

TRUST BOARD (PUBLIC)

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| Title: | Diversity and Inclusion Annual Report 2019/20 |
| Action: | FOR DISCUSSION/DECISION |
| Meeting: | 15th July 2020 |

Purpose:

We are committed to providing personal, fair and accessible services to our diverse communities, promoting equality and diversity in the work place and eliminating discrimination in line with our responsibilities under the Equality Act 2010. This includes our duty to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it.'

We use the Equality Delivery System 2 (EDS2), as a tool to help us to deliver against our statutory requirements in relation to our staff and service users.

This Diversity and Inclusion Annual Report demonstrates our annual progress against each of the three responsibilities mentioned above and demonstrates our commitment to an equal and inclusive society. We are proactively working with the wider community to develop how we can best engage with our diverse communities and those who are perhaps struggling to access or engage with our services.

This paper updates the board on the outcomes of our annual Diversity and Inclusion performance for 2019/20 and outlines our proposed local Equality Objectives for 2020/21. The report also provides the Board with an update on performance against Workforce Race Equality Standards (WRES) and Workforce Disability Equality Standards (WDES).

Recommendations

The Board is asked:

1. To note the Trust's performance against the Equality and Diversity Outcomes for 2019/20.
2. To approve the proposed Equality Objectives for 2020/21.
3. To review the attached WRES and WDES summary comparison
4. To note the Gender Pay report

| | Name | Title |
|--------------------|----------------|---|
| Author: | Mercy Kusotera | Assistant Director of Corporate Governance |
| Executive sponsor: | Anita Pisani | Deputy Chief Executive/Trust-Board Lead for Diversity and Inclusion |

Trust Objectives

| Objective | How the report supports achievement of the Trust objectives: |
|-------------------------------|--|
| Provide outstanding care | By having a workforce reflective of the population we provided care to and or being sensitive to the diverse needs of the population. |
| Collaborate with others | The paper demonstrates how the Trust works in collaboration with our NHS partners and other stakeholders across the system in the effective delivery of our services. The Trust recognises its public duties under the equality act to work with other statutory bodies to promote equity of access and remove discrimination and promote understanding between people with different protected characteristics. |
| Be an excellent employer | This paper sets out areas of good practice and areas for improvement in supporting diversity and inclusion in our workforce and eliminating discrimination. |
| Be a sustainable organisation | The report provides an update on how the Trust is managing the funding reductions while ensuring that no groups are disadvantaged. |

Trust risk register

Risk: 3166 – Outstanding Care and Care Quality Commission Standards

Risk: 3164 – Workforce Challenges

Risk: 3163 – Staff Morale

Legal and Regulatory requirements:

The setting of Equality Objectives and annual review of performance relates to the Trust's compliance with the Equality Act (2010).

The report also provides an update on the Workforce Race Equality Standard (WRES) and Accessible Information Standard for NHS Trusts.

NHS Constitution – Patients' Rights and Pledges

Diversity and Inclusion implications:

| Objective | How the report supports achievement of objectives: | | | | | | | |
|---|---|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Achieve an improvement in the percentage of service users who report that they are able to access the Trust services that they require | The Annual report provides an update to the Board on the delivery against the four Equality and Diversity objectives of the Trust and includes an improvement plan for the following 12 months. It provides a summary and self-assessment in relation to the delivery of these four local objectives. | | | | | | | |
| To introduce people participation in our diversity and inclusion initiatives to capture the experience of hard to reach/seldom heard/varied community groups. | | | | | | | | |
| Introduce Disability Passport Scheme to record agreed reasonable adjustments. | | | | | | | | |
| To utilise the diverse experience and backgrounds of our Trust Board members in promoting an inclusive culture. | | | | | | | | |
| Are any of the following protected characteristics impacted by items covered in the paper: ALL | | | | | | | | |
| Age | Disability | Gender Reassignment | Marriage and Civil Partnership | Pregnancy and Maternity | Race | Religion and Belief | Sex | Sexual Orientation |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

1.0 EXECUTIVE SUMMARY

- 1.1 The Equality Act 2010 places a statutory duty on public sector organisations to fulfil its Public Sector Equality Duty.
- 1.2 The Public Sector Equality Duty has three aims. It requires public bodies to have due regard to the need to:
- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - Foster good relations between people who share a protected characteristic and people who do not share it.
- 1.3 To meet these duties, the Trust has adopted the process outlined in the Equality Delivery System (EDS) and subsequently the second iteration (EDS2), an equality framework developed by the NHS Equality & Diversity Council to ensure a robust approach to how NHS organisations meet their duties under the Equality Act.
- 1.4 This leads the Trust to undertake an annual staff and stakeholder review of our performance against an Equality and Diversity Outcome Framework, and use this to formulate a set of Equality Objectives and annual Equality Improvement Plan.

