

APPENDIX E

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: Completion Note:	Cost Effective Care policy (MTFS S33 Limiting Service User Choice) <i>This form has been completed in 2 parts: Sections 1 and 2 were completed in March and reported to Cabinet in April 2014. Section 3 was added in September, following the public consultation on the policy and forms part of the reports to be presented to Cabinet in October 2014.</i>
Department and section:	Efficiencies and Service Reduction team, Adults and Communities Department.
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:	Mick Connell, Director of Adults and Communities
Date EHRIA assessment started:	05/02/14

Date EHRIA assessment completed:	15/09/14

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>The draft Cost Effective Care policy has been created to establish how the limited resources available to the Adults and Communities Department are to be targeted at providing care that is cost effective and provides good value for money. It sets out how the amount paid to individuals in their personal budgets to meet their eligible needs is to be limited to the most cost effective option.</p> <p>This new policy is being introduced in response to an increasing level of demand for social care services, largely due to demographic factors, which have resulted in rising levels of social care needs. It also seeks to prepare for the implementation of the Care Bill from April 2015, particularly the introduction of wide-ranging funding reforms in the following year, which is expected to result in a significant increase in the number of people who will approach the Council for an assessment and the creation of an independent personal budget.</p> <p>Previously, the Department used an internal guidance document called "Normal Limits" to manage spending on high cost care packages. This guidance was not included in the introduction of the self- directed support care pathway and resource allocation system (RAS) in 2010 and as a result its usage declined. A new policy was therefore required that would establish how the needs of all people who are eligible for adult social care and support are to be met within the financial resources available to the Council. The policy seeks to reflect a balance between resources, preferences and different ways of meeting assessed needs</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 draft Cost Effective Care policy has been developed by the Effective Support Project, which is part of the Adults and Communities Efficiencies and Service Reduction Programme. An equality questionnaire was completed for the project in 2013:</p>

	http://website/effective_support_project_eia.doc <p>The policy also links with the Eligibility Criteria for Community Care Services, which sets out who is eligible to receive social care services. The Council changed its eligibility criteria in April 2011, when the threshold was raised to limit provision to people with substantial and critical needs only.</p> <p>An Equality Impact Assessment for the Eligibility Criteria change was completed in December 2010 and a link to the document is included here:</p> http://website/eligibility_eia.doc														
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>The policy will affect adults aged over 18 or over who use social care services arranged by the Council, or who may need such services in the future. The cohort of people who currently receive services has a higher proportion of women, people with disabilities and older people than are present in the general population and it is these groups that will be primarily affected.</p> <p>The policy gives a clear commitment that the Council will always meet people's assessed unmet eligible needs and will provide care that is suitable for those needs. However, financial constraints mean that the Council has to limit the funding it provides in a personal budget and to people needing residential care to the most cost effective option. This may restrict the choices available to people as whilst the care provided will meet their needs it may not be delivered in a way that they prefer.</p> <p>The policy sets out how people can choose to use a more expensive care option if they or a third party are willing to fund the additional amount needed. It also includes an exceptions process whereby consideration is given in circumstances where there is a compelling reason for a higher cost care package to be provided.</p>														
4	<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 border="1"> <thead> <tr> <th></th><th>Yes</th><th>No</th><th>How?</th></tr> </thead> <tbody> <tr> <td>Eliminate unlawful discrimination, harassment and victimisation</td><td>√</td><td></td><td>The Council's Safeguarding Adults policy works to prevent abuse and to help and support adults who have experienced any form of abuse. The Safeguarding policy applies to adults who may be experiencing abuse or neglect and may be in need of community care services; this is regardless of the level of care and support being provided, therefore the draft Cost Effective Care policy will not affect the Council's ability to safeguard vulnerable adults.</td></tr> <tr> <td>Advance equality of opportunity between different</td><td>√</td><td></td><td>The exceptions process set out in the draft Cost Effective Care policy includes provision for situations where a higher</td></tr> </tbody> </table>				Yes	No	How?	Eliminate unlawful discrimination, harassment and victimisation	√		The Council's Safeguarding Adults policy works to prevent abuse and to help and support adults who have experienced any form of abuse. The Safeguarding policy applies to adults who may be experiencing abuse or neglect and may be in need of community care services; this is regardless of the level of care and support being provided, therefore the draft Cost Effective Care policy will not affect the Council's ability to safeguard vulnerable adults.	Advance equality of opportunity between different	√		The exceptions process set out in the draft Cost Effective Care policy includes provision for situations where a higher
	Yes	No	How?												
Eliminate unlawful discrimination, harassment and victimisation	√		The Council's Safeguarding Adults policy works to prevent abuse and to help and support adults who have experienced any form of abuse. The Safeguarding policy applies to adults who may be experiencing abuse or neglect and may be in need of community care services; this is regardless of the level of care and support being provided, therefore the draft Cost Effective Care policy will not affect the Council's ability to safeguard vulnerable adults.												
Advance equality of opportunity between different	√		The exceptions process set out in the draft Cost Effective Care policy includes provision for situations where a higher												

