



Equality Impact Assessment (EIA)

Title of policy/process under consideration

Managing an ILF Award

Lead department

Social Work

Is this policy/process? (Please tick)

New Existing Revised

Is this a full EIA? (Please tick)

Yes No

Please state the reasons for the above decision.

This is a revision to the Consent, Capacity and Capability (CCC) policy. There are no strong negative impacts on Users. The policy is intended to recognise the complexity of issues around capacity and the need for informed consent from users.

What are the policy/process objectives and aims?

To make sure that the user consents to the processing of their personal data and for the check for eligibility. Where the user cannot consent we aim to seek consent from the most appropriate third party that we can (preferably those with a solid legal position to grant consent).

We aim to establish if a user has the capacity to understand what ILF funding is for and how that money should be spent, and if they do to make sure they manage ILF funding and spend it appropriately. If a person requires third party support in order to achieve independent living then additional financial support to a user's package may be given.

The policy aims to make sure that the right person manages the award and that they are aware of their responsibilities. It is important for the ILF to be able to identify clearly who is responsible for managing an ILF award, whether for general correspondence, arranging reviews or seeking recovery of monies.

Please state the reasons why the changes are taking place.

Managing an ILF Award is a revised and updated version of the Consent, Capacity and Capability policy. It has been designed to maintain the central aims of the existing policy and repackage these in a shorter, easier to read document in the standard ILF policy document format. Policy has been separated and made distinct from guidance and process notes.

References to legislation have been checked and where necessary updated. This mainly concerns the reference to the first principle of the Mental Capacity Act 2005. Guidance on the 2005 Act was taken from the Mental Capacity Act 2005: Code of Practice. The Code of Practice informed the policy and the guidance, in particular on matters of assessing capacity.

The policy demonstrates a commitment to working within the Mental Capacity Act 2005 and recognises the complexity of capacity and consent. It puts the user first in determining who is best placed to make decisions about their award and care.

Key			
-2	Significant negative impact	+1	Mild/moderate positive impact
-1	Mild/moderate negative impact	+2	Significant positive impact
0	Neutral impact		
Protected Characteristic	Impact	Notes	
Age	0	Capacity issues may arise as a person gets older especially if they have been diagnosed with having dementia. This may present an overlap with the Disability protected characteristic. No assumptions on capacity will be made just because a person is older.	
Disability	+1	The ILF will assume that a User has capacity unless established otherwise. Users will be given the chance to be supported to manage their award if they have capacity but do not wish to do it on their own. The hierarchy places the User first and demonstrates a commitment to choice for disabled people.	
Gender	0	There is no impact on this characteristic.	
Gender reassignment	0	There is no impact on this characteristic.	
Marriage and civil partnership	0	There is no impact on this characteristic.	
Pregnancy and maternity	0	There is no impact on this characteristic.	
Race	0	There is no impact on this characteristic. Users with a primary language other than English may use an interpreter or translation service to help them manage an award. User guide booklets are available in different languages.	
Religion or belief	0	There is no impact on this characteristic.	
Sexual orientation	0	There is no impact on this characteristic.	

What alternative policy/process options have been considered to reduce or alleviate any identified impact?

Impact is limited. It may seem in some cases that asking a user to take responsibility for their award may prove to be a burden. However the policy and accompanying notes make it clear that a user can receive support to manage their award to help alleviate any burden.

What research has been gathered/considered when making decisions regarding the Protected Characteristics?

An introduction to dementia, including the fact that it is more common in people over 65, can be found on the NHS website:

<http://www.nhs.uk/Conditions/Dementia/Pages/Introduction.aspx> (last accessed 2 July 2012)

Definitions and different capacity related scenarios can be found in The Mental Capacity Act 2005: Code of Practice:

http://www.legislation.gov.uk/ukpga/2005/9/pdfs/ukpgacop_20050009_en.pdf (last accessed 2 July 2012)

The full text of the Mental Capacity Act 2005 was also consulted:

<http://www.legislation.gov.uk/ukpga/2005/9/contents> (last accessed 2 July 2012)

The Data Protection Act 1998 was a key part of the research into consent and personal and sensitive personal data:

<http://www.legislation.gov.uk/ukpga/1998/29/contents> (last accessed 2 July 2012)

Are any future actions required for example monitoring or review?

This policy should be reviewed annually.

EIAB comments/recommendations

The EIAB reviewed the EIA on 10 July 2012 and subject to the minor amendments detailed in the minutes of 10 July 2012 the board agreed to the EIA.

The chair of the EIAB commented that the research information was clearly presented for easy reference.

Date form completed 02 July 2012

Signature of EIAB chair Jesse Harris

Date 26 July 2012

Subsequent amendments to policy/process

Date of amendment

Details of amendment

Reason why a new EIA is not required

Date of amendment

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