



RISK, AUDIT AND PERFORMANCE COMMITTEE

Date of Meeting	1 March 2022
Report Title	Equality and Human Rights 6 Monthly Performance Report
Report Number	HSCP22.011
Lead Officer	Sandra Macleod Chief Officer
Report Author Details	Alison Macleod Strategy and Transformation Lead
Consultation Checklist Completed	Yes
Appendices	Appendix A - HSCP.21.058 IJB Equalities Report May 2021 Appendix B - Equality Outcome and Mainstreaming Framework Appendix C - Governance, Performance and Health Inequalities Impact Assessment (HIIA) Sign Off Process Appendix D - Equality and Human Rights Subgroup Terms of Reference December 2021 Appendix E - DiversCity Officer – Role and Remit Appendix F – HIIA Documentation HIIA – Dispelling the Myths HIIA – Introductory Guidance HIIA Stage 1 – Proportionality and Relevance HIIA – Evidence Gathering HIIA Stage 2 – Empowering People – Capturing their Views



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1. Purpose of the Report

- 1.1.** To provide the Risk Audit and Performance Committee with an update on the actions taken to evidence Aberdeen City Health and Social Care Partnership's (the Partnership) compliance with the Human Rights Act 1998, the Equality Act 2010, the Scottish Specific Public Sector Equality Duties 2012 and the Fairer Scotland Duty 2018 during the period 25 May 2021 to 8 December 2021.
- 1.2.** To provide a summary of the achievements of the Equality and Human Rights Subgroup since the Integration Joint Board (IJB) approved the recommendations contained in the Equalities Report presented to the IJB on 25 May 2021 (see appendix A) which outlined how the Partnership is going to deliver a person-centered equality and human rights culture across Partnership services.
- 1.3.** To provide further details on how staff working across Partnership services have consciously considered the needs of the general equality duty to eliminate discrimination, advance the equality of opportunity and foster good relations whilst carrying out their functions and day to day activities.
- 1.4.** To provide an initial overview for the Risk, Audit and Performance Committee of the processes, documentation and governance arrangements which will be in place going forward.

2. Recommendations

- 2.1.** It is recommended that the Risk, Audit and Performance Committee:
 - a) Note the contents of this 6 monthly Equality and Human Rights report (3.5, 3.8, 3.10, 3.17, 3.20, 3.21, 3.22 and 3.23)
 - b) Notes the next steps to be taken to further mainstream the duties across Partnership services (3.25)



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3. Summary of Key Information

3.1. The Public Sector Equality Duty was created by the Equality Act 2010 (the Act) which came into force in April 2011. The new Act incorporates and subsequently replaces previous race, disability and gender equalities legislation. The new Act also replaces the previous equality strands with 9 protected characteristics. These are:

1. Age
2. Disability (e.g., physical, mental health, learning difficulty)
3. Gender Reassignment
4. Pregnancy and Maternity
5. Race
6. Religion and belief (including on belief)
7. Sex (Gender)
8. Sexual Orientation
9. Marriage and Civil Partnership (discrimination only)

3.2. The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 came into force on the 27th of May 2012 and were amended in 2015 to bring additional listed authorities within their scope. This included Aberdeen City Health and Social Care Partnership.

3.3. The Scottish Specific Public Sector Equality Duties 2012 requires the Partnership as a listed authority to:

1. Report on mainstreaming the equality duty
2. Publish equality outcomes and report on progress
3. Review and assess policies and practices
4. Gather and use employee information
5. Publish gender pay gap information
6. Publish information on equal pay etc
7. Embed in procurement processes
8. Publish in an accessible manner
9. Consider matters as prescribed by Scottish Minister

3.4. Scottish Specific Public Sector Equality Duty 1 (SSPSED) requires the Partnership to report on Mainstreaming the Equality Duty. The Equality and Human Rights Commission describes mainstreaming as the following:

“Mainstreaming equality simply means integrating the general equality duty into the day-to-day working of an organisation. It is for the organisation



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themselves to determine how best to mainstream equality in their day-to-day functions". Source Equality and Human Rights Commission. Webpage

