

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:	T1 – Review of In House Services – Supported Accommodation for Older People in Leicestershire – Melton
Department and section:	Adults & Communities – Personal Care & Support
Name of lead officer/ job title and others completing this assessment:	Dianne Esmond – Project Manager (A&C Efficiencies and Service Reduction Programme) Claire Jones – Head of Service – In House Services
Contact telephone numbers:	0116 305 7487 0116 305 7553
Name of officer/s responsible for implementing this policy:	Claire Jones – Head of Service – In House Services
Date EHRIA assessment started:	30 April 2015
Date EHRIA assessment completed:	27 May 2015

Section 1: Defining the policy

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You should begin this assessment by defining and outlining the scope of this policy. You should 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.

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

Catherine Dalley House EPH and Residential Care in Melton

1. Catherine Dalley House EPH remains the last older person's residential care home managed in-house. All other residential care services are commissioned from the independent sector.
2. Catherine Dalley House EPH is not a purpose built residential care home, but was converted from a hunting lodge to a residential care home in 1957. The premises were last extensively modernised and improved in 1996 which included complete redecoration, with new carpets and furnishings throughout.
3. The Home is registered to provide residential care for persons aged 65 and above and is located a mile from the Melton Mowbray town centre. The maximum occupancy of the home is for up to 31 people, however due to the configuration of some rooms it is only able to provide personalised support for 28 long term placements. Currently there are 12 long term residents at the home.
4. As alternative models to residential care are developed, the complexity of needs of those accessing residential care home services continues to increase. Although the existing building is maintained in a reasonable condition, some of the current room sizes restrict accessibility by those with complex physical needs and pose a potential health and safety risk.
5. Catherine Dalley House EPH will require significant investment in the short to medium term to ensure that it continues to meet regulatory requirements. Investment/maintenance costs however will continue to increase due to the age and configuration of the property which will not be viable in the medium to long term. Catherine Dalley will struggle to meet the needs and expectation of the older people of the future due to the limitations of the building.
6. Cabinet approval to the commencement of a public consultation on the future of Catherine Dalley House Elderly Person Home EPH, is to be sought. A report is therefore being taken to Cabinet on 16 June

	<p>2015 with the purpose of seeking approval for the consultation and to explore the options for developing the Catherine Dalley House EPH/ former Silverdale Hostel sites in Melton including a feasibility study to develop a standalone extra care housing scheme on the site;</p> <p>7. The Cabinet report will seek approval to fully consult with all relevant stakeholders, including residents, relatives, staff, partners, Members and the community to identify all relevant issues and concerns.</p> <p>8. The Cabinet Report will propose that the consultation will be held in June - September 2014 for a period of 90 days.</p> <p>9. The outcomes of the consultation will be presented to the Cabinet in November 2015.</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> <ul style="list-style-type: none"> • The Care Act 2014 and the Care and Support Statutory Guidance issued under it sets out local authorities' obligations towards adults with needs for care and support and carers. The implementation of the Act from April 2015 represents a shift from the previous duties on local authorities to provide particular services to the concept of meeting needs. This recognises that everyone's needs are different and personal to them, and that local authorities must consider how to meet each person's specific needs rather than simply considering which service they will fit into. • The Act introduces a national level of care and support needs that all councils will consider when they assess what help they provide. National eligibility criteria and universal deferred payments came into force in April 2015. Carers will be on the same footing as those they care for and there will be rights to choice, through support plans and personal budgets. The Act will put a limit on the amount those receiving care will have to pay towards the costs of their care, with a cap on care costs beginning in April 2016. • Savings of £150k in 16/17 increasing to £250k in 17/18 are included in the current MTFs from 2015/16 onwards for the review of all in house services including the potential closure of Catherine Dalley EPH.
<p>3</p>	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>The consultation will involve five key groups:</p> <ul style="list-style-type: none"> ➤ Residents of Catherine Dalley EPH; ➤ Carers and/or Families; ➤ Staff and trade unions;

- Members and members of the public;
- Stakeholders, community groups and partner organisations

Any decision on the options for the closure of Catherine Dalley EPH and the development of Extra Care Housing on the site will not be taken until consultation has taken place and the views of the above taken fully into account and balanced against any issues highlighted.

The following requirements for the consultation process will be adhered to:

- Consultation must be at a time when the proposals are still at a formative stage;
- The County Council must give sufficient reasons for any proposals to permit intelligent consideration and response;
- Adequate time must be given for those affected to consider and respond;
- The product of consultation must be conscientiously taken into account when finalising any proposals.

A draft consultation framework (Research Governance Framework RGF) has been produced which aims to:

- Allow interested parties to input their views on the options;
- Provide a variety of ways for people and groups to access the consultation;
- Enhance the information available to Members and so improve the quality of the decision making.

