

Reference Number: UHB 343
Version Number: 3

Date of Next Review: January 2028
Previous Trust/LHB Reference Number: N/A

Section 117 Standard Operating Procedure

Introduction and Aim

Cardiff & Vale University Health Board, Cardiff County Council, and the Vale of Glamorgan Council as partner agencies are committed to providing appropriate aftercare services to eligible patients according to need as set out in section 117 of the Mental Health Act 1983.

To ensure the Health Board delivers its aims, objectives, responsibilities and legal requirements transparently and consistently, we will ensure staff are aware of their individual and collective responsibilities when considering and assessing the needs of individuals eligible to section 117 aftercare.

Practitioners will have due regard to the Mental Health Act Code of Practice generally and specifically to the Guiding Principles when they are considering the use of section 117 aftercare.

Practitioners must be fully aware of the diverse needs of the patient when considering the use of section 117 aftercare and must take them in to account at all times. They must ensure the patient fully understands what is happening to them in a language and format which they are able to understand, this will include sensory and cognitive abilities and physical impairment. Where necessary, an interpreter should be obtained.

To set out the requirements for provision of aftercare under section 117 of the Mental Health Act 1983 to the practitioners and agencies involved in the management of patients eligible to section 117 aftercare.

We will ensure statutory requirements under the Mental Health Act 1983 are met by providing clear direction and guidance which will be easily accessible on our internet/intranet sites to particular individuals including registered medical practitioners ('doctors'), approved clinicians, managers and staff of hospitals in relation to their legal responsibilities under the Mental Health Act 1983.

Objectives

This Policy and the Joint Procedure on Section 117, Mental Health Act 1983 describe the following with regard to section 117 aftercare:

- The purpose of section 117 aftercare
- The process for assessing the suitability for the use section 117 aftercare

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- The duties of the practitioners and agencies involved in the management of patients eligible to section 117 aftercare
- The section 117 Standard Operating Procedure

Scope

This policy is applicable to employees within all Mental Health inpatient settings, community settings and general hospital settings, including those with honorary contracts responsible for considering and assessing the needs of individuals eligible to section 117 aftercare. The Standard Operating Procedure

Equality and Health Impact Assessment

There is potential for both positive and negative impact. The procedure is aimed at improving services and meeting diverse needs. Mitigation actions are already in place to offset any potential negative outcome, e.g. through the monitoring of the procedure. There is nothing, at this time, to stop the procedure from being implemented.

Documents to read alongside this Procedure

- The Mental Health Act 1983 (as amended by the Mental Health Act 2007)
- Mental Health (hospital, guardianship, community treatment and consent to treatment) (Wales) regulations 2008
- The Mental Capacity Act 2005 (including the Deprivation of Liberty Safeguards delegated to this Act under the Mental Health Act 2007)
- The respective Codes of Practice of the above Acts of Parliament
- The Human Rights Act 1998 (and the European Convention on Human Rights) □ Domestic Violence, Crime and Victims Act, 2004

Approved by

Mental Health Clinical Board (MHCB) Controlled Document Oversight Group

Accountable Executive or Clinical Board Director

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Disclaimer

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Summary of reviews/amendments			
Version Number	Date of Review Approved	Date Published	Summary of Amendments
1	<i>12/02/2015</i>	<i>04/01/2017</i>	<i>New document</i>
2	<i>21/07/2020</i>	<i>31/07/2020</i>	<i>Updated document</i>
3	<i>Jan 2025</i>		<i>Updated document</i>

Equality & Health Impact Assessment for

Section 117, Mental Health Act 1983, Policy

1.	For service change, provide the title of the Project Outline Document or Business Case and Reference Number	SECTION 117, MENTAL HEALTH ACT 1983, POLICY
2.	Name of Clinical Board / Corporate Directorate and title of lead member of staff, including contact details	Mental Health Clinical Board Sunni Webb, Mental Health Act Manager 029 21824745 Sunni.webb@wales.nhs.uk

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3.	Objectives of strategy/ policy/ plan/ procedure/ service	<p>The aim of this policy is to ensure doctors' are aware of their individual and collective responsibilities when considering and assessing individuals eligible to section 117 aftercare.</p> <p>Provide clear guidance to staff in relation to their legal responsibilities under the Mental Health Act 1983.</p> <p>Ensure that statutory requirements under the Mental Health Act 1983 are met.</p> <p>Practitioners should have due regard to the Mental Health Act Code of Practice generally and specifically to the Guiding Principles when they are considering and assessing individuals eligible to section 117 aftercare.</p>
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<p>4.</p>	<p>Evidence and background information considered. For example</p> <ul style="list-style-type: none"> • population data • staff and service users data, as applicable • needs assessment • engagement and involvement findings • research • good practice guidelines • participant knowledge • list of stakeholders and how stakeholders have engaged in the development stages • comments from those involved in the designing and development stages <p>Population pyramids are available from Public Health Wales Observatory¹ and the UHB's 'Shaping Our Future Wellbeing' Strategy provides an overview of health need².</p>	<p>Related policies/information - Mental Health Act 1983, Code of Practice for Wales (Revised 2016), Welsh Language Act 2016, Mental Health Wales Measure 2010, Deprivation of Liberty Safeguards, Equality Act 2010</p> <p>Stakeholders - Service Users, Nursing Staff, Responsible Clinicians, Approved Clinicians, Mental Health Act Administrators, Approved Mental Health Professionals, Qualified nursing staff and other professionals working within mental health services.</p> <p>Age - 20 per cent of children have a mental health problem in any given year, and about 10 per cent at any one time. A quarter of older people in the community have symptoms of depression that require an intervention, and this increases to 40 per cent of care home residents (Mind "Our Communities, Our Mental Health)</p> <p>Older people (aged 60 and above) are more vulnerable to mental health problems, depression is a common disorder amongst this population and it has been estimated that 7% of older people suffer with uni-polar depression (World Health Organisation, 2016). Further Older people are more likely to experience a combination of physical and mental health issues (WHO, 2016).</p> <p>Younger adults are susceptible to mental health issues, with 6.2% of 16-24 year olds attempting suicide in their lifetime and 16.4% experiencing</p>
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¹ <http://nww2.nphs.wales.nhs.uk:8080/PubHObservatoryProjDocs.nsf>

