Workforce Disability Equality Standard Report 2020

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Contents

1   Introduction

1.1   The NHS Workforce Disability Equality Standard (WDES) is designed to improve workplace experience and career opportunities for Disabled people working, or seeking employment, in the National Health Service (NHS). The WDES follows the NHS Workforce Race Equality Standard (WRES) as a tool and an enabler of change.

1.2   The WDES is a series of evidence-based Metrics that will provide NHS organisations with a snapshot of the experiences of their Disabled staff in key areas. By providing comparative data between Disabled and non-disabled staff, this information can be used to understand where key differences lie; and will provide the basis for the development of action plans, enabling organisations to track progress on a year by year basis. The WDES provides a mirror for the organisation to hold up to itself, to see whether or not it sees a reflection of the communities that it serves.

1.3   Organisations are encouraged to introduce new measures and practices, which positively support disability equality in the workplace and further the involvement and engagement of Disabled communities more widely in the work and aims of the NHS.

1.4   The WDES will help NHS organisations to review their performance against ten (10) Metrics and produce action plans to close the gaps in career and workplace experience between Disabled staff and non-disabled staff. The WDES will also encourage improvement in the representation of Disabled staff at NHS Trust Board level.

1.5   Section 149 of the Equality Act sets out the Public Sector Equality Duty (PSED), offers protection in relation to employment, as well as access to goods and services. The PSED strengthens the duty on employers to eliminate discrimination and advance equality of opportunity for Disabled employees. Implementing the WDES will assist NHS organisations to ensure that they are complying with the provisions of the Equality Act 2010, and the aims of the PSED.

2   WDES Metrics
Workforce Metrics
For the following three workforce Metrics, compare the data for both Disabled and non-disabled staff.

2.1 Metric 1 Percentage of staff in AfC paybands or medical and dental subgroups and very senior managers (including Executive Board members) compared with the percentage of staff in the overall workforce.
Organisations should undertake this calculation separately for non-clinical and for clinical staff.
- Cluster 1: AfC Bands – Under 1, 1, 2, 3 and 4
- Cluster 2: AfC Band 5, 6 and 7
- Cluster 3: AfC Band 8a and 8b
- Cluster 4: AfC Band 8c, 8d, 9 and VSM (including Executive Board members)
- Cluster 5: Medical and Dental staff, Consultants
- Cluster 6: Medical and Dental staff, Non-consultant career grade
- Cluster 7: Medical and Dental staff, Medical and dental trainee grades

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.

2.2 Metric 2 Relative likelihood of Disabled staff compared to non-disabled staff being appointed from shortlisting across all posts.
Note
i) This refers to both external and internal posts.
ii) If your trust 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 online reporting form to ensure comparability between organisations.

2.3 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.

Note:
i) This metric will be based on data from a two-year rolling average of the current year and the previous year
ii) This metric is mandatory from 2020. This metric applies to capability on the grounds of performance and not ill health.

National NHS Staff Survey Metrics
For each of the following four Staff Survey Metrics, compare the responses for both Disabled and non- disabled staff.

2.4 Metric 4 Staff Survey Q13
a) Percentage of Disabled staff compared to non-disabled staff experiencing harassment, bullying or abuse from:
i). Patients/service users, their relatives or other members of the public
ii). Managers
iii). Other colleagues
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.

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2.5   **Metric 5 Staff Survey Q14** Percentage of Disabled staff compared to non-disabled staff believing that the Trust provides equal opportunities for career progression or promotion.

2.6   **Metric 6 Staff Survey Q11** 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.

2.7   Metric 7 Staff Survey Q5   Percentage of Disabled staff compared to non-disabled staff saying that they are satisfied with the extent to which their organisation values their work.

The following NHS Staff Survey Metric only includes the responses of Disabled staff

2.8   **Metric 8 Staff Survey Q28b**   Percentage of Disabled staff saying that their employer has made adequate adjustment(s) to enable them to carry out their work.

NHS Staff Survey and the engagement of Disabled staff
For part a) of the following Metric, compare the staff engagement scores for Disabled, non-disabled staff and the overall Trust's score
For part b) add evidence to the Trust's WDES Annual Report

2.9   **Metric 9**
a)   The staff engagement score for Disabled staff, compared to non-disabled staff and the overall engagement score for the organisation.
b)   Has your Trust taken action to facilitate the voices of Disabled staff in your organisation to be heard?   (Yes) or (No)

Note: For your Trust's response to b)
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.

Board representation Metric
For this Metric, compare the difference for Disabled and non-disabled staff.

2.10 **Metric 10**   Percentage difference between the organisation's Board voting membership and its organisation's overall workforce, disaggregated:
   •   By voting membership of the Board.
   •   By Executive membership of the Board.

3   East Kent Hospitals WDES Results 2020
The data represented below is a snapshot taken on 31 March 2020 or in the year ending 31 March 2020.

3.1 **Metric 1**   Percentage of staff in AfC (Agenda for Change) pay bandsor medical and dental subgroups and very senior managers (including Executive Board members) compared with the percentage of staff in the overall workforce.
Organisations should undertake this calculation separately for non-clinical and for clinical staff.
- Cluster 1: AfC Band 1, 2, 3 and 4
- Cluster 2: AfC Band 5, 6 and 7
- Cluster 3: AfC Band 8a and 8b
- Cluster 4: AfC Band 8c, 8d, 9 and VSM (including Executive Board members)
- Cluster 5: Medical and Dental staff, Consultants
- Cluster 6: Medical and Dental staff, Non-consultant career grade
- Cluster 7: Medical and Dental staff, Medical and dental trainee grades

3.1.1   Percentage of staff in AfC paybands (All Staff)

	DISABLED	NON-DISABLED	DISABILITY UNKNOWN OR NULL
Under Band 1	0.00%	26.67%	73.33%
Band 1	0.00%	100.00%	0.00%
Band 2	3.61%	65.33%	31.07%
Band 3	4.47%	70.53%	25.00%
Band 4	3.82%	67.33%	28.85%
Band 5	3.63%	65.48%	30.89%
Band 6	4.52%	67.69%	27.79%
Band 7	3.33%	66.70%	29.97%
Band 8A	3.33%	72.86%	23.81%
Band 8B	2.56%	64.96%	32.48%
Band 8C	0.00%	61.54%	38.46%
Band 8D	0.00%	60.87%	39.13%
Band 9	0.00%	100.00%	0.00%
VSM	4.17%	62.50%	33.33%
Consultant	1.09%	54.49%	44.42%
Non-Consultant	2.78%	48.89%	48.33%
Trainee Grade	0.22%	19.57%	80.22%
Other	0.00%	0.00%	0.00%

