

## 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.

Please refer to the EHRIA [guidance](#) before completing this form. If you need any further information about undertaking and completing the assessment, 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>	Adult Social Care Transport Policy
<b>Department and section:</b>	Adults and Communities
<b>Name of lead officer/ job title and others completing this assessment:</b>	Katy Lynch (Senior Project Manager) and Mandy Ewart (Lead Practitioner)
<b>Contact telephone numbers:</b>	0116 3059133
<b>Name of officer/s responsible for implementing this policy:</b>	Mandy Ewart (Lead Practitioner) and Tony Kirk (Head of Transport Operations)
<b>Date EHRIA assessment started:</b>	1 <sup>st</sup> August 2017
<b>Date EHRIA assessment completed:</b>	1 <sup>st</sup> December 2018

## Section 1: Defining the policy

### Section 1: Defining the policy

You should begin this assessment by defining and outlining the scope of the 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	<p>What is new or changed in the policy? <i>What has changed and why?</i></p> <p>The existing Adult Social Care Transport Policy was approved by Members in 2010; the legislative framework has since changed with the introduction of the Care Act 2014.</p> <p>The previous policy contained elements of operational guidance, and feedback from staff applying the policy was that they were often left confused regarding eligibility and how to request and subsequently cancel transport – leaving scope for individual interpretation and inconsistency. The Policy has therefore been updated to ensure this specifically describes eligibility, with more detailed guidance in a separate operational document to clarify the process around requesting and cancelling transport (including what the roles and responsibilities are between different departments so that customers receive an improved experience and waste is removed through the timely sharing of information).</p> <p>Eligibility criteria for Care and Support (transport is considered a form of support) has changed; under the Care Act eligibility criteria the adult must be unable to achieve two or more outcomes and as a consequence of their disability, satisfy the local authority that there would be a significant impact on the adult's wellbeing if transport was not provided.</p> <p>The new policy is considerably shorter due to the direct correlation with <u>national</u> eligibility criteria instead of local discretion.</p> <p>The aims of the new and existing policy are broadly similar, for example, the eligibility for transport is based up on need, people are supported to utilise their informal networks, such as family, friends and carers, access community transport links, access buses. They can be offered Travel Training to promote their independence and support them in accessing their local communities. Adult social care transport is only provided when people have no other means of travelling.</p>
2	<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> <p>National Eligibility Criteria</p>
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>There are approximately 600 adult social care service users that have future journeys planned and arranged by LCC (numbers have been stable over the last couple of years), with a further proportion of social care service users receiving urgent one-off transport for safeguarding or emergency respite reasons. A large proportion of</p>

	<p>individuals receiving transport have a learning disability and are receiving a service from the Community Life Choices framework, with the remainder of service users consisting of older people and people with physical disabilities. It must be noted that most adult social care service users already arrange their own transport and therefore those accessing the LCC arranged transport are those most in need, in line with the eligibility criteria as set by The Care Act 2014. These individuals will be due to receive an annual review as part of their wider Care and Support from LCC; these reviews will not result in transport being removed where it is assessed as supporting an unmet need, any decision to cease or change transport arrangements will be following a review and agreed jointly with the person as part of one to one support planning to ensure that the level support given is appropriate and safe for the person (this is in line with other care and support services).</p> <p>Eligibility criteria will be applied and a support plan developed with the person before any transport is requested, and as part of a review before transport is cancelled (as is the case now). Therefore, this policy will continue to support the most vulnerable adults in Leicestershire to access services in a fair and consistent way, in line with The Care Act 2014.</p>		
4	Will the 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>		
	Yes	No	How?
Eliminate unlawful discrimination, harassment and victimisation	x		Consistent approach to determining eligibility based on the national eligibility criteria set out in legislation under the Care Act 2014.
Advance equality of opportunity between different groups	x		Using the Care Act eligibility criteria to determine if transport needs to be provided will ensure that people with protected characteristics are not disadvantaged, furthermore, when assessing eligibility for transport the new policy will support staff to consider how best to offer advice and information to people to prevent reduce and delay need with regard to transport. Where unmet needs remain, then meet support needs with adult social care transport. This will ensure that those adults with social care needs are appropriately and proportionately supported ensuring those people who are most vulnerable and in need of care and support, will have access to essential community services.
Foster good relations between different groups	x		<p>Any transport provided to adult social care service users will be done so with due regard to the following:</p> <p><b>Personal security</b> – transport arrangements will be risk assessed</p> <p><b>Interactions with others</b> - support positive and diverse interactions between different individuals/groups, particularly as some service users are required to share transport with other passengers</p>

				<p><b>Participation and influence</b> – the need for transport will be identified and planned for in conjunction with the individual leading the support planning process where they have capacity to do so, ensuring their voices are heard and inform necessary transport arrangements /decisions.</p>
--	--	--	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## 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 a 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;	x	
	b) any potential impact of this change on them (positive and negative, intended and unintended);	x	
	c) potential barriers they may face	x	
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?	n/a	
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?	X	
8.	*If you answered 'no' to the questions above, please use the space below to outline either what consultation you are planning to undertake or why you do not consider it to be necessary.		