² <http://www.cardiffandvaleuhb.wales.nhs.uk/the-challenges-we-face>

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		neurotic symptoms (Young Minds, 2016). Further, student populations are disproportionately affected by mental health issues, with
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		<p>an estimated 1 in 4 reporting mental health problems. Poor mental health amongst young people can lead to reduced life chances and impact on their education, social participation and ability to find and sustain employment.</p> <p>Results of Welsh Health Survey 2015 – reported in Mental Health Foundation Fundamental Facts 2016:-</p> <p>Results from the 2015 survey found that 13% of adults (aged 16 and older) living in Wales were reported to have received treatment for a mental health problem, an increase from 12% reported in 2014. Unlike other illnesses, the percentage who reported being treated for mental ill health did not increase with age, however trends suggest that an increase in treatment towards middle age before decreasing in retirement age. These rates have not significantly changed since the 2014 health survey.</p> <p>The total number of CAMHS referrals to treatment in Wales doubled between April 2010 (1,204) and July 2014 (2,342). Young people awaiting outpatient’s treatment has the highest numbers (2,410) compared to adults (1,291) and those in later life.</p> <p>The Mental Health Act relates to all patients suffering from a mental disorder who meet the criteria for detention, irrespective of age.</p> <p>Disability - Physical illness more than doubles the risk of depression, and between 30 per cent and 50 per cent of adults with learning disability in the UK have mental health problems. (Mind “Our Communities, Our Mental Health)</p>
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		<p>Sensory loss: Sensory loss currently affects 1 in 5 people in Wales, with 1 in 6 people affected by hearing loss and an estimated 115,000 people living with sight loss which has a significant impact on their daily lives (Sensory Loss in the Adult population in Wales, 2012). Those affected by sensory loss are more susceptible to the development of mental health issues, especially older people. Older people with sight loss are three times more likely to experience depression than people with good vision (Depression and Anxiety in Visually Impaired Older People, 2007) with the British Medical Journal reporting that sight loss is one of the top three causes of suicide among older people</p> <p>The proposed policy will apply to all patients detained regardless of disability, as the policy is reference to the scrutiny of the documents completed by staff rather than the processes. All documents will have been completed in conjunction with consideration of the Mental Health Act, Mental Capacity Act, DoLS and the Mental Health Wales Measure.</p> <p>Gender - There are clear differences in the way women and men experience mental health problems. Women are more likely to report common mental health problems. Girls are also more likely than boys to self-harm, and eating disorders are more common in young women compared to young men. Men are more likely to have undiagnosed depression, be detained under the Mental Health Act and take their own life compared to women. (Mind, “Our Communities, Our Mental Health”) Results of Welsh Health Survey 2015 – reported in Mental Health Foundation Fundamental Facts 2016:-</p>
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		A higher percentage of women report being treated for a mental health problem than men (16% vs 10%). Treatment figures show an increase of 1% for both men and women from 2014 statistics.
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		<p>Health (and social care) services have a duty to treat people fairly and equally. However, the Stonewall Unhealthy Attitudes 2015 report highlights some major gaps in the knowledge and training of staff relating to lesbian, gay, bisexual and trans (LGBT) people, which is resulting in unfair treatment of both LGBT patients and colleagues.</p> <p>Gay and Bisexual Men’s Health Survey With 6,861 respondents from across Britain, the 2013 report is the largest survey ever conducted of gay and bisexual men’s health needs in the world. However, it demonstrates that many of those needs are not being met and that there are areas of significant concern – most particularly in mental health and drug use – that have been overlooked by health services which too often focus solely on gay men’s sexual health.</p> <p>This report also provides hard evidence that gay and bisexual men nationwide are more likely to attempt suicide, self-harm and have depression than their straight peers.</p> <p>This policy will apply regardless of gender.</p> <p>Gender Reassignment - Trans people are at increased risk of depression and self-harm, and a third of trans people have attempted to take their own life.(Mind, “Our Communities, Our Mental Health”) This policy will apply regardless of whether patients have transitioned or not.</p> <p>Health (and social care) services have a duty to treat people fairly and equally. However, the Stonewall Unhealthy Attitudes 2015 report highlights some major gaps in the knowledge and training of staff</p>
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		<p>relating to lesbian, gay, bisexual and trans (LGBT) people, which is resulting in unfair treatment of both LGBT patients and colleagues.</p> <p>The NHS Centre for Equality and Human Rights (CEHR) has published a new guide for all staff in NHS Wales. <i>“It’s Just Good Care – A guide for health staff caring for people who are trans*”</i> aims to help health staff provide trans* people with the respectful and appropriate care they are entitled to. The document is available for downloading from the staff intranet. Also available on the intranet is a Top Tips for Making your Service Inclusive and Welcoming for Trans People</p> <p>Human Rights - The proposed policy promotes human rights in ensuring that all individuals are provided with treatment and care within the legal framework of the Mental health Act 1983..</p> <p>Pregnancy and Maternity - Mental health problems affect between 10 and 20 per cent of women at some point during the perinatal period (pregnancy and one year after birth). Poor maternal health can also increase the risk of mental health in children.</p> <p>Within the Mind report the following issues are also identified as contributory risk factors:- Trauma and stressful events, poverty, unemployment and housing insecurity, social isolation and loneliness, discrimination and inequality. (Mind, “Our Communities, Our Mental Health”) Results of Welsh Health Survey 2015 – reported in Mental Health Foundation Fundamental Facts 2016</p>
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		<p>Mental health problems affect more than 1 in 10 women during pregnancy and the first year after childbirth, and can have a devastating impact on new mothers and their families. According to a 2014 report</p>
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		<p>from the London School of Economics and the Centre for Mental Health, in the UK, 20% of women are affected by mental health problems during the perinatal period. In Wales, 70% of people have no access to specialist perinatal mental health services; a figure significantly higher than the UK average of 40%.</p> <p>According to NHS Choices website If you have had in the past, or now have, severe mental health problems, you are more likely to become ill during pregnancy or in the first year after giving birth than at other times in your life. Severe mental health problems include bipolar affective disorder, severe depression and psychosis. After giving birth, severe mental illness may progress more quickly and be more serious than at other times.</p> <p>This policy will apply regardless of whether patients are pregnant at the time of being detained. In relation to staff there are no changes to be made in relation to applying holding powers. Wards will have completed risk assessments in relation to staff.</p> <p>Race/ Ethnicity or nationality – A disproportionate number of people admitted as inpatients in mental health services come from BAME groups. In 2010, 23 per cent of inpatient admissions were from a BAME background. According to the mental health organisation ‘Mind’, the admission rate for ‘other black’ groups is six times higher than average, suggesting discrimination within the mental health system.</p>
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		<p>Black African and Caribbean people living in the UK have lower reported rates of common mental health problems compared to other ethnic groups, however they are more likely to be diagnosed with</p>
