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:	Post Implementation Review Locality Support & Development Service
Department and section:	Adults & Communities – Promoting Independence
Name of lead officer/ job title and others completing this assessment:	Sayeed Patel – Project Manager (A&C Efficiencies and Service Reduction Programme) Jackie L Wright – Head of Service – Promoting Independence
Contact telephone numbers:	0116 305 7487 0116 305 4979
Name of officer/s responsible for implementing this policy:	Jackie L Wright – Head of Service
Date EHRIA assessment started:	25th February 2014
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	What is new or changed in this policy? *What has changed and why?*
	A Post Implementation Review (PIR) of the Locality Support and Development Service (LSDS) was undertaken to evidence whether the benefits in the original business case (and subsequent revisions) for the restructure have been delivered and to make recommendations for DMT to consider. The key findings of the LSDS PIR was that whilst there were pockets of good practice established by the LSDS team, there is however an overall lack of a fully recognised team and service delivery of the original remit of the team. There was clear evidence from the findings of the PIR that the Locality Support and Development Service in its current format is not fully delivering its original remit and does not have a strategic vision going forward despite a number of interventions having been put in place in the past year. However there is consensus as evidenced by the LSDS PIR that the one area of service delivery which is meeting the original remit and more importantly the current priorities of the department is the specialist support for A&C operational staff around Personal Budgets and Employment Support. DMT Approval The following recommendations were presented and approved by A&C DMT at 05th February 2014 meeting. (The full DMT report has been circulated and shared with all LSDS staff members following a staffing update meeting held on the same day).:- a) DMT approved the decommissioning of the Locality Support and Development Service; b) DMT approved Market Development to undertake a procurement exercise to create a framework of independent providers of Employment Support; c) DMT approved the creation of dedicated Employment Support resource by creating 2 x FTE Grade10 Employment Support Officers based in the A&C Compliance & Quality Section; ➤ This dedicated in-house resource would have specific training, knowledge and awareness about Employment Support which could be accessed directly by locality managers and staff;

	➢ The role of the Employment Support service would be to support operational staff and service users through the entire process, from choosing cash budget option to recruiting and employing a PA; d) DMT approved investing in the corporate development of Local Area Co-ordination (LAC) from the savings generated from the above recommendations. Local Area Co-ordination (LAC) is an innovative approach to supporting people who are vulnerable, particularly due to age, frailty, disability (physical, learning or sensory) and/or mental health issues. It is innovative because it is based on the assumption that vulnerable people have the expertise, gifts and strengths to be more that simply passive recipients of health and social care services. LAC both helps people to contribute to their community and, in turn, strengthens the capacity of the communities to welcome, include and support vulnerable people. The aim of Local Area Co-ordination is to move the 'front end' of the service system from crisis, assessment, money and services to prevention, capacity building and local solutions, thus reducing demand for intensive, expensive targeted services. Thus LAC is about reframing the relationship between state, family and community and driving whole system reform. The model is based around a Local Area Co-ordinator who supports 50-65 individuals and their families. Each LAC is based in their local community and is an accessible, single point of contact who identifies and supports vulnerable people before they hit crisis. The Co-ordinators take the time to get to know and build positive, trusting relationships with vulnerable individuals, families and local communities.
2	Does this relate to any other policy within your department, the Council or with other partner organisations? *If yes, please reference the relevant policy or EHRIA. If unknown, further investigation may be required.* The Post Implementation Review (PIR) is a standard LCC corporate project management policy to review new structures 12 to 18 months after implementation. It was believed that through the provision of the LSDS team the department would be in a better position to respond to the national agendas around Personalisation and Think Local Act Personal. The aim of the restructure was to provide a cost effective, high quality service. The LSDS team provided the opportunity to: • Join up the approach to service delivery; • Make the best possible use of the resources available; • Develop an integrated, flexible and responsive service. The new team would also contribute to the key priorities of the A&C Department around the promotion of Personal Budgets and in particular the support for service users choosing the Personal (Cash) Budget option. (more information below in Part 3) Furthermore the Government's White Paper "Caring for Our Future" identified LAC as key to supporting people to find local solutions by building capacity and strengthening communities. The subsequent Care and Support Bill brings together the government 'Vision for Adults Social Care: Capable communities and active citizens', the 76 recommendations of the 2011 Law Commission Review and the ten

Dilnot Commission recommendations into a single vision for Adult Social Care based on two principles:

- Refocusing care and support towards wellbeing and independence whilst encouraging early intervention and prevention

- Improving people's experience of care by improving quality

This vision identifies the need for a shift of the primary source of support from services and funding to prevention and 'individual, family and community self-sufficiency'.

