

# Equality and Human Right Impact Assessment: The Form



## EHRIA

**Aberdeen City Council**

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, **the word “proposal” refers to policy, strategy, plan, procedure, report or business case.** This then, embraces a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Please also refer to the “Completion Terminology” at the end of the form.

## 1:Equality and Human Rights Impact Assessment- Essential Information

<b>Name of Proposal:</b> Review of Social Work – Non Residential Charging Policy now called “Contributing to your care and support”	<b>Date of Assessment:</b> 7 May 2015										
<b>Service:</b> Business Management	<b>Directorate:</b> Education and Children’s Services										
<b>Committee Name or delegated power reference</b> (Where appropriate): Education and Children’s Services	<b>Date of Committee</b> (Where appropriate): 2 June 2015										
<b>Who does this proposal affect?</b>  Please Tick ✓	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Employees</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Job Applicants</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Service Users</td> <td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Members of the Public</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Other (List below)</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> </table>	Employees	<input type="checkbox"/>	Job Applicants	<input type="checkbox"/>	Service Users	<input checked="" type="checkbox"/>	Members of the Public	<input type="checkbox"/>	Other (List below)	<input type="checkbox"/>
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Job Applicants	<input type="checkbox"/>										
Service Users	<input checked="" type="checkbox"/>										
Members of the Public	<input type="checkbox"/>										
Other (List below)	<input type="checkbox"/>										

## 2: Equality and Human Rights Impact Assessment- Pre-screening

**Is an impact assessment required?**

Yes

No

**If No, what is the evidence to support this decision?**

(Once this section is completed, please complete section 8 of the form).

### 3: Equality and Human Rights Impact Assessment

**a- What are the aims and intended effects of this proposal?**

The main aims of reviewing the current Charging Policy and developing a new “Contributing to your care and support” policy is to ensure Aberdeen City Council has one fair and equitable policy for all and adheres to new Legislation in terms of Self Directed Support and updates the policy throughout accordingly in line with National Guidance and also includes uprated charging thresholds in line with DWP figures. These services support the personalisation agenda within Adult Social Care, promoting independence and supporting people to live at home.

**b- What equality data is available in relation to this proposal?**

(Please see guidance notes)

Equality data is available through the current client recording system as well as through the communication and engagement with service users, carers and their families through complaints, service take up and withdrawal of services as well as any appeals submitted. Data is collated and monitored and reviewed throughout all stages of the project initiation, implementation and once embedded to monitor and review.

Financial Modelling has also been completed as well as consideration of National Guidance.

Income streaming and equality monitoring processes (finance) to be in place ensuring correct financial codes are applied. Council in a better financial position, reduced need to outsource services, may be in a position to develop in house services. In house services may have requirement to be redesigned to enable purchasing of services by those individuals residing within local authority establishments

**c- List the outcomes from any consultation that relate to equalities and/or human rights issues e.g. with employees, service users, Unions or members of the public that has taken place in relation to the proposal.**

Engagement events have taken place with service users, carers and representative groups.

Public – Two engagement events on the proposals were held in June 2014 and were attended by service users, representatives of service user groups, voluntary sector organisations and providers of social care services.

These events consisted of a presentation and table discussions. The table discussions focused on the impact of the proposals on service users and the potential mitigation the Council could take.

The impact was felt to be:

- The potential that people may not access services if they think they may have to pay;
- The cumulative effect of a number of initiatives on individuals (many of them Government imposed reductions in income) and the additional financial impact of the introduction of charges for those who may not be paying for them at the moment;
- The charge and the rationale for it may not be easily understood by some of those affected;
- Cultural issues may lead some groups of service users not to want to make a financial disclosure. If they refuse a financial assessment, they may be financially worse off;
- The additional financial burden of a contribution, may lead to people making sacrifices in other areas which are detrimental for their wellbeing;
- If services are not taken because of the charge, this may place an additional burden on unpaid carers.