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		<p>severe mental health problems. Black African and Caribbean people are also much more likely to be detained under the Mental Health Act compared to other ethnic groups. According to Black Mental Health UK, people of African or Caribbean descent are 50 per cent more likely to be referred to mental health services via the police than their white counterparts. Young women from ethnic minorities are much more likely to take their own life than White British women. (Mind, “Our Communities, Our Mental Health”)</p> <p>The proposed policy will apply regardless of the race / ethnicity of patients or staff.</p> <p>Health inequalities are further linked to unequal access to healthcare. Some BAME groups face considerable barriers to healthcare.</p> <p>In 2009 the Department for Communities and Local Government noted that Gypsies and Travellers face particular difficulties accessing healthcare. Many of them felt that health workers and doctors’ misunderstood their needs and circumstances. Additionally, Gypsy and Traveller access to healthcare can also difficult if there is an inability to provide proof of identity.</p> <p>The West Midlands Strategic Health Partnership noted, in 2010, that migrant populations faced significant barriers accessing healthcare including difficulties that were related to registering, contracting and commissioning processes as well as a lack of knowledge about services available. Other common difficulties included poor continuity of care and the experience of not having the same doctor in the practice.</p>
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		<p>A Cultural Competency Toolkit, was developed by Diverse Cymru, with assistance from UHB staff. Its aim is to help staff better interact with clients with mental ill health who are from different cultures</p> <p>A proportion of patients first language may not be English or Welsh. The statutory documents in relation to the Mental Health Act are provided by Welsh Government are only available in English and Welsh.</p> <p>Within the explanation of rights this now details if the information has been given in the patients preferred language and will be reported on.</p> <p>Access to an interpreter is available and translation of written information can be obtained as and when required.</p> <p>Religion or Belief - Spiritual awareness, practices and beliefs (of any religion or for those engaging in spiritual practices without a particular faith) is associated with psychological benefits, including subjective wellbeing (Mind, Our Communities, Our Mental Health”).</p> <p>There are religious beliefs and practices that have been shown, across all the cultures studied, to have some salutary effects on well-being. Other ways in which culture may impact on the relations between religion and well-being have been less consistently documented. The recent growth of interest in positive psychology, and in the relations between religion and spirituality, and maturity, morality and virtue has not yet incorporated a marked focus on cultural issues. Religious beliefs and practices supported in one culture may appear disturbed to people</p>
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		(including mental health professionals) from another, affecting diagnosis and treatment. Many commonly held ideas about the role of religion in
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		<p>shame, guilt and anxiety (including obsessive-compulsive disorder), voices, visions and spirit possession require closer examination in the light of evidence from different cultural groups. Clinical practitioners are keen to reach a better understanding of the roles played by religious factors in different cultures, in affecting mental health.</p> <p>The proposed policy will apply regardless of the religion or belief of patients or staff.</p> <p>Sexual Orientation - Lesbian, gay and bisexual people are at increased risk of mental health problems, including self-harm and attempted suicide. Lesbian, gay and bisexual people have a 1.5 fold increased risk of depression and anxiety. (Mind “Our Communities, Our Mental Health”).</p> <p>Health (and social care) services have a duty to treat people fairly and equally. However, the Stonewall Unhealthy Attitudes 2015 report highlights some major gaps in the knowledge and training of staff relating to lesbian, gay, bisexual and trans (LGBT) people, which is resulting in unfair treatment of both LGBT patients and colleagues.</p> <p>Gay and Bisexual Men’s Health Survey. With 6,861 respondents from across Britain, the 2013 report is the largest survey ever conducted of gay and bisexual men’s health needs in the world. However, it demonstrates that many of those needs are not being met and that there are areas of significant concern – most particularly in mental health and drug use – that have been overlooked by health services which too often focus solely on gay men’s sexual health.</p>
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		This report also provides hard evidence that gay and bisexual men
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		<p>nationwide are more likely to attempt suicide, self-harm and have depression than their straight peers.</p> <p>The proposed policy will apply regardless of the sexual orientation of the patients or staff.</p> <p>Welsh Language - No evidence of disproportional representation to date, but a proportion of service users may be Welsh speakers</p> <p>Welsh Language and its use in Cardiff & Vale of Glamorgan The latest census statistics available indicate that 16% of the population of Cardiff have one or more skills in the Welsh Language (ability to read, write or/and understand Welsh). 32,000 or 11% of Cardiff's population are fluent Welsh speakers. 24.5% are within the 3-15 age group, and 12.1% within the 16-24 age groups. When the results of previous Censuses are consulted, a significant increase in the incidence of Welsh speakers amongst the youngest age groups is noticed. For the 5-15 year age group, the proportion of Cardiff's residents able to speak Welsh has increased from 6.8% in 1971 to 7.5% in 1981 and 12.7% in 1991. By 2001 this figure had increased to 24.5%. In the Vale of Glamorgan 13,189 of 122,018 people, which is 10.8% of the population, are fluent Welsh speakers.</p> <p>As the statutory documents in relation to the Mental Health Act are provided by Welsh Government these are in English on the Website.</p>
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		<p>Information leaflets for the patients are available in both English and Welsh. Within the explanation of rights this now details if the information has been given in the patients preferred language and will</p>
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		<p>be reported on. Welsh Language Act is a consideration.</p> <p>The impact of mental ill health on employment rates A national household survey in Great Britain conducted in 2000 found that 57% of people who have a common mental disorder are working, compared with 69% of people who do not have a common mental disorder. Just 9% of people with a probable psychotic disorder, which includes most people with a severe mental disorder, are working fulltime and a further 19% part-time (Meltzer et al., 2002)⁸. An earlier survey reported that 70% of those with a common mental disorder, who are unemployed and seeking work, have been unemployed for a year or more (that is 7% of all people with a common mental disorder) and are unlikely to return to work (Meltzer et al., 1995). Those who have a common mental disorder are four to five times more likely than those who have not to be permanently unable to work and three times more likely to be receiving benefits payments (Meltzer et al., 1995 and 2002).</p> <p>Between 30% and 50% of people with schizophrenia are capable of work but only between 10% and 20% are in employment (Marwaha and Johnson, 2004; Schneider, 1998). Although some are in managerial or senior official positions, most are in 'elementary' jobs, for example cleaning and labouring, or are in skilled trade occupations such as plumbing or metal work. The rate of employment in people with schizophrenia seems to have fallen from before 1990 when surveys reported that between 20% and 30% were in work. Several studies conducted at two time points seem to confirm this reduction (e.g. Rinaldi and Perkins, 2007). The reason for this is unknown but one factor might be a reduction in the number of sheltered employment schemes. For</p>
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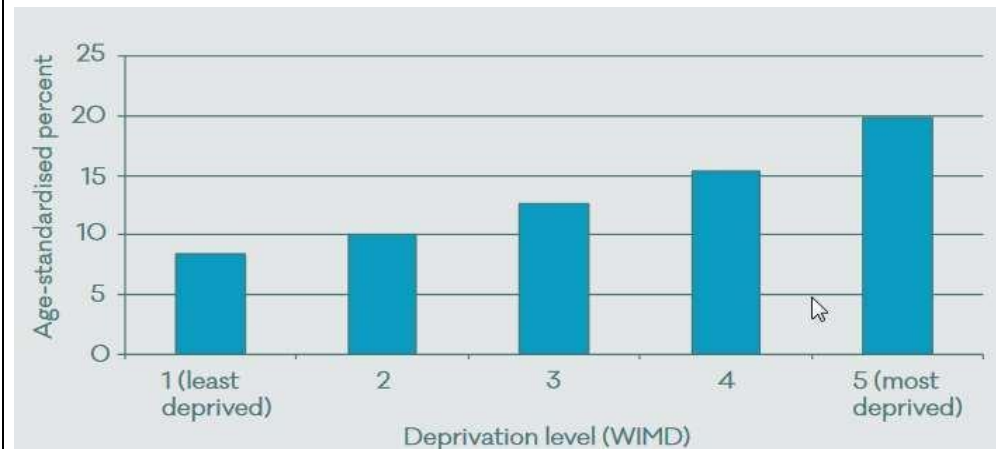
		those who present to services for the first time, the likelihood of being in employment falls markedly over the subsequent year or two (Birchwood
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et al., 1992; Johnstone et al., 1986). For people with Schizophrenia, premorbid social and occupational history are associated with employment and some types of psychotic symptoms and the presence of negative symptoms are associated with unemployment. The desire to have a job is one of the best predictors of future employment (Marwaha and Johnson, 2004).