The framework will also provide a structure to:

- Allow interested parties to input their views on the proposals;
- Provide a variety of ways for people and groups to access that consultation including:
 - An on line questionnaire open and available to the general public of Leicestershire on the LCC website
 - Dedicated email address;
 - Dedicated telephone helpline;
 - Freepost address;
 - Web-based form and information on the Council's website;

	<p>Information will be available in different formats upon request and dedicated support workers will assist with face-to face consultation with service users. Advocacy services will also be used where appropriate.</p> <p>Any consultation will take place over a minimum of 90 days period;</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?
	Eliminate unlawful discrimination, harassment and victimisation	✓		<p>It should be acknowledged that the consultation proposals are likely to result in increased anxiety in the short term, which is a common natural consequence of change.</p> <p>However there is no expectation for this consultation on the proposals set out above to have any adverse impact on people accessing services at Catherine Dalley EPH in respect of the equalities requirements.</p> <p>Consultation with existing staff, service users, their families/carers and the general public will be undertaken prior to proceeding with the final decision on the proposals.</p> <p>We will need to develop means of engaging with current service users of Catherine Dalley EPH in order to allow them to participate and influence the consultation, whilst being mindful of the potential distress such engagement may cause, given the nature of the proposals.</p> <p>Leicestershire County Council and the Adults & Communities Department adheres to robust Equalities, Diversity and Human Rights policies in its delivery of service, both statutory and non-statutory.</p>
	Advance equality of opportunity between different groups			As Above
Foster good relations between different groups			As Above	

Section 2: Equality and Human Rights Impact Assessment (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

		Yes	No*
5.	Have the target groups been consulted about the following?		
	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);		✓
	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)?		✓
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?		✓
8.	*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.		
	Subject to Cabinet approval the consultation will adopt the following research methodology:		
	<ol style="list-style-type: none"> 1. An on line questionnaire open and available to the general public of Leicestershire on the LCC website. However there will be targeted promotion of the consultation through the local media in the Melton area, and in LCC establishments such as Libraries, Day Centres etc, GP surgeries and hospitals to ensure those most affected by the proposals have an opportunity to have their say; 2. As well as the above there will be separate consultation workshops especially for the current residents and/or their family members/carers and current staff working at Catherine Dalley. This will be organised and promoted through 		

	<p>individual invitation letters;</p> <p>3. The consultation process will also be assisted by the Corporate Campaigns and Research & Insight Teams in the design of the questionnaires, ongoing monitoring of the on line questionnaire and analysis of the responses upon completion of the consultation process;</p> <p>4. The lead service manager has a wealth of experience and access to departmental expertise in terms of engagement and wellbeing of residents of Catherine Dalley EPH. We will ensure that all users are represented individually and that opportunities for collective responses are facilitated.</p> <p>5. We will give sufficient time for the consultation and ensure that all responses are given proper consideration. If the possibility arises that the final decision regarding the future of Catherine Dalley House could result in a reduction in residential provision in the Melton area, data will be collected and analysed to ensure that the locality has sufficient capacity to meet current and projected need.</p>
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Section 2			
B: Monitoring Impact			
9.	Are there systems set up to:	Yes	No
	a) monitor impact (positive and negative, intended and unintended) for different groups;	✓	
	b) enable open feedback and suggestions from different communities	✓	
Note: If no to Question 8, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.			
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
	Age	✓	Older people are the majority group for the provision of residential care. The greatest impact of the consultation on the above proposals will be on the current residents of Catherine Dalley EPH. The process of engagement with residents, families and carers will be central to the success of the

			<p>consultation.</p> <p>A programme of face to face and written consultation process will be implemented and will also need to ensure that information is readily available and understood to support equitable access to the engagement aspect of the consultation process.</p>
	Disability	✓	<p>The 12 long term service users at Catherine Dalley House have the following disabilities;</p> <p>1 person has a learning disability and requires full support with all personal care and medication. They need visual supervision when walking/transferring and with eating and drinking (the person is on a soft diet).</p> <p>1 person has mental health problems and requires full assistance with personal care, medication and supervision for transfers.</p> <p>3 people have dementia and require full assistance with personal care, medication and eating/drinking. They can walk unaided with visual observation/direction.</p> <p>2 people have severe dementia and require assistance with all aspects of personal care. Hoists are required for all transfers.</p> <p>1 person has moderate dementia and needs full assistance with personal care and medication. The person requires transfer with use of a hoist occasionally, but otherwise can transfer independently and eats and drinks independently.</p>

