

## Assessment Details

**ID** 418

**Name** PainChek EqIA

**Organization** Care Inspectorate

**Description**

**Approver** Jacqui Duncan

**Respondent** yvonne.leathley@careinspectorate.gov.scot (External), Hannah Lindsay

**Template** Equality Impact Assessment Form v0\_19

**Workflow** Default Assessment Workflow

**Creator** Hannah Lindsay

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**Approval Stage**

**Status** Active

**Very High Risks** 0

**High Risks** 0

**Medium Risks** 0

**Low Risks** 0

**Total Risks** 0

**Residual Risk Level** None

**Residual Risk Score** 0.0

**Result** Approved

**Result Comments**

**Under Review** (Jacqui Duncan - Not Reviewed) ; (Hannah Lindsay - Approved) ;

**Primary Record Id** 379

**Primary Record Name** Improvement Project: PainChek application

**Template Version** 1

**Project Version** 1

**Open Risk Count** 0

**Open Info Request** 0

**Tags**

**Submission Progress (%)** 100

## Assessment Questions

### 1 General information

#### 1.1 Your Equality Impact assessment relates to the following processing activity

**Response**

Improvement Project: PainChek application |  
Improvement Support

**Justification**

None

#### 1.2 Work to be assessed

**Response**

New

**Justification**

None

#### 1.3 Details of policy, process or initiative

**Response**

PainChek is a facial recognition tool to support pain assessment. PainChek won't be used in isolation, it is a tool that will be used along with a professional's judgement. It's not a fully automated decision making process, and the professional still has contact with the individual and assesses their level of engagement.

#### 1.4 Information Asset Owner

**Response**

Improvement Project: PainChek application | Improvement Support

**Response**

Head of Improvement  
Support

**Justification**

None

#### 1.5 Business Process Owner

**Response**

Improvement Project: PainChek application | Improvement Support

**Response**

yvonne.leathley@careinspectorate.gov.scot

**Justification**

None

### 2 Further details

#### 2.1 Please select the criteria which best relates to this work

**Response**

Improvement  
Project

**Justification**

None

#### 2.2 Who will it affect?

## Response

Care service providers

People who use care services

## Justification

None

### 2.3 What is the aim?

#### Response

To test the use of an App that supports pain assessment in people, particularly those who are non-verbal by using facial recognition technology.

### 2.4 Why is the change required?

#### Response

In order to establish how a digital element can provide consistency and improvement in pain assessment and therefore management

### 2.5 What outcomes do you want to achieve?

#### Response

Potential results from testing PainChek, which would lead to better pain management. This would improve the quality of life of those participating in the project, and also potentially many more users of the app in the future.

### 2.6 What barriers are there to achieving these outcomes?

#### Response

Potential limitations in terms of staff availability and training in participating care homes. Staff will have to be on board in order to change behaviour and implement PainChek. Access to digital connectivity and devices in order to support the use of the app.

### 2.7 When is the change due to be implemented?

#### Response

📅 02/28/2022

### 2.8 What other Care Inspectorate policies or projects may be linked to or affected by changes to this policy?

#### Response

Improvement and Involvement Support Interim Strategy

## Justification

None

## 3 Potential Impacts - Age

### 3.1 Do you think the work impacts on people of different ages differently?

#### Response

Yes

## Justification

None

### 3.2 What kind of impact is there in terms of eliminating unlawful discrimination, harassment and victimisation of people based on their age?

Please include a justification for your answer

**Response**

None

**Justification**

N/a

3.3 **What kind of impact is there in terms of advancing equality of opportunity between people of different ages?**

*Please include a justification for your answer*

**Response**

Negative

**Justification**

This test of change is only being tested in care homes for older people, so there is no opportunity for younger people to benefit from the app at this stage.

However, the app is currently being tested for children by the developer.

