

A large decorative graphic on the right side of the page, composed of a series of overlapping hearts in various shades of red, pink, purple, blue, teal, and green, arranged in a vertical, slightly curved sequence.

# Equality Duty Assurance Report (EDAR)

2017

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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), Wirral Community NHS Foundation Trust (WCT) 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.

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

This Equality Duty Assurance Report sets out the commitment of WCT 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

Wirral Community NHS Foundation Trust has been working towards eliminating discrimination across many of these protected characteristics for some time. Equality impact assessments and other areas of equality analysis included taking the protected characteristics 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.

## General Duty

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 Standard (SES). Wirral Community NHS Foundation Trust SES ended on 31<sup>st</sup> of March 2014.

WCT introduced equality analysis to replace equality impact assessments, with regard to assessing potential differential impacts against protected characteristics and Human Rights Articles.

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**

WCT 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.

### 3. Meeting the equality duties

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

Through this EDAR, WCT 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 its specific duties.

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.

Wirral Community Trust plan to relaunch its Community Equality Panel (CEP) throughout 2017. WCT are committed to increasing membership from staff and local organisations, hosting quarterly meeting and naming the panel as assessors for the 2017/2018 EDS2 assessments. The CEP will be chaired by the Director of HR and OD who will report to the Board of Directors, advising and endorsing a range of initiatives, reports and actions.

The future assessment of the 18 individual EDS2 outcomes will 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.

WCT intends to create a Workforce and Community Disability Support Group (WCDSG) in 2017 that will focus on disability matters and improving access for disabled staff and patients.

The Workforce and Community Disability Support Group (WCDSG) will meet 4 times a year and will be chaired by the Equality and Diversity Manager who will report directly to the CEP and Director of HR and OD, who in turn will report to the Board. The WCDSG will have internal and external stakeholder membership, with active involvement from patient representatives, charities, local government bodies and staff.

#### Reasonable Adjustments for Disabled Staff

*“Equality legislation recognises that bringing about equality for disabled people may mean changing the way in which employment is structured, the removal of physical barriers and/or providing extra support for a disabled worker. This is the duty to make reasonable adjustments*

*The duty to make reasonable adjustments aims to make sure that, as far as is reasonable, a disabled worker has the same access to everything that is involved in doing and keeping a job as a non-disabled person.”* Equality and Human Rights Commission 2017

WCT is fully aware of our duty to make reasonable adjustments for disabled staff and are committed to ensuring that members of the workforce are adequately supported and adjustments made wherever appropriate. The assessment and practice of making reasonable adjustments is agreed via a multi-disciplinary approach involving

communication with the individual, their manager, Human Resources , and Occupational Health, where required.

Trust policy that further underpins this commitment includes:

- Flexible Working Policy
- Dignity at Work Policy
- Attendance Management Policy
- Work Life Balance Policy
- Management of Work Related Stress Policy

These policies embed guidance on the 'when and how' to introduce reasonable adjustments for a staff member, and ensure that this is done seamlessly. These policies refer to specific instruction, referral templates, risk assessment and support services. These policies are regularly reviewed and going forward, will include the input of WCDSG and CEP where required.

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

WCT 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 intends to achieve this via staff and service user access to the CEP, WCDSG and Patient Experience Group.

WCT 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, WCT aims to ensure the services it provides meet the needs of patients and thereby increases public confidence.

Going forward, equality impact will form a fundamental part of the Cost Improvement and Policy Development processes to ensure due considerations are made to the impact of change to those with protected characteristics and those who might experience barriers to healthcare within the Community. This will be done using an Equality Impact Assessment form (Appendix 1) as part of any process changes. The Trust's Equality & Diversity Manager will be a member of the Quality Impact Assessment (QIA) Panel.

### **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 WCT intends to actively work with its internal and external stakeholders.

WCT is committed to achieving this through its launch of WCDSG and CEP, and through its commitment to the Accessible Information Standard.

The Trust will continue to work toward engaging with local people from all communities and local Health Watch teams. 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**

WCT 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.

WCT make an annual commitment to produce a full Workforce Equality Analysis Report (WEAR) and Workforce Race Equality Standard (WRES), in order to support future planning and development options.

### **Working on Health Inequality**

The Trust 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.

WCT 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, Values and Vision

Our vision is “To be the outstanding provider of high quality, integrated care to the communities we serve” regardless of potential barriers to health care and services. We commit to tackling these when they arise.

We have agreed Values that reflect respect, individual and person centred care.

