

**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.

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](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>	Draft Cost Effective Care policy (MTFS S33 Limiting Service User Choice)
<b>Department and section:</b>	Efficiencies and Service Reduction team, Adults and Communities Department.
<b>Name of lead officer/ job title and others completing this assessment:</b>	Katy Griffith, Project Manager
<b>Contact telephone numbers:</b>	0116 305 6913
<b>Name of officer/s responsible for implementing this policy:</b>	Mick Connell, Director of Adults and Communities
<b>Date EHRIA assessment started:</b>	05/02/14
<b>Date EHRIA assessment completed:</b>	

## 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><b>The draft Cost Effective Care policy has been created to establish how the limited resources available to the Adults and Communities Department are to be targeted at providing care that is cost effective and provides good value for money. It sets out how the amount paid to individuals in their personal budgets to meet their eligible needs is to be limited to the most cost effective option.</b></p> <p><b>This new policy is being introduced in response to an increasing level of demand for social care services, largely due to demographic factors, which have resulted in rising levels of social care needs. It also seeks to prepare for the implementation of the Care Bill from April 2015, particularly the introduction of wide-ranging funding reforms in the following year, which is expected to result in a significant increase in the number of people who will approach the Council for an assessment and the creation of an independent personal budget.</b></p> <p><b>Previously, the Department used an internal guidance document called "Normal Limits" to manage spending on high cost care packages. This guidance was not included in the introduction of the self- directed support care pathway and resource allocation system (RAS) in 2010 and as a result its usage declined. A new policy was therefore required that would establish how the needs of all people who are eligible for adult social care and support are to be met within the financial resources available to the Council. The policy seeks to reflect a balance between resources, preferences and different ways of meeting assessed needs.</b></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><b>The draft Cost Effective Care policy has been developed by the Effective Support Project, which is part of the Adults and Communities Efficiencies and Service Reduction Programme. An equality questionnaire was completed for the project in 2013:</b></p> <p><a href="http://website/effective_support_project_eia.doc">http://website/effective_support_project_eia.doc</a></p> <p><b>The policy also links with the Eligibility Criteria for Community Care Services, which sets out who is eligible to receive social care services. The Council changed its eligibility criteria in April 2011, when the threshold was raised to limit provision to people with substantial and critical needs only. An Equality Impact Assessment for the Eligibility Criteria change was completed in December 2010 and a link to the document is included here:</b></p> <p><a href="http://website/eligibility_eia.doc">http://website/eligibility_eia.doc</a></p>
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p><b>The policy will affect adults aged over 18 or over who use social care services arranged by the Council, or who may need such services in the future. The</b></p>

	<p>cohort of people who currently receive services has a higher proportion of women, people with disabilities and older people than are present in the general population and it is these groups that will be primarily affected.</p> <p>The policy gives a clear commitment that the Council will always meet people's assessed unmet eligible needs and will provide care that is suitable for those needs. However, financial constraints mean that the Council has to limit the funding it provides in a personal budget and to people needing residential care to the most cost effective option. This may restrict the choices available to people as whilst the care provided will meet their needs it may not be delivered in a way that they prefer.</p> <p>The policy sets out how people can choose to use a more expensive care option if they or a third party are willing to fund the additional amount needed. It also includes an exceptions process whereby consideration is given in circumstances where there is a compelling reason for a higher cost care package to be provided.</p>			
4	Will this 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	√		The Council's Safeguarding Adults policy works to prevent abuse and to help and support adults who have experienced any form of abuse. The Safeguarding policy applies to adults who may be experiencing abuse or neglect and may be in need of community care services; this is regardless of the level of care and support being provided, therefore the draft Cost Effective Care policy will not affect the Council's ability to safeguard vulnerable adults.
	Advance equality of opportunity between different groups	√		The exceptions process set out in the draft Cost Effective Care policy includes provision for situations where a higher cost care package can be agreed, for example where there are particular cultural needs that require more specialist provision. This will support the advancement of opportunity and access to appropriate services between different groups.
	Foster good relations between different groups	√		The policy seeks to establish a fair and equitable way to use the resources available to fund and provide adult social care services. It therefore aims to foster good relations between the different groups who use these services.

## Section 2: Equality and Human Rights Impact Assessment (EHRIA) 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 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 following?	Yes	No*
	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.	<p>*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.</p> <p><b>A public consultation on the principles of the draft Cost Effective Care policy is planned to commence in May 2014 for a period of 12 weeks. The consultation will follow the guidance set out in the Council's consultation principles, namely ensuring that it reaches relevant sections of the community and is open and transparent in the use of information.</b></p> <p><b>A consultation questionnaire will be sent to a sample of current service users, carers and potential future service users in transition from the Children and Young People's Service. The sample group will be representative of the major service user groups: learning disability, mental health, physical disability and carers and also representative of age, ethnicity and gender. The questionnaire will be available to the general public on the Council's website.</b></p> <p><b>Partner agencies, including voluntary organisations, service providers and the two health Clinical Commissioning Groups will also be invited to contribute their views to the consultation.</b></p> <p><b>The outcome of the consultation will be reported back to the Council's Cabinet in the autumn, when a final decision will be made whether to implement the policy.</b></p>		

## Section 2

**B: Monitoring Impact**

8.	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	<b>Yes</b>	<b>No</b>
		√	
		√	

