

**APPENDIX B****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>	Reconfiguration of In-house Learning Disability Residential Accommodation
<b>Department and section:</b>	Adults & Communities Department – Direct Services
<b>Name of lead officer/ job title and others completing this assessment:</b>	Louise Melbourne – Business Change Manager, Direct Services Claire Jones – Head of Service – Direct Services
<b>Contact telephone numbers:</b>	0116 3055060 0116 305 7553
<b>Name of officer/s responsible for implementing this policy:</b>	Louise Melbourne – Business Change Manager, Direct Services
<b>Date EHRIA assessment started:</b>	3 January 2018
<b>Date EHRIA assessment completed:</b>	21 May 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><b><u>Reconfiguration of In-house Learning Disability Residential Accommodation</u></b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. The care homes are registered to provide residential care accommodation for persons under 65 years who require nursing or personal care, and who have learning disabilities, physical disabilities, sensory impairments (and mental health conditions for The Trees).</li> <li>4. The maximum occupancy for The Trees is 8 and Hamilton Court 7, however there are only 7 and 4 residents respectively representing an occupancy rate of 69 percent.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>
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	<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"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• Adults and Communities Department is performance measured on the number of people accessing residential care as part of the Adult Social Care Outcomes Framework (ASCOF). This is benchmarked against other authorities with the incentive being to reduce use of residential care.</li> <li>• 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.</li> <li>• 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 buys or commissions, continue to be needed because of changes to practice, reduction in demand and/ or duplication of provision.</li> </ul>
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"> <li>• Residents of The Trees and Hamilton Court.</li> <li>• People who use Smith Crescent Short Breaks Service.</li> </ul>

- 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 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.

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.

The consultation 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 public consultation 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 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.

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.

The consultation will take place over a period of 56 days (8 weeks).

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>		
	<b>Yes</b>	<b>No</b>	<b>How?</b>
	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 &amp; Communities Department adhere 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 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*
<b>5.</b>	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		✓
<b>6.</b>	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?		✓
<b>7.</b>	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?		✓
<b>8.</b>	*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.		
	Please see section 3 below.		

#### Section 2

##### B: Monitoring Impact

		Yes	No
<b>9.</b>	Are there systems set up to:		
	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 9, 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 the policy and describe any positive and negative impacts, including any barriers.

	Yes	No	Comments
<b>Age</b>	✓		<p>A breakdown of ages of people using Smith Crescent Short Break Service is as follows:</p> <ul style="list-style-type: none"> <li>• 31% of users are under 30</li> <li>• 21% are aged 30-39</li> <li>• 21% are aged 40-49</li> <li>• 28% are over 49</li> <li>• The maximum age is 82</li> </ul> <p>An age breakdown of the individuals living at the 2 residential care homes are as follows:</p> <ul style="list-style-type: none"> <li>• 18 % are under 50</li> <li>• 45% are 50-59</li> <li>• 27% are 60-69</li> <li>• 9% are over 70</li> </ul> <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>
<b>Disability</b>	✓		<p>All of the 11 residents across the 2 residential sites are recorded as having 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 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</p>

			consultation.  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.
	<b>Gender Reassignment</b>		✓ <b>No specific impact identified as yet.</b>
	<b>Marriage and Civil Partnership</b>		✓ <b>See above</b>
	<b>Pregnancy and Maternity</b>		✓ N/A – Not relevant to residential care or short breaks provision
	<b>Race</b>	✓	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.  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.
	<b>Religion or Belief</b>	✓	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.
	<b>Sex</b>	✓	41% of people accessing Smith Crescent Short Breaks are female with the remaining 59% being male.  There are 6 males and 5 females currently living in the residential homes.  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.  The consultation process is therefore not expected to have a disproportionate impact on this group.
	<b>Sexual Orientation</b>	✓	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.
	<b>Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities</b>	✓		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.
	<b>Community Cohesion</b>	✓		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.
<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>	✓		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 Williams, Netten & Ware PSSRU discussion paper 2012/3) 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.
<b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b>	✓		<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>
<b>Article 4: Right not to be subjected to slavery/ forced labour</b>		✓	
<b>Article 5: Right to liberty and security</b>	✓		Security in care homes should not restrict movement unduly or be achieved via excessive restraint.
<b>Article 6: Right to a fair trial</b>	✓		As with all LCC services, service users are made aware of their right to access the Corporate complaints procedure.
<b>Article 7: No punishment without law</b>		✓	
<b>Article 8: Right to respect for private and family life</b>	✓		<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 encouraged to, identify any barriers to their involvement with the aim of providing support or identifying alternative methods of involvement.</p>
<b>Article 9: Right to freedom of thought, conscience and</b>		✓	

	<b>religion</b>			
	<b>Article 10: Right to freedom of expression</b>	✓		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.
	<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>	✓		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.
<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>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;		✓	
	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 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 checked="" type="checkbox"/>	No <input 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.

