

- To:
- Integrated Care Boards:
    - Chief executives
    - Chair
  - NHS Trusts chief executive
  - Foundation Trusts chief executive
- cc.
- Regional SROs for Health Inequalities

NHS England  
Wellington House  
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SE1 8UG

28 November 2023

Dear Colleague,

## **Publication of NHS England's Statement on Information on Health Inequalities**

NHS England published its first [Statement on Information on Health Inequalities](#) on Monday 27 November 2023. This letter outlines what this means for your Integrated Care Board (ICB), Trust or Foundation Trust (relevant NHS body).


### **a) Health inequalities duties**

The NHS Act 2006 (as amended, by the Health and Care Act 2022) places a range of health inequalities duties on the NHS. Changes arising from the Health and Care Act 2022 provided extended legal duties on reducing and tackling health inequalities. NHS commissioners (NHS England and ICBs) are under specific legal duties to take account of health inequalities issues in the exercise of their functions. Aspects of the legal regime that applies to NHS providers, also include requirements to consider health inequalities. The key legal duties are set out in the Table in Annex 1.

### **b) Statement on Information on Health Inequalities**

Under duty [s. 13SA of the National Health Service \(NHS\) Act 2006](#) NHS England is required to publish a Statement setting out:

- a description of the powers available to relevant NHS bodies to collect, analyse and publish information; and
- the views of NHS England about how those powers should be exercised in connection with such information. The current Statement provides information on how powers should



be exercised in connection with health inequalities information for the period 1 April 2023 to 31 March 2025.

The Statement is designed to help relevant NHS bodies understand their duties and powers and how they can be exercised. Relevant NHS bodies are not expressly required in the NHS Act 2006 to adhere to it. It does not create any new legal responsibilities in and of itself. However, relevant NHS bodies are required, **in their annual reports, to review the extent to which the body in question has exercised its functions consistently with NHS England's views set out in the Statement.** A summary of NHS England's views can be found in Annex 2.

While NHS England recognises the value of collecting, analysing and publishing information on health inequalities, to manage the burden on relevant NHS bodies, we are taking a proportionate and phased approach to helping organisations gather and make use of available information on health inequalities. Consequently, this first Statement focuses on a small number of data indicators that are available for interpretation, along with a limited number of expectations on how the information should be used. These indicators are aligned to the [five priority areas](#) for addressing healthcare inequalities set out in Priorities and Operational Planning Guidance, the [Core20PLUS5 approach](#).

Alongside the information set out in the Statement, relevant NHS bodies may be gathering and using other health inequalities information as part of national monitoring or for use locally.

### **c) Relationship with the Public Sector Equality Duty (PSED)**


In addition to the Health Inequalities Duties, the [Public Sector Equality Duty \(PSED\)](#) applies to the NHS in relation to both its functions and workforce and prescribes characteristics to be considered.

### **d) Further information on health inequalities duties**

In 2023, NHS England will be publishing a **new reference document** on the Health Inequalities Duties and Equality Duties. This will replace the [Guidance for NHS commissioners on equality and health inequalities legal duties \(2015\)](#).

We will produce some Frequently Asked Questions (FAQs) and further support materials on the health inequality legal duties, in response to the needs of relevant NHS bodies. We are delivering a webinar on **Wednesday 24<sup>th</sup> January 2024, 12-1pm** to explain the legal duties and answer your questions. Please register here:

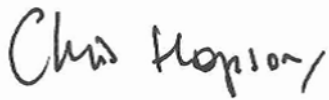
<https://www.events.england.nhs.uk/events/health-inequalities-legal-duties-support-webinar>.



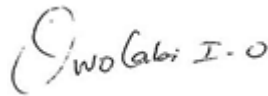
Please send questions, information on the type of support you would find useful, or feedback on the Statement to: [england.healthinequalities@nhs.net](mailto:england.healthinequalities@nhs.net)

We would like to take this opportunity to thank you for all your work in reducing healthcare inequalities to deliver exceptional quality healthcare **for all**, ensuring equitable access, excellent experience and optimal outcomes.

Yours sincerely



**Chris Hopson**  
Chief Strategy Officer  
NHS England



**Dr Bola Owolabi**  
Director, Health Inequalities  
NHS England


## Annex 1 – Overview of legal duties on NHS bodies

The following table provides an overview of the health inequalities by type of NHS body under the NHS Act 2006<sup>1</sup>

	NHS England	ICBs	Trusts and Foundation Trusts
<b>Commissioning and delivery of services</b>			
<b>Arranging services to meet reasonable needs</b>	s. 1H	s. 3/3A	No statutory duty, but responsibilities are set out in contracts with commissioners
<b>Duty to exercise functions efficiently, effectively and economically</b>	s. 13D	s. 14Z33	s. 26 (NHS Trusts)
<b>Duty to have regard to reducing inequalities in access and outcomes</b>	s. 13G	s. 14Z35	n/a
<b>Duty as to improvement in quality of services</b>	s. 13E	s. 14Z34	n/a <sup>2</sup>
<b>Duty to promote integration</b>	s. 13N	s. 14Z42	n/a
<b>Considering effects of wider decisions on inequalities</b>	s. 13NA	s. 14Z43	s. 26A, s. 63A
<b>Planning and reporting</b>			
<b>Annual business plan</b>	s. 13T		n/a
<b>Joint forward plans</b>	n/a	s. 14Z52	s. 14Z52
<b>Performance assessment of integrated care boards</b>	s. 14Z59	n/a	n/a
<b>Annual report</b>	s. 13U	s. 14Z58	Sch. 4, para, 12,
<b>Statement on processing information on inequalities</b>	s. 13SA		1B Sch. 7, para. 26, 1B

<sup>1</sup> Legally, many of the changes in the Health and Care Act 2022 amend the NHS Act 2006, where the core legal duties on NHS England, ICBs, Trusts and Foundation Trusts are set out.

<sup>2</sup> Providers are required to ensure care is safe, effective, caring, well-led and responsive under CQC requirements.



## **Annex 2 Summary of NHS England's views on how relevant NHS bodies should exercise their powers to collect, analyse and publish information on health inequalities**

For the period of 2023-24 and 2024-25 NHS England's views on how relevant NHS bodies should exercise their powers to collect, analyse and publish information on health inequalities include the need to:

- Understand healthcare needs including by adopting population health management approaches, underpinned by working with people and communities.
- Understand health access, experience and outcomes including by collecting, analysing and publishing information on health inequalities set out in the Statement and summarised below.
- Publish information on health inequalities within or alongside annual reports in an accessible format.
- Use data to inform action including as outlined in the Statement.

Relevant NHS bodies should include in their annual reports 2023/24 and 2024/25 a review of the extent to which they have exercised their functions consistently with NHS England's views set out in the Statement and explain whether the information has been published, summarise the inequalities it reveals, and how the information has been used in the relevant period to guide action.

### **Information on health inequalities**

The Statement includes which information on health inequalities should be collected, analysed and published in relation to the domains listed in the table below. The Statement includes one or more indicators for each domain, and where data is available these should be disaggregated by age, sex, ethnicity and deprivation.



Domain	Level data available	
	ICB	Trust/Foundation Trust
Elective recovery	Y	Y
Urgent and emergency care	Y	Y
Respiratory (Covid 19/Flu Vaccination)	Y	
Mental health	Y	Y
Cancer	Y	
CVD	Y	
Diabetes	Y	
Smoking cessation		Y
Oral health (Children and young people)	Y	Y
People with a learning disability and autistic people	Y	
Maternity and neonatal care	Y	

