

Building Equality, Diversity and Inclusion into the NHS Board Selection Process

for Chief Executives and Executive Directors

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Foreword



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We know that diverse teams make better and safer decisions and there is a large body of evidence to support this. And yet we know that senior teams in NHS organisations are under representative of the communities they serve and staff they lead. This is something that must change.

However, simply targeting diverse representation on boards on its own has not proved sufficient to bring about the transformation that is required. This guide aims to provide the shift in thinking that is needed to make sure that all new chief executives and executive board members are fully competent and take ownership for equality and diversity within their organisations.

Inclusive and diverse senior teams are essential if the NHS is to achieve 'equality of health outcomes for all'. Delivering this is an important part of work that the NHS Leadership Academy will be doing. We will champion inclusion, equality and diversity and encourage innovation in leadership and through this improve people's health and their experience of the NHS.

I urge all boards and senior leaders to challenge themselves honestly about the lack of diversity at the top of NHS organisations and to use this guide to build equality, diversity and inclusion into the senior recruitment process.

A handwritten signature in black ink that reads "Jan". The signature is stylized with a long, sweeping stroke for the 'J' and a cursive 'an'.

Jan Sobieraj

Purpose and scope of this guide

This guide aims to:

- Provide helpful but not prescriptive guidance in the forming and equipping of a selection panel that is able to draw out and identify good Equality, Diversity & Inclusion experiences and competencies in potential Chief Executive and Executive Board members (referred to collectively as Executives in remainder of this document).
- Help ensure that both the selection panel members and appointed NHS Board members demonstrate confidence, commitment and competency in Equality, Diversity and Inclusion and are able to apply this to core board level business.
- Be of use either when creating a completely new Board or replacing one or more Board members.

A separate but complementary guide has been developed for the selection of Chairs, Non Executive Directors and Independent Directors.

Overview of the Guide

The guide is divided into four sections:

Section 1: Introduction – provides an overview of why it is critical for NHS Board members to be equipped with Equality, Diversity and Inclusion competency and highlights the need for the selection panel itself to be competent in this area.

Section 2: Composition of the Selection Panel – provides guidance on the skills, knowledge and experience that we recommend is present on the panel to ensure it is equipped to draw out and identify competence in Equality, Diversity and Inclusion from the candidates. It also suggests potential sources for recruiting panel members with the requisite competency in this area.

Section 3: Recruiting Executive Directors to the Board – What to look for – As this approach to recruiting NHS Board members is a departure from the traditional, this section of the guide gives an indication of what to look for when applying an Equality, Diversity and Inclusion lens to the responses of candidates to the main/generic interview questions. It provides some sample questions that integrate Equality, Diversity and Inclusion to commissioning/NHS core business which can be used either as part of the main interview or as supplementary questions if the panel feel it needs to probe further.

Section 1 - Introduction

The NHS Board selection process provides a defining moment in the development of an organisation. It is the opportunity to ensure that the right people with the right competencies are at the helm of affairs, providing leadership and governance that will secure the future of the organisation, fulfil the objectives of the business and deliver long lasting sustainable benefits / results.

It is also the opportunity to try to ensure that from the outset as many people as possible appointed to the Board have the Equality, Diversity and Inclusion leadership competencies, commitment and confidence to deliver on the explicit Public Sector and Specific Duties to promote equality and tackle inequalities in access to healthcare.

Diverse representation on Boards on its own has proven to be insufficient to bring about the transformation that is required; neither has the practice of identifying one or two members to champion Equality, Diversity and Inclusion. A shift in thinking with regards to what is required is needed to create a new approach where leadership responsibility for Equality, Diversity and Inclusion is owned and shared by all Board members.

To achieve this, the selection process needs to go beyond what often feels like a tick box exercise in compliance, where the assessment of Equality, Diversity and Inclusion competency is confined to one or two

questions at the end of the interview. Leadership competence in this area needs to become one of the key selection criteria so that, in addition to specific questions, the evidence of Equality, Diversity and Inclusion competency is looked for throughout the interview.

In this process good candidates will give excellent evidence-based responses to the Equality, Diversity and Inclusion specific questions; outstanding candidates will more naturally respond to generic questions with references to Equality, Diversity and Inclusion woven through their answers. Executive Directors should be able to provide good evidence of their ability to develop and implement strategy and effectively inspire and mobilise the workforce and key stakeholders to commission and /or deliver healthcare services that meet the needs of everyone.