			<p>1 person has moderate dementia and can transfer independently with supervision. This person requires full support with personal care and medication but can eat and drink independently with encouragement.</p> <p>1 person has a physical disability and requires minimum support with personal care, medication and nutritional input. They can transfer independently with a Zimmer frame.</p> <p>2 people have a physical disability and are in the early stages of dementia. They require moderate support with personal care and medication and can walk independently with use of a Zimmer frame.</p> <p>The Consultation will take into account people's communication needs, including the need for representation and advocacy if people are unable to speak for them. Their needs will also be fully taken into account if any alternative accommodation options are to be explored.</p>
	Gender Reassignment		✓ No impacts identified as yet.
	Marriage and Civil Partnership		✓ See Above
	Pregnancy and Maternity		✓ N/A – Not relevant to residential care provision
	Race	✓	It will be ensured that the current residents of Catherine Dalley EPH have appropriate support to meet their cultural and racial needs during the consultation process.
	Religion or Belief	✓	As part of the consultation

			process the religious or other beliefs of affected residents will be taken into account.
	Sex	✓	<p>There are currently 9 females and 3 males in Catherine Dalley EPH. Whilst this means that there may be a potentially disproportionate impact on females this is neither intentional nor is there anything which can be done to mitigate this gender imbalance, which closely aligns to the national average for long term residential care.</p> <p>The consultation process is therefore not expected to have a disproportionate impact on this group.</p>
	Sexual Orientation	✓	LCC Adult Social Care is required to provide a service that does not discriminate on grounds of sexual orientation as per the Council's policies and procedures and there will be no barriers to accessing the consultation based on sexual orientation.
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	✓	<p>All access to Social Care Services in Leicestershire is dependent on the national minimum eligibility thresholds for adults and carers as out in section 13 of the Care Act 2014 and in the Care and Support (Eligibility Criteria) Regulations 2014. LCC adopted these provisions from April 2015.</p> <p>As part of an individual care needs assessment or review the commissioning worker will identify if any person has specific needs. For example this might be related to communication where their first language is not English and then interpreters and written information about the service will be provided in the</p>

				appropriate language.
	Community Cohesion	✓		It is not envisaged that the consultation on the above proposals will lead to a reduction in social cohesion. We will ensure that people are empowered and enabled to fully access their rights and freedoms as a member of society with regard to having their say in the consultation process. This will be ensured by having a robust communication plan in the promotion of the consultation.
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	✓		This article imposes a positive obligation on councils to take steps to safeguard life, applicable in circumstances such as this where a decision may have a negative impact on life expectancy. As successive studies demonstrate (see <i>Williams, Netten & Ware PSSRU discussion paper 2012/3</i>) forced moves from care homes are frequently hazardous to health and life. These dangers can be offset considerably by taking into account the wishes of those directly affected, and managing any necessary transfers carefully and sensitively.
	Article 3: Right not to be tortured or treated in an inhuman or degrading way	✓		Services are provided so not to expose a person to degrading treatment. Due to the complex physical and mental health needs

			<p>of individuals who receive these services, there is often a personal care element to the support provided. This is provided by suitably skilled and trained members of staff who are able to deliver dignified personal care services.</p> <p>Staff delivering the service should all have received training in relation to Safeguarding and Whistleblowing policies and procedures, to ensure that people receive appropriate support in the right way.</p>
Article 4: Right not to be subjected to slavery/ forced labour		✓	
Article 5: Right to liberty and security	✓		Security in care homes should not restrict movement unduly or be achieved via excessive restraint.
Article 6: Right to a fair trial	✓		As with all LCC services, service users are made aware of their right to access the Corporate complaints procedure.
Article 7: No punishment without law		✓	
Article 8: Right to respect for private and family life	✓		It is understood that Catherine Dalley house is home to the 12 residents and regarded as such by their friends and family. The individual needs of each person are taken into account in planning the services people receive. Needs will be re- assessed with the involvement of the service users and their families prior to working with them to establish, in addition to the services they need, what types of accommodation they would be interested in moving to and where they would be located. Personal data held suggests that all but one of the current residents have close ties to the Melton area.
Article 9: Right to freedom of thought, conscience and religion		✓	

	Article 10: Right to freedom of expression	✓		As mentioned above the consultation process will take into account the requirements of individuals and their views, by providing a variety of methods for residents, carers, families and advocates to participate, and will respect human rights in line with legal requirements and current case law.	
	Article 11: Right to freedom of assembly and association		✓		
	Article 12: Right to marry		✓		
	Article 14: Right not to be discriminated against	✓		Leicestershire County Council and the Adults & Communities Department adhere to robust Equalities and Diversity policies in its delivery of service, both statutory and non-statutory.	
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:		Yes	No	Unknown
	a) this policy could have a different affect or adverse impact on any section of the community;			✓	
	b) any section of the community may face barriers in benefiting from the proposal			✓	
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 type="checkbox"/>	Neutral Impact <input type="checkbox"/>	Negative Impact or Impact Unknown <input checked="" 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 checked="" type="checkbox"/>	No <input type="checkbox"/>
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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.

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):

Date:26th May 2015.....

2nd Authorised Signature (DEG Chair):

Date: ...26th May 2015.....