

Appointee Review

Integrated equality impact assessment

September 2011

1 Purpose and Aims of Appointee Review

1.1 The Integrated Equality Impact Assessment (EIA)

1.1.1 The Department for Work and Pensions has carried out an EIA on the intention to introduce an appointee review to meet the requirements of the Equality Act 2010.

1.1.2 This process will help to ensure that:

- the Department's strategies, policies and services are free from discrimination;
- due regard is given to equality in decision making and subsequent processes; and
- opportunities for promoting equality are identified.

1.1.3 The Equality Act 2010 simplifies and strengthens the existing framework of anti-discrimination legislation. The equality impact assessment will demonstrate how the Department has paid due regard when developing new services or processes to impact the proposals against discrimination on the grounds of:

- race;
- disability;
- gender;
- age;
- gender reassignment;
- sexual orientation;
- pregnancy and maternity; and
- religion and belief (the protected characteristics).

1.2 Background

1.2.1 The United Nations (UN) has set up an international human rights Convention on the rights of disabled people, called the UN Convention on the Rights of Persons with Disabilities.

1.2.2 A human rights Convention is the equivalent of international law which sets out the duty of countries to protect human rights. Once a country ratifies a Convention, it formally agrees to do what the Convention requires.

1.2.3 The United Kingdom (UK) Government ratified the Convention on 8 June 2009 and the Convention came into effect on 8 July 2009.

1.2.4 The Convention provides a recognised international standard for disabled people's human rights in one document.

1.2.5 Article 12.4 of the Convention relates to the right to equal recognition before the law and states that 'parties should ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.'

1.2.6 An officer of grade EO (Executive Officer) or above acting on behalf of the Secretary of State can authorize someone else to act on a customer's behalf **only** if the customer is incapable of managing their own affairs. This is called an appointment to act and the person or organization appointed to act is called an appointee.

1.2.7 When a claim for Disability Living Allowance (DLA) for a child is received, the Secretary of State must appoint an adult to exercise on behalf of the child any right in connection with the DLA and to receive payments of that benefit. A person appointed in respect of a child DLA claimant may be a parent/guardian but does not have to be. He/she is not appointed to act on the child's behalf in the same way as an appointee for an adult as the child may not necessarily lack capacity. People appointed on behalf of child DLA claimants will be included in the appointee review.

1.2.8 There are currently nearly a million DWP customers (including children) and claimants with a customer representative which includes appointees.

1.2.9 At present these appointee arrangements are not regularly reviewed in a way to satisfy Article 12.4 of the Convention. The UK Government has therefore entered a reservation stating that the UK is actively working towards introducing a proportionate system of review. There is no target date for the lifting of the reservation but the UN requires an update on the progress made on lifting all reservations by October 2011.

1.3 DWP Appointee Review

1.3.1 The Pension, Disability and Carers Service (PDCS), on behalf of DWP, have undertaken to introduce an appointee review system that will satisfy Article 12.4 and ensure that the UK Government can lift the reservation. Jobcentre Plus (JCP) are represented as stakeholders to ensure their involvement in the proposals for rollout and that JCP procedures are impacted.

1.3.2 The review system must provide assurance that an appointee is still required and ensure that the customer's or claimant's financial affairs are being managed properly, whilst not discouraging existing or prospective appointees from acting.

1.3.3 PDCS conducted a Business Test using three communication methods (post, telephone and visits) using a representative sample of 1200 appointee cases (400 children, 400 working age and 400 pension age). The Business Test began on the 18th October 2010 and ran until January 2011. This tested the effectiveness and efficiency of the different communication methods as well as providing assurance regarding the appointee arrangements.

1.3.4 Corporate appointee cases were not selected for the test as they are already monitored by the Care Quality Commission (and equivalent bodies in Scotland and Wales). They are out of scope for this Project however there is still some ongoing work within DWP considering the front end process for the appointment of corporate and non corporate appointees. Court appointed deputies and attorneys were not included in the test and will not be included in national roll out.

1.3.5 Following completion of the business test an evaluation of the different communication channels took place which involved analysing the cost and effectiveness of the channels as well as getting the views of staff and appointees. It was found that visits, although the preferred option with staff, were very costly in comparison to telephony and postal reviews and probably not in line with the proportionate response required. Some appointees, particularly parents and pension age spouses found the telephone reviews invasive and upsetting. In addition it was difficult to contact appointees who worked meaning that a number of telephony reviews reverted to postal anyway. Postal reviews are only slightly more expensive than the telephony reviews but were more popular with staff and appointees, and successfully identified instances where customers could manage their own affairs.

