Legislative Context

In the NHS we have a legal duty to comply with equality and human rights legislation and there is a strong business case for doing so. The NHS also has to build relevant equality considerations into its procurement process to ensure that all providers meet the requirements of equality and human rights legislation.

Until the Equality Bill becomes law (in 2012 for NHS organisations), there are many different Acts covering equality. The Equality Bill is designed to harmonise and strengthen equality law by:

- Introducing a new public sector duty to consider reducing socioeconomic inequalities;
- Putting a new Equality Duty on public bodies (i.e. extending it fully beyond race, disability and gender which is what we have already started addressing);
- Using public procurement to improve equality;
- Banning age discrimination outside the workplace;
- Introducing gender pay and equality reports;
- Extending the scope to use positive action;
- Strengthening the powers of employment tribunals;
- Protecting carers from discrimination;
- Protecting breastfeeding mothers;
- Banning discrimination in private members' clubs; and
- Strengthening protection from discrimination for disabled people

Existing equality legislation includes the following and most of it will be incorporated into the new Equality Bill:

**General Duties**

**Race - 2000 Disability - 2005 Gender – 2006**

- Eliminate Unlawful Racial discrimination
- Promote equality of opportunity
• Promote good relations between persons of different racial groups
• Eliminate unlawful discrimination
• Promote equality of opportunity between disabled people and others
• Eliminate disability related harassment
• Promote positive attitudes towards disabled people
• Take account of disabled person's disabilities, even where that means treating disabled persons more favourably than other persons
• Encourage participation by disabled people in public life
• Eliminate unlawful discrimination and harassment
• Promote equality of opportunity between men and women

Specific Duties

Race - 2000 Disability - 2005 Gender- 2006

• Publish a Race Equality Scheme (RES) and action plan
• Race Equality Impact Assessments
• Clear and evidenced based race equality goals
• Consultation with stakeholders
• Employment monitoring
• Staff training
• Publication of information
• Review and revise RES every three years
• Publish a Disability Equality Scheme (DES) and Action plan
• Disability Equality Impact Assessments
• Clear and evidence based race equality goals
• Involvement of disabled people in development of DES
• Report against DES annually
• Review and revise DES every three years
• Publish a Gender Equality Scheme and action plan
• Gender Equality Impact Assessment
• Clear and evidence based gender equality goals
• Consultation with stakeholders
• Equal Pay policy statement
• Report against GES annually
• Review and Revise GES every three years

**Human Rights Act 1998**


This framework was developed in conjunction with the British Institute of Human Rights and five NHS Trusts to assist organisations across the NHS to use Human Rights based approach to help improve the way services are delivered. The purpose of the framework is to assist NHS Trusts to develop and use a Human Rights based approach to support core business of planning and delivering high quality and accessible health services for all. As such, it is a starting point for the Trust to:

• Implement duties under the Human Rights Act 1998, as well as progressing Healthcare;
• Put principles such as dignity, respect and equality into practice;
• Shape services and procedures that put the 'human' at the heart of healthcare;
• Effectively support staff and commissioned providers to fulfil their specific duties;
• Commission standards on Human Rights and patient treatment;
• Support and add value to our work on related duties and priorities such as Equality, Health Inequalities, Dignity in Care and Commissioning a Patient-Led NHS.