People according to where they live



Findings from the 2015 survey found, that there was poorer mental health in more deprived areas. The percentage of adults that reported currently being treated for any mental health condition by area deprivation showed 8 per cent in the least deprived fifth in receipt of mental health treatment which rose steadily with higher levels of deprivation to 20 per cent in the most deprived fifth.

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		There is a wealth of evidence that mental health influences a very wide
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		<p>range of outcomes for individuals and communities. These include healthier lifestyles; better physical health; improved recovery from illness; fewer limitations in daily living; higher educational attainment; greater productivity, employment and earnings; better relationships with adults and with children; more social cohesion and engagement and improved quality of life. These outcomes are not just or necessarily a consequence of the absence of mental illness, but are associated with the presence of positive mental health, sometimes referred to as 'wellbeing'. Improving mental health is a worthwhile goal in itself: most people value a sense of emotional and social wellbeing; in addition, good mental health has many other far reaching benefits.</p> <p>Mental health is a fundamental element of the resilience, health assets, capabilities and positive adaptation that enable people both to cope with adversity and to reach their full potential and humanity. Mental health is also the key to understanding the impact of inequalities on health and other outcomes. It is abundantly clear that the chronic stress of struggling with material disadvantage is intensified to a very considerable degree by doing so in more unequal societies. An extensive body of research confirms the relationship between inequality and poorer outcomes, a relationship which is evident at every position on the social hierarchy and is not confined to developed nations. The emotional and cognitive effects of high levels of social status differentiation are profound and far reaching: greater inequality heightens status competition and status insecurity across all income groups and among both adults and children. It is the <i>distribution</i> of economic and social resources that explains health and other outcomes</p>
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		<p>in the vast majority of studies. The importance of the social and psychological dimensions of material deprivation is gaining greater recognition in the international literature on poverty and informs current</p>
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		<p>efforts to develop indicators that capture the missing dimensions of poverty.</p> <p>Both health-damaging behaviours and violence, for example, may be survival strategies in the face of multiple problems, anger and despair related to occupational insecurity, poverty, debt, poor housing, exclusion and other indicators of low status. These problems impact on intimate relationships, the care of children and care of the self. In the United Kingdom, the 20% - 25% of people who are obese or continue to smoke are concentrated among the 26% of the population living in poverty, measured in terms of low income and multiple deprivation of necessities. This is also the population with the highest prevalence of anxiety and depression.</p> <p>It is already well established that mental illness, across the spectrum of disorders, is both a direct cause of mortality and morbidity and a significant risk factor for poorer economic, health and social outcomes, although these adverse outcomes vary by type of disorder and socioeconomic status (WHO 2005; 2006).³ However, it is now becoming clear that the presence or absence of positive mental health or 'wellbeing' <i>also</i> influences outcomes across a wide range of domains. These include healthier lifestyles, better physical health, improved recovery, fewer limitations in daily living, higher educational attainment, greater productivity, employment and earnings, better relationships, greater social cohesion and engagement and improved quality of life (WHO 2004b; Barry and Jenkins 2007; Jane-Llopis et al 2004).</p> <p>This policy will apply regardless of where a person lives.</p>
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http://www.euro.who.int/data/assets/pdf_file/0012/100821/E92227.pdf

Homeless

Affordable and safe accommodation brings stability and security; provides a gateway to access health services like GPs; enhances social and community inclusion; and provides the basis for the right to private and family life. Put simply, a home is vital for good mental and physical health, allowing people to live in safety, security, peace and dignity.

Whilst there is no such 'right to housing' in itself, the right to an adequate standard of living, including housing, is recognised in the UN Covenant on Economic, Social and Cultural Rights.

Of course, there are numerous factors which can cause people to become homeless, many of which are beyond individual control, such as lack of affordable housing, disability and poverty. But what really needs to be highlighted is the two-way relationship between homelessness and mental health.

Homelessness and mental health often go hand in hand, and can be a self-fulfilling prophecy. Having a mental health problem can create the circumstances which can cause a person to become homeless in the first place. Yet poor housing or homelessness can also increase the chances of developing a mental health problem, or exacerbate an existing condition. In turn, this can make it even harder for that person to recover – to develop good mental health, to secure stable housing, to find and maintain a job, to stay physically healthy and to maintain

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		<p>relationships.</p> <p>It is a fundamental fact that single homeless people are much more likely to have mental health problems compared to the general population. In 2015, 32% of single homeless people reported a mental health problem, and depression rates, for example, are over 10 times higher in the homeless population. Unfortunately, other psychological issues such as complex trauma, substance misuse and social exclusion are also common</p> <p>This policy will apply regardless of where a person lives.</p> <p>Asylum Seekers</p> <p>Some asylum seekers will have been subjected to torture, as well as witnessing the consequences of societal breakdown of their home country – with consequences for their mental health. Culturally, mental illness may not be expressed or may manifest as physical Complaints. Stigma may also be attached to mental ill-health. Furthermore, Western psychological concepts are not universally applicable to asylum seekers. Mental health problems such as depression and anxiety are common, but post-traumatic stress disorder is greatly underestimated and under diagnosed and may be contested by healthcare professionals. Children are particularly neglected in this area. A shortage of mental health services for asylum seekers has been recognised. http://www.fph.org.uk/uploads/bs_aslym_seeker_health.pdf</p> <p>The duty to provide or to arrange to provide after-care services applies to patients irrespective of their country of origin.</p> <p>There would be little or no impact in respect of race but there is a</p>
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		<p>negative bearing on some who have an immigration or asylum. This section does not appear in the list of provisions set out in Sch. 3 to the Nationality, Immigration and Asylum Act 2002 which has the effect of preventing local authorities from providing support under the provisions listed in the Schedule to certain categories of refugees and asylum seekers.</p> <p>It may be difficult to deliver a care and treatment plan to gypsies and travellers who move around from area to area; however, they do have the option to decline s.117 services, as do all other relevant patients.</p> <p>Prisoners 10% of men and 30% of women have had a previous psychiatric admission before they entered prison. A more recent study found that 25% of women and 15% of men in prison reported symptoms indicative of psychosis. The rate among the general public is about 4%.</p> <p>26% of women and 16% of men said they had received treatment for a mental health problem in the year before custody.</p> <p>Personality disorders are particularly prevalent among people in prison. 62% of male and 57% of female sentenced prisoners have a personality disorder.</p> <p>49% of women and 23% of male prisoners in a Ministry of Justice study were assessed as suffering from anxiety and depression. 16% of the general UK population (12% of men and 19% of women) are estimated to be suffering from different types of anxiety and depression.</p>
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		46% of women prisoners reported having attempted suicide at some
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		<p>point in their lives. This is more than twice the rate of male prisoners (21%) and higher than in the general UK population amongst whom around 6% report having ever attempted suicide.</p> <p>http://www.prisonreformtrust.org.uk/ProjectsResearch/Mentalhealth</p> <p>Information in relation to multiple protected characteristics - Mental health issues can affect anyone among the population at any stage of life. However, national statistics show that there are higher incidences of mental health issues among certain protected groups.</p> <p>Mind's report "Our Communities, Our Mental Health" identified the following contributory risk factors:-</p> <p>Trauma and stressful events, poverty, unemployment and housing insecurity, social isolation and loneliness, discrimination and inequality.</p> <p>These risk factors may be present in any protected group.</p>
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5.	Who will be affected by the strategy/ policy/ plan/ procedure/ service	<p>Mental health issues affect the whole population, though some protected groups are disproportionately represented among service users.</p> <p>The policy addresses administrative issues and responsibilities in relation to the direct care and treatment of patients.</p> <p>The section 117 policy applies to eligible individuals with needs which require mental health services after discharge from hospital. Hospital managers must ensure that those acting on their behalf are competent</p>
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		to do so and receive suitable training to ensure they exercise their functions appropriately to ensure the functions are carried out as the Mental Health Act 1983 and associated legislation allows.
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6. EQIA / How will the strategy, policy, plan, procedure and/or service impact on people?

