

GOVERNING BODY MEETING **held in public**

29 March 2017

Agenda Item 5.3

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| Paper Title | Meeting the Clinical Commissioning Group duties relating to Equality and Diversity: Progress Report 2016-17 |
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APPENDIX A

Equality and Diversity Annual Report 2016-17



Eastern Cheshire
Clinical Commissioning Group

Equality & Diversity Annual Report 2016-17

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*Inspiring Better
Health and Wellbeing*

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1. Introduction

- 1.1. NHS Eastern Cheshire Clinical Commissioning Group (CCG) strives to commission services that meet the needs of all our communities, improving access and outcomes for residents and communities throughout Eastern Cheshire. We are dedicated to developing an organisational culture that promotes inclusion and embraces diversity, ensuring that the focus on equality is maintained and strengthened across the local NHS. This includes addressing health inequalities and embedding equality values into all commissioning activity. Our aim is to provide equality of opportunity to all our patients, their families and carers and to proactively eliminate direct or indirect discrimination of any kind.
- 1.2. This Equality & Diversity (E & D) Annual Report illustrates how we have met our equality duties and objectives over the last year. It also demonstrates progress against our commitment to promoting equality and reducing health inequalities. This report sets out the way in which the CCG fulfils its responsibilities arising from the Equality Act 2010. This Act requires public bodies to publish relevant, proportionate information showing compliance with the Equality Duty each year.

2. CCG vision and values

- 2.1. The CCG is a clinically-led organisation led by local GPs. We work together to improve health outcomes for people in Eastern Cheshire. At the heart of our approach to equalities and diversity is our vision and values, which influence all we do as an organisation.
- 2.2. Our **vision**, “*inspiring better health and wellbeing*”, is a central tenet of the CCG Constitution. It shapes the direction and behaviour of our organisation, membership and staff. This vision is embedded in all that we do and underpins all of the commissioning and business decisions that we undertake on behalf of our population.
- 2.3. Our way of working is also guided by our **values**:
 - **Valuing People** - listening to and respecting the public, patients, communities and staff
 - **Working Together** - to deliver the right care, in the right place at the right time
 - **Innovative** - creating the culture and environment that inspires and supports good ideas
 - **Quality** - striving for the best possible care to achieve the best outcomes
 - **Investing Responsibly** - making the right decisions for best value, affordable healthcare

3. Legal and policy context for equality and diversity

3.1. The equality and diversity agenda is underpinned by legislation and regulations , as outlined below:

3.2. **NHS Constitution**

The NHS Constitution Principles state that: *“The NHS provides a comprehensive service, available to all irrespective of gender, race, disability, age, sexual orientation, religion, belief, gender reassignment, pregnancy and maternity or marital or civil partnership status. The service is designed to improve, prevent, diagnose and treat both physical and mental health problems with equal regard. It has a duty to each and every individual that it serves and must respect their human rights. At the same time, it has a wider social duty to promote equality through the services it provides and to pay particular attention to groups or sections of society where improvements in health and life expectancy are not keeping pace with the rest of the population.”*

3.3. **NHS Eastern Cheshire CCG Constitution**

The constitution of the CCG also sets out a commitment that the organisation will ensure that: *“Equality and Diversity is embedded into the developing CCG culture and that it is incorporated in its values, processes and behaviour.”* (Section 5.1.2. b)¹

3.4. **The Equality Act 2010**

The Equality Act 2010 replaced previous anti-discrimination laws and places key duties on statutory organisations which provide public services. It protects people from unfavourable treatment and this refers particularly to people with any of the following nine protected characteristics:

- Age
- Disability
- Gender re-assignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race including national identity and ethnicity
- Religion or belief
- Sex (male or female)
- Sexual orientation.

Section 149 of the Equality Act (2010) requires us to demonstrate compliance with the “Public Sector Equality Duty” (PSED) which places a statutory duty on the CCG to address unlawful discrimination, advance equality of opportunity and foster good relations between people who share protected characteristic(s) and those who do not, when carrying out

¹ [NHS Eastern Cheshire CCG Constitution – updated September 2016](#)

its activities. It covers leadership and governance, decision making, policy development, budgeting, procurement and employment process.

