

Board of Directors - Public

SUMMARY REPORT

Meeting Date: 26th January 2024

Agenda Item: 20

Report Title:	The NHS Equality Delivery System Update	
Author(s):	Liz Johnson – Head of Equality and Inclusion	
Accountable Director:	Caroline Parry Executive Director of People	
Other meetings this paper has been presented to or previously agreed at:	Committee/Tier 2 Group/Tier 3 Group	Progress on delivery of the NHS Equality Delivery System has been discussed at the Inclusion and Equality group as a regular agenda item A paper on progress was discussed at the People Committee
	Date:	6 th January 2024
Key points/recommendations from those meetings	The Committee agreed in principle to a proposal that publication of the 2023 EDS report would be postponed past the National EDS Technical Guidance publication date of the 28 th of February 2024.	

Summary of key points in report

Purpose of this report

The purpose of this report is to advise the Board of progress made in response to the requirements in the NHS Standard Contract to respond to the NHS Equality Delivery System (22). This paper provides an update on progress for assurance and advises of a proposal to delay publication of the SHSC Equality Delivery System report for 2023, a proposal supported by key members of the ICS in South Yorkshire.

The Equality Delivery System has three 'Domains'

- 1) Commissioned or provided services
- 2) Workforce health and well-being
- 3) Inclusive leadership.

Progress in implementation of the Equality Delivery System (22) across the three Domains has progressed as planned and proposed to the Board in January 2023.

Progress in implementation against plan – key points.

Domain 1 - Commissioned or provided services

The Equality Delivery System technical guidance expects provider organisations to review three service areas per year, grade these against the outcomes of the Equality Delivery System Domain 1, it also expects that the proposed grading is agreed with a set of key stakeholders.

Progress made:

We have focused our reviews on three areas for 2023:

- Liaison Psychiatry
- The Patient and Carer Race Equality Framework (PCREF)
- Transitions

In summary we made good progress in reviewing Liaison Psychiatry.

Organisationally we are making good progress against the Patient and Carer Race Equality Framework and this potentially supports a positive grading for this service, and

We did a short review focused on two areas relevant to transition.

Although we have progressed these reviews, we have not been able to progress an effective stakeholder engagement to agree our gradings. This is an experience that is shared across a number of Integrated Care System (ICS) provider organisations and has been raised with Christine Joy (Integrated Care Board (ICB) Chief People Officer) and Kirsten Major (the current ICS senior responsible officer (SRO) for Equality Diversity and Inclusion (EDI)).

Domain 2 - Workforce health and well-being

We were able to progress grading against the outcomes of the Equality Delivery System Domain 2. We were able to review our grading with staff side representatives and two peer organisations (Southy West Yorkshire Partnership Trust (SWYPT) and Bradford Care Trust (BDCT)).

Domain 3 - Inclusive leadership

We progressed, as planned, a 360 audit to support review of the outcomes of the Equality Delivery System Domain 3, we have concluded our review of the Domain with reference to the audit findings and plan to review our grading for Domain 3 with two peer organisations (SWYPT and BDCT).

Delay in Publication

The Equality Delivery System (22) technical guidance expects NHS provider organisations to publish a report annually by the 28th of February of the year following the Equality Delivery System review year, our 2023 report should therefore be published by the 28th of February 2024.

The Board is advised a proposal has been made as follows, supported by the ICB SRO responsible for the Equality Delivery System:

- Progress a specific collaborative stakeholder engagement process to support the stakeholder engagement required by the Equality Delivery System for Domain 1.
- Agree a delayed publication date for provider organisations in South Yorkshire to align with delivery of the proposed stakeholder engagement.

This does not impact on the separate process of progressing a refresh of our statutory Equality Objectives. The timetable for publication of our Equality Objectives 2024 – 2028 remains unchanged.

Recommendation for the Board/Committee to consider:

Consider for Action		Approval	x	Assurance	x	Information	X
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It is recommended that:

1. Board are assured that our organisation is responding to the requirement of the NHS Standard Contract SC13 as supported by the ICB.
2. Board are advised of the proposal to delay publication of our organisations Equality Delivery System 2023 report, in support of the proposal supported by the ICB CEO responsible for the Equality Delivery System (22), subject to being advised of a revised date for publication to be agreed through the ICB.

Please identify which strategic priorities will be impacted by this report:

Effective Use of Resources	Yes	X	No	
Deliver Outstanding Care	Yes	X	No	
Great Place to Work	Yes	X	No	
Ensuring our services are inclusive	Yes	X	No	

Is this report relevant to compliance with any key standards? State specific standard

Care Quality Commission	Yes	X	No		Well Led
IG Governance Toolkit	Yes		No	X	
Any other specific standard?		X			The NHS Standard Contract SC13 Equity of Access, Equality and Non-Discrimination

Have these areas been considered? YES/NO

	Yes	X	No		If Yes, what are the implications or the impact? If no, please explain why
Service User and Carer Safety, Engagement and Experience	Yes	X	No		The content of this report is specifically relevant to Service User and Carer Safety, Engagement and Experience (Domain 1)
Financial (revenue & capital)	Yes		No	X	There are no direct implications for expenditure related to the content of this paper
OD/Workforce	Yes	X	No		The content of this report is specifically relevant to the composition of workforce and organisational culture (Domains 2 and 3)
Equality, Diversity & Inclusion	Yes	X	No		The report is specifically relevant to Equality Diversity and Inclusion
Legal	Yes	X	No		This is relevant to but does not impact directly on compliance with section 149 of the Equality Act 2010 (the Public Sector Equality Duty) and the

					Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.
Environmental Sustainability	Yes		No	X	Has been considered and there are no areas of relevance in this report.