Percentage of staff in AfC paybands (All Staff)
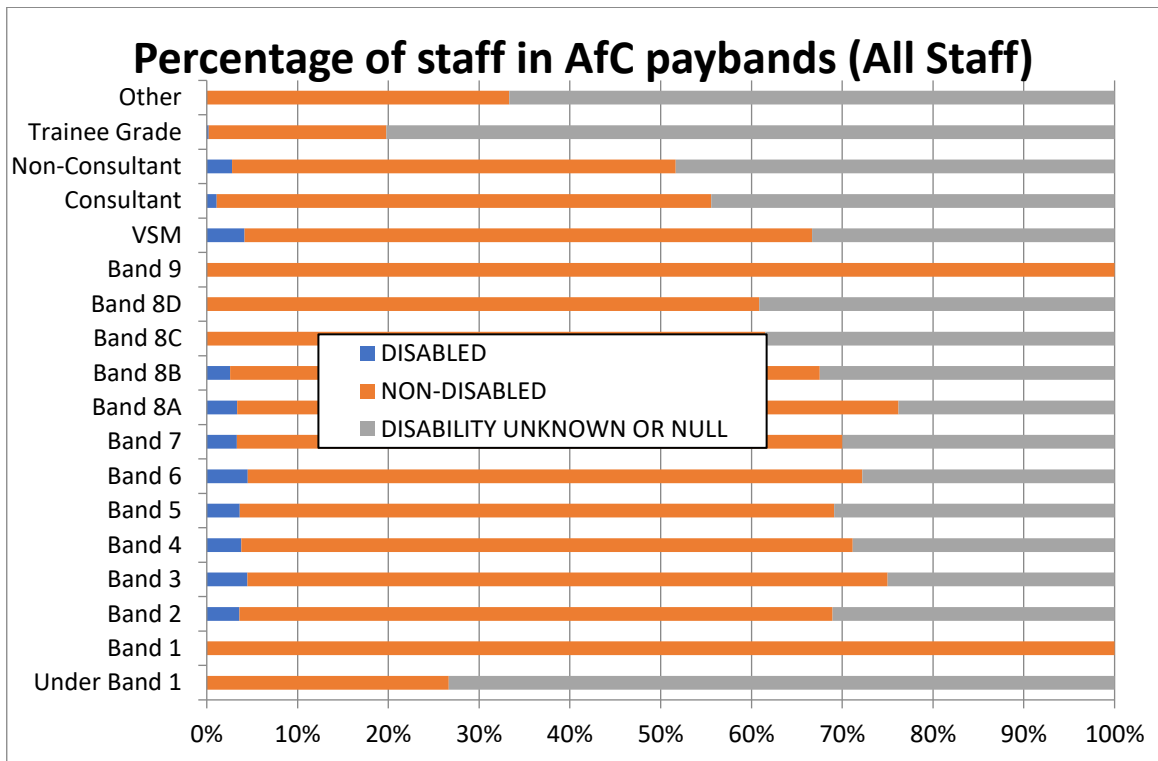
3.1.2   Percentage of staff in AfC paybands (Non-clinical Staff)

	DISABLED	NON-DISABLED	DISABILITY UNKNOWN OR NULL
Under Band 1	0.00%	14.29%	85.71%
Band 1	0.00%	100.00%	0.00%
Band 2	5.88%	66.77%	27.34%
Band 3	4.06%	72.21%	23.73%
Band 4	4.44%	75.24%	20.32%
Band 5	2.45%	68.10%	29.45%
Band 6	4.76%	69.05%	26.19%
Band 7	6.32%	58.95%	34.74%
Band 8A	2.94%	73.53%	23.53%
Band 8B	1.89%	67.92%	30.19%
Band 8C	0.00%	50.00%	50.00%
Band 8D	0.00%	64.71%	35.29%
Band 9	0.00%	0.00%	0.00%
VSM	4.35%	65.22%	30.43%
Other	0.00%	0.00%	0.00%

Percentage of staff in AfC paybands (Non-clinical Staff)
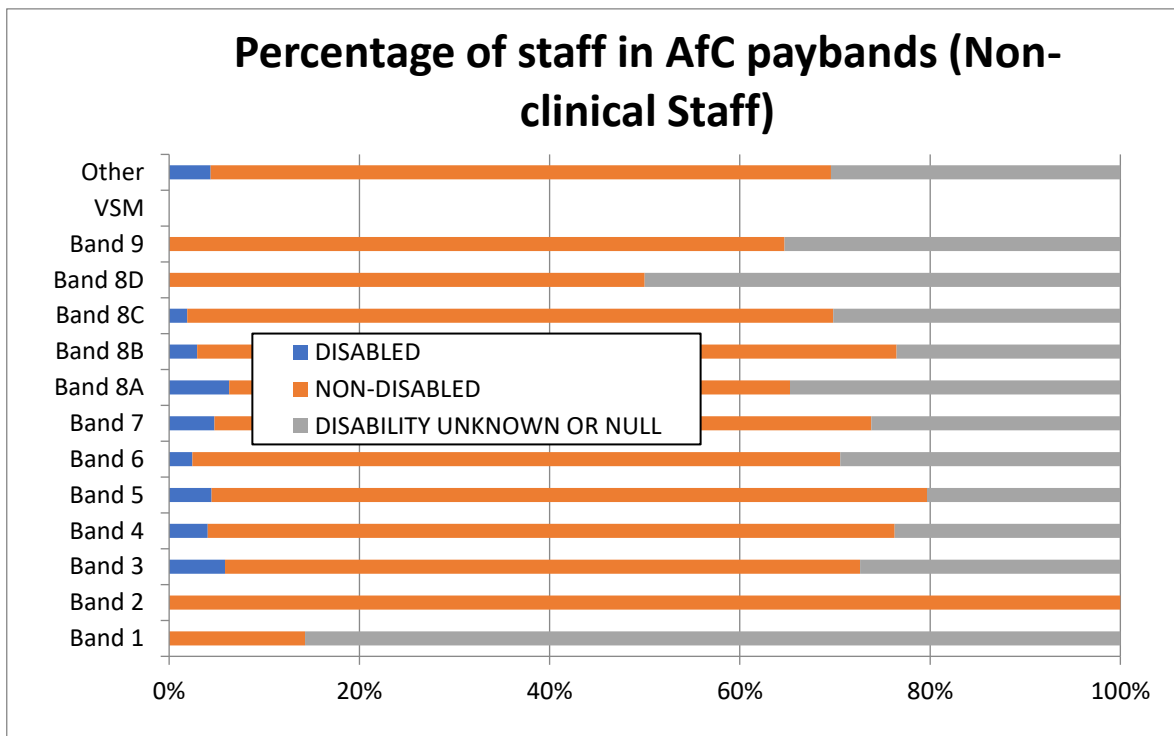
3.1.3 Percentage of staff in AfC paybands (Clinical Staff)

