

NHS 24 BOARD MEETING		02 MARCH 2023 ITEM NO 11.1 FOR APPROVAL	
NHS 24 BOARD EQUALITY AND HUMAN RIGHTS SHORT-LIFE WORKING GROUP SUMMARY REPORT AND RECOMMENDATIONS			
Executive Sponsor:	Director of Transformation, Strategy, Planning & Performance		
Lead Officer/Author:	Head of Stakeholder Engagement & Insight		
Action Required	NHS 24 Board is asked to <ul style="list-style-type: none"> • Consider and discuss the Equality and Human Rights short-life working group (SLWG) final summary report • Approve the recommendation to establish an NHS 24 Equality, Inclusion and Rights Group. • Approve the recommendation to accept and implement Option 3 as the governance and reporting structure for the newly established Equality, Inclusion and Rights Group. 		
Key Points for this Committee to consider	<ul style="list-style-type: none"> • As a listed authority in Scotland, NHS 24 is required to meet certain equality & diversity related duties. This requirement is included as part of the Public Sector Equality Duty (PSED) in Scotland. • The remit of the SLWG was to consider both how these responsibilities could be strengthened and how we could reach further in meeting our full potential across this key area. 		
Governance process	The SLWG was established with authority of NHS 24 Board and reports directly to the Board		
Strategic alignment and link to overarching NHS Scotland priorities and strategies	Equalities and human rights underpin all NHS 24 key strategic priorities and objectives and this work supports the achievement of a person and user centred workforce and services.		
Key Risks	There are no identified risks in progressing this work. The associated risks in not, would be those relating to potentially diminished governance and quality.		
Financial Implications	All recommendations made should be achieved within business as usual. It is recognised that there is a significant programme of work set out in this area and the SPRA process will identify specific capacity challenges and requirements in relation to the work required; that does not impact on the recommendations contained within this paper.		

Equality and Diversity	The overarching objective in pledging a dedicated focus to this area of work is to strengthen the organisational commitment to all aspects of equality and human rights.
-------------------------------	--

1. RECOMMENDATION

NHS 24 Board is asked to

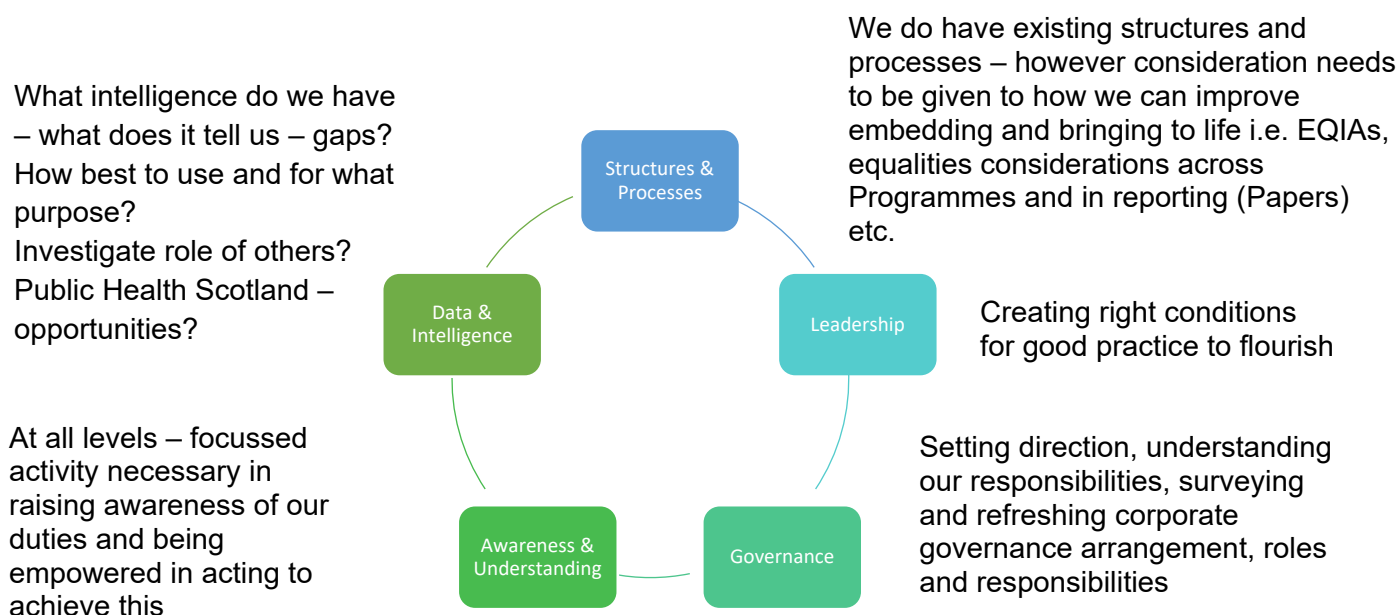
- Consider and discuss the Equality and Human Rights short-life working group final summary report
- Approve the recommendation to establish an NHS 24 Equality, Inclusion and Rights Group.
- Approve the recommendation to accept and implement **Option 3** as the governance and reporting structure for the newly established Equality, Inclusion and Rights Group.