Questions in this section relate to the impact on people on the basis of their 'protected characteristics'. Specific alignment with the 7 goals of the Well-being of Future Generations (Wales) Act 2015 is included against the relevant sections.

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate. Make reference to where the mitigation is included in the document, as appropriate
<p>6.1 Age For most purposes, the main categories are:</p> <ul style="list-style-type: none"> • under 18; • between 18 and 65; and • over 65 	<p>There is potential for a positive impact in that there is an awareness of this protected characteristic.</p>	<p>N/A</p>	<p>Under Policy Statement</p>

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<p>6.2 Persons with a disability as defined in the Equality Act 2010 Those with physical impairments, learning disability, sensory loss or impairment, mental health conditions, long-term medical conditions such as diabetes</p>	<p>Disabled people with enduring mental health problems of all types are much less likely to be economically active than those with physical or sensory impairments. There is potential for a positive impact in that there is an awareness of this protected</p>	<p>A key duty is that the Doctor must be fully aware of the diverse needs of the patient when considering detention and must take them in to account at all times. They must ensure the patient fully</p>	<p>Under Policy Statement</p>
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<p>How will the strategy, policy, plan, procedure and/or service impact on:-</p>	<p>Potential positive and/or negative impacts</p>	<p>Recommendations for improvement/ mitigation</p>	<p>Action taken by Clinical Board / Corporate Directorate. Make reference to where the mitigation is included in the document, as appropriate</p>
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	characteristic and staff have to take into account the diverse needs of the individual patient.	understands what is happening to them in a language and format which they are able to understand, this will include sensory and cognitive abilities and physical impairment. Where necessary, an interpreter should be obtained.	
<p>6.3 People of different genders: Consider men, women, people undergoing gender reassignment</p> <p>NB Gender-reassignment is anyone who proposes to, starts, is going through or</p>	There is potential for a positive impact in that there is an awareness of this protected characteristic and staff have to take into account the diverse needs of the individual patient.	<i>"It's Just Good Care – A guide for health staff caring for people who are trans*" is made available to staff</i>	Under Policy Statement

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How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate. Make reference to where the mitigation is included in the document, as appropriate
who has completed a process to change his or her gender with or without going through any medical procedures. Sometimes referred to as Trans or Transgender			
6.4 People who are married or who have a civil partner.	We are aware of potential negative impact in terms of the LGBT+ communities and access to health care services as noted elsewhere within the EHIA.	<i>"It's Just Good Care – A guide for health staff caring for people who are trans**" is made available to staff.</i>	Under Policy Statement
6.5 Women who are expecting a baby, who are on a break from work after having a baby, or who are breastfeeding. They are	No impact anticipated. However staff have to take into account the diverse needs of the individual patient.	N/A	Under Policy Statement

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protected for 26 weeks after having a baby whether or not			
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How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate. Make reference to where the mitigation is included in the document, as appropriate
they are on maternity leave.			

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<p>6.6 People of a different race, nationality, colour, culture or ethnic origin including non-English speakers, gypsies/travellers, migrant workers</p>	<p>There is a potential for a negative impact as there is a lot of well documented evidence to suggest that. However staff have to take into account the diverse needs of the individual patient.</p>	<p>A key duty is that the Doctor must be fully aware of the diverse needs of the patient when considering detention and must take them in to account at all times. They must ensure the patient fully understands what is happening to them in a language and format which they are able to understand, this will include sensory and cognitive abilities and physical impairment. Where necessary, an</p>	<p>Under Policy Statement</p> <p>A Cultural Competency Toolkit, was developed by Diverse Cymru, with assistance from UHB staff. Its aim is to help staff better interact with clients with mental ill health who are from different cultures.</p>
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<p>How will the strategy, policy, plan, procedure and/or service impact on:-</p>	<p>Potential positive and/or negative impacts</p>	<p>Recommendations for improvement/ mitigation</p>	<p>Action taken by Clinical Board / Corporate Directorate. Make reference to where the mitigation is included in the document, as appropriate</p>
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		interpreter should be obtained.	
<p>6.7 People with a religion or belief or with no religion or belief. The term 'religion' includes a religious or philosophical belief</p>	<p>There is the potential for impact as suggested by the evidence above. However staff have to take into account the diverse needs of the individual patient.</p>		<p>A Cultural Competency Toolkit, was developed by Diverse Cymru, with assistance from UHB staff. Its aim is to help staff better interact with clients with mental ill health who are from different cultures.</p>
<p>6.8 People who are attracted to other people of:</p> <ul style="list-style-type: none"> • the opposite sex (heterosexual); • the same sex (lesbian or gay); • both sexes (bisexual) 	<p>We know from evidence that there are potential negative issues in terms of these protected characteristics. However staff have to take into account the diverse needs of the individual</p>	N/A	N/A

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How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate. Make reference to where the mitigation is included in the document, as appropriate
	patient.		
<p>6.9 People who communicate using the Welsh language in terms of correspondence, information leaflets, or service plans and design</p> <p>Well-being Goal – A Wales of vibrant culture and thriving Welsh language</p>	<p>There is the potential for a negative impact. However staff have to take into account the diverse needs of the individual patient.</p>	<p>A key duty is that the Doctor must be fully aware of the diverse needs of the patient when considering detention and must take them in to account at all times. They must ensure the patient fully understands what is happening to them in a language and format which they are able to understand, this will include sensory and cognitive abilities and physical impairment. Where necessary, an interpreter should be</p>	<p>Under Policy Statement</p> <p>Staff are made aware of the translation and interpretation policy.</p>

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How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate. Make reference to where the mitigation is included in the document, as appropriate
		obtained.	
<p>6.10 People according to their income related group: Consider people on low income, economically inactive, unemployed/workless, people who are unable to work due to ill-health</p>	<p>There is awareness that mental health problems have a greater impact on people's ability to work than any other group of disorders. However staff have to take into account the diverse needs of the individual patient.</p> <p>Disabled people with enduring mental health problems of all types are much less likely to be economically active than those with physical or sensory impairments.</p>	N/A	Under Policy Statement

