

# **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](mailto:equality@leics.gov.uk)

*\*\*Please note: The term 'policy' will be used throughout this assessment as shorthand for policy, practice, procedure, function or service.*

<b>Key Details</b>	
<b>Name of policy being assessed:</b>	Charging for Community Life Choices
<b>Department and section:</b>	Adults & Communities – Strategic Planning and Commissioning
<b>Name of lead officer/ job title and others completing this assessment:</b>	Amisha Chauhan – Strategic Planning and Commissioning Officer
<b>Contact telephone numbers:</b>	Amisha Chauhan 0116 30 59419
<b>Name of officer/s responsible for implementing this policy:</b>	Sarah Rogers/Steve Hoyle
<b>Date EHRIA assessment started:</b>	11 <sup>th</sup> October 2016
<b>Date EHRIA assessment completed:</b>	10 <sup>th</sup> January 2017

# 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>Community Life choices (CLC) often referred to as Day Services, is commissioned to meet the support needs of people with learning disabilities, physical disabilities, mental ill health and older people within Leicestershire County with varying levels of eligible need. Types of services available from the framework are; Day Services, Outreach, Physical and Social Activities, Community Support etc.</p> <p>Currently, the charge to service users for Community Life Choices is based on the average provider charge across the county, producing a sessional rate which in some cases will be different from the actual cost. <b>The proposed change is to charge the service user the actual cost as paid to their provider.</b></p> <p>The provisions of the Care Act 2014 statutory guidance require that local authorities do not charge service users more than the cost of arranging the service. The proposal is designed to ensure compliance.</p> <p>Although the impetus for this proposal is Care Act compliance, it would also aid smoother administration of charging processes, as the IT system (ContrOcc) in use in Leicestershire County Council (LCC) is designed to charge on actual cost. The amount of manual work currently required would therefore be reduced.</p> <p>The calculation used to determine the amount that a service user contributes towards the cost of their care services is in line with national guidance, will not alter, and will continue to ensure that they are not charged more than they can afford to pay. The Care Act statutory guidance contains provisions for this requirement and the Council will continue to comply with this</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>LCC Charging Policy is compliant with the Care and Support (Charging and Assessment of Resources) Regulations 2014 (see above).</p>
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>While all service users who are charged for Community Life Choices would have their charge calculated under the new terms, only some would see a difference as a result. If the proposal is adopted, they would pay the actual cost of the care, subject to any</p>

	<p>cap set by their individual Financial Assessment. Work has been undertaken by our finance business partner to establish who would be affected and to what degree. The results are recorded in Appendix 1 .</p> <p>The amount paid to providers would not alter as a result of this change. The launch of the new CLC framework will see a change to payments to providers based on contractually agreed amounts, unconnected to this proposal.</p>		
<b>4</b>	<p>Will this policy meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following aspects? <b>(Please tick and explain how)</b></p>		
		<b>Yes</b>	<b>No</b>
	Eliminate unlawful discrimination, harassment and victimisation	x	
	Advance equality of opportunity between different groups	x	
	Foster good relations between different groups	x	

## 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

<b>5.</b>	Have the target groups been consulted about the following?	<b>Yes</b>	<b>No*</b>
			<b>x</b>

a) their current needs and aspirations and what is

	important to them;		<b>x</b>
	b) any potential impact of this change on them (positive and negative, intended and unintended);		<b>x</b>
	c) potential barriers they may face		
<b>6.</b>	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?	<b>x</b>	
<b>7.</b>	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?		<b>x</b>
<b>8.</b>	<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>The department does not have a responsibility to consult in relation to the policy as the change is required by the Care Act (a Local Authority may not charge the cared for person more than the actual cost to the local authority of care to meet the person's needs). In addition, the decision not to consult is because that the number of people who could be potentially affected is so low that we are able to identify these people and address the impact individually on a case by case basis. As we hold extensive data relating to charges made for the services affected, it is possible to calculate impacts with a high degree of accuracy. Appendix 1 provides an analysis of the impact of the proposal geographically, and by service user and age group, based on current service user data (Dec 2017). The tables do not cover the full range of protected groups, but identify those likely to be particularly affected.</p>		

## Section 2

### B: Monitoring Impact

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

**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.
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	Yes	No	Comments
Age	x		<p>The changes will affect all age groups over 18. Analysis of the impact of the proposed change to actual cost shows that 20 of the current 778 users of CLC services would face higher charges as a result. Of the 20, 18 are aged 65 or over, all of whom are self funders. This disproportionality results from the self funder cohort, which is dominated by older people with higher liquid assets. In contrast, younger users of the service tend to attract low or no charges as a result of how the charging mechanism takes account of benefit payments. This is best illustrated by the largest group (Learning Disability) where all 526 service users will see no change to their charge.</p> <p>As the numbers experiencing a charge increase is so low, it will be possible for their cases to be appraised individually to ensure that their assessed needs continue to be met if they are concerned about increased charges.</p> <p>There is a potential argument that the proposed change could indirectly discriminate against older people, as they are disproportionately affected even though the policy would apply across the board. However, there is a strong objective justification to support the change, derived from the Care Act requirement not to charge above the actual cost of services. Also, negative impacts will be mitigated by assisting the individuals concerned directly.</p>

