

CLINICAL COMMISSIONING GROUPS: COMPLIANCE WITH THE LEGAL EQUALITY DUTIES

Equality declaration

As part of the Clinical Commissioning Group (CCG) authorisation process, all CCGs declared that at the point of authorisation, they will be compliant with the public sector Equality Duty and will demonstrate the use of the EDS (or equivalent) to help attain compliance and ensure good equality performance.

This guidance has been revised in line with changes to the timescales for meeting the Specific Duties of the public sector Equality Duty, as applied to CCGs.

The public sector Equality Duty

The public sector Equality Duty, part of the Equality Act 2010, is made up of a 'general duty' which is the overarching requirement and the 'specific duties' which are intended to help performance of the general duty. The general duty has three aims and it applies to most public authorities, including the NHS Commissioning Board and CCGs (and bodies exercising public functions such as private healthcare providers), who must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic¹ and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The specific duties of the public sector Equality Duty: Revised timeframes² for CCGs

Under the specific duties of the public sector Equality Duty, CCGs are required to publish in a manner that is accessible to the public:

1. Information to demonstrate its compliance with the public sector Equality Duty at least **annually**, starting **by 31 January 2014**. This information must include, in particular, information relating to people who share a protected characteristic who are:
 - its employees – (public authorities with fewer than 150 employees are exempt)
 - people affected by its policies and practices.

¹ Under the Equality Act 2010 there are nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Please note that there are exceptions for some protected characteristics under the public sector Equality Duty, please refer to Equality and Human Rights Commission guidance.

² The timeframes for CCGs to meet the specific duties of the public sector Equality Duty are outlined in the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013 <http://www.legislation.gov.uk/ukxi/2013/235/schedule/3/made>

2. Equality objectives at least every four years starting **by 13 October 2013**. All such objectives must be specific and measurable.

The Equality Delivery System (EDS)

The Equality Delivery System (EDS) is a tool-kit that can help NHS organisations improve the services they provide for their local communities, consider health inequalities in their locality and provide better working environments, free of discrimination, for those who work in the NHS. Used effectively, it supports NHS organisations to:

- meet the public sector Equality Duty of the Equality Act 2010;
- deliver on the NHS Outcomes Framework and the NHS Constitution;
- and, if they are providers, meet the Care Quality Commission’s “Essential Standards of Quality and Safety”

The EDS has four goals key goals, with 18 specific outcomes. NHS organisations need to listen to and engage with patients, carers, voluntary organisations and people who work in the NHS in order to grade their equality performance, identify where improvements can be made and act on their findings. The EDS goals and grades are:

1. Better health outcomes for all

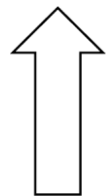
2. Improved patient access and experience

3. Empowered, engaged and included staff

4. Inclusive leadership at all levels

EDS Grades

- ▲ Excelling – Purple
- ▲ Achieving – Green
- ▲ Developing – Amber
- ▲ Undeveloped – Red



The EDS supports organisations to have a structured way of measuring the four goals, a clear way of setting outcomes for the year ahead and engaging effectively with staff, patients and local communities when grading their performance and setting objectives.

Where to get more information

- Guidance that explains how public authorities can meet the requirements of the equality duties is on the Equality and Human Rights Commission website at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- Guidance for NHS organisations on equality objectives is published on the NHS Employers website at: <http://www.nhsemployers.org/EmploymentPolicyAndPractice/Equalityanddiversity/e-d-in-practice/get-to/IdentifyingTheObjectivesAndOutcomes/Pages/Identifying-the-objectives-outcomes.aspx>
- For more information on the Equality Delivery System contact: edc@nhs.net