

Summary of the Equality and Human Rights Impact Assessment of Leicestershire County Council's Medium-Term Financial Strategy 2023–27

Equalities implications of the budget proposals

The assessment of the Medium-Term Financial Strategy 2023-27 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 complies with equalities legislation and decision makers must be cognisant of the Public Sector Equality Duty¹. Specifically, the Council must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equalities Act 2010. 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.

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

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 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).

| 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 • Public Health |
| Article 10 | Freedom of expression | Qualified Right | <ul style="list-style-type: none"> • Adult social care |
| Article 14 | Prohibition of discrimination | This links to other rights which must be applied and protected without discrimination | |
| First Protocol Article - 1 | Protection of property (peaceful enjoyment of possessions) | Qualified Right | <ul style="list-style-type: none"> • Public Health • Adult Social Care • Children and Family Services |
| First protocol Article – 2 | Right to education. | Qualified Right | <ul style="list-style-type: none"> • Environment and Transport |

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 Equality and Human Rights Impact Assessments (EHRIA) 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. EHRIA's 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 2023-27 were agreed as part of the previous MTFs, and others are amendments to existing plans that have already been agreed.

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 Council.

There are several areas where there are opportunities for positive benefits for people with protected characteristics from the additional investment the County Council is making into specialist services. There is growth in funding for the following services:

- Older people community and residential social care
- Adult learning disabilities
- Adult mental health
- Physical disabilities
- Child social care
- Special educational needs transport

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. Key services proposed for savings which may have an adverse impact include, fairer charging and removal of subsidies for adult social care, and the implementing the review of SEND transport. 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.

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

| Proposal Reference | Proposed title | Department | Proposal Description | Protected Characteristic |
|---------------------------|--------------------------------|----------------------------|--|---|
| SAVINGS | | | | |
| CF1 | Pathway workstream | Children & Family Services | Focus on prevention, drift and duration of interventions . | Age (children & young people) Disability |
| CF2 | Settings workstream | Children & Family Services | Reduced care placement costs through growth of in-house capacity | Age (children and young people); Disability |
| AC1 | Increased income | Adults & Communities | Fairer charging and removal of subsidies | Age (working age and older people); Disability |
| AC5 | Mental Health | Adults & Communities | Review of mental health pathways and placements | Disability Age |
| ET3 | Social care and SEN Transport | Environment and Transport | Review of social care and SEN Transport | Age Disability |
| CR5 | Customer and Digital Programme | Corporate Resources | Moving towards a greater digital offer for customers | Age Disability |

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 |
|---------------------------|---|-------------------------------------|--|---|
| Various | Investment in social care services for older people, learning disabilities, mental health and physical disabilities | Adult and Communities | Broad investment to maintain service to meet increasing demand and complexity of cases | Age, disability, gender, race and belief |
| Various | Investment in social care placements, front-line social care staff, support for unaccompanied child asylum seekers. | Children and Family Services | Broad investment to maintain service to meet increasing demand and complexity of cases | Age (children and young people); Disability; Race; Belief |

This page is intentionally left blank