

Board of Directors - Public

SUMMARY REPORT

Meeting Date: 22nd September 2021

Agenda Item: 8a

Report Title:	Workforce Disability Equality Standard Report 2021 and Action	
Author(s):	Liz Johnson – Head of Equality and Inclusion	
Accountable Director:	Caroline Parry Executive Director of People	
Other Meetings presented to or previously agreed at:	Committee/Group:	People Committee
	Date:	7 th September 2021
Key Points recommendations to or previously agreed at:	This paper summarises the 2021 Workforce Disability Equality Standard position. A report for publication has produced in line with national policy and requirements of the NHS standard contract this is provided in appendix 1. People Committee noted lack of progress. The role of the organisation Disabled Staff Network Group in informing 2021/22 priorities for action was noted.	

Summary of key points in report

The Workforce Disability Equality Standard (WDES) has been established nationally since 2019 and expects organisations to focus their attention on workforce disability equality around a set of ten metrics.

The NHS Standard Contract requires organisations to provide data through NHS Digital annually. The data set provides an annual update of the organisations position against the metrics.

Organisations are required to publish a report on their metrics position and action identified in response, this should be agreed with the organisations Board or Board level committee, the deadline for publication is 30th September 2021.

This paper is being presented to provide assurance that we have responded to these requirements and that action for 2021/22 has been identified. Board is asked to support publication of the report in appendix 1.

This paper provides a summary of the main points of the attached report and notes the areas of progress and risk associated with the Workforce Disability Equality Standard.

Recommendation for the Board/Committee to consider:

Consider for Action		Approval	x	Assurance		Information	
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It is recommended that the attached annual report is agreed for publication by the Board.

Please identify which strategic priorities will be impacted by this report:				
Covid-19 Recovering Effectively	Yes		No	X
CQC Getting Back to Good	Yes		No	X
Transformation – Changing things that will make a difference	Yes	X	No	
Partnerships – working together to make a bigger impact	Yes	X	No	
Is this report relevant to compliance with any key standards? State specific standard				
Care Quality Commission	Yes		No	X
IG Governance Toolkit	Yes		No	X
The NHS Workforce Disability Equality Standard The NHS Standard Contract				
Have these areas been considered? YES/NO				If Yes, what are the implications or the impact? If no, please explain why
Patient Safety and Experience	Yes		No	x
Financial (revenue & capital)	Yes	X	No	
OD/Workforce	Yes	X	No	
Equality, Diversity & Inclusion	Yes	X	No	
Legal	Yes	X	No	

Title	Workforce Disability Equality Standard 2021 and Action Plan
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Section 1: Analysis and supporting detail

Background

- 1.1 The NHS **Workforce Disability Equality Standard (WDES)** came into force on 1 April 2019. It is a set of ten specific measures (metrics) that are intended to enable NHS organisations to compare the experiences of disabled and non-disabled staff. NHS organisations should then use the data to develop local action plans.

The WDES metrics are the main indicators of workforce disability equality, and it is therefore possible to use these internally as measures of progress and to benchmark our organisational performance against other organisations.

The WDES metrics draw from NHS data sources i.e., recruitment dataset, ESR, NHS Staff Survey. Metric 9b looks at Staff Engagement and asks for narrative evidence of actions taken.

Reporting and Review Schedule

- WDES metrics are as of the **31st of March** each year and for metrics that use Staff Survey data the most recent staff survey i.e., the 2021 WDES return uses 2020 staff survey data whereas other metrics will reflect the position on the 31st of March 2021.
- The WRES metric data return must be submitted by the 31st of August annually and an updated action plan must be published by the organisation by the 31st of October annually. The WDES data return has been submitted.
- The data referred to in this report is as of the 31st of March 2021 and Staff Survey data from the 2020 staff survey.
- A detailed report was submitted to People Committee in July 2021 that provided detailed benchmarking information this was used to inform action to respond to the 2021 WDES.
- We have aimed to co-produce action with the Disabled Staff network group – this is reflected in the content and the way that this year’s report is presented.

Progress and plans for 2021/22

- 1.2 The following are areas of note in the 2021 WRES report attached.

