

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.

Please refer to the EHRIA [guidance](#) before completing this form. If you need any further information about undertaking and completing the assessment, 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:	Remodelling and re-procurement of the countywide integrated home care service from November 2021.
Department and section:	Adults and Communities, also contracting on behalf of West and East Leicestershire and Rutland Clinical Commissioning Groups.
Name of lead officer/ job title and others completing this assessment:	Gill Newton, Lead Commissioner – Domiciliary Care
Contact telephone numbers:	0116 3059216
Name of officer/s responsible for implementing this policy:	Gill Newton, Lead Commissioner – Domiciliary Care
Date EHRIA assessment started:	15/11/2019
Date EHRIA assessment completed:	TBC

Section 1: Defining the policy

Section 1: Defining the policy

You should begin this assessment by defining and outlining the scope of the 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 the policy? <i>What has changed and why?</i></p> <p>The Authority wishes to re-procure the commissioned home care services, the majority of which are currently being provided across the County via framework agreements established in November 2016.</p> <p>It is not proposed that the scope of overall service will change materially but the procurement will be based on new zones (currently referred to as lots), pricing and numbers of providers per zone, with the aim of improving the quality, sustainability, responsiveness and consistency, which in turn is intended to improve service user outcomes and satisfaction levels.</p> <p>The new service model and commissioning approach may result in a change in service providers for some customers but the implementation plan will be based on minimising disruption to customers and seeking to stabilise the local provider market and their workforce.</p> <p>As the service is intended for all adults over the age of 18 who require a home care service, service changes could affect both working aged and older adults in the community, who have eligible social care needs and people with acute illnesses, long-term physical or mental health conditions, people with dementia, physical or learning disabilities.</p> <p>The commissioned care and support services will be provided by Care Quality Commission (CQC) registered care providers, who have achieved the required quality standards of both CQC and the local authorities in which they currently operate.</p> <p>Care and support will be aimed at promoting the wellbeing and independence of service users and preventing, reducing or delaying the need for additional Health or Social Care services.</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>In line with Leicestershire County Council's (LCC) Adults and Communities Strategy 2020-24, this service has been designed to promote wellbeing and ensure that Service Users get the right level and type of support, at the right time, in order to help prevent, reduce or delay the need for ongoing support and maximise their independence.</p> <p>The health and care system across Leicester, Leicestershire and Rutland (LLR) is being transformed through the Better Care Together (BCT) partnership. The partnership includes NHS organisations working alongside local authorities and a range of independent, voluntary and community sector providers. The partnership aims to keep more people well and out of hospital; move care closer to home, provide care in a crisis and deliver high quality, specialist care. In the future health and care will be delivered in community settings, with all partners focused on reducing unnecessary admissions to hospitals and care homes, reducing delayed discharges from hospital and providing a much stronger platform of integrated wellbeing and preventative services.</p> <p>It is recognised that there is an expanding older persons' population with increasing health and social care needs which necessitates a new approach to commissioning services, shifting the focus from time and task activities, to the achievement of results through Person Centred planning and flexible service delivery.</p> <p>The core Home Care Service can include various types of care and support, based on a person-centred assessment of an individual's needs, which can help to maximise their independence, dignity wellbeing and ability to care for themselves, while recognising their individuality and personal preferences, providing support for their informal carers and recognising the rights of other family members.</p> <p>As well as aiming to support people to live as independently as possible, taking into account the views of service users, carers and professionals, the new service model is intended to create a more sustainable, flexible, reliable and good quality local care market, which is consistently available across the County, including areas where it is currently difficult to source care.</p>
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>The home care for Leicestershire services is intended to meet the eligible needs of adults aged 19 and over service users may also have needs resulting from physical ill health, functional mental illness, social isolation, visual impairment and/or general frailty due to ageing, as well as low or moderate levels of dementia.</p>

	<p>The potential impact of the procurement is upon everyone currently receiving commissioned home care services, other than those on a Direct Payment.</p> <p>Depending on the outcome of the procurement service users' care provider may change although as TUPE is likely to apply to all of the existing services the number of staff members actually changing is expected to be relatively low. The potential changes will be communicated to the users of the services prior to the tender being published in April 2021.</p> <p>This open procurement is required as the current service contracts are coming to an end in November 2021. By going to the open market, we are seeking to maximise value for money and identify providers who are able to deliver an up to date service specification based on clear quality standards, sector best practice and the Council's strategic objectives.</p> <p>Although the commissioned services from the new framework provider will be the offer for County Council customers on a managed service, they may still opt to take a direct payment and purchase their own care, but budgets will be based on the pricing of the commissioned services.</p> <p>The Home Care service has been designed to help service users optimise their independence at home and the intended change is to offer a service model focused on maximising wellbeing and independence, which operates more responsively across the county, including more remote rural areas where it can be more difficult to source care at home. Service users will be enabled to manage their own care wherever possible, improve their resilience to deal with issues in the future and improve their health and wellbeing outcomes.</p>												
4	<p>Will the 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> <table><tr><th></th><th>Yes</th><th>No</th><th>How?</th></tr><tr><td>Eliminate unlawful discrimination, harassment and victimisation</td><td>X</td><td></td><td>The County Council's Adults and Communities Strategy 2020-24 recognises that the Council serves a diverse population and supports all individual's rights to make decisions and choices about their accommodation. The home care framework agreement highlights the providers' legal obligations in terms of preventing unlawful discrimination, harassment and victimisation.</td></tr><tr><td>Advance equality of</td><td></td><td></td><td>The new service model aims to advance equality of opportunity</td></tr></table>		Yes	No	How?	Eliminate unlawful discrimination, harassment and victimisation	X		The County Council's Adults and Communities Strategy 2020-24 recognises that the Council serves a diverse population and supports all individual's rights to make decisions and choices about their accommodation. The home care framework agreement highlights the providers' legal obligations in terms of preventing unlawful discrimination, harassment and victimisation.	Advance equality of			The new service model aims to advance equality of opportunity
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Advance equality of			The new service model aims to advance equality of opportunity										

