

Equality Impact Assessment Report

Title: **Adults with Incapacity (AWI) Education Resources**

NES directorate: **Nursing Midwifery and Allied Health Professionals (NMAHP) Mental Health, Learning Disabilities, Dementia and Spiritual Care Programme**

Date: **July 2024**

Introduction

Equality Impact Assessment is a process that helps us to consider how our work will meet the 3 parts of the Public Sector Equality Duty. It is an important way to mainstream equality into our work at NES and to help us:

- Take effective action on equality.
- Develop better policy, technology, education and learning and workforce planning solutions for health, social care and a wide range of our partners, stakeholders and employees.
- Demonstrate how we have considered equality in making our decisions

This EQIA is focused on the development of a suite of learning resources on the Adults with Incapacity (Scotland) Act 2000 for the health, social work and social care workforce in Scotland.

Background

The Adults with Incapacity (Scotland) Act, 2000, (the AWI Act) provides a legal framework for making decisions on behalf of a person who does not have the capacity to make decisions.

The AWI Act places an obligation on the health, social work and social care workforce (the workforce) to understand legislation and have the knowledge and skills appropriate to their role. NES and the Mental Welfare Commission (MWC) for Scotland are working in partnership to support this learning need. The partnership project will:

- Support the development of a national approach to learning to improve workforce knowledge and understanding of the AWI Act in practice, adopting a human rights-based approach.
- Provide learning content that reflects and is inclusive of diversity and contributes to a workforce that is knowledgeable in delivering person centred care and support.
- Take account of the diverse needs of the workforce in relation to digital capability and inclusive technology enhanced learning, consistent with the NES Inclusive Education and Learning Policy

The education resources and opportunities developed and delivered so far include the following:

- An eLearning module – Introduction to Adults with Incapacity (Scotland) Act 2000
- A series of online masterclasses
- A series of podcasts
- Animations
- Resource Library

These are housed on a Once for Scotland – Adults with Incapacity (AWI) Turas learning site - [Adults With Incapacity \(AWI\) | Turas | Learn \(nhs.scot\)](#)

NES Equality Outcomes

Outcomes 4 and 6 have particular relevance to this programme of work, i.e.:

Outcome 4 We will continue to enhance the inclusivity of education and training programmes for disabled learners in NHS Scotland through expanding the availability of technology enhanced learning which reflects best practice in accessibility and increases flexibility in learning opportunities

Outcome 6 Our approach to digital design considers the role of digital in how we design with the diverse needs of our audiences in mind when developing our products

Evidence

- Evidence used to inform our programme of work
- The MWC report Authority to Discharge: Report into decision making for people in hospital who lack capacity (Authority to discharge: Report into decision making for people in hospital who lack capacity. Mental Welfare Commission for Scotland, May 2021. https://www.mwcscot.org.uk/sites/default/files/2021-05/AuthorityToDischarge-Report_May2021.pdf), highlights practice that suggests significant gaps in knowledge particularly in relation to capacity and assessment, associated legislation, deprivation of liberty definition and the human rights of individuals.
- A review of the literature and evidence base pertaining to policy and research in AWI education
- An online learning needs analysis survey from across the workforce which identified knowledge gaps in all areas of AWI practice (received 532 responses)
- Extensive engagement with stakeholders, other groups, and individuals to a) understand the learning needs of the workforce b) understand the potential system level factors affecting access to the learning resources and mitigations which may be required and c) to gain an understanding of areas of good practice (see appendix 1 for list of stakeholders)
- Examples of best practice – reviewed at working group meetings to ensure relevant content and learning opportunities

This assessment has been informed by

- The ongoing engagement with stakeholders and wider partners (Appendix 1)
- Feedback from learners and participants engaging with our current resources
- Data regarding application of Adults with Incapacity Act (see Appendix 2)
- Information and data about the range and, where it is available the diversity of the health social work and social care workforce across Scotland who are the target workforce for the AWI learning resources (Appendix 3).

Assessment

We have considered how this work will impact on the Public Sector Equality Duty. This includes how it might affect people differently, taking account of protected characteristics and how these intersect, including with poverty and low income. This is important as a national NHS Board in our work to address health inequalities. This is summarised within Appendix 4.

Next Steps

The Equality Impact Assessment has identified and informed the following actions to better advance equality and meet the Public Sector Equality Duties:

Issue or risk identified	Action/Opportunity	Responsibility	Timescale
Adults with Incapacity are at risk of experiencing inequalities	<p>The education resources will pay particular attention to supporting the workforce to</p> <ul style="list-style-type: none"> • challenge potential discrimination or disadvantage and promote good practice. • advocate for and support the participation of adults with incapacity in decision making with knowledge and understanding. • Understand role in upholding human rights <p>Content will also include</p> <ul style="list-style-type: none"> • awareness of racialised mental health inequalities • awareness of health inequalities experienced by people with learning disabilities 	NES Senior Educator on behalf of AWI Project team	Ongoing across duration of project (to March 2025)

<p>Ensuring access to re-sources for diverse workforce across wide range of organisations and sectors</p>	<ul style="list-style-type: none"> • Learning resources will follow NES digital accessibility regulations based on Web Content Accessibility Guidelines (WCAG) • Learning resources will be available in different formats and languages • A Once for Scotland approach to AWI learning • Review existing stakeholder network to ensure people who share a protected characteristic have influence in resource content and development 	<p>NES Senior Educator on behalf of AWI Project team</p>	<p>Ongoing (to March 2025)</p> <p>By October 2024</p>
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EQIA will remain as a standing item on the AWI education team meeting agenda and will be reviewed in final quarter of the project life (Jan-March 2025)

This suite of learning resources will offer a range of materials to meet the learning needs of a diverse workforce focusing on the application of the AWI legislation in practice settings, Learners will be signposted to further learning resources to continue their learning journey.

