

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:	SHORT BREAKS, DOMICILIARY CARE, & EARLY SUPPORT AND INCLUSION FOR LEICESTERSHIRE DISABLED CHILDREN AND FAMILIES
Department and section:	Children and Family Services
Name of lead officer/ job title and others completing this assessment:	Ian Clarkson – Service Manager
Contact telephone numbers:	0116 3058017 until 31 st August 2016 then 0116 3054506
Name of officer/s responsible for implementing this policy:	Chris Nerini – Head of Strategy
Date EHRIA assessment started:	17th August 2016
Date EHRIA assessment completed:	19 th October 2016

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.

<p>1</p>	<p>What is new or changed in this policy? <i>What has changed and why?</i></p> <p>Short breaks, domiciliary care, and early support and inclusion services for Leicestershire disabled children and families are currently provided mainly via block contracts that are due to expire at the end of March 2017. Recommissioning (on the basis of a framework contract rather than a block contract) is taking place to ensure that Leicestershire County Council complies with the legal expectations in relation to open and transparent commissioning. In April 2016 DMT agreed a decision that meant there would <u>not</u> be a significant change to the budget available to support this work.</p>
<p>2</p>	<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>Transforming Care Partnership, Learning Disabilities Work stream BCT Better Care Together LLR – this is an Adults with Disability focussed project and one of the drivers outlined in the PID for this work is <i>The number of service users coming into adult services from children services is increasing and there have been concerns that this transition is uneven</i></p>
<p>3</p>	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>The local authority has a duty to offer short breaks to parent carers of disabled children and to disabled children themselves.</p> <p>Service Users Parents and Carers of disabled children were consulted in the summer of 2016, on how best to engage with them in providing feedback to LCC. This included; visits to Leicestershire Family Voice forum, subsequent follow up meetings with a core group of parents for them to design a questionnaire that covered the issues they felt were important to them. This questionnaire then ran for a month and we received over 100 responses from a known target group of approximately 400 families. Feedback from these parents has been fed into the specification for the contracts – e.g. families have told us they feel that the summer holidays is the most important period of time and that provision should be available for longer during days when it is available. As part of the negotiations with Family Voice it has been agreed that nominated parent reps will form part of the decision making panel that considers applications. From feedback received we know that parents place great value on the respite care that Short Breaks offers, the practical support at home from Domiciliary care and that early support and guidance is of vital importance in helping families to remain together and “enable us to</p>

	<p><i>continue to care for her without burning out”.</i></p> <p>Disabled children and young people are amongst some of the most vulnerable people in the county.</p> <p><u>Elected Members</u></p> <p><u>LCC Staff</u></p> <p>There is minimal impact for LCC staff as the bulk of this budget is delivered externally. Internal stakeholders (Disabled Children’s Service) have been consulted to gain feedback about improvements to ensure disabled children continue to receive services. DMT were made aware that additional capacity in the form of a Broker and Compliance office would be required to ensure that the contract monitoring is completed appropriately. Alongside parents and service managers, members of Disabled Children’s Service will be part of the panel that considers applications.</p> <p><u>Providers</u></p> <p>Providers have been consulted via a “Soft market testing exercise” that was conducted in April and May 2016. Feedback from providers has informed the specification e.g. the requirement of future providers to proactively engage in joint training / best practice development workshops.</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>		
	Yes	No	How?
Eliminate unlawful discrimination, harassment and victimisation	X		<p>The consultation with parents and carers was carefully targeted to ensure that any results were based on the real life experiences of those families that were more likely to require services. The resulting questionnaire was “owned” by parents. Leicestershire Family Voice was a key partner in the consultation. The consideration of the needs of families with disabled children to ensure they can remain together as a family within their local community is a positive action that will help to eliminate unlawful discrimination.</p>
Advance equality of opportunity between different groups	X		<p>Similarly, efforts were made to ensure that equality of opportunity between groups was not negatively impacted. In the design of the consultation a wide range of parents and carers and representative groups were consulted on how to phrase questions and the methods for engaging with a wide range of service users.</p>
Foster good relations between different groups	X		<p>A variety of service user forums and representatives have been engaged with during the process of designing the consultation exercise and as part of the consultation itself. The next step is that representatives of these groups will be part of the decision making panels so they influence who provides services to families.</p>

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	X	
		X	
		X	
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?	Not applicable – see above	
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?	X	
	<p>As stated above, consultation has been undertaken already. However, it is noted that preliminary negotiations have taken place with Early Help (SLF) in relation to how the envisaged changes within the new contracts may impact upon incoming work. This has been to ensure that the needs of disabled children are appropriately prioritised.</p> <p>Disabled Children’s Service staff have previously not had a close relationship with the formulation of the contract specification, have been consulted on two separate occasions, The work of the team has also been directly observed including visits to families to inform the priorities within the contract.</p> <p>Negotiations with the relevant partners in Health are at an early stage with the focus on meeting the expectations within the new SEND code of practice.</p>		
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.		

