

EMBRACING DIVERSITY

Equality Assessment and Objectives 2012

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1. INTRODUCTION

North Cumbria University Hospitals NHS Trust is committed to promoting equality, diversity and human rights, and tackling and eradicating discrimination. Our intention is always to provide excellent healthcare, equal at the point of access, and excellent opportunities for staff and potential staff.

In order that the Trust can assess its progress and publish objectives for the future in line with the Equality Act 2010, it has adopted the newly introduced national NHS Equality Delivery System (EDS). This is a tool for NHS organisations – in partnership with patients, the public, staff and staff organisations – to use to review their equality performance and to identify equality objectives and actions. It offers local and national reporting and accountability mechanisms designed to support NHS providers and commissioners to deliver better outcomes for patients and communities and better working environments for staff, which are personal, fair and diverse. The EDS is all about making positive differences to healthy living and working lives so that everyone counts on an equal basis.

The Trust has worked with external stakeholders and other NHS organisations in Cumbria - NHS Cumbria, University Hospitals of Morecambe Bay NHS Trust and Cumbria Partnership NHS Foundation Trust - to review the evidence from within each of the organisations for the purpose of assisting with grading against the Equality Delivery System (EDS). The Trust has also undertaken an internal self assessment against the EDS criteria.

This report sets out the assessment for the Trust together with the equality objectives developed from the outcome of the assessment. It provides the baseline for EDS and will be an ongoing process reported on annual basis through the Equality & Diversity Steering Group, to the Governance Committee and ultimately the Trust Board.

2. THE EQUALITY ACT AND THE PUBLIC SECTOR EQUALITY DUTY

The Equality Act (2010) and Protected Characteristics

The Equality Act brings together for the first time all the legal requirements that the private, public and voluntary sectors need to follow and it replaces all other equality law. The Act includes the concept of a protected characteristic. This is a characteristic of a person that protects them from discrimination, unfair treatment, harassment or victimisation. There are nine protected characteristics recognised by the Equality Act:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Ethnicity
- Religion and belief

- Sex
- Sexual orientation

A fuller explanation of the protected characteristics is available at Appendix 1.

The Public Sector Equality Duty

Section 149 of the Equality Act places an additional set of requirements upon public bodies, known as the Public Sector Equality Duty. This is made up of a general equality duty which is supported by specific duties.

The general equality duty requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

The specific duty requires public authorities to publish information on the affects of their services and employment on people who share a protected characteristic (by 31 January 2012) and to publish equality objectives (by 6 April 2012.).

What the general equality duty requires on information

The general duty carries no explicit legal requirement to collect and use equality information across the protected characteristics. However, public authorities must understand the impact of their policies and practices on people with protected characteristics in order to have due regard to the aims of the general equality duty. In order to do this they must have the means to analyse their activity across different protected characteristics.

What the specific duties require on information

Public authorities covered by the specific duties must publish information relating to people who share a relevant protected characteristic who are:

- its employees (for organisations with more than 150 staff)
- people affected by its policies and practices (for example, service users).

3. DIVERSITY PROFILE OF CUMBRIA

Population

Cumbria is the second least densely populated county in England with a population of 500,000. The county has an 'ageing' population which is driven by in-migration of people aged 45 and over and out-migration of younger adults. The ethnic profile of Cumbria is changing to become more representative of the rest of the UK. (The

summary below is collated by Cumbria County Council - more data and information on Equality and the population profile is available at

<http://www.cumbriaobservatory.org.uk/Population/equality.asp>

	Allerdale	Barrow	Carlisle	Copeland	Eden	S.Lakes	Cumbria	England
Population	94,100	70,700	104,500	69,500	51,800	103,700	494,400	62.26M
% Males	49.1	49.2	48.8	50.4	49.6	49.1	49.3	49.2
% Females	50.9	50.6	51.2	49.8	50.4	49.6	49.1	49.3
% BME	4.3	4.1	5.6	3.7	4.8	6.3	4.9	16.2
% Christian	85.5	81	80	86.3	81.4	79.1	82.2	71.7
% non-Christian	0.4	0.6	0.6	0.5	0.5	0.8	0.6	6
% No Religion	14.4	18.4	18.7	13.2	18.2	20.1	17.3	22.2
% Lesbian Gay Bisexual	5	3	3	3	2	1	3	n/a
% Disabled	20.2	24.8	19.3	20.4	17.1	18.5	20	17.9
% Disabled - working age	15.2	20.3	19	22.4	22.8	2.5	20.2	20.4
% 65+	20.5	18.8	18.8	19	21.8	23.9	20.5	16.6

