



Integration Joint Board
Performance and Finance Committee

26th April 2019

This Report relates to
Item 12 on the Agenda

Equality and Diversity Mainstreaming Report 2019

(Paper presented by Natalie Morel)

For Discussion and Approval

Approved for Submission by	Caroline Sharp
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List of Background Papers	None
Appendices	Appendix 1 – Reporting Timetable Appendix 2 - Equality Mainstreaming Report

Direction Required to Council, Health Board or Both	Direction to:	
	1. No Direction Required	✓
	2. Dumfries and Galloway Council	
	3. NHS Dumfries and Galloway	
	4. Dumfries and Galloway Council and NHS Dumfries and Galloway	

SECTION 1: REPORT CONTENT

Title/Subject: Equality Mainstreaming Report 2019

Meeting: IJB Performance and Finance Committee

Date: 26th April 2019

Submitted By: Lynsey Fitzpatrick, Equality and Diversity Lead

Action: For Discussion and Approval

1. Introduction

- 1.1 Mainstreaming equality should be part of the day to day structures, behaviour and culture of an organisation, and contributes towards continuous improvement and better performance. The purpose of this paper is to outline the legal duties on the Integration Joint Board (IJB) to comply with the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. The Mainstreaming Report will provide the IJB with information on the steps taken to comply with the legislation, particularly around the publication of a mainstreaming report and an update on the equality outcomes.

2. Recommendations

- 2.1 The IJB Performance and Finance Committee is asked **to approve** the following points:

- The joint IJB/NHS Equality Mainstreaming Report for publication by 30 April 2019.

The IJB is asked **to discuss and note** the following points:

- The requirement of both the Dumfries and Galloway Integration Joint Board and NHS Dumfries and Galloway to comply with a number of actions under the Equality Act 2010 Public Sector Equality Duty
- The departmental leadership required to ensuring that equality and diversity continues to be mainstreamed across health and social care services.

3. Background

- 3.1 This paper supports the implementation of the Equality Act 2010 (Specific Duties) (Scotland) Legislation Regulations 2012.

4. Main Body of the Report

4.1 Legislative Background

4.1.1 The Equality Act became law in 2010 and replaced several previous anti-discrimination laws with a single piece of legislation. It aims to ensure that everyone who is protected by law from discrimination, harassment or victimisation is afforded the same level of protection. The Equality Act introduced the concept of 9 'protected characteristics', referred to in previous legislation as 'equality groups' or 'equality strands'.

4.1.2 The Protected Characteristics are:

- Age
- Disability
- Gender Reassignment
- Pregnancy and Maternity
- Race
- Religion and Belief
- Sex
- Sexual Orientation
- Marriage and Civil Partnership

4.1.3 The Equality Act applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination. The Act stipulated that all Health Boards and IJBs (as were all public bodies) across Scotland were required to produce a number of documents which would contribute towards furthering one or more of the 3 needs of the **Public Sector Equality Duty (PSED/also know as General Duty)**. The PSED requires Scottish public authorities to pay 'due regard' to the need to:

- **Eliminate unlawful discrimination, harassment and victimisation**
- **Advance equality of opportunity**
- **Foster good relations**

4.1.4 The General Duty is supported by **Specific Duties**, set out in regulation, which came into force on 27 May 2012. The requirements of the Specific Duties are as follows:

- Duty to report progress on mainstreaming the equality duty
- Duty to publish equality outcomes and report progress
- Duty to assess and review policies and practices
- Duty to gather and use employment information
- Duty to publish gender pay gap information
- Duty to publish statements on equal pay, etc
- Duty to consider award criteria and conditions in relation to public procurement
- Duty to publish in a manner that is accessible
- Duty to consider other matters

- Duty of the Scottish Ministers to publish proposals to enable better performance

4.1.5 A reporting timetable has been provided as **Appendix 1**.

4.2 Integration Joint Board Requirements in relation to the Specific Duties

4.2.1 Joint NHS/IJB Mainstreaming Report

By mainstreaming equality, both the IJB and the NHS board will experience improved quality of service design and delivery i.e. equitable access and equity of informed, person-centred care that can cope with the diverse needs of the Dumfries and Galloway population. This leads to improved outcomes for patients and service users, as well as staff.

Mainstreaming equality and diversity is a specific requirement defined as integrating equality into the day to day working of the IJB, taking equality into consideration as part of everything the organisation does.

The Board has a duty to publish a mainstreaming report every two years detailing how it has mainstreamed equality and diversity. A copy of this report is attached as **Appendix 2**.

4.2.2 Equality and Diversity Joint IJB/NHS Equality Outcomes paper

The IJB has a responsibility to report on the progress towards the Equality Outcomes set in 2017 and this is contained within the mainstreaming report.

5. Conclusions

- 5.1 The Equality Mainstreaming Report provides an overview of the ongoing work to mainstream equality and diversity into the day to day business of the IJB and across the wider health and social care partnership.

