

# Warwickshire County Council

## Equality Impact Assessment for Budget process

<b>Directorate</b>	Adult Health & Community Services
<b>Service Area</b>	Local Commissioning
<b>Policy/Service being affected</b>	AHCS Older People, People with Disabilities, Older People Mental Health, Younger People
<b>Is this an investment or proposed saving?</b>	Saving
<b>Is this proposed saving or investment directly linked to another i.e that an investment in a new or existing service relates to a saving in another area? If so please name the linked proposal.</b>	
<b>Who is undertaking this assessment?</b>	Carol Judge
<b>Date of this assessment</b>	31 <sup>st</sup> January 2011
<b>Signature of completing officer (to be signed after the EIA has been completed)</b>	
<b>Name and signature of Head of Service (to be signed after the EIA has been completed)</b>	
<b>Signature of DMT Equalities Champion (to be signed after the EIA is completed and signed by the completing officer)</b>	Kim Harlock
<b>Is your proposal likely to result in complaints from existing services users and/or members of the public? <span style="background-color: yellow;">YES</span>/NO</b>	
<b>If yes please flag this with your Head of Service and the Customer Relations Team as soon as possible</b>	

**A copy of the Equality Impact Assessment Report including relevant data and information to be forwarded to the Directorate Equalities Champion and the Corporate Equalities & Diversity Team**

## Form A1

### INITIAL SCREENING FOR BUDGET DECISIONS – DO THEY HAVE ANY RELEVANCE OR POSE ANY RISK TO ANY OF THE EQUALITIES GROUPS?



High relevance/priority



Medium relevance/priority



Low or no relevance/ priority

**Note:**

1. Tick coloured boxes appropriately, and depending on degree of relevance to each of the equality strands
2. Summaries of the legislation/guidance should be used to assist this screening process

DEPARTMENT:	Relevance/Risk to Equalities																							
State the service or proposal being assessed:	Gender inc transgender			Race			Disability			Sexual Orientation			Religion/Belief			Age			Priority status For EIA					
AHCS Older People, People with Disabilities, Older People Mental Health, Younger People	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
	√			√			√					√			√	√			√					
Are your proposals likely to impact on social inequalities e.g. child poverty for example or our most geographically disadvantaged communities																								

For saving proposals complete form A2a below

For investment proposals complete form A2b below

**Form A2a – proposed savings**

**Equality Impact Assessment**

**Please Explain**

<b><u>Stage 1 – Scoping and Defining</u></b>	
(1) What are the aims and objectives of service where savings are to be made?	The service currently provides training to incorporate the knowledge and understanding of how assessment of capacity in line with the Mental Capacity Act Legislation is carried out for Older People, People with Disability, Older people with Mental Health and younger people in Warwickshire. <b>Mental Capacity Act monies have been identified in both the National Health Services and Local Authority grant. No funding is ring fenced. The Primary Care Trust's and Local Authority have a legal duty to deliver the Mental Capacity Act and Deprivation of Liberty Safeguards, however, they will be held to account if they don't deliver the service</b>
(2) How does the service fit with the council's wider objectives?	This fits in with the following National & Local agendas: <ul style="list-style-type: none"><li>• Putting People first</li><li>• Our health our care our say</li><li>• Personalisation</li><li>• National Dementia Strategy</li><li>• Warwickshire County Council's priority of "Maximising independence for older people, people with disabilities and young People."</li></ul>
(3) What would have been the expected outcomes of the service?  Who would have benefited from the service and in what way?	To ensure older people, people with Disability, Older people with Mental Health and younger people in Warwickshire, are assessed appropriately under the Mental Capacity Act and where there is a need to deprive someone of their liberty that this is undertaken within the boundaries of legislation for Deprivation of Liberty Safeguards to ensure that individuals stay healthy, safeguarded from abuse and neglect, active and well so as to prevent their health and well-being from deteriorating.  Beneficiaries are older people, people with Disability, Older people with Mental Health and younger people within Warwickshire.

<p>(4) Does this proposed saving have the potential to directly or indirectly discriminate against any particular group or to compound issues of social inequality?</p> <p>Please identify all groups that are affected</p>	RACE	AGE	GENDER inc Transgender
	RELIGION/BELIEF	DISABILITY	SEXUAL ORIENTATION
<p>(5) Are there any negative impacts on social inequality issues? This includes impacts on child poverty for example or our most geographically disadvantaged communities</p>	<p>With the potential reduction in services this will leave Warwickshire County Council at high risk and open to legal challenge given that both the Mental Capacity Act and Deprivation of Liberty Safeguards are both statutory requirements and underwritten by law and are not optional.</p>		
<p><b><u>Stage 2 - Information Gathering</u></b></p>			
<p>(1) What type and range of evidence or information have you used to help you make a judgement about the cut to this particular service?</p>	<p>Both the Mental Capacity Act and Deprivation of Liberty Safeguards are statutory requirements and that assessing every case is a legal requirement. Mental Capacity Act and Deprivation of Liberty Safeguards are underwritten by law. If these provisions were reduced this could leave Warwickshire County Council at risk of high media coverage and legal judgments as indicated with Manchester City Council.</p>		
<p>(2) Have you been able to use any consultation data to help make this decision, if so what?</p>	<ul style="list-style-type: none"> <li>• Mental Capacity Act brought into effect through the Mental Health Act 2007 was designed to protect people who can't make decisions for themselves or lack the mental capacity to do so and the Deprivation of Liberty Safeguards 2009 through the 'Bounewood Gap' where the European Court of Human Rights and the UK Courts ruled that safeguards were needed to protect people who lacked capacity and who were/could be deprived of their liberty and the need of legislation to protect and safeguard those vulnerable people.</li> <li>• Older People Forum</li> <li>• Disability Partnership</li> </ul>		
<p><b><u>Stage 3 – Making a Judgement</u></b></p>			

