

Stage 1 Equality Impact Assessment – Initial Screening

Assessor(s) Name(s):	Catherine Smith-Ivory
Directorate:	Community Wellbeing and Social Care Directorate
Date of Completion:	21 st March 2018

Name of Policy/Strategy/Service/Function Proposal

Securing properties of adults being cared for away from home policy

The Aims, Objectives and Expected Outcomes:

The policy clarifies the Isle of Wight council's (IWC) position regarding the time period up to receiving a Court Order for safeguarding properties of adults being cared for away from home as identified in the [Care Act 2014](#).

If someone is being cared for away from their home, for example they are in hospital or temporarily supported in a care home, and they are unable to make arrangements themselves or arrange for someone else to protect and secure their property contents or pets, the IWC will take reasonable steps identified in Section 5.3 of the Policy to protect their property, contents and pets. The council's duty to protect the property ends when the person returns home, or when they are able to make their own arrangements for the protection of their property. The council will recover from the person all reasonable expenses incurred in protecting their property.

Please delete as appropriate:

- This is a proposal for a new council policy explaining the council's position.
(Therefore, an equality impact assessment has not previously been created)

Key Questions to Consider in Assessing Potential Impact

Will the policy, strategy, service or council function proposal have a negative impact on any of the protected characteristics or other reasons that are relevant issues for the local community and/or staff?	No – the intention is to explain the council’s position with regard to what reasonable steps they may take to safeguard any property regardless of any protected characteristic.
Has previous consultation identified this issue as important or highlighted negative impact and/or we have created a “legitimate expectation” for consultation to take place? A legitimate expectation may be created when we have consulted on similar issues in the past or if we have ever given an indication that we would consult in such situations	No – Section 47 of the Care Act places a duty on Local Authorities to take reasonable steps to prevent or mitigate the loss or damage to an adult’s property
Do different groups of people within the local community have different needs or experiences in the area this issue relates to?	Yes – people are individuals so each will have differing needs.
Could the aims of these proposals be in conflict with the council’s general duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not?	No
Will the proposal have a significant effect on how services or a council function/s is/are delivered?	No
Will the proposal have a significant effect on how other organisations operate?	No
Does the proposal involve a significant commitment of resources?	No
Does the proposal relate to an area where there are known inequalities?	No
<p>If you answer Yes to any of these questions, it will be necessary for you to proceed to a full Equality Impact Assessment after you have completed the rest of this initial screening form.</p> <p>If you answer No to all of these questions, please provide appropriate evidence using the table below and complete the evidence considerations box and obtain sign off from your Head of Service.</p>	

Protected Characteristics	Positive	Negative	No impact	Reasons
Age			✓	The process will be applied equitably to ensure that we meet the needs of the diverse range of people aged over 18 years of age who meet the criteria for this particular policy regardless of their age.
Disability			✓	The process will be applied equitably to ensure that we meet the needs of the diverse range of people who meet the criteria regardless of their disability.
Gender Reassignment			✓	The policy will ensure that procedures followed and decision made are carried out in a consistent and transparent manner and applied with equity irrespective of a person's status with regard to gender reassignment.
Marriage & Civil Partnership			✓	The policy will ensure that the procedures followed and decision made are carried out in a consistent and transparent manner and applied with equity irrespective of a person's marriage or civil partnership status.
Pregnancy & Maternity			✓	The policy will ensure that the procedures followed and decision made are carried out in a consistent and transparent manner and applied with equity irrespective of a person's pregnancy or maternity status.
Race			✓	The policy will ensure that the procedures followed and decision made are carried out in a consistent and transparent manner and applied with equity irrespective of a person's race or ethnic background.
Religion / Belief			✓	The policy will ensure that the procedures followed and decision made are carried out in a consistent and transparent manner and applied with equity irrespective of a person's religion or belief.
Sex (male / female)			✓	The policy will ensure that the procedures followed and decision made are carried out in a consistent and transparent manner and applied with equity irrespective of a person's gender.
Sexual Orientation			✓	The policy will ensure that procedures followed and decision made are carried out in a consistent and transparent manner and applied with equity irrespective of a person's sexual orientation.

