

## **The NHS Equality Delivery System: Progress in Bexley as of January 2013**

### **1. Background**

Under the “General Equality Duty”, Bexley Clinical Commissioning Group (BCCG) on behalf of the Bexley Care Trust (BCT) takes its duties to the utmost seriousness and its Governing Body is Committed in the delivery of these objectives:

- Eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act (2010).
- Advancing equality of opportunity between people who share a protected characteristic and those who do not.
- Fostering good relations between people who share a protected characteristic and those who do not.

In our Commitment in meeting our duties we endeavour to integrate equality and our related duties into our day-to-day business. We believe that compliance with our general duty should result in better and informed decision making for the population we serve.

In our specific duties, we published information to demonstrate compliance with the general equality duty our Equality objectives in April 2012.

### **2. Introduction**

This annual update report has been prepared to inform NHS Bexley Clinical Commissioning Group on behalf of the Bexley Care Trust (BCT) stakeholders of progress that has been made to date in Bexley (& SE London where relevant) in implementing the Equality Delivery System. The report details significant local achievements and summarises progress on the organisation’s Action Plan & Objectives, and the wider NHS SEL Staff and Leadership /HR & Workforce Equality Objectives. The report is evidence of the good progress made in Bexley. A summary of The Equality Act (2010) is attached as Appendix A, and a summary of the Equality Delivery System is attached as Appendix B.

### **3. Progress in Bexley & SE London**

#### **3.1 General progress update**

Good progress has been made in Bexley & SE London in implementing the Equality Delivery System. NHS BCCG on behalf of BCT has to date fully complied with the requirements of the Public Sector Equality Duty under the Equality Act 2010. The following significant achievements have been made;

- Bexley was well represented at a SE London Equality Delivery System launch workshop event that took place on 14 November 2011. This included hands on practice using the Equality Delivery System grading tool in preparation for local engagement. Participants included the Chair of Bexley's Local Involvement Network, as well as representatives from Bexley Voluntary Services Council and London Borough of Bexley. Staff from Bexley's Communications & Engagement and Public Health functions also took part in the event.
- Bexley published, by 31 January 2012, indicative grading and associated evidence in order to comply with the Public Sector Equality Duty of the Equality Act 2010. Quantitative and qualitative evidence included the Joint Strategic Needs Assessment and feedback from engagement events was presented. This was published on the organisation's website with links to and in coordination with SE London Cluster.
- Bexley provided evidence in February 2012 for a Cluster audit of the equality analysis of the Commissioning Strategy Plans, Operating Plans and Quality, Innovation, Productivity and Prevention Plans (QIPP). A large amount of evidence was submitted, including Equality Impact Assessments, Engagement Plans, Healthcare Needs Assessments, and Performance Dashboards etc.
- A report was provided to Bexley's Health and Wellbeing Board in February 2012 with regard to implementation of the Equality Delivery System in Bexley and in relation to the its potential role in improving strategic coordination across local health and wellbeing communities. This included, for information, the action plan agreed by Bexley Clinical Commissioning Cabinet and the indicative grading against the core domains.
- The organisation facilitated a community stakeholder engagement workshop to consider and critique the indicative grading that was published in January 2012. Draft objectives are also presented in their final form in the following section of this document. This event, held on 9 March 2012, included a diverse range of stakeholders and was regarded as very successful. The outcome included significant changes to the indicative grading (Appendix B), and more minor modification of the objectives.
- Equality objectives that were consulted on via the above community stakeholder engagement workshop were agreed by Bexley Clinical Commissioning Cabinet in March 2012. The agreed objectives were

published on the organisation's website at the end of March 2012 in order to comply with the Public Sector Equality Duty of the Equality Act 2010.

- In September 2012 Bexley Clinical Commissioning Cabinet agreed a Strategy and Action Plan covering the four year period 2012-2016. The aim of the Strategy and Action Plan is to ensure that NHS BCCG will continue to be compliant with the Public Sector Equality Duty (PSED) via use of the NHS Equality Delivery System (EDS) to maintain good equality performance. The Strategy and Action Plan has the following objectives;
  1. To embed the Public Sector Equality Duty into the work of the organisation via effective governance arrangements and appropriate training
  2. To put the General Equality Duty into practice across the organisations functions including policy and decision making, engagement and commissioning
  3. To ensure the specific requirements of the Equality Duty are met by publishing objectives every four years and information on progress annually.

