

# Equality & Human Rights Impact Assessment (EHRIA)

<b>Key Details</b>	
<b>Name of policy being assessed:</b>	Proposed closure of Greengate Children's Home
<b>Department and section:</b>	Children and Family Services: Fostering, Adoption and Placement Integrated Services
<b>Name of lead officer/ job title and others completing this assessment:</b>	Service Lead: Joss Longman: Service Manager – Children's Home Author: Dharmista Harkisan-Hall: Operations Lead
<b>Contact telephone numbers:</b>	Joss Longman: 0116 305 3288
<b>Name of officer/s responsible for implementing this policy:</b>	Project Assurance: Transformation Board: Lesley Hagger Project Sponsor: Walter McCulloch Remodelling Social Care: Nicci Collins
<b>Date EHRIA assessment started:</b>	Post Cabinet Approval for Consultation: 7 <sup>th</sup> October 2015:
<b>Date EHRIA assessment completed:</b>	15 <sup>th</sup> January 2016 (DEG Group)

## **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?*

**The County Council currently operates two of its own children's homes and in order to further implement the ambition to achieve family based care, it is recommended that one**

of these homes known as Greengate House Children's Home should now close once the only young person who currently resides has moved into other accommodation. The size and style of the home does not meet the requirements of providing, as far as possible, a replicated domestic dwelling or family based care.

Cabinet made a decision to initiate the consultation for the proposed closure of Greengate House Children's Home on the 7<sup>th</sup> of October>>>

[http://cexmodgov1/Published/C00000135/M00004504/AI00045324/\\$GreengatesChildrensHome.docxA.ps.pdf](http://cexmodgov1/Published/C00000135/M00004504/AI00045324/$GreengatesChildrensHome.docxA.ps.pdf)

Children's Social Care is currently taking a different commissioning approach as outlined in the Market Position Statement ([www.leics.gov.uk/plans\\_policies.htm](http://www.leics.gov.uk/plans_policies.htm)). This was published in May 2015 to inform external stakeholders the intentions and direction of travel to help manage its business and services. Children and Family Services also takes into account the commitment the County Council has made to Children in Care and Young People leaving care through 'The Pledge'. [www.leics.gov.uk/pledge](http://www.leics.gov.uk/pledge). This is a reminder about what children and young people expect from the 'Corporate Parenting role'.

This will mean that the offer of placement choices will be regularly reviewed in order to meet the Council's Sufficiency Duty. Children and Family Services have conducted a thorough six week public consultation which underpins the decision for this service change. A total of 164 responses were received as part of this consultation. The majority of the feedback was directly from children and young people in care who have either experienced foster placements, residential placements and/or both. A summary of the key messages from young people are:

***Children and young people's feedback:***

- **Value for Money** – There is a worry that Greengate is only caring for one young person and is very expensive.
- **Improved Outcomes** – That better outcomes could be achieved for the young people in a family setting
- **Strategy & care plans for the future** – Whilst some agreed with the plan, there is a worry that for some young people it would minimize the choices of placement available to them.
- **Geography** – Where children live is important to them, they want to live near their schools, their friends and families.
- **Foster carers** – The young people want to see a fostering provision fit for the future with a range of carers offering specialisms and having the skills to cope with the challenges of caring for a teenager.

It is reassuring that the feedback from the consultation also appear to be a balanced set of views and aligned to the messages outlined in the State of the Nation Report 1: Children in Care and Care Leavers Survey 2015, published by the Children's Commissioner for England.

[www.childrenscommissioner.gov.uk/sites/default/files/publications/Care%20monitor%20v12\\_1.pdf](http://www.childrenscommissioner.gov.uk/sites/default/files/publications/Care%20monitor%20v12_1.pdf)

Welland House Children's Home also operated by the County Council is not in scope of this review. It has full occupancy levels accommodating supporting the needs of four children and young people in care. This will continue to offer a service for Children's Social Care.

The following commissioning standards and principles in meeting the Council's Sufficiency Duty for Looked after Children will remain to be important as part of the decision-making process which is currently being reviewed.