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How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate. Make reference to where the mitigation is included in the document, as appropriate
<p>6.11 People according to where they live: Consider people living in areas known to exhibit poor economic and/or health indicators, people unable to access services and facilities</p>	<p>No impact identified at this time, though it is recognised that there is poorer mental health in more deprived areas. However staff have to take into account the diverse needs of the individual patient.</p>	<p>N/A</p>	<p>Under Policy Statement</p>

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<p>6.12 Consider any other groups and risk factors relevant to this strategy, policy, plan, procedure and/or service</p>	<p>Staff will respect the rights and needs of carers alongside the person's right to confidentiality. A Review of the person's consent to share information with family members, carers and other services will take place during the inpatient stay.</p>	<p>A key duty is that the Doctor must be fully aware of the diverse needs of the patient when considering detention and must take them in to account at all times. They must ensure the patient fully understands what is happening to them in a</p>	<p>Under Policy Statement</p>
<p>How will the strategy, policy, plan, procedure and/or service impact on:-</p>	<p>Potential positive and/or negative impacts</p>	<p>Recommendations for improvement/ mitigation</p>	<p>Action taken by Clinical Board / Corporate Directorate. Make reference to where the mitigation is included in the document, as appropriate</p>

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	No impact has been identified at this time in relation to the homeless, asylum seekers and prisoners, though it is recognised that there is sometimes poorer mental health issues due to their circumstances and that there consequences for their mental health. However staff have to take into account the diverse needs of the individual patient.	language and format which they are able to understand, this will include sensory and cognitive abilities and physical impairment. Where necessary, an interpreter should be obtained.	
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7. HIA / How will the strategy, policy, plan, procedure and/or service impact on the health and well-being of our population and help address inequalities in health?

Questions in this section relate to the impact on the overall health of individual people and on the impact on our population. Specific alignment with the 7 goals of the Well-being of Future Generations (Wales) Act 2015 is included against the relevant sections.

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How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts and any particular groups affected	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate Make reference to where the mitigation is included in the document, as appropriate
<p>7.1 People being able to access the service offered: Consider access for those living in areas of deprivation and/or those experiencing health inequalities</p> <p>Well-being Goal - A more equal Wales</p>	<p>No Impact identified at this time, though it is recognised that there is poorer mental health in more deprived areas. However staff have to take into account the diverse needs of the individual patient.</p>	N/A	Under Policy Statement
<p>7.2 People being able to improve /maintain healthy lifestyles: Consider the impact on healthy lifestyles, including healthy eating, being active, no smoking /smoking cessation, reducing the harm caused by alcohol and /or</p>	<p>No impact identified at this time, though it is recognised that healthy lifestyles can have a positive impact on mental health and well-being. Staff have to take into account the diverse needs of the individual patient.</p>	N/A	Under Policy Statement

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How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts and any particular groups affected	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate Make reference to where the mitigation is included in the document, as appropriate
<p>non-prescribed drugs plus access to services that support disease prevention (e.g. immunisation and vaccination, falls prevention). Also consider impact on access to supportive services including smoking cessation services, weight management services etc</p> <p>Well-being Goal – A healthier Wales</p>			
<p>7.3 People in terms of their income and employment status: Consider the impact on the availability and accessibility of work, paid/ unpaid employment, wage levels, job security, working conditions</p>	<p>No impact identified at this time, though it is recognised that being employed can have a positive impact on mental health and well-being. Staff have to take into account the diverse needs of the individual patient.</p>	<p>N/A</p>	<p>Under Policy Statement</p>

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How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts and any particular groups affected	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate Make reference to where the mitigation is included in the document, as appropriate
Well-being Goal – A prosperous Wales			

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<p>7.4 People in terms of their use of the physical environment: Consider the impact on the availability and accessibility of transport, healthy food, leisure activities, green spaces; of the design of the built environment on the physical and mental health of patients, staff and visitors; on air quality, exposure to pollutants; safety of neighbourhoods, exposure to crime; road safety and preventing injuries/accidents; quality and safety of play areas and open spaces</p> <p>Well-being Goal – A resilient Wales</p>	<p>No impact identified at this time, though it is recognised that environmental issues can have a positive impact on mental health and well-being. Staff have to take into account the diverse needs of the individual patient.</p>	<p>N/A</p>	<p>Under Policy Statement</p>
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How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts and any particular groups affected	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate Make reference to where the mitigation is included in the document, as appropriate

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<p>7.5 People in terms of social and community influences on their health: Consider the impact on family organisation and roles; social support and social networks; neighbourliness and sense of belonging; social isolation; peer pressure; community identity; cultural and spiritual ethos</p> <p>Well-being Goal – A Wales of cohesive communities</p>	<p>No impact identified at this time, though it is recognised that social and community influences and related issues can have a positive impact on mental health and well-being. Staff have to take into account the diverse needs of the individual patient.</p>	<p>N/A</p>	<p>Under Policy Statement</p>
<p>7.6 People in terms of macro-economic, environmental and sustainability factors: Consider the impact of</p>	<p>No impact identified at this time, though it is recognised that macro-economic, environmental and sustainability factors social</p>	<p>N/A</p>	<p>Under Policy Statement</p>

**CARING FOR PEOPLE
KEEPING PEOPLE WELL**



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How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts and any particular groups affected	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate Make reference to where the mitigation is included in the document, as appropriate
<p>government policies; gross domestic product; economic development; biological diversity; climate</p> <p>Well-being Goal – A globally responsible Wales</p>	<p>and community influences and related issues can have a positive impact on mental health and well-being. Staff have to take into account the diverse needs of the individual patient.</p>		

Please answer question 8.1 following the completion of the EHIA and complete the action plan

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8.1 Please summarise the potential positive and/or negative impacts of the strategy, policy, plan or service

This policy aligns with legislative requirements. All relevant persons are required to comply with this document and must demonstrate sensitivity and respect for protected characteristics as defined by the Equality Act 2010. It will be the responsibility of each person enacting this policy to ensure that it is implemented with dignity and respect.

A search of similar policies elsewhere indicated a neutral or positive impact in relation to protected groups:-

<<https://www.rdash.nhs.uk/wp-content/uploads/2014/04/S-132-Providing-Legal-Rights-v11.pdf>> accessed 13 August 2019

<https://www.google.com/search?ei=maxSXbvgHM-W8gLXkJ7ABg&q=s117+policy+with+eqia&oq=s117+policy+with+eqia&gs_l=psyhttps://www.google.com/search?ei=maxSXbvgHM-W8gLXkJ7ABg&q=s117+policy+with+eqia&oq=s117+policy+with+eqia&gs_l=psy-ab.3...5363.7344..7528...1.0..1.409.1595.8j0j1j1j1.....0..wiz.....0i71j0i22i30j33i160.BDpPr09FfPI&ved=0ahUKEwj7kKOR7P_jAhVPi1wKHVeIB2gQ4dUDCAo&uact=5ab.3...5363.7344..7528...1.0..wiz.....0i71j0i22i30j33i160.BDpPr09FfPI&ved=0ahUKEwj7kKOR7P_jAhVPi1wKHVeIB2gQ4dUDCA_o&uact=5> accessed 13 August 2019



