

## Equality Analysis

Legislation requires that our policy documents consider the potential to affect groups differently and eliminate or minimise this where possible. This process helps to address inequalities by identifying steps that can be taken to ensure equal access, experience and outcomes for all groups of people.

### Step One – Policy Definition

<b>Function/policy name and number:</b>	<b>FIT AND PROPER PERSONS REQUIREMENT POLICY</b>
<b>Main aims and intended outcomes of the function/policy:</b>	This policy describes how the Trust will meet its regulatory requirements to ensure that all Board members and people “performing the functions of, or functions equivalent or similar to the functions of, such a director” are fit and proper individuals to carry out their roles, which includes compliance with the ‘duty of candour’ and The Seven Principles of Public Life also known as the Nolan Principles. <a href="http://www.gov.uk">The Seven Principles of Public Life - GOV.UK (www.gov.uk)</a>
<b>How will the function/policy be put into practice?</b>	The Policy is embedded at the Trust having been introduced in response to the imposition of new requirements set out in The Health & Social Care Act 2008 (Regulated Activities) Regulations 2014 detailing an additional fit and proper persons requirement for Board Directors (FPPR) and people “performing the functions of, or functions equivalent or similar to the functions of, such a director.
<b>Who will be affected/benefit from the policy?</b>	<p>The Policy is applicable to all Board members and people “performing the functions of, or functions equivalent or similar to the functions of, such a director staff.</p> <p>This applies directly to the executive and non-executive directors of the Trust.</p> <p>The regulations have been integrated into the Care Quality Commission’s (CQC’s) registration requirements and falls within the remit of their regulatory inspection approach.</p>
<b>State type of document</b>	Revision to an existing Policy
<b>Is an EA required?</b>	Yes
<b>Accountable Director: (Job Title)</b>	Chief Executive
<b>Assessment Carried out by:</b>	Board Secretary
<b>Date Completed:</b>	Jan 2025

To help you to determine the impact of the policy think about how it relates to the Public Sector Equality Duty, the key questions as listed below the and prompts for each protected characteristic included Step 3:

- Eliminate unlawful discrimination, victimisation, and harassment
- Advancing equality of opportunity
- Fostering good community relations

## KEY QUESTIONS

- Are people with protected characteristics likely to be affected differently even though the policy is the same for everyone? **No**
- Could there be issues around access, differences in how a policy is experienced and whether outcomes vary across groups? **No**
- What information /data or experience can you draw on to indicate either positive or negative impact on different groups of people in relation to implementing this function policy? **Process is applied annually as required and adheres to regulatory and compliance requirements as per section 10 of the Policy 'References' (links provided in section 2 below.**

## Step Two – Evidence & Engagement

What evidence have you identified and considered? This can include research ((national, regional ,local) surveys, reports, NICE guidelines, focus groups, pilot activity evaluations, clinical experts or working groups, information about Dudley's demographics, The Dudley Group equality and diversity reports, Joint Strategic Needs Assessment (JSNA) or other equality analyses, Workforce Race and Disability Equality data, anecdotal evidence.		
<u>Research/Publications</u>	<u>Working Groups</u>	<u>Clinical / subject matter Experts</u>
<p>Kark review of the fit and proper persons test  <a href="#">Kark review of the fit and proper persons test - GOV.UK</a></p> <p>Care Quality Commission. Regulation 5: Fit and Proper Persons: Directors (August 2023)  <a href="#">Regulation 5: Fit and proper persons: directors - Care Quality Commission</a></p> <p>NHS Employers. Employment Checks  <a href="https://www.nhsemployers.org/your-workforce/recruit/employment-checks">https://www.nhsemployers.org/your-workforce/recruit/employment-checks</a></p> <p>NHSE Framework  <a href="https://www.england.nhs.uk/publication/nhs-england-fit-and-proper-person-test-framework-for-board-members/">https://www.england.nhs.uk/publication/nhs-england-fit-and-proper-person-test-framework-for-board-members/</a> [accessed January 2025]</p> <p>NHSE Guidance for Chairs  <a href="https://www.england.nhs.uk/publication/guidance-for-chairs-on-implementation-of-the-fit-and-proper-person-test-for-board-members/">https://www.england.nhs.uk/publication/guidance-for-chairs-on-implementation-of-the-fit-and-proper-person-test-for-board-members/</a></p> <p>NHS Constitution for England: updated August 2023 <a href="#">NHS Constitution for England - GOV.UK</a></p> <p>Cabinet Office (2010) <a href="#">Ministerial Code</a>  <a href="#">Data Protection Act 1998</a></p>	<p>Trust Remuneration and Appointments Committee for review and approval</p> <p>Chief People officer</p>	<p>Equalities Business Partner</p>

<a href="#">Equality Act 2010</a>  <a href="#">Insolvency Act 1986</a>  NHS Employers, NHS Confederation, NHS Providers (2014) <a href="#">Fit and proper person test.</a>  <a href="#">Safeguarding Vulnerable Groups Act 2006</a>  <a href="#">Companies Act 2006</a>  Charities Act 2011.  <a href="#">Guideline Template</a> supporting our colleagues with disabilities via Trust Intranet  <a href="#">The Seven Principles of Public Life - GOV.UK (www.gov.uk)</a>		
Engagement, Involvement and Consultation: If relevant, please state what engagement activity has been undertaken and the date and with which protected groups:		
<b><u>Engagement Activity</u></b>	<b><u>Protected Characteristic / Group/ Community</u></b>	<b><u>Date</u></b>
None		
For each engagement activity, please state the key feedback and how this affected / or will shape policy / service decisions (E.g. patient told us .... So we will .....):		