	opportunity between different groups	X		between different groups by ensuring that services are designed to support diverse populations, there is equality of opportunity in terms of accessing services and that care services improve outcomes for adults requiring care and support to remain independent in their own homes.
	Foster good relations between different groups	X		The service specification for the service being procured promotes social inclusion and supporting service users to actively engage and participate positively in their local communities and with their families and informal support networks, which in turn can help to foster good personal relationships between different groups.

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 a 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	The stakeholder engagement plan is being developed	
		See above	

		See above	
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?		
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?		
8.	<p>*If you answered 'no' to the questions above, please use the space below to outline either what consultation you are planning to undertake or why you do not consider it to be necessary.</p> <p>Engagement sessions will help to gather the views of users and carers regarding the challenges, opportunities and impact in relation to the potential changes of service and this information will help to design the mobilisation plan when implementing the service.</p> <p>Communication via letter will also be carried out to inform service users affected of any potential changes.</p> <p>With regards to the development of the new home care service we have considered the findings of reviews of / lessons from the implementation of the current home care service to identify areas for improvement, as well as research national customer and market insight in the design of the service model and specification, including i-statements developed with service user groups and feedback from customers and carers.</p> <p>Existing care providers are being kept informed of outline timescales for the procurement and are being engaged in the planned service re-design and procurement, as have providers in the wider market who may wish to provide services in Leicestershire within the scope of the new home care model.</p>		

Section 2

B: Monitoring Impact

9.		Yes	No
	Are there systems set up to:		
	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 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 the policy and describe any positive and negative impacts, including any barriers.
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	Yes	No	Comments
Age	X		<p>Home care services are intended for all adults aged 19 or over, while it should be noted that the majority of current service users are over the age of 65.</p> <p>Providers appointed to deliver the new home care services are required to adopt and maintain policies to comply with its statutory obligations under the Equality Act 2010 and any legislation relating to discrimination as modified or re-enacted and accordingly will not treat one group of people less favourably than another because of their age.</p>
Disability	X		<p>There is not expected to be an adverse impact on this community. The eligibility criteria for accessing home care services will mean that the needs of people with a disability or limiting life-long illness will be catered for within the service. The assessment of needs will include consideration of any aids, adaptations or technology which could be sourced to optimise individuals' independence within and outside their home. Everyone seeking to access home care services within Leicestershire will have their eligibility assessed using the principles and criteria of the Care Act.</p> <p>Data collected by ADASS and other national research sources recognises that many people have ongoing care needs as a result of disability, accident or illness.</p>

			<p>This home care service is focused on maximising the safety, independence and quality of life for adults with illnesses and disabilities by promoting accessible support for people in their own homes.</p> <p>This service is intended to improve choice and outcomes from individuals with disabilities. The appointed providers will be required to adopt and maintain policies to comply with its statutory obligations under the Equality Act 2010 and any legislation relating to discrimination as modified or re-enacted and accordingly will not treat one group of people less favourably than another because of their disability.</p>
	Gender Reassignment		X <p>The focus on achieving individual outcomes will support the equality of service delivery. The appointed providers will be required to adopt and maintain policies to comply with its statutory obligations under the Equality Act 2010 and any legislation relating to discrimination as modified or re-enacted and accordingly will not treat one group of people less favourably than another because of their gender.</p>
	Marriage and Civil Partnership		X <p>The service provided will continue to support the provision of services to individuals or couples, irrespective of their marital or partnership status.</p>
	Pregnancy and Maternity	X	<p>It is unlikely that the cohort of people in this group would be significantly affected by the proposed service change, however, the providers will be required to adopt and maintain policies to comply with their statutory obligations under the Equality Act 2010 and any legislation relating to</p>