EqIA Section 117 Policy Nov 17 v2 fina
- accessed 13 August 2019

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Action Plan for Mitigation / Improvement and Implementation

	Action	Lead	Timescale	Action taken by Clinical Board / Corporate Directorate
8.2 What are the key actions identified as a result of completing the EHIA?	To ensure that an interpreter/translation is requested immediately to avoid delay and ensure patients are provided with information in their preferred language in a timely manner.	All appropriate staff	As and When required/requested	Staff will be/are made aware of our Interpretation and Translation policy and its use with service users.
8.3 Is a more comprehensive Equalities Impact Assessment or Health Impact Assessment required? This means thinking about relevance and proportionality to the Equality Act and asking: is the impact significant enough that a more formal and full consultation is required?	Not required	N/A	N/A	No action

	Action	Lead	Timescale	Action taken by Clinical Board / Corporate Directorate
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<p>8.4 What are the next steps?</p> <p>Some suggestions:-</p> <ul style="list-style-type: none"> • Decide whether the strategy, policy, plan, procedure and/or service proposal: <ul style="list-style-type: none"> ○ continues unchanged as there are no significant negative impacts ○ adjusts to account for the negative impacts ○ continues despite potential for adverse impact or missed opportunities to advance equality (set out the justifications for doing so) stops. • Have your strategy, policy, plan, procedure and/or service proposal approved <ul style="list-style-type: none"> • Publish your report of this impact assessment • Monitor and review 	<p>No significant negative Impact.</p> <p>The policy will be submitted to the Mental Health and Capacity Legislation Committee for approval.</p> <p>Once the policy has been approved the documentation will be placed on the intranet and internet.</p> <p>The EHIA and Policy will be reviewed three years after approval unless changes to terms and conditions, legislation or best practice determine that an earlier review is required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p> <p>Hospital managers should maintain and monitor a register of all individuals eligible to section 117 aftercare and ensure that individuals are reviewed within the statutory timeframes.</p>
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Approved By:		

**CARING FOR PEOPLE
KEEPING PEOPLE WELL**



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Caerdydd a'r Fro
Cardiff and Vale
University Health Board

Appendix 1

Equality & Health Impact Assessment

Developing strategies, policies, plans and services that reflect our Mission of 'Caring for People, Keeping People Well'

Guidance

The University Health Board's (the UHB's) Strategy 'Shaping Our Future Wellbeing' (2015-2025) outlines how we will meet the health and care needs of our population, working with key partner organisations to deliver services that reflect the UHB's values. Our population has varied and diverse needs with some of our communities and population groups requiring additional consideration and support. With this in mind, when developing or reviewing any strategies, policies, plans, procedures or services it will be required that the following issues are explicitly included and addressed from the outset:-

- Equitable access to services
- Service delivery that addresses health inequalities
- Sustainability and how the UHB is meeting the requirements of the Well-being of Future Generations (Wales) Act (2015)³

This explicit consideration of the above will apply to strategies (e.g. Shaping Our Future Strategy, Estates Strategy), policies (e.g. catering policies, procurement policies), plans (e.g. Clinical Board operational plans, Diabetes Delivery Plan), procedures (for example Varicella Zoster - chickenpox/shingles - Infection Control Procedure) and services /activity (e.g. developing new clinical services, setting up a weight management service).

Considering and completing the Equality & Health Impact Assessment (EHIA) in parallel with development stages will ensure that all UHB strategies, policies, plans, procedures or services comply with relevant statutory obligations and responsibilities and at the same time takes forward the UHB's Vision, 'a person's chance of leading a healthy life is the same wherever they live and whoever they are'. This process should be proportionate but still provide helpful and robust information to support decision making. Where a more detailed consideration of an issue is required, the EHIA will identify if there is a need for a full impact assessment.

Some key statutory/mandatory requirements that strategies, policies, plans, procedures and services must reflect include:

- All Wales Standards for Communication and Information for People with Sensory Loss (2014)⁴

³ <http://thewaleswewant.co.uk/about/well-being-future-generations-wales-act-2015>

⁴ <http://gov.wales/topics/health/publications/health/guidance/standards/?lang=en>

- Equality Act 2010⁵
- Well-being of Future Generations (Wales) Act 2015⁶
- Social Services and Well-being (Wales) Act 2015⁷
- Health Impact Assessment (non statutory but good practice)⁸
- The Human Rights Act 1998⁹
- United Nations Convention on the Rights of the Child 1989¹⁰
- United Nations Convention on Rights of Persons with Disabilities 2009¹¹
- United Nations Principles for Older Persons 1991¹²
- Welsh Health Circular (2015) NHS Wales Infrastructure Investment Guidance¹³
- Welsh Government Health & Care Standards 2015¹⁴
- Welsh Language (Wales) Measure 2011¹⁵

This EHIA allows us to meet the requirements of the above as part of an integrated impact assessment method that brings together Equality Impact Assessment (EQIA) and Health Impact Assessment (HIA). A number of statutory /mandatory requirements will need to be included and failure to comply with these requirements, or demonstrate due regard, can expose the UHB to legal challenge or other forms of reproach. This means showing due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

EQIAs assess whether a proposed policy, procedure, service change or plan will affect people differently on the basis of their 'protected characteristics' (i.e. their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion, sex or sexual orientation) and if it will affect their human rights. It also takes account of caring responsibilities and Welsh Language issues.

They provide a systematic way of ensuring that legal obligations are met and are a practical means of examining new and existing policies and practices to determine what impact they may have on equality for those affected by the outcomes.

HIAs assess the potential impact of any change or amendment to a policy, service, plan, procedure or programme on the health of the population and on the distribution of those effects within the population, particularly within vulnerable groups. HIAs help identify how people may be affected differently on the basis of where they live and potential impacts on health inequalities and health equity. HIA increases understanding of potential health impacts on those living in the most deprived communities, improves service delivery to

⁵ <https://www.gov.uk/guidance/equality-act-2010-guidance>

⁶ <http://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>

⁷ <http://gov.wales/topics/health/socialcare/act/?lang=en>

⁸ <http://www.wales.nhs.uk/sites3/page.cfm?orgid=522&pid=63782>

⁹ <https://www.equalityhumanrights.com/en/human-rights/human-rights-act>

¹⁰ <http://www.unicef.org/UNICEFs-Work/UN-Convention>

¹¹ <http://www.un.org/disabilities/convention/conventionfull.shtml>

¹² <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OlderPersons.aspx>

¹³ <http://www.wales.nhs.uk/sites3/Documents/254/WHC-2015-012%20-%20English%20Version.pdf>

¹⁴ <http://gov.wales/topics/health/publications/health/guidance/care-standards/?lang=en>

¹⁵ <http://www.legislation.gov.uk/mwa/2011/1/contents/enacted>

ensure that those with the greatest health needs receive a larger proportion of attention and highlights gaps and barriers in services.

