

Equality Impact Analysis to enable informed decisions

The purpose of this document is to:-

- I. help decision makers fulfil their duties under the Equality Act 2010 and
- II. for you to evidence the positive and adverse impacts of the proposed change on people with protected characteristics and ways to mitigate or eliminate any adverse impacts.

Using this form

This form must be updated and reviewed as your evidence on a proposal for a project/service change/policy/commissioning of a service or decommissioning of a service evolves taking into account any consultation feedback, significant changes to the proposals and data to support impacts of proposed changes. The key findings of the most up to date version of the Equality Impact Analysis must be explained in the report to the decision maker and the Equality Impact Analysis must be attached to the decision making report.

****Please make sure you read the information below so that you understand what is required under the Equality Act 2010****

Equality Act 2010

The Equality Act 2010 applies to both our workforce and our customers. Under the Equality Act 2010, decision makers are under a personal duty, to have due (that is proportionate) regard to the need to protect and promote the interests of persons with protected characteristics.

Protected characteristics

The protected characteristics under the Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Section 149 of the Equality Act 2010

Section 149 requires a public authority to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by/or under the Act
- Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share those characteristics
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The purpose of Section 149 is to get decision makers to consider the impact their decisions may or will have on those with protected characteristics and by evidencing the impacts on people with protected characteristics decision makers should be able to demonstrate 'due regard'.

Decision makers duty under the Act

Having had careful regard to the Equality Impact Analysis, and also the consultation responses, decision makers are under a personal duty to have due regard to the need to protect and promote the interests of persons with protected characteristics (see above) and to:-

- (i) consider and analyse how the decision is likely to affect those with protected characteristics, in practical terms,
- (ii) remove any unlawful discrimination, harassment, victimisation and other prohibited conduct,
- (iii) consider whether practical steps should be taken to mitigate or avoid any adverse consequences that the decision is likely to have, for persons with protected characteristics and, indeed, to consider whether the decision should not be taken at all, in the interests of persons with protected characteristics,
- (iv) consider whether steps should be taken to advance equality, foster good relations and generally promote the interests of persons with protected characteristics, either by varying the recommended decision or by taking some other decision.

Conducting an Impact Analysis

The Equality Impact Analysis is a process to identify the impact or likely impact a project, proposed service change, commissioning, decommissioning or policy will have on people with protected characteristics listed above. It should be considered at the beginning of the decision making process.

The Lead Officer responsibility

This is the person writing the report for the decision maker. It is the responsibility of the Lead Officer to make sure that the Equality Impact Analysis is robust and proportionate to the decision being taken.

Summary of findings

You must provide a clear and concise summary of the key findings of this Equality Impact Analysis in the decision making report and attach this Equality Impact Analysis to the report.

Impact – definition

An impact is an intentional or unintentional lasting consequence or significant change to people's lives brought about by an action or series of actions.

How much detail to include?

The Equality Impact Analysis should be proportionate to the impact of proposed change. In deciding this asking simple questions “Who might be affected by this decision?” “Which protected characteristics might be affected?” and “How might they be affected?” will help you consider the extent to which you already have evidence, information and data, and where there are gaps that you will need to explore. Ensure the source and date of any existing data is referenced.

You must consider both obvious and any less obvious impacts. Engaging with people with the protected characteristics will help you to identify less obvious impacts as these groups share their perspectives with you.

A given proposal may have a positive impact on one or more protected characteristics and have an adverse impact on others. You must capture these differences in this form to help decision makers to arrive at a view as to where the balance of advantage or disadvantage lies. If an adverse impact is unavoidable then it must be clearly justified and recorded as such, with an explanation as to why no steps can be taken to avoid the impact. Consequences must be included.

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Proposals for more than one option If more than one option is being proposed you must ensure that the Equality Impact Analysis covers all options. Depending on the circumstances, it may be more appropriate to complete an Equality Impact Analysis for each option.

The information you provide in this form must be sufficient to allow the decision maker to fulfil their role as above. You must include the latest version of the Equality Impact Analysis with the report to the decision maker. Please be aware that the information in this form must be able to stand up to legal challenge.

