

## Single Equality Scheme Board Paper

### Purpose

1.1 The aim of this paper is to provide a summary of the Single Equality Scheme, which is:

1.2. A corporate documentation on how WHHT is meeting it's duties as an NHS Trust and; Also concerning it's duties to meet and is up to date on all relevant legislation

1.3. To help the board to understand the importance of the Single Equality Scheme and how it will be integral to the Trust's vision and values.

1.4 To present to the Board for comments and approval

### 2.1 What we mean by equality and diversity

There are many definitions of equality and diversity but we see their definition as:

#### 2.1.1. What we mean by equality

Equality is about creating a fairer society where everyone can participate and has the same opportunity to fulfill their potential. It is about treating everyone with fairness, respect and appropriately for their needs. Equality is a legal right for us all and is often associated with complying with the law on grounds such as gender, race, disability, age, sexual orientation and religion or belief.

#### 2.1.2. What we mean by diversity

Diversity is based on recognising and valuing difference that can impact on us all because we are all different in fundamental ways in terms of our varied needs, ethnic backgrounds, age, culture, lifestyles, skills and abilities, family makeup, education, the areas where we live. By recognising these differences we can create a productive and effective workforce to deliver services to meet the needs of diverse communities.

### 3. Background

The Single Equality Scheme (SES) is a commitment on behalf of the West Hertfordshire Hospitals NHS Trust, which intends to meet the duties concerning the UK's equality legislation. Due to that, the SES is relevant to all operations in the departments of the Trust and to employees.

As a large provider of acute care, employing over 4000 staff, West Hertfordshire Hospitals NHS Trust is committed not only to ensuring that all of its services are accessible, appropriate and fair, but also to recruiting a diverse workforce, matching the diversity of the local population and being capable of understanding the needs and culture of patients within the communities it serves. Indeed, the promotion of equality of opportunity, together with the elimination of unlawful discrimination, must be at the heart of our modern health services, both locally and nationally.

The SES is based around seven protected characteristics equality strands (race, gender, disability, age, sexual orientation and religion and belief, carers), and is also part of the human rights programme.

The Single Equality Scheme (SES) is a commitment of how we plan to meet the duties placed upon us by the equality legislation. The Race Relations (Amendment) Act 2000, Disability Discrimination Act 2005 and the Sex Discrimination Act as amended by the Equality Act 2010 place these upon us. It also includes actions on age, religion and belief, and sexual orientation. The SES is a public document, which means that we are answerable to the public for delivering the commitments it sets out.

#### **4. Drivers**

Driven by legislation, this should be the minimum standard to which NHS Trust aspires. The Trust has a central role in leading the field in relation to equality and human rights, and the key to making a positive difference to the quality of people's lives starts with policy making that has equality and human rights at its core. The new SES currently being written aims to put all people at the centre of the health and social care agenda. The ability to design and support the delivery of services that can respond to the differing needs of all our communities is our core business.

The Trust is also a major employer in view of human resources, and the patient services aspects of this scheme are important for every employee and patient. The needs and aspirations of our staff/patients will obviously vary according to individual circumstances, but the Trust recognises that preferences and choices relating to employment at the Trust must not be affected in a detrimental manner by race, disability, gender, age, sexual orientation or by religion or belief. The diversity of our workforce enriches us all, and allows us to deliver best-in-class service.

Therefore this Single Equality Scheme is relevant to all of us who work at the WHHT, both in what we do and as employees. The scheme will be regularly refreshed to ensure its continued relevance in a rapidly changing world. The Trust endorses this Scheme, and welcomes the progress that the Trust has made – and must continue to make – towards equality, diversity and human rights at WHHT.

We believe one overarching **Single Equality Scheme** (SES) is a positive step forward in making clear our commitments to equality and diversity and identifying our priority outcomes, as well as meeting our statutory requirements under equalities legislation.

