

TRUST BOARD MEETING

25 JANUARY 2018

Paper Title:	BAME Diversity in Employment Strategy – Six Month Review
Section:	Public
Lead Director:	Sandra Knight, Director of HR & OD
Paper Author:	Fiona Sherburn, Deputy Director of HR & OD
Agenda Item:	10
Presented For:	Discussion
Paper Category:	Strategy & Planning

Executive Summary:

Purpose of this Report

The purpose of this report is to provide the Board with a final update on the delivery and impact of the ***BAME Diversity in Employment Strategy***. The report sets out the key achievements for the six months of the strategy as well as input around the impact of the Strategy since its launch in 2014.

A new broader Equality, Diversity and Inclusion Workforce Strategy has now been developed and will be presented to the board in January 2018. In light of new reporting requirements around disability and sexual orientation, this new strategy will encompass all of the equality strands.

Summary of Key Points

The BAME Diversity in Employment Strategy was ratified in April 2014. To support the delivery of the strategy, the Board has agreed a set of metrics and KPIs to measure its impact. This includes the aspirational target of achieving a 35% BAME representation within the workforce at all levels.

Every six months the Board has been provided with an update on progress to date over the previous period and an overview of the priorities for the coming period. Whilst the individual initiatives launched to meet the strategy's objectives have had some success, the diversity of the workforce has seen only a modest improvement.

Following discussions at Board and at the Forward to Excellence session that took place on Cultural Humility in March 2017 and conversations with the NHS leadership academy as well as a review of approaches by exemplar Trusts, it was agreed to focus on a smaller number of interventions focused on a culture shift across the Trust and service ownership.

Over the life of the strategy there have been a number of achievements:-

- 3 cohorts of Moving Forward have taken place.
- Out of the 30 BDCFT participants 10 have secured a more senior role, 7 of these were within the Trust.
- There have been a number of positive shifts against the WRES data including the fact that there is now **no negative difference (0.99) in the likelihood of BME staff being appointed after shortlisting when compared with White staff**. The national average for this metric for mental health Trusts is 1.6 in favour of White applicants.

However there have been some areas that have remained static or have deteriorated as set out in this report; despite the interventions the aspirational target of 35% of the workforce being from a BME background – particularly in the most senior grades- has not been achieved and whilst the gap has narrowed there remain discrepancies between BME and non-BME staff regarding opportunities for career progression and promotion, experiences of harassment and discrimination and over representation in disciplinary processes. The new focus on shifting the culture, and focusing on a smaller number of actions, owned predominantly by the services will be part of the new broader workforce equalities strategy with clear monitoring and reporting processes in place including progress reporting to the Quality and Safety Committee and the Board.

Recommendations:

That the Board:

- Notes the progress that has been made against the strategy; and
- Supports the proposal to incorporate the outstanding actions detailed in section 3 into the new Equality, Diversity and Inclusion Workforce Strategy

Governance/Audit Trail:

Meetings where this item has previously been discussed <i>(please mark with an X)</i> :					
Audit Committee		Quality & Safety Committee		Remuneration Committee	Finance, Business & Investment Committee
Executive Management Team	X	Directors		Chair of Committee Meetings	Mental Health Legislation Committee
Council of Governors					

This report supports the achievement of the following strategic aims of the Trust:
(please mark those that apply with an X):

Quality and Workforce: to provide high quality, evidence-based services delivered by a diverse, motivated and engaged workforce	x
Integration and Partnerships: to be influential in the development and delivery of	

new models of care locally and more widely across West Yorkshire and Harrogate STP	
Sustainability and Growth: to maintain our financial viability whilst actively seeking appropriate new business opportunities	

This report supports the achievement of the following Regulatory Requirements: <i>(please mark those that apply with an X):</i>	
Safe: People who use our services are protected from abuse and avoidable harm	
Caring: Staff involve people who use our services and treat them with compassion, kindness, dignity and respect	
Responsive: Services are organised to meet the needs of people who use our services	
Effective: Care, treatment and support achieves good outcomes, helps to maintain quality of life people who use our services and is based on the best available evidence.	
Well Led: The leadership, management and governance of the organisation make sure it's providing high-quality care that is based around individual needs, encourages learning and innovation, and promotes an open and fair culture.	x
NHSI Single Oversight Framework	

Equality Impact Assessment :
<p>The Equality Delivery System Framework in itself is an equality impact assessment. The process includes collecting and analysing data in partnership with service users, carers, staff and partners agreeing objectives and methods of delivery in partnership. The process in 2012 led to the development of the Equality Objectives which include the objective to reduce discrimination for BAME staff and job applicants. The BAME Diversity in Employment Strategy is a direct output of that work.</p>

Freedom of Information:
<p>Publication Under Freedom of Information Act</p> <p>This paper has been made available under the Freedom of Information Act</p>

BAME Diversity in Employment Strategy Update January 2018

1. Introduction

The BAME Diversity in Employment strategy expired in June 2016 but a review of the objectives within that strategy were extended into 2017 whilst the broader Equality, Diversity and Inclusion Workforce Strategy was developed. The new strategy will be presented to the Board in January 2018 and has been developed in partnership with staff, the staff networks and unions. It is a broader strategy that reflects changes in regulatory requirements around disability and sexual orientation and the Trust's ambition to be reflective of the population it serves across all dimensions.