SECTION 2: COMPLIANCE WITH GOVERNANCE STANDARDS

6. Resource Implications

- 6.1 Implications of championing and embedding equality into mainstream business **may** incur the following resource needs:

- Financial support for programme implementation
- Adaption of agendas to include equality and diversity
- Management Support
- Dissemination of resources
- Implementation of different ways of working, e.g. around equality monitoring

- Staff training on equality and diversity, particularly around the requirement of impact assessment

6.2 Exact ongoing costs are not clear at this time.

7. Impact on Integration Joint Board Outcomes, Priorities and Policy

7.1 The IJB, NHS D&G and D&G Council all have a set of Equality and Diversity Outcomes and action plans which are required under the Equality Act 2010. These were last set in 2017 and will run until 2021.

8. Legal & Risk Implications

8.1 This paper supports the implementation of the Equality Act 2010 (Specific Duties) (Scotland) Legislation Regulations 2012. There is a risk to the IJB if these duties are not met appropriately and proportionately.

9. Consultation

9.1. Ongoing consultation and engagement with the Community Planning Equality and Diversity Working Group takes place. A copy of the report will be shared with the group following approval and feedback considered going forward.

10. Equality and Human Rights Impact Assessment

10.1. An equalities impact assessment has been carried out on the Equality Mainstreaming Report.

11. Glossary

BSL – British Sign Language

EHRC – Equality and Human Rights Commission

IJB – Integration Joint Board

LGBT – Lesbian, Gay, Bisexual, Transgender

NHS D&G – NHS Dumfries and Galloway

Reporting Timetable

Specific Duty	Output	Timescale	Next Report Due
Duty to report progress on mainstreaming the equality duty	Publish report on progress on mainstreaming equality into business	Initial report published 30 April 2013 (every two years thereafter).	30 April 2019
Duty to publish equality outcomes and report progress	(1) Publish a set of equality outcomes	30 April 2013 (every 4 years thereafter)	30 April 2021
	(2) Engage with persons who share a protected characteristic in the setting of outcomes and consider relevant evidence	May 2016 – Jan 2017	Ongoing
	(3) If not all protected characteristics are covered by the outcomes, must publish reasons for this	30 April 2017	30 April 2021
	(4) Report on progress to achieve agreed equality outcomes	30 April 2015 (every 2 years thereafter)	30 April 2019
Duty to assess and review policies and practices	Complete and publish results of EQIA	Ongoing	Ongoing
Duty to gather and use employee information	(1) Gather equality data for staff in respect of each of the protected characteristics in relation to recruitment, development and retention	Annually	Ongoing
	(2) Show how this data is being used to meet the equality duty	Annually	Ongoing
	(3) Publish a report on the breakdown of staff using the data gathered, showing progress in collating this information and how it is being used to better perform the equality duty	30 April 2013 (and then annually within mainstreaming report if not published elsewhere)	30 April 2019
Duty to publish gender pay gap information	Publish information on the percentage difference between men's average hourly pay and women's	30 April 2013 (every 2 years thereafter)	30 April 2019

	average hourly pay		
Duty to publish statements on equal pay, etc.	<p>Publish an equal pay statement containing policy on equal pay and occupational segregation between:</p> <p>(i) men and women; (ii) persons who are disabled and persons who are not; and (iii) persons who fall into a minority racial group and persons who do not;</p>	<p>30 April 2013 (every 4 years thereafter)</p> <p>The 2013 statement need only cover men and women. Subsequent statements (2017 onwards) will then include disability and BME information (ii) & (iii)</p>	30 April 2021
Duty to consider award criteria and conditions in relation to public procurement	When undergoing quotation and tendering processes for contracts, NHS D&G/IJB should be considering conditions (which are related to and proportionate to the subject matter) which enables NHS D&G/IJB to better perform the equality duty.	Ongoing and where appropriate	Ongoing
Duty to publish in a manner that is accessible	Information on equality outcomes, gender pay gap, equal pay and workforce breakdown requires to be published in an accessible format	30 April 2013	Ongoing
Duty of the Scottish Ministers to publish proposals to enable better performance	Scottish Ministers will publish proposals to support public bodies in meeting their requirements of the equality duty	31 December 2013 (every 4 years thereafter)	31 December 2021
	Scottish Ministers will publish a report on the progress	31 December 2013 (every 4 years thereafter)	31 December 2021

Dumfries and Galloway Integration Joint Board

DIRECTION

(ISSUED UNDER SECTIONS 26-28 OF THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014)



1.	Title of Direction and Reference Number	
2.	Date Direction Issued by Integration Joint Board	
3.	Date from which Direction takes effect	
4.	Direction to	
5.	Does this direction supersede, amend or cancel a previous Direction? If yes, include the reference number(s)	
6.	Functions covered by Direction	
7.	Full text of Direction	
8.	Budget allocated by Integration Joint Board to carry out Direction	
9.	Desired Outcomes	
10.	Performance Monitoring Arrangements	
11.	Date Direction will be Reviewed	