

## Scottish Borders Health and Social Care Partnership



### Equality, Human Rights and Fairer Scotland Duty Impact Assessment – Stage 1 Proportionality and Relevance

Completion of the template below will give senior officers the confidence that the Equality Duty, the Scottish Specific Public Sector Equality Duties, Human Rights and the Fairer Scotland Duty have been considered at the beginning of and throughout the proposal development and that action plans are in place, where applicable, to; identify relevant stakeholders, undertake robust consultation to deliver a collaborative approach to co-producing the E&HRIA.

**What Integration Joint Board (IJB) report or Partnership decision does this proportionality and relevance assessment relate to:**

Scottish Borders HSCP Learning Disability Service Coming Home Programme

**Relevant protected characteristics materially impacted, or potentially impacted, by proposals (clients, customers, employees, people using services) indicate all that apply**

Age	Disability Learning Disability, Learning Difficulty, Mental Health, Physical Autism/Asperger's	Gender	Gender Reassignment	Marriage and Civil Partnership	Pregnancy and Maternity	Race	Religion and Belief (including non-belief)	Sexual Orientation
X	X		X			X		X

**Equality and Human Rights Measurement Framework – Reference those identified in Stage 1**

<b>Education</b>	<b>Work</b>	<b>Living Standards</b>	<b>Health</b>	<b>Justice and Personal Security</b>	<b>Participation</b>
Higher education Lifelong learning	Employment Earnings	Poverty Housing Social Care	Social Care Health outcomes Access to health care Mental health Palliative and end of life care*	Hate crime, homicides and sexual/domestic abuse Reintegration, resettlement and rehabilitation*	Political and civic participation and representation Access to services Social and community cohesion* Family Life*

\*Supplementary indicators

<b>Main Impacts</b>	<b>Are these impacts positive or negative or a combination of both</b>	<b>Are the impacts significant or insignificant?</b>
People with Learning Disability who are currently placed out of Scottish Borders due to lack of availability of appropriate support and accommodation or at risk of being placed out of area will return home.	Positive for individuals and their families returning to live/remaining in the Scottish Borders.	Significant

<b>Is the proposal considered strategic under the Fairer Scotland Duty?</b>	Yes
---	-----

<b>E&amp;HRIA to be undertaken and submitted with the report – Possibly for Project 1</b>	<b>Proportionality &amp; Relevance Assessment undertaken by:</b> Susan Henderson Planning and Development Officer 27 July 2023 Reviewed 4 Sept 2023
---	--

# Equality Human Rights and Fairer Scotland Duty Impact Assessment

## Stage 2 Empowering People - Capturing their Views



Scottish Borders HSCP Learning Disability Service Coming Home Programme

**(People with learning disabilities will continue to live and be supported in Scottish Borders)**

### Equality Human Rights and Fairer Scotland Impact Assessment Team

Role	Name	Job title	Date of IA Training
E&HR Service Specialist			
HSCP Senior Mgt Team Member	Simon Burt	General Manager Learning Disability and Mental Health	
Responsible Officer	Susan Henderson	Planning and Development officer	
Main Stakeholder (NHS Borders)	Peter Old	Assistant Team Manager	
Mains Stakeholder (SBC)	Douglas Ireland	Acting Group Manager Learning Disability and Mental health	
Third/Independent Sector Rep			
Service User			

