

Equality impact assessment form

Directorate Adults Health and Housing

Service area Safeguarding and Professional Standards

Name of policy, strategy, review or function being assessed: Derbyshire and Derby Safeguarding Adults Policy and Procedures

Date of assessment: 29th June 2015

Signed off by

Cabinet, Personnel Committee or Chief Officer Group's decision

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Equality impact assessment – please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact you need to do an equality impact assessment whenever a decision is needed that affects people and **before** that decision is made.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to do them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have '**due regard**' to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a '**relevant protected characteristic**' and people who don't.

Having 'due regard' means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Don't do the form by yourself, get a small team together and make sure you include key people in the team such as representatives from our Diversity Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

When you have completed the assessment, get it signed by your Head of Service or Service Director and send it to our Lead on Equality and Diversity for checking and to publish on our website. It is a public document so must not contain any jargon and be easy to understand.

Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010.

Equality groups and protected characteristics

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties and people with physical impairments
- Gender reassignment – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers
- Race equality – the effects on minority ethnic communities, including newer communities, gypsies and travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls
- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

In addition, we have decided to look at the effects on families and people on low incomes too as we feel this is very important.

Contact for help

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The form

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures
- Key decisions such as allocating funding to voluntary organisations, budget setting
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays

If in doubt - do one! You never know when we may get a legal challenge and someone applies for Judicial Review.

What's the name of the policy you are assessing?

Derbyshire and Derby Safeguarding Adults Policy and Procedures

The assessment team

Team leader's name and job title

Other team members

Name	Job title	Organisation	Area of expertise
Griff Jones	Head of Service	DCC	Safeguarding, Mental Health Act Mental Capacity Act
Heather Greenan	Head of Service	DCC	Performance and Intelligence
Emily Freeman	Team Manager	DCC	Safeguarding, DOLs, Mental

			Capacity Act
Nicola Bishop	Team Manager	DCC	Safeguarding, Mental Health Act Mental Capacity Act

Step 1 – setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side tracked.

- 1 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.**

The purpose of the Safeguarding Policy is to make explicit the responsibilities of all professionals, volunteers and agencies working to protect adults who may be vulnerable to abuse.
This is a revision of the existing Safeguarding Policy to take into account the changes that have been brought in by the Care Act 2014 which was implemented on the 1st April 2015.
The policy and procedures help to embed new ways of working which focus on working in partnership with the customer to help support them to keep safe in a way that enhances their well-being.
The Safeguarding policy includes a recognition that protected characteristics need to be considered in all aspects of practice
Safeguarding features as key theme of the Council Plan 2014-2017

2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?

The Safeguarding Policy is delivered by partners of the Derby Safeguarding Adults Board which is a statutory multi-agency forum which is set up by Derby City Council. The Policy has been fully consulted across all agencies who form part of the Safeguarding Adults Board's of both Derby and Derbyshire. The policy is a joint policy with Derbyshire as partners work across the Derby / Derbyshire border.

The partners of the Board are as follows:

- Derby City Council
- Southern Derbyshire Clinical Commissioning Group
- Derby Teaching Hospitals NHS Foundation Trust
- Derbyshire Healthcare NHS Foundation Trust
- Derbyshire Health United
- Derbyshire Constabulary
- Care Quality Commission
- Derbyshire National Probation Service
- Derbyshire, Leicestershire, Nottinghamshire and Rutland CRC
- East Midlands Ambulance Service
- Derbyshire Fire and Rescue Service
- City and Neighbourhood Partnership
- Derby Homes
- University of Derby
- Friendship Care and Housing Limited

3 Who are the main customers, users, partners, employees or groups affected by this proposal?

All Adults with care and support needs and their carer's and family's.
In Derby City we had 1581 safeguarding alert's in the year 2014/15 which lead to 695 investigations

The policy also affects all staff working across all partners to the Safeguarding Board.

In addition all commissioned services, included funded voluntary groups have an obligation to embed the Policy in their day to day practice

Step 2 – collecting information and assessing impact

4 Who have you consulted and engaged with so far about this policy, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.

The Policy is shaped from the Practice guidance for Safeguarding that was published by the Department of Health in October 2014. The draft policy was sent to all partner agencies for both Derby and Derbyshire Safeguarding Board and comments were invited to be received. The comments from partner agencies were then used to inform a revision of the draft policy which was then examined line by line at a full day consultation event on the 17th February 2015 with Board partners. This in turn led to a further revision of the draft policy which was then sent out for final comment across all partners. This then led to a final policy document which was brought before the Derby Safeguarding Board on the 14th April 2015 when it was ratified and then sent to all partner agencies for them to ratify the policy within their own agency. Within the Adults Health and Housing Directorate the draft policy was sent out to all Heads of Service for them to consult their staff groups on the policy. Team Managers were consulted at a regular Directorate wide meeting on the 12th March 2015. The Customer Inclusion group of the Safeguarding Board were also consulted about their views on the 12th February at this meeting included Transition 2 who represent Adults with Learning Difficulties.

