

Equality Impact Assessment

Revised November 2015

(Equality target groups are those which cover the 9 protected characteristics under the Equality act 2010: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion/belief, sex (as in male or female) and sexual orientation)

When completing the equality impact assessment, please remove wording not applicable to what you are assessing e.g. service, policy, procedure, practice or project

Equality Impact Assessment

Part 1 Aims & implementation of the service, policy, procedure, practice or project

This section is the title of what is being assessed, responsible officers, purpose, where it fits within the council's wider aims and how it supports the legislation to eliminate unlawful discrimination and the promotion of equal opportunities. *(Please refer to the guidance for additional information)*

1.1 What is being assessed

Guardianship under the Mental Health Act Policy

1.2 Officer(s) and section or service responsible for completing the assessment

Stephen Ward, Community Wellbeing and Social Care

1.3 What is the main purpose or aims of the service, policy, procedure, practice or project

Guardianship provides powers to Local Authorities under Sections 7 and 37 of the Mental Health Act 1983.

The purpose of guardianship is to enable mentally disordered patients to receive care in the community, where it cannot be provided without the use of compulsory powers. The aims and objectives of the policy are to provide a flexible approach to care planning in which a patient received into Guardianship by the local authority may be required to live in a specific place and to attend specific places for the purpose of medical treatment, occupation, education or training.

1.4 Who is affected by the service, policy, procedure, practice or project? Who is it intended to benefit and how?

People suffering from a mental disorder as defined by the Mental Health Act 1983 who require a structured approach to care planning to achieve as independent a life as possible within the community.

1.5 Has the service, policy, procedure, practice or project been promoted or explained to those it might affect directly or indirectly?

Not in general terms. Any person subject to Guardianship and their families will receive an explanation of the powers, the reasons for making use of these and how they will be applied in the persons' situation.

1.6 How does the service, policy, procedure, practice or project contribute to better community cohesion?

It promotes the provision of care to mentally disordered persons, to support people living safely in the community, rather than in segregated hospital facilities.

1.7 How does the service, policy, procedure, practice or project fit in with the council's wider aims?

It supports the Council in discharging duties in relation to social care legislation, in particular under the Mental Health Act 1983, the NHS and Community Care Act 1990.

1.8 What is the relevance of the aims of the service, policy, procedure, practice or project to the equality target group and the council's duty to eliminate unlawful discrimination and promote equality of opportunity?

The policy supports the provision of care to vulnerable persons, to improve life opportunities and reduce stigma and social exclusion.

1.9 How is, or how will the service, policy, procedure, practice or project be put into practice and who is responsible for it?

The policy will be applied by Approved Mental Health Professionals under the guidance of service managers and the Lead for Mental Health Act.

Part 2 Consideration of data and research

To conduct the assessment, you will need information about service users and staff that provide the service. This section is to help you identify the sort of information that will be needed to help you assess whether there may be barriers to different equality groups who access your service, policy, procedure, practice or project. *(Please refer to the guidance for additional information)*

2.1 List all examples of quantitative and qualitative data or any consultation information available that will enable the impact assessment to be undertaken

There is data available on the number of people who are or have been subject to Guardianship, including their demographic details.

2.2 Equalities profile of users and beneficiaries

All persons subject to Guardianship have a mental disorder. The majority are older persons (65 plus). There are more women subject to Guardianship as women are over-represented in the older age. In March 2011 there were 4 women (aged 62, 69, 82 & 87) and 2 men (aged 24 & 67) subject to Guardianship. In April 2015 there was one man and one woman (both over 65) subject to Guardianship.

2.3 Evidence of complaints against the service, policy, procedure, practice or project on the grounds of discrimination

There is no record of any complaint against the use of Guardianship.

2.4 What does the consultation, research and/or data indicate about the negative impact on the service, policy, procedure, practice or project

There is none.

2.5 What does the consultation, research and/or data indicate about the positive impact on the service, policy, procedure, practice or project

There is none.

Part 3 Assessment of impact

Now that you have looked at the purpose etc of the service, policy, procedure, practice or project (part 1) and looked at the research (part 2), this section asks you to assess the impact, positive and negative, of the service, policy, procedure, practice or project on each of the protected characteristics of the Equality Act 2010.

**3.1 Complete this section with the following information – relating to all of the identified groups Equality Act 2010 (protected characteristics)
(please refer to the guidance for additional information)**

Protected Characteristics	Negative	Neutral	Positive	Comments
Age		X		The EIA has not highlighted any impact that would adversely affect this equality group. However, only individuals who have reached the age of 16 can be received into guardianship. Applications must therefore state the age of the person concerned, or that it is believed that they have reached the age of 16. For children (including young people under 18), appropriate children's legislation (e.g. under Child Care Act 1980) should be considered if that provides a more suitable means of affording the proper care and attention than the Mental Health Act.
Disability		X		The EIA has not highlighted any impact, which would adversely affect this equality group. The Guardianship policy aims to promote best practice ensuring that the holistic needs and interests of the individual are comprehensively addressed. This is in line with the Statement of guiding principles within the CoP. In particular 1.4 the Respect Principle, which states: "People taking decisions under the MHA must recognise and respect the diverse needs, values and circumstances of each patient including their race, religion, culture, gender, age, sexual orientation and any disability... There must be no unlawful discrimination."
Gender Reassignment		X		The EIA has not highlighted any impact, which would adversely affect this equality group. The Guardianship policy aims to promote best practice ensuring that the holistic needs and interests of the individual are comprehensively addressed. This is in line with the Statement of guiding principles within the Codes of Practice.