	groups			cost care package can be agreed, for example where there are particular cultural needs that require more specialist provision. This will support the advancement of opportunity and access to appropriate services between different groups.
	Foster good relations between different groups	√		The policy seeks to establish a fair and equitable way to use the resources available to fund and provide adult social care services. It therefore aims to foster good relations between the different groups who use these services.

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

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.	*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>A public consultation on the principles of the draft Cost Effective Care policy is planned to commence in May 2014 for a period of 12 weeks. The consultation will follow the guidance set out in the Council's consultation principles, namely ensuring that it reaches relevant sections of the community and is open and transparent in the use of information.</p> <p>A consultation questionnaire will be sent to a sample of current service users, carers and potential future service users in transition from the Children and Young People's Service. The sample group will be representative of the major service user groups: learning disability, mental health, physical disability and carers and also representative of age, ethnicity and gender. The questionnaire will be available to the general public on the Council's website.</p> <p>Partner agencies, including voluntary organisations, service providers and the two health Clinical Commissioning Groups will also be invited to contribute their views to the consultation.</p> <p>The outcome of the consultation will be reported back to the Council's Cabinet in the autumn, when a final decision will be made whether to implement the policy.</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	√		The service user cohort has a higher proportion of older people than is present in the general population. There is the potential for them to be affected by this policy; chiefly in respect of the cost limit that may restrict their choice of the type of care they

				<p>receive.</p> <p>Specific needs related to a person's age are considered when a decision is made about the amount of money allocated to a person in their personal budget.</p>
	Disability	√		<p>The service user cohort has a higher proportion of people with disabilities than is present in the general population. There is the potential for them to be affected by this policy; chiefly in respect of the cost limit that may restrict their choice of the type of care they receive.</p> <p>Specific needs related to a person's disability are considered when a decision is made about the amount of money allocated to a person in their personal budget.</p>
	Gender Reassignment		√	
	Marriage and Civil Partnership		√	
	Pregnancy and Maternity		√	
	Race	√		<p>Specific needs related to a person's ethnicity are considered when a decision is made about the amount of money allocated to a person in their personal budget.</p>
	Religion or Belief	√		<p>Specific needs related to a person's religion or belief system are considered when a decision is made about the amount of money allocated to a person in their personal budget.</p>
	Sex	√		<p>Women form a slightly higher proportion of the service user population than men. There is the potential for them to be affected by this policy; chiefly</p>

				<p>in respect of the cost limit that may restrict their choice of the type of care they receive.</p> <p>Specific needs related to a person's gender are considered when a decision is made about the amount of money allocated to a person in their personal budget.</p>
	Sexual Orientation		√	
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	√		<p>Carers: the draft Cost Effective Care policy does not include the support that the Council provides to informal carers and the policy will not be applied directly to them. However, carers may be affected by decisions made under the policy that affect the person they care for. Carers will be included in the consultation sample and groups that represent carers will also be invited to contribute.</p>
	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	√		<p>Assessment and support planning always aims to reduce and manage risk and helps people to live safely and independently. The amount of</p>

				<p>funding allocated to meet a person's needs takes account of any risks identified.</p> <p>This includes situations where a vulnerable person needs to be safeguarded and where a protection plan is in place. The policy positively supports and upholds the right to life.</p>
	Article 3: Right not to be tortured or treated in an inhuman or degrading way	√		<p>Using a more cost effective service does not compromise on the quality of the care being provided, whether that is at home, at a day centre or in residential care. All care providers who have a contract with the Council have to meet the same quality standards, regardless of the cost of their services. Standards are upheld by regular contract monitoring and additional support is provided by the Quality Improvement Team.</p>
	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	√		<p>People have the right to request a review of the decision that is made about the amount of their personal budget. They can choose to submit further information that will be considered by the decision-maker.</p> <p>They also have the right to make a complaint if they believe that their case has not been handled fairly.</p> <p>An advocate can be provided to support people in making a complaint. The Council funds an Advocacy service in the County which is provided by Leicestershire Community Projects Trust.</p>

