

# **Equality Impact Assessment Liberty Protection Safeguards (LPS)**

Please complete this template using the [Equality Impact Assessment Guidance document](#)

**Date: October 2021**

Title of proposal (include forward plan reference if available)	Liberty Protection Safeguards (LPS)
Directorate and Service Area	Adult Social Care, Health and Well Being – Social Work & Therapy
Name and title of Lead Officer completing this EIA	Donna Patel – Interim Operational Manager / Independent Living Team
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Names and titles of other officers involved in completing this EIA	Suki Sandhu, Operations Manager, Safeguarding and DoLS Team <a href="mailto:suki_sandhu@sandwell.gov.uk">suki_sandhu@sandwell.gov.uk</a>
Partners involved with the EIA where jointly completed	N/A
Date EIA completed	16.12.2021
Date EIA signed off or agreed by Director or Executive Director	TBC
Name of Director or Executive Director signing off EIA	Rashpal Bishop Director of Adult Social Care <a href="mailto:Rashpal_bishop@sandwell.gov.uk">Rashpal_bishop@sandwell.gov.uk</a>
Date EIA considered by Cabinet Member	Councillor Suzanne Hartwell

**See [Equality Impact Assessment Guidance](#) for key prompts that must be addressed for all questions**

### **1. The purpose of the proposal or decision required (Please provide as much information as possible)**

The Equality Impact Assessment is being undertaken in respect of the proposal being put forward to Cabinet on Wednesday 23<sup>rd</sup> March 2022. This proposal is to seek approval to create several new posts and the conversion of two posts within Adult Social Care to meet the statutory requirements of the new Mental Capacity (Amendment) Bill 2019 and to implement the Liberty Protection Safeguards (LPS).

### **2. Evidence used/considered**

The Council currently has statutory responsibilities under the provision of the Mental Capacity Act (2005) to complete formal Deprivation of Liberty Safeguarding (DoLS) best interest assessments when a person who lacks mental capacity to consent to their care or treatment is being deprived of their liberty in a care home or hospital to keep them safe from harm.

At present the council appoints Best Interest Assessors to meet this statutory responsibility. From a date to be determined by the DHSC for 2022, when the new Liberty Protection Safeguards (LPS) legislation is to be implemented, this process will require Social Worker with Approved Mental Capacity Practitioner (AMCP) status to be appointed to fulfil part of this role and function for the council. LPS will become a mainstream part of care planning for all Social Workers, however due to demand and capacity this will also require additional resources to meet our statutory duties.

### **3. Consultation**

There have been some meetings and consultation in relation to the new proposals to implement the Liberty Protection Safeguards (LPS) but this will require more detailed discussions with staff once the proposed structure has been agreed.

There will be some impact for two members of staff who are the Social Care Lead Officers with Best Interest Assessor status supporting the current DOL's service, where posts will be converted in the new structure. It is intended that these posts will be converted into Social Worker roles with AMCP status.

#### **4. Assess likely impact**

Please give an outline of the overall impact if possible.

The cabinet approval is required to recruit more Social Work resources and Social Workers with AMCP status to support the implementation of the Liberty Protection Safeguards (LPS) framework will support the objectives of the council's corporate plan and the statutory role and functions of Adult Social Care.

People live well and age well – making sure that when we have people in receipt care and support in care homes/hospital that we have the legal framework in place to ensure any identified restriction and controls is in place regarding deprivation of liberty.

This approach enables the Deprivation of Liberty Safeguards service and Adult Social Care, to be fully compliant with the requirements of the new statutory legislation Liberty Protection Safeguard's (LPS) to be implemented in 2022, a date to be determined by the DHSC.

The proposed implementation plan in relation to staffing resources will not adversely affect any staff that are protected characteristics. Both staff members where posts are to be deleted are males and one is of BME background. Any unforeseen adverse impacts will be identified through monitoring processes and statistical / other data analysis and mitigated against.

