



Health Care and Associated Professions (Indemnity Cover) Order 2013

Equality Analysis

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Prepared by the Equality and Inclusion Team, Department of Health

Introduction

The general equality duty that is set out in the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The general equality duty does not specify how public authorities should analyse the effect of their existing and new policies and practices on equality, but doing so is an important part of complying with the general equality duty. This analysis sets out the Department's view on how the proposed Order meets the duties.

Equality analysis

Title: Health Care and Associated Professions (Indemnity Cover) Order 2013

Relevant line in [DH Business Plan 2011-2015](#):

2.8. Promote safe, effective and respectful care by health and social care professionals, through implementation of the professional regulation Command Paper, "Enabling Excellence"

What are the intended outcomes of this work?

Where harm has been caused through negligence on the part of a healthcare professional, patients, the public or service users should have means of redress.

The intended effect is to require all healthcare professionals to have an indemnity arrangement in place (either arranged personally or in place as a result of their employment status). Unless healthcare professionals can demonstrate that such arrangements are in place they will be unable to register as a healthcare professional and so be unable to practise.

Who will be affected? *e.g. staff, patients, service users etc*

Registered health professionals

Patients

Service Users

Evidence *The Government's commitment to transparency requires public bodies to be open about the information on which they base their decisions and the results. You must understand your responsibilities under the transparency agenda before completing this section of the assessment. For more information, see the current [DH Transparency Plan](#).*

What evidence have you considered? *List the main sources of data, research and other sources of evidence (including full references) reviewed to determine impact on each equality group (protected characteristic). This can include national research, surveys, reports, research interviews, focus groups, pilot activity evaluations etc. If there are gaps in evidence, state what you will do to close them in the Action Plan on the last page of this template.*

Independent review of the requirement to have insurance or indemnity as a condition of registration as a healthcare professional.

No specific examination of equality issues but work of the review was undertaken in the context of existing equalities duties.

Details are contained here:

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/DH_117454

Ongoing discussions with Regulatory Bodies and key stakeholders

Whilst no equality issues have been identified, additional information will be sought through Consultation exercise to confirm position.

Disability *Consider and detail (including the source of any evidence) on attitudinal, physical and social barriers.*

We have been unable to identify any evidence that these individuals may experience a negative impact or discrimination as a result of the proposal.

<p>Sex Consider and detail (including the source of any evidence) on men and women (potential to link to carers below). We have been unable to identify any evidence that these individuals may experience a negative impact or discrimination as a result of the proposal.</p>
<p>Race Consider and detail (including the source of any evidence) on difference ethnic groups, nationalities, Roma gypsies, Irish travellers, language barriers. We have been unable to identify any evidence that these individuals may experience a negative impact or discrimination as a result of the proposal.</p>
<p>Age Consider and detail (including the source of any evidence) across age ranges on old and younger people. This can include safeguarding, consent and child welfare. We have been unable to identify any evidence that these individuals may experience a negative impact or discrimination as a result of the proposal.</p>
<p>Gender reassignment (including transgender) Consider and detail (including the source of any evidence) on transgender and transsexual people. This can include issues such as privacy of data and harassment. We have been unable to identify any evidence that these individuals may experience a negative impact or discrimination as a result of the proposal.</p>
<p>Sexual orientation Consider and detail (including the source of any evidence) on heterosexual people as well as lesbian, gay and bi-sexual people. We have been unable to identify any evidence that these individuals may experience a negative impact or discrimination as a result of the proposal.</p>
<p>Religion or belief Consider and detail (including the source of any evidence) on people with different religions, beliefs or no belief. We have been unable to identify any evidence that these individuals may experience a negative impact or discrimination as a result of the proposal.</p>
<p>Pregnancy and maternity Consider and detail (including the source of any evidence) on working arrangements, part-time working, infant caring responsibilities. There is the potential for minor negative impact on pregnant women wishing to retain the services of an independent midwife, should individual registrants be forced out of business. However the reported number of midwives practising independently is 170 (source NMC) and the assumption is that the majority of these will be able to obtain cover as part of a Social Enterprise Company or similar schemes. On this basis, the impact is deemed to be minor. The consultation asks a specific question with regard to this assumption.</p> <p style="text-align: center;">Q6: Please provide any information with regard to the assumption that the majority of independent midwives will be able to obtain cover through Social Enterprise Companies or similar schemes.</p>
<p>Carers Consider and detail (including the source of any evidence) on part-time working, shift-patterns, general caring responsibilities. We have been unable to identify any evidence that these individuals may experience a negative impact or discrimination as a result of the proposal.</p>

Other identified groups Consider and detail and include the source of any evidence on different socio-economic groups, area inequality, income, resident status (migrants) and other groups experiencing disadvantage and barriers to access.

