

Equality, Good Relations and Human Rights SCREENING

The Health and Social Care Board is required to consider the likely equality implications of any policies or decisions. In particular it is asked to consider:

- 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 or none)
- 2) Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?
- 3) To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group? (minor, major or none)
- 4) Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?

See [Guidance Notes](#) for further information on the 'why' 'what' 'when', and 'who' in relation to screening, for background information on the relevant legislation and for help in answering the questions on this template.

For advice on screening please contact: Anne McGlade: Equality Manager, Business Services Organisation, Equality Unit anne.mcglade@hscni.net or Telephone 028 90535577

As part of the audit trail documentation needs to be made available for all policies and decisions examined for equality and human rights implications. The screening template is a pro forma to document consideration of each screening question.

For information (evidence, data, research etc) on the Section 75 equality groups see the Equality and Human Rights Information Bank on the BSO website:
<http://www.hscbusiness.hscni.net/services/1798.htm>

The majority of policies or decisions need to be screened using the full template. There are some policies or decisions where it is obvious that there is no impact on people. If this is so please confirm using the screening assurance statement pro-forma below.

Equality, Good Relations and Human Rights SCREENING TEMPLATE

(1) INFORMATION ABOUT THE POLICY OR DECISION

1.1 Title of policy or decision

Regional Learning Disability Day Opportunities Model

1.2 Description of policy or decision

- **What is it trying to achieve?**

This paper sets out the HSCB/PHA commissioning intention for Day Opportunities for Adults with a Learning Disability. The Model builds on experience to date and seeks to extend good practice on an equitable basis across Northern Ireland. The Model is founded on Day Opportunities being designed on the basis of individuals' assessed needs and on those needs being met by a variety of statutory and non-statutory partnerships.

- **How will this be achieved?**

The Learning Disability Bamford Report Equal Lives, the current Bamford Action Plan 2012-2015, the Learning Disability Service Framework and Transforming Your Care have all identified the need to extend the range and availability of Learning Disability Day Opportunities.

Accordingly the Board's Commissioning Plan 2012/13 committed to producing a Day Opportunities Model for commencement of implementation in 2013/14. The Model will be used to benchmark each Trusts' current provision, identify gaps on a local basis and inform the necessary improvements in services. The Model sets out the need to both improve day centres for people with complex healthcare and behavioural support needs and community based day opportunities. Any resulting revenue or capital requirements will be identified on a locality/Trust basis as the Model is fully implemented.

- **What are the key constraints?**

Potential constraints include:

- Capacity both within the Department of Health, Social Services and Public Safety (DHSSPS) and the Health and Social Care (HSC) sector to ensure the delivery of the model;
- Affordability of Model with current budget and next Comprehensive Spending Review (CSR);
- Political will to endorse and support this radical change
- The desire and ability to work across departments
- Developing a multi agency approach to ensure the sustainability and financing of day opportunities provision.

1.3 Main stakeholders affected (internal and external)

For example staff, actual or potential service users, other public sector organisations, voluntary and community groups, trade unions or professional organisations or private sector organisations or others

People with learning disabilities, their carers and families; HSC commissioners and providers; voluntary & community sector providers, independent providers, DHSSPS, Department for Social Development (DSD), Department for Regional Development (DRD), Department of Education (DE), Department for Employment and Learning (DEL), Department of Culture, Arts and Leisure (DCAL), Department of Justice (DoJ), the Public Health Agency, NI Prison Services, the NI Courts and Tribunals Service, the Probation Board for NI; the Patient and Client Council (PCC); the Regulation & Quality Improvement Authority (RQIA);

1.4 Other policies or decisions with a bearing on this policy or decision

- **what are they?**

- *Investing for Health* strategies;
- The Quality Framework – as outlined in *Best Practice Best Care (2001)*;
- Review of Mental Health and Learning Disability – Equal Lives (2005)
- The *Reform and Modernisation* of HSC;
- The Reform and Modernisation of Mental Health and Learning Disability Services Review (Bamford, 2007)
- Changes underpinning the *Review of Public Administration*
- Equality and Human Rights (including the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and other UK, European & international law)
- Personal and Public Involvement (PPI) (DHSSPS, 2007)
- Transforming Your Care (DHSSPS, 2011)

(2) CONSIDERATION OF EQUALITY AND GOOD RELATIONS ISSUES AND EVIDENCE USED

2.1 Data Gathering

What information did you use to inform this equality screening? For example previous consultations, statistics, research, Equality Impact Assessments (EQIAs), complaints. Provide details of how you involved stakeholders, views of colleagues, service users, staff side or other stakeholders.

