

Framework for Action

Action Plan to review progress on how the DH is meeting the current public sector duties and preparing for the new public sector duty

This framework has been developed in line with the current structure of the department of health and is subject to this.

This is an informal agreement and does not affect the statutory duties, rights or responsibilities of either party

Date of adoption: 30th September 2010

Background

1. The Department of Health (DH) and the Equality and Human Rights Commission (EHRC) have maintained an ongoing dialogue around how DH can improve the embedding of equalities throughout the department. This dialogue has led to the formation of this voluntary framework for action as the preferred method of identifying certain key areas for improvement, which will be monitored by the EHRC.
2. Integral to the ongoing dialogue between the EHRC and DH was a seminar held between key external organisations of the DH, DH staff and members of the EHRC. This seminar resulted in the identification of a number of areas where the EHRC can review

progress on how DH is meeting its current public sector duty, and how DH is preparing for the new public sector duty.

3. This agreed framework will set out the actions that DH intends to take to embed equality within its roles as employer, policy maker and system leader. The framework will have a strong focus on outcomes and evidence and aim to demonstrate DH's use of evidence in policy making, that policy changes are implemented in a timely fashion giving due regard to the impact of changes on relative health outcomes in relation to race, disability and gender. Ultimately measurement of success in the DH's role as system leader will be measured by effectiveness in closing health inequalities. Key to achieving this will be the relationship of the Department to the health and social care system. This framework will last for 18 months and draw on evidence that the health and social care system have initiatives in place that can be expected to lead to improved equality outcomes within their local populations. Of particular importance is DH's commitment to demonstrate to the EHRC how Equality Impact Assessments (EIAs) have been used effectively to influence/change five key policies.
4. The framework will also set out the structures and methods for monitoring and assuring the delivery of these actions within the DH and sets out its aims for further assurance of the health system.
5. The DH's Single Equality Scheme (SES) remains integral to DH's efforts to improve the embedding of equality throughout the department; however, this framework for action is distinct from the SES.

Aim of framework for action

Aim: To form an agreement for DH to demonstrate to the EHRC the steps it is taking to improve its performance of the current public sector duties (see appendix 1), how those steps are ensuring that due regard is paid and how it is preparing for the new public sector equality duty.

Objectives:

- DH identifies the key changes needed to embed equality across departmental policy making, implementation, monitoring and review.
- DH develops and implements appropriate action plans to bring about those changes.
- Structures are in place within the DH to monitor and evaluate effectiveness of progress in embedding equality, and in particular demonstrate effectiveness in relation to race, disability and gender equality.
- To provide the EHRC with up to date information on the actions underway and outcomes achieved to inform consideration of the extent to which DH are carrying out the actions set out in this agreement.

FRAMEWORK FOR ACTION - Embedding equality, reviewing action and outcomes

6. This section uses the key issues identified by the EHRC as the basis for the department's commitments.

In the general action plan, DH will commit to:-

- Integrate the Action Plan into current and future business plans.
- Improve data collection, analysis and use to better inform policy development.
- Improve timeliness and quality of EIAs.
- Demonstrate how EIAs have been used effectively to support the development of five key policies. These will include the first White Paper, new policies relating to commissioning, mental health, health inequalities and one to be agreed with the EHRC.
- Improve staff capacity, capability and confidence to approach the equalities agenda as a matter of course in everyday work by embedding equalities into all training, including induction and leadership skills.
- Enhance external organisations participation within policy development, working closely with Strategic Partners.
- Demonstrate strong leadership on the equalities agenda, leading to improved equalities performance within the health and social care sector and through this, prepare the department for the new public sector equality duty.
- Define the work of the Equality and Diversity Council and Assurance of the system and local priority identification.

The timeframes by which these commitments are to be achieved will be set out in the accompanying action plan.

The Department of Health within its new policies on the following areas will demonstrate to the EHRC that decisions have shown due regard to the public sector equality duties.

- **Embedding equality into Commissioning policy**

- **Embedding equalities into new policy regarding health inequalities**
- **Preventing discrimination within mental health services policy**

Reporting and evaluation

7. The Department will be demonstrating progress against specific outcomes that are documented in the action plan, and undertakes to:-

- Submit quarterly written reports to the EHRC as the primary method of reporting.
- Meet with EHRC following the submission of written reports to explore further qualitative evidence of implementation.

Improving transparency

8. In order to improve transparency regarding DH's efforts to improve on the equality agenda, DH will:-

- Make public this framework for action, the action plan, and executive summaries of the quarterly reports. This to include as a minimum distribution to strategic partners, publication on the relevant section of the website and inclusion in relevant newsletters etc to the wider health sector
- Engage external organisations (primarily strategic partners) in the reporting process. DH will invite strategic partners to comment on the quarterly report to the EHRC before submission.

- Develop an effective communications strategy to make public the progress of the department in meeting its commitments in the action plan, and on further embedding equalities throughout the department.

9. The principles by which the Commission will assess DH's implementation of the action plan are as follows:

- The agreement and action plan are reasonably expected to result in a greater demonstration by DH policies that they are aiming to improve relative health outcomes and are implemented in a timely fashion.
- Demonstrable improvements in equality performance are achieved within reasonable timescales and with measurable impacts on relative health inequalities.
- Evidence of a wider impact on the way that equality is embedded in the work of the Department.

Implementation in the policy areas identified:

- Actions and policy changes are reasonably expected to result in a demonstration that DH policies are aiming to improve relative health outcomes, and this is supported by evidence.
- Actions and policy changes are implemented in a timely fashion and there is evidence of the impact of changes on the equality performance concerns identified in the agreement and in particular relative health outcomes in relation to race, disability and gender.

10. The role of the EHRC

The Equality and Human Rights Commission is the regulator for equality and human rights in Great Britain. This function is carried out through a range of methods aimed at ensuring that individuals and businesses comply with the law. This is not limited to formal legal enforcement action, but is supported by a range of activities, including the conclusion of voluntary agreements.

The Commission's role will be to:

- monitor implementation through the receipt of written reports, meetings with the Department where appropriate;
- Analyse this information, using it to assess progress in ensuring the public sector equality duties are met and to provide feedback on this assessment to the Department and, where appropriate to key stakeholders such as the strategic partners
- To keep the implementation of the agreement under review and ensure the most effective regulatory method is used

Appendix 1: The general duties on race, disability and gender

Race (in force 2000)

The Race Relations Act 1976 places a duty on listed public authorities, when carrying out their functions, to have due regard to the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity, and
- promote good relations between people of different racial groups.

Disability (in force 2006)

The Disability Discrimination Act 1995 places a duty on all public authorities, when carrying out their functions, to have due regard to the need to:

- promote equality of opportunity between disabled persons and other persons
- eliminate discrimination that is unlawful under the Act
- eliminate harassment of disabled persons that is related to their disabilities
- promote positive attitudes towards disabled persons
- encourage participation by disabled persons in public life, and
- take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

Gender (including gender identity) (in force 2007)

The Sex Discrimination Act 1975 places a duty on all public authorities, when carrying out their functions, to have due regard to the need:

- to eliminate unlawful discrimination and harassment, and
- to promote equality of opportunity between men and women.

The duty to eliminate unlawful discrimination also includes equal pay legislation.