

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:	Care Act - Independent Financial Advice
Department and section:	Adults & Communities Care Act Programme
Name of lead officer/ job title and others completing this assessment:	Chris Gillie
Contact telephone numbers:	01163056371 ext 56371
Name of officer/s responsible for implementing this policy:	Chris Gillie Project Manager (until 31 st April 2015). Mandy Stott (HOS Care Act) BAU lead TBC
Date EHRIA assessment started:	03/03/15
Date EHRIA assessment completed:	01/06/15

Section 1: Defining the policy

Section 1: Defining the policy

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>Background</p> <p>The Adults & Communities Department's Information Advice and Guidance (IAG) Project and strategy identified a significant gap in current provision of advice for people who have to pay some or all of their care costs, which was considered in a report to the Departmental Change Board in September 2013.</p> <p>The Care Act 2014 and supporting guidance includes a requirement to support "access to independent financial advice on matters relating to care and support" as a part of the Council's wider duties to provide information advice and guidance under the act.</p> <p>In response to these drivers the council has developed a "pathway" to independent financial advice to assist anyone likely to have a current or future financial interest in social care (for example, having to pay for services or take out a deferred payment agreement) to access <u>independent</u> financial advice if they so wish, along with helping them to understand the benefits of doing so.</p> <p>The approach described below was chosen for development after consideration of various options as part of the Information and Advice Strategy Project, and agreed by the Departmental change board in September 2013. Subsequent to the departure of the Information and Advice project Manager (David Brewin), development has fallen under the governance of the Care Act Board and progressed as one of Care Act workstreams.</p> <p>The preferred operational model which has been chosen is based on one developed by the organisation "Paying for Care", and successfully operated by several councils including Nottinghamshire CC.</p> <p>This model of operation, which is free to the council and initially to service user (certain types of independent financial advice generally incur fees) was subject to a market testing and procurement exercise in 2014 from which two providers, Affinity Connect and Age UK(Leicestershire and Rutland) came forward with an offer which, after evaluation, the council accepted.</p> <p>It is important to note that although development of the offer has been subject to procurement procedures, and a formal agreement between the council and providers exists, there is no contract in the true sense because there is no payment by the council; the current arrangement is effectively a formal partnership between the parties for mutual benefit.</p>
---	--

The service offer has been developed as a framework for an initial 12 months, allowing the council sufficient flexibility to build a portfolio of advice offers and to evolve and build the offer both in response to demand and changing conditions.

This approach is due to:

- the relative infancy of the market revealed by soft market testing, with no provider offering a complete solution for everyone;
- the expectation of further practice guidance;
- demand, which is likely to alter in the light of the Care Act and its funding reforms.

The initial service offer described below went live to meet minimum Care Act requirements on 1ST April 2015.

How does the “ pathway work”

The pathway is open to anyone with an interest or need for independent financial advice about the financial aspects of social care, either on their own behalf or for someone else (i.e. family members, carers, other advice providers or council staff can make a referral). The advice can be sought at any point in the customer journey and taking early advice before care pressures become immediate or pressing (or any formal assessment) is to be particularly encouraged.

People can self refer via the council's website, or be referred either by staff working within the Care Pathway or by other advice providers.

Although not part of the formal partnership agreement for the service, LCPT who are the Department's other general advice provider, have been involved in the development of the practical arrangements and are able to refer people for financial advice as part of their wider service offer.

Research has shown that the proportion of people self referring for financial advice is relatively low, while this is catered for, active promotion and signposting from within the customer journey is vital. There are a variety of circumstances where financial advice may be appropriate. Staff guidance encourages building early consideration of financial matters into the overall advice that is given. The approach is summarised as follows:

“Care costs can have significant impact, the sooner these things are planned for the better, we have people who can help with this. If in doubt take advice.”

Where assistance is required to make a referral, responsibility rests with the individual advisor or member of staff. Whilst the mechanics of referral are web and technology enabled (see further details below) due to the level of assistance offered, they are not dependent on it.

The provider receiving the referral makes initial contact with the person seeking advice, typically by phone. Depending on the particular circumstances and what kind of financial advice is required, advice may either be given there and then, or an onward referral to more specialised advice may be made. Although the Act and guidance suggests the pathway should be a route to a regulated and independent financial advisor, this may not always be appropriate and providers may refer on to services such as Money Advice.

The referral mechanism is via a very simple web based form on the council's website. The form asks for contact details, whether the advice is required by the referrer or someone else, and any supplementary information via free text box.

As each provider targets a different market and has different specialisms, qualifying questions are included via tick boxes. These inform internal rules and determine which provider the referral is sent to. There is also a commercial consideration to this aspect; *triage rules* have been agreed with the providers to ensure each receives an acceptable level of throughput to make providing the service viable.

