Title:	**Diversity and Inclusion Annual Report 2018/19**
Action:	**FOR DISCUSSION/DECISION**
Meeting:	**10 July 2019**

Purpose:

The diversity and inclusion annual report provides an update on the progress we have made in relation to equality, diversity and inclusion for patients and service users and also for our staff.

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:

o   eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
o   advance equality of opportunity between people who share a protected characteristic and those who do not.
o   foster good relations between people who share a protected characteristic and those who do not.

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

This paper updates the board on the outcomes of our annual Equality and Diversity performance for 2018/19 and outlines our proposed Equality Objectives for 2019/20. It also sets out the proposed outcomes following the staff rating event for the two EDS workforce objectives, and proposes the areas for action. The report also provides the Board with an update on performance against Workforce Race Equality Standards and the implementation of the new Accessible Information Standard.

The paper will provide an update on the revised governance structure for diversity and inclusion in the Trust.

Recommendations

The Board is asked:
1.   To note the Trust's performance against the Equality and Diversity Outcomes for 2018/19.
2.   To approve the proposed Equality Objectives for 2019/20.
3.   To review and approve the 2019/20 Improvement Plan.
4.   To review the attached Workforce Race Equality Standarda action plan.

	Name	Title
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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 other organisations	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: 2967 – Outstanding Care and Care Quality Commission Standards
Risk: 2970 – Workforce Challenges

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.
To introduce people participation in our diversity and inclusion initiatives to capture the experience of hard to reach/seldom heard/varied community groups.	
To introduce wider diversity on recruitment selection panels.	
To deliver customised training and development for staff to further improve awareness of diversity and inclusion.	

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
☒	☒	☒	☒	☒	☒	☒	☒	☒

1.0   EXECUTIVE SUMMARY

The Equality Act 2010 places a statutory duty on public sector organisations to fulfil its Public Sector Equality Duty.

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.

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.

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.

Annual Review of Performance

As part of the 2018-19 assessment of the Trust's progress against the Equality and Diversity outcomes, the Trust has undertaken the following:

- Drawn on examples of the activities and engagement with diverse communities we serve.
- 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.
- Staff-side representatives and our staff were invited to an EDS2 Grading Panel event in April 2019. Invitation to the grading event was open to all staff. Feedback was invited through the weekly Comms Cascade and Trust website.   Ratings were also reviewed at our Joint Consultative Negotiating Partnership meeting (JCNP).
- National Staff Survey feedback has also been reviewed in relation to diversity and inclusion.
- In addition, the Trust's staff-side committee were given oversight of all EDS2 documentation and evidence for evaluation and feedback.
- A review of raising matters of concern/whistleblowing cases reported between April 2018 and March 2019.

The staff grading event outlined above was informed by an evidence pack documenting examples of good practice in diversity and inclusion across the Trust.

Feedback was broadly positive and stakeholders make a number of suggestions for improvement actions that could be undertaken during the 12 months.

2.0 WORKFORCE

The Trust's Workforce Diversity and Inclusion Group, continues to support the Trust's overall diversity and inclusion agenda, by leading on the planning and implementation of actions to support fairness, equity and the elimination of prejudice and discrimination for our staff and applicants.

2.1 Age Equality

The Trust offers flexible retirement as an alternative to staff retiring completely and to support our older workforce. (For information, twenty-six members of staff retired and returned during the year 2018/19).

This is particularly helpful as some clinical staff groups can retire with their NHS Pension at 55 when many people are not ready to stop working completely. This is available on request and is accommodated wherever possible and supports the retention of knowledge and skills whilst freeing up roles for progression to other staff. In 2018/19 the guidance for managers and staff on flexible retirement options was reviewed to make it more user friendly and supportive.

2.2 Health and Disability Equality

Sickness absence levels continue to vary across the Trust as does the support given to staff who are unwell. To support staff - and in particular those who have a disability or long term condition - during 2018/19 the human resources team began implementing a 'people over process' personalised approach to managing staff attendance. This was formalised in June 2019 with a new set of guidance for both managers and members of staff.

We have simplified the guidance on work place stress assessments and will be working with staff who have been absent from work due to mental ill health, stress or anxiety.

We supported the mental wellbeing of staff with successful Mental Wellbeing Weeks in May 2018 and May 2019 which raised the profile of the importance of paying attention to your own mental health and wellbeing.

To support our 93% female workforce who may be going through menopause, we offer advice and signposting on the intranet and further guidance has been included in our new staff health and wellbeing policy.