- 3.5. To support the Strategy and Transformation Lead embed a culture of equality and human rights across Partnership services, the Equality Outcomes and Mainstreaming Framework, adopted by the IJB in May 2021 (see appendix B) links directly to key Partnership workplans resulting in a strategic lead officer assigned to report on progress as detailed in the table below:

Equality Outcomes	Associated Work Plan	Lead
Improved accessibility and confidence in using health and social care services	All Partnership workplans and associated practice delivery	Responsibility of all Overseen by Equality and Human Rights Subgroup
Inclusive approach to enabling people to live as independently for as long as possible	Stay Well Stay Connected	Stay Well Stay Connected Implementation Group Jayne Boyle
Health and support services are delivered in a compassionate way, respecting the dignity of the individual, and are co designed with people who experience poor mental health, to ensure they flourish and thrive, build resilience and continue in recovery	Mental Health & Learning Disabilities	Kevin Dawson Katharine Paton
Community engagement, empowerment, and cohesion work across the City is inclusive, strong and effective	ACHSCP Engagement Policy	Alison MacLeod
All staff delivering health and social care services, fully understand their legal duties and other responsibilities in keeping people living, working, studying or visiting Aberdeen City safe and free from harm	Violence Against Women Partnership Hate Crime	Claire Wilson Val Vertigans



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We have a workforce that is reflective and representative of the communities we care for	Workforce Plan	Sandy Reid
We have a workplace where all staff feel valued and respected and have their needs met appropriately	Workforce Plan	Sandy Reid

- 3.6.** To ensure that Equality and Human Rights Subgroup and the Strategic Planning Group is provided with assurance that progress is being made in embedding an equality and human rights culture across Partnership services, governance arrangements were presented to and agreed by the Equality and Human Rights Subgroup in October 2021 (see appendix C, please note that the Governance Diagram is to be replaced with the newly published Governance Structure for the Partnership).
- 3.7.** Established in October 2020 to coproduce the Equalities Report 2021 and development and publication of the Partnership's revised Equality Outcomes and Mainstreaming Framework 2021 to 2025, the Equality and Human Rights Subgroup has become an established core element of the Partnership's governance, performance, compliance and continuous improvement arrangements.
- 3.8.** It is for this reason that a review of membership, with the aim of increasing participation, has been undertaken and a Terms of Reference for the Equality and Human Rights Subgroup developed. The Terms of Reference was considered and approved by the current members of the Equality and Human Rights Subgroup in December 2021 (see appendix D).
- 3.9.** Membership will be drawn from the Partnership and key strategic partners, who have direct responsibilities for eliminating discrimination, advancing the equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 3.10.** To enable the Partnership to address stigma and inequality in the quality-of-life outcomes for people with the relevant protected characteristics, membership of the Equality and Human Rights Subgroup is extended to organisations representing the 9 protected characteristics, those with lived experience and groups experiencing inequality.



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- 3.11.** To further support this, membership will remain flexible, this to ensure that participation is fluid and reflective of current, new and emerging strategic workstreams, policy development and practice evaluation
- 3.12.** SSPSED 2 requires the Partnership to report of progress against the 7 equality outcomes adopted in May 2021. The performance framework presented to and adopted by the Equality and Human Rights Subgroup in October 2021, fuller details of which can be found in appendix C.
- 3.13.** This 6 monthly report to the Risk Audit and Performance Committee has been written in line with the agreed equality and human rights performance structure.
- 3.14.** The Strategy and Transformation Lead will hold the Leadership Team to account for the delivery of the Equality Outcomes and Mainstreaming Framework through the Leadership Team meetings, the Equalities and Human Rights Subgroup and the Strategic Planning Group.
- 3.15.** The lead officers (as detailed in 3.5 above) are responsible for, and will take full ownership for, progressing the delivery of actions against the relevant outcome. They will work with their DiversCity Officer to deliver a monthly update for discussion at the soon to be formed Equality and Human Rights Officer Group.
- 3.16.** In May 2021, the IJB supported the development of a network of DiversCity Officers to support Service Leads evidence their compliance with the legal duties and other requirement placed on the Partnership as a listed authority.
- 3.17.** To support the establishment of the network, a DiversCity Officer Role and Remit was developed and approved by the Equality and Human Rights Subgroup at their September 2021 meeting (see appendix E).
- 3.18.** This document will be used to support Service Leads identify their DiversCity Officer and it anticipated that the first meeting of the Equality and Human Rights Officer Group (chaired initially by the Strategy and Transformation Lead) will take place in February 2022.
- 3.19.** One of the key roles of the DiversCity Officer is to support the Service Leads to evidence compliance with SSPSED 3. This duty requires the Partnership to review and assess policies and practices, in addition, the