- |            |  |
|------------|--|
| <b>15.</b> | <p>Based on the gaps identified either in the EHRIA Screening or independently of this process, <i>how</i> have you now explored the following and <i>what</i> does this information/ data tell you about each of the diverse groups?</p> <ul style="list-style-type: none"> <li>a) current needs and aspirations and what is important to individuals and community groups (including human rights);</li> <li>b) likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights);</li> </ul> |
|------------|--|

c) likely barriers that individuals and community groups may face (including human rights)

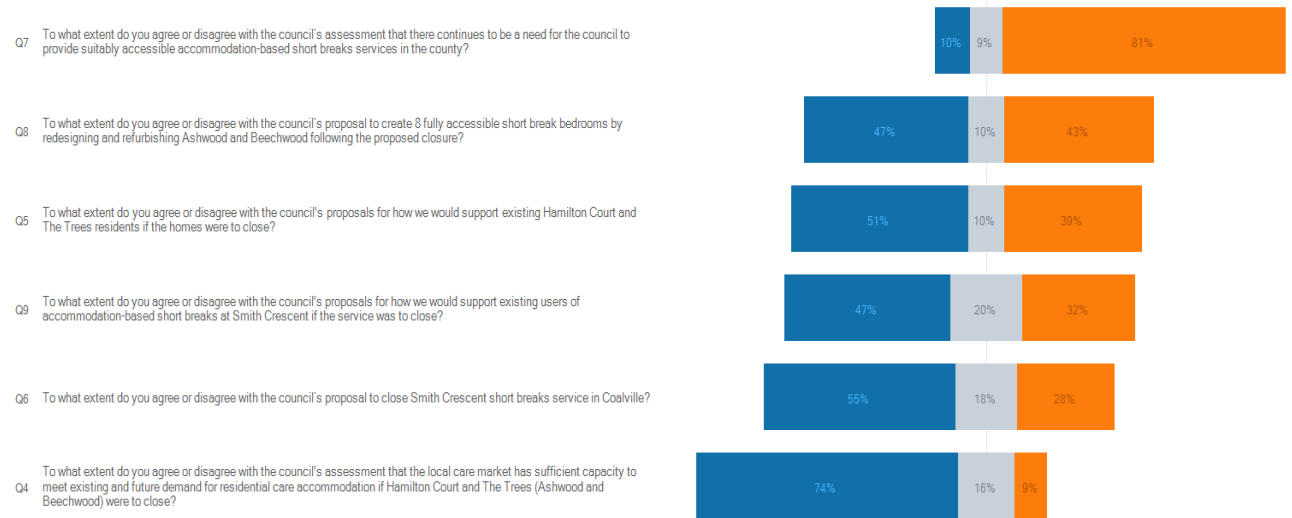
A total of 107 survey responses were received during the consultation period. The graphs below show a breakdown of responses for each question relevant to the proposals.

Q3: To what extent do you agree or disagree with the council's proposal to...?



Base = 100

Response (group)  
 ■ Disagree  
 ■ Neither agree nor disagree  
 ■ Agree



Base = 93 to 99

Response (group)  
 ■ Disagree  
 ■ Neither agree nor disagree  
 ■ Agree

As part of the consultation six workshop sessions were arranged for relatives of those people directly affected by the proposals and staff working at the services. A total of 20 relatives and 30 staff attended these sessions.

All relatives of those directly affected by the proposals were invited to have a meeting with the Director of Adults and Communities Department and Lead Cabinet Member. Eleven meetings took place, five with relatives from The Trees, five from Smith Crescent and one from Hamilton Court, plus one conference call with the Director. All feedback from workshops and meetings was recorded and key themes were identified.