2.3 Working with Staffside

Partnership working with trade unions continues to be positive and the Trust supports protected time for the Staff Side Chair to undertake her duties on a full time basis. An example of this is our proactive work with the Royal College of Nursing (RCN) to introduce Cultural Ambassadors and the adoption of their 'Rest Hydrate Refuel Scheme'. The Trust has also adopted the British Medical Association (BMA) Speciality Doctor (SAS) charter, and the Trust is working with the RCN on introducing their Disability Passport Scheme.

2.4 Gender Pay Equality

In March 2019, the Trust published its second gender pay gap report. The report shows the percentage of male and female workers in each pay band and those medical consultants in receipt of Clinical Excellence Awards. The gender pay gap report was presented to the Board earlier this year.

The Trust Workforce Diversity and Inclusion steering group will oversee our 2019 Gender Pay Gap Implementation Plan, which is to:

o Continue to promote flexible working in senior roles to attract female applicants, including job share as standard in all Executive Director job adverts;
o Commission a second Springboard Development programme for female staff to supplement the current programme in 2019, and encourage staff to attend;
o Continue to review shortlisting and appointment data by gender, and recommend actions if any issues identified;
o To offer mentoring and coaching opportunities with female coaches and mentors; in particular to newly appointed female managers and to explore reverse mentoring to senior male staff from junior female staff;
o Review how we attract more male applicants into the NHS early on in their career through a revised work experience programme and other measures;
o Offer support on Clinical Excellence Award (CEA) applications to all consultants;
o Promote role models though "face of the service" staff stories to promote male role models in traditional female roles.

2.5 Race Equality

The Trust's Workforce Race Equality Standards (WRES) Action Plan continues to be delivered. The following actions have been implemented:

o introducing BME representation on recruitment panels where a BME applicant is shortlisted;
o running a successful series of diversity and inclusion drama events across all of our localities to explore with our staff perceptions, behaviours and reflections on diversity and inclusion in the workplace and explore the current culture within the Trust and identify, in a collaborative way, the behaviours and language that promotes positive working practices (12 sessions held with over 400 participants attending);
o working with the above training provider to identify relevant work place and service scenarios;
o planning further sessions for Luton based services;
o addressing issues staff raised directly as a result of attending the training as they felt it gave them a voice to challenge unacceptable behaviours;
o appointing a NExT Scheme Non-Executive Director (from November 2018) to support them in getting exposure to board level working and to support their development for a future board level role;
o ongoing and wider use of the Cultural Ambassadors' expertise to advise managers at informal stages of HR processes involving BME staff, with the aim to stop issues arising which require formal action agreed and in planning stages;
o resolution practices as part of the Bulling and Harassment and Grievances Policies to seek and agree formal solutions without resorting to formal procedures;
o more focus on inclusive leadership development in our in-house leadership and management development programmes;
o ongoing work to revise the line manager's induction programme to focus on good management and leadership skills and how to manage people well;
o finalising the roll out of unconscious bias e-learning;
o reviewing and continuing to support and develop the diversity network and look into the options for more networks and how to 'facilitate 'these'.

Our 2019 WRES action plan will be agreed in August 2019 ahead of formal publication of our 2018 WRES data by the end of September 2019. The Trust continued to perform better than our peers in the 2018 National Staff Survey. However, our BME members of

staff were still reporting a slightly less positive experience of working in the Trust when compared to our white employees.

2.6 Disability Equality

By the end of July 2019 we will publish our first Workforce Disability Equality Standard Report (WDES). This report uses data, similar to the WRES criteria, comparing disabled staff to their non-disabled counterparts. Based on the report, we will plan and implement actions to support our disabled staff. Work has already begun on this as detailed in other parts of this report. A presentation on the WDES is attached at **Appendix 1**.

2.7 Sexual Orientation Equality

The Trust is participating in the NHS Rainbow Badge scheme. Wearing a rainbow badge is a way for our staff to show that this is an open, non-judgemental and inclusive place for people that identify as LGBT+. The + simply means that we are inclusive of all identities, regardless of how people define themselves. Our staff can volunteer to wear an NHS Rainbow Badge by signing a declaration that they are committed to the principles of equality and inclusivity detailed above.

2.8 Reflecting the communities we serve

The Trust is committed to having a workforce that is reflective of the communities we serve.

