

*Scottish Borders Health & Social Care
Integration Joint Board Audit Committee*



Meeting Date: 20 June 2022

Report By:	Chris Myers, Chief Officer Health & Social Care
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COMPLIANCE WITH THE PUBLIC SECTOR EQUALITY DUTY	
Purpose of Report:	To outline the position relating to the Scottish Borders Health and Social Care Integration Joint Board's compliance with the Public Sector Equality Duty, and to note the steps being taken to ensure full compliance
Recommendations:	<p>The Health & Social Care Integration Joint Board Audit Committee is asked to:</p> <ol style="list-style-type: none"> a) Consider the report and the attached letter from the Equality and Human Rights Commission b) Note the steps that are being taken to ensure that a full refresh of the progress report is undertaken in 2022 and so that the Integration Joint Board could ensure full compliance with the Public Sector Equality Duty c) Review progress against delivery of the Public Sector Equality Duty in December 2022
Personnel:	<p>Reduced assurance that the IJB is:</p> <ul style="list-style-type: none"> • Removing or minimising disadvantages suffered by people due to their protected characteristics and creating an environment in which individual differences and the contributions of all staff are recognised and valued; • Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; • Taking steps to reduce underrepresentation of people with particular protected characteristics and increase the diversity of our workforce, both at an organisational level and within different job roles; and • Taking a zero tolerance approach to intimidation, bullying or harassment, recognising that all staff are entitled to a working environment that promotes dignity and respect for all.
Carers:	As above
Equalities:	Progress will be made against the following duties:

	<ol style="list-style-type: none"> 1. Duty to report on mainstreaming the equality duty 2. Duty to publish equality outcomes and report progress 3. Duty to assess and review the equality impact of policies and practices
Financial:	None
Legal:	The Equality and Human Rights Commission has indicated that the Scottish Borders Integration Joint Board is not currently fulfilling its Public Sector Equality Duty Compliance. This will be rectified as soon as possible.
Risk Implications:	Reduced assurance that the IJB is appropriately discharging its duties, and improving outcomes.

Situation

On Friday 10th June, the Equality and Human Rights Commission Scotland wrote to the Chief Officer of the Integration Joint Board to notify him that following an examination of the Integration Joint Board's website, that from their perspective, the Scottish Borders Integration Joint Board has failed to comply with the following public sector equality duties:

1. Duty to report on mainstreaming the equality duty
2. Duty to publish equality outcomes and report progress
3. Duty to assess and review the equality impact of policies and practices

The letter from the Equality and Human Rights Commission Scotland is included in the annex.

Background

All public authorities in Scotland, including Integration Joint Boards, must comply with the [public sector equality duty](#) set out in the Equality Act 2010.

The duty places an obligation on public authorities to take action to eradicate discrimination and to pro-actively promote equality of opportunity.

The duty has a two tier structure - a general duty set out in the Equality Act 2010, and specific duties set out in Regulations made by Scottish Ministers.

Assessment

The requirement was for a progress report every 2 years and a full refresh every 4 years.

The Scottish Borders Health and Social Care Integration Joint Board undertook a progress report in April 2018 and this was discussed in the Integration Joint Board, but a full refresh or a progress report were not carried out in 2020, even though these were originally part of the 2020 business plan. In 2020, resources were re-directed to respond to the start of the Covid-19 pandemic.

A full refresh of the progress report was then scheduled for April 2021 and moved on to July 2021 and then September 2021, but again this was interrupted by the Covid-19

response. As a result, a full refresh is now on the business plan for 2022, and a progress report will be provided in 2024.

There was a full discussion on the Scottish Specific Public Sector Duty that the Integration Joint Board has as a Listed Public Authority at the Integration Joint Board's Strategic Planning Group on the 4th May 2022, and it was agreed that work would continue on this basis via a nominated Integration Joint Board lead with previous experience of working to deliver this in another Health and Social Care Partnership. This individual has been identified and they will work to ensure that a full refresh is undertaken in 2022 and so that the Integration Joint Board could ensure full compliance with the Public Sector Equality Duty, including in the areas noted by the Equality and Human Rights Commission Scotland.

In addition, the Integration Joint Board Chief Officer will respond to the Equality and Human Rights Commission, outlining the background, progress and plans, and will offer to meet. The Integration Joint Board Chief Officer will ensure close liaison with the Equality and Human Rights Commission throughout this process.

Recommendation

The Health & Social Care Integration Joint Board Audit Committee is asked to:

- a) Consider the report and the attached letter from the Equality and Human Rights Commission
- b) Note the steps that are being taken to ensure that a full refresh of the progress report is undertaken in 2022 and so that the Integration Joint Board could ensure full compliance with the Public Sector Equality Duty
- c) Review progress against delivery of the Public Sector Equality Duty in December 2022