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Fairer Scotland Duty 2018 places an expectation on the Partnership to actively consider what more they can do to reduce the inequalities of outcome in any major strategic decision they make, and publish a written assessment, showing how they have done this.

3.20. The process adopted by the Integration Joint Board to evidence this is the undertaking of a Health Inequalities Impact Assessment (HIIA), the purpose of which is to:

- Ensure the views of people with the relevant protected characteristics, lived experiences or those vulnerable to inequality influence and inform reviews and subsequent decision-making process.
- Deliver a “Right First Time” policy and service design.
- Identify mitigating actions to combat any negative impacts on the equality and human rights legal duties and other requirements and actions which combat inequality of outcome.
- Ensure staff and members of the Integration Joint Board better understand the needs of Aberdeen City’s diverse communities.
- Evidence compliance with equality and human rights legal duties regulatory requirements.

3.21. To support the undertaking of the HIIA and to evidence the links the Partnership’s policy on public engagement, the Equality and Human Rights Subgroup were presented with and adopted the following documents (all attached as appendices):

1. HIIA – Dispelling the Myths
2. HIIA – Introductory Guidance
3. HIIA Stage 1 – Proportionality and Relevance
4. HIIA – Evidence Gathering
5. HIIA Stage 2 – Empowering People – Capturing their Views

3.22. The HIIA undertaken or currently in development between May 2021 and December 2021 can be found in the following table:

Title of Report	Status	Lead Officer
Rosewell House	Completed	
Strategic Plan	In development	Alison MacLeod Strategy and Transformation Lead
Carer Strategy Review	In development	Alison MacLeod



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		Strategy and Transformation Lead
Mental Health and Learning Disability Accommodation Review	In development	Anne McKenzie Commissioning Lead
Drugs and Alcohol Partnership – Service Development	In development	Simon Raynor Jenny Rae Transformation Programme Manager Mental Health and Learning Disability Services
Workforce Plan	In development	Sandy Reid People and Organisation Lead
Additional Respite and Additional Interim Beds Service Development	In development	Anne McKenzie Commissioning Lead

3.23. The Scottish Government is currently reviewing the effectiveness of the Scottish Specific Public Sector Equality Duties. In March 2021 they published their Stage 1 report which set out the current issues with the public sector equality duties and areas for improvement. The Partnership’s consultation response to Stage 1 was coproduced with a member of the Equality and Human Rights Subgroup and circulated for comment to the wider group before submission in October 2021.

3.24. Building on that report and using valuable feedback from duty bearers and equality advocacy groups, the Scottish Government published a Stage 2 consultation on their proposals for change on 13 December 2021. Similarly, to Stage 1, the Partnership’s response will be coproduced and circulated for comment to the Equality and Human Rights Subgroup membership.

3.25. The forward plan for Equality and Human Rights Subgroup for the next 6 months includes:

- Establishment of the Partnership’s Equality and Human Rights Officer Group.
- Terms of Reference Equality and Human Rights Officer Group.
- DiversCity Officer development programme.



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- Development, circulation and quarterly review of the Partnership's DiversCity Directory.
- Staff Equality and Human Rights awareness programme.
- Review of the Partnership's Equality and Human Rights internal and external webpages.
- Delivery of the first two Quarterly Equality Outcomes and Mainstreaming Framework progress reports.
- Development of additional documentation to support the undertaken of a robust the Health Inequalities Impact Assessment.
- Embedding equality and human rights into the Partnership's procurement and commissioning principles incorporating the Scottish Government's [Preparing to transition towards a National Care Service for Scotland: SPPN 7/2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/7/2021) .

