

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:	Charging for Non-Residential Services
Department and section:	Adults & Communities, Community Care Finance
Name of lead officer/ job title and others completing this assessment:	Colleen Smith, Head of Service
Contact telephone numbers:	0116 305 8369
Name of officer/s responsible for implementing this policy:	Colleen Smith
Date EHRIA assessment started:	
Date EHRIA assessment completed:	

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>To review how the Council charges for non-residential social care services and to create a charging policy that is fair and equitable by implementing the following proposals:</p> <ol style="list-style-type: none"> 1. Removal of the subsidy that is paid from the Adults & Communities budget towards the cost of some non-residential social care services (i.e. meals services). Approximately 350 people receive community meals services and approximately 680 meals are provided each week to community lunch clubs. 2. Requirement for individuals subject to section 117 of the Mental Health Act 1983 to contribute the full cost of their meals service. Approximately 11 people subject to section 117 of the Mental Health Act 1983 receive a meals service. 3. To charge service users living in Extra Care Housing Schemes¹ for the extra care services they receive regardless of whether they are provided as part of a community care assessment. It should be noted that this charge will be in addition to the support services received as part of their Extra Care housing provision. The costs of these support services are included within the housing costs (i.e. rent or service charges) paid by the individual. A total of 166 units are provided under this service. No individual will be charged twice for the same service <p>However, the decision whether to implement these proposals will be made by Cabinet and will take account of feedback received from public consultation undertaken 1 April 2014 and 30 June 2014.</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>Fairer Charging Policy.</p>

¹ Extra Care Housing is specially adapted housing with access to 24 hour support (excluding personal care) which provides an alternative to residential care.

3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>An equitable and transparent charging policy is created, that ensures everyone is paying only what they can afford to pay. Everyone receiving non-residential care services and extra care services will be subject to the same charging policy.</p>																
4	<p>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)</p> <table><tr><td></td><td>Yes</td><td>No</td><td>How?</td></tr><tr><td>Eliminate unlawful discrimination, harassment and victimisation</td><td>x</td><td></td><td>Charging policy is designed to be as equitable as possible. These changes are aimed at an improvement to the design in this respect.</td></tr><tr><td>Advance equality of opportunity between different groups</td><td></td><td>x</td><td></td></tr><tr><td>Foster good relations between different groups</td><td>x</td><td></td><td>The more equitable the policy, the less likely that any perceived unfairness will undermine relations between groups subject to the charging policy.</td></tr></table>		Yes	No	How?	Eliminate unlawful discrimination, harassment and victimisation	x		Charging policy is designed to be as equitable as possible. These changes are aimed at an improvement to the design in this respect.	Advance equality of opportunity between different groups		x		Foster good relations between different groups	x		The more equitable the policy, the less likely that any perceived unfairness will undermine relations between groups subject to the charging policy.
	Yes	No	How?														
Eliminate unlawful discrimination, harassment and victimisation	x		Charging policy is designed to be as equitable as possible. These changes are aimed at an improvement to the design in this respect.														
Advance equality of opportunity between different groups		x															
Foster good relations between different groups	x		The more equitable the policy, the less likely that any perceived unfairness will undermine relations between groups subject to the charging policy.														

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		x

	important to them;		
	b) any potential impact of this change on them (positive and negative, intended and unintended);		x
	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)?		x
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?		x
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>Consultation not yet undertaken. Request to consult being submitted to Cabinet Mar 5 2014. Subsequent results will be incorporated into the full EIA.</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;	x	
	b) enable open feedback and suggestions from different communities	x	

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	x		The majority of people (64.5%) in receipt of social care are older people (65+). The majority of people in receipt of extra care services are older people (65+) Older people with assets