- Metric 1 focuses on the percentage of disabled staff in agenda for change pay bands and medical grades and against the overall percentage of disabled staff in the organisation. A review took place earlier this year using 2021 data and a detailed report was provided to the People Committee in July 2021, this review suggested there was equity in progress of disabled staff through agenda for change pay bands. The 2021 WDES report also highlights however that:
 - Although clinical bands 1 to 4 indicate 7% disabled people 20% are not known.
 - There is a high percentage of not known for Medical Trainees, and
 - In clinical areas there is a higher percentage of disabled people in bands 5 to 7, bands 8a and 8b, and medical trainee grades.

- WDES metric two focuses on recruitment and indicates that disabled and none disabled staff are equally likely to be recruited if they are shortlisted.

Despite this area being positive our disabled staff network noted that although there is a high percentage of disabled staff in the organisation, disabled staff experience suggests that they fear losing their jobs and that many may not disclose hidden disability. The action proposed in this year's action plan reflects this feedback.

- Several of the WDES metrics are taken from the NHS Staff Survey and a detailed benchmarking report was provided to people Committee in July 2021. This highlighted the following areas of particular concern where we have poor scores but also are poor in relation to benchmarking. This has been considered in the attached report and discussed with the staff network who have seen a copy of the People Committee paper. The areas of most concern and therefore focus in 2021/22 are:
 1. Disabled staff experiencing harassment and abuse
 2. Reporting of Bullying and Harassment by disabled staff
 3. The percentage of Disabled staff who believe the organisation values their work
 4. A decrease the percentage of Disabled staff saying they have had adequate adjustments

The action proposed for 2021/22 in the WDES report reflects these areas and the suggestions and priorities highlighted by members of the Staff Network Group (page 6 and Page 8)

- Re-establishing our Disabled Staff Network Group was our main priority in 2020/21, this action has progressed well. The staff network group is established and held its first AGM in July this year. The number of members (around 25) appears to be small compared to over 272 disabled staff responding to the staff survey. Identifying action to grow the SNG is a 2021/22 priority identified in this report, particularly given the principle of co-producing the action with the Staff Network Group outlined in this year's report.
- In 2021 the difference in the percentage of disabled people overall in the Board compared to the organisation was + 1.35%, however the WDES breaks down voting and non-voting and executive membership. There is 0% disabled Board voting membership and 0% Executive membership therefore the positive disability diversity in the Board overall is not reflected in the voting and Executive Board membership.

Section 2: Risks

- 2.1 The main risk associated with this area is that we do not respond as robustly to Disability equality as Race equality. There is a risk that we focus on the strong drivers for action in place through prioritisation of race equality at national and regional strategic level, and we fail to respond to the areas that are clearly a priority as suggested in the data in this report.

There is also a risk that we discriminate against disabled staff under the Equality Act 2010 if we fail to consider Reasonable Adjustments for Disabled staff

Mitigation

- This report notes the business case that has been submitted having an identified resource for race equality will mitigate this risk significantly.
- There are also opportunities to align workstreams such as Zero Tolerance

of hate related incidents.

- The new governance structures will support an overview in terms of assurance against all protected groups and support the principle of collaborative approaches.
- External funding has been obtained for an EDI Wellbeing post part of the bid for this focused on supporting disabled staff wellbeing.
- We will continue to bid for available funding in 2021/22.
- The action outlined in the WDES report around adequate adjustments will mitigate against the risk of discriminating against disabled staff.

Section 3: Assurance

Benchmarking

3.1 A National WDES Annual Report for the 2020 return is still awaited 'summer' 2021, this will contain the first comparative analysis from the national 2019 and 2020 WRES data returns and allow for comparison of year-on-year progress nationally. Until the report is published the most useful comparative data for benchmarking is available through the NHS Staff Survey a benchmark report was provided to the People Committee in July 2021 and has informed some of the priorities identified in the WDES 2021 report.

Engagement

3.2 As noted above 'metric' 9 of the WDES focuses on staff engagement and strengthening and working with our Disabled Staff network was intended to be the foundation of action to improve the experience of Disabled staff. We have the aim of co-producing action going forward, this takes more time but is the right and most productive approach. Members of the Disabled Staff network reviewed our staff survey results and had several sessions focused on informing action relevant to the WDES in 2021/22. We are committed to doing the best that we can to co-produce implementation of this action and much of it involves hearing the experiences of disabled people in our organisation.