Title	The NHS Equality Delivery System (22) - Progress
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Section 1: Analysis and supporting detail

1.1 Background – the Equality Delivery System (22)

This report provides information about progress in responding to the NHS Equality Delivery System (Equality Delivery System) 2022 as required under the NHS Standard Contract.

The NHS Equality Delivery System (22) (Equality Delivery System22)

The NHS Equality Delivery System is defined as a ‘tool’ to support the NHS to respond to the Equality Act 2010 Public Sector Equality Duty. Although the Equality Delivery System has been in place since 2016 it underwent a review between 2018 and 2022 (timetable impacted by Covid 19). 2022 was identified as a transition year for implementing a new version of the Equality Delivery System which is known as the Equality Delivery System 2022, 2023 was the first year of full implementation of the new system.

A core principle of the new and previous Equality Delivery System is that the tool is intended to help NHS organisations, in partnership with local stakeholders, to review and improve their performance for people with characteristics protected by the Equality Act 2010.

The Equality Delivery System is a requirement of the NHS Standard Contract (SC13.5 Equity of Access, Equality and Non-Discrimination), and is intended to align with the Leadership and Capability and People themes within the NHS oversight framework. All NHS organisations are expected to use the Equality Delivery System to help improve equality performance for service users, communities, and staff.

The Equality Delivery System has three ‘Domains’

- 1) Commissioned or provided services
- 2) Workforce health and well-being
- 3) Inclusive leadership.

1.2 Progress

Progress in implementation of the Equality Delivery System (22) across the three Domains has progressed in 2023/24 as proposed to [Board in January 2023](#)

Progress in implementation against plan – key points.

Domain 1 - Commissioned or provided services

The Equality Delivery System technical guidance expects provider organisations to review three service areas per year, grade these against the outcomes of the Equality Delivery System Domain 1, it also expects that the proposed grading is agreed with a set of key stakeholders.

Progress made:

We have focused our reviews on three areas for 2023:

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We did a short review focused on two areas relevant to transition.

Although we have progressed these reviews, we have not been able to progress an effective stakeholder engagement to agree our gradings. This is an experience that is shared across a number of ICS provider organisations and has been raised with the ICB Chief People Officer and The CEO of STH who is the current ICS SRO for EDI.

Domain 2 - Workforce health and well-being

We were able to progress grading against the outcomes of the Equality Delivery System Domain 2. We were able to review our grading with staff side representatives and two peer organisations (South West Yorkshire Partnership Trust and Bradford Care Trust).

Domain 3 - Inclusive leadership

We progressed, as planned, a 360 audit to support review of the outcomes of the Equality Delivery System Domain 3, we have concluded our review of Domain 3 with reference to the audit findings and plan to review of our grading for Domain 3 with two peer organisations (SWYPT and BDCT).

1.3 Publication

The Equality Delivery System (22) technical guidance expects NHS provider organisations to publish a report annually by the 28th of February of the year following the Equality Delivery System review year, our 2023 report should therefore be published by the 28th of February 2024. Supported by the ICB SRO responsible for the Equality Delivery System a proposal has been made to:

- Progress a specific collaborative stakeholder engagement process to support the stakeholder engagement required by the Equality Delivery System for Domain 1.
- Agree a delayed publication date for provider organisations in South Yorkshire to align with delivery of the proposed stakeholder engagement.

Section 2: Risks

2.1 Delayed Publication

There is a risk of breach of the NHS standard contract by delaying publication – this decision is supported by the ICS which significantly reduces this risk.

There is also a risk that progressing stakeholder engagement whilst not taking account of the challenges highlighted in this report risks our organisational relationship with key stakeholders.

This does not impact on the separate process of progressing a refresh of our statutory Equality Objectives. The timetable for publication of our Equality Objectives 2024 – 2028 remains unchanged.

Section 3: Assurance

3.1 Implementation

This report highlights for assurance that there is a plan in place to address the reasons for delay in publication of our Equality Delivery System report for 2024.

3.2 Benchmarking

- Different organisations appear to have different approaches, but we aim to work in collaboration with our local NHS provider organisations and the ICS leads to progress responding to the Equality Delivery System.
- We have started to benchmark though our collaboration around peer review.

3.3 Engagement

As noted above engagement with stakeholders is fundamental to the Equality Delivery System however current guidance encourages collaboration across systems and this is taking time to establish, we have the agreement of senior system leaders that it is important to do this well rather than on time. A small group is being established supported by the ICS to plan the approach to be taken to engagement for Domain 1.

Section 4: Implications

4.1 Strategic Aims and Board Assurance Framework

This paper is relevant to all strategic aims and in particular ensuring services are inclusive.

4.2 Equalities, diversity, and inclusion

Equality Diversity and Inclusion is considered in the main body of this report.

4.3 Financial

There are no specific financial considerations associated with this particular report.

4.4 Compliance - Legal/Regulatory

This is relevant to but does not impact directly on compliance with section 149 of the Equality Act 2010 (the Public Sector Equality Duty) and the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

Section 5: List of Appendices

None