

4. The Diversity & Human Rights Scheme

Responsibilities

- 4.1 The Chief Executive has a statutory duty to ensure the statutory duties under the Sex Discrimination Act 1975 (Gender Equality Duty 2007), Race Relations Act 1976 Amended 2000 & the Disability Discrimination Act 1995 (Disability Equality Duty 2005) are fulfilled, and has prime responsibility for the implementation of the scheme and to ensure that it is regularly monitored, reviewed and updated.
- 4.2 Directors are required to ensure that this Scheme is observed and mainstreamed within their sphere of responsibility. There is a non-executive Director responsible for monitoring the progress of equality and diversity and specifically this scheme.
- 4.3 The Human Resource service will lead on all employment related matters affecting the multiplicity of groups in the local area including:
- advising managers, staff and staff organisations on the content of the scheme and its interpretation;
 - consulting with recognised trade unions on the operation of the scheme;
 - ensuring that all related issues are considered fully when new human resource policies and procedures are being considered;
 - ensuring that all existing HR policies and procedures are impact assessed to reflect the requirements of this scheme, legislation and performance on delivering equality where necessary;
 - ensuring appropriate training takes place in relation to diversity issues and the practical implications of the scheme;
 - ensuring that all complaints of discrimination are dealt with in a fair and consistent manner and that remedial action is taken where necessary;
 - ensuring the provision of appropriate training and guidance materials to enable all managers to discharge their duties under the scheme and legislation in a fair and consistent manner.
- 4.4 Commissioners of services will ensure that commissioning arrangements include requirements to comply with equality and diversity legislation and meet the Duties, as outlined within this scheme. Managers responsible for establishing working relationships with partner organisations will ensure that partner organisations have taken reasonable steps to comply with the same and have due regard for the Duties when they are delivering services on our behalf.
- 4.5 All heads of service or service managers will lead on the development of local service action plans that will identify the assessment of functions and policies and the steps that need to be taken locally to reflect the corporate aims. These service plans will have the Duties and actions from the Scheme mainstreamed and embedded in them.

A chart displaying the communications framework for progressing equality and diversity is attached at Appendix 1

Principles of the Scheme

4.6 Darlington PCT recognises the diversity of groups that make up modern society and will make all reasonable endeavours to ensure that:

- Equal access to services is available to all groups in the local area irrespective of gender, disability, race, sexual orientation, religious beliefs or age;
- Patient services are delivered in a way that respects these different groups and are appropriate to their needs;
- Gaps in provision, unequal outcomes and health inequalities are narrowed;
- Policies, procedures and operating guidelines do not violate any right or create barriers or exclusion under equality legislation;
- Discrimination and harassment are eliminated
- As an employer, the Trust will ensure that recruitment practices, working arrangements and working conditions meet the requirements of the legislation and have due regard for the needs and performance of staff from all groups, including minority communities of identity and that the Human Rights of individuals or groups are respected. We will ensure that under representation is addressed so that our workforce reflects the community we serve.
- Promote participation of people from communities of identity in public life.
- Promote staff participation.
- It has due regard for its statutory Duties and uses its public role and influence with partners and suppliers to promote equality of opportunity and address historic exclusion.

4.7 The principles identified in this scheme shall apply to all:

- Board members and members of other groups and committees
- employees irrespective of post held, hours worked and type of contract held, including fixed term, bank and casual staff;
- applicants being considered for employment or promotion in any capacity;
- voluntary workers selected for duties;
- individuals/groups being considered by the Trust for work experience, the New Deal for Work and other placements;
- patients and service users
- contractors and partner organisations

4.8 Our organisational values are:

- Partnership Working
- Accountability
- Creativity
- High Standards
- Honesty & Openness
- Respect

4.9 The above values help us to implement the equality & diversity agenda in that:

- we will value and celebrate diversity;
- we will work with partners in the statutory, voluntary and private sectors to ensure the best outcomes for all communities in Darlington;
- we will develop an inclusive workforce which reflects the local community;
- we will act promptly on any complaints of harassment and discrimination and work to eliminate discrimination and harassment from the Trust and our community;
- we will deliver accessible services relevant to the needs of service users;
- we will become an employer of choice through the application of fair recruitment practices and policies;
- we will consult and seek the views of the community and staff and keep people informed of outcomes and progress.”

