

Summary of the Equality and Human Rights Impact Assessment of Leicestershire County Council's Medium-Term Financial Strategy 2021 – 25

Equalities implications of the budget proposals

The assessment of the Medium-Term Financial Strategy 2021 – 25 has been completed to:

- enable decision makers to make decisions on an informed basis which is a necessary component of procedural fairness
- inform decision makers of the potential for equality impacts from the budget changes
- consider the cumulative equality impacts from all changes across all Departments
- provide some background context of the local evidence of cumulative impacts over time from public sector budget cuts

Equalities issues.

The Council is bound by equalities legislation and decision makers must have regard to the Public Sector equality duty¹. Specifically, decision makers, must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equalities Act. Regard should also be had to the need to advance equality of opportunity between persons with protected characteristics² and persons who do not share those characteristics. Decision makers should also have regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Human Rights

The Human Rights Act 1998 guarantees a broad range of human rights and freedoms. As a public authority³, the Council is prohibited from acting in a way which is incompatible with the human rights which are guaranteed under the Human Rights Act 1998.

However, most of the rights protected under the Human Rights Act are not absolute. The protected rights which are likely to be impacted by the MTFS are “qualified” which essentially means that it is permissible for a public body to take decisions which interfere with the protected right provided that the interference is justified (*e.g. the interference is necessary on specified public interest grounds*).

Further it is reasonable for the decision makers to seek to seek a balance between conflicting rights. For example, in upholding one person's rights, the Council may also have regard to the property rights of others (e.g. taxpayers).

¹ Per Section 149 of the Equality Act 2010

² The protected characteristics are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

³ Defined in Section 6(3) of the Human Rights Act 1998

Provision	Right Guaranteed	Status of Right	Functional areas where rights may be engaged.
Article 8	Right to respect for private and family life;	Qualified Right	<ul style="list-style-type: none"> • Children & Family Services • Adult social care; • Proposed Public Health savings.
Article 10	Freedom of expression	(Qualified Right)	<ul style="list-style-type: none"> • Adult social care
Article 14	Prohibition of discrimination	(links to other rights)	
First Protocol Article -	Protection of property	Qualified Right	<ul style="list-style-type: none"> • Proposed Public Health savings • Adult social care • Children and Family Services.
First protocol Article –	Right to education.	Qualified Right	<ul style="list-style-type: none"> • Environment and Transport – Passenger transport policy

It is sensible for decision makers to be aware that human rights are likely to be engaged by the proposed changes. They should then be satisfied that the budgetary changes are necessary to achieve a legitimate aim (i.e. cost savings). Decision makers should also consider whether the changes brought about by the MTFS are a proportionate response to the cost savings the Council is trying to achieve.

Assessment Findings

The council continues to be committed to having due regard for equalities objectives across its work and this assessment does not remove the requirement to conduct EHRIAs on the council's policies, projects and programmes. This high-level, comprehensive assessment of the Council budget will be used to highlight the risk of equalities impacts to drive more detailed assessments of each implementing measure. Equality and Human Rights Impact Assessments will be completed to consider impacts of the implementing measures using more detailed analysis of the people using our services and appropriate mitigating actions taken where possible.

Many of the proposals in the MTFS 2021 – 25 were agreed as part of the previous MTFS, and others are amendments to existing plans that have already been agreed. These changes have been included in the EHRIA for completeness, more detailed assessments are available here <https://www.leicestershire.gov.uk/about-the-council/equality-and-diversity/equality-human-rights-impact-assessments-ehrias/ehria-overview>

Overall, the assessment finds that the Council's budget changes will impact older people, children and young people, working age adults with mental health or disabilities and people with disabilities more than people without these characteristics. This is as expected given the nature of the services provided by the County Council.

There are several areas where there are opportunities for positive benefits for people with protected characteristics from the additional investment the Council is making into specialist services. These include growth in funding for children and young people's social care placements, Educational Psychology, adult

social care investment, transport services for people with Special Educational Needs and Disability, an Integrated Sexual Health Service and Hardship and Crisis support service. However, due to the rising number and increasing complexity of eligible cases, there is a risk that this investment will not keep up with demand, impacting on the outcomes for people with protected characteristics who use these services.