We plan to review the national WDES report when it is published and review the staff survey 2021 results with the Staff network Group as soon as possible to continue this approach.

Section 4: Implications

Strategic Aims and Board Assurance Framework

- 4.1 This report supports the strategic aims set out in the National People Strategy which are implemented within our organisation People Plan – this includes an action to respond to the WDES but also aligns with the wider strategic aim of *Creating a great place to work.*

Equalities, diversity, and inclusion

- 4.2 This report is directly relevant to Disability which one of the groups protected by the Equality Act 2010, this report supports the Public Sector Equality Duty element one which is to prevent discrimination and it also supports the proactive elements of the PSED to advance equality of opportunity and to foster good relations.

Culture and People

- 4.3 The action set out in this report supports the development of a diverse and inclusive organisation. A particular factor is the promotion of a Social Model of Disability, organisationally the aim is that there is a wide recognition that Disabled people are Disabled by the barriers that are not addressed by an organisation or society. This principle is the starting point however achieving this in a systematic way is part of organisational culture change.

Integration and system thinking

- 4.4 Although a system approach is being taken to Race equality through the ICS this is not echoed in terms of Disability equality.

Nationally an NHS Staff Network for employees with a long-term condition or disability (the 'Ability Network'), was launched by NHS England earlier this year. Four regional communication groups were identified, we are part of the North of England group which consists North – Northwest, Northeast, and Yorkshire & Humber. A meeting of this group took place in June 2021, Disability Leave and Staff Passports focused on Reasonable Adjustments have been identified through this group as priorities for collaborative working / sharing good practice. Organisationally Disability Leave has been in place for some time within our Disabled Staff policy. As noted, the SHSC Wellbeing Passport was developed and launched in 2019/20. To this extent it appears that our priority areas of action are aligned with other organisations in the region.

Financial

- 4.5 There are no direct implications for expenditure related to the content of this paper however a business case has been agreed to increase the resource available for administration of the staff network groups and to focus on race equality, the race equality post will free capacity elsewhere for a focus on Disability. In addition, external funding has been obtained for an EDI Wellbeing post part of the bid for this focused on supporting disabled staff wellbeing in the organisation.

Compliance - Legal/Regulatory

- 4.6 As noted above this paper is relevant to compliance with the Equality Act 2010 section 149 the Public Sector Equality Duty. The paper is also relevant to responding to the contractual requirements set out in the NHS standard contract.

Section 5: List of Appendices

Appendix 1 - Workforce Disability Equality Standard Report 2021



Sheffield Health
and Social Care
NHS Foundation Trust

Workforce Disability Equality Standard

Report and Action Plan 2021



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Introduction

The Workforce Disability Equality Standard (WDES) is made up of ten 'Metrics'. These aim to compare the experiences of disabled and non-disabled staff in the NHS. The information from the WDES will be used to inform our progress in looking at the experience of disabled staff and act to make improvements.

The WDES is now in its third year this report provides information about:

- The WDES metrics in 2021 and what we plan to do to make changes where metrics highlight areas of concern.
- Progress based on what we planned to do in 2020
- This year we have worked with our Disabled Staff Network to co-produce and agree priority areas and action.

What do we Mean by Disability?

The WDES and our organisational Disabled Staff policy uses the term Disability in the context of the Social Model of Disability:

A person is disabled by failure of an organisation or society to make adjustments that remove barriers, for example, changes to the environment, ways of doing things and attitudes.

The Equality Act 2010 provides a legal definition:

A person has a disability if—

- (a) the person has a physical or mental impairment, and**
- (b) the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.**

Our Disability Staff network group have chosen to use Disability in their title because this reflects the 'protected characteristic' of Disability and the protection that the Equality Act 2010 gives against discrimination, and that it is important to move away from a focus on the individual but rather the barriers they experience.

Data and Information Used in This Report

The information used in this report comes from our Electronic Staff Record (ESR) system and from our NHS Staff Survey report. Research has shown that more staff disclose disability when they are completing the NHS staff survey than provide this information in the ESR system. The data in this report for metrics 1,2 and 3 includes Bank staff.