From the webpage an encrypted referral form is sent via council approved and provided PGP Secure mail to the appropriate provider, who then contacts the person requiring advice to discuss their needs.

The two providers also have a reciprocal arrangement where they may make secure cross referrals between one another, if the other may be better placed to help.

Regular meetings with the providers are scheduled to review the types of referrals coming through, how the service can be improved, where gaps may be identified and potential solutions. The feedback from providers about what types of enquiries are being made and levels of understanding within the community can in turn be used to shape and develop the information the council provides.

Future commissioning and development

The market testing exercise in 2014 exposed the limitations of what was currently available, this offer seeks improve that situation. What is described above is regarded as an initial offer, requiring further development within the second phase of the Care Act programme.

The Care Act and its guidance envisages that the local authority should help develop the market offer for advice and guidance, (including financial advice), building a network of advice sources to meet the needs of the community.

Detailed practice guidance was only issued by the national Care Act Programme, 2 days before the Care Act came into effect on 1st April and the initial service offer went live.

In the short term further work is required to develop the network of advice, to assist and encourage the use of Affinity and Age UK, whilst developing the potential for onward referral to other providers within the market to fill any gaps.

The opportunity will be taken to draw on learning and experience in what is a very new service area for Adult Social Care, to inform future commissioning.

In the medium to long term the council will need to review its overall approach to commissioning this kind of service, and how it relates to wider corporate commissioning in accordance with the emerging operating model for the Council through its transformation programme.

In particular the challenge of funding must be faced.

"Free" offers of advice are not in reality free and are only available either where a provider can ultimately make a return from the small percentage of referrals that result in fee income as is the case with Affinity or, for Age UK, where providing advice to older people is part of their core offer and public funding is available.

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>There is a wider information and advice workstream and offer which also being prepared for the Care Act of which the Independent financial advice offer is only a part. See related EHRIA <i>Care Act Information and Advice</i>.</p> <p>Amended Charging and Deferred Payment agreement policy and procedures in response to the Care Act and amended guidance.</p> <p>.</p>																				
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>The Care Act shifts the focus to universal services, taking a truly preventative approach.</p> <p>In practical terms therefore anyone considering social care for themselves, or a member of their family, immediately or sometime in the future is likely to benefit from or need financial advice (regulated or unregulated). This will help them to make the right financial decisions for their circumstances and, if necessary, plan more effectively for future financial liabilities.</p>																				
4	<table><tr><td colspan="4">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)</td></tr><tr><td></td><td>Yes</td><td>No</td><td>How?</td></tr><tr><td>Eliminate unlawful discrimination, harassment and victimisation</td><td>Y</td><td></td><td>The pathway is open to anyone likely to have to pay for their own care, who can either access one of the providers who has been procured by the council, or can source their own advice if they so wish.</td></tr><tr><td>Advance equality of opportunity between different groups</td><td>Y</td><td></td><td>Service providers will be mindful of the different needs and abilities of protected groups, to ensure equitable access.</td></tr><tr><td>Foster good relations between different groups</td><td>Y</td><td></td><td>Financial advice is relevant to all sectors of the community helping them to make the best of their circumstances, albeit the individual advice will need to be tailored.</td></tr></table>	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)					Yes	No	How?	Eliminate unlawful discrimination, harassment and victimisation	Y		The pathway is open to anyone likely to have to pay for their own care, who can either access one of the providers who has been procured by the council, or can source their own advice if they so wish.	Advance equality of opportunity between different groups	Y		Service providers will be mindful of the different needs and abilities of protected groups, to ensure equitable access.	Foster good relations between different groups	Y		Financial advice is relevant to all sectors of the community helping them to make the best of their circumstances, albeit the individual advice will need to be tailored.
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)																					
	Yes	No	How?																		
Eliminate unlawful discrimination, harassment and victimisation	Y		The pathway is open to anyone likely to have to pay for their own care, who can either access one of the providers who has been procured by the council, or can source their own advice if they so wish.																		
Advance equality of opportunity between different groups	Y		Service providers will be mindful of the different needs and abilities of protected groups, to ensure equitable access.																		
Foster good relations between different groups	Y		Financial advice is relevant to all sectors of the community helping them to make the best of their circumstances, albeit the individual advice will need to be tailored.																		