	DISABLED	NON-DISABLED	DISABILITY UNKNOWN OR NULL
Under Band 1	0.00%	37.50%	62.50%
Band 1	0.00%	0.00%	0.00%
Band 2	2.52%	64.63%	32.85%
Band 3	5.07%	68.06%	26.87%
Band 4	3.24%	60.00%	36.76%
Band 5	3.77%	65.16%	31.07%
Band 6	4.49%	67.54%	27.97%
Band 7	2.98%	67.62%	29.40%
Band 8A	3.52%	72.54%	23.94%
Band 8B	3.13%	62.50%	34.38%
Band 8C	0.00%	66.67%	33.33%
Band 8D	0.00%	50.00%	50.00%
Band 9	0.00%	100.00%	0.00%
VSM	0.00%	0.00%	100.00%
Consultant	1.09%	54.49%	44.42%
Non-Consultant	2.78%	48.89%	48.33%
Trainee Grade	0.22%	19.57%	80.22%
Other	0.00%	0.00%	0.00%

Percentage of staff in AfC paybands (Clinical Staff)
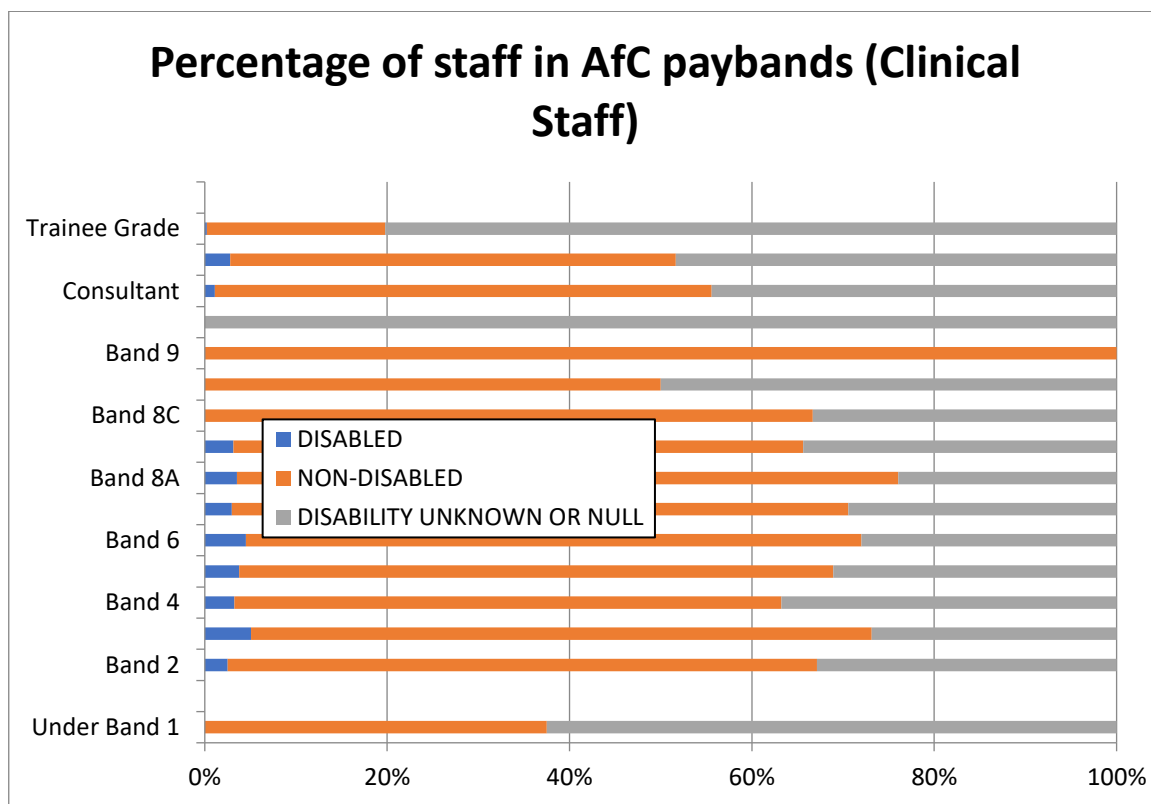
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3.1.4 **Declaration**.　　5.97% of the working age population served by East Kent Hospitals University NHS Foundation Trust (EKHUFT) declared that they were disabled in the 2011 census. 3.4% of EKHUFT employees have declared a disability using the Electronic Staff Record. 33% of the workforce have chosen not to declare whether or not they have a disability. This figure rises to 80% Trainee Grade Doctors. It is difficult to validate our data when comparatively few staff members have declared their disability status. The NHS in general has only 3% declaration rate.

3.2 Metric 2　　Relative likelihood of Disabled staff compared to non-disabled staff being appointed from shortlisting across all posts.

3.2.1 Non-disabled candidates are one and a half times more likely than disabled candidates to be appointed from shortlisting. This compares to two and one quarter times more likely last year

3.2.2 The Trust is a "Disability Confident employer and offers Guaranteed Interviews to all Disabled applicants who meet the minimum requirements stipulated on the job description. The Trust also guarantees to make any special arrangements, for example an alternative venue to allow wheelchair access

2019	Not Disabled	Disabled	Disability Null or Unknown	Total
Shortlisted	4762	281	271	5314
Appointed	905	24	131	1060
Shortlisted %	89.61%	5.29%	5.10%	100.00%
Appointed %	85.38%	2.26%	12.36%	100.00%
likelihood	19.00%	8.54%	48.34%	19.95%
Relative likelihood				2.23

2020	Not Disabled	Disabled	Disability Null or Unknown	Total
Shortlisted	5038	307	462	5807
Appointed	1293	54	334	1681
Shortlisted %	86.76%	5.29%	7.96%	100.00%
Appointed %	76.92%	3.21%	19.87%	100.00%
likelihood	25.66%	17.59%	72.29%	28.95%
Relative likelihood				1.46

The Trust is pleased to announce that as a consequence of last year's action plan and activity the relative likelihood of disabled candidates being appointed from shortlisting has reduced from 2.23 to 1.46. In 2019 non-disabled candidates were over twice as likely to be appointed from shortlist than candidates who had declared a disability.
In 2020 that figure has reduced to less than one and a half times more likely.

3.3   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.

3.3.1   The relative likely hood of Disabled staff compared to non-disabled staff entering the formal capability process is zero. This is because no staff who have declared a disability entered the formal capability process in 2018/19 or 2019/20

01/04/2018 - 31/03/2019	Disabled	Non-disabled	Not declared
Entry into the formal capability procedure	0	6	11
Total Number of staff	286	5092	2743
Likelihood	0	0.00117832	0.00401021
RELATIVE Likelihood		0	

01/04/2019 - 31/03/2020	Disabled	Non-disabled	Not declared
Entry into the formal capability procedure	0	3	1
Total Number of staff	298	5479	2889
Likelihood	0	0.00054755	0.00034614
RELATIVE Likelihood		0	

3.3.2 The Ill-health Capability Process. Whilst this data is not mandatory it is recommended that trusts examine the data and consider any appropriate actions.

i   A relative likelihood of 1 indicates that there is no difference, i.e. Disabled staff are equally as likely as non-disabled staff to enter the capability processes.

ii   ii) A relative likelihood **above** 1 indicates that Disabled staff are more likely to enter capability processes than non-disabled staff: e.g. a likelihood ratio of 2 indicates that Disabled staff are twice (2 times) as likely to enter a formal capability process compared to non-disabled staff.

iii   iii) A relative likelihood **below** 1 indicates that Disabled staff are less likely to enter the capability processes compared to non-disabled staff: e.g. a likelihood ratio of 0.5 indicates Disabled staff are half (0.5 times) as likely to enter a formal capability process compared to non-disabled staff.