Amongst the savings, many have already been agreed and the experience from the early delivery projects is that with due regard for equalities objectives as projects are developed, positive outcomes are being achieved for people, including people with protected characteristics, for example from the implementation of the Target Operating Model and Place to Live programme in the Adults and Communities Department. However, it is imperative that equality continues to be a key consideration in the development of projects and programmes to deliver financial savings where the risk of negative impacts are assessed to be high.

The findings of the Leicestershire Community Insight Survey provide some background context to this assessment in terms of the perception by those within certain protected groups of the impact of national and local public sector cuts over time. Residents were asked *“As you may know, the government has announced a number of spending cuts to help reduce the national deficit. Local councils have also had to make cuts because of reduced funding from government and rising demand. To what extent, if at all, have you and your family been affected by the cuts so far?”*

The findings of the survey between April 2017 and March 2020 indicate that a significantly higher percentage of non-white British people, people with health problems, people with a disability, people who provide informal care or receive care support and people of non-Christian religion responded that they had been affected a “fair amount” or a “great deal” by national and local public sector cuts. A significantly lower level of people aged 16-34 years responded that they had been affected. This question has been revised from April to account for stabilised / increased funding in some service areas.

The council continues to be committed to having due regard for equalities objectives across its work and this assessment does not remove the requirement to conduct EHRIAs on the council’s policies, projects and programmes. This high-level, comprehensive assessment of the Council budget will be used to highlight the risk of equalities impacts to drive more detailed assessments of each implementing measure. Where relevant, these measures will reflect how the Council has responded to and expects to recover from the Covid-19 pandemic in terms of function or service delivery.

Proposals where the risk of negative equality impacts has been assessed as medium to high

Proposal Reference	Proposed title	Department	Proposal Description	Protected Characteristic
GROWTH				
	Demand and cost increases	Various	Increasing demand and complexity of cases eligible for the council’s support	Age (children; younger people; older people; working age adults); Disability
SAVINGS				
CF2	Reduction in social care placement costs	Children & Family Services	Reduction in the cost of children’s social care placements.	Age (children & young people)
-----	High Needs Development Plan	Children & Family	Delivery of enough good school places for pupils with Special Educational Needs and	Age (children and young people); Disability

		Services	disabilities	
AC4	Implementation of Target Operating Model	Adults & Communities	The implementation of new ways of working	Age (working age and older people); Disability
AC11	Implementation of revised service for communities and wellbeing	Adults & Communities	Smart Libraries; Restructure; Collections Hub	All (Workforce and service users)
PH1	Early Help and Prevention Review	Public Health	Homelessness Prevention, Substance Misuse Treatment Services, Young People's Tobacco Programme and Adults & Communities, Support for Carers Contract	All
ET1	Revise Passenger Transport Policy – reprofiled	Environment & Transport	This saving has been reprofiled to reflect changes in contracts and the impacts of the covid pandemic which affect the savings profile	All
ET2	Implement review of social care and SEN Transport (Phase 2)	Environment & Transport	Related to the delay in the delivery of the Post 16 SEN transport proposals	Age (young people); Disability
CR1	Workplace Strategy	Corporate Resources	Related to optimising building/office use to enable more flexible ways of working. Savings will be generated from reductions in property rental costs, service charges and running costs as premises are exited; rationalised or sold.	All (workforce)

Proposals where the potential for positive benefits for people with protected characteristics are medium to high

Proposal Reference	Proposed title	Department	Proposal Description	Protected Characteristic
G12	Integrated Sexual Health Service – increased testing	Public Health	Increased testing expected as result of new Pre-Exposure Prophylaxis treatment for HIV risk groups: PrEP is a retro-viral drug; tests have suggested that it is effective at reducing the spread of HIV amongst high risk groups. Local authorities (under the Health and Social Care Act 2012) are responsible for the increased testing that will be required when the treatment is introduced	Sexuality; Race; Sex
Various	Investment in SEND Assessment	Children and	Broad investment to maintain service to meet	Age (children and young people);

	service, Social Care and additional social workers and Unaccompanied, Asylum Seekers	Family Services	increasing demand and complexity of cases	Disability; Race; Belief
AC2/4	Place to Live and Target Operating Model	Adults & Communities	The first 'Place to Live/Social Care Investment Plan' project is the development of Brookfield in Great Glen into 20 units for working age adults with learning disabilities. Providing the right support, at the right time in an appropriate setting supports independence and positive outcomes	Age (working age adults); Disability

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