

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:	Direct Payments Development Plan
Department and section:	Adults and Communities Commissioning and Quality
Name of lead officer/ job title and others completing this assessment:	Katie Joondan 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:	EHRIA screening began in autumn 2018
Date EHRIA assessment completed:	Completed following discussion at Adults and Communities Departmental Equality Group, 15 January 2019

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 Adults and Communities Department is developing a new plan and vision for how it manages direct payments and how it works with service users, carers and providers who utilise direct payments.</p> <p>The department has not previously had a written strategic direction for direct payments. The development plan sets the vision for the next 5 years with specific objectives to continue to improve the direct payments offer for service users, carers, staff and providers.</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 development plan relates to two key documents:</p> <p>1. Corporate Strategy Context – Leicestershire County Council's Strategic Plan 2018-2022</p> <p>'Working together for the benefit of everyone: Leicestershire County Council's Strategic Plan 2018-22' has been developed by the council by focusing on the things that will make life better for people in Leicestershire, including the partnerships needed to make these improvements happen.</p> <p>Five strategic outcomes describe the council's vision for people in the county:</p> <ul style="list-style-type: none"> a) Strong Economy: Leicestershire's economy is growing and resilient so that people and businesses can fulfil their potential. b) Wellbeing and Opportunity: The people of Leicestershire have the opportunities and support they need to take control of their health and wellbeing. c) Keeping People Safe: People in Leicestershire are safe and protected from harm. d) Great Communities: Leicestershire communities are thriving and integrated places where people help and support each other and take pride in their local area. e) Affordable and Quality Homes: Leicestershire has a choice of quality homes that people can afford. <p>Direct payments have relevance to all of these outcomes, as Leicestershire</p>

	<p>residents choosing a direct payment secure their wellbeing and safety through the services which they buy, whilst supporting businesses which provide those services, and potentially having support provided informally through community networks. There is also a link to housing, as many people are supported to live and remain in their own homes through a direct payment, which may pay for domiciliary (home) care or supported living services.</p> <p>2 Departmental Strategy Context – Promoting Independence, Supporting Communities: Our Vision and Strategy for Adult Social Care 2016-2020</p> <p>The department’s model for social care continues to focus on delivering the right support to the right person, at the right time, in the right place, and by the right partner. It aims to put the person at the centre, and to ensure that the support they receive can deliver the right outcomes and manage any risks appropriately.</p> <p>The strategic approach for service planning and delivery is well-embedded in the department; it seeks to prevent need through universal services and promoting wellbeing; reduce need through targeted interventions for those at risk; delay need through reablement, rehabilitation and recovery; and meet need by using a broad set of social resources to ensure affordability.</p> <p>These principles combine to form the authority’s strategy for promoting adults’ independence.</p> <p>The direct payments plan also aims to develop Integrated Personal Budgets in partnership with the local Clinical Commissioning Groups. An Integrated Personal Budget includes funding from a local authority and the NHS for social care and health needs. They aim to put in place a seamless approach to care, so that people and their families have the same experience of care and support, regardless of whether their care is funded by the local authority or the NHS.</p> <p>Introducing Integrated Personal Budgets will build on local experience in implementation of personal health budgets, which are broadly the health equivalent of direct payments. Personal health budgets are less well-developed in Leicestershire than direct payments but are expected to increase in importance as the NHS moves further towards personalised commissioning.</p>
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>In March 2018 there were 129,975 people in England in receipt of a direct payment. This represents 29% of people accessing long-term adult social care community services. The equivalent figure for Leicestershire County Council was 54%. This places the authority as the third highest of 152 councils nationally for direct payment take-up performance. The department is aiming to remain in the top quartile of all councils nationally for community based service users in receipt of a direct payment.</p> <p>In March 2018, 2,700 service users, carers and service user representatives in Leicestershire were utilising a direct payment, with 2,100 using a direct</p>

payment card. The direct payment card is the authority's preferred way to pay a direct payment, which operates in a similar way to normal debit cards except that money is transferred in advance to the direct payment card account by the department.

The people using direct payments are those service users and carers eligible for social care services. This service is in addition to providers who provide care to service users and carers.

The implementation of the plan will deliver benefits to the three main stakeholder groups as follows:

Service users:

- Choice and control
- Flexibility
- Buy new and innovative services
- High quality services
- Services in hard-to-reach areas

Providers:

- Develop business model
- Enhancing stability
- Grow customer base
- Deliver new and innovative services
- Beneficial for 3rd sector and micro-providers

Leicestershire County Council:

- Supports Strategic Plan
- Adds to choice in the market
- Enhances stability
- Good outcomes for service users
- Develops care models

The key, summarised outcomes for the development plan are to invest and build upon the good work that the authority has already done to:

- Get the personal budget solution right for the individual
- Grow and improve the authority's support for direct payments
- Ensure current and new service users understand the direct payment process
- Ensure a direct payment is the best option for existing direct payment users
- Provide an opportunity to work with existing direct payment providers to improve the market
- Increase consistency of staff practice across the county
- Assure quality
- Develop the data that the authority has available about direct payments and those providing services

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	X		One of the aims of the development plan is to ensure a consistent approach which will be delivered fairly. This will continue to ensure that people are not discriminated against.
	Advance equality of opportunity between different groups	X		Direct payments mean that service users and carers have choice and control over their care. This will enable more innovative care solutions which may enhance equality of opportunity.
	Foster good relations between different groups	X		Part of the vision of the strategy is to continue to develop current practice by introducing new documentation and procedures. This will help to ensure good relations by advocating a consistent approach to all direct payment users, carers and providers.