				<p>accumulated over a lifetime, may be at the most risk of having their charges increased by the changes.</p>
	<p>Disability</p>	<p>x</p>		<p>The vast majority (97%) of service users have some sort of physical disability, learning disability, or mental health issue and are therefore likely to be affected by any changes to the Charging Policy. However, it should be noted that the charges an individual pays are based on a means test/financial assessment to ensure they do not have to contribute more than they can afford (<i>i.e. defined basic levels of Income Support or the Guarantee Credit of Pension Credit plus 25%</i>). The means test / financial assessment is defined by the Fairer Charging Guidance issued by the Department of Health. Individuals subject to section 117 of the Mental Health Act 1983 receive the same access to disability and means tested benefits as individuals with other disabilities. The cost of meals is excluded from the financial assessment as it is considered by Government to be a substitute service, i.e. would have to be paid for whether commissioned by Adults & Communities or not.</p> <p>Any written materials (including consultation documents, website information, etc.) must be accessible for those with a learning disability and/or sensory impairment.</p> <p>Consultation events must be accessible for people with a range of disabilities. This will include holding events at physically accessible venues which are near to public transport and/or offer disabled</p>

			<p>car parking. In addition, information regarding the consultation and subsequent Fairer Charging Policy (presentations, agendas, questionnaires, etc.) must be presented in accessible formats such as Easy Read and large print.</p> <p>The timings of such events should also be considered to prevent clashes with delivery of social care services, medical appointments and caring responsibilities</p>
	Gender Reassignment	x	<p>The charging policy strives for equity; therefore there is no reason why a person would be charged more due to gender reassignment. However, this may impact on the individual's care needs and preferences regarding service delivery. We must be aware of this throughout the consultation.</p>
	Marriage and Civil Partnership	x	<p>Where an individual has been identified as being part of a couple (including married couples, civil partners, co-habitees), two fairer charging assessments are completed.</p> <p>The first will assess the service user as an individual and the second will assess the service user as part of the couple (i.e. considering the income, savings and expenditure of both partners). The outcome of the assessment that is most financially beneficial to the service user will be used as the basis for charging.</p> <p>This approach ensures that those service users who live with a partner are not treated less fairly under the Fairer Charging policy. However, issues may arise when one</p>

				member of the couple is unwilling to share information about their financial circumstances with A&C and/or their partner.
	Pregnancy and Maternity	x		<p>New or expectant mothers can be affected more than most by unexpected or additional costs. Data about new or expectant mothers that might be affected will be collected via the consultation.</p> <p>The timings of consultation events should also be considered to avoid clashes with medical appointments and child care responsibilities.</p>
	Race	x		<p>The charging policy strives for equity; therefore there is no reason why one race would be charged more than any other. However, a person's racial background may impact on their care needs and preferences regarding service delivery.</p> <p>In addition, individuals' racial backgrounds will need to be considered when undertaking consultation. For example, by ensuring that if requested, documents are made available in appropriate community languages.</p>
	Religion or Belief	x		<p>The charging policy strives for equity; therefore there is no reason why person would be charged more than any other because of their religion. However, a person's religious requirements may impact on their care needs and preferences regarding service delivery.</p> <p>In addition, individuals' religions will need to be considered when undertaking consultation. For</p>

				example, by ensuring that consultation events do not clash with key religious festivals or practices.
	Sex	x		The charging policy strives for equity; therefore there is no reason why person would be charged more than any other because of their sex. However, a person's sex may impact on their care needs and preferences regarding service delivery. We must be aware of this throughout the consultation.
	Sexual Orientation	x		<p>The charging policy strives for equity; therefore there is no reason why a person would be charged more than any other because of their sexual orientation. However, a person's sexual orientation may impact on their care needs and preferences regarding service delivery.</p> <p>See also comments above re "Marriage and Civil Partnership".</p>
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	x		<p>Changes to the charging policy will also affect carers. To enable them to participate, the location and timings of consultation events should be considered to prevent clashes with delivery of social care services, medical appointments and other caring responsibilities.</p>
	Community Cohesion	x		<p>One of the major perceived impacts would be on people of different financial means. However, it should be noted that the charges an individual pays are based on a means test/financial assessment to ensure they do not have to contribute more than they can afford (<i>i.e. defined basic levels of Income Support or the Guarantee Credit of Pension</i></p>