	Article 7: No punishment without law		√	
	Article 8: Right to respect for private and family life	√		<p>The policy may affect Article 8 in a number of ways:</p> <p>1) There is a potentially adverse impact arising from the decision to allocate funds to personal budgets in the most cost effective way to meet people's assessed needs. This may limit the options available to them as more expensive care options will be excluded. In some cases residential care would be identified as more cost effective when compared with an intensive package of support at home. People will not be forced to accept a particular type of care, such as residential care, when it is not their choice to do and we will make every effort to plan for support in the community within the allocated budget. We can help people to reduce the cost of their support at home, for example by using assistive technology or sharing support where appropriate. People can also consider using the steps outlined in point 2 below.</p> <p>2) A number of mitigating measures are included in the policy:</p> <ul style="list-style-type: none"> • People will be encouraged to receive their budget as a cash payment so that they can manage their own money, care and resources and have increased choice and control as a result. • People can choose to use a more expensive care option if they or a third party is willing to fund the additional amount

				<p>needed.</p> <ul style="list-style-type: none"> • An exceptions process will be in place which will allow consideration of circumstances, including on human rights grounds, where a higher cost care package is required. <p>2) The emphasis on prevention and early intervention within the policy will have a positive impact as it supports people to live safely and independently at home.</p>
	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			<p>The policy will be implemented by Adults and Communities staff in a fair and transparent manner. Staff will take account of PSED protected characteristics when support planning and will make sure that personal budgets are appropriately tailored to individual needs and protected characteristics. People will also have recourse to the exceptions process as outlined above and have the right to make a complaint about any aspect of their contact with the Council.</p>
	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 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"/>

1st Authorised Signature (EHRIA Lead Officer): Date:
2nd Authorised Signature (DEG Chair):  Date: ...26/03/2014.....

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, how have you now explored the following and what does this information/data tell you about each of the diverse groups?

- a) current needs and aspirations and what is important to individuals and community groups (including human rights);
- b) likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights);
- c) likely barriers that individuals and community groups may face (including human rights)

The principle way in which the issues identified in the screening have been explored is through the public consultation that took place on the policy from May to August 2014. This was focused on consulting those people who may be directly affected by the policy; which involved people currently receiving services, carers and young people in transition from Children and Family Services.

The consultation consisted of a questionnaire that was sent out to a representative sample group of 1138 people and three public consultation meetings which were held in July 2014. A consultation presentation was also given at Healthwatch Leicestershire's social care task group meeting on 24 June 2014 and to the Learning Disability Partnership Board carers' subgroup meeting on 7 July 2014.

The consultation responses show that:

- a) People valued the continuity of their care arrangements and wanted to know how the quality of services would be maintained. They wanted the reassurance of knowing that vulnerable people would continue to be protected.
- b) Some people perceived that the policy would impact negatively on carers and were concerned that it would place additional burdens on them; putting the sustainability of their caring role at risk. Others expressed concern that cheaper services would mean that service quality would be affected.
- c) People asked for more clarification about what key terms in the policy mean, such as cost effective and best value. A majority of people felt that the option of making a top-up payment was not available to them, due to their own financial circumstances. They also wanted to know how social care assessors would be

trained to implement the policy fairly and equitably.

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?

No

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, how have you further consulted with those affected on the likely impact and what does this consultation tell you about each of the diverse groups?

A total of 200 completed questionnaire responses were received and 62 people attended the public meetings.

Analysis of the respondents by protected characteristics shows:

Race %	Gender % women % men	Disability	Age Profile	Sexual Orientation %	Religion or Belief %
White 85.5% Asian or Asian British 7% No reply 6% Other 1% Mixed 0.5%	53.5%women 40.5% men No reply 6%	56.5% disabled	Under 65, 51% Over 65 38.5%	Heterosexual 74% No reply 21% Bisexual 2% Other 1.5% Lesbian 1% Gay 0.5%	Christian 57.5% No religion 23% No reply 8% Hindu 6% Any other 4% Muslim 1% Sikh 0.5%

79% of questionnaire respondents reported that they understood the reasons for introducing the Cost Effective Care policy. When asked if they also agreed with the policy, approval reduced to 42%, with 37% of people disagreeing with it. These views were also similarly expressed in the consultation meetings.