The Percentage of Disabled Staff in our Organisation

Disability	2016	2017	2018	2019	2020	2021
Yes	8%	6%	7%	7%	7%	7%
No	61%	78%	79%	79%	78%	77%
Not Stated	32%	16%	14%	14%	15%	16%

7% of people in our organisation identify as disabled this has been a consistent figure since 2018 but when we look at the number of people who respond to our staff survey who say they have a disability or long-term health condition (275) this suggests an average nearer to 9%.

We have an improvement target to reduce the number of not known from 14% in 2019 to below 8% by 2022. Unfortunately, the number of people not known has increased to 16% in 2020. We did not take any action on this in 2020 partly due to the challenges of the Covid19 pandemic.

What we plan to do in 2021/22

Our Staff Network agree that we should take action to reduce the percentage of not know to 10% by July 2022.

How we will do this

- We will review the guidance that was produced about how to update information on ESR and republish this.
- We will agree a communication plan with our Disabled Staff Network
- We will arrange to provide reports to the staff network every three months on progress

When will we do this?

- we will complete these actions by December 2021

The Percentage of Disabled Staff by Pay Band (WDES Metric 1)

The Workforce Disability Equality Standard asks us to review the percentage of disabled staff in our pay bands compared with the percentage of staff in the overall workforce. This metric is reported by non – clinical and clinical staffing groups.

Non – Clinical	Disabled			Not Disabled			Not Known		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
Bands 1 - 4	8%	8%	8%	84%	83%	80%	9%	9%	12%
Band 5 - 7	4%	5%	7%	86%	84%	82%	10%	11%	11%
Bands 8a - 8b	4%	6%	6%	83%	85%	80%	15%	10%	14%
Bands 8c - 9 & VSM	16%	11%	11%	81%	74%	73%	0%	16%	16%
Clinical	Disabled			Not Disabled			Not Known		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
Bands 1 - 4	6%	6%	7%	75%	74%	73%	19%	20%	20%
Band 5 - 7	9%	8%	8%	81%	79%	76%	10%	13%	16%
Bands 8a - 8b	6%	8%	9%	85%	83%	84%	10%	9%	7%
Bands 8c - 9 & VSM	4%	8%	4%	74%	83%	81%	22%	9%	15%
Consultants	4%	7%	8%	82%	75%	78%	14%	19%	14%
Non-Consultants Career Grade	13%	5%	4%	50%	81%	84%	38%	14%	12%
Medical and Dental Trainee Grades	14%	11%	10%	72%	61%	50%	19%	27%	40%

The table above highlights that:

- There is a high percentage of not know in Bands 1 to 4 in clinical areas
- There is a high percentage of not known for Medical Trainees
- In clinical areas there is a higher percentage of disabled people in bands 5 to 7 and 8a and 8b and in medical trainee grades.
- Although clinical bands 1 to 4 indicate 7% disabled people in clinical areas there is 20% not known.

In non-clinical areas there is a higher percentage of disabled people in Band 8c – 9 but there are low numbers of people in these groups.

Likelihood of Disabled People Being Recruited From Shortlisting (WDES Metric 2)

This question looks at the proportion of disabled people compared to non-disabled people appointed from shortlisting when they have applied for roles in our organisation. We expect this to be between 0.80 to 1.25 and in 2021 this is showing a positive score of 0.87.

2019	2020	2021
1.02	1.29	0.87

It appears that in most roles there is a reasonable percentage of disabled people and that those who are shortlisted are likely to be recruited, despite this our Disabled Staff Network group highlighted that for people that currently work in our organisation their feedback suggests they may fear losing their job. This is because of the pressure their condition puts on them and they may not disclose that they are disabled because they are concerned that their condition and need for adjustments may not be understood. Members of the group have discussed examples of positive and negative experiences. The network would like to see positive practice being more consistent in our organisation and a recognition of hidden conditions. They have suggested that co-produced action to raise awareness of hidden conditions and adjustments should take place.

Disabled Staff and Formal Capability Procedures (WDES Metric 3)

This metric looks at the likelihood of disabled and non-disabled staff entering our formal capability process. The reporting for this metric started in 2020. In 2020 our score was 3.51 indicating that disabled staff were around three times more likely to be involved in capability procedures, however the number of cases was very low. In 2021 there have been even fewer cases and there have been no disabled staff involved in formal capability.

