

Equality screening and Full Impact Assessment template

Name of a policy / procedure / function / project: Deprivation of Liberty Safeguards (DoLS)

Date: 26/05/10

Carried out by:

Name	Role
Keith Evans	Head of Service Strategic Integrated Commissioning Adults
Lee Calvert	Policy Implementation Officer (MCA)

Aims of the policy / procedure / function / project: DoLS provides essential safeguards to adults deprived of their liberty who are residing in either a hospital or a registered care home.

Stakeholders: Mental Capacity Act (MCA) Implementation Group and Independent Advocacy providers.

Considering the purpose of the Equality Impact Assessment process, is the policy (function, procedure etc.) relevant?

Yes × **No** □

Quick check:

- ✓ *Is the policy (function, procedure etc.) concerned with people?* Yes
- ✓ *Is the policy (function, procedure etc.) outward looking (i.e. community, employees, partners)* Yes
- ✓ *Does the policy (function etc.) involve face to face contact?* Yes
- ✓ *Does it include making decisions based on someone's individual Characteristics, circumstances or needs?* Yes
- ✓ *Is there history of long-established pattern of unequal outcomes? (and do I have enough evidence to prove otherwise?)* No
- ✓ *Is the policy (function, procedure) likely to have a significant impact on someone's life or wellbeing?* Yes

Exit the process if you answered No to all of the above questions, otherwise please continue.

Potential impact on target groups:		
Target group	Potential impact <i>Please describe</i>	Measures currently in place
Race <i>(also ethnicity, nationality and associated aspects such as culture and language)</i> Gypsies and Travellers	DoLS is a new legal procedure and therefore has to build up a track record of its impact on all target groups. In Mental Health Act legislation more generally there is evidence that BME groups are disproportionately represented as detained patients. To date no BME individual has been subject to DoLS in Cheshire	<i>Training of staff especially Best Interest Assessors (assess people for capacity and deprivation of liberty) and medical assessors.</i> <i>Monitoring of ethnicity is well established and reported to MCA implementation group and DoH</i> <i>Well established independent advocacy</i>
Disability <i>(consider full rainbow of mental and physical impairments: mobility, manual dexterity, speech, hearing, learning, understanding, visual sight, MS, cancer, HIV etc.)</i>	DoLS aims to provide protection to disabled individuals who lack mental capacity. To date the group that has been most subject to DoLS have been adult with a learning disability and older people with disability. A concern is whether there are people, within these groups subject to unlawful deprivation.	<i>Training of staff especially Best Interest Assessors (assess people for capacity and deprivation of liberty) and medical assessors.</i> <i>Monitoring of disability is well established and reported to MCA implementation group and DoH</i> <i>Well established independent advocacy</i> <i>Contract monitoring and inspections from Care Quality Commission (CQC)</i>
Gender <i>(consider associated aspects e.g. safety, single-parenting, caring responsibility, potential for bullying and harassment,</i> Transgender	None	
Sexual orientation <i>(includes heterosexual, lesbian, gay, bi-sexual)</i>	None	

Potential impact on target groups:		
Target group	Potential impact <i>Please describe</i>	Measures currently in place
Age <i>(including all groups - children, young people, working age, elderly)</i>	Older people with dementia are more likely to be properly subject to DoLS than other groups of older people. A concern exists over people with dementia unlawfully deprived of their liberty.	<i>Training of staff especially Best Interest Assessors (assess people for capacity and deprivation of liberty) and medical assessors.</i> <i>Monitoring of age is well established and reported to MCA implementation group and DoH</i> <i>Well established independent advocacy</i> <i>Contract monitoring and inspections from Care Quality Commission (CQC)</i>
Religion and belief <i>(the most common religions include Hinduism, Judaism, Buddhism, Christianity, Islam, Sikhism, Shinto, Nonconformists)</i>	Possible impact of restrictions on a persons liberty frustrating their wish to practice their religion	Best interest assessors would take into account the religious belief of a person subject to DoLS. This would be authorised by the supervisory body.
Rural issues	Potential impact of people being subject to undue restrictions because of rural isolation. Alternative residential placements nearer home may be too expensive	Subject to Best Interest Assessment which would highlight the impact on the person of his location e.g. isolation from mainstream services. An alternative placement may not be possible if the cost is prohibitive.
Socio-economic issues	None	
Other <i>(there may be other target groups relevant to your service)</i>	None	

Is the Policy/Function likely to have an impact on Human Rights? Yes DoLS was brought onto the statute books as a consequence of the courts finding a breach of human rights in the Bournemouth Case.

We all have basic human rights which must be upheld. Human rights are about ensuring Fairness, Respect, Equality, Dignity and Autonomy (FREDA) for everyone. Everyone has the right to enjoy their basic human rights such as right to life and not be treated in an inhuman or degrading manner, protected by the Human Rights Act 1998.

Evidence:

Evidence to support the above answers. Customers' equality data monitoring and how the results inform service provision. Please consider quantitative, qualitative research, national and international evidence, results of any consultations you might have carried out. Please refer to the Equality Monitoring Guidelines on the intranet (or contact the E&D Managers) when considering introducing equality monitoring initiatives.

Proposed actions (to be reflected in the Service plans):

Actions emerging from the “ Potential impact on target groups” and the” Evidence” sections in order to address any gaps

Action	Target date	Responsibility
Training of staff – MCA awareness, Best Interest assessor and Mental Health assessor training in place	Ongoing	Lee Calvert
Monitoring in place and reports produced for DoH and local implementation team.	Ongoing	Lee Calvert
Independent Mental Capacity Advocacy in place to cover all user groups and actively monitored	Ongoing	Keith Evans

Rating:

In light of the above how would you rate the impact of your policy/function etc. on any of the target groups, for guidance please see footnotes.

	Race	Disability	Gender	Sexual orientation	Age	Religion & belief	Rural Issues	Other
High¹ <i>Please continue below</i>								
Medium² <i>Please exit the process</i>	X	x			x		X	
Low³ <i>Please exit the process</i>			X	X		X		

IMPORTANT!

Only policies (functions, procedures etc.) rated as high have to be fully Impact Assessed. Full Impact Assessment requires consultation with members from the target groups highlighted as being at the receiving end of any potential impact. EIA consultation exercises will be undertaken by relevant service with the help and support of the Research and Intelligence team and Equality and Diversity Officers.

¹ High = significant potential impact, risk of exposure, history of complaints, no mitigating measures in place or no evidence available, urgent need for consultation with service users, general public, employees

² Medium = some potential impact, some mitigating measures in place but no evidence available how effective they are, would be beneficial to consult with service users, general public etc. but not urgent

³ Low = almost bordering with non relevance to the EIA process (heavily legislation led - very little discretion exercised, limited public facing aspect)

Full Equality Impact Assessment part:

Affected target group <i>(e.g. people with disabilities)</i>	Race	Disability	Gender	Age	Religion & belief	Rural
Any particular segment within the target group <i>(e.g. people with learning disabilities)</i>						
Specific issues to be a subject of consultation <i>(e.g. how could the Council make its annual financial results understandable to people with learning disabilities, what support needed etc.?)</i> Please contact the Research and Intelligence team: beverley.wilson@cheshirewestandchester.gov.uk						
Outcomes of consultation						
What changes have been made as a result of the consultation outcomes						
Feedback given to the consultees? Yes/No						



Keith Evans

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Lead person responsible the EIA

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Approved by Head of Service

Date:

Next review of the EIA, measures put in place, changes:

(high – 1 year, medium – 2 years, low – 3 years)