

## Scottish Borders Health and Social Care Partnership



### Equality, Human Rights and Fairer Scotland Duty Impact Assessment (IA) – Stage 1 Proportionality and Relevance

Completion of the template below will give senior officers the confidence that the Equality Duty, the Scottish Specific Public Sector Equality Duties, Human Rights and the Fairer Scotland Duty have been considered at the beginning of and throughout the proposal development and that action plans are in place, where applicable, to; identify relevant stakeholders, undertake robust consultation to deliver a collaborative approach to co-producing the HIIA.

**What Integration Joint Board (IJB) report or Partnership decision does this proportionality and relevance assessment relate to:**

**EVIDENCING COMPLIANCE WITH EQUALITY, HUMAN RIGHTS AND FAIRER SCOTLAND DUTIES**

**Relevant protected characteristics materially impacted, or potentially impacted, by proposals (employees, clients, customers, people using services) indicate all that apply**

Age	Disability Learning Disability, Learning Difficulty, Mental Health, Physical Autism/Asperger's	Gender	Gender Reassignment	Marriage and Civil Partnership	Pregnancy and Maternity	Race	Religion and Belief (including non-belief)	Sexual Orientation
X	X	X	X	X	X	X	X	X

**Equality and Human Rights Measurement Framework – Reference those identified in Stage 1 (remove those that do not apply)**

<b>Education</b>	<b>Work</b>	<b>Living Standards</b>	<b>Health</b>	<b>Justice and Personal Security</b>	<b>Participation</b>
Higher education Lifelong learning	Employment Earnings Occupational segregation Forced Labour and trafficking*	Poverty Housing Social Care	Social Care Health outcomes Access to health care Mental health Reproductive and sexual health* Palliative and end of life care*	Conditions of detention Hate crime, homicides and sexual/domestic abuse <i>Criminal civil justice</i> <i>Restorative justice</i> <i>Reintegration, resettlement and rehabilitation*</i>	Political and civic participation and representation Access to services Privacy and surveillance Social and community cohesion* Family Life*
X	X	X	X	X	X

\*Supplementary indicators

<b>Main Impacts</b>	<b>Are these impacts positive or negative or a combination of both</b>	<b>Are the impacts significant or insignificant?</b>

<b>Is the proposal considered strategic under the Fairer Scotland Duty?</b>	Yes
---	-----

**IA to be undertaken and submitted with the report – Yes**

**If no – please attach this form to the report being presented for sign off**

**Proportionality & Relevance Assessment undertaken by:**

Wendy Henderson, 17 June 2022

# Equality Human Rights and Fairer Scotland Duty Impact Assessment

## Stage 2 Empowering People - Capturing their Views



### EVIDENCING COMPLIANCE WITH EQUALITY DUTY - REVIEW AND ASSESS POLICIES AND PRACTICES

#### Equality Human Rights and Fairer Scotland Impact Assessment Team

<b>Role</b>	<b>Name</b>	<b>Job title</b>	<b>Date of IA Training</b>
E&HR Service Specialist	Wendy Henderson	Independent Sector Lead, Partners for Integration	
HSCP Senior Mgt Team	Chris Myers	Chief Officer, SBHSCP	
Responsible Officer	Wendy Henderson	Independent Sector Lead, Partners for Integration	
E&HR Foundation Group	Susannah Flower	Chief Nurse, SBHSCP	
E&HR Foundation Group	Jenny Smith	Chief Officer, Borders Care Voice	
E&HR Foundation Group	Linda Jackson	SB HSCP Strategic Planning Group	
E&HR Foundation Group	Fiona Doig	Alcohol and Drugs Partnership	

## Evidence Gathering (will also influence and support consultation/engagement/community empowerment events)

Evidence Type	Source	What does the evidence tell you about the protected characteristics affected?
Data on populations in need	Equality and Human Rights Impact Assessment Audit	Unknown
Data on relevant protected characteristic	Equality and Human Rights Impact Assessment Audit	Unknown
Data on service uptake/access	Equality and Human Rights Impact Assessment Audit	The audit found that, with the exception of one member of the Senior Executive Team, non-compliance with the requirement to present an impact assessment was evidenced across services.
Data on socio economic disadvantage	Equality and Human Rights Impact Assessment Audit	As the majority of papers considered by the IJB did not have an accompanying or available impact assessment therefore the IJB and the Scottish Borders Health and Social Care Partnership are unable to assess whether the decisions taken have had a positive impact or negative impact on socio economic disadvantage
Research/literature evidence	IJB Papers April 2020 to 2022 Audit – referred to above as the Equality and Human Rights Impact Assessment Audit	As the majority of papers considered by the IJB did not have an accompanying or available impact assessment therefore the IJB and the Scottish Borders Health and Social Care Partnership are unable to assess whether the decisions taken evidence due regard to the Equality Duty
Existing experiences of service information	Not available	Due to the lack of a robust approach to the undertaking of impact assessments the evidence regarding impact on the protected characteristics is unknown
Evidence of unmet need	Not available	Due to the lack of a robust approach to the undertaking of impact assessments the evidence regarding impact on the protected characteristics is unknown
Good practice guidelines	Equality and Human Rights Commissions workshops	
Risks Identified	Non compliance with the Equality Duty – Assess and Review Policies and Practices, progress Outcomes and mainstreaming	Due to the lack of a robust approach to the undertaking of impact assessments the evidence regarding impact on the protected characteristics is unknown

