

Form 1: Preparation

Part A must be completed at the beginning of a Policy/function/strategy development or review, and for every such occurrence. (Refer to the Step-by-Step Guide for additional information).

Step 1 - Preparation				
1.	Title of Policy - what are you equality impact assessing?	Receipt of Applications for Detention under the Mental Health Act 1983		
2.	Policy Aims and Brief Description - what are its aims? Give a brief description of the Policy (The What, Why and How?)	<p>The aim of this policy is to ensure that the grounds for admission under the MHA 1983 are met and that all relevant admission documents are in order on behalf of the Hospital Managers who must ensure competence and understanding of the requirements of the Act for those delegated to receive and scrutinise statutory forms.</p> <p>Hospital Managers must ensure that patients are detained lawfully. The MHA 1983 includes patient safeguards which must be met for the protection of the patient and for the protection of UHB delegated staff responsible for ensuring compliance with the MHA 1983 and related regulations for Wales.</p>		
3.	Who Owns/Defines the Policy? - who is responsible for the Policy/work?	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;">Sharon Hopkins Ian Wile Jayne Tottle</td> <td style="width: 50%; vertical-align: top;">Executive Director Head of Operations and Delivery, Mental Health Clinical Board Mental Health Clinical Board Nurse</td> </tr> </table>	Sharon Hopkins Ian Wile Jayne Tottle	Executive Director Head of Operations and Delivery, Mental Health Clinical Board Mental Health Clinical Board Nurse
Sharon Hopkins Ian Wile Jayne Tottle	Executive Director Head of Operations and Delivery, Mental Health Clinical Board Mental Health Clinical Board Nurse			
4.	Who is Involved in undertaking this EqIA? - who are the key contributors to the EqIA and what are their roles in the process?	Sunni Webb – Mental Health Act Manager		
5.	Other Policies - Describe where this Policy/work fits in a wider context. Is it related to any other policies/activities	This procedure complements other Cardiff and Vale University Health Board, Mental Health Act policies and procedures currently being developed including:		

Step 1 - Preparation

	that could be included in this EqIA?	<p>Hospital Managers' Scheme of Delegation Written and verbal nursing reports relating to the Mental Health Act 1983 Information policy (sections 132, 132A, 133 MHA 1983) Independent Mental Health Advocates (IMHAs) Section 117, Mental Health Act 1983 Renewal of detention Applications to the Mental Health Review Tribunal for Wales Administration of the Mental Health Act Application by Nearest Relative to discharge a patient from detention under the Mental Health Act 1983 Discharge from detention in accordance with section 23, Mental Health Act 1983</p>
6.	Stakeholders - Who is involved with or affected by this Policy?	<ul style="list-style-type: none"> • Mental Health Service Users • Doctor/Approved Clinician • Shift Co-ordinator • Mental Health Act Team • Carers/family members
7.	What factors may contribute to the outcomes of the Policy? What factors may detract from the outcomes? These could be internal or external factors.	<ul style="list-style-type: none"> • Resources – to provide Shift Coordinators/ MHA Administrators with training to ensure that applications for detention under the Mental Health Act 1983 are scrutinised and received correctly to reduce the risk of patients being detained unlawfully.

Form 2: Evidence Gathering

Equality	Evidence Gathered	Does the evidence apply to the following with regard to this
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Strand		Policy/work? Tick as appropriate.									
Race	<p>A Google search took place 27 October 2015 on this policy for all the strands.</p> <p>www.merseycare.nhs.uk/.../MH09%20-%20Acceptance%20of%20Section%20Papers%20for%20Patients%20Detail... – No evidence of impact</p> <p>www.cwp.nhs.uk/.../MH6%20Receipt%20and%20Scrutiny%20of%20Detention%20Papers%20I... – No evidence of impact</p>	Eliminating Discrimination and Eliminating Harassment	✓	Promoting Equality of Opportunity	✓	Promoting Good Relations and Positive Attitudes	✓	Encouraging participation in Public Life	✓	Take account of difference even if it involves treating some individuals more favourably*	
Disability	<p>www.merseycare.nhs.uk/.../MH09%20-%20Acceptance%20of%20Section%20Papers%20for%20Patients%20Detail... – No evidence of impact</p> <p>www.cwp.nhs.uk/.../MH6%20Receipt%20and%20Scrutiny%20of%20Detention%20Papers%20I... – No evidence of impact</p>		✓		✓		✓		✓		✓
Gender	<p>www.merseycare.nhs.uk/.../MH09%20-%20Acceptance%20of%20Section%20Papers%20for%20Patients%20Detail... – No evidence of impact</p> <p>www.cwp.nhs.uk/.../MH6%20Receipt%20and%20Scrutiny%20of%20Detention%20Papers%20I... – No evidence of impact</p>		✓		✓		✓		✓		
Sexual Orientation	<p>www.merseycare.nhs.uk/.../MH09%20-%20Acceptance%20of%20Section%20Papers%20for%20Patients%20Detail... – No evidence of impact</p> <p>www.cwp.nhs.uk/.../MH6%20Receipt%20and%20Scrutiny%20of%20Detention%20Papers%20I... – No evidence of impact</p>		✓		✓		✓		✓		
Age	<p>www.merseycare.nhs.uk/.../MH09%20-%20Acceptance%20of%20Section%20Papers%20for%20Patients%20Detail... – No evidence of impact</p> <p>www.cwp.nhs.uk/.../MH6%20Receipt%20and%20Scrutiny%20of%20Detention%20Papers%20I... – No evidence of impact</p>		✓		✓		✓		✓		
Religion or Belief	<p>www.merseycare.nhs.uk/.../MH09%20-%20Acceptance%20of%20Section%20Papers%20for%20Patients%20Detail... – No evidence of impact</p> <p>www.cwp.nhs.uk/.../MH6%20Receipt%20and%20Scrutiny%20of%20Detention%20Papers%20I... – No evidence of impact</p>		✓		✓		✓		✓		
Welsh Language	<p>http://nww.cardiffandvale.wales.nhs.uk/pls/portal/docs/PAGE/CARDIFF_AND_VALE_INTRANET/CORPORATE/EQUALITY/W</p>		✓		✓		✓		✓		