3.4.1. There are two parts to the Public Sector Equality Duty to which the CCG has to pay 'due regard':

- i. The General Duties to:
 - Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010.
 - Advance equality of opportunity between people who share a protected characteristic and people who do not share it.
 - Foster good relations between people who share a protected characteristic and people who do not share it.
- ii. The Specific Duties are to:
 - Publish information to demonstrate compliance with the Equality Duty, at least annually.
 - Set equality objectives, at least every four years

3.4.2. **What is 'due regard'?**

Due regard means that the CCG has given *advance* consideration to issues of equality, diversity and discrimination prior to agreeing any commissioning decisions or policies which may affect or impact on people who share protected characteristics. As a responsible public sector organisation, the CCG considers equality and diversity integral to the development of an effective local health economy.

The CCG has taken into account the PSED by undertaking Equality Impact & Risk Assessments (EQ&RA) on projects and service redesign programmes, and by completing the Equality Delivery Systems 2 (EDS2) toolkit this year. All of this has been done in an effort to ensure that individuals and communities who share protected characteristics have a voice in the development and commissioning of services.

4. CCG compliance with the Public Sector Equality Duty

4.1. **Equality & Diversity Plan 2017-19**

The CCG's E & D plan and accompanying action plan demonstrates the organisation's commitment to promote equality and value the diversity of its staff and service users. The CCG has worked with service providers and community groups including Eastern Cheshire HealthVoice, Healthwatch Cheshire East and CVS Cheshire East to improve the health of its local community by assessing local health needs and accordingly developing and commissioning services.

4.2. **Equality Delivery System**

The CCG is due to publish its website² the summary EDS2 report in the NHS England EDS2 template on 1 April 2017.

² [EDS2 page on CCG website](#)

4.3. **Workforce Data**

The workforce committee regularly reviews the workforce data compiled by NHS Midlands and Lancashire Commissioning Support Unit (MLCSU) on behalf of the CCG. A summary of this data is presented as an appendix to this report. Going forward the CCG will also publish a summary report in line with the Workforce Race Equality Standard (WRES)³.

4.4. **Equality Impact & Risk Assessments (EIRA)**

The CCG follows the EIRA process developed by MLCSU, and managers are encouraged to undertake the assessments proactively for all projects and policies. Following a refresh of the equalities section of the CCG website⁴, the EIRAs will be uploaded for people to read.

4.5. **Governance Arrangements**

One of the CCG Governing Body Lay Members for Patient and Public Involvement (PPI) also has the role of Governing Body lead for equalities. The Head of Corporate Services is the executive lead for equalities and diversity in the organisation and is responsible for keeping the Executive Committee and Governing Body updated on compliance with the PSED. Additionally, a new Equalities and Diversity Assurance and Delivery Group is being established to drive forward the equalities and inclusion agenda within the organisation.

4.6. **MLCSU Equality & Diversity Support**

The CCG buys in specialist E & D support from MLCSU in an effort to access specialist and expert knowledge in this area. A Business Partner from the Equality and Inclusion team visits the CCG weekly to assist with the completion of EIRAs and advise on general E & D matters.

5. Equality Delivery System

5.1. In addition to the above statutory duties, NHS England has developed the Equality Delivery System (EDS2) toolkit. This helps NHS commissioners and providers demonstrate how they are delivering better outcomes for patients and communities. It also helps staff in NHS organisations understand how equality can drive improvements and strengthen the accountability of services to patients and the public.

5.2. At the heart of the EDS2 is a set of 18 outcomes grouped into four goals known as the EDS Outcomes Framework. These outcomes focus on the issues of most concern to patients, carers, communities, NHS staff and Boards. The four EDS2 goals are:

- Better health outcomes for all

³ [Information on the WRES](#)

⁴ [Equalities section of the CCG website](#)

- Improved patient access and experience
 - Empowered, engaged and included staff
 - Inclusive leadership at all levels.
- 5.3. The outcomes in full within the goals (or a selection of them) are assessed annually and graded as per the following categories:
- **Undeveloped** if there is no evidence one way or another for how a protected group of people fares, or if evidence shows that the majority of people in only two or fewer protected groups fare well
 - **Developing** if evidence shows that the majority of people in three to five protected groups fare well
 - **Achieving** if evidence shows that the majority of people in six to eight protected groups fare well
 - **Excelling** if evidence shows that the majority of people in all nine protected groups fare well.
- 5.4. The core component of the EDS2 is engagement with stakeholders, service users, staff and local community. It is people from these local interest groups that contribute to the grading and decide how well the respective organisation is performing.
- 5.5. In light of the inclusion of EDS2 in the NHS Standard Contract and in the CCG Assurance Framework, all NHS organisations are mandated to use the EDS2 summary report template to produce and publish a summary of their EDS2 implementation.
- 5.6. At a later section in this report, the headlines summary of the EDS2 assessment is included, and the full version of the summary report can be read at the following link: <https://www.easterncheshireccg.nhs.uk/About-Us/public-sector-equality-duty.htm>

