

## **City of York Council and Centre for Applied Human Rights Human Rights and Equity Analysis Tool (HREAT)**

An Equity Analysis Tool is an evidence-based approach designed to help organisations ensure that any Policy, Criterion or Practice (PCP), is fair and does not create barriers to participation or disadvantage any protected groups from participation. This covers both strategic and operational activities.

City of York Council (CYC) combines this approach with York's commitment as a Human Rights City to produce a Human Rights and Equity Analysis Tool (HREAT).

This document enables CYC to evidence its legal duty to give 'due regard' to those with protected characteristics under the Equality Act and consider Human Rights at the same time.

Whether a HREAT is needed or not will depend on the likely impact that a PCP may have and relevance of the activity to Equity and Human Rights.

The HREAT should be started when the need for a new PCP is first identified, or when an existing one is reviewed. It is essential to continue to update the HREA during the life of the PCP, as and when new information is learned. It is not complete until the PCP is complete.

Non-discrimination is a minimum standard. The development of the HREAT should prompt critical discussion and highlight disproportionate impacts.

Balancing residents' rights and CYC duties can be very complex and sometimes there will be no 'win-win', so compromises or mitigations may need to be identified to ensure the best outcomes.

Finally, the value in a HREAT is in both the short and long term, by investing in this process CYC will create robust, meaningful, and empowering policies that are more likely to stand the test of time.

## Who is submitting the proposal?

<b>Directorate</b>	Adult Social Care and Integrated Commissioning		
<b>Service Area</b>	Adult Social Care and Integration		
<b>Name of proposal</b>	Occupational Therapy and Social Worker Contract – Waiting lists		
<b>Lead Officer</b>	Anne Howgate (Assistant Director Access, Prevention & Improvement)		
<b>Date Assessment Started</b>	13/05/2026		
<b>Date Assessment Completed</b>	14/05/2026		
<b>Names of those who contributed to the assessment</b>			
<b>Name</b>	<b>Job Title</b>	<b>Organisation</b>	<b>Area of Expertise</b>
Sara Storey	Corporate Director Adult Social Care & Integration	City of York Council	Adult Social Care
Mark Woolford	Category Manager – Commercial Procurement Team	City of York Council	Procurement
Anna Wooding	Senior Lawyer Legal Services	City of York Council	Law
Rumayna Warren	Principal Accountant Corporate services	City of York Council	Finance

## Step 1 – Aims and intended outcomes

1.1	<b>What is the purpose of the proposal</b>
	<p>Please explain your proposal in plain English avoiding acronyms and jargon. Consider using Age 9 English.</p>
	<p>Adult Social Care currently have a waiting list for Care Act assessments, including initial assessments, carers assessments, safeguarding investigations, Deprivation of Liberty Safeguard (DoLS) authorisations, occupational therapy assessments, sensory assessments, financial assessments, and reviews. This proposal is intended to address the waiting list, ensuring the service is assessing individuals in a timely manner and taking every opportunity to prevent, reduce and delay the need for adult social care.</p> <p>This proposal requests a decision to award an external contract to appoint a supplier following the completion of a framework mini-competition exercise.</p> <p>The Care Act 2014 places a statutory duty on the council to undertake assessments and reviews for residents of York who have an appearance of need. The act is silent on timescales and waiting lists, leaving the judgement about appropriate timescales for the most part to local authorities to decide. The recent CQC report however identified waiting times as a challenge that does need to be resolved, and this was an issue raised as part of the s50 notification made to the Secretary of State.</p> <p>The council was assessed as failing to deliver one or more aspects of the following duties to an acceptable standard: - assessment of needs; carers assessment; determination of eligibility; care and support planning; market shaping and sustainability; preventing needs for care and support; promoting wellbeing; cooperation between authorities; prevention; promoting wellbeing; safeguarding enquiries.</p> <p>The council's overall aims are:</p> <ul style="list-style-type: none"> <li>• to reduce delays and improve timescales for assessments and plans for new people</li> <li>• to increase capacity to pro-actively and more frequently review existing people</li> <li>• to reduce failure demand associated with reactive responses and delays</li> <li>• to develop and apply strengths based and preventive approaches to reduce the level of needs</li> </ul>

- to develop new models of triaging and managing initial enquiries/referrals for/from adults to reduce the number of people who require full assessment
- to better support carers who are providing informal care.

