

Equality Impact Assessment (EIA)

Stage 1: Screening Assessment

Name of Policy or Service being assessed:	Staffordshire and Stoke on Trent Inter-agency – Section 136 Policy
Policy Lead:	Justin Griffiths
Person(s) responsible for completing the assessment (if not the Policy Lead):	As above

The Equality Impact Assessment is a written record that demonstrates that the policy lead has shown *due regard* with respect to the characteristics protected by the Equality Act 2010 to the need to:-

- i. **eliminate unlawful discrimination,**
- ii. **advance equality of opportunity,** and
- iii. **foster good relations** between persons with different characteristics

1. Is this a new or existing policy or new or existing service?	Existing policy Inter-agency policy across:- <ul style="list-style-type: none"> • Staffordshire Police • West Midlands Ambulance Service • North Staffordshire Combined Healthcare NHS Trust • South Staffordshire & Shropshire Healthcare NHS Foundation Trust • Staffordshire County Council • Stoke-on- Trent City Council
2. What is the aim of the policy/ service?	To provide a Policy Framework around the use of Section 136 of the Mental Health Act (1983) in Staffordshire. The policy provides a framework for the removal and detention in a place of safety of individuals under section 136 of the Mental Health Act (for detail see below) that will support improved service delivery and the appropriate use of resources and is supplemented by detailed local procedures. This provides both an overarching policy, operational procedures and considers the following guidance and legislation.

	<ul style="list-style-type: none"> • <i>S136 (1) “if a constable finds, in a place to which the public have access, a person who appears to him/her to be suffering from mental disorder and to be in immediate need of care or control, the constable may, if he/she thinks it necessary to do so in the interests of that person, or for the protection of other persons, remove that person to a place of safety...”</i> • <i>S136(2) “A person removed to a place of safety under this section may be detained there for a period, not exceeding 72 hours, for the purpose of enabling him to be examined by a registered medical practitioner and to be interviewed by an approved mental health professional and of making any necessary arrangements for his treatment and care.”</i>
<p>3. What is the expected outcome of the policy/ service? (e.g. objectives and purposes of the policy/ service, standards for practice).</p>	<p>To support correct and appropriate practice in relation to removal and detention in a place of safety of individuals under Section 136 (1) and (2) of the Mental Health Act.</p> <p>To provide detention in a place of safety which is:-</p> <ul style="list-style-type: none"> • the least restrictive option and maximising independence with a focus on promoting recovery wherever possible • fully involves the patient (and carers, families and others if appropriate) in decisions about care, support and treatment • Ensures that patients, their families and carers are treated with respect and dignity and listened to by professionals • Performed to current national guidelines and /or current available best practice guidelines • Focusses on quality • Ensures that all relevant services work together to facilitate timely, safe and supportive discharge from detention.

<p>4. Does this policy / service link to others? If yes please state link:</p>	<p>Yes</p> <p>Links to key legislation as below:-</p> <ul style="list-style-type: none"> • The Mental Health Act 1983 and all relevant amendments • The Mental Health Act Code of Practice (2015) • The Mental Capacity Act 2005 • The Police and Criminal Evidence Act 1984 and all relevant amendments • The Police and Criminal Evidence Act, Code of Practice • The Human Rights Act 1998 • One Staffordshire Information Sharing Agreement • The Equality Act 2010 <p>Policy Links</p> <ul style="list-style-type: none"> • Staffordshire & Stoke-on-Trent Inter-agency Section 135 Policy and the Protocol for Police Support and Management of Mental Health Act Assessments on Private Premises • Protocol for the Management of S136 at Harplands Hospital • Guideline for the Physical Healthcare of people in the Place of Safety
<p>5. Who is intended to benefit from the policy / service? In what way?</p>	<ul style="list-style-type: none"> • Staff will have clear procedures • Patients will have a level of protection from the framework and consistent care.
<p>5. How is the policy / service to be put into practice? Who is responsible?</p>	<ul style="list-style-type: none"> • Multi Agency Policy. • Individual organisations responsible for implementation via their Agency / Professional Leads
<p>6. How and where is information about the policy / service publicised? ie. on the Trust intranet, and the internet/portal.</p>	<ul style="list-style-type: none"> • Trust – Intranet / Internet Portal • Policy emailed to key professionals / groups within the Trust
<p>7. What regular consultation do you carry out with different communities and groups re the policy / service?</p>	<ul style="list-style-type: none"> • Policy agreed via Multi-Agency Locality Group, Mental Health Law Governance, both attended by Service User representatives.

8. Equality Strands		
Are there concerns that the policy / service could have an adverse impact on:-		
	<u>YES</u>	<u>NO</u>
<ul style="list-style-type: none"> • Age 		√
If YES to the above please state evidence (either presumed or otherwise)		
<ul style="list-style-type: none"> • Disability 	√	
<p>If YES to the above please state evidence (either presumed or otherwise)</p> <p>The policy provides a framework for the removal and detention in a place of safety of individuals under section 136 of the Mental Health Act</p> <p>Those individuals subject to these processes are much more likely to have a disability under the definition of the Equality Act 2010 (physical or mental impairment which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities') than the standard population.</p> <p>These processes are put in place not to disadvantage individuals but to protect the safety of themselves and of others.</p>		
<ul style="list-style-type: none"> • Sex/Gender 	√	
<p>If YES to the above please state evidence (either presumed or otherwise)</p> <p>Analysis of the number of people detained under Section 136 indicates that Men (58% 2015-16) are more likely to be detained under Section 136 than Women (42%). Further analysis is planned by the North Locality Group to establish reasons for this difference, benchmark with other area. However criteria for detention are set out in the Mental Health Act and the Policy is based upon National Good practice guidance.</p>		
<ul style="list-style-type: none"> • Gender reassignment 		√
If YES to the above please state evidence (either presumed or otherwise)		
<ul style="list-style-type: none"> • Race / ethnicity / ethnic communities / cultural groups 		√

If YES to the above please state evidence (either presumed or otherwise)	There are very limited numbers of people from different ethnic / cultural groups detained on Section 136 each year so analysis is difficult. North Locality Group to undertake Longitudinal analysis of available data.	
• Pregnancy and maternity		√
If YES to the above please state evidence (either presumed or otherwise)		
• Sexual Orientation		√
If YES to the above please state evidence (either presumed or otherwise)		
• Marriage and Civil Partnership		√
If YES to the above please state evidence (either presumed or otherwise)		
• Religion / Belief		√
If YES to the above please state evidence (either presumed or otherwise)		
9. Do any differences identified above amount to discrimination and the potential for adverse impact in this policy?		√
If YES could it still be justifiable e.g. on grounds of promoting equality of opportunity for one group? Or any other reason ie. Indirect discrimination can be justifiable sometimes when a service is being provided for a particular target group e.g. Asian women's breast screening, Gay men's sexual health clinic, gender specific services /environments	n/a	
If YES, please give reasons:	n/a	
10. Do you think this policy / service specifically contributes to promoting equality, diversity and inclusion in North Staffordshire? If so, in what way? Please note any examples of good practice	Yes – Policy provides clarity for Multi Agency Practitioners around the use of Section 136 ensuring equitable application of protocol in all circumstances. Any significant equality, diversity or inclusion issues that arise will be considered at the multi-agency locality group	
11. What approaches will you take to get feedback on your assessment?	Feedback from the Trust Policy Working Group	