## Evidence Gathering (will also influence and support consultation/engagement/community empowerment events)

Evidence Type	Source	What does the evidence tell you about the protected characteristics affected?
What equalities information is routinely collected from people currently using the service or affected by the policy?	MOSAIC and EMIS records Age, Gender, Disability (Learning)	Higher percentage of male population; spread of age from 14-55 (CHECK) Physical disabilities, neurodiversity,
Data on populations in need	National report Coming Home programme LD transitions tracker Scottish Borders Dynamic Support Register	Information on the Scottish Wide data is available here: <a href="#">Coming Home Implementation: report from the Working Group on Complex Care and Delayed Discharge - gov.scot (www.gov.scot)</a>
Data on relevant protected characteristic	Not collated locally	Embedding these into the recently implemented Dynamic Support register will result in collation of this data
Data on service uptake/access	Not applicable	Currently services are in development. Subject to future reporting.
Data on socio economic disadvantage	Financial assessments	18 years plus. All in receipt of welfare benefits. <a href="#">Coming Home Implementation: report from the Working Group on Complex Care and Delayed Discharge - gov.scot (www.gov.scot)</a>
Research/literature evidence	Coming Home Report Coming Home Implementation report	Health inequalities add in SCLD info reports <a href="#">Coming Home Implementation: report from the Working Group on Complex Care and Delayed Discharge - gov.scot (www.gov.scot)</a>
Existing experiences of service information	Winterbourne review; service user family feedback;	Negative experience living far from families; restrictive practices; living in hospital when ready for discharge
Evidence of unmet need	Service referrals; dynamic support register; transitions tracker	People with learning disability and very complex support needs right to be accommodated and live near their families and loved ones is infringed.
Good practice guidelines	no	
Other – please specify		

Risks Identified	<a href="#">Coming Home Implementation: report from the Working Group on Complex Care and Delayed Discharge - gov.scot (www.gov.scot)</a>	Breach people’s human rights by detaining them in hospital longer than necessary; Legal action due to failure to comply (Check coming home report); infringing people’s rights to choose support, where they live; Families increased costs due to travelling – a negative impact on the Fairer Scotland Duty (socioeconomic impacts)
Additional evidence required		

## Consultation/Engagement/Community Empowerment Events

### Event 1 – conversations with families impacted

Date	Venue	Number of People in attendance by category*	Protected Characteristics Represented
Various dates in 2023	Individual homes	7 families	Learning Disability; Age;

Views Expressed	Officer Response
Will improve family life by having people closer to family homes.	To gather views from families and evaluate following the move home to Scottish Borders.
Person centered support is essential	Packages of support will be tailored to each person to involve all important people in that person’s life, including fostering good relationships with new neighbours and building links in their communities to enhance and sustain their community presence.
Some anxiety if the support breaks down – what then?	Learning disability service to support the support team and each individual in their new accommodation.
Some people would like to be involved in group family meetings	Meetings to be arranged from end September onwards

## Event 2 – work with Live Through friends (LTF)

Date	Venue	Number of People in attendance by category*	Protected Characteristics Represented
During 2023	MS teams meetings; in person workshops	3-12	Learning Disability, Age

Views Expressed	Officer Response
<p>LTF currently providing guidance and support to Learning Disability service, individuals, families and co-opting Studio 3 to support robust support planning.</p> <p>Good life planning gathers information to build robust support packages.</p> <p>LTF told us this approach has worked well for other people.</p>	<p>Member of the learning disability service will gather the learning gained from the Good Life Planning approach to share with wider learning disability team to influence and inform future approaches, planning and commissioning.</p>

## Event 3 – Conversation with AVATAR

Date	Venue	Number of People in attendance by category*	Protected Characteristics Represented
7/9/23	Conversation with AVATAR	1	Learning disability; autistic people

Views Expressed	Officer Response
<p>Agrees that person centered approach is appropriate and would welcome further conversation when we plan the larger supported housing project.</p>	<p>Will include AVATAR in consultation when moving onto the larger supported housing project and in future learning disability consultations.</p>

# Equality, Human Rights and Fairer Scotland Duty Impact Assessment

## Stage 3



### Analysis of findings and recommendations

**Report Title** - Scottish Borders HSCP Learning Disability Service Coming Home Programme

**Please detail a summary of the purpose of the proposal being developed or reviewed including the aims, objectives and intended outcomes**

The 2018 Scottish Government report, “Coming Home: A Report on Out-of-Area Placements and Delayed Discharge for People with Learning Disabilities and Complex Needs” concluded that all adults with learning disabilities, including those with complex needs, should experience meaningful and fulfilled lives close to home. There is an urgent need to address this and an expectation that this should be achieved by March 2024. Scottish Government will be monitoring Health & Social Care Partnerships progress in achieving these strategic aims. This is called the “Dynamic Support Register”. Locally, we have developed the “Coming Home Programme” which will oversee the development of services for those in scope.

