

## 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](mailto:equality@leics.gov.uk)

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

<b>Key Details</b>	
<b>Name of policy being assessed:</b>	The proposal to charge people who self-fund their care a fee for arranging their care and support.
<b>Department and section:</b>	Adults and Communities (Adult Social Care)
<b>Name of lead officer/ job title and others completing this assessment:</b>	Katy Griffith (Project Manager)
<b>Contact telephone numbers:</b>	0116 306 6913
<b>Name of officer/s responsible for implementing this policy:</b>	Sarah Rogers (Acting Head of Service for Community Care Finance)
<b>Date EHRIA assessment started:</b>	24/07/15
<b>Date EHRIA assessment completed:</b>	03/08/15

# Section 1: Defining the policy

## Section 1: Defining the policy

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?*

**A self-funder is defined as a person who has eligible needs and savings above the upper capital limit, which is currently £23,250.**

**The Adults and Communities Department arranges non-residential care services for approximately 800 people who are self-funders. These people are charged the full cost of their services but are not charged an arrangement fee.**

**The Care Act 2014 introduced a new duty for local authorities to meet the needs of self-funders and the power to charge an arrangement fee. This was introduced in April 2015 and applies to people who ask the Council to meet their need for most types of care and support, but excluding people who require a care home placement. An increase in the numbers of self-funders who approach the Council was expected and the Adults and Communities Department considers it necessary to introduce an arrangement fee to cover its costs. The Care and Support Statutory Guidance, published in October 2014, sets out that the fee should include the cost of negotiating and managing the contract with the provider and cover administration costs. The guidance has been followed and an annual fee of £236 is being proposed, which would be introduced in April 2016 and applied to self-funders receiving care and support other than in a care home.**

2 Does this relate to any other policy within your department, the Council or with other partner organisations? *If yes, please reference the relevant policy or EHRIA. If unknown, further investigation may be required.*

**The introduction of an arrangement fee for self-funders will relate to the Leicestershire County Council Charging Policy for Care Services, which can be viewed here:**

**[http://intranet.leics.gov.uk/adult\\_communities/asc/service\\_provision2/frameworks/finance-3.htm](http://intranet.leics.gov.uk/adult_communities/asc/service_provision2/frameworks/finance-3.htm)**

3 Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?

**The introduction of an arrangement fee will affect the 800 people who are**

	<p>self-funders currently receiving care and support services arranged by the Council. Each person will need to decide if they wish to continue and pay the arrangement fee or decide to make other arrangements for their support that do not involve the Council, meaning that the fee would not be required. This could include making a private arrangement with their care provider or asking a relative or friend to do this on their behalf.</p> <p>The arrangement fee will be applied to adults aged 18 or over who are self-funders using care and support services arranged by the Council. There is a higher representation of women, people with disabilities and older people in this cohort than are present in the general population and it is these groups that will be primarily affected by this change.</p>		
<b>4</b>	<p>Will this policy meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following aspects? <b>(Please tick and explain how)</b></p>		
	<b>Yes</b>	<b>No</b>	<b>How?</b>
Eliminate unlawful discrimination, harassment and victimisation	√		The Care Act statutory guidance sets out a fair way of calculating the arrangement fee and limits what can be included in it. This guidance has been followed to avoid setting an arbitrary or unfair amount.
Advance equality of opportunity between different groups	√		The arrangement fee will only be applied to people with savings over the higher capital limit (currently £23,250). People with savings below this figure will not be required to pay the fee, meaning that people in lower income groups who also have protected characteristics will be unaffected.
Foster good relations between different groups	√		The fee will only be applied following a financial assessment and after it has been explained to the person that they may be liable to pay an arrangement fee in addition to the costs of meeting their needs. This will ensure that people are aware of the fee before it is applied to them and that this is done in a fair and transparent manner.

