

## Building Equality and Diversity into Commissioning and Procurement Guidance

This guide has been specifically developed for Commissioning Managers to ensure that issues relating to Equality and Diversity are adequately and appropriately considered during the commissioning process and decision making. The guide is to be used as an aid to ensure that appropriate consideration of Equality, Diversity and Human Rights is given within the commissioning cycle. This guide has been broken down into four stages: Analyse, Plan, Do and Review.

An equality analysis during the decision making process of commissioning is a legal requirements and this guide provides you with prompts to help you undertake this assessment. It is not necessary to complete a set template and it is encouraged that findings of an equality analysis are clearly identified in existing documentation, such as commissioning intention documents, service specification and contracts. However, a standard template is available – see Equality Analysis template – to support people if needed.

<b>PRIORITISE</b>			
Resource analysis	Understand how resources will be prioritised and allocated to identify if any groups are at a disadvantage due to their protected characteristic.		
Review service provision	<p>Ascertain what information is available in relation to baseline evidence for comprehensive equality monitoring against the protected characteristics. Review services in partnership with stakeholders and utilise a variety of methods as outlined in the clinical commissioning group’s Communications and Engagement strategy, to ensure that feedback is received from seldom heard groups.</p> <p><b>Equality considerations:</b></p> <ul style="list-style-type: none"> <li>• what are your service access trends by each equality group at each stage of the pathway? Does this data highlight any possible issues i.e. particular groups falling out of the pathway at particular stages? What about DNA rates?</li> <li>• are there any variations in relation to early/late intervention by different groups?</li> </ul>		
Population needs assessment	<p>Use the JSNA, Public Health and other business intelligence evidence to identify real or potential disadvantage to prioritise, inform and influence the way services are commissioned.</p> <p><b>Equality considerations:</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>• what is the makeup of your population in relation to each equality group?</li> <li>• have you considered data that</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>• where you have old data or gaps in hard local data is there a proxy that you could use or regional/national data that you can draw on/</li> <li>• does this service/pathway target a particular</li> </ul> </td> </tr> </tbody> </table>	<ul style="list-style-type: none"> <li>• what is the makeup of your population in relation to each equality group?</li> <li>• have you considered data that</li> </ul>	<ul style="list-style-type: none"> <li>• where you have old data or gaps in hard local data is there a proxy that you could use or regional/national data that you can draw on/</li> <li>• does this service/pathway target a particular</li> </ul>
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	<p>looks at the detail within groups or cuts across strands? Has it been disaggregated to an appropriate level?</p> <ul style="list-style-type: none"> <li>• is your data relevant and up to date? If the service/pathway is age specific do you have data that mirrors this?</li> <li>• are there alternative data sources?</li> </ul>	<p>target population? If so why?</p> <ul style="list-style-type: none"> <li>• what does the data tell you about the current and future demand on this service/pathway?</li> <li>• what are the key lifestyle behaviours and do you understand if behaviour patterns vary across the equality groups?</li> <li>• are particular groups more likely or less likely to experience particular health issues or diseases?</li> </ul>
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Legislation and guidance	The Corporate Team will keep the clinical commissioning group updated with requirements relating to the Equality Act (2010) and our public sector duty to ensure that commissioning decisions take equality and diversity into account.
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**PLAN**