2019	Disabled	Non-disabled	Not declared
Case upheld - terminated	3	6	8
Total Number of staff	286	5092	2743
Likelihood	0.01048951	0.00117832	0.00291651
RELATIVE Likelihood		8.9020979	

2020	Disabled	Non-disabled	Not declared
Case upheld - terminated	2	5	4
Total Number of staff	298	5479	2889
Likelihood	0.006711409	0.00091258	0.00138456
RELATIVE Likelihood		7.35436242	

In 2019/20 respectively, disabled staff were 9 times and over 7 times more likely to have their employment terminated following an ill health capability process than staff who had not declared a disability.
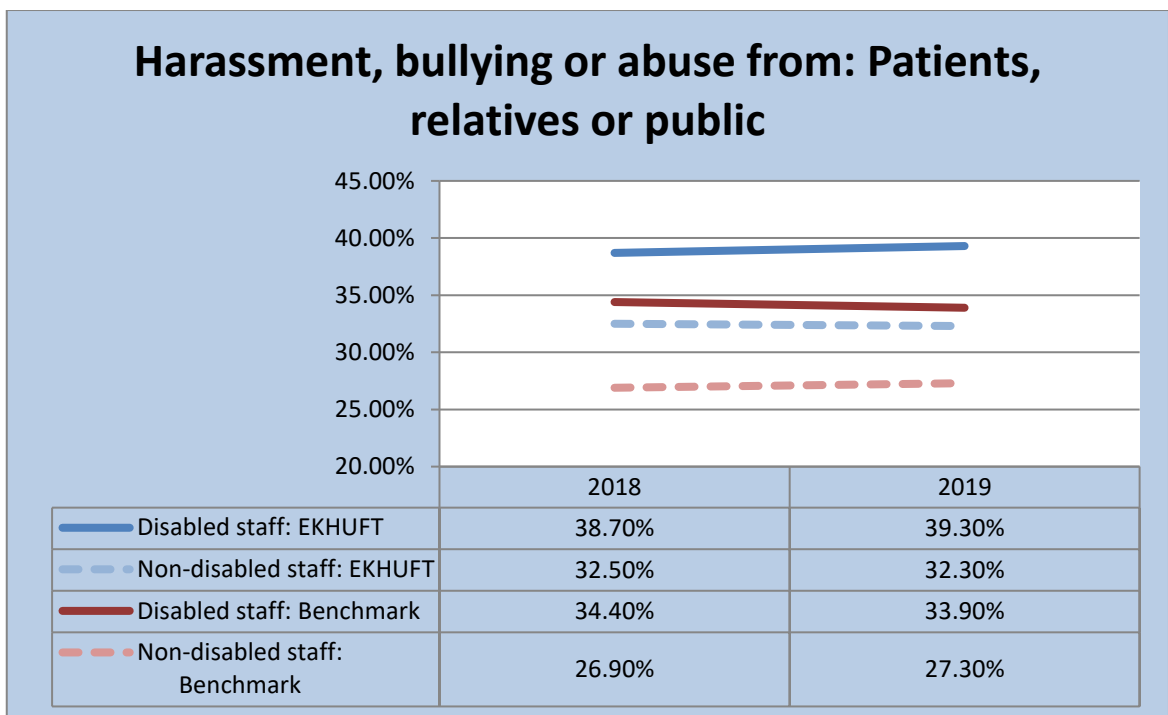
2019	Disabled	Non-disabled	Not declared
Redeployed	0	4	3

2020	Disabled	Non-disabled	Not declared
Redeployed	0	8	3

In 2019 7 staff were redeployed as a consequence of Ill-health capability processes and in 2020 11 staff were redeployed none of them were disabled.
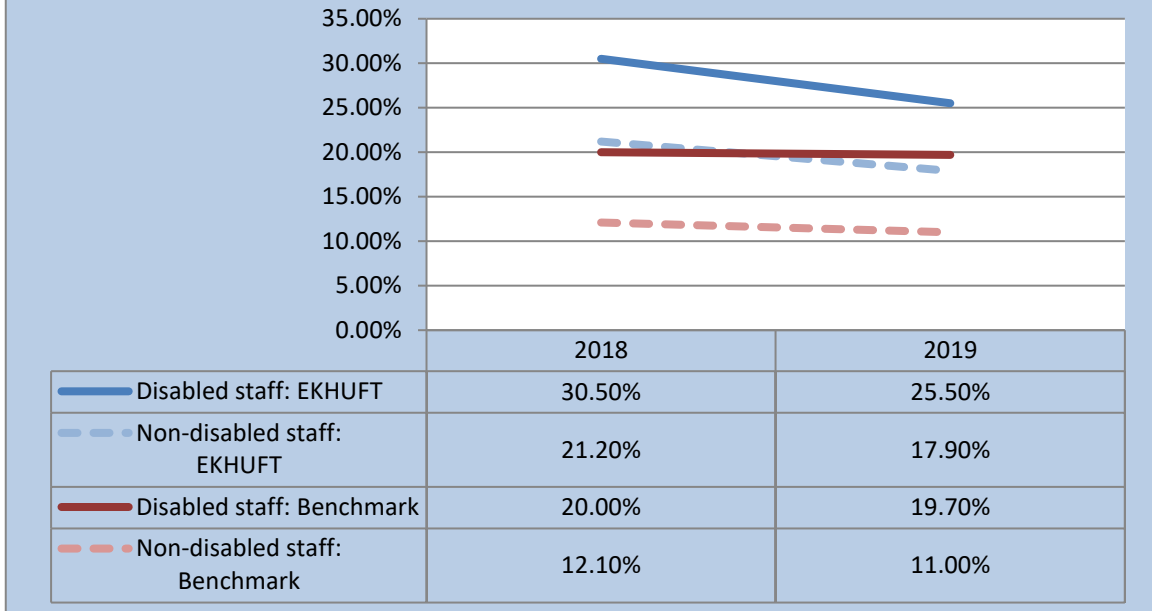
3.4 Metric 4

3.4.1 a) Percentage of Disabled staff compared to non-disabled staff experiencing harassment, bullying or abuse from:
i. Patients/service users, their relatives or other members of the public
ii. Managers
iii. Other colleagues

