EMBARGOED UNTIL DATE OF MEETING

NHS Greater Glasgow and Clyde

Greater Glasgow and Clyde NHS Board

Board Meeting
Tuesday 16th December 2008 **Board Paper No. 2008/54**

Head of Inequalities and Health Improvement

EQUALITY LEGISLATION
SECOND MONITORING REPORT FOR THE NHS GREATER GLASGOW AND CLYDE EQUALITY SCHEME 2006-09

Recommendation:

The Board is asked to:

- **review and discuss progress in implementing the NHS Greater Glasgow and Clyde Equality Scheme 2006-09;**
- **note the specific improvements that will be made over 2009;**
- **approve the second monitoring report, December 2008,**

1. INTRODUCTION AND PURPOSE

A single Equality Scheme and Strategic Action Plan have been produced for NHSGGC in order to harmonise the requirements of the current equality legislation. The Scheme and the Action Plan were endorsed by the Greater Glasgow and Clyde NHS Board in December 2006 to coincide with the requirement of the Disability Equality Duty and applies for three years. Public sector organisations have a requirement to produce an annual monitoring report. The second Monitoring Report (Attachment 1) has been produced to build on the first report which was endorsed at the Board meeting in December 2007. The purpose of this paper is to summarise the extent of progress over the last year and identifies where further progress still needs to be made.

2. REQUIREMENTS OF THE EQUALITY LEGISLATION

The current legislation comprises:

- **The Race Relations (Amendment) Act 2000** (RRAA) which strengthened the Race Relations Act, 1976.

- **The Disability Discrimination Act 2005** which strengthened the DDA 1995 through the inclusion of a Disability Equality Duty (DED).

- **The Equality Act 2006** which amended the Sex Discrimination Act 1975 through the requirement of a Gender Equality Duty (GED). The Gender Duty covers men, women and transsexual people. This Act also made it unlawful to discriminate on grounds of sexual orientation or faith, in the provision of goods, facilities and services.

- **The Employment Equality (Age) Regulations 2006.**

This body of legislation has identified both "General" and "Specific" duties with which organisations have to comply.

The General duties lay down that public bodies require to have "due regard" to the need to eliminate unlawful discrimination and harassment and to promote equality of opportunity. The RR(A)A also includes a duty to "'promote good relations between persons of different racial groups". In the DED this duty is to "promote equality of opportunity between disabled people and other people". The DED further includes a duty to promote positive attitudes towards disabled people, encourage participation by disabled people in public life and take steps to meet disabled peoples' needs, even if this requires more favourable treatment.

The Specific Duties apply to major public bodies primarily and are designed to set out the steps that should be taken in meeting the General Duty, the key requirements of which are:

- the development of a specific Equality Scheme in relation to each aspect of inequality. Whilst the RR(A)A focuses mainly on process in pursuit of its aims, the disability and gender legislation have a greater emphasis on outcomes and have therefore required the identification of specific goals in relation to disability and gender within their respective schemes;
- consultation with stakeholders and employees in drawing up the equality schemes for race and gender. In relation to disability, the legislation is considerably stronger, requiring the active involvement of disabled people in drawing up the Equality Scheme;
- publication of the equality schemes and associated action plans;
- publication of how the organisation will assess the impact of its policies and practices for equality across the three areas and the outcomes of these;
- monitoring of progress and production of annual reports;
- review of each scheme every three years.

In order to meet the requirements of the legislation, the integrated Equality Scheme recognises some of the differences within the three areas of legislation. For the avoidance of doubt, the legislative basis is identified within the action plan. Given our commitment to be a leading organisation in tackling discrimination and inequalities it is the intention that the more stringent duties detailed in the DED provide the benchmark for this work across NHSGGC, and that the unified approach will benefit from a "levelling up" across the other duties.

3. THE EQUALITY SCHEME

The vision for the Equality Scheme is to ensure that NHSGGC embeds an understanding of the different forms of inequality and capacity to respond to them throughout all its functions and activities. The first Scheme has been constructed to support institutional change and mainstream equality into planning, performance, service provision, procurement, partnership working

and community engagement. It also recognises the development of the workforce and the workplace as essential to deliver improved equality outcomes.

Five strategic aims form the building blocks for facilitating institutional change. The first two focus on leadership, governance and ownership to ensure integration of an inequalities perspective into core functions. The third recognises the requirement and desirability of equality impact assessment. In recognition that change is an incremental process, the fourth aim identifies a set of initial system-wide priorities that will act as the foundation for future progress. Lastly, the purpose of dialogue with communities and patients is highlighted.

The Strategic Action Plan identified the key areas across the system required to take responsibility for implementation of the five strategic aims, including the initial priorities. Leadership is identified at Director level to reflect the significance of the Scheme for the organisation.

Fundamental to the process of delivering against legislative requirements and organisational aspirations is the need for each constituent part of NHSGGC - both operational and functional - to establish internal structures to ensure the development of a local Action Plan. Local Action Plans are required to address both the initial system-wide priorities and priorities which emerge from local planning.

4. SECOND MONITORING REPORT

The second Monitoring Report has been produced with a number of different audiences in mind. These are both internal and external and include the Equality and Human Rights Commission which has, as one of its responsibilities, a mandate to ensure that equality law is adhered to.

The aims of the report are to:

- identify the means by which evidence of progress has been collected;
- report on both the impact of the Strategic Action Plan and the pace of change during its first year;
- identify next steps.

The overall conclusion of the report is that the response by NHSGGC to the legislation in the second year following the Equality Scheme is proportionate and relevant to the size and nature of the organisation and that there has been incremental progress since year one. The report does however reiterate the need to meet the challenge of implementing equalities legislation across an organisation of the complexity of NHSGGC and its substantial workforce. For 2009, the following areas have been identified for further progress:

- recording of patient data by ethnicity and disability to be significantly improved by the end of 2009;
- completion of EQIAs in progress for frontline services - Acute (40), CH(C)Ps (4 each), MHP (2), Addictions Partnership (2) Learning

Disability Partnership (2) by the end of Quarter 1 (December 2008 - February 2009) and a further increase of 100% by the end of the year;

- increasing evidence of completion of EQIAs on new policies and budget decisions;
- an agreed sample of purchased goods, services and contracts to be audited against equalities legislation requirements;
- for non central procurement, substantially improve equality compliance;
- evidence of changes made as the result of routine involvement of disabled people in the development of new services and service redesign, in light of the Scottish Ministers Report on Disability Equality;
- recording of staff information to be improved to 65% of workforce by the end of 2009;
- a major push to ensure that all staff are aware as to what is expected of them to be compliant with equalities legislation, to be undertaken in Quarter 1;
- monitoring of staff survey to identify experiences of discrimination and action plan in place by Quarter 3;
- evidence that our financial inclusion and employability activity is addressing the differential marginalisation of women, ethnic minority people, disabled people and older people.

The report will be disseminated to Equality Scheme leads throughout NHSGGC and will be made available on the revised Equalities in Health website www.equality.scot.nhs.uk During 2009, the Corporate Inequalities Team will lead a review of the 2006-9 Equality Scheme in light of current learning and changes to equalities legislation as indicated by the new Equality Bill.

Publication: The content of this Paper may be published following the meeting

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