6. CCG Equality and Diversity Objectives and progress made in 2016-17

- 6.1. Over the last year the organisation has worked towards achieving the CCG's 2015-19 equalities objectives:
- i. improve commissioner understanding of the populations we serve
 - ii. ensure accessibility to services and information
 - iii. demonstrate a commitment to Equality and Diversity through training and development at all levels of the organisation
 - iv. ensure equality of opportunity in employment and training provision.
- 6.2. The equalities work in the CCG is supported by a Business Partner from MLCSU who attends the CCG on a weekly basis and works with staff on EIRAs and assists with general equalities matters.

- 6.3. The CCG has adopted the updated EIRA process introduced by the CSU which has been consistently implemented across the Cheshire CCGs. Two training sessions were organised to take staff through the EIRA documentation. Over the two sessions around 30 members of staff took part, most of whom are involved in the designing, commissioning and monitoring of services.
- 6.4. A CCG Equality and Diversity Plan has been prepared with an action plan informed by the outcomes of the EDS2 assessment, and driven by the agreed equality objectives. The plan can be read at the following link <https://www.easterncheshireccg.nhs.uk/About-Us/equality-and-human-rights-plan.htm>.
- 6.5. We undertook the annual EDS2 assessment with staff and stakeholders in February 2017 and the results from this exercise are included in this report.
- 6.6. The equalities section of the CCG had been dated for some time, and was in need of a refresh. Given the developments and emergence of new initiatives and regulations with regards equalities and inclusion, the website copy has now been updated to include recent developments. This section of the website can be accessed at the following link <https://www.easterncheshireccg.nhs.uk/About-Us/equality.htm> once approved by Governing Body in March 2017.
- 6.7. The communications and engagement team has over the year worked to engage with communities all over Eastern Cheshire via consultation and engagement exercises and through meeting with local community groups. Looking ahead the team will consider innovative ways of more effectively reaching protected characteristic groups as well as other disadvantaged groups⁵ for involvement with the CCG's work.
- 6.7.1. The team led on two substantial pieces of engagement activity in the last year. During the summer, Eastern Cheshire communities had the opportunity to comment on a [draft policy to reduce consultations and prescriptions for minor conditions suitable for self care](#). Then from October 2016 to January 2017, the team ran a 12-week [consultation on proposed changes to the Service Review Policy](#).
- 6.7.2. In both exercises, efforts were made to engage with protected characteristic groups and others such as carers and those from low-income backgrounds. The questionnaires seeking responses for participants in the engagement processes included an equalities monitoring form which was completed by most respondents. Data collected through this form provided

⁵ NHS England EDS2 guide, p. 10-11 <https://www.england.nhs.uk/wp-content/uploads/2013/11/eds-nov131.pdf>

the team and service redesign managers with a better understanding of the individuals and communities which had been reached, and also identified gaps for where more needed to be done. More information on the data collected can be seen in the Communications and Engagement Activity Report (Jan 2017) for the Service Review Policy Consultation:

<https://www.easterncheshireccg.nhs.uk/Downloads/Your-Views/Commissioning%20Policy%20Review/SRP%20C%20%20E%20Appendix%20final.pdf>⁶

- 6.8. The terms of reference for a new Equalities and Diversity Assurance and Delivery Group have been drafted and the group will meet for the first time in April 2017. The focus of this group will be to ensure that EIAs are completed in a timely way for projects and that equalities issues are given full consideration in the commissioning process.
- 6.9. In 2016-17 the CCG has continued to support the community Joint Strategic Needs Assessment (JSNA) work being undertaken by CVS Cheshire East on behalf of NHS Eastern and South Cheshire Clinical Commissioning Groups and Cheshire East Council. This data gathered through the JSNA informs the CCGs work to reduce disadvantages to accessing services and information for our most marginalised and hard to reach groups.
- 6.10. The CCG has continued to buy in audio support for Governing Body and Eastern Cheshire HealthVoice meetings to ensure that people with hearing impairments are not disadvantaged. The CCG also recently bought a portable hearing loop system for smaller meetings to be held in-house.
- 6.11. As an employer, the CCG is committed to ensuring that we have a diverse workforce by providing fair and equal access to all NHS Eastern Cheshire CCG jobs, including access to career development and training opportunities for existing and future staff. In the last year the CCG has continued to promote a recruitment pack that provides in-depth information about the benefits of working for the NHS and NHS Eastern Cheshire CCG, as commissioned the creation of short film of our staff outlining why they enjoy working for NHS Eastern Cheshire CCG.⁷ The organisation is committed to ensuring the working environment is inclusive and appropriate support is provided to any member of the organisation that may require it.
- 6.12. The CCG has continued to ensure that robust arrangements are in place for staff to report any occasions where they or their colleagues have been subject to any intentional or unintentional discrimination in the workplace

