

Workforce Disability Equality Standard 2021

Report for Brighton and Sussex University Hospitals NHS Trust and Western Sussex NHS Foundation Trust

**Contents**

[Introduction 4](#_Toc79491246)

[Background Information 6](#_Toc79491247)

[The total number of staff in the Trusts: 6](#_Toc79491248)

[Brighton and Sussex University Hospitals NHS Trust: 6](#_Toc79491249)

[Western Sussex Hospitals Foundation NHS Trust: 6](#_Toc79491250)

[Steps been taken in the last reporting period to improve the level of self-reporting by disability 7](#_Toc79491251)

[Steps planned during the current reporting period to improve the level of self-reporting by disability 7](#_Toc79491252)

[Reporting period for this report 7](#_Toc79491253)

[How is disability defined under the standard? 7](#_Toc79491254)

[Population Demographics 2011 Census (Southeast England) 8](#_Toc79491255)

[Workforce Disability Equality Metrics 8](#_Toc79491256)

[Metric 1 - Percentage of staff in AfC pay bands or medical and dental subgroups and very senior managers (VSM) (including executive board members) compared with the percentage of staff in the overall workforce 8](#_Toc79491257)

[Brighton and Sussex University Hospitals NHS Trust 9](#_Toc79491258)

[Western Sussex Hospitals NHS Foundation Trust 11](#_Toc79491259)

[Metric 2 - Relative likelihood of non-disabled staff compared to Disabled staff being appointed from shortlisting across all posts. 14](#_Toc79491260)

[Brighton and Sussex University Hospitals NHS Trust 14](#_Toc79491261)

[Western Sussex Hospitals NHS Foundation Trust 16](#_Toc79491262)

[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. (2-year rolling average) 17](#_Toc79491263)

[Brighton and Sussex University Hospitals NHS Trust 17](#_Toc79491264)

[Western Sussex Hospitals NHS Foundation Trust 19](#_Toc79491265)

[Metric 4a - Percentage of Disabled staff compared to non-disabled staff experiencing harassment, bullying, or abuse from: Patients/service users, their relatives, or other members of the public, managers and other colleagues 20](#_Toc79491266)

[Brighton and Sussex University Hospitals NHS Trust 20](#_Toc79491267)

[Western Sussex Hospitals NHS Foundation Trust 23](#_Toc79491268)

[Metric 4b - 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. 26](#_Toc79491269)

[Brighton and Sussex University Hospitals NHS Trust 26](#_Toc79491270)

[Western Sussex Hospitals NHS Foundation Trust 27](#_Toc79491271)

[Metric 5 - Percentage of Disabled staff compared to non-disabled staff believing that the Trust provides equal opportunities for career progression or promotion. 28](#_Toc79491272)

[Brighton and Sussex University Hospitals NHS Trust 28](#_Toc79491273)

[Western Sussex Hospitals NHS Foundation Trust 29](#_Toc79491274)

[Metric 6 - 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. 30](#_Toc79491275)

[Brighton and Sussex University Hospitals NHS Trust 30](#_Toc79491276)

[Western Sussex Hospitals NHS Foundation Trust 31](#_Toc79491277)

[Metric 7 - Percentage of Disabled staff compared to non-disabled staff saying that they are satisfied with the extent to which their organisation values their work. 32](#_Toc79491278)

[Brighton and Sussex University Hospitals NHS Trust 32](#_Toc79491279)

[Western Sussex Hospitals NHS Foundation Trust 33](#_Toc79491280)

[Metric 8 - Percentage of Disabled staff saying that their employer has made adequate adjustment(s) to enable them to carry out their work 34](#_Toc79491281)

[Brighton and Sussex University Hospitals NHS Trust 34](#_Toc79491282)

[Western Sussex Hospitals NHS Foundation Trust 34](#_Toc79491283)

[Metric 9a - The staff engagement score for Disabled staff, compared to non-disabled staff and the overall engagement score for the organisation. 35](#_Toc79491284)

[Brighton and Sussex University Hospitals NHS Trust 35](#_Toc79491285)

[Western Sussex Hospitals NHS Foundation Trust 36](#_Toc79491286)

[Metric 9b - Has your trust taken action to facilitate the voices of Disabled staff in your organisation to be heard? 37](#_Toc79491287)

[Brighton and Sussex University NHS Trust 37](#_Toc79491288)

[Western Sussex Hospitals NHS Foundation Trust 37](#_Toc79491289)

[Metric 10 - The percentage difference between the organisation’s board voting membership and its organisation’s overall workforce, disaggregated: 37](#_Toc79491290)

[Brighton and Sussex University Hospitals NHS Trust 37](#_Toc79491291)

[Western Sussex Hospitals NHS Foundation Trust 38](#_Toc79491292)

[In Year Actions for 2021/22: 38](#_Toc79491293)

[Factors or data which should be taken into consideration in assessing progress? 38](#_Toc79491294)

[Any issues of completeness of data 38](#_Toc79491295)

[Any matters relating to the reliability of comparisons with previous years 38](#_Toc79491296)

# Introduction

There has been legal protection for workers with disabilities for many years, making it unlawful to treat employees with a disability less favourably than workers without a disability. The most recent legislation that offers this protection is the Equality Act 2010.

