



# **Equality Duty Assurance Report (2020)**

safe kind effective

# CONTENTS

## 1. Introduction

|   |    |
|---|----|
| About the Organisation                      | p3 |
| Background to the equality duty             | p3 |
| Aims of the equality duty assurance report  | p3 |
| Scope of the equality duty assurance report | p4 |

## 2. The Public Sector Equality Duty

|                                    |    |
|------------------------------------|----|
| Legislation overview               | p5 |
| General Duty                       | p6 |
| Specific duties                    | p6 |
| Amendments to previous obligations | p7 |

## 3. Meeting Equality and Human Rights duties

|  |     |
|--|-----|
| Providing evidence of how we are meeting our duty            | p8  |
| Consultation and involvement of staff and service users      | p9  |
| Equality Monitoring  | p9  |
| Equality Analysis  | p9  |
| Accessible Information Standard for Health and Social Care   | p9  |
| Improving patient experience and quality                     | p10 |
| Health Inequality  | p10 |
| Meeting workforce equality standards                         | p10 |
| Action planning  | p10 |
| Equality and Human Rights links to our Behavioural Standards | p11 |
| Progress and achievements so far                             | p12 |
| Summary of key equality achievements                         | p12 |

## 4. Accountability

|                                   |     |
|-----------------------------------|-----|
| Responsibility and accountability | p14 |
|-----------------------------------|-----|

## **1. Introduction**

### **About the Organisation**

The Countess of Chester Hospital NHS Foundation Trust consists of a 600 bedded large district General Hospital, which provides its services on the Countess of Chester Health Park, and a 64 bedded Intermediate Care Service at Ellesmere Port Hospital. The Trust has almost 4,000 staff and provides a range of medical services to more than 445,000 patients per year from areas covering Western Cheshire, Ellesmere Port, Neston and North Wales.

The Countess of Chester Hospital has an excellent reputation for delivering high quality patient care and is nationally accredited at the highest levels in many areas, in particular those relating to clinical outcomes and patient safety.

Our aim is to be the preferred hospital of choice for our traditional community, and a preferred hospital of choice for patients from a wider area, and to continue to provide a comprehensive, high quality, and accessible range of emergency and elective services to all our patients. We want our patients to be assured that they will receive their care as rapidly as possible in a first-class environment, be treated with courtesy and dignity, and be confident that the outcome of their clinical care will be of the highest standards and safety.

### **Background to the Equality Duty**

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), the Countess of Chester Hospital NHS Foundation Trust (CoCH) 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.

This document aims to provide reassurance that the strategic direction of CoCH for promoting equality and eliminating discrimination since April 2011 underpins its adherence to the general duty of the Equality Act 2010 and binding specific duties of the equality duty. Moreover, it may serve as a stepping stone towards formulating strategies and actions that build upon the previous achievements made, under the single equality scheme (2009-2012), Equality Strategy (2017-2021), NHS Equality Delivery System 2 (EDS2) and related equality action plans.

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

This equality duty assurance report sets out the commitment of the Countess of Chester Hospital NHS Foundation Trust (CoCH) 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 (Section 149, Equality Act 2010).

### 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 which came into effect on October 1st 2012 extended the duty around Age which initially related only to employment, to include the provision of goods and services.

This single equality duty replaces the three previous duties which applied to only **race**, **disability** and **gender**. The duty now includes other protected characteristics, although the 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

The Countess of Chester Hospital NHS Foundation Trust (CoCH) has been working towards eliminating discrimination across many of these protected characteristics (PC) for some time. Equality impact assessments and other areas of equality analysis included taking almost all the newly defined PCs 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.

## What are the equality duties?

The single equality duty requires public organisations to show how they will adhere to the new **general duty**. This is underpinned by a set of actions and assurances termed the **specific duties**. These serve as guidance on how the general duty can be met, through a range of actions and the provision of evidence in varied formats. The framework is based upon the inaugural creation of a public sector equality duty for race, which came into force in 2002, following the race relations (amendment) Act (2000).

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 scheme (SES). The Countess of Chester Hospital NHS Foundation Trust (CoCH) SES ended on 31<sup>st</sup> of March 2012 and was replaced by the implementation of the NHS Equality Delivery System 2 (EDS2), which had been launched by the National Equality and Diversity Council of the National Commissioning Board (NCB) in November 2011. In September 2017, CoCH published new equality objectives, which inform the equality strategy 2017-2021.

CoCH introduced equality analysis to replace equality impact assessments, with regard to assessing potential differential impacts against protected characteristics and Human Rights Articles. The Trust has adopted an approach that the scope of equality duty should also refrain from equality analysis which is not proportionate or deemed relevant.

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. To help NHS Trusts to demonstrate equality assurance and performance, NHS England introduced the NHS Equality Delivery System.