**Feedback from relatives of residential care residents**

The main themes from sessions with relatives of residential users included:

- Concerns that there are not suitable, good quality alternatives in the independent sector (particularly for the long stay services).
- Concerns about the process of deciding whether an alternative is right for the individual and the transition process.
- Loss of relationships with staff and other residents (this was specific to The Trees).
- Desire to stay local for the majority due to relationships with the community and

other services accessed locally.

### **Feedback from users of short breaks at Smith Crescent**

There were mixed views held by those accessing short breaks services. Some opposed the changes due to the additional travel required and expressed the expectation that short breaks services should always be available locally. Underlying this were concerns about the ability of the individual(s) to cope with the extended travel due to their complexity of need, and the additional cost of transport. Others were more open to the proposal generally because they had previous positive experience of other short break services and some wanted to visit other services to determine which one(s) could meet their needs. Consistently, users valued the service in supporting them to continue in their caring roles and they were concerned about any reduction in availability.

### **Staff Feedback**

Staff at Hamilton Court and Smith Crescent expressed support for the closures of these services due to the limitations and challenges of the buildings. Staff had been supporting relatives of those in long stay services to explore potential benefits of a move.

Staff at The Trees also expressed support for the service reconfiguration on the basis that an increase in suitable short break beds is required and challenges associated with the layout and facilities of the building. However some staff strongly opposed the proposal on the basis of the service being people's homes and the perception that provision in the independent is not as good as it is currently.

Staff in support of the proposals at The Trees expressed concerns that opportunities for improved outcomes for the individuals will be missed due to the concerns raised by families.

### **Independent Advocacy**

Independent advocacy for the residents at The Trees (Ashwood and Beechwood) and Hamilton Court was available to ensure that, in addition to the support available from staff and relatives, independent support was available and maximised participation in the consultation. Meetings and conversations took place with the four individuals who agreed/ whose family agreed to advocacy support for the individual, with their families and staff who know them well. The format of the discussions recognised the sensitivities associated with the proposals and focussed on things that the individual liked/disliked about where they live, who they live with, the physical environment, their community, current opportunities and previous experience of change.

During these conversations none of the individuals expressed an interest or wish to move, and although some areas of dissatisfaction were shared, it was not conclusive that a move would be preferred. Individuals demonstrated a varied ability to cope with change. Information obtained and reported by the independent advocate was broadly consistent with the information staff and relatives had provided throughout the consultation..

<b>16.</b>	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?
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The needs, wishes and aspirations of the individuals affected by the recommendations will be better understood through individual assessments conducted by a social worker employed by the project. The assessment process will consider communication, involvement, capacity, relationships and community. The social worker will also develop a

transition plan to maximise continuity and minimise the impact of change, recognising that this will look different for each individual based on their needs and preferences.

**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?

The availability and accessibility of short breaks accommodation has influenced the development of the original proposals, therefore workshop sessions were arranged for people who use the Council's short breaks services based in Melton, Wigston and Hinckley. Sessions were arranged at different times of the day, in conjunction with services, to maximise interest in the sessions however none of the sessions were attended.

The impact of the recommendations for this group of users is positive due to the planned development of a new and purpose built short breaks facility in North West Leicestershire.

- 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?

No – however ongoing engagement will be required as standard with regards to improvements to existing properties.

### Section 3

#### B: Recognised Impact

<b>19.</b>	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 <b>likely</b> 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>	Yes – please see Section 2, C10. Current residents at Hamilton Court ages range from 52 to 64 years.
	<b>Disability</b>	Yes – please see Section 2, C10. Due to recommendations to improve the accessibility of long stay facilities in Hinckley and redevelop purpose built short breaks services in Coalville, the impact for users of these services will be positive. A secondary impact is likely to be seen by other users of short breaks who will see the benefit of an increase in accessible and suitable short break beds in the county.
	<b>Gender Reassignment</b>	No

<b>Marriage and Civil Partnership</b>	No
<b>Pregnancy and Maternity</b>	N/A not relevant to short breaks or residential care
<b>Race</b>	Yes – please see Section 2, C10.
<b>Religion or Belief</b>	Yes – please see Section 2, C10. In terms of survey respondents, 65% were Christian (all denominations), 30% stated no religion and 5% as any other religion. As part of the individual's assessment process information about their religion or belief will be better understood. Due to the low number of people affected, it is unlikely to be possible to identify any disproportionate impact based on religion or belief.
<b>Sex</b>	Yes – please see Section 2, C10. There are three males and one female currently living at Hamilton Court.
<b>Sexual Orientation</b>	Yes – please see Section 2, C10.
<b>Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities</b>	Yes – please see Section 2, C10.
<b>Community Cohesion</b>	Yes – please see Section 2, C10.