The act goes further than just banning unfair behaviour towards workers with disabilities. It also places public sector organisations under a duty to seek opportunities to proactively address equality of opportunity and promote good relations between workers with disabilities and those without.

While there have been improvements in societal attitudes towards people with disabilities, they have not necessarily moved as quickly as the act (and its predecessors) had intended. This being the case, there are still many inequalities surrounding the employment of workers with disabilities. The employment rate of people with disabilities is 30.1% lower than for people without. This difference is often referred to as the disability employment gap. Given that 22% of working-age adults have a disability, more needs to be done to close this gap. (Briefing Paper 7540, People with Disabilities in Employment, 30th November 2018, Andrew Powell: House of Commons Library).

Breaking down disability further the picture for people with mental ill-health and learning disabilities is far worse. 1 in 4 adults and 1 in 10 children experience mental health illnesses in their lifetime (NHS England) however, the stigma around mental health is still widespread within the UK. The 2016 paper Improving Lives: The Work, Health and Disability Green Paper, states that only 32% of people with mental illness were in work. There are approximately 1.5 million people in the UK with some form of Learning Disability, of which 17% of people of working age are in paid employment. It is estimated that 28% of working-age adults with mild or moderate learning disabilities, 10% of working-age with severe learning disabilities, and 0% of working adults with profound learning disabilities are in employment (Emerson and Hatton, 2008).

The inequalities can be vast and may include: inflexible recruitment practices that do not take the needs of a candidate’s disability into account, providing adequate reasonable adjustments in the workplace, opportunity for progression into more senior roles, overrepresentation in employee relations procedures, poor attitudes to those with a disability and poor access to development opportunities. These inequalities help to build a picture of poor employment/retention rates and experiences of employment amongst people with a disability.

The Workforce Disability Equality Standard (WDES) was introduced in April 2019 by NHS England; it helps to demonstrate compliance with:

* The UK Government’s pledge to increase the number of disabled people in employment – this was made in November 2017
* The NHS Constitution – relating to the rights of staff
* The ‘social model of disability’ - recognising that it is the societal barriers that people with disabilities face which is the disabling factor, not an individual’s medical condition or impairment
* The Equality Act 2010 – specific requirements not to discriminate against workers with a disability, advancing equality and fostering good relations
* ‘Nothing about us without us’ - a phrase used by the disability movement to denote a central principle of inclusion: that actions and decisions that affect or are about people with disabilities should be taken with disabled people.

The standard allows NHS organisations to review the experiences and outcomes of staff both with and without disabilities. The standard provides a framework for NHS organisations to review their key employment policies, practices and processes to identify if inequalities (listed above) exist and provides an opportunity to engage with disabled workers and to put actions in place to address areas of inequality.

Some specific issues impact workers with disabilities and NHS organisations; these include:

* Significant under-reporting of the numbers of staff who declare themselves as having a disability with a 15% difference between Electronic Staff Records (ESR) and Staff Survey declaration rates. ESR is the integrated human resources and payroll system for the NHS.
* Lack of representation of disabled staff at senior levels
* Disabled staff consistently report:
	+ higher levels of bullying and harassment
	+ less satisfaction with appraisals and career
	+ lack of development opportunities.

Through the WDES programme and annual reporting, NHS organisations can review their performance, identify issues and look to continuously improve the position for workers with a disability, better understanding of the needs of their workers with a disability, improving data (declaration rates), and improvements to the culture, employment and retention of all staff.

On 1st April 2021, Brighton and Sussex University Hospitals NHS Trust (BSUH) and Western Sussex Foundation NHS Trust merged to form University Hospitals Sussex NHS Trust. The data snapshot period covers 01/04/20-31/03/21; the report looks at each section of the Workforce Disability Equality Standard metrics for the two separate predecessor organisations.

It provides an overview of the closing position of each of the previous Trusts and therefore will be the baseline from which future progress is measured for the new combined Trust, University Hospitals Sussex, as we pursue equality and inclusion for all staff, including those with disability.

# Background Information

## The total number of staff in the Trusts:

### Brighton and Sussex University Hospitals NHS Trust:

**In 2020:**

Total headcount: 8598 staff

Disabled Staff: 541 (6.3% of the workforce)
Non-disabled staff: 6902 (80.3% of the workforce)
Declined to specify: 543 (6.3% of the workforce)
Unknown: 612 (7.1% of the workforce)

Overall in 2020, 86.6% of the workforce had declared their ethnicity.

**In 2021:**

Total headcount: 8873 staff

Disabled Staff: 547 (6.2% of the workforce)
Non-disabled staff: 7331 (82.6% of the workforce)
Declined to specify: 473 (5.3% of the workforce)
Unknown: 522 (5.9% of the workforce)

Overall in 2021, 88.8% of the workforce had declared their ethnicity.

### Western Sussex Hospitals Foundation NHS Trust:

**In 2020:**

Total headcount: 7317 staff

Disabled Staff: 212 (2.9% of the workforce)
Non-disabled staff: 5068 (69.3% of the workforce)
Declined to specify: 1523 (20.8% of the workforce)
Unknown: 514 (7.0% of the workforce)

Overall in 2020, 72.2% of the workforce had declared their ethnicity.