4. Implications for IJB

4.1. Equalities, Fairer Scotland and Health Inequality

This report has been written to demonstrate compliance with the legal duties and other requirements placed on the IJB by the Human Rights Act 1998, Equality Act 2010, the Scottish Specific Public Sector Equality Duties 2012 and the Fairer Scotland Duty 2018.

Implementing the recommendations contained in this report will give further assurance to the IJB that people who share the protected characteristics (as defined by the Equality Act 2010), organisations representing people with lived experience, and groups experiencing inequality, are central to the coproduction of service reviews and redesign. Resulting in an improvement in the quality-of-life outcomes for the citizens of Aberdeen City.

The establishment of the network of DiversCity Officers will ensure that all future reports are supported with a robust HIA and associated recommendations. Recommendations that are designed to reduce the inequalities of outcome for people with the relevant protected characteristics, those vulnerable to stigma, discrimination and those which result from socio economic disadvantage.



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4.2. Financial

There are no direct financial implications arising from the recommendations of this report.

4.3. Workforce

There are no additional workforce implications arising from the recommendations in this report. Officers will undertake the roles of DiversCity Officers as part of their ongoing duties.

4.4. Legal

The risks associated with not implementing the recommendations include:

- Non-compliance with legislation
- Legal challenge which could impact on service redesign to deliver financial efficiencies
- Regulatory/enforcement action

The probability of legal risks occurring if people using social care services are not involved in the review and coproduction of services can be evidenced by the following two legal cases:

Birmingham City Council

[Council failed to Give “Due Regard” to Equality Duties in Defunding a Community Service | Human Rights Law Centre \(hrlc.org.au\)](#)

Scottish Council acted “unlawfully” by failing to consult over closure of day centre for disabled adults (Ayrshire Health and Social Care Partnership)

[Scottish council acted ‘unlawfully’ by failing to consult over closure of day centre for disabled adults - Scottish Legal News](#)

In both cases there were financial impacts. The purpose of carrying out a Health Inequality Impact Assessment is to identify the risks as they materialise to enable to service lead to identify mitigating actions to combat any negative impacts on the equality and human rights legal duties and other requirements and actions which combat inequality of outcome.



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Relevant Legislation

- Human Rights Act 1998
- Equality Act 2010
- The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012
- Fairer Scotland Duty 2018

5. Links to ACHSCP Strategic Plan

- 5.1. The 6 monthly update contained in this report links directly to the strategic priorities and objectives of the IJB and supports the Partnership achieve their vision of working collaboratively with people vulnerable to exclusion, to “achieve fulfilling, healthier lives”. In addition, the Partnership will be able to evidence its values – caring, person centred and enabling – in everyday activities. The activities to date and those planned for the next 6 months link directly to the Partnership’s 5 strategic aims: Prevention, Resilience, Personalisation, Connections and Communities.

6. Management of Risk

6.1. Identified risks(s)

If the Partnership does not invest in the development of a DiversCity Officer Network and the Equality and Human Rights Officer’s Group then there is a risk that the Partnership will fail in its duty to deliver robust Health Inequality Impact Assessment, identify mitigating actions to address negative impacts and fail to monitor and report progress against the equality outcomes identified for the period 2021 to 2025.

6.2. Link to risks on strategic or operational risk register:

This report links to Strategic Risk 5: There is a risk that the IJB, and the services that it directs and has operational oversight of, fail to meet both performance standards/outcomes as set by regulatory bodies and those locally determined.

This risk is currently sitting at Medium.

6.3. How might the content of this report impact or mitigate these risks:

Taking this report, in line with the performance framework developed, and holding the Leadership Team accountable for embedding an equality and human rights culture across Partnership services will improve the IJB’s ability



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to demonstrate its due regard to the equality duty to the Scottish Parliament's appointed regulator. The quality of life for people who share a protected characteristic, have shared lived experiences and groups experiencing inequality will also improve as services are coproduced and become more accessible.

This risk is currently sitting at Medium.

Approvals	
Added to final version of report	Sandra Macleod (Chief Officer)
Added to final version of report	Alex Stephen (Chief Finance Officer)