

## Equality and Diversity Council Meeting Paper

26 July 2016

### Leadership and Workforce Subgroup Update

### Supplementary Paper – WDES Strategic Advisory Group

#### Purpose and context

The WDES Strategic Advisory Group (previously known as the Task and Finish Group) is a sub group of the Leadership and Workforce Subgroup of the EDC. Its role is to develop and implement a work plan on a Workforce Disability Equality Standard which involves the development of metrics based upon the NHS Staff Survey 2015 as well as organising a programme of engagement events on the metrics and the possible mandation of the WDES in the NHS Standard Contract from April 2017.

#### Recommendation and action requested

The EDC to:

- A) Note the change in the timeline for the draft NHS Contract consultation process and the actions needed for the WDES to be included in it.
- B) Decide whether to include the WDES in the draft NHS Contract consultation with a view to mandation in 2017/18.

#### EDC Theme and objective (s) the paper links to

**Theme 1:** Inclusive workplaces - Creating inclusive workplaces **Key Goals:** Delivery of a successful culture change programme co-produced with staff and patients

**Theme 3 :** Workforce Equality; **Key Goals:** Eliminating discriminatory practice **Key Goals:** Increase employment opportunities and **Key Goals:** the employment of people with learning disabilities in the NHS (with increased numbers of people with learning disabilities in the NHS)

#### Key Summary Milestones

- Workforce Disability Equality Standard (WDES) Strategic Advisory Group has agreed a project plan to take this work forward which aligns with the associated strand of work

being led from NHS England on increasing employment opportunities for people with learning disabilities.

- A refined draft of the WDES metrics, following feedback from over 11 engagement events supporting local action to “make disability as an asset in the NHS”, has been scoped.
- Links have been made with the NHS England Contracts team to ensure the timescales of the Group align with the consultation timeline on the NHS Contract for 2017/18.
- An initial draft of a definition of the WDES has recently been scoped which could be included in the NHS Contract for 2017/18 consultation phase once agreed by members of the Strategic Advisory Group.

## Actions taken to date

Workforce Disability Equality Standard (WDES). The group considered a project plan which had been drawn up by NHS England and their strategic partners to ensure a campaign of service action to prepare the NHS in England for the introduction and possible mandating of a disability equality standard from April 2017.

However, since the project plan and timeline was produced, the NHS Contract consultation timeline has changed slightly with the draft for consultation due to be published in September and the final Contract published in November 2016. If the WDES is to be part of the draft Contract then steps need to be taken within the next few weeks to ensure this happens, including the insertion of a definition of the WDES into the draft NHS Contract.

The following definition has been drafted for this purpose:

**“National Workforce Disability Equality Standard** the workforce disability equality standard for the NHS, being a set of 11 metrics designed to assist NHS organisations to meet their duties under section 1 of the Equality Act 2010 in respect of the protected characteristic of disability, as defined by section 9 of that Act, by improving the experience, treatment, positive value and career progression of disabled staff, closing any inequality gaps and ensuring that the leadership and workforce of NHS organisations better reflects the communities they serve, including through a strengths-based approach to disability so disabled staff, patients and the whole workforce look to 'disability as an asset' in improving health and well-being in the NHS”.  
(Web link to the guidance would be inserted here).

## Current position

### Background

In October 2015, the EDC received and discussed an options paper for the development of a WDES from the Task and Finish Group which made three recommendations:

- 1. Undertake wider engagement and a campaign of service action across the NHS, with a view to implementing a mandated standalone WDES from April 2017, (giving the opportunity to learn lessons from the implementation of the Workforce Race Equality Standard WRES). This initiative would consider the broader policy context for employing disabled people detailed above, and would include liaison with the Department for Work and Pensions (DWP), and the Disability Confident campaign.*
- 2. Use the campaign and engagement exercise as an opportunity to consult, consolidate and refine the draft metrics for the WDES;*
- 3. At a future point, the EDC to consider the accumulated impact of several separate equality standards upon the system and upon other agents of change.*

The Council expressed support for the direction of travel regarding the scoping of the WDES and the campaign of engagement and service action and acknowledged that a WDES could improve the experience of staff with disabilities working in the NHS.

### Current position

As the timeline for the draft NHS Contract consultation has changed slightly, this means that if the WDES is to be included in the draft with a view to being mandated in 2017/18, then a definition of the WDES needs to be submitted to the Contracts Team for inclusion in the draft Contract by the middle of August. The metrics and guidance which will also be included in the final Contract under the Technical Guidance section need to have been published no later than November 2016.

If the WDES is to be included in the draft NHS Contract with a view to being mandated with effect from April 2017, then a decision needs to be taken by the EDC today so that the above actions can take place.

The WRES paper that the EDC is considering today highlights that “Any extension of the WRES principles to other protected characteristics, prior to evaluation and embedding of the WRES, could impact adversely on both the WRES and any new initiative”.

Following a very successful period of engagement, some members of the WDES Strategic Advisory Group have highlighted issues around reach and readiness of WDES, the systems capacity and the cumulative effect of the WRES and WDES together and suggested an assessment of the accumulated impact of several workforce equality standards takes place now rather than when we have more than one standard.

This assessment would need to take place within the next three months as the NHS Contracts team have advised that they require a firm decision regarding the WDES and mandate by the beginning of November 2016 as this is when the final Contract is due to be published .

## Key risks

The risk of not mandating the WDES is that it could be perceived as creating a hierarchy of protected characteristics – which is clearly not the intention – as the WRES has been mandated. However, while there may be support for mandating, the timing might not be right as an assessment of the accumulated impact of several workforce equality standards on the system has not been undertaken as yet. This would need to take place within the next three months.

- Continue to support the development and implementation of the workforce disability equality standard as agreed by EDC in October 2015.

**Name of the co-chairs of the WDES Strategic Advisory Group: Bernd Sass; Ruth Passman**  
**Name of the sub group: WDES Strategic Advisory Group.**

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