2.8.1 Board Diversity

As part of our Well Led Improvement Plan, the Board has had a commitment to improve the Trust's Board diversity over the last few years. In November 2018, the Trust appointed a NExT Director Scheme Associate Non-Executive Director from a BME background to support them in getting exposure to board level working and to support their development for a future board level role. The Trust continues to focus on recruiting diverse candidates to the Board. As at 31 March 2019, the Board had one vacancy for a Non-Executive Director. This post has now been recruited to and the individual commenced in June 2019. They are from a BME background.

2.8.2 Local Census Comparison

The Trust, through the Workforce Diversity and Inclusion Group, monitors its workforce profile against census data to ensure our staff are as reflective of the communities they serve as much as possible. This is in line with the NHS Equality and Diversity Council's goal *"to help improve the access, experiences and health outcomes for all patients and communities, and to support the NHS to become a more inclusive employer by making full use of the talents of its diverse staff and the communities it serves".*

Appendix 2 shows the staff in post as at 31 March 2019 against the locality census data covering the entire geography of the Trust. The data has been analysed to highlight positive or negative 5% variances in red. 'Unknowns' are excluded from calculations for the purpose of this report. The data shows that the Trust workforce is generally reflective of the local populations, but there are still areas of improvement.

2.9 Staff Survey Results

2.9.1 The 2018 staff survey had 29 Key findings which have been grouped into ten themes, compared to 32 in 2017. In all these the Trust has been compared nationally to a benchmarking group of 16 organisations. The themes are:

- o Equality, diversity and inclusion
- o Health and wellbeing
- o Immediate managers
- o Morale
- o Quality of Appraisals
- o Quality of care
- o Safe environment – bullying and harassment
- o Safe environment – violence
- o Safety culture
- o Staff engagement

2.9.2 In 18 out of the 29 key findings (62%) our staff rated the Trust as the best in the country when compared to our peers (In 2017, this was in 19 out of 32 key findings (59%)).

2.9.3 In line with the Workforce Race Equality Standard, four indicators are reported by splitting out White and Black and Minority Ethnic (BME) staff experiences. These are:

- o Indicator 5 - % of staff experiencing harassment, bullying or abuse from patients, relatives or the public in the last 12 months
- o Indicator 6 - % of staff experiencing harassment, bullying or abuse from staff in last 12 months
- o Indicator 7 - % of staff believing that the organisation provides equal opportunities for career progression or promotion
- o Indicator 8 - In the last 12 months have you personally experienced discrimination at work from manager/team leader or other colleagues

Our BME staff have rated their experiences better than the national average for all four indicators when compared to our peers. However, all indicators have increased/decreased in the wrong direction from our 2017 results. Further analysis at service and team level is now taking place to understand these results more fully.

2.9.4 In this year's survey we are also able to breakdown feedback from disabled members of staff against 7 indicators. This feedback will inform the basis of our action plan to meet the new Workforce Disability Equality Standard. Our Diversity and Inclusion working group will now analyse this year's results in detail and identify improvement actions at both a Trust-wide and Service level as appropriate. The 7 indicators are:

- o Indicator 4a – harassment, bullying and abuse
- o Indicator 4b – reporting harassment, bullying and abuse
- o Indicator 5 – Equal opportunities for career progression/promotion
- o Indicator 6 – Experiencing pressure from your manager to attend work when unwell
- o Indicator 7 – Staff satisfaction with extent work is valued by organisation
- o Indicator 8 – Adequate adjustments made for disabled staff
- o Indicator 9a – Staff engagement

2.10 Staff Networks

During 201819 the Trust continued to support self-managed and staff-led diversity and inclusion network, to help us create a fairer and more diverse workforce. The network provides a forum for our staff to come together, drawing from their own experiences to celebrate diversity, share ideas, raise awareness of challenges, provide support to each other and identify improvement actions.

However, the Trust has struggled to maintain the momentum and to keep the network active without prompting from the management team. A key focus for 2019/20 will be to consider how the Trust can make the network self-sustaining.

2.11 Key points from Workforce EDS2 Rating Event

2.11.1 The Workforce EDS2 Rating Event was held on 10 April 2019. The panel reviewed the available against each outcome for the two workforce related objectives and debated the draft proposed rating and agreed a revised proposed rating in some cases. **Appendix 3** shows the outcome from the rating event.

2.11.2 The panel proposed improvement actions for 2019/20 to further support the Workforce Diversity and Inclusion agenda.