				<i>Credit plus 25%).</i> As those with more money may see an increase in their charges they may feel discriminated against. However, the consultation will show us if this is the case.
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			x	
Article 3: Right not to be tortured or treated in an inhuman or degrading way	x			The charging policy is designed to ensure that everyone who pays for their services is left with more than the law states they should have to live on, as remaining income.
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			Review and complaints procedures are in place if anyone feels that their assessment is incorrect.
Article 7: No punishment without law			x	
Article 8: Right to respect for private and family life	x			The equity in the charging system should support the rights contained in Article 8, ensuring that people have the financial means to maintain their independence.
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		System design will be mindful of the possibility of creating direct or indirect discrimination in any form.
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;	x		
	b) any section of the community may face barriers in benefiting from the proposal		x	
13.	Based on the answers to the questions above, what is the likely impact of this policy Consultation is needed to fully understand the impact on individuals and protected groups. It is clear that some people will be financially disadvantaged by the changes, but people who previously received a free service will be subject to the same charging rules as those who are currently subject to Fairer Charging assessments.			
	No Impact <input type="checkbox"/>	Positive Impact <input type="checkbox"/>	Neutral Impact <input type="checkbox"/>	Negative Impact or Impact Unknown <input checked="" 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 checked="" type="checkbox"/>	No <input 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 3: Equality and Human Rights Impact Assessment (EHRIA) Report

Section 3: Equality and Human Rights Impact Assessment Report

This part of the assessment will help you to think thoroughly about the impact of this policy and to critically examine whether it is likely to have a positive or negative impact on different groups within our diverse community. It is also to identify any barriers that may detrimentally affect under-represented communities or groups, who may be disadvantaged by the way in which we carry out our business.

Using the information gathered either within the EHRIA Screening or independently of this process, this EHRIA Report should be used to 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.

Section 3

A: Research and Consultation

When considering the target groups it is important to think about whether new data needs to be collected or whether there is any existing research that can be utilised.

- | | |
|-----|---|
| 15. | Based on the gaps identified either in the EHRIA Screening or independently of this process, <u>how</u> have you now explored the following and <u>what</u> does this information/data tell you about each of the diverse groups? |
|-----|---|

	<p>a) current needs and aspirations and what is important to individuals and community groups (including human rights);</p> <p>b) likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights);</p> <p>c) likely barriers that individuals and community groups may face (including human rights)</p>
<p><u>Consultation overview</u></p> <ol style="list-style-type: none"> Between 19 May and 11 August 2014 the Council undertook two consultation exercises regarding the following: <ul style="list-style-type: none"> Proposed changes to charging for meals services Proposed changes to charging in extra care housing schemes. The consultation endeavoured to give stakeholders a range of opportunities to make their views known on the proposed changes. This included specific opportunities for individuals receiving a meals service (either in their own home or at a community opportunities service) and current extra care residents to contribute. The consultation was publicised in the media and on the Council's website as well as being posted and emailed to a wide range of stakeholders. Officers have also attended residents meetings at four extra care schemes. The meals service consultation sought stakeholder views on the following proposals: <ul style="list-style-type: none"> Removal of subsidies for meals people receive in their own homes (often called "Mobile Meals or Meals on Wheels"); Removal of subsidies for meals people receive at Council community opportunities services (often called "Day Services"); Removal of subsidies for meals services received by people who are subject to Section 117 of the Mental Health Act 1983. <p><u>Consultation Response</u></p> <ol style="list-style-type: none"> A total of 102 responses were received of which the majority were from users of a meals service who received a meal in their own home. The consultation results show that the majority of respondents do not agree with the principle of removing meal subsidies or with the proposals to remove subsidies for meals received by users in their own homes or at community opportunities services. However the proposal to charge those who are subject to Section 117 of the Mental Health Act 1983 was opposed by half of the respondents. The stated reasons for disagreement with the proposals focused on the vulnerability of service users, the potential financial impact for service users and 	

the subsequent effect on their health and wellbeing.

8. In comparison, where respondents agreed with the proposals the stated reasons focused on the increased equity between service users, the availability of alternative meals provision and the value offered by the current meals service even at an increased price.

Nb The comments regarding equity in the context of meals provision may reflect misunderstandings about the way in which the subsidy works. As the service is not means tested, its removal takes no account of ability to pay and will impact on some people more than others, depending on income.

