

## 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>	Young Carer Assessment and Support Services from April 2018 onwards
<b>Department and section:</b>	Early Help, Children and Family Services
<b>Name of lead officer/ job title and others completing this assessment:</b>	Stuart Cross – Locality Manager, Early Help
<b>Contact telephone numbers:</b>	Stuart Cross – 07508 034152 / 0116 3056338
<b>Name of officer/s responsible for implementing this policy:</b>	Stuart Cross
<b>Date EHRIA assessment started:</b>	15 November 2017
<b>Date EHRIA assessment completed:</b>	17 November 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 What is new or changed in this policy? *What has changed and why?*

**The Care Act 2014 and Children and Families Act 2014, which become law in April 2015, signify a strengthening of support and recognition for young carers in the UK. Both Acts address the needs of young carers, including a duty on both Adults and Childrens Services with regards to this group.**

**The main changes being brought in by the legislation are as follows:**

### **The Children and Families Act**

**Amendments to Section 17 of the Children Act 1989 to:**

- **Extend the right to an assessment of needs for all young carers under the age of 18, regardless of who they care for, what type of care they provide or how often they provide it**
- **Assessment is due on request or on appearance of need**
- **Local authority teams (both adults and children's) have to ensure young carer are identified**
- **Whole family approach – assessments of young carers to include an assessment of the person they care for and any other relevant wider family network**
- **Engage proactively with other agencies, such as Schools, engaging in prevention work to reduce need for local authority young carer support**

### **The Care Act**

**Amendments to Section 17 of the Children Act 1989, as shown above will work with provisions in the Care Act 2014 so as to apply equally to both children's and adults services. For example:**

- **Guidance for the Care Act reinforces the 'whole family approach'. When assessing an adult needing care, if it appears that a child is involved in this care, the young carer's wellbeing, welfare, education and development must be considered. Young carers should not be left with inappropriate levels of caring.**
- **Adult services must identify young carers in the household, and make provision for that child/young person to receive a young carer's assessment via children's services.**
- **The transition of young carers reaching adulthood is also now included. If he/she is likely to have needs for support as a carer post 18, an assessment by adult services prior to their 18<sup>th</sup> birthday should take place, to ensure a smooth transfer from children's services to adult services support.**

**In October 2015 a new young carers assessment and support service was commissioned by Children and Family Services reflecting the legislative changes described above. This contract will end in March 2018 and a new service, based on the same specification will be procured, subject to Contract**

	<p><b>Procedure Rules.</b> This EHRIA has therefore been written to support that new commissioning activity - as the new contract will largely be the same as existing contract, this EHRIA is similar to that submitted to support the original commissioning activity in 2015.</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> <ul style="list-style-type: none"> <li>• <b>Carers Strategy: Supporting the Health and Wellbeing of Carers 2012-15 (local authority and health joint strategy) and EIA 2012 Carers Strategy: Supporting the Health and Wellbeing of Carers 2012-15 (local authority and health joint strategy)</b></li> <li>• <b>Draft Joint Carers Strategy 2018 – 2021 Recognising, Valuing and Supporting Carers in Leicester, Leicestershire and Rutland</b></li> <li>• <b>EHRIA 2014 – Joint Carers Policy, young carers’ aspects – (Adults and Communities. Children and Young People’s Service)</b></li> <li>• <b>EHRIA 3rd December 2014: Young Carer Services from April 2015 onwards</b></li> </ul>			
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p><b>The young carer support offer, as outlined in the new legislation, has the potential to affect any child/young person aged 18 or under.</b></p> <p><b>Outcomes – The Care Act and The Children and Family Act make specific reference to ‘young carers’ for the first time in English legislation. This represents a positive impact for young carers, as such recognition in law will contribute to less young carers remaining ‘under the radar’ of services.</b></p> <p><b>Specifically, previously unknown young carers will be proactively identified by the local authority (regardless of whether their initial contact is with children’s or adult services). They will be recognised as having a ‘caring role’, if appropriate, assessed to ascertain their needs as a young carers and sufficient support put in place, ensuring inappropriate and/or excessive young caring does not continue.</b></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>			
		<b>Yes</b>	<b>No</b>	<b>How?</b>
	Eliminate unlawful discrimination, harassment and victimisation	Y		<p>Those with caring responsibilities are identified as having one of the additional ‘protective characteristics’ in the Equality Act. This policy’s aim is to positively impact on this group.</p> <p>In reviewing policies, services and procedures in preparation for changes brought about by the incoming legislation, it has been possible to consider different groups of young carers (both engaged and currently unidentified), who are likely to</p>