3	**Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?** The LSDS Service was created with a remit to deliver the following key functions in line with the A&C Departmental priorities: - Align the team with the existing Adults & Communities Promoting Independence and Personal Care & Support locality model; - Embed and mainstream approaches in relation to Person Centred Planning (PCP) and community involvement/engagement into all areas of A&C service delivery; - Provide more flexibility to the Support Brokerage team via increased staffing levels. The role of this team was to support commissioners and customers with direct payment issues. Following an assessment and care plan by the commissioner the Support Brokerage team would support the service user with the recruitment and other issues associated with employment of a carer. The team also provided specialist support to commissioners. .This is detailed below In developing the options for going forward the following key areas of work under the remit of the current LSDS team were considered in conjunction with the changing Corporate & Departmental priorities over the past year: a) Person Centred Planning (PCP) – Person Centred Planning has been at the heart of much of the recent policies relating to the provision of social care services. It refers to a family of approaches aimed at enabling people who use services to plan their own futures and to get the services that they need. While the terminology varies between different user groups, the fundamental values of the concept are the same – embracing the principles of independence, choice, inclusion, equality and empowerment as the foundations of service provision. Whilst the PCP approach had been widely endorsed within the wider department it had not been fully adopted or implemented across social care services at the time of the integration of the Valuing People and Support Brokerage Teams into LSDS. The feedback on the LSDS work of embedding PCP approaches to all areas of service delivery has been quite negative. e.g. inconsistent support throughout each locality; training was presented from a learning disability perspective and staff failed to connect the benefits it could bring to other client groups. The Corporate Learning & Development Team has also now incorporated PCP training within their A&C training portfolio. Furthermore an increase in the use of

Personal Budget Payments has in itself proved to be conducive to increased choice for individuals.

A&C locality staff should now be able to function without requiring additional team support to embody PCP approached in their service delivery.
The above decision and conclusion has been arrived at following response received from operational staffing questionnaire on the effectiveness of the LSDS functions.

b) Community Development & Engagement – To a large extent this was a continuation of the work that was originally undertaken by the Valuing People Team. The main aim of including this on the LSDS remit was to embed community development/involvement approaches into wider locality work among other A&C professionals/team members. Furthermore LSDS would be able to provide additional capacity to support and grow the work of locality groups enabling them to develop further.

Although the PIR feedback has shown some examples of positive work that has been undertaken in this area over the past year, the Community Development & Engagement work has been to a certain extent overtaken by other teams within the department e.g. CERT, Market Development. This was clearly borne out in the PIR feedback where it was noted that Community & Market Development often overlap. There are also a number of other community development initiatives corporately within other departments and agencies, e.g. Leicestershire Together which is now being replaced by a new Communities Strategy and also initiates of Stronger Communities within the E&T Department.

As part of the Departments investment of £50k annually into Learning Disability Partnership Board, some of the funding is allocated to LD locality groups to support their work.

Furthermore A&C Department with other partners is considering investment in a Local Area Co-ordination service model. Local Area Co-ordination (LAC) is an innovative approach to supporting people who are vulnerable, particularly due to age, frailty, disability (physical, learning or sensory) and/or mental health issues. It is innovative because it is based on the assumption that vulnerable people have the expertise, gifts and strengths to be more that simply passive recipients of health and social care services. LAC both helps people to contribute to their community and, in turn, strengthens the capacity of the communities to welcome, include and support vulnerable people

The aim of Local Area Co-ordination is to move the 'front end' of the service system from crisis, assessment, money and services to prevention, capacity building and local solutions, thus reducing demand for intensive, expensive targeted services. Thus LAC is about reframing the relationship between state, family and community and driving whole system reform.