2.11.3 The panel discussion led to the proposed workforce related EDS Objectives 2019/20 below:

Workforce Objective 1 – To introduce a Disability Passport scheme to support disabled staff to have agreed reasonable adjustments in place, which are regularly reviewed and acted upon with the aim to support and retain our disabled staff

Workforce Objective 2 – To utilise the diverse experience and backgrounds of Trust Board members in promoting an inclusive culture, this could include Board members acting as coaches and mentors to staff.

3.0 PATIENTS AND USERS

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.

3.1 Patients and Service Users EDS2 Rating

3.1.1 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 4**.

3.1.2 The Board is asked to review the proposed ratings.

3.2 Patients and Service Users EDS Objectives 2019/20
It is recommended to maintain the same Patients and Service Users EDS Objectives in 2019/20. For reference these are:

Objective 1: Achieve an improvement in the percentage of service users who report that they are able to access the Trust services that they require.

Objective 2: Enhance our approach to involving and capturing the experience of hard to reach / seldom heard / varied community groups

4.0   DIVERSITY & INCLUSION IMPROVEMENT PLAN FOR 2018-19

The Trust's Workforce Diversity & Inclusion Improvement Plan for 2019-20 has been refreshed based on the evaluation of 20181/9 performance as attached in **Annex 1** below.

5.0   GOVERNANCE STRUCTURE

In 2018, the Trust launched its new People Participation Approach. The new approach includes a new Board subcommittee effective from April 2018. As part of this change in approach, the Trust dissolved its Patients and Service Users Group. All work relating to patients/service users' diversity and inclusion is now reported to the People Participation Committee through the Working Together Group.

The Trust's current governance structure for Diversity and Inclusion is outlined in **Appendix 5**.

6.0   RECOMMENDATIONS:

1. To note the Trust's performance against the Equality and Diversity Outcomes for 2018/19.

2. To approve the proposed Equality Objectives for 2019/20 – see below:

    Workforce Objective 1 – To introduce a Disability Passport scheme to support disabled staff to have agreed reasonable adjustments in place, which are regularly reviewed and acted upon with the aim to support and retain our disabled staff

    Workforce Objective 2 – To utilise the diverse experience and backgrounds of Trust Board members in promoting an inclusive culture, this could include Board members acting as coaches and mentors to staff.

    Patient/Service User Objective 1: Achieve an improvement in the percentage of service users who report that they are able to access the Trust services that they require.

    Patient/Service user Objective 2: Enhance our approach to involving and capturing the experience of hard to reach / seldom heard / varied community groups

3. To review and approve the 2019/20 Improvement Plan.

4. To review the attached Workforce Race Equality Standard action plan.

Annex 1 - Workforce Diversity and Inclusion Improvement plan 2019/20 based on EDS2 staff feedback 10 April 2019

Outcome	Proposed Actions
Outcome 3.1- Fair NHS recruitment and selection processes lead to a more representative workforce at all levels.	To complete the roll out of BME panel representation on selection interviews where BME applicants are shortlisted and Unconscious bias training. Patient engagement team rolling out use of service users during selection.
Outcome 3.2- The NHS is committed to equal pay for work of equal value and expects employers to use equal pay audits to help fulfil their legal obligations.	Gender Pay Gap action plan to be implemented
Outcome 3.3- Training and development opportunities are taken up and positively evaluated by all staff.	Continually monitor and action as required
Outcome 3.4- When at work, staff are free from abuse, harassment, bullying and violence from any source.	To continue to promote Zero tolerance. Review outcomes of the Resolution Policy and use of mediation Make Greater use of the Cultural Ambassadors as critical friends to support BME staff that may experience bullying and to advise managers on cultural sensitivity issues.
Outcome 3.5- Flexible working options are available to all staff consistent with the needs of the service and the way people lead their lives.	Flexible working policy reviewed to include an audit trail for HR team to monitor. People Before Process ethos to be adopted by ALL functions. In HR function, this to be embedded in our people processes and support. All roles to be advertised with a massage about flexible/ PT or job share being available
Outcome 3.6- Staff report positive experiences of their membership of the	Managers skills programme to support managers to manage well

workforce.	
Outcome 4.1- Boards and senior leaders routinely demonstrate their commitment to promoting equality within and beyond their organisations	Trust Board and Senior Leads to agree a personal objective around this area.
Outcome 4.2- Papers that come before the Board & other major Committees identify equality-related impacts including risks, & say how these risks are to be managed.	Board to be asked to challenge any instances of N/A recorded against Diversity and Inclusion section in board template.
Outcome 4.3- Middle managers and other line managers support their staff to work in culturally competent ways within a work environment free from discrimination.	Ongoing Leadership and management development