	<b>Disability</b>	<b>x</b>		It is likely that everyone affected is experiencing health problems to a greater or lesser degree. The data shows that the under 65's affected are in the physical disability and memory & cognition categories. The over 65's have a broader spread of disabilities, the larger number experience physical disablement. As mentioned above, these cases will all be appraised individually to protect their wellbeing and safety.
	<b>Gender Reassignment</b>		<b>x</b>	No specific impact identified.
	<b>Marriage and Civil Partnership</b>		<b>x</b>	No specific impact identified.
	<b>Pregnancy and Maternity</b>		<b>x</b>	No specific impact identified
	<b>Race</b>	<b>x</b>		Data from October 2016 shows that just under 11% of CLC users were non-white British, which is in line with expectations based on Leicestershire demographic data. As there will be no change to the service provision itself, it will continue to be a requirement that CLC is culturally accessible.
	<b>Religion or Belief</b>	<b>x</b>		There is no specific data for this group. However, the same diversity and inclusion principles apply to the above group.
	<b>Sex</b>			December 2016 data shows an equal split on gender lines.
	<b>Sexual Orientation</b>			No specific impact identified.
	<b>Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after</b>	<b>x</b>		Most of these categories are unaffected by this change. There is a potential difficulty for carers in the event of a service user declining services due to an increase in costs. Under the

	<b>children, deprived or disadvantaged communities</b>			Care Act 2014. Carers have a right to an assessment of need, and their interests can be protected at the same time as the service users who they are caring for.
	<b>Community Cohesion</b>	<b>x</b>		Protecting the interests of anyone who is disadvantaged by changes, and protecting all CLC users in a fair way, helps to promote this aim.
<b>11.</b>				
		<b>Yes</b>	<b>No</b>	
	<b>Article 2: Right to life</b>			
	<b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b>	<b>x</b>		Close monitoring of the negative impacts of the proposal to ensure that vulnerable people are not left without adequate care protects Article 3 rights
	<b>Article 4: Right not to be subjected to slavery/ forced labour</b>		<b>x</b>	
	<b>Article 5: Right to liberty and security</b>		<b>x</b>	
	<b>Article 6: Right to a fair trial</b>		<b>x</b>	
	<b>Article 7: No punishment without law</b>		<b>x</b>	
	<b>Article 8: Right to respect for private and family life</b>	<b>x</b>		One of the principle aims of CLC services is to preserve independence, Article 8 rights are supported by successful outcomes in this respect.
	<b>Article 9: Right to freedom of thought, conscience and religion</b>		<b>x</b>	
	<b>Article 10: Right to freedom of expression</b>		<b>x</b>	
	<b>Article 11: Right to freedom of assembly and association</b>		<b>x</b>	
	<b>Article 12: Right to marry</b>		<b>x</b>	
	<b>Article 14: Right not to be discriminated against</b>		<b>x</b>	
	<b>Part 2: The First Protocol</b>			
	<b>Article 1: Protection of property/ peaceful</b>		<b>x</b>	

	<b>enjoyment</b>			
	<b>Article 2: Right to education</b>		<b>x</b>	
	<b>Article 3: Right to free elections</b>		<b>x</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>x</b>		
	b) any section of the community may face barriers in benefiting from the proposal		<b>X</b>	
<b>13.</b>	<p>Based on the answers to the questions above, what is the likely impact of this policy</p> <p>The impact will be an increase in charges to a small percentage of CLC users. As they are known to be self funders, and LCC's charging scheme is designed to charge the service user only what is affordable, this can be regarded as mitigation of a financial disadvantage. In addition, the disadvantage to older people arising from the proposal results from the relatively high value of their fluid assets, rather than directly relating to their age.</p> <p>As referred to earlier, the affected individuals can be identified easily and their needs addressed directly. During the review process individuals will be able to discuss with officers the financial impact. The department will monitor this cohort after the review has taken place to ensure that support services are not terminated as a result of affordability.</p>			
	No Impact <input type="checkbox"/>	Positive Impact <input type="checkbox"/>	Neutral Impact <input checked="" 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 1:** If you identified that an EHRIA Report is required, continue to [Section 3](#) on Page 7 of this document to complete.

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

## Section 4: Sign off and scrutiny

Upon completion, the Lead Officer completing this assessment is required to sign the document in the section below.

It is required that this Equality and Human Rights Impact Assessment (EHRIA) is scrutinised by your [Departmental Equalities Group](#) and signed off by the Chair of the Group.

Once scrutiny and sign off has taken place, a depersonalised version of this EHRIA should be published on Leicestershire County Council's website. 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): .....

Date: .....

2<sup>nd</sup> Authorised Signature (DEG Chair):



Date: 30/01/2017

