



Council
23 July 2014

Equality and Diversity Annual report 2013-14 and Action Plan 2014-15

Classification	Public
Purpose	For decision
Issue	This paper reports on work done by the GOsC in connection with its equality and diversity policy in the year 2013-14.
Recommendations	<ol style="list-style-type: none">1. To note the report.2. To agree the draft Action Plan at Annex B.
Financial and resourcing implications	There are no unbudgeted costs arising from the activities set out in the Action Plan.
Equality and diversity implications	The report considers the equality and diversity aspects of the GOsC's work.
Communications implications	None
Annexes	<ol style="list-style-type: none">A. Equality and Diversity Policy with Action Plan for 2013-14B. Draft Action Plan 2014-15
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Background

1. At its meeting in March 2012, Council agreed a new Equality and Diversity Policy. In March 2013 it agreed an Action Plan for 2013-14.
2. The GOsC's Equality and Diversity Policy (and the Action Plan for 2013-14) are set out at Annex A; in essence the policy is built on the GOsC's duty, as a body that exercises public functions, to have due regard to the need to:
 - a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - c. Foster good relations between people who share a protected characteristic¹ and those who do not.
3. This paper now reports on some of the activities undertaken in connection with the Action Plan for 2013-14 under the Policy, and proposes an Action Plan for 2014-15 for agreement.

Discussion

Fitness to practise quality framework

4. As part of our new fitness to practise quality framework we are taking a new approach to data collection in relation to protected characteristics. In the past we have surveyed registrants who have been involved in fitness to practise proceedings, at their end, to understand their experience of the process. However, we have not undertaken any equality and diversity monitoring.
5. We now seek to obtain such information at the point where the registrant is notified of the complaint. This information is collated and kept separately from the case file. Over time we hope that this will provide us with a greater understanding of any equality and diversity issues that are arising in the fitness to practise process.

Fitness to practise evidence/special measures

6. A new Practice Note was developed on evidence giving in fitness to practise hearings and the provision of special measures.

¹ The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, marriage and civil partnership (for part of the duty).

7. The aim of the Practice Note is to provide for the comfort and access of witnesses with special needs, which may arise, for example, due to their age, physical or mental disability, fear or language. The GOsC is also concerned to make appropriate arrangements for vulnerable witnesses and, for example, can arrange the use of screens where the allegation involves a matter of a sexual nature.
8. The note sets out that our aim is to accommodate the needs of witnesses on an individual basis and to provide relevant support and advice to witnesses to ensure that are able to participate fully in the hearing.

Guidance for Osteopathic Pre-registration Education

9. The consultation on the *Guidance for Osteopathic Pre-registration Education* was published from February 2014 to May 2014 and our equality impact assessment was available on request (the consultation version of the equality impact assessment is available on request from Fiona Browne at fbrowne@osteopathy.org.uk).
10. Questions in the consultation specifically explored equality and diversity implications including:
 - a. Do you consider that any aspect of the *Guidance for Osteopathic Pre-registration Education* may adversely impact on anyone because of their gender, race, disability, age, religion or belief, sexual orientation or any other aspect of equality?
 - b. If so, please make suggestions about how the impact could be eliminated or reduced.
11. The consultation and communication strategy for the consultation recognised that there are no specific overarching groups for osteopaths with a disability or students with a disability or other protected characteristics. As a result, we highlighted the consultation to a range of stakeholders and organisations (both osteopath, lay, patient and other health care professionals) in written invitations and through presentations and sought the advice of an expert in equality and diversity issues to ensure that appropriate expertise and experience was obtained in this area. We were also able to bring the consultation to the attention of a specific group of osteopaths who have declared a disability to us in the past and have indicated that they are content to be contacted directly in relation to policy issues to invite them to respond to the consultation.
12. As part of the consultation, we commissioned the independent equality and diversity consultant, Agnes Fletcher, to:
 - a. Provide expert advice on the equality and diversity aspects of the consultation version of the *Guidance for Osteopathic Pre-registration Education*.