Gap analysis	Monitoring data that is used to inform gap analysis will be checked to ensure that the data is comprehensive and robust to ensure that the evidence supports our priorities and decision-making processes. Refer to data identified in needs assessment.
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Commissioning strategy / plan	The clinical commissioning group’s Annual Plan explains how we will use the Equality Delivery System (EDS) to ensure that equality and diversity are embedded into our core business. Check against the clinical commissioning groups EDS objectives and goals.
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Service design	Services must address the relevant protected characteristics. The clinical commissioning group recognises that individuals may belong to more than one protected characteristic group. Data collected for monitoring purposes will be used to inform and influence service design and in partnership with service users, will identify suitable methods of delivery.
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<b>Equality considerations:</b>	
<ul style="list-style-type: none"> <li>• have any of the equality and inequality issues identified in the needs assessment been prioritised. Which? How? Why?</li> <li>• how do the proposed options and objectives address these prioritised issues? Does this vary across options? How?</li> <li>• does/could any equality group have different needs in relation to this service?</li> <li>• does/could this service design/change have a different impact on any particular equality group?</li> <li>• does/could this service design/change promote</li> </ul>	<ul style="list-style-type: none"> <li>• does another option have less of a negative impact on equality groups / promote equality further?</li> <li>• if another option may have gone further to addressing the equality issues, why was this option not picked?</li> <li>• have you ensured that equality requirements are considered and where appropriate explicitly referred to within the service specification?</li> <li>• have you ensured that any specific issues relating to equality which were prioritised in the needs assessment are explicit in the service design and specification?</li> <li>• how will the service providers performance be managed and progress on these measured?</li> </ul>

	<p>improved equality for a particular group</p> <ul style="list-style-type: none"> <li>• could any of the proposed options further heighten any inequality or equality issues?</li> <li>• what engagement with equality stakeholder (across all protected strands) has taken place? What do they think?</li> <li>• to what extent does the preferred option address the prioritised equality and inequality issues identified in the needs assessment?</li> </ul>	<ul style="list-style-type: none"> <li>• have you put into your service design the requirement to collect and report at timely intervals relevant data relating to equality and inequality?</li> <li>• have you ensured that patient experience data is collected and reported?</li> </ul>
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**IMPLEMENTATION**

<p>Purchasing and contracting</p>	<p>Purchasing and contracting requirements will need to take into account variations of structure for potential tendering organisations. We will also need to ensure that our equality and diversity contract clauses are updated and that organisations will assess their impact on protected characteristics as part of the tendering process. Building equality and diversity requirements into contracts is crucial because it a) ensures that the provider is meeting its legal obligations and is able to demonstrate so effectively; b) ensures that services commissioned explicitly require providers to address diverse health needs and health inequalities across each equality groups; c) provides a framework for managing the service providers performance on equality and diversity</p>
	<p><b>Equality considerations:</b></p> <ul style="list-style-type: none"> <li>• have you built equality considerations into the various stages of contracting and procurement processes, for example:</li> <li>• service specifications – equality should be explicitly included in at various levels</li> <li>• ITT/PQQ – as a minimum should cover questions relating to public sector duties. Consideration should be given to the extent to which the service being contracted is relevant to equality</li> <li>• contract development – all contracts should include requirements relating to equality and Diversity and Human Rights</li> </ul>
<p>Market supplier / development</p>	<p>We will need to ensure that providers are aware of their contractual obligations regarding equality and diversity, which will further enhanced by monitoring implementation of an inclusive service.</p>
<p>Capacity Building</p>	<p>An element of our providers may need our help, advice and guidance on capacity building regarding equality and diversity which we will share through best practice information from the Equality and Human Rights Commission.</p>

## REVIEW

Contract monitoring	All contracts will need to be made clear how equality and diversity will be monitored throughout the contract and how expectations will also be managed.
	<p><b>Equality considerations:</b></p> <ul style="list-style-type: none"> <li>• have you identified the clear arrangements that will need to be in place for what the providers of your service will need to report on and in what format and at what frequency?</li> <li>• have you established any targets or KPIs for the provider to meet</li> <li>• are there any penalties associated to the provision of equality indicators/information?</li> <li>• how will you hold the provider to account if not meeting targets/indicators?</li> <li>• has the provider undertaken any equality analysis of its services on behalf of the clinical commissioning group and have any issues been addressed?</li> </ul>
Review strategy and performance	As part of on-going reviews processes, equality and diversity will need to be taken into account and any shortfalls or gaps in terms of equality and diversity concerns addressed as part of performance monitoring.