NATIONAL INSTITUTE FOR HEALTH AND CARE EXCELLENCE

NICE quality standards

Equality impact assessment

**Decision-making and mental capacity**

The impact on equality has been assessed during quality standard development according to the principles of the NICE equality policy.

### 1. TOPIC ENGAGEMENT STAGE

1. **Have any potential equality issues been identified during this stage of the development process?**

No equality issues have been identified at this stage.

* 1. **Have any population groups, treatments or settings been excluded from coverage by the quality standard at this stage in the process. Are these exclusions justified – that is, are the reasons legitimate and the exclusion proportionate?**

The quality standard for decision making and mental capacity will not cover children under 16. Mental capacity legislation in England applies to people over 16 and separate mental health legislation applies to children and adults.

Completed by \_\_\_\_\_\_\_ Anna Wasielewska\_\_\_\_\_\_\_\_\_\_\_

Date\_\_\_\_\_11/06/2019\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Approved by NICE quality assurance lead \_\_\_\_\_Alison Tariq\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date\_\_\_\_\_\_\_\_25/06/2019\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### 2. PRE-CONSULTATION STAGE

**2.1 Have any potential equality issues been identified during the development of the quality standard (including those identified during the topic engagement process)? How have they been addressed?**

The QSAC noted that legal framework is sometimes unclear for young people between 16-18 who may lack capacity. All draft statements are applicable to this age group.

The QSAC noted that it may be more difficult to implement the quality standard due to the nature of the circumstances in following groups: people in prisons, detained in police custody, detained under immigration rule and victims of domestic violence.

The QSAC also noted that engaging people with communication difficulties and those who don’t speak English as their first language may be particularly difficult.

The quality standards highlight the importance of finding effective ways of engaging with people despite all the highlighted difficulties.

**2.2 Have any changes to the scope of the quality standard been made as a result of topic engagement to highlight potential equality issues?**

No changes have been made to the scope of the quality standard at this stage.

**2.3 Do the draft quality statements make it more difficult in practice for a specific group to access services compared with other groups? If so, what are the barriers to, or difficulties with, access for the specific group?**

The draft statements do not prevent any specific groups from accessing services, however, it may be more challenging to implement the quality standard among groups as highlighted in 2.1.

**2.4 Is there potential for the draft quality statements to have an adverse impact on people with disabilities because of something that is a consequence of the disability?**

No potential impact has been identified.

**2.5 Are there any recommendations or explanations that the committee could make to remove or alleviate barriers to, or difficulties with, access to services identified in questions 2.1, 2.2 or 2.3, or otherwise fulfil NICE’s obligation to advance equality?**

All quality statements focus on person centred care which reflects individual circumstances and meets their needs.

Completed by \_\_\_\_\_\_\_ Anna Wasielewska\_\_\_\_\_\_\_\_\_\_\_

Date\_\_\_\_\_20/09/2019\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Approved by NICE quality assurance lead \_\_\_\_\_Nick Baillie\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date\_\_\_\_\_\_\_\_30/10/2019\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### 3. POST CONSULTATION STAGE

### 3.1 Have any additional potential equality issues been raised during the consultation stage, and, if so, how has the committee addressed them?

The QSAC highlighted that access to resources may be particularly challenging in rural communities. The quality standard highlights the importance of commissioning suitable resources and the need to ensure people receive the necessary support regardless of the difficulties.

### 3.2 If the quality statements have changed after the consultation stage, are there any that make it more difficult in practice for a specific group to access services compared with other groups? If so, what are the barriers to, or difficulties with, access for the specific group?

Following stakeholders’ comments received at consultation, 2 new measures on making advance decisions and lasting power of attorney were added to support quality statement 2. These measures only apply to people 18 and older as defined by law.

### 3.3 If the quality statements have changed after consultation, is there potential for the recommendations to have an adverse impact on people with disabilities because of something that is a consequence of the disability?

No potential impact has been identified.

### 3.4 If the quality statements have changed after consultation, are there any recommendations or explanations that the committee could make to remove or alleviate barriers to, or difficulties with, access to services identified in questions 3.1, 3.2 and 3.3, or otherwise fulfil NICE’s obligations to advance equality?

None identified

Completed by \_\_\_\_\_\_\_ Anna Wasielewska\_\_\_\_\_\_\_\_\_\_\_

Date\_\_\_\_\_24/02/2020\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Approved by NICE quality assurance lead \_\_\_\_\_ Nick Baillie\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date\_\_\_\_\_\_\_\_24/02/2020\_\_\_\_\_\_\_\_\_\_\_\_

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