# **DOH-Full-Name-(CMYK-300) (2)**

**Equality Screening, Disability Duties and Human Rights Assessment Template**

Part 1 – Policy scoping

Part 2 – Screening questions

Part 3 – Screening decision

Part 4 – Monitoring

Part 5 – Disability Duties

Part 6 – Human Rights

Part 7 – Approval and Authorisation

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*Guidance on completion of the template can be found on the Equality Commission website at* [*S75 screening template 2010 (web access checked 230920) .docx*](https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75screeningtemplate2010.docx)

**Part 1. Policy scoping**

**1.1 Information about the policy**

Name of the policy:

Adult Protection Bill

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Is this an existing, revised or a new policy?

Revised policy and associated new Legislation

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What is it trying to achieve? (intended aims/outcomes)

The purpose of new legislation is to introduce additional protections to strengthen and underpin the adult protection process in Northern Ireland by introducing a number of recommendations from the Commissioner for Older People’s ‘Home Truths’ investigation.

At present the law in this area is complex, with a patchwork of legislation having evolved over the years. There are, for example, powers and duties under wider criminal law; regulated services provided under health and social care legislation; and protections under mental health and mental capacity legislation. As evidenced in the Independent Review, the net result is confusion for those providing services and for service users and their families.

The draft Bill aims to offer greater protection to adults at risk by introducing a number of new powers for social workers and also putting into legislation processes that were previously only covered by statutory guidance within the existing policy, the ‘Adult Safeguarding Prevention and Protection in Partnership Policy 2015’.

Additionally the draft Bill intends to introduce a number of new powers and duties in this area, including a Power of Entry, related protection orders, and a Power to Access Financial Records. The purpose of the new powers is to increase the tools at the disposal of Social Workers to help combat potential protection issues.

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Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

Adults who meet the Adult at Risk definition will benefit from the new legislation, by ensuring that the Adult is as safe as possible and that any suspected harm is investigated and dealt with as quickly as possible.

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Who initiated or wrote the policy?

The existing Protection and Prevention in Principle Policy was published jointly by the then Minister for Health, Social Services and Public safety and the Minister of Justice in 2015. Following the high-profile adult safeguarding failures in Dunmurry Manor Care Home and Muckamore Abbey Hospital, there were a number of reviews including the COPNI Home Truths report and the independent review by CPEA. Both reviews recommended legislation to put adult safeguarding on a statutory footing. In September 2020, the then Health Minister confirmed his intention to legislate. Following a public consultation, the Executive agreed for drafting on the Adult Protection Bill to begin in October 2021.

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Who owns and who implements the policy?

DoH

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**1.2 Implementation factors**

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

If yes, are they (please delete as appropriate)

Financial – the full implementation of the draft Bill will be dependent on securing the required budget.

~~legislative~~

other, please specify \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**1.3 Main stakeholders affected**

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? (please delete as appropriate)

The draft Bill will affect all of those listed below.

staff

service users

other public sector organisations

voluntary/community/trade unions

other, please specify ­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1.4 Other policies with a bearing on this policy

* what are they?

The Mental Health Order (Northern Ireland) 1986

The Mental Capacity Act (Northern Ireland) 2016

* who owns them?

Both pieces of legislation are owned by Department of Health.

**1.5 Available evidence**

What evidence/information (both qualitative and quantitative[[1]](#footnote-1)) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

**Religious belief** evidence / information:

Religion will have no bearing on the draft Bill.
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**Political Opinion** evidence / information:

Political opinion will have no bearing on the draft Bill.
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**Racial Group** evidence / information:

Ethnicity will have no bearing on the draft Bill.
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**Age** evidence / information:

The policy will apply to any adult who meet the criteria set out by the definition of ‘adult at risk’ in the draft Bill. The policy will apply only to those over age 18.
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**Marital Status** evidence / information:

Marital Status will have no bearing on the draft Bill.
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**Sexual Orientation** evidence / information:

Sexual Orientation will have no bearing on the draft Bill.
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**Men & Women generally** evidence / information:

Gender will have no bearing on the draft Bill.
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**Disability** evidence / information:

Disability will only be relevant if the Adult in question meets the definition as set out in the draft Bill.
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**Dependants** evidence / information:

Dependent status will have no bearing on the draft Bill.
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**1.6 Needs, experiences and priorities**

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

**Religious belief**

There is no evidence that different religions will have any different needs, experiences, priorities or issues in relation to the draft Bill.
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**Political Opinion**

There is no evidence that different political opinions will have any different needs, experiences, priorities or issues in relation to the draft Bill.

