

**East Lothian Health & Social Care Partnership**

**Equality Mainstreaming Report**

**2016 – 2018**

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## Foreword by the Chair

Welcome to the first East Lothian Health & Social Care Partnership (ELHSCP) Equality Mainstreaming Report 2016 – 2018.

01 April 2016 was the date for the new arrangements for the integration of Health and Social Care to come into effect. This happened as a result of the framework laid down by the Public Bodies (Joint Working) (Scotland) Act 2014. This Act replaced the Community Health Partnerships with Health & Social Care Partnerships (H&SCP) across Scotland and joins together adult health and social care budgets. This body is a separate legal entity from both NHS Lothian and East Lothian Council and its key responsibilities are to:

- prepare a Strategic Plan;
- allocate the integrated budget in line with the Strategic Plan; and
- oversee the delivery of services that the ELHSCP is responsible for

This report is the first Equality Mainstreaming Report for ELHSCP and covers the period 30 April 2016 to 31 March 2018. It is produced in compliance with the Equality Act 2010, the Equality Act (Specific Duties) (Scotland) Regulations 2012 and the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015 and 2016. This report also meets the requirements of the Equality & Human Rights Commission for Scotland (the main regulatory body) and sets out what the ELHSCP wants to achieve in respect of making the Public Sector Equality Duty (PSED) an integral part of the way the partnership functions.

I, the ELHSCP employees and the ELHSCP partner agencies commit to working hard to deliver the highest quality of health and social care services for the people of East Lothian, and I do hope you will take the time to read and provide comment/feedback on this report.

All of us involved in ELHSCP wish to have meaningful engagement with the people of East Lothian for all aspects of our work. This report has been prepared following the extensive consultation entered into in the preparation of the Strategic Plan but as a 'living document' we welcome feedback at any time. Should you wish to make comment then details of how to do so are detailed on pages seven (7) and ten (10) of this report.

Yours sincerely

Councillor Donald Grant

Chair

East Lothian Integration Board

## **1.0 Background to the East Lothian Health & Social Care Partnership (ELHSCP) Equality Mainstreaming Report 2016 - 2018**

- 1.1 In October 2010 the Equality Act 2010 (the Act) came into force. This was a consolidating piece of legislation gathering together 40 years of previous discrimination legislation.
- 1.2 On 05 April 2011 the Public Sector Equality Duty (PSED) came into force. The PSED replaced the separate duties on public bodies relating to race, disability and gender equality.
- 1.3 The new PSED extended the scope of equality legislation to include not only race, disability and gender but also age, gender re-assignment, marriage and civil partnership, pregnancy and maternity, religion or belief, and sexual orientation.
- 1.4 These nine categories are now known as the protected characteristics.
- 1.5 The PSED as set out in the Act is known as the 'general equality duty' (GED).
- 1.6 The GED requires public listed authorities in the planning and exercising of their public duties and functions to have 'due regard' to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;
  - Advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
  - Foster good relations between people who share a relevant protected characteristic and those who do not
- 1.7 These three areas are sometimes known as the 'three needs'.
- 1.8 Having 'due regard' in relation to advancing equality of opportunity includes:
- Removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic;
  - Taking steps to meet the needs of persons with protected characteristics that are different from persons who do not share it; and
  - Encouraging participation in public life and other areas where representation is disproportionately low
- 1.9 Having 'due regard' in relation to the need to foster good relations includes:

- Tackling prejudice; and
  - Promoting understanding
- 1.10 On 27 May 2012 the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 came into force.
- 1.11 These Regulations imposed duties on listed public bodies for the purpose of enabling the better performance by the listed authority of the duty imposed by section 149(1) of the Equality Act 2010, the PSED.
- 1.12 These duties are to:
- Report progress on mainstreaming the equality duty;
  - Publish equality outcomes and report progress;
  - Assess and review policies and practices;
  - Gather and use employee information;
  - Publish gender pay gap information;
  - Publish statements on equal pay, etc;
  - Consider award criteria and conditions in relation to public procurement;
  - Publish in a manner that is accessible, etc;
  - Consider other matters; and
  - Scottish Ministers to publish proposals to enable better performance
- 1.13 The 2012 Regulations dictate when reports and progress reports have to be published (outcome reports every four years, progress reports every two years starting on 30 April 2013). The Regulations also state that all new and/or revised policies must be impact assessed against the needs of the GED, and that workforce profiling, gender pay gap and equal pay statements should form part of the mainstreaming report for organisations who have more than 150 employees at prescribed times. Finally, the Regulations look for listed bodies to improve their procurement activities and to publish all materials in a manner that is accessible to all.
- 1.14 On 11 June 2015 the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015 came into force.

