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| Meeting: | Equality and Diversity Committee |
| Date of Meeting: | 10 th September 2019 |
| Report Title: | Workforce Disability Equality Standard |
| Author(s): | Jenny Duncan, Diversity Manager , HR |
| Executive Sponsor(s): | Mary Foulkes, Human Resources Director |
| Purpose: | Action plan - For Sign Off |
| Scrutiny Pathway: | The Workforce Disability Equality Standard has been discussed within the EDC and EMT previously. |
| Transparency: | Open |

Executive Summary

The NHS Workforce Disability Equality Standard came into force on 1 April 2019 and is a set of specific measures (metrics) that will enable NHS organisations to compare the experiences of disabled and non-disabled staff. This information will then be used by organisations to develop a local action plan, and enable them to demonstrate progress against the indicators of disability equality. The WDES is overseen by NHS England.

Recommendations

The Committee is asked to note the following actions that support delivery of the WDES

- In June 2019, NHS England sent NHS Trusts and Foundation Trusts a prepopulated WDES spreadsheet based on data from the NHS Staff Survey and ESR for the period 1 April 2018 – 31 March 2019 (similar to the Workforce Race Equality Standard (WRES) process).
- Our Trust has completed our WDES spreadsheet which auto-calculates the Metrics. The completed spreadsheet was submitted on 29th July 2019 via the Strategic Data Collection Service (SDCS). Meeting the 1st August Deadline (Appendix 2)
- The Trust has also completed and submitted a WDES online reporting form, which asks key questions about the percentage of Disabled staff, the size of the workforce and who has approved the data and the Metrics. (Appendix 3)
- By 30th September the Trust must publish the WDES Metrics and action plan on our website.
- The above actions will be owned by the Diversity Manager/Associate Director HR Engagement and Opportunity, working in collaboration with the HR Workforce Metrics Department , Communications , Staff Side and Disability Staff Network

The [Committee/Board/Group] is asked to:

Note the actions completed above and to agree the Action plan (See Appendix 1)

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| Corporate Risk | 1939 | Board Assurance Risk | |
|-----------------------|-------------|-----------------------------|--|

KEY IMPLICATIONS

Outlined below is the key implications which may result from the proposals or information contained within this report

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|----------------------------------|--|
| Clinical: | Disability discrimination is illegal and can influence clinician interaction with and assessment of patients. |
| Equality & Diversity: | This paper sets out an approach to the sustainable delivery of the Workforce Disability Equality Standard as part of a set of measures to address Disability discrimination in the Trust. |
| Reputation: | The Trust's WDES results are in the public domain. |
| Workforce: | Effective Disability action plans will lead to a workforce feeling more valued, whilst evidence shows that diversity within teams is overwhelmingly positive with regards to productivity, innovation and quality. |

Appendices/Attachments:

Background

The WDES looks at representation and experiences of disabled and non-disabled staff across organisations, alongside their experiences in terms of capability processes, harassment and bullying procedures and overall staff engagement.

This the first reporting year for the WDES metrics, the data of which covers the 2018 – 2019 financial year. After this there will be subsequent reporting on an annual basis.

There are 10 WDES metrics, the metrics are based on:

- Workforce data (3 metrics)
- Questions from the NHS Staff Survey (5 metrics)
- Engagement and voices of Disabled staff (1 metric)
- Disability representation on Boards (1 metric)

There is also a requirement to publish our data on our website externally the metrics and action plan can be ratified by the next available Board meeting after 1st August, provided these are published no later than 30th September 2019

Initial research with our staff, looking at NHS data indicate three key issues

Data - Research shows that staff are often reluctant to declare their disability. National data tells us that whilst only 3 per cent of staff are formally recorded on ESR as having a disability – in the Staff Survey closer to 18 per cent of staff declare themselves as having a disability. It will be important that the Trust focuses on encouraging staff to have the confidence to disclose this to their colleagues and managers, and the confidence of those colleagues and managers to then respond sensitively and appropriately.

Development opportunities - analysis of staff survey data tells us that many disabled staff feel that they are not afforded the same development opportunities as non-disabled staff. So this is an area that we know organisations and managers need to focus on.

