

## **Assessing the impact of the merger full business case on equality and diversity**

The attached document is an initial assessment of the impact of the full business case for the merger of the North West London and Ealing NHS Hospital Trusts (FBC) on equality and diversity. It follows on from the equality analysis undertaken as part of the outline business case published in 2011.

This initial impact assessment is part of the process for meeting the public sector general equality duty as outlined in Section 149 of the Equality Act, 2010; this Act brought together all previous equality legislation in England, Scotland and Wales, replacing the separate duties relating to race, disability and gender equality. The equality duty came into force on 5 April 2011.

Public authorities are required to have due regard to the aims of the general equality duty when making decisions and when setting policies. Understanding the effect of policies and practices on people with different protected characteristics is an important part of complying with the general equality duty.

The general equality duty requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it

The Equality Act, 2010 explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encouraging people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

It states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups.

There is no prescribed methodology for assessing the impact on equality on decisions such as that to merge two large public sector organisations (this being one of the changes brought about by the Equality Act) but a consistent methodology and proportionate approach have been applied in developing this document based on the

Equality Impact Assessment Form currently used by North West London Hospitals Trust. However, the principles of our approach are consistent with the previous requirement to produce an Equality Impact Assessment to a prescribed format.

The attached document assesses the effect of the merger by considering its impact (whether negative, positive or neutral) according to each of the substantive chapters of the FBC. It identifies gaps in the analysis and proposes a number of actions which will be taken forward as an integral part of the merger approval and implementation process. In particular, the revised FBC financial model was not available when this impact assessment was undertaken and its implications for equality and diversity of the workforce may need to be further considered.

In addition to the action plan, the main recommendations are as follows:

- As work progresses on the various work streams all areas should have an initial analysis of relevance to the Equality Duty carried out and recorded
- For those areas with greater relevance detailed action plans should be drawn up and reported upon as part of the PMO reporting systems
- Work should start immediately to prepare for the publishing of Equality Objectives on the day the Trust is legally constituted
- Workforce diversity data should be collected in order for the new organisation to have a baseline for any restructuring that may take place
- Workforce plans should include details of how the workforce can be reflective of the communities served by the new Trust
- The new organisation should have a plan in place to tackle under representation of staff groups with regards to protected characteristics when it comes to middle and senior management

The impact assessment will be continually updated as actions are completed and recommendations implemented.

The impact assessment will be subject to approval by both existing boards alongside the FBC. It will also be used to engage further with appropriate stakeholders such as BME staff networks and relevant local community groups.

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