CoCH will continue its commitment to adhere to the 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 is indicated within this document.

Since the onset of the Specific duties of the single equality duty, CoCH has met its obligation to “*Publish Information outlining how they (CoCH) will comply with the general duty*”, through annually published Equality Duty Assurance Reports and Workforce Equality Analysis Reports, within the designated time frames.

Further assurance involves the work that is being undertaken via the NHS Equality Delivery System 2 (EDS2), for which CoCH received an *Achieving* rating across three EDS goals and *Excelling* in the remaining EDS2 goal, in this national performance framework. In 2019, fourteen out of the eighteen individual EDS Outcomes were graded as *Achieving*, with the remaining four outcomes being rated as *Excelling*. This means that CoCH remains one of the highest performing Trusts across both the North West region and nationally.

The work undertaken under the EDS2 in equality monitoring, training, engagement and analysis, significantly contributed to CoCH winning the national NHS Leadership Academy Award in 2015 for Inclusive leadership and the Navajo LGBTI Charter Mark award in 2017, for commitment to staff and Patients who identify as Lesbian, Gay, Bisexual, Trans and Intersexed. The same dedication towards disabled Staff has led to CoCH attaining Disability Confident Employer status in 2017, and being awarded a place in the Top50 Inclusive Employers list in both 2018 and 2019.

### **3. Meeting Equality and Human Rights duties**

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

Through this EDAR, the Workforce Equality Analysis Report (2018) and four year equality strategy (2017-2021), CoCH 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 the specific duties of the single equality duty. The EDAR also provides assurance of how the Trust's robust equality governance framework oversees the Trust meeting its obligations under the Human Rights Act (1998).

The EDAR outlines below the equality governance framework of the organisation, which underpins equality and human rights activity across all functions, policies and services within the organisation are included below:

#### **Equality Governance Framework**

Board of Directors  
Finance and Performance Committee  
Finance Working Group  
Strategic Workforce Group  
Patient Experience Operational Group  
PLACE group  
FT Governors and FT Members  
Equality, Disability, Age and Safeguarding Group  
Gender and Sexuality Group  
Culture, Faith and Belief Group  
Equality Impact Assessment & Analysis

Activity from equality groups (Gender, Disability, Culture) is reported back to the relevant committees (eg PLACE) and endorses a range of initiatives, reports and actions. Public Sector Equality Reports and updates are sent direct to the Finance and Performance Committee and then to the Board of Directors.

Internal and External stakeholder membership is in place in all equality groups, with active involvement from patient representatives and members of 3<sup>rd</sup> sector organisations, for example the Alzheimer's Society and varied Disability groups. FT Governors are active members of the sub groups and the Equality Diversity Champions forum. FT members also form a key component of equality governance, along with equality analysis. The Trust is a NHS Employers Diversity and Inclusion Partner Alumni and works on regional level with regards to having staff representation at North West NHS Equality and Diversity Leads Forum, Cheshire Equality Leads Forum, Cheshire and Wirral NHS EDI Leads Forum, Health Events and Engagement Group, and Health and Care Partnership for Cheshire and Merseyside EDI Steering Group

As in previous years, CoCH can provide its strategic documents in varied formats. Although it is not a legal requirement to publish equality analysis and engagement undertakings, CoCH will continue to be transparent and inclusive, in demonstrating how it is meeting its equality duty and working in partnership with others.

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

CoCH 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. Only by working in partnership with Patients, Carers, community organisations and our staff can we develop services that meet local need and are utilised effectively.

CoCH 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).

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

### **Accessible Information Standard for Health and Social Care**

CoCH worked for two years with a dedicated disabled stakeholders work group, on a programme that has led to the development of new communication and needs assessment processes that can bring about the reasonable adjustments required by the **Accessible Information Standard for Health and Social Care** (AIS), which became mandatory from 31<sup>st</sup> July 2016. CoCH was one of the first NHS Trusts to have been able to set in place an assurance that it meets all the indicators to adhere to the **Accessible Information Standard for Health and Social Care**, before the implementation deadline.

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.

The work undertaken to meet the AIS, which was coordinated via the quarterly Equality Disability , Age and Safeguarding group (EDAS).

The work undertaken to meet the AIS, which was coordinated via the quarterly Equality Disability , Age and Safeguarding Group, is an important element of how CoCH actively works with its internal and external stakeholders to bring about changes and improvements.

### **Improving patient experience and quality**

CoCH builds upon what it has learned from its previous equality schemes for race, disability and gender respectively and the single equality scheme (2009-2012), with a view to improving services and patient experience.

The Trust continues to engage with local people from all communities and partner organisations, in order to gain greater understanding of the local picture and to work to address potential health inequalities.

### **Health Inequality**

CoCH will collaborate with partner organisations in the statutory and voluntary sector to facilitate access to primary and secondary care services and resources, in communities that face health inequality outcomes and are seldom heard.

