



Department  
of Health &  
Social Care

# Equality duty in 2017

How the Department of Health and Social Care  
complies with the public sector equality duty

<b>DH ID box</b>
<b>Title:</b> Equality duty in 2017
<b>Author: Directorate/ Division/ Branch acronym / cost centre</b> MAS/SOPL/ 17152
<b>Document Purpose:</b> Corporate Report
<b>Publication date:</b> March 2018
<b>Target audience:</b>
<b>Contact details:</b> Ministerial Correspondence and Public Enquiries Unit Department of Health and Social Care 39 Victoria Street London SW1H 0EU Telephone: 020 7210 4850 Fax: 0115 902 3202 Textphone: 0207 451 7965

You may re-use the text of this document (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit [www.nationalarchives.gov.uk/doc/open-government-licence/](http://www.nationalarchives.gov.uk/doc/open-government-licence/)

© Crown copyright 2016

Published to gov.uk, in PDF format only.

[www.gov.uk/dh](http://www.gov.uk/dh)

# Contents

Contents .....	3
Introduction .....	4
Statutory equality duties.....	4
1. Meeting the equality duty .....	5
Current assurance arrangements.....	5
Case study:.....	5
Equality analyses published in 2017.....	6
Equality objectives .....	6
2. Requesting further information .....	7

# Introduction

The Department of Health and Social Care is committed to understanding the effect of its decisions on different people and take account of equity in carrying out its day-to-day work. In accordance with our legal duties under the [Equality Act 2010 \(Specific Duties\) Regulations 2017](#), we are publishing the information on this page to demonstrate our compliance with the public sector equality duty (PSED) in 2017.

As in previous years, information relating our employees is published separately on the [Equality and Diversity](#) pages of the department's website. This includes information on our last equality objective – on ensuring we have a motivated, diverse and engaged workforce – which forms an integral part of developing good policy.

## Statutory equality duties

The public sector equality duty in section 149 of the [Equality Act 2010](#) is an important lever for ensuring that public bodies take account of equality when conducting their day-to-day work. In making decisions, the Department of Health and Social Care, along with other central government departments, must have due regard to the need to:

- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it
- foster good relations between people who share a relevant protected characteristic and those who do not share it

The protected characteristics covered by PSED are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership (only in respect of eliminating unlawful discrimination).

In line with the 2017 regulations, we must annually publish information relating to:

- people who are affected by our policies and practices who share protected characteristics
- our employees who share protected characteristics
- the gender pay gap

# 1. Meeting the equality duty

## Current assurance arrangements

The responsibility for meeting the requirements of equality and human rights legislation in policy and decision-making lies with each team in the department. They are supported by the System Oversight, Planning and Legislation team who are responsible for raising awareness and capability among staff thorough a policy certificate training module and signposting to authoritative guidance. Information about meeting equality duties and further detailed guidance is available on the intranet to all staff. There is also a lead SCS1 for each of the protected characteristics to further support staff in equalities decision making.

When working on policy, our officials are expected to look at the impact each option might have on people sharing the 9 protected characteristics. They also consider the need to avoid or mitigate against any negative impact on any group.

Ministers are advised of the impact the proposed options may have on various groups of people, and this is taken into account when a policy decision is made. The standard ministerial submissions template that Department officials use specifically asks for equality considerations to be set out for decision-makers.

We seek input from external stakeholders to gain a broader insight into our decisions, and share information about projects with major equality considerations with the Health and Wellbeing Alliance.

Directors general are required to consider compliance with the public sector equality duty and our human rights obligations as part of the quarterly corporate performance returns and the biannual accountability reviews, to which all senior civil servants contribute and which are coordinated by the Performance Hub team.

Regular meetings with the Equality and Human Rights Commission are held to discuss respective priorities and the department's performance in meeting its statutory equality duties.

In addition, tackling health inequalities remains a government priority, as part of a wider focus on fairness and social justice. The first ever legal duties were introduced in 2013 to ensure the health and public health system have regard to the need to reduce health inequalities, including in access to and outcomes from services.