	<ul style="list-style-type: none"> <li>• individual assessment and care planning;</li> <li>• commissioning decision;</li> <li>• strategic needs assessment;</li> <li>• market management;</li> <li>• collaboration; and</li> <li>• securing services.</li> </ul> <p>By de-commissioning Greengate House Children’s Home there is no negative impact in the quality of service offered by the Fostering, Adoption and Placements Integrated Service to Children and Young People in Care. Finally, matching the level of need against the type of provision will continue to be important as well as meeting the Ofsted regulations and standards of care.</p> <p>The transition plan for the resident at Greengate is being managed by the children’s social care team with the Independent Reviewing Officer. The resident and the parent/carer views and feelings have been included in the consultation about the proposed closure. There appears to be no negative impact from an equalities or human rights perspective.</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><b>In December 2013, Leicestershire County Council agreed the following Policy: Choices for Children and Young People 2013: A Placement and Sufficiency Strategy’ This is also aligned with the Government’s Children’s Rights Officer’s annual report about the views of children and young people with regard to their social care. In 2014 the Children’s Care Monitor Report, indicated that across the board children in residential homes feel significantly less happy and more vulnerable than children in foster homes.</b></p> <p>The strategic direction of travel for Children and Family Services is underpinned by the Corporate Framework for Commissioning and Procurement enabling the Council’s departments to be consistent, transparent and robust. The good practice toolkits will be supporting this change in service provision to meet the requirements for children’s placement choices in the future.</p> <p>This change also links to the wider remodelling that children’s social care initiated in June 2014. A full EHRIA was completed and is relevant for the de-commissioning of Greengate House Children’s Home. The full EHRIA that was published is here:</p> <p><a href="http://www.leics.gov.uk/index/your_council/equality_and_diversity/ehria/dept_ehria/cfs_ehria.htm">http://www.leics.gov.uk/index/your_council/equality_and_diversity/ehria/dept_ehria/cfs_ehria.htm</a></p>
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p><b>Children and Young People in Care who require accommodation by the Local Authority:</b></p> <ul style="list-style-type: none"> <li>• Sufficiency Duty</li> <li>• Children Act 1989 (Section 22)</li> <li>• Statutory Framework for Care Planning</li> </ul>

	<p><b>As at December 2015: the total number of Looked after Children are 490.</b></p> <p><b>A report published in February 2015 offers some detailed analysis of the LAC profile for placements in this service area.</b></p> <p><b>The needs of children and young people in residential care have a varying degree of support needs and are bespoke to that individual. In the future it is intended that there should be a growth in family based care. Matching the correct level of care to the needs of the child/young person which is also balanced with the resources is informed by a set of processes and procedures that are governed through the legislations.</b></p> <p><b>Further reports to the Children and Family Overview and Scrutiny and Cabinet are scheduled for January/February 2016.</b></p>		
<b>4</b>	<p><b>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)</b></p>		
	<b>Yes</b>	<b>No</b>	<b>How?</b>
a) Eliminate unlawful discrimination, harassment and victimisation	✓		<p>The positive impact will prioritise meeting the individual needs of the child (resident at Greengate) to find suitable accommodation that match the level of support required in achieving better outcomes. This will mean:</p> <ul style="list-style-type: none"> <li>a) There is no unlawful discrimination through the assessment and review processes for the resident;</li> <li>b) The options available will be prioritising the need for preparing the resident for leaving care and promoting independence and adulthood; and</li> <li>c) By developing the independence skills there is resilience and confidence in harnessing supporting living within a family or community based setting.</li> </ul>
b) Advance equality of opportunity between different groups	✓		
c) Foster good relations between different groups	✓		

**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	Comment
	<p>a) their current needs and aspirations and what is important to them;</p> <p>b) any potential impact of this change on them (positive and negative, intended and unintended);</p> <p>c) potential barriers they may face</p>	<p>✓</p> <p>✓</p> <p>✓</p>	<p><b>A 6 week consultation has been conducted which highlights the issues, aspirations and suggestions for improving the services for children and young people in care and leaving care.</b></p>
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?	✓	<p><b>National Research carried out by the Children's Commissioner for England indicates very similar messages and have been benchmarked with the feedback from the Council's Consultation.</b></p>
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?	✓	<p><b>In addition to the primary target group of children and</b></p>

			<p>young people both internal and external stakeholders were also consulted. For example presenting a 'balanced' view of professionals and partner agencies ( through the LCSB) that work directly with Children's Social Care and Greengate and the Staff group (social workers &amp; support staff).</p>
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><b>Not Applicable</b></p>		

Section 2			
B: Monitoring Impact			
9.	Are there systems set up to:	Yes	No
	<ul style="list-style-type: none"> <li>a) monitor impact (positive and negative, intended and unintended) for different groups;</li> <li>b) enable open feedback and suggestions from different communities</li> </ul>	✓	<p><b>Reviewing &amp; improving the quality of performance data remains an ongoing project.</b></p>
		✓	<p><b>Statutory data returns include detailed data about placement breakdown.</b></p>