Extra Care Charging consultation

Proposal

9. The extra care charging consultation sought stakeholder views on the proposal to change how people living in extra care housing schemes are charged for care and support services so that:
 - Charges are worked out in the same way across all schemes;
 - The method for working out charges is based on the Council's Fairer Charging Policy;
 - Charges are fairer and easier to understand;
 - Charges more accurately reflect the true cost of providing the support service.
10. These proposed changes would affect:
 - Current residents of the five existing extra care schemes;
 - Future residents of the five existing extra care schemes;
 - Residents of any new schemes where the Council arranges care and support services.

Consultation Response

11. There was a low response rate to the consultation despite the number of extra care units available in the county and the work undertaken to publicise the consultation.
12. The consultation results show that the majority of respondents agree with the proposals to change the charges for care and support services in extra care housing and that the Fairer Charging policy should be the method for working out these charges. The stated reasons for this are increased equity, consistency and transparency in the charges.

16.	Is any further research, data collection or evidence required to fill any gaps in your understanding of the potential or known affects of the policy on target groups?
	<p>For Extra Care, It will be necessary to establish the identities of current service users receiving Personal Budgets (PB) who have meals as part of their package. This will be taken out of the calculation of their PB and will no longer be part of the package. These people will be offered a reassessment, including a benefit check, to ensure that their remaining income is maximised and the Fairer charging calculation operates correctly following the change.</p> <p>An added complication for PB holders is that the change in the LCC computer operating system has led to anomalies where some people were not charged for meals. These people will need to be identified and provided with a clear explanation regarding their new charge.</p>
	When considering who is affected by this proposed policy, it is important to think about consulting with and involving a range of service users, staff or other stakeholders who may be affected as part of the proposal.
17.	Based on the gaps identified either in the EHRIA Screening or independently of this process, <u>how</u> have you further consulted with those affected on the likely impact and <u>what</u> does this consultation tell you about each of the diverse groups?
	<p>The consultation result (as outlined above in para 15) indicates general support for the alignment of extra care into with other non- residential charges. Although the responses suggest that people found it difficult to measure the financial impact in the absence of worked examples, the Fairer Charging mechanism applies across all chargeable services. This also incorporates a benefit check, and the outcome should be consistent charging for similar services and does not suggest a disadvantage to any particular group.</p> <p>Current recipients of meals listed in paragraph 15 (above) will lose their subsidy and although we do not hold financial information on all of these individuals, it can be assumed that some will feel a greater impact than others.</p>

18.	Is any further consultation required to fill any gaps in your understanding of the potential or known effects of the policy on target groups?
	No further consultation requirement has been identified.

Section 3

B: Recognised Impact

19.	Based on any evidence and findings, use the table below to specify if any individuals or community groups who identify with any 'protected characteristics' are <u>likely</u> be affected by this policy. Describe any positive and negative impacts, including what barriers these individuals or groups may face.	
		Comments
	Age	<p>As identified in the EHRIA screening, the majority of Extra Care Service Users are over the age of 65yrs. Additional charges arising from this policy change will be subject to Fairer Charging (FC) assessments which is designed to ensure a legal safety net for lower income groups (i.e. in receipt of Pension Credit or Income Support or 25% above this level) and a progressive, proportionate charge as income increases to the maximum charge level.</p> <p>Meals are not subject to Fairer Charging assessments. The subsidy removal will therefore result in the introduction of a charge that takes no account of users' ability to pay.</p>
	Disability	As identified in the EHRIA screening, 97% of Extra Care service users have a

		<p>physical or learning disability, or have mental health problems, and may have a combination of disabilities. The comments on fairer charging outlined for Age groups (above) also apply here.</p> <p>The points raised regarding meals also apply here.</p>
	Gender Reassignment	No known adverse impact
	Marriage and Civil Partnership	Couples are entitled to a special FC assessment which ensures that combined income does not disadvantage them (see Screening section for a full explanation.
	Pregnancy and Maternity	No impact identified.
	Race	No impact identified
	Religion or Belief	No impact identified.
	Sex	No impact identified.
	Sexual Orientation	No impact identified.
	<p>Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities</p>	<p>Carers may be affected by the changes to Extra Care policy if more will be expected of them. Also, regarding meals, they may need to step in to provide these in some circumstance.</p> <p>The daily contact that accompanies meal provision can be an important role in cases of housebound people and those who live in isolated locations. In the case of the former, they are very likely to be in receipt of other services and the monitoring role will therefore be covered, but it is important to be mindful of circumstances where this is not the case. For people who are not in receipt of other services and who decide to discontinue with their meals following the loss of subsidy, there will be a heavy reliance on effective and accurate information and advice provision. For this reason, an assessment of the effectiveness of</p>

		Customer Services' role will be included in the Equality Improvement Plan.
	Community Cohesion	Community Lunch clubs are a significant source of community cohesion as well as providing valuable social contact. It will be important to monitor the impact of changes on attendance.

