



Dumfries and Galloway
Integration Joint Board

23rd March 2023

This Report relates to
Item 9 on the Agenda

Specific Duties Reports 2023

Paper presented Lynsey Fitzpatrick

For Approval

Author:	Lynsey Fitzpatrick, Equality and Diversity Lead, NHS Dumfries and Galloway lynsey.fitzpatrick@nhs.scot
Paper Approved for Submission By:	Pamela Jamieson, Deputy HR Director, NHS Dumfries and Galloway pamela.jamieson@nhs.scot
List of Background Papers:	Public Sector Equality Duty in Scotland
Appendices:	Appendix 1 – Equality and Diversity Mainstreaming and Equality Outcomes Report 2023

Direction Required to Council, Health Board or Both	Direction to:	
	1. No Direction Required	X
	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 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 the development of equality outcomes.

2. Recommendations

2.1 The Integration Joint Board is asked to:

- **Approve the following:**
 - Publication of the attached joint NHS/IJB Equality and Diversity Mainstreaming and Equality Outcomes Report for 2021-2023
 - The 2021-2025 Equality Outcomes update
- **Discuss and note the following points:**
 - The requirement of both NHS Dumfries and Galloway and the Dumfries and Galloway Integration Joint Board 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 and that relevant services work to meet the aims of the relevant action plan in relation to equality outcomes.

3. Background and Main Report

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

The 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 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**

3.4 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

Integration Joint Board Requirements in relation to the Specific Duties

3.5 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.

3.6 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.

3.7 The Board has a duty to publish a mainstreaming report every two years detailing how it has mainstreamed equality and diversity. A copy of the Equality and Diversity Mainstreaming Report, including the Equality Outcomes, is attached as Appendix 1.

3.8 The IJB also has a responsibility to report on the progress towards the Equality Outcomes set in 2021 and this is contained within the mainstreaming report.

4. Conclusions

5.1 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.

5. Resource Implications

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

- Financial support for programme implementation
- Adaption of agendas 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. Impact on Health and Social Care Partnership Outcomes, Priorities and Policy

6.1 The IJB, NHS D&G and D&G Council are all subject to the requirements of the Public Sector Equality Duty and Specific Duty requirements under the Equality Act 2010. The work to tackle inequalities and mainstream this work into day to day business cuts across all areas of Health and Social Care.

7. Legal and Risk Implications

7.1 Potential risk if requirements of the legislation are not met. The Health and Social Care Partnership must be able to evidence ongoing progress towards the equalities agenda.

8. Consultation

8.1 Consultation and engagement with the Community Planning Equality and Diversity Working Group and local communities took place in 2020-21 in the development of the Equality Outcomes and is detailed within the report.

8.2 The draft mainstreaming report has been considered at NHS Public Health Committee, IJB Transformation and Innovation Futures Committee, Health and Social Care Leadership Group and NHS Board Management Team.

9. Equality and Human Rights Impact Assessment

9.1 An Equality Impact Assessment is in the process of being completed and a copy can be shared with the IJB, and will be published on the website once this has been finalised.

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
NHS D&G	NHS Dumfries and Galloway
PSED	Public Sector Equality Duty