

EIA STAGE 1

EIA Ref	C/16/73	
Lead Officer	Name	Nicola Hallmark
	Position	Principal Policy Officer
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SECTION 1 –Context & Background

1.1 What is the title of the policy / practice?

Mental Capacity Act – Deprivation of Liberty Safeguards (DoLS)

1.2 What is the current status of the policy / practice?

Existing

Changed

New

1.3 What are the principal aims and intended outcomes of the policy / practice?

- To ensure that DoLS are carried out accurately and timely to a structured process
- To be compliant with statute

1.4 Who has primary responsibility for delivering the policy / practice?

Adult Social Care

1.5 Who are the main stakeholders?

- Adult Social Care Divisional Managers
- Adult Social Care – Social Workers/BIAs
- Halton Safeguarding Adults Board
- Halton Safeguarding Adults Unit
- Managing Authorities providing care and treatment for adults
- Vulnerable adults who lack capacity to make their own decisions
- Families, carers and representatives of those adults subject to a DoL

1.6 Who is the policy / practice intended to affect?

Residents	Staff	Specific Group(s)	(add details below)
Settings where care and treatment of adults who may lack capacity	Social Workers	Adults who are vulnerable because of their lack of capacity to make decisions for themselves. Adults who may be unlawfully deprived of their liberty.	

1.7 Are there any other related policies / practices?

Registration with Professional Bodies Policy 2015
Professional Boundaries Policy 2015
Social Work Progression Policy 2015
Advance Statements and Decisions – Policy, Practice and Procedure 2013
Whistleblowing Policy 2014

SECTION 2 – Consideration of Impact

2.1 Relevance: – the Public Sector Equality Duty

Does this policy / practice / service have due regard to the need to: -

- (a) Eliminate discrimination, harassment, victimisation and any other conflict that is prohibited by the Equality Act 2010
- (b) Advance equality of opportunity between two persons who share a relevant protected characteristic
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

Yes (X) No ()

State reasons below (please refer Appendix 1)

(Relevance to service users/staff)

The policy ensures that those receiving care and treatment for conditions which mean they need additional support are appropriately and lawfully assessed in relation to applications for DoLS.

2.2 Has data and information been used in determining the impact of the policy / procedure under review?

(for example research, surveys, complaints, consultation, , monitoring data)

Equality Group(s)	None – DoLS are a legal requirement of the Council as the Statutory Body within the process.
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Baseline data and information

2.3 On the basis of evidence, has the actual / potential impact of the policy/ practice been judged to be positive (+), neutral (=) or negative (-) for each of the equality groups and in what way? Is the level of impact judged to be high (H), medium ((M), or low (L)?

Protected Characteristic	Impact type +, =, -	Level H, M, L, -	Nature of impact
Age	+		Ensures that people are not unlawfully deprived of their liberty.
Disability	+		
Gender	=		
Race / ethnicity	=		
Religion / belief	=		
Sexual Orientation	=		
Transgender	=		
Marital status/	=		

Civil Partnerships			
Pregnancy/Maternity	=		
In Halton two further vulnerable groups have been identified: -			
Carers	+		As above
Socio – economic disadvantage	=		

2.4 Does the policy/practice have any potential impact on safeguarding vulnerable people?

Yes, the policy revolves around the safeguarding of vulnerable people.

2.5 How will the impact of the policy / practice be monitored?

DoLS are governed by statute and performance reporting on them is a requirement of the Council

2.6 Who will be responsible for monitoring?

The Adult Safeguarding Unit together with Adult Social Care Performance team

2.7 If any negative impacts, or potential negative impacts, have been identified what mitigating actions will be put in place, thereby eliminating the need for a further Stage 2 assessment
Where none have been identified insert 'no further action required' in the first column

Action & purpose / outcome	Priority	Timeframe	Lead Officer
N/A	(H, M, L)		

2.8 Summary of stakeholders involved in this review

Name / Job Title	Organisation / representative of

2.9 Completion Statement

As the identified Lead Officer of this review I confirm that:-
No negative impact has been identified for one or more equality groups and that a Stage 2 Assessment is not required 

Signed: *Nicola Hallmark*

Date: 26/2/16

Completed EIAs should be sent to Les Unsworth, Corporate and Organisational Policy, to be given a unique reference number and for inclusion on the central register.

Appendix 1

Public Sector Equality Duty – EIA Checklist

The Equality Act s149 (the Public Sector Equality Duty) requires is that HBC has due regard to the need to:-

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These are matters that we must show we have taken into the reckoning in making decisions about the Council's functions. We therefore need evidence of the following:

1. We know about the duty
2. We have reflected on the duty
3. We have consulted those affected or likely to be affected
4. We have used relevant information already in the council's possession (surveys etc.)
5. We have allowed adequate time for consultation with those affected and/or those who speak for those affected
6. We have allowed adequate time for earnest and genuine consideration of the information and views received
7. We have identified any adverse effects
8. We have sought to mitigate any adverse effects of decisions
9. We have identified principal options
10. Decision makers have not made up their mind in advance
11. We have considered all material considerations including our own financial situation, policy and strategy documents alongside along views received from consultees but have not applied those policies etc. In a rigid or unthinking way.

EIA –STAGE 2

1.1 Is this stage 2 Assessment being undertaken because:-

There is a specific statutory duty to consult upon this policy / practice	☐
A negative impact has been identified and consideration needs to be given to terminating the proposed policy / identifying mitigating actions	☐

1.2 Where consultation is required please provide details of how this will be managed below.

Nature of consultation	Timeframe	Lead Officer

1.3 What were the principal findings / conclusions of this research / consultation?

1.4 Where a negative impact has been identified for one or more groups please provide details below

Protected Characteristic	Impact type +, =, -	Level H, M, L, -	Nature of impact
Age			
Disability			
Gender			
Race / ethnicity			
Religion / belief			
Sexual Orientation			
Transgender			
Marital status/ Civil Partnerships			
Pregnancy/Maternity			
In Halton two further vulnerable groups have been identified: -			
Carers			
Socio – economic disadvantage			

1.5 What is the nature of this impact?

Group(s)	Nature of impact

1.6 In light of this impact is it considered appropriate to?

EIA –STAGE 2

Discontinue the policy / procedure as unlawful or unjustifiable	☐
Revise the policy / procedure and or take the following action(s) to minimise or remove any negative impact	☐

1.7 Details of policy revision / mitigating actions?

Action	Purpose / outcome	Priority	Timeframe	Lead Officer

1.8 How will the impact of the policy / practice be monitored?

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1.9 Who will be responsible for monitoring and how will this be arranged?

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1.10 Completion Statement

As the identified Lead Officer of this review I confirm that:-

(Please complete only one of the following sections)

- | | | |
|----|--|--------------------------|
| 1. | An unlawful and unjustifiable negative impact has been identified and the policy / practice has been discontinued | ☐ |
| 2. | The policy / practice has been modified / actions identified to mitigate against any negative impact and that details of the assessment and the actions arising from it have been provided to the Directorate Equality Lead Officer for inclusion within the Directorate Register. | ☐ |

Signed	
Dated	

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