Background Information

Title of the policy / project / service being considered	Section 117 Joint Policy	Person / people completing analysis	Heston Hassett
Service Area	Adult Care and Community Wellbeing Service Children and Young People's Service	Lead Officer	Heston Hassett
Who is the decision maker?	Cllr Bradwelll	How was the Equality Impact Analysis undertaken?	Analysis of Legislation and guidance Responses to engagement process
Date of meeting when decision will be made	22/07/2019	Version control	V1.0
Is this proposed change to an existing policy/service/project or is it new?	New	LCC directly delivered, commissioned, re-commissioned or de-commissioned?	Directly delivered

Describe the proposed change

A Joint Policy is being produced by Lincolnshire County Council, The Clinical Commissioning Groups within Lincolnshire and Lincolnshire Partnership Foundation Trust. The Policy reflects the requirements of section 117 of the Mental Health Act and the associated codes of practice in relation to the roles and responsibilities of the Local Authority and the Clinical Commissioning Groups. In essence it sets out the shared responsibilities of each organisation (which are already being delivered) in one joint policy.

The Policy is in line with current UK legislation which meets the requirements of the MHA Code of Practice (CoP) specifically references the Equality Act and underwent an Equality Impact Assessment which can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/396171/mha-ea.pdf

Evidencing the impacts

In this section you will explain the difference that proposed changes are likely to make on people with protected characteristics. To help you do this first consider the impacts the proposed changes may have on people without protected characteristics before then considering the impacts the proposed changes may have on people with protected characteristics.

You must evidence here who will benefit and how they will benefit. If there are no benefits that you can identify please state 'No perceived benefit' under the relevant protected characteristic. You can add sub categories under the protected characteristics to make clear the impacts. For example under Age you may have considered the impact on 0-5 year olds or people aged 65 and over, under Race you may have considered Eastern European migrants, under Sex you may have considered specific impacts on men.

Data to support impacts of proposed changes

When considering the equality impact of a decision it is important to know who the people are that will be affected by any change.

Population data and the Joint Strategic Needs Assessment

The Lincolnshire Research Observatory (LRO) holds a range of population data by the protected characteristics. This can help put a decision into context. Visit the LRO website and its population theme page by following this link: <http://www.research-lincs.org.uk> If you cannot find what you are looking for, or need more information, please contact the LRO team. You will also find information about the Joint Strategic Needs Assessment on the LRO website.

Workforce profiles

You can obtain information by many of the protected characteristics for the Council's workforce and comparisons with the labour market on the [Council's website](#). As of 1st April 2015, managers can obtain workforce profile data by the protected characteristics for their specific areas using Agresso.

Positive impacts

The proposed change may have the following positive impacts on persons with protected characteristics – If no positive impact, please state 'no positive impact'.

Age	The policy identifies the need for separate procedures and guidance for 'adults' and 'children & young' people to ensure that s.117 are age appropriate and that different relevant legislation for either children or adults services addressed.
Disability	Mental disorder is a recognised protected characteristic and this policy addresses aftercare needs for individuals in order to reduce the risk of their mental disorder deteriorating and to prevent them from being readmitted to hospital compulsorily under the MHA. In addition to this the policy promotes that those with a mental disorder are supported with regards to the information they receive around s.117 to ensure that they are able to make informed decisions.
Gender reassignment	The policy includes and promotes the requirements of MHA CoP to ensure that individuals have their needs assessed taking into account any requirements associated to any of their protected characteristics.
Marriage and civil partnership	The policy includes and promotes the requirements of MHA CoP to ensure that individuals have their needs assessed taking into account any requirements associated to any of their protected characteristics.
Pregnancy and maternity	The policy includes and promotes the requirements of MHA CoP to ensure that individuals have their needs assessed taking into account any requirements associated to any of their protected characteristics.
Race	The policy includes and promotes the requirements of MHA CoP to ensure that individuals have their needs assessed taking into account any requirements associated to any of their protected characteristics.
Religion or belief	The policy includes and promotes the requirements of MHA CoP to ensure that individuals have their needs assessed taking into account any requirements associated to any of their protected characteristics.

Sex	The policy includes and promotes the requirements of MHA CoP to ensure that individuals have their needs assessed taking into account any requirements associated to any of their protected characteristics.
Sexual orientation	The policy includes and promotes the requirements of MHA CoP to ensure that individuals have their needs assessed taking into account any requirements associated to any of their protected characteristics.

If you have identified positive impacts for other groups not specifically covered by the protected characteristics in the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.

