

Equality Impact Assessment - Standard Assessment Template

Section A: Assessment

Name of Policy Cardiff and Vale University Health Board: Claims (Clinical negligence, personal Injury and redress) management policy

Angela Hughes Acting Assistant Director of Patient Experience Tel 02920 336037
angela.hughes5@wales.nhs.uk

21 August 2016

1. The Policy

Is this a new or existing policy? Updated the existing claims policy

What is the purpose of the policy? To provide local guidance for all health care professionals of varying disciplines to ensure consistent management of Cardiff and Vale University Health Board. In relation to claims both personal injury and Clinical negligence. The policy addresses the redress claims.

How do the aims of the policy fit in with corporate priorities? i.e. Corporate Plan-the policy covers the Scheme of Delegation, Claims Handling Escalation Procedure, Standing Orders and Standing Financial Instructions, WHC (97) 17 - CN & PI : Claims Handling, WHC (97) 7 - CN & PI: Structured Settlements, WHC (98) 8 – NHS Indemnity – Arrangements for Handling CN Claims against, NHS Staff, WHC (99) 128 – Handling CN Claims: Pre-Action Protocol WRP Claims Management Standards (April 2007). WRP Reimbursement Procedure and other Procedures, Civil Procedure Rules 1998 and Putting Things right Regulation 2011 (Guidance amended November 2013)

Who will benefit from the policy?
Patients, organisation, legal team

What outcomes are wanted from this policy?
To provide a transparent, equitable and proactive approach to the management of claims. To ensure that learning is identified and actioned at the earliest opportunity

Where possible it is essential that specific requests and wishes are facilitated; ensuring that all the equality strands and the law are adhered to. To provide staff with procedural guidance facilitating a standardised approach.

To ensure staff have a good knowledge base and an understanding of the process and rationale involved.
To improve knowledge and therefore competence and confidence.

Are there any factors that might prevent outcomes being achieved? (e.g. Training/practice/culture/human or financial resources)

Lack of awareness and misunderstanding of the guidance.

Data Collection

What qualitative data do you have about the policy relating to equalities groups (e.g. monitoring data on proportions of service users compared to proportions in the population)?

With all claims we collate some equality data –Age and gender etc -However the data collection is limited as the claim it received from the legal representative and equality information is not always known. If the claim relates to a protected characteristic this is recorded

With concerns we have equality data collated

Main subject area—equality and discrimination

Sub subjects are the protected characteristics

In addition information regarding language preference is collated

What quantitative data do you have on the different groups¹⁶ (e.g. findings from discussion groups, information from comparator authorities)?—see above

When e datix is introduced from concerns it is anticipated that the data collation can be reviewed

A Google search

<http://www.powysthb.wales.nhs.uk/sitesplus/documents/1145/CP%20025%20Management%20of%20Compensation%20Claims%20Policy%202015v6.pdf>

Policy from Powys

<https://www.google.co.uk/url?url=https://www2.nphs.wales.nhs.uk/PHWPoliciesDocs.nsf/cf3d6e123b990da080256fa300512475/c059d41cfebe94e802579ec003b0473/%24FILE/Claims%2520management%2520policy%2520V2%2520amended%2520Jan%25202015.docx&rct=j&frm=1&q=&esrc=s&sa=U&ved=0ahUKEwiK4ayC0PDOAhXEIMAKHQeIDoMQFghTMAM&usg=AFQjCNFygAhyGSEnfLdAvc9mFHxbMscG6A>

Public Health Wales Policy

3. Impact

Please answer the following

Consider the information gathered in section 2 above of this assessment form, comparing monitoring information with census data as appropriate (see www.ons.gov.uk Office National Statistics website) and considering any other earlier research or consultation.

You should also look at the guidance in Appendix 1 with regard to the protected characteristics **stating the impact and giving the key reasons for your decision.**

Do you think that the policy impacts on people because of their age? (This includes children and young people up to 18 and older people) No –the law which underpins the policy promotes the equity for all including vulnerable groups to be able to raise a claim either by themselves or via a representative, All decisions in relation to children and people lacking capacity are reviewed by a court to ensure that the claimants rights have been protected and they have not been disadvantaged in any proposed settlement.

Do you think that the policy impacts on people because of their caring responsibilities? Inherent in this is that there is a recognised impact that the guidance will have on those with this protected characteristic. The proactive nature and intent of the guidance would indicate a positive impact as staff would be responsive to the needs of carers.

Do you think that the policy impacts on people because of their disability? (This includes Visual impairment, hearing impairment, physically disabled, Learning disability, some mental health issues, HIV positive, multiple sclerosis, cancer, diabetes and epilepsy.) There is the potential for there to be a negative impact on people with learning difficulties and people with a compromised level of understanding for example. All efforts will be made to recognise people with disabilities and all steps taken to minimise any negative impact on the individual and their family. The UHB recognises the importance of providing skilled and sensitive communication, including the communication needs of relatives and carers as well as the cultural and spiritual elements of care and giving relevant information at the right time and in the right way, such as with the use of communication aids as noted in the guidance.

From the policy disability is protected by

2.4 The Limitation Act 1980 requires that claims be made within three years of the date of the incident or three years from the date a claimant became aware that he/she had suffered from an episode of negligence. With minors, the three-year limitation period becomes effective once they have reached the age of 18. However, there are no time limits for people with a disability who cannot manage their own affairs. Claims exceeding the three-year limitation period can, however, still be brought against the Health Board at the discretion of the Court.