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;	X		
	b) enable open feedback and suggestions from different communities	x		
<b>Note: If no to Question 9, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.</b>				
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 <b>potentially</b> be affected by the policy and describe any positive and negative impacts, including any barriers.			
		Yes	No	Comments
	Age	X		Positive impact – the transport policy continues to protect the most vulnerable adults in society ensuring any eligible care and support needs are met through enabling access to the community facilities where required and that they are safeguarded from any risk to their wellbeing through transporting individuals to a place of safety where this is needed.
	Disability	X		As above
	Gender Reassignment		X	
	Marriage and Civil Partnership		X	
	Pregnancy and Maternity		X	
	Race		X	
	Religion or Belief		X	

	<b>Sex</b>		<b>X</b>	
	<b>Sexual Orientation</b>		<b>X</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>x</b>		As above. Adults with eligible care and support needs will be financially assessed in line with the Care Act to determine how much they can afford to contribute towards the cost of any transport needed (in line with other care and support services)
	<b>Community Cohesion</b>		<b>X</b>	
<b>11.</b>	<p>Are the human rights of individuals <b><i>potentially</i></b> 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 the 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>X</b>	
	<b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b>		<b>X</b>	
	<b>Article 4: Right not to be subjected to slavery/ forced labour</b>		<b>X</b>	
	<b>Article 5: Right to liberty and security</b>		<b>X</b>	
	<b>Article 6: Right to a fair trial</b>		<b>X</b>	
	<b>Article 7: No punishment without law</b>		<b>X</b>	
	<b>Article 8: Right to respect for private and family life</b>		<b>X</b>	
	<b>Article 9: Right to freedom of thought, conscience and</b>		<b>X</b>	

	<b>religion</b>			
	<b>Article 10: Right to freedom of expression</b>		X	
	<b>Article 11: Right to freedom of assembly and association</b>		X	
	<b>Article 12: Right to marry</b>		X	
	<b>Article 14: Right not to be discriminated against</b>		X	
<b>Part 2: The First Protocol</b>				
	<b>Article 1: Protection of property/ peaceful enjoyment</b>		X	
	<b>Article 2: Right to education</b>		X	
	<b>Article 3: Right to free elections</b>		X	
<b>Section 2</b>				
<b>D: Decision</b>				
<b>13.</b>	Is there evidence or any other reason to suggest that:	<b>Yes</b>	<b>No</b>	<b>Unknown</b>
	a) the policy could have a different affect or adverse impact on any section of the community;		X	
	b) any section of the community may face barriers in benefiting from the proposal		X	
<b>13.</b>	Based on the answers to the questions above, what is the likely impact of the policy			
	No Impact <input type="checkbox"/>	Positive Impact <input type="checkbox"/>	Neutral Impact <input checked="" type="checkbox"/>	Negative Impact or Impact Unknown <input 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 type="checkbox"/>	No <input checked="" type="checkbox"/>	

### 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.

**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.

## 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 the policy and to critically examine whether it is *likely* to have a positive or negative impact on different groups within our diverse communities. It should also identify any barriers that may adversely affect under-represented communities or groups that 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?
<p><b>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.</b></p>	
17.	Based on the gaps identified either in the EHRIA Screening or independently of this process, <b>how</b> have you further consulted with those affected on the likely impact and <b>what</b> 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** to be affected by this policy. Describe any positive and negative impacts, including what barriers these individuals or groups may face.

	<b>Comments</b>
<b>Age</b>	
<b>Disability</b>	
<b>Gender Reassignment</b>	
<b>Marriage and Civil Partnership</b>	
<b>Pregnancy and Maternity</b>	
<b>Race</b>	
<b>Religion or Belief</b>	
<b>Sex</b>	
<b>Sexual Orientation</b>	
<b>Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after</b>	

	<b>children, deprived or disadvantaged communities</b>	
	<b>Community Cohesion</b>	

<b>20.</b>	Based on any evidence and findings, use the table below to specify if any particular Articles in the Human Rights Act are <b>likely</b> to apply to the 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?	
		<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>Article 7: No punishment without law</b>	
	<b>Article 8: Right to respect for private and family life</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>	

**Section 3****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.

NB:

- 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 consultation 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**

- |            |                                                                                                                                                                                                           |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>23.</b> | 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 the policy**

- |            |                                                                                                                                                                                           |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>24.</b> | 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? |
| <b>25.</b> | How will the recommendations of this assessment be built into wider planning and review processes?<br><i>e.g. policy reviews, annual plans and use of performance management systems</i>  |

**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 the Digital Services Team via [web@leics.gov.uk](mailto:web@leics.gov.uk) 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: .....