- 1.15 This set of Regulations increased the number of listed bodies who are required to adhere to the Act and includes Integration Joint Boards established by order under section 9(2) of the Public Bodies (Joint Working) (Scotland) Act 2014 (3).
- 1.16 This means that the East Lothian Integration Joint Board (ELIJB) is now subject to the duties and responsibilities of the Equality Act 2010 and its subsequent Regulations with the following tight timeline in place:
- Report progress on mainstreaming the equality duty to make it integral to the exercise of the functions of the ELIJB by 30 April 2016 and every two years thereafter ;
  - Publish equality outcomes that the ELIJB sets in order to better perform the GED by 30 April 2016 and report progress by 30 April 2018. Set a new set of Outcomes by 30 April 2018 and report progress by 30 April 2020 and so on;
  - Assess and review all new or revised policies and practices against the needs of the GED, ongoing;
  - Gather and use employee information with regard to the workforce composition, recruitment, development and retention once the ELIJB employs 150 and more employees ;
  - Publish gender pay gap information subject to the 150 plus employee rule;
  - Publish statements on equal pay, etc subject to the 150 plus employee rule;
  - Consider award criteria and conditions in relation to public procurement giving due regard to whether the reward criteria should include equality considerations to permit the ELIJB to do a better job; and
  - Publish in a manner that is accessible to all members of our communities
- 1.17 On 18 March 2016 the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2016 came into force.
- 1.18 This new set of Regulations, (again applicable to the Joint Boards):
- Introduced a new requirement on listed public authorities to publish the gender composition of their Boards, and to produce succession plans to increase the diversity (across all protected characteristics) of their Boards; and to
  - Lower the threshold for listed bodies to publish information on their gender pay gap and equal pay statements, from those authorities with more than 150 employees to those with more than 20 employees

1.19 The first of these new Regulations will be addressed in this report. The second is not applicable to the ELHSCP as it currently does not employ directly more than 20 employees.

## **2.0 Consultation**

2.1 This Equality Mainstreaming Report details the work the ELHSCP intends to carry out during the period 30 April 2016 to 31 March 2018 in order to make the Public Sector Equality Duty (PSED) an integral part of the way the partnership functions.

2.2 Consultation with all our communities is essential to this process and has underpinned the formation of the ELHSCP Strategic Plan and this Report.

2.3 The ELHSCP is keen that communities continue to have their say, and so, we would welcome any comments in any language or format preferred at any time. These comments will be given the fullest consideration by the Equality, Diversity & Human Rights Officer responsible to the Board, and will be reported to the Board for their fullest consideration with feedback being provided to the consultee.

2.4 Accordingly, this Equality Mainstreaming Report will be made widely available following publication on 30 April 2016 through:

- The ELHSCP web pages
- NHS Lothian web site
- East Lothian Council web site
- East Lothian Partnership
- Interested individuals/groups
- Community Websites and Forums
- To the wider community in East Lothian

2.5 If required, this Report will be made available in other format and language on request.

2.6 Any comments, questions, queries regarding this report should be sent to:

Lesley Crozier  
Equality, Diversity & Human Rights Officer  
Policy & Performance Team  
East Lothian Council  
John Muir House  
Brewery Park  
HADDINGTON  
EH41 3HA

Emailed to:

[lcrozier@eastlothian.gov.uk](mailto:lcrozier@eastlothian.gov.uk) or [equalities@eastlothian.gov.uk](mailto:equalities@eastlothian.gov.uk)

Telephoned to:  
01620 827136

### **3.0 How Equality will be mainstreamed throughout the ELHSCP**

#### **What do we mean by mainstreaming and what does this mean for ELHSCP's employees and customers?**

- 3.1 Mainstreaming equality means making equality part of the day to day business of the East Lothian Health & Social Care Partnership (ELHSCP). In practice this means that equality and diversity must underpin all that the Partnership does as a service planner, provider and employer.

