

Workforce Disability Equality Standard (WDES)

The purpose of this paper is to request:

- sign-off for the final WDES Metrics (attached as Appendix A);
- approval for the extension of the restriction of the WDES to NHS Trusts and Foundation Trusts in year 2.

Summary

Like the Workforce Race Equality Standard (WRES), the Workforce Disability Equality Standard (WDES) is designed to provide a framework, via the introduction of a series of metrics, for the collection of the workforce data needed to assess how to advance equality of opportunity for disabled people. The information will be used by NHS Trusts and Foundation Trusts to develop a local action plan, and will enable them to demonstrate progress against the metrics.

The WDES builds on the WRES and research findings. The implementation of the WDES will enable NHS Trusts and Foundation Trusts to better understand the experiences of their Disabled staff; it will support positive change for existing employees, and enable a more inclusive environment for disabled people working in the NHS. Research shows that a motivated, included and valued workforce helps to deliver high quality patient care, increase patient satisfaction and improve patient safety. Like the WRES, on which the WDES is in part modelled, the WDES will also allow us to identify good practice and compare performance regionally and by type of trust. The WDES metrics have been developed over the last two years. Draft metrics were piloted by 13 NHS trusts and 1 ALB and were discussed at 6 regional engagement events attended by over 225 attendees.

Additionally, comments on the draft Metrics have been sought in two online surveys, run by NHS Employers. Feedback was sought from:

- Disabled staff networks and union member networks (22 responses secured);
- people who attended the regional events, plus relevant staff in NHS Trusts and Foundation Trusts (121 responses secured).

The results of the above engagement activities have been discussed with the WDES Steering Group, which includes Disabled people, and representatives from Disabled staff networks, unions, HR Directors, the ESR Team and a Voluntary sector Disabled People's organisation. EDC has also seen the metrics as they have been developed.

The WDES Metrics

The Metrics are drawn from four key data sources. Of the 10 proposed WDES metrics:

- 5 (Metrics 4, 5, 6, 7, 8) plus part a of Metric 9 are drawn from the NHS Staff Survey;
- 2 (Metrics 1 and 10) are drawn from ESR;
- 1 (Metric 2) is drawn from recruitment data (already collected for the WRES);
- 1 (Metric 3) is drawn from HR workforce data and is voluntary in the first year.

Four Metrics (1, 2, 5 and 10) mirror the WRES.

Metric 9b has been designed to support the principle of ‘nothing about us without us’. It is intended to ensure that Disabled staff are included in the discussions and solutions sought through the WDES. This is seen by Disabled staff, Disabled Staff Networks, and members of the WDES Steering Group as an important element to be incorporated within the Metrics.

Key Issues

A small number of potential issues have been identified:

- **Data:** for NHS ESR related WDES Metrics, there are likely to be initial challenges in understanding the data due to the limited recording of disability data on ESR. On the NHS ESR nationally, Disabled staff make up 3.1% of the workforce, non disabled staff make up 70%, with 13.4% not declared and 13.4% unknown. We will be asking Trusts to work on their ESR data in the initial year of the WDES.
- **Staff Survey Question on Disability:** the question on disability in the NHS Staff Survey is: *‘do you have a longstanding health problem, illness or disability’*; this is broader than the definition outlined in the Equality Act 2010. Therefore, there is less certainty that ‘Disabled people’, as defined in the Equality Act 2010, make up the group of people classed as ‘Disabled’ in the NHS Staff Survey. Whilst a proposal was made to better align the definition in the NHS Staff Survey with that in the Equality Act 2010, during the most recent review of the Survey, this was rejected. We will continue to work with the Insight Team with the aim of narrowing the definition to align more closely with the Equality Act 2010’s definition.
- **Metric 9b:** This is a Yes/No answer followed by free text to be included in the WDES action plan. Whilst all Trusts are likely to say that they have actions in place to enable the voices of Disabled staff to be heard, the addition of free text in their action plan will ensure that they clearly articulate what those arrangements are.
- **Metric 10** is the same as the WRES, but the small numbers of people on NHS Trust Boards means that confidentiality concerns could arise – the nature of ‘disability’ could be seen as a more sensitive issue than ethnicity.