			benefit from the proposed changes, who might be adversely affected and what mitigating actions are required to enable them to access support.  In general terms, the outcomes for young carers are enhanced by the changes in legislation.
	Advance equality of opportunity between different groups	Y	As above.
	Foster good relations between different groups	Y	As above. The balance of needs between young carers, the person they care for and any other relevant members of the young carers wider support network are addressed, eg. in assessment, using a whole family approach

## Section 2: Equality and Human Rights Impact Assessment (EHRIA) Screening

### Section 2: Equality and Human Rights 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*
<b>5.</b>	Have the target groups been consulted about the following?		
	a) their current needs and aspirations and what is important to them;	X	
	b) any potential impact of this change on them (positive and negative, intended and unintended);		X*
	c) potential barriers they may face	X	
<b>6.</b>	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?	X	
<b>7.</b>	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of		X*

	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.		
	*Changes are being introduced in legislation and represent a positive impact for young carers. No services are being reduced. Extensive consultation has been undertaken on a national level, facilitated by the Carer Trust with young carers, young adult carers and their families. The relevance of this national consultation to local policy has been considered and as a result, there is no need for further local consultation. Locally consultation has taken place through a 'Voice Pop-Up Event for young carers and their families		

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;	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			
9.	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.		
		Yes	No
			Comments
	Age	X	
			Currently, when young carers turn 18, support from Children's services ceases, often leaving a significant 'drop' in support, with no handover/introduction to adult carer services. The Care Act will require young carers to undergo a 'transitions' assessment by adult services prior to their 18 <sup>th</sup> birthday. This represents a positive impact for young carers 16+ who will benefit from a managed transition to adult carer support, tailored to their individual needs at this stage in their lives. The existing Young Carers and Assessment Service has provided some local data around disability and young carers and this will continue to be an outcome specified in the new contract as well.
	Disability	X	
			National research has found that young carers are 1.5 times more likely than their peers to have a special educational need or a disability

				<sup>1</sup> There is currently no local data on this issue, however the enhanced duties in the Act increases the likelihood of more young carers being identified and being supported in both their caring role and regards their own disability. The existing Young Carers and Assessment Service has provided some local data around disability and young carers and this will continue to be an outcome specified in the new contract as well.
	Gender Reassignment		X	
	Marriage and Civil Partnership		X	
	Pregnancy and Maternity	X		There is potential for a teenage parent to be a mutual carer, also looking after a relative. There is poor data in this area, however, it is likely that this group will positively benefit from more awareness of young caring, as brought about by the Act.
	Race	X		Nationally young carers have been found to be 1.5 more likely than their peers to be from black, Asian or minority ethnic communities and are twice as likely not to speak English as their first language <sup>2</sup> . In Leicestershire 6% of young carers receiving support in 2013/14 were from BME communities.  Broadly children/young people from BME communities are under-represented as recipients of local authority services. It is reasonable to suggest that a positive impact will be seen for young carers from BME backgrounds resulting from changes in the Act, due to an increase in awareness, identification, assessment and subsequent support. The existing Young Carers and Assessment Service has shown this to be the case and this will therefore be an outcome specified in the new contract as well.
	Religion or Belief	X		Work is required national and locally on understanding the impact of religion or belief on the caring role, however it is reasonable to suggest that a positive impact will be seen for young carers from all religious backgrounds or belief systems, due to an increase in awareness, identification, assessment and subsequent support of all young carers.

