

Equality Impact Assessment Summary

Name: Jill Down

Policy/Service: Assessing a Patient's Mental Capacity to make Decisions

Background

- Description of the aims of the policy
- Context in which the policy operates
- Who was involved in the Equality Impact Assessment

This guidance sets out for staff the process to be followed in assessing a patient's capacity to make decisions and what to do if a patient is assessed as being unable to make a decision.

The information reflects the legal framework provided by the Mental Capacity Act 2005 and summarises the guidance of the Mental Capacity Act 2005 Code of Practice (the Code) which provides guidance and information about how the Mental Capacity Act works in practice.

The Mental Capacity Act 2005 provides a statutory framework for people in England and Wales who lack capacity to make decisions for themselves, or who have capacity and want to make preparations for a time when they may lack capacity in the future. The Act sets out who can take decisions, in which situations and how they should go about this.

The legal framework provided by the Mental Capacity Act 2005 is supported by the Mental Capacity Act Code of Practice (the Code) which provides guidance and information about how the Act works in practice.

The Code has statutory force, which means that certain categories of people have a legal duty to have regard to it when working with or caring for adults who may lack capacity to make decisions for themselves.

This includes a variety of healthcare staff such as doctors, nurses, dentists, therapists, radiologists and paramedics.

Methodology

- A brief account of how the likely effects of the policy was assessed (to include race and ethnic origin, disability, gender, culture, religion or belief, sexual orientation, age)
- The data sources and any other information used
- The consultation that was carried out (who, why and how?)

The Policy reflects the statutory framework for assessing capacity.

The effects of the Policy were fully assessed as part of the legislative process.

The Trust has a legal duty to have regard for the legislation and Code of Practice.

<p>Key Findings</p> <ul style="list-style-type: none"> • Describe the results of the assessment • Identify if there is adverse or a potentially adverse impacts for any equalities groups
<p>No adverse or potentially adverse impacts for any equalities groups noted.</p> <p>The Trust has a legal duty to have regard for the Code of Practice for all patients who may lack capacity to make decisions for themselves.</p>
<p>Conclusion</p> <ul style="list-style-type: none"> • Provide a summary of the overall conclusions
<p>The Policy summarises the statutory framework and requirements of the Code of Practice.</p> <p>All staff have a legal duty to have regard for the legislation when caring for patients who may lack capacity to make decisions for themselves.</p>
<p>Recommendations</p> <ul style="list-style-type: none"> • State recommended changes to the proposed policy as a result of the impact assessment • Where it has not been possible to amend the policy, provide the detail of any actions that have been identified • Describe the plans for reviewing the assessment
<p>No recommendations made.</p>

Guidance on Equalities Groups

<p>Race and Ethnic origin (includes gypsies and travellers) (consider communication, access to information on services and employment, and ease of access to services and employment)</p>	<p>Religion or belief (include dress, individual care needs, family relationships, dietary requirements and spiritual needs for consideration)</p>
<p>Disability (consider communication issues, access to employment and services, whether individual care needs are being met and whether the policy promotes the involvement of disabled people)</p>	<p>Sexual orientation including lesbian, gay and bisexual people (consider whether the policy/service promotes a culture of openness and takes account of individual needs)</p>
<p>Gender (consider care needs and employment issues, identify and remove or justify terms which are gender specific)</p>	<p>Age (consider any barriers to accessing services or employment, identify and remove or justify terms which could be ageist, for example, using titles of senior or junior)</p>