

## Single equality schemes in the NHS: the developing picture

Single equality schemes (SES) represent an important move towards developing a more holistic approach to addressing equality and diversity. The Government's Discrimination Law Review will introduce a single equality duty and the emergence of the Commission for Equality and Human Rights (CEHR), bringing together the work of three commissions, signals a shift to focusing on the collective equality agenda.

This *Briefing* looks at why trusts are considering developing SESs and the learning from those organisations that have already developed and implemented one.

### Key points

- Secure leadership support at all levels.
- Ensure the SES reflects business objectives and focuses on outcomes.
- Put in place robust governance arrangements.
- Source good workforce and patient data, this is essential to inform the SES.
- Engage the workforce and local community to secure collective buy-in.

### Why consider developing an SES?

All public sector bodies are required to produce race, disability and gender schemes.

An SES is a single document that outlines how an organisation meets the statutory duties of all three. It can also cover the other diversity strands of religion and belief, age, sexual orientation, carers and human rights.

An SES sets out the actions that an organisation has taken, or intends to take, in relation to equality. It identifies new and improved ways of working to ensure that the organisation is more efficient and effective in meeting the diverse needs of its staff and patients.

The key drivers for trusts opting to develop an SES are:

- developing a coherent framework that addresses all diversity strands
- promoting partnership working with internal and external stakeholders
- preventing duplication and encouraging thinking across equality schemes
- identifying clear priorities for the organisation on diversity
- maximising resources (time and money) for example, consulting across all diversity strands together

## Single equality schemes in the NHS: the developing picture

- encouraging thinking across all strands
- providing an opportunity to address multiple discrimination.

### What should be in an SES?

The SES should start with an introductory section that includes the commitment of the chair and chief executive, details of why an SES is necessary and how it fits with the trust's vision and other policy drivers. It should also include details of the consultation on the equality strands, as well as the key objectives of the SES.

The main sections are likely to cover:

- equality impact assessments (EqIA) – describing the trust's arrangements for EqIAs
- partnership working, consultation and involvement – outlining how the trust will work with local people, organisations and staff in planning and delivering services
- accessibility and communications – explaining what will happen following the introduction of the SES, for example how adjustments to services will be made to ensure they are accessible
- workforce and training – making sure that staff

understand the relevant duties and responsibilities and ensuring that the workplace is free from discrimination

- commissioning and procurement – showing how the SES will affect the trust's commissioning process, for example by making sure that organisations from which it buys goods and services, comply with equality legislation
- monitoring data, reporting and publishing – describing how the SES will be monitored
- complaints – showing how the information on complaints contribute to equality monitoring
- action planning – outlining a clear action plan for each section
- feedback – making sure that people know how to give their views on the SES.

### The developing picture

When developing an SES, organisations can learn from the work that other trusts have done so far. Key points include:

#### 1. Board-level commitment

Ensuring that leadership at all levels is committed and actively engaged in promoting the SES, internally and externally. This is crucial to ensure that equality and diversity is an integral part

of the organisation's culture and working practices.

#### 2. Supporting the trust's strategic objectives

The SES must reflect the organisation's strategic objectives, for example, meeting Healthcare Commission Standards (to be part of the Care Quality Commission). This ensures that diversity becomes part of mainstream business planning and reflects the future direction of the trust. Agreed objectives should be focused on outcomes to demonstrate that they are adding value.

#### 3. Governance issues

The guidance, *Equality and human rights in the NHS – a guide for NHS boards*, makes it clear that responsibility for ensuring legal compliance on diversity rests at the highest level:

*"As CEO, it is important that you feel confident in understanding the specific duties placed upon public bodies in order that you satisfy yourself that your organisation is operating within the law."*

It states that board members are "directly accountable" and "personally responsible" for all actions and omissions in relation to equality and human rights. It is also clear that this accountability "cannot be delegated" and that "vicarious liability" applies to board members.

Trust boards have ultimate strategic responsibility for ensuring that systems and resources are in place to ensure that the SES and action plan are implemented in a sustained and systematic way.

Some organisations have devolved strategic responsibility for employees and service delivery to the Workforce Strategy and Development Committee (WSDC) and the Clinical Quality Committee (CQC)

respectively. This further strengthens governance arrangements around the SES.

#### **4. Managing workforce and patient data**

Disaggregated data, that tracks the different diversity strands such as age and disability, is vital in measuring both the positive and negative impact of equality and diversity activity.

Data needs to systematically measure patient satisfaction,

workforce trends and the impact of the SES.

#### **5. Managing processes**

The design and management of an organisation's processes need to consider diversity requirements. This can be done through a robust series of equality impact assessments. For more details, including a step-by-step guide, see the equality and diversity pages of the NHS Employers website at [www.nhsemployers.org/EquIA](http://www.nhsemployers.org/EquIA)

#### **6. Links to learning and development**

To ensure staff understand the crucial role of the SES and are actively involved in its development, learning and development specialists need to work with workforce planners to consider the management of diversity. In particular, in relation to workforce size/composition, workforce competencies, workforce culture, leadership and behavior, and using the Agenda for Change's Knowledge and Skills Framework as the benchmark.

