

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:	Closure of the Independent Living Fund.
Department and section:	Personal Care and Support Adults & Communities Department
Name of lead officer/ job title and others completing this assessment:	Mark Goddin, Head of Service
Contact telephone numbers:	0116 3054862
Name of officer/s responsible for implementing this policy:	Mark Goddin
Date EHRIA assessment started:	6.10.2014
Date EHRIA assessment completed:	2.1.2015

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>This assessment does not relate to a specific Leicestershire County Council policy, but rather to the impact locally of the closure of the Independent Living Fund (ILF), a charitable trust. The ILF is sponsored by the Department of Work and Pensions to provide financial assistance to severely disabled people to enable them to live independently in the community, on the basis that the local authority makes a minimum contribution to their support package. The Fund closed to new applicants in 2010 and in March 2014 the government announced the Fund would close on 30 June 2015. After this time sole responsibility for meeting the support needs of people currently receiving support from the ILF will pass to the local authority. However this is linked with the Cost Effective Care Policy (see section 2 below).</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>The Cost Effective Care Policy, which was implemented with effect from December 2014 is designed to target resources toward the provision of care that provides good value for money by limiting the amount paid to individuals via their personal budgets. All individuals currently receiving support from the ILF will therefore require to have their needs re-assessed against the Cost Effective Care Policy, which was itself the subject of a EHRIA in March 2014.</p>
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>There are currently 69 users of the ILF. All are aged 18 plus, with the majority in the 18-64 age group and are split between people with physical/sensory disabilities and learning disabilities on a roughly equal basis. It is likely that in</p>

	some of these cases the ILF will be funding elements of their support that the Department would not, and in these cases the total amount of support available to individuals may reduce.		
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 Councils responsibility to safeguard vulnerable adults will continue and will not be affected by the closure of the ILF and implementation of the Cost Effective Care policy.
	Advance equality of opportunity between different groups	√	The exceptions process set out in the Cost Effective Care Policy includes provision for situations where a higher cost support package can be agreed eg where there are particular cultural needs that require more specialist provision. This supports access to appropriate services between different groups and hence the advancement of opportunity.
	Foster good relations between different groups	√	The closure of the ILF means that the provision of social care support becomes the sole responsibility of the local authority across all groups, therefore facilitating a more fair and equitable system for facilitating this.

Section 2: Equality and Human Rights Impact Assessment (EHRIA) Screening

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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	Yes	No*
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	following?	√	
	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>All recipients of the ILF are being consulted via individual reviews which are being undertaken jointly by the ILF and local authorities as part of the Transfer Review Programme and feedback from these reviews has been monitored to identify themes/issues.</p> <p>Users and carers will also be individually consulted via a further series of reviews to determine the amount of support that will be available to them post June 2015. There will then be a further series of individual reviews to ascertain the effectiveness of these support plans.</p> <p>A national programme of consultation was undertaken on the proposal to close the ILF.</p> <p>A 12 week period of public consultation has been undertaken in respect of Leicestershire's Cost Effective Care Policy.</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
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with any of the ' protected characteristics ' may <u>potentially</u> be affected by this policy and describe any positive and negative impacts, including any barriers.			
	Yes	No	Comments
Age		√	Access to ILF funding was limited to those in the 18-64 age group, although a number of recipients are now aged 65+
Disability	√		All users of the ILF are disabled and have critical or substantial levels of need. The amount of support they currently receive may be affected by the closure of the ILF and the application of the Cost Effective Care Policy. However the Care Act requires the local authority to consider whether the failure to achieve eligible outcomes would have a significant impact on their wellbeing, and the safeguards built into the Cost Effective Care Policy will ensure that no individuals are forced to enter residential care against their will.
Gender Reassignment		√	
Marriage and Civil Partnership		√	
Pregnancy and Maternity		√	
Race		√	The number of ILF recipients matches fairly closely the ethnic make- up of Leicestershire, with 88% of recipients described as White British, and the remaining 12% described as Asian/Asian Indian.
Religion or Belief		√	
Sex	√		The majority (67%) of ILF

				recipients are female.
	Sexual Orientation		√	
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	√		Because ILF recipients have relatively high support needs any reduction in funding may impact on carers. However it is anticipated that this will be mitigated via the measures to support carers introduced by the Care Act and the requirement to consider whether carers may be eligible for support in their own right.
	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		√	
	Article 3: Right not to be tortured or treated in an inhuman or degrading way	√		Protection afforded via the Cost Effective Care Policy and statutory requirements of the Care Act.
	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		√	
	Article 7: No punishment without law		√	
	Article 8: Right to respect for private and family life	√		Protection afforded via the Cost Effective Care Policy and the statutory requirements of the

				Care Act.
	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 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;	√		
	b) any section of the community may face barriers in benefiting from the proposal		√	
13.	Based on the answers to the questions above, what is the likely impact of this policy It is possible that a small number of disabled individuals will see a reduction in the amount of support available to them via a personal budget. However the closure of the ILF and the implementation of the Cost Effective Care policy does mean that there will be one consistent system for determining the support needs for <u>all</u> disabled individuals living in the community.			
	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"/>
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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):

A handwritten signature in black ink, appearing to be 'A. H. H.', written in a cursive style.

Date:13th January 2015.....