

# **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>	Adult Social Care – Older Adult (Reablement) TOM Workstream
<b>Department and section:</b>	Adult & Communities, Older Adults
<b>Name of lead officer/ job title and others completing this assessment:</b>	Rachel Neale Service Manager
<b>Contact telephone numbers:</b>	01163054400
<b>Name of officer/s responsible for implementing this policy:</b>	
<b>Date EHRIA assessment started:</b>	03/07/2019
<b>Date EHRIA assessment completed:</b>	

# 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 Target Operating Model (TOM) for Older Adults is to focus on increasing a citizen's independence to remain living in the community. The focus area is looking to ensure the ideal package of care is commissioned first time to reduce the number of residential placements. There is also a focus on reducing the average spend on a package of care in line with the care act 2014 and Leicestershire County Council's (LCC) strategy. <b>Prevent, reduce, delay and meet need</b></p> <p>During the design phase, work has been undertaken to identifying the blockers that potentially prevent a person with high level support needs remaining at home with the ideal package of care.</p> <p>This has been facilitated by implementing group supervisions with a focus on challenging the commissioning practice of staff along with sharing practice, knowledge and experience between the team members. These meetings have also been a forum for staff to further explore asset-based care in the community.</p> <p>Positive engagement with external stake holders and other departments within LCC has also taken place to look at and enhance service provision and collaborative working</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 Care Act 2014 and Leicestershire County Council's strategy</p> <p>This supports Leicestershire County Council's principles to prevent need through universal services and prompting wellbeing; reduce need through targeted interventions and delay need through reablement, rehabilitation and recovery.</p>

3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>All citizens over the age of 65 years (and their carers, regardless of age) who have eligible care and support needs</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? <b>(Please tick and explain how)</b></p>			
		Yes	No	How?
	Eliminate unlawful discrimination, harassment and victimisation	x		LCC works within the law and equalities act by having clear, consistent processes ensuring that personalisation is at the forefront of all assessments and commissioning.
	Advance equality of opportunity between different groups	x		ASC services are available to all Leicestershire Residents that meet the National Eligibility Criteria for Care Services. The group supervision meetings will support the right services to be in place for the right people and the right time.
	Foster good relations between different groups	x		By implementing the group supervisions and constructive challenge to the commissioning practice of staff, the current culture will enhance personalisation and focus on a citizen's individual needs and situation adheres to robust Equalities, Diversity and Human Rights policies in its delivery of service, both statutory and non-statutory.

## 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>
	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>x</b>
<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>	*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>The model of the new way of working is still at design phase and therefore no consultation has taken place to date due to continuous improvement being considered.</p> <p>Once the final design has been implemented and rolled out, feedback from citizens will be collated to ensure continuous monitoring of the changes take place</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.			
		<b>Yes</b>	<b>No</b>	<b>Comments</b>

	<b>Age</b>	<b>x</b>		<p>The Older adult's teams focus on assessing citizens over the age of 65</p> <p>The way of working will enable a positive impact on the age characteristic. This is because the principles of the way of working will lead to promoting independence, utilising personal assets, assist with embedding a goal progression model and be outcome focussed</p>
	<b>Disability</b>	<b>x</b>		<b>As above</b>
	<b>Gender Reassignment</b>	<b>x</b>		<p><b>Neutral</b></p> <p>The way of working will enable a neutral impact on the gender reassignment characteristic. The way of working doesn't specifically target this group</p>
	<b>Marriage and Civil Partnership</b>	<b>x</b>		<p><b>Neutral</b></p> <p>The way of working will enable a neutral impact on the marriage and civil partnership characteristic. The way of working doesn't specifically target this group</p>
	<b>Pregnancy and Maternity</b>		<b>X</b>	<b>Neutral</b>
	<b>Race</b>	<b>x</b>		<p><b>Cultural needs taken into consideration</b></p> <p><b>Open to all – how will it be positive (universal)</b></p> <p><b>Sensitive to needs</b></p>
	<b>Religion or Belief</b>	<b>x</b>		The way of working will enable a neutral impact on the race characteristic. The way of working doesn't specifically target this
	<b>Sex</b>	<b>x</b>		<p><b>Neutral</b></p> <p>The way of working will enable a neutral impact on the sex characteristic. The way of working doesn't specifically target this</p>
	<b>Sexual Orientation</b>	<b>x</b>		<p><b>Neutral</b></p> <p>The way of working will enable a neutral impact on the sexual orientation characteristic. The</p>