⁶ Section 6 of the report contains a link to the full data pack from the consultation questionnaire

⁷ <https://youtu.be/y8Y37AQ50uQ>

or when undertaking their duties when representing the CCG. All of the CCGs internal workforce policies have been developed in line with current legislative requirements, including the Equality Act 2010. These policies cover the recruitment, selection and appointment process as well as all aspects of working for the CCG.

- 6.13. Further demonstrating the CCGs commitment to having a representative and supportive workforce, the CCG continues to be signed up to the following Quality Standards:
- Two Ticks Disability Symbol⁸
 - Mindful Employer.⁹
- 6.14. The CCG places a high priority on ensuring that it discharges its obligations as a good corporate citizen and takes into account its responsibilities towards serving and meeting the needs of our local population, including safeguarding their human rights.

7. EDS2 Assessment 2016-17

- 7.1. This year the CCG completed the EDS2 assessment in February 2017. The assessment was completed with the support of a stakeholder panel which included CCG and CSU members of staff, Lay Member for PPI, representation from HealthVoice and CVS Cheshire East, and individuals from some of the protected characteristics groups.
- 7.2. It is worth noting that while the EDS2 tool is mandated for commissioning and provider organisations, not all 18 outcomes contained within it are directly applicable to CCGs. In this regard a view was taken following advice provided by the MLCSU Equality and Inclusion Business Partner to focus efforts on gathering evidence around six outcomes this year. The outcomes were identified based on availability of evidence (case studies, examples of good practice etc.) to demonstrate progress.
- 7.3. Following the collation of evidence for each of the respective outcomes to be assessed, a self-assessment was undertaken internally and provisional grades were awarded.
- 7.4. The evidence and provisional grades were then shared with the EDS2 stakeholder panel by email in advance of the assessment meeting so as to provide them with the time to review. At the assessment meeting, an opportunity was provided to all those present feedback their views on the evidence and grading, and ask questions of relevant CCG managers for clarification.
- 7.5. For the most part the stakeholder panel agreed with the grades presented by the CCG, however with regards outcome 1.1 in particular it was felt

⁸ <https://www.easterncheshireccg.nhs.uk/About-Us/two-ticks---positive-about-disability-symbol.htm>

⁹ <http://www.mindfulemployer.net/>

that the evidence presented was not yet at the level of “achieving”. However the panel agreed to review additional evidence for this outcome before 31 March 2017 to consider revising the grade.

7.6. The outcomes and grades can be seen in the table below:

| Goal | Outcome | CCG Provisional grade | 2016-17 Grade |
|--|--|------------------------------|-----------------------------------|
| Better Health Outcomes | 1.1 Services are commissioned, designed and procured to meet the health needs of local communities. | Achieving | Developing (interim grade) |
| | 1.4 When people use NHS services their safety is prioritised and they are free from mistakes, mistreatment and abuse. | Developing | Developing |
| | 1.5 Screening, vaccination and other health promotion services reach and benefit all local communities. | Developing | Developing |
| Improved patient access and experience | 2.1 People, carers and communities can readily access hospital, community health or primary care services and should not be denied access on unreasonable grounds. | Achieving | Achieving |
| | 2.3 People report positive experiences of the NHS. | Achieving | Achieving |
| | 2.4 People’s complaints about services are handled respectfully and efficiently. | Achieving | Achieving |

7.7. Overall the discussion with the stakeholder panel was productive and insightful, and they provided robust challenge where required. The need for greater engagement across the protected characteristics spectrum was highlighted, as was the need to engage with other disadvantaged groups.

7.8. One of the suggestions from a panel member was that equalities training for staff should consist of a practical element which informs people about E & D considerations when arranging meetings with, delivering presentations to and preparing correspondence for those who have additional needs. Such an educational package would reduce inconvenience caused to those who have additional needs, and help ensure that meeting the E & D needs of all communities becomes the norm. The CCG will look to implement this suggestion going forward.