Harassment, bullying or abuse from: Patients, relatives or public

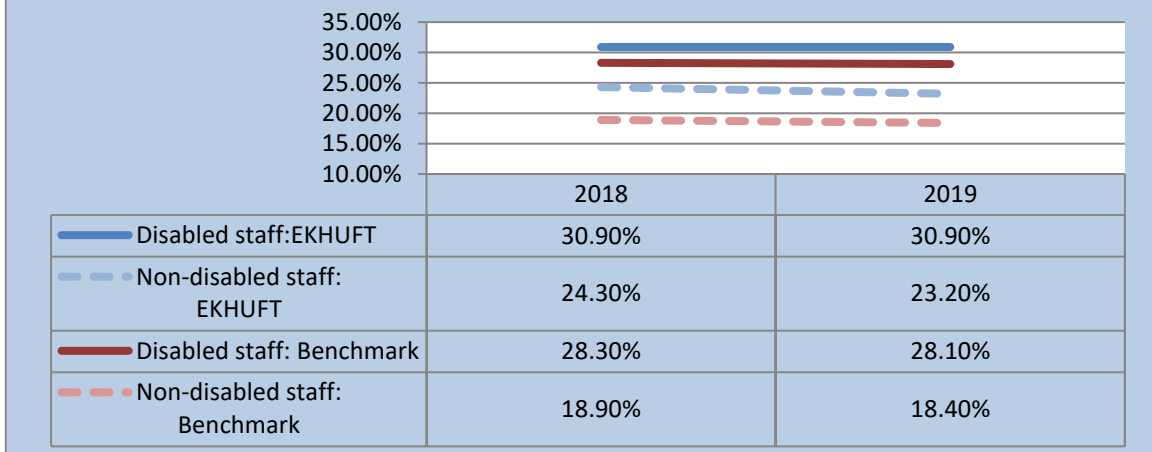|	2018	2019
Disabled staff: EKHUFT	38.70%	39.30%
Non-disabled staff: EKHUFT	32.50%	32.30%
Disabled staff: Benchmark	34.40%	33.90%
Non-disabled staff: Benchmark	26.90%	27.30%

The proportion of disabled staff reporting Harassment, bullying or abuse from patients, relatives or public has increased over the last year and EKHUFT remains between 4% and 6% higher than our benchmark group

Harassment, bullying or abuse from: Manager

	2018	2019
Disabled staff: EKHUFT	30.50%	25.50%
Non-disabled staff: EKHUFT	21.20%	17.90%
Disabled staff: Benchmark	20.00%	19.70%
Non-disabled staff: Benchmark	12.10%	11.00%

There has been a very satisfying drop in the level of disabled staff reporting harassment, bullying or abuse from managers. The difference between EKHUFT and our benchmark group has reduced considerably during the last year
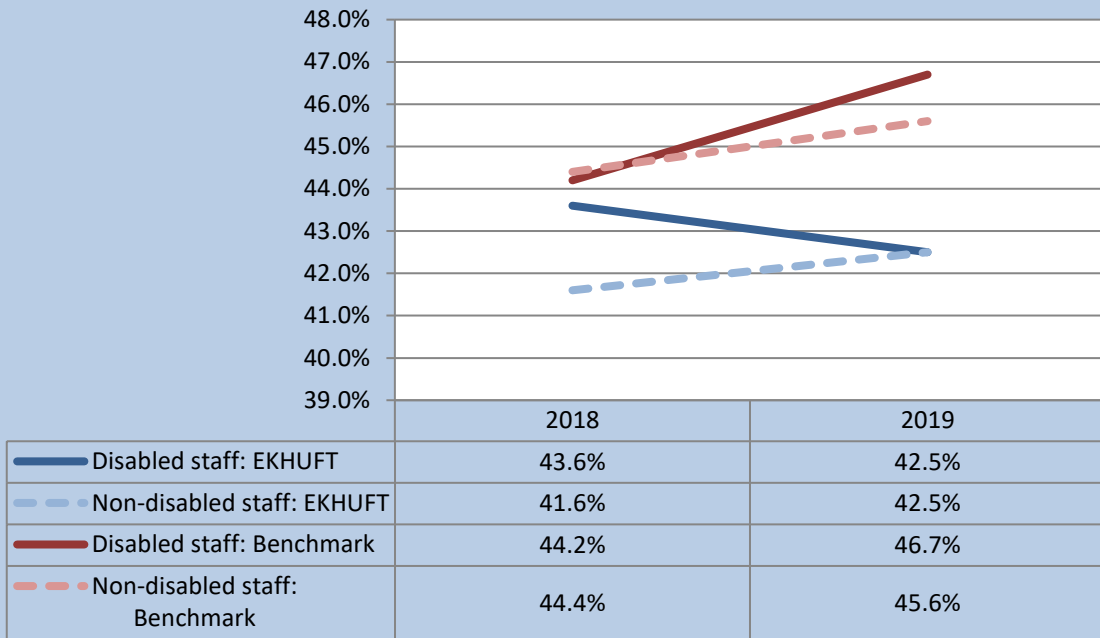
Harassment, bullying or abuse from: Colleagues

	2018	2019
Disabled staff:EKHUFT	30.90%	30.90%
Non-disabled staff: EKHUFT	24.30%	23.20%
Disabled staff: Benchmark	28.30%	28.10%
Non-disabled staff: Benchmark	18.90%	18.40%

The levels of reported harassment, bullying or abuse from colleagues remains consistent