Therefore investing in the development of LAC could also assist to deliver targeted community development opportunities for Adult Social Care service users.

c) Employment Support – Since the publication of "Putting People First" (PPF) by the Government in 2007, Leicestershire Adult Social Care has been developing its services to meet the personalisation agenda. The national consensus is that one of the main ways people can assume control of their support is to choose their

personal budgets as a cash payment. Once an individual is in receipt of a cash payment they may further choose to employ and be supported by a personal assistant (PA).

Although there has been a considerable growth in the take up of the personal cash budget in the last 12 to 18 month there still some reluctance amongst some service users to take up this option. The following are some of the key recognised barriers in the take up of cash payments personal budgets:

- The lack of clear information for people;

- Concern about the responsibilities of managing a cash payment particularly where it involves the employment of staff;

- Lack of confidence and knowledge in social care staff about employment law and HR processes;

- Lack of support to help the person with the administration of recruiting and employing a personal assistant;

- Concerns about obtaining criminal record checks and reliable references for personal assistants and the underlying risk of entrusting a vulnerable person to the care of strangers employed independently of the local authority.

The Department addressed some of these issues by offering dedicated support to operational teams around the recruitment and employment of PA's for people using cash payments from the LSDS resource.

Therefore the PIR feedback received shows that there is consensus that the one area of service delivery which is meeting the current priorities of the Department is the specialist support for Locality Team workers around Personal Budgets and Employment Support. This is evidenced by the performance data collected since August 2013. See Appendix A for details.

The findings of the PIR shows that the LSDS team which has a considerable staffing budget to a large extent has had majority of its original remit (functions and tasks) either being delivered by other means more effectively or been overtaken by other developments both corporately and within the A&C Department e.g.the development and work of the Community Enablement & Reablement Team (CERT) , the increased promotion of Personal Budgets, and employment support through market development. Furthermore, work is currently underway to develop Local Area Coordinators (LAC) and also a new Communities Strategy.

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	✓		There is no expectation for this PIR and subsequent decommissioning of LSDS to have any adverse impact on people accessing our services in respect of the equalities requirements. Leicestershire County Council and the Adults & Communities Department adheres to robust Equalities and Diversity policies in

				its delivery of service, both statutory and non-statutory.
	Advance equality of opportunity between different groups	✓		As Above
	Foster good relations between different groups	✓		As Above

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

		Yes	No*
5.	Have the target groups been consulted about the 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.	*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.
	As detailed above the Locality Support and Development Service was created with a remit to support the A&C operational teams in the localities in the delivery of service.
	Therefore the review undertook a survey both with the LSDS staff and wider A&C users of the service to establish their perception of how the structure was performing after an 18 month period.
	The PIR survey was undertaken as follows:
	(1) An online questionnaire sent to all members of LSDS staff (including staff on long term absence and on secondments in other teams within the A&C Department);
	(2) An online questionnaire sent to all Locality Managers and Team Seniors in A&C Department who currently use or are potential users of LSDS;
	(3) LSDS staff meeting was organised to feedback a summary of the responses received from the online questionnaires and giving LSDS staff an additional opportunity to respond back with any new comments for consideration.
	(4) Detail of the service outcomes were also collected and analysed to assess the impact of the restructure on performance and service delivery.
	The online questionnaire was undertaken with assurances that the responses would remain anonymous and that any comments made would be un-attributable apart from where it was impossible to do otherwise e.g. reference to a need to update a specific job description.
	As well as recording positive and negative comments, ideas for improvements were also recorded.