2. BACKGROUND

- 2.1 Following an equality and human rights focused presentation at NHS 24 Board Development Session, March 2021, the Board approved the establishment of a Short Life Working Group (SLWG) which convened Summer 2021 to consider opportunities to enhance and strengthen NHS 24’s responsibilities and commitments in relation to equalities and human rights.
- 2.2 The SLWG reported outputs and recommendations to NHS 24 Board, October 2021, when it was agreed that the SLWG should reconvene in 2022 to build upon its initial findings and provide strategic direction across the key areas identified (figure 1) as presenting most challenge to the mainstreaming of equalities as well as opportunities for a sustained focussed approach.

Figure 1.

The key areas identified in Phase1: broadly themed:



3. ENGAGEMENT

3.1 With some refreshed membership and invited input from subject matter experts, the SLWG reconvened to further consider the identified areas for improvement /opportunities within a guiding framework centred around *our people, our public* and our corporate *governance*.

3.2 The first review of Phase 2 focussed on '**our people**' – enhancing equality, diversity and inclusion across our existing and prospective workforce.

The group reviewed the people priorities in relation to diversity and inclusion within the new NHS 24 Workforce Strategy. It was acknowledged that the associated 3 Year Plan would be reviewed annually, to allow for updates and additional priorities to be added. The group also noted that each Director has now added a diversity and inclusion objective to their 2022-23 objectives, intended to support the wider equalities duties.

Plans to strengthen capacity with the workforce directorate were acknowledged and, specifically, planned recruitment to two new roles focused on staff wellbeing and organisational culture.

Opportunities at a national level through engagement with Scottish Government's NHS Scotland Human Resource Directors meeting and leadership of national initiatives to establish best practice intended to improve diversity and inclusion within NHSScotland were also identified.

3.3 The second area for review focussed on '**our public**' – enhancing awareness, access, and experience of our services. Specific areas for review included population health needs and legislative compliance as well as wider work influencing operational service delivery. Discussion points included actions and activities that NHS 24 should take to match up the Winter Campaign with signposting to cost of living support

The group considered the extent to which there was a clear space for NHS 24 to step into Scotland's **population health** needs in better understanding those we don't reach and who do not access NHS 24 services and working with these communities going forward. It was suggested partnership working was important, especially with the third sector organisations who are already working within these communities.

The group also reviewed the Board's approach and compliance in respect of advancing race equality, acknowledging the focus that the Scottish Government and the Scottish Parliament were placing on **race equality**. The review covered career opportunities for minority ethnic people, the work delivered to help promote equality including alternate language / formats on NHS Inform and changes to the Interactive Voice Response (IVR) messaging, making services more accessible. Further discussion included the benefits of collecting caller's ethnicity during calls as one which would advance race equality.

An update was provided on the work NHS 24 is involved with as part of **CivTech Challenge 7.6** in conjunction with Scottish Government (SG) departments. This work is intended to answer the challenge: How do we use Artificial Intelligence, data, and digital technologies to enable more inclusive access to public services,

starting with disabled people? SG departments engaged include the Artificial Intelligence Team, Sensory Team, and the Digital Health & Care Team. Others showing interest include the National Care Service and the Social Security Team. The Challenge sponsors are working with a company called Insights Driven Ltd, to develop a concierge product. The momentum to find solutions, are as important as the product itself and NHS 24 recognises the positive learning to be gleaned from ongoing involvement in this piece of work.

The group also reviewed the approach to the development of NHS 24's **winter plan**. Data and analytics informed the plan, with specific engagement in Dundee and Glasgow, but also extending where possible across the other 3 areas identified with highest intensity callers from lowest socio economic / disadvantaged areas. The general approach developing around gathering insights and evidence was discussed, aimed at understanding the impact of socio-economic factors on health, and how this can be widened and embedded within the corporate and strategic planning processes going forward.