**In 2021:**

Total headcount: 7519 staff

Disabled Staff: 230 (3.1% of the workforce)
Non-disabled staff: 5401 (71.8% of the workforce)
Declined to specify: 1401 (18.6% of the workforce)
Unknown: 487 (6.5% of the workforce)

Overall in 2021, 74.9% of the workforce had declared their ethnicity.

## Steps been taken in the last reporting period to improve the level of self-reporting by disability

We collect information relating to disability as part of the recruitment process. The Trust has also taken steps to give staff more options and opportunities to declare their equality information. Including setting up a new online declaration form, promoting Self-Service ESR, and producing new information for staff to inform them about updating their equality information.

## Steps planned during the current reporting period to improve the level of self-reporting by disability

The Trust will continue to encourage all staff to declare their equality information and promote the different methods they can use. Work is also underway that Occupational Health services can promote both support and improving declaration of staff that are disabled.

## Reporting period for this report

1st April 2020 to 31st March 2021.

## How is disability defined under the standard?

The standard uses the definition of disability that can be found in the Equality Act 2010. Under the act, a person is considered as having a disability if they have a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on their ability to do normal daily activities.

## Population Demographics 2011 Census (Southeast England)

* 6.9% of the population indicated their day-to-day activity limited a lot
* 8.8% of the population indicated their day-to-day activity is limited a little\*

\* Within this section, some (not all) people would meet the test under the Equality Act 2010 as being disabled, but it is impossible to say what proportion.

# Workforce Disability Equality Metrics

## Metric 1 - Percentage of staff in AfC pay bands or medical and dental subgroups and very senior managers (VSM) (including executive board members) compared with the percentage of staff in the overall workforce

### Brighton and Sussex University Hospitals NHS Trust

**Non-Clinical Staff:**

Compared to the overall representation of disabled staff in the BSUH workforce: 6.2%

| **Pay Banding** | **Disabled staff in 2020 - %** | **Disabled staff in 2021 - %** | **Disabled staff in 2020/2021****% point difference (+/-)** | **Non-disabled staff in 2020 - %** | **Non-disabled staff in 2021 - %** | **Non-disabled staff in 2020/2021****% point difference (+/-)** | **Unknown/null staff in 2020 - %** | **Unknown/null staff in 2021 - %** | **Unknown/null staff in 2020/2021****% point difference (+/-)** | **Total staff in 2020****Headcount** | **Total staff in 2021****Headcount** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Cluster 1 (Bands 1 - 4)** | 10.6 | 10.1 | (-0.5) | 81.5 | 83.1 | (+1.6) | 7.9 | 6.8 | (-1.1) | 1829 | 1851 |
| **Cluster 2 (Band 5 - 7)** | 7.5 | 6.6 | (-0.9) | 82.9 | 85.9 | (+3.0) | 9.6 | 7.5 | (-2.1) | 426 | 440 |
| **Cluster 3 (Bands 8a - 8b)** | 8.3 | 8.9 | (+0.6) | 85.0 | 85.5 | (+0.5) | 6.7 | 5.6 | (-1.1) | 120 | 124 |
| **Cluster 4 (Bands 8c – 9 & VSM)** | 5.7 | 7.4 | (+1.7) | 81.1 | 77.8 | (-3.3) | 13.2 | 14.8 | (+1.6) | 53 | 54 |

**What the data tells us:**

* There is a better representation of disabled staff in non-clinical roles
* All clusters have a higher than expected level of representation of disabled staff (compared to the overall number of disabled staff in the workforce)
* There has been a decrease of disabled staff in clusters 1 and 2 compared to the previous year, both in percentage point difference and actual headcount
* There has been an increase of disabled staff in clusters 3 and 4 compared to the previous year, both in percentage point difference and actual headcount.

**Clinical staff:**

| **Pay band** | **Disabled staff in 2020 - %** | **Disabled staff in 2021 - %** | **Disabled staff in 2020/2021****% point difference (+/-)** | **Non-disabled staff in 2020 - %** | **Non-disabled staff in 2021 - %** | **Non-disabled staff in 2020/2021****% point difference (+/-)** | **Unknown/null staff in 2020 - %** | **Unknown/null staff in 2021 - %** | **Unknown/null staff in 2020/2021****% point difference (+/-)** | **Total staff in 2020****Headcount** | **Total staff in 2021****Headcount** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Cluster 1 (Bands 1 - 4)** | 5.8 | 5.5 | (-0.3) | 82.4 | 85.4 | (+3.0) | 11.8 | 9.1 | (-2.7) | 1346 | 1,471 |
| **Cluster 2 (Band 5 - 7)** | 5.1 | 5.4 | (-0.3) | 80.9 | 82.8 | (+1.9) | 14.0 | 11.8 | (-2.2) | 3287 | 3,345 |
| **Cluster 3 (Bands 8a - 8b)** | 7.3 | 6.9 | (-0.4) | 81.3 | 81.7 | (+0.4) | 11.4 | 11.4 | (0.0) | 246 | 246 |
| **Cluster 4 (Bands 8c – 9 & VSM)** | 0.0 | 2.9 | (+2.9) | 64.5 | 70.6 | (+6.1) | 35.5 | 26.5 | (-9.0) | 31 | 34 |
| **Cluster 5****(Medical and Dental staff, Consultants)** | 1.3 | 1.0 | (-0.3) | 72.1 | 73.8 | (+1.7) | 26.6 | 25.2 | (-1.4) | 476 | 489 |
| **Cluster 6 (Medical and Dental staff, Non-consultant career grade)** | 1.8 | 1.8 | (0.0) | 59.6 | 58.2 | (-1.4) | 38.6 | 40.0 | (+1.4) | 57 | 55 |
| **Cluster 7 (Medical and Dental staff, Medical and Dental trainee grades)** | 4.7 | 4.2 | (-0.5) | 74.9 | 81.5 | (+6.6) | 20.4 | 14.3 | (-6.1) | 726 | 763 |

