NHS Trusts
Equality Assurance
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NHS Trusts Equality Assurance

New Regulations take effect

‘New regulations came into force in September 2011 requiring all public bodies, including NHS organisations, to publish information on steps they are taking to comply with the equality duty under the 2010 Equality Act.

The regulations require public bodies to publish ‘relevant, proportionate information demonstrating their compliance’ and to set themselves ‘specific, measurable equality objectives’. The equality duty requires public bodies to prevent unlawful discrimination, advance equality of opportunity and foster good relations between people from different backgrounds and social groups. NHS trade unions and NHS Employers have developed an Equality Delivery System as a framework to help organisations meet these new requirements’.

1. Introduction

The Equality Act 2010 replaces previous anti-discrimination laws with a single Act. It simplified the law, removing inconsistencies and making it easier for people to understand and comply with. It also strengthened the law in important ways, to help tackle discrimination and inequality.

The public sector Equality Duty (section 149 of the Act) came into force on 5 April 2011. The Equality Duty applies to public bodies and others carrying out public functions. It supports good decision-making by ensuring public bodies consider how different people will be affected by their activities, helping them to delivery policies and services which are efficient and effective; accessible to all; and which meet different people’s needs.

The Equality Duty is supported by specific duties, set out in regulations which came into force on 10 September 2011. The specific duties require public bodies to publish relevant, proportionate information demonstrating their compliance with the Equality Duty; and to set themselves specific, measurable equality objectives.

Publishing relevant equality information will make public bodies transparent about their decision-making processes, and accountable to their service users. It will give the public the information they need to hold public bodies to account for their performance on equality.
In line with the Equality Act, as a public sector body NHS Trusts will have the following requirements to:

- Publish information to show their compliance with the Equality Duty, at lease annually; and
- Set and publish equality objectives, at least every four years.

The information will be published having due regard to the need to:

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

The protected characteristics covered by the Equality Duty are:

1. Age
2. Disability
3. Gender re-assignment
4. Marriage and civil partnership (but only in respect of eliminating unlawful discrimination)
5. Pregnancy and maternity
6. Race – this includes ethnic or national origins, colour or nationality
7. Religion or belief – this includes lack of belief
8. Sex

All information will be published in a way which makes it easy for people to access it.

It is expected that this information will therefore be available to staff via the intranet and published on NHS Trust websites.

**Equality and Human Rights Commission**

The Equality and Human Rights Commission is responsible for assessing compliance with the specific duties, and for their enforcement. As with the Equality Duty, it has powers to issue a compliance notice to a public body that it believes has failed to comply with the specific duties, and can apply to the courts for an order requiring compliance.

**2. Equality Delivery System (EDS) Implementation**

The Equality and Diversity Council commissioned the development of an Equality Delivery System (EDS), aimed at improving the equality performance of the NHS
and embedding equality into mainstream business. By using the EDS, local organisations will be able to meet the requirements of the Equality Act 2010 and future CQC registration requirements. The EDS requires NHS organisations in collaboration with local interests to analyse and grade their performance, and set defined equality objectives, supported by an action plan. Performance against the selected objectives should be reviewed annually. These processes should also be integrated within mainstream business planning.

Once the final EDS grades have been agreed between the NHS organisation and local interests, the group will have the responsibility to ensure that LINKS/Health Watch or its local equivalent relay the priorities and grades of individual organisation to Local Authority Overview and Scrutiny Committees and Health and Well Being Boards, NHS Trust Boards, committees and staff.

3. Equality Assurance Template

In order to support and evidence the work of NHS Trusts in the Midlands and East SHA localities in the;

- East Midlands
- West Midlands
- East of England regions

are asked to fill in and return the enclosed template (Appendix 1) by 9 January 2012. This will;

a) Help you as individual Trusts to plan and monitor your requirements for delivery of The NHS Equality Delivery System (EDS) and ensure as public bodies compliance with Equality Assurance for 31 January 2012. Including Equality objective setting for April 2012.

b) Enable the NHS Midlands East SHA to evidence the work of NHS Trusts and compliance with the SHA Equality Assurance Report.

c) Demonstrate you organisations commitment to inclusion and your promotion of Equality and valuing Diversity. The result to maintain Equality, Diversity and Human Rights through your NHS Trust at all levels and across all that you do for communities, patients and staff.

Thank you for your hard work and commitment.

Kate Davies

Executive Lead for Equalities,

NHS Nottingham City & Nottinghamshire County PCT Cluster and supporting Equality delivery NHS Midlands and East SHA.

December 2012
### APPENDIX 1


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<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Evidence</th>
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| A)   | Have you published your NHS Trust:  
Equality Strategy and Assurance document (by 31 January 2012)  
Can you give a summary of its format? |         |
| B)   | Have you published your Equality workforce data?  
Can you give a summary of its format? |         |
| C)   | What assurance can you give a commissioning/or Provider organisation that your data monitoring will reflect and be broken down to the 9 protected characteristics? |         |
| D)   | Will you publish your objectives by April 2012?  
Please outline the Equality objective for your organisation;  
- Commissioner Equality objectives  
Or  
- Provider Equality objectives. |         |
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<tr>
<td>E)</td>
<td>Can you summarise the key health inequalities that your organisation will address in 2012/13 (including Protected Characteristic Areas)?</td>
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<td>F)</td>
<td>Can you highlight and give examples of good practice in relation to the rollout out of the Equality Delivery System (EDS)?</td>
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<td>G)</td>
<td>What Governance structures are in place to oversee the monitoring and grading of the Equality Delivery System (EDS) goals and objectives?</td>
<td></td>
</tr>
<tr>
<td>H)</td>
<td>What workforce/community engagement structures are in place to oversee the monitoring and grading of the Equality Delivery System (EDS) goals and objectives?</td>
<td></td>
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<td>I)</td>
<td>What are the Risk Areas (if any) to the delivery of your NHS Trusts Equality Assurance and objectives?</td>
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