3.4.2   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.
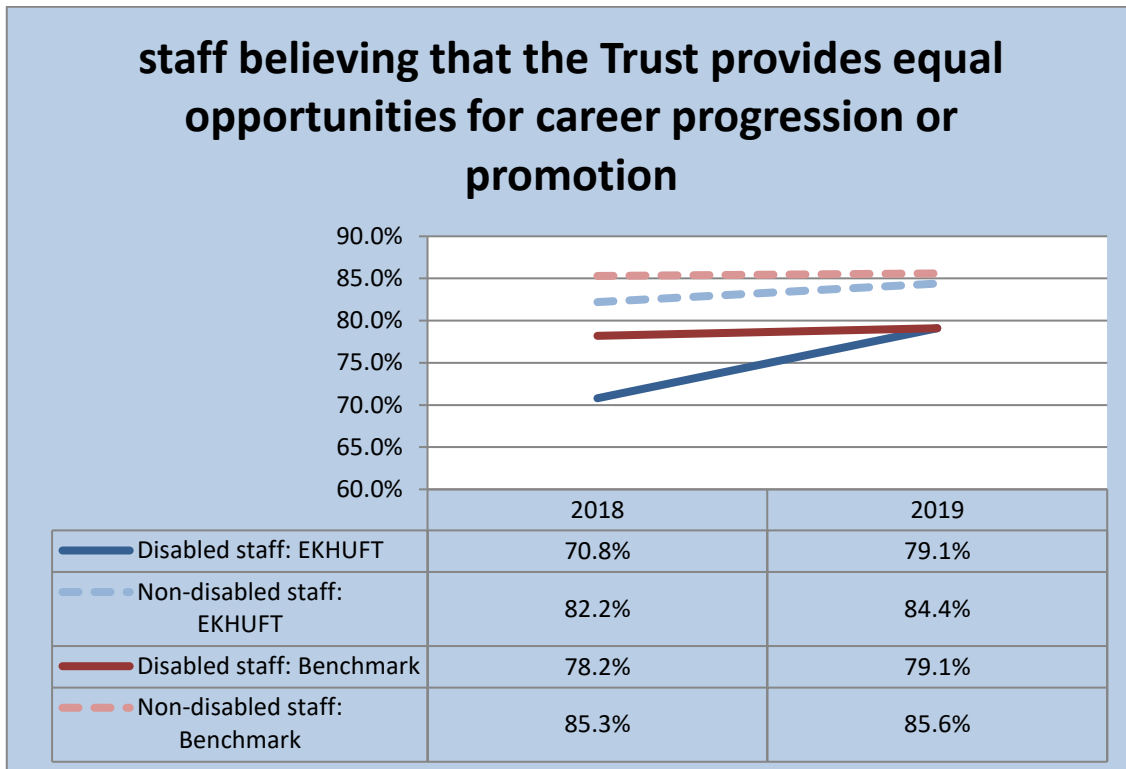
Reporting harassment, bullying or abuse at work

	2018	2019
—— Disabled staff: EKHUFT	43.6%	42.5%
- - Non-disabled staff: EKHUFT	41.6%	42.5%
—— Disabled staff: Benchmark	44.2%	46.7%
- - Non-disabled staff: Benchmark	44.4%	45.6%

There has been a small but uncharacteristic drop in the proportion of disabled staff saying that the last time they experienced harassment, bullying or abuse at work, they or a colleague reported it.
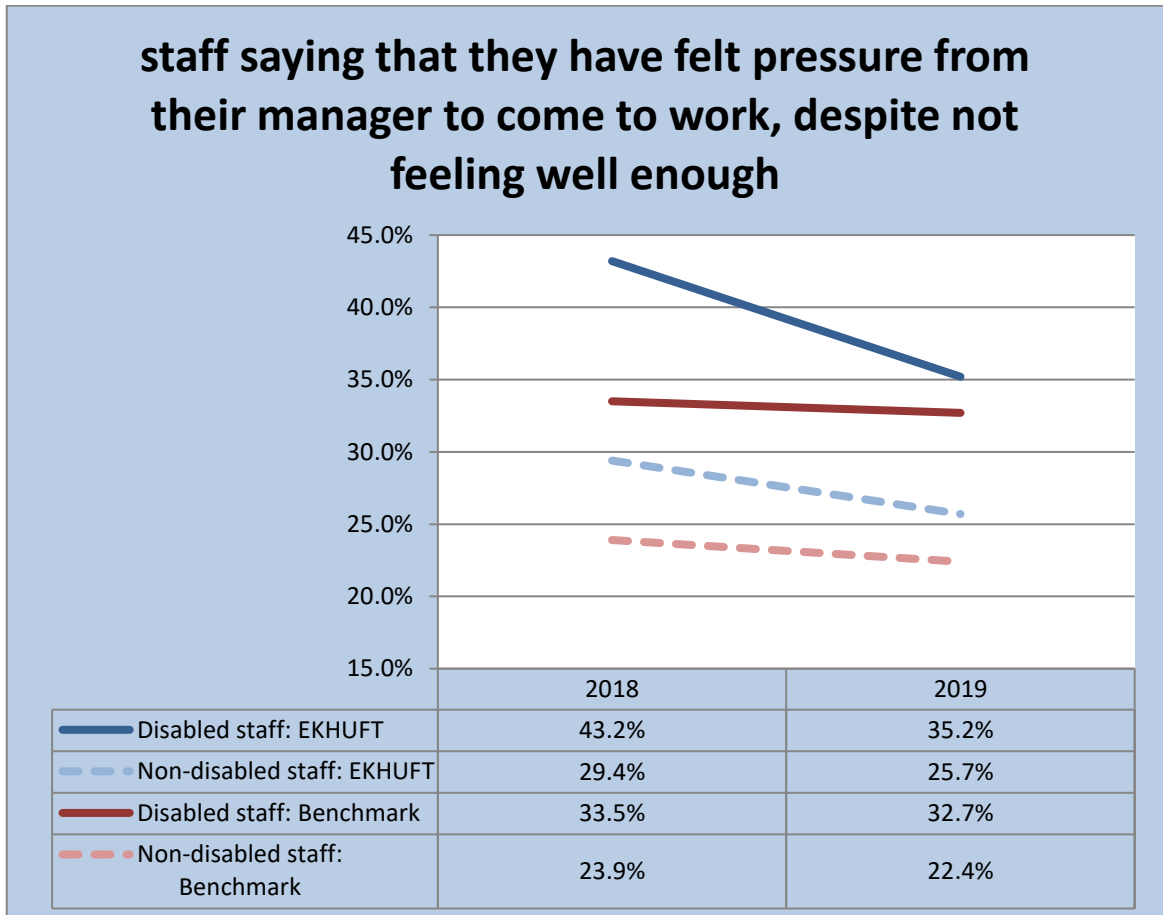
3.5 Metric 5

3.5.1 Percentage of Disabled staff compared to non-disabled staff believing that the Trust provides equal opportunities for career progression or promotion.

staff believing that the Trust provides equal opportunities for career progression or promotion

	2018	2019
Disabled staff: EKHUFT	70.8%	79.1%
Non-disabled staff: EKHUFT	82.2%	84.4%
Disabled staff: Benchmark	78.2%	79.1%
Non-disabled staff: Benchmark	85.3%	85.6%