Marriage & Civil Partnership		X		The Mental Health Act has provisions in relation to the identification of nearest relatives fully into line with the Civil Partnership Act 2004 and the European Convention on Human Rights.
Pregnancy & Maternity		X		The EIA has not highlighted any impact, which would adversely affect this equality group.
Race		X		The EIA has not highlighted any impact, which would adversely affect this equality group.
Religion / Belief		X		The EIA has not highlighted any impact, which would adversely affect this equality group.
Sex (male / female)		X		The EIA has not highlighted any impact, which would adversely affect this equality group

Sexual Orientation (LGB&T)		X		The Mental Health Act has provisions in relation to the identification of nearest relatives fully into line with the Civil Partnership Act 2004 and the European Convention on Human Rights.
Carers		x		The EIA has not highlighted any impact, which would adversely affect this equality group

Part 4 Measures to mitigate disproportionate or adverse impact or improve on neutral or positive impacts: *(Please refer to the guidance for additional information)*

4.1 If there is any negative impact on any target equality group identified in part 3, is the impact intended or legal?

No negative impact identified

4.2 Specify measures that can be taken to remove or minimize the disproportionate or adverse effect identified in part 3. If none were identified, identify how disproportionate or adverse effect could be avoided in the future.

No negative impact identified

4.3 If there is no evidence that the service, policy, procedure, practice or project promotes equality, equal opportunities or improves relations within equality target groups, what amendments can be made to achieve this?

None identified

4.4 If a neutral or positive impact has been identified, can that impact be improved upon (continuous improvement)?

Guardianship involves a delicate balance of restriction of a person's freedom with providing essential protection from harm. This balance is kept under constant review, from initial application and at each renewal. Persons subject to Guardianship can appeal to either a Tribunal or a panel of Councillors and their Nearest Relative has the right to object to the application or discharge the person at any time.

4.5 How will any service, policy, procedure, practice or project be implemented?

This policy is a revision of an existing policy and staff concerned are familiar with most aspects of it.

4.6 As 4.5 above please identify training requirements.

A training session will be arranged with the Approved Mental Health Professionals responsible to ensure that they are updated with changes to procedures. Further training will be provided periodically as part of the annual legal update training for AMHps.

Part 5 Conclusions & recommendations

This section ensures that what ever we are impact assessing, whether it be a service, policy, procedure, practice or project that ensure that we abide by the general and specific duties to promote race, disability and gender equality. *(Please refer to guidance for additional information)*

5.1 Does the service, policy, procedure, practice or project comply with equalities legislation?

Yes.

5.2 What are the main areas requiring further attention?

None.

5.3 Summary of recommendations for improvement

None.

5.4 What equality monitoring, evaluation, review systems have been set up to carry out regular checks?

All applications under this policy will be reviewed by a panel of officers before acceptance. All persons subject to Guardianship are entitled to an independent advocate and will be supported to appeal if requesting to do so. Renewal applications will be passed to a panel of councillors if appropriate.

5.5 When will the amended service, policy, procedure, practice or project be reviewed?

As soon as approved.

Part 6 Action / improvement plan

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

1. 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

Please ensure that you update your service/business plan within the equality objectives/targets and actions identified below:

Area of negative impact	Changes proposed	Lead officer	Timescale	Resource implications	Comments
Age					No impact
Disability					No impact
Gender Reassignment					No impact
Marriage & Civil Partnership					No impact
Pregnancy & Maternity					No impact
Race					No impact
Religion / Belief					No impact
Sex (male or female)					No impact
Sexual Orientation					No impact

Geographical location					No impact
All of the above					

Part 6 continued – Equality Impact Assessment – Summary report

The results of equality impact assessments must be published. Please complete this summary, which will be used to publish the results of your impact assessment on the council's website. Please access the Work tab of the council's intranet and follow the instructions to upload your completed equality impact assessment on to the website.

Date of assessment

Officer's name **Role**

Service, policy, procedure, practice or project that was impact assessed

Summary of findings

Summary of recommendations and key points of action plan

Groups that this policy will impact upon Persons with a mental disorder

Age

Disability Mental Disorder

Gender Reassignment No

Marriage & Civil Partnership	<input type="checkbox"/>	No
Pregnancy & Maternity	<input type="checkbox"/>	No
Race	<input type="checkbox"/>	No
Religion / Belief	<input type="checkbox"/>	No
Sex (male/female)	<input checked="" type="checkbox"/>	No
Sexual Orientation	<input type="checkbox"/>	No

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