A future funding model in the IJB between NHS Borders and Scottish Borders Council will require to be developed to support this going forward.

A funding gap needs to be filled to achieve these projects.

**Equality Act 2010 – Relevant Protected Characteristics as identified in Stage 1 or during Stage 2** (include none identified at this stage)

<b>Protected Characteristic</b>	<b>Equality Duty</b>	<b>What impact and or difference will the proposal have</b>	<b>Measures to evaluate/mitigating actions</b>
Age	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	None identified at stage	
	Advancing equality of opportunity	Adults carers will be closer to their adult children and their ability to continue to have a relationship will be enhanced.	Evaluate the impact on family carers 1 year on.
	Fostering good relations by reducing prejudice and promoting understanding	None identified at stage	
Disability	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	People with a learning disability and complex needs will no longer be accommodated and supported in inappropriate out of area placements.	People currently accommodated outwith, or at risk of being accommodated outwith will return to/remain in Scottish Borders or and reported through the Dynamic Support register.
	Advancing equality of opportunity	People with a learning disability and complex needs will be appropriately supported in area of their choice.	Reporting on success through Dynamic Support Register.
	Fostering good relations by reducing prejudice and promoting understanding	The engagement of 'LivesThroughFriends' will enable conversations to take place in the local community as part of the new approach adopted to deliver positive and sustainable neighbourly / community relationships.	Measured through individuals being actively engaged in their local communities and evidence of natural friendships and networks outside of support arrangements.
Gender Reassignment	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	The engagement of 'LivesThroughFriends' will enable conversations to take place in the local community as part of the new approach adopted to deliver positive and sustainable neighbourly / community relationships.	Measured through individuals being actively engaged in their local communities and evidence of natural friendships and networks outside of support arrangements.



	Advancing equality of opportunity	None identified at stage	
	Fostering good relations by reducing prejudice and promoting understanding	The engagement of 'LivesThroughFriends' will enable conversations to take place in the local community as part of the new approach adopted to deliver positive and sustainable neighbourly / community relationships.	Measured through individuals being actively engaged in their local communities and evidence of natural friendships and networks outside of support arrangements.
Marriage and Civil Partnership	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	None identified at stage	
	Advancing equality of opportunity	None identified at stage	
	Fostering good relations by reducing prejudice and promoting understanding	None identified at stage	
Pregnancy and Maternity	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	None identified at stage	
	Advancing equality of opportunity	None identified at stage	
	Fostering good relations by reducing prejudice and promoting understanding	None identified at stage	
Race	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	None identified at stage	
	Advancing equality of opportunity	None identified at stage	
	Fostering good relations by reducing prejudice and promoting understanding	None identified at stage	

Religion & Belief including non-belief	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	The engagement of 'LivesThroughFriends' will enable conversations to take place in the local community as part of the new approach adopted to deliver positive and sustainable neighbourly / community relationships.	Measured through individuals being actively engaged in their local communities and evidence of natural friendships and networks outside of support arrangements.
	Advancing equality of opportunity	None identified at stage	
	Fostering good relations by reducing prejudice and promoting understanding	The engagement of 'LivesThroughFriends' will enable conversations to take place in the local community as part of the new approach adopted to deliver positive and sustainable neighbourly / community relationships.	Measured through individuals being actively engaged in their local communities and evidence of natural friendships and networks outside of support arrangements.
Gender (Sex)	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	None identified at stage	
	Advancing equality of opportunity	None identified at stage	
	Fostering good relations by reducing prejudice and promoting understanding	None identified at stage	
Sexual Orientation	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	The engagement of 'LivesThroughFriends' will enable conversations to take place in the local community as part of the new approach adopted to deliver positive and sustainable neighbourly / community relationships.	Measured through individuals being actively engaged in their local communities and evidence of natural friendships and networks outside of support arrangements.
	Advancing equality of opportunity	None identified at stage	
	Fostering good relations by reducing prejudice and promoting understanding	The engagement of 'LivesThroughFriends' will enable conversations to take place in the local community as part of the new	Measured through individuals being actively engaged in their local communities

		approach adopted to deliver positive and sustainable neighbourly / community relationships.	and evidence of natural friendships and networks outside of support arrangements.
--	--	---	---

