

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:	Healthwatch Leicestershire
Department and section:	Chief Executive's/ Strategy, Partnerships and Communities
Name of lead officer/ job title and others completing this assessment:	Mike Thomson, Communities Business Partner
Contact telephone numbers:	0116 3057090
Name of officer/s responsible for implementing this policy:	Kristy Ball/Mike Thomson/Sarah Carter
Date EHRIA assessment started:	26 th August 2016
Date EHRIA assessment completed:	16 th September 2016

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? <i>What has changed and why?</i> The purpose of Healthwatch Leicestershire (HWL) is to act as an independent consumer champion on behalf of Leicestershire people to achieve improvements in health and social care by listening to users of these services, providing advice and information, influencing policy and commissioning decisions and challenging delivery issues. HWL has specific a requirement to develop engagement with hard to reach groups to ensure that their voice is heard by health and social care commissioners and providers. HWL staff (employed by VAL) support the HWL board, and members who volunteer to deliver HWL services to and on behalf of the public. HWL has policies in place to ensure that Human Right's implications are taken into account in the delivery of its services such as "Enter and View". The County Council is reviewing the specification for the HWL service to inform recommissioning for service provision from July 2017 onwards. The purpose of the Review is to inform the service specification for a future Healthwatch Leicestershire service and to enable enhanced service delivery.																
2	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> No.																
3	Who are the people/ groups (target groups) affected and what is the intended change or outcome for them? Healthwatch Leicestershire is for anyone who is entitled to access health or adult social care services in Leicestershire or anyone who cares for or represents someone who has access to these services. The HWL Review will inform the specification for and delivery of a future HWL service. It seeks to enable enhanced service delivery including for hard to reach groups and people whose rights are protected under the Equalities Act 2010. The review has highlighted that a future service should have an increased focus on public engagement, particularly with seldom heard groups. Engagement activity will increasingly complement and add value to such work carried out by providers.																
4	<table border="1"> <tr> <th colspan="4" data-bbox="276 1619 564 1675">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)</th></tr> <tr> <th data-bbox="276 1675 564 1720"></th><th data-bbox="564 1675 679 1720">Yes</th><th data-bbox="679 1675 794 1720">No</th><th data-bbox="794 1675 1402 1720">How?</th></tr> <tr> <td data-bbox="276 1720 564 1921">Eliminate unlawful discrimination, harassment and victimisation</td><td data-bbox="564 1720 679 1921">Yes</td><td data-bbox="679 1720 794 1921"></td><td data-bbox="794 1720 1402 1921">The HWL service includes engaging with and increasing the voice of people and groups who may face unlawful discrimination, harassment and victimisation from health and social care services.</td></tr> <tr> <td data-bbox="276 1921 564 2063">Advance equality of opportunity between different groups</td><td data-bbox="564 1921 679 2063">Yes</td><td data-bbox="679 1921 794 2063"></td><td data-bbox="794 1921 1402 2063">The HWL service includes advancing equality of opportunity between different groups and specific protected groups.</td></tr> </table>	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)					Yes	No	How?	Eliminate unlawful discrimination, harassment and victimisation	Yes		The HWL service includes engaging with and increasing the voice of people and groups who may face unlawful discrimination, harassment and victimisation from health and social care services.	Advance equality of opportunity between different groups	Yes		The HWL service includes advancing equality of opportunity between different groups and specific protected groups.
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)																	
	Yes	No	How?														
Eliminate unlawful discrimination, harassment and victimisation	Yes		The HWL service includes engaging with and increasing the voice of people and groups who may face unlawful discrimination, harassment and victimisation from health and social care services.														
Advance equality of opportunity between different groups	Yes		The HWL service includes advancing equality of opportunity between different groups and specific protected groups.														

	Foster good relations between different groups	Yes		Whilst not a specific function of HWL the service will meet all legal requirements.
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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;		No
	b) any potential impact of this change on them (positive and negative, intended and unintended);		No
	c) potential barriers they may face		No
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?		No
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?		No
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. The Review includes consultation with HWL members and stakeholders about the future specification, focus and delivery of HWL services. Whilst members of the public have not been engaged in the Review a continuing key feature of healthwatch service provision is the need to engage with target groups to identify their priorities and aspirations for health and social care issues and impacts and barriers relating to service provision. Contractual outcomes include; Services provided for hard to reach groups, vulnerable people and those with		

	protected characteristics in a fully accessible way • Reducing the inequalities of health and social care outcomes experienced in some communities • Service delivery in a way that is accessible to all users • Acting as a health and social care champion for people who access these services, or cares for people who access health and care services. It will ensure their views are reflected in the way services are designed and delivered and will have a particular focus on those whose rights are protected under the Equality Act.
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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;	Yes	
	b) enable open feedback and suggestions from different communities	Yes	

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 potentially be affected by this policy and describe any positive and negative impacts, including any barriers.

