

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:	Fair Outcomes Policy 2020
Department and section:	Adults and Communities Department
Name of lead officer/ job title and others completing this assessment:	Kate Revell, Head of Service - Commissioning Katie Joondan, Strategic Planning Officer Michael Rose, Strategic Planning Officer
Contact telephone numbers:	0116 305 7832
Name of officer/s responsible for implementing this policy:	Sandy McMillan, Assistant Director - Strategy
Date EHRIA assessment started:	November 2019
Date EHRIA assessment completed:	February 2020

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 Cost Effective Care Policy was introduced in 2015 following Cabinet approval after a public consultation. The Cost Effective Care policy was created to establish how the limited resources available to the Adults and Communities Department can be targeted at providing care that is cost effective and provides good value for money. It sets out how the amount paid to individuals in their personal budgets to meet their eligible needs is to be limited to the most cost effective option.</p> <p>The Fair Outcomes Policy builds upon the Cost Effective Care policy by making the link to wellbeing more explicit as this is integral to providing choice and control for service users and carers. The policy continues to mandate that the most cost effective option must be used, but again makes it more explicit that through the assessment and support planning process the person's wellbeing needs must be identified and the most cost effective option must only be used where it also meets the identified wellbeing needs.</p> <p>The Fair Outcomes Policy makes it clearer to staff and people utilising support that they have both choice and control over their package. This includes having an option to 'top up' their care package with their own funds if the care package they want exceeds their personal budget value.</p> <p>There is not a significant change between the policies. This policy is informed by feedback captured in the Cost Effective Care policy consultation.</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 Fair Outcomes Policy is in keeping with the current departmental adult social care strategy – <i>Promoting Independence, Supporting Communities – Our Vision and Strategy for Adult Social Care 2016-2020</i>.</p>
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>The policy will affect adults aged over 18 or over who use social care services arranged by the Council, or who may need such services in the future. The cohort of people who currently receive services has a higher proportion of women, people with disabilities and older people than are present in the general population.</p> <p>The policy gives a clear commitment that the Council will always meet people's assessed unmet eligible needs and will provide care that is suitable for those needs.</p>

	<p>However, as with the current version of the policy, financial constraints mean that the Council has to limit the funding it provides in a personal budget and to people needing residential care to the most cost effective option. This may restrict the choices available to people as whilst the care provided will meet their needs it may not be delivered in a way that they prefer.</p> <p>The policy sets out how people can choose to use a more expensive care option if they or a third party are willing to fund the additional amount needed. It also includes an exceptions process whereby consideration is given in circumstances where there is a compelling reason for a higher cost care package to be provided.</p> <p>These statements are made more explicitly in the Fair Outcomes Policy than the Cost Effective Care policy to reduce ambiguity and increase the clarity of the message.</p>			
4	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)			
		Yes	No	How?
	Eliminate unlawful discrimination, harassment and victimisation	√		The Policy focus is on individual outcomes for each person and encompasses the full range of need. Anyone eligible for social care services will have a personalised assessment and support plan to understand and address their needs.
	Advance equality of opportunity between different groups	√		The policy only applies to people who are in receipt of services which are personalised and designed to meet individual needs and therefore available to all regardless of any protected characteristics.
	Foster good relations between different groups	√		The policy only applies to people who are in receipt of services which are personalised and designed to meet individual needs and therefore available to all regardless of any protected characteristics.

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

Section 2: Equality and Human Rights Impact Assessment Screening

The purpose of this section of the assessment is to help you decide if a full EHRIA is required.

If you have already identified that a full EHRIA is needed for this policy/ practice/ procedure/ function/ service, either via service planning processes or other means, then please go straight to [Section 3](#) on Page 7 of this document.

Section 2

A: Research and Consultation

5.	Have the target groups been consulted about the following?	Yes	No*
	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	√	
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?	n/a	n/a
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of 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.		