4.10 This scheme demonstrates the commitment to promoting all equality legislation to promote fairness and equality for all groups within our community and workforce ensuring social inclusion. The following section covers our strategic aims within this scheme to ensure that this happens and includes:

- Involvement Protocol - inclusive consultation and communication
- Action Planning & Continuous Service Improvement - Implementing the General Duties within the Race Relations Amendment Act 2000 & the Disability Discrimination Act 2005 and Gender Equality Duty 2007 regulations
- Monitoring, evaluating & taking action against discrimination
- Arrangements for the publication of the Scheme

Involvement Protocol - inclusive consultation and communication with our community and workforce

4.11 Our PCT is putting the views of all community groups including disabled people from its community at the centre of its Diversity & Human Rights Scheme. We will feed the outcomes of user involvements consistently into our planning processes. To enhance this good practice our commitment is covers all under represented groups within the community.

4.12 We are committed to:

- Ensuring we communicate and develop dialogue with all community groups specifically focussing on under represented groups.
- Working in partnership with disabled people who are current, potential and previous staff and users of our information and services.
- Designing and writing the Diversity and Human Rights scheme with disabled people and their user led organisations.

- Involving disabled people at every stage throughout the scheme, from a social model perspective, changing attitudes, identifying barriers and delivering improvements.
 - Ensuring monitoring, evaluation and targets are transparent, explained clearly and determined with the disabled people we serve.
 - Engaging in a way that values disabled people's experiences and fosters dignity and respect
 - Working hard to sustain involvement over time
 - Staff involvement in the development of the scheme
- 4.13 In 2006, the PCT worked in partnership with other NHS organisations to commission Vision Sense, a user-led organisation of disabled people, to be truly involved in the creation of the scheme and to work in partnership, engaging representative populations of disabled people and their organisations within the NHS.
- 4.14 The work considered overcoming barriers whether attitudinal, physical, sensory, intellectual or cultural. The project also covered barriers faced by disabled employees and those wishing to enter the job market.
- 4.15 The regional project to involve disabled people in the development of the NHS Trust Schemes exceeded targets and received completed 255 public surveys and 116 staff surveys. 176 disabled people participated in 22 events consisting of discussion groups, safe space workshops, interviews and visits to organisations of disabled people.
- 4.16 An action plan was produced from the main recommendations from the Vision Sense project and [will be incorporated in to the business planning process and the development of service area plans.](#)
- 4.17 In 2007 the Trust continued this work with Vision Sense to assist in developing further the gender equality duty as part of this scheme.
- 4.18 A survey was carried out to gain feedback from the community and our workforce, which also forms part of the [action planning process.](#)
- 4.19 Our involvement protocol for the Diversity Scheme covers the following areas:
- Developing a shared vision with our partners
 - Consultation
 - Communication
 - Involvement and Participation
 - Complaints monitoring and feedback to the PCT

Developing a shared vision with our partners

- 4.20 We will promote and monitor the requirement that contractors and partner organisations to comply with the principles of the Trust Diversity and Human Rights Review Scheme
- 4.21 Tendering documentation and other purchasing and supplying documentation will require contractors to demonstrate how they intend

to comply with the Trust's Scheme and they will be monitored on their delivery of equality and access.

Involvement & participation

- 4.22 It is not always easy to reach under-represented groups within the community or indeed discuss specific issues with staff relating to gender and disability issues. The public and our employees are sometimes reluctant to come forward and discuss how individual service or employment issues affect them. The Trust is therefore building upon its current mechanisms to strengthen and improve how we reach individual groups both within the community and at work to consult with them and get their views on relevant topics, because it is fully aware that this is the way to real service improvements becoming tangible.
- 4.23 To give commitment to this the PCT is reviewing both its internal and external communication mechanisms, which will become more inclusive.
- 4.24 However the PCT has been fortunate in that Initially the development of this scheme acknowledges the contributions made from the following organisations that have assisted in its development:
- Darlington & County Durham Race Equality Council – who have been supporting NHS Trusts for many years.
 - Vision Sense, an independent, professional, user-led organisation of disabled people based in the North East of England, who carried out a detailed Disability Equality Scheme Involvement project, directly communicating with disabled people highlighting a cross section of experiences, of disabled and Deaf people, from participating Trust areas.
 - PPI mechanism – Patient Participation and Involvement Service
 - Our workforce
- 4.25 The involvement of disabled people has provided a clear indication of the barriers, issues and priorities that were identified by disabled people specifically. The developing service area planning processes will take account of the issues to be taken forward to improve and modernise their specific service areas.
- 4.26 Patient Participation Involvement is a vital communication mechanism to develop dialogue with community groups. Work continues to develop in order that:
- Everyone within the community knows what is available from local health services.
 - Local people have the same satisfaction levels with services and that these services consider their needs.
 - Local people know about and actively use the opportunities available to them to influence the development, delivery and monitoring of health services.
 - Disabled people will continue to be involved in our meeting of the Duty to promote equality.