### **Meeting workforce equality standards**

CoCH 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.

CoCH will maintain an annual commitment to produce a full workforce equality analysis, in order to support future planning and development options. The 2018 workforce equality analysis was published in January 2019, to fall in line with the directive of the specific duties. In 2019 the Trust published its fifth annual Workforce Race Equality Standard (WRES) and first Workforce Disability Equality Standard (WDES) submission and action plan. It will publish its third Gender Pay Gap Analysis in 2020.

### **Action planning**

In line with the single equality duty, CoCH 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 our Behavioural Standards



The trust has identified 5 key behavioural objectives which will deliver our vision whilst responding effectively to the external operating and financial environment. The key feature of the delivery of effective equality and diversity practice is underpinned in our commitment to 'Respect and Fairness'

Our vision is to deliver NHS care locally that makes our staff and our community proud. Our values are summarised as being **Safe, Kind** and **Effective** in everything that we do.

We want to 'bottle' the specialness that makes our hospitals so friendly and dependable for our patients. Collectively we have agreed new **Behavioural standards** we want to see and encourage in everyone.

## **Progress and achievements so far**

The equality governance framework serves to not only ensure that CoCH remains compliant with legislation and that equality issues are considered as part of mainstream functions but that improvements are made and innovations realised in partnership with equality and health inequality stakeholder groups.

### **Summary of key equality achievements:**

- Set in place new systems and reasonable adjustments to meet the Accessible Information Standard for Health and Social Care (AIS) before mandatory implementation date of 31st July 2016.
- CoCH achieved 24th in its first entry to the Top50 Inclusive Employers list in 2018 and again was promoted 4 places to 20th in Top50 in 2019.
- NHS Equality Delivery System 2 (EDS2) rating in 2019 scored the Trust at Achieving status across fourteen of the eighteen EDS2 outcomes, the remaining four being rated as Excelling following assessment by stakeholder groups from the protected characteristics and Health Watch.
- Successfully awarded Partner Alumni status in 2017, after completing the NHS Employers Diversity and Inclusion Partners programme in 2016 to 2017.
- Facilitated forum and consultation events to for Staff who are disabled or have a long term condition, in preparation for the NHS England Workforce Disability Equality Standard (WDES) launch in August 2019.
- Retained the Navajo Charter Mark in May 2017 for commitments to Staff and Patients who identify as Lesbian, Gay Bisexual, Trans and Intersexed, which stands for the period 2017-2019.
- Attained Disability Confident Employer Status accreditation for policies, support and development opportunities for disabled employees.
- Co-facilitated multi-agency health and wellbeing forums with stakeholder groups representing the protected characteristics, including an event for people with mental health problems and those who face economic and health inequalities.
- Stakeholders from across the protected characteristics are involved in all equality groups, the equality governance framework and joint working initiatives.
- Co-facilitated events in partnership with statutory and 3rd sector organisations e.g. Trans Awareness Week, One World Week, Carers Week, National Vegan Month and Chester LGBT Pride.
- Enhanced the governance and accessibility of the Health Passport and Reasonable Adjustments for disabled people and Carers.
- In November 2017, the Equality & Diversity Manager won the National Diversity Champion Award for the Public Sector, at the annual national Excellence In Diversity Awards (EIDA).

- Published its first WDES report in 2019
- In 2019, Increased trust wide equality training for staff on young onset dementia, Deafness Awareness, Refugee Awareness, Trans training, and LGBT Dementia
- Countess of Chester Hospital hosted its first national Equality Event in partnership with Top50 most inclusive employers
- Committed in 2019 at Board level to join the NHS Rainbow Badge Scheme due to launch February 2020
- In 2019, Attended Chester Pride for the 6th Year running in the Pride Parade, as well as holding the first Countess of Chester Information, careers and engagement stall
- In 2019 Facilitated the first Equality Training Sessions for year 10 Work Experience Students as part of Work Experience week
- In 2019, launched NCFE training in subjects of Equality and Diversity, Autism, Dementia, and Learning Disabilities
- In late 2019, set up its first neurodiversity staff group following hosting neurodiversity session in the trust
- Increased and developed the amount of Equality and Diversity Champions at the trust
- Launched 2019 virtual equality staff networks and face to face BAME staff network

## **4. Accountability**

### **Responsibilities and Accountability**

The Board of Directors have overall responsibility to ensure that the organisation adheres to the statutory obligations contained within the single equality duty.

.

FT Governors sit in equality groups and the Equality Diversity Champions Forum (EDC).

CoCH as a whole needs to work together to ensure that it builds upon the significant progress that has been made so far, in meeting the equality duties and embedding the fundamentals of equality analysis and engagement in its functions, services, strategies and organisational undertakings.

Alyson Hall  
Director of People & Organisational Development  
January 2020