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

		Yes	No*
5.	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	
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?	X	
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;	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

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	X		<p>The strategy will enable a positive impact on the age characteristic. Direct payments issued by adult social care are available to all persons eligible for care over the age of 18. In some circumstances adult social care direct payments are available to people in transition from children's social care at age 17.</p> <p>A direct payment enables people to choose who or which organisation provides their care, and as this includes providers not on managed frameworks it may enable more person centred care that if required is suitable to the person's age.</p> <p>As of December 2018 of the 2,467 people receiving a direct payment, 935 were over 65 and 1,532 were in the 18-64 age category.</p>

			<p>Outcomes are specific to the person. Regardless of the person's age we meet their unmet outcomes if eligible. Likely outcomes for someone over 65 are going to differ from someone in early adulthood. There will be outcomes that fit all age groups (such as being clean and having access to food) and outcomes most likely to be in other age groups (such as accessing education or support to care for children).</p> <p>Leics CC operates a policy – Standard Additional Amounts – which details the maximum amount it can pay for some things through a Personal Budget. This is not age related and applies to all equally. The Indicative Budget calculator is not costed according to age. It is based on the cost of the equivalent council managed service averaged across the county.</p> <p>If the direct payment is for residential respite we would use the banded rates as the upper limit. The usual exceptions policy should be applied if the cost of the service through a direct payment is greater than the equivalent council managed service.</p>
	Disability	X	<p>The strategy will enable a positive impact on the disability characteristic. This is because the principles of the strategy will lead to promoting independence, utilising personal assets and assist with embedding a progression model. All of these will enable a support plan that is tailored to their individual needs and by having a direct payment they will be able to choose the way this plan is provided.</p> <p>As of December 2018 of the 2,467 people receiving direct payments, 455 of these had a primary need of mental health support, 1,212 of these had a primary need relating to physical support, and 646 had a primary need of learning disability support.</p> <p>Direct Payment Agreements and supporting guidance will be available in appropriate languages and methods in keeping with the need of the individual, for example in large print.</p>

Gender Reassignment	X		The strategy will enable a positive impact on the gender reassignment characteristic as service users and carers will be empowered with greater choice.
Marriage and Civil Partnership	X		The strategy will enable a neutral impact on the marriage and civil partnership characteristic. The strategy doesn't specifically target this group.
Pregnancy and Maternity	X		The strategy will enable a neutral impact on the pregnancy and maternity characteristic. The strategy doesn't specifically target this group.
Race	X		The strategy will enable a positive impact on the race characteristic. This is due to the additional options available to service users and carers to choose a culturally appropriate provider to meet their care needs.
Religion or Belief	X		The strategy will enable a positive impact on the race characteristic. This is due to the additional options available to service users and carers to choose a culturally appropriate provider to meet their care needs.
Sex	X		The strategy will enable a positive impact on the sex characteristic. This is because service users and carers will be able to choose a provider stating a specific gender which may not be available from a managed service.
Sexual Orientation	X		The strategy will enable a neutral impact on the sexual orientation characteristic. The strategy doesn't specifically target this group.
Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	X		The strategy will enable a positive impact on other groups. This is because the strategy aims to provide choice and control to everyone and therefore services can be delivered that are not on managed frameworks or have other restrictions. This is particular helpful in rural areas where there are fewer providers to choose from.
Community Cohesion	X		The strategy will enable a neutral impact on community cohesion. The strategy doesn't specifically target this group.

11.	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)		
	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]		
	Yes	No	Comments
Part 1: The Convention- Rights and Freedoms			
Article 2: Right to life		X	The direct payments development plan is predominantly a very positive strategy and plan to enhance the direct payments offer to eligible service users and carers and providers. This means that any adverse impact on the human rights of service users and carers is not expected.
Article 3: Right not to be tortured or treated in an inhuman or degrading way		X	
Article 4: Right not to be subjected to slavery/ forced labour		X	
Article 5: Right to liberty and security		X	
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	
Article 9: Right to freedom of thought, conscience and religion		X	
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	
Part 2: The First Protocol			
Article 1: Protection of property/ peaceful enjoyment		X	
Article 2: Right to education		X	
Article 3: Right to free elections		X	

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;		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 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"/>
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 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.

- 15.** 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)

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?
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.
	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 <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 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 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

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.** How will the recommendations of this assessment be built into wider planning and review processes?
e.g. policy reviews, annual plans and use of performance management systems

**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): *Katie Joondan*

Date: *16 January 2019*

2nd Authorised Signature (DEG Chair): *Kate Revell*

Date: *16 January 2019*