**Practical actions in order to mitigate any impact on individuals will include –**

1. To provide information to those affected clearly and in a way they understand, using various methods and ways of communicating.
2. Vary the communication according to the groups of service users we are engaging with.
3. Provide all service users with all the information needed to ensure informed decisions are made.
4. Try to ensure that all service users have a financial assessment or a re-assessment and highlight the advantages of having a financial assessment in order to prevent service users from potentially paying more than they can afford.
5. Promote ways that service users can seek support, advice and assistance (e.g. Welfare Rights, Citizens advice Bureau and external organisations etc)
6. Ensure that staff visiting the homes of service users who complete an assessment of needs and financial assessment are well trained and knowledgeable on the subject matter.
7. Produce a clear policy document, staff guidance and associated documentation in a way that is easy to read, understand and follow for all.
8. To ensure a strong communication strategy is in place with elected members to enable meaningful dialogue with constituents and to be comfortable and confident in holding media enquiries.
9. Clear guidance in the financial assessment process as to which benefits etc the Council will disregard.
10. Encouraging all carers to have their own carers assessment, to ensure that services provided to support the caring role are not included within the service users budget and therefore there is no contribution expected.

#### **d- Financial Assessment**

If applicable, state any relevant cost implications or savings expected from the proposal.

#### **Costs (£)**

Implementation cost

Projected Savings

In order to implement the Contributing to your Care and Support Policy a new financial assessment has been developed for all social work clients who come within scope of the new policy.

The contributing to your care and support policy is designed to be implemented with a zero impact on the anticipated level of income generated to the council, through charging for social care services. Until all of the financial assessments are completed for all service users affected by the introduction of the policy, we are unable to definitively state what the financial impact of the revised policy will be on individuals.

#### **e- How does this proposal contribute to the public sector equality duty: to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations?**

This report is consistent with the Service's 3 year Business Plan and the Council's 5 year Business Plan. The revision of the charging policy is needed to ensure its applicability to the National and Corporate Priorities for the personalisation of social care services.

There is a shared responsibility to deliver the new Contributing to Your Care and Support policy by the Adult Health and Social Care Partnership and Social Work Business Management Staff in Education and Children's Services - in

conjunction with Finance and Legal colleagues.

The introduction of the new contributing to your care and support policy has been assessed as a positive impact. It will apply regardless of whether an individual has their care services commissioned for them by the council or they are in receipt of an individual budget through Self Directed Support, bringing all service users in line under the same policy to ensure the public sector equality duty is met.

Services will be more accessible and person centred, increasing choice for individuals, encouraging the development and growth of services out with Aberdeen City Council to meet this developing and diverse need.

#### **f- How does this proposal link to the Council's Equality Outcomes?**

**This proposal links to the following equality outcomes, by producing and implementing a consistent and fair approach with the introduction of a new Charging policy "Contributing to your care and support".**

Clear, fast, reliable and accessible procedure to contact people and deal with complaints.

Effective customer service that is aware of the differences and requirements of different groups.

An increased proportion of council communication adheres to Accessible Information Guidelines.

Improved opportunities for people with protected characteristics to participate in public life.

Tangible results from an improved Community Planning Partnership working for more effective delivery.

Increased involvement by the private sector in community planning and equalities work.

People with protected characteristics have their social care needs met.

#### 4: Equality Impact Assessment - Test

**What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?**

<b>Protected Characteristic:</b>	<b>Neutral Impact:</b> Please √	<b>Positive Impact:</b> Please √	<b>Negative Impact:</b> Please √	<b>Evidence of impact and if applicable, justification where a '<i>Genuine Determining Reason</i>'* exists</b> *( see completion terminology)
<b>Age</b> (People of all ages)	√	√	√	People of all ages, care and support where needed the most, empowerment, security of jobs/choice. Medical conditions that do/do not get charged for services – consistency/monitoring
<b>Disability</b> (Mental, Physical, Sensory and Carers of Disabled people)	√	√	√	Care and support where needed the most, empowerment and more choice. Challenging behaviour as unaware/uninformed and lack of understanding due to potential communication issues.
<b>Gender Reassignment</b>				
<b>Marital Status</b> (Marriage and Civil Partnerships)		√		Financial Assessments will not take into account partners income
<b>Pregnancy and Maternity</b>				