**What the data tells us:**

* Most Clinical roles (except cluster 3) have a lower than expected representation of disabled staff compared to the overall workforce representation (based on declared rates).
* There is a higher than expected representation of disabled staff in cluster 3 compared to the overall disabled workforce representation.
* In all other non-medical roles, there is a lower than expected representation of disabled staff when compared to the overall workforce.
* A high proportion of medical staff has not declared their disability status
* Compared to the previous year, several clinical clusters (except 4 and 6) have seen a slight decrease in the representation of disabled staff.
* There has been an overall reduction in the number of clinical staff whose disability status is unknown or null.
* Relating to headcount, compared to the previous year – there’s been an increase in disabled staff in clusters 1, 2 and 4. All other clusters have seen a slight decrease, except six, which remained the same.

### Western Sussex Hospitals NHS Foundation Trust

Compared to the overall representation of disabled staff in the WSHFT workforce: 3.1%

**Non-Clinical Staff:**

| **Pay Banding** | **Disabled staff in 2020 - %** | **Disabled staff in 2021 - %** | **Disabled staff in 2020/2021****% point difference (+/-)** | **Non-disabled staff in 2020 - %** | **Non-disabled staff in 2021 - %** | **Non-disabled staff in 2020/2021****% point difference (+/-)** | **Unknown/null staff in 2020 - %** | **Unknown/null staff in 2021 - %** | **Unknown/null staff in 2020/2021****% point difference (+/-)** | **Total staff in 2020****Headcount** | **Total staff in 2021****Headcount** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Cluster 1 (Bands 1 - 4)** | 3.8 | 3.9 | (+0.1) | 70.1 | 72.4 | (+2.3) | 26.1 | 23.7 | (-2.4) | 1524 | 1523 |
| **Cluster 2 (Band 5 - 7)** | 1.7 | 2.8 | (+1.1) | 73.6 | 75.1 | (+1.5) | 24.8 | 22.1 | (-2.7) | 303 | 317 |
| **Cluster 3 (Bands 8a - 8b)** | 2.2 | 2.2 | (0.0) | 82.2 | 85.6 | (+3.4) | 13.3 | 12.2 | (-1.1) | 90 | 90 |
| **Cluster 4 (Bands 8c – 9 & VSM)** | 0.0 | 0.0 | (0.0) | 80.5 | 80.5 | (0.0) | 19.5 | 19.5 | (0.0) | 41 | 41 |

**What the data tells us:**

* There is a higher than expected representation (compared to overall representation) of declared disabled staff in cluster one. There was an increase from the previous year (percentage difference from the previous year and headcount).
* Clusters 2-4 have a lower than expected (compared to overall representation) of disabled staff.
* There has been no year-on-year increase of disabled staff in clusters 3 and 4 of representation compared to the previous year.
* Cluster 3 saw an increase in representation of disabled staff from the previous year in terms of headcount.
* In clusters 1-3, there has been a decrease in staff where their disability status is unknown. In cluster 4, this remained static.

**Clinical staff:**

| **Pay Banding** | **Disabled staff in 2020 - %** | **Disabled staff in 2021 - %** | **Disabled staff in 2020/2021****% point difference (+/-)** | **Non-disabled staff in 2020 - %** | **Non-disabled staff in 2021 - %** | **Non-disabled staff in 2020/2021****% point difference (+/-)** | **Unknown/null staff in 2020 - %** | **Unknown/null staff in 2021 - %** | **Unknown/null staff in 2020/2021****% point difference (+/-)** | **Total staff in 2020****Headcount** | **Total staff in 2021****Headcount** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Cluster 1 (Bands 1 - 4)** | 3.2 | 3.2 | (0.0) | 71.8 | 73.8 | (+2.0) | 25.0 | 23.0 | (-2.0) | 1552 | 1638 |
| **Cluster 2 (Band 5 - 7)** | 2.4 | 2.8 | (+0.4) | 69.1 | 71.5 | (+2.4) | 28.5 | 25.7 | (-2.8) | 2784 | 2834 |
| **Cluster 3 (Bands 8a - 8b)** | 3.5 | 4.0 | (+0.5) | 71.8 | 72.5 | (+0.7) | 24.6 | 23.5 | (-1.1) | 142 | 149 |
| **Cluster 4 (Bands 8c – 9 & VSM)** | 0.0 | 0.0 | (0.0) | 53.8 | 48.0 | (-5.8) | 46.2 | 52.0 | (+5.8) | 13 | 25 |
| **Cluster 5****(Medical and Dental staff, Consultants)** | 1.8 | 1.4 | (-0.4) | 66.3 | 66.9 | (+0.6) | 31.9 | 31.7 | (-0.2) | 383 | 347 |
| **Cluster 6 (Medical and Dental staff, Non-consultant career grade)** | 2.2 | 1.2 | (-1.0) | 56.5 | 56.9 | (+0.4) | 41.3 | 41.9 | (+0.6) | 138 | 167 |
| **Cluster 7 (Medical and Dental staff, Medical and Dental trainee grades)** | 4.1 | 3.4 | (-0.7) | 55.9 | 69.0 | (+13.1) | 40.0 | 27.6 | (-12.4) | 340 | 387 |