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

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	The policy will affect people aged over 65 proportionally more than those who are younger. This is because older people make up 62% of the service user population. There are a range of measures included in the policy and additional safeguards that will form part of the implementation plan, which will reduce the potentially negative impacts of the policy – see Section 22.
	Disability	The policy will affect more disabled people than are present in the general population. There are a range of measures included in the policy and additional safeguards that will form part of the implementation plan, which will reduce the potentially negative

		impacts of the policy – see Section 22.
	Gender Reassignment	No identified impact
	Marriage and Civil Partnership	No identified impact
	Pregnancy and Maternity	No identified impact
	Race	<p>17 consultation responses were received from people who identified themselves as being from a non-white ethnic group. No issues relating to race were raised and their responses were similar to those expressed by other participants.</p> <p>Assessors will consider any specific needs related to a person's ethnicity when a decision is made about the amount of money allocated to them in their personal budget.</p>
	Religion or Belief	<p>69 consultation responses were received from people of non-Christian religions (including no religion). No specific issues relating to religion or belief were raised and their responses were similar to those expressed by other participants.</p> <p>Assessors will consider any specific needs related to a person's religion or belief when a decision is made about the amount of money allocated to them in their personal budget.</p>
	Sex	<p>The policy may affect more women than men as 62% of people receiving services are female.</p> <p>There are a range of measures included in the policy and additional safeguards that will form part of the implementation plan, which will reduce the potentially negative impacts of the policy – see Section 22.</p>
	Sexual Orientation	<p>9 consultation responses were received from people who identified themselves as Lesbian, Gay, Bisexual or Transgender.</p> <p>No specific issues relating to sexual orientation were raised and their responses were similar to those expressed by other participants.</p> <p>Assessors will consider any specific needs related to a person's sexuality when</p>

		a decision is made about the amount of money allocated to them in their personal budget.
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	Carers: although the policy will not be directly applied to the support that the Department offers to carers, they could be affected by how the policy is applied for the person they care for. The consultation has prompted a need for the policy to have a clearer link to services that support carers and to increase the awareness of the support that is available for them.
	Community Cohesion	Many respondents expressed concerns about how the policy would be applied and whether this would be done fairly and equitably. We will ensure that staff are trained to apply the policy in a fair and reasonable manner that will not adversely affect community cohesion.

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	No
	Article 3: Right not to be tortured or treated in an inhuman or degrading way	Yes – the policy applies to care related services provided by the Council. All services have to meet defined quality standards and provider performance is monitored. These measures ensure that Article 3 protection is maintained.
	Article 4: Right not to be subjected to slavery/ forced labour	No
	Article 5: Right to liberty and security	No
	Article 6: Right to a fair trial	Yes – people who responded to the consultation wanted to know how they could challenge decisions made under the policy and what possible routes of appeal

		<p>would be available. The following measures are included in the policy to ensure compliance with Article 6:</p> <ul style="list-style-type: none"> • People have the right to request a review of the decision that is made about the amount of their personal budget. They can choose to submit further information that will be considered by the decision-maker. • They also have the right to make a complaint if they believe that their case has not been handled fairly. • An advocate can be provided to support people in making a complaint. The Council funds an Advocacy service in the County which is provided by Leicestershire Community Projects Trust.
	Article 7: No punishment without law	No
	Article 8: Right to respect for private and family life	<p>Yes – the policy will limit the support options that are available to people as more expensive options will be excluded. This could mean that funding for intensive packages of support at home is limited to the cost of a comparable residential care placement. We will not force people to accept a particular type of care if it is not their wish to do so and will make every effort to plan for community support within the available budget. A range of supporting measures will be in place:</p> <ul style="list-style-type: none"> • Assistive technology can provide a lower cost alternative to replace some elements of domiciliary care • We will encourage people to use cash budgets so that they can manage their own money, care and resources and have increased choice and control as a result. • The option to make a top up payment is available if people want to use a more expensive care option, depending on their own personal financial circumstances • There will be an exceptions process in place which will allow

		consideration of circumstances, including on human rights grounds, where a higher cost care package is required.
	Article 9: Right to freedom of thought, conscience and religion	No
	Article 10: Right to freedom of expression	No
	Article 11: Right to freedom of assembly and association	No
	Article 12: Right to marry	No
	Article 14: Right not to be discriminated against	The implementation of the policy will include a clear focus on delivering it in a fair and transparent manner. Staff will be trained to take into account PSED characteristics and the HRA Articles when support planning and will make sure that personal budgets are appropriately tailored to individual needs and protected characteristics. There will be no blanket application of the policy; so for example, we would not take a standard approach of reducing each person's budget by the same amount or percentage. For many people, we expect to see little or no change. It would only be where the assessor identifies that a person's needs can be reasonably met by a lower cost package that the policy would be applied.
	Part 2: The First Protocol	
	Article 1: Protection of property/ peaceful enjoyment	No
	Article 2: Right to education	No
	Article 3: Right to free elections	No
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.	