### 3.2 Progress update on action plans and objectives

This section of the report summarises specific progress on the NHS Bexley Clinical Commissioning Group Action Plan & Objectives, combined with an update on the NHS SEL Staff and Leadership /HR & Workforce Equality Objectives

<b>Progress update on Bexley NHS CCG Objectives on behalf of Bexley Care Trust</b>		
<b>Objective</b>	<b>Action/timescale</b>	<b>Update</b>
1. Meet statutory requirements of the Equality Act 2010	Publish indicative grading and associated evidence to comply with the Public Sector Equality Duty of the Equality Act 2010 (January 2012)	Bexley's indicative grading and the available supporting evidence were published via the website on 27 January 2012: <b>Achieved</b>
2. Meet statutory requirements of the Equality Act 2010	Hold a community stakeholder engagement workshop to critique indicative grading & draft objectives (March 2012)	Bexley's community stakeholder engagement workshop was held on 9 March 2012. The critique of indicative grading & draft objectives resulted in significant revision of the grading and a slight change to the objectives: <b>Achieved</b>  A further engagement workshop, engaging various groups is being planned to take place in Feb- Mar 2013, presenting progress against the work required and refreshing its grading.
3. Meet statutory requirements of the Equality Act 2010	Publish agreed equality objectives to comply with the Public Sector Equality Duty of the Equality Act 2010 (April 2012)	Bexley's equality objectives were published via the website on 27 April 2012: <b>Achieved</b> Following the above workshop, objectives may be refreshed in line with the feedback from the stakeholders.
4. Improve access to health	Develop a comprehensive improvement plan based on the Learning Disability	An initial improvement plan was agreed with NHS London in January 2012. An LD Self

<p>services for people with learning disabilities (Equality Act Principle 1: eliminating unlawful discrimination)</p>	<p>Health Self Assessment Framework</p>	<p>Assessment Framework (SAF) was completed and Improvement Plan submitted. Positive feedback was given at a validation meeting with NHS London on 4 October 2012. The final results were issued in December 2012 showing significant improvement and the Improvement Plan has been agreed: <b>Achieved – Implementation of the Plan to be overseen by the Learning Disability Partnership Board Health Sub-Group</b></p>
<p>5. All contracts to include reference to compliance with the Equality Act 2010 (Equality Act Principle 2: Advancing equality of opportunity)</p>	<p>Ensure all contracts for services commissioned by NHS Bexley Clinical Commissioning Group to include reference to compliance with the Equality Act 2010 (April 2013)</p>	<p>Work in progress due to complete April 2013: In progress</p> <p>In 2012-13, standard NHS Contacts template adopted which includes provision and requirement to comply with the Equality Duty. Where this provision is not contained in contracts will be reviewed by 31 March 2013, making all providers that we commission from, aware that all contracts would be subject to the requirements of the Equality Act 2010 and Public Equality and Diversity System.</p>
<p>6. Promote diversity and inclusion in the engagement of patients and provision of accessible information (Equality Act Principle 3:</p>	<p>NHS Bexley Clinical Commissioning Group on behalf of Bexley Care Trust, the communications team will devise a communications and engagement plan for engaging young people on health issues, focusing on promoting healthcare. (April 2012)</p>	<p>Communications and engagement plan developed and agreed includes numerous engagement activities with young people, working closely with LBB and Youth Parliament (staged a Health Factor event in July 2012 on a range of health issues). <b>Achieved</b></p> <p>Communications and</p>

<p>Fostering good relations)</p>	<p>NHS Bexley Clinical Commissioning Group on behalf of Bexley Care Trust, the communications team will develop an action plan for an engagement programme with reference to hard to reach groups based on the protected characteristics (November 2012)</p>	<p>engagement have an on-going programme to engage hard to reach groups, with a particular emphasis on attending meetings organised by those groups. Strong focus on engaging groups with protected characteristics in the Communications and Engagement Strategy. Includes active work with the Bexley Multi-Faith Forum &amp; Age UK to develop a BME elders engagement programme, and engagement with the Learning Disability Partnership Board &amp; Bexley Mencap including a survey, to better understand the health needs of this group. <b>In progress</b></p>
<p>7. Ensure robust Governance arrangements in NHS BCCG</p>	<p>Establish internal Equality &amp; Diversity Working Group with representation from all areas of the organisation, chaired by the Director of Governance and Quality. The Working Group will report to the Governing Body (December 2012)</p>	<p>All stakeholders have been consulted and draft TOR of the working will be presented to the Governing Body meeting in March 2013.</p>
<p>8. Ensure NHS BCCG Governing Body on Members are well versed in equality, diversity and human rights given their key leadership role</p>	<p>A training event for Governing Body Members will be commissioned to ensure members are clear with regard to their roles and responsibilities in relation to equality, diversity and human rights (March 2013)</p>	<p>Being Progressed towards the completion deadline in March 2013.</p>
<p><b>Progress update on NHS SEL Staff and Leadership /HR &amp; Workforce Equality Objectives</b> (content below provided by Cluster Human Resources function)</p>		

<p>9. Promote a zero tolerance culture by eliminating discrimination, H&amp;B, victimisation abuse</p>	<p>Ensure that employee relations policies are reviewed where necessary for compliance with latest legislation</p>	<p>Completed</p>
<p>10. Increase staff members' awareness to their PCTs employee relations policies and procedures</p>	<p>Through the staff bulletin, highlight relevant policies and procedures and any updates in line with current legislation</p>	<p>Completed</p>
<p>11. Develop people management skills of middle and line managers in supporting and motivating their staff to work in culturally competent ways within a work environment free from discrimination</p>	<p>Ensure that all line managers attend the "managing people" training as part of their PDP</p>	<p>Completed</p>
<p>12. Ensure the recruitment and selection process is fair, inclusive and transparent so that the workforce becomes as diverse as it can be.</p>	<p>During 2012/13, review current procedures to develop a representative workforce for the organisation</p>	<p>Completed</p>