- b. Review and complete our own equality impact assessment of the *Guidance for Osteopathic Pre-registration Education*.
 - c. To review the final version of the *Guidance for Osteopathic Pre-registration Education*.
13. The initial advice made some helpful observations and suggestions which will be taken into account as we refine the draft this year, including, for example:
- a. Suggesting cross referencing specific GOsC guidance on capacity for decision-making when talking about patient capacity.
 - b. Noting that the draft guidance puts a premium on 'understanding and empathy', which could be difficult to demonstrate for a practitioner who was on the autistic spectrum.
 - c. Referring to 'all steps to avoid the transmission of communicable disease' rather than reasonable steps, 'could be interpreted to mean that someone with a condition such as HIV or hepatitis B should not be practising. This could constitute direct discrimination if this was a reasonable interpretation of this phrase'.
 - d. Observing the link between equality and diversity and the aspects of mentoring and teaching in some of the responses, for example, in terms of the potential benefits of mentoring and teaching – 'It trains osteopaths with wider backgrounds which accommodate the multicultural society with better communication. It also increases the quality of teaching by learning from others' mistakes. Different osteopaths can provide osteopathy with different skills and background knowledge.' Several comments pick this up as demonstrating an 'open profession' and as being particularly important to overcome the potential disadvantages of sole practitioners working in isolation.
14. Anonymous equality and diversity data was collected from respondents as part of the consultation. The data demonstrated that we had a broad range of respondents in terms of gender, age and ethnic origin and a range of respondents declaring a disability or a religion. However, numbers of responses are small.
15. We will continue to work with the equality and diversity consultant as we finalise the Guidance with the Working Group in September 2014.

Obtaining consent guidance

16. We consulted widely on new guidance relating to consent including using public and registrant focus groups. The issue of consent is known to be challenging, particularly in relation to individuals' capacity to give consent. The guidance is particularly important in relation both to age and mental capacity, and will

support osteopaths in dealing appropriately with a range of groups with protected characteristics.

Continuing fitness to practise

17. The Equality Impact Assessment (EIA) carried out for the revalidation pilot reported an under-representation in the pilot of: younger osteopaths; those declaring a disability; and BME osteopaths. In addition responses to the CPD Discussion Document consultation suggested a possible negative effect on those working part-time, on maternity leave or with dyslexia.
18. These findings were used to inform the development of the revised continuing fitness to practise scheme and have informed discussions with the continuing fitness to practise pathfinder groups through the course of the year. The pathfinder groups comprise members in the areas identified as under-represented in the EIA for the pilot and the CPD Discussion Document.
19. We will be using these findings of the EIA in the construction of the consultation on continuing fitness to practise and the consultation strategy planned for later this year. The EIA for the continuing fitness to practise scheme continues to be updated ahead of consultation and will be published alongside the consultation in autumn/winter 2014. We will also explore the impact of any potential equality and diversity issues as part of the consultation later in the year.

Training

20. No training took place in 2013-14, however training has been arranged in 2014-15 this year for all staff and non-executives appointed since the last training took place in 2012-13.

Non-executive appointments

21. Diversity data on a number of non-executive recruitment campaigns was collated and reviewed by the Remuneration and Appointments Committee.
22. The overall findings suggest the following in the past year:
 - a. The 50-59 years age group is over-represented in applicants and appointees
 - b. Gender balance of applicants and appointees is good
 - c. Less than 5% of applicants declare any form of disability
 - d. There is a very low proportion of applicants from BME groups.
23. However, a separate campaign for medical assessors attracted a significantly higher proportion of individuals from BME groups.
24. We remain concerned that we find it difficult to find a more diverse range of applicants or appointees for most non-executive positions. We intend to discuss

this further with other regulators and the PSA in order to identify any best practice we might adopt.

Patient and Public Partnership Group

25. Over the course of the year we have continued to recruit to our Patient and Public Partnership Group and to increase its diversity. The Group is used to seek the views of the public and patients with regard osteopathic regulation and practice, often using focus groups comprising a appropriately diverse range of age, sex and ethnic background.
26. While we do not have complete data for the group, the overall composition is:
 - a. 64% female
 - b. Majority in 35-64 year age group
 - c. 20% of those declared are from a BME group
 - d. 15% of those declared have a disability or long-term condition.

A particular area where we will be seeking to focus our attention in future is in the recruitment of patients under the age of 35.

