



INTEGRATION JOINT BOARD

Date of Meeting	30 August 2022
Report Title	Equality and Human Rights Annual Performance Report
Report Number	HSCP22.067
Lead Officer	Sandra Macleod Chief Officer
Report Author Details	Alison Macleod Strategy and Transformation Lead
Consultation Checklist Completed	Yes
Appendices	Appendix A – Stage 3 Analysis and Findings

1. Purpose of the Report

- 1.1. To provide the Integration Joint Board (IJB) with an update on progress towards evidencing compliance with the Human Rights Act 1998, the Equality Act 2010, the Scottish Specific Duties contained within the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, and the Fairer Scotland Duty 2018, outlining how person-centred equality and human rights culture is being delivered across all services.

2. Recommendations

- 2.1. It is recommended that the Integration Joint Board:
- a) Notes the progress made to date and the future plans in relation to continued assurance of compliance with our legislative duties in relation to Equality, Human Rights and Fairer Scotland duties.
 - b) Instructs the Chief Officer to submit an annual report on the progress made to make the equality duty integral to the exercise of the IJB functions to the Risk Audit and Performance Committee.
 - c) Instructs the Chief Officer to submit a progress report on its Equality Outcomes and Mainstreaming Framework every two years, in advance of publication.



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- d) Instructs the Chief Officer to review the IJB's Equality Outcomes and submit these to the IJB for approval in advance of the next required renewal date of April 2025.

3. Summary of Key Information

3.1. The Public Sector Equality Duty is contained within the Equality Act 2010 (the Act). It describes how a public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.2. Under the Act there are 9 protected characteristics. These are:

1. Age
2. Disability (e.g., physical, or mental impairment)
3. Gender Reassignment
4. Pregnancy and maternity
5. Race
6. Religion or belief
7. Sex
8. Sexual orientation
9. Marriage and civil partnership

3.3. 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.

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

1. Report on progress 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



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5. Publish gender pay gap information
6. Publish statements on equal pay etc
7. Consider award criteria and conditions in relation to public procurement
8. Publish in an accessible manner
9. Consider matters as prescribed by the Scottish Minister

Mainstreaming the Equality Duty

- 3.5. The IJB is required to publish Equality Outcomes every 4 years, and to report, at least every 2 years, on the progress made to make the equality duty integral to the exercise of its functions so as to better perform that duty. This is commonly referred to as mainstreaming. 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 themselves to determine how best to mainstream equality in their day-to-day functions”. Source Equality and Human Rights Commission. Webpage <https://www.equalityhumanrights.com/en/public-sector-equality-duty-scotland/public-sector-equality-duty-faqs>

- 3.6. IJB published Equality Outcomes in 2016 and reported on progress on its mainstreaming duty in 2018, and 2021. All Equality related documentation can be found in the Equality section under Our Governance on the ACHSCP website, found here [Our Governance | Aberdeen City HSCP](#) The outcomes were not revised, and there was no report in 2020, due to staff focus on the response to the COVID-19 Pandemic.
- 3.7. At its meeting of 25th May 2021, the IJB considered the overdue Equalities Progress Report and agreed to its publication. The IJB also approved the Equality Outcomes and Mainstreaming Framework (2021-25) for Aberdeen City, the aim of which was to embed a culture of equality and human rights across all services. Part of this was the adoption of a Health Inequalities Impact Assessment (HIIA) template for use within ACHSCP. The template was created by Public Health Scotland and as well as considering the protected characteristics, the template also considers Human Rights and Health Inequalities which incorporates the IJB’s Fairer Scotland Duty. The report and associated appendices can be found as Agenda Item 13, via this link [Agenda for Integration Joint Board on Tuesday, 25th May, 2021, 10.00 am \(aberdeencity.gov.uk\)](#)



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3.8. The May 2021 report set out a monitoring framework which included a half yearly report to the Risk Audit and Performance (RAP) Committee and an annual report to the IJB. The half yearly report was considered by RAP on 1st March 2022 (note this was delayed as the January meeting had been cancelled due to the response to the Omicron variant). The report detailed the progress that had been made since IJB approval eight months earlier. The full report and 11 appendices are available as Agenda Item 6b from this link [Agenda for Risk, Audit and Performance Committee on Tuesday, 1st March, 2022, 10.00 am \(aberdeencity.gov.uk\)](https://www.aberdeencity.gov.uk/agenda-for-risk-audit-and-performance-committee-on-tuesday-1st-march-2022-10-00-am).