Sign-off

Director: Karen Wilson

Date: September 2024

End date: March 2025

Appendix 1: Stakeholder representation in the AWI project

- Care Inspectorate
- Chief AHP Office – AHP Professional Advisor
- Chief Nursing Officer Directorate
- Health and Social Care Scotland Chief Officers Group
- Health Improvement Scotland
- NES Social Care Directorate
- Office of Chief Social Worker
- Royal College of Psychiatrists
- Scottish Association of Social Workers
- Scottish Care
- Scottish Government AWI Legislation and Practice Team
- Scottish Social Services Council
- Social Work Scotland

Other partners

- Alzheimer Scotland Dementia Consultant Group
- Cross Party Group on Older People Age and Ageing
- Learning Disability Nursing Leads
- Mental Health Nursing Leads
- Office of the Public Guardian
- Scottish Association of Social Workers -Mental Health Officers
- School of Social Work and Political Science University of Edinburgh
- Voice of Carers Across Lothian (VOCAL)

Appendix 2: Characteristics of granted guardianship orders (Adults with Incapacity (Scotland) Act 2000) 2022-23 (Mental Welfare Commission for Scotland -Adults with Incapacity Act monitoring report 2022-23)

Category	Grouping	n (%)
Gender	Male	1831 (52.3%)
	Female	1670 (47.7%)
Age	16-24	786 (22.5%)
	25-44	564 (16.1%)
	45-64	594 (17.0%)
	65+	557 (44.5%)

Appendix 3: Workforce data

- We are aware that 80% of NHS Scotland workforce are female, 10% are of black, Asian or minority ethnic background and 1.6% consider themselves to have a disability (NHS Scotland workforce (phase one) <https://turasdata.nes.nhs.scot/data-and-reports/official-workforce-statistics/all-official-statistics-publications/04-june-2024-workforce/dashboards/?pageid=11803>)
- We are aware that 82% of the social work and social care workforce are female 4% are of black, Asian or minority ethnic background and 2% consider themselves to have a disability (Scottish Social Services Council, Scottish Social Services Sector Report on 2022 Workforce Data Sept 2023 revised Nov 2023 https://data.sssc.uk.com/images/WDR/WDR2022_271123.pdf). The median age for each sector is 44 (NHS Scotland) and 43 (social work and social care).

Appendix 4: Potential impacts on population groups

Population Group/Protected Characteristic	Potential Impact	Mitigation/opportunity
Age Adults	The AWI Learning resources will mostly be accessed by adults of working age and will include people at all stages of their career, e.g., students, newly qualified practitioners, and people at the end of their professional careers. Digital literacy, learning styles and opportunities to access learning may differ across age groups and career stage	<p>A communications campaign using multiple and targeted methods has been used to inform the workforce about the learning resources including: newsletters, networks, social media, emails to staff groups and organisations</p> <p>Multiple ways of accessing learning, e.g., online resources, podcasts, webinars</p>
Care Experience	Care experienced individuals experience poorer educational outcomes which can impact on engagement with learning in the workplace.	Learning resources have been developed to meet the learning needs of a diverse workforce.
Disability (incl. physical/ sensory/ learning disabilities, neurodiversity, communication needs; mental health)	<p>Digital accessibility including challenges in accessing or fully engaging with digital events or resources.</p> <p>Lack of visibility of disability in learning content; lack of awareness about what reasonable adjustments can be put in place.</p> <p>Learners with disabilities unable to disclose barriers to access.</p> <p>Potential impact on learners who use British sign language.</p> <p>Learning resources which does not consider different ways of learning and barriers to access.</p>	<p>The resource sought to take a learner centred approach and meets accessibility guidelines as it has been built on NES digital learning/e-learning platform.</p> <p>What reasonable adjustments are - Reasonable adjustments at work - Acas</p>

	Potential impact on learner's ability to engage fully with learning events & materials.	
Pregnancy and maternity	Potential impact if learning environment is not accessible and inclusive.	As Above
Marriage/civil partnership	Possible impact if learning environment or resources are not representative	Learning content should take account of and be representative of all learners
Gender reassignment	Potential impact on differing gender identities if learning environment is not inclusive.	As above
Race/ethnicity	Impact on learners from a minority ethnic background should be considered recognising that racism exists. Potential impact if English is not the learners first language.	Learning content should take account of and be representative of diverse backgrounds. Equality, diversity and human rights NHS Education for Scotland Inclusive education and learning NHS Education for Scotland
Religion/Faith	Potential impact on minority religions if learning events do not consider religious observance.	As above
Sex	Potential impact on learner participation due to gender stereotyping as the majority of the workforce are female.	As above
Sexual orientation	Potential impact on LGB workforce if learning resources not inclusive.	As above
Socio-economic status	Potential impact of socio-economic status to support technology enhanced learning.	Multiple ways of accessing learning eg online resources, podcasts, webinars

	Barriers to learning if equitable access to technology not provided to members of the workforce from low-income backgrounds.	
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