

## Equality Impact Assessment

### What is an Equality Impact Assessment (EIA) and why does the County Council do them?

The [Public Sector Equality Duty](#) (PSED) is an obligation within the [Equality Act 2010](#) (“the Act”), which asks public authorities, like Hampshire County Council, to give ‘due regard’ to equality considerations, in particular to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

This includes assessing the impact of policies and practices on individuals and communities with a protected characteristic, as defined in the Act and some other specific groups. The County Council uses EIAs to ensure it has paid ‘due regard’ to equalities considerations when there are changes to a service or policy, a new project or certain decisions.

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Title:	Nearest Relative Procedure
Related EIAs:	None
EIA for Savings Programme:	No
Service affected	Hampshire Approved Mental Health Professional Service
Description of the service/policy/project/project phase	This is an update to the Nearest Relative Policy/Procedure which provides clarity and guidance to Approved Mental Health Professionals on their duties regarding 'Nearest Relatives' (NR). The NR is a role is a specific to the Mental Health Act 1983, and is a key safeguard for those detained under the Act. The majority of the Policy remains unchanged, as it is largely dictated by the Mental Health Act and associated Code of Practice, neither of which have been amended significantly for over ten years. The policy is being changed to a procedure, as agreed with the policy and governance team.
New/changed service/policy/project	The updated procedure makes changes to the way in which Adults Health and Care manages those cases in which Hampshire County Council has been appointed in the role of Nearest Relative (NR) by the County Court. This happens in a limited number of cases where a detained person appears to be lacking a suitable NR and there is no friend or family member who can be appointed to the

role. The previous policy delegated the NR role to front line social workers. This has not been effective and posed a risk of a conflict of interest. The new procedure contains a process which assigns the NR role to the Head of Mental Health, but they are assisted to carry out the function by new 'NR leads' within the AMHP service. The NR lead role is to keep a track of all those for whom HCC is their NR and to make regular contact, where people are consenting to this. NR leads also fulfil the duties of s.116 of the MHA which requires the authority to visit those detained in hospital under the MHA when HCC is NR. Information gathered by the NR leads is used by the Head of Mental Health when they are called upon to formally fulfil the functions of Nearest Relative. It is not possible for HCC to provide the same level of safeguard and support as a friend/family member in the NR role, but it is hoped the change in this procedure will provide some improved benefits and protection.

### Engagement

The changes made to the NR procedure will have an impact on a limited number of people (currently 27). It is expected that the change will be beneficial, but if not seen that way, only those consenting or cooperating with the NR lead workers will have direct contact with them.

Early indications are that people appreciate the extra contact with someone representing their NR. We will continue to evaluate the feedback from service users about their experience, including whether those with protected characteristics are experiencing the change differently.

## Equalities considerations - Impact Assessment

### Age

Impact on public	Positive
Impact on staff	Neutral
Rationale	<p>In 2024:</p> <p>5% of requests for MHA assessments are for under 18's</p> <p>18% of requests for assessments have been for over 65's</p> <p>Of the 27 people for whom HCC has been appointed NR, 11 are over 65. 41% of the total.</p> <p>There are currently no under 18's in this cohort.</p> <p>The new process described in the updated NR procedure is intended to provide an improved service to those for whom HCC is their NR. Offering service users contact with representatives of their NR, where there has been none. This is intended to allow the HCC NR to fulfil the role in a more informed and meaningful way. Those in the NR lead role will also advocate for service users when this appears appropriate, as this group often have limited family and social networks involved who can do so. This is an enhancement of the service they received prior to the change.</p>

Mitigation	
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## Disability

Impact on public	Positive
Impact on staff	Neutral
Rationale	<p>All those who have had HCC appointed as NR have long-term chronic or relapsing mental illnesses. They would all meet the criteria for having a disability. It is very likely that any new HCC NR appointments would also meet this criteria.</p> <p>As an improvement in service to this group of people this would be a positive impact.</p>
Mitigation	

## Gender Reassignment

Impact on public	Neutral
Impact on staff	Neutral
Rationale	<p>The AMHP service does not collect data on the number of people who have had a gender re-assignment for whom a Mental Health Act assessment is requested.</p> <p>We have no evidence that this procedure change will impact significantly on service users who have had gender re-assignment. If someone who had been through gender re-assignment has HCC appointed as their NR, the changes in the procedure will provide an enhanced service to them.</p>
Mitigation	

