

EQUALITY IMPACT ASSESSMENT

Business Division/Directorate:

Trustwide

Service:

Policy:

Event:

Strategy:

Name of Service/Title of Policy or Strategy, Name of Event:

Deprivation of Liberty Policy

Equality Impact Assessment Undertaken by:

Yvonne Taylor MCA Lead

Date undertaken:

27.10.22

Questions

1. What are the main aims and purposes of the Service?

This policy provides guidance for to all staff who provide care and support to patients/service user.

2. Who is involved in delivering the service? (i.e., partnerships, stakeholders or agencies)

All staff who in the course of their work are required to know about when and how to seek authorisation for any deprivation of a patients liberty

3. What information / data or experience can you draw on to provide an indication of the potential inclusive / exclusive results of delivering this service or event / implementing the policy or strategy to different groups of people and the different needs of people with protected characteristics in relation to this service?

Statutory Framework
 Mental Capacity Act 2005- specifically the Guiding Principle section 1 MCA 2005
 Mental Capacity Act Code of Practice
 Deprivation of Liberty Safeguards 2009
 Deprivation of Liberty Code of Practice
 Human Rights Act 1998

Please use the following table to indicate the impact for the policy for the protected characteristics

| Protected Characteristics | Positive Impact | Negative Impact | Reasons for Impact |
|---------------------------|-------------------------------------|--------------------------|--|
| Age | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Due to the nature of the service provided and decision making capacity being intergral to the delivery of care and treatment to service users/patients. All staff must work within the guiding principles of the Mental Capacity Act and the |

| | | | |
|---------------------------------------|-------------------------------------|--------------------------|---|
| | | | Deprivation of Liberty Safeguards to ensure patients rights and freedoms are protected. Decisions should not be made based on a patient's Age, Sex, Disability, Gender, Race, Religion, Sexual Orientation or Marital Status. The Principles of the MCA are clear and ensure that the characteristics contained within this Equality Impact Assessment are protected and the use of the Mental Capacity Act and Deprivation of Liberty Safeguards is lawful and informed by good practice. It is therefore envisaged that this policy will impact positively irrespective of the identified characteristics |
| Disability | <input checked="" type="checkbox"/> | <input type="checkbox"/> | As above |
| Gender reassignment | <input checked="" type="checkbox"/> | <input type="checkbox"/> | As Above |
| Marriage and civil partnership | <input checked="" type="checkbox"/> | <input type="checkbox"/> | As Above |
| Pregnancy and maternity | <input checked="" type="checkbox"/> | <input type="checkbox"/> | As Above |
| Race | <input checked="" type="checkbox"/> | <input type="checkbox"/> | As Above |
| Religion or belief | <input checked="" type="checkbox"/> | <input type="checkbox"/> | As Above |
| Sex | <input checked="" type="checkbox"/> | <input type="checkbox"/> | As Above |
| Sexual Orientation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | As Above |
| Disadvantaged groups | <input checked="" type="checkbox"/> | <input type="checkbox"/> | As Above |

4. What positive impacts are there for this service to better meet the needs of people with protected characteristics?

Deprivation of Liberty Policy provides guidance in line with the legal framework of the Mental Capacity Act and the Deprivation of Liberty Safeguards and their Codes of Practice and takes into account relevant case law. To ensure that steps are taken to ensure that where a patient who lacks capacity to consent to residing in a particular place to be given the care and treatment is deprivation of their liberty steps are taken to seek authorisation under the relevant legislation in order to protect the patient's rights and freedoms in line with the European Convention on Human Rights Article 5 There is currently no additional need identified

5. What action would be needed to ensure the service overcomes:

- Discriminatory negative impacts
- Exclusion
- Failure to meet the needs of people from across the protected characteristics and opportunities for promoting equality and inclusion are maximised.

NA

6. Recommended steps to avoid discrimination and ensure opportunities for promoting equality and inclusion are maximised. Include:

| Options for action | Explanation if no further action is required | Lead responsible for overseeing actions | Timescales | Costs (where applicable) |
|--------------------|--|---|------------|--------------------------|
| | | | | |

7. Monitoring and reporting arrangements of EIA, for policies and strategies refer to section 7 of the Policy for the Development and Management of Procedural Documents.

For services / events please include the following:

- How the equality impact of the service will be monitored
The policy will be reviewed on a 2 yearly basis or as required where there are significant changes to legislation and subsequent case law
- Frequency of monitoring
.As above
- How the monitoring results will be used and where they will be published;
NA
- Who will be responsible for reviewing monitoring results and initiating further action where required
Mental Capacity Act Lead
- Any changes that have been made to remove or reduce any negative impacts as a result of conducting the equality impact assessment?
NA
- Any action points should be included in Business Division / Corporate action plans, with monitoring and review processes.
NA

Is further work / consultation required? If yes, please explain how this is to be carried out and the time frame for completion.

Yes No

The Equality Impact Assessment will be reviewed in line with changes to services, client or staff groups, legislation or policy review.

Name:

Yvonne Taylor

Designation:

Mental Capacity Act Lead

Signature:

Yvonne Taylor

Date:

27.10.22