20.	Based on any evidence and findings, use the table below to specify if any particular Articles in the Human Rights Act are <u>likely</u> apply to your policy. Are the human rights of any individuals or community groups affected by this proposal? Is there an impact on human rights for any of the protected characteristics?	
		Comments
	Part 1: The Convention- Rights and Freedoms	
	Article 2: Right to life	
	Article 3: Right not to be tortured or treated in an inhuman or degrading way	The availability of regular, healthy and nutritious meals, particularly for people who are isolated or housebound and may otherwise not have access to affordable options, engages the principles of Article 3.
	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	Must ensure that the right to complain about service provision and associated issues like charging is known to service users.
	Article 7: No punishment without law	
	Article 8: Right to respect for private and family life	Meal provision an essential element in maintaining wellbeing and therefore an independent private & family life. Extra Care is designed to meet the aims of this article and needs to be provided with this in mind, including the principles which underpin fairer charging.
	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	
	Part 2: The First Protocol	
	Article 1: Protection of property/peaceful enjoyment	
	Article 2: Right to education	
	Article 3: Right to free elections	
Section 3		
C: Mitigating and Assessing the Impact		
Taking into account the research, data, consultation and information you have reviewed and/or carried out as part of this EHRIA, it is now essential to assess the impact of the policy.		
21.	If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons.	
<p>After the close of consultation referred to above, a report by the Director of Adults & Communities for Cabinet on 19/09/2014 contained the following recommendations:</p> <p>a) The outcome of the consultation on the review of non-residential care charges and the views expressed by stakeholders during the consultation period as contained in the report and detailed in Appendix A to the report be noted.</p> <p>b) The subsidy currently applied to meals services people receive in their own homes (mobile meals) is removed with effect from 1 November 2014.</p> <p>c) The subsidy currently applied to meals services people receive at Council community opportunities services (day services) is removed from 1 November 2014.</p> <p>d) From the 1 November 2014 people who are subject to Section 117 of the Mental Health Act (1983) be charged the full cost for meals services (in their homes or at a Council community opportunities services).</p> <p>e) People receiving meals services from the 31 October 2014 (in their home or</p>		

at a Council community opportunities service) should have the changes to their charges introduced over a three year period.

- f) The charges for support and care services in extra care schemes are calculated in the same way across all schemes. The maximum charge will be based on the actual cost to the Council of providing the service and will be implemented from 1 November 2014.
- g) The charges for support and care services are calculated using the Council's Fairer Charging policy.
- h) People currently living in extra care schemes should have changes to their charges introduced over a three year period.
- i) The actions to mitigate the risks/concerns identified by respondents during the consultation, contained in **paragraphs 47* and 55****, be noted.

****47** The extra care charging consultation sought stakeholder views on the proposal to change how people living in extra care housing schemes are charged for care and support services so that:*

- *Charges are worked out in the same way across all schemes;*
- *The method for working out charges is based on the Council's Fairer Charging Policy;*
- *Charges are fairer and easier to understand;*
- *Charges more accurately reflect the true cost of providing the support service.*

*****55** If the charging policy is not reviewed there is a risk that service users receiving similar services will be charged differently and that people in similar circumstances will be assessed differently.*

N.B.

i) If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.

ii) If you have identified adverse impact or discrimination that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.

22. Where there are potential barriers, negative impacts identified and/or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.