4. THE EQUALITY DELIVERY SYSTEM

The EDS is designed to support NHS providers and commissioners to deliver better outcomes for patients and communities and better working environments for staff, linking to

- NHS Outcomes Framework
- NHS Constitution for patients and staff
- CQC essential standards

and also support organisations to comply with the Public Sector Equality Duty.

At the heart of the EDS is a set of 18 outcomes grouped into four goals. These outcomes focus on the issues of most concern to patients, carers, communities, NHS staff and Boards. It is against these outcomes that performance is analysed, graded and action determined. The four EDS goals are:

1. Better health outcomes for all
2. Improved patient access and experience
3. Empowered, engaged and included staff
4. Inclusive leadership at all levels

The grades are:

1. Excelling – **Purple**
2. Achieving – **Green**
3. Developing – **Amber**
4. Undeveloped – **Red**

The Equality Delivery System Grading Process

Trust Self Assessment

In the Trust, the self assessment process was split to look at Goals 1 / 2 (patients) and Goals 3 / 4 (staff). Evidence was collected from within the Trust to allow an initial draft assessment to be made. Two review sessions were arranged which involved senior managers and some members of the Equality and Diversity Steering Group, and for Goals 3 / 4 also included staff representatives.

The self assessment process provided an overall grade of Developing across all four goals for the Trust

Stakeholder Assessment

In partnership with the other Cumbria NHS organisations, two events were held to support stakeholders to be involved in the EDS process. The first was Grading Training to give stakeholders an insight into what was involved with EDS. The second was a workshop to get feedback on patient experience to support the evidence collected. This took the form of gathering feedback on:

- What's good about the NHS
- What's not so good
- What's missing
- What would make it better

The workshop included an opportunity for participants to assess the overall position in Cumbria in relation to EDS.

Alongside and to feed into this process surveys for patients and staff were also carried out.

For Cumbria the overall assessment rating was Developing (taking into account a range from underdeveloped to achieving, the average was Developing). Feedback from this workshop has been used together with the self assessment to develop the Trust's equality objectives.

Outcome

Taking all the above review processes into account the assessment for the Trust is as follows:

5. THE EQUALITY DELIVERY SYSTEM SELF ASSESSMENT

The table below shows the self assessment grade and a sample of the types of evidence used to assess that grade.

<p>Goal 1: Better Health outcomes for all</p>	<p>The NHS Should achieve improvements in patient health, public health and patient safety for all, based on comprehensive evidence of needs and results</p>	
<p>1.1 Services are commissioned, designed and procured to meet the health needs of local communities, promote well-being, and reduce health inequalities</p>	<p>Developing</p>	<ul style="list-style-type: none"> • Business Plan • Annual Report • Quality Account • Commissioning for Quality and Innovation Payment Framework (CQUIN) linked to NHS Cumbria • Equality Impact Assessments • Major redevelopment of West Cumberland Hospital • Development of services such as Telestroke • Introduction of Services not previously available locally <ul style="list-style-type: none"> ○ Heart Centre in Carlisle ○ Treatment for Age-related Macular Degeneration • NHS Contract with NHS Cumbria covering Equality
<p>1.2 Individual patients" health needs are assessed, and resulting services provided, in appropriate and effective ways</p>	<p>Developing</p>	<ul style="list-style-type: none"> • Quality Account • Single Assessment form – holistic approach to understand preferences and promote dignity and respect • Interpretation and sign language facilities available • Matrons for Quality and also Patient Experience recently appointed • Development of technology to provide up-to-date information, recording actions as they happen and contributing to effective planning and discharge • Use of Cumbria Learning Disability Passport to support patient preferences • Use of agreed Care Pathways where appropriate • Dementia screening where appropriate