The Cost Effective Care policy is a service reduction which seeks to deliver a saving of £500k for the Adult Social Care budget in 2014/15. It is recognised that any service reduction in Adult Social Care has the potential to create an adverse impact for people with protected characteristics and this assessment has identified that older people, carers, people with disabilities and more woman than men will be affected. Articles 3, 6, 8 and 14 of the Human Rights Act are also relevant.

Councils are entitled to take their available resources into account when assessing needs and choosing between different ways of meeting those needs. This policy has been developed within this legal context, which ensures that the Council fulfils its legal duties within necessary budgetary constraints.

The policy has been formulated to include measures that seek to mitigate and reduce the potential of negative impact. The policy contains a clear commitment to meet unmet eligible needs and outlines the range of services that can prevent or delay the development of a need for longer term support. An exceptions process is included, to allow consideration of specific circumstances which might require the provision of a higher cost care package. People will also be informed of their right to request a review of the decision that is made about their personal budget funding and how they can use the complaints procedure.

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 may be necessary, and how any unmet needs that you have identified can be addressed
- c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why

The feedback from the Consultation highlighted a number of issues that we have sought to address and therefore alleviate the potentially negative impact of the policy:

- The draft policy has been revised to provide more clarification of key terms, setting out how the quality of services is maintained and more information on how the Department supports carers. Feedback from carers highlighted that many felt the policy would have a detrimental impact on them and could cause carer break down, which would in turn result in increased costs for the Council. The support needs of informal carers will be carefully considered alongside any decisions made under the policy for the person they care for.
- Social care staff who complete assessments will be trained to ensure that they apply the policy fairly and in a way that assures equity for all people who receive social care services. Training sessions are being arranged for Locality team staff during October and November 2014.
- We will support people to find and use alternative sources of support within their local communities. We will tailor the support offered to the particular needs of each person.
- We will give people a reasonable period of time to transition to new support arrangements when a lower cost care package has been identified as appropriate for their needs. A review date will be planned and people will be advised to contact the Customer Service Centre if their support needs change in the interim.
- We will ensure that proper consideration is given to the needs of informal carers and their support requirements when the policy is applied during an assessment or review visit.

Section 3

D: Making a decision

- | | |
|------------|---|
| 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. |
|------------|---|

The Cost Effective Care policy seeks to achieve a reasonable balance between people's preferences about the care they receive and the necessarily limited budget that we have available for social care services. The policy has been devised in order to respond to the increasing demand from demographic change and the additional requirements that will be introduced by the Care Act 2014, at a time of major reductions in the Council's budget.

The policy takes account of the legislative context for adult social care and includes a number of measures to ensure that it is delivered fairly and that potentially negative impacts are reduced. The savings target has been set to a relatively conservative level (£500k) which equates to 0.5% of the total budget for commissioned services.

The feedback from the consultation showed that a majority of respondents understood the reasons for introducing the policy and that more people agreed with its introduction than the number who disagreed.

A range of safeguards have been included in the policy and additional measures in the implementation plan will support its delivery in a fair and equitable manner.

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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 findings of this EHRIA will be reviewed in readiness for the implementation of the policy, which is planned for 1st December 2014. A subsequent review will take place 6 months after the introduction of the policy in June 2015.</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>The recommendations of this EHRIA will be reported to the Departmental Equalities Group at their meeting in October 2014 and will be published on the Council's website.</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
The Cost Effective Care policy can be clearly understood by those it will apply to.	Policy to be updated with clearer definitions of key terms	The updated policy is in place before it is submitted to Cabinet for approval	Project Manager (Katy Griffith)	13 October 2014
The policy needs to reflect how service quality is maintained	Policy to be updated	The updated policy is in place before it is submitted to Cabinet for approval	Project Manager (Katy Griffith)	13 October 2014
Staff are trained to implement the policy fairly and equitably.	Briefing sessions for assessing staff	5 briefing sessions arranged for Locality team staff.	Sarah Wigley (L&D advisor) and Katy Griffith	December 2014
Ensure that proper consideration is given to the needs of informal carers and their support requirements when the	Link the policy to the wider Department offer to Carers. Include in staff briefing sessions	Informal carers will be supported in their caring role and the risk of a breakdown in carer arrangements is reduced.	Katy Griffith with support from Jane Robins (Carers Project Officer)	December 2014

policy is applied.				

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):

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Date: ...08/10/2014.....