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;	√	
	b) enable open feedback and suggestions from different communities	√	

Note: If no to Question 9, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.

Section 2

C: Potential Impact

10.	Use the table below to specify if any individuals or community groups who identify with any of the ‘protected characteristics’ may potentially be affected by this policy and describe any positive and negative impacts, including any barriers.			
		Yes	No	Comments
	Age		√	Impact is no different from existing Cost Effective Care policy which was considered and

				addressed in EHRIA carried out in 2015
	Disability		√	Impact is no different from existing Cost Effective Care policy which was considered and addressed in EHRIA carried out in 2015
	Gender Reassignment		√	
	Marriage and Civil Partnership		√	
	Pregnancy and Maternity		√	
	Race		√	
	Religion or Belief		√	
	Sex		√	Impact is no different from existing Cost Effective Care policy which was considered and addressed in EHRIA carried out in 2015
	Sexual Orientation		√	
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	√		Carers: the Fair Outcomes Policy does not include the support that the Council provides to informal carers and the policy will not be applied directly to them. However, carers may be affected by decisions made under the policy that affect the person they care for.
	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	√		<p>Assessment and support planning always aims to reduce and manage risk and helps people to live safely and independently. The amount of funding allocated to meet a person's needs takes account of any risks identified.</p> <p>This includes situations where a vulnerable person needs to be safeguarded and where a protection plan is in place. The policy positively supports and upholds the right to life.</p>
Article 3: Right not to be tortured or treated in an inhuman or degrading way	√		<p>Using a cost effective service does not compromise on the quality of the care being provided, whether that is at home, at a day centre or in residential care. All care providers who have a contract with the Council have to meet the same quality standards, regardless of the cost of their services.</p> <p>Standards are upheld by regular contract monitoring and additional support is provided by the Quality Improvement Team.</p>
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	√		Impact is no different from existing Cost Effective Care policy which was considered and addressed in EHRIA carried out in 2015
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	√		The policy will be implemented by Adults and Communities staff in a

				fair and transparent manner. Staff will take account of protected characteristics when support planning and will make sure that personal budgets are appropriately tailored to individual needs and protected characteristics. People will also have recourse to the exceptions process as outlined above and have the right to make a complaint about any aspect of their contact with the Council.
Part 2: The First Protocol				
	Article 1: Protection of property/ peaceful enjoyment		√	
	Article 2: Right to education		√	
	Article 3: Right to free elections		√	
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;		√	
	b) any section of the community may face barriers in benefiting from the proposal		√	
13.	Based on the answers to the questions above, what is the likely impact of this policy			
	No Impact <input type="checkbox"/>	Positive Impact <input type="checkbox"/>	Neutral Impact <input checked="" 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. An EHRIA report is required to ensure feedback received from the proposed consultation is captured and addressed.				
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.

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| 15. | 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?

a) current needs and aspirations and what is important to individuals and |
|------------|--|

	<p>community groups (including human rights);</p> <p>b) likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights);</p> <p>c) likely barriers that individuals and community groups may face (including human rights)</p>
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?
<p>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.</p>	
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.														
	<table> <tr> <th></th><th>Comments</th></tr> <tr> <td>Age</td><td></td></tr> <tr> <td>Disability</td><td></td></tr> <tr> <td>Gender Reassignment</td><td></td></tr> <tr> <td>Marriage and Civil Partnership</td><td></td></tr> <tr> <td>Pregnancy and Maternity</td><td></td></tr> <tr> <td>Race</td><td></td></tr> </table>		Comments	Age		Disability		Gender Reassignment		Marriage and Civil Partnership		Pregnancy and Maternity		Race	
	Comments														
Age															
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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 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. 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.		
22.	Where there are potential barriers, negative impacts identified and/or barriers or	

	<p>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
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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.	<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>

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): Kate Revell

Date: 10/02/20.

2nd Authorised Signature (DEG Chair): Christine Collingwood

Date: 23/3/20