The council has a statutory duty to deliver best value (the optimum combination of efficiency, effectiveness quality of outcomes) and economy. CYC through this programme of assessments can identify a reduction to the number of people requiring a full assessment and also reduce the total long term spend on care and support.

## 1.2 Are there any external considerations?

Legislation / government directive / codes of practice etc.

Yes. The proposal is informed by:

National legislation:

The Care Act 2014 - the local authority must carry out a needs assessment for adults who have an appearance of care and support needs. Similarly, under section 10 Care Act 2014 the local authority must carry out a carer's assessment for carers with an appearance of support needs. Care and plans produced as a result of both type of assessment must be produced in a timely fashion. Needs and care's assessments must include the impact of the person's needs on their wellbeing; detail the outcomes they wish to achieve and whether the provision of care and support could contribute to achieving those outcomes. Needs and carer's assessments must also consider whether the adult or carer would benefit from the provision of information or advice or preventative services, facilities or resources to reduce needs or prevent deterioration.

Other relevant legislation and policy:

- Mental Capacity Act 2005
- The Equality Act 2010
- The Human Rights Act 1998
- Compliance with Care Quality Commission (CQC) regulation.

Local policies and strategies:

- City of York Council Plan 2023-2027
- Adult Social Care Strategy 2025-2028
- York Carers Strategy 2026-2032

**1.3 Who are the stakeholders and what are their interests?**

Consider both internal and external stakeholders.

**Stakeholders:** Adult Social Care, All directorates in CYC, Voluntary and Community and Social Enterprise Organisations (VCSE), Residents of York.

**Interests:** The residents of York with an appearance of care or support needs who have contacted CYC Adult Social Care are currently waiting for an assessment. While they wait, they may not have access to the vast VCSE network available in York and their needs could be growing, resulting in reduced independence and wellbeing. Increased financial burden to on CYC to meet increased need.

## 1.4 What results / outcomes do we want to achieve and for whom?

Explain what outcomes you want to achieve for stakeholders, staff and the wider community. Demonstrate how the proposal links to the Council Plan (2023- 2027) and other corporate strategies and plans. Highlight how the proposal meets the objectives of Equalities, Affordability, Climate and Health.

### For people and carers

- Earlier access to information and advice, strength-based assessment and appropriate support
- Increased choice and control over their life with support that promotes independence
- Improved health and wellbeing

### For services

- Reduced reactive response to urgent need
- Improved opportunity to find creative solutions, taking an Occupational therapy lens to assessment
- Compliance with statutory responsibilities
- Financial resilience through preventing, reducing and delaying the need for care and support.

The proposal supports the Council Plan (2023–2027), particularly objectives relating to health and wellbeing, equality, affordability and prevention. It supports the Adult Social Care Strategy (2025-2028), particularly its commitment to valuing carers, working together with people with lived experience and improved joint working. It supports the Joint Health and Wellbeing Strategy (2022-2032) and its objectives to improve people’s health and wellbeing at all stages of life and make health fairer.

## Step 2 – Resources utilised

3.1	<b>What sources of data, evidence and consultation feedback have you used to help understand the impact of the proposal on equality rights and human rights?</b>	
	Please consider a range of sources, including consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
	<b>Source of data / supporting evidence</b>	<b>Reason for using this source</b>
	CQC assessment published December 2025	The assessment incorporated evidence from people, partners and staff in formulating an opinion on how adult social care are currently performing. This led to a s.50 notification and a government appointed Adviser from the Department of Health and Social Care.

### Step 3 – Screening the impacts or effects.

3.1

#### Equality-related obligations derive from the Equality Act of 2010 and the Human Rights Act of 1998.

Once you have engaged with stakeholders you will need to identify how this proposal impacts on their human rights and equalities.

Although the table below one looks complex, its purpose is to facilitate an initial screening of equalities and human rights impacts of your proposal. Many human rights and equalities will not be affected by the decision you are seeking Executive or Council approval for and so can be left blank. The aim here is to identify pressure points regarding human rights and equalities that require attention.