Further, by mainstreaming equality, ELHSCP will ensure that equality of opportunity is a fundamental part of the culture of the organisation, and that both employees and customers benefit from an organisation where they feel valued and everyone's interests and issues are on a level par.

#### **What does mainstreaming equality demonstrate?**

- 3.2 Through mainstreaming equality ELHSCP demonstrate that they are committed to the ethos of the Public Sector Equality Duty (PSED), and in the carrying out of their business and the care of their employees they will:
- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;
  - Advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
  - Foster good relations between people who share a relevant protected characteristic and those who do not

#### **How the ELHSCP will mainstream equality**

##### Equality & Diversity Staff Training

- 3.3 Training is an important method of mainstreaming equality and diversity.

At present employees of both NHS Lothian and East Lothian Council are able to take part in their respective organisation's equality and diversity awareness training and impact assessment training programmes.

It is envisaged that employees of the new ELHSCP will have access to both NHS Lothian and East Lothian Council training as appropriate.

This will ensure that ELHSCP is able to meet its general and specific duties under the equality legislation, and benefit from a skilled, motivated and culturally capable workforce that can bring about changes that will improve services and tackle inequalities.

Examples of East Lothian equality and diversity training that will be available to ELHSCP include:

- ‘Equality Guides’ covering a range of topics including equality monitoring, harassment and the Equality Act;
- Bespoke training sessions for departments and services;
- Equality information in the Council’s induction for new employees; and
- A new electronic and face to face training package for the Integrated impact Assessment.

#### Consultation and Engagement

3.4 NHS Lothian and East Lothian Council all have in place established consultation and engagement practices with the different local equality and diversity communities. It is anticipated that rather than trying to replicate these practices the ELHSCP will liaise with these organisations and use their networks to:

- Consult and engage with when new services are being planned and delivered or service provision changed;
- Obtain feedback on how well the ELHSCP is meeting the need of all of East Lothian’s communities

#### Integrated Impact Assessment (IIA)

3.5 The aim of impact assessment is to ensure that no policy or function unlawfully discriminates against any of the nine protected characteristic groupings.

Working in partnership NHS Lothian and East and Midlothian Councils have developed a new Integrated Impact Assessment. This IIA looks not only to equality issues but to socio-economic inequality, health inequalities, environmental and sustainability matters thereby giving service providers the bigger picture that allows them to identify priorities now and in the future.

Completed impact assessments are published on the NHS and Council websites and it is considered that ELHSCP will benefit from this process right away.

### Participation in Equality Initiatives

- 3.6 East and Midlothian Council are currently developing three equality initiatives. One is regarding mental health issues, one contact with the Lesbian, Gay, Bisexual and Transgender (LGBT) community, and one regarding Transgender issues faced by individuals in the workplace.

ELHSCP has been asked if they would consider being involved in these projects as this would certainly demonstrate their commitment to mainstreaming equality. Agreement to this was obtained at the East Lothian Integration Joint Board meeting in February this year.

### Gender Composition of the East Lothian Integration Joint Board

- 3.7 Under the new 2016 Regulations a new requirement exists for listed public bodies to publish the gender composition of their Boards, and to produce succession plans to increase the diversity (across all protected characteristics) of their Boards.

At present the East Lothian Integration Board consists of six (6) male voting members and two (2) female voting members. No diversity succession plan has as yet been developed but this will be attended to during the period of this report 2016 to 2018.

### **4.0 ELHSCP Employee Information Analysis including Gender Pay Gap & Equal Pay Statements**

- 4.1 Not applicable as the ELHSCP only has one (1) directly employed employee at present.

### **5.0 Monitoring of ELHSCP Mainstreaming activities**

ELHSCP will comply with all current equality and diversity legislation requirement as detailed under section 1 of this report, and have in place effective monitoring arrangements.

### **6.0 Contact details**

- 6.1 ELHSCP would again stress that it is delighted to receive comment on this report and should you wish to comment please do so by post to:

Lesley Crozier  
Equality, Diversity & Human Rights Officer  
Policy & Performance Team  
East Lothian Council  
John Muir House  
Brewery Park  
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EH41 3HA

Email to:

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Telephone to:

01620 827136

## **7.0 Alternative Formats**

- 7.1 This document is available in different formats and in different languages. If you would like a copy in another language or format, please email [equalities@eastlothian.gov.uk](mailto:equalities@eastlothian.gov.uk) or phone 01620 827136