

# Equality and Human Rights Analysis

**Title:** Corporate policy and procedure for leave for inpatients who are either managed informally under section 131 of the mental health act or under the general powers of the mental capacity act (sections 5 & 6)

**Area covered:** Trust wide

**What are the intended outcomes of this work?**

To ensure appropriate arrangements are in place to support informal inpatients during periods of leave.

**Who will be affected?**

Patients/Service Users.

**Evidence**

**What evidence have you considered?**

The Policy only.

**Disability inc. learning disability**

see cross cutting

**Sex**

see cross cutting

**Race**

see cross cutting

**Age**

see cross cutting

**Gender reassignment (including transgender)**

see cross cutting

**Sexual orientation**

see cross cutting

**Religion or belief**

see cross cutting

<b>Pregnancy and maternity</b> see cross cutting
<b>Carers</b> see cross cutting
<b>Other identified groups</b> No other group identified
<b>Cross cutting</b> Monitoring process needs to include equality - leave not approved staff incident. Protected characteristics.

<b>Human Rights</b>	<b>Is there an impact? How this right could be protected?</b>
<b>This section must not be left blank. If the Article is not engaged then this must be stated.</b>	
<b>Right to life (Article 2)</b>	Supportive of a human rights based approach The processes in place recognise the need for the Trust to enable people who are in hospital 'informally' to take leave whilst recognising the Trusts responsibility to protect life by ensuring safeguards re suicidal risk has been addressed.
<b>Right of freedom from inhuman and degrading treatment (Article 3)</b>	Supportive of a human rights based approach.
<b>Right to liberty (Article 5)</b>	Supportive of a human rights based approach This policy ensures processes are in place to protect people who are able to take 'leave' from hospital are

	supported to do so.
<b>Right to a fair trial (Article 6)</b>	Does not engage
<b>Right to private and family life (Article 8)</b>	Supportive of Human rights based approach This policy supports people taking leave from the inpatient setting to enable the process of successful discharge home .
<b>Right of freedom of religion or belief (Article 9)</b>	Does not engage
<b>Right to freedom of expression Note: this does not include insulting language such as racism (Article 10)</b>	Does not engage
<b>Right freedom from discrimination (Article 14)</b>	Does not engage

### Engagement and involvement

No indication of Service user/ Carer consultation in the development of the policy

Internal consultation only

### Summary of Analysis

**Eliminate discrimination, harassment and victimisation**

With the inclusion of the requirement to analyse the incident recording of leave unable to be granted or restricted by protected characteristic will seek to ensure any indirect discrimination is highlighted and addressed.

### **Advance equality of opportunity**

With the inclusion of the requirement to analyse the incident recording of leave unable to be granted or restricted by protected characteristic will seek to ensure there is an equality of opportunity within the inpatient area.

### **Promote good relations between groups**

With the inclusion of the requirement to analyse the incident recording of leave unable to be granted or restricted by protected characteristic will seek to maintain good relations between groups within the inpatient areas.

## **What is the overall impact?**

### **Addressing the impact on equalities**

This policy seeks to ensure that people who are using our inpatient facilities are supported to have leave from the ward area and to set systems in place to enable analysis if this is not met.

The process will enable the Trust to address any Human Rights issues re leave from ward area not being met and to ensure the possibility of indirect discrimination is examined and positive action being taken when required.

### **Action planning for improvement**

See below

### **For the record**

#### **Name of persons who carried out this assessment (Min of 3 ):**

Jayne Bridge Lead Nurse

Meryl Cuzak Equality and Human Rights Lead

#### **Date assessment completed:**

6<sup>th</sup> February 2015

#### **Name of responsible Director:**

Executive Director of Nursing

**Date assessment was signed:** February 2015

# Action plan template

This part of the template is to help you develop your action plan. You might want to change the categories in the first column to reflect the actions needed for your policy.

Category	Actions	Target date	Person responsible and their Directorate
Monitoring, evaluating and reviewing	<p>To include the requirement to analyse the incidents of leave not occurring as prescribed by protected characteristic using DATIX incident monitoring. At least once every 6 months.</p> <p>Identify and prescribe positive action from monitoring process as necessary</p> <p>To place on relevant divisional equality action plans for monitoring.</p>	<p>On-going</p> <p>On-going</p> <p>On-going</p>	<p>Head of Nursing. (Corporate division )</p>