5 Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each equality group whether this is a negative impact, a positive one or if you are not sure

Equality groups	What do you already know?	No impact	Positive impact	Negative impact	Not sure
Age	Older Adults were supported in 50% of safeguarding investigations. Older Adults are at increased risk due to possible frailty and reliance on others to meet their care and support needs. The Policy does recognise this and tasks staff to work with Older Adults so they have greater choice		✓		

	and control in enabling them to stay safe			
Disability	Disabled people were supported in 85% of safeguarding investigations this will include the vast majority of Older Adult referrals discussed above. Disabled people are formally recognised in the policy which advocates a risk enabling rights based approach		✓	
Gender reassignment - trans	This is not formally picked up in our data gathering, it is identified as a protected characteristic in the policy and is a hate crime category. When we get an incident of trans hate crime this will be recorded	✓		
Marriage and civil partnership	We do gather data in respect of Forced Marriages but this is the only data gathering, it is identified as a protected characteristic in the policy	✓		
Pregnancy and maternity	We do gather data in respect of FGM but this is the only data gathering, it is identified as a protected characteristic in the policy	✓		
Race	We do gather data on ethnic groups represented in safeguarding investigations. The safeguarding board		✓	

	has highlighted raising awareness of safeguarding across all ethnic groups as a key strategic objective			
Religion or belief or none	This is picked up in relation to Hate Crime data it is identified as a protected characteristic in the policy	✓		
Sex	This is picked up in relation to Hate Crime data it is identified as a protected characteristic in the policy	✓		
Sexual Orientation	This is picked up in relation to Hate Crime data, it is identified as a protected characteristic in the policy	✓		
Families and people on low income	Think Family is referenced throughout the policy and there is a read across to Safeguarding Children policy. The procedures make explicit that staff need to consider the needs of the family in all safeguarding enquiries		✓	

Important - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

6 From the information you have collected, how are you going to lesson any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?

- 1) We will ensure that the Policy is made available in all languages
- 2) We will review our performance data and targets to ensure that we have a clear picture in relation to safeguarding across all protected characteristics
- 3) We will continue to play a key role in increasing awareness on Hate Crime and we will remain committed to attending multi-agency Hate Crime steering groups

Step 3 – deciding on the outcome

7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?

Outcome 1		No major change needed – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
Outcome 2	✓	Adjust the policy to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
Outcome 3		Continue the policy despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> • sufficient plans to stop or minimise the negative impact • mitigating actions for any remaining negative impacts • plans to monitor the actual impact.
Outcome 4		Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s)

Outcome 2

Why did you come to this decision?

We do feel that the Policy does ensure that agencies will work together in a proactive way to prevent adults with care and support needs from being abused or neglected. We do however recognise that we need to ensure that we raise awareness of all the protected characteristics and that we make the policy available in different languages

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality Action Plan to lessen the effect of the negative impact. This is really important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is really important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

Step 4 – equality action plan – setting targets and monitoring

- 8 Fill in the table (on the next page) with the equality actions you have come up with during the assessment. Indicate how you plan to monitor the equality impact of the proposals, once they have been implemented.**

Equality action plan – setting targets and monitoring

What are we going to do to advance equality?	How are we going to do it?	When will we do it?	What difference will this make?	Lead officer	Monitoring arrangements
Make the policy accessible in different languages	Include a reference to this service in the policy	ASAP	Policy will be more accessible to all groups	Sana Farah	Audit of policy
Performance targets will focus on evaluating how Adults will feel safer following safeguarding. This will include better collation of data in relation to protected characteristics	Revise our data gathering to focus on safety and to ensure that it includes information on protected characteristic	ASAP	We will be able to demonstrate how Adults have been enabled to feel safer through safeguarding enquiries and this data will include better information on the impact across all protected characteristics	Griff Jones	Through quarterly performance reporting
As part of the review of the Safeguarding Policy we will consult with the Disability Forums to ensure a comprehensive scrutiny	We will build this into our plan to review the Safeguarding policy	Autumn 2016	We will be able to demonstrate an enhanced level of scrutiny	Griff Jones	Through examination of the framework for review of the Safeguarding policy

Make sure you include these actions in your Directorate service business plans.