## Consultation/Engagement/Community Empowerment Events

### Event 1

Date	Venue	Number of People in attendance by category*	Protected Characteristics Represented
27 September 2022	Borders Care Voice	Wendy Henderson, Partners for Integration Jenny Smith, Chief Officer, Borders Care Voice Linda Jackson, SPG and IJB member	Adults and Older People Mental Health, Learning Disability and Carers LGBTQ+ Forum

\*Attendance by category – including but not limited to: People using the service, people not using the service - currently, unpaid carers, paid carers, key stakeholders (organisation and job title)

Views Expressed	Officer Response
Given that invitations we sent to those willing to support the SPG and the IJB evidence compliance with the Equality Duty 2010 the role and remit of this cross sector protected characteristic representative group required clarification	It was agreed that this group will be titled the Equality and Human Rights Foundation Group, this to reflect their role is setting the foundations from which to build upon
Scottish Borders SPG Equality and Human Rights Subgroup require a clear Terms of Reference	Draft Terms of Reference circulated to group for comment and approval before being presented to the Strategic Planning Group
Network of E&HR Service Specialists required to support the development of a culture where impact assessments are embedded as a mainstream activity	Proposal to be presented to Strategic Planning Group for endorsement
Role and Remit for E&HR Service Specialists required to ensure that there is no confusion over whose responsibility it is to undertake and present equality and human rights impact assessments	Draft Role and Remit to circulated to the group for comment and approval before being presented to the Strategic Planning Group

## Event 2

Date	Venue	Number of People in attendance by category*	Protected Characteristics Represented
21 October 2022	Via Teams	Wendy Henderson, Partners for Integration Jenny Smith, Chief Officer, Borders Care Voice Fiona Doig, Alcohol and Drugs Partnership Linda Jackson, SPG and IJB member	Adults and Older People Mental Health, Learning Disability and Carers Alcohol & Drugs Partnership: Lived Experience Forum LGBTQ+ Forum

Views Expressed	Officer Response
Synergies regarding the processes to be adopted by the HSCP and the NHS were highlighted	Joint meeting between WH and Scottish Borders Councils IIA Review Group arranged for Monday 14 November 2022 Joint meeting between Chief Officer IJB, Director of Public Health and WH arranged for 7 December 2022
Membership of the Equality and Human Rights Subgroup was discussed, preferable to have subgroup members with linkages to a wider network, this to support the increase in the number of contacts that will be made to participate in future Equality and Human Rights Impact Assessments	Chief Officer to send invitations to join the Equality and Human Rights Subgroup Chief Officer to deliver
How do we build capacity and understanding to support those invited to fully participate?	Series of equality and human rights impact assessment awareness sessions to be delivered
Consultation events – how do we deliver efficiencies? Who do we need to work with to deliver joint/triple events with?	Discussions with NHS Communication Lead Officer and SBC Community Planning Lead to take place

### Event 3

Date	Venue	Number of People in attendance by category*	Protected Characteristics Represented
18 November 2022	Borders Care Voice	Wendy Henderson, Partners for Integration Jenny Smith, Chief Officer, Borders Care Voice Fiona Doig, Alcohol and Drugs Partnership Linda Jackson, SPG and IJB member	Adults and Older People Mental Health, Learning Disability and Carers Alcohol & Drugs Partnership: Lived Experience Forum LGBTQ+ Forum

Views Expressed	Officer Response
Role of the Equality and Human Rights Subgroup to include sign posting officers and support officers engage with the appropriate forum, organisation or individuals with the relevant protected characteristics and/or lived experience	E&HR Subgroup Members to be invited by Equality and Human Rights Service Specialists to support Stage 2 of Equality and Human Rights Impact Assessments
Role of the Equality and Human Rights Subgroup should be extended to include quality assurance role	Terms of Reference to be amended to reflect this role if endorsed by the SPG on 12 December 2022