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 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	X	
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?		X
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.		
	<p>The service development and implementation was informed by the requirements of the IAG strategy which itself was subject to an EIA and consultation.</p> <p>The duty and aim of the service does not extend beyond active signposting to organisations who can offer independent advice. By its nature, independent advice must be that.</p> <p>Monitoring will take place through analysis of the referrals and what happens to them and active dialogue with the providers at regular service review meetings, this feedback and experience will be used to identify where this aspiration cannot be met.</p> <p>This and further consultation if necessary will inform both short term operational development and future commissioning.</p>		

Section 2**B: Monitoring Impact**

9.	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	Yes	No
		Yes	
		Yes	

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 potentially be affected by this policy and describe any positive and negative impacts, including any barriers.

	Yes	No	Comments
Age	Y		Older people and their families are more likely to incur residential care costs, access to financial advice will assist them to manage their finances more effectively and this is built into the conversation and advice they have with the council or associate advisors. Staff and providers will therefore be mindful of the need to engage effectively with older people. Appropriate training will be provided.
Disability	Y		Comments for Age also apply for people with disabilities, whose needs are also likely to be specialised. It is also important to ensure that measures are taken to improve accessibility, e.g. via the format or means of providing information for people with learning or sensory disabilities. Explanatory leaflets could be useful here.
Gender Reassignment	Y		In the event of people in this group requiring such advice, a

				measure of sensitivity may be required.
	Marriage and Civil Partnership	Y		Independent financial advice will assist married couples to assess and plan for the impact of care on their joint finances
	Pregnancy and Maternity		N	Although no specific concerns have been identified, the need for independent financial advice is equally valid for this group
	Race	Y		Referrers and Providers should be aware of differing approaches to family finances that may occur within different cultures. This may require referral on to, or obtaining advice from, specialist providers.
	Religion or Belief	Y		The comments above may apply to certain faiths, where this influences financial arrangements.
	Sex	Y		The gender ratios of those seeking advice should reflect the demographic seeking help from social care services.
	Sexual Orientation	Y		The need for independent financial advice is equally valid for this group, and services should be inclusive.
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	Y		The Service is available not only for service users but other interested parties (such as carers) who can seek advice on their own behalf or someone else's (with that person's agreement). Referrers and Providers should ensure that services are effectively accessible to people living in more remote areas.
	Community Cohesion		N	Financial advice unlikely to be relevant here
11.	<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? (Please tick)</p> <p>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</p>			

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		X	
Article 3: Right not to be tortured or treated in an inhuman or degrading way	X		Better informed financial decision should contribute to improving quality of life.
Article 4: Right not to be subjected to slavery/ forced labour		X	
Article 5: Right to liberty and security		X	
Article 6: Right to a fair trial	X		Financial advice may help people where they need to make an appeal or participate in some other formal proceedings regarding their care.
Article 7: No punishment without law		X	
Article 8: Right to respect for private and family life	X		Financial advice and better decision making should help people to improve or maintain their family circumstances and quality of life, either currently or in the future, particularly by helping to maintain independence or more suitable living circumstances.
Article 9: Right to freedom of thought, conscience and religion		X	
Article 10: Right to freedom of expression		X	
Article 11: Right to freedom of assembly and association		X	
Article 12: Right to marry		X	
Article 14: Right not to be discriminated against		X	
Part 2: The First Protocol			
Article 1: Protection of property/ peaceful enjoyment		X	
Article 2: Right to education		X	

	Article 3: Right to free elections		X	
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;			<p>Initial advice is generally free. However people with limited financial means are unlikely to be attractive to fee paying independent financial advisors.</p> <p>This is inherent to the market provision of independent financial advice and the regulatory regime which controls it and the model of reimbursement.</p> <p>However since their care is likely to be “free” (funded by the state) this should not be a disadvantage since other types of advice (e.g. money advice services) may be more appropriate and accessible.</p>
	b) any section of the community may face barriers in benefiting from the proposal			<p>It is expected (based on evidence elsewhere) that spontaneous self-referral rates are likely to be low. It is expected that referral for IFA will in the main result from active discussion with the prospective client as part of the general advice they receive about social care. At this point confidence and ability to self- refer via the web can be assessed and assistance offered if</p>

				<p>necessary.</p> <p>Although the referral process is web based it is not dependent on it, other people including staff can assist people by making referrals on their behalf.</p> <p>Appropriate training will help to address possible barriers, particularly by delivery to staff who are likely to be directly in contact with service users, referrers and providers, e.g. those in the Customer Service Centre and Community Care Finance</p>
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 checked="" type="checkbox"/>	Neutral Impact <input type="checkbox"/>	Negative Impact or Impact Unknown <input type="checkbox"/>
<p>Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.</p>				
14.	Is an EHRIA report required?		Yes <input type="checkbox"/>	No <input checked="" 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 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.

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):

Date:

2nd Authorised Signature (DEG Chair):



Date: 03rd June 2015