



Integration Joint Board
Transformation and Innovation/Futures Committee

9th February 2023

This Report relates to
Item 8 on the Agenda

Draft Equality Act Specific Duty Papers

(Paper presented by Lynsey Fitzpatrick)

For Noting

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List of Background Papers:	https://www.equalityhumanrights.com/en/advice-and-guidance/guidance-scottish-public-authorities
Appendices:	Appendix 1 - Draft NHS/IJB Equality Mainstreaming Report Appendix 2 - Draft governance timeline for Specific Duty Reports

1. Introduction

- 1.1 The attached draft Equality Mainstreaming Report (Appendix 1) is being brought to the Transformation and Innovation/Futures Committee to provide assurance that work is underway to ensure that the NHS/IJB is on track to meeting their legal duties to publish an Equality Mainstreaming Report by 30 April 2023.
- 1.2 In order to ensure that this report has been through the appropriate scrutiny and governance processes, and the related timescales prior to publication, has meant that this is being brought to the Transformation and Innovation/Futures Committee as a working draft. It will continue to be updated on an ongoing basis, with a view to the final draft being published following approval at the IJB and NHS Board meetings in March and April 2023.

2. Recommendations

- 2.1 **The IJB Transformation, and Innovation/Futures Committee is asked to:**
- **Be assured that work is underway to ensure that legislative reporting duties are on track to be met**
 - **Provide feedback and comments on the draft report to influence further development as this is considered via the governance process**
 - **Discuss the content of the report as required**

3. Background and Main Report

- 3.1 This paper supports the implementation of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.
- 3.2 The Specific Duties have been developed to help public bodies in their performance of the Public Sector Equality Duty (PSED), also referred to as the 'general equality duty'.
- 3.3 The PSED requires public bodies to:
- Eliminate unlawful discrimination, harassment and victimisation
 - 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
- 3.4 The onus is on public bodies to take a proactive approach to tackling 'institutional discrimination' and to focus on organisational change. The duties require public bodies to 'mainstream' equality in practical and demonstrable ways.
- 3.5 The PSED 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

3.6 The reports relate to all of the 9 National Health and Wellbeing Outcomes.

4. Conclusions

4.1 The Specific Duties require the IJB and NHS Dumfries and Galloway as 'listed authorities' to publish a Mainstreaming Report every two years. The report should document progress made in integrating the public sector equality duty into the exercise of their functions and day to day business, so as to better perform the duty.

4.2 The attached draft mainstreaming report (Appendix 1) outlines the NHS/IJB approach to mainstreaming equality and details a number of practical examples from 2021-23. The report also includes updated equality outcomes and will also include updated information on the NHS gender pay gap once available. The Dumfries and Galloway Council pay gap will be published within the Council Mainstreaming Report once available.

4.3 It is a legislative requirement that these documents are published by 30 April 2023. A draft governance timeline is attached as Appendix 2, which also contains a table showing the expectations and reporting dates for the Specific Duties.

4.4 The draft report is being shared with Transformation and Innovation/Futures Committee at this stage to influence its further development as it is finalised, and shared wider via the governance processes.

5. Resource Implications

5.1 There are no direct financial implications as part of the sharing of this paper, however ongoing resource is required in order to continue to implement, support and make meaningful change to tackle inequalities.

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

6.1 Equality and Diversity links with and contributes in some way to the success or otherwise of all of the National Health and Wellbeing Outcomes and Strategic Commissioning Intentions. In order to provide or support any of these in a truly person centred manner would have to take into account a proactive approach to tackling inequalities.

7. Legal and Risk Implications

6.2 There is significant risk attached to the inequalities agenda. The publication of the report by 20 April 2023 is a legislative requirement which must be met, and which we are on track to be able to do.

6.3 If we cannot continue to proactively mainstream equality, this leaves the organisation at higher risk of legal challenge.

8. Consultation

8.1 A number of engagement opportunities took place around the development of the equality outcomes in 2021 and are detailed within the report.

8.2 The governance timeline is attached as Appendix 2.

9. Equality Impact Assessment

9.1 An ongoing Equality Impact Assessment is being worked on covering the Mainstreaming Report and Equality Outcomes.

9.2 The purpose of the Mainstreaming Report and the Equality Outcomes are to meet or to document how we are meeting the aims of the Public Sector Equality Duty.

10. Glossary

CSTF	Core Skills Training Framework
EHRC	Equality and Human Rights Commission
EQIA	Equalities Impact Assessment
IJB	Integration Joint Board
LGBT	Lesbian, Gay, Bisexual, Transgender
PSED	Public Sector Equality Duty