

Equality, Good Relations and Human Rights Screening Template

*****Completed Screening Templates are public documents and will be posted on the Trust's website*****

See 'Equality, Good Relations and Human Rights Screening Guidance Notes' (on SharePoint) for further background information on the relevant legislation and for help in answering the questions on this template.

(1) Information about the Policy/Proposal

(1.1) Name of the policy/proposal

Policy on Gaining Consent to Treat

(1.2) Is this a new, existing or revised policy/proposal?

Revision to existing policy (2009)

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

To ensure that health and social care staff are clear as to their responsibilities in gaining consent prior to examination, treatment or care, to ensure that staff understand the principles of consent and have read the DHSSPS associated consent guidance.

The existing policy was brought out in 2009 and there have been a lot of changes relating to consent since this time as well as the introduction of the Mental Capacity Act. The updated version is taking all current legislation and departmental policies into consideration.

(1.4) Are there any Section 75 categories which might be expected to benefit from the intended policy/proposal?

All section 75 categories are expected to benefit from this policy by ensuring that current legal guidance regarding consent to treat is identified.

(1.5) Who owns and who implements the policy/proposal - where does it originate, for example DoH, HSCB, the Trust?

The Southern Health & Social Care Trust will own and implement this policy.

It is relevant to all staff who have contact with service users and the policy is owned by the Medical Director's Office.

(1.6) Are there any factors that could contribute to/detract from the intended aim/outcome of the policy/proposal/decision? (Financial, legislative or other constraints?)

This is a professional statutory duty directed by the Dept. of Health, there are no restrictions or factors that can affect it in any way.

(1.7) Who are the internal and external stakeholders (actual or potential) that the policy/proposal/decision could impact upon? (E.g. staff, service users, other public sector organisations, trade unions, professional bodies, independent sector, voluntary and community groups etc.)

Staff and Service users.

All staff who provide care and/or treatment to service users and the service users themselves.

(1.8) Other policies with a bearing on this policy/proposal (for example regional policies) - what are they and who owns them?

RQIA Consent to Treatment (part IV)

[fb8ecca7-377b-4772-ba6a-7a2c81ce6c20.pdf](https://www.rqia.org.uk/fb8ecca7-377b-4772-ba6a-7a2c81ce6c20.pdf) (rqia.org.uk)

- **GMC – Shared Decision Making**
[About this guidance - GMC \(gmc-uk.org\)](https://www.gmc-uk.org/about-this-guidance)
- **GMC - Recording Decisions**
[Recording decisions - GMC \(gmc-uk.org\)](https://www.gmc-uk.org/recording-decisions)
- **GMC Ethical Guidance**
[Circumstances that affect the decision-making process continued 1 - GMC \(gmc-uk.org\)](https://www.gmc-uk.org/circumstances-that-affect-the-decision-making-process-continued-1)
- **GMC Draft Consent Guidance**
[Decision making and consent: supporting patient choices about health and care \(gmc-uk.org\)](https://www.gmc-uk.org/decision-making-and-consent-supporting-patient-choices-about-health-and-care)
- **GMC Decision Making and Consent**
[Circumstances that affect the decision-making process continued 1 - GMC \(gmc-uk.org\)](https://www.gmc-uk.org/circumstances-that-affect-the-decision-making-process-continued-1)
- **Department of Health – Good Practice in Consent**
[Good practice in consent \(health-ni.gov.uk\)](https://www.health-ni.gov.uk/good-practice-in-consent)
- **Age of Majority Act (Northern Ireland) 1969**
[Age of Majority Act \(Northern Ireland\) 1969 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1969/10/section-1)
- **Consent to Visual and Audio Recordings**
[Making and using visual and audio recordings of patients.pdf 58838365.pdf \(gmc-uk.org\)](https://www.gmc-uk.org/making-and-using-visual-and-audio-recordings-of-patients.pdf)
- **Mental Capacity Act and Deprivation of Liberties**
[Mental Capacity Act \(Northern Ireland\) 2016 \(health-ni.gov.uk\)](https://www.health-ni.gov.uk/mental-capacity-act-northern-ireland-2016)
[Mental Capacity Act \(Northern Ireland\) 2016 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2016/5/section-1)
- **Mental Capacity Act (NI) 2016 – Deprivation of Liberty Safeguards - Code of Practice - November 2019**