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<p>1.3 Changes across services for individual patients are discussed with them, and transitions are made smoothly</p>	<p>Developing</p>	<ul style="list-style-type: none"> • Single Assessment form • Discharge Summary • Developing Discharge process including <ul style="list-style-type: none"> ○ Trialling Nurse led Discharge process ○ Appointing discharge co-ordinators ○ Using technology to improve process • Use of Liverpool Care Pathway for the Dying patient
<p>1.4 The safety of patients is prioritised and assured. In particular, patients are free from abuse, harassment, bullying, violence from other patients and staff, with redress being open and fair to all</p>	<p>Developing</p>	<ul style="list-style-type: none"> • Safeguarding Adults Policy • Child Protection Policy • Monthly Ward Health Check • Care Quality Commission assessments • PEAT inspections for patient environment • Part of Cumbria Local Safeguarding Childrens Board • Procedures for care of individuals who are violent or abusive including risk assessment • Recognised in top 40 hospitals by CHKS • Quality Account
<p>1.5 Public health, vaccination and screening programmes reach and benefit all local communities and groups</p>	<p>Developing</p>	<ul style="list-style-type: none"> • Single Assessment form • Pre-assessment screening before operations • MRSA screening for elective and emergency operations • Dementia screening • Veno Thrombolysis Phrophylaxis (VTE) assessment • Cumbria and Morecambe Bay Bowel Screening Centre • Breast Screening Service

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<p>Goal 2: Improved patient access and experience</p>	<p>The NHS should improve accessibility and information, and deliver the right services that are targeted, useful, useable and used in order to improve patient experience</p>	
<p>2.1 Patients, carers and communities can readily access services, and should not be denied access on unreasonable grounds</p>	<p>Developing</p>	<ul style="list-style-type: none"> • Services in Carlisle, Whitehaven and maternity services in Penrith • Maternity services provided in the community • Some outpatient clinics held at different sites across north Cumbria • Interpretation and language service • Quality Account • Choose and Book • Drop in maternity clinics for travellers, those with no fixed abodeclinics
<p>2.2 Patients are informed and supported to be as involved as they wish to be in their diagnoses and decisions about their care, and to exercise choice about treatments and places of treatment</p>	<p>Developing</p>	<ul style="list-style-type: none"> • Consent Policy • Single Assessment Form • Reminder service for outpatient appointments • Productive Ward • Choose and Book • Specialist nurses in areas such as breast care and colorectal for patients to discuss information • Use of Learning Disability Passport
<p>2.3 Patients and carers report positive experiences of their treatment and care outcomes and of being listened to and respected and of how their privacy and dignity is prioritised</p>	<p>Developing</p>	<ul style="list-style-type: none"> • System introduced to collect views from outpatients and inpatients with alerts generated where any element falls below the standard expected – actions in place from results • Introduction of red Dignity Pegs • Single sex accommodation virtually eliminated • Chaplaincy service on both sites for support in spiritual and pastoral needs • Matron for Patient Experience developing the collection of patient stories, together with actions and feedback

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<p>2.4 Patients' and carers' complaints about services, and subsequent claims for redress, should be handled respectfully and efficiently</p>	<p>Developing</p>	<ul style="list-style-type: none"> • Freedom of Information Policy • Complaints process with information published in leaflets and on the Internet • PALS Service which is confidential and offers information about the hospitals and individuals can express concerns • Revised Governance structure and process for complaints
<p>Goal 3: Empowered, engaged & well supported staff</p>	<p>The NHS should increase the diversity and quality of the working lives of the paid and non-paid workforce supporting all staff to better respond to patients and "communities" needs</p>	
<p>3.1 Recruitment and selection processes are fair, inclusive and transparent so that the workforce becomes as diverse as it can be within all occupations and grades</p>	<p>Achieving</p>	<ul style="list-style-type: none"> • Recruitment and Selection Policy • Jobs advertised widely through NHS Jobs and Equality Britain • Approved to use Disability Two Ticks Symbol • Equality data gathered through monitoring form on application • Recruitment Training provided for Appointing Officers • Candidates with a disability are given the opportunity of a guaranteed interview if they fulfil the essential requirements of the post and adjustments are made where required • Interviews are conducted using an agreed scoring system