## Equality Impact Assessment Test:

**What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?**

<b>Protected Characteristic:</b>	<b>Neutral Impact:</b> Please √	<b>Positive Impact:</b> Please √	<b>Negative Impact:</b> Please √	<b>Evidence of impact and if applicable, justification where a '<i>Genuine Determining Reason</i>'* exists</b> *( see completion terminology)
<b>Race</b> (All Racial Groups including Gypsy/Travellers)				
<b>Religion or Belief or Non-belief</b>	√	√	√	Training required enabling more understanding of religion/culture/race to improve services for all. Limited pool of staff and resources for people with varying religions/beliefs/race.
<b>Sex</b> (Women and men)				
<b>Sexual Orientation</b> (Heterosexual, Lesbian, Gay And Bisexual)				
<b>Other</b> (e.g: Poverty)	√	√	√	Poverty and isolation, Isolation, feeling empowered to attend or not to groups/services of choice. Small organisations, loss of business, staff and service users perception and decreased morale and motivation

## 5: Human Rights Impact Assessment Test

Does this proposal have the potential to impact on an individual's Human Rights? Evidence of impact and , if applicable, justification where the impact is proportionate

**Article 2 of protocol 1: Right to education**

Yes  No

Evidence:

**Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment**

Yes  No

Evidence:

<p><b>Article 6: Right to a fair and public hearing</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
<p><b>Article 8: Right to respect for private and family life, home and correspondence</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
<p><b>Article 10: Freedom of expression</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
<p><b>Article 14: Right not to be subject to discrimination</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>

<p><b>Other article not listed above, please state:</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>Evidence:</b></p>
<p><b>6: Assessment Rating:</b></p>	
<p><b>Please rate the overall equality and human right assessment</b> (Please see Completion terminology)</p>	<p> <input type="checkbox"/> <span style="color: red;">Red</span> <input type="checkbox"/> <span style="color: red;">Red</span> <span style="color: orange;">Amber</span> <input checked="" type="checkbox"/> <span style="color: orange;">Amber</span> <input type="checkbox"/> <span style="color: green;">Green</span> </p>
<p><b>Reason for that rating:</b></p>	<p>It is recognised and evident that there is a risk of negative impact existing and this risk may be removed or reduced by implementing the actions detailed within the action planning section.</p> <p>There is a further risk identified in terms of not implementing the new policy and the negative impact this has, which currently is an unfair and inconsistent approach to service users who either do or do not pay a contribution.</p>

## 7: Action Planning

**As a result of performing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?**

Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
<p>All Service Users who receive a chargeable care and support service may be affected by the proposals. As a result of the implementation of the new policy some service users may pay more or less than they do currently.</p>	<p>The amount someone is expected to pay will never be more than we think they can afford following an approved financial assessment process. The income to the Council will enable the continued investment in high quality services to ensure resources are targeted to those who need it most. The policy has been designed to be income neutral to the Council.</p>	<p>Kate MacKay</p>	<p>Ongoing</p>	<p>TBC</p>
<p>As part of the SPS programme a strategy is to be put in place for those who may feel at risk due to lack of confidence and knowledge of increased choice.</p>	<p>There may be a perception of services being withdrawn; this will require to be mitigated through stakeholder involvement and a good communication strategy. Media interest may exacerbate interest. Stakeholder involvement to continue to maintain relationships and build capacity. Carers may feel that the most vulnerable are being targeted to enable financial gain.</p>	<p>Kate MacKay</p>	<p>Ongoing</p>	<p>TBC</p>

Care packages and impact on Service Users	<p>Analysis of Care Packages as follows-</p> <ul style="list-style-type: none"> <li>• Number of noted increase/decrease to packages of care</li> <li>• Number of care and support packages stopped</li> <li>• Increase in number of carers assessments</li> <li>• Percentage increase of care and support packages in place</li> <li>• Referral rates</li> <li>• Review stages (3 months, 6 months, 9 months and 1 year)</li> </ul>	Trevor Gillespie	Ongoing	TBC
Financial Assessments and impact on Service Users	<p>Analysis of Financial Assessments as follows –</p> <ul style="list-style-type: none"> <li>• Increase/decrease in number of financial assessments</li> <li>• Percentage of new financial assessments undertaken to implement new policy</li> <li>• Impact of financial assessments on charging income</li> </ul>	Financial Assessment Team	Ongoing	TBC
	Ongoing Financial modelling and analysis in conjunction with Corporate Governance and systems colleagues.	CG colleagues	Ongoing	TBC
Lack of engagement and increased number of complaints by Service Users	Analysis of number and nature of complaints regarding financial assessments and amount of contribution levied.	Teresa Waugh	Ongoing	TBC

