

DISABILITY ADVICE CENTRE

On the 12th March we received a letter from the CCG and BHCC stating that the CCG would be ending their investment (£29,000) in the Disability Advice Centre (DAC) as of the 31st March leaving just the council investment (£5,561). This gave us 12 working days' notice and the council acknowledged in their letter that this would probably make the project unviable.

We immediately responded by asking for further information and the rationale for the cut with a request for support with any transition arrangements, pointing out the potential impact on thousands of disabled residents we had supported in the previous 12 months and demand increase year on year. We finally received a response on the 27th March, just 2 day before the service was due to close, making an offer of £4,000.

Possability People has written and met with the CCG but to this date has not received a response to our challenge with regard to the CCG's failings of due process in the Equality Impact Assessment (EIA) and the reasons why we don't believe that the CCG has considered or has paid "Due regard" to its Public Sector Equality Duty (PSED).

"Due regard" is more than simply giving consideration, it is important that decision makers be aware of the special duties statutory agencies owe to disabled people before they take decisions. This means that they should consciously consider these duties and their impact on the decisions to be taken. We contend that this has, unfortunately, not been the case. Furthermore, if the relevance of the important duties imposed by the Act had been adequately drawn to the attention of the decision-makers there would have been a written record of it.

There is no evidence of any of the above in the CCG's EIA, in fact the EIA itself says that:

- *"If the DAC service were to scale down or close, it would negatively impact disabled people. Given the general demographic related to increased health conditions as people age, it could be surmised that any change to the DAC service could also negatively impact older people."*
- *DAC provides information and support on wider issues relating to disability – for example, accessing Blue Badges. Whilst this information can be sought though other avenues, such as the city council, there is unquantifiable value in the holistic support offered across a range of areas related to the impact of disability, which individual services are unlikely to be aware of or offer."*

- *With a reduction in funding, fewer people would have access to support from the Advice Centre with form filling and gathering relevant information and may have to go to appeal rather than receiving their benefit entitlements in a timely fashion. In addition, it is possible that some individuals may not be able to access support to appeal a benefits decision*
- *The advice providers within the DAC service are disabled people, many volunteering their time. Scaling down or closing the service will negatively affect the social value offered by this approach.*
- *In terms of impact on emotional well-being and financial difficulty, 70% of clients reported that they felt more socially isolated as a direct result of losing the award. Given that the provider has reported that over 70% of enquiries are benefit related, the impact of having less support with benefits would likely result in more people being impacted in this way if they do not access alternative support options.”*

So, by its own omission, the CCG’s decision has a direct and detrimental effect on people with protected characteristics, particularly disabled people. The Disability Advice Centre is the only specialist disability advice centre in the city. In a 12 month period we dealt with **2200** people and **4468** enquiries.

The CCG have also stated:

“We have considered, as part of our decision making process, the impacts noted in the EIA and paid due regard to them. The fact remains that NHS funding should be focused on health services and particularly those that require improvement”.

In fact, in the ‘guidance end-notes’ section of the EIA document it acknowledges that the EIA “in itself does not meet the requirements of the equality duty”. Furthermore this statement and the lack of recorded evidence indicates that “due regard” was not paid to the PSED even though CCG stated that they had done so, to date they have been unable present information to back up this claim. There is no evidence how the impact it will have on vulnerable disabled residents was considered, which leads to the conclusion that their decision was predicated on the need to focus funds to improve health services would would appear to be in breach of the act.

The only mitigation the CCG offered is that there are other ‘benefits’ advice services in the City. There doesn’t appear to be any rationale behind the list of alternative providers included in the EIA, from which the obvious conclusion appears to be that they are simply the result of a ‘Google search’ of benefits advice providers locally and nationally.

We have done the research and have provided detailed reasons why the services listed in the EIA are not suitable alternatives and again we have received no response from the CCG. (Appendix 1)

The EIA’s **Prioritised Action Plan** stated that following actions would be carried during April.