Valuing the contribution of PCT staff

- 4.27 The Trust has a long-standing commitment with Improving Working Lives, which encourages the development of a diverse workforce. All staff will be valued and given regular opportunities for their views to inform our future work and Scheme reviews and more specifically a staff support forum will be developed in future to address individual staff needs.
- 4.28 The Trust progresses all of this work in partnership with Trade Unions who are consulted upon and provide input into workforce developments based upon equality principles and transparency and openness.
- 4.29 The Human Resource service will impact assess all human resources policies and procedures including the recruitment procedures to ensure they do not discriminate against any human rights and to ensure that they do not deter any minority group within the community from applying for positions within the Trust.

Staff involvement

- 4.30 Staff have the opportunity to feedback to managers regarding any are of the scheme and there are various communication methods, which are used including:
- Corporate Communications Function
 - Staff Intranet facility
 - The development of Local Information Forums
 - Joint Consultative and Negotiation Committee

Strategic Aims of the scheme

- 4.31 To develop inclusive mainstream consultation and communication, with strong user-led involvement of people from communities of identity around specific exclusion or barriers to ensure continuous service improvement - Implementing the General Duties within the Race Relations Amendment Act 2000 & the Disability Discrimination Act 2005 and Gender Equality Duty 2007 statutory instrument and Codes of Practice
- 4.32 Valuing the contribution of PCT staff
Developing a shared vision with our partners
Action planning, monitoring and evaluation & taking action against discrimination

Inclusive consultation and communication with our community and workforce

Consultation

- 4.33 In identifying the strategic aims, the Trust is aware of the difficulties in encouraging meaningful consultation, in particular, with minority groups.

- 4.34 The Trust will coordinate contact with the local community with a view to enhancing relationships in the community so that better understanding can be achieved with regard to patient and service user's needs and to employment processes.
- 4.35 Extensive use will be made of communication mechanisms within the Trust, ensuring that we consult with all appropriate groups. As well as the differences between men and women, many local people will experience further social inequalities because of their age, sexual orientation, religion, disability or race. The process of assessing the impact of all our services and functions together with employment practices in line with equality and diversity legislation will assist in service improvements and fairness to all within our community.
- 4.36 Consultation with staff will be through established processes. The Trust has a number of recognised trade unions that will be consulted with through the Joint Consultative and Negotiating Committee.
- 4.37 The Trust is keen to gain the support and commitment of local disability and minority ethnic groups and to this end it will seek the advice of the local authorities and other appropriate bodies as to how best to consult. It is also envisaged that joint working and partnership working will be developed as a means of reducing the number of public organisations seeking views from a relatively small population.

Communication

- 4.38 Information can be produced in a variety of languages. Health information monitoring will give an indication of whether the patient episodes reflect population. Consultation will be taken in the wider community. Groups will be asked to express their views and ideas on how access can be improved.
- 4.39 The Trust has a Corporate Communications Group looking at improving communication through the various media that they use. Examples of this work includes website redesign and information leaflets in various formats.

Arrangements for gathering information about performance of the Trust on race, disability & gender equality

- 4.40 Darlington PCT collect information to identify and understand the barriers people face, in particular having due regard for our disability equality Duty and the steps we will have to take to achieve it. If we find patterns of inequality or gaps in provision, we will address them in our provision and inform that of our partners.
- 4.41 The Trust already collects data and we will ensure where we can, that existing ways of collecting, service assessments, project evaluation and analysing data, complaints, grievances and comments, surveys will be used to promote disability equality where possible. For example, we will review how we collect information about services and employment and develop it in ways that allows us to also capture the views and

satisfaction levels of disabled people, to make the most efficient use of our resources and eradicate inequalities.