2020	2021
3.51	0.00

Disabled Staff Experience – Harassment Bullying or Abuse (WDES Metric 4a)

This question looks at disabled peoples experience of harassment bullying or abuse from patients / service user’s relatives or the public, managers, and colleagues.

	2019		2020		2020 Benchmark Group Disabled
	Not Disabled	Disabled	Not Disabled	Disabled	
From Patients / Service Users Relatives / Public	28.30%	41.90%	31.30%	36.90%	31.80%
From Managers	10.90%	19.30%	8.50%	18.10%	15.20%
From Colleagues	13.10%	18.10%	12.10%	21.30%	13.0%

Disabled staff report that they experience harassment bullying or abuse at a higher rate than people who are not disabled and in all the above categories our disabled staff experience is worse than the benchmark.

In 2020/21 we took the following action

- We updated incident reporting fields to take account of disability related harassment from service users.
- We ensured an interface with work on bullying and harassment already taking place.
- We included disability in our case work reporting.

Disabled Staff - Harassment Bullying or Abuse Reporting (WDES Metric 4 b)

The staff survey also asks if someone who has experienced harassment bullying or abuse has reported it, or if it was reported by a colleague.

2019		2020		2020 Benchmark Group Disabled
Not Disabled	Disabled	Not Disabled	Disabled	
60.5%	56.5%	63.8%	52.8%	58.8%

Our staff survey data indicates that disabled staff do not report incidents of harassment bullying or abuse, this has worsened from 2019 and is also worse than the benchmark.

What we plan to do in 2021/22

Our staff network would like there to be a greater awareness of microaggressions and how these impact on disabled people in the organisation. The staff network also want to

look at how working environments that 'promote resilience' can be developed including a focus on compassionate and informed management.

How we will do this

- We will include a focus on microaggressions in new training and resources and explore allyship for disabled people.
- We will improve recording of incidents that involve disablism and ensure that disabled staff are included in the work of our zero-tolerance task and finish group.
- We will work with our Disabled Staff Network colleagues in introducing the new Unacceptable Behaviours Policy
- We will promote hearing the voice of disabled staff in forums such as the leaders call and though the chairs of the staff networks engagement group

When will we do this?

We will develop a detailed plan in 2021 and review progress in January 2022

The Percentage of People Who Believe We Provide Equal Opportunity for Career Progression (WDES Metric 5)

This question asks people if they believe that the organisation provides equal opportunity for career progression.

2019		2020		2020
Not Disabled	Disabled	Not Disabled	Disabled	Benchmark Group Disabled
84.3%	74.5%	82.4%	78.4%	81.6%

As with other staff survey questions disabled staff are much less likely to believe that the organisation provides equal opportunity for career progression. This may be associated with the areas raised by our Disabled Staff Network earlier in this report but in 2021/22 we will discuss this area in more detail to understand what may be influencing this.

Feeling Pressure to Come to Work When Not Feeling Well Enough to Perform Duties (WDES Metric 6)

This question looks at the percentage of people who say that they have felt pressure from their manager to come to work, despite not feeling well enough to perform their duties.

2019		2020		2020
Not Disabled	Disabled	Not Disabled	Disabled	Benchmark Group Disabled
10.5%	24.1%	15.5%	21.3%	24.1%

Although our organisation score is below the benchmark for this question disabled people are still more likely to feel under pressure to come to work when they are unwell than people who not, as noted above disabled staff may not disclose their condition or may feel that reasons for being away from work may not be fully understood by managers and colleagues.

The Extent to Which the Organisation Values My Work (WDES Metric 7)

This question asks if people are satisfied with how much our organisation values their work.

2019		2020		2020
Not Disabled	Disabled	Not Disabled	Disabled	Benchmark Group Disabled
50.9%	38.3%	47.3%	36.2%	44.6%

The score for this metric is well below the benchmark and for staff who are not disabled. As noted above this aligns with the concerns of the Disabled Staff Network discussed above.