3.4 **What kind of impact is there in terms of fostering good relations among and between different age groups?**

*Please justify your answer*

**Response**

None

**Justification**

N/a

3.5 **If you answered 'negative' to any of the questions above, please outline how you will mitigate this.**

**Response**

A significant number of older people (see sections 15.3 and 15.5) live with dementia and other cognitive conditions that impact on their ability to communicate verbally. This in turn impacts on their ability to communicate pain levels. The trial involves older people only because of the high proportion of older people who are non-verbal, due to the prevalence of conditions such as dementia.

## 4 Potential impacts - Disability

4.1 **Do you think this work affects disabled people differently to non-disabled people?**

*Disability: a physical or mental impairment that has a substantial and long-term negative effect on your ability to do normal daily activities.*

**Response**

Yes

**Justification**

None

4.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of disabled people?**

*Please justify your answer*

**Response**

Negative

**Justification**

The app will only be available to people who are non-verbal. This may constitute indirect discrimination towards disabled people who are verbal.

4.3 **What kind of impact is there in terms of advancing equality of opportunity between people with and without a disability?**

*Please justify your answer*

## Response

Positive

## Justification

This App removes barriers (i.e. for individuals who are non-verbal and gives them a voice/ will make their care more person centred) by getting their pain assessment correct it will provide a better quality of care for individuals who are non-verbal and therefore improve their health and wellbeing.

### 4.4 What kind of impact is there in terms of fostering good relations among & between disabled and non-disabled people?

Please justify your answer

## Response

Not  
 Sure

## Justification

Each care home will need to select 10 participants to trial the app, and ensure this is done in a fair and transparent way to promote understanding of difference, which would be a positive in terms of fostering good relations, and a negative if this is not achieved.

### 4.5 If you answered 'negative' to any of the questions above, please outline how you will mitigate this.

## Response

The app has been developed specifically to enhance the care of individuals who are non-verbal. This is in line with the national Digital Approaches in Care Homes Action Plan.

## 5 Potential impacts - Sex

### 5.1 Do you think this work affects people of different sexes in different ways?

## Response

No

## Justification

None

### 5.2 What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of people based on their sex?

## Response

Not  
 Sure

## Justification

The use of the App will be limited to individuals living in certain care homes presenting with cognitive limitations which impact on ability to verbalise. The sex of a person should not be taken in to consideration. We expect the care homes participating to adhere to HSC standards. While CI is one step removed from selecting the participants, in our engagement with the care homes, we will highlight the potential role of individual or institutional conscious or unconscious bias and the importance of avoiding this playing a part in the selection of participants.

### 5.3 What kind of impact is there in terms of advancing equality of opportunity between people of different sexes?

## Response

Not  
 Sure

## Justification

See above.

### 5.4 What kind of impact is there in terms of fostering good relations among & between people of different sexes?

## Response

None

**Justification**

N/a

5.5 **If you answered 'negative' to any of the questions above, please give details on how you will mitigate this.**

**Response**

N/a

## 6 Potential impacts - Pregnancy and maternity

6.1 **Do you think this work impacts on people who are pregnant or have given birth in the past 26 weeks differently to others?**

**Response**

Yes

**Justification**

None

6.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of people who are pregnant or gave birth in the past 26 weeks?**

**Response**

Negative

**Justification**

It is extremely unlikely that anyone who is pregnant/recently gave birth would be eligible to participate in the trial.

6.3 **What kind of impact is there in terms of advancing equality of opportunity between people who are pregnant or have given birth in the past 26 weeks, and those who are/have not?**

**Response**

Negative

**Justification**

See above.

6.4 **What kind of impact is there in terms of fostering good relations between people who are pregnant or have given birth in the past 26 weeks, and those who are/have not?**

**Response**

None

**Justification**

N/a

6.5 **If you answered 'negative' to any of the above questions, please outline how you will mitigate this.**

**Response**

The trial is specifically targeted at older participants. A significant number of older people (see sections 15.3 and 15.5) live with dementia and other cognitive conditions that impact on their ability to communicate verbally. This in turn impacts on their ability to communicate pain levels. The trial involves older people only because of the high proportion of older people who are non-verbal, due to the prevalence of conditions such as dementia.