Given that this approach is a departure from the norm; it may initially be difficult to find many individuals displaying the characteristics of outstanding Equality, Diversity and Inclusion competency. However this Guide provides a good indication of the standard to be achieved if the NHS is to make further significant progress in achieving its aims of 'equality of health outcomes for all'.

Equality, Diversity & Inclusion is a critical requirement of the Board

Embedding and integrating Equality, Diversity and Inclusion into core or mainstream business is a competence organisations have struggled with in the past, but Boards have a really important leadership and governance role to play in getting this right.

The capability for getting this right must include the knowledge, skills and experience of engaging and partnering with individuals and groups of patients, carers, employees and social and professional bodies from the protected characteristic groups¹ and the integration of their views and information into the decision making of the Board.

- The Equality Act 2010, is an explicit duty to promote equality and tackle inequalities in access to healthcare as core to NHS governance.
- NHS leaders must work to the values, and be prepared to deliver on the patient and staff pledges, of the NHS Constitution; the NHS Constitution provides a powerful framework for advancing Equality, Diversity and Inclusion.
- Boards are responsible for ensuring the delivery of better outcomes for patients from all sections of society, acting as a champion for all patients and their interests, ensuring delivering or commissioning of high standards of quality and consistency of service for all, this includes promoting integrated care for patients, promoting equality and diversity and the reducing inequalities.

- Boards are required to operate within the Human Rights Act and to adhere by the FREDA principles of Fairness, Respect, Equality, Dignity and Autonomy.
- Board members responsibility to promote Equality, Diversity and Inclusion and adhere to the Human Rights Act also form part of the Council for Healthcare Regulatory Excellence (CHRE) standards for Board members.
- The Equality Delivery System (EDS) Outcome 4.1. sets the expectation that Boards and Senior Leaders will conduct and plan their business so that equality is advanced and good relations fostered within their organisations and beyond.
- The EDS Outcome 4.3 also indicates that organisations will be assessed against their use of the “Competency Framework for Equality and Diversity Leadership” to recruit, develop and support strategic leaders to advance equality outcomes.

To deliver the above, Boards require a high level of Equality, Diversity and Inclusion leadership competency across its membership.

The Benefits of recruiting for NHS Board Equality, Diversity & Inclusion Competence

- Creates a Board with shared values; and with an understanding and commitment about the role and importance of Equality, Diversity and Inclusion in commissioning and providing positive health outcomes, excellent patient experience for all and in working to reduce health inequalities
- Ensures that right from the start Equality, Diversity and Inclusion is built into the way of thinking and decision making with regards to the business of Board
- Places Equality, Diversity and Inclusion as a core value at the heart of the business of the Board
- Ensures the Board is equipped to address the business of reducing health inequalities and improving health outcomes for all patients, leading to improved quality and cost effective service delivery.

¹ age, disability, race, religion or belief, sex, sexual orientation, gender reassignment, marriage or civil partnership status

Section 2 - Composition of the Selection Panel

Board Selection Panels have a crucial role in ensuring the appointment of NHS Board members with the appropriate knowledge, experience and capability in Equality, Diversity and Inclusion. To deliver this outcome, the Panel in turn needs to be comprised of at least one or two individuals with the skills, knowledge and experience

required to identify and recognise prospective Board members with the requisite competencies in this area. Finding panel members with these capabilities may not be easy and so this guide includes suggestions of where to look. The recommended composition, competencies and potential sources of Panel members are set out below.