<p>13. Develop a workforce at NHS SEL that is confident and competent to do their work so that services are commissioned / provided appropriately.</p>	<p>Provide E&amp;D training for all staff during 2012/13. Ensure all NHS SEL staff have equalities and diversity in their personal development plans for 2012/13</p>	<p>Completed</p>
<p>14. Increase the diversity and quality of the working lives of the paid and non-paid workforce</p>	<p>Recruitment and selection processes are fair, inclusive and transparent so that the workforce becomes as diverse as it can be within all occupations and grades</p>	<p>Completed</p>
<p>15. Promote diversity and inclusion in the workforce of NHS SEL</p>	<p>Ensure that Equality and Diversity training is undertaken by all staff and new employee. Re-run the data cleanse exercise so that the workforce profile data of NHS SEL is current and up to date</p>	<p>Completed</p>
<p>16. Boards and Senior leaders to conduct and plan their business so that equality is advanced, and good relations is fostered within the organisation</p>	<p>Ensure that there is buy-in from top leaders and Board in the delivery of equality objectives for the organisation and that they also have as part of their objective, the requirement to complete the E&amp;D training</p>	<p>Completed</p>

#### 4. Summary

Significant progress has been made to date in Bexley in implementing the Equality Delivery System. This has enabled NHS Bexley Clinical Commissioning Group on behalf of Bexley Care Trust to meet its duties under the Equality Act

(2010, including the Public Sector Equality Duty). The Strategy and Action Plan (2012-2016) agreed in September 2012 will ensure the organisation continues to be compliant with legislative requirements and maintains good equality performance.

## Appendix A: The Equality Act (2010) – brief summary

**The Equality Act (2010)** states that organisations must, in the exercise of their functions have due regard to the need 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.

All 3 duties are to be considered for everything an organisation does even where services are contracted out (ie procurement arrangements must also cover the responsibility of a supplier to meet the requirements and the performance monitoring to assure compliance). Action is not simply to avoid the negative but a requirement to promote the positive. Within the Act there are other specific responsibilities such as the duty to make reasonable adjustments so disabled people may use a service and participate in consultation and decision making about that service (or be employed) as easily and as nearly as possible to others without a disability.

### Definitions of the protected characteristics under equality legislation

- **Age:** Where age is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).
- **Disability:** A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
- **Gender reassignment::** The process of transitioning from one gender to another
- **Marriage and civil partnership:** Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.
- **Pregnancy and maternity:** Pregnancy is the condition of being pregnant. Maternity refers to the period after birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth. This includes treating a woman unfavourably because she is breastfeeding.
- **Race:** This refers to a group of people defined by their race, colour, nationality (including citizenship), ethnic or national origins.
- **Religion and belief:** Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
- **Sex:** A man or a woman

- **Sexual orientation:** Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

## **Appendix B: The NHS Equality Delivery System – brief summary**

In 2011/12 to respond to the Equality Act 2010, a new 9 step approach to equality and human rights was published for the NHS and adopted by NHS SE London (Bexley Business Support Unit) and Bexley Clinical Commissioning Cabinet. The aim is to improve transparency, engagement and performance on equality and human rights across all aspects of NHS activity.

The Equality Delivery System (EDS) is intended to help organisations to start the analysis that is required by section 149 of the Equality Act 2010 (“the public sector Equality Duty”) in a way that promotes localism. It also helps deliver on the NHS Outcomes Framework, the NHS Constitution and the Human Resources Transition Framework.

**The Equality Delivery System** for the NHS is a nine step process as follows;

1. Governance and partnership working: NHS organisations should set up or confirm their governance arrangements and partnership working for compliance with the Equality Act.
2. Identify local interests: that will be involved in EDS implementation. For the EDS to be effective, local interests include patients, communities, staff, and voluntary organisations, and encompass all protected groups.
3. Assemble evidence: for analysing equality performance and setting priorities eg. Joint Strategic Needs Assessment, other public health intelligence, surveys of patient and staff experience, workforce reports, and complaints and PALS data.
4. Agree roles with the local authority: including LINKs / HealthWatch, and Health & Wellbeing Boards
5. Analyse performance: with local interests, taking account of the protected groups
6. Agree grades: based on the analysis, organisations and local interests should try to agree an overall grade for each outcome.
7. Prepare equality objectives: using the grades across all 18 outcomes as a starting point, organisations together with local interests select no more than four or five equality objectives
8. Integrate equality objectives into mainstream business planning: actions arising from these equality objectives are integrated within organisations’ mainstream business planning processes for 2012/13 in the first instance and annually thereafter.
9. Publish grades and equality objectives: in ways accessible to local interests.