## 7 Potential impacts - Gender reassignment

7.1 **Do you think this work impacts transgender people/ people with a trans history differently to people whose gender identity and expression matches their biological sex?**

A decision to undertake gender reassignment is made when an individual feels that their gender at birth does not match their gender identity. This is called 'gender dysphoria' and is a recognised medical condition.

Gender reassignment refers to individuals, who either:

- Have undergone, intend to undergo or are currently undergoing gender reassignment (medical and surgical treatment to alter the body).
- Do not intend to undergo medical treatment but wish to live permanently in a different gender from their gender at birth.

**Response**

No

**Justification**

None

**7.2 What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of transgender people?**

**Response**

Not Sure

**Justification**

The use of the App will be limited to individuals living in certain care homes presenting with cognitive limitations which impact on ability to verbalise. The trans history of a person should not be taken in to consideration. We expect the care homes participating to adhere to HSC standards. While CI is one step removed from selecting the participants, in our engagement with the care homes, we will highlight the potential role of individual or institutional conscious or unconscious bias and the importance of avoiding this playing a part in the selection of participants.

**7.3 What kind of impact is there in terms of advancing equality of opportunity between transgender/ people with a trans history and people whose gender identity and expression matches the biological sex?**

**Response**

Not Sure

**Justification**

See above

**7.4 What kind of impact is there in terms of fostering good relations between transgender/ people with a trans history and people whose gender identity and expression matches the biological sex?**

*Please justify your answer*

**Response**

None

**Justification**

N/a

**7.5 If you answered 'negative' to any of the above questions, please outline how you will mitigate this.**

**Response**

N/a

## **8 Potential impacts - Sexual orientation**

**8.1 Do you think this work impacts people of different sexual orientations differently?**

**Response**

No

**Justification**

None

8.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of people of different sexual orientations?**

**Response**

Not  
Sure

**Justification**

The use of the App will be limited to individuals living in certain care homes presenting with cognitive limitations which impact on ability to verbalise. The sexual orientation of a person should not be taken in to consideration. We expect the care homes participating to adhere to HSC standards. While CI is one step removed from selecting the participants, in our engagement with the care homes, we will highlight the potential role of individual or institutional conscious or unconscious bias and the importance of avoiding this playing a part in the selection of participants.

8.3 **What kind of impact is there in terms of advancing equality of opportunity between people of different sexual orientations?**

**Response**

Not  
Sure

**Justification**

See above

8.4 **What kind of impact is there in terms of fostering good relations between people of different sexual orientations?**

*Please justify your answer*

**Response**

None

**Justification**

N/a

8.5 **If you answered 'negative' to any of the above questions, please outline how you will mitigate this.**

**Response**

N/a

## 9 Potential impacts - Race

9.1 **Do you think this work impacts people of different races differently?**

*Race applies to national or ethnic origin, nationality, colour, Gypsy, Roma and Traveller community membership.*

**Response**

No

**Justification**

None

9.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of people of different races?**

**Response**

Not  
Sure

**Justification**

The use of the App will be limited to individuals living in certain care homes presenting with cognitive limitations which impact on ability to verbalise. The race of a person should not be taken in to consideration. We expect the care homes participating to adhere to HSC standards. While CI is one step removed from selecting the participants, in our engagement with the care homes, we will highlight the potential role of individual or institutional conscious or unconscious bias and the importance of avoiding this playing a part in the selection of participants.

9.3 **What kind of impact is there in terms of advancing equality of opportunity between people of different**

**racers?**

**Response**

Not  
Sure

**Justification**

See above

9.4 **What kind of impact is there in terms of fostering good relations between people of different races?**  
*Please justify your answer*

**Response**

None

**Justification**

N/a

9.5 **If you answered 'negative' to any of the above questions, please outline how you will mitigate this.**

**Response**

N/a

## 10 Potential impacts - Religion or belief

10.1 **Do you think this work impacts on people of different religions or beliefs differently?**  
*This includes people with no religion or belief, and environmentalism.*

**Response**

No

**Justification**

None

10.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of people of different religions or beliefs?**

**Response**

Not  
Sure

**Justification**

The use of the App will be limited to individuals living in certain care homes presenting with cognitive limitations which impact on ability to verbalise. The religion or beliefs of a person should not be taken in to consideration. We expect the care homes participating to adhere to HSC standards. While CI is one step removed from selecting the participants, in our engagement with the care homes, we will highlight the potential role of individual or institutional conscious or unconscious bias and the importance of avoiding this playing a part in the selection of participants.