Welsh Language Scheme

27. We have continued to support patients and registrants in Wales through our Welsh Language Scheme. This has included making available our new 'Promoting Registration' campaign materials in Welsh. A full report on the scheme can be found elsewhere on the agenda.

Policy development and consultations

28. We have undertaken a large number of consultations in the past year and developed a number of new policies and procedures, many of which are relatively 'dry' and technical. We are conscious that we need to refocus our efforts in identifying any potential impacts from these policies and ensure that these are reflected in discussion at committees and Council. We will report on this further in next year's report.

Policy review

29. The current Equality and Diversity Policy was agreed by Council in March 2012. We propose to review the policy and present a revised version to Council early in 2015.

Recommendations:

1. To note the report.
2. To agree the draft Action Plan for 2014-15 at Annex B.

Equality and Diversity Policy (adopted by Council March 2012)

Objectives

1. The GOsC's objectives in respect of equality and diversity are to:
 - Ensure our regulatory framework is fair and free from discrimination;
 - Promote professional values that protect a diverse public;
 - Promote equality of opportunity and access to the osteopathy profession;
 - Ensure a system of governance for the GOsC that supports equality and diversity;
 - Ensure high standards in the recruitment and employment of our staff.

Legal duties

2. The General Osteopathic Council, as a body that exercises public functions, has a general equality duty under the Equality Act 2010.

In the exercise of its functions it must have due regard to the need to:

- a. Eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act;
- b. Advance equality of opportunity between people who share a protected characteristic and persons who do not;
- c. Foster good relations between people who share a relevant protected characteristic and persons who do not.

Advancing equality of opportunity involves having due regard, to the need to:

- a. Remove or minimise disadvantages suffered by people due to their protected characteristics;
- b. Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people;
- c. Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

The steps involved in meeting the needs of disabled people that are different from the needs of people who are not disabled include, in particular, steps to take account of disabled people's disabilities.

Having due regard to the need to foster good relations involves having due regard to the need to tackle prejudice and promote understanding.

The relevant protected characteristics are (see earlier comments):

- Age
- Disability

- Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation
 - Marriage and civil partnership.
3. The key principles that the GOsC will apply to its work on equality and diversity are:
- a. Those who exercise our functions must be aware of the general equality duty's requirements. This involves a conscious approach and state of mind.
 - b. The general equality duty is complied with before and at the time a particular policy is under consideration, as well as at the time a decision is taken.
 - c. We consciously think about the need to do the things set out in the general equality duty as an integral part of the decision-making process. Having due regard should not be a box-ticking exercise. It should be exercised in a way that influences the final decision.
 - d. We must have sufficient information about the effects of the policy, or the way a function is carried out, on the aims of the duty.
 - e. We take responsibility for complying with the general equality duty in relation to all our functions to which the general equality duty applies. We cannot delegate responsibility to other parties which act on our behalf.
 - f. We consciously think about the need to do the things set out in the general equality duty, not only when a policy is developed and decided upon, but when it is being implemented. It is a continuing duty; policies or decisions may need to be reviewed in the light of it if circumstances change.
 - g. Although there is no legal requirement to keep records of its consideration of the aims of the general equality duty in making decisions, it is good practice to do so and it encourages transparency.

Functions, policies and proposed policies

4. It is our duty to consider the differential impact on people of all our policies which includes:
- a. Organisational policies and functions
 - b. Key decisions
 - c. Policies that set criteria or guidelines for others to use.

Our functions include all of our powers and duties. This means everything we are required to do as well as everything it is allowed to do. Examples of this include: policy decisions; individual decision making; budgetary decisions; public appointments; service provision; statutory discretion; employment of staff; and procurement of goods.

5. We will maintain a list of key policies where we will undertake equality impact assessments, either when major changes are proposed or on a periodic basis. For the time being this list shall be:
 - a. Registration, including setting of fees
 - b. Assessment of applicants for admission to the register
 - c. Setting of standards of education and training
 - d. Quality assurance process for educational institutions
 - e. Assessment of compliance with CPD rules
 - f. Setting of standards of professional practice
 - g. Setting of standards of professional conduct
 - h. Fitness to practise procedures, including investigation of FtP complaints
 - i. Continuing fitness to practise
 - j. Communications, including online services
 - k. Governance, including appointment of non-executives
 - l. Procurement of services
 - m. Complaints processes (other than FtP)
 - n. Employment, including recruitment of staff
 - o. Equality and diversity.