Please see the Appendix for details of the protected characteristics and human rights to consider

The rights listed below in the first column are the relevant ones from the Human Rights Act, and the York Human Rights City Network Indicator Report (non-discrimination, education, health and social care, housing, a decent standard of living). The human rights in the Indicator Report were selected by residents of York as their priority rights. In the first row the protected characteristics under the Equality Act are listed, to which 'Everyone' has been added to capture impacts that affect everyone without distinction.

ANNEX A

Step 3.1 Table 1 – Screening the impacts or effects

Equalities Human Rights	Everyone	Age including financial, digital exclusion impacts	Disability Including financial, digital exclusion impacts	Gender	Gender reassign- ment Including Trans, Non- binary, Intersex	Marriage and civil partnership	Pregnancy and maternity	Race	Religion and belief	Sexual orientation	Carers inc financial, digital exclusion impacts	Low- income groups inc financial, digital exclusion impacts	Veteran, armed forces community	Those with experience of Care
Right to life*														
Prohibition of torture*														
Prohibition of slavery and forced labour*														
Right to liberty, movement and security (including freedom of movement)***														
Right to a fair trial*														
No punishment without law*														
Right to private and family life***	✓	✓	✓								✓	✓		
Freedom of thought, conscience, and belief***														
Freedom of expression***														
Freedom of assembly***														

**ANNEX A**

<b>Right to marry***</b>														
<b>Right to property***</b>														
<b>Right to education***</b>														
<b>Right to free elections***</b>														
<b>Right to housing***</b>														

Copyright © 2025

## Step 3.2 Table 2 – Assessing the impact of your proposal

Here you will need to record the details on all the impacts identified for both Human Rights and those with Protected Characteristics.

Where you have identified an impact on a protected characteristic / human right in the table above, please indicate whether this is positive or negative and give a description of this impact. If you run out of rows, please add as necessary.

### **Rights clashes and restrictions**

Where rights clash or are being restricted, you will need to explain how the decision has been taken, that the limitation on human rights is provided by law, for a legitimate purpose (justified), and proportionate (the minimum necessary restriction on rights).

First, think about what equalities or rights might be engaged by the proposal, and describe the likely impact of the proposal, and provide an evaluation.

Use the following questions to inform your responses if human rights or equalities are limited or qualified in any way:

- Why are a person's rights being restricted?
- What is the problem being addressed by the restriction on someone's rights?
- Will the restriction lead to a reduction in the problem?
- Does that restriction involve a blanket policy, or does it allow for different cases to be treated differently?
- Does a less restrictive alternative exist?
- Has sufficient regard been paid to the rights and interests of those affected?
- Do safeguards exist against error or abuse?

**Table 2**

<b>Characteristic or Human Right affected</b>	<b>Positive or Negative impact</b>	<b>Impact Description</b>	<b>Evaluation or justification</b>
Age	positive	Improved access to assessment and appropriate support for all adults	Proportionate and preventative
Disability	positive	Improved access to strength-based assessment, preventing, reducing and delaying the need for care and support	Improved outcomes and preventative
Carers	positive	Improved access to assessment and appropriate support that enables carers to balance caring responsibilities with own aspirations	Improved outcomes
Right to private and family life	positive	Promotes independence and maintains the importance of relationships with family and friends	Enhances rights.
Everyone	positive	Improved access and outcomes for all through earlier access to advice and guidance, assessment, care and support	Improved outcomes

## Step 4 – Gaps in data and knowledge

4.1	<b>What are the main gaps in information and understanding of the impact of your proposal?</b>		
	<p>When conducting your screening, you may have discovered gaps in data or knowledge that make it difficult to assess whether your proposal had a positive or negative impact on human rights/equalities.</p> <p>Please indicate actions you will take to resolve this gap.</p> <p>As your proposal progresses you may be able to resolve this knowledge gap –please indicate when it was resolved.</p>		
	<b>Gaps in data or knowledge</b>	<b>Action to deal with this</b>	<b>Date resolved</b>
	People who are not known to adult social care	Improved partnership work to identify people with characteristics who are likely to require support in the future to offer information and advice early intervention and prevention	Ongoing

## Step 5 - Maximising positive impacts

5.1	<b>What has been done to optimise opportunities to advance equality / human rights or foster good relations?</b>		
	<p>Monitoring the existing waiting lists to understand risk and seek to allocate within existing teams. The introduction of the external contract will enable all people to be assessed and supported within a 6 month timeframe allowing opportunity to prevent, reduce and delay the need for care. Pilots are in place to change the approach to people who are new to adult social care.</p>		