- a) include any relevant research and consultations findings which highlight the best way in which to minimise negative impact or discrimination
- b) consider what barriers you can remove, whether reasonable adjustments

	<p>may be necessary, and how any unmet needs that you have identified can be addressed</p> <p>c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why</p>
<p>It is essential to establish whether we need to mitigate for potential discrimination against the predominately older and disabled people who currently receive the meal subsidy. At the same time, we must ensure that Article 3 & 8 rights are protected.</p> <p>The availability of other cheaper ready meals, and the option of buying directly from i-Care suggests that a service is not being removed that cannot be replaced. However, as this is a service that has been provided without the requirement for a financial assessment, it is impossible to establish the financial means of most of the current recipients. The exception to this will be those for whom a meal was part of the package making up their Personal Budget, but this is known to be a very small proportion of the total number and will not be sufficiently representative of the total of service users.</p> <p>There were no suggestions in consultation that the impact of the subsidy removal would affect attendance at Community Provisions. However, this should be monitored as attendance at these centres is an important source of community involvement and opportunity to ensure the wellbeing of participants.</p> <p>It is possible that, for a small minority of meal recipients, the service forms part of Community Care provision. It is essential that this wider aim is not lost through this policy change. If service users have an identified need for overseeing or checking their welfare, then such needs must be planned for separately within the Eligibility framework. Although this is a general observation and could affect any of the protected groups, there is insufficient data to identify individuals and therefore which groups they may fall into. There is no reason to expect disproportional effects for <i>Race, Faith, sexual orientation, gender, transgender, marriage & civil partnership, or pregnancy & maternity</i>. However, it is very likely that most people affected here will fall into the <i>older persons</i> and <i>disabled</i> groups.</p>	
<p>Section 3 D: Making a decision</p>	
23.	Summarise your findings and give an overview as to whether the policy will meet Leicestershire County Council's responsibilities in relation to equality, diversity, community cohesion and human rights.
<p>The recommendation that the subsidy removal is staged over 3 years is therefore</p>	

reasonable mitigation, provided the results of this are reviewed via the Equality Improvement Plan (EIP) at an early stage to determine negative impact.

Section 3

E: Monitoring, evaluation & review of your policy

24.	<p>Are there processes in place to review the findings of this EHRIA and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?</p> <p>The EHRIA conclusions have informed the Equality Improvement Plan, and appropriate mitigation included as actions. The EIP will be reviewed 6 months after the subsidy removal is implemented.</p>
25.	<p>How will the recommendations of this assessment be built into wider planning and review processes? <i>e.g. policy reviews, annual plans and use of performance management systems</i></p> <p>All EHRIAs inform their relevant service area plans.</p>

Section 3:
F: Equality and human rights improvement plan

Please list all the equality objectives, actions and targets that result from the Equality and Human Rights Impact Assessment (EHRIA) (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Objective	Action	Target	Officer Responsible	By when
Ensure Equity in the Fairer Charging system	<p>Correct anomaly created by Fairer Charging operating system that currently prevents charging for meals for people with personal budgets.</p> <p>Align charging for Extra Care with other non-residential services.</p> <p>Provide clearly written explanation of how charges are calculated and make people aware of their right to challenge an assessment if they believe it to be incorrect.</p>	Fairer operation of Community Care Charging (CCF).	Service Lead for CCF.	Ongoing, review May 2015.

<p>Ensure that there is no threat to health and wellbeing by the removal of the meal subsidy.</p>	<p>Implement the 3 year phase-out of subsidy and review progress to check where possible that other meal options have been accessed.</p> <p>Maintain referral route with providers (particularly I-Care) to enable contact where there are wellbeing concerns.</p> <p>Review impact on attendance at Community Opportunities provisions</p> <p>Assessment of Community Care needs where appropriate</p> <p>Ensure that Customer Service Centre information provision is up to date and capable of responding to enquiries regarding alternative meal provision effectively.</p>	<p>Ensure continued monitoring and wellbeing of vulnerable groups.</p>	<p>Locality managers</p> <p>Carol Harris</p>	<p>May 2015.</p>
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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.

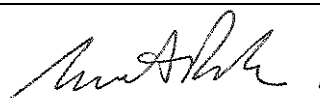
Equality and Human Rights Assessment Screening ☒

Equality and Human Rights Assessment Report ☒

1st Authorised Signature (EHRIA Lead Officer): C.Housden

Date: ...02/09/2014

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



Heather Pick

Date: 3 September 2014