There has been a pleasing improvement in the numbers of disabled staff believing that the Trust provides equal opportunities for career progression or promotion
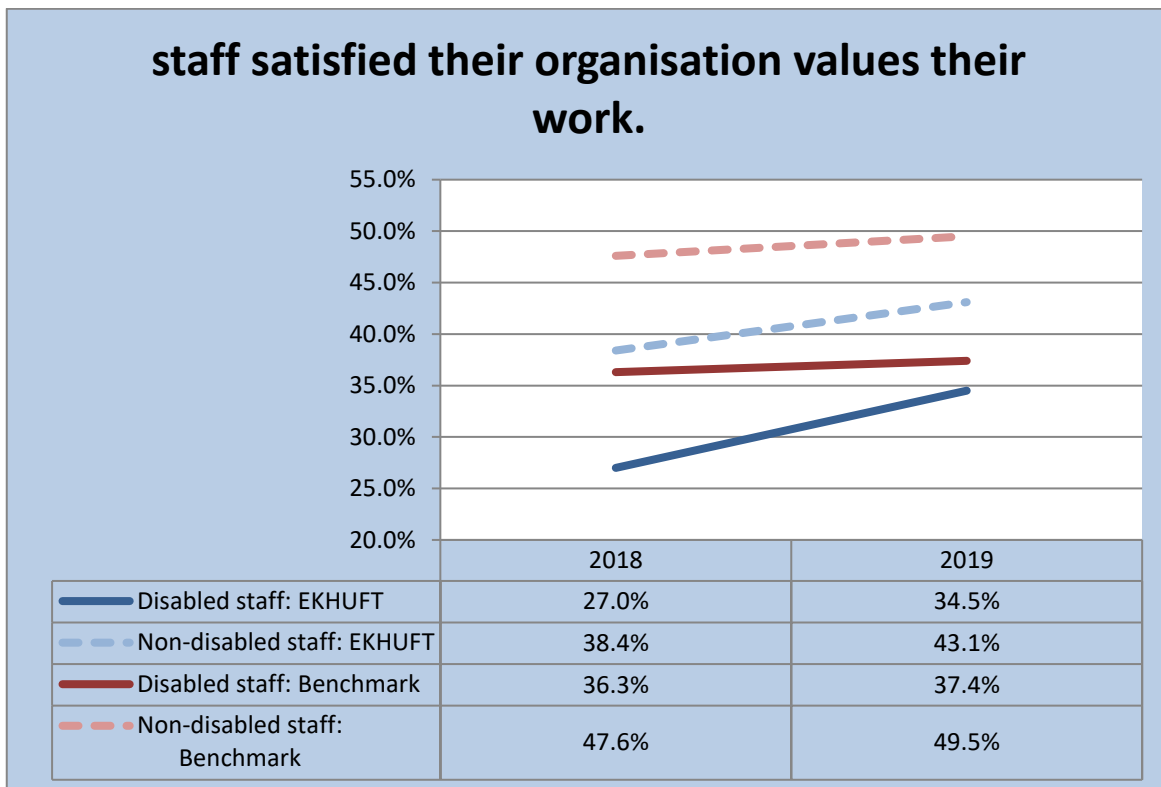
3.6   Metric 6

3.6.1   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.

staff saying that they have felt pressure from their manager to come to work, despite not feeling well enough

	2018	2019
Disabled staff: EKHUFT	43.2%	35.2%
Non-disabled staff: EKHUFT	29.4%	25.7%
Disabled staff: Benchmark	33.5%	32.7%
Non-disabled staff: Benchmark	23.9%	22.4%

Percentage of Disabled staff saying that they have felt pressure from their manager to come to work, despite not feeling well enough to perform their duties has reduced considerably.

3.7 Metric 7

3.7.1 Percentage of Disabled staff compared to non-disabled staff saying that they are satisfied with the extent to which their organisation values their work.

staff satisfied their organisation values their work.

	2018	2019
Disabled staff: EKHUFT	27.0%	34.5%
Non-disabled staff: EKHUFT	38.4%	43.1%
Disabled staff: Benchmark	36.3%	37.4%
Non-disabled staff: Benchmark	47.6%	49.5%

The percentage of Disabled staff staff saying that they are satisfied with the extent to which their organisation values their work is another area which has seen significant improvement during the last year.
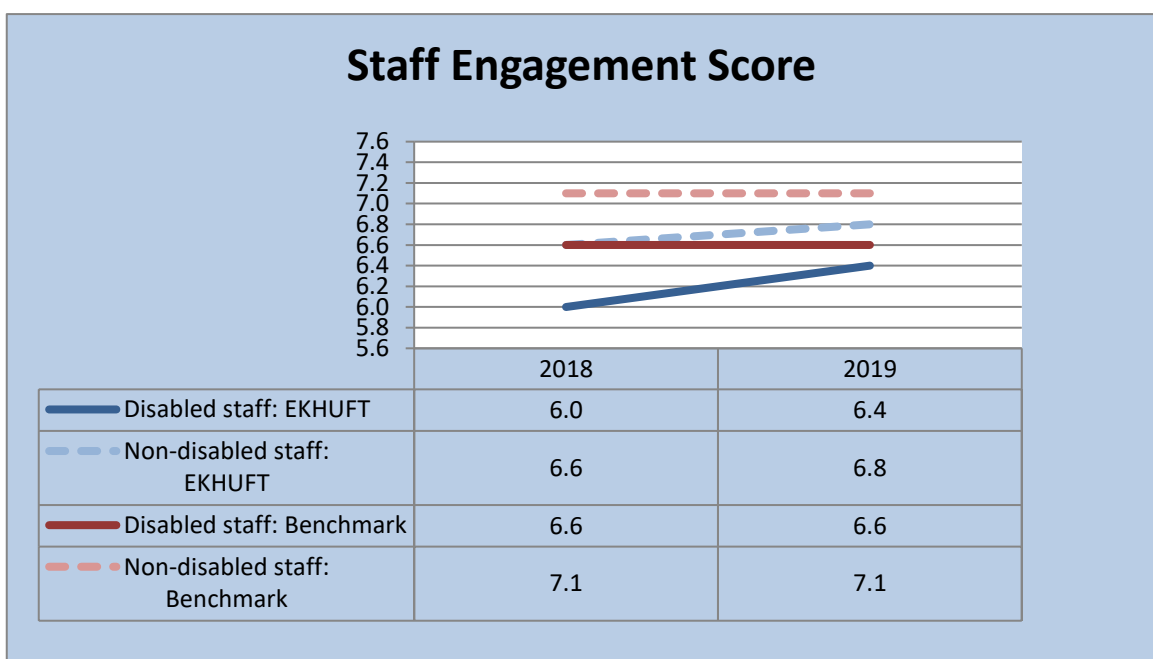
3.8 Metric 8

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

staff saying that their employer has made reasonable adjustment(s)