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<p>3.2 Levels of pay and related terms and conditions are fairly determined for all posts, with staff doing equal work and work rated as of equal value being entitled to equal pay.</p>	<p>Developing</p>	<ul style="list-style-type: none"> • National Agenda for Change terms and conditions and Medical Terms and Conditions • Bands of jobs are matched and evaluated using the agreed National Scheme with involvement of trained management and staff sides representatives • Consultation on workforce issues with Trust Partnership Forum and Joint Local Negotiating Committee • Local Terms and Conditions Group established
<p>3.3 Through support, training, personal development and performance appraisal, staff are confident and competent to do their work, so that services are commissioned or provided appropriately</p>	<p>Developing</p>	<ul style="list-style-type: none"> • Trust Appraisal Scheme • All new employees attend a Corporate Induction programme • The Trust has a Mandatory Training Programme for all employees tailored to the requirements of particular types of post. • Training is available in a variety of formats including face to face and e-learning • Support is available for NVQ learners with special needs such as dyslexia
<p>3.4 Staff are free from abuse, harassment, bullying, violence from both patients and their relatives and colleagues, with redress being open and fair to all.</p>	<p>Achieving</p>	<ul style="list-style-type: none"> • Security of People and Property Policy including lone working and care of patients where behaviour is abusive • Dignity at Work Policy • Staff currently undertaking mediation training • Support for staff involved in serious incidents with immediate and ongoing support and a policy to outline steps to be taken

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<p>3.5 Flexible working options are made available to all staff, consistent with the needs of the service, and the way that people lead their lives. (Flexible working may be a reasonable adjustment for disabled members of staff or carers.)</p>	<p>Developing</p>	<ul style="list-style-type: none"> • Flexible working options are available • Longer Employment Breaks and Sabbaticals can be requested • Maternity Leave & Pay Policy • Flexible retirement options are considered • Special Leave policy covers emergency situations
<p>3.6 The workforce is supported to remain healthy, with a focus on addressing major health and lifestyle issues that affect individual staff and the wider population</p>	<p>Developing</p>	<ul style="list-style-type: none"> • Occupational Health department based on both sites • Access to specialist counselling services • Flu Vaccinations offered to all staff each year • Smoking Cessation services available to staff • Wellbeing clinics are offered
<p>Goal 4: Inclusive leadership at all levels</p>	<p>NHS organisations should ensure that equality is everyone’s business, and everyone is expected to take an active part, supported by the work of specialist equality leaders and champions</p>	
<p>4.1 Boards and senior leaders conduct and plan their business so that equality is advanced, and good relations fostered, within their organisations and beyond</p>	<p>Developing</p>	<ul style="list-style-type: none"> • Business Plan, Annual Report and Clinical Strategy • Single Equality Scheme • EIA’s as part of decision making process • Partnership working with staff side representatives • Work with NHS organisations in Cumbria to develop EDS

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<p>4.2 Middle managers and other line managers support and motivate their staff to work in culturally competent ways within a work environment free from discrimination</p>	<p>Developing</p>	<ul style="list-style-type: none"> • Dignity at Work Policy • Equality issues included in Leadership Development programmes • Reporting of grievance and disciplinary issues
<p>4.3 The organisation uses the “Competency Framework for Equality and Diversity Leadership” to recruit, develop and support strategic leaders to advance equality outcomes</p>	<p>Undeveloped</p>	<ul style="list-style-type: none"> • The Trust does not yet use this recently introduced framework but is committed to review the principles in it and develop an action plan to take account of this.

6. TRUST EQUALITY OBJECTIVES

From the self assessment, surveys and feedback, the Trust has identified four objectives, one for each of the EDS Goals together with an overarching objective relating to capturing and analysing data for services and staff against the protected characteristics. The objectives are linked to the goals set out in the NHS Equality Delivery System (EDS):

- Goal 1 Better health outcomes for all
- Goal 2 Improved patient access and experience
- Goal 3 Empowered, engaged and included staff
- Goal 4 Inclusive leadership at all levels

Objective 1: Ensure services are designed to meet the needs of patients, carers and communities	
EDS Goal 1	To equality impact assess all services within the Trust and take action as required

Objective 2: Develop a system that ensures needs of patients are communicated across the patient journey	
EDS Goal 2	Develop and implement systematic ways of ensuring that throughout a patient's journey from primary care into secondary care and within secondary care into discharge, any specific practical physical and care requirements are noted to ensure the patient receives the best possible experience e.g. needs a translator, is in a wheelchair, is deaf or blind.

