

Stage 1 Equality Impact Assessment – Initial Screening

Assessor(s) Name(s):	Catherine Smith-Ivory
Directorate:	Community Wellbeing and Social Care Directorate
Date of Completion:	5 th June 2019

Name of Policy/Strategy/Service/Function Proposal

Appointing Independent Advocates Policy

The Aims, Objectives and Expected Outcomes:

From 1st April 2015 the Care Act placed a statutory duty on all local authorities to involve people in decisions made about them and their care and support, for people to be active partners in the key care and support processes of assessment, care and support planning, reviews and safeguarding. No matter how complex a person's needs, local authorities are required to help people express their wishes and feelings, support them in weighing up their options, and assist them in making their own decisions.

This policy sets the framework for delivery of Advocacy Services on the island. It is intended to support adult social care and health staff in their person-centred practice and to secure personalised outcomes by helping individuals, their families, friends and/or carers to:

- speak up for, or act on behalf of, themselves or another person
- take action to say what they want, secure their rights, represent their interests
- contribute their views, opinions, ideas and feelings to inform processes for continuous service improvement.

The individual should be enabled to be the leader in any process they are involved in with regard to their care and support, the ultimate aim is for people's wishes, feelings and needs to be at the heart of planning and designing their care and support and they are at the centre of any safeguarding process.

The duty to involve the individual applies to all settings, those living in the community, in care homes and in prisons.

To facilitate the individual's full involvement the local authority should meet its duty under the Equality Act by ensuring reasonable adjustments are made to reduce or remove any substantial difficulty a person may have, which may include the appointment of an independent advocate.

The role of the independent advocate is to support and represent the person to facilitate their involvement in the key processes and interactions with the local authority and other organisations as required.

The Care Act places a statutory duty on all local authorities to involve an independent advocate if the following conditions are met:-

1. If an advocate were not provided the person would have substantial difficulty in being fully involved in key processes.
2. There is no appropriate individual available to support and represent the person's wishes who is not paid professionally, engaged in providing care and treatment to the person or their carer.

In order to be able to support people to express their wishes and feelings or represent their views, advocates will need to spend time with them and build up an understanding. It will support those at greatest need who have difficulty in understanding information, retaining that information, using and weighing that information and in expressing their wishes and feelings. It will be provided free of charge providing a person meets the statutory eligibility criteria described above. This could apply to any adult and older person, any carer, young people in transition from Children's Services to Adult Services and young carers.

Please delete as appropriate:

- This replaces the policy dated April 2015.

Key Questions to Consider in Assessing Potential Impact

<p>Will the policy, strategy, service or council function proposal have a negative impact on any of the protected characteristics or other reasons that are relevant issues for the local community and/or staff?</p>	<p>No – the intention is to provide advocacy support to all those who meet the eligibility criteria regardless of protected characteristic</p>
<p>Has previous consultation identified this issue as important or highlighted negative impact and/or we have created a “legitimate expectation” for consultation to take place? A legitimate expectation may be created when we have consulted on similar issues in the past or if we have ever given an indication that we would consult in such situations</p>	<p>No – the policy has been written as response to statutory duty under the Care Act and has been agreed with the advocacy forum.</p>
<p>Do different groups of people within the local community have different needs or experiences in the area this issue relates to?</p>	<p>Yes – people are individuals so each will have differing needs. However advocacy providers receive training to enable them to respond directly to the needs of those individuals and deliver support in a person centred way.</p>
<p>Could the aims of these proposals be in conflict with the council’s general duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not?</p>	<p>No</p>
<p>Will the proposal have a significant effect on how services or a council function/s is/are delivered?</p>	<p>Yes – by providing support to those who were previously unable to receive this service.</p>
<p>Will the proposal have a significant effect on how other organisations operate?</p>	<p>Yes – we are working with providers and third sector organisations to improve support across the board.</p>
<p>Does the proposal involve a significant commitment of resources?</p>	<p>Yes –This may lead to budget pressures both financial and in officer time, however it is a statutory duty to supply this support as part of the Councils responsibilities under the Care Act.</p>
<p>Does the proposal relate to an area where there are known inequalities?</p>	<p>No</p>

If you answer **Yes** to any of these questions, it will be necessary for you to proceed to a full Equality Impact Assessment after you have completed the rest of this initial screening form.
 If you answer **No** to all of these questions, please provide appropriate evidence using the table below and complete the evidence considerations box and obtain sign off from your Head of Service.

Protected Characteristics	Positive	Negative	No impact	Reasons
Age	X			The Appointing Independent Advocates Policy will have a positive affect for all people irrespective of their protected characteristics.
Disability	X			
Gender Reassignment	X			
Marriage & Civil Partnership	X			
Pregnancy & Maternity	X			
Race	X			
Religion / Belief	X			
Sex (male / female)	X			
Sexual Orientation	X			

Are there aspects of the proposal that contribute to or improve the opportunity for equality?	Yes
<i>If answered Yes, describe what these are and how they may be promoted or enhanced</i>	
The policy will enable the most vulnerable to take part in any action the council takes placing their wishes and views at the very centre of any decision made about them which will improve the opportunity for equality.	