The purpose of this report is to provide the Board with a further and final update on the delivery of the BAME Diversity in Employment Strategy and sets out the impact that the strategy has had to date.

The paper sets out the achievements for 2017 and the outstanding objectives and KPIs that will be carried forward into the new Equality, Diversity and Inclusion Strategy.

2. Key Successes June – December 2017 and over the period of the current strategy

The following interventions have been successfully delivered over the last period;

- **A third cohort of the BAME Development Programme 'Moving Forward' was launched in May 2017.** Twenty two participants from the Trust attended the programme. They were joined by participants from Bradford Hospitals Teaching Foundation Trust, Calderdale and Huddersfield NHS Foundation Trust and South West Yorkshire partnership Foundation Trust.
 - **Outcomes:** *The participants graduated in October 2017, and since graduation, two of the participants from BDCFT have secured more senior roles within the Trust. All of the participants confirmed that going through this programme has increased their levels of confidence to allow them to move their careers forward and move into more senior roles. Some are looking outside of the Trust due to the lack of availability of senior roles within their chosen field. This has resulted in participants starting to apply for more senior roles*
- **A Development of a Service Improvement Model to improve access by BAME services users.** An external consultant, Hari Sewell, is working with the City IAPT team to develop a community engagement model that will increase access to the service by the BAME community. The project team has developed the model for gaining the qualitative feedback from the community regarding their experience and existing knowledge of the service. The next stage of the project is to develop the toolkit that supports the actions that will create a change in access and satisfaction levels

- Drafted an **action plan** to support the development of the **Staff Networks**. The actions include things such as:
 - Exploring the possibility of a combined Disability and mental health network
 - Implement bi-monthly network chair meetings
 - Review the roles and responsibilities within each network
- Established a **Governor BAME workforce task and finish** group.
- **Cultural Competency training is now available on ESR**. 47 people across the Trust have completed the online Cultural competence training.
- **Review of Recruitment, Selection and Retention**. A **task and finish steering group** has been set up to review the systems and processes to ensure that they are as responsive and inclusive as possible. In addition to this, a **recruitment and selection toolkit** has been developed to support managers and members of staff understand the process and access key documentation. **Job descriptions and person specifications** are being reviewed to develop generic templates and a list of values based questions are being drawn up to help ensure interviews focus on testing values and cultural awareness as well as technical competence.
 - **Outcomes:** since inception of this work alongside other measures including the introduction of cultural humility training, there is now **no negative difference (0.99) in the likelihood of BME staff being appointed after shortlisting when compared with White staff**. The national average for this metric for mental health Trusts is 1.6 in favour of White applicants.
- **Over the period of the current Strategy an action plan was developed to improve the Trust's performance against the Workforce Race Equality Scheme (WRES).**

Improvements

- There has been an increase in the percentage of **BME staff in bands 8 – 9** over the 4 year period from 6.7% in 2014 to 10.4% in 2017.
- There is now no difference in the likelihood of **BME applicants being appointed after shortlisting** when compared with White staff.
- The gap between BME staff and White staff reporting having experienced harassment, bullying or abuse from patients, relatives or the public has reduced over the time period from 6% more BME staff having experienced it to 3% and now to 0.25.
- The gap between the percentage BME staff and White staff believing that Trust provides equal opportunities for career progression and promotion has narrowed by 4% over the time period – which is 1% per year reduction.
- There has been a steady reduction in the gap from 30% to 8% between BAME staff and White staffs' reporting of experiencing discrimination at work from a manager / team leader or other colleagues.

- 6.25% of the Trust Board was from a BAME background in 2014 and during the 2017 reporting period that had increased to 8.3%.

Areas for Improvement

- The WRES data shows that members of staff from a BME background are twice as likely to enter into the **disciplinary process** as white staff.
- There has been a constant gap of 4% more BME staff experiencing harassment, abuse or discrimination from staff until 2016 year when that gap increased to 5%.

Outcomes: *The impact on the Trust's performance against the WRES will be measured in early 2018 and the key actions from the WRES will be embedded in the cultural change programme and Equality, Diversity and Inclusion Workforce Strategy.*

Management Development Training has been refreshed and now includes a clear framework/charter that sets out the Trust's expectations of team leaders in terms of the culture and values the trust wishes to promote across the organisation.