2.0 Annual Review of Performance

- 2.1 As part of the 2019/20 assessment of the Trust's progress against the Equality and Diversity outcomes, the Trust has undertaken the following:
- A review of Healthwatch feedback for any comments/issues relating to equality and diversity or which could be aligned to the equality outcomes.
 - A review of patient survey and complaints feedback for any comments relating to equality and diversity or which could be aligned to the equality outcomes.
 - A review of the staff related objectives was undertaken virtually (due to Covid-19) by the Workforce Diversity and Inclusion Group in March 2020.
 - The staff objectives grading outlined above was informed by an evidence pack documenting examples of good practice in diversity and inclusion across the Trust; this is attached at **Appendix A** for reference.
 - In addition, the Trust's Joint Consultation and Negotiation Partnership (JCNP) committee were given oversight of all EDS documentation and evidence for evaluation and feedback in May 2020. These were presented to the People Participation Committee on 1 July 2020 and agreed ahead of being presented to the Board on 15 July 2020.
 - A review of raising matters of concern/whistleblowing cases reported between April 2019 and March 2020.

3.0 WORKFORCE

- 3.1 As part of the Trust governance arrangements to ensure we meet our two staff related EDS objectives, as well as our wider Workforce Diversity and Inclusion aspirations, the Assistant Director of Workforce chairs the Workforce Diversity and Inclusion group which reports to the People Participation Committee.
- 3.2 The group has membership from across services, staff groups and localities and includes members from a wide range of protected characteristics groups, including all 5 of the Trust Cultural Ambassadors who are senior BAME staff who have undertaken training facilitated by the Royal College of Nursing and who act as critical friends during formal human resources procedures such as disciplinary and grievances where the subject to the disciplinary or the person raising the grievance is from an BAME heritage. The aim being to help ensure the process and decision making is free from cultural bias.
- 3.3. During 2019/20 the Trust continued to review how to relaunch its self-managed staff diversity network, which has not been active following the resignation of its chair in 2019. This network was relaunched in June 2020; a BAME staff network in the first instance with plans to have networks for staff who share other protected characteristics as required.
- 3.4 The Trust continues to support BAME and female staff to undertake national leadership and development programmes aimed at helping fair career progression, where they are often disproportionately underrepresented.
- 3.5 The Trust continued to advertise all jobs on a flexible working basis to attract a wider range of applicants and finalised the roll out of BAME representation on interview panel where a BAME applicant is shortlisted and is generally widening the diversity of those involved in recruitment including exploring options to have service users involved in selection.
- 3.6 To support staff health and wellbeing, in particular mental well-being, we trained 44 staff in Mental Health First Aid Lite in early 2020, with the plan to launch them as Health and Wellbeing champions. They will receive refresher training before this role is launched later in the year.
- 3.7 The Trust reported its first Workforce Disability Equality Scheme (WDES) data in 2019, and took action on the key areas for improvement which is highlighted in **Appendix D**. In December 2019, the Trust introduced its Adjustments passports to support staff who require adjustments at work including but not limited to disabled staff. The passport recorded adjustments agreed and will follow the member of staff if they move or have a change of manager, and is regularly reviewed to ensure it is still relevant. Plans are in place to review this further and to make it a Trust employment passport where other support/ adjustments can be recorded, including supporting staff who have caring responsibilities. We also published our managers' guide on supporting disabled staff.
- 3.8 We published our annual Workforce Race Equality (WRES) data and action plan in 2019. Actions taken to address the areas for improvement raised include training mentors; this included training the board in diversity mentoring as part of our Big 9 mentoring scheme. Due to Covid-19 formal launch of this was delayed; however we continue to train mentors and to match mentors and mentees.
- 3.9 The Proposed EDS2 rating for the 2 staff related areas are attached at **Appendix A**. The proposal is to maintain the excelling rating across all 9 indicators which we agreed in 2019.
- 3.10 The Trust publishes annual gender pay gap reports and the 2019 report is attached at **Appendix E**. The actions from 2018 continue to be the focus of action from the 2019 report.

4.0 Staff Survey Results

- 4.1 During 2019/20, the Trust took action to address the feedback given by staff in the 2018 annual staff opinion survey and also undertook the 2019 staff survey. An action plan is in place to act on 2019 feedback; this includes feedback on our support to our diverse staff. The feedback also includes specific questions which are part of the data used in the WDES and WRES reports and action plans.
- 4.2 **Appendix C** and **Appendix D** show WRES and WDES data respectively including staff survey feedback for 2019 and previous surveys.

5.0 WRES and WDES Objectives

5.1 WDES Objectives 2019/20 were

- To Implement a disability passport;
- To establish a staff led, disabled staff network;
- To offer mentoring to disabled staff;
- To review the options for disability leave within the newly implemented Working with a Disability – Staff Support Guidelines and the Sickness Absence Policy;
- To increase the number of staff who declare their disability.

- 5.2 Publication of the 2020 data is delayed nationally due to Covid-19, however we have reviewed our draft data and the People Participation Committee agreed the objectives to be implemented during 2020/21.

5.3 WDES Objectives 2020/21

- To review the options for disability leave within the Working with a Disability – Staff Support Guidelines and the Sickness Absence Policy;
- To support the ongoing use of the Adjustments Passport;
- To promote the use of the Covid-19 staff risk assessment and appropriate actions;
- To support disabled staff to establish a staff network as required;
- To review the lessons learnt during Covid-19 on how disabled / staff in the critically high risk groups were supported to work differently, including disability leave.