- Work with the provider to publicise other sources of advice and support
- Put together a list of advice and support agencies (as per EIA) and cascade through CCG channels, including VCS contacts, Health Network, GP practices, Social prescribing

- ensure that advice services mentioned in the EIA are informed that there may be an increase in contacts and request for support
- Inform relevant stakeholders- councillors, Healthwatch, VCS Infrastructure organisation- about range of wider services available.

We have talked with the organisations involved and the plan has not to date been actioned.

The PSED states that the CCG must give 'due regard' to the need to:-

- **avoid, reduce or minimise negative impact (i.e. discrimination)**
- **promote equality of opportunity.** This means the need to:
 - Remove or minimise disadvantages suffered by equality groups
 - Take steps to meet the needs of equality groups
 - Encourage equality groups to participate in public life or any other activity where participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
 - Tackle prejudice
 - Promote understanding

The EIA does not provide any specific evidence that the CCG have met any of these duties. In particular there was no consideration given to the need to treat disabled people more favourably, especially as they could experience greater prejudice and service providers need to have a particular understanding of the different and varied issues our service users face. That is why the majority of our staff and volunteers at the advice centre are disabled and/or have "lived" experience. The duties under the Act mean that due regard must be given and due process is supposed to be followed *prior* to the design of new services and strategic decision-making, and it is for these reasons that the CCG appear to be in breach of these provisions in the Act.

Other duties under the Equality Act 2010

1. **Knowledge:** based on the failings of the EIA it does not appear that CCG workers have any real understanding of your equality duties and how to apply them;
2. **Timeliness:** the EIA was only signed off in March 2019 which appears to be after the date the decision was made to cut our funding;
3. **Real Consideration:** the Prioritised Action Plan was set for April 2019, which is after the funding was cut
4. **Sufficient Information:** based on the failings of the EIA it doesn't appear the CCG had sufficient information on which to base its decision and throughout the EIA you say that you don't have certain information and no effort was made to ascertain this information;
5. **No delegation:** despite the duty to ensure that any contracted service can comply with the duty you the CCG has not given any of the other potential services providers any warning or assistance to enable them to do the necessary planning to cope with the inevitable increased burden on their services;

6. **Review:** the PSED has not been applied throughout the process and as outlined above it appears that it was an afterthought (based on the date of the EIA and the Prioritised Action Plan);
7. **Proper Record Keeping:** there do not appear to be any records of the process and the impacts identified, however, the EIA should just be the document that captures these and not the detailed processes and impacts themselves.

There has been a huge ground swell of support for the DAC illustrated by a petition containing 3,000 signatures calling for the CCG to reverse its decision. We find it difficult, as do our supporters, to understand how commissioners can pretend that there isn't a link between health and wellbeing, and accessing timely disability advice when people are in crisis and struggling to cope, making this decision hugely short-sighted and counterproductive.

The CCG's EIA states clearly that:

“The effect on both physical and mental health of potentially waiting longer for, or being unable to access, timely advice on benefits, and in waiting for an appeal, may lead to increased pressure on primary care, Adult Social Care and other statutory and voluntary sector services.”

There are fewer life time awards which means those who are successful will still be required to go through the process again, even on an annual basis the demand for advice is increasing year on year.

It is difficult to understand how the CCG can justify cutting the relatively small budget of £29,000 when it will, by their own admission, have such a negative impact on disabled people and impact negatively on hard pressed statutory services. We therefore would ask the HOSC to scrutinise the CCG's decision making process against the PSED and if it does not meet the standard, to work with the CCG to find a solution.

Geraldine Des Moulins

Chief Officer Possability People.