#### **This Single Equality Scheme will:**

- Provide an overarching framework which ensures a cohesive and integrated approach to equality and diversity across the Trust
- Show that the Trust has committed resources to recognising and valuing diversity and improving equality practice
- Demonstrate the links between our corporate plan and other key strategies and plans
- Set out our strategic aims and objectives for equality and diversity
- Identify roles and responsibilities
- Show how we will measure our progress

- Promote good relations between people of different backgrounds, equality groups and the wider community in line with the Trusts commitment to effective community engagement and community cohesion
- Seek to achieve a workforce that reflects our diverse population and promotes an inclusive working culture based on respect
- Set out arrangements for:
  - Assessing and monitoring policies and functions for any adverse impact in relation to the six strands i.e. do any of our policies and functions unintentionally disadvantage any parts of our community
  - Consulting on the likely impact of proposed policies and functions in relation to the six strands and other identified issues such as deprivation
  - Publishing the results of assessments, monitoring and consultation
  - Making sure that the public have access to information and services
  - Ensuring staff and members have the skills and knowledge they need

## **5. Overall outcomes for the Single Equalities Scheme**

As well as the individual actions we will take to promote equalities across all our equality strands there are some key outcomes we want to achieve as an organisation that have an impact across more than one or all of the strands. These are actions we want to take as an organisation to build improved understanding of our community and to encourage greater engagement with local people that will help shape and influence how we deliver our services. They also ensure we meet all our obligations under current legislation; we have a 'general duty' to eliminate discrimination, promote equality of opportunity and good community relations between people of different backgrounds. This general duty is supported by a number of specific duties, which are addressed through the cross cutting outcomes below.

We know this Scheme cannot work in isolation from everything we are trying to achieve as an organisation and through our partnerships and so it is important that we clearly identify how what we are planning to do to progress equalities in the Trust that links to our corporate outcomes.

## **6. The Legal Requirements**

This section sets out the legal obligations placed upon WHHT as an Acute NHS Trust.

### **6.1. Race Equality Duty to Promote**

The Race Relations Act 1976 as amended (Race Relations (Amendment) Act 2000 (RRA) imposes a general statutory duty, known as the race equality duty, for all NHS Organisations specified or described in schedule 1A to the RRA.

#### **6.1.1 General Duty**

Since April 2001, when carrying out their functions, public bodies have been required to have due regard to the need to:

- Eliminate unlawful racial discrimination;
- Promote equality of opportunity and good relations between people of different racial groups.

#### **6.1.2 Specific Duties**

Specific duties are imposed on listed public bodies to ensure better performance by them of the general duty. The specific duties cover obligations in respect of policy and service delivery and employment. Since December 2001 all public bodies have been obliged to prepare and publish a Race Equality Scheme (RES) and conduct ethnic monitoring of our workforce.

## **6.2 Disability Equality Duty to promote**

The Disability Discrimination Act 1995 has been amended by the Disability Discrimination Act 2005 and imposes a positive duty to promote disability equality on all public bodies that are similar to those imposed by the RR(A)A. These new duties came into effect on 5 December 2006.

### **6.2.1 General Duty**

- When carrying out its functions, the Trust will have to have due regard to the need to:
- Eliminate unlawful discrimination against disabled people;
- Eliminate disability-related harassment of disabled people;
- Improve equality of opportunity for disabled people;
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life;
- Take steps to take account of disabled people's disabilities, even where that involves treating disabled people more favourably than others.

### **6.2.2 Specific Duties**

Regulations impose specific duties on listed public bodies to ensure the better performance by them of the general duty. Such duties will involve public bodies having to publish, review and implement a disability equality scheme, and to report on its implementation.

## **6.3 Gender Equality Duty To Promote**

The Equality Act 2006 amends the Sex Discrimination Act 1975 to place a statutory duty on all public bodies to promote gender equality when carrying out their functions. The gender equality duty came into effect on 6th April 2007.

### **6.3.1 General Duty**

- When carrying out their functions, will have due regard to the need to:
- Eliminate unlawful discrimination and harassment;
- Promote equality of opportunity between men and women.