Equal Lives, September 2005

“To enable people with a learning disability to lead full and meaningful lives in their neighbourhoods, have access to a wide range of social, work and leisure opportunities and form and maintain friendships and relationships” (Equal Lives).

In June 2007, The Social Care Institute for Excellence published a guide entitled “Community-based day activities and supports for people with learning disabilities: How we can help people to 'have a good day?'”.

The Equal Lives Review adopted an evidence-based approach, drawing upon existing relevant information and research, and where necessary commissioning research. Exemplars of best practice local, national and international informed the debate and set the strategic direction of the Bamford Vision in October 2009.

In August 2011, The Patient and Client Council published a document entitled ‘My Day, My Way’ which was the culmination of an exercise collecting together and reflecting the views of people with learning disability about the changes in day services in Northern Ireland. The Bamford Monitoring Group talked to a total of 1190 people with a learning disability, parents, carers and family members as part of this process. The overwhelming conclusion from this work was that day opportunities and alternatives to traditional day care provision are increasingly important to people with a learning disability.

The Service Framework for Learning Disability published in September 2012, sets out clear standards of care that people can expect. This Framework aims to improve the health and wellbeing of people with a learning disability, their carers and families, by promoting social inclusion, reducing inequalities in health and social wellbeing and improving the quality of health and social care services, especially supporting those most vulnerable in our society.

The 2012-2015 Bamford Action Plan continues to progress the enhancement of mental health and learning disability services started through the previous plan. The evaluation of the 2009-2011 Action Plan, published in May 2012, established that over the last two years the joint working across Government Departments and the HSC sector has achieved much, and 80% of the actions have been delivered. It also highlights areas where services can still be improved and the need for more of a focus on outcomes rather than outputs.

The strategy entitled **“A strategy to improve the lives of disabled people – 2012 to 2015”** also sets out the key priorities that OFMDFM believe will be crucial in addressing the barriers that disabled people face.

Promoting Social Inclusion (PSI) Disability presented to the first minister in December 2009 recommendations are also firmly anchored around the principles of the United Nations Convention on the Rights of Persons with Disabilities, which aim to promote dignity, independence and access.

The Children and Young People's Strategic Partnership (CYPSP) led by OFMDFM brings together a range of agencies, including voluntary and community sector organisations, that aim to improve the lives of children and young people in Northern Ireland. A specific sub group on Transition has direct link to the work around day opportunities bringing a range of partners across departments.

2.2 Quantitative Data

Who is affected by the policy or decision? Please provide a statistical profile. Note if policy affects both staff and service users, please provide profile for both.

Category	<i>What is the makeup of the affected group? (%) Are there any issue or problems? For example, a lower uptake that needs to be addressed or greater involvement of a particular group?</i>
Gender	There is no evidence of a gender difference in relation to prevalence of learning disability.
Age	<p>Learning disability is a life-long condition.</p> <p>78.9% of 0 -19 year olds with a learning disability are described as having 'moderate' disabilities while 21.1% are described as 'severe/profound' (N=8150). Children and young people (0-19 years) represent the larger grouping of all the age levels (20-34 years, 35-49 years and 50+ years).</p> <p>McConkey <i>et al</i> (2006) predict that the population of adult persons in NI with a learning disability will increase by 20.5% by 2021 (N=10,050). This compares to an estimated increase of 16.2% in England. The percentage of persons aged over 50 years in 2021 will increase to 35.7% in Northern Ireland (up from 26.8% in 2002).</p>
Religion	No data to suggest a difference in prevalence of learning disability.
Political Opinion	No data to suggest a difference in prevalence of learning disability.
Marital Status	According to McConkey (2004) most people with a learning disability will never marry or have a sexual partner
Dependent Status	Nearly all children with a learning disability live with family carers. A survey in the largest of the former HSC Boards with an estimated 3,100 children with