Evidence Considered During Screening
<ul style="list-style-type: none"> • Care Act 2014 • Care Act Guidance • Social Care Institute for Excellence (SCIE) – Guidance on Commissioning Independent Advocacy • Discussions with Advocacy Providers

Head of Service Sign off:	Carol Tozer
Advice sought from Legal Services (Name)	Garion Bird
Date	5th June 2019

This Policy can be located on the [A-Z Index of Council Services](#) website and/or can be accessed under 'A' - Appointing Independent Advocates Policy.

An Officer Decision Record (ODR) has also been completed and is filed within Adult Social Care's ICT system.

Stage 2 Full Equality Impact Assessment

Assessor(s)Name(s):	Catherine Smith-Ivory
Directorate:	Community Wellbeing and Social Care Directorate
Date of Completion:	5 th June 2019

Name of Policy/Strategy/Service/Function Proposal

Appointing Independent Advocates Policy

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This policy sets the framework for delivery of Advocacy Services on the island. It is intended to support adult social care and health staff in their person-centred practice and to secure personalised outcomes by helping individuals, their families, friends and/or carers to:

- speak up for, or act on behalf of, themselves or another person
- take action to say what they want, secure their rights, represent their interests
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The individual should be enabled to be the leader in any process they are involved in with regard to their care and support, the ultimate aim is for people's wishes, feelings and needs to be at the heart of planning and designing their care and support and they are at the centre of any safeguarding process.

The duty to involve the individual applies to all settings, those living in the community, in care homes and in prisons.

To facilitate the individual's full involvement the local authority should meet its duty under the Equality Act by ensuring reasonable adjustments are made to reduce or remove any substantial difficulty a person may have, which may include the appointment of an independent advocate.

The role of the independent advocate is to support and represent the person to facilitate their involvement in the key processes and interactions with the local authority and other organisations as required.

The Care Act places a statutory duty on all local authorities to involve an independent advocate if the following conditions are met:-

3. If an advocate were not provided the person would have substantial difficulty in being fully involved in key processes.
4. There is no appropriate individual available to support and represent the person's wishes who is not paid professionally, engaged in providing care and treatment to the person or their carer.

In order to be able to support people to express their wishes and feelings or represent their views, advocates will need to spend time with them and build up an understanding. It will support those at greatest need who have difficulty in understanding information, retaining that information, using and weighing that information and in expressing their wishes and feelings. It will be provided free of charge providing a person meets the statutory eligibility criteria described above. This could apply to any adult and older person, any carer, young people in transition from Children's Services to Adult Services and young carers.

Please delete as appropriate:

- This replaces the policy dated April 2015.

Scope of the Equality Impact Assessment

Adult Social Care (ASC) within the Isle of Wight Council (IWC) is committed to meeting its obligations in the way it supports adults in receipt of social care and demonstrates an on-going commitment to person-centred and personalised outcomes for individuals by:

- Ensuring individuals can access and make best use of information and resources from the Council, its partner agencies and broader support networks in the community
- Enabling and empowering individuals to make their own lifestyle choices, in their own best interests and to determine their own preferred outcomes in relation to their support needs.

This policy is applicable to all ASC departmental staff in their day-to-day practice and the people they support who are in receipt of adult health and social care and services and in relation to best-interest decisions in respect of people who fund their own support.

ASC Staff will be required to identify individuals who have substantial difficulty in being involved in accessing information and advice, assessments, care and support planning, review of care plans and safeguarding and ensure they have access to independent advocacy.

This policy is a response to statutory guidance underpinning the Care Act 2014.

Stakeholders include;

- Individuals
- Carers
- The IOW Council
- The Clinical Commissioning Group
- Private Providers
- Internal Council services
- Third sector organisations

Analysis and assessment

This strategy will have no negative impact on those with protected characteristics. It is expected that improved communication, training and information will have a positive effect on all people who require advocacy support irrespective of their protected characteristic.

Recommendations

It is recommended that the refreshed policy is adopted as it will improve the opportunity for equality for people who may have been previously unable to be fully involved in their care and support.

Action/Improvement Plan

The table below should be completed using the information from your equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Remove or lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Age	Positive impact	No	N/A	<p>The council will need to ensure staff are aware of the need to identify those who require an advocate, know how to facilitate and encourage that support.</p> <p>We will also need to ensure individuals and other professionals working with them are aware of their right to involve an advocate.</p>
Disability	Positive impact	No	N/A	As above
Gender Reassignment	Positive impact	No	N/A	As above
Marriage & Civil Partnership	Positive impact	No	N/A	As above

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Pregnancy & Maternity	Positive impact	No	N/A	As above
Race	Positive impact	No	N/A	As above
Religion / Belief	Positive impact	No	N/A	As above
Sex (male or female)	Positive impact	No	N/A	As above
Sexual Orientation	Positive impact	No	N/A	As above
HR & workforce issues	None	No	N/A	As above
Human Rights implications if relevant	Positive impact	No	N/A	As above
<p>Please remember - actions should have SMART targets and be reported to the Diversity Board (this should be done via your Directorate representative) and incorporated into your service/team Plans and /or objectives of key staff</p>				

Summary**Date of Assessment:**11th March 2019**Signed off by Head of Service/Director**

Carol Tozer

Review date

June 2021

Date published5th June 2019