

Equality Impact Assessment (EIA)

Stage 1: Screening Assessment

Name of Policy or Service being assessed:	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
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? ie. to ensure the Trust meets best practice for	This policy outlines responsibilities under Section 135 of the Mental Health Act and arrangements for police support during Mental Health Act assessments.

<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 application and execution of warrants under Section 135 (1)(2) of the Mental Health Act to facilitate access to vulnerable people, those absent without leave from hospital and those requiring a Mental Health Act assessment.</p> <p>The policy document also refers to the Protocol to be followed for police support and management of mental health assessments on private premises.</p>
<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>5. Who is intended to benefit from the policy/ service? In what way? <i>ie. all staff and service users</i></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 Agency / Professional Leads
<p>6. How and where is information about the policy/ service publicised? <i>ie. on the Trust intranet, and the internet/portal.</i></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 	√	
If YES to the above please state evidence (either presumed or otherwise)		
<p>The policy outlines the process for execution of warrants under Section 135 (1) (2) of the Mental Health Act to facilitate access to vulnerable people, those absent without leave from hospital and those requiring a Mental Health Act assessment. It also refers to the Protocol for police support and management of mental health assessments on private premises. These processes may be deemed by the individual to be an infringement on their privacy and liberty.</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 		√
If YES to the above please state evidence (either presumed or otherwise)		
<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 		√

<p>If YES to the above please state evidence (either presumed or otherwise)</p>	<p>As the numbers of Section 135 Warrants and request for Police assistance are limited, there is not much data for analysis. Numbers of Warrants and Police requests were also not monitored until recently, so there is not enough data currently to undertake analysis.</p>	
<p>• Pregnancy and maternity</p>		<p>√</p>
<p>If YES to the above please state evidence (either presumed or otherwise)</p>		
<p>• Sexual Orientation</p>		<p>√</p>
<p>If YES to the above please state evidence (either presumed or otherwise)</p>		
<p>• Marriage and Civil Partnership</p>		<p>√</p>
<p>If YES to the above please state evidence (either presumed or otherwise)</p>		
<p>• Religion / Belief</p>		<p>√</p>
<p>If YES to the above please state evidence (either presumed or otherwise)</p>		
<p>9. Do any differences identified above amount to discrimination and the potential for adverse impact in this policy?</p>		<p>√</p>
<p>If YES could it still be justifiable e.g. on grounds of promoting equality of opportunity for one group? Or any other reason <i>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</i></p>	<p>n/a</p>	
<p>If YES, please give reasons:</p>	<p>n/a</p>	
<p>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</p>	<p>This Policy provides clarity for Multi Agency Practitioners around the use of Section 135 and requests for police attendance at Mental Health Act assessments, ensuring equitable application of protocol in all circumstances</p> <p>Any significant equality, diversity or inclusion issues that arise will be considered at the multi-agency locality group</p>	

11. What approaches will you take to get feedback on your assessment?	Feedback from the Trust Policy Working Group
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In the case of a negative impact being identified above, please indicate any measures planned to mitigate against this by completing Stage 2, Full Impact Assessment as below:-

Stage 2: Full impact assessment

What is the impact?	Mitigating actions	Monitoring of actions
Not required		

	Yes	No
Do you need any additional assistance to help you carry out the full assessment?		N/A

GETTING FEEDBACK AND ADVICE

Feedback should now be sought from the Diversity and Inclusion Lead by emailing them at Diversity@northstaffs.nhs.uk

What feedback/guidance was provided?
<p>Consideration of/ reflection on the disproportionate impact on those falling within the definition of disability ('mental impairment') under the Equality Act 2010.</p> <p>Consideration as to whether any disproportionate impact on different ethnic groups.</p> <p>Lesley Faux 22.06.17</p>

Signed (Policy Lead Assessor) Justin Griffiths

Date 21.06.2016

Counter-signed (Diversity & Inclusion Lead)



Lesley Faux

Date 22.06.2016

COMPLETED FORMS – Please forward to the Diversity and Inclusion Lead via email: Diversity@northstaffs.nhs.uk
Telephone queries to: 0300 123 1535 ext 2814