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Section 2

B: Monitoring Impact

9.	Are there systems set up to:	Yes	No
	a) monitor impact (positive and negative, intended and unintended) for different groups;	X	
	b) enable open feedback and suggestions from different communities	X	

Note: If no to Question 8, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.

Section 2

C: Potential Impact

10.	<p>Use the table below to specify if any individuals or community groups who identify 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.</p> <p>NOTE: At this stage of screening the potential impact of the proposals put forward in this document have yet to be broken down into the protected characteristics below. Impacts that have been considered to date have been generic as it is considered that the proposed changes to commissioning Short Breaks, Domiciliary Care and Early Support and Inclusion will impact on all protected characteristics equally. The following has been considered:</p> <p><u>IMPACT ON Leicestershire County Council (LCC) –</u></p> <ul style="list-style-type: none"> There could also be an impact on LCC in that changes to the internal commissioning practice will mean that new responsibilities will have to be assumed by social work and early help teams. This includes referral pathways and contract monitoring. Impacts in this area will be re-visited as part of the implementation stage and during the first year of new contract implementation. <p><u>IMPACT on SERVICE USERS –</u></p> <ul style="list-style-type: none"> Some service users will still be in receipt of services from existing providers and we have made sure that new Service Providers will work together with the Council and existing Service Providers in respect of these children and young people to ensure a smooth transfer of service provision. It is difficult at present to predict the numbers involved in this transition until new providers have come on board. 			
		Yes	No	Comments
	Age	X		This provision is targeted at families with disabled children 0 – 18yrs of age. The transition into adult services has been a consistent consideration throughout the development of contract specifications. There will be a positive impact on children of all ages.
	Disability	X		The provision of services to disabled children contributes positively to the

				safeguarding of children and young people through providing timely support and respite to families at risk of breakdown. We know there is a core target group of approximately 400 families within a wider population. Current services in terms of Short Breaks are delivered to over 250 families. There is a positive impact on children with disabilities as they will be able to access more in the way of services.						
	Gender Reassignment	X		It is not anticipated that there will be a negative impact on this characteristic.						
	Marriage and Civil Partnership	X		It is not anticipated that there will be a negative impact on this characteristic.						
	Pregnancy and Maternity	X		It is not anticipated that there will be a negative impact on this characteristic.						
	Race	X		It is hoped that some of the organisation bidding for some of the contracts will offer service to disabled children from black and ethnic minorities.						
	Religion or Belief	X		It is not anticipated that there will be a negative impact on this characteristic.						
	Sex	X		In Leicestershire as a whole as a percentage of the population: <ul style="list-style-type: none"> • Males = 49% • Females = 51% It is not anticipated that there will be a negative impact on this characteristic.						
	Sexual Orientation	X		It is not anticipated that there will be a negative impact on this characteristic.						
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	X		This consultation has specifically considered the challenge of increasing services within rural communities. It is hoped that through the new framework there will be a positive outcome to meeting these minority needs. <p>The figures below show the percentage breakdown by locality of the service users impacted.</p> <table border="1"> <thead> <tr> <th>Locality</th> <th>Data</th> </tr> </thead> <tbody> <tr> <td>Blaby</td> <td>17%</td> </tr> <tr> <td>Charnwood</td> <td>25%</td> </tr> </tbody> </table>	Locality	Data	Blaby	17%	Charnwood	25%
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Harborough	9%													
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	Community Cohesion	X		This consultation has included all service user groups currently in receipt of Short Breaks, Domiciliary Care and Early Support and Inclusion including elements of community based provision. We are mindful of ensuring children and young people are able to live as independent lives as possible, as close to the community in which they live. It is envisaged that there will be a positive impact on 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	X		There is an active obligation to protect life where a public authority is aware of an imminent and real threat to someone's life. Public authorities should take appropriate preventative operational measures to protect that person. There is a similar obligation where a person is under the care of a public authority, in that it must take appropriate steps to ensure that the person is safe. In terms of short breaks and domiciliary care provision we will ensure that we do not fail to meet our obligation to consider the wellbeing and independence of service users and that we consider all "reasonable adjustments" so that the service provided is done so with due care to protect the safety of the service user.										