**What the data tells us:**

* Clusters 1, 3 and 7 have a higher than expected representation of disabled staff compared to the representation in the overall workforce; cluster 2 is slightly under.
* Clusters 4-6 have a lower than expected representation of disabled staff compared to the representation in the overall workforce.
* In terms of percentage point difference from the previous year, clusters 2 and 3 saw an increase. However, clusters 1 and 4 remained the same and clusters 5-7 saw a decrease.
* In terms of headcount, clusters 1-3 saw an increase of disabled staff, whilst 4-7 either saw a slight decrease or remained the same.
* Most clusters (except 4 and 6) saw a decrease in staff members where their disability status was not known.

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

### Brighton and Sussex University Hospitals NHS Trust

| **Applicant disability status** | **Shortlisted applicants** | **Shortlisted applicants (%)** | **Appointed applicants** | **Appointed applicants (%)** | **Relative Likelihood of being appointed** |
| --- | --- | --- | --- | --- | --- |
| Disabled applicants | 544 | 6.1% | 47 | 3.0% | **0.09** |
| Non-disabled applicants | 7532 | 84.9% | 1160 | 73.2% | **0.15** |
| Not Stated / Unknown | 793 | 8.9% | 377 | 23.8% | **0.48** |
| **Total** | **8869** | **100.0%** | **1584** | **100.0%** |  |

The likelihood of non-disabled candidates being appointed from shortlisting:
1160 / 7532 = 0.15

The likelihood of disabled candidates being appointed from shortlisting:
47 / 544 = 0.09

The relative likelihood of non-disabled candidates being appointed from shortlisting compared to disabled candidates is 0.15 (non-disabled candidates) / 0.09 (disabled candidates) = **1.67 times greater.**

*In this instance, the data suggests non-disabled candidates are more likely to be appointed than disabled candidates.*

**Historical comparison**

The above chart shows data from 2019, 2020 and 2021 reports. The disabled applicants (purple line) are at a constant of 1.00. In the 2019 report, the relative likelihood for non-disabled applicants was 1.00, which means an equal chance of being appointed compared to disabled applicants. In 2020 the likelihood was 0.82, demonstrating that disabled applicants are more likely to be appointed than non-disabled applicants. In 2021 the relatively likelihood is 1.67, which means non-disabled applicants are more likely to be appointed from shortlisting than disabled applicants.

When applying the rule of 4/5ths, if the likelihood of non-disabled applicants is below 0.8 or above 1.2, it would indicate a likely statistical adverse impact. The data for 2021 would suggest that there could be a statistical adverse impact.

### Western Sussex Hospitals NHS Foundation Trust

| **Applicant disability status** | **Shortlisted applicants** | **Shortlisted applicants (%)** | **Appointed applicants** | **Appointed applicants (%)** | **Relative Likelihood of being appointed** |
| --- | --- | --- | --- | --- | --- |
| Disabled applicants | 315 | 5.6% | 22 | 3.9% | **0.07** |
| Non-disabled applicants | 5152 | 90.9% | 501 | 89.6% | **0.10** |
| Not Stated / Unknown | 198 | 3.5% | 36 | 6.4% | **0.18** |
| **Total** | **5665** | **100.0%** | **559** | **100.0%** |  |

The likelihood of non-disabled candidates being appointed from shortlisting:
501 / 5152 = 0.10

The likelihood of disabled candidates being appointed from shortlisting:
22 / 315 = 0.07

The relative likelihood of non-disabled candidates being appointed from shortlisting compared to disabled candidates is 0.10 (non-disabled candidates) / 0.07 (disabled candidates) = **1.43**

*In this instance, the data suggest that non-disabled candidates are more likely to be appointed from shortlisting than disabled candidates.*

**Historical comparison**

The above chart shows data from 2019, 2020 and 2021 reports. The disabled applicants (purple line) are at a constant of 1.00. In the 2019 report, the relative likelihood for non-disabled applicants was 0.92, which means disabled applicants are slightly more likely to be appointed than non-disabled applicants. In 2020 the likelihood was 1.85, demonstrating that non-disabled applicants are more likely to be appointed than non-disabled applicants. In 2021 the relatively likelihood is 1.43, which means non-disabled applicants are more likely to be appointed from shortlisting than disabled applicants.

When applying the rule of 4/5ths, if the likelihood of non-disabled applicants is below 0.8 or above 1.2, it would indicate a likely statistical adverse impact. The data for 2021 suggest that there is an adverse statistical impact.