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**Racial Group**

There is no evidence that different racial groups will have any different needs, experiences, priorities or issues in relation to the draft Bill.

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**Age**

The policy will apply to any adult who meet the criteria set out by the definition of ‘adult at risk’ in the draft Bill. The policy will apply only to those over age 18.

It is possible that people of an advanced age are more likely to meet the criteria of an adult at risk. For example, people with dementia are more likely to be older people. Older people are also more likely to be in care homes. Therefore it is expected that a larger proportion of older people would fall under the Adult Protection Bill definition and therefore the policy would apply to them. However, older people will not be the only group affected by this policy. Anyone over the age of 18 could potentially be an adult at risk.

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**Marital status**

There is no evidence that those of different marital status will have any different needs, experiences, priorities or issues in relation to the draft Bill.

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**Sexual orientation**

There is no evidence that different sexual orientation will have any different needs, experiences, priorities or issues in relation to the draft Bill.

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**Men and Women Generally**

There is no evidence that different genders will have any different needs, experiences, priorities or issues in relation to the draft Bill.

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**Disability**

A major group of adults at risk would be those with disabilities and in particular those with learning disabilities who are looked after in care settings.
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**Dependants**

There is no evidence that those of different dependant status will have any different needs, experiences, priorities or issues in relation to the draft Bill.
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**Part 2. Screening questions**

* 1. **What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none**

**Details of the likely policy impacts on** **Religious belief**: (insert text here)

No impact on equality of opportunity

What is the level of impact? ~~Minor / Major~~ / None (circle as appropriate)

**Details of the likely policy impacts on** **Political Opinion**: (insert text here)

No impact on equality of opportunity

What is the level of impact~~? Minor / Major~~ / None (circle as appropriate)

**Details of the likely policy impacts on** **Racial Group**: (insert text here)

No impact on equality of opportunity

What is the level of impact? ~~Minor / Major~~ / None (circle as appropriate)

**Details of the likely policy impacts on** **Age**: (insert text here)

No impact on equality of opportunity

What is the level of impact? ~~Minor / Major~~ / None (circle as appropriate)

**Details of the likely policy impacts on** **Marital Status**: (insert text here)

No impact on equality of opportunity

What is the level of impact? ~~Minor / Major~~ / None (circle as appropriate)

**Details of the likely policy impacts on** **Sexual Orientation**:

No impact on equality of opportunity

What is the level of impact? ~~Minor / Major~~ / None (circle as appropriate)

**Details of the likely policy impacts on** **Men and Women**: (insert text here)

No impact on equality of opportunity

What is the level of impact? ~~Minor / Major~~ / None (circle as appropriate)

**Details of the likely policy impacts on** **Disability**: (insert text here)

No impact on equality of opportunity

What is the level of impact? ~~Minor / Major~~ / None (circle as appropriate)

**Details of the likely policy impacts on** **Dependants**:

No impact on equality of opportunity

What is the level of impact? ~~Minor / Major~~ / None (circle as appropriate)

* 1. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?** ~~Yes/~~ No

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

No impact on the majority of the Section 75 categories.

**Religious Belief -** If Yes, provide details:

If No, provide reasons: No evidence to support this, religion has no bearing the draft Bill.

**Political Opinion -** If Yes, provide details:

If No, provide reasons No evidence to support this, political opinion has no bearing on the draft Bill.

**Racial Group -** If Yes, provide details:

If No, provide reasons No evidence to support this, what racial group that a person belongs to has no bearing on the draft Bill.

