

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:	Eligibility Framework for Adult Social Care April 2015
Department and section:	Adults and Communities: Adult Social Care
Name of lead officer/ job title and others completing this assessment:	Katy Griffith Project manager
Contact telephone numbers:	0116 305 6913
Name of officer/s responsible for implementing this policy:	Amanda Stott
Date EHRIA assessment started:	30 January 2015
Date EHRIA assessment completed:	06 February 2015

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>Eligibility criteria are the set of rules that the Council uses when deciding who qualifies to receive adult social care services. In April 2015, a new national minimum eligibility threshold will be introduced as part of the first phase of implementation of the Care Act. This replaces the previous eligibility criteria, commonly known as Fair Access to Care (FACS), which has been in use since 2002.</p> <p>The Council is required to adopt the national eligibility threshold for adults and carers and this policy reflects the change to the new criteria.</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>Eligibility was previously reviewed in 2010, when the threshold was changed to substantial.</p> <p>http://website/eligibility_eia.doc</p> <p>Eligibility is also linked to Cost Effective Care. When someone is assessed as meeting the eligibility threshold, their eligible needs will be met in line with the Cost Effective Care policy. An EHRIA was completed on the policy in 2014:</p> <p>http://www.leics.gov.uk/draft_cost_effective_care_policy_eia.doc</p>
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>The national minimum eligibility threshold is applied to adults aged 18 or over who have care and support needs arising from a physical or mental impairment or illness.</p> <p>It also applies to carers who provide unpaid care to another adult and to young carers in transition to adulthood, where there is likely to be a continued need for support beyond the age of 18.</p> <p>The threshold is designed to have a very broad application and will be applied to adults and carers who can reasonably be expected to be from each of the protected target groups. There are three groups where we expect there to be a</p>

	<p>greater impact (age, sex and disability) because there is a higher proportion of older people, women and people with disabilities who use social care services. The presence of the other protected characteristics is expected to be broadly in line with their incidence in the general population.</p> <p>The Government's intention in creating the new threshold has been to allow local authorities to maintain their current levels of access to care and support by setting at a level that is equivalent to the substantial threshold, which is Leicestershire County Council's current level. Therefore, the introduction of the new threshold is not expected to result in any changes for people who meet the existing criteria and already receive support, nor do we expect that any new groups of people are likely to become eligible.</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? (Please tick and explain how)			
		Yes	No	How?
	Eliminate unlawful discrimination, harassment and victimisation	√		The national minimum eligibility threshold has a clear focus on promoting wellbeing, which includes personal dignity, protection from abuse and neglect and supporting the individual's contribution to society. The promotion of wellbeing will include actions which reduce the risk of unlawful discrimination, harassment and victimisation.
	Advance equality of opportunity between different groups	√		The minimum eligibility threshold has been created with a list of ten outcomes for adults and eight for carers, which cover the essential aspects of social care and support. There is no hierarchy in the outcomes list, so each outcome is equal to the next. An adult will qualify if they are unable to achieve two outcomes and a carer will if they are unable to achieve one outcome. The threshold is sufficiently broadly defined to give equality of opportunity to people in the protected groups who have social care needs arising from any physical, mental, sensory, learning or cognitive disabilities or illnesses.
	Foster good relations between different groups	√		Adults and carers who meet the minimum eligibility threshold will be supported to achieve their outcomes and to improve their wellbeing, which includes their contribution to society. This will help to foster good relations between people who need care and support and their local community.