**Please complete the table below at 4a to identify the likely impact on specific protected characteristics**

#### 4a. Use the table to show:

- Where you think that the strategy, project or policy could have a negative impact on any of the equality strands (protected characteristics), that is it could disadvantage them or if there is no impact, please note the evidence and/or reasons for this.
- Where you think that the strategy, project or policy could have a positive impact on any of the groups or contribute to promoting equality, equal opportunities or improving relationships within equality characteristics.

Protected Characteristic	Positive Impact	Negative Impact	No Impact	Reason and evidence (Provide details of specific groups affected even for no impact and where negative impact has been identified what mitigating actions can we take?)
	✓	✓	✓	
Age			✓	<p><b>Workforce:</b> The proposal does not change the requirements of the workforce of this protected characteristic.</p> <p><b>Public:</b> The proposal does not change the services approach to supporting people of this protected characteristic.</p>
Disability			✓	<p><b>Workforce:</b> The proposal does not change the requirements of the workforce of this protected characteristic.</p> <p><b>Public:</b></p>

				The proposal does not change the services approach to supporting people of this protected characteristic.
<b>Gender reassignment</b>			✓	<p><b>Workforce:</b> No known impact</p> <p><b>Public:</b> The proposal does not change the services approach to supporting people of this protected characteristic.</p>
<b>Marriage and civil partnership</b>			✓	<p><b>Workforce:</b> No Known impact</p> <p><b>Public:</b> The proposal does not change the services approach to supporting people of this protected characteristic.</p>
<b>Pregnancy and maternity</b>			✓	<p><b>Workforce:</b> The proposal does not change the requirements of the workforce of this protected characteristic.</p> <p><b>Public:</b> The proposal does not change the services approach to supporting people of this protected characteristic.</p>

<p><b>Race</b></p>			<p>✓</p>	<p><b>Workforce:</b> The proposal does not change the requirements of the workforce of this protected characteristic. One member of staff whose post will be deleted is from the BME category, but this staff member will be able to convert to a Social Worker (AMCP) role on the same grade, and hence will not be disadvantaged by this process.</p> <p><b>Public:</b> The proposal does not change the services approach to supporting people of this protected characteristic.</p>
<p><b>Religion or belief</b></p>			<p>✓</p>	<p><b>Workforce:</b> No known impact</p> <p><b>Public:</b> The proposal does not change the services approach to supporting people of this protected characteristic.</p>
<p><b>Sex</b></p>			<p>✓</p>	<p><b>Workforce:</b> The proposal does not change the requirements of the workforce of this protected characteristic.</p> <p><b>Public:</b> The proposal does not change the services approach to supporting people of this protected characteristic.</p>

<b>Sexual orientation</b>			✓	<p><b>Workforce:</b> No known impact</p> <p><b>Public:</b> The proposal does not change the services approach to supporting people of this protected characteristic.</p>
<b>Other</b>				

Does this EIA require a full impact assessment? Yes  No  ✓

If there are no adverse impacts or any issues of concern or you can adequately explain or justify them, then you do not need to go any further. You have completed the screening stage. You must, however, complete sections 7 and 9 and publish the EIA as it stands.

If you have answered yes to the above, please complete the questions below referring to the guidance document.



**5. What actions can be taken to mitigate any adverse impacts?**

The staff members that are implicated will be consulted with. Potential adverse impact.

**6. As a result of the EIA what decision or actions are being proposed in relation to the original proposals?**

N/A

**7. Monitoring arrangements**

The Liberty Protection Safeguards (LPS) process will be monitored in terms of quality and performance by the Operational Manager responsible for overseeing the Safeguarding and DOL's (Liberty Protection Safeguards) Teams. The proposed changes to staffing resources will be monitored by Human Resources and the LPS Project Team.

**8. Action planning**

You may wish to use the action plan template below





**9. Publish the EIA**

## Where can I get additional information, advice and guidance?

In the first instance, please consult the accompanying guide “Equality Impact Assessment Guidance”

### **Practical advice, guidance and support**

Help and advice on undertaking an EIA or receiving training related to equalities legislation and EIAs is available to **all managers** across the council from officers within Service Improvement. The officers within Service Improvement will also provide overview quality assurance checks on completed EIA documents.

**Please contact:**

Kashmir Singh - 0121 569 3828