### **The values at our HEART...**

**H** *Health and wellbeing at the heart of everything we do*

**E** *Exceptional person-centred care*

**A** *Actively supporting each other*

**R** *Responsive, professional, innovative*

**T** *Trusted to deliver*



To underpin this, we have agreed new **Behavioural standards** we want to see and encourage in everyone. They underpin what we do as a Trust and how we do it. They define how we behave, treat each other and our patients. Our supporting behaviours are to:

- provide compassionate care, with empathy, kindness, respect and dignity
- act with honesty and integrity
- communicate openly with patients and colleagues
- act with courage when things are not right
- build effective partnerships

## 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 Equality Duty (PSED).

The Director of HR and OD chairs the quarterly Community Equality Panel (CEP) and in turn will report to the Board.

Wirral Community Trust (WCT) as a whole will work together to ensure that it builds up significant progress in meeting the equality duties and embedding the fundamentals of equality analysis and engagement in its functions, services, strategies and organisational undertakings.

## 5. Appendices

### Appendix 1: Equality Analysis Screening Template

Equality Assessment 1 -To be completed during Gateway 1 of the Quality Impact Assessment and Equality Impact Assessment Process  
**If you are unsure and would like advice, please contact the Equality & Diversity Manager - [sophie.hunter6@nhs.net](mailto:sophie.hunter6@nhs.net)**

<b>Title</b>			
<b>What is being considered?</b>			
<b>Who may be affected?</b>	Patients [ ]	Staff [ ]	Public [ ] Partner agencies [ ]
<b>Is there potential for an adverse impact against the protected groups below?</b>  Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual Orientation or the Human Rights articles?	Yes [ ]		No [ ]
<b>If yes</b> , complete form 'Equality Impact Assessment 2'. Complete this <b>ONLY</b> after QIA and EA Scrutiny Panel approval in principle. This is to first ensure that the QIA will go ahead.			
<b>On what basis was this decision made? (Please complete for both 'yes' and 'no').</b>			
<b>For example, you may wish to consider or refer to the some of the following:</b>			
<ul style="list-style-type: none"> <li>National Guideline / Report (DH / NICE / NSPA / HSE / other)</li> <li>Engagement feedback</li> </ul>		<ul style="list-style-type: none"> <li>Previous Equality Impact screening</li> <li>Trust Committee / Multi Agency meeting</li> </ul>	

With regard to the general duty of the Equality Act 2010, the above function is deemed to have no equality relevance.

Equality relevance decision by

Title / Committee

Date

The Equality Act 2010 has brought a new equality duty to all public authorities which replaced the race, disability and gender equality duty. This Equality Relevance Assessment provides assurance of the steps the Foundation Trust is taking in meeting its statutory obligation to pay due regard 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 share a protected characteristic and those who do not.

For further information or guidance please contact – Sophie Hunter E&D Manager - [sophie.hunter6@nhs.net](mailto:sophie.hunter6@nhs.net)

Equality Assessment 2 -To be completed during Gateway 2 of the Quality Impact Assessment and Equality Impact Assessment Process  
**If you are unsure and would like advice, please contact the Equality & Diversity Manager - [sophie.hunter6@nhs.net](mailto:sophie.hunter6@nhs.net)**

<b>Title</b>			
<b>What is being considered?</b>			
<b>Who will be affected?</b>	Patients [ ]	Staff [ ]	Public [ ] Partner agencies [ ]
<b>What engagement is taking place or has already been undertaken?</b>  <i>Mark any of the engagement methods in the Public, Partners and Staff you are employing</i>	<p style="text-align: center;"><b>Public</b></p> Interviews Focus groups Public event Carer forum Questionnaires Publications and promotional materials On line forum Local media Other (please state)	<p style="text-align: center;"><b>Partners</b></p> Multi agency event Joint working group Multi agency network Regional E&D forum Clinical Commissioning Group GP practices Local / County Council Other NHS Trust Health Watch Voluntary organisations Community Equality Panel	<p style="text-align: center;"><b>Staff</b></p> Staff event / workshop Board meeting Executive Committee Staff side Staff Council Equality & Diversity Manager Governance Annual General Meeting Learning & Development
<b>What evidence has been analysed?</b>  <b>You may wish to Consider:</b> ONS census 2011 Other sources of regional / local demographics Previous strategy Department of health report / National guides / NICE Local / regional mapping Risk Assessments			