Panel Composition	Panel Competencies	Potential Sources for Recruiting Panel Members
<ul style="list-style-type: none"> • Reflect some demographic diversity e.g. in age, gender, race, sexual orientation, disability, religion and belief or non-belief. • Where possible extend beyond groups with protected characteristics to reflect the range of patients and service users, health challenges and health and care requirements that go beyond those of individuals with rights protected by legislation. • Comprise a range of Equality, Diversity and Inclusion experiences amongst its members e.g. those with experience of building Equality, Diversity and Inclusion into procurement or commissioning or in service delivery or in developing the workforce, research, academic or consulting experience in this area, significant experience of working with local communities, particularly diverse or marginalised groups. 	<ul style="list-style-type: none"> • Be experienced and skilled in interview techniques. • Have the knowledge to conduct fair and legally compliant interviews. • Possess a good appreciation of the range and complexities of diversity, understanding the implications of protected characteristics for achieving equality in health outcomes and health service experience. • Understand the role and impact of commissioning or health delivery in meeting the different needs of diverse groups. • Understand the role and responsibilities of Executive Directors to develop and implement the Equality, Diversity and Inclusion strategy, integrate the strategy into core business and effectively mobilise the workforce to commission and/or deliver health / care services that meets the needs of everyone. 	<ul style="list-style-type: none"> • Senior leaders in not for profit or voluntary organisations that represent people who are in one of the protected characteristics. • Heads or senior executives of charities that represent the interests of other people who have traditionally been socially and economically disadvantaged. • Directors in high reputation consultancies: usually the large global operators that will have developed some cultural competencies, or alternatively a small niche market consultancy with in-depth specialist knowledge or experience of products, service and/or consumers. • Community champions with a good reputation • Individuals with experience of commissioning products and services within different business sectors, e.g. government departments, telecoms and retail. • Proprietors of private sector organisations who have experience of pitching for public sector contractors, and have experience of meeting their Equality, Diversity and Inclusion requirements e.g. as a pharmaceutical or construction supplier.

Panel Composition	Panel Competencies	Potential Sources for Recruiting Panel Members
	<ul style="list-style-type: none"> • Be able to demonstrate self awareness especially in terms of emotional intelligence, biases and personal triggers. Ability to recognise and appreciate how personal biases can influence decision making and get in the way of good problem solving. • Possess cultural competency (i.e. cultural sensitivity, awareness and dexterity) in addition to knowledge and understanding of different cultures or the willingness to learn about different cultures. Have the capability to flex and adapt their interview style to be inclusive of different perspectives and cultures. An appreciation of how cultural norms will influence the experience of patients from diverse backgrounds. • Knowledge and understanding of The Equality Act 2010, the NHS Constitution and how the values of equality are reflected within it, and the role and responsibilities of Boards. • Knows and understands how Equality, Diversity and Inclusion are integral to quality, improvement, productivity and prevention, and how this can be used to improve health outcomes and the patient experience through the commissioning process. 	<ul style="list-style-type: none"> • Senior personnel with a regulatory background – who will have experience of balancing needs of consumers/service users and those of service providers. • Personnel from public sector organisations with experience of working with diverse service users and/or considering equality and diversity issues at a strategic level.

Section 3 – Recruiting Executive Directors to the NHS Board - what to look for

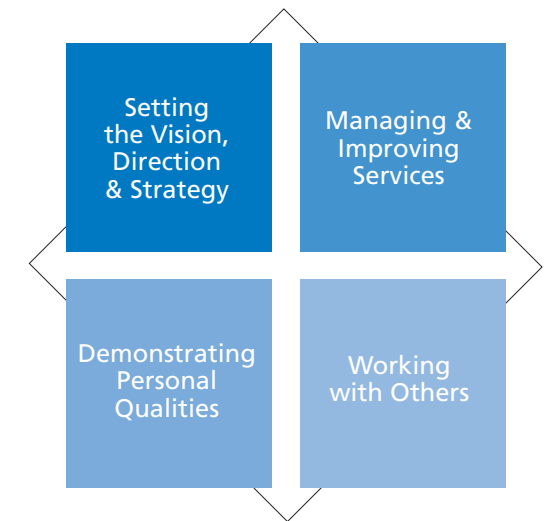
Selection Panels should be looking for prospective Chief Executives /Executive Directors who are able to build Equality, Diversity and Inclusion considerations in to the core business of the Board, rather than approach it as a separate or parallel issue. The recommended approach to achieve this is for panel members to:

- Look and listen for competency in Equality, Diversity and Inclusion from candidates responses to the core and generic interview questions, rather than only in response to specific questions on this issue.
- Look and listen for candidates peppering their responses to the full range of questions, with demonstrable links between Equality, Diversity and Inclusion and health outcomes.

Whilst Equality, Diversity and Inclusion specific questions can also be asked, what distinguishes the outstanding candidate from the good candidate will be their ability to reflect considerations of Equality, Diversity and Inclusion in their responses to the generic questions related to the core business of board leaders.

Summarised below are the competencies Panels might assess a candidate's Equality, Diversity and Inclusion capability against, some examples of the evidence that Panel members should look and listen for, and some supplementary questions that they might consider using to draw this out.

Equality, Diversity and Inclusion Competency Clusters



It is not expected that candidates will demonstrate all of the evidence set out below.

We recommend you consider which of the competencies are most critical for candidates to demonstrate for your organisation.

