



COMHAIRLE NAN EILEAN SIAR

## Fairness Assessment Toolkit

Author/Reviewer Name	Ron Culley
Name of policy, protocol, procedure, strategy or service	IJB Strategic Plan
Date Started	08/03
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## **Section 1 About your project**

Please answer the following questions:

### **1. Is this a new strategy?**

Yes

The Public Bodies (Joint Working) Act requires all integration authorities to develop and implement a strategic plan which will set out how it intends to invest resources in response to population need. The result will be significant service change and redesign over a number of years, in support of improved outcomes.

### **2. Have you checked if there are any other current guidance on this topic?**

Yes. Further information has been sourced from the parent bodies and the Equalities and Human Rights Commission

### **3. Please list who is likely to be affected by this project and how they will be affected**

<b>Who?</b>	<b>How?</b>
Older people	Many of the services that will be redesigned are used by this population group
Disabled people	Many of the services that will be redesigned are used by this population group

### **4. Please tell us how you are going to involve these people in the project**

In developing the strategic plan, we have sought to involve older people and disabled people and their representatives. This has been achieved by:-

- Working through third sector organisations which represent service users, highlighting our public engagement events, which are designed to listen to views about how we can improve outcomes;
- Our consultation document on the strategic plan, which specifically asks:
  - a) whether the proposals were likely to have an adverse impact on any of the protected characteristics set out in the Equality Act 2010
  - b) whether the proposals were likely to have an adverse impact on equality of opportunity or on good community relations
  - c) whether there was an opportunity to promote equality of opportunity or good community relations
  - d) participation on the IJB and locality planning groups open to service users and their representatives



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## **Section 2 Protected Characteristics**

**Read the following, as these are about the people or groups of people whose rights are specifically protected under the 2010 Equalities Act.**

**This page gives you information on each of the nine protected characteristics.**

### **1. Age**

Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18-30 year olds, 65-80 year olds)

#### **How will these groups be affected?**

There will be significant changes to services for this population group. The strategic plan sets out 25 key deliverables, which we aim to implement over the period 2016/17-18/19. Older people consume health and social care services to a greater degree than other population groups. This is because illness, disease and frailty is more common among older people. In general terms, we hope that the changes implemented as a result of the strategic plan will improve outcomes for older people. However, there may be specific service redesign proposals which will mean that the service offer will change or removed altogether. These specific redesign proposals will have their own fairness assessments undertaken.

An outcome of integration will advance equality of opportunity between persons who share a protected characteristic and those who do not share it.

It is vitally important to give older people equality of access to health and social care information to make informed choices. This will be achieved by:

- Ensuring that all IJB publications contain an offer to make the material available in alternative formats, if requested
- The IJB will produce accessible pictorial / easy read information for people with a cognitive impairment, within the context of major service change proposals

### **2. Disability**

A person has a disability if s/he has a physical or mental impairment which has a substantial and long term adverse effect on that person's ability to carry out normal day to day activities.

#### **How will this group be affected?**

There will be significant changes to services for this population group. The strategic plan sets out 25 key deliverables, which we aim to implement over the period 2016/17-18/19. Disabled people consume health and social care services to a greater degree than other population groups. In general terms, we hope that the changes implemented as a result of the strategic plan will improve outcomes for disabled people. However, there may be specific service redesign proposals which will mean that the service offer will change or be removed altogether. These specific redesign proposals will have their own fairness assessments undertaken.

An outcome of integration will advance equality of opportunity between persons who share a protected characteristic and those who do not share it.



### **Disability Contd.**

It is vitally important to give disabled people equality of access to health and social care information to make informed choices. This will be achieved by:

- Ensuring that all IJB publications contain an offer to make the material available in alternative formats, if requested
- The IJB will produce accessible pictorial / easy read information for people with a cognitive impairment, within the context of major service change proposals

### **3. Gender Reassignment**

The process of transitioning from one gender to another.

#### **How will this group be affected?**

The proposed changes will not discriminate against people whose gender has been reassigned.

The IJB will also work with its parent bodies to promote a positive image of the transgender community, within the context of relevant publications and training arrangements

### **4. Marriage and Civil Partnership**

Same-sex marriage has now been enshrined in legal statute, in England in March 2014 & in Scotland in December 2014 respectively. Therefore, both mixed-sex and same-sex couples can now marry in the eyes of the law, while respecting the freedom of religious bodies and celebrants not to perform these ceremonies. Couples in a civil partnership in England can now convert this into marriage in England, although this option is not yet available in Scotland. Civil partnership is not available to mixed-sex couples throughout the UK.