Review and assess policies and practices

3.9. The RAP report covered progress made particularly in relation to the development of governance arrangements and guidance documents to support staff deliver the Specific Duties, but in summary the following areas were covered.

- Governance arrangements
- Terms of Reference for the Equality and Human Rights Sub Group
- The role and remit of the DiversCity Officers (Equality Champions)
- Introductory Guidance on the duty to review and assess policies and practice
- “Dispelling the Myths” on undertaking impact assessments
- Guidance on gathering and using evidence
- Stage 1 of the assessment process – considering ‘proportionality’ and ‘relevance’ and deciding whether an HIA is required or not
- Stage 2 of the assessment process – empowering people to contribute, and capturing their views

3.10. The HIAs undertaken or currently in development between May 2021 and July 2022 can be found in the following table:

Title of Report	Status	Lead Officer
Rosewell House	Completed	Fiona Mitchellhill Lead Nurse
Strategic Plan	Completed	Alison MacLeod Strategy and Transformation Lead
Carer Strategy Review	In development	Alison MacLeod Strategy and Transformation Lead
Mental Health and Learning Disability Accommodation Review	In development	Shona Ormand-Smith Commissioning Lead



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Title of Report	Status	Lead Officer
Drugs and Alcohol Partnership – Service Development	In development	Kevin Dawson Lead for Mental Health and Learning Disabilities
Workforce Plan	In development	Sandy Reid People and Organisation Lead
Additional Respite and Additional Interim Beds Service Development	In development	Shona Ormand -Smith Commissioning Lead

3.11. Further HIAs will be identified and developed as we progress through the programmes and projects related to delivery of the Strategic Plan 2022-25.

3.12. Since March one further guidance document has been created which is Stage 3 of the process and that is in relation to analysing the findings of the reviews and capturing recommendations arising these. This is attached as Appendix A to this report.

3.13. Planned work going forward includes: -

- Establishment of the DiversCity Officer Group.
- Agreement of the Terms of Reference for the DiversCity Officer Group.
- Delivery of the DiversCity Officer development programme.
- Development, circulation, and quarterly review of the DiversCity Directory.
- Delivery of the and delivery of an awareness raising programme for all staff.
- Design and development of dedicated web pages for publishing equality related documentation.
- 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 [Preparing to transition towards a National Care Service for Scotland: SPPN 7/2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/preparing-to-transition-towards-a-national-care-service-for-scotland/pages/7/2021-gov.scot-wwww.gov.scot) .
- Development of the bi-annual report against delivering our Equality Outcomes (as required by SSPSED 2) by April 2023.

Scottish Government Review

3.14. 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



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Equality and Human Rights Subgroup and circulated for comment to the wider group before submission in October 2021.

- 3.15.** 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 was coproduced and circulated for comment to the Equality and Human Rights Subgroup membership.
- 3.16.** The Equality and Human Rights Commission (the Commission) met with the Chief Officers of health and Social Care Partnerships on 1st July 2022 and offered support to help IJBs advance equality through improved compliance with the legislative obligations. On 22nd September 2022, the Commission will run a workshop on setting SMART equality outcomes that prioritise tackling the most significant inequalities relevant to our work. This will include information about how to measure and report on progress made. Aberdeen City will participate in this workshop after which we may wish to review our current outcomes as part of reviewing the progress made to achieve them. In October/ November 2022, the Commission will run a workshop on assessing the equality impact of policies and practices, with a focus on strategic commissioning plans. Again, Aberdeen City will participate in that and implement any learning.

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.

4.2. Financial

There are no direct financial implications arising from the recommendations of this report. All equality and human rights activities will be undertaken within existing budgets.

4.3. Workforce



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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.

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



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- 5.1. This report links directly to delivery of the strategic aims and priorities of the IJB and supports achieving the stated approach of services being planned and led locally.

6. Management of Risk

6.1. Identified risks(s)

There is a risk that the IJB fails to maximise opportunities to engage with people with protected characteristics when planning and delivering services which could potentially lead to harm or exclusion of certain groups.

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

This report links to Strategic Risk 8:

Cause: Need to involve lived experience in service delivery and design as per Integration Principles

Event: IJB fails to maximise the opportunities created for engaging with our communities

Consequences: Services are not tailored to individual needs; reputational damage; and IJB does not meet strategic aims



This risk is currently sitting at Medium.



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

The process, documentation and approach described in this report will improve the IJB's ability 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.

Approvals	
	Sandra Macleod (Chief Officer)
	Paul Mitchell (Chief Finance Officer)