### **6.3.2 Specific Duties**

The general duty is complemented by specific duties, which will be set out in secondary legislation, to assist public bodies in complying with the general duty.

## **6.4 Age**

The Employment Equality (Age) Regulations 2006 came into effect on 1 October 2006 and applies to all staff employed by the Trust and all recruitment policies and procedures. This legislation makes it unlawful to discriminate on grounds of age in the area of employment.

## **6.5 Religions or Belief**

The Employment Equality (Religion or Belief) Regulations 2003 came into force on 2 December 2003 and outlaws discrimination on the grounds of religion or religious or similar philosophical belief in employment and vocational training. The Equality Act 2006 prohibits discrimination on the grounds of religion or belief in the provision of goods, facilities and services, in education and in the exercise of public functions. These provisions came into force on 30th April 2007. (The Equality Act 2006, Commencement No 2, Order 2007).

## **6.6 Sexual Orientation**

The Employment Equality (Sexual Orientation) Regulations 2003 came into force on 1 December 2003 and outlaws discrimination on the grounds of sexual orientation in employment and vocational training. The Equality Act 2006 included a power that allows the Government to prohibit discrimination on the grounds of sexual orientation in the provision of goods, facilities and services, in education and in the exercise of public functions. These came into force on 30th April 2007. (The Equality Act, Sexual Orientation, Regulations 2007).

## **6.7 Human Rights**

The Human Rights Act 1998 came into force in October 2000 and enabled people to enforce the European Convention on Human Rights in the UK courts. Article 14 of the Human Rights Act 1998 refers to the prohibition of discrimination, and states that the enjoyment of the rights and freedoms set out in the European Convention on Human Rights shall be secured without discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

## **7. Recommendation**

The Board is invited to note the proposal to adopt and approve the development of the SES, along with promoting the Trust's duties as outlined in the Board paper.

## **8. Implications**

In producing this report the following implications have been identified.

### **8.1 Financial**

A budget needs to be identified for equality for 2010/11; the costs and resources relating to specific actions will be met from service budgets and resources.

### **8.2 Legal**

Failure to develop an up-to-date equality scheme for race, gender and disability is against current legislative requirements. Failure to develop a Single Equality Scheme by April 2011 will result in failure to meet the requirements of the new Equality Act 2010.

## Single Equality and Human Rights Scheme (2011-2014) Action Plan

Action	Resources	Name Lead	Time Scales/ Resources
Researching/ other SES as well as best practice/ incorporating other materials and data	Other Trusts/ DOH/CQC/ Equality and Human Rights Commission	AK	November
Collating Monitoring information on all six equality strands (if held on database)	HR/ Richard Wilkes/ Trevor Hill/	AK	December
Carry out further monitoring information i.e send out equal ops monitoring forms, and Equality and Diversity Survey (inc Gender questionnaire, disability, race, age) also external monitoring by community partners	HR/ other possible survey leads	AK	January
Engagement with stakeholders/ possible focus groups/ seminars (in particular disadvantage groups) also consult with staff, diversity networks, trade unions and involvement of disability stakeholders	Comms/ Head of Patient Services/ staff networks/ diversity networks (internal and external)/ and possibly other Trusts	AK/with senior board members support. Also admin support needed	March/ April
Feedback to all stakeholders and all patients and public involved	Comms/ staff networks/Head of Patient Services	AK/Comms	March/ April
SES Action plan- sets out the all the actions to take over the next three years with a annual review of the scheme. The actions need to include, race, gender and disability.	Detailed information/ involvement of Board diversity lead – Head of Patient Services/ E&DM	E&DM/Head of Patient Services & DoN, Chair of E&D group	March
Bringing together all the information and producing a draft SES	AK/ Admin help	AK	April
Approval of draft SES	Equality and Diversity Group/ Trust Board/ Stakeholders	AK	April
If approval granted, publish (in a readily accessible format) and make document available to everyone including public and stakeholders.	Comms/E&DM	AK	April

**Natalie Forrest**  
**Director of Nursing**  
**March 2010**