

SENT BY EMAIL ONLY–

nick.fayers@nhs.scot

Nick Fayers

Chief Officer

Western Isles Integration Joint Board

Friday 22 March 2024

Dear Mr Fayers

Subject: Western Isles IJB and Public Sector Equality Duty (PSED)

Thank you for your email dated 20 February 2024.

We have now had the opportunity to consider the draft EIA to which you refer. Please confirm that this was considered by the full Integration Joint Board on 22 February 2024 and, presumably, has been approved and is no longer simply a draft? Please confirm the position within 14 days of the date of this letter.

If that is the case, we can confirm that the Commission consider it no longer necessary to formally serve the Compliance Notice previously provided in draft, We consider that there are still issues with the EIA and would invite you to contact the Commission's Scotland Compliance team if you have any questions in that respect. However, we would consider that Western Isles IJB have taken sufficient action that formal enforcement action by the Commission is not currently necessary.

Prior to issuing the draft Compliance Notice, which compelled production of the referred to EIA, Western Isles IJB were also required to demonstrate reasonable progress towards improved compliance with the Public Sector Equality Duty (PSED) by reviewing its policies and practices in relation to Equality Impact Assessments and developing and agreeing a functioning EIA system.

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That appears to be provided for in your draft EIA where it states:

- *“The IJB will ensure that all operational decisions related to service delivery, whether that is potential changes to how a service is delivered or how individuals can access a service, will be subject to an Integrated Impact Assessment and that the findings of these assessments will inform decision making on proposals going forward.”* (page 3)
- *“Proposed future service change(s) will not be made without full and formal consultation focusing on potential impact on equality and diversity.”* (page 6)
- *“The Framework (as outlined 2 and 4 above) purposefully allows for services to be developed i.e. changed, expanded, or withdrawn to meet the needs of individuals or communities. All proposed changes would undergo robust EQIA and consultation to ensure that individuals are not adversely impacted or experience inequality.”* (page 7)

Please note that the Scotland Compliance team will be carrying out further reviews of the compliance of IJBs with the PSED. They will no doubt be in touch with you in that respect. It may be prudent to review your PSED reporting obligations and plan accordingly.

We thank you for the work you have undertaken to improve Western Isles IJB level of compliance with the PSED. If you are in any doubt as the legal position, you should consider seeking independent legal advice.

Yours sincerely



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