

## Equality and Diversity Council Meeting 30 January 2018

### Workforce Disability Equality Standard (WDES) – Publication of Standard Contract and timelines for roll-out

#### Introduction and purpose

1. This paper advises the EDC on key developments with respect to the WDES and how these changes address key issues raised at the EDC meeting of October 2017 (see appendix 1). The EDC and EDC members are asked to consider, and provide feedback on, the timelines for roll-out and how the EDC and individual EDC members wish to be involved in the consultative and development process.

#### Changes made to the NHS Standard Contract

2. The [revised NHS Standard Contract for 2017-19](#) was published on the 3rd January 2018. This sets out that only Trusts and Foundation Trusts will be subject to the WDES in the first year of its roll-out. It also advised a revised national timescales for reporting against the WDES metrics will no longer be March 2019 but August 2019. This brings the reporting timetable in line with the Workforce Race Equality Standard (WRES). There will be further consultation in 2018 about extending the scope of the WDES beyond NHS Trusts and Foundation Trusts, to include other providers operating under the NHS Standard Contract. The revised timetable is attached at Appendix 2.

#### Key activities

3. These include:
  - i. **The piloting of the metrics:** between mid-October and mid-November 2017, the draft WDES metrics were piloted working in partnership with NHS Employers. 16 NHS Trusts completed the pilot as two Arms-Length Bodies (ALBs). We also consulted with Disabled Staff Networks within NHS Trusts and equivalent networks within NHS Trade Unions. NHS England will complete the analysis of this work during January 2018 and assess, during February 2018, whether any changes should be made to the draft WDES metrics.
  - ii. **Engagement and governance:** In February 2018 NHS England will engage with key partners - including NHS Employers, Disability Rights UK and other members of the WDES Strategic Advisory Group (SAG), the Technical Advisory Group (TAG) and the WDES Subgroup - about the findings from the piloting and consultative activities.
  - iii. **Engagement with NHS and Foundation Trusts:** In March 2018, NHS England will invite NHS Trusts and Foundation Trusts to participate in a series of regional consultation events. These events will discuss the proposed WDES metrics, reporting arrangements, the indicative WDES timetable and work to drive up the number of people who declare whether or not they have a disability on the NHS Electronic Staff Record (ESR).

Seven of the ten draft WDES metrics utilise existing data drawn from either the NHS Staff Survey or the NHS Electronic Staff Record (ESR). Where it is proposed to use other data sources the consultation process will examine whether it is possible and desirable for NHS Trusts and Foundation Trusts to collect this data in 2018 and report against these three metrics in August 2019.

We will also announce the package of resources that are being developed, working in partnership with the Health and Wellbeing Alliance due to be published in June/July 2018. Our partner, NHS Employers, will support these activities with a survey which will run alongside, and will close shortly after, the consultation events.

- iv. **Engagement with NHS Providers other than NHS Trusts and Foundation Trusts:** After the publication of the WRES evaluation report, between May and July 2018, there will be a series of consultation meetings and discussions with independent providers and providers that are not NHS Trusts or Foundation Trusts about the WDES metrics and WDES compliance.
- v. **Review and analysis of the consultation events and the survey findings:** between mid-April and mid-June 2018, NHS England will review the consultation and survey findings and, where appropriate, revise the WDES metrics. Consideration will also be given to whether the WDES will be extended to other NHS providers in year two of its roll-out.
- vi. **Publication of the Health and Wellbeing Alliance and associated resources:** a package of resources will be published during June/July 2018 to assist NHS Trusts and Foundation Trusts and others seeking to advance workforce disability equality. We are also considering options for updating the recruitment guidance jointly published by NHS England and NHS Employers in 2015 to support the Learning Disability Employment Programme.
- vii. **Agreeing the final WDES package:** the current plan is to report to the EDC in June 2018. By late July 2018, final changes will be made to the WDES metrics and the associated documentation.
- viii. **The publication of the WDES:** we anticipate the WDES should be ready for publication in autumn 2018. This will include the Technical Guidance, the reporting tool for NHS Trusts and any other associated documentation.
- ix. Consultation on the NHS Standard Contract for 2019/20: The consultation for the NHS Standard Contract for 2019/2020 will set out any recommendations for extending the scope of the WDES beyond NHS Trusts and Foundation Trusts in year 2 of the roll-out of the WDES.
- x. First annual reports by individual Trusts and first WDES national annual report: the primary datasets will be the NHS Staff Survey 2018, due to be published in March 2019 and the ESR data for 2018/19. By 31st August 2019, NHS Trusts and Foundation Trusts will provide their first annual return and their first WDES annual report, at the very least against the ESR and survey data. By April/May 2020, NHS England will produce the first WDES national report.

