

APPENDIX A

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:	Reconfiguration of In-house Learning Disability Residential Accommodation
Department and section:	Adults & Communities Department – Direct Services
Name of lead officer/ job title and others completing this assessment:	Louise Melbourne – Business Change Manager, Direct Services Claire Jones – Head of Service – Direct Services
Contact telephone numbers:	0116 3055060 0116 305 7553
Name of officer/s responsible for implementing this policy:	Claire Jones – Head of Service – Direct Services
Date EHRIA assessment started:	3 January 2018
Date EHRIA assessment completed:	

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	<p>What is new or changed in this policy? <i>What has changed and why?</i></p> <p><u>Reconfiguration of In-house Learning Disability Residential Accommodation</u></p> <ol style="list-style-type: none"> 1. The Trees (Ashwood and Beechwood) in Hinckley and Hamilton Court in Coalville remain the last residential care homes managed in-house. All other residential care services are commissioned from the independent sector. 2. Smith Crescent is an in house accommodation based short breaks service which has seen a reduction in usage over recent years. Smith Crescent is located next door to Hamilton Court. 3. The care homes are registered to provide residential care accommodation for persons under 65 years who require nursing or personal care, learning disabilities, physical disabilities, sensory impairments (and mental health conditions for The Trees). 4. The maximum occupancy for The Trees is 9 and Hamilton Court 7, however there are only 7 and 4 residents respectively representing an occupancy rate of 69 percent. 5. There are 6 beds at Smith Crescent however in 2017 the service had an average occupancy rate of 38 per cent. There are a total of 29 individuals who access the service. 6. 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 and in a reasonable condition, some of the current room sizes and layout restrict accessibility by those with complex physical needs and pose a potential health and safety risk. 7. As individual needs increase and the Department sees an increase in the numbers of new people with complex needs who require short breaks, the service is unable to respond to the demand due to the physicality of the building. The occupancy rate in 2017 was 38 per cent compared to 70-75per cent for other in- house short breaks services in the county.
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	<p>8. Hamilton Court, Smith Crescent and The Trees 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. These services are likely to struggle to meet the needs and expectation of the people of the future due to the limitations of the building.</p> <p>9. Cabinet approval to the commencement of a public consultation on the future of Hamilton Court, The Trees (Ashwood and Beechwood) and Smith Crescent will be requested on 9 February 2018.</p> <p>10. 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 and potential mitigations.</p> <p>11. The Cabinet Report will propose that the consultation will be held in February to April 2018 for a period of 56 days.</p> <p>12. The outcome of the consultation will be presented to the Cabinet in June 2018.</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> <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 introduced a national level of care and support needs that all councils now consider when they assess what help they provide. National eligibility criteria and universal deferred payments came into force in April 2015. • The Medium Term Financial Strategy (MTFS) includes savings to be identified by the Adults and Communities Department of £11 million by 2021. The closure and reconfiguration of these services is within the scope of the current MTFS (AC6 – Review of Direct Services) which has a target of 820K by 2021. • Adults and Communities Department is performance measured on the number of people accessing residential care as part of the Adult Social

	<p>Care Outcomes Framework (ASCOF). This is benchmarked against other authorities with the incentive being to reduce use of residential care.</p> <ul style="list-style-type: none"> • The Adult Social Care Strategy emphasises the importance of the right amount of support being provided, in the right place by the right partners. The proposals currently align to the strategy and any amendments to the proposals as a result of the consultation will need to continue to adhere to the objectives. • The Council's Corporate Commissioning Strategy supports the review of services as part of the commissioning cycle. Part of the review is to consider whether the services the council's buy or commission, continue to be needed because of changes to practice, reduction in demand and/ or duplication of provision.
3	<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 The Trees and Hamilton Court. ➤ People who use Smith Crescent Short Breaks Service. ➤ Carers and/or Families. ➤ Staff and trade unions. ➤ Members and members of the public. ➤ Stakeholders, community groups and partner organisations . <p>Any decision on the options for the closure of The Trees (Ashwood and Beechwood) 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 and mitigations identified.</p> <p>The following requirements for the consultation process will be adhered to:</p> <ul style="list-style-type: none"> ➤ 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

	<p>when finalising any proposals.</p> <p>The consultation aims to:</p> <ul style="list-style-type: none"> ➤ 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. <p>The public consultation will also provide a structure to:</p> <ul style="list-style-type: none"> ➤ Allow interested parties to input their views on the proposals; ➤ Provide a variety of ways for people and groups to access that consultation including: <ul style="list-style-type: none"> • An on line questionnaire and supporting information available to the general public of Leicestershire on the LCC website (with separate easy read version) • Dedicated email address; • Dedicated telephone helpline; • Freepost address to return and paper copies of questionnaires. <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>The consultation will take place over a period of 56 days (8 weeks).</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> <table border="1" data-bbox="268 1563 1417 2040"> <thead> <tr> <th data-bbox="268 1563 571 1603"></th> <th data-bbox="571 1563 687 1603">Yes</th> <th data-bbox="687 1563 804 1603">No</th> <th data-bbox="804 1563 1417 1603">How?</th> </tr> </thead> <tbody> <tr> <td data-bbox="268 1603 571 2040">Eliminate unlawful discrimination, harassment and victimisation</td> <td data-bbox="571 1603 687 2040" style="text-align: center;">✓</td> <td data-bbox="687 1603 804 2040"></td> <td data-bbox="804 1603 1417 2040"> <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 the in house residential accommodation in respect of the equalities requirements.</p> </td> </tr> </tbody> </table>				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 the in house residential accommodation in respect of the equalities requirements.</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 the in house residential accommodation 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 find ways of involving service users of the services affected in order to allow them to participate and influence the consultation, considering mental capacity, 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