Reasonable adjustments - once a disability is declared, we know that the next critical step is ensuring that any necessary adjustments are identified and (crucially) implemented. So we need to ensure that managers understand their responsibilities when it comes to reasonable adjustments and have access to sources of advice.

The Trust's overall Disabled and Non-Disabled workforce profile as of 31 March 2019 is highlighted below:

| Disabled / Non-Disabled workforce | Number | % of Workforce |
|-----------------------------------|--------|----------------|
| Non-Disabled | 1734 | 76% |
| Disabled | 161 | 7% |
| Not Declared | 390 | 17% |
| Total | 2285 | |

The overall percentage of Disabled staff working in the Trust is 7%. Staff who have not declared whether or not they are disabled is 17% of the workforce.

When we look at all Disabled staff (161) by non-clinical and clinical split, they are more represented in clinical roles

Disabled staff are under-represented across all pay clusters which is expected considering their overall representation in the workforce. However, we believe that the data from our Electronic Staff Record (ESR) which is used for this indicator is not a true reflection of Disabled staff representation in the workforce (7% or 161 staff).

There are considerably more staff declaring they have a disability on our latest anonymised NHS Staff Survey. This data shows that 125 Disabled staff participated in the latest staff survey out of the overall 1189 staff respondents. This equates to 10.5% of 'Disability- Yes' declaration rate in the staff survey compared to 7% declaration rate in ESR, which equates to 230 Disabled staff in the whole workforce.

At a national level in the NHS, overall declarations on ESR is 3% compared to 18% declarations of all Trusts participating in the NHS Staff Survey – this is a 15% difference. We will need to encourage staff to declare disability through ESR.

WDES Metric 2: Relative likelihood of Disabled staff compared to Non-Disabled staff being appointed from shortlisting across all posts. This refers to both external and internal posts.

| | Disabled | Non-disabled |
|---|----------|--------------|
| Shortlisted | 256 | 2661 |
| Appointed | 71 | 775 |
| Relative likelihood of shortlisting /appointed | 0.28 | 0.29 |
| Relative likelihood of Disabled staff being appointed from shortlisting compared to Non-Disabled staff = 0:28 | | |
| NOTE: A figure below 1:00 indicates that Disabled candidates are more likely to be appointed from shortlisting. | | |

The table above shows that there is a higher likelihood of Disabled staff appointments after shortlisting, than Non-Disabled staff. This is a positive outcome to build upon as we continue to promote ourselves as a 'Disability Confident Employer in our recruitment initiatives.

We have also signed the NHS Employers' 'Learning Disability Pledge' with the aim of encouraging and supporting people with learning disabilities into working environments.

WDES Metric 3: Relative likelihood of Disabled staff compared to Non-Disabled staff entering the formal capability process, as measured by entry into the formal capability procedure.

NHS England has stated that there are potential challenges in reporting on this indicator. and that, this metric is voluntary in year one. We have chosen to report on this data

| | Disabled | Non-disabled |
|---|----------|--------------|
| Number of staff entering the formal capability process | 3 | 25 |
| Likelihood of staff entering the formal capability process | 0.02 | 0.01 |
| A figure above 1:00 indicates that Disabled staff are more likely than Non-Disabled staff to enter the formal capability process. | | |

WDES Metric 4: (part A) Percentage of Disabled staff compared to Non-Disabled staff experiencing harassment, bullying or abuse from patients/service users, their relatives or other members of the public, managers and other colleagues; and (part B) Percentage of Disabled staff compared to Non-Disabled staff saying that the last time they experienced harassment, bullying or abuse at work, they or a colleague reported it.

| | Total respondents | Total Disabled Staff Respondents | Total Non-Disabled Staff respondents |
|---|-------------------|----------------------------------|--------------------------------------|
| % of staff experiencing harassment, bullying or abuse from patients/service users, their relatives or other members of the public in the last 12 months | 1100 | 207 | 880 |
| % of 'Yes' responses against total number of Disabled and Non-Disabled respondents respectively. | | 34.8 | 31.00 |
| | | | |

| | Total respondents | Total Disabled Staff Respondents | Total Non-Disabled Staff respondents |
|---|-------------------|----------------------------------|--------------------------------------|
| % of staff experiencing harassment, bullying or abuse from managers in the last 12 months. | 1065 | 202 | 863 |
| % of 'Yes' responses against total number of Disabled and Non-Disabled respondents respectively | | 24.8 | 13.4 |

| | Total respondents | Total Disabled Staff Respondents | Total Non-Disabled Staff respondents |
|--|-------------------|----------------------------------|--------------------------------------|
| % of staff experiencing harassment, bullying or abuse from other colleagues in the last 12 months. | 1062 | 202 | 860 |
| % of 'Yes' responses against total number of Disabled and Non-Disabled respondents respectively | | 25.2 | 14 |