1.3.6 As agreed by PDCS Operations Board, and ratified by JCP Decision Making Group (DMG), appointee reviews will be undertaken by post every 8 years for Working Age claimants and 5 years for Children and Pension Age customers. Existing appointees will be managed through a scan of Customer Information System (CIS). Where possible, the appointee reviews for customers and claimants in receipt of DLA/Attendance Allowance (AA) will be tied in with business events such as renewals, reconsiderations and supersessions. Children and Pension Age customers were seen as being particularly vulnerable hence the decision to have shorter periods between reviews. Additionally reviews can be conducted on a shorter

timescale than the normal 5 or 8 years if required, for example if it's likely that the customer or claimant will be able to manage their own affairs before the next 5 or 8 year review is due.

2. Consultation and Involvement

2.1 Internal Consultation

2.1.1 PDCS are introducing the review system on behalf of DWP. Key Departmental stakeholders have been identified and include representatives from:

- JCP
- PDCS Strategy Directorate
- Northern Ireland Social Security Agency (NISSA)
- Corporate IT
- Departmental Security Team
- Legal Group
- Occupational and Health Psychology
- Centre of Excellence
- Customer Diversity and Equality Team
- Partnership Development Team (Disabled Young People Group)
- Her Majesty's Revenue & Customs (HMRC)
- Equality 2025 (a non-departmental public body. All of its members are disabled people. The group offers strategic advice to Ministers and senior Government officials on issues that affect disabled people).

2.1.2 Stakeholder meetings are held by telekit every 4 weeks to review the Project status and progress.

2.1.3 Weekly Business Test telekits were held to monitor any impact on customers and staff during the Business Test. Fortnightly meetings of the Virtual Network Team are being held in the run up to delivery into live business.

2.2 Trade Union Consultation

2.2.1 The Department's Trade Unions were consulted by correspondence in September 2010 and May 2011. Following their request, clarification was given with regards to internal administrative processes. The Trade Unions have been copied into the evaluation results for the Business Test and will continue to be updated on a regular basis throughout the lifetime of the Project.

2.3 External Consultation

2.3.1 The PDCS has a comprehensive consultation approach for PDCS change initiatives and service delivery issues. This is centred on the PDCS Advisory Forum as the primary consultation mechanism. Membership currently comprises 22 organisations that collectively represent a broad range of our customers and claimants; for example, older customers, disabled customers and claimants of all ages, and carers. Organisations include Age UK, Princess Royal Trust for Carers, National Deaf Children's Society, and National Autistic Society. As the primary consultation forum, members are consulted on all DWP change initiatives that impact the customer or claimant.

2.3.2 PDCS has engaged with the Advisory Forum with regards to the appointee review, on the understanding that the Department is legally bound to comply with the UN Convention. The Forum has had early opportunity to comment on the approach in conducting the Business Test and have been informed of the findings and the recommended way forward for further roll-out of the review. The Forum has provided PDCS with advice on the tone of questions and approaches to reduce the risk of an appointee feeling intimidated. These have been helpful when producing the scripts for the Telephony Review and the paperwork for the Postal Review.

2.3.3 Meetings have also been held between DWP Legal Group representatives and a small stakeholder group which includes representatives from Age UK and local government social care.

3 Impact of the Appointee Review

3.1 Impact on Customers and Claimants

3.1.1 The agreed approach for the Business Test was to look at an equal number of child, working age and pension age cases across a specific geographical area. Consideration of individual's equality groups e.g. race, gender is not part of the Convention's remit and therefore did not form part of the Business Test and will not form part of the appointee review roll out.

3.1.2 The primary impact will be on the appointees themselves rather than the DWP customer or claimant as the appropriateness of their appointee role is reviewed. Customers or claimants identified by the appointee, or through the review, as now able to handle their own financial affairs will have the necessary arrangements put in place to transfer the responsibilities. If any concerns are raised regarding the capability of an appointee in meeting their responsibilities to the DWP customer, arrangements will be made to find a new appointee. If a new appointee has not already been nominated e.g. spouse, relative or close friend etc, an officer acting on behalf of the Secretary of State will follow the guidance in the generic Agents, Appointees, Attorneys and Deputies guide and contact Social Services. As a last resort they will apply to The Office of the Public Guardian to seek a Court appointed Deputy.

3.2 Disability

Positive impact

3.2.1 The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

3.2.2 The Convention is cross-disability and states that 'persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others'.

3.2.3 As the drive behind this UN initiative is to protect our customer's and claimant's benefit, it is the appointee's behaviours, again regardless of age, race, gender or disability, being reviewed. Appointeeship can be revoked under normal business but these are generally reactive if concerns are identified. It is only that proactive approach that is new. Enquiries may reveal our customer or claimant:

- no longer needs an appointee, or
- requires a new appointee

3.2.4 These situations also occur during normal business so steps will be taken quickly to ensure that payment is made to the correct person as usual.