# Equality, Human Rights and Fairer Scotland Duty Impact Assessment

## Stage 3



### Analysis of findings and recommendations

#### EVIDENCING COMPLIANCE WITH EQUALITY DUTY - REVIEW AND ASSESS POLICIES AND PRACTICES

Please detail a summary of the purpose of the proposal being developed or reviewed including the aims, objectives and intended outcomes

The proposal and associated recommendations will enable the Scottish Borders HSCP's Strategic Planning Group to give the Integration Joint Board assurance they are complying with the duty to review and assess policies and practices. This will be achieved by ensuring that all future reports are accompanied by a robust Equality and Human Rights Impact Assessment (E&HRIA)

They will do this by:

1. Returning reports submitted without an accompanying E&HRIA to the relevant member of the HSCP's Senior Management Team
2. Returning reports with an accompanying E&HRIA which have not been considered by the newly formed SPG's E&HR sub group back to the relevant member of the HSCP's Senior Management Team
3. Providing the IJB with confirmation that, as an SPG, they have read the accompanying E&HRIA and taken the findings into account when taking/making decisions
4. Taking future reports from the E&HR subgroup on the progress being made against the recommendations contained in the E&HRIA undertaken
5. Supporting the development, use of and audit of a public platform on which all activities relating The Regulations are published in an accessible manner

In adopting this new process, the SPG will ensure:

- Delivery of robust E&HR Impact Assessments,
- Mitigating actions to address any negative impacts are identified
- Recommendations documented in the E&HR IA are monitored and reported against
- Receipt of a quarterly report detailing progress being made in relation to the delivery of the IJB's Equality Outcomes 2023 - 2025

**Equality Act 2010 – Relevant Protected Characteristics as identified in Stage 1 (remove those that do not apply)**

Protected Characteristic	Equality Duty		What impact and or difference will the proposal have	Measures to evaluate/mitigating actions
Age	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct		This proposal will ensure compliance with the duty to assess and review policies and practices, as a result the impact and or difference that future reports will make to this element of the Equality Duty for this protected characteristic will be fully analysed and presented	All future measures, mitigating actions and recommendations will be documented and reported on as detailed in the recommendations of this report.
	Advancing equality of opportunity		See above	See above
	Fostering good relations by reducing prejudice and promoting understanding		See above	See above
Disability	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct		See above	See above
	Advancing equality of opportunity		See above	See above
	Fostering good relations by reducing prejudice and promoting understanding		See above	See above

Gender Reassignment	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct		See above	See above
	Advancing equality of opportunity		See above	See above
	Fostering good relations by reducing prejudice and promoting understanding		See above	See above
Marriage and Civil Partnership	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct		See above	See above
	Advancing equality of opportunity		See above	See above
	Fostering good relations by reducing prejudice and promoting understanding		See above	See above
Pregnancy and Maternity	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct		See above	See above
	Advancing equality of opportunity		See above	See above
	Fostering good relations by reducing prejudice and promoting understanding		See above	See above
Race	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct		See above	See above
	Advancing equality of opportunity		See above	See above
	Fostering good relations by reducing prejudice and promoting understanding		See above	See above

Religion & Belief including non-belief	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct		See above	See above
	Advancing equality of opportunity		See above	See above
	Fostering good relations by reducing prejudice and promoting understanding		See above	See above
Sex	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct		See above	See above
	Advancing equality of opportunity		See above	See above
	Fostering good relations by reducing prejudice and promoting understanding		See above	See above
Sexual Orientation	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct		See above	See above
	Advancing equality of opportunity		See above	See above
	Fostering good relations by reducing prejudice and promoting understanding		See above	See above

**Equality and Human Rights Measurement Framework Human– Reference those identified in Stage 1 (remove those that do not apply)**

Article	Enhancing or Infringing	Impact and or difference will the proposal have	Measures to evaluate/mitigating actions
---------	-------------------------	---	---

Education	Higher education and lifelong learning	It is anticipated that by undertaken and endorsement of robust impact assessments all future proposal will clearly identify the positive impact the recommendations are making in relation to this particular element of the measurement framework	All future measures, mitigating actions and recommendations will be documented and reported on as detailed in the recommendations of this report.
Work	Employment Earnings Occupational segregation Forced Labour and trafficking*	See above	See above
Living Standards	Poverty Housing Social Care	See above	See above
Health	Social Care Health outcomes Access to health care Mental health Reproductive and sexual health* Palliative and end of life care*	See above	See above
Justice and Personal Security	Conditions of detention Hate crime, homicides and sexual/domestic abuse Criminal civil justice Restorative justice Reintegration, resettlement and rehabilitation*	See above	See above
Participation	Political and civic participation and representation Access to services Privacy and surveillance Social and community cohesion* Family Life*	See above	See above