## Pregnancy and Maternity

Impact on public	Neutral
Impact on staff	Neutral
Rationale	<p>Pregnancy and childbirth can be a trigger to developing a serious mental illness in some circumstances. Some of which can require inpatient treatment and detention under the MHA.</p> <p>It is possible, but less likely than in the general population, that women in this category will not have any family who can fulfil the role of NR.</p>

	If they did need HCC to take on the role of NR for them, the changes in the updated NR procedure will provide a better service.
Mitigation	

## Race

Impact on public	Positive
Impact on staff	Neutral
Rationale	<p>It is well recognised that people from non white British backgrounds are disproportionately detained under the Mental Health Act across the UK.</p> <p>NHS England (2023/24) figures for Hampshire and the Isle of Wight ICB area indicate that those with 'black or black British' heritage are just over twice as likely to be detained under any part of the MHA than those of a 'white British' background. Whilst those an 'Asian or Asian British' background are half as likely to be detained as those who are white British.</p> <p>Whilst the changes in the this policy/procedure will not have an impact on the discrepancy of detention rates amongst Hampshire residents, it will provide an improved service for whom HCC is acting in the role of NR. The likelihood of some from a black and black British heritage needing this service is higher than those of a white British background.</p>
Mitigation	

## Religion or Belief

Impact on public	Neutral
Impact on staff	Neutral
Rationale	It appears unlikely that the changes in the the NR procedure will have any differential impact on people from different religions or belief systems.
Mitigation	

## Sex

Impact on public	Neutral
Impact on staff	Neutral
Rationale	<p>NHS England data for 2023/24 indicates that in the Hampshire and the IOW ICB area, rates of all detentions were slightly higher for women than for men in : 54/46%.</p> <p>Of the 27 people who currently have HCC as their NR, 56% are male. With the small numbers involved it is not possible to say this new procedure will impact differently on men or women.</p>

	It does not appear that the changes will effect either sex differently. Both will receive an improved service.
Mitigation	

## Sexual Orientation

Impact on public	Neutral
Impact on staff	Neutral
Rationale	<p>Figures for the sexual orientation of people assessed under the Mental Health Act are not collected by the service.</p> <p>There is anecdotal evidence that those from the LGBT community are more likely to be estranged from their families, but we do not have the evidence that this policy change will impact this characteristic differentially.</p> <p>It is not envisaged that the changes in this policy/procedure will have an differential impact depending on a persons sexual orientation, but it will provide an improved service for those whom HCC is acting in the role of NR.</p>
Mitigation	

## Marriage and Civil Partnership

Impact on public	Neutral
Impact on staff	Neutral
Rationale	Those who are married or in a civil partnership are less likely to be impacted by the changes in this procedure. Anyone who is married/ in a civil partnership, is more likely to have a relative who can fulfil the NR role.
Mitigation	

## Poverty

Impact on public	Neutral
Impact on staff	Neutral
Rationale	There is no evidence that this procedure change is likely to have any different impact on those experiencing poverty.
Mitigation	

## Rurality

Impact on public	Neutral
Impact on staff	Neutral
Rationale	There is no evidence that this procedure change is likely to have any different impact on those living in a rural location.

Geographical Impact:All Hampshire

## Equality Statement

### Additional information:

The purpose of the changes to the NR procedure is to make improvements to the management of the Nearest Relative responsibility, as described in the Mental Health Act, when that responsibility has been given to Hampshire County Council by the County Court.

The changes included will effect a relatively small number of people, but it is hoped it will provide an improved safeguard for this group, who are lacking friends and family who can monitor their detention under the MHA and advocate for them with wider mental health services.

It is hoped that those receiving the extra contact from NR lead workers will see this as a positive change but it is voluntary, and anyone not wanting to meet with a NR lead has the choice not to do so. As part of their work the NR leads will be asked to record any protected characteristics of those in this group to improve our understanding of any impact of this work.

### Overview Statement:

A summary assessment to show that due regard to the Public Sector Equality Duty has been paid, which is undertaken when a full EIA is not needed:

EIA reference number: 00750

Date of production of EIA for publication: 29/01/2025