4.42 Examples of the current work which The Trust is progressing is as follows:

<p>What disability equality monitoring do you use in monitoring contractors, projects, and employees?</p>	<ul style="list-style-type: none"> • Monitoring through case record of clients accessing PALS • Monitoring and keeping a register of mental health and learning disabilities and ensuring access is in contractor service specification. • Recruitment monitoring. • Training and appraisal monitoring. • Quarterly monitoring through SLA agreement with provider.
<p>Are you funding or delivering any projects or groups that are working to reduce the barriers faced by disabled people?</p>	<ul style="list-style-type: none"> • Reducing social barriers of inequity etc through ensuring hard to reach and vulnerable individuals can access the service • Currently delivering worklessness project that seeks to address barriers to work for those with long term illness and disability to reduce inequalities • Equality & Diversity Steering Group • Training for managers • Partnership funding with the social inclusion strategy.
<p>How do you currently consult with disabled people?</p>	<ul style="list-style-type: none"> • Through active engagement and links with partner agencies across social care, health, voluntary and local authority • Via County Durham User and Carer Forum and associated Participation Alliance • Individual consultation with staff regarding reasonable adjustment requirements • Vision sense consultation • PPI communication mechanisms
<p>Which budgets include an element for access?</p>	<ul style="list-style-type: none"> • Estates
<p>Are you planning any disability equality projects in the next three years?</p>	<ul style="list-style-type: none"> • Following reconfigured PALS service identify and plan targeted outreach and awareness
<p>Are disabled people represented on your forums, PPI groups?</p>	<ul style="list-style-type: none"> • Yes
<p>Have you undertaken or commissioned research around the impacts of your functions on disabled people?</p>	<ul style="list-style-type: none"> • Yes Vision sense report • Part of the developing PALS/PPI action planning process
<p>Do you have organisations of disabled people you have procured services from?</p>	<ul style="list-style-type: none"> • Links with agencies such as Contact a Family providing support for families and children with disability

- 4.43 Equality impact assessments, delivered with disabled people, is a tool to help us make sure we pay due regard to disability equality in our decisions and functions.
- 4.44 In addition, we are using impact assessments to help us meet the Race and Gender duties, understand the implications of the Human Rights Act and other strands of equality legislation (for example, on religion and belief, sexual orientation etc).
- 4.45 Strong impact assessment ensures we gather evidence on the impact of activities on disabled people, measure progress and gaps. It helps us:
- Identify gaps, negative impacts or missed opportunities in services
 - Monitor success in employing, retaining and developing disabled employees
 - Inform the design of services to ensure the full and fair participation of disabled people from the start
 - Avoid expensive remedial work in initiatives which could have adverse consequences for disabled people
- 4.46 Actions arising from the assessments each year will be added to service area action plans in the annual review of the Duty, because it is important to capture improvements made as a result of impact assessment.

Using the information to meet the Duties

- 4.47 We will use all of the information gathered to monitor how well we are performing to meet the duties within Race, Disability & Gender Equality and our own targets, at least annually in our reporting on the Duty. We will also use it in mainstream service assessments, reviews, equality impact assessments and project design. This will ensure we are avoiding and eradicating barriers in all our work and employment practices.
- 4.48 Reviewing the effectiveness of the steps in the Action Plan on a regular basis, with disabled people, will help us to prepare our next Scheme and improve targets for the years in between.
- 4.49 We will use the information in identifying, minimising, removing, altering, reducing or overcoming any physical, sensory, attitudinal, organizational, cultural, financial or intellectual barriers that discriminate, impact on the life chances of our staff and people in our community.
- 4.50 Where data (qualitative or quantitative) shows us that there is a negative impact on race, gender and disability equality, or a gap in provision which is leading to inequality, exclusion or discrimination, the PCT Diversity Network Group will review the evidence quickly and design effective mechanisms, pilots or interventions to ensure the impact is reversed or the gap filled. These interventions will be designed with

people from the community of identity and impact assessed for the most benefit from the resources available. The effectiveness of these interventions will be closely monitored and change mainstreamed if successful.

Complaints

- 4.51 The Trust's formal complaints procedure is developed for patients and service users who may wish to make a complaint. However, the Trust recognises that this may be inaccessible to some members of the community and have, therefore, prioritised actions to make the procedure accessible, in our action plan.
- 4.52 Staff have rights through the grievance procedure to raise complaints, and can raise issues through the Dignity at Work Policy and the Whistle Blowing Policy.
- 4.53 Any complaint received from a patient or member of the public about harassment, discrimination or any violation of Human Rights by the Trust will be logged as such through the complaints process. An appropriate investigation will be carried out. If this should result in any disciplinary action being deemed necessary the provisions contained in the Trust complaints policy will deal it with.
- 4.54 The provisions for review of the complaint's procedures will be monitored to ensure that good practice is maintained in relation to equality legislation.

