

INITIAL EQUALITY IMPACT ASSESSMENT (EIA) FORM

** PLEASE INSERT NAME OF PERSON COMPLETING THIS FORM AND THAT OF APPROVING MANAGER / HEAD OF SERVICE** ON PAGE 2

Name of policy / process / service / other	Deprivation of Liberty Safeguards Policy	Date completed	12/07/2021
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Responsible Staff Member: Francesca Butcher
EIA Assessor/s: Francesca Butcher Maria Paterson
Directorate: Adult Safeguarding

1. FIELD / SUBJECT

Function Policy Procedure / practice Service Strategy Document (if joint, state with whom)

Describe the main aim, objectives and intended outcomes of the above:

The Deprivation of Liberty Safeguards (DoLS) provides legal protection for those vulnerable people who are, or may become, deprived of their liberty within the meaning of Article 5 of the European Convention of Human Rights (ECHR) in a hospital or care home. This occurs whether placed under public or private arrangements. These safeguards provide a proper legal process and suitable protection in circumstances where a deprivation of Liberty appears to be unavoidable, is in a person's own best interest and where it is the least restrictive alternative. DoLS do not apply to people detained under the Mental Health Act 1983.

DoLS was introduced in response to the 2004 'Bournewood judgment' in the European Court of Human Rights. This case was brought by carers of an autistic man who was kept at Bournewood Hospital against their wishes. The Court found that the circumstances by which the patient was admitted and kept in hospital breached the human right to liberty (Article 5(1) European Convention of Human Rights Deprivation of liberty) and also of Article 5(4), the right to have the lawfulness of detention reviewed by a court.

An initial screening should be undertaken first. This helps to identify whether there is a possibility that people might have different experiences of the function/ policy / process/ strategy compared to others.

This initial EIA simply assesses whether different groups of people who use a service are affected by the intended function / policy/ practice / strategy more, less or in a different way than other groups of people. A differential impact occurs when a particular group has been affected differently by this in either a positive or negative/adverse way.

An assessment of whether there is a differential impact will be based on two factors – quantitative monitoring data and qualitative information, including the expert opinion from the EIA assessor who is normally the manager responsible for the delivery as well as someone with a different perspective. This would ideally be one or more service users or someone related to the service. There will be times when involving someone for their technical expertise or someone with specialist knowledge will be appropriate and EIA assessors should consider this. You must assess **each** of the 9 areas separately and consider how your document in section 1 may affect people's human rights.

2. ASSESSMENT OF POSSIBLE ADVERSE IMPACT AGAINST ANY MINORITY GROUP

	Could the policy / service / function / other in section 1 have a significant negative impact on equality in relation to each area below?	Response		If YES, please state why and the evidence used in your assessment
		Yes	No	
1	Age		X	
2	Sex (Male and Female)		X	
3	Disability (Learning Difficulties / Physical or Sensory Disability)		X	
4	Race or Ethnicity		X	
5	Religion and Belief		X	
6	Sexual Orientation (gay, lesbian or heterosexual)		X	
7	Pregnancy and Maternity		X	
8	Gender Reassignment (the process of transitioning from one gender to another)		X	
9	Marriage and Civil Partnership		X	

You need to ask yourself:

- Will the policy / practice / service create any **problems** or **barriers** to any community or group? **No**
- Will any group be **excluded** because of this? **No**
- Will there be a negative impact on **community relations**? **No**

If the answer to any of these questions is YES, you must complete a **FULL** Equality Impact Assessment. Contact the Corporate Governance Administrator and refer to the EIA Policy on the intranet.

3. POSITIVE IMPACT

Could the policy / practice / service / other have a significant positive impact on equality by reducing inequalities that already exist? Explain how will it meet our duty to:		Response		If YES, please state why and the evidence used in your assessment
		Yes	No	
1	Promote equal opportunities	X		
2	Get rid of discrimination	X		
3	Get rid of harassment	X		
4	Promote good community relations	X		
5	Promote positive attitudes towards disabled people	X		
6	Encourage participation by disabled people	X		
7	Consider more favourable treatment of disabled people	X		
8	Promote and protect human rights	X		

4. SUMMARY

On the basis of the information/evidence/consideration so far, do you believe that the policy / practice / service / other will have a positive or negative impact on equality?

POSITIVE			NEGATIVE			
High			Nil			

Date Assessment completed: 12/07/2021

Is a full Equality Impact Assessment required? NO

COMPLETED BY

Name	Maria Paterson		
Job Title	Locum MCA and DoLS/LPS Lead Nurse		
Date	12/07/2021	Contact number/s x3066	
Head of Service	Nichola Kane		

THIS EIA HAS BEEN APPROVED BY THE MANAGER / HEAD OF SERVICE

Name	Nichola Kane <i>Nichola Kane</i>		
Job Title	Deputy Director of Nursing		
Date	12/07/2021	Contact number/s 0208 934 6308	