Objective 3: Increase satisfaction levels of staff working in the Trust through working with staff and their representatives	
EDS Goal 3	Facilitate a system where more time can be devoted to working with staff and staff representatives on policy development, training delivery and support for health and well being for employees across all staff groups.

Objective 4: Utilise staff training and development to demonstrate commitment and leadership around equality and diversity	
EDS Goal 4	Review and implement leadership development programmes and deliver at various levels including a focus on equality and diversity across the Trust.

In order to facilitate the above objectives, the Trust has identified a fifth objective

Objective 5: Identify the trends and issues for service users and staff allowing for actions to be implemented based on evidence gathered through data analysis	
EDS Goals 1 to 4	Implement processes to improve the data collection and analysis of the information in relation to protected characteristics for staff and patients.

A supporting Action Plan will be developed and progress against the objectives will be reviewed quarterly by the Trust's Equality and Diversity Steering Group and an annual progress report published and reported to the Governance Committee.

APPENDIX 1 PROTECTED CHARACTERISTICS

- **Age** - this is defined by being of a particular age (for example being 35 years old) or by being within a range of ages (for example being between 40 - 50).
- **Disability** - In the Act, a person has a disability if:
 - they have a physical or mental impairment
 - the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities

For the purposes of the Act, these words have the following meanings:

- 'substantial' means more than minor or trivial
- 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions)
- 'normal day-to-day activities' include everyday things like eating, washing, walking and going shopping

People who have had a disability in the past that meets this definition are also protected by the Act.

Progressive conditions considered to be a disability

There are additional provisions relating to people with progressive conditions. People with HIV, cancer or multiple sclerosis are protected by the Act from the point of diagnosis. People with some visual impairments are automatically deemed to be disabled.

Conditions that are specifically excluded

Some conditions are specifically excluded from being covered by the disability definition, such as a tendency to set fires or addictions to non-prescribed substances

- **Gender Reassignment** - Gender reassignment is a protected characteristic under the Act and it protects transsexual people who propose to undergo, are undergoing or have undergone a process (or part of a process) of having their sex reassigned. A person does not have to be under medical supervision to have the protected characteristic of gender reassignment.
- **Race** - The requirement for consideration of a person's race includes: colour, nationality, ethnic origins, national origins, protection on the grounds of nationality is subject to compliance with immigration rules.
- **Religion / Belief (or lack of belief)** - Requirements for consideration of religion and belief include any religion or reference to religion, including a reference to a lack of religion belief. Any religious or philosophical belief or reference to belief, including a reference to a lack of belief.

Religion or belief should be taken to mean the full diversity of religious and belief affiliations within the UK, including non-religious and philosophical beliefs such as atheism, agnosticism and humanism.

- **Sex** - Sex is a protected characteristic under the Act and it protects men (being a man) and women (being a woman). The Equality Act 2010 gives women and men a right to equal pay for equal work. The equal pay provisions within the Act replace previous equality provisions within the Equal Pay Act 1970, the Sex Discrimination Act 1975 and the Pensions Act 1995.
- **Sexual Orientation** - Sexual orientation means a person's sexual orientation towards people of the same sex, opposite sex or both.
- **Pregnancy and Maternity** -related discrimination can occur outside of the workplace if a woman is treated unfavourably because of her pregnancy; she has given birth (within the past 26 weeks) and, in particular, because she is breastfeeding.

Pregnancy and maternity-related discrimination can occur in employment if a woman is treated unfavourably because of her pregnancy, of pregnancy-related illness, she is on compulsory maternity leave (2 weeks or 4 weeks if she is working in a factory); she is exercising her right to take ordinary or additional maternity leave.

- **Marriage and Civil Partnership** - The Equality Act protects those who are married or in a civil partnership against discrimination in the workplace and in vocational training.