**Age -** If Yes, provide details:

If No, provide reasons: No evidence to support this. However, it may be that an older person may be more likely to fall under the definition of an adult at risk within the draft Bill.

**Marital Status -** If Yes, provide details:

If No, provide reasons No evidence to support this, a persons marital status will have no bearing on the draft Bill.

**Sexual Orientation -** If Yes, provide details:

If No, provide reasons: No evidence to support this, a persons sexual orientation will have no bearing on the draft Bill.

**Men and Women generally -** If Yes, provide details:

If No, provide reasons: No evidence to support this, whether the person is male or female will have no bearing on the draft Bill.

**Disability -** If Yes, provide details:

If No, provide reasons: No evidence to support this. However, it may be that a person with a disability may be more likely to fall under the definition of an adult at risk within the draft Bill.

**Dependants -** If Yes, provide details:

If No, provide reasons: No evidence to support this. Dependant status will have no bearing on the draft Bill.

* 1. **To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?**

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

**Details of the likely policy impacts on** **Religious belief**: (insert text here)

The policy will not impact on good relations

What is the level of impact? ~~Minor / Major~~ / None (circle as appropriate)

**Details of the likely policy impacts on** **Political Opinion**: (insert text here)

The policy will not impact on good relations

What is the level of impact? ~~Minor / Major~~ / None (circle as appropriate)

**Details of the likely policy impacts on** **Racial Group**: (insert text here)

The policy will not impact on good relations

What is the level of impact? ~~Minor / Major~~ / None (circle as appropriate)

* 1. **Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

**Religious Belief -** If Yes, provide details:

If No, provide reasons: No evidence to support this, religious belief will have no bearing on the draft Bill.

**Political Opinion –** If Yes, provide details:

If No, provide reasons No evidence to support this, political opinion will have no bearing on the draft Bill.

**Racial Group –** If Yes, provide details:

If No, provide reasons No evidence to support this, racial group will have no bearing on the draft Bill.

**2.5** **Additional considerations**

**Multiple identity**

Generally speaking, people can fall into more than one Section 75 category. **Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?**

(*For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).*

No impact. This guidance will benefit all relevant service users, including those with multiple identities.

**Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.**

n/a

**2.6 Was the original policy / decision changed in any way to address any adverse impacts identified either through the screening process or from consultation feedback. If so please provide details.**

n/a

**Part 3. Screening decision**

**3.1 Would you summarise the impact of the policy as; No Impact/ Minor Impact/ Major Impact?**

No impact

**3.2 Do you consider that this policy/ decision needs to be subjected to a full equality impact assessment (EQIA)?**

No

**3.3 Please explain your reason**.

The draft Bill will apply to all sections of the community equally. Its impact will be most strongly felt by those who fall under the Bill’s definition of an adult at risk. It is proportionally more likely that adults at risk will also be adults with a disability, or adults who are older people, or both. However, while this is the case, the draft Bill will apply to all adults at risk and not solely those who also fall into one of these categories.

**3.4 Mitigation**

When the public authority concludes that the likely impact is ‘minor’ and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

**Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?**

No

**If so, give the reasons to support your decision, together with the proposed changes/amendments or alternative policy**.

n/a

**3.5 Timetabling and prioritising**

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been **‘screened in’** for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

**On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.**

Effect on equality of opportunity and good relations – **Rating \_\_\_\_** (1-3)

Social need – **Rating \_\_\_\_** (1-3)

Effect on people’s daily lives – **Rating \_\_\_\_** (1-3)

Relevance to a public authority’s functions – **Rating \_\_\_\_** (1-3)

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority’s Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

**Is the policy affected by timetables established by other relevant public authorities?**

 **n/a**

**If yes, please provide details.**

**Part 4. Monitoring**

Monitoring is an important part of policy development and implementation. Through monitoring it is possible to assess the impacts of the policy / decision both beneficial and adverse.

**4.1 Please detail how you will monitor the effect of the policy / decision?**

Monitoring of the effectiveness of the legislation will be completed by the Adult Protection Board for Northern Ireland.