The Secretary of State's most recent assessment of performance in meeting this duty can be found in the department's [annual report and accounts](#).

## Case study:

On 14 September 2017, the Government published in draft a Health Services Safety Investigations Bill (HSSIB). The Bill would establish in primary legislation a new body to undertake safety investigations of serious safety incidents in the NHS in England.

The policy underpinning the Bill, the provisions of the Bill itself and their practical impact were considered against the public sector equality duty, the family test and the relevant duties of the Secretary of State for Health under the National Health Service Act 2006.

Our assessments against the equality duty included consideration of the potential impacts on individuals with protected characteristics, in particular, older persons, persons with disabilities and babies and pregnant women, (with particular reference to the need to improve maternity care following the care failures identified in the Morecambe Bay investigation), all of which

## Equality duty in 2017

groups were considered to be likely to benefit from the provisions, in particular the expected improvements to patient safety and investigative practice relating to acute hospital services, without any disadvantage to other individuals with protected characteristics.

Overall, it was considered that HSSIB investigations would improve the experience and well-being of those patients, families, carers and staff directly involved in its investigations, in part by providing reassurance that incidents will be investigated thoroughly and impartially, and mitigating the stress caused by poor investigations. Families affected by patient safety incidents in the NHS will benefit if HSSIB is successful in carrying out more effective investigations. HSSIB reports of investigations should lead to patients and their families feeling that the cause of the failing has been identified and lessons learned. The reports should provide families with closure about what went wrong and reassurance that a robust, independent investigation has taken place.

## Equality analyses published in 2017

We are committed to going beyond our obligations in cases where we believe it will enhance our performance. That's why we continue to publish equality analyses for some of our major decisions. Analyses that were published since last year's update are as follows:

- [Infected Blood](#)
- [Organ and tissue donation 'opt-out'](#)
- [Statutory scheme to control cost of branded medicine pricing](#)
- [Guidance on overseas visitors hospital charging regulations](#)
- [Transforming children and young people's mental health provision: a green paper](#)
- [Rapid resolution and redress scheme for severe birth injury](#)
- [Regulations to enable the Government to require information on health service products](#)
- [Health Service Safety Investigations Bill](#)

## Equality objectives

Under the 2017 regulations, we are also required to publish one or more equality objectives every 4 years. Our current set of objectives, published in January 2015, is as follows:

- The Department of Health and Social Care will ensure that the public sector Equality Duty is embedded in Directorate business plans and reflected in our corporate priorities and is an integral part of any future priority setting for our organisation.
- We will continue build and develop our relationships with stakeholders and the public, including those that represent groups with protected characteristics, to improve our functions and services.
- We will ensure that it is clear, throughout the policy development process, how we have paid due regard to the public sector equality duty.

## Meeting the equality duty

- As guardians of the health and social care system, we will build on our strengths in knowledge and intelligence by improving the information we hold and collect. We will reflect back this intelligence to our partners, in order to improve the health and well-being of the whole population.
- We will seek to improve accessibility and ease of understanding of any information and policies we produce. We will seek to improve the accessibility of the information that we provide to the public and stakeholders.
- We will improve our internal business processes so that equality and diversity is an integral part of everything we do. Our drive to increase value, efficiency and productivity will always consider the needs of people with protected characteristics, internally in the Department and in our externally facing functions.
- We will ensure we have a motivated, diverse and engaged workforce who:
  - live our behaviours of respect for each other;
  - experience equality in the workplace regardless of their position in the organisation.

## Requesting further information

We are committed to being transparent about how we respond to our statutory equality duties. If you would like to find out more about how the department met its equality duties, please make a request using the contact form at <https://contactus.dh.gov.uk/>, or get in touch with us at:

Ministerial Correspondence and Public Enquiries Unit

Department of Health and Social Care

39 Victoria Street

London SW1H 0EU

Telephone: 020 7210 4850

Fax: 0115 902 3202

Textphone: 0207 451 7965