## 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. (2-year rolling average)

### Brighton and Sussex University Hospitals NHS Trust

| **Staff group** | **2-year rolling average of capability procedures** | **Number in Workforce** | **Relative Likelihood of entering procedure** |
| --- | --- | --- | --- |
| **Disabled staff** | 1.5 | 547 | 0.0027 |
| **Non-disabled staff** | 9.5 | 7331 | 0.0013 |
| **Not known / unspecified** | 4.5 | 995 | 0.0045 |

The likelihood of non-disabled staff entering the formal capability process:
9.5 / 7331 = 0.0013

The likelihood of disabled staff entering the formal capability process:
1.5 / 547 = 0.0027

The relative likelihood of disabled staff entering the formal capability process compared to non-disabled staff is 0.0027 (Disabled Staff) / 0.0013 (non-disabled Staff) = **2.08 times greater.**

*In this instance, the data suggests that disabled staff members are more likely than non-disabled staff to enter into a formal capability process***.**

**Historical Comparison**

The above chart demonstrates data from the 2019 and 2020 reports. The non-disabled staff (blue line) are at a constant of 1.00. In 2019 the relatively likelihood was 4.35. This means that disabled staff are more likely to enter into a formal capability process than non-disabled; this dropped to 2.64 in 2020 and further in 2021 2.01 in 2021.

When applying the rule of 4/5ths, if the likelihood of disabled staff is below 0.8 or above 1.2, it would indicate a likely statistical adverse impact. The 2021 data would suggest that there is a likely statistical impact however, it should be noted that the number of processes is low which has a bearing.

### Western Sussex Hospitals NHS Foundation Trust

| **Staff group** | **2-year rolling average of capability procedures** | **Number in Workforce** | **Relative Likelihood of entering procedure** |
| --- | --- | --- | --- |
| **Disabled staff** | 0 | 230 | 0.0000 |
| **Non-disabled staff** | 2.5 | 5401 | 0.0005 |
| **Not known / unspecified** | 0 | 1888 | 0.0000 |

The likelihood of non-disabled staff entering the formal capability process:
2.5 / 5401 = 0.0005

The likelihood of disabled staff entering the formal capability process:
0 / 230 = 0.0000

The relative likelihood of disabled staff entering the formal capability process compared to non-disabled staff is 0.0000 (Disabled Staff) / 0.0005 (non-disabled Staff) = **0.00**

*In this instance, the data suggests that disabled staff members have not entered the disciplinary process.*

**Historical Comparison**

The above chart illustrates, throughout the last 3 reporting periods, there have been no disabled staff entering the formal capability process.

When applying the rule of 4/5ths, if the likelihood of disabled staff is below 0.8 or above 1.2, it would indicate a likely statistical adverse impact.

## Metric 4a - Percentage of Disabled staff compared to non-disabled staff experiencing harassment, bullying, or abuse from: Patients/service users, their relatives, or other members of the public, managers and other colleagues

### Brighton and Sussex University Hospitals NHS Trust

 **Patients/service users, their relatives, or other members of the public**

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 35.0% | 36.7% | 34.8% |
| **Non-disabled staff** | 31.0% | 31.8% | 30.0% |
| **% point difference between disabled and non-disabled staff** | (-4.0%) | (-4.9%) | (-4.8%) |
| **Acute Average (Disabled)** | 33.6% | 33.2% | 30.9% |
| **Acute Average****(Non-Disabled)** | 26.5% | 26.4% | 24.5% |

**Managers**

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 18.2% | 18.7% | 17.8% |
| **Non-disabled staff** | 10.7% | 9.4% | 10.4% |
| **% point difference between disabled and non-disabled staff** | (-7.5%) | (-9.3%) | (-7.4%) |
| **Acute Average (Disabled)** | 19.6% | 18.5% | 19.3% |
| **Acute Average****(Non-Disabled)** | 11.7% | 10.8% | 10.8% |

**Other Colleagues**

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 30.1% | 28.2% | 29.0% |
| **Non-disabled staff** | 20.5% | 17.6% | 17.9% |
| **% point difference between disabled and non-disabled staff** | (-9.6%) | (-10.6%) | (-11.1%) |
| **Acute Average (Disabled)** | 27.7% | 27.7% | 26.9% |
| **Acute Average****(Non-Disabled)** | 18.0% | 17.5% | 17.8% |

**What the data tells us:**

* Overall disabled staff report that they have experienced bullying, harassment and abuse than non-disabled staff.
* There has been an improvement in the reported experience by disabled staff of bullying, harassment and abuse from patients, services users, etc. and managers. The difference in reported experiences between disabled and non-disabled staff got (compared to the previous year)
* The reported experience of bullying, harassment and abuse from other colleagues was worse in the 2020 staff survey compared to the previous year. This also meant the difference in experience between disabled and non-disabled staff widened.
* Compared to the acute average, in the 2020 staff survey, the Trust’s reported rate of bullying, harassment and abuse from patients, service users, etc. and other colleagues was worse for disabled staff.
* Compared to the acute average, in the 2020 staff survey, the Trust’s reported rate of bullying, harassment and abuse from managers was better for disabled staff.

### Western Sussex Hospitals NHS Foundation Trust

**Patients/service users, their relatives, or other members of the public**

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 36.2% | 36.7% | 33.7% |
| **Non-disabled staff** | 29.0% | 27.6% | 27.6% |
| **% point difference between disabled and non-disabled staff** | (-7.2%) | (-9.1%) | (-6.1%) |
| **Acute Average (Disabled)** | 33.6% | 33.2% | 30.9% |
| **Acute Average****(Non-Disabled)** | 26.5% | 26.4% | 24.5% |

**Managers**

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 19.0% | 18.3% | 19.7% |
| **Non-disabled staff** | 9.6% | 9.8% | 10.8% |
| **% point difference between disabled and non-disabled staff** | (-9.4%) | (-8.5%) | (-8.9%) |
| **Acute Average (Disabled)** | 19.6% | 18.5% | 19.3% |
| **Acute Average (Non-Disabled)** | 11.7% | 10.8% | 10.8% |

**Other Colleagues**

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 29.3% | 29.5% | 27.2% |
| **Non-disabled staff** | 15.7% | 16.5% | 17.4% |
| **% point difference between disabled and non-disabled staff** | (-13.6%) | (-13.0%) | (-9.8%) |
| **Acute Average (Disabled)** | 27.7% | 27.7% | 26.9% |
| **Acute Average****(Non-Disabled)** | 18.0% | 17.5% | 17.8% |

**What the data tells us:**

* Overall disabled staff report that they have experienced bullying, harassment and abuse than non-disabled staff.
* There has been an improvement in the reported experience by disabled staff of bullying, harassment and abuse from patients, services users, etc. and other colleagues. The difference in reported experiences between disabled and non-disabled staff got smaller (compared to the previous year)
* The reported experience of bullying, harassment and abuse from managers was worse in the 2020 staff survey compared to the previous year. This also meant the difference in experience between disabled and non-disabled staff widened.
* Compared to the acute average, in the 2020 staff survey, the Trust’s reported rate of bullying, harassment and abuse from patients, service users, etc., was worse for disabled staff.
* Compared to the acute average, in the 2020 staff survey, the Trust’s reported rate of bullying, harassment and abuse from managers and other colleagues was broadly in line.

## Metric 4b - 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.

### Brighton and Sussex University Hospitals NHS Trust

| **NHS Staff Survey** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 48.4% | 43.9% | 46.0% |
| **Non-disabled staff** | 44.2% | 44.3% | 40.0% |
| **% point difference between disabled and non-disabled staff** | (-4.2%) | (0.4%) | (-6.0%) |
| **Acute Average (Disabled)** | 45.5% | 47.0% | 47.0% |
| **Acute Average (Non-Disabled)** | 45.0% | 46.1% | 45.8% |

**What the data tells us:**

* Compared to the previous year, disabled staff are more likely to report incidents of bullying, harassment and abuse
* Compared to the previous year, there has been a decrease in the number of non-disabled staff reporting bullying, harassment, and abuse, leading to the difference between Trust staff between the two groups widening.
* Compared to the acute average, both disabled and non-disabled staff at the Trust report incidents of bullying, harassment and abuse less.

### Western Sussex Hospitals NHS Foundation Trust

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 49.1% | 43.8% | 44.8% |
| **Non-disabled staff** | 48.4% | 44.9% | 44.8% |
| **% point difference between disabled and non-disabled staff** | (-0.7%) | (1.1%) | (0.0%) |
| **Acute Average (Disabled)** | 45.5% | 47.0% | 47.0% |
| **Acute Average (Non-Disabled)** | 45.0% | 46.1% | 45.8% |

**What the data tells us:**

* Compared to the previous year, disabled staff are more likely to report bullying, harassment, and abuse incidents, which has led to the difference between Trust staff between the two groups being equal.
* Compared to the previous year, there has been a decrease in the number of non-disabled staff reporting bullying, harassment and abuse
* Compared to the acute average, both disabled and non-disabled staff at the Trust are reporting incidents of bullying, harassment and abuse less

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

### Brighton and Sussex University Hospitals NHS Trust

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 79.8% | 77.4% | 76.1% |
| **Non-disabled staff** | 85.8% | 86.9% | 84.8% |
| **% point difference between disabled and non-disabled staff** | (6.0%) | (9.5%) | (8.7%) |
| **Acute Average (Disabled)** | 78.4% | 79.3% | 79.6% |
| **Acute Average (Non-Disabled)** | 85.5% | 86.1% | 86.3% |

**What the data tells us:**

* Compared to the previous year, both disabled and non-disabled staff feel that the Trust provides equal opportunities for career progression or promotion has decreased
* Compared to the previous year, the experience difference between the two groups has got smaller
* Both disabled and non-disabled staff score lower than the acute average.

### Western Sussex Hospitals NHS Foundation Trust

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 83.5% | 80.4% | 83.3% |
| **Non-disabled staff** | 89.6% | 88.6% | 89.1% |
| **% point difference between disabled and non-disabled staff** | (6.1%) | (8.2%) | (5.8%) |
| **Acute Average (Disabled)** | 78.4% | 79.3% | 79.6% |
| **Acute Average (Non-Disabled)** | 85.5% | 86.1% | 86.3% |

**What the data tells us:**

* Compared to the previous year, both disabled and non-disabled staff feel that the Trust provides equal opportunities for career progression or promotion has increased
* Compared to the previous year, the experience difference between the two groups has got smaller
* Both disabled and non-disabled staff score better than the acute average.