We have been unable to identify any evidence that these individuals may experience a negative impact or discrimination as a result of the proposal.

Engagement and involvement

Was this work subject to the requirements of the cross-government [Code of Practice on Consultation](#)? (Y/N) Y

How have you engaged stakeholders in gathering evidence or testing the evidence available?
The Independent Review Group commissioned independent research carried out by Pricewaterhouse Cooper to establish the scale of impact.

How have you engaged stakeholders in testing the policy or programme proposals?
The IRG comprised representatives from key stakeholders, including regulatory bodies and patient and public representatives.
Stakeholders
Additionally direct research into public perceptions and reactions was commissioned.

For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs:

Details are contained here:

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/DH_117454

Summary of Analysis Considering the evidence and engagement activity you listed above, please summarise the impact of your work. Consider whether the evidence shows potential for differential impact, if so state whether adverse or positive and for which groups. How you will mitigate any negative impacts. How you will include certain protected groups in services or expand their participation in public life.

Whilst the work of the IRG was undertaken in the context of the equalities duties extant at the time, no specific issue were identified. Accordingly, the consultation exercise will seek to gather further evidence of equalities issues that may arise from the implementation of the legislation.

Now consider and detail below how the proposals impact on elimination of discrimination, harassment and victimisation, advance the equality of opportunity and promote good relations between groups.

Eliminate discrimination, harassment and victimisation Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).

There is no evidence on this to suggest a particular group would be affected by the proposed policy.

Advance equality of opportunity Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).

There is no evidence on this to suggest a particular group would be affected by the proposed policy.

Promote good relations between groups *Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).*

What is the overall impact? *Consider whether there are different levels of access experienced, needs or experiences, whether there are barriers to engagement, are there regional variations and what is the combined impact?*

Addressing the impact on equalities *Please give an outline of what broad action you or any other bodies are taking to address any inequalities identified through the evidence.*

Action planning for improvement *Please give an outline of the key actions based on any gaps, challenges and opportunities you have identified. Actions to improve the policy/programmes need to be summarised (An action plan template is appended for specific action planning). Include here any general action to address specific equality issues and data gaps that need to be addressed through consultation or further research.*

The consultation exercise is calling for any additional information respondents may have to assist in refining existing data.

Specific questions included in the consultation will call for any evidence of the potential to impact on any group with protected characteristics

Analysis of consultation responses will help refine EQIA for publication of final Order

Q8: Do you think there are any equalities issues that would result from the implementation of the Draft Order which require consideration? If so, please provide evidence of the issue and the potential impact on people sharing the protected characteristics covered by the Equality Act 2010: disability; race; age; sex; gender reassignment; religion & belief; pregnancy and maternity and sexual orientation and carers (by association).

For the record

Name of person who carried out this assessment:

Mike Lewis

Date assessment completed:

8/10/12

Name of responsible Director/Director General:

Gavin Larner

Date assessment was signed:

Action plan template

This part of the template is to help you develop your action plan. You might want to change the categories in the first column to reflect the actions needed for your policy.

Category	Actions	Target date	Person responsible and their Directorate
Consultation	Consultation exercise to include specific question on equalities issues arising from implementation of legislation.		
Analysis of evidence and assessment	Analysis of responses will allow assessment of impact and where necessary, amendments will be made to the Order.		
Monitoring, evaluating and reviewing	The Government has asked the Law Commissions for England and Wales, Scotland and Northern Ireland to review the legislative framework for the regulation of health professions across the UK and social workers in England. This Order will be considered as part of that review.		
Transparency (including publication)	This EQIA will be published as part of the consultation exercise and, following analysis of responses, an amended version will be published alongside the final Order.		