	2018	2019
Disabled staff: EKHUFT	64.8%	74.0%
Disabled staff: Benchmark	72.1%	73.3%
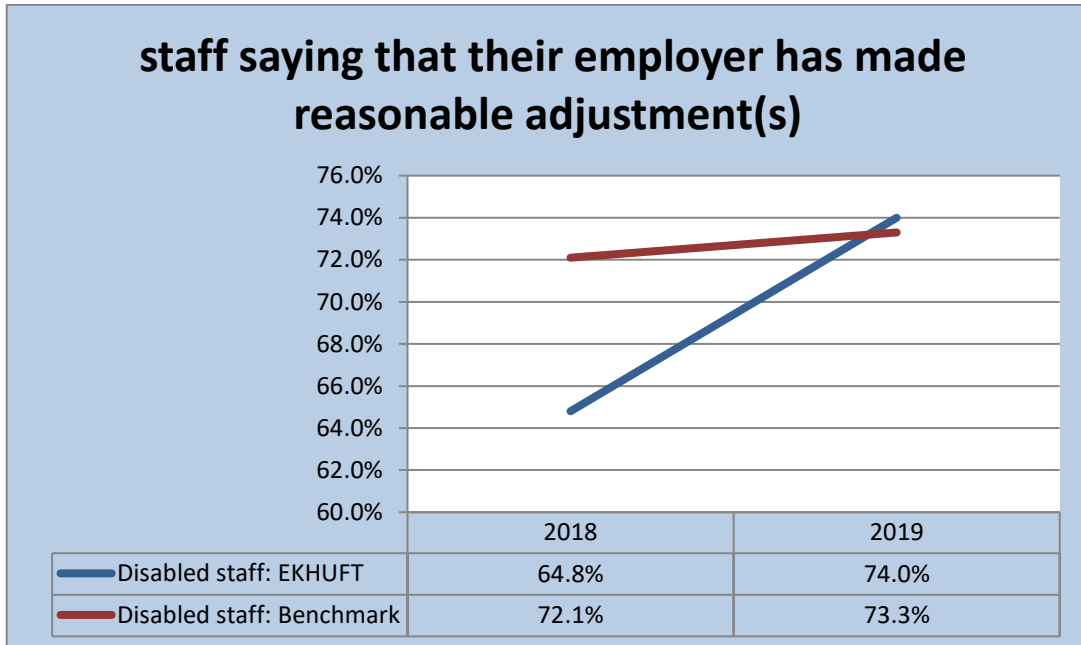
3.8.2   64.80% Disabled staff said that their employer had made adequate adjustment(s) to enable them to carry out their work in the 2018 survey that had increased to 74.0% in 2019 higher than the benchmark average.

3.9   **Metric 9 a)**   The staff engagement score for Disabled staff, compared to non-disabled staff and the overall engagement score for the organisation.

Staff Engagement Score

	2018	2019
Disabled staff: EKHUFT	6.0	6.4
Non-disabled staff: EKHUFT	6.6	6.8
Disabled staff: Benchmark	6.6	6.6
Non-disabled staff: Benchmark	7.1	7.1

Our disabled staff engagement score has improved but remains lower than our benchmark group average.

3.9.1 **Metric 9 b)** Has your Trust taken action to facilitate the voices of Disabled staff in your organisation to be heard? (Yes) or (No) **YES**

3.9.2 EKHUFT Has acted to facilitate the voices of Disabled staff in our organisation to be heard. We encourage and support staff to join the Disabled Staff Council (DSC), which meets once every two months. The Chair of the DSC attends the Equality, Diversity and Inclusion Steering Group (EDISG) which includes Chief Nurse and Director of Quality (Dep. Chair)
- Director of Communications
- Director of Human Resources (Chair)
- Director of Estates and Facilities
- Head of Patient Experience
- Healthwatch representative

The meetings of the EDISG are reported through the Strategic Workforce Committee and the Quality Committee to the Board of Directors.

3.10 **Metric 10** Percentage difference between the organisation's Board voting membership and its organisation's overall workforce, disaggregated:
- By voting membership of the Board.
- By Executive membership of the Board.

Numbers of Disabled staff	Exec Membership	Voting Membership	Trust
No	4	8	5431
Not Declared	3	6	2876
Yes		1	295
Grand Total	7	15	8602

% of Disabled Staff	Exec Membership	Voting Membership	Trust
No	57.14%	53.33%	63.14%
Not Declared	42.86%	40.00%	33.43%
Yes	0.00%	6.67%	3.43%

% difference	Exec Membership	Voting Membership
No	-5.99%	-9.80%
Not Declared	9.42%	6.57%
Yes	-3.43%	3.24%

Note:
Foundation Trusts may also want to consider the disability

status of Trust governors, and whether they are broadly representative of the local population.

4 Recommended Actions

The following actions are designed to address the most significant issues from the WDES metrics and to compliment the recommended Actions from the Workforce Race Equality Standard (WRES).

Workstream	Workforce Disability Equality Standard					
Accountable	Director of Human Resources and Organisational Development					
Specific Actions	Continue Conscious Inclusion training for Managers	New campaign highlighting trusts policy to protect Staff from experiencing harassment, bullying or abuse from Patients/service users, their relatives or other members of the public	Work with KPMG to develop strategy to tackle harassment, bullying abuse or discrimination	Publicity Campaign to increase self reporting of protected characteristics.	Research an inclusive approach to disability leave policy	Review Disability Confident process and support
Responsible	Head of EDI	Head of EDI	Head of EDI	Head of EDI	Head of EDI	Head of EDI
Start date	07 August 2020	30 September 2020	01 August 2020	30 September 2020	01 October 2020	01 October 2020
Progress Review Date	09 November 2020	01 January 2021	30 September 2020	30 November 2020	01 December 2020	30 November 2020
Progress	Underway, on track	Not Started	Underway, on track	Not Started	Not started	not started
Completion date	Ongoing	31 March 2021	tbc	31 March 2021	01 December 2020	312/1/21
Key Deliverables & Outcomes	Increase the proportion of disabled staff believing the trust provides equal opportunities from 79% to 82%	reduce reported levels from 39% to 35%	Metrics to be determined	Reduce the level of undeclared disability from 33% to 25%	Reduce the relative likelihood of disabled staff entering the ill health capability process from 7.3 to 4.0	reduce the relative likelihood of being appointed from shortlisting to 1.00
RAG						
Risks to delivery	Staff availability and workload	Staff perception of HBA. Address with information campaign		Appropriate media available	New policy approval	

Not Started	
Underway, on track	
Slight variation to plan (predicted 1 month delayed)	
Major variation to plan (predicted more than 2 months delayed)	
Completed	

5 Next Steps

5.1 EKHUFT is expected to publish data for each of the metrics and use this information to develop a local action plan to improve the experience of disabled staff. Year-to-year comparisons will demonstrate progress and challenges.

5.2 NHS England has sent the Head of EDI a pre-populated WDES spreadsheet based on data from the NHS Staff Survey and ESR for the period 1 April 2019 – 31 March

2020 (similar to the Workforce Race Equality Standard (WRES) process).

5.3 The checked and completed spreadsheet was submitted via the Strategic Data Collection Service (SDCS) before 31 August 2020.

5.4 The Head of EDI has 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 by 31 August 2020 .

5.5 By 31 October 2020, EKHUFT must publish the Board ratified WDES Metrics and action plan on our website.

5.6 The raw data submitted to NHS England via SDCS will enable high-level comparative analysis across all NHS Trusts and Foundation Trusts.

6 Conclusion

6.1 The main issues identified as a result of the data analysis are:
- Bullying Harassment and abuse
- Ill health capability
- Presenteeism
- Feeling valued and
- Self-declaration of protected characteristic status.

It is anticipated that the action plan for 2020/21 will address these issues.