

Workforce and Equality Committee

Terms of Reference ratified – 17 February 2022

Version:	2
Approved by:	Workforce and Equality Committee
Ratified by:	Board of Directors
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Job title of author:	Corporate Governance Manager and Deputy Trust Board Secretary
Job title of responsible Director:	Non-Executive Director and Chair of the Workforce and Equality Committee
Date issued:	Xx March 2022
Review date:	February 2023
Frequency of review:	Annual
Amendment Summary:	
<p>1: Section 4 – updated to reflect Corporate Governance Team support and removal of reference to the Committee being new.</p> <p>2: Section 6 updated to reflect new People Development Strategy.</p> <p>3. Section 7 updated to reflect dis-establishment of Ethics Committee.</p> <p>4. Schedule updated to reflection attendees/deputy arrangements.</p> <p>5. Section 2 updated to reflect regular attendees.</p>	

1 Name of group / committee

Workforce and Equality Committee (Committee).

2 Composition of the Committee

Members: full rights

Title	Role in the group / committee
Non-Executive Director	Committee Chair

Title	Role in the group / committee
Non-Executive Director	Additional non-executive member
Non-Executive Director	Additional non-executive member
Director of Human Resources and Organisational Development	Executive lead for workforce development. Assurance and escalation provider to the Workforce and Equality Committee.
Director of Finance	Executive lead for finance and resources. Assurance and escalation provider to the Workforce and Equality Committee.
Chief Operating Officer	Executive lead with day-to-day responsibility for operational delivery of services. Assurance and escalation provider to the Workforce and Equality Committee.
Medical Director	Executive lead for medics. Assurance and escalation provider to the Workforce and Equality Committee.
Director of Nursing, Professions and Compliance	Executive lead for nursing and professional standards. Assurance and escalation provider to the Workforce and Equality Committee.
Chair of the Trust	Additional non-executive member (attendance at meetings will be dependent on the agenda items being discussed).
Chief Executive	Accountable Officer (attendance at meetings will be dependent on the agenda items being discussed).

Any Executive and Non-Executive Director can attend a Board sub-committee meeting because of the position that they hold. When carrying out this duty they will assume full member rights. It is expected that the Committee will be of particular interest to the Non-Executive Director champion for Leadership and Development; and Equality and Diversity.

The Deputy Director of Human Resources and Organisational Development; the Freedom to Speak Up Guardian; Head of Equality and Diversity; and the Director of Corporate Affairs will attend all meetings. In addition to anyone listed above, the Chair of the Committee may also request individuals to attend on an ad-hoc (or regular) basis to provide advice, support, or to otherwise contribute to the Committee's work.

2.1 Governor Observers

The Committee welcomes and encourages governors to attend its meetings. The role of a governor at Board sub-committee meetings is to observe the work of the Committee, in order to get a better understanding of the work of the Trust and the extent which Non-Executive Directors appropriately challenge and support the Executive Directors. At the meeting the governor observer(s) will be required, along with other participants, to declare any potential or actual conflicts of interest they may have in respect of any of the items to be discussed.

2.2 Invitees

An open invite to be extended to the Staff Side Chair or delegated member of the Staff Partnership Forum and Local Negotiating Forum for each meeting and also to the Staff Network Chairs or delegated member.

3 Quoracy

Number: The minimum number of members for a meeting to be quorate is three, two of whom must be Non-Executive Directors. Attendees do not count towards quoracy.

If the Chair is unable to attend a meeting, and if otherwise quorate, the meeting will be chaired by one of the other Non-Executive Directors.

Deputies: Where appropriate members may nominate deputies to represent them at a meeting. Deputies do not count towards the calculation of whether the meeting is quorate unless the deputy is representing the member under formal “acting up” arrangements.

A schedule of deputies, attached at appendix 1a, should be reviewed at least annually to ensure adequate cover exists.

Non-quorate meeting: Non-quorate meetings may go ahead unless the Chair decides not to proceed. Any decisions made by a non-quorate meeting must be reviewed at the next quorate meeting.

4 Meetings of the Committee

Frequency: Quarterly.

Urgent meeting: Any member of the Committee may request an urgent meeting.

Minutes: Minutes and diary arrangements will be managed by the Corporate Governance Team.

Assurance and Escalation Reporting: The Chair of the Committee will provide an update of key issues and assurances arising from the meeting to the next Board of Directors meeting.