10.3 **What kind of impact is there in terms of advancing equality of opportunity between people of different religions or beliefs?**

**Response**

Not  
Sure

**Justification**

See above

10.4 **What kind of impact is there in terms of fostering good relations between people with different religions and beliefs?**

*Please justify your answer*

**Response**

None

**Justification**

N/a

10.5 **If you answered 'negative' to any of the above questions, please outline how you will mitigate this.**

**Response**

N/a

## 11 Potential impacts - Marriage or civil partnership

11.1 **Do you think this impacts employees who are married or in a civil partnership differently to those who are not?**

*This refers specifically to Care Inspectorate employees, not service users who are married or in a civil partnership.*

**Response**

No

**Justification**

None

11.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of employees based on their marriage/civil partnership status?**

**Response**

None

**Justification**

This project does not involve engagement with CI employees, only with people experiencing care.

11.3 **What kind of impact is there in terms of advancing equality of opportunity between employees who are and are not married or in a civil partnership.**

**Response**

None

**Justification**

See above

11.4 **What kind of impact is there in terms of fostering good relations between people who are and are not married or in civil partnerships?**

*Please justify your answer*

**Response**

None

**Justification**

See above

11.5 **If you answered 'negative' to any of the above questions, please outline how you will mitigate this.**

**Response**

N/a

## 12 Potential impacts - Children and young people for whom we have corporate parenting responsibilities

12.1 **Do you think this work impacts children and young who we have a corporate parenting responsibility for differently to others?**

*We have corporate parenting responsibility for every child who is looked after by a local authority, and every young person under the age of 26 who was looked after on their 16th birthday.*

**Response**

Yes

**Justification**

None

12.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of children and young people we have a corporate parenting responsibility for?**

**Response**

Negative

**Justification**

Because this project only involves participation of older people at this stage, this constitutes discrimination of the people we have a corporate parenting responsibility for, as we are actively excluding younger people.

12.3 **What kind of impact is there in terms of advancing equality of opportunity between children and young people we do and do not have a corporate parenting responsibility for?**

**Response**

Negative

**Justification**

Because this project only involves participation of older people at this stage, this constitutes a barrier to the people we have a corporate parenting responsibility for, as they do not have the opportunity to participate.

12.4 **What kind of impact is there in terms of fostering good relations between children and young people we do and do not have a corporate parenting responsibility for?**

*Please justify your answer*

**Response**

None

**Justification**

No opportunity for this as there is no involvement of children and young people we have a corporate parenting responsibility for.

12.5 **If you answered 'negative' to any of the above questions, please outline how you will mitigate this.**

**Response**

The trial is specifically targeted at older participants. A significant number of older people (see sections 15.3 and 15.5) live with dementia and other cognitive conditions that impact on their ability to communicate verbally. This in turn impacts on their ability to communicate pain levels. The trial involves older people only because of the high proportion of older people who are non-verbal, due to the prevalence of conditions such as dementia.

## **13 Potential impacts - Care Inspectorate employees who have caring responsibilities**

13.1 **Do you think this work impacts Care Inspectorate employees who have caring responsibilities differently to those who do not?**

**Response**

No

**Justification**

None

13.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of employees who have caring responsibilities?**

**Response**

None

**Justification**

This project does not involve engagement with CI employees, only people experiencing care.