Competencies	Examples of Evidence	Examples of Supplementary Questions
1. Developing the vision, direction & strategy for the organisation. The candidate should:		
<ul style="list-style-type: none"> • Demonstrate the ability to integrate and embed Equality, Diversity and Inclusion into the vision and strategy of the organisation • Make connections between the diverse needs of service users and the workforce and the role and implications of these in achieving core organisational vision, strategy & objectives. 	<ul style="list-style-type: none"> • Reference to the patient experience, including those of diverse patients / service users is made when the candidate responds to questions about vision and strategy. • The candidate demonstrates awareness of the type of Equality, Diversity and Inclusion data that could be used to inform Board strategic decisions. 	<ul style="list-style-type: none"> • What role do you think diverse service users and other stakeholders could play in creating a compelling vision of the future direction of the organisation? • What has been your approach to developing or contributing to a strategy in which others may not have considered Equality, Diversity and Inclusion to be relevant?

1. Developing the vision, direction & strategy for the organisation. The candidate should:

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| <ul style="list-style-type: none"> • Understand the importance of an Equality, Diversity and Inclusion vision & strategy to support the achievement of core strategic objectives. • Demonstrate the ability to make a positive influence on the Equality, Diversity and Inclusion agenda within the wider health and social care system • Demonstrate the ability to deploy leadership to meet the legal and NHS requirements on Equality and Human Rights in the workplace and in service delivery as laid out in the NHS Constitution and the Council for Health Care Regulatory Excellence | <ul style="list-style-type: none"> • The candidate demonstrates awareness and understanding of the Equality Act 2010 and the general and specific Public Sector Duties and the Human Rights Act 1998. • The candidate demonstrates understanding of the Equality, Diversity and Inclusion standards for Board members embodied in the NHS Constitution and the Council for Health Care Regulatory Excellence • The candidate understands and refers to the need to engage with people from diverse backgrounds in the workforce and in the community when formulating vision & strategy. • The candidate raises the need for an Equality, Diversity and Inclusion vision, strategy and governance structures to underpin the organisation's core objectives and achievement of equality goals. • The candidate demonstrates an awareness of Equality, Diversity and Inclusion influences on & implications for shaping organisational culture. • Refers to Equality, Diversity and Inclusion issues when considering strategic options. • Clearly communicates the vision in a way that inspires and encourages shared ownership and inclusion. • The candidate positions responses in the context of the wider health and social care system and demonstrates how they would seek to make a positive Equality, Diversity and Inclusion impact. | <ul style="list-style-type: none"> • How would you convince colleagues that Equality, Diversity and Inclusion is relevant to a strategic decision that is about organisational change? • Describe engagement strategies that you have used or with which you are familiar to seek the views of stakeholders from diverse backgrounds. • Describe your experience in creating a strategy for your organisation (ideally set within the healthcare system) that ensures the diverse needs of its key stakeholders were taken into account. <ul style="list-style-type: none"> - What particular steps were taken to ensure that the organisational culture was able to sustain any changes needed to support the successful delivery of the strategy? • What opportunities do you think could exist to advance a culture of Equality, Diversity and Inclusion and meet the Public Sector Equality Duty in a climate of organisational change? • How can gains made in Equality, Diversity and Inclusion be protected and developed during periods of organisational change? • What type of Equality, Diversity and Inclusion data do you think is needed by Boards to influence their decision-making? • What governance structures would be needed to ensure progress in achieving positive Equality, Diversity and Inclusion outcomes for service users and staff? • How do you see your role in leading Equality, Diversity and Inclusion in the wider health and social care system? |
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2. Managing and Improving Services. The candidate should:

- Emphasise accessibility of high quality services to everyone and specifically considers the accessibility needs of protected groups.
- Ensure progress is made in advancing equality of health outcomes.
- Inspire others to make a real difference to people's health by advancing Equality and promoting Inclusion & Diversity in workforce development, enabling delivering of a high quality service.

- Inspires and supports leaders to mobilise diverse teams that are committed to and aligned with the organisation's values and goals.
- Engages with and influences senior leaders and key stakeholders to deliver joined up services.
- Ensures patient safety, using an Equality, Diversity and Inclusion perspective in assessing risks to patients associated with service developments, balancing economic considerations with the need for patient safety.
- Considers the equality implications to different groups of service users and staff in decision making.
- Monitors the effects and outcomes of change by the equality impact on Services as well as other Key Performance Indicators.
- Understands and anticipates the impact of health trends with an Equality, Diversity and Inclusion lens and develops strategic plans that will have a significant impact on the organisation and wider healthcare system.
- Ensures strategic objectives are translated to operational plans that are informed by input from a diverse range of frontline professionals and practitioners.