				way of working doesn't specifically target this																																	
	<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>x</b>		The way of working will enable a positive impact on other groups. This is because it aims to promote independence and thereby provide choice and control to everyone																																	
	<b>Community Cohesion</b>	<b>x</b>		The way of working will enable a neutral impact on the community cohesion characteristic. The way of working doesn't specifically target this																																	
<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> <table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td colspan="4"><b>Part 1: The Convention- Rights and Freedoms</b></td> </tr> <tr> <td><b>Article 2: Right to life</b></td> <td></td> <td><b>x</b></td> <td rowspan="8"> <p>The new way of working in the Older Adults team is predominantly very positive and plans to enhance the independence of eligible service users and carers.</p> <p>This means that any adverse impact on the human rights of service users and carers is not expected</p> </td> </tr> <tr> <td><b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b></td> <td><b>x</b></td> <td></td> </tr> <tr> <td><b>Article 4: Right not to be subjected to slavery/ forced labour</b></td> <td></td> <td><b>x</b></td> </tr> <tr> <td><b>Article 5: Right to liberty and security</b></td> <td></td> <td><b>x</b></td> </tr> <tr> <td><b>Article 6: Right to a fair trial</b></td> <td></td> <td><b>x</b></td> </tr> <tr> <td><b>Article 7: No punishment without law</b></td> <td></td> <td><b>x</b></td> </tr> <tr> <td><b>Article 8: Right to respect for private and family life</b></td> <td><b>X</b></td> <td></td> </tr> <tr> <td><b>Article 9: Right to freedom of thought, conscience and</b></td> <td></td> <td><b>x</b></td> </tr> </tbody> </table>					Yes	No	Comments	<b>Part 1: The Convention- Rights and Freedoms</b>				<b>Article 2: Right to life</b>		<b>x</b>	<p>The new way of working in the Older Adults team is predominantly very positive and plans to enhance the independence of eligible service users and carers.</p> <p>This means that any adverse impact on the human rights of service users and carers is not expected</p>	<b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b>	<b>x</b>		<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>		<b>Article 9: Right to freedom of thought, conscience and</b>		<b>x</b>
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	<b>religion</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 enjoyment</b>		<b>x</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>	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 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.

- |            |  |
|------------|--|
| <b>15.</b> | <p>Based on the gaps identified either in the EHRIA Screening or independently of this process, <u>how</u> have you now explored the following and <u>what</u> does this information/data tell you about each of the diverse groups?</p> <ul style="list-style-type: none"><li>a) current needs and aspirations and what is important to individuals and community groups (including human rights);</li><li>b) likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights);</li></ul> |
|------------|--|



	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?

<b>18.</b>	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

<b>19.</b>	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.	
		<b>Comments</b>
	<b>Age</b>	
	<b>Disability</b>	
	<b>Gender Reassignment</b>	
	<b>Marriage and Civil Partnership</b>	
	<b>Pregnancy and Maternity</b>	
	<b>Race</b>	
	<b>Religion or Belief</b>	
	<b>Sex</b>	

	<b>Sexual Orientation</b>	
	<b>Other groups</b> e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	
	<b>Community Cohesion</b>	

<b>20.</b>	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?	
		<b>Comments</b>
	<b>Part 1: The Convention- Rights and Freedoms</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>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>	
	<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>Article 2: Right to education</b>	
	<b>Article 3: Right to free elections</b>	
<b>Section 3</b>		
<b>C: Mitigating and Assessing the Impact</b>		
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.		
<b>21.</b>	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.	
<b>N.B.</b>  i) If you have identified adverse impact or discrimination that is <u>illegal</u> , you are required to take action to remedy this immediately.  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.		
<b>22.</b>	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	

	<p>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</p> <p>c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why</p>
<b>Section 3</b> <b>D: Making a decision</b>	
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.

<b>Section 3</b> <b>E: Monitoring, evaluation &amp; review of your policy</b>	
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.	<p>How will the recommendations of this assessment be built into wider planning and review processes?</p> <p><i>e.g. policy reviews, annual plans and use of performance management systems</i></p>
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**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](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): .....R S Neale

Date: ...02/08/2019....

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

Date: .....