- 7.9. An action plan has been produced based on the EDS2 assessment which will help in improving the outcome grades. The action plan will be monitored by the internal equalities group, and progress will be fed back to the workforce and executive committees.

8. Monitoring the Equality & Diversity performance of local NHS providers

- 8.1. The Quality Schedule contained within the CCG's contracts with local providers includes an equalities clause which places various obligations on providers.
- 8.2. In 2016-17 providers were expected to:
- Formulate an Equality Objectives Plan
 - Complete an EDS2 assessment covering at least five outcomes
 - Provide evidence of compliance with the Equality Act 2010 specific duties; and including the implementation of the WRES
 - Ensure that any service redesign or changes only take place following an appropriate equalities assessment and that they demonstrate due regard to the PSED
 - Provide data on the use of translation and interpretation services.
- 8.3. The CCG has worked with providers to help ensure that they are meeting their obligations under the PSED, including completing the EDS2 assessment.
- 8.4. The CCG's contracts monitoring team, through regular meetings, assesses the progress of providers on all aspects of the contract, including equalities.
- 8.5. The EDS2 assessment results from our two main providers, East Cheshire NHS Trust and Cheshire and Wirral Partnership NHS Foundation Trust will be listed in the E & D section of the CCG's Annual Report and Accounts 2016-17.

9. Equality & Diversity and the Workforce

- 9.1. The CCG is committed to developing a representative and supported workforce, and aims to ensure that organisational recruitment and employment practices are fair and equitable.
- 9.2. The CCG's Human Resources functions are undertaken by MLCSU. The CCG and CSU securely hold workforce data in line with recruitment and employment processes.

- 9.3. Workforce data is received by the Head of Corporate Services periodically and is reviewed at the workforce committee meetings. A summary of the workforce data is included in this report in Appendix A3 and a link to the Workforce Race Equality Standard report can be found in the same appendix.
- 9.4. NHS England has agreed that a Workforce Disability Equality Standard¹⁰ (WDES) should be mandated via the NHS Standard Contract in England from April 2018, with a preparatory year from 2017-18. The CCG will undertake necessary steps to incorporate this additional equality standard.
- 9.5. New starters in the CCG are required to undertake equality and diversity training, which staff then have to renew every two years. The training comprises an online module developed by MLCSU.

10. Governance and accountability

- 10.1. The Corporate Team (primarily Head of Corporate Services supported by the Engagement and Involvement Manager) is responsible for driving the equalities agenda within the organisation. The Head of Corporate Services is the Executive Lead for equalities and diversity in the organisation and is responsible for keeping the Executive Committee and Governing Body updated on compliance with the PSED.
- 10.2. A Lay Member for Patient and Public Involvement on the CCG Governing Body also champions the equality and diversity agenda as Governing Body Lead for equalities.
- 10.3. The new Equality and Diversity Delivery and Assurance Group will offer a further level of governance for the equalities agenda once it becomes operational in April 2017.

11. Conclusion

- 11.1. This annual report has set out the headline activity that has taken place within the CCG over the last year to advance equalities, diversity and inclusion.
- 11.2. The CCG will continue to strive to ensure that, throughout the service redesign and commissioning processes, equalities and diversity issues are fully and properly considered. Furthermore a commitment is made to ensure that necessary steps will continue to be taken to address any risk of discrimination and disadvantage.
- 11.3. Over the last year, good progress has been made on achieving our

¹⁰ [Workforce Disability Equality Standard](#)

equality objectives.

- 11.4. This year's EDS2 exercise has allowed the organisation to better understand what barriers certain communities face, and identify what can be done to address them through mainstream processes and plans. This has led to the development of an action plan which will be regularly monitored by the Equalities and Diversity Delivery and Assurance Group.
- 11.5. NHS Eastern Cheshire CCG is committed to reducing health inequalities, promoting equality and valuing diversity. Advancing the equality and diversity agenda is the responsibility of everyone within the organisation - including Governing Body, Executive Committee and staff at all levels.
- 11.6. Whilst the commitment is there, it is recognised that much of this is work in progress. So, the CCG will continue to monitor progress against the action plans and report annually and openly on the development of this work.

12. Appendices

- Appendix A1: Workforce data and Workforce Race Equality Standard report

Appendix A1: Workforce Data – March 2017 Reporting Period

To be populated

Workforce Ethnicity Profile

A3.3. Workforce Ethnic Profile by Pay Band

A3.4. Age Profile

A3.5. Gender Profile

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