- In what way can the commissioning process help to improve health equality?
- What data or feedback would you expect to see from providers that you are commissioning to assist you in assuring equality and inclusion in health service delivery?
- What specific actions should the Board take to ensure NHS resources are allocated in a fair and equitable way?
- What evidence would you expect to see to validate that Equality, Diversity and Inclusion is successfully embedded and integrated into mainstream processes?
- To what extent has Inclusion been a part of the teams you have managed? What management tools have you used to get the best performance from all team members?
- How would you assure yourself that the strategic objectives and plans signed off by the Board are being delivered in line with their strategic Equality, Diversity and Inclusion objectives?

2. Managing and Improving Services. The candidate should:

- Demonstrates an appreciation of the value and contribution diversity in the workforce can bring to improving quality and access to services
- Promotes an inclusive culture that enables people to perform their best, uses positive action and reasonable adjustments to support this, puts in place appropriate performance management systems and systematically evaluates performance data, which is fed into future plans.
- The examples cited in the responses, include references to the diverse nature of patient outcomes or experiences.

- Provide an example of leading or supporting Equality, Diversity and Inclusion in workforce development.
 - What impact did this have on advancing equality or improving quality of services?
- What evidence would assure you that appropriate and effective plans were in place to equip the workforce with the competencies necessary for delivering high quality services to everyone?

3. Demonstrating personal qualities. The candidate should

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| <ul style="list-style-type: none"> • Demonstrate personal insight into his/her actions, experience and behaviours that illustrate awareness and appreciation of Equality, Diversity and Inclusion. | <ul style="list-style-type: none"> • The candidate's responses indicate high levels of self-awareness, emotional intelligence and cultural competency. (It is helpful to probe the motivation behind actions cited and behaviours indicated.) • The candidate provides evidence of their awareness of and commitment to the behavioural standards outlined in the NHS constitution and Council for Healthcare Regulatory Excellence • understanding of the Cites Equality, Diversity and Inclusion related learning/personal insights from feedback received from others. • Experience of coaching or mentoring people with one or more of the protected characteristics. • Demonstrates championing leadership of Equality, Diversity and Inclusion. • Challenges others and/or organisational processes when these do not support Equality, Diversity and Inclusion. • Examples demonstrate how the candidate has flexed their style and approach to complement others. • Candidate provides evidence of taking broad or multiple perspectives on issues where this could bring benefit to decision outcomes. • Indications of engagement with different groups from diverse backgrounds in the networks they cite in their responses. • Candidate engages with networks that have a specific link with or responsibility for Equality, Diversity and Inclusion. | <ul style="list-style-type: none"> • Provide an example from your career which demonstrates how you have anticipated, prepared for, or constructively addressed a challenge for an inclusive approach to a policy that you have supported. What was the outcome? <ul style="list-style-type: none"> - With hindsight, what would you have done differently that could have brought a sharper focus to Equality, Diversity and Inclusion? • How would you tackle the resistance of a Board colleague who does not accept that Equality, Diversity and Inclusion is their responsibility? • Why does Equality, Diversity and Inclusion matter to you? Why should it be important to this Board? • Provide an example of championing organisational change where Equality, Diversity and Inclusion were of significant relevance. • Provide an example of when you championed Equality, Diversity and Inclusion, what were the outputs and outcomes of your intervention? • Give an example of a time when you had to constructively challenge or ask powerful questions relating to Equality, Diversity and Inclusion. What was the outcome? • When last did you challenge a decision on Equality, Diversity and Inclusion grounds? <ul style="list-style-type: none"> - What was the basis of your challenge and what was the outcome? • When last did you represent the views of a minority group or when last did you find yourself with the minority view? <ul style="list-style-type: none"> - What was this about and what was the outcome? |
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Competencies	Examples of Evidence	Examples of Supplementary Questions
4. Working with others. The Candidate should:		
<ul style="list-style-type: none"> • Work with others in teams and networks to deliver and improve services that are accessible to and meet the needs of diverse service users. • Work across boundaries creating networks which facilitate high levels of collaboration within and across organisations and sectors 	<ul style="list-style-type: none"> • The candidate refers to the need to engage with diverse people in the workforce and in the communities. • Demonstrates that they have worked (or demonstrate an understanding of the need to work) in partnership with others from diverse backgrounds and perspectives. • Describes how they went about identifying relevant diverse stakeholders in major projects. • Promotes the sharing of information and resources so that diverse and hard to reach service users needs are included. • Demonstrates how they work in partnership with colleagues & stakeholders within and across systems to deliver and improve services that meet their diverse needs. • Demonstrates how they contribute to an inclusive working environment where constructive challenge is encouraged and welcomed • Demonstrates how they create an environment where colleagues feel able to draw on the diverse backgrounds and experiences of colleagues to develop innovative and creative approaches to improving health services 	<ul style="list-style-type: none"> • What problems or challenges do you think could arise when trying to engage with diverse service users and patients? Give an example of what action you would take to mitigate them. • What would be your approach to learn of the experience and background of your fellow EDs and NEDs to promote the sharing of information and expertise from previous and professional roles? • What key lessons have you learned about gaining buy-in and collaboration from working across boundaries and with multiple, diverse stakeholders? • Provide an example of working in partnership across boundaries and what actions you took to ensure that the diverse needs of the different stakeholders were taken account of. • Describe steps you have taken to ensuring that colleagues feel able to contribute/draw on their diverse backgrounds and experiences in the development of services to meet the needs of different users.