Continuous Service Improvement

- 4.55 Continuous Service Improvement ensures modernisation of processes which all service functions use and thus builds upon quality provision.
- 4.56 In order to demonstrate service improvements the Trust must list all of its functions, strategies, policies and procedures that it currently delivers. As part of the Commissioning a Patient Led NHS reorganisation, the PCT is working in partnership with County Durham PCT. Service structures and functions are being redesigned. The new structure is crucial to identifying and prioritising equality impact assessment needs.

Information relating to the developing service functions directory is attached at Appendix 2

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Implementing the General Duties within the Race Relations Amendment Act 2000, the Disability Discrimination Act 2005 & the Gender Equality Duty 2007.

4.57 Every employee is expected to promote equality of opportunity and good relations with all local community groups. This means adopting standards of behaviour with patients and colleagues as outlined in policies such as Equal Opportunities, Discipline, Grievance, Dignity at Work, and Whistle Blowing.

The Specific Duty to review all policies and procedures in light of the Sex Discrimination Act, Race Relations Act, the Disability Discrimination Act and following appropriate consultation, making amendments

4.58 All services, strategies, policies and practices are under continuous review and the equality review will involve carrying out an impact assessment. Impact assessments are reviews, which specifically focus upon any negative or discriminatory practice, which may be inadvertently within the said services, strategies, policies, and practices. The reviews are linked to all equality legislation as described within section 2, to ensure compliance with the laws on equality.

The Trust has produced a specific guidance document on prioritising and carrying out impact assessments at Appendix 3

4.59 We will review the policy, procedure and any other material to identify where and why we are failing. In conjunction with service users and/or employees we will develop means of addressing the issues, consult on the proposals and introduce reviewed approaches. This will require training as well as publicity. Each instance will have to be considered individually as to the most appropriate means of addressing failings. This will also be an integral part of the Trust's future planning processes.

4.60 A major stage within this plan is the development of a service function directory from which the prioritisation of impact assessments can be identified – Appendix 2. However it must be stressed that in the light of new organisational structures being developed the information attached will be subject to change.

4.61 The developing action plan is inked with the Vision Sense action plan – Appendix 8b -, which will be used to develop service area, plans. The vision sense action plan is integral to the corporate action plan development – Appendix 8a. The vision sense action plan is crucial to the development of service area plans.

4.62 Impact Assessment awareness and development will be co-ordinated by the Workforce & Corporate Development Directorate and the impact will be monitored by the development of a PCT Diversity Network Group, led by a Non-Executive Director.

Improving Standards of Care for patients

- 4.63 Providing a consistent standard of care to all patients and service users that takes into account their cultural requirements and does not violate the Human Rights of individuals or groups
- i) The Trust has developed a reference document providing further information on Disability Equality for employees at *Appendix 4*.
 - ii) The Trust has developed a reference document providing further information on Race Equality for employees at *Appendix 5*.
 - iii) The Trust has developed a reference document on Gender Equality for employees at *Appendix 6*
 - iv) All staff will be made aware of this guidance in an effort to ensuring the correct services are provided and delivered to all patients via staff awareness sessions.
 - v) The Trusts will roll out a programme of Equality and Diversity training to all staff, which incorporates Human Rights issues.
 - v) Providing equality and diversity training for all managerial staff will become mandatory. It is expected that all managers will attend such training in the first twelve months following their appointment as a manager, along with other mandatory training requirements. Records will be kept of attendance and training will be discussed as an integral part of the appraisal process.
 - vi) In addition it is planned to introduce more detailed training on specific issues including awareness of gender, disability and race equality
 - vii) This Scheme will be circulated throughout the Trust and incorporated into the Diversity Training, along with the associated Whistle Blowing Policy and the Dignity at Work policy. Local action plans will indicate how the awareness of staff will be raised locally, through on the job training and other means, to be aware of their responsibilities.

Taking action against Discrimination

- 4.64 We will take action against any form of discrimination and human rights issues through established policies and procedures with a view to eliminating any incidents on Trust premises
- 4.65 Every employee is expected to address instances of discrimination that they become aware of, through established policies and procedures. Failure to do so could lead to disciplinary action being taken against the individual.