Restricting the WDES to NHS Trusts and Foundation Trusts in the first two years

Most independent providers do not use the NHS ESR or the NHS Staff Survey and have had to adapt their systems to comply with the WRES. The WRES Team is working with independent providers to improve the WRES data from the Independent Sector. The NHS Standard Contract currently limits the scope of the WDES to NHS Trusts and Foundation Trusts. The Contract will need to be amended if there is a proposal to extend the scope of the WDES. The NHS Standard Contract already restricts compliance with the WDES to NHS Trusts and Foundation Trusts in the first year of its implementation.¹ In order to allow time to continue to embed the WRES, it is recommended that the WDES is restricted to NHS Trusts and Foundation Trusts for year 2 of its implementation. This decision should be reviewed by August 2019, if there is a proposal to extend the range of providers subject to the WDES. Any proposed changes would need to be part of the negotiations about future iterations of the NHS Standard Contract. The timetable on next steps is as follows:

- Data Co-ordination Board – 10th October 2018;
- publish the WDES Metrics, Technical Guidance, and supporting documents – easy step guide, FAQs and key facts by the end of 2018.

¹ The data used for the first year will be 2018/19 data and the first return from NHS Trusts will be provided in 2019. The second return will be in 2020.

EDC is asked to sign off the WDES metrics. EDC is also asked to sign off on the extension of the restriction of WDES, to NHS Trusts and Foundation Trusts, in year 2..

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Appendix A: Final WDES Metrics - September 2018

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	<p>Workforce Metrics</p> <p>For the following 3 workforce metrics, <u>compare the data for Disabled and non Disabled staff</u></p>
1.	<p>Percentage of staff in AfC paybands or medical and dental subgroups and VSM (including Executive Board members) compared with the percentage of staff in the overall workforce.</p> <p>Organisations should undertake this calculation separately for non-clinical and for clinical staff.</p> <p>AfC Cluster 1: Band 1, 2, 3 and 4 AfC Cluster 2: Band 5, 6 and 7 AfC Cluster 3: Band 8a and 8b AfC Cluster 4: Band 8c, 8d, 9 and VSM (including Executive Board members) Medical and Dental staff Cluster 5: Consultants Medical and Dental staff Cluster 6: Non consultant career grade Medical and Dental staff Cluster 7: Medical and dental trainee grades</p> <p><i>Note: Definitions for these categories are based on Electronic Staff Record occupation codes with the exception of medical and dental staff, which are based upon grade codes.</i></p>
2.	<p>Relative likelihood of Disabled staff compared to non disabled staff being appointed from shortlisting across all posts.</p> <p><i>Note: i) This refers to both external and internal posts</i> <i>ii) If your organisation implements a guaranteed interview scheme, the data may not be comparable with organisations that do not operate such a scheme. This information will be collected on the WDES return form to ensure comparability between organisations.</i></p>
3.	<p>Relative likelihood of Disabled staff compared to non disabled staff entering the formal capability process, as measured by entry into the formal capability procedure.</p> <p><i>Note: i) This metric will be based on data from a two year rolling average of the current year and the previous year.</i> <i>ii) This metric is voluntary in year 1</i></p>
	<p>National NHS Staff Survey Metrics</p> <p>For each of the following 4 staff survey Metrics, <u>compare the responses for Disabled and non-disabled staff</u></p>
	<p>NHS Staff Survey Question</p>

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4.	<p>a) Percentage of Disabled staff compared to non disabled staff experiencing harassment, bullying or abuse from:</p> <ul style="list-style-type: none"> i. Patients/Service users, their relatives or other members of the public ii. Managers iii. Other colleagues <p>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</p>	Q15
5.	Percentage of Disabled staff compared to non-disabled staff believing that the Trust provides equal opportunities for career progression or promotion.	Q14
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	Q11
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	Q5
	The following NHS Staff Survey Metric only includes the responses of Disabled staff	
8.	Percentage of Disabled staff saying that their employer has made adequate adjustment(s) to enable them to carry out their work	Q28b
	<p>For part a) of the following Metric, <u>compare the staff engagement scores for Disabled, non disabled staff and the overall trust's score</u></p> <p>For part b) <u>add evidence to the trust's WDES Annual Report</u></p>	
9.	<p>a) The staff engagement score for Disabled staff, compared to non-disabled staff and the overall engagement score for the organisation.</p> <p>b) Has your trust taken action to facilitate the voices of Disabled staff in your organisation to be heard? (yes) or (no)</p> <p><i>Note: For your Trust's response to b)</i> <i>If yes, please provide at least one practical example of current action being taken in the relevant section of your WDES annual report. If no, please include what action is planned to address this gap in your WDES annual report. Examples are listed in the WDES Technical Guidance.</i></p>	
	<p>Board representation Metric</p> <p>For this Metric, <u>compare the difference for Disabled and non Disabled staff</u></p>	

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10.	<p>Percentage difference between the organisation's Board voting membership and its organisation's overall workforce, disaggregated:</p> <ul style="list-style-type: none">• by Voting membership of the Board:• by Executive membership of the Board.
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