The NHS Leadership Academy is interested in receiving feedback from organisations that make use of this Guide. If you are in the process of recruiting to your Board and would like to better understand how to use this Guide we would like to hear from you.

Please visit the website www.leadershipacademy.nhs.uk

Glossary

Equality is about creating a fairer society where everyone can participate and has the same opportunity to fulfil their potential. Equality is backed by legislation designed to address unfair discrimination based on membership of a particular group.

Diversity is the mosaic of people who bring a variety of backgrounds, styles, needs, perspectives, values and beliefs as patients and carers and as assets to the groups and organisations with whom they work and interact.

Inclusion is the complete acceptance and integration of all patients, carers and employees regardless of diversity background. For patients, this enables them to access services and experience high quality care that meet their needs. For employees, this proactively leads to a sense of belonging, engagement, progression and full participation within the organisation.

Equality Act 2010

The Equality Act came into force from October 2010 providing a modern, single legal framework with clear, streamlined law to more effectively tackle disadvantage and discrimination. The Equality Act brings together over 116 separate pieces of legislation into one single Act. Combined, they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

Protected characteristics

The Equality Act 2010 provides protection for all those people with one or more of the following nine characteristics:

<ul style="list-style-type: none">• Age• Gender re-assignment• Pregnancy and maternity	<ul style="list-style-type: none">• Race including nationality and ethnicity• Religion or belief	<ul style="list-style-type: none">• Disability including physical and mental impairment• Sex	<ul style="list-style-type: none">• Marriage and civil partnership• Sexual orientation
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The Equality Delivery System (EDS) is designed to support NHS commissioners and providers to deliver better outcomes for patients and communities and better working environments for staff, which are personal, fair and diverse. Comprising four objectives and 18 outcomes, the EDS is a tool to be used in reviewing equality performance and identifying future priorities and actions.

FREDA stands for Freedom, Respect, Equality, Dignity and Autonomy; principles embodied in the Human Rights Act of 1998.

The NHS Constitution establishes the principles and values of the NHS in England. It sets out rights to which patients, public and staff are entitled, and pledges which the NHS is committed to achieve, together with responsibilities which the public, patients and staff owe to one another to ensure that the NHS operates fairly and effectively.

Useful Links

Equality Delivery System -

www.leadershipacademy.nhs.uk/EDS

E&D Leadership Competency Framework -

http://help.northwest.nhs.uk/storage/library/Competency_Framework_final.pdf

Equality Impact Assessment in the NHS – A Guide for Employers –

http://www.nhsemployers.org/Aboutus/Publications/Documents/EqIA_briefing200109.pdf

NHS Leadership framework -

www.leadershipacademy.nhs.uk/LF

The Council for Healthcare Regulatory Excellence

www.chre.org.uk/media/18/456/

The Healthy NHS Board Principles for Good Governance -

www.leadershipacademy.nhs.uk/component/content/article/11-uncategorised-2/505-the-healthy-board-principles-for-good-governance

The Human Rights Act -

www.legislation.gov.uk/ukpga/1998/42/contents