People have a human right to: life; not to be tortured or treated in a degrading way; to be free from slavery or forced labour; to liberty; to a fair trial; not to be punished without legal authority; to respect for private and family life, home and correspondence; to freedom of thought, conscience and religion; to freedom of expression and of assembly; to marry and found a family and to not be discriminated against in relation to any of the rights contained in the European Convention.

Human Rights

The policy adheres to all the articles of the Act, but with particular reference to not to be tortured or treated in a inhumane or degrading way: to liberty; to a fair trial; to respect for private and family life, home and correspondence; to freedom of thought, conscience and religion; and to freedom of expression

The MHA Department compile a performance report and report to the MHA Monitoring Committee on a quarterly basis. This report includes information where Hospital Managers may have detained a person without having the authority to do so as a result of an application to detain a person being received on behalf of the Hospital Managers in error.

This policy is aims to ensure correct receipt and scrutiny of MHA detention papers by those formally delegated to undertake the task on behalf of the Hospital Managers (please see scheme of delegation policy). Officers responsible for receipt and scrutiny of Mental Health Act detention papers must be suitably trained and fully aware of this policy.

*** This column relates only to Disability due to the specific requirement in the Equality Act 2010 to treat disabled people more favourably to achieve equal outcomes. This is not applicable to the other equality strands.**

Form 3: Assessment of Relevance and Priority

Equality Strand	Evidence: Existing evidence to suggest some groups affected. Gathered from Step 2. (See Scoring Chart A)	Potential Impact: Nature, profile, scale, cost, numbers affected, significance. Insert one overall score (See Scoring Chart B)	Decision: Multiply 'evidence' score by 'potential impact' score. (See Scoring Chart C)
Race	1	0	No impact
Disability	1	0	No impact
Gender	1	0	No impact
Sexual Orientation	1	0	No impact
Age	1	0	No impact
Religion or Belief	1	0	No impact
Welsh Language	1	0	No impact
Human Rights	2	+3	Positive impact

Scoring Chart A: Evidence Available

3	Existing data/research
2	Anecdotal/awareness data only
1	No evidence or suggestion

Scoring Chart B: Potential Impact

-3	High negative
-2	Medium negative
-1	Low negative
0	No impact
+1	Low positive
+2	Medium positive
+3	High positive

Scoring Chart C: Impact Decision

-6 to -9	High Impact (H)
-3 to -5	Medium Impact (M)
-1 to -2	Low Impact (L)
0	No Impact (N)
1 to 9	Positive Impact (P)

FORM 4: (Part A) Outcome Report

Policy Title:	Receipt of Applications for Detention under the Mental Health Act 1983
Organisation:	Cardiff and Vale University Health Board
Name: Title: Department:	Sunni Webb Mental Health Act Manager Mental Health Act Department
Summary of Assessment:	This policy has been developed to support the good practice recommendations in the Mental Health Act 1983 Code of Practice for Wales. It has been found that this document will have a positive impact on Mental Health Service Users human rights due to accurate receipt and scrutiny of section papers ensuring that detention under the Mental Health Act 1983 is valid.
Decision to Proceed to Part B Equality Impact Assessment:	No

Action Plan

You are advised to use the template below to detail any actions that are planned following the completion of Part A or Part B of the EqIA Toolkit. You should include any remedial changes that have been made to reduce or eliminate the effects of potential or actual adverse impact, as well as any arrangements to collect data or undertake further research.

	Action(s) proposed or taken	Reasons for action(s)	Who will benefit?	Who is responsible for this action(s)?	Timescale
1. What changes have been made as a result of the EqIA?	N/A	N/A	N/A	N/A	N/A
2. Where a Policy may have differential impact on certain groups, state what arrangements are in place or are proposed to mitigate these impacts?	N/A	N/A	N/A	N/A	N/A

<p>3. Justification: For when a policy may have adverse impact on certain groups, but there is good reason not to mitigate.</p>	N/A	N/A	N/A	N/A	N/A
<p>4. Describe any mitigating actions taken?</p>	N/A	N/A	N/A	N/A	N/A
<p>5. Provide details of any actions planned or taken to promote equality.</p>	<p>Existing members of staff undertaking receipt of statutory forms must have received training within six months of implementation of this policy. Failure to adhere to this will result in the staff member no longer being authorised to</p>	<p>To ensure that patients human rights are not breached where applications are received on behalf of the Hospital in error.</p> <p>To minimise the risk of challenge being brought</p>	<p>Service User UHB</p>	<p>Executive Director Divisional Manager Divisional Nurse</p>	<p>6 months from implementation</p>

	<p>carry out duties under this policy.</p> <p>New members of staff must receive training on receipt of applications upon induction.</p>	<p>against the UHB as a result of the above.</p>			
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Date:	01 December 2016
Monitoring Arrangements:	The document will be monitored by the Mental Health Act Monitoring Committee quarterly.
Review Date:	01 December 2016
Signature of all Parties:	Sunni Webb – Mental Health Act Manager