- *In terms of outcomes it is too early to measure, but the aim would be an overall increase in staff satisfaction and retention particularly for BME staff who were 23% of leavers last year.*

- **Overall picture - shifts in the workforce profile.**

- In 2014 when the strategy launched the percentage of BAME staff in the workforce was 19.81%. In December 2017 the percentage of BAME staff in post is 20.74% in July the percentage was 20.26% which is an increase of 0.93% since 2014 and 0.48% in the last 6 months.
- Positive changes can be seen across 5 of the 16 band groupings, with the most significant change being seen within band 8d.
- In terms of recruitment across the last 12 months;
 - 29.07% of new starters are from BME backgrounds, however It should be noted that 11.77% of new starters chose not to disclose this information;
 - 31.12% of those were recruited to band 2 positions;
 - 17.29% of those were recruited to band 3 positions; and
 - 22.40% of those were recruited to band 5 positions.
- To achieve the target of 35% by March 2020 requires a 1.44% increase in BME staff per year.

It is clear that despite a number of successes there is still much to do to achieve a diverse workforce that feels consistently valued and included. The shift in emphasis toward culture, an ongoing focus on recruitment and retention and local ownership of targeted actions should see further progress. The results of the 2017 staff survey will provide information regarding areas for local and corporate focus during the coming year.

3. Next Steps

The BAME Diversity in Employment Strategy will now as mentioned be superseded by a broader Equality, Diversity and Inclusion Workforce Strategy developed over the last 6 months.

When the BAME Diversity in Employment Strategy was first developed, it was in response to feedback from BAME members of staff via the staff survey and reviews into the career opportunities for BAME members of staff. At that time the Board made the decision to focus efforts on BAME staff.

Since then, there have been further developments around the Equalities agenda, including:

- The mandating of a Workforce Disability Standard via the NHS Standard contract from April 2018;
- NHS trusts are required to implement the Sexual Orientation Monitoring Standard;
- Gender pay reporting requirements set out on the Equality Act 2017 Regulations; and
- Development of the Trust's Equality Objectives which are shared with Bradford Teaching Hospitals Foundation Trust, Airedale General Hospital Foundation Trust and supported by the CCGs.

In light of this, it is felt that now is the time to develop a more inclusive strategy that covers all of the Equality strands. The focus on creating a cultural shift will remain. The following actions will be carried forward into the new strategy:

- Improving the quality of recruitment;
- Implementation of the staff networks action plan to ensure their engagement in supporting the objectives of the new strategy;
- Examining the reasons for over representation of BAME members of staff in disciplinary processes and develop appropriate actions to address this issue; and
- Developing and rolling out the cultural conversations and cultural change champions programme.

In addition the Trust is currently implementing a 90 Day Retention Challenge Action Plan, which aims to improve the retention of all staff. As noted above this is critical in terms of BAME staff if the Trust is to achieve its ambition of having a reflective workforce. Work that is currently underway includes; auditing reasons for leaving, introducing 'Stay' conversations, developing a nurse development programme and seeking to extend flexible working options. The figures around BAME leavers and starters will continue to be monitored against the actions.

4. Assurances in Place

Each of the programmes of work is being led by a task and finish group. The groups are developing an action plan with clear realistic timescales and KPIs so that the impact of the interventions can be measured and evaluated. Progress will be discussed at the Workforce Transformation Steering Group. It is proposed that the objectives and actions that were outstanding from the BAME Diversity in Employment Strategy have been transferred into the new Draft Workforce Equality and Diversity Strategy.

Action plans will be made available to the Board on request and impacts and evaluations against the KPIs will be provided as part of the updates to the Board.

5. Legal Implications

The Trust has a duty to take due regard of the Equality Act 2010, this includes the specific duty to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The NHS Equality Delivery System (EDS) 2 is designed to support NHS Trusts to be compliant with the Equality Act 2010 and the Public Sector Equality Duty. Failure to do so could lead to interaction with the Equality and Human Rights Commission via an inquiry or investigation and if founded an Unlawful Act Notice issued. It can also lead to an employment tribunal or litigation which would have a financial and reputational impact.

6. Risk Implications

Risk	Likelihood High/Medium/ Low	Implication	Mitigation
Risk to compliance with the Equality Act (2010), performance and reputation if objectives are not met	Low	Medium	Strategy and action plan in place
Reputational risk of noncompliance with the Equality Act (2010) and poor results in the Workforce Race Equality Standard	Medium	Medium	Strategy and action plan in place

7. Risk Issues Identified for Discussion

These risks were discussed at the June 2016 and June 2017 Board meetings and they still remain as the key risks. There are a numbers of external and internal obstacles to meet the 35% aspirational target. These include

- i.** Low labour turnover in senior roles and reduction in staff numbers within corporate directorates, which limits the number of new opportunities for staff;
- ii.** Challenging Cost Improvement Plan targets which will reduce recruitment opportunities across the Trust;
- iii.** Unconscious bias in recruitment and management; and
- iv.** BAME staff leaving the organisation to take up positions outside of the Trust.

8. Communication and Involvement

The BAME Diversity in Employment Strategy was developed as a response to the feedback from staff via the career progression study carried out in 2013. The new Equality, Diversity and Inclusion Strategy has been developed with staff, the staff networks and unions.

9. Recommendations

That the Board:

- Notes the progress that has been made against the strategy; and
- Supports the proposal to incorporate the outstanding actions detailed in section 3 into the new Equality Diversity and Inclusion Workforce Strategy.