**4.2 What data will you collect in the future in order to monitor the effect of the policy / decision?**

Data collection will need to be considered in full by the Adult Protection Board for Northern Ireland. However measuring of effectiveness of the legislation may be to monitor the number of complaints received in terms of the Adults at risk, or by monitoring the number of Serious Case Reviews received.

***Please note****: - For the purposes of the annual progress report to the Equality Commission you may later be asked about the monitoring you have done in relation to this policy and whether that has identified any Equality issues*.

**Part 5. Disability Duties**

**5.1 Does the policy/decision in any way promote positive attitudes towards disabled people and/or encourage their participation in public life?**

N/A

**5.2 Is there an opportunity to better promote positive attitudes towards disabled people or encourage their participation in public life by making changes to the policy/decision or introducing additional measures?**

N/A

**Part 6. Human Rights**

**6.1 Does the policy / decision affects anyone’s Human Rights?**

**Details of the likely policy impacts on** **Article 2 – Right to life:** (insert text here)

What is the impact? Positive / Negative (human right interfered with or restricted) / **Neutral** (circle as appropriate)

The proposed draft Bill includes a Power of Entry and a subsequent additional banning order, similar to that included in the Scottish legislation - Adult Support and Protection (Scotland) Act 2007.

The proposed Banning Order would ban a person from being in a specified location for up to six months if the adult is being or is likely to be seriously harmed by that person.

The provision is conditional on the likelihood of harm to the person or of serious physical harm to other people.

**Details of the likely policy impacts on** **Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment**: (insert text here)

What is the impact? **Positive** / Negative / Neutral (circle as appropriate)

Inhuman treatment includes, at least, such treatment as deliberately causes severe suffering, mental or physical, which in the particular situation is unjustifiable.

The draft Bill proposes two new offences of ill-treatment and wilful neglect, similar to those included in the Care Act 2014 (England). The draft Bill includes two tiers of these offences:

1. Care worker offence

2. Care provider offence

A care provider commits an offence if:

a) an individual who has the care of another individual by virtue of being part of the care provider’s arrangements ill-treats or wilfully

neglects that individual,

b) the care provider’s activities are managed or organised in a way which amounts to a gross breach of a relevant duty of care owed by

the care provider to the individual who is ill-treated or neglected,and

c) in the absence of the breach, the ill-treatment or wilful neglect would not have occurred or would have been less likely to occur.

The EHRC definition of what inhuman treatment is includes reference to the following:

•serious physical assault

•psychological interrogation

•cruel or barbaric detention conditions or restraints

•serious physical or psychological abuse in a health or care setting, and

•threatening to torture someone, if the threat is real and immediate

All of these would be significant enough to warrant a charge under the new offences

**Details of the likely policy impacts on** **Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour:** (insert text here)

What is the impact? Positive / Negative / Neutral (circle as appropriate)

n/a

**Details of the likely policy impacts on** **Article 5 – Right to liberty & security of person:** (insert text here)

What is the impact? Positive / Negative / Neutral (circle as appropriate)

Under the draft Bill DSO have advised that the Protection Orders (in particular the Assessment Order or Removal Order) detailed in the draft Bill would not deprive anyone from their liberty.

**Details of the likely policy impacts on** **Article 6 – Right to a fair & public trial within a reasonable time:** (insert text here)

What is the impact? Positive / Negative / Neutral (circle as appropriate)

n/a

**Details of the likely policy impacts on** **Article 7 – Right to freedom from retrospective criminal law & no punishment without law:** (insert text here)

What is the impact? Positive / Negative / Neutral (circle as appropriate)

n/a

**Details of the likely policy impacts on** **Article 8 – Right to respect for private & family life, home and correspondence:** (insert text here)

What is the impact? Positive / Negative / Neutral (circle as appropriate)

Private life is a broad concept not amenable to exhaustive definition. The concept is clearly wider than the right to privacy. It includes a sphere within which everyone can freely pursue the development and fulfilment of his personality. The home, within the meaning of Article 8, is where one lives on a settled basis11.

The draft Bill directly engages Article 8 of the EHRC. The draft Bill will introduce a new power of entry to interview an adult at risk as well as associated additional powers - Assessment Order, Removal Order and Banning Order.