## Feedback sought from EDC

4. The EDC is asked for any comments on the proposed indicative timetable for the WDES and whether a special event should be organised for the EDC in March 2018 and/or whether individual EDC members wish to participate in the regional events.

## **Appendix 1: The rationale for limiting the scope to NHS Trusts and Foundation Trusts in year 1 of the roll-out and the rationale for the indicative timetable**

1. At its meeting on 30 October 2017, the EDC recommended that EHIU's WDES Team consider: a) how to ensure that the implementation of WDES did not undermine the implementation of the WRES; and b) how to draw on the national evaluation of the WRES. This appendix sets out how the EDC recommendations have informed; a) the decision to limit scope of the WDES to NHS Trusts and Foundation Trusts in year 1; and b) the indicative timetable for the WDES.
2. In the first year of the roll-out of the WRES, the focus was on NHS Trusts and Foundation Trusts. For year 2, a WRES data validation framework for NHS Trusts and Foundation Trusts was developed which covers the majority of the WRES metrics and draws on the NHS Electronic Staff Record (ESR) and the NHS Staff Survey. This approach minimised the need for new data collections, maximised the use of existing collections and minimised the burden on NHS Trusts and Foundation Trusts. This model appears to have worked well for NHS Trusts and Foundation Trusts in that it allowed issues and concerns to be raised and resolved and it is considered to have contributed to the high return rates, over 90%, in year 2 from NHS Trusts and Foundation Trusts.<sup>1</sup>
3. The first two WRES national annual reports suggest that the WRES has been embedded in NHS Trusts and Foundation Trusts and that the WRES framework has laid a firm foundation for the roll-out of the WDES to NHS Trusts and Foundation Trusts. This assessment is supported by work undertaken by EHIU to date, has been tested further during the piloting exercise and will be tested further during EHIU's planned engagement and consultative activities for 2018.
4. In November 2017, the Association of Independent Healthcare Organisations (AIHO) raised concerns about the adequacy of the existing tools for independent providers in relation to reporting against the WRES metrics and requested that there be consultation prior to extending the WDES to the independent sector.<sup>2</sup>
5. The national evaluation of the WRES, commissioned by NHS England, will consider how different classes of NHS Providers have responded to the WRES, and how the WRES has helped to drive improvements across the system. It is anticipated that the WRES evaluation will provide key information about the impact of the WRES on independent providers. The evaluation is due to be available by April 2018. We await the WRES evaluation findings before deciding how to extend the WDES beyond NHS Trusts and Foundation Trusts.
6. The WRES predated the burden assessment processes overseen by NHS Digital and Health Education England (HEE). These external processes are designed to ensure that the burdens and information governance requirements, associated with any new data collection, are assessed, minimised and/or addressed prior to the roll-out of any new information system or standard. Discussions with NHS Digital and the HEE have supported our assessment that limiting the WDES to NHS Trusts and Foundation Trusts in year one of its roll-out is appropriate.

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<sup>1</sup> In year one, it is understood that the return rate was much lower and the returns were less accurate.

<sup>2</sup> The AIHO describes itself as the trade association for independent healthcare providers across the United Kingdom. <https://aiho.org.uk/about-aiho>

## Appendix 2: The WDES indicative timetable and key activities

Date	Action
January/February 2018	Analysis activities and further engagement and governance. Announcement of key WDES developments & the indicative timetable.
March 2018	Online Survey launched by NHS Employers.
March 2018	Regional consultation events and engagement with NHS Trusts.
April - June 2018	Review/ analysis of the consultation events and the survey findings.
May - July 2018	Consultation with Independent Providers and others.
June - July 2018	Publication of the HWA funded resources and associated resources
Autumn 2018	Publication of the WDES.
Autumn/Winter 2018	NHS Trusts and Foundation Trusts review their data and reporting against the metrics.
June 2019	Reporting sheet with prepopulated data sent to NHS Trusts and Foundation Trusts.
August 2019	First WDES reports to be published in August 2019, based on data from the 2018/19 financial year.
April/May 2020	First National WDES annual report published by NHS England.