	<p>Stakeholder consultation/Feedback from staff and service users, families and carers (Survey Monkey/Questionnaires/Engagement Events/Training Sessions etc)</p> <p>Feedback from stakeholders including, voluntary sector organisations, providers of social care services and representatives of service user groups. The methods used will include information leaflets, visits to community groups, updated internet pages, social media (ACC twitter feed and Facebook) and relevant documentation available in various accessible formats.</p> <p>Involvement and consultation has taken place through Engagement Events held in June/July 2014 with service users, family members, carers, representatives of service user groups, voluntary sector organisations and providers of social care services. The sessions held were very informative and provided opportunities for a two way flow of information and communication, consisting of a presentation and table discussion. The outcomes have been used in the completion of this EHRIA form.</p>			
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## 8: Sign off

**Completed by (Names and Services) :**

Teresa Waugh & Kate MacKay – Education and Children’s Service

**Signed off by (Head of Service) :**

Sally Wilkins

Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal document and/or committee report to:

Equalities Team  
Customer Service and Performance  
Corporate Governance  
Aberdeen City Council  
**Business Hub 13**  
Second Floor North  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Telephone 01224 523039 Email [sandrab@aberdeencity.gov.uk](mailto:sandrab@aberdeencity.gov.uk)

## 9: Completion Terminology:

### Assessment Pre-screening Rating:

This section will highlight where there is the obvious potential for a negative impact and subsequent risk of negative media coverage and reputational damage to the Council. Therefore, a full impact assessment is required, for example around sensitive issues such as marching, Gypsy/ Traveller issues, change to social care provision. It should also be completed to evidence why a full impact assessment was not required, example, there is no potential negative impact on people.

### Assessment Rating:

After completing this document, rate the overall assessment as follows:

**Red:** As a result of performing this assessment, it is evident that we will discriminate (direct, indirect, unintentional or otherwise) against one or more of the nine groups of people who share *Protected Characteristics*. It is essential that the use of the proposal be suspended until further work or assessment is performed and the discrimination is removed.

**Red Amber:** As a result of performing this assessment, it is evident that a risk of negative impact exists to one or more of the nine groups of people who share *Protected Characteristics*. However, a genuine determining reason may exist that could legitimise or justify the use of this proposal and further professional advice should be taken.

**Amber:** As a result of performing this assessment, it is evident that a risk of negative impact exists and this risk may be removed or reduced by implementing the actions detailed within the *Action Planning* section of this document.

**Green:** As a result of performing this proposal does not appear to have any adverse impacts on people who share *Protected Characteristics* and no further actions are recommended at this stage.

<b>Equality Data:</b>	<p>Equality data is internal or external information that may indicate how the proposal being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> <li>1: Application success rates by <i>Equality Groups</i></li> <li>2: Complaints by <i>Equality Groups</i></li> <li>3: Service usage and withdrawal of services by <i>Equality Groups</i></li> <li>4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i></li> </ol>
<b>Genuine Determining Reason</b>	<p>Certain discrimination may be capable of being justified on the grounds that:</p> <ol style="list-style-type: none"> <li>(i) <i>A genuine determining reason exists</i></li> <li>(ii) <i>The action is proportionate to the legitimate aims of the organisation</i></li> </ol> <p>Where this is identified, it is recommended that professional and legal advice is sought prior to completing an Equality Impact Assessment.</p>
<b>Human Rights</b>	<p>The rights set out in the European Convention on Human Rights, as incorporated into the UK Law by the Human Rights Act 1998.</p>
<b>Legal Status:</b>	<p>This document is designed to assist us in “<i>Identifying and eliminating unlawful Discrimination, Harassment and Victimisation</i>” as required by <i>The Equality Act Public Sector Duty 2011</i>. An Equality Impact Assessment is not, in itself, legally binding and should not be used as a substitute for legal or other professional advice.</p>