**Equality and Human Rights Measurement Framework Human– Reference those identified in Stage 1 (remove those that do not apply)**

Article	Enhancing or Infringing	Impact and or difference will the proposal have	Measures to evaluate/mitigating actions
Education	Higher education and lifelong learning	People will be given the opportunity to learn new skills.	Support plans; participation in activities
Work	Employment Earnings	People will be given the opportunity to learn new skills, may gain access to volunteering opportunities and or supported employment where applicable.	Measure through support plans and local employment statistics.
Living Standards	Poverty Housing Social Care	Adult carers will have reduced travel costs. People will have security of tenure in housing in Scottish Borders.	Maintenance of tenancies
Health	Social Care Health outcomes Access to health care Mental health Palliative and end of life care*	Enhanced models of support will be developed to support these individuals. Close health monitoring between Learning Disability service and Primary Care will improve people's health and wellbeing.	Number of people receiving health checks
Justice and Personal Security	Hate crime	Reduce potential incidence of hate crime due to fostering good relationships in neighbourhoods and local communities.	Number of incidences reported. Invite local safer communities team to participate in families and staff meetings.
Participation	Political and civic participation and representation Access to services Social and community cohesion* Family Life*	People will live closer to families and participate in family and community life	Measured by meaningful connections being made following transition to new support arrangements.

**Fairer Scotland Duty**

Identify changes to the strategic programme/proposal/decision to be made to reduce negative impacts on equality of outcome and or improving health inequalities	We need to further explore the Good Life planning process with 'Lives Through Friends' to embed into future planning and commissioning approaches.
Identify the opportunities the strategic programme/proposal/decision provides to reduce or further reduce inequalities of outcome and or improving health inequalities	We are currently unable to support this cohort of individuals to return to /continue to live successfully in Scottish Borders, close to family and able to participate in community life.

**Are there any negative impacts with no identified mitigating actions? If yes, please detail these below: Not applicable**

### **Equality, Human Rights & Fairer Scotland Duty Impact Assessment Recommendations**

What recommendations were identified during the impact assessment process:

Recommendation	Recommendation owned by:	Date recommendation will be implemented by	Review Date
Embed further data collection into the Dynamic Support register	Susan Henderson ( Planning and development Officer)	September 2023	September 2024
Meet with AVATAR	Susan Henderson ( Planning and development Officer)	March 2024	March 2025
Collate and report on measurements	Susan Henderson ( Planning and development Officer)	March 2024	March 2025
Set up families meetings	Susan Henderson ( Planning and development Officer)	September 2023	April 2024

### **Monitoring Impact – Internal Verification of Outcomes**

How will you monitor the impact this proposal affects different groups, including people with protected characteristics?

Bi-monthly report to Coming Home Programme Board  
Update report to Integration Joint Board  
Scottish Borders Equality Outcomes and Mainstreaming Report

#### **Procured, Tendered or Commissioned Services (SSPSED)**

Is any part of this policy/service to be carried out wholly or partly by contactors and if so, how will equality, human rights including children's rights and the Fairer Scotland duties be addressed?

Not a route identified at this time

#### **Communication Plan (SSPSED)**

Please provide a summary of the communication plan which details how the information about this policy/service to young people, those with a visual or hearing sensory impairment, difficulty with reading or numbers, learning difficulties or English as a second language will be communicated.

Members and IJB briefing papers.  
Easy read  
Families meetings

#### **Signed Off By**

**Name: Strategic Lead Simon Burt, General Manager Learning Disability and mental health**

**Date: 12-09-23**