

Integration Joint Board

Agenda item:

Date of Meeting: 16th June 2021

Title of Report: Equalities Outcome Framework Report

Presented by: Alison McGrory, Health Improvement Principal

The Integrated Joint Board is asked to:

- Note the HSCP's duty as a public authority to publish a report on the mainstreaming of equalities in spring 2021
- Consider the good practice examples of mainstreaming equality across the HSCP in the accompanying report.
- Approve the report for publication.
- Note the requirement to have a new Equalities Outcome Framework 2021-2025 and approve the proposed outcomes.

1. EXECUTIVE SUMMARY:

This paper outlines the HSCP's duties in relation to equalities and progress made since 2016. As a public authority Argyll and Bute HSCP has a general equality duty to:

- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These three duties apply to every function within the organisation – planning and delivering services, commissioning and procurement.

Additional “Scottish specific” duties for public authorities in Scotland also apply. This includes a requirement to produce a set of equality outcomes every four years to achieve the duties of the Equality Act 2010 and report on the “mainstreaming” of these outcomes every two years.

This report provides an update on progress made with regards to Argyll and Bute HSCPs Equalities Outcome Framework 2016-2020. Full details and previous reports are published here: [Argyll & Bute HSCP Equality Impact Assessments \(scot.nhs.uk\)](https://www.scot.nhs.uk/argyll-bute-hscp/equality-impact-assessments/)

There is considerable evidence that discrimination of people with protected characteristics exists and this negatively impacts health, particularly mental

wellbeing. This contributes directly to inequalities in life opportunities and health outcomes.

NHS bodies were given an extension of 12 months on their publishing requirements due to the Covid-19 pandemic. Publication is now required. This extension means the mainstreaming report covers five years and not the usual four year period.

This report also provides information on the updated Equalities Outcome Framework 2021-2025. These equality outcomes have been updated in accordance with the outcomes of NHS Highland and Argyll and Bute Council to improve consistency. Different reporting cycles is a barrier to completely aligning the outcomes across all three statutory bodies.

Governance of the HSCP's equalities mainstreaming is achieved by:

- Oversight and leadership from the Strategic Leadership Team.
- Governance and discharging of statutory responsibilities via the Strategic Planning Group.
- Professional advice and support from the Public Health Department.
- Publication of the HSCP's equality impact assessments via the NHS Highland website.
- Equality responsibilities incorporated into the corporate induction programme
- Board paper templates requiring a section to be completed on equality and diversity.
- Reporting of equality activity via the HSCP's annual performance report.

2. INTRODUCTION:

2.1 Legal Requirements

The Equality Act (2010) became law on 1 October 2010 and replaced previous anti-discrimination laws with a single Act. It simplified the law to ensure everyone who is protected from discrimination, harassment or victimisation is afforded the same level of legal protection. There are nine protected characteristics under the Equality Act 2010, these are:

- Age
- Disability
- Sex
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sexual orientation
- Marriage and civil partnership (this only applies to employment)

From April 2018 the Fairer Scotland Duty, under Part 1 of the Equality Act 2010, came into force in Scotland. The new duty places a legal responsibility on public

bodies, including HSCPs to 'pay due regard' to how they can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions. Public bodies will also be required to publish written assessments showing how they have fulfilled the duty.

2.2 Role of Integration Joint Board

The IJB has responsibilities to improve the health and wellbeing outcomes of people living in Argyll and Bute and to deliver health and social care services. The mechanism for doing this is to implement a formally agreed Strategic Plan.

Equalities commitments for the IJB published in the 2016 Equalities Outcome Framework state:

- The IJB upholds the rights of all people, regardless of protected characteristics, to lead healthy and fulfilled lives and to have appropriate health and care services available when they need it.
- The IJB firmly believes that by integrating health and social care services there is potential to improve health and social care outcomes for the whole population and narrow the gap between the better off and worse off in Argyll and Bute.
- The IJB will provide strategic leadership for equalities and work toward consistent approaches in the parent organisations. It will also act as a role model to partners in Argyll and Bute.
- The IJB recognises the importance of equality being embedded in day to day service delivery.
- The IJB has to report annually on the progress of the implementation of the Strategic Plan. Equalities will be one element of the report.
- The IJB will be sighted on the impact of service changes on people with protected characteristics and will require heads of service to carry out EQIA's. Existing reporting arrangements for NHS and Council equality activity will remain in place. The IJB will not duplicate existing activity, rather it will add value and ensure consistency across the two organisations.

2.3 Position in Argyll and Bute Council and NHS Highland

Both Argyll and Bute Council and NHS Highland have published outcomes frameworks for equalities and they are available here:

1. NHS Highland Equality Outcomes - [Equality and diversity \(scot.nhs.uk\)](http://scot.nhs.uk)
2. Argyll and Bute Council Equality Outcomes - [Equality legislation and reporting \(argyll-bute.gov.uk\)](http://argyll-bute.gov.uk)

Partnership working takes place via the equality leads in both organisations and via Argyll and Bute's Equality Forum, which is a sub group of the Community Planning Partnership.