- 3.4 The final area for review examined **our corporate governance** – setting the direction and specific responsibilities in strengthening leadership at all levels, helping create the right conditions and enabling best practice to flourish

A key area for the group was a review of governance and compliance in respect of current **equalities legislation**, specifically the breadth on the duties placed on public bodies to embed equality and human rights into their strategic approaches and operational delivery. This included the equality impact assessment (EQIA) process and the gathering of personal sensitive data on the composition of staff. The Scottish Government have advised public bodies that the public sector equality duty is currently being revised with changes implemented by 2025. It was advised that statutory guidance had recently been updated on the Fairer Scotland Duty, which requires public bodies to consider the socio-economic impact on strategic decision-making. The group discussed the EQIA process and the importance of early engagement to firstly screen and identify equality considerations within projects and pieces of work. The group additionally discussed capacity, recognising the wide range of work undertaken by public bodies to meet their legislative responsibilities.

A key area of focus was the arrangements required in terms of **corporate governance** to ensure the full extent of work to be take forward is aligned with NHS 24's governance arrangements and becomes embedded across the organisation. The group considered the role that the Executive Management Team and Board Committees have in providing an appropriate level of support and scrutiny to meet legal compliance and further equalities and human rights

A key output from the SLWG is a recommendation in terms of steps to be taken to support the strengthening of the organisation's responsibilities and governance in relation to equalities and human rights and to facilitate opportunities for improvement.

4. NEXT STEPS

- 4.1 The NHS 24 Board Equality and Human Rights Short Life Working Group (SLWG) has enabled Board members, Executive Team members and staff involved in mainstreaming equality, human rights, and community engagement to debate and consider the steps and approaches necessary for NHS 24 to not only meet its obligations but also reach its full potential. It has examined both the main areas of challenge for NHS 24 as well as the tremendous opportunities for continued improvement across the entire equality, human rights, and person-centred portfolio.
- 4.2 Given the commitment in continuing to progress an improvement programme across this portfolio and the recognised extent to which current committees have time to dedicate, the SLWG would propose the establishment of a Board **Equality, Inclusion and Rights Group** with the function of monitoring compliance of the Board's responsibilities in respect of the organisations legal duties and exploring improvement opportunities to realise its full potential in this key area.
- 4.3 It is proposed that core governance responsibilities remain with relevant Board Committees. A number of options were considered in respect of the dedicated Equality, Inclusion and Rights Group alignment within existing governance arrangements as set out below. Option 3 is the recommended option for consideration.

Option 1

Working Group of the Clinical Governance Committee

The Clinical Governance Committee has a remit to provide assurance to the Board that appropriate structures and processes are in place to address issues of diversity, equality and human rights.

This arrangement would mean that the Group established would report to the NHS 24 Board via the Clinical Governance Committee.

Given the significant remit of the Clinical Governance Committee, the SLWG discussed the capacity of the Committee to undertake additional responsibilities in relation to this agenda. Furthermore, it is recognised that, whilst Clinical Governance Committee has the remit outlined above, the Staff Governance Committee also has considerable responsibility in respect of the equality and diversity agenda, specifically, assuming a lead role to ensure arrangements are in place to implement the Staff Governance Standard, underpinned by statute.

Option 2

Working Group of the Integrated Governance Committee

It is recognised that the Integrated Governance Committee has a key role in the overall work of the governance Committees with one of its remits being to articulate the specific 'lenses' of each Committee on areas of mutual interest, to ensure clarity of governance responsibility and that there are no gaps or areas of duplication.

The Working Group will fulfil an oversight and monitoring role of the Board's responsibilities, with the governance Committees retaining individual accountability for compliance with:

- equality legislation in relation to equality outcome setting, and equality and diversity impact assessments.
- awareness and understanding of equalities related legal duties and role in ensuring these are met.
- supporting a culture of improvement aligned with the equalities and participation portfolio.

Therefore, whilst the Integrated Governance Committee would have a role within this, accountability would remain with each individual governance Committees and, ultimately, the NHS 24 Board.

Option 3 (Recommended Option)

Working Group of the NHS 24 Board

Both the Clinical Governance Committee and Staff Governance Committee, play a lead role in providing assurance to the NHS 24 Board in respect of equality, inclusion and rights, however as described above, each of the governance Committees have individual accountabilities also.

Integrated Governance Group has a clear role in overseeing the work of committees and in supporting the Equalities, Inclusion and Rights Group but it is not intended to duplicate the work of Committees rather ensure governance across those.

As such, consideration was given by the SLWG to establish the Equalities, Inclusion and Rights Group as a specific, timebound working group of the NHS Board itself. The Group would report directly to NHS 24 Board, in line with the reporting timetable of the governance committees inclusive of an annual report setting out progress and any further recommendations to Board.

This was considered the preferred option by the SLWG and would be on a time-limited basis for an initial **period of 2 years**, with a review carried out at the end of this period to establish if improvement outcomes have been achieved and if the Working Group can subsequently be dissolved, or if there is further requirement to continue. Proposed Terms of Reference aligned with option 3 at *Appendix 1*.