Action Planning

- 4.66 The action planning process covers a rolling three-year period and a major stage within this plan is the development of a service function directory from which the prioritisation of impact assessments can be identified. This has been revised in line with the new structural redesign of the merged Trust and attached at *Appendix 7*. However it must be stressed that in the light of new organisational structures being developed the information attached may still be subject to change.

- 4.67 We have a corporate action plan underpinned by the Visionsense action plan, which is being integrated into all service area business planning processes.
- 4.68 Impact Assessment awareness and development will be co-ordinated by the Workforce and Corporate Development Directorate and the impact will be monitored by the development of a PCT [Equality](#) Steering Group as outlined within *Appendix 1*.

Using the information we gather in reviewing the effectiveness of the Trust action plan and preparing subsequent Schemes.

- 4.69 We will continue to develop the way in which we gather information both corporately and per service area. This will be discussed and further developed by the [Equality](#) Steering Group and monitored by the monitoring and evaluation scrutiny group. Responsibility for the monitoring and evaluation are part of the terms of reference of the PCT Board's Human Resource Committee.

Monitoring & Evaluation

- 4.70 A monitoring and evaluation group will be developed to include external partners and agencies in order that progress made can be evaluated.
- 4.71 Reports will be produced for the Trust Board on a six monthly basis, providing updates on progress made.

Arrangements for publication of the scheme

- 4.72 This scheme, reviews and updates on our progress will be available electronically on our website.
- 4.73 The scheme will be sent to our partners for consultation and comment. It will also be sent to local community groups and agencies acting on behalf of community groups.
- 4.74 It is also available in hard copy in various accessible formats on request.
- 4.75 A statement about our progress towards race, disability & gender equality will be available as part of the Trust's annual report each year.
- 4.76 For any further information please contact the Workforce & Corporate Development Directorate on 0191 5876022.

Feedback to the Trust

- 4.77 We welcome feedback on this scheme. Anyone wishing to give comments on this scheme can do so by contacting the contact telephone number or e-mail address below.
- 4.78 If you would like a copy of this scheme in an alternative accessible format please contact Workforce & Corporate Development Directorate

on 0191 5876022, on behalf of the Chief Executive. Alternatively you can e-mail irene.steer-richards@cdpct.nhs.uk

Statutory Duties within Race Equality

General Duty

4.79 As a consequence of the introduction of the Race Equality Duty, all public authorities are required to adopt a pro-active approach to mainstreaming race equality into all decisions and activities. This is known as the General Duty. Basically this means every public authority shall in carrying out its functions have due regard to the need to:

- consider the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between people of different racial groups.
- and a specific duty to publish a race equality scheme setting out how they will meet their duties.

Specific Duties

4.80 Specific duties include a duty to publish a race equality scheme setting out how the Trusts will meet their duties.

4.81 The Race Equality Scheme shall state, in particular those of its functions and policies, or proposed policies, which that person has assessed as relevant to its performance of the duty imposed by section 71(1) of the Race Relations Act; that person's arrangements for assessing and consulting on the likely impact of its proposed policies on the promotion of race equality; monitoring its policies for any adverse impact on the promotion of race equality; publishing the results of such assessments and consultation.

| 4.82 All public organisations bound by the general duty are also subject to the employment duty which includes monitoring by racial group the numbers of:

- staff in post
- applicants for employment, training and promotion

4.83 Where an authority has 150 or more full-time staff, they should also monitor the number of staff from each racial group who:

- receive training
- benefit or suffer detriment as a result of its performance assessment procedures
- are involved in grievance procedures
- are the subject of disciplinary procedures
- cease employment

- The employment duty is not just about collecting numbers and counting staff. Authorities must ensure they are meeting the general duty in exercising its employment functions. Therefore in order to meet the general duty, public authorities should use the above monitoring information to:

- Identify any differences in the way racial groups are treated
- investigate the underlying reasons for the differences
- deal with any unfairness, disadvantage or possible discrimination.