Adequate Adjustments (WDES Metric 8)

This question asks people who have identified that they have a need for adjustments if adequate adjustments have been made. In 2020 **178** people said they needed adjustments of these **79.2%** had had adjustments made to support them in undertaking their work.

2018		2019		2020	
Benchmark	Our Organisation	Benchmark	Our Organisation	Benchmark	Our Organisation
77.3%	78%	76.9%	73.7%	81.4%	79.2%
	N 127		N 175		N 178

Our main action in 200/21 was to work with our Disabled Staff Network to identify action

As a result of reviewing our data and benchmarking this against other organisations and discussing the areas above with our Staff Network Group we have identified four areas for specific focus in response to the staff survey these are:

1. Disabled staff experiencing harassment and abuse
2. Reporting of Bullying and Harassment by disabled staff
3. The percentage of Disabled staff who believe the organisation values their work
4. The decrease in the percentage of Disabled staff saying they have had adequate adjustments.

Some action relevant to these areas is covered in the action identified on page 7 of this report, in addition ...

What we plan to do in 2021/22

Our Staff Network would like us to improve line managers understanding of adequate adjustments and to focus on hidden disability.

How will we do this

- We will co - produce resources and communications such as 'a day in my life', 'Tweet my day', video clips and blogs.
- We will support the production of a training package using a similar approach to the Rainbow Badge training to raise awareness.
- We will produce guidance and resources on neurodiverse conditions and adjustments
- We will produce guidance and resources on fluctuating conditions and adjustments
- We will audit the use of the Workplace Adjustments and Wellbeing Passport and take action to extend its use.
- We will co -produce a communication plan to embed these actions.

When will we do this?

- We will complete these actions by March 2022

Action to Facilitate the Voices of Disabled People (WDES Metric 9)

NHS Staff survey engagement score:

2018			2019			2020		
Not Disabled	Disabled	Benchmark	Not Disabled	Disabled	Benchmark	Not Disabled	Disabled	Benchmark
6.7	6.2	6.7	6.7	6.3	6.8	6.7	6.4	6.8
N 594	N 206		N 649	N 281		N 664	N 276	

There has been a year-on-year improvement in this score for disabled people in our organisation, but the score is still well below the score for all staff and the benchmark.

Action to facilitate the voices of Disabled staff in our organisation in 2020/21

Our Disabled Staff Network group is now well established and held its first AGM in July this year. The number of members (around 25) appears to be small compared to over 200 disabled staff responding to the staff survey. Identifying action to grow the number of staff in the Staff Network Group is a priority.

What we plan to do in 2021/22

Strengthening and working with our Disabled Staff Network was intended to be the foundation of action to improve the experience of disabled staff. We have the aim of co-producing action going forward, this takes more time but is the right and most productive approach. Members of the Disabled Staff Network reviewed our staff survey results and had several sessions in 2020/21 focused on informing action relevant to the WDES. We are committed to doing the best that we can to co-produce implementation of this action and much of it involves hearing the experiences of disabled people in our organisation.

How we will do this

We plan to review the national WDES report when it is published and review the staff survey 2021 results with the Staff network Group as soon as possible to continue this approach.

We will be continued to liaise with Disability Sheffield and our Disabled Staff Network Group in our aim to be a Disability Confident Leader.

When will we do this?

We will take this forward throughout 2021/22

The Diversity of Our Board (WDES Metric 10)

The WDES asks us to look at the percentage difference between our Board voting membership and our workforce in relation to disability.

In 2020 the difference in the percentage of disabled people on our Board and in the organisation was + 1.35 %.

The difference between the organisation's Board **voting** membership and the percentage of disabled people overall was **-7%**.

The difference between the organisation's Board membership and its organisation's overall workforce, disaggregated by **Executive** membership of the Board is **-7%**

The positive disability diversity in the Board is not reflected in voting or Executive Board membership.

What we plan to do in 2021/22

In 2021 working with the chair of the Board our recruitment and communications team we made changes to the way we recruit to Board positions we believe that going forward this approach will support development of an increasingly more diverse Board reflective of the diversity of the organisation, people who use our services and our local communities

How we will do this

This approach so successful that we are taking the learning into other areas of recruitment particularly to senior roles.

When will we do this?

We will take this forward throughout 2021/22