The list is not intended to be exhaustive and itself will be kept under review.

Equality and diversity data collection

6. For some areas of our work it is important to understand in greater detail the diversity profile of the osteopathic profession.
7. In order to facilitate this work, all new applicants for registration will be asked to provide information about their:
 - Age
 - Gender
 - Disability
 - Ethnic origin
 - Sexual orientation.
8. Provision of information about disability, ethnic origin and sexual orientation will be voluntary.
9. All information gathered will be kept confidential and used only for analytical purposes.
10. We will seek to ensure that the information held is as comprehensive as possible and kept up to date.

Policy development

Equality Impact Assessment

11. Any equality impact assessment must examine the actual and potential differential effect of the function or policy on people with the relevant protected characteristics, and how these effects can be mitigated.
12. Any other proposed policy changes must be assessed at the outset to determine whether they require a full equality impact assessment.
13. Equality impact assessments will be published alongside policy proposals and consultation documents.

Consultation, engagement and research

14. When consulting or otherwise engaging with our stakeholders we will seek feedback on the equality and diversity implications of our proposals and this will be used to refine the policies where appropriate.
15. Where possible, we will seek to engage with relevant individuals and groups in order to obtain feedback on the impact of our functions and policies in relation to the protected characteristics.
16. Consultation documents and the outcome of consultations will be published on the GOsC website.
17. When undertaking research, whether with the public or profession, we will seek to ensure that the methodologies employed support the requirements of the general equality duty.

Complaints

18. We will seek to gather information from complainants (where in relation to fitness to practise matters or service complaints) to develop an understanding of any equality and diversity concerns that may arise, and use this information to inform policy development.

Employment, recruitment and staff training

19. We will collect relevant equality and diversity data as part of our recruitment process in order to understand the characteristics of our staff team.
20. We will analyse the data gathered to identify any issues of concern for further action, including providing further training or support to staff as appropriate or

revising any policy or practice that puts employees or job applicants with protected characteristics at a disadvantage.

21. We will monitor the effect of our policies and practices (or proposed changes to policies and practices) on the recruitment, development and retention of employees with protected characteristics and encourage feedback from those staff to understand any internal concerns, complaints or grievances.
22. When working with any employment agencies we will seek to ensure that they meet the same standards expected of the GOsC.
23. We will require all staff to attend equality and diversity training and provide refresher training every three years.
24. All staff will be provided with a copy of this policy and be expected to contribute to its successful implementation.
25. We will ensure that appropriate equality and diversity training will be made available to all new non-executives and provide refresher training every three years.

Sharing best practice

26. We will seek opportunities to share and understand best practice in equality and diversity through discussion in appropriate forums including Council, committee and staff meetings and the Health and Social Care Regulators' Equality and Diversity Forum.

Ensuring access to information

27. The majority of our information made available by the GOsC appears on our public website with some of this also made available in hard-copy format.
28. We will accommodate requests for translations into other languages and for documents in other formats, such as large print, wherever possible.

Monitoring and Reporting

29. We will ensure that equality impact assessments are considered by Council as part of the development and agreement of GOsC policy.
30. We will report on equality and diversity matters, including providing relevant statistical information, in the Council's Annual Report to Parliament.

Action Plan 2013-14

Ongoing activities

Title	Description	Responsibility
Data collection	Ensuring that data is collected systematically from new registrants and recorded on registration database.	Head of Registration
EIAs	Ensuring that equality impact is considered on major policy and operation matters.	Chief Executive
Consultations	Ensuring that GOsC consultations meet E&D requirements.	Head of Policy and Communications
Access	Ensuring that GOsC external events and Osteopathy House are accessible.	Head of Policy and Communications and Head of Finance and Administration
Research	Ensuring that GOsC sponsored research projects meet E&D requirements.	Head of Policy and Communications
FtP survey	Consider any actions required following the conclusion of our research with parties to ftp proceedings.	Head of Regulation
Complaints	Ensuring that information from complaint handling (ftp, corporate, or governance) informs E&D work.	Chief Executive and Head of Regulation
Employment	Ensuring effective monitoring of workforce diversity, keeping HR policies up to date, monitoring effects of employment policies and ensuring compliance of staff with Equality Act duties through training.	Human Resources Manager
Training for non-execs	Ensuring Council and committee members receive appropriate E&D training.	Head of Regulation
Best practice	Attendance at joint regulators E&D forum, monitoring legal duties and informing SMT.	Head of Regulation
Access to information	Ensuring information is available in accessible formats.	Web Manager
Monitoring and reporting	Providing reports to Council and Parliament as appropriate.	Chief Executive