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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	Yes	No*
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	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 we will adopt the following methodology: 1. An on line questionnaire open and available to the general public of Leicestershire on the LCC website. Targeted promotion of the consultation through the local media in the Hinckley and Coalville area, and establishments such as Day Services/ Community Life Choices, GP surgeries and hospitals to ensure the public and potential/ future users are encouraged to participate in the consultation. Any gaps in responses will be identified during the consultation and used to inform further promotion. Support will be provided from the Corporate Communications Team. 2. There will be separate consultation workshops arranged for the current residents and/or their family members/carers at The Trees, Smith Crescent and Hamilton Court. This will be organised and promoted through individual invitation letters. 3. The consultation process will also be assisted by the Corporate Campaigns and Data and Business Intelligence in the design of the questionnaires, ongoing monitoring of the on line questionnaire and analysis of the responses upon completion of the consultation process; 4. We will ensure that all users are supported to be involved and that opportunities for collective responses are facilitated.		

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	Comments
	Age	✓		<p>A breakdown of ages of people using Smith Crescent Short Break Service is as follows:</p> <ul style="list-style-type: none"> • 31 % of users are under 30 • 21% are aged 30-39 • 21% are aged 40-49 • 28% are over 49 • The maximum age is 62 <p>An age breakdown of the individuals living at the 2 residential care homes are as follows:</p> <ul style="list-style-type: none"> • 18 % are under 50 • 45% are 50-59 • 27% are 60-69 • 9% are over 70 <p>Consultation with families and carers will be central to the success of the 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 consultation process.</p>
	Disability	✓		<p>All of the 11 residents across the 2 residential sites are recorded as have a learning disability as their primary category of need, and 9 have a secondary need recorded as access and mobility.</p> <p>The residents have a wide range of support needs associated with both their learning disabilities and physical</p>

			<p>needs, as well as autism, epilepsy, visual impairment, mental health support and behaviours which challenge services.</p> <p>All 29 of the individuals accessing Smith Crescent have learning disabilities. Some of the carers have their own needs and will be supported appropriately to take part in the consultation.</p> <p>As above</p>
	Gender Reassignment	✓	No specific impact identified as yet.
	Marriage and Civil Partnership	✓	See Above
	Pregnancy and Maternity	✓	N/A – Not relevant to residential care or short breaks provision
	Race	✓	<p>It will be ensured that the current residents of Hamilton Court and The Trees and users of Smith Crescent Short Breaks have appropriate support to meet their cultural needs during the consultation process.</p> <p>This will be achieved by working with managers who know the individuals well and due to the fact that they are already accessing services, meaning specific needs associated with race will be identified.</p>
	Religion or Belief	✓	Some religion/ belief data is available for the individual users at Smith Crescent Short Breaks; however a significant proportion of individuals do not have this recorded or it is recorded as unspecified (73%). As part of the consultation process the religious or other beliefs of affected residents will be taken into account.
	Sex	✓	<p>41 % of people accessing Smith Crescent Short Breaks are female with the remaining 59% being male.</p> <p>There are 6 males and 5 females currently living in the residential homes.</p> <p>Whilst this means that there may be a very slight disproportionate impact on males, the numbers are low and this is neither intentional nor is there anything which can be done to mitigate this gender imbalance.</p>

				The consultation process is therefore not expected to have a disproportionate impact on this group.
	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	✓		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. 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 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.	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	✓		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 (<i>see Williams,</i>

			<p><i>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.</p>
Article 3: Right not to be tortured or treated in an inhuman or degrading way	✓		<p>Services are provided so not to expose a person to degrading treatment. Due to the complex learning, physical and mental health needs 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	✓		<p>Security in care homes should not restrict movement unduly or be achieved via excessive restraint.</p>
Article 6: Right to a fair trial	✓		<p>As with all LCC services, service users are made aware of their right to access the Corporate complaints procedure.</p>
Article 7: No punishment without law		✓	
Article 8: Right to respect for private and family life	✓		<p>It is understood that Hamilton Court and The Trees (Ashwood and Beechwood) is home to the 11 residents and regarded as such by themselves, their friends, family and staff. The individual needs of each person are taken into account in planning the services people receive, including relationships they may have with other residents. 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.</p> <p>Short Breaks are available to people supported by informal/ unpaid carers to provide respite to carers and the cared for person. The proposal to close such a service acknowledges the potential impact this could have on Article and need for mitigating actions.</p> <p>The consultation process will ensure that there are opportunities to, and carers are</p>

				encouraged to, identify any barriers to their involvement with the aim of providing support or identifying alternative methods of involvement.
	Article 9: Right to freedom of thought, conscience and religion		✓	
	Article 10: Right to freedom of expression	✓		As mentioned above the consultation process will encourage participation and 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 checked="" type="checkbox"/>	Negative Impact or Impact Unknown <input 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): Katie Joondan

Date: 26/01/18

2nd Authorised Signature (DEG Chair): Ian Redfern

Date: 26/01/18