5. FINANCIAL IMPLICATIONS

All recommendations made should be achieved within business as usual. Any activities that were beyond that would require EMT approval. It is recognised that there is a significant programme of work set out in this area and the SPRA process will identify specific capacity challenges and requirements in relation to the work required; that does not impact on the recommendations contained within this paper and will be reviewed as the detailed plans are progressed.

TERMS OF REFERENCE

NHS 24 BOARD EQUALITY, INCLUSION AND RIGHTS WORKING GROUP

1. PURPOSE OF GROUP

- 1.1 Provide a forum to facilitate debate and a dedicated focus, bringing about positive change and working towards a set of progressive outcomes relating to the entire equality, human rights, and person-centred portfolio.
- 1.2 Responsible for monitoring compliance of the Board's responsibilities in respect of the organisation's legal duties, relating to above, and exploring improvement opportunities enabling best practice to flourish and realising its full potential in this key area.

2. GOVERNANCE AND REPORTING

- 2.1 The Group has been established with authority of the NHS 24 Board on a time-limited basis for an initial **period of 2 years**, and will report directly to the Board
- 2.2 Reporting will align with the reporting timetable of the governance committees and an Annual Report presented in June of each year.
- 2.3 A review will be undertaken at the end of the 2-year period to establish if improvement outcomes have been achieved and if the Working Group can subsequently be dissolved, or if there is a further requirement to continue.

3. MEMBERSHIP

- 3.1 Executive/Non-Executive Director Co-Chair arrangement with membership consisting executive directors with associated remit and delegated senior managers with the knowledge and expertise to steer debate, decision making and oversight.

The proposed membership of the group is:

- Non-Executive Director (*appointed by Board*) (**Co Chair**)
- Non-Executive Director (*appointed by the Board*)
- Director of Transformation, Strategy, Planning and Performance (**Co Chair**) (Executive Lead: equality and public involvement portfolio)
- Medical Director (Executive Lead: public health)
- Director of Nursing and Care (Executive Lead: clinical governance)
- Director of Workforce (Executive Lead: staff governance)
- Head of Stakeholder Engagement and Insight
- Participation and Equalities Manager
- Service Delivery Senior Representative
- Staff Side Representative
- Public Partnership Forum Chair or deputy

- 3.2 Appointed executive members will attend each meeting with other Executive Directors attending as appropriate.
- 3.3 Members can nominate a deputy to attend meetings in their absence providing that the nominated deputy has relevant knowledge accountability and responsibility to take decisions and provide expert input.
- 3.4 The membership of the Group will be reviewed at least annually.
- 3.5 The Group may co-opt additional advisors as required.

4. CONDUCT OF BUSINESS

4.1 Quorum

Meetings will be considered quorate when a minimum of three Non-Executive / Executive members are in attendance.

4.2 Frequency of Meetings

The Group will normally meet a minimum of twice a year. Additional meetings may be arranged at the discretion of the Equality, Inclusion and Rights Working Group Chair(s).

4.3 Declarations of Interest

Declarations of Interest will be a standing agenda item and if any identified will be minuted.

4.4 Business outwith Formal Meetings

Any discussion/actions taken outside the meeting for any reason, will be reported and minuted at the next available meeting of the Equality, Inclusion and Rights Working Group.

5 SPECIFIC DUTIES

- 5.1 The Group will advise upon and oversee a programme of improvement; monitoring progress towards a number of key set outcomes relating to priority areas identified by the Board Equality & Human Rights SLWG. Including:

- Committees and executive leads feel better informed and have greater levels of assurance in meeting their specific and collective duties relating to equality, diversity, inclusion and rights
- Strengthened distributed ownership and responsibility across the organisation in meeting the General Equality Duty, and associated legislation
- Greater level of awareness and understanding at all levels across the organisation creating a positive culture of equality, diversity and inclusion.

- Evidence of consistency of approach and meaningful assessment of equalities considerations embedded into our strategic, business and operational plans.
- Equalities and inclusive design principles consistently embedded in the commissioning, design and development of NHS 24 services, products and tools

Take account of and respond to the anticipated changes to the Public Sector Equality Duty reported to be in place by 2025.

5.2

REVIEW OF TERMS OF REFERENCE

6. Terms of reference to be reviewed after 12 months

Version Control	February 2023
Author/ Responsible Executive Lead	Executive Lead: Director of Transformation, Strategy, Planning & Performance
Approved by:	NHS 24 Board
Approved date:	2 March 2023
Date for review:	February 2024
Replaces previous version:	Version 1