	Article 3: Right not to be tortured or treated in an inhuman or degrading way	X		There is a positive obligation on public authorities to intervene to stop torture, inhuman or degrading treatment or punishment as soon as they become aware of it, even if a private individual is carrying it out. The relevance to Short Breaks Domiciliary Care Early Support and Inclusion is where should we not provide it we need to be mindful that we are not failing to meet wider assessed needs and that the service provided is done so with due care to protect the safety and dignity of the service user.	
	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		
	Article 7: No punishment without law		X		
	Article 8: Right to respect for private and family life		X		
	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		
Part 2: The First Protocol					
	Article 1: Protection of property/ peaceful enjoyment		X		
	Article 2: Right to education	X		The outcome from recommissioning should assist the council in meeting one of the government aims of Short Breaks by enabling parents /carers of disabled children to <i>undertake education, training or any regular leisure activity</i>	
	Article 3: Right to free elections		X		
Section 2					
D: Decision					
12.	Is there evidence or any other reason to suggest that:		Yes	No	Unknown

	a) this policy could have a different affect or adverse impact on any section of the community;		X	
	b) any section of the community may face barriers in benefiting from the proposal		X	
13.	Based on the answers to the questions above, what is the likely impact of this policy A positive outcome of this review is likely to be the increased capacity of providers to meet the needs of parents and carers of disabled children and young people and an increase in choice for families.			
	No Impact <input type="checkbox"/>	Positive Impact <input checked="" type="checkbox"/>	Neutral Impact <input 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"/>	

Section 2: Completion of EHRIA Screening

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

Option 1: If you identified that an EHRIA Report is required, continue to [Section 3](#) on Page 7 of this document to complete.

Option 2: If there are no equality, diversity or human rights impacts identified and an EHRIA report is not required, continue to [Section 4](#) on Page 14 of this document to complete.

Section 3: Equality and Human Rights Impact Assessment (EHRIA) Report

Section 3: Equality and Human Rights Impact Assessment Report

This part of the assessment will help you to think thoroughly about the impact of this

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

Using the information gathered either within the EHRIA Screening or independently of this process, this EHRIA Report should be used to consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights as outlined in Leicestershire County Council's Equality Strategy.

Section 3

A: Research and Consultation

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

- 15.** Based on the gaps identified either in the EHRIA Screening or independently of this process, 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)

- 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?

When considering who is affected by this proposed policy, it is important to think about consulting with and involving a range of service users, staff or other stakeholders who may be affected as part of the proposal.	
17.	Based on the gaps identified either in the EHRIA Screening or independently of this process, <u>how</u> have you further consulted with those affected on the likely impact and <u>what</u> does this consultation tell you about each of the diverse groups?
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?

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	
	Disability	
	Gender Reassignment	
	Marriage and Civil Partnership	
	Pregnancy and Maternity	
	Race	
	Religion or Belief	
	Sex	
	Sexual Orientation	
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	
	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
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human rights of any individuals or community groups affected by this proposal? Is there an impact on human rights for any of the protected characteristics?	
	Comments
Part 1: The Convention- Rights and Freedoms	
Article 2: Right to life	
Article 3: Right not to be tortured or treated in an inhuman or degrading way	
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	
Article 9: Right to freedom of thought, conscience and religion	
Article 10: Right to freedom of expression	
Article 11: Right to freedom of assembly and association	
Article 12: Right to marry	
Article 14: Right not to be discriminated against	
Part 2: The First Protocol	
Article 1: Protection of property/ peaceful enjoyment	
Article 2: Right to education	
Article 3: Right to free elections	
Section 3	
C: Mitigating and Assessing the Impact	
Taking into account the research, data, consultation and information you have reviewed and/or carried out as part of this EHRIA, it is now essential to assess the impact of the	

policy.	
21.	If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons.
N.B.	
<p>i) If you have identified adverse impact or discrimination that is <u>illegal</u>, you are required to take action to remedy this immediately.</p> <p>ii) If you have identified adverse impact or discrimination that is <u>justifiable or legitimate</u>, you will need to consider what actions can be taken to mitigate its effect on those groups of people.</p>	
22.	<p>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.</p> <ul style="list-style-type: none"> 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
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.

Section 3

E: Monitoring, evaluation & review of your policy

24.	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?
25.	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>

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

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, 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

1st Authorised Signature (EHRIA Lead Officer):
Date: 19.10.16



2nd Authorised Signature (DEG Chair):

Date: 19.10.16

