.	<p>Based on the gaps identified either in the EHRIA Screening or independently of this process, <u>how</u> have you further consulted with those affected on the likely impact and <u>what</u> does this consultation tell you about each of the diverse groups?</p>
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18.	<p>Is any further consultation required to fill any gaps in your understanding of the potential or known effects of the policy on target groups?</p>
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Section 3	
B: Recognised Impact	
19.	Based on any evidence and findings, use the table below to specify if any individuals or community groups who identify with any 'protected characteristics' are <u>likely</u> be affected by this policy. Describe any positive and negative impacts, including what barriers these individuals or groups may face.
	Comments
	Age
	Disability
	Gender Reassignment
	Marriage and Civil Partnership
	Pregnancy and Maternity
	Race
	Religion or Belief
	Sex
	Sexual Orientation
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities
	Community Cohesion

20.	Based on any evidence and findings, use the table below to specify if any particular Articles in the Human Rights Act are <u>likely</u> apply to your policy. Are the human rights of any individuals or community groups affected by this proposal? Is there an impact on human rights for any of the protected characteristics?
	Comments
	Part 1: The Convention- Rights and Freedoms
	Article 2: Right to life
	Article 3: Right not to be tortured or treated in an inhuman or degrading way
	Article 4: Right not to be subjected to slavery/ forced labour
	Article 5: Right to liberty and security
	Article 6: Right to a fair trial
	Article 7: No punishment without law
	Article 8: Right to respect for private and family life
	Article 9: Right to freedom of thought, conscience and religion
	Article 10: Right to freedom of expression

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	Article 11: Right to freedom of assembly and association	
	Article 12: Right to marry	
	Article 14: Right not to be discriminated against	
	Part 2: The First Protocol	
	Article 1: Protection of property/ peaceful enjoyment	
	Article 2: Right to education	
	Article 3: Right to free elections	

Section 3

C: Mitigating and Assessing the Impact

Taking into account the research, data, consultation and information you have reviewed and/or carried out as part of this EHRIA, it is now essential to assess the impact of the policy.

- 21.** If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons.

N.B.

i) If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.

ii) If you have identified adverse impact or discrimination that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.

- 22.** Where there are potential barriers, negative impacts identified and/or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.
- a) include any relevant research and consultations findings which highlight the best way in which to minimise negative impact or discrimination
 - b) consider what barriers you can remove, whether reasonable adjustments may be necessary, and how any unmet needs that you have identified can be addressed
 - c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why

Section 3

D: Making a decision

- 23.** Summarise your findings and give an overview as to whether the policy will meet Leicestershire County Council's responsibilities in relation to equality, diversity, community cohesion and human rights.

Section 3

E: Monitoring, evaluation & review of your policy

- 24.** Are there processes in place to review the findings of this EHRIA and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?

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25.	How will the recommendations of this assessment be built into wider planning and review processes? <i>e.g. policy reviews, annual plans and use of performance management systems</i>
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Section 3:
F: Equality and human rights improvement plan

Please list all the equality objectives, actions and targets that result from the Equality and Human Rights Impact Assessment (EHRIA) (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Objective	Action	Target	Officer Responsible	By when

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Section 4: Sign off and scrutiny

Upon completion, the Lead Officer completing this assessment is required to sign the document in the section below.

It is required that this Equality and Human Rights Impact Assessment (EHRIA) is scrutinised by your [Departmental Equalities Group](#) and signed off by the Chair of the Group.

Once scrutiny and sign off has taken place, a depersonalised version of this EHRIA should be published on Leicestershire County Council's website. Please send a copy of this form to louisa.jordan@leics.gov.uk, Members Secretariat, in the Chief Executive's department for publishing.

Section 4

A: Sign Off and Scrutiny

Confirm, as appropriate, which elements of the EHRIA have been completed and are required for sign off and scrutiny.

Equality and Human Rights Assessment Screening

Equality and Human Rights Assessment Report

1st Authorised Signature (EHRIA Lead Officer): Tony Dailide.....

Date:

2nd Authorised Signature (DEG Chair):

Date: