

# Equality Act 2010

## Equality adherence briefing, January 2016

### **Purpose:**

To provide an update on how Warrington and Halton Hospitals NHS Foundation Trust (WHH) is meeting its statutory obligations under the Equality Act (2010).

### **Background:**

The public sector single equality duty (PSED) identified as the *General Duty* (Section 149) of the Equality Act 2010 came into force on 1<sup>st</sup> of April 2011. In September 2011, *Specific Duties* were published to outline how public authorities are to meet the general duty to:

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

Below are the Specific Duties of the Equality Act 2010 with a response on how the Trust is working to meet its equality duty:

### ***‘Publish Information outlining how they (public authorities) will comply with the general duty by 31/1/2012’ (Thereafter annually)***

WHH has formulated its annual Equality Duty Assurance Report (2016) to outline how it is working to meet its statutory obligations to the Equality Act (2010). The specific duties direct that any information that is published should be provided in an accessible format so the Equality Duty Assurance Report (2016) is presented in a clear and simple format (see appendix 1). It will be presented to the Equality & Diversity Sub-Committee.

### ***‘Publish data on its workforce, which should reflect relevance to the local population by 31/1/2012’ (Thereafter annually)***

The Trust has published a 2014 Workforce Equality Analysis Report (WEAR) in 2015 and will publish a 2015 report by 31<sup>st</sup> of January 2016. The WEAR provides a breakdown of the Trust’s workforce and across the protected characteristics, as well as a recruitment profile and other workforce activity around formal procedures in Human Resources. It compares the workforce data against the local population demographics.

Over the past few years, changes have been made to reporting mechanisms in ESR and this has resulted in a more robust and detailed report to be published in 2016. The

report will be presented to the Strategic People Committee. Data from the WEAR will also underpin evidence in certain sections of the NHS Equality Delivery System (EDS2).

***'Undertake a revised equality screening process to replace equality impact assessments (EIAs) called an Equality Analysis, in functions, services, policies, strategy and decisions, from 6/4/2011 onwards'***

The Trust has introduced Equality Analysis and undertakes this on key strategies, policies and service changes. There is no longer a requirement in law to publish an equality analysis, as there was for EIAs. However, a public authority must provide evidence if challenged on how a decision has been made or with whom any consultation may have taken place. Going forward from 2015, EIAs will also feature as part of the approval for Cost Improvement Process ideas.

***'Publish equality objectives by 5<sup>th</sup> of April 2012. Publish an equality strategy outlining how they (public authority) will achieve their equality objectives by 5th of April 2013 '***

The Trust meets this criterion fully. In 2012 four equality objectives were published, clearly identifying the steps the Trust needed to take, in order to improve its equality assurance and to further demonstrate how it aims to meet the equality duty.

In April 2013, the Equality Strategy was published, which incorporated the Equality Objectives, which were reviewed and amended prior to the equality strategy publication.

***'All information published on how they will meet the equality duty must be presented in such a manner that it is accessible to the public'***

All published information in 2012, 2013, 2014, 2015 and planned 2016 adheres to this directive.

### ***Other work around equality duty assurance***

The Trust implemented the NHS Equality Delivery System (EDS2) in 2013. It was rated as *Achieving* in 10 of the 18 individual EDS2 outcomes and *Developing* in the remainder. This was positive rating in the first year of its assessment. In 2014/15, the Trust has rated 12 of the 18 as *Achieving*, so progress can clearly be seen.

In May 2013 the Trust set up a Disability Equality Group, which has membership from Staff, Governors, Carers, Patients and 3<sup>rd</sup> Sector disability organisations. This group focuses on working on improved accessibility for disabled Patients and Staff. It reports into the main Equality and Diversity Sub-Committee, which meets quarterly.

Appendix one

# Warrington and Halton Hospitals



NHS Foundation Trust



## Equality Duty Assurance Report (2016)



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# 1. Introduction

## Background

Public Sector organisations have been required to demonstrate how they are actively working to reduce health inequalities by promoting equality and working to eliminate discrimination, whilst maintaining a commitment to respect human rights. Moreover, they need to demonstrate the outcomes of this work, in particular, showing how they have assessed the impact of policies, strategies and action plans on the local population and its workforce.

## Aims of the Equality Duty Assurance Report (EDAR)

In formulating this Equality Duty Assurance Report (EDAR), Warrington and Halton Hospitals Hospital NHS Foundation Trust (WHH) is not only aiming to ensure that it is meeting the legal duties to promote equality and challenge unlawful discrimination, but also to ensure that consideration of equality and human rights issues is incorporated into day-to-day practice across the organisation. Intended outcomes will be equal access to services for all groups and reduced health inequalities and improved health outcomes for patients. Safeguarding employees across the protected characteristics and a commitment to advance equality of opportunity across the organisation are also key components.

This document aims to provide reassurance that the strategic direction of WHH for promoting equality and eliminating discrimination since April 2011 underpins its adherence to the general duty of the Equality Act (2010) and binding specific duties of the equality duty. Moreover, it may serve as a stepping stone towards formulating strategies and actions that build upon the previous achievements made under Equality Delivery System (EDS2) and related equality action plans.

## Scope of the Equality Duty Assurance Report (EDAR)

This Equality Duty Assurance Report sets out the commitment of Warrington and Halton Hospitals NHS Foundation Trust (WHH) in how it will endeavour to adhere to statutory obligations, building upon progress achieved under previous equality schemes and directives.

## 2. The Public Sector Equality Duty

### Legislation overview

In April 2010, the Equality Act received Royal assent. The act identified the phased implementation of legislative requirements, to bring into effect measures to promote equality and eliminate discrimination, which were built upon nine previous pieces of equality law. The initial phase came into force in October 2010. The second phase came into effect from 5<sup>th</sup> of April 2011. This took the form of the creation of a single equality duty for public sector bodies. The third phase came forward from 1<sup>st</sup> of October 2012 and this extended *Age equality* from only employment protection to include the duty with regard to the provision of goods and services

The Act now includes all the protected characteristics. The only part of the general duty that applies to *civil partnership and marriage* is the responsibility to eliminate discrimination and prohibited conduct.

The full list of protected characteristics is:

- age
- disability
- gender reassignment
- civil partnership and marriage
- pregnancy and maternity
- race
- religion or belief
- sex (formerly referred to as gender)
- sexual orientation

Warrington and Halton Hospitals NHS Foundation Trust (WHH) has been working towards eliminating discrimination across many of these protected characteristics (PC) for some time. Equality impact assessments and other areas of equality analysis included taking almost all the newly defined PCs into consideration before the single equality duty came into effect in April 2011.

Preparations to adhere to wider considerations around engagement under the new general duty have been undertaken. These include the development and maintenance of a comprehensive engagement framework, involving many seldom heard or considered communities, in order to build capacity for involvement and consultation in staff, patients and other stakeholders.

The amendment to previous equality legislation does not therefore necessitate significant changes to our strategy, governance or direction of travel. However, the Act does introduce new specific duties, which came into effect from the 10<sup>th</sup> of September 2011.

The general duty is as follows:

- **Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.**
- **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.**

The following are the public sector specific duties which came into force on 10<sup>th</sup> of September 2011. To meet the specific duties, public sector bodies should:

- **Publish Information outlining how they will comply with the general duty by 31/1/2012 (Annually thereafter).**
- **Publish details on their workforce breakdown and the local population by various equality denominations e.g. age, race etc., by 31/1/2012 (Annually thereafter).**
- **Undertake a revised equality screening process to replace equality impact assessments called an *Equality Analysis*, in functions, services and policies.**
- **Formulate one objective for each protected characteristic, by 5th of April 2012.**
- **Publish an equality strategy by 5<sup>th</sup> April 2013.**
- **All information published on how they will meet the equality duty must be presented in such a manner that it is accessible to the public.**

### **Amendments to previous obligations**

There is no longer a requirement to produce a single equality scheme (SES). The Warrington and Halton Hospitals NHS Foundation Trust (WHH) SES ended on 31<sup>st</sup> of March 2014.

WHH introduced equality analysis to replace equality impact assessments, with regard to assessing potential differential impacts against protected characteristics and Human Rights Articles. The Trust has adopted an approach that the scope of equality duty should also refrain from equality analysis which is not proportionate or deemed relevant.

The Government Equalities Office indicates strongly that there should be less bureaucracy within the equality and human rights agenda. Emphasis now focuses on equality outcomes and productivity, rather than process. This follows some of the key outcomes of the White Paper 'Liberating the NHS: Equity and excellence':

- **Putting Patients & Public First**
- **Autonomy, Accountability and democratic legitimacy**
- **Improving Healthcare outcomes**
- **Cutting bureaucracy & improving efficiency**

WHH will continue its commitment to adhere to the revised equality duties and build upon the significant progress of work already undertaken with regard to race, disability and gender and all other protected characteristics. This equality duty assurance report is clear and provides the means to demonstrate adherence to the general duty are indicated within this document.

Since the onset of the Specific duties of the single equality duty, WHH has met its obligation to “Publish Information outlining how they (WHH) will comply with the general duty”, through annually published Equality Duty Assurance Reports and Workforce Equality Analysis Reports, within the designated Time frames.

The work that was implemented by the Trust to demonstrate its equality performance in the NHS Equality Delivery System (EDS2), led to an assessment rating in 12 of the 18 individual EDS2 outcomes of *Achieving* compared to 10 out of 18 in the previous year. This was a very good result to demonstrate the Trust progression and commitment to Equality and Diversity.

The assessment of the 18 individual EDS2 outcomes can only be done by internal and external stakeholders, who reflect the spectrum of the protected characteristics and represent their respective interests and collective insight. So the grades provide robust assurance that the Trust’s functions, services, policies and strategies are working towards reducing equality and health inequalities across the whole organisation.



### 3. Meeting the equality duties

#### Providing evidence of how we are meeting our duty

Through this EDAR and the Workforce Equality Analysis (2015) which will also be published by 31<sup>st</sup> of January 2016, WHH aims to demonstrate how it is paying due regard to the general duty. This assurance report has been published, to fall in line with the requirements of the specific duties of the single equality duty.

The EDAR outlines the equality governance framework of the organisation, which underpins equality and human rights activity across all functions, policies and services within the organisation.

The Equality & Diversity Sub Committee (EDSC) IS chaired by the Director of Human Resources and Operational Development who in turn reports to the Board of Directors and advises and endorses a range of initiatives, reports and actions. The EDSC is the steering group for a specialist sub group which focuses on disability matters and improving access for disabled people.

The Disability Equality Group (DEG) has internal and external stakeholder membership, with active involvement from patient representatives and members of third sector bodies, these include:

- Warrington Deaf Club,
- Halton Disability Partnership
- Warrington Carers (WIRED)
- The British Red Cross
- Warrington Health Watch
- Knowsley and St Helens Deafness Resource Centre, Warrington Disability Partnership
- Halton Health Watch
- Halton Carers
- DIAL House Chester
- Action on Sight Loss and Halton Carers Centre
- Elected Governors are active members of the EDSC and DEG.

In 2015 WHH have liaised extensively with additional external stakeholders to increase awareness and understanding of equality issues, these include:

- Warrington Hate Crime Prevention Group
- Cheshire Travellers
- Halton Carers
- WIRED
- Cheshire Equality Leads Forum
- Warrington Homeless (YMCA)
- The Council of Faiths

As in previous years, WHH can provide its strategic documents in varied formats. Although it is not a legal requirement to publish equality analysis and engagement

undertakings, WHH will continue to be transparent and inclusive, in demonstrating how it is meeting its equality duty and working in partnership with others.

### **Consultation and involvement of staff and service users**

WHH is committed to ensuring that staff and service users are involved in shaping the equality and human rights work stream and have opportunities to influence health service planning and delivery. The Trust has invested some years ago in a Staff Engagement and Wellbeing lead post, in order to engage and support its workforce. There is a Staff Engagement and Wellbeing group, which directs its associated action plan for 2013-2015.

WHH has a strong emphasis on engagement in its equality action plans, in order to facilitate '*autonomy, accountability and democratic legitimacy*' with regard to how it discharges undertakings under the general duty of the equality Act (2010). Only by working in partnership with people and our staff can we develop services that meet local need and are utilised effectively.

### **Equality Monitoring**

Good quality data underpins all equality and diversity work from identifying priorities to measuring the effectiveness of our actions. The quality of data collection and analysis needs to be improved in order that we may effectively understand our local population and who is using local services. We will formulate actions into the equality strategy to improve the capture of data, especially with regards to protected characteristics, where the profile is incomplete or requires more impetus.

### **Equality Analysis**

A commitment to undertaking equality analysis ensures that our policies, strategies, functions and any services we deliver endeavour not to lead to an unfavourable effects on different people and help to identify any positive action we can take to promote equality of opportunity and access. By ensuring we have effective processes for undertaking Equality Analysis, WHH aims to ensure the services it provides meet the needs of patients and thereby increases public confidence.

### **Creating accessible information**

Barriers to information can prevent people from effectively accessing health services and may affect health outcomes for some people. It is important that local people are involved in helping us to identify these needs and agree solutions. This is an important element of how WHH actively works with its internal and external stakeholders.

A prime example is the Disability Equality group, which has membership including disabled individuals, patients, carers and disability organisations. This group continues to collaborate to try to make improvements to the experiences of disabled patients and to work on solutions to surmount any barriers they may face, including communications and related matters. WHH will ensure that information is available in a range of formats and languages, exploring greater use of new technologies to assist with this. The Trust has enhanced its translation service which is a benefit to patient care.

## **Improving Patient experience and quality**

WHH builds upon what it has learned from its previous equality schemes for race, disability and gender respectively and the single equality scheme (2011-2014), with a view to improving services and patient experience. The Trust received accreditation and recognition from the Care Quality Commission (CQC) with regard to all its essential outcomes in 2013 and has a positive record on Patient safety.

The Trust works toward engaging with local people from all communities and the Health Watch teams from Halton and Warrington. It also collaborates with partner organisations in the statutory sector, in order to gain greater understanding of the local picture and to work to address potential health inequalities.

## **Promoting equality among the workforce**

WHH aims to have a workforce that reflects the demographic make-up of the local population. It will do this through positive and targeted recruitment policies and procedures. In addition it will ensure that the workforce is supported to promote equality of opportunity and challenge discrimination.

WHH will maintain an annual commitment to produce a full workforce equality analysis, in order to support future planning and development options. The 2015 workforce equality analysis will be published in January 2016, to fall in line with the directive of the specific duties.

## **Working on Health Inequality**

In line with the NHS England Equality and Health Inequality Strategy 2013-2015, the Trusts will collaborate with partner agencies in both statutory and the third sector, to work on improving accessibility to services and the patient experience of patients from seldom heard groups in the community, who have been shown in Joint Strategic Needs Assessments and epidemiology studies to be disproportionately prevalent in poor health outcomes, morbidity and low access to both primary and secondary care services and resources.

## **Action planning**

In line with the single equality duty, WHH will utilise its growing engagement network and links to local 3<sup>rd</sup> sector organisations, to gain the perspectives and ascertain the needs of both its workforce and the public that it serves.

## **Equality and Human Rights links to priorities and functions**

## Supporting the strategic vision

Effective application of the actions relating to the equality duty will complement and support the organisation's strategic vision. An increase in knowledge and understanding of local patients and their needs will enable the more effective and efficient use of resources and as a consequence, help improve patient experience, quality and minimise potential for inequalities or discrimination. The strategic vision of the Warrington and Halton Hospitals NHS Foundation Trust is the QPS:

The three elements of QPS are:



*Excellence for our patients* – Includes safety, effectiveness and experience



*Caring for our staff* – About our workforce, how we engage with you and how we develop leadership and help enhance your careers and use your skills



*Here for our community* – A focus on good governance, financial viability, the profile and perception of the trust and growth.

Each area has a remit of work, backed by targets and improvements we want to see. For example, **quality** is underpinned by real improvements like reductions in infection,

pressure ulcers and falls; **people** by improvements in how our staff perceive us and reductions in sickness; and **sustainability** by improvements in our role in the community, governance standards and stable finances.

## Progress and achievements so far

With the background of the of the three year period of Single Equality Scheme (2011-2014) and through the Equality and Diversity Sub-Committee (EDSC) and related work streams, significant progress has been made to ensure that WHH remains compliant with legislation and that equality issues are considered as part of mainstream planning.

### Summary of key equality achievements:

- ✚ Published single equality scheme for the period 2011-2014 – Though this is no longer required this action was fulfilled to ensure compliance during this time.
- ✚ Published workforce equality analysis report for year ending 2012 on 31/1/13, and continuously for 2013 on 31/1/2014, and will be published for 2014 on 31/1/2015.
- ✚ Attained an achieving grade in 12 of 18 EDS2 outcomes in 2014 assessments.
- ✚ Established a new Disability Equality Group in 2013 with extensive disability group stakeholder membership and Health Watch involvement
- ✚ Published the inaugural four year equality strategy for 2013-2017
- ✚ Developed a new Equality Analysis toolkit to replace the equality impact assessment tool
- ✚ Secured a DH Capital bid to set up a dementia ward and related services, Dementia Ward opened in May 2014.
- ✚ Formulated a Dementia strategy and affiliated work groups, projects and *Forget Me Not* wristband identification programme and NCFE Dementia qualification for all staff
- ✚ Formulated the inaugural Carers Strategy in partnership with the two borough Carer organisations *WIRED* and *Halton Carers Centre* and have initiated a single point learning training programme in all clinical areas, to raise staff awareness and promote Carer inclusivity at all stages of the care pathway along with the introduction of Carer Champions and various initiative's to ensure Carer support is accessible from stakeholder charities
- ✚ Put Carers firmly on the staff agenda by the introduction of 'Carer Champions' on wards to give information and make referrals to Carer Support organisations.
- ✚ Continuous interpretation and translation service to support minority communities and disabled patients

- ✚ Developed a standard operating policy in partnership with two local Deaf associations, to improve access to British Sign Language interpretation provision in outpatient and unscheduled care
- ✚ Participated in Warrington LGBT Pride events in 2012, 2013 and 2014 as well as supplying advertisement and promotion for the event through the hospitals intranet
- ✚ Promoted World AIDS Day and national HIV testing week through engagement activities and promotional media
- ✚ Annual participation in the international Disability Awareness Day event in Warrington
- ✚ Faith and Culture guide formulated to support staff knowledge in Inpatient care and details added to the hospital bedside booklet to inform patients on the services of the Spiritual Care Team
- ✚ Initiatives to improve the patient experience of the homeless including the introduction of a clothing bank for use at patient discharge

## **4. Accountability**

## **Responsibilities and Accountability**

The Board of Directors have overall responsibility to ensure that the organisation adheres to the statutory obligations contained within section 149 of the Equality Act (2010) known as the public sector single equality duty (PSED).

The Director of Nursing and Organisational Development chairs the quarterly Equality and Diversity Sub-Committee (EDSC) which reports into the Strategic People Committee, which is a sub-committee of the Board.

Foundation Trust Governors sit in the EDSC and Disability Equality Sub Groups and are involved in many committees, projects and steering groups to promote inclusivity, improved patient and staff experience.

Warrington and Halton Hospitals NHS Foundation Trust (WHH) as a whole needs to work together to ensure that it builds upon the significant progress that has been made so far, in meeting the equality duties and embedding the fundamentals of equality analysis and engagement in its functions, services, strategies and organisational undertakings.