Other positive impacts of having the s.117 policy are as follows:
 Eliminating discrimination - by ensuring all patients are aware they have access to Independent Mental Health Advocacy (IMHA) to assist them and that The S.117 where IMHA's are specialised in understanding the specific needs of particular (e.g Learning Disability or autism) so that s.117 can be communicated to them effectively.
 Advance of equality and opportunity - so the equal priority is given to physical health and social care services.

Adverse/negative impacts

You must evidence how people with protected characteristics will be adversely impacted and any proposed mitigation to reduce or eliminate adverse impacts. An adverse impact causes disadvantage or exclusion. If such an impact is identified please state how, as far as possible, it is justified; eliminated; minimised or counter balanced by other measures.

If there are no adverse impacts that you can identify please state 'No perceived adverse impact' under the relevant protected characteristic.

Negative impacts of the proposed change and practical steps to mitigate or avoid any adverse consequences on people with protected characteristics are detailed below. If you have not identified any mitigating action to reduce an adverse impact please state 'No mitigating action identified'.

Age	'No perceived adverse
Disability	This piece of legislation is complex in order to assist service user understand it a leaflet is included in the policy. This may not be suitable for service users with Learning Disability (LD). In order to mitigate this an easy read leaflet is being developed which will be incorporated in the Procedures and Guidance along with training for LD staff to assist service users understand section 117 of the MHA.
Gender reassignment	'No perceived adverse
Marriage and civil partnership	'No perceived adverse
Pregnancy and maternity	'No perceived adverse

Race	'No perceived adverse
Religion or belief	'No perceived adverse
Sex	'No perceived adverse
Sexual orientation	'No perceived adverse

If you have identified negative impacts for other groups not specifically covered by the protected characteristics under the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.

N/A

Stakeholders

Stake holders are people or groups who may be directly affected (primary stakeholders) and indirectly affected (secondary stakeholders)

You must evidence here who you involved in gathering your evidence about benefits, adverse impacts and practical steps to mitigate or avoid any adverse consequences. You must be confident that any engagement was meaningful. The Community engagement team can help you to do this and you can contact them at consultation@lincolnshire.gov.uk

State clearly what (if any) consultation or engagement activity took place by stating who you involved when compiling this EIA under the protected characteristics. Include organisations you invited and organisations who attended, the date(s) they were involved and method of involvement i.e. Equality Impact Analysis workshop/email/telephone conversation/meeting/consultation. State clearly the objectives of the EIA consultation and findings from the EIA consultation under each of the protected characteristics. If you have not covered any of the protected characteristics please state the reasons why they were not consulted/engaged.

Objective(s) of the EIA consultation/engagement activity

A Co production event was conducted with service users in the production of the policy. In addition to this there is engagement/ consultation ongoing amongst the 3 organisations which asks specifically which runs from March –May 19

- Do you think any group with a protected characteristic (age, race, gender reassignment, sex, sexual orientation, disability, marriage or civil partnership status, pregnancy or maternity status) will be affected by this policy? If so, how?

Who was involved in the EIA consultation/engagement activity? Detail any findings identified by the protected characteristic

Age	None
Disability	None
Gender reassignment	None
Marriage and civil partnership	None
Pregnancy and maternity	None
Race	None
Religion or belief	None

Sex	None
Sexual orientation	None
Are you confident that everyone who should have been involved in producing this version of the Equality Impact Analysis has been involved in a meaningful way? The purpose is to make sure you have got the perspective of all the protected characteristics.	Yes
Once the changes have been implemented how will you undertake evaluation of the benefits and how effective the actions to reduce adverse impacts have been?	

Further Details

Are you handling personal data?

Yes

If yes, please give details.

The S117 Joint Policy refers to the creation of an S117 Eligibility Master List. The Master List will support staff within the 3 partnership organisations to identify individuals who are eligible for S117 come under the scope of the policy and associated Procedures and Guidance.

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Actions required	Action	Lead officer	Timescale
Include any actions identified in this analysis for on-going monitoring of impacts.	Creation of Easy Read Leaflet for Learning Disability Service users	Heston Hassett	31 st July 2019

Version	Description	Created/amended by	Date created/amended	Approved by	Date approved
N/A	N/A	N/A	N/A	N/A	N/A

Examples of a Description:

'Version issued as part of procurement documentation'
 'Issued following discussion with community groups'
 'Issued following requirement for a service change; Issued following discussion with supplier'