The **EHIA** brings together both impact assessments in to a single tool and helps to assess the impact of the strategy, policy, plan, procedure and/or service. Using the EHIA from the outset and during development stages will help identify those most affected by the proposed revisions or changes and inform plans for engagement and co-production. Engaging with those most affected and co-producing any changes or revisions will result in a set of recommendations to mitigate negative, and enhance positive impacts. Throughout the assessment, 'health' is not restricted to medical conditions but includes the wide range of influences on people's well-being including, but not limited to, experience of discrimination, access to transport, education, housing quality and employment.

Throughout the development of the strategy, policy, plan, procedure or service, in addition to the questions in the EHIA, you are required to remember our values of *care, trust, respect, personal responsibility, integrity and kindness* and to take the Human Rights Act 1998 into account. All NHS organisations have a duty to act compatibly with and to respect, protect and fulfil the rights set out in the Human Rights Act. Further detail on the Act is available in Appendix 2.

Completion of the EHIA should be an iterative process and commenced as soon as you begin to develop a strategy, policy, plan, procedure and/or service proposal and used again as the work progresses to keep informing you of those most affected and to inform mitigating actions. It should be led by the individual responsible for the strategy, policy, plan, procedure and/or service and be completed with relevant others or as part of a facilitated session. Some useful tips are included in Appendix 3.

For further information or if you require support to facilitate a session, please contact Susan Toner, Principal Health Promotion Specialist (susan.toner@wales.nh.uk) or Keithley Wilkinson, Equality Manager (Keithley.wilkinson@wales.nhs.uk)

Based on

- Cardiff Council (2013) Statutory Screening Tool Guidance
- NHS Scotland (2011) Health Inequalities Impact Assessment: An approach to fair and effective policy making. Guidance, tools and templates¹⁶
- Wales Health Impact Assessment Support Unit (2012) Health Impact Assessment: A Practical Guide¹⁷

¹⁶ <http://www.healthscotland.com/uploads/documents/5563-HIIA%20-%20An%20approach%20to%20fair%20and%20effective%20policy%20making.pdf> (accessed 4 January 2016)

¹⁷ <http://www.wales.nhs.uk/sites3/page.cfm?orgid=522&pid=63782> (accessed on 4 January 2016)

Appendix 2 – The Human Rights Act 1998¹⁸

The Act sets out our human rights in a series of 'Articles'. Each Article deals with a different right. These are all taken from the European Convention on Human Rights and are commonly known as 'the Convention Rights':

1. Article 2 Right to life. NHS examples: the protection and promotion of the safety and welfare of patients and staff
2. Article 3 Freedom from torture and inhuman or degrading treatment. NHS examples: issues of dignity and privacy, the protection and promotion of the safety and welfare of patients and staff, the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers, issues of patient restraint and control
3. Article 4 Freedom from slavery and forced labour
4. Article 5 Right to liberty and security. NHS examples: issues of patient choice, control, empowerment and independence, issues of patient restraint and control
5. Article 6 Right to a fair trial
6. Article 7 No punishment without law
7. Article 8 Respect for your private and family life, home and correspondence. NHS examples: issues of dignity and privacy, the protection and promotion of the safety and welfare of patients and staff, the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers, the right of a patient or employee to enjoy their family and/or private life
8. Article 9 Freedom of thought, belief and religion. NHS examples: the protection and promotion of the safety and welfare of patients and staff, the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers
9. Article 10 Freedom of expression. NHS examples: the right to hold and express opinions and to receive and impart information and ideas to others, procedures around whistle-blowing when informing on improper practices of employers where it is a protected disclosure
10. Article 11 Freedom of assembly and association
11. Article 12 Right to marry and start a family
12. Article 14 Protection from discrimination in respect of these rights and freedoms. NHS examples: refusal of medical treatment to an older person
13. solely because of their age, patients presented with health options without the use of an interpreter to meet need, discrimination against UHB staff on the basis of their caring responsibilities at home
14. Protocol 1, Article 1 Right to peaceful enjoyment of your property
15. Protocol 1, Article 2 Right to education
16. Protocol 1, Article 3 Right to participate in free elections
17. Protocol 13, Article 1 Abolition of the death penalty

¹⁸ <https://www.equalityhumanrights.com/en/human-rights/human-rights-act>

Appendix 3

Tips

- Be clear about the policy or decision's rationale, objectives, delivery method and stakeholders.
- Work through the Toolkit early in the design and development stages and make use of it as the work progresses to inform you of those most affected and inform mitigating actions
- Allow adequate time to complete the Equality Health Impact Assessment
- Identify what data you already have and what are the gaps.
- Engage with stakeholders and those most affected early. View them as active partners rather than passive recipients of your services.
- Remember to consider the impact of your decisions on your staff as well as the public.
- Record which organisations and protected characteristic groups you engaged with, when you engaged with them and how you did so (for example, workshop, public meeting, written submission).
- Produce a summary table describing the issues affecting each protected group and what the potential mitigations are.
- Report on positive impacts as well as negative ones.
- Remember what the Equality Act says – how can this policy or decision help foster good relations between different groups?
- Do it with other people! Talk to colleagues, bounce ideas, seek views and opinions.

Appendix 4

Section 117 Procedure

1. MHA Office

- Receipt of Section papers.
- Once verified for accuracy add to Sec. 117 Register on Paris.
- Add Responsible Authority to Central Index.
- Admission letter to RC, ward and Integrated Manager/Service Manager.

2. Clinical domain – in-patient

- Reading of Sec. 3 rights and leaflet which includes mention of Sec. 117.
- Sec. 117 planning meeting set up within four weeks. Patient informed of purpose.
- Form 3 completed. *Defaults to Sec. 117. Or,*
- Casenote completed selecting '117 REVIEW' as casenote reason.

3. Clinical domain – community, i.e., those on our Sec. 117 list residing in or out of either of our two Local Authority areas

- Annual review. First within a year of previous one on the ward. Team notified of next meeting via weekly Paris report. Invitation letter to be sent to Service User at least two weeks before the meeting.
- As an integrated team one body can represent the other if appropriate. However, Health and Local Authority input required in the following cases:
 - *The care coordinator believes that there may be health or care and support needs that would require specific health/social work input.*
 - *The citizens or their carer(s) makes a reasonable request for a health/social worker to be present in the review.*
 - *The care coordinator is considering discharging the case off section 117 provisions.*
 - *The case is under health/social care services out of either of our Local Authority areas.*
- Form 3 completed. *Defaults to Sec. 117. Or,*
- Casenote completed selecting '117 REVIEW' as casenote reason.

4. Clinical domain - discharge

- Annual review ideally with a representative from the Local Authority in attendance.
- Decision made to discharge from Sec. 117 signed off by two managers (above team manager level) one from Health and one from Local Authority.
- In the event of a disagreement between either of these managers regarding discharge, then by default Sec. 117 remains in place.
- Form 3 completed. *Defaults to Sec. 117. Or,*
- Casenote completed selecting '117 REVIEW' as casenote reason.
- Sec. 117 discharge form completed and forwarded to MHA Office.

5. MHA Office

- Receipt of 117 discharge form.
- Scrutinize the Sec. 117 paperwork to ensure appropriate process has been followed. If not, form is returned to clinical area of respective patient.
- Patient formally discharged from Sec. 117 on Paris.