	Yes	No	Comments
Age	Yes		Health and social care services can have an impact on people in relation to this characteristic. Depending on HWL's priorities there may be more or less support for issues affecting people in relation to this characteristic. The Review seeks to enhance overall delivery of Healthwatch but will not impact on the ability of HWL to set its priorities taking account of representative community feedback.
Disability	Yes		As above
Gender Reassignment	Yes		As above
Marriage and Civil Partnership	Yes		As above

	Pregnancy and Maternity	Yes		As above
	Race	Yes		As above
	Religion or Belief	Yes		As above
	Sex	Yes		As above
	Sexual Orientation	Yes		As above
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	Yes		Health and social care services can have an impact on people due to their location or their status i.e. asylum seeker, looked after child or living in a community with limited resources. Depending on HWL's priorities there may be more or less support for issues affecting people in relation to this characteristic. The Review seeks to enhance overall delivery of Healthwatch but will not impact on the ability of HWL to set its priorities taking account of representative community feedback.
	Community Cohesion		No	
11.	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) 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]			
		Yes	No	Comments
Part 1: The Convention- Rights and Freedoms				
	Article 2: Right to life	x		HWL may look to explore any issues relating to right to life issues in health and social care settings based on evidence or feedback from their members and public.

			If HWL knows of the existence of a real and immediate risk to someone's life from the acts of another individual, then it will take appropriate measures to alert appropriate agencies to protect that person. The Review will influence the future delivery of HWL services which will continue to encompass this area of work.
Article 3: Right not to be tortured or treated in an inhuman or degrading way	x		HWL may explore issues relating to inhuman or degrading treatment in health or social care settings based on evidence or feedback from their members and public. There is a positive obligation on HWL to intervene to highlight inhuman or degrading treatment to relevant agencies as soon as they become aware of it. The Review will influence the future delivery of HWL services which will continue to encompass this area of work.
Article 4: Right not to be subjected to slavery/ forced labour	x		HWL may explore issues relating to staff and volunteer resources in health and social care settings and the quality of care from the staff and volunteers based on evidence or feedback from their members and the public. If any health or social care staff are not properly recompensed for the work they do or volunteers not supported appropriately, HWL will highlight this to the relevant regulatory and commissioning agencies for further action. The Review will influence the future delivery of HWL services which will continue to encompass this area of work.
Article 5: Right to liberty and security	x		HWL may explore issues relating to health or social care services limiting or curtailing people's liberty including mental health patients based on evidence or feedback from their members and the public. In order to support and protect the

			human rights of individuals, HWL will ensure that appropriate advocacy agencies are involved to ensure reliable evidence is obtained from an objective medical expert for detention such as on mental health grounds. The Review will influence the future delivery of HWL services which will continue to encompass this area of work.
	Article 6: Right to a fair trial	x	HWL may explore issues relating to care proceedings or disclosure and barring issues in relation to health or social care services based on evidence or feedback from their members and the public. When appropriate, HWL will seek to ensure that any appeal processes through relevant agencies are readily available, fair and easily understood. The Review will influence the future delivery of HWL services which will continue to encompass this area of work.
	Article 7: No punishment without law		x
	Article 8: Right to respect for private and family life	x	HWL may explore issues that members or the public have raised regarding respect for private and family life from health or social care services and bring the matter to the attention of relevant agencies including regulators. This will also apply to their own conduct in relation to any "Enter and View" visits in health or social care settings. HWL will always be alert to their own and/or other agencies policies/actions that might interfere with a person's right to respect for their private and family life, their home and their correspondence. Where possible, HWL will try to ensure that this and other policies or decisions do not interfere with someone's right to respect for private and family life, their home and their correspondence. The Review will influence the future delivery of HWL services which will continue to encompass this area of work.

Article 9: Right to freedom of thought, conscience and religion	x		HWL may explores issues that members of the public have raised in relation to decisions made by health or social care services that impact on a persons' religion or belief. HWL will always be alert to their or other agencies policies or actions that might interfere with a person's right to manifest their religion or belief and raise the matter with relevant agencies including regulators. The Review will influence the future delivery of HWL services which will continue to encompass this area of work.
Article 10: Right to freedom of expression	x		HWL is expected to raise issues with public, members and statutory agencies relating to issues in health & social care settings that have an impact of people and local communities. HWL's primary purpose is to enable engagement with people and communities, particularly those people and communities who have no and limited ability to have Freedom of Expression against policies and procedures of health and social care services. The Review will influence the future delivery of HWL services which will continue to encompass this area of work.
Article 11: Right to freedom of assembly and association		X	
Article 12: Right to marry		X	
Article 14: Right not to be discriminated against		X	
Part 2: The First Protocol			
Article 1: Protection of property/ peaceful enjoyment		X	
Article 2: Right to education		X	
Article 3: Right to free elections		X	
Section 2			
D: Decision			

12.	Is there evidence or any other reason to suggest that: 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	Yes	No	Unknown
		Yes		
			No	
13.	Based on the answers to the questions above, what is the likely impact of this policy?			
	No Impact ☐	Positive Impact ☒	Neutral Impact ☐	Negative Impact or Impact Unknown ☐
Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.				
14.	Is an EHRIA report required?	Yes ☐	No ☒	

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 3: Equality and Human Rights Impact Assessment (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. Based on the gaps identified either in the EHRIA Screening or independently of this process, how have you now explored the following and what does this information/data tell you about each of the diverse groups?

- 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)

16. 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?

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. Based on the gaps identified either in the EHRIA Screening or independently of this process, how have you further consulted with those affected on the likely impact and what does this consultation tell you about each of the diverse groups?

18. Is any further consultation required to fill any gaps in your understanding of the potential or known effects of the policy on target groups?

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 likely 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	
	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	

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?

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

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):

MSD

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Date:5th October 2016.....

2nd Authorised Signature (DEG Chair):

Mr. Secker

Date:5th October 2016.....