**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**

<b>10.</b>	Use the table below to specify if any individuals or community groups who identify with any of the ' <a href="#">protected characteristics</a> ' may <u>potentially</u> be affected by this policy and describe any positive and negative impacts, including any barriers.		
	<b>Yes</b>	<b>No</b>	<b>Comments</b>
<b>Age</b>	✓		<b>Positive impact: Children in care 0 to 18 years</b>
<b>Disability</b>	✓		<b>Positive impact: ensuring sufficiency by recruiting respite/short-break foster carers</b>
<b>Gender Reassignment</b>	✓		<b>Positive impact: Foster carer training and additional support made available to be compliant with equality and diversity legislation</b>
<b>Marriage and Civil Partnership</b>			<p><b>Not thought to be applicable unless a young person makes a request to the local authority who may have 'parental responsibility' to get married between the ages of 16-18 years</b></p> <p style="text-align: center;"><b>Or</b></p> <p><b>According to UK law there has been an incident/risk of under-age 'forced marriage'</b></p>
<b>Pregnancy and Maternity</b>	✓		<b>Positive impact: mother and baby placement sufficiency requirements are assessed carefully</b>
<b>Race</b>	✓		<b>The change will have a positive impact and is designed to be inclusive and non-discriminatory.</b>
<b>Religion or Belief</b>	✓		<b>The change will have a positive impact and is designed to be inclusive and</b>

				<b>non-discriminatory.</b>
	<b>Sex</b>	✓		<b>The change will have a positive impact and is designed to be inclusive and non-discriminatory.</b>
	<b>Sexual Orientation</b>	✓		<b>The change will have a positive impact and is designed to be inclusive and non-discriminatory.</b>
	<b>Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities</b>	✓		<b>Positive impact: needs assessment of asylum seekers and meeting future demand through block contracts</b>
	<b>Community Cohesion</b>			<b>See comments in section 4 which supports the building family/community and resilience in preparing for independence and adulthood</b>
<b>11.</b>	<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? <b>(Please tick)</b></p> <p>Explain why you consider that any particular <a href="#">article in the Human Rights Act</a> 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>			
		<b>Yes</b>	<b>No</b>	<b>Comments</b>
	<b>Part 1: The Convention- Rights and Freedoms</b>			
	<b>Article 2: Right to life</b>	✓		<b>Positive impact:</b>  <b>The UN Children’s Rights Convention (UNCRC) has a series of articles that are aligned to the human rights legislation. By adopting the UNCRC it is demonstrated that the service change will not have a negative</b>
	<b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b>	✓		
	<b>Article 4: Right not to be subjected to slavery/ forced labour</b>	✓		
	<b>Article 5: Right to liberty and security</b>	✓		



	<b>Article 6: Right to a fair trial</b>	✓		<p><b>impact on these rights for the individual.</b></p> <p><b>Instead there is a greater commitment to ensuring that the contributions and assessments from children’s social care operate within a wider framework of supporting families and communities.</b></p> <p><b>Therefore tackling and addressing local and national drivers for childhood obesity, child poverty, narrowing the education gap for children in care. This is not exhaustive as there are other drivers such as emotional wellbeing and mental health to support for children in care and leaving care. These drivers will be factored into the transition plan for the resident at Greengate.</b></p>
	<b>Article 7: No punishment without law</b>	✓		
	<b>Article 8: Right to respect for private and family life</b>	✓		
	<b>Article 9: Right to freedom of thought, conscience and religion</b>	✓		
	<b>Article 10: Right to freedom of expression</b>	✓		
	<b>Article 11: Right to freedom of assembly and association</b>	✓		
	<b>Article 12: Right to marry</b>	✓		
	<b>Article 14: Right not to be discriminated against</b>	✓		
<b>Part 2: The First Protocol</b>				
	<b>Article 1: Protection of property/ peaceful enjoyment</b>	✓		<b>Positive impact: Improving the life chances of children in care and care leavers</b>
	<b>Article 2: Right to education</b>	✓		
	<b>Article 3: Right to free elections</b>	✓		
<b>Section 2</b>				
<b>D: Decision</b>				
<b>12.</b>	Is there evidence or any other reason to suggest that:	<b>Yes</b>	<b>No</b>	<b>Unknown</b>
	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		✓	
<b>13.</b>	Based on the answers to the questions above, what is the likely impact of this policy			

	No Impact <input type="checkbox"/>	Positive Impact <input checked="" type="checkbox"/>	Neutral Impact <input type="checkbox"/>	Negative Impact or Impact Unknown <input type="checkbox"/>
<b>Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.</b>				
<b>14.</b>	Is an EHRIA report required?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

## Section 2: Completion of EHRIA Screening

Upon completion of the screening section of this assessment, you should have identified whether an EHRIA Report is required for further investigation of the impacts of this policy.

**Option 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. Please send a copy of this form to [louisa.jordan@leics.gov.uk](mailto:louisa.jordan@leics.gov.uk), Members Secretariat, in the Chief Executive's department for publishing.

## 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**

1<sup>st</sup> Authorised Signature (EHRIA Lead Officer): Michelle Reynolds (Head of Strategy – Business Support)

Handwritten signature of Michelle Reynolds in cursive script.

Date: 15<sup>th</sup> January 2015

2<sup>nd</sup> Authorised Signature (DEG Chair): Neil Hanney (Assistant Director)

Handwritten signature of Neil Hanney in cursive script.

Date: 15<sup>th</sup> January 2015