The above tables show that more Disabled staff are likely to experience harassment, bullying and abuse than Non-Disabled staff.
There is an 11% difference between Non-Disabled and Disabled staff experiencing harassment bullying or abuse from other colleagues in the last 12 months.

Part B

In comparison the number of both Disabled and Non-Disabled staff stating that they have experienced harassment, bullying and abuse, the table below shows that there were far fewer numbers willing to report it.

| | Total respondents | Total Disabled Staff Respondents | Total Non-Disabled Staff respondents |
|--|-------------------|----------------------------------|--------------------------------------|
| . % of staff saying that the last time they experienced harassment, bullying or abuse at work, they or a colleague reported it in the last 12 months | 410 | 101 | 309 |
| % of 'Yes' responses against total number of Disabled and Non-Disabled respondents respectively. | | 53.5 | 54 |

The outcomes of this metric highlight the need to sustain and strengthen our efforts to address unhealthy and unwanted behaviours across the organisation.
A key priority emerging from the latest staff surveys is to address staff health and wellbeing. As part of this commitment we need to sustain our efforts to communicate and promote the work of our Guardian Service and Employee Assistance Programme to encourage reporting of bullying, harassment or abuse at work

WDES Metric 5: Percentage of Disabled staff compared to Non-Disabled staff believing that the Trust provides equal opportunities for career development.

| | Total respondents | Total Disabled Staff Respondents | Total Non-Disabled Staff respondents |
|--|-------------------|----------------------------------|--------------------------------------|
| % of Disabled staff compared to Non-Disabled staff believing that the Trust provides equal opportunities for career progression. | 683 | 135 | 548 |
| Percentage of 'Yes' responses against total number of Disabled and Non-Disabled respondents respectively. | | 59.3 | 75.4 |

The percentage of 'Yes' responses for Disabled staff is lower than for Non-Disabled staff by 16%.

WDES Metric 6: Percentage of Disabled staff compared to Non-Disabled staff saying that they have felt pressure from their manager to come to work, despite not feeling well enough to perform their duties.

| | Total respondents | Total Disabled Staff Respondents | Total Non-Disabled Staff respondents |
|---|-------------------|----------------------------------|--------------------------------------|
| % of staff compared to Non-Disabled staff saying that they have felt pressure from their manager to come to work, despite not feeling well enough to perform their duties | 607 | 149 | 458 |
| Percentage of 'Yes' responses against total number of Disabled and Non-Disabled respondents respectively. | | 30.2 | 18.6 |

The outcome of the metric above indicates that Disabled staff are more likely to feel pressure to come to work from their managers than Non-Disabled staff.

We have recently run Sickness Absence workshops for our managers and included a module within the Leadership programme.

However, we still need to understand what Disabled staff perceptions are on presenteeism and what cultural changes are needed within the organisation from their perspectives.

WDES Metric 7: Percentage of Disabled staff compared to Non-Disabled staff saying that they are satisfied with the extent to which their organisation values their work

| | Total respondents | Total Disabled Staff Respondents | Total Non-Disabled Staff respondents |
|---|-------------------|----------------------------------|--------------------------------------|
| % of Disabled staff compared to Non-Disabled staff saying that they are satisfied with the extent to which their organisation values their work | 1083 | 206 | 877 |
| Percentage of 'Yes' responses against total number of Disabled and Non-Disabled respondents respectively. | | 37.4 | 48.8 |

This metric shows that for both Disabled and Non-Disabled staff being valued at work is important. However the percentage of positive responses for both groups are less than 50% respectively, and Disabled staff provided a lower positive response than Non-Disabled staff.