4.84 The Trusts initial response to meeting its statutory duties

Duty	Implementation
General duty to consider the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between people of different racial groups.	<ul style="list-style-type: none"> • Drafted Diversity & Human Rights Scheme • Drafted Impact Assessment guidance and checklist • Cultural Profiles Guidance • Equal Opportunities Policy • Dignity at Work Policy • Diversity Training programme development
Specific duty to publish a race equality scheme setting out how they will meet their duties.	<ul style="list-style-type: none"> • Drafted Diversity & Human Rights Scheme • Specific element relating to race equality • Review of impact upon policy • Service functions review • Initial consultation via website & distribution to local Race Equality Council & Chinese Community • Completed impact assessments published on website
Monitoring by racial group the numbers of staff in post and applicants for employment, training and promotion	<ul style="list-style-type: none"> • HR system provides staff data • Recruitment monitoring information is collated
Monitoring the number of staff from each racial group who: <ul style="list-style-type: none"> • receive training • benefit or suffer detriment as a result of its performance assessment procedures • are involved in grievance procedures • are the subject of disciplinary procedures • cease employment 	<ul style="list-style-type: none"> • HR system provides staff data • Quarterly update report to Trust Board • Built into PCT Board reporting framework • Exit Interview policy implemented

[Further information relating to Race Equality is attached at Appendix 4.](#)

Statutory Duties within Disability Equality

General Duty

4.85 As a consequence of the introduction of a Disability Equality Duty, all public authorities are required to adopt a pro-active approach, mainstreaming disability equality into all decisions and activities. This is known as the General Duty. Basically this means every public authority shall in carrying out its functions have due regard to the need to:

- promote equality of opportunity between disabled people and other people;
- eliminate discrimination that is unlawful under the Disability Discrimination Act;
- eliminate harassment of disabled people that is related to their disability;
- promote positive attitudes towards disabled persons;
- encourage participation by disabled people in public life and;
- take steps to meet disabled people's needs, even if this requires more favourable treatment.

Specific Duties

4.86 Many public authorities have an additional obligation to demonstrate how they are working to end unlawful discrimination and to promote equality of opportunity. This is known as the Specific Duties and is all about a practical framework known as the Disability Equality Scheme. The initial Scheme has been in place since 4 December 2006. The Specific Duties have been designed to assist authorities in planning, delivering, evaluating and reporting on their activities to ensure compliance with the General Duty.

4.87 The essential elements, which the Disability Equality Scheme must cover, are:

- a statement of how disabled people have been involved in developing the Scheme;
- the action plan;
- arrangements for gathering information about performance of the Trust on disability equality;
- arrangements for assessing the impact of the activities of the public authority on disability equality and improving these when necessary; and
- details of how the Trust is going to use the information gathered, in particular in reviewing the effectiveness of its action plan and preparing subsequent schemes.

4.88 The Trusts initial response to meeting its statutory duties

Duty	Implementation
<p>General Duty to adopt a pro-active approach, mainstreaming disability equality into all decisions and activities by:</p> <ul style="list-style-type: none"> • promoting equality of opportunity between disabled people and other people; • eliminating discrimination that is unlawful under the Disability Discrimination Act; • eliminating harassment of disabled people that is related to their disability; • promoting positive attitudes towards disabled persons; • encouraging participation by disabled people 	<ul style="list-style-type: none"> • Diversity & Human Rights Scheme • Impact Assessment guidance and checklist • Disability Guidance • Equal Opportunities Policy • Dignity at Work Policy • Diversity Training programme development
<p>Specific Duty to produce a Disability Equality Scheme to include:</p> <ul style="list-style-type: none"> • a statement of how disabled people have been involved in developing the Scheme; • the action plan; • arrangements for gathering information about performance of the Trust on disability equality; • arrangements for assessing the impact of the activities of the public authority on disability equality and improving these when necessary; and • details of how the Trust is going to use the information gathered, in particular in reviewing the effectiveness of its action plan and preparing subsequent Schemes. 	<ul style="list-style-type: none"> • Vision sense survey 2006 • Initial consultation via website & distribution to local disability groups within the community • Utilisation of the PPI Forums to consult with the community on Disability issues • Diversity & Human Rights Scheme • Impact Assessment guidance and checklist • Completed impact assessments on PCT website • Scheme Action plan incorporating the Vision sense action plan as a result of the 2006 survey • Strategic Framework under development for the new Trust • Employment Monitoring • Integration of equality and diversity principles within the development of the strategic vision and planning process • Built into PCT Board reporting framework

[Further information relating to Disability Equality is attached at Appendix 5.](#)

Statutory Duties within Gender Equality

4.89 The gender equality duty is a new legal requirement on all public authorities, when carrying out all their functions, to have due regard to the need:

- To eliminate unlawful discrimination and harassment on the grounds of sex
- To promote equality of opportunity between women and men.