**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**

9.	Use the table below to specify if any individuals or community groups who identify with any of the ' <a href="#">protected characteristics</a> ' may <u>potentially</u> be affected by this policy and describe any positive and negative impacts, including any barriers.		
	<b>Yes</b>	<b>No</b>	<b>Comments</b>
	<b>Age</b>	√	<b>The service user cohort has a higher proportion of older people than is present in the general population. There is the potential for them to be affected by this policy; chiefly in respect of the cost limit that may restrict their choice of the type of care they receive. Specific needs related to a person's age are considered when a decision is made about the amount of money allocated to a person in their personal budget.</b>
	<b>Disability</b>	√	<b>The service user cohort has a higher proportion of people with disabilities than is present in the general population. There is the potential for them to be affected by this policy; chiefly in respect of the cost limit that may restrict their choice of the type of care they receive. Specific needs related to a person's disability are considered when a decision is made about the amount of money allocated to a person in their personal budget.</b>

<b>Gender Reassignment</b>		√	
<b>Marriage and Civil Partnership</b>		√	
<b>Pregnancy and Maternity</b>		√	
<b>Race</b>	√		<b>Specific needs related to a person's ethnicity are considered when a decision is made about the amount of money allocated to a person in their personal budget.</b>
<b>Religion or Belief</b>	√		<b>Specific needs related to a person's religion or belief system are considered when a decision is made about the amount of money allocated to a person in their personal budget.</b>
<b>Sex</b>	√		<b>Women form a slightly higher proportion of the service user population than men. There is the potential for them to be affected by this policy; chiefly in respect of the cost limit that may restrict their choice of the type of care they receive.</b>  <b>Specific needs related to a person's gender are considered when a decision is made about the amount of money allocated to a person in their personal budget.</b>
<b>Sexual Orientation</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>Carers: the draft Cost Effective Care policy does not include the support that the Council provides to informal carers and the policy will not be applied directly to them. However, carers may be affected by decisions made under the policy that affect the person they care for. Carers will be included in the consultation sample and groups that represent carers will also be invited to contribute.</b>

	Community Cohesion		√	
10.	<p>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? <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 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]</p>			
	Yes	No	Comments	
<b>Part 1: The Convention- Rights and Freedoms</b>				
<b>Article 2: Right to life</b>	√		<p><b>Assessment and support planning always aims to reduce and manage risk and helps people to live safely and independently. The amount of funding allocated to meet a person's needs takes account of any risks identified.</b></p> <p><b>This includes situations where a vulnerable person needs to be safeguarded and where a protection plan is in place. The policy positively supports and upholds the right to life.</b></p>	
<b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b>	√		<p><b>Using a more cost effective service does not compromise on the quality of the care being provided, whether that is at home, at a day centre or in residential care. All care providers who have a contract with the Council have to meet the same quality standards, regardless of the cost of their services. Standards are upheld by regular contract monitoring and additional support is provided by the Quality Improvement Team.</b></p>	
<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>	√		<p><b>People have the right to request a review of the decision that is made about the amount of their personal budget. They can choose to submit further information that will be</b></p>	

			<p>considered by the decision-maker.</p> <p>They also have the right to make a complaint if they believe that their case has not been handled fairly.</p> <p>An advocate can be provided to support people in making a complaint. The Council funds an Advocacy service in the County which is provided by Leicestershire Community Projects Trust.</p>
<b>Article 7: No punishment without law</b>		√	
<b>Article 8: Right to respect for private and family life</b>	√		<p>The policy may affect Article 8 in a number of ways:</p> <p>1) There is a potentially adverse impact arising from the decision to allocate funds to personal budgets in the most cost effective way to meet people's assessed needs. This may limit the options available to them as more expensive care options will be excluded. In some cases residential care would be identified as more cost effective when compared with an intensive package of support at home. People will not be forced to accept a particular type of care, such as residential care, when it is not their choice to do and we will make every effort to plan for support in the community within the allocated budget. We can help people to reduce the cost of their support at home, for example by using assistive technology or sharing support where appropriate. People can also consider using the steps outlined in point 2 below.</p> <p>2) A number of mitigating measures are included in the policy:</p>



			<ul style="list-style-type: none"> <li>• People will be encouraged to receive their budget as a cash payment so that they can manage their own money, care and resources and have increased choice and control as a result.</li> <li>• People can choose to use a more expensive care option if they or a third party is willing to fund the additional amount needed.</li> <li>• An exceptions process will be in place which will allow consideration of circumstances, including on human rights grounds, where a higher cost care package is required.</li> </ul> <p>2) The emphasis on prevention and early intervention within the policy will have a positive impact as it supports people to live safely and independently at home.</p>
<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>			<p>The policy will be implemented by Adults and Communities staff in a fair and transparent manner. Staff will take account of PSED protected characteristics when support planning and will make sure that personal budgets are appropriately tailored to individual needs and protected characteristics. People will also have recourse to the exceptions process as outlined above and have the right to make a complaint about any aspect of their contact with the Council.</p>
<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>11.</b>	Is there evidence or any other reason to suggest that:	<b>Yes</b>	<b>No</b>	<b>Unknown</b>
	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		√	
<b>12.</b>	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 type="checkbox"/>	Negative Impact or Impact Unknown <input checked="" type="checkbox"/>
<b>Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.</b>				
<b>13.</b>	Is an EHRIA report required?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

1st Authorised Signature (EHRIA Lead Officer):

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Date: .....

2nd Authorised Signature (DEG Chair): .....

*Deather Broughton*

Date: ...26/03/2014.....