5th June 2019

Appendix1

THE OFFER OF ALTERNATIVE SERVICE PROVIDERS

NAME OF SERVICE PROVIDER	TYPE OF SERVICE	REASONS WHY IT IS NOT SUITABLE FOR DISABLED PEOPLE
BUC drop in	<ul style="list-style-type: none"> • Welfare benefits and generalist support • Education • Café • Phone lines, email and drop in service 	<ul style="list-style-type: none"> • Limited capacity - Can only see 3 clients per session at drop in • Building is not accessible • Currently they have closed their waiting list for form filling
St Luke's	<ul style="list-style-type: none"> • Benefits and debt advice <p>form filling appointments and phone lines</p>	<ul style="list-style-type: none"> • Limited capacity • venue is not accessible • reports having more demand than capacity
Moneyadvice	<ul style="list-style-type: none"> • Money and debt advice, including benefits support • contact through phone and email 	<ul style="list-style-type: none"> • Limited capacity
Moneyworks	Benefits advice only	<ul style="list-style-type: none"> • Limited capacity to number of referrals each month available through commissioned project • Report as having more demand than capacity
Age UK	<ul style="list-style-type: none"> • Benefits and information service – appointments and phone line • Clients have to be over 55 yo 	<ul style="list-style-type: none"> • Building difficult to get to from public transport • Limited capacity • Limited to specific client group
Aging Well	<ul style="list-style-type: none"> • Services offered for low level support and befriending • Clients have to be over 50 yo 	<ul style="list-style-type: none"> • Mainly a signposting service • Cannot manage people with MH or complex needs

	<ul style="list-style-type: none"> • contact through phone or email only 	<ul style="list-style-type: none"> • Limited to specific client group
Action on Hearing Loss	<ul style="list-style-type: none"> • Social activities for clients who are deaf • Support following an ASC assessment 	<ul style="list-style-type: none"> • Do not offer any specialist support • Limited to specific client group
Impetus	<ul style="list-style-type: none"> • Advocacy, support and information • Clients have to have a learning disability or on the Autistic spectrum • 	<ul style="list-style-type: none"> • Cannot support clients with benefits in isolation • Funding to support clients with benefits and tribunals ended in March 2019 • Limited to specific client group
Community Roots Service	<ul style="list-style-type: none"> • Service from mid 2019 for specialist advice and support to MH inpatients at Millview Hospital • This will be a wellbeing service 	<ul style="list-style-type: none"> • Tender is not for information or advice on benefits, money or support at tribunals • Limited to specific client group
MIND	<ul style="list-style-type: none"> • Support and information to people with a MH condition 	<ul style="list-style-type: none"> • Signpost money, debt and benefits advice • Limited to specific client group
Impact Initiatives	<ul style="list-style-type: none"> • Basic benefits advice at their café drop in • Support to residential clients with form filling 	<ul style="list-style-type: none"> • Limited accessibility • Signposting service for benefits and money advice • Limited to specific client group
Carers Hub	<ul style="list-style-type: none"> • Support and advice for carers • Phone advice or limited drop in service 	<ul style="list-style-type: none"> • Signpost for benefits advice • Limited capacity • Limited to specific client group
Citizens Advice	<ul style="list-style-type: none"> • General advice – phone line and drop in 	<ul style="list-style-type: none"> • Limited capacity • Reports having more demand than capacity
B&H Council – Welfare Rights Team	<ul style="list-style-type: none"> • Benefits advice 	<ul style="list-style-type: none"> • Extremely limited capacity

Council Website	<ul style="list-style-type: none"> Provides information and signposting on agencies around the city 	<ul style="list-style-type: none"> Information provided on things like homemove applications, blue badges and bus passes but this service does not provide support to claim
DWP Helpline	<ul style="list-style-type: none"> Phone lines for benefit claims 	<ul style="list-style-type: none"> DWP are unable to offer advice. The lines are simply to make the relevant claim
Mind Out	<ul style="list-style-type: none"> LGBT clients with MH concerns Includes form filling 	<ul style="list-style-type: none"> Limited capacity Limited to specific client group
Sussex Interpreting Service	<ul style="list-style-type: none"> Providing interpreters for clients to read letters, fill in some forms and accessing specialist advice 	<ul style="list-style-type: none"> Limited capacity Limited to specific client group Do not offer benefits, money or any other specialist advice