<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>	Yes – please see section 11, Part 1



<b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b>	Yes – please see section 11, Part 1
<b>Article 4: Right not to be subjected to slavery/ forced labour</b>	No
<b>Article 5: Right to liberty and security</b>	Yes – please see section 11, Part 1
<b>Article 6: Right to a fair trial</b>	Yes – please see section 11, Part 1
<b>Article 7: No punishment without law</b>	No
<b>Article 8: Right to respect for private and family life</b>	Yes – please see section 11, Part 1
<b>Article 9: Right to freedom of thought, conscience and religion</b>	No
<b>Article 10: Right to freedom of expression</b>	Yes – please see section 11, Part 1 The consultation encouraged feedback on the proposals through a variety of methods to ensure the views of those directly affected were heard during the consultation.
<b>Article 11: Right to freedom of assembly and association</b>	No
<b>Article 12: Right to marry</b>	No
<b>Article 14: Right not to be discriminated against</b>	Yes – please see section 11, Part 1
<b>Part 2: The First Protocol</b>	
<b>Article 1: Protection of property/ peaceful enjoyment</b>	No
<b>Article 2: Right to education</b>	No
<b>Article 3: Right to free elections</b>	No

**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.

The proposal to close The Trees (Ashwood and Beechwood) long stay residential services has been reviewed using public consultation feedback. Under the new recommendations the current users of the service will receive an improvement to their existing facilities through reconfiguration and refurbishment. This will benefit the existing and future users of short the residential facility.

The proposal to close Hamilton Court residential home continues to be recommended. The four people currently residing at Hamilton Court and their relatives will be supported to identify suitable alternatives and that continue to meet their needs as well as, or better than the current service.

The proposal to close Smith Crescent short breaks service in Coalville continues to be recommended, however the development of a purpose built replacement service on the same site is also recommended. This will improve facilities and accessibility for existing and future users.

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

Throughout the consultation feedback was received around the booking and allocations

process for short breaks. Work is planned to consider options to address some of these issues and implement the agreed changes. Further engagement with users will take place as and when required.

### 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.

Following an eight week public consultation, it is felt that this policy will meet the County Council's responsibilities in relation to equality, diversity, community cohesion and human rights, because:

- There is a net increase of one short break bed but the positive impact on service provision is likely to be higher, as several of the existing beds are unusable because of inadequate access.
- Individuals living at Trees residential home in Hinckley will see improvements to where they live in terms of accessibility, promoting dignity and independence.

It is recognised that there is potential for negative impact for those individuals residing at Hamilton Court however the change process will minimise any long term impact and ensure individuals' needs continue to be met appropriately.

### Section 3

#### E: Monitoring, evaluation & review of the 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?

For those individuals who will experience a change in service provision; they will receive an assessment as part of the transition process and at least one review as part of care management processes to ensure new provision is continuing to meet need.

The collection of information will be proactive to ensure the process for each individual based on their needs and preferences, is understood and tested prior to their move.

- 25.** How will the recommendations of this assessment be built into wider planning and review processes?  
*e.g. policy reviews, annual plans and use of performance management systems*

The recommendations will be used to support the development of future plans in relation to changes across Direct Services.

**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
All	Detailed assessment and individual transition planning, and co-ordination of the plans to ensure implementation is person centred	Continue to meet social care needs of those individuals experiencing change as a result of these recommendations throughout the change process.	Louise Melbourne	June 2018 Although dependent on implementation
All	<p>Ongoing engagement and communication with individuals and families</p> <p>Dedicated social worker recruited to support individuals and families</p> <p>Tailored transition plans for each individual which detail level and approach for involvement, decision making process, communication and</p>	Individuals currently living at Hamilton Court, and their families continue to be supported to meet their outcomes during the transition process and in their future accommodation and support.	Louise Melbourne	From June 2018 until implementation

	<p>social care support requirements.</p> <p>Robust review process in place to monitor impact of change and amend support as identify through that process.</p>			
All	Business Continuity	Continue to meet social care needs of those individuals experiencing change as a result of these recommendations throughout the change process.	Zubear Patel/ Louise Melbourne	June 2018 Although dependent on implementation

## 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): Katie Joondan

Date: 24 May 2018

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

Date: 24 May 2018