Major projects 2013-14

Title	Description	Responsibility
FtP policy	Consider equality implications for any proposed changes to ftp policy	Head of Regulation
Transitions research	Consider equality implications on policy options emerging from research.	Head of Professional Standards
Continuing fitness to practise	Consider equality implications on any proposals for new continuing fitness to practise scheme.	Head of Professional Standards
Guidance for osteopathic pre-registration education	Consider equality implications on consultation proposals	Head of Professional Standards
Registration rules	Consider equality implications on health and character declarations and any other proposed changes	Head of Registration
Welsh Language Scheme	Monitor implementation of scheme.	Web Manager
Online services	Consider equality implications on any proposed move to higher level of online service provision.	Head of Registration and Head of Policy and Communications
Appointments	Ensure recruitment campaigns for new executives and non-executives meet required standards	HR Manager

Action Plan 2014-15

Ongoing activities

Title	Description	Responsibility
Data collection	Ensuring that data is collected systematically from new registrants and recorded on registration database.	Head of Registration
Equality impact assessment	Ensuring that equality impact is considered on major policy and operation matters.	Chief Executive
Consultations	Ensuring that GOsC consultations meet equality and diversity requirements.	Head of Policy and Communications
Access	Ensuring that GOsC external events and Osteopathy House are accessible.	Head of Policy and Communications and Head of Registration and Resources
Research	Ensuring that any GOsC sponsored research projects meet equality and diversity requirements.	Head of Policy and Communications
FtP survey	Continue to collate diversity data on registrants subject to fitness to practise proceedings.	Head of Regulation
Complaints	Ensuring that information from complaint handling (ftp, corporate, or governance) informs equality and diversity work.	Chief Executive and Head of Regulation
Employment	Ensuring effective monitoring of workforce diversity, keeping HR policies up to date, monitoring effects of employment policies and ensuring compliance of staff with Equality Act duties through training .	Human Resources Manager
Training for non-execs	Ensuring Council and committee members receive appropriate equality and diversity training.	Head of Regulation and Human Resources Manager
Best practice	Attendance at joint regulators equality and diversity forum, monitoring legal duties and informing SMT.	Head of Regulation
Access to information	Ensuring information is available in accessible formats.	Web Manager
Monitoring and reporting	Providing reports to Council and Parliament as appropriate.	Chief Executive

Major projects 2014-15

Title	Description	Responsibility
Student fitness to practise	Review students fitness to practise guidance and guidance on the management of health and disability, taking into account equality and diversity considerations	Head of Professional Standards
Student professionalism	Identify any equality and diversity implications arising from work on student professionalism with OEIs	Head of Professional Standards
Continuing fitness to practise	Consider equality implications on any proposals for new continuing fitness to practise scheme.	Head of Professional Standards
Guidance for osteopathic pre-registration education	Undertake equality impact assessment and incorporate findings into revised draft.	Head of Professional Standards
Quality assurance contract	Assess quality assurance tenders for compliance with equality and diversity requirements	Chief Executive
Development projects	Working through the Osteopathic Development group seek to ensure that equality and diversity considerations are incorporated into development projects.	Chief Executive
Osteopathic Practice Standards	As part of scoping work for 2015-16 review of standards, identify key equality and diversity issues for consideration.	Head of Professional Standards and head of Policy and Communications
Patient survey	Ensure that appropriate diversity information is collected and analysed as part of the 2014 patient survey	Head of Policy and Communications
Welsh Language Scheme	Respond to any changes required to the Welsh Language Scheme by the Welsh Language Commissioner.	Web Manager
Appointments	Work with other regulators and PSA to identify best practice in relation to encouraging a diversity of applicants for non-executive posts.	Chief Executive and HR Manager