[Mental Capacity Act \(Northern Ireland\) 2016 \(health-ni.gov.uk\)](https://health-ni.gov.uk/mental-capacity-act-northern-ireland-2016)

Advance Care Planning

[What is Advance Care Planning? | Department of Health \(health-ni.gov.uk\)](https://health-ni.gov.uk/what-is-advance-care-planning)

- **Advance Decision to Refuse Treatment**

[Mental Capacity Act \(NI\) 2016 Advance Decision to Refuse Treatment and Mental Health Paper - Review \(health-ni.gov.uk\)](https://health-ni.gov.uk/mental-capacity-act-ni-2016-advance-decision-to-refuse-treatment-and-mental-health-paper-review)

- **Recording Information**

[Recording decisions - GMC \(gmc-uk.org\)](https://www.gmc-uk.org/recording-decisions)

- **Disclosing patients' personal information**

[Disclosing patients' personal information: a framework - ethical guidance - GMC \(gmc-uk.org\)](https://www.gmc-uk.org/disclosing-patients-personal-information-framework-ethical-guidance)

- **Patients recording consultations**

[Patients recording consultations \(bma.org.uk\)](https://www.bma.org.uk/patients-recording-consultations)

[Making and using visual and audio recordings of patients.pdf 58838365.pdf \(gmc-uk.org\)](https://www.gmc-uk.org/making-and-using-visual-and-audio-recordings-of-patients.pdf)

[Guidance on the Recording of Staff by Service Users CWeaver.pdf](#)

- **The Nursing and Midwifery Council**

[The Code: Professional standards of practice and behaviour for nurses, midwives and nursing associates - The Nursing and Midwifery Council \(nmc.org.uk\)](https://www.nmc.org.uk/the-code)

- **Consent Guides for Healthcare Professionals**

[Consent guides for healthcare professionals | Department of Health \(health-ni.gov.uk\)](https://health-ni.gov.uk/consent-guides-for-healthcare-professionals)

- **Royal College of Nursing Guidance on Consent**

[Consent | Clinical topics | Royal College of Nursing \(rcn.org.uk\)](https://www.rcn.org.uk/consent)

- **Protecting the Confidentiality of Service User Information**

[Microsoft Word - Revised Code of Practice on Protecting the Confidentiality of Service User Information V2 - Mar 2019 \(health-ni.gov.uk\)](https://health-ni.gov.uk/microsoft-word-revised-code-of-practice-on-protecting-the-confidentiality-of-service-user-information-v2-mar-2019)

(2) Available evidence

Evidence to help inform the screening process may take many forms. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy?

2.1 Composition of Southern Trust Workforce

Section 75 Group	<i>Southern Trust Workforce Profile as at 1 January 2022</i>	Percentage
Gender	Female	85.3%
	Male	14.7%
Religion	Protestant	34.9%
	Roman Catholic	57.2%
	Neither	7.9%
Political Opinion	Broadly Unionist	9.1%
	Broadly Nationalist	9.9%
	Other	7.8%
	Do Not Wish To Answer/Not Known	73.2%
Age	16-24	8.7%
	25-34	24.3%
	35-44	25.3%
	45-54	21.0%
	55-64	17.5%
	65+	3.2 %
Marital Status	Single	33.2%
	Married	56.9%
	Not Known	9.9%
Dependent Status	Caring for a Child/Children / Dependant Older Person / Person With a Disability	17.1%
	None	31.1%
	Not Known	51.8%
Disability	Yes	2.4%
	No	76.3%
	Not Known	21.3%
Ethnicity	Bangladeshi	0.01%
	Black African	0.2%
	Black Caribbean	0.02%
	Black Other	0.02%
	Chinese	0.08%
	Filipino	0.4%
	Indian	0.7%
	Irish Traveller	0.02%
	Mixed Ethnic	0.2%
	Pakistani	0.1%
	White	77.5%
	Not Known	20.8%
Sexual Orientation towards:	Opposite Sex	57.2%
	Same Sex	1.0%
	Same and Opposite Sex	0.2%
	Do Not Wish To Answer/Not Known	41.6%