				discrimination as modified or re-enacted and accordingly will not treat one group of people less favourably than another because of their situation regarding pregnancy or maternity.
	Race	X		<p>Fair Access to Care (FACS) criteria is designed to ensure fair access based on an assessment of need.</p> <p>The appointed providers will be required to adopt and maintain policies to comply with its statutory obligations under the Equality Act 2010 and any legislation relating to discrimination as modified or re-enacted and accordingly will not treat one group of people less favourably than another because of their race. As care and dignity needs may differ for different ethnic groups which may not be fully met by a standard service offer, providers will be asked to identify opportunities to meet these needs and therefore achieve equality of outcome.</p>
	Religion or Belief	X		<p>Religion is closely associated with the cultural and ethnic differences and all care provided for adults requiring home care support should have their religious and other beliefs respected. The aim of the service is to focus on individuals achieving their personal care and support outcomes in a way which respects their beliefs or religion. As noted with regard to race and ethnicity, care and dignity needs may differ for groups with different religions or beliefs, which may not be fully met by a standard service offer, so providers will be asked to identify opportunities to meet these needs and therefore achieve equality of outcome.</p>

				Ongoing monitoring will be required to ensure that the service is inclusive and accessible and service providers should be able to demonstrate how specific religious needs or requirements can be identified by an individual, so that the service they receive can accommodate these.
	Sex	X		This service aims to focus on achieving individuals' support needs and outcomes in a way which will support equality of service access and delivery, irrespective of sex.
	Sexual Orientation	X		The anticipated impact of the potential change of service provider is considered to be neutral. The service specification requires that providers take into account the needs and wishes of individuals with regard to their sexual orientation and that privacy and dignity must be maintained at all times. The service is intended to focus on achieving individuals' support needs and outcomes which will support equality of service delivery. Where appropriate this should include enhanced levels of care for members of the LGB+ communities who may have higher than average health and social care needs.
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	X		<p>The possible changes in service provider should not impact negatively on these groups.</p> <p>National evidence suggests that good quality home care can help to reduce levels of social isolation and loneliness. A person-centred approach to care and support planning can increase inclusion and give opportunities for developing and improving social relationships.</p>

				By considering carers' assessments and personalised home care can reduce carer strain for couples, families and informal care networks. The new service model incorporates payments to providers of enhancements on hourly rates for packages of care outside urban areas, as a means of attracting and retaining staff and increasing the reliability and responsiveness of home care services in more rural and isolated areas.
	Community Cohesion			The home care service will include a focus on maximising the use of local resources to promote a sense of wellbeing, connection, trust and belonging both within and across communities and groups. The service will link with and be supported by integrated health and social care teams and primary care networks, where these benefit individuals' health and wellbeing outcomes. With regards to community participation, personalised support plans can identify and facilitate participation in the community, links with community groups and associations.
11.	<p>Are the human rights of individuals <i>potentially</i> 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 the 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	
Article 3: Right not to be tortured or treated in an inhuman or degrading way	X		The delivery of service is underpinned by the Care Act duty to promote wellbeing and personal dignity. All commissioned services are expected to be delivered at an acceptable standard to maintain health and dignity. The service supports people to maintain living in a place of their choice and aims to make achievable the opportunity for people to die at home, if that is their wish.
Article 4: Right not to be subjected to slavery/ forced labour		X	
Article 5: Right to liberty and security	x		People's liberty will not be restricted under this model of care as there will be continued freedom as to how the care is delivered.
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		The service will continue to support people to remain independent in the setting of their choice and respect their personal dignity, autonomy and social relationships. Preserving independent living for longer supports most peoples' preference for pursuing their private and family life at home.
Article 9: Right to freedom of thought, conscience and religion		x	This model of service will continue to support and integrate service users into their communities and networks and therefore facilitate them practicing of their faith or beliefs.
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		The service is designed to ensure that the values and principles of adults with care and support needs living in and being supported in the community designed are respected and protected and that no particular groups are

				unintentionally or intentionally excluded or disadvantaged from accessing or benefitting from them.
Part 2: The First Protocol				
	Article 1: Protection of property/ peaceful enjoyment	X		By keeping people living independently at home for longer with the types of care and support offered by the Home Care for Leicestershire service, they are less likely to need to move to residential care or require admission to hospital.
	Article 2: Right to education		X	
	Article 3: Right to free elections		X	
Section 2				
D: Decision				
13.	Is there evidence or any other reason to suggest that:	Yes	No	Unknown
	a) the 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 the 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.				
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.

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.

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 the policy and to critically examine whether it is **likely** to have a positive or negative impact on different groups within our diverse communities. It should also identify any barriers that may adversely affect under-represented communities or groups that 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. | <p>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?</p> <ul style="list-style-type: none">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 effects 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, how have you further consulted with those affected on the likely impact and what 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?

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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 likely to 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 likely to apply to the 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	

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Section 3

C: Mitigating and Assessing the Impact

Considering 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.

NB:

i) If you have identified adverse impact or discrimination that is **illegal**, you are required to take action to remedy this immediately.

ii) If you have identified adverse impact or discrimination that is **justifiable or legitimate**, 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 impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.
- a) include any relevant research and consultation 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 the 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 the Digital Services Team via web@leics.gov.uk 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: 13/12/19

2nd Authorised Signature (DEG Chair): Christine Collingwood

Date: 24/02/20