- 13.3 **What kind of impact is there in terms of advancing equality of opportunity between employees who do and do not have caring responsibilities?**

**Response**

None

**Justification**

See above

- 13.4 **What kind of impact is there in terms of fostering good relations between employees who do and do not have caring responsibilities?**

*Please justify your answer*

**Response**

None

**Justification**

See above

- 13.5 **If you answered 'negative' to any of the above questions, please outline how you will mitigate this.**

**Response**

N/a

## 14 Child Rights and Wellbeing Impact Assessment

- 14.1 **Please note this section is not required for all EqlAs. If the work affects or involves children, please complete this section.**

*If unsure, please contact the Equalities Professional Adviser.*

**Response**

N/a

- 14.2 **Which UNCRC Articles are relevant?**

*List all relevant Articles of the UNCRC and Optional Protocols All UNCRC rights are underpinned by the four general principles: non-discrimination; the best interests of the child; the right to life, survival and development; and the child's right to have their views given due weight.*

**Response**

N/a

- 14.3 **What impact will this work have on children's rights?**

**Response**

None

**Justification**

N/a

- 14.4 **Will there be different impacts on different groups of children and young people?**

*Which groups of children will be affected by the policy/measure? Are there competing interests between different groups of children and young people, or between children and young people and other groups?*

**Response**

N/a

- 14.5 **How will the work contribute to the wellbeing of children and young people in Scotland?**

*Outline how the implementation of the policy/measure will support public bodies in Scotland to meet their duties to safeguard, support and promote the wellbeing of children in their area, with wellbeing defined by eight wellbeing indicators. The indicators are: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included.*

**Response**

N/a

14.6 **How will the work give better or further effect to the implementation of the UNCRC in Scotland?**

*This will inform Scottish Ministers' duty to report to Parliament on children's rights under the Children and Young People (Scotland) Act 2014*

**Response**

N/a

14.7 **Have you involved children and young people in the development of this work?**

*Is there enough information on the views of the children and young people who will be affected by the policy/measure that enables you to make an informed assessment of impact?*

**Response**

N/a

## 15 Considering the available evidence

15.1 **Considering the available evidence**

*The information you gather in this section will:*

- help you to understand the importance of your policy for different equality groups
- provide justification and an audit trail behind your decisions

*The evidence base may include demographic information, academic research, service monitoring/inspection reports, service evaluation reports, user surveys, etc.*

*In particular, look at what existing evidence tells you about the relevant equality characteristics views and experiences of the relevant service(s), and/or what it tells you about their views of the policy proposal. Identify any gaps in the evidence base and set out how you will address these.*

15.2 **Which equality characteristics have you gathered relevant evidence for?**

**Response**

Disability Age

**Justification**

None

15.3 **Please include quantitative and qualitative evidence relating to age**

*Name the source(s) used, and either provide a link (if external) or attach below (if internal).*

**Response**

See below, evidence for disability. The two are intertwined.

15.4 **What does the evidence tell you about the experiences of people of different ages in relation to the policy?**

**Response**

See below, evidence for disability. The two are intertwined.

15.5 **Please include quantitative and qualitative evidence relating to disability**

*Name the source(s) used, and either provide a link (if external) or attach below (if internal).*

**Response**

The Scottish Government acknowledges that in Scotland approximately 90,000 people are currently living with dementia with 30% of these individuals living in care homes. This accounts for at least 66% of the care home population in Scotland and the number is growing. The annual diagnosis is estimated at 20,000 citizens per year. One of the major areas of the Scottish Government National Dementia Strategy is 'improving integrated home care and dementia palliative and end of life care'.

Additionally, the Scottish Government states that chronic persistent pain (i.e. pain that carries on for longer than 12 weeks despite medication or treatment) affects 1 in 5 people in Scotland.

With 1,400 care homes providing a home to over 50,000 residents of all ages with varying needs ensuring that personalised care can be challenging. Over 60% of people experiencing care in care homes are living with dementia and others are living with other cognitive and communication issues. Additional people may incur shorter periods of trauma which may impact temporarily on the ability to verbally communicate or self-report. In nursing homes around 60% to 80% of people with dementia regularly experience pain.

