Equality law means trusts must act to ensure fairness

Nurses are part of, and often lead, the thousands of healthcare teams who deliver care up and down the country every day of the year.

With the government’s focus on providing care closer to home, changing demographics and an emphasis on illness prevention, it is almost certain we will become more dependent on the nursing profession.

The profession itself is ageing. One in five nurses on the UK’s professional register is aged 50 years or older and, as more nurses reach their middle years, their requirements and attitudes to nursing work are likely to change. Therefore, for employers to continue to get the best from their workforce, they will need to ensure that they have fairness and equity at the heart of both their policies and practices.

The main components of the Equality Act 2010 came into force this month and provide an opportunity for trusts to do just that. As it is the largest employer in Europe, the NHS has to understand and comply with this new law.

The act brings together all the strands of equality and discrimination legislation. It aims to clarify existing law, extend it to cover some anomalies in existing discrimination law and create a stronger set of obligations on public bodies to promote equality.

Existing obligations to eliminate discrimination, advance equality of opportunity and foster good relations between different groups in the community.

The act comes into force at an opportune time for the NHS. It is in line with the government’s plans to reform the NHS by building a service that is personal, fair to all and respects diversity, with patients at the heart of everything it does.

The recently published white paper, Liberating the NHS, spells out plans that include a patient led NHS, which involves all patients in the development of services and delivery affect different disadvantaged groups.

For nurses, this means as care moves away from traditional, hospital based services towards community care closer to home, they will need to have the competence to provide a service to an increasingly diverse population.

The act is not about central prescription but more flexibility for employers in terms of how they meet their general and specific duties. There is a strong element of, and emphasis on, public accountability which should not be underestimated.

The greater openness and transparency that the act requires and the associated guidance means that NHS organisations should not underestimate.

The act requires organisations to review their systems and processes of governance. Beyond this, it is an organisation’s values and behaviours that will really make the difference and this is an area where all the nursing workforce can truly set the standard.

With the act now live, nurses – with their increasingly significant role in leading and delivering healthcare – will be potentially crucial advocates in designing and providing services that are equality and diversity sensitive. It is now critical that they take this lead.

CAROL BAXTER CBE is head of equality, diversity and human rights at NHS Employers

The briefing document and guides for employers can be accessed at www.nhsemployers.org/equalityanddiversity

Carol Baxter

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In addition, NHS Employers has developed an online guide for employers to support trusts to embed equality and diversity within their organisations.

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