

## Appendix 1

### Equalities Impact Assessment

#### EQUALITY ANALYSIS (EA)

<b>POLICY/PROPOSAL:</b>	<b>Commissioning of Advocacy Services</b>
<b>DEPARTMENT:</b>	<b>Community well-being, Commissioning Contracting and Market Management</b>
<b>TEAM:</b>	<b>Community &amp; Prevention</b>
<b>LEAD OFFICER:</b>	<b>Andrew Davies</b>
<b>DATE:</b>	<b>02/02/2023</b>

*NB: Please ensure you have read the accompanying EA guidance and instructions in full.*

#### SECTION A – INITIAL SCREENING

1. Please provide a description of the policy, proposal, change or initiative, and a summary of its objectives and the intended results.

Commissioning officers are seeking approval to invite tenders in respect of Advocacy Services. The report requests permission from the Corporate Director for Adult Social Care and Health to invite tenders for Advocacy Services and approve officers evaluating the tenders.

Under the Care Act (2014), Mental Capacity Act 2005 and Mental Health Act 1983 councils are required to provide access to several different types of advocacies.

Specifically, these are:

- Independent Mental Health Act Advocacy (IMHA) - support people who are detained under the Mental Health Act (sectioned) or subject to a Community Treatment Order (CTO) or Guardianship Order.
- Independent Mental Capacity Advocacy (IMCA) - support people who lack capacity and a decision needs to be made about serious medical treatment or moving accommodation and those who come within the scope of Deprivation of Liberty Safeguards (DoLS)
- Relevant Person's Paid Representative (RPPR) – RPPR - will maintain regular contact with qualifying persons subject to DoLS standard authorisation and ensure conditions are being met, call a review or access court if necessary.
- Independent Care Advocacy under the Care Act 2014 - Support people who are having a Care Needs Assessment or Review or if there is a safeguarding concern.

2. Who may be affected by this policy or proposal?

A person who has care and support needs and has substantial difficulty in being involved in a decision/assessment and there is an absence of an appropriate individual to support them. An independent advocate must be appointed to support and represent the person for the purpose of assisting with their involvement.

3. Is there relevance to equality and the council's public sector equality duty? Please explain why. If your answer is no, you must still provide an explanation.

Yes, there is relevance to equality and the council's public sector equality duty. In the commissioning of this contract the Council has had due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a "protected characteristic" and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

A large majority of persons requiring advocacy fall under the "protected characteristic of a disability" a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

The advocacy provision promotes the reasonable adjustments duty to ensure a disabled person is not placed at a substantial disadvantage in relation to a particular issue in comparison with non-disabled people. Independent advocacy seeks to support disabled persons to be consulted on all decisions/assessments related to their care and support needs.

4. Please indicate with an "X" the potential impact of the policy or proposal on groups with each protected characteristic. Carefully consider if the proposal will impact on people in different ways as a result of their characteristics.

Characteristic	Impact Positive	Impact Neutral/None	Impact Negative
Age		X	
Sex		X	
Race		X	
Disability *	x		
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage		X	

5. Please complete **each row** of the checklist with an "X".

### **Screening Checklist**

	YES	NO
Have you established that the policy or proposal <i>is</i> relevant to the council's public sector equality duty?	X	

Does the policy or proposal relate to an area with known inequalities?	<b>X</b>	
Would the policy or proposal change or remove services used by vulnerable groups of people?		<b>X</b>
Has the potential for negative or positive equality impacts been identified with this policy or proposal?		<b>X</b>

**If you have answered YES to ANY of the above, then proceed to section B.**

**If you have answered NO to ALL of the above, then proceed straight to section D.**

## SECTION B – IMPACTS ANALYSIS

1. Outline what information and evidence have you gathered and considered for this analysis. If there is little, then explain your judgements in detail and your plans to validate them with evidence. If you have monitoring information available, include it here.

Quality monitoring of the current advocacy provision for the last four years through data, case studies, reports from those that use the service and consultation with subject matter experts.
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2. For each “protected characteristic” provide details of all the potential or known impacts identified, both positive and negative, and explain how you have reached these conclusions based on the information and evidence listed above. Where appropriate state “not applicable”.

### **AGE**

<b>Details of impacts identified</b>	None
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### **DISABILITY**

<b>Details of impacts identified</b>	The advocacy provision promotes the reasonable adjustments duty to ensure a disabled person is not placed at a substantial disadvantage in relation to a particular issue in comparison with non-disabled people. Independent advocacy seeks to support disabled persons to be consulted on all decisions/assessments related to their care and support needs.
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### **RACE**

<b>Details of impacts identified</b>	None
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### **SEX**

<b>Details of impacts identified</b>	None
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**SEXUAL ORIENTATION**

Details of impacts identified	None
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**PREGANCY AND MATERNITY**

Details of impacts identified	None
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**RELIGION OR BELIEF**

Details of impacts identified	None
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**GENDER REASSIGNMENT**

Details of impacts identified	None
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**MARRIAGE & CIVIL PARTNERSHIP**

Details of impacts identified	None
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3. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

None

4. Were the participants in any engagement initiatives representative of the people who will be affected by your proposal and is further engagement required?

The commissioning of this service is based on the statutory duty of the following legal framework - the Care Act (2014), Mental Capacity Act 2005 and Mental Health Act 1983. Ensuring the service meets the legal framework will support vulnerable Brent residents.

5. Please detail any areas identified as requiring further data or detailed analysis.

None

6. If, following your action plan, negative impacts will or may remain, please explain how these can be justified?

None

7. Outline how you will monitor the actual, ongoing impact of the policy or proposal?

Those using the service will be involved in quality monitoring. Commissioners will review quarterly data.

### SECTION C - CONCLUSIONS

Based on the analysis above, please detail your overall conclusions. State if any mitigating actions are required to alleviate negative impacts, what these are and what the desired outcomes will be. If positive equality impacts have been identified, consider what actions you can take to enhance them. If you have decided to justify and continue with the policy despite negative equality impacts, provide your justification. If you are to stop the policy, explain why.

None

### SECTION D – RESULT

*Please select one of the following options. Mark with an "X".*

<b>A</b>	<b>CONTINUE WITH THE POLICY/PROPOSAL UNCHANGED</b>	<b>X</b>
<b>B</b>	<b>JUSTIFY AND CONTINUE THE POLICY/PROPOSAL</b>	
<b>C</b>	<b>CHANGE / ADJUST THE POLICY/PROPOSAL</b>	
<b>D</b>	<b>STOP OR ABANDON THE POLICY/PROPOSAL</b>	

### SECTION E - ACTION PLAN

This will help you monitor the steps you have identified to reduce the negative impacts (or increase the positive); monitor actual or ongoing impacts; plan reviews and any further engagement or analysis required.

<b>Action</b>	<b>Expected outcome</b>	<b>Officer</b>	<b>Completion Date</b>


## SECTION F – SIGN OFF

Please ensure this section is signed and dated.

<b>OFFICER:</b>	Lynette Gbedze
<b>REVIEWING OFFICER:</b>	Andrew Davies
<b>HEAD OF SERVICE / Operational Director:</b>	Andrew Davies, Head of Commissioning, Contracting and Market Management 10/02/23