- 5.4 There has been a significant increase in the number of staff declaring working with a disability, since March 2020, due to staff declaring their critically at risk status of Covid-19, and recording this in their personal staff record. As anticipated, when staff can see that their data will be used for positive benefits this encourages them to declare, rather than fear this might be used against them.

- 5.5 Through communication on the actions taken to support staff, by highlighting at Trust Induction and through promoting the Adjustments Passport, along with other activities, we will continue to promote the value for staff in declaring that they have a disability to help us know if more action is required.

5.6 WRES Objectives in 2019/20 were

- To finalise the implementation of BAME representation on recruitment panels;
- To make recruitment training as mandatory for all recruitment panel members;
- To widen and relaunch the offer of mentoring for BAME staff;
- To offer more interactive theatre style training to teams/localities.

- 5.7 These objectives were partly met, with finalisation of training for all involved in recruitment to be completed during 2020.
- 5.8 Publication of the 2020 data is delayed nationally due to Covid-19, however we have reviewed our draft data and the People Participation Committee agreed the objectives to be implemented during 2020/21.

5.9 WRES Objectives 2020/21

- To promote at all sites and in all services the Trust's zero tolerance toward abuse of staff by members of the public;
- To support managers to address abuse from the public where this takes place;
- To support a BAME staff network and to act on their feedback;
- To target Trust and external leadership and skill development opportunities to BAME staff;
- To introduce BAME mentoring as part of all in house managers skills and leadership development programmes.

6.0 Proposed Workforce EDS2 Objectives - 2020/21

6.1 The 2019/20 EDS Workforce Objectives were reviewed as part of our self-rating in March 2020, and the outcomes of that review are attached at **Appendix A**.

6.2 Based on the feedback at the rating panel and approval at our People Participation Committee, the following workforce EDS Objectives are proposed for 2020/21:

- *To re-launch the Trust Staff Diversity Network and, where staff indicate a desire, to establish protected characteristics specific sub networks. The Networks to be a forum for staff to share experiences, review the Trust Diversity and Inclusion Policy and practices and to give feedback and suggestions on how the Trust can support its diverse workforce and seek to eliminate any bias.*
- *To introduce reverse mentoring into all our in house management and leadership development programmes, to promote diverse leadership through lived experiences.*

7.0 PATIENTS AND USERS

7.1 The Trust is deeply committed to improving the access, experiences, health outcomes and quality of care for all our patients and service users in the diverse communities we serve. This work is led by the Trustwide Working Together Group.

7.2 For next year, the Trust Wide Working Group will involve our service users.

8.0 Accessible Information Standard

8.1 The Accessible Information Standard was published by NHS England in July 2015 and was implemented in August 2016. The Trust continues to build on the progress made on implementing accessible information standard. The Trust is committed to ensuring that all patients/service users, carers and staff members receive information in formats that they can understand and receive appropriate support to help them to communicate. The Communications Team will provide advice and guidance to support staff to deliver accessible communications.

8.2 The Trust has installed Recite Me software on its public websites. This software provides a web accessibility assistive toolbar solution that allows website visitors to customise a site in

a way that works best for them. Additional actions would be implemented to support digital access for our diverse communities.

- 8.3 It was agreed at the last People Participation Committee that a report will be presented to the next meeting describing how our clinical services meet the national standards. For Board members information, an internal audit took place in February/March 2018 in relation to meeting these standards and reasonable assurance was given by our internal auditors.

9.0 Patients and Service Users EDS2 Rating

- 9.1 The Co-Production Leads worked with their relevant services to gather evidence demonstrating how they are meeting their duties under the Equality Act in line with EDS2 as outlined in **Appendix B.**

10.0 Patients and Service Users EDS Objectives 2020/21

- 10.1 Based on the feedback at the rating panel, the following patients and service user EDS Objectives are proposed for 2020/21:

Objective 1: We will measure the impact of our virtual clinical platforms, ensuring that they are fully accessible to the diverse communities we serve.

Objective 2: We will ensure that the recruitment of our volunteers are from the divisive communities they serve.

11.0 RECOMMENDATIONS:

1. To note the Trust's performance against the Equality and Diversity Outcomes for 2020/21.
2. To approve the proposed Equality Objectives for 2020/21 – see below:

Workforce Objective 1 – To re-launch the Trust Staff Diversity Network and, where staff indicate a desire, to establish protected characteristics specific sub networks. The Networks to be a forum for staff to share experiences, review the Trust Diversity and Inclusion Policy and practices and to give feedback and suggestions on how the Trust can support its diverse workforce and seek to eliminate any bias.

Workforce Objective 2 – To introduce reverse mentoring into all our in house management and leadership development programmes, to promote diverse leadership through lived experiences.

Patient/Service User Objective 1: We will measure the impact of our virtual clinical platforms, ensuring that they are fully accessible to the diverse communities we serve.

Patient/Service user Objective 2: We will ensure that the recruitment of our volunteers are from the diverse communities they serve.

3. To note the Gender Pay Gap report.
4. To review the attached WRES and WDES summary comparison.