## 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

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);		√
	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.		
	<p><b>A public consultation on the proposal to charge self-funders an arrangement fee is planned to commence in September 2015 for a period of 8 weeks. The consultation will follow the guidance set out in the Council's consultation principles, namely ensuring that it reaches relevant sections of the community in appropriate formats and is open and transparent in the use of information.</b></p> <p><b>A consultation questionnaire will be sent to a representative sample of people who currently have non-residential services arranged by the Council and are self-funders, as this group of people would be directly affected by the introduction of the arrangement fee. The questionnaire will also be made available to the general public on the Council's website.</b></p> <p><b>Partner agencies, including voluntary organisations, service providers and NHS organisations will also be invited to contribute their views to the consultation, together with Leicestershire Healthwatch.</b></p>		

## 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 ' <a href="#">protected characteristics</a> ' may <u>potentially</u> be affected by this policy and describe any positive and negative impacts, including any barriers.			
		Yes	No	Comments
	Age	√		95% of self-funders who have services arranged by the Council are aged 65 and over. The implementation of the arrangement fee is expected to have a greater impact for older people, who are likely to have accumulated more financial assets during their lifetime. It will have a much lesser impact on younger people, who make up 5% of the cohort.
	Disability	√		The self-funder cohort has a higher proportion of people with disabilities than is present in the general population. The arrangement fee is therefore expected to have a greater impact for people with disabilities. The communication plan for the consultation will need to provide information in accessible formats to ensure that people with disabilities can participate in it.
	Gender Reassignment		√	No disadvantage identified
	Marriage and Civil Partnership		√	No disadvantage identified

	<b>Pregnancy and Maternity</b>		√	<b>No disadvantage identified</b>
	<b>Race</b>		√	<b>The consultation will have a culturally appropriate approach that takes account of language requirements linked to race.</b>
	<b>Religion or Belief</b>		√	<b>The consultation approach will also be culturally appropriate with respect for religion or belief.</b>
	<b>Sex</b>	√		<b>66% of the self-funder cohort are women and 34% are men. This reflects the gender balance of people who use care and support services. The arrangement fee will be applied to a higher proportion of women rather than men because of this and not as a result of any direct or indirect discrimination.</b>
	<b>Sexual Orientation</b>		√	<b>No disadvantage identified.</b>
	<b>Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities</b>		√	<b>Carers will be invited to participate in the consultation in order to understand any possible impacts that the arrangement fee could have for carers who provide informal care to self-funders.</b>
	<b>Community Cohesion</b>		√	
<b>11.</b>	<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? <b>(Please tick)</b></p> <p>Explain why you consider that any particular <a href="#">article in the Human Rights Act</a> 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>			
		<b>Yes</b>	<b>No</b>	<b>Comments</b>

<b>Part 1: The Convention- Rights and Freedoms</b>			
<b>Article 2: Right to life</b>		√	
<b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b>		√	
<b>Article 4: Right not to be subjected to slavery/ forced labour</b>		√	
<b>Article 5: Right to liberty and security</b>		√	
<b>Article 6: Right to a fair trial</b>	√		<b>People have the right to make a complaint if they believe that the arrangement fee has been incorrectly or unfairly applied to them. The right to make a complaint and the process to follow will be explained during the financial assessment.</b>
<b>Article 7: No punishment without law</b>		√	
<b>Article 8: Right to respect for private and family life</b>	√	√	<b>The arrangement fee will apply to people receiving care and support who live at home rather than in a care home. The charge has been set at a level that is judged to be affordable and is similar to the amount of annual interest that could be expected from savings of £23,250. This helps to protect their income and does not affect their rights under Article 8.</b>
<b>Article 9: Right to freedom of thought, conscience and religion</b>		√	
<b>Article 10: Right to freedom of expression</b>		√	
<b>Article 11: Right to freedom of assembly and association</b>		√	
<b>Article 12: Right to marry</b>		√	
<b>Article 14: Right not to be discriminated against</b>		√	
<b>Part 2: The First Protocol</b>			
<b>Article 1: Protection of property/ peaceful enjoyment</b>		√	

	<b>Article 2: Right to education</b>		√	
	<b>Article 3: Right to free elections</b>		√	
<b>Section 2</b>				
<b>D: Decision</b>				
<b>12.</b>	Is there evidence or any other reason to suggest that:	<b>Yes</b>	<b>No</b>	<b>Unknown</b>
	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		√	
<b>13.</b>	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"/>
<b>Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.</b>				
<b>14.</b>	Is an EHRIA report required?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

## 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](mailto: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**

1<sup>st</sup> Authorised Signature (EHRIA Lead Officer): .....

Date: .....

2<sup>nd</sup> Authorised Signature (DEG Chair): ...



Date: ...04/08/2015.....