## Fairer Scotland Duty

Identify changes to the strategic programme/proposal/decision to be made to reduce negative impacts	The documentation, governance, monitoring and performance framework contained in this proposal will enable Scottish Borders IJB and Scottish Borders Health and Social Care Partnership to document and report on the changes made to reduce any negative impacts
Identify the opportunities the strategic programme/proposal/decision provides to reduce or further reduce inequalities of outcome	The documentation, governance, monitoring and performance framework contained in this proposal will enable Scottish Borders IJB and Scottish Borders Health and Social Care Partnership to document and report on the opportunities to reduce or further reduce inequality of outcome

**Are there any negative impacts with no identified mitigating actions? If yes, please detail these below:**

Not applicable
----------------

## Equality, Human Rights & Fairer Scotland Duty Impact Assessment Recommendations

What recommendations were identified during the HIIA process:

Recommendation	Recommendation owned by:	Date recommendation will be implemented by	Review Date
Equality and Human Rights Impact Assessment Process and Documentation	Wendy Henderson Coproduced with the E&HR Foundation Group	12 December 2022	18 January 2023
Approve the E&HR IA Sign Off Process	Wendy Henderson Coproduced with the E&HR Foundation Group	12 December 2022	18 January 2023
Establish a cross sector SBHSCP Strategic Planning Group's Equality and Human Rights Sub Group	E&HR Foundation Group	31 January 2023	31 March 2023

E&HR Subgroup Terms of Reference	SBHSCP E&HR Foundation Group	12 December 2022	18 January 2023
Develop a Role and Remit to support E&HR Service Specialists	Wendy Henderson Coproducted with the E&HR Foundation Group	12 December 2022	18 January 2023
Establish a network of E&HR Service Specialists	SB HSCP's E&HR Lead Officer	Process to begin December 2022	Progress to be reported 18 January 2023
Embed an E&HRIA Quality Assurance remit into the Terms of Reference of the SPG's E&HR Subgroup	SBHSCP E&HR Foundation Group	18 January 2023	31 January 2023
SPG to adopt and E&HRIA scrutiny role and reject reports sent for consideration which are not supported by a robust E&HRIA	Strategic Planning Group	12 December 2023	18 January 2023
Explore the coproduction of an online form – one that delivers synergies with NHS Borders Health Inequality Impact Assessments and SBCs Impact Assessment processes e.g. Microsoft Forms	SBHSCP E&HR Foundation Group	31 March 2023	31 March 2023
SPG to take a monthly report from the Equality and Human Rights sub group with effect from Feb 2023 for a period of 6 months	SBHSCP E&HR Foundation Group	February 2023	Ongoing
SPG to take a 6 monthly report with effect from December 2022	SBHSCP E&HR Foundation Group	July 2022	Ongoing
SPG to receive the Annual SBHSCP Equality and Human Rights	SBHSCP E&HR Foundation Group	December 2023	December 2023

Report prior to being presented to the IJB			
SPG to approve the Biannual Report prior to it being presented to the IJB	SBHSCP E&HR Foundation Group	December 2024	December 2024
APG to approve the report going to the IJB in January 2023	SBHSCP E&HR Foundation Group	December 2023	Annually

### Monitoring Impact – Internal Verification of Outcomes

How will you monitor the impact this proposals affects different groups, including people with protected characteristics?

An online approach to documenting E&HRIA is to be explored, developed and implemented. This will include the ability to run reports by protected characteristic, the Equality and Human Rights Commission’s Equality Measurement Framework and progress against the recommendations, the mainstreaming framework and the equality outcomes.

It is anticipated that all future reporting will be delivered using the system developed and include:

- Monthly reporting to the Strategic Planning Group
- 6 monthly reporting to the Strategic Planning Group
- 6 monthly report to the Risk Committee
- Annually to the SPG
- Annually to the IJB

### Procured, Tendered or Commissioned Services (SSPSED)

Is any part of this policy/service to be carried out wholly or partly by contactors and if so, how will equality, human rights including children’s rights and the Fairer Scotland duties be addressed?



No, however, the documentation and processes developed will be embedded into the Procurement Processes. This in line with requirements of the Equality Duty.

### **Communication Plan (SSPSED)**

Please provide a summary of the communication plan which details how the information about this policy/service to young people, those with a visual or hearing sensory impairment, difficulty with reading or numbers, learning difficulties or English as a second language will be communicated.

Once the Equality and Human Rights Impact Assessment has been formally adopted by the SPG, discussions with the SBHSCP's Communications Team and the Council's Communications Team regarding the establishment of a Scottish Borders Health and Social Care Partnership's dedicated equality and human rights page. One established all documents will be uploaded into IJB webpage, in addition the plan will be available in braille, easy read version and will include the Happy to Translate logo.

**Signed Off By:**

**Chris Myers, Chief Officer**

**Date 9 December 2022**