



Dumfries and Galloway
Integration Joint Board

22nd April 2021

This Report relates to
Item 6 on the Agenda

Specific Duties Reports 2021

Paper presented by Lynsey Fitzpatrick

For Approval

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Approved for Submission by:	
List of Background Papers:	Public Sector Equality Duty in Scotland
Appendices:	Appendix 1 – Specific Duties Reporting Timetable Appendix 2 – Equality and Diversity Mainstreaming and Equality Outcomes Report 2021

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	

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 attached reports will provide the IJB with information on the steps to comply with the legislation particularly around the publication of a mainstreaming report and the delivery and development of equality outcomes.

2. Recommendations

2.1 The Integration Joint Board is asked to:

- **Approve the NHS/IJB Equality and Diversity Mainstreaming and Equality Outcomes Report for 2019-2021**
- **Approve the 2017-2021 Equality Outcomes update and set of refreshed equality outcomes for 2021-2025**
- **Discuss and note of the IJB to comply with a number of actions under the Equality Act 2010 Public Sector Equality Duty**

3. Background and Main Report

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

- 3.2 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'.

These protected characteristics are:

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

- 3.3 The Equality Act applies to marriage and civil partnership, but only in respect of requirements to have due regard to the need to eliminate discrimination. The Act stipulated that all public bodies (IJB included) 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 known as General Duty). The PSED requires Scottish public sector organisations to pay 'due regard' to the need to:

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

3.4 The General Duty is supported by Specific Duties, set out in regulation, which came into force on the 27th 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 equally 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

3.5 A reporting timetable has been provided as IJB Requirements in relation to the Specific Duties at **Appendix 1**.

Joint NHS/IJB Mainstreaming Report

3.6 By mainstreaming equality, the IJB 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.

3.7 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.

3.8 The IJB has a duty to publish a mainstreaming report every 2 years detailing how it has mainstreamed equality and diversity. A copy of the Equality and Diversity Mainstreaming and Equality Outcomes report is attached as **Appendix 2**.

Equality and Diversity Joint IJB/NHS Equality Outcomes paper

3.9 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. A refreshed set of Equality Outcomes which cover the period 2021-2025 have also been included within the Equality and Diversity Mainstreaming and Equality Outcomes Report at **Appendix 2**.

4. Conclusions

4.1 The Mainstreaming and Equality Outcomes 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.

4.2 The Equality Outcomes allow planning and prioritisation over the next four year period, and these will be reviewed on an annual basis.

5. Resource Implications

5.1 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 the impact assessment.

5.2 Exact costs are not clear at this time.

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

6.1 The IJB is subject to the requirements of the Public Sector Equality Duty and Specific Duty requirements under the Equality Act 2010.

7. Legal and Risk Implications

7.1 Potential risk if requirements of the legislation are not met.

7.2 The HSCP must be able to evidence ongoing progress towards the equalities agenda.

8. Consultation

8.1 Ongoing consultation and engagement with the Community Planning Equality and Diversity Working Group and local communities has taken place and is detailed within the report.

8.2 The attached papers have been considered at NHS Staff Governance Committee and the NHS Board.

9. Equality and Human Rights Impact Assessment

9.1 An equalities impact assessment has been carried out on the Mainstreaming and Equalities Outcome Report.

10. Glossary

10.1 All acronyms must be set out in full the first time they appear in a paper with the acronym following in brackets.

BSL	British Sign Language
EQIA	Equalities Impact Assessment
IJB	Integration Joint Board
LGBT	Lesbian, Gay, Bisexual, Transgender
NHSDG	NHS Dumfries and Galloway
PSED	Public Sector Equality Duty
SAM	Sustainability and Modernisation

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	

Appendix 1

Specific Duties 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 2021
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 2021
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 2021
Duty to publish gender pay gap information	Publish information on the percentage difference between men's average hourly pay and women's average hourly pay	30 April 2013 (every 2 years thereafter)	30 April 2021

<p>Duty to publish statements on equal pay, etc.</p>	<p>Publish an equal pay statement containing NHS D&G's 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>	<p>30 April 2021</p>
<p>Duty to consider award criteria and conditions in relation to public procurement</p>	<p>When undergoing quotation and tendering processes for contracts, NHS D&G should be considering conditions (which are related to and proportionate to the subject matter) which enables NHS D&G to better perform the equality duty.</p>	<p>Ongoing and where appropriate</p>	<p>Ongoing</p>
<p>Duty to publish in a manner that is accessible</p>	<p>Information on equality outcomes, gender pay gap, equal pay and workforce breakdown requires to be published in an accessible format</p>	<p>30 April 2013</p>	<p>Ongoing</p>
<p>Duty of the Scottish Ministers to publish proposals to enable better performance</p>	<p>Scottish Ministers will publish proposals to support public bodies in meeting their requirements of the equality duty</p>	<p>31 December 2013 (every 4 years thereafter)</p>	<p>31 December 2021</p>
	<p>Scottish Ministers will publish a report on the progress</p>	<p>31 December 2013 (every 4 years thereafter)</p>	<p>31 December 2021</p>