2.2 Southern Trust's Area Population Profile – Census 2011 – patients/clients affected

Section 75 Group	Trust's Area Population Profile (Population of 358,034)	Percentage
Gender	Female	50.36
	Male	49.64
Religion	Protestant	39.15
	Roman Catholic	56.69
	Other	4.16
Political Opinion	Not collected	
Age	0-15	22.73
	16-24	12.25
	25-44	28.45
	45-64	23.40
	65-84	11.69
	85+	1.48
Marital Status (aged 16+ years)	Single	34.99
	Married/Civil Partnership	50.24
	Other	14.77
Dependent Status	Caring for a Child/Children/Dependant Older Person/Person(s) With a Disability	11.34% of usually resident population provide unpaid care
Disability	Yes	19.64
	No	80.36
Ethnicity	Asian Other	0.20
	Bangladeshi	0.01
	Black African	0.11
	Black Caribbean	0.01
	Black Other	0.10
	Chinese	0.22
	Indian	0.17
	Irish Traveller	0.15
	Mixed Ethnic Group	0.29
	Other	0.16
	Pakistani	0.07
	White	98.51
Sexual Orientation	Estimated 6-10% of persons identify as lesbian, gay, bisexual – <i>Source: 2012 report by Disability Action & Rainbow Project</i>	

(3) Needs, experiences and priorities

(3.1) Taking into account the information above what are the different needs, experiences and priorities of each of the Section 75 categories and for both service users and staff.

Section 75 Category	Details of Needs, Experiences and Priorities	
	Staff	Service Users
Gender	The policy is relevant to all staff, regardless of their gender, who have contact with service users. Staff will be made aware of the policy through the policy implementation plan submitted to Policy Scrutiny.	Service Users of all genders will benefit from the policy through the gained knowledge and consideration from staff to consent issues.
Age	The policy is relevant to all staff, regardless of their age, who have contact with service users. Staff will be made aware of the policy through the policy implementation plan submitted to Policy Scrutiny.	Service Users of all ages will benefit from the policy through the gained knowledge and consideration from staff to consent issues. Consideration is also given to gillick competence in the policy and parental responsibilities.
Religion	The policy is relevant to all staff, regardless of their religion, who have contact with service users. Staff will be made aware of the policy through the policy implementation plan submitted to Policy Scrutiny.	Service Users of all religions will benefit from the policy through the gained knowledge and consideration from staff to consent issues.
Political Opinion	The policy is relevant to all staff, regardless of their political opinion, who have contact with service users. Staff will be made aware of the policy through the policy implementation plan submitted to Policy Scrutiny.	Service Users of all political opinions will benefit from the policy through the gained knowledge and consideration from staff to consent issues.
Marital Status	The policy is relevant to all staff, regardless of their marital status, who have contact with service users. Staff will be made aware of the policy through the policy implementation plan submitted to Policy Scrutiny.	Service Users of all marital status will benefit from the policy through the gained knowledge and consideration from staff to consent issues.
Dependent Status	The policy is relevant to all staff, regardless of their dependent status, who have contact with service users. Staff will be made aware of the policy through the policy implementation plan submitted to Policy Scrutiny.	Service Users of all dependent status will benefit from the policy through the gained knowledge and consideration from staff to consent issues. Trust staff are trained with regards to the Mental Capacity (NI) Act 2016 and Deprivation of Liberties to ensure

Section 75 Category	Details of Needs, Experiences and Priorities	
	Staff	Service Users
		Service Users are appropriately treated in instances where the service user lacks capacity to make an informed decision.
Disability	The policy is relevant to all staff, regardless of their disability, who have contact with service users. Staff will be made aware of the policy through the policy implementation plan submitted to Policy Scrutiny. Consideration will be given to different formats when communicating policy.	Service Users of all disabilities will benefit from the policy through the gained knowledge and consideration from staff to consent issues. Trust staff are trained with regards to the Mental Capacity (NI) Act 2016 and Deprivation of Liberties to ensure Service Users are appropriately treated in instances where the service user lacks capacity to make an informed decision.
Ethnicity	The policy is relevant to all staff, regardless of their ethnicity, who have contact with service users. Staff will be made aware of the policy through the policy implementation plan submitted to Policy Scrutiny.	Service Users of all ethnicities will benefit from the policy through the gained knowledge and consideration from staff to consent issues. Where necessary, the policy can be translated into alternative languages and/or sign language if appropriate.
Sexual Orientation	The policy is relevant to all staff, regardless of their sexual orientation, who have contact with service users. Staff will be made aware of the policy through the policy implementation plan submitted to Policy Scrutiny.	Service Users of all sexual orientations will benefit from the policy through the gained knowledge and consideration from staff to consent issues.