#### **How will this group be affected?**

The proposed changes will not impact on people who have entered into civil partnerships

The IJB will also work with its parent bodies to promote a positive image of the transgender community, within the context of relevant publications and training arrangements



## 5. Pregnancy and Maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. Under the terms of the 2010 Equality Act, action can now be taken in the civil courts when a person has suffered a disadvantage because of unfair treatment because of pregnancy, breastfeeding or having given birth.

### **How will this group be affected?**

A number of change proposals within the strategic plan will impact on employees of NHS Western Isles and CNES, including those who are pregnant or on maternity leave. Any workforce changes will be implemented in accordance with the policies of NHS Western Isles and CNES.

## 6. Race

Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

### **How will this group be affected?**

The proposed changes will not discriminate between people on the basis of race

The IJB will also work with its parent bodies to promote a positive image of our local ethnic communities, within the context of relevant publications and training arrangements

## 7. Religion and Belief

Religion is the term given to a collection of cultural belief systems based on narratives, traditions and symbols that give meaning to life and instil a moral framework of conduct. Belief includes religious and philosophical beliefs including lack of belief (e.g. atheism). Generally, a belief should affect your life choices for it to be included in the definition.

### **Does your proposal discriminate or disadvantage any religious or non-religious group?**

The proposed changes will not discriminate between people on the basis of religion or belief

The IJB will also work with its parent bodies to promote equalities and diversity training arrangements



## 8. Sex (Gender)

A man or a woman. (Male or female)

### **Does your proposal discriminate between men and women, if so how and why?**

The proposed changes will not discriminate between people on the basis of sex.

The IJB recognises that Gender based violence is a serious issue and most takes place within a domestic setting. It will continue to advance this work within the context of its criminal justice responsibilities.

## 9. Sexual Orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

### **How will this group be affected?**

The proposed changes will not discriminate between people on the basis of sexual orientation

The IJB will also work with its parent bodies to promote a positive image of people's sexual orientation, within the context of relevant publications and training arrangements

## 10. Negative Findings

If you have found negatives in the above assessments, how do you intend to deal with these, and why?

By its very nature, the redesign of services will involve changing a service offer. That redesign will sometimes be driven by financial pressures but our ambition is always to improve outcomes. Nonetheless, some individual service users may, in some instances, feel that new service arrangements are less desirable than what was previously in place. We will work in partnership with all service users during programmes of change to ensure that assessed needs are met. We will also undertake individual fairness assessments for the changes set out in the strategic plan which could impact on people who have protected characteristics.

This will be conducted using the PANEL principles

- Participation;
- Accountability;
- Non discrimination and equality;
- Empowerment, and
- Legality



### **Section 3 Human Rights**

**It is unlawful for a public authority to act in a way which is incompatible with a European Convention of human Rights requirements.**

**There are 15 protected rights which public authorities must ensure that they comply with in their policies, services and practices. Those listed below are the ones which can directly be affected by Healthcare provision.**

- The right to life – protects your life, by law. The state is required to investigate suspicious deaths and deaths in custody.

**Does your proposal affect this right?**

The strategic plan does not contain proposals which affect an individual's right to life

- The prohibition of torture and inhuman treatment – you should never be tortured or treated in an inhuman or degrading way, no matter what the situation.

**Does your proposal affect this right?**

The strategic plan does not contain proposals which involve torture or inhuman treatment

- The right to liberty and freedom – you have the right to be free and the state can only imprison you with very good reason – for example, if you are convicted of a crime.

**Does your proposal affect this right?**

The strategic plan does not contain proposals which are likely to diminish an individual's right to liberty and freedom. Indeed, many of the proposals are focused on improving individual autonomy and independence.

- The right to a fair trial and no punishment without law – you are innocent until proven guilty. If accused of a crime, you have the right to hear the evidence against you, in a court of law.

**Does this proposal affect this right?**

The strategic plan does not contain proposals which affect an individual's right to a fair trial and no punishment without law.

- Respect for privacy and family life and the right to marry - protects against unnecessary surveillance or intrusion into your life. You have the right to marry and raise a family.

**Does this proposal affect this right?**

The strategic plan does not contain proposals which diminish an individual's right to privacy. Indeed, it is focused on supporting the right to a family life.



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- Freedom of thought, religion and belief – you can believe what you like and practice your religion or beliefs, so long as this does not harm others.

**Does your proposal affect this right?**

The strategic plan does not contain proposals which affect an individual's right to free thought or freedom of religion

- No discrimination – everyone's rights are equal. You should not be treated unfairly – because, for example, of your gender, race, sexuality, religion or age.

**Does your proposal affect this right?**

The strategic plan does not contain proposals which are discriminatory