<sup>1</sup> [http://www.childrenssociety.org.uk/sites/default/files/tcs/report\\_hidden-from-view\\_young-carers\\_final.pdf](http://www.childrenssociety.org.uk/sites/default/files/tcs/report_hidden-from-view_young-carers_final.pdf)

<sup>2</sup> [http://www.childrenssociety.org.uk/sites/default/files/tcs/report\\_hidden-from-view\\_young-carers\\_final.pdf](http://www.childrenssociety.org.uk/sites/default/files/tcs/report_hidden-from-view_young-carers_final.pdf)

	Sex	X		Locally and nationally young carers are equally likely to be boys or girls. For example for 2013/14 in Leicestershire 56% of young carers receiving services were female, 44% male. Therefore young carers of both genders will potentially benefit from the positive impacts of the new legislation as more proactive identification is likely to result in better support. The existing Young Carers and Assessment Service has shown this to be the case and this will therefore be an outcome specified in the new contract as well.
	Sexual Orientation	X		Work is required national and locally on understanding the impact of sexual orientation on the caring role, however it is reasonable to suggest that a positive impact will be seen for young carers regardless of sexual orientation, due to an increase in awareness, identification, assessment and subsequent support of all young carers.
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	X		Young carers living in rurally isolated communities are often less likely to be in receipt of services, particular peer support, due to lack of transport/access, linked to the illness/disability of the cared-for person and/or financial constraints. Young carers are also often living in poverty. Nationally, the average annual income for families with a young carer is £5000 less than families who do not have a young carer. <sup>3</sup> Through better recognition and identification, these young carers are more likely to be supported and as such, benefit positively from the new legislation. The existing Young Carers and Assessment Service has shown this to be the case and this will therefore be an outcome specified in the new contract as well.
	Community Cohesion	X		As more young carers and their families are identified it is likely that they will be signposted to support within their local community. By engaging in activities/services in their area, the stigma associated and felt by many families where there is a disability will potentially be reduced, representing a positive impact on community cohesion as a result of the new legislation. The existing Young Carers and Assessment Service has shown this to be the case and this will therefore be an outcome specified in the new contract as well.
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? <b>(Please tick)</b>  Explain why you consider that any particular <a href="#">article in the Human Rights Act</a> may apply to			

<sup>3</sup> [http://www.childrenssociety.org.uk/sites/default/files/tcs/report\\_hidden-from-view\\_young-carers\\_final.pdf](http://www.childrenssociety.org.uk/sites/default/files/tcs/report_hidden-from-view_young-carers_final.pdf)

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]			
	<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>X</b>	
<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>Both sets of legislation make reference to ‘whole family assessment’ The balance of needs between young carers, the person they care for and any other relevant members of the young carers wider support network are to be addressed. Encouraging positive outcomes for family cohesion/life</b>
<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>The recognition and strengthening of support for young carers in the Acts, highlights young carers status as a vulnerable group and what provision is required. This helps reduce the likelihood of being discriminated against because of their caring responsibilities</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>Young carers assessment makes provision for this matter (ie the young person wishes to participate in education) Ensuring young carers deliver only appropriate support that doesn't impact on their education is a core aspiration.</b>
	<b>Article 3: Right to free elections</b>		<b>X</b>	

**Section 2**

**D: Decision**

<b>11.</b>	Is there evidence or any other reason to suggest that:  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>Yes</b>	<b>No</b>	<b>Unknown</b>
			<b>X</b>	
			<b>X</b>	
<b>12.</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>13.</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.

- 14.** 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)

15.	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.	
16.	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?
17.	Is any further consultation required to fill any gaps in your understanding of the potential or known effects of the policy on target groups?

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**Section 3**

**B: Recognised Impact**

<b>18.</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 e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities</b>	
	<b>Community Cohesion</b>	

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<b>19.</b>	<p>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?</p>	
		<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>20.</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.	
N.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>21.</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.	
	<ul style="list-style-type: none"> <li>a) include any relevant research and consultations findings which highlight the best way in which to minimise negative impact or discrimination</li> <li>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</li> <li>c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why</li> </ul>	

<b>Section 3</b>	
<b>D: Making a decision</b>	
<b>22.</b>	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>	
<b>23.</b>	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?
<b>23.</b>	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>

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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):

Date: 27<sup>th</sup> November 2017

*CS Davis*

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

Date: 27<sup>th</sup> November 2017