Under normal circumstances, the use of these powers will require the consent of the adult in question and authorisation from a Magistrate. However, a Magistrate may approve their use where consent is witheld, where it is believed that consent is being withheld due to coercion or due to the adult being under duress.

Additionally, the draft Bill also proposes introducing a new power to allow Social Workers to access financial records.

As with the Power of Entry, under normal circumstances the use of this power will require authorisation from a Magistrate and can only be used with the consent of the adult in question. Where it is believed that consent is being withheld due to coercion or being under duress, the Magistrate may approve their use regardless of a lack of consent.

**Details of the likely policy impacts on** **Article 9 – Right to freedom of thought, conscience & religion:** (insert text here)

What is the impact? Positive / Negative / Neutral (circle as appropriate)

n/a

**Details of the likely policy impacts on** **Article 10 – Right to freedom of expression:** (insert text here)

What is the impact? Positive / Negative / Neutral (circle as appropriate)

n/a

**Details of the likely policy impacts on** **Article 11 – Right to freedom of assembly & association:** (insert text here)

What is the impact? Positive / Negative / Neutral (circle as appropriate)

n/a

**Details of the likely policy impacts on** **Article 12 – Right to marry & found a family:** (insert text here)

What is the impact? Positive / Negative / Neutral (circle as appropriate)

n/a

**Details of the likely policy impacts on** **Article 14 – Prohibition of discrimination in the enjoyment of the convention rights:** (insert text here)

What is the impact? Positive / Negative / Neutral (circle as appropriate)

Under the draft Bill there should be no difference in treatment between persons with or without a disability or illness. However, there is risk of indirect discrimination in effect given the possibility that more persons with a disability or illnesses may be affected by the Bill. Equally, the elderly community may also find themselves more affected by the Bill.

**Details of the likely policy impacts on** **1st protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property:** (insert text here)

What is the impact? Positive / Negative / Neutral (circle as appropriate)

Although the Power to access financial records seeks to give Social Workers and relevant bodies the ability to gain access to an adult in need of protection's financial records, it is not for the purpose of taking an individuals money away or removing their access to it.

The power will simply allow a Social Worker or relevant body the ability to, with Magistrate approval and the adult in need of protections consent, to view financial records for the purpose of deterimining whether financial abuse has taken place.

**Details of the likely policy impacts on** **1st protocol Article 2 – Right of access to education:** (insert text here)

What is the impact? Positive / Negative / Neutral (circle as appropriate)

n/a

**6.2** **If you have identified a likely negative impact who is affected and how?**

*At this stage we would recommend that you consult with your line manager to determine whether to seek legal advice and to refer to Human Rights Guidance to consider:*

* *whether there is a law which allows you to interfere with or restrict rights*
* *whether this interference or restriction is necessary and proportionate*
* *what action would be required to reduce the level of interference or restriction in order to comply with the Human Rights Act (1998).*

n/a

* 1. **Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.**

A full Human Rights Impact Assessment has been undertaken as part of the development of the policy behind this legislation.

**Part 7 - Approval and authorisation**

| **Screened by:**  | **Position/Job Title**  | **Date** |
| --- | --- | --- |
| Laura Smyth | DP | 08/03/2024 |
| **Approved by:** |  |  |
| Kerry Loveland-Morrison | G7 | 08/03/2024 |
| **Copied to EHRU**: |  |  |

*The Screening Template is ‘signed off’ and approved by a senior manager responsible for the policy (at least Grade 7), made easily accessible on the public authority’s website as soon as possible following completion and made available on request.*

1. **\*** Qualitative data – refers to the experiences of individuals related in their own terms, and based on their own

 experiences and attitudes. Qualitative data is often used to complement quantitative data to determine why policies are

 successful or unsuccessful and the reasons for this.

 Quantitative data -refers to numbers (that is, quantities), typically derived from either a population in general or

 samples of that population. This information is often analysed either using descriptive statistics (which summarise patterns),

 or inferential statistics (which are used to infer from a sample about the wider population). [↑](#footnote-ref-1)