3. DETAIL OF REPORT:

3.1 Equality Outcomes for Argyll and Bute Health and Social Care Partnership

The approach to the 2016-2020 framework was to map high level outcomes and to identify a realistic number of achievable actions and objectives. This list was not exhaustive. The objective to deliver the outcomes were to be monitored over time and added to, where appropriate.

Argyll and Bute HSCPs Equalities Outcome Framework 2016-2020 includes the following themes:

- Theme: 1. Improve health and wellbeing outcomes for people with protected characteristics
- Theme: 2. Empowering people with protected characteristics to have an influence on how services are delivered
- Theme: 3. Increasing access to services for the people with protected characteristics
- Theme: 4. Improving experience of services for people with protected characteristics

An accompanying report provides examples of equalities activity that progresses these four themes.

3.2 New Equality Outcomes for 2021 - 2025

The Equalities Outcome Framework must be updated for 2021 - 2025. Work with Argyll and Bute Council and NHS Highland has contributed to this updated framework to ensure outcomes are as congruent as possible whilst recognising geographical and/or organisational differences. Collaboration takes place via Argyll and Bute's Equality Forum (part of the Community Planning Partnership) and joint working with Public Health equality leads. It is not possible to fully align the outcomes across all three bodies due to the difference reporting timescales.

The proposed new outcomes for the HSCP are:

1. People from identified groups, such as those with protected characteristics, will have improved access to the resources needed to support their health and wellbeing.
2. People from identified groups, such as those with protected characteristics, will be empowered to have an influence on how services are delivered, including when changes are made to services.
3. People from identified groups, such as those with protected characteristics, will have improved experiences of services.

4. RELEVANT DATA AND INDICATORS:

A previous mainstreaming report was published in 2018. Equality issues are also reported in the HSCP's Annual Performance Report.

5. CONTRIBUTION TO STRATEGIC PRIORITIES:

The implementation of the Equality Framework Outcomes underpins the Vision, Mission and Values of the HSCP Strategic Plan 'Working together'.

6. GOVERNANCE IMPLICATIONS:

Financial Impact – no direct resource requirements, however, equality and diversity issues will be key in consideration of financial and policy decisions with committees supporting scrutiny and recommendation to the IJB

Staff Governance – Equality and diversity should be embedded into clinical governance, particularly patient experience, complaints, recording of protected characteristics where relevant, and patient safety. However, the HSCP does not directly employ staff so this is discharged via the NHS board and local authority.

Clinical Governance - The equality and diversity agenda will support the HSCP in providing high quality services with person centred care whilst ensuring patient safety. The point above about the HSCP not being an employer applies here, however, the IJB can be assured that statutory equality responsibilities are incorporated into Strategic Planning Group business and equalities has also been incorporated into the HSCP's corporate induction programme.

7. PROFESSIONAL ADVISORY

The Strategic Leadership Team has management responsibility for discharging statutory duties and the Strategic Planning Group provides governance of equalities in the strategic planning of service delivery.

8. EQUALITY & DIVERSITY IMPLICATIONS

The purpose of this report is to promote equality and diversity throughout all HSCP functions, aiming to increase fairness for both patients and staff. Also to meet the statutory requirements placed on the IJB to ensure equality to all service users and no detriment is found to any persons with protected characteristics. The HSCP's Equality and Diversity Impact Assessment guidance was updated in 2019 as an integrated assessment process, incorporating the Island and Fairer Scotland duties. Full information is provided here: [Argyll & Bute HSCP Equality Impact Assessments \(scot.nhs.uk\)](https://www.scot.nhs.uk/argyll-bute-hscp-equality-impact-assessments)

9. GENERAL DATA PROTECTION PRINCIPLES COMPLIANCE:

Confidentiality of individual protected characteristics is essential and there are sensitivities of enquiring about these. All equalities duties are conducted in accordance with GDPR legislation and this activity does not include the recording of individuals with protected characteristics. There is recognition that recording characteristics in small populations in Argyll and Bute may lead to people being identified.

10. RISK ASSESSMENT:

There is a legal requirement to comply with legislation and compliance under the Equality Act 2010 and non-compliance will result in action being taken by the Equalities and Human Rights Commission.

11. PUBLIC & USER INVOLVEMENT & ENGAGEMENT:

There is scope to undertake further consultation with people affected by our services in accordance with the HSCP’s Engagement Framework (this is in the process of being updated in line with new Scottish guidance). All board papers must complete this section and demonstrate how they are conducting effective engagement with relevant stakeholders.

12. CONCLUSION:

The IJB has a legal duty to demonstrate a planned approach to reducing inequalities. Inequalities in service provision and access to services amongst people with protected characteristics are known to result in a disparity in health and wellbeing outcomes. Therefore, further investment in improving equality of provision has the potential to improve population health outcomes.

DIRECTIONS

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| Directions required to Council, NHS Board or both. | Directions to: | tick |
| | No Directions required | X |
| | Argyll & Bute Council | |
| | NHS Highland Health Board | |
| | Argyll & Bute Council and NHS Highland Health Board | |

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