#### **7. Partnership working**

Organisations need to identify and develop key partnerships with external organisations, to take into account the diverse needs of all stakeholders. This should include working closely with the local trade union representatives who have a lot of experience in this area. Examples of partnership

### **Case study**

#### **Cardiothoracic Centre, Liverpool NHS Trust – governance and learning**

##### *Embedding the SES in the trust's governance*

The trust's board recognised the links between legal compliance and its aim to achieve exemplar status. Equality and human rights were considered central to effective governance across the organisation. Initially, equality and diversity sat exclusively within the Workforce, Strategy and Development Committee. However, recognising that it had ultimate responsibility, the trust board created a more robust accountability structure within the organisation. Strategic responsibility for the three key areas of staff, service delivery and delivering the SES action plan, was split across three internal groups.

As a result, the trust has made an explicit connection between helping all communities and groups in its SES and contributing to the local and national agenda.

##### *Learning and development*

The trust positioned equality and diversity within the broader context of learning and development, as a key part of its SES. It carried out a series of activities to give key staff the technical knowledge and skills to deliver the SES and action plan. This focused on how equality and diversity contributes to delivering modern NHS services and care that are inclusive and up-to-date. For example introducing a 'train the trainer' programme and developing an equality and diversity Virtual Learning programme.

## Case studies

### Lewisham PCT – business planning

Lewisham Primary Care Trust (PCT) worked with other local organisations to agree a borough-wide commitment to develop a single equalities framework. This would support each individual organisation's requirement to develop and publish their own schemes and to enable them to work collectively to promote equality and access to services and employment.

The PCT developed a framework to communicate to staff and to initiate its SES. The first step was to establish the business case for establishing an SES. The trust identified that the SES would:

- ensure that it is legally compliant, primarily on race, disability and gender
- enable the trust to streamline its approach to equality, recognising that activities cut across equality dimensions, and to make links between equalities and other business areas such as health inequalities and commissioning
- provide a lever for change in terms of highlighting inequalities in accessing services or possible discriminatory practices in delivering services.

### Devon Partnership NHS Trust – leadership and board development

The trust ensured that its SES was embedded within the fabric of the organisation by focusing on five specific areas:

- leadership – engagement with the trust board ensured the commitment of leadership at all levels to promoting diversity, so it becomes part of the organisational culture and philosophy
- values – the organisation's 'core values' provide the basis for the overarching SES equality and human rights statements, which support all the trust's policies and services
- systems and processes – systems and processes were put in place to support equality impact assessments and a cross cutting work plan covering all the diversity strands
- living document – the trust is committed to regularly reviewing its SES to ensure it considers feedback and continues to be legally compliant
- Partnership working – alongside other health providers, the trust worked closely with Devon County Council on its SES.

For more information on these and other equality and diversity case studies see our knowledge base at [www.nhsemployers.org](http://www.nhsemployers.org)

working with local councils and other public sector bodies are a common theme across the SESs that trusts have developed so far. They have proved very useful when developing services.

## 8. Engagement

Both staff and community engagement are key to successfully developing an SES. Trusts have:

- engaged their workforce to promote understanding and awareness of the importance of the SES, how it supports them and their particular role in taking the SES forward
- developed a programme of community engagement to communicate the importance of having a representative workforce and to get feedback on service delivery.

## 9. Communication

Effective communication about the SES supports engagement and is crucial. This ensures that both staff and key stakeholders are well-informed about the trust's plans and progress.

## Conclusion

The shift to developing one equality scheme mirrors the broader trend for developing a more holistic approach to ensuring equality and diversity in the workplace that encompasses all the diversity strands. Current

## Single equality schemes in the NHS: the developing picture

developments like the Discrimination Law Review, supports this.

Against this broader context, NHS organisations have a key role in driving the successful delivery of an SES which should be integral to the trust's business planning process. It should have the full support of the senior team to ensure internal buy-in and accountability. Developing staff capability and capacity on diversity is also key.

An SES clearly demonstrates an organisation's commitment to

putting equality and diversity at the centre of all its work. The purpose of an SES is to identify new and improved ways of working, to ensure that the organisation is more efficient and effective in meeting the diverse needs of both its staff and patients.

The real challenge is to ensure that the SES continues to be a living document that is outcome-focused – taking trusts beyond legal compliance – and contributes to the fast-changing health environment.

### Further information

For help on developing an SES see our equality and diversity pages at [www.nhsemployers.org](http://www.nhsemployers.org). Our on-line knowledge base also has a range of case studies showing how trusts have developed their SES.

For more details, email [mohamed.jogi@nhsemployers.org](mailto:mohamed.jogi@nhsemployers.org) in our equality and diversity team.

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[www.nhsemployers.org](http://www.nhsemployers.org)  
[enquiries@nhsemployers.org](mailto:enquiries@nhsemployers.org)

NHS Employers  
29 Bressenden Place  
London  
SW1E 5DD

2 Brewery Wharf  
Kendell Street  
Leeds LS10 1JR

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