4.90 Functions include policy-making, service provision, employment matters, and statutory discretion, as well as decision-making. 'Due regard' means that authorities should give due weight to the need to promote gender equality in proportion to its relevance.

4.91 The duty requires organisations to take action on the most important gender equality issues within their functions. The promotion of equal opportunities between women and men requires public authorities to recognise that the two groups are not starting from an equal footing and identical treatment will not always be appropriate. Under the duty authorities also have an obligation to eliminate discrimination and harassment towards current and potential transsexual staff. This duty will extend to trans-sexual service users in December 2007.

General Duty

4.92 The duty is made up of two elements, the 'general' duty and the 'specific' duties. The general duty is the overall duty to eliminate discrimination and harassment and to promote equality. The general duty came into force in Great Britain on 6th April 2007.

Specific Duties

4.93 The duty is made up of two elements, the 'general' duty and the 'specific' duties. The general duty is the overall duty to eliminate discrimination and harassment and to promote equality.

4.94 The specific duties are not an objective in themselves, but a means of meeting the general duty. The specific duties require each organisation to:

- Prepare and publish a **gender equality scheme**, showing how it will meet its general and specific duties and setting out its gender equality objectives.
- In formulating its overall objectives, consider the need to include objectives to address the causes of any **gender pay gap**.
- **Gather and use information** on how the public authority's policies and practices affect gender equality in the workforce and in the delivery of services.

- To **consult** stakeholders (i.e. employees, service users and others, including trade unions) and take account of relevant information in order to determine its gender equality objectives.
- To **assess the impact** of its current and proposed policies and practices on gender equality.
- To **implement** the actions set out in its scheme within three years, unless it is unreasonable or impracticable to do so.
- **To report** against the scheme every year and **review** the scheme at least every three years.

4.95 Those public authorities in England that are subject to the specific duties have published their gender equality schemes by 30th April 2007.

4.96 The Trusts initial response to meeting its statutory duties

Duty	Implementation
General duty to: <ul style="list-style-type: none"> • Eliminate unlawful discrimination and harassment on the grounds of sex • promote equality of opportunity between women and men. 	<ul style="list-style-type: none"> • Drafted Diversity & Human Rights Scheme • Drafted Impact Assessment guidance and checklist • Cultural Profiles Guidance • Equal Opportunities Policy • Dignity at Work Policy • Diversity Training programme development
Specific duties to: <ul style="list-style-type: none"> • Prepare and publish a gender equality scheme, showing how it will meet its general and specific duties and setting out its gender equality objectives. 	<ul style="list-style-type: none"> • Drafted Diversity & Human Rights Scheme • Review of impact upon policy • Service functions review
<ul style="list-style-type: none"> • In formulating its overall objectives, consider the need to include objectives to address the causes of any gender pay gap. 	<ul style="list-style-type: none"> • Equal Pay Policy • Agenda for Change Job Evaluation process • Employment monitoring information
<ul style="list-style-type: none"> • Gather and use information on how the public authority's policies and practices affect gender equality in the workforce and in the delivery of services. 	<ul style="list-style-type: none"> • Development of Strategic Vision and associated plans • Drafted Impact Assessment guidance and checklist • Completed impact assessments on PCT website
<ul style="list-style-type: none"> • To consult stakeholders (i.e. employees, service users and others, including trade unions) and take account of relevant information in order to determine its gender equality objectives. 	<ul style="list-style-type: none"> • Vision sense survey 2007 • Joint Consultative & Negotiation Committee meetings • Staff Intranet • Corporate Communications Group
<ul style="list-style-type: none"> • To assess the impact of its 	<ul style="list-style-type: none"> • Drafted Impact Assessment guidance

current and proposed policies and practices on gender equality.	and checklist <ul style="list-style-type: none"> Completed impact assessments on PCT website
<ul style="list-style-type: none"> To implement the actions set out in its scheme within three years, unless it is unreasonable or impracticable to do so. 	<ul style="list-style-type: none"> Scheme action planning process
<ul style="list-style-type: none"> To report against the scheme every year and review the scheme at least every three years. 	<ul style="list-style-type: none"> Built into PCT Board reporting framework

| *Further information relating to Gender Equality is attached at Appendix 6.*