Voting: It is at the discretion of the Chair of the meeting to call a vote during a meeting. When voting, decisions at meetings shall be determined by a majority of the votes of the Executive and Non-Executive Directors present and voting. In the case of any equality of votes, the person presiding shall have a second or casting vote.

5 Authority

Establishment: The Committee is a sub-committee of the Board of Directors and has been formally established by the Board.

Powers: Its powers, in addition to the powers vested in the executive members in their own right, are detailed in the Trust’s Scheme of Delegation.

Cessation: The Committee is a standing Board sub-committee in that its responsibilities and purpose are not time-limited. However, the Committee has a responsibility to review its effectiveness annually.

6 Role of the committee

6.1 Purpose of the committee

The Committee’s purpose is to provide strategic oversight of significant workforce and equality matters. It will seek assurance on the same, and the extent to which the Trust has effective strategies/systems in place to fully support (among other things) a high performing, engaged and motivated workforce, with a positive, compassionate, inclusive, people-centred and improvement-focused culture free from discrimination, bullying and harassment, to support the delivery of the Trust’s wider strategic objectives.

6.2 Guiding principles for members (and attendees) when carrying out the duties of the Committee

In carrying out their duties, members of the Committee and any attendees must take all reasonable steps to ensure they act in accordance with the values of the Trust, which are:

- we care
- we listen
- we deliver.

Duties of the Committee

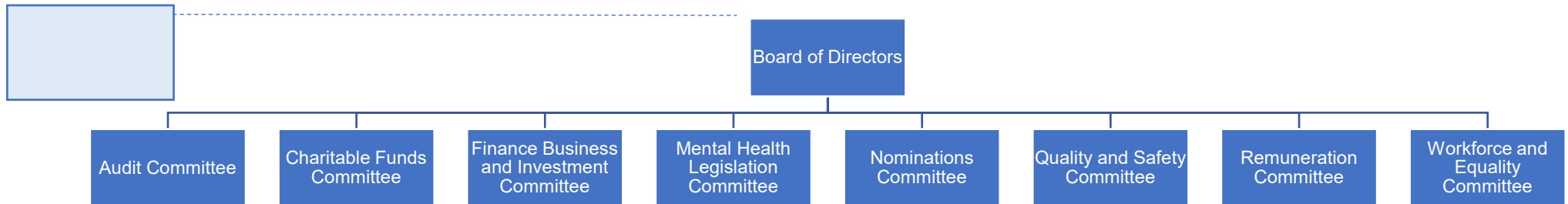
To the extent that what follows is reasonably practicable, the Committee will:

- 1) Seek appropriate and adequate levels of assurance regarding:
 - a. the development, implementation and/or effectiveness of any overall strategic people plan and/or other **strategic plans and projects** at the Trust relating directly to workforce and equality matters. Initially, therefore, the primary focus of the Committee shall be on matters relating to:
 - the Trust’s current “People Development Strategy (2021-2024)” and its four themes (Looking after our People, Belonging in the organisation, New ways of working and delivering care, Growing for the future); and

- the Trust’s current set of “Strategic Priorities Programme” relating to the same.
- b. strategic management and significant risks/issues relating **more generally** to areas such as:
- overall workforce capacity, capability, and performance;
 - leadership and wider organisational culture (with an emphasis on the development of a positive, compassionate, inclusive, people-centred and improvement-focused **leadership culture**, free from discrimination, bullying and harassment, which can engage and inspire all people across the workforce);
 - equality, diversity and inclusion;
 - the “Freedom to Speak Up” programme and “whistleblowing”;
 - staff engagement and experience;
 - staff wellbeing and safety (both physically and mentally);
 - staff absence;
 - organisational design, roles, and ways of working;
 - recruitment and retention;
 - leadership, talent and management development;
 - career and professional development, training and education;
 - individual performance/capability/conduct issues; or could broaden to effectiveness of key employment policies and practices
 - any relevant matters arising from increased system / partnership working; and
 - any other strategic workforce and equality matter considered to be sufficiently relevant to the work of the Committee.
- c. strategic management and significant risks/issues relating **more specifically** to the “protected characteristics” and the “public sector equality duty” set out in the Equality Act 2010, other relevant **legislation** (including the Employment Rights Act 1996) and/or **best practice**, including the prevention/management of:
- discrimination in its various forms;
 - harassment, victimisation, and other unlawful detriment (including in relation to whistleblowers); and
 - bullying, violence, abuse, and other serious misconduct.
- 2) Receive (whether in relation to paragraph 1 or otherwise) and seek appropriate and adequate levels of assurance regarding any statutory, mandatory or otherwise **relevant reports** relating to strategic workforce and equality matters, including:
- a. the NHS Staff Survey;
 - b. the Equality, Diversity and Inclusion Annual Report,
 - c. the Freedom to Speak Up Report; and
 - d. other necessary or relevant reports, such as those relating to:

- the gender pay gap;
 - the workforce race equality standard; and
 - the workforce disability equality standard.
- 3) Seek (whether in relation to paragraphs 1 or 2 or otherwise) appropriate and adequate levels of assurance regarding any necessary or otherwise desirable **alignment** between the Trust's strategic approach to workforce and equality matters and:
- a. the Trust's wider organisational strategy (i.e. "Better Lives, Together", incorporating within it, as it does, "Best Place to Work") and relevant key areas of focus (including the Board Assurance Framework);
 - b. relevant national strategic workforce and equality guidance and best practice, etc, from the NHS (including any overall NHS people plan) and/or other relevant organisations;
 - c. relevant requirements, opportunities and/or significant risks/issues relating to the Trust's participation in the local/regional healthcare system (e.g. the West Yorkshire and Harrogate Health and Care Partnership) and the Trust's wider partnering arrangements.
- 4) Endeavour to be **forward-looking** as well as backward-looking in the course of its work, and, when doing so, to consider longer-term opportunities and risks.
- 5) Use data and intelligence informedly to identify patterns, themes and areas of particular, priority focus for the committee through triangulation and receipt of qualitative as well as quantitative analysis.
- 6) Connect appropriately with **other committees** of the Trust Board, where strategic workforce and equality matters overlap with their respective remits.
- 7) Provide adequate updates to the **Trust Board**, of both material risks/issues and material assurances, relating to strategic workforce and equality matters at the Trust.
- 8) To consider opportunities, challenges and requirements of our local place and regional health care systems and partnerships.
- 9) Supporting the Trust's continuous improvement journey, both internal and external learning will be considered by the Committee. This will be within the remit as set out in the terms of reference and supporting work plan for the Committee who will be acting as an agent of the Board of Directors.

7 Relationships with the Board of Directors



The Committee does not have any sub-committees. It is linked to the Trust's operational groups as an assurance receiver and provides a route of escalation to the Board of Directors.

8 Duties of the Chair

The Chair of the Committee shall be responsible for:

- agreeing the agenda in partnership with the Director of Human Resources and Organisational Development
- directing the meeting, ensuring as far as possible that it operates in accordance with the Trust's values and that all attendees have a reasonable opportunity to contribute to the discussion
- giving appropriate direction to the secretariat and checking the draft minutes
- ensuring that the agenda is appropriately balanced and relevant, and that discussion is productive
- ensuring that sufficient information is presented to the Board in respect of the work of the Committee.

9 Reviews of the terms of reference and effectiveness

The terms of reference shall be reviewed by the Committee at least annually and be presented to the Board of Directors for ratification.

It will be the responsibility of the Chair of the Committee to ensure that the Committee carries out an assessment of its effectiveness annually, and to ensure the outcome is reported to the Board, along with any remedial action to address weaknesses. The Chair will also be responsible for ensuring that the actions to address any areas of weakness are completed.

Schedule of deputies

It may not be necessary or appropriate for all members (or attendees) to have a deputy attend in their absence. If this is the case, please state below “no deputy required”.

Full member (by job title)	Deputy (by job title)
Non-executive Director Chair	Another Non-executive Director
Non-executive Director	Another Non-executive Director
Non-executive Director	Another Non-executive Director
Director of Human Resources and Organisational Development	Deputy Director of Human Resources and Organisational Development
Director of Finance and Deputy Chief Executive	Deputy Director of Finance
Chief Operating Officer	General Manager
Medical Director	Associate Medical Director
Director of Nursing, Professions, and Compliance	Deputy Director of Nursing

Attendee (by job title)	Deputy (by job title)
Deputy Director of Human Resources and Organisational Development	Head of Workforce Development Head of Workforce Performance Head of Workforce Planning
Heads of Equality, Diversity and Inclusion	Head of Workforce Development Head of Workforce Performance Head of Workforce Planning
Freedom to Speak Up Guardian	Deputy Freedom to Speak Up Guardian
Director of Corporate Affairs	Corporate Governance Manager
Staff Side Chair	Delegated member of the Staff Partnership Forum or Local Negotiating Forum
Staff Network Chairs	Delegated member as agreed by the Network Chair