<https://www.gov.scot/policies/illnesses-and-long-term-conditions/chronic-pain/>

Corbett A, B. Husebo, M. Malcangio, A. Staniland, J. Cohen-Mansfield, D. Aarsland, C. Ballard. 2012. 'Assessment and treatment of pain in people with dementia'. *Nature Reviews Neurology* 8: 264-274. <https://www.nature.com/articles/nrneurol.2012.53>

## 15.6 What does the evidence tell you about the experiences of disabled people in relation to the policy?

### Response

The aim of this proposal is to demonstrate the value that using a pain monitoring App, which uses automated facial analysis, supported by artificial intelligence, can have to individuals who are not able to verbalise their pain levels and the improvements that this can have to their quality of life. The above evidence shows the scope of the potential benefits this app could have.

## 16 Stakeholder engagement & consultation

### 16.1 Have you engaged and consulted with relevant groups?

#### Response

No

#### Justification

None

### 16.3 Please state why no engagement/consultation took place

#### Response

This is an improvement project to test the benefits of using an App and will concentrate on 8 care homes in one geographic region.

## 17 Assessment outcome

### 17.1 Please read the following four statements:

1) No major change required. Your assessment demonstrates that the work is robust. The evidence shows no potential for unlawful discrimination and that you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.

2) The work must be adjusted to reduce impact on protected characteristic groups. You need to take proportionate steps to remove any barriers, to better advance equality of to foster good relations. You have set actions to address this and have clear ways of monitoring the impact of the work when implemented.

3) Continue with the work but it is not possible to remove all the risk to protected characteristic groups. The work will continue despite the potential for adverse impact. You have justified this with this assessment and shown how this decision is compatible with our obligations under the public sector equality duty. When you believe any discrimination can be objectively justified you must record in this assessment what this is and how the decision was reached.

4) Stop the work as this is potentially in breach of equality legislation. The work will not be implemented due to adverse effects that are not justified and cannot be mitigated.

### 17.2 Which of the four statements best matches your assessment?

#### Response

Option 1

#### Justification

None

### 17.3 Option 2

*If you select this option you must submit an action plan to make arrangements to monitor any potential adverse impacts.*

## 18 Monitoring and review

### 18.1 How will you monitor the implementation of this work?

#### **Response**

Care home Managers will be met prior to the start of the project. Training for staff in the use of the App will be provided. Monthly meetings during the project will take place with members of the project team and care home representatives.

### 18.2 How will you use the results of the monitoring to develop the work?

#### **Response**

The project will be adapted if necessary.  
A second phase of work with a further 4 care homes will take place if the project demonstrates positive outcomes

### 18.3 When and how will you review this work? Please also give details of who is responsible.

#### **Response**

A clear measurement plan has been developed and care homes will provide specific details on a monthly basis. Monthly review meetings will also occur so that more interactive feedback can be gained in order to develop case studies. The Care Inspectorate will be responsible for collating this (Nicola McCardle). Data will be collated for 6 months. The project progress will be reported to the TEC delivery board at its bimonthly meetings

### 18.4 Please give details of how you will monitor any adverse impact over time, and how you will consider the monitoring information gathered in relation to equality. This ensures that you understand the actual impact of the policy, process or initiative once implemented.

#### **Response**

Any adverse implications will be discussed during the 6-month data collation period mentioned above, incorporating monthly feedback reports and review meetings, and raised with the project team for mitigating actions to be put in place.

## 19 Sign off and approval

### 19.1 Approved by (senior manager or Executive Director)

*Please state full name and job title*

#### **Response**

Craig Morris, Interim Executive Director of Strategy and Improvement

### 19.2 Date Approved

#### **Response**

📅 02/07/2022

### 19.3 Review Date

#### **Response**

📅 02/16/2022

### 19.4 Person responsible for reviewing?

#### **Response**

Jacqui Duncan, Hannah Lindsay

## 20 Conclusion

20.1 **The full Equality Impact Assessment Form is now complete.**

*Thank you for your time in helping the Care Inspectorate and your Information Asset Owner understand equality impact associated with your activity.*

20.2 **Do you wish to discuss any aspect of this form with the Equalities Team?**

**Response**

No

**Justification**

None

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**Assessment Notes**