Are there aspects of the proposal that contribute to or improve the opportunity for equality?	Yes
<p>The Policy explains in detail the Isle of Wight council's position under Section 47 of the Care Act and Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 that places a duty on Local Authorities to take reasonable steps to prevent or mitigate the loss or damage to an adult's moveable property. The policy provides a framework for managers and staff to work within to ensure people are treated fairly and consistently, enhancing the council's reputation and ensures compliance with relevant legislation.</p> <p>Housing and Community Support Services have powers in relation to empty properties under Section 29 of the Local Government (Miscellaneous Provisions) Act 1981 to ensure they undertake work in connection with the building for preventing unauthorised entry or for the purpose of preventing it becoming a danger to public health.</p>	

Evidence Considered During Screening	
<p>Section 47 of the Care Act 2014.</p> <p>Mental Capacity Act 2005.</p> <p>Section 29 of the Local Government (Miscellaneous Provisions) Act 1982</p> <p>Consultations and discussions have taken place with Adult Social Care senior managers, Deputyship Team, Group Managers, the mental health team, housing department and insurance officer.</p> <p>An Officer Decision Record (ODR) has been completed during the formation of this Policy.</p>	
Head of Service Sign off:	Carol Tozer
Advice sought from Legal Services (Name)	Garion Bird
Date	21 st March 2018

Stage 2 Full Equality Impact Assessment

Assessor(s)Name(s):	Catherine Smith-Ivory
Directorate:	Community Wellbeing and Social Care Directorate
Date of Completion:	21 st March 2018

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Scope of the Equality Impact Assessment

Adult Social Care is committed to meeting its legislative obligations by producing a framework for professionals to follow and promote consistency and transparency when considering enforcement action. This allows people to understand what can be expected from professionals and ensures any action taken is consistent and fair, irrespective of any protected characteristic.

The IWC will, wherever possible, support adults to make their own arrangements to protect their own property. The IWC has a duty to take reasonable steps to prevent or mitigate the loss of damage and the Policy is in place if a person has no other suitable arrangements to protect their property. It is not the council's responsibility, or their staff, to protect or insure the property, contents or pets until the person either returns home, made permanent in a residential or care setting or moves into supported living accommodation or hospital.

The policy clarifies the IWC's ongoing commitment to support individuals protect their own properties and where this is not possible, detail what reasonable steps the IWC will take to secure a property, contents or pets until the owner returns home or can make their own arrangements to protect their property.

No focus groups or public consultations have taken place.

Analysis and assessment

This policy has no negative impact on those with protected characteristics. It is expected that improved communication, framework and guidance will have a positive effect on all people who are being care for away from home up to the time period of receiving a Court Order for safeguarding properties, at which time the Deputyship Team will then take over the management of the case.

Recommendations

It is recommended that this policy is adopted as it will improve the opportunity for equality for people who will require their property, contents or pets to be secured while they are away from home.

- Yearly review of policy.

Action/Improvement Plan

The table below should be completed using the information from your equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Remove or lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Age	No evidence but content of policy and internal process considers it to be a positive impact.			All actions outlined in the policy will happen whichever protected characteristic(s) they have.
Disability	As above.			As above
Gender Reassignment	As above.			As above
Marriage & Civil Partnership	As above.			As above
Pregnancy & Maternity	As above.			As above

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Race	As above.			As above
Religion / Belief	As above.			As above
Sex (male or female)	As above.			As above
Sexual Orientation	As above.			As above

Summary	
Date of Assessment:	21 st March 2018
Signed off by Head of Service/Director	Carol Tozer
Review date	April 2019
Date published	21 st March 2018

This 'Securing properties of adults being cared for away from home' Policy can be located on:
<https://www.iwight.com/documentlibrary/letter/s>