## Step 6 – Recommendations and conclusions of the assessment

6.1	<b>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision.</b>	
	<b>Important:</b> If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column. There are four main options you can take:	
	<b>No major change to the proposal</b>	The HREAT demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality / human rights and foster good relations, subject to continuing monitor and review.
	<b>Adjust the proposal</b>	The HREAT identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
	<b>Continue with the proposal (despite the potential for adverse impact)</b>	You should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations
	<b>Stop and remove the proposal</b>	If there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.
<b>Option Selected</b>	<b>Conclusion / justifications</b>	
<b>No major change to the proposal</b>	The HREAT demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality / human rights and foster good relations, subject to continuing monitor and review.  The proposal will have a positive impact, promoting equality and human rights.	

## Step 7 – Summary of agreed actions resulting from the assessment

7.1	<b>What action, by whom, will be undertaken as a result of the impact assessment.</b>			
	List below the actions or mitigations that have been identified and who will be responsible to carrying them out. Add as many lines as you need.			
	<b>Impact / Issue</b>	<b>Actions to be taken</b>	<b>Person Responsible</b>	<b>Timescale</b>
	People not known to adult social care	Engagement with VCSE and partner agencies	Anne Howgate	August 2026

## Step 8 - Monitor, review and improve

8.1	<b>How will the impact of your proposal be monitored and improved upon going forward?</b>			
	Consider how will you identify the impact of activities on protected characteristics, other marginalised groups and human rights going forward? How will any learning and enhancements be capitalised on and embedded?			
	<p>Quality assurance processes will be in place to ensure that the contract delivers in line with legislation and promotes human rights.</p> <p>To test approach, compliance with criteria and to understand outcomes for people a small number of assessments will be sent to the awarded contract initially. If desired outcomes are not achieved there will be no commitment to continue sending. All opportunities to adapt and learn will be shared across all adult social care to promote equality and human rights.</p>			

## Appendix

### Equity, Diversity & Inclusion (EDI): Protected characteristics

Under the public sector duties introduced by the Equality Act 2010 public bodies must have due regard for the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act, such as the failure to make reasonable adjustments for disabled people
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

These duties relate to the nine protected characteristic groups defined by the Equality Act 2010 (outlined in the table below).

The Council recognises that a person's socio-economic background and whether they live in a rural or urban location can be important factors in determining fair access to services, employment and treatment. When carrying out analysis, you must also consider socio-economic issues and rural / urban location issues. In addition to the nine protected characteristic the HREAT includes the following equality groups:

- Carers
- Low income groups
- Veterans, armed forces community
- Experience of care/Other (other groups that are impacted)

### Human rights differ from equalities in two main ways:

- First, human rights apply to everyone and not just groups with protected characteristics.
- Second, they allow for the balancing of rights, priorities, and risks. Many rights are not absolute and can be limited or qualified in particular circumstances.

The following guidance identifies which rights are most likely to be engaged by proposals in certain policy areas. This doesn't mean that you should not consider whether other rights might be engaged.

## Three types of human rights

There are three types of human rights in the Human Rights Act:

- **Absolute rights** – cannot be breached in any circumstances e.g. right to life and to protection from torture and inhuman or degrading treatment.
- **Limited rights** – can only be restricted in specific situations e.g. a person can be deprived of their liberty if they are convicted of an offence and imprisoned.
- **Qualified rights** – human rights can be restricted if it is in the interests of the wider community or to protect other people’s rights e.g. freedom of movement and assembly were restricted during the Covid-19 pandemic in the interests of public health.

As limited and qualified rights are not absolute, they sometimes have to be balanced in decision making. In Table 1, absolute rights are indicated with an \*; limited rights with a \*\*; and qualified rights with a \*\*\*.

Right	Description <sup>1</sup>	Focus Area
		•
		•
		•
		•
		•

---

		•
		•
		•
		•
		•
		•
		•
		•

<sup>1</sup> The wording of each description box has been adapted from the following sources: [Equality and Human Rights Commission](#) or [British Institute for Human Rights](#).