(3.2) Provide details of how you have involved stakeholders, views of colleagues, service users and staff etc when screening this policy/proposal.

The policy has been presented to senior medical, nursing and AHP teams and has also been disseminated down through these lines to staff within these groups for comment and feedback. Direct Legal Service have also reviewed the policy and are happy with the content's accuracy. Consultation with Equality team.

(4) Screening Questions

You now have to assess whether the impact of the policy/proposal is major, minor or none. You will need to make an informed judgement based on the information you have gathered.

(4.1) What is the likely impact of equality of opportunity for those affected by this policy/proposal, for each of the Section 75 equality categories?			
Section 75 category	Details of policy/proposal impact		Level of impact? Minor/major/none
	Staff	Service Users	
Gender	N/A this revision will not affect any gender specific staff groups	The policy will improve the care of all patients regardless of gender as it will provide opportunity for discussion of treatment options and It will allow for more clarity on consent.	Minor-positive
Age	N/A this revision will not affect any age specific staff groups	The policy will improve the care of all patients regardless of age (taking into account gillick competency as well as parental responsibilities), as it will provide opportunity for discussion of treatment options and It will allow for more clarity on consent.	Minor-positive
Religion	N/A this revision will not affect any religious specific staff groups	The policy will improve the care of all patients regardless of religion as it will provide opportunity for discussion of treatment options and It will allow for more clarity on consent.	Minor-positive
Political Opinion	N/A this revision will not affect any political opinion specific staff groups	The policy will improve the care of all patients regardless of political opinion as it will provide opportunity for discussion of treatment options and It will allow for more clarity on consent.	Minor-positive
Marital Status	N/A this revision will not affect any marital status specific staff groups	The policy will improve the care of all patients regardless of marital status as it will provide opportunity for discussion of treatment options and It will allow for more clarity on consent.	Minor-positive
Dependent Status	N/A this revision will not affect any dependent status specific staff groups	The policy will improve the care of all patients regardless of dependent status as it will provide opportunity for discussion of treatment options and It will allow	Minor-positive

		for more clarity on consent. Trust staff are trained with regards to the Mental Capacity (NI) Act 2016 and Deprivation of Liberties to ensure Service Users are appropriately treated in instances where the service user lacks capacity to make an informed decision.	
Disability	N/A	The policy will improve the care of all patients regardless of disability as it will provide opportunity for discussion of treatment options and It will allow for more clarity on consent. Trust staff are trained with regards to the Mental Capacity (NI) Act 2016 and Deprivation of Liberties to ensure Service Users are appropriately treated in instances where the service user lacks capacity to make an informed decision.	Minor-positive
Ethnicity	N/A	The policy will improve the care of all patients regardless of ethnicity as it will provide opportunity for discussion of treatment options and It will allow for more clarity on consent. Where necessary, the policy can be translated into alternative languages and/or sign language if appropriate	Minor-positive
Sexual Orientation	N/A this revision will not affect any sexual orientation specific staff groups	The policy will improve the care of all patients regardless of sexual orientation as it will provide opportunity for discussion of treatment options and It will allow for more clarity on consent.	Minor-positive

(4.2) Are there opportunities to better promote equality of opportunity for people within Section 75 equality categories?	
Section 75 category	Please provide details
Gender	N/A

(4.2) Are there opportunities to better promote equality of opportunity for people within Section 75 equality categories?	
Section 75 category	Please provide details
Age	N/A
Religion	N/A
Political Opinion	N/A
Marital Status	N/A
Dependent Status	N/A
Disability	N/A
Ethnicity	By addressing language needs and translation of any relevant material.
Sexual Orientation	N/A

(4.3) To what extent is the policy/proposal likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none		
Good relations category	Details of policy/proposal impact	Level of impact Minor/major/none
Religious belief	The policy is beneficial to all groups regardless of religious belief and will have no specific impact on good relations between people of differing religious beliefs.	none
Political opinion	The policy is beneficial to all groups regardless of political opinion and will have no specific impact on good relations between people of differing political opinions.	none
Racial group	The policy is beneficial to all groups regardless of race and will have no specific impact on good relations between people of differing racial groups.	none

(4.4) Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?
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Good relations category	Please provide details
Religious belief	N/A
Political opinion	N/A
Racial group	N/A

(5) Consideration of Disability Duties

(5.1) How does the policy/proposal encourage disabled people to participate in public life and promote positive attitudes towards disabled people?