3.2.5 There is no negative impact on disability.

3.3 Race

3.3.1 There is no race impact.

3.3.2 Customers living in Wales were not included in the Business Test, due to the timescale limitations for producing Welsh Language products. Customers living in Wales will be included in the national roll out and a Welsh Language service will be included for appointees who have indicated that their preferred language is Welsh.

3.3.3 There is no impact on any other customer or claimant group. For our customers or claimants who wish to speak in a language other than English or Welsh, we will continue to use interpreting services.

3.4 Religion or Belief

3.4.1 There is no impact on religion or belief.

3.5 Age

3.5.1 There is no impact on age.

3.6 Gender

3.6.1 There is no impact on gender.

3.7 Gender reassignment

3.7.1 There is no impact on gender reassignment.

3.8 Pregnancy and Maternity

3.8.1 There is no impact on pregnancy and maternity.

3.9 Sexual Orientation

3.9.1 There is no impact on sexual orientation.

3.9.2 DWP provide equality of opportunity and will not tolerate discrimination on grounds of: gender, gender identity, marital status, sexual orientation, race, colour, nationality, religion, age, disability, HIV positivity, working pattern, caring responsibilities, trade union activity or political beliefs – or any other grounds. DWP has published its Diversity and Equality Policy Statement as follows:

3.9.3 “The Department is committed to providing services which embrace diversity and which promote equality of opportunity. As an employer we are also committed to equality and valuing diversity within our workforce. Our goal is to ensure that these commitments, reinforced by our Values, are embedded in our day to day working practices with all our customers, colleagues and partners.”

4 Monitoring and Evaluation

4.1.1 Following the Business Test, PDCS Analysis and Research analysed the data and produced an evaluation report in May 2011.

4.1.2 Surveys involving a cross section of both the appointees contacted and staff involved in the business test took place following the Business Test to collate feedback on the methods used and any issues around them, including any relating to equality. These surveys fed into the evaluation report and helped inform how appointee reviews will be rolled out nationally. No issues relating to equality were identified by either the staff or customer surveys.

4.1.3 Further monitoring and evaluation will take place following go-live. With Project closure being shortly after go-live, and likely to be before work has started in earnest to clear cases identified by the scan, monitoring arrangements will need to be included as part of Project handover.

5 Next Steps

5.1.1 Appointee reviews will be rolled out within DWP on 3 October 2011 for new appointees. When looking at possible IT solutions across the legacy systems, it was established that any solution could not be put in place via scheduled release within this project's lifespan. Therefore existing appointees will be identified by a scan of CIS on 10 October 2011. This scan will be provided to the business to action. The Project will ensure that access to, and processing of, data on the scan will take place in compliance with Departmental security measures.

5.1.2 It was agreed by stakeholders that the scoping for a solution on DLACS only (as DLA/AA will contain the largest number of appointee cases) as part of the October 2012 release should be taken forward as a separate piece of work. A scheduled release in October is dependant on approval to run a second release in 2012. Longer term IT solutions will also be considered for the PIP, UC and Pension Reform platforms.

5.1.3 Staff will receive bulletins and there will be Headline News items to advise that the appointee review process is due to go live. Guidance will be updated in individual Business Units to specify what action is to be taken at each stage of the appointee review process.

5.1.4 Existing IT systems will be used for appointee reviews which are compliant with the following DWP accessibility standards:

- DWP IT Accessibility Standards based on ISO Technical Specification 16071
- DWP E-Communications Internet and Intranet Accessibility Standards, based on W3C WAI Web Content Accessibility Guidelines Version 1.0
- Current and future versions of assistive technology used in the Department such as Dragon10.0, Jaws 10, Supernova 10 and Zoomtext 9.01.

5.1.5 This EIA will be re-visited and updated again as part of the End of Project Review (EPR).

6 Contact Details

6.1.1 For further information regarding this EIA, please contact Ashley Branton by email at Ashley.m.branton@dpw.gsi.gov.uk

Abbreviations

A list of all shortened forms of words used in the document.

Abbreviation	Description
AA	Attendance Allowance
CIS	Customer Information System
DLA	Disability Living Allowance
DMG	Decision Making Group
DCPU	Disability Contact and Processing Unit
DWP	Department for Work and Pensions
EO	Executive Officer
EPR	End of Project Review
HMRC	Her Majesty's Revenue & Customs
NISSA	Northern Ireland Social Security Agency
PDCS	Pension, Disability and Carers Service
PoA	Power of Attorney
UK	United Kingdom
UN	United Nations

Glossary

A list of technical or special words, used in the document, with definitions.

Term	Description
Appointee	A person appointed to manage a customer's or claimant's financial affairs in relation to social security benefits. This also includes parents, guardians and those appointed by the Secretary of State to manage DLA payable to children under 16.
Convention	A piece of international law which sets out the duty of countries to protect human rights.
Ratify	Formal agreement to do what the Convention requires

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