	<p>learning disabilities found that 53 children (1.7%) were living in some form of residential accommodation (N=31) or with foster carers (N=22) (McConkey <i>et al</i>, 2004) Over 60% of adult persons continue to live with their families. Around 770 persons (9% of total) live in their own accommodation with minimal supports. Around 2,400 adult persons (29%) are in some form of residential provision.</p> <p>An increasing number of adults with a learning disability are becoming parents. The actual numbers of parents with learning disabilities are unknown (SCIE, 2005)</p>
Disability	This policy relates to people with a learning disability. It recognises that people with learning disabilities can experience other disabilities / co-existing conditions.
Ethnicity	<p>The learning disability population in Northern Ireland includes a small, but growing population of people from minority ethnic communities. (Equal Lives, 2005)</p> <p>A higher birth rate among ethnic minorities along with an associated higher rate of a learning disability in these populations could also result in increased numbers of people with a learning disability in the future (Emerson and Hatton, 2004)</p>
Sexual Orientation	Limited data is available but Stonewall (2012) estimates that the number of people who are gay, lesbian, bisexual or transgender is between 5% and 7% of the general population. There is no corresponding data available for learning disability. That is not to say that the make-up of those affected by this Framework will not be people with a learning disability who are gay, lesbian, bisexual or transgender.

2.3 Qualitative Data

What are the different needs, experiences and priorities of each of the categories in relation to this policy or decision and what equality issues emerge from this? Note if policy affects both staff and service users, please discuss issues for both.

Category	Needs and Experiences
Gender	All potential day services for people with learning disabilities will require being gender sensitive. The person centred assessment processes that are used will identify and address any gender issues that emerge.
Age	Older people could face difficulties in adjusting to proposed developments. The Model does make specific reference to the needs of older people and specific service development required.
Religion	Day Opportunities will need to be highly sensitive to religious identity considerations, not least because of the vulnerability of this population. Families and carers will require being reassured in this regard also.
Political Opinion	This will also require careful consideration in terms of the potential location of any new service development.
Marital Status	N/A
Dependent Status	This population will have carers who are aging themselves and a focus of the work will be to reassure them regarding long term care arrangements.
Disability	The day opportunities options will need to be highly sensitive to disability considerations.
Ethnicity	A number of people with learning disability will require additional support when availing of day opportunities to become more aware of and attuned to the more diverse nature of the Northern Ireland population
Sexual Orientation	This will be an important factor to take account of during assessment processes, particularly where there may be proposed groups of people with forensic history being supported together and the obvious risk around this.

2.3 Multiple Identities

Are there any potential impacts of the policy or decision on people with multiple identities? For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people.

Those impacted upon by this model will have multiple identities in relation to age, gender and sexual orientation. This model is likely to affect a significant number of people with multiple disabilities.

In terms of disability the research evidence points to multiple needs for those with learning disability in relation to physical, sensory, communication needs and associated health needs.

Assessment processes would need to address these in recognition of the holistic needs of people with learning disability.

2.4 Based on the equality issues you identified in 2.2 and 2.3, what changes did you make or do you intend to make in relation to the policy or decision in order to promote equality of opportunity?

<i>In developing the policy or decision what did you do or change to address the equality issues you identified?</i>	<i>What do you intend to do in future to address the equality issues you identified?</i>
People with learning disabilities have been involved throughout this development of the model.	People with learning disabilities will continue to be involved. User consultation will be arranged independently of the HSC to ensure independent feedback

<p>The Regional Bamford group has been involved throughout the process who has Carers, Vol/Ind sector representation.</p>	<p>This group will continue to be involved in the consultation.</p>
---	---

2.5 Good Relations

What changes to the policy or decision – if any – or what additional measures would you suggest to ensure that it promotes good relations? (refer to guidance notes for guidance on impact)

Group	Impact	Suggestions
Religion	Depends on client choice around place of day service	Assessment processes will help to guide clients in making appropriate and safe choices
Political Opinion	Depends on client choice of place of day service	Assessment processes will help to guide clients in making appropriate and safe choices
Ethnicity	N/A	

(3) SHOULD THE POLICY OR DECISION BE SUBJECT TO A FULL EQUALITY IMPACT ASSESSMENT?