Any training will take consideration of staff with disabilities to ensure full participation of all involved.

The Trust is committed to ensuring it meets its obligations within the Disability Discrimination Act 1995 and the United Nations Convention on the Rights of People with Disabilities.

Trust staff are trained with regards to the Mental Capacity (NI) Act 2016 and Deprivation of Liberties to ensure Service Users are appropriately treated in instances where the service user lacks capacity to make an informed decision.

The Trust has a number of policies/plans in place including a Disability Action Plan as well as staff training, aimed at encouraging disabled people participation in public life and promoting positive attitudes towards disabled people including staff with disabilities.

The Trust is committed to Equal Opportunities.

(6) Consideration of Human Rights

The Trust has a duty to act compatibly and must take Human Rights considerations into account in its day-to-day functions/activities.

(6.1) How does the policy/proposal impact on Human Rights?

Article	Positive impact	Negative impact = human right interfered with or restricted	Neutral impact
Article 2 – Right to life	X		
Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment			✓
Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour			✓

Article	Positive impact	Negative impact = human right interfered with or restricted	Neutral impact
Article 5 – Right to liberty & security of person			✓
Article 6 – Right to a fair & public trial within a reasonable time			✓
Article 7 – Right to freedom from retrospective criminal law & no punishment without law			✓
Article 8 – Right to respect for private & family life, home and correspondence.	X		
Article 9 – Right to freedom of thought, conscience & religion	X		
Article 10 – Right to freedom of expression			✓
Article 11 – Right to freedom of assembly & association			✓
Article 12 – Right to marry & found a family			✓
Article 14 – Prohibition of discrimination in the enjoyment of the convention rights			✓
1 st protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property			✓
1 st protocol Article 2 – Right of access to education			✓

Please note: If you have identified potential negative impact in relation to any of the Articles in the table above, speak to your line manager and/or Equality Unit on tel: 028 375 64151. It may also be necessary to seek legal advice.

(6.2) Please outline any actions you will take to promote awareness of human rights and evidence that human rights have been taken into consideration in decision making processes.

- The policy will take into account human rights considerations e.g. The Mental Capacity Act.
- The e-learning module on Equality, Diversity, Human Rights and Good Relations is promoted alongside face to face training programmes for all staff
- Human rights of staff and service users were discussed throughout the screening process
- Considering human rights aspects as an integral part of the Trust's decision making processes and in this instance policy development, implementation and review
- As part of audit and quality improvement, regular feedback will be sought from service users to ensure needs continue to be met.

(7) Screening Decision

(7.1) Given the answers in Section 4 of this template, how would you categorise the impacts of this decision or policy/proposal?

Major impact		EQIA Required? (<i>Delete as appropriate</i>)	
			No
Minor impact	√ Positive	Mitigation Required	Alternative Policy Required
		No	No
No impact		Screened Out	

(7.2) Please give reasons for your decision and detail any mitigation or alternative policies considered.

The aim of the policy is to improve patient care. Certain S75 categories such as Age/Dependants and Disability will be taken into account during discussions with patients. In addition, those service users who English is not their first language can avail of interpreting services.

It is considered that this policy will have a minor positive impact.

The policy is designed to ensure that all staff members within the workplace are aware of their data quality responsibilities when recording or reporting patient/client/staff information.

(7.3) Do you consider the policy/proposal needs to be subjected to ongoing screening? NB: for strategies/policies that are to be put in place through a series of stages – screen at various stages during implementation.

Yes	
No	✓

(8) Monitoring

(8.1) Please detail how you will monitor the effect of the policy/proposal for equality of opportunity and good relations, disability duties and human rights?

This policy will be monitored in accordance with other, like policies and as such will be subject to review.

As part of audit and quality improvement, regular feedback will be sought from service users to ensure needs continue to be met.

Approved Lead Officer:

Dr Damien Gormley

Position:

Deputy Medical Director

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Telephone No:

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Date:

16th November 2022

Policy/proposal screened by:

Ruth Montgomery

Please forward completed screening template to Equality.Unit@southerntrust.hscni.net for inclusion in the Trust's Policy Screening Reports which are uploaded to the Trust's website.