Do you think that the policy impacts on people because of Gender reassignment? (This includes Trans transgender and transvestites) There does not appear to be any impact on people with this protected characteristic in respect for adults.

Do you think that the policy impacts on people because of their being married or in a civil partnership?

There does not appear to be any impact on people with this protected characteristic. The guidance ensures that all couples are treated with the same dignity and respect whether they are in a same sex or heterosexual relationship and thus implicit, whether they are married or in a civil partnership.

Do you think that the policy impacts on people because of their being pregnant or just having had a baby?

We would be respectful of patients with this protected characteristic in meeting their wishes and the wishes of their carer/families.

Do you think that the policy impacts on people because of their race? (This includes colour, nationality and citizenship or ethnic or national origin such as Gypsy and Traveller Communities.)

No However, it was noted that there might be a positive impact in the following information in accommodating differing cultural needs; If required Cardiff and Vale UHB can provide interpreters through face to face contact and also via the telephone.

Do you think that the policy impacts on people because of their religion, belief or non-belief? (Religious groups cover a wide range of groupings the most of which are Buddhist, Christians, Hindus, Jews, Muslims, and Sikhs. Consider these categories individually and collectively when considering impacts) No the policy is applicable to all religions, non religions and cultures

Do you think that the policy impacts on men and woman in different ways? No. the policy is applicable to men and women in the same way

Do you think that the policy impacts on people because of their sexual orientation? (This includes Gay men, heterosexuals, lesbians and bi-sexuals) No. There does not appear to be any impact on people with this protected characteristic. The guidance aims to ensure that all couples are treated with the same dignity and respect whether they are in a same sex or heterosexual relationship.

Do you think that the policy impacts on people because of their Welsh language? Yes In A Positive Way –All Information Can Be Provided in the Chosen Format

Through the concerns process we would always offer to use the first language

This is a claims policy –it may be applicable in redress cases if we were meeting/ discussing offers but the communication method and any language sensory requirements would have been picked up in the complaints process

Welsh Language (Wales) Measure 2011

4. Summary.

The policy is applicable to all

Appendix 3

Cardiff and Vale University Health Board Action Plan

Section B: Action

5. Please complete your action plan below. Issues you are likely to need to address include

•What **consultation** needs to take place with equality groups (bearing in mind any relevant consultation already done and any planned corporate consultation activities) the health board has liaised with other interested parties e.g. Welsh Health Legal and Risk and the policy was reviewed in Draft as part of the Welsh Risk Pool assessment

Reviewed by Equality Manager and Welsh Language Officer

• What **monitoring/evaluation** will be required to further assess the impact of any changes on equality target groups?
I will monitor the impact of any changes on equality target groups.

Equalities Impact Assessment Implementation Action Plan

Issue to be addressed	Responsible Officer	Action Required	Timescale for completion	Action Taken	Comments
Review of collation of equality data on e datix when implemented	Assistant director of Patient experience	Review of the system	By April 2017		

6. Report, publication and Review

Please record details of the report or file note which records the outcome of the EQIA together with any

actions / recommendations being pursued (date, type of report etc)

The Policy will be shared at the Quality, Safety and Experience committee in September 2016

Please record details of where and when EQIA results will be published

Once the policy has been approved the documentation will be placed on the intranet and internet

Please record when the EQIA will be subject to review.

The EQIA and Policy will be reviewed three years after approval unless changes to terms and conditions, legislation or best practice determine that an earlier review is required.

Name of person completing

Signed _ Angela Hughes

Acting Assistant Director of Patient Experience

Name of Senior Manager Authorising Assessment and Action Plan for publication

Signed: Ruth Walker Executive Nurse Director

Date: _____

Appendix 4

Format for publication of EQIA results

Executive Summary

Background

To provide local guidance for all health care professionals of varying disciplines to ensure consistent management of Cardiff and Vale University Health Board. In relation to claims both personal injury and Clinical negligence including Redress cases.. The policy addresses the redress claims

- The context in which the policy operates

For all clinical negligence claims, personal injury and redress cases

- Who was involved in the EQIA?

Claims team—consulted with Welsh Health Legal and Risk to agree delegated authorities

The responsibility for implementing the scheme falls to all employees and UHB Board members, volunteers, agents or contractors delivering services or undertaking work on behalf of the UHB.

After considering all the evidence indicated it is clear that the policy will have an overwhelming positive impact. This is the intention not only of the equality, Welsh language and human rights legislation but also of this policy, which adheres to that legislation. The policy will provide an equitable approach for all.

Background

Cardiff and Vale UHB is committed to ensuring that, as far as is reasonably practicable, the way we provide services to the public and the way we treat our staff, patients and others reflects their individual needs and does not discriminate, harass or victimise individuals or groups. These principles run throughout this specific policy.

The policy operates within the principles of the 2010 Equality Act, Human Rights Act 1998 and the Welsh Language Act 1993 and Welsh Language (Wales) Measure 2011 as well as other related UHB policies such as flexible working and Dignity at Work policies.

Recommendations

| -

It is recommended that this policy is reviewed in line with the current guidelines of the UHB, unless there is a change in relevant legislation in which case, the policy should be reviewed within 6 months of any new legislation and changes made accordingly. The policy will be monitored and reviewed by the Concerns, claims and Compliments review group.

It will be signposted via the intranet, to Clinical Boards/Corporate areas management teams and lead trade union representatives.