A full equality impact assessment (EQIA) is usually confined to those policies or decisions considered to have major implications for equality of opportunity.

How would you categorise the impacts of this decision or policy? (refer to guidance notes for guidance on impact)

Do you consider that this policy or decision needs to be subjected to a full equality impact assessment?

Please tick:

Major impact	<input type="checkbox"/>
Minor impact	<input checked="" type="checkbox"/>
No further impact	<input type="checkbox"/>

Please tick:

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Please give reasons for your decisions.

The Regional Learning Disability Day Opportunities Model actively promotes equality of opportunity for all.

The proposed new model, while representing a significant and radical change, is essential to ensure a modern, sustainable and quality service for all adults with a learning disability.

This model will enable the adoption of a joint approach to resourcing and management to promote integrated working across agencies to deliver the best possible outcomes for individuals and their families in their community.

Providing opportunities for people with learning Disabilities to become true citizens in their own communities is the responsibility of us all.

The Regional Learning Disability Day Opportunities Model does not require to be subjected to a full impact assessment.

(4) CONSIDERATION OF DISABILITY DUTIES

4.1 In what ways does the policy or decision encourage disabled people to participate in public life and what else could you do to do so?

<i>How does the policy or decision currently encourage disabled people to participate in public life?</i>	<i>What else could you do to encourage disabled people to participate in public life?</i>
<p>This model will enable people with a learning disability to become true citizens within the community that they live in.</p>	<p>Ensure that future funding is done across directorates and departments.</p>

4.2 In what ways does the policy or decision promote positive attitudes towards disabled people and what else could you do to do so?

<i>How does the policy or decision currently promote positive attitudes towards disabled people?</i>	<i>What else could you do to promote positive attitudes towards disabled people?</i>
<p>Only those people with a learning disability who have high support needs will be supported within a day centre. This will promote having people much more visible in their communities.</p>	

(5) CONSIDERATION OF HUMAN RIGHTS

5.1 Does the policy or decision affect anyone's Human Rights? Complete for each of the articles

ARTICLE	Yes/No
Article 2 – Right to life	No
Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment	No
Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour	No
Article 5 – Right to liberty & security of person	No
Article 6 – Right to a fair & public trial within a reasonable time	No
Article 7 – Right to freedom from retrospective criminal law & no punishment without law	No
Article 8 – Right to respect for private & family life, home and correspondence.	No
Article 9 – Right to freedom of thought, conscience & religion	No
Article 10 – Right to freedom of expression	No
Article 11 – Right to freedom of assembly & association	No
Article 12 – Right to marry & found a family	No
Article 14 – Prohibition of discrimination in the enjoyment of the convention rights	No
1 st protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property	No
1 st protocol Article 2 – Right of access to education	No

*If you have answered no to all of the above please move onto to move on to **Question 6** on monitoring*

5.2 If you have answered yes to any of the Articles in 5.1, does the policy or decision interfere with any of these rights? If so, what is the interference and who does it impact upon?

List the Article Number	Interfered with? Yes/No	What is the interference and who does it impact upon?	Does this raise any legal issues?*
			Yes/No

** It is important to speak to your line manager on this and if necessary seek legal opinion to clarify this*

5.3 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 or decision.

(6) MONITORING

6.1 What data will you collect in the future in order to monitor the effect of the policy or decision on any of the categories (for equality of opportunity and good relations, disability duties and human rights?)

Equality & Good Relations	Disability Duties	Human Rights

Approved Lead Officer: _____

Position: _____

Policy/Decision Screened by:

Signed: _____
Date: _____

Please note that having completed the screening you will need to ensure that a consultation on the outcome of screening is undertaken, in line with Equality Commission guidance.

Please forward completed template to:
Equality.Unit@hscni.net.

**If you have any queries contact: Anne McGlade, Equality Manager,
Business Services Organisation Email:**
anne.mcglade@hscni.net Telephone 028 90535577