<p><b>What is the result of the analysis? Will there be an impact against the protected groups below?</b></p> <ul style="list-style-type: none"> <li>• Age</li> <li>• Disability</li> <li>• Gender Reassignment</li> <li>• Marriage and Civil Partnership</li> <li>• Pregnancy and Maternity</li> <li>• Race</li> <li>• Religion and Belief</li> <li>• Sex (Gender)</li> <li>• Sexual Orientation</li> <li>• Human Rights articles</li> </ul>	<p><i>Briefly summarise what evidence you have found. Embed any electronic files to which you are referring or provide an hyperlink to web links or web based evidence / reports</i></p>
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**Do further steps in the following areas need to be taken to mitigate or safeguard these impacts - *Involvement & consultation, Data collection & evidence, Assessment & analysis, Procurement & partnerships, Education and workforce?* If so complete the action plan below:**

Outcome	Actions required	Time scale	Responsible officer

<b>How will we monitor this and to whom will we report outcomes?</b>		
Author	Title	Date
Equality Analysis assessed by	Title	Date

The Equality Act 2010 has brought a new equality duty to all public authorities which replaced the race, disability and gender equality duty. The Equality Analysis provides assurance of the steps the Trust is taking in meeting its statutory obligation to pay due regard 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.
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Equality Assessment – For writing policy and policy amendments only. For QIA – see different EA.

<b>Title</b>	
<b>What is being considered?</b>	
<b>Who may be affected?</b>	Patients [ ]      Staff [ ]      Public [ ]      Partner agencies [ ]
<b>Is there potential for an adverse impact against the protected groups below?</b>  Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual Orientation or the Human Rights articles?	Yes [ ]      No [ ]

***To be completed at the end of the policy write up prior to being submitted for approval.***

**If you are unsure and would like advice, please contact the Equality & Diversity Manager - [sophie.hunter6@nhs.net](mailto:sophie.hunter6@nhs.net)**

**On what basis was this decision made? (Please complete for both ‘yes’ or ‘no’).**

**For example, you may wish to consider or refer to the some of the following:**

- National Guideline / Report (DH / NICE / NSPA / HSE / other)
- Engagement feedback
- Previous Equality Impact screening
- Trust Committee / Multi Agency meeting

***If ‘No’ equality relevance, sign off document below and submit this page when submitting your policy document for approval. If ‘Yes’ Please complete pages 2-3.***

With regard to the general duty of the Equality Act 2010, the above function is deemed to have no equality relevance.

Equality relevance decision by \_\_\_\_\_ Title / Committee \_\_\_\_\_ Date \_\_\_\_\_

If 'Yes'.....			
<p><b>What engagement is taking place or has already been undertaken?</b></p> <p><i>Mark any of the engagement methods in the Public, Partners and Staff you are employing</i></p>	<p style="text-align: center;"><b>Public</b></p> <p>Interviews Focus groups Public event Carer forum Questionnaires Publications and promotional materials On line forum Local media Other (please state)</p>	<p style="text-align: center;"><b>Partners</b></p> <p>Multi agency event Joint working group Multi agency network Regional E&amp;D forum Clinical Commissioning Group GP practices Local / County Council Other NHS Trust Health Watch Voluntary organisations Community Equality Panel</p>	<p style="text-align: center;"><b>Staff</b></p> <p>Staff event / workshop Board meeting Executive Committee Staff side Staff Council Equality &amp; Diversity Manager Governance Annual General Meeting Learning &amp; Development</p>
<p><b>What evidence has been analysed?</b></p> <p><b>You may wish to Consider:</b></p> <p><b>ONS census 2011</b> <b>Other sources of regional / local demographics</b> <b>Previous strategy</b> <b>Department of health report / National guides / NICE</b> <b>Local / regional mapping</b> <b>Risk Assessments</b></p>			
<p><b>What is the result of the analysis?</b> <b>Will there be an impact against the protected groups listed on page 1?</b></p>	<p><i>Briefly summarise what evidence you have found. Embed any electronic files to which you are referring or provide an hyperlink to web links or web based evidence / reports</i></p>		

**Do further steps in the following areas need to be taken to mitigate or safeguard these impacts - *Involvement & consultation, Data collection & evidence, Assessment & analysis, Procurement & partnerships, Education and workforce?* If so complete the action plan below:**

<b>Outcome</b>	<b>Actions required</b>	<b>Time scale</b>	<b>Responsible officer</b>

<b>How will we monitor this and to whom will we report outcomes?</b>		
Author	Title	Date
Equality Analysis assessed by	Title	Date

The Equality Act 2010 has brought a new equality duty to all public authorities which replaced the race, disability and gender equality duty. This Equality Relevance Assessment provides assurance of the steps the Foundation Trust is taking in meeting its statutory obligation to pay due regard 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 share a protected characteristic and those who do not.

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