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		√
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>As these changes arise from primary legislation, there has been no local consultation and there is no requirement to do so. However, the government consulted widely on the guidance and regulations and reported on the results in October 2014. In relation to the eligibility threshold, they engaged with 100 local authorities, received 68 written submissions and worked with the Care and Support Alliance to survey nearly 400 people receiving care services and carers. The threshold was amended following the consultation and the final version was subsequently released later in October 2014.</p>		

Section 2

B: Monitoring Impact

9.	Are there systems set up to:	Yes	No
	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 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	√		There is a higher incidence of older people receiving care and support than is present in the general population. So as a proportion, a greater number of older people will be affected by the implementation of the eligibility threshold but no negative impact has been identified.
Disability	√		There is a higher incidence of people with disabilities who receive care and support than is present in the general population. So more disabled people will be affected by the implementation of the eligibility threshold but no negative impact has been identified.
Gender Reassignment	√		We anticipate that people who have undergone gender reassignment will be amongst those who receive care and support in line with their representation amongst the general population. Data on gender reassignment is not routinely gathered as part of the assessment and eligibility process.

	Marriage and Civil Partnership	√		We anticipate that people who are married or in a civil partnership will be amongst those who receive care and support in line with their representation amongst the general population. Data on these categories is not routinely gathered as part of the assessment and eligibility process.
	Pregnancy and Maternity		√	
	Race	√		We expect that people from different ethnic groups within Leicestershire will be affected in line with their representation in the general population. Data on ethnicity is normally recorded as part of the assessment and eligibility process
	Religion or Belief	√		We expect that people from faith groups within Leicestershire will be affected in line with their representation in the general population. Data on religion is normally recorded as part of the assessment and eligibility process
	Sex	√		Women form a slightly higher proportion of the service user population than men. So more women will be affected by the implementation of the threshold but no negative impact has been identified.
	Sexual Orientation		√	
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	√		The eligibility threshold for carers is a positive development as it places carers on an equal footing with those that they care for.

	Community Cohesion	√		The application of the eligibility threshold will promote the independence and involvement in society of people with care and support needs, which will have a positive impact on community cohesion.
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 impacts as well as barriers in benefiting from the above proposal]</p>			
		Yes	No	Comments
Part 1: The Convention- Rights and Freedoms				
	Article 2: Right to life	√		The eligibility threshold is used to support people who cannot achieve specified outcomes, which if left unmet would present a risk to a person's independence and safety. The application of the threshold therefore has a positive impact on the right to life.
	Article 3: Right not to be tortured or treated in an inhuman or degrading way	√		The eligibility threshold is used to identify if an adult or a carer has eligible needs. We would then make arrangements for those needs to be met so that the person's outcomes can be achieved. This includes protecting people from receiving poor or inadequate care.
	Article 4: Right not to be subjected to slavery/ forced labour		√	
	Article 5: Right to liberty and security		√	
	Article 6: Right to a fair trial	√		Adults and carers have the right to make a complaint about the way the eligibility threshold has

				been applied to them and about the decision that has been made. We will inform people of their right to complain and how they can use the Council's adult social care complaints procedure to do this.
	Article 7: No punishment without law		√	
	Article 8: Right to respect for private and family life	√		The statutory guidance promotes a whole family approach for assessment and eligibility. The impact of a person's needs on their family members or others in their support network will be considered when the eligibility decision is made and will be considered again during the support planning process. It is in this way that the right to a private and family life is respected.
	Article 9: Right to freedom of thought, conscience and religion		√	
	Article 10: Right to freedom of expression		√	
	Article 11: Right to freedom of assembly and association		√	
	Article 12: Right to marry		√	
	Article 14: Right not to be discriminated against	√		The eligibility threshold will be applied to adults and carers with the appearance of care and support needs. Adult social care staff will be trained to use the new threshold and implement it in a fair and transparent manner.
Part 2: The First Protocol				
	Article 1: Protection of property/ peaceful enjoyment		√	
	Article 2: Right to education		√	
	Article 3: Right to free elections		√	
Section 2				
D: Decision				

12.	Is there evidence or any other reason to suggest that: 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	Yes	No	Unknown
			√	
			√	
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 type="checkbox"/>	Neutral Impact <input checked="" type="checkbox"/>	Negative Impact or Impact Unknown <input type="checkbox"/>
Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.				
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: 04/03/15.....

