

NHS COMMISSIONING BOARD AUTHORITY

Title: EQUALITY ANALYSIS – FUNCTIONS OF THE
NHS COMMISSIONING BOARD AUTHORITY

Clearance: Bill McCarthy, Managing Director

Purpose of Paper:

The purpose of this paper is to:

- ensure Board members are aware of the key issues and recommended actions emerging from the equality analysis of the Authority's functions; and
- enable Board members to consider its response to the equality analysis.

Key Issues and Recommendations:

In order to meet the Public Sector Equality Duty, the Board needs to be assured that the Authority is advancing equality across all of its business, both strategically and systematically. An equality analysis has been undertaken to assess the equality impact of the Authority's functions and identify the key actions required to ensure compliance. Work is already underway to progress some of the high-level actions identified.

Advancing equality is also central to our values as an organisation and is one of the fixed points within our NHS Commissioning Board (NHS CB) programme against which the success of the future health system will be assessed.

Actions Required by Board Members:

1. To receive a copy of the published equality analysis for information.
2. To receive a draft response to the equality analysis for consideration.

EQUALITY ANALYSIS – INITIAL FUNCTIONS OF THE NHS COMMISSIONING BOARD SPECIAL HEALTH AUTHORITY

Context

1. The principal aim of this equality analysis is to demonstrate that in the execution of its functions, the Authority has had due regard to the need to:
 - eliminate discrimination, harassment and victimisation and other conduct prohibited under the Equality Act 2010;
 - advance equality of opportunity between groups who share a protected characteristic and those who do not share it; and
 - foster good relations between groups who share a protected characteristic and those who do not share it.
2. The analysis will also contribute to our legal requirement to publish information demonstrating compliance with the Public Sector Equality Duty by 31st January 2012 and inform the preparation of our equality objectives, which must be published by 6 April 2012.
3. The equality analysis will be published to the Authority's website on 26 January 2012. A copy of the final report is attached for information.

Findings and Recommendations for Action

4. The equality analysis of the Authority's functions found that its establishment is unlikely to have a negative impact on people sharing any of the protected characteristics listed in section 149(7) of the Equality Act 2010. However, there are excellent opportunities, particularly through the design of future NHS Commissioning Board (NHS CB) functions, for the Authority to have a direct and positive impact on protected groups.
5. High-level actions emerging from the analysis include the following:

Action	Timescale
Identify, unpack and allocate relevant actions from the equality analysis of the Health and Social Care Bill and the Equality & Human Rights Commission report, 'The Public Sector Equality Duty: A way forward for the health sector'.	January 2012
Finalise and begin implementation of the NHS CB development and implementation programme approach to embedding equality and reducing health inequalities (i.e. 'lenses' and quality standards).	January 2012
Publish information to demonstrate compliance with	31 January

the public sector equality duty.	2012
Work with DH and the Equality Delivery System (EDS) Support Team to consider how the SpHA can utilise the EDS to develop its equality objectives.	February 2012
Agree and publish equality objectives that need to be achieved in order for the SpHA to carry out its public sector duty.	6 April 2012
Design the 'end state' equality and health inequalities functions of the NHS CB.	March 2012
Review the equality analysis prior to the SpHA closing and the NHS CB being established as an Executive Non-Departmental Public Body.	October 2012

6. A response to the analysis has been drafted for the Board's consideration (Annex A).

Resources:

- o Meeting the Public Sector Equality Duty (NHSCBA/12/2011/4)
<https://www.wp.dh.gov.uk/commissioningboard/files/2011/12/Paper-NHSCBA-12-2011-4-Meeting-the-Public-Sector-Equality-Duty-Final.pdf>

ANNEX A

DRAFT RESPONSE TO EQUALITY ANALYSIS – INITIAL FUNCTIONS OF THE NHS COMMISSIONING BOARD SPECIAL HEALTH AUTHORITY

The Board welcomes this equality analysis of the functions of the NHS Commissioning Board Authority. The report will assist us in identifying the actions the Authority needs to take as a public body to ensure that we are meeting both the letter and the spirit of the Public Sector Equality Duty.

Work is already underway to progress some of the actions outlined in the report. We are embedding equality into the programme management arrangements for NHS Commissioning Board development and implementation, to ensure that the Authority is systematically considering how the promotion of equality is a priority in the design of each function. For example, equality and reducing health inequalities is one of the four strategic 'lenses' underpinning the design of the NHS Commissioning Board. In addition, advancing equality is one of the eleven quality criteria for individual function design. This activity aims to 'hard wire' equality into the Commissioning Board's relationships, processes and structures.

The Equality Delivery System (EDS) is a tool developed by the NHS for NHS organisations, supporting them to deliver better outcomes for patients and communities and better work environments for staff that are personal, fair and diverse. We recognise the importance of the EDS to the wider NHS, our strategic partners and external stakeholders. As such, the Authority is working proactively and positively with the DH and EDS Support Team to find ways of adapting the tool for its use, and has commenced discussions with senior officials on how the NHS Commissioning Board might use the EDS to drive up equality performance across the system in the future.

We are keen not to lose sight of the relevant recommendations from earlier equality analyses, such as the analysis of 'Liberating the NHS: commissioning for patients' and the Equality and Human Rights Commission report, 'The Public Sector Duty: a way forward for the health sector'. We will ensure that where relevant, recommendations will be allocated to the appropriate work programmes for action.

The Authority will continue to work internally, and in partnership with colleagues within the DH and wider NHS, to ensure that advancing equality and diversity is central to how we conduct our business as an organisation. This is something that is right at the heart of our values – ensuring that we exercise fairness in all that we do and that no community or group is left behind in the improvements we want to make to health outcomes across England.