Section 2
B: Monitoring Impact

8.	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

9.				
	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	✓		This service review should not discriminate on ground of age as set out in the Council's policies and procedures and will not disproportionately affect people of any age. Many services are targeted towards specific age groups; however the proposed Employment Support Service will be a generic service which will break down the barriers of segregation. A person who is currently using the service can continue to do so beyond the age of 65. Some older people may prefer to move to a group which is predominately for older people and will be managed as part of individual reviews.
	Disability	✓		The proposed investment in Employment Support both in terms of in house and through external providers will offer a more personalised service to meet individual needs and preferences and will provide people with more choice and control. As is the standard practice of the A&C Department every service user who receives a care needs assessment will be considered individually with their own particular circumstances. The assessing worker will give support and advice tailored to an individual's needs and considering their choice and preferences.
	Gender Reassignment	✓		LCC Adult Social Care is required to deliver a service in line with the gender equality strand as set out in the Council's policies and procedures. The service considers issues such as privacy during personal care tasks and the choice of same sex support worker.
	Marriage and Civil Partnership			LCC Adult Social Care is required to deliver a service in line with the equalities strand as set out in the Council's policies and procedures. There will be no barriers to

		✓		accessing service based on person's marital status or sexual orientation.
	Pregnancy and Maternity	✓		LCC Adult Social Care is required to deliver a service in line with the equalities strand as set out in the Council's policies and procedures. There will be no barriers to accessing service based on whether or not a person is on maternity.
	Race	✓		LCC Adult Social Care is required to deliver a service in line with the Race equality strand as set out in the Council's policies and procedures. There will be no barrier to accessing the service based on race where an individual meets the eligibility threshold. Service provision is led by needs and aspirations of people using the service regardless of their ethnicity.
	Religion or Belief	✓		LCC Adult Social Care is required to provide a service that does not discriminate on grounds of religion or belief as per the Council's policies and procedures, and the proposed changes will not disproportionately affect people according to their religion or belief. The proposed Employment Support Service will aim to ensure: • Freedom from discrimination; • Promotion of personal dignity.
	Sex	✓		LCC Adult Social Care is required to deliver a service in line with the gender equality strand as set out in the Council's policies and procedures. The service considers issues such as privacy during personal care tasks and the choice of same sex support worker.
	Sexual Orientation			LCC Adult Social Care is required to provide a service that does not discriminate on grounds of sexual orientation as per the Council's policies and procedures and there will be no barriers to accessing any LCC A&C service based on sexual

		✓		orientation provided people meet the eligibility threshold. Personal budgets and proposed support services with managing cash budgets will provide a more personalised service to meet individual needs and preferences and will provide people with more choice and control.
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	✓		All access to Social Care Services in Leicestershire is dependent on the requirements of the Department of Health guidance to Fair Access to Care Services as set out in the Adult Social Care Eligibility for Community Care Services. As part of an individual care needs assessment or review the commissioning worker will identify if any person has specific needs. For example this might be related to communication where their first language is not English and then interpreters and written information about the service will be provided in the appropriate language.
	Community Cohesion	✓		The proposed changes have been developed as positive action to meet the needs of service users and their carers/families in order to maximise choice, independence and social inclusion across Leicestershire. It is not envisaged that the proposals will lead to a reduction in social cohesion. It will ensure that people will be empowered and enabled to fully access their rights and freedoms as a member of society. The personalisation of service provision will ensure that people will have access to advice, information and services that will give them greater choice and control and afford better access to services.
10.	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)**			

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]

	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 services provided under LSDS, whether procured or in-house, must be monitored effectively to ensure protection of Article 3 rights, maintaining the dignity of service users at all times.**
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		**As with all LCC services, service users should be made aware of their right to access the Corporate complaints procedure.**
Article 7: No punishment without law		X	
Article 8: Right to respect for private and family life	X		**Maintenance of a Person Centred Planning approach within the new service is an important contribution to protecting Article 8 rights. Ensuring a consistently high quality of advice and support in respect of P A employment is also an important factor.**
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		**The specification and delivery of the service must guard against excluding individuals and**

				groups from its benefits. Any potential discrimination of this kind should be addressed in the Equality Improvement Plan.
	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

11.	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		✓	
12.	Based on the answers to the questions above, what is the likely impact of this policy?			

No Impact ☐   Positive Impact ☐   Neutral Impact ☑   Negative Impact or Impact Unknown ☐

Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.

13.	Is an EHRIA report required?	Yes ☐	No ☑

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 [X]

Equality and Human Rights Assessment Report [ ]

1st Authorised Signature (EHRIA Lead Officer): ……………………………………………

Date: …………………………..

2nd Authorised Signature (DEG Chair): …*Heather Broughton*.

Date: …14/05/14