WDES Metric 8: Percentage of Disabled staff saying that their employer has made adequate adjustment(s) to enable them to carry out their work.

| | Total respondents | Total 'Yes' | Total 'No' |
|---|-------------------|-------------|------------|
| Percentage of Disabled staff saying that their employer has made adequate adjustment(s) to enable them to carry out their work. | 125 | 72% | 28% |

Of the total number of respondents the majority of Disabled staff responses have been positive. This supports our status as 'Disability Confident Employer'. We are aware that on some occasions the time taken to implement adjustments relating to ordering of specialist equipment or IT software can be lengthy. This is often relates to supply chain and or compatibility of IT software with our internal IT and security systems

Engagement and voices of Disabled staff Metric

WDES Metric 9: (part 'A') - The staff engagement % score for Disabled staff, compared to Non-Disabled staff and the overall engagement % score for the organisation; and (part 'B') - Has your Trust taken action to facilitate the voices of Disabled staff in your organisation to be heard? Yes or No. (Note: For part 'b' of the metric, if 'yes' then we need to provide at least one practical example of current action/s being taken in our WDES Report to demonstrate how we are facilitating the voices of Disabled staff in the Trust to be heard. If response to part 'b' of the metric is 'No' we need to include what action is planned to address this gap our WDES Reporting

| 2018 Staff Survey Respondents by Disability - Engagement Score | | |
|---|--------------------------|------------------|
| | Headcount of respondents | Engagement Score |
| Overall total response to whole survey | 1089 | 7.0 |
| Total Non-Disabled Respondents | 882 | 7.1 |
| Total Disabled respondents | 207 | 6.6 |

There is no significant difference in the engagement scores between Disabled, Non-Disabled and the overall engagement score for the Trust.

Part B

We have a Disability staff network which serves as a specific channel to facilitate the voices of Disabled staff. Whilst we have staff engagement initiatives such as the Trust-wide and locality based staff engagement groups and 'Making Life better together projects, there is a need to specifically engage with Disabled staff. As the network is still fairly new (launched on December 2018)

Disability representation on Boards metric
WDES metric 10: Percentage difference between (i) the organisations' Board voting membership and its overall workforce and (ii) the organisations' Board executive membership and its overall workforce.

This metric relates to the visibility and leadership, and the value that engaged Board members will have on Disabled staff and their perception of the organisation. The Metric is based on the percentage difference – rather than the number of individual Disabled Board members (this eliminates any data protection concerns for any Board members who may not wish to be identified)

| | Disabled | Non-Disabled | Not Declared | Total |
|---|----------|--------------|--------------|-------|
| Number of staff in overall workforce | 161 | 1734 | 390 | 2285 |
| Total Board members - % by Disability | 0% | 79% | 21% | |
| Voting Board Member - % by Disability | 0% | 50% | 50% | |
| Non-Voting Board Member - % by Disability | 0% | 90% | 10% | |
| Executive Board Member - % by Disability | 0% | 71% | 29% | |
| Non Executive Board Member - % by Disability | 0% | 86% | 14% | |
| Overall workforce - % by Disability | 7% | 76% | 17% | |
| Difference (Total Board - Overall workforce) | -7% | 3% | 4% | |
| Difference (Voting membership - Overall Workforce) | -7% | -26% | 33% | |
| Difference (Executive membership - Overall Workforce) | -7% | -4% | 12% | |

The table above shows that of the overall 7% of Disabled staff, there are no Disabled Board Members either in voting or non-voting capacity. There are also no Disabled staff in the organisation's Executive membership. We need to plan targeted promotion to encourage access to opportunities when Board positions become available.

We also need to ensure that executive search agencies that we use are committed to reaching a diverse pool of candidates through effective approaches.

Action Plan

This is our first year reporting of the WDES and these metrics will help provide a baseline from which we can develop our work in reducing the poorer experiences that our disabled staff report compared to our non-disabled staff. Our first action plan focuses on key actions that will help create better engagement with Disabled staff. The Action plan has been drafted in consultation with our Disability staff Network, Deaf Staff Forum, Mental Health staff Network and the WDES steering group. The WDES action plan has been shared with our Staff side members and our staff.