(1) From the evidence above is there any adverse or negative impact identified for any particular group?	The adverse effect or negative impact on the groups identified and the potential safeguarding implications if the statutory requirements and that assessing every case is a legal requirement were not carried out this could leave Warwickshire County Council at high risk and open to legal challenge.
(2) If there is an adverse impact, can this be justified?	Highly that any service reduced will leave Warwickshire County council open to legal challenge given the legislation identified for the use of both the Mental Capacity Act and Deprivation of Liberty Safeguards.
(3) if there is an adverse impact on social inequalities can these be justified?	See Above

(4) What actions could be taken or have been taken to reduce or eliminate negative or adverse impact?	As response in 2. Continued monitoring will be used to identify impact on services which will be recorded in the quarterly data as requested by Department of Health				
(5) Is there any positive impact?  Does it promote equality of opportunity between different groups and actively address discrimination?	Currently this service is given as per the statutory requirements given to the groups identified and this service is provided to meet the needs and outcomes as required under the Mental Capacity Act and Deprivation of Liberty Safeguards				
<b><u>Stage 4 – Action Planning, Review &amp; Monitoring</u></b>					
If No Further Action is required then go to – Review & Monitoring  (1) Action Planning – Specify any action which could be taken to mitigate or eradicate negative or adverse impact on specific groups, including resource implications.	EIA Action Plan – the major implications on individuals as defined above				
(2) Review and Monitoring  State how and when you will monitor the impact of this proposed saving	Monitoring will be used to identify impact on services which will be recorded.				

Action	Lead Officer	Date for completion	Resource requirements	Comments
Monitor impact of reduction in service	Carol Judge		Within Resources	

Please annotate your proposed saving with the following statement:

‘An Equality Impact Assessment on this proposed saving was undertaken on (date of assessment) and will be reviewed on date (one years from the date it was assessed)’.

**Form A2b – proposed investment**

**Equality Impact Assessment**

**Please Explain**

<b>Stage 1 – Scoping and Defining</b>			
(1) What are the aims and objectives of the proposed investment?			
(2) How does the investment fit with the council's wider objectives?			
(3) What are the expected outcomes of the investment?			
Who is intended to benefit and in what way?			
(4) Does this investment have the potential to directly or indirectly discriminate against any particular group?	RACE	AGE	GENDER
Please identify all groups that are affected	RELIGION/BELIEF	DISABILITY	SEXUAL ORIENTATION
(5) Are there any positive impacts on social inequality issues? This includes impacts on child poverty for example or our most geographically disadvantaged communities			
(6) Are there any obvious barriers to accessing the service provided through the investment?			
(7) How does the investment contribute to promotion of equality and/or reduction of social inequalities?			
(8) Does the investment have the potential to promote good relations between groups?			

<b><u>Stage 2 - Information Gathering</u></b>	
(1) What type and range of evidence or information have you used to help you make a judgement about the proposal?	
(2) What consultation data has been used? What new consultation, if any, do you need to undertake?	
<b><u>Stage 3 – Making a Judgement</u></b>	
(1) From your data and consultations is there any adverse or negative impact identified for any particular group?  Is there any evidence of needs not being met? e.g. language or physical access barriers; lack of appropriate resources or facilities	
(2) If there is an adverse impact, can this be justified?	

(3) What actions are going to be taken to reduce or eliminate negative or adverse impact?																										
(4) Is there any positive impact? Does it promote equality of opportunity between different groups and actively address discrimination?																										
<b><u>Stage 4 – Action Planning, Review &amp; Monitoring</u></b>																										
<p>If No Further Action is required then go to – Review &amp; Monitoring</p> <p>(1) Action Planning – Specify any changes or improvements which can be made to the proposal to mitigate or eradicate negative or adverse impact on specific groups, including resource implications.</p>	<p>EIA Action Plan</p> <table border="1" data-bbox="779 759 2040 991"> <thead> <tr> <th>Action</th> <th>Lead Officer</th> <th>Date for completion</th> <th>Resource requirements</th> <th>Comments</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Action	Lead Officer	Date for completion	Resource requirements	Comments																				
Action	Lead Officer	Date for completion	Resource requirements	Comments																						
(2) Review and Monitoring State how and when you will monitor policy and EIA Action Plan																										

Please annotate your policy with the following statement:

‘An Equality Impact Assessment on this proposed investment was undertaken on (date of assessment) and will be reviewed on date (one year from the date it was assessed)’.