**Summary of the feedback:**

None

## Step Three – Assessment of Impact

Complete **relevant** boxes below to help you record your assessment

Consider information and evidence from previous section covering:

- Engagement activities
- Equalities monitoring data
- Wider research

**Also think about due regard under the general equality duty, NHS Constitution and Human Rights.**

Positive Impact <b>HIGH</b> MEDIUM LOW	Negative Impact <b>HIGH</b> MEDIUM LOW	Neutral Impact (Tick)	<ul style="list-style-type: none"> <li>• List concerns raised for possible negative impact</li> <li>OR</li> <li>• List beneficial impact</li> </ul> (utilise information gathered during assessment)	Mitigation  List actions to redress concerns raised if a negative impact has been identified in previous column	Lead [title]	Time-scale	How are actions going to be monitored/reviewed/ reported? (incl. after implementation)
Positive OR Negative Impact (not both)							
<b>1) Age</b> Describe age related impact and evidence. This can include safeguarding, consent and welfare issues:							
		<b>X</b>					
<b>2) Disability</b> Describe disability related impact and evidence. This can include attitudinal, physical, communication and social barriers as well as mental health/ learning disabilities, cognitive impairments:							
Medium			Opportunity for individuals to update their status				
<b>3) Gender re-assignment</b> Describe any impact and evidence on transgender people. This can include issues such as privacy of data and harassment:							
		<b>X</b>					

<b>4) Marriage and civil partnership</b> Describe any impact and evidence in relation to marriage and civil partnership. This can include working arrangements, part-time working, and caring responsibilities:							
		X					
<b>5) Pregnancy &amp; Maternity</b> Describe any impact and evidence on pregnancy and maternity. This can include working arrangements, part-time working, and caring responsibilities:							
		X					
<b>6) Race</b> Describe race related impact and evidence. This can include information on different ethnic groups, Roma gypsies, Irish travellers, nationalities, cultures, and language barriers:							
		X					
<b>7) Religion or Belief</b> Describe any religion, belief or no belief impact and evidence. This can include dietary needs, consent and end of life issues:							
		X					
<b>8) Sex</b> Describe any impact and evidence on men and women. This could include access to services and employment:							
		X					
<b>9) Sexual Orientation</b> Describe any impact and evidence on heterosexual people as well as lesbian, gay and bisexual people. This could include access to services and employment, attitudinal and social barriers:							
		X					
<b>10) Other marginalised groups e.g. Homeless people</b> Describe any impact and evidence on groups experiencing disadvantage and barriers to access and outcomes. This can include lower socio-economic status, resident status (migrants, asylum seekers), homeless, looked after children, single parent households, victims of domestic abuse, victims of drugs / alcohol abuse: (This list is not exhaustive)							
		X					
<b>11) Privacy, dignity, respect, fairness etc.</b>							
		X					



# **EQUALITY ANALYSIS - GUIDANCE NOTES**

Equality Analysis is a tool for ensuring that issues for equality, diversity and inclusion are considered when drawing up or revising policies or proposals which affect the delivery of services and the employment practice of the Trust.

## **Why do carry out Equality Analysis?**

We are required to carry out equality impact assessments because:

- There is a legal requirement to do so in relation to the protected characteristics
- They are helpful in identifying gaps and make improvements to services
- They help avoid continuing or adopting harmful policies or procedures
- They help you to make better decisions
- They will help you to identify how you can make your services more accessible and appropriate
- They enable the Trust to become a better employer

## **Equality Impact Assessments help us to:**

- Determine how Trust policies and practice, or new proposals, will impact or affect different communities groups, especially those groups or communities who experience inequality, discrimination, social exclusion or disadvantage.
- Measure whether policies or proposals will have a negative, neutral, or positive effect on different communities.
- Make decisions about current and future services and practice in fuller knowledge and understanding of the possible outcomes for different communities or customer groups.

## **What do we need to assess?**

Trust policies are subject to a 3-year review. Alongside the reviews new policies will emerge. Most policies, strategies, and business plan will need an EA.

However, EAs are not required in relation changes in routine procedures, administrative processes or initiative that will not have a material impact on staff, patients, carers and the wider community. Examples include things such as checking the temperature of fridges, highly technical clinical procedures, office moves etc.

## **DGFT Process for EAs**

The revised EA process is a single stage process carried out in three steps

### **Step One: Policy Definition**

This involves a description of the policy details. This also decides whether the policy under consideration needs an assessment

## **Step Two: Evidence and Engagement**

EAs should be underpinned by sound data and information. This should be sought from a variety of sources including information on Trust record systems, consultation and engagement activities, demographic information sources etc

## **Step Three: Assessment of Impact**

This is the main and the most important part of the EA.

To help you to determine the impact of the policy think about how it relates to the Public Sector Equality Duty, the key questions as listed below and prompts for each protected characteristic.

- Eliminate unlawful discrimination, victimisation, and harassment
- Advancing equality of opportunity
- Fostering good community relations

### **KEY QUESTIONS**

- What information /data or experience can you draw on to indicate either positive or negative impact on different groups of people in relation to implementing this function policy
- Are people with protected characteristics likely to be affected differently even though the policy is the same for everyone?
- Could there be issues around access, differences in how a service or policy is experienced and produces outcomes that vary across different groups
- Does the policy relate to the Trust's equality objectives?

NB It is important that, where adverse impact is known or is likely, mitigation measures must identified and acted upon to reduce or minimise the impact.

## **Step Four: Assurance**

This section enables the EA to be signed off