## Metric 6 - 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.

### Brighton and Sussex University Hospitals NHS Trust

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 30.1% | 30.3% | 28.9% |
| **Non-disabled staff** | 20.6% | 20.3% | 20.8% |
| **% point difference between disabled and non-disabled staff** | (-9.5%) | (-10.0%) | (-8.1%) |
| **Acute Average (Disabled)** | 33.2% | 32.6% | 33.0% |
| **Acute Average (Non-Disabled)** | 22.8% | 21.8% | 23.4% |

**What the data tells us:**

* Compared to the previous year, fewer disabled staff feel pressured by their manager to attend work despite not feeling well enough.
* Compared to the previous year, the gap between the difference between disabled and non-disabled staff’s experience got smaller
* Compared to the acute average, the Trust relating to both disabled and non-disabled staff is better.

### Western Sussex Hospitals NHS Foundation Trust

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 33.3% | 35.5% | 34.4% |
| **Non-disabled staff** | 24.1% | 23.5% | 24.1% |
| **% point difference between disabled and non-disabled staff** | (-9.2%) | (-12.0%) | (-10.3%) |
| **Acute Average (Disabled)** | 33.2% | 32.6% | 33.0% |
| **Acute Average (Non-Disabled)** | 22.8% | 21.8% | 23.4% |

**What the data tells us:**

* Compared to the previous year, fewer disabled staff feel pressured by their manager to attend work despite not feeling well enough.
* Compared to the previous year, the gap between the difference between disabled and non-disabled staff’s experience got smaller
* Compared to the acute average, the Trust relating to both disabled and non-disabled staff is slightly worse.

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

### Brighton and Sussex University Hospitals NHS Trust

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 37.6% | 37.2% | 35.5% |
| **Non-disabled staff** | 45.7% | 47.8% | 45.1% |
| **% point difference between disabled and non-disabled staff** | (+8.1%) | (+10.6%) | (-9.6%) |
| **Acute Average (Disabled)** | 36.8% | 37.9% | 37.4% |
| **Acute Average (Non-Disabled)** | 47.8% | 49.9% | 49.3% |

**What the data tells us:**

* Compared to the previous year, fewer disabled and non-disabled staff felt satisfied that the Trust values their work.
* Compared to the previous year, the gap between the difference between disabled and non-disabled staff’s experience got smaller
* Compared to the acute average, the Trust relating to both disabled and non-disabled staff is worse.

### Western Sussex Hospitals NHS Foundation Trust

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 37.5% | 40.1% | 38.1% |
| **Non-disabled staff** | 52.2% | 55.8% | 51.4% |
| **% point difference between disabled and non-disabled staff** | (14.7%) | (15.7%) | (13.3%) |
| **Acute Average (Disabled)** | 36.8% | 37.9% | 37.4% |
| **Acute Average (Non-Disabled)** | 47.8% | 49.9% | 49.3% |

**What the data tells us:**

* Compared to the previous year, fewer disabled and non-disabled staff felt satisfied that the Trust values their work.
* Compared to the previous year, the gap between the difference between disabled and non-disabled staff’s experience got smaller
* Compared to the acute average, the Trust relating to both disabled and non-disabled staff is better.

## Metric 8 - Percentage of Disabled staff saying that their employer has made adequate adjustment(s) to enable them to carry out their work

### Brighton and Sussex University Hospitals NHS Trust

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 71.8% | 76.1% | 75.2% |
| **Acute Average (Disabled)** | 73.1% | 73.4% | 75.5% |

**What the data tell us:**

* Compared to the previous year, fewer disabled staff felt that they have adequate, reasonable adjustments
* Compared to the acute average, the Trust scores slightly less.

### Western Sussex Hospitals NHS Foundation Trust

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 75.5% | 73.8% | 74.3% |
| **Acute Average (Disabled)** | 73.1% | 73.4% | 75.5% |

**What the data tell us:**

* Compared to the previous year, more disabled staff felt that they have adequate, reasonable adjustments
* Compared to the acute average, the Trust scores less.

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

### Brighton and Sussex University Hospitals NHS Trust

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 6.6 | 6.6 | 6.6 |
| **Non-disabled staff** | 7.0 | 6.9 | 6.9 |
| **Acute Average (Disabled)** | 6.6 | 6.7 | 6.7 |
| **Acute Average (Non-disabled)** | 7.1 | 7.1 | 7.1 |

### **Western Sussex Hospitals NHS Foundation Trust**

| **NHS Staff Survey staff group** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| **Disabled staff** | 6.9 | 6.9 | 6.9 |
| **Non-disabled staff** | 7.3 | 7.4 | 7.3 |
| **Acute Average (Disabled)** | 6.6 | 6.7 | 6.7 |
| **Acute Average (Non-disabled)** | 7.1 | 7.1 | 7.1 |

## Metric 9b - Has your trust taken action to facilitate the voices of Disabled staff in your organisation to be heard?

### Brighton and Sussex University NHS Trust

**Yes** – In February 2019, the Trust signed off a Terms of Reference for the Disability Staff Network; from that point forward, the network was formally recognised by the Trust. The network aims to provide an avenue for staff to discuss disability-related issues. The network reports to the Diversity Matters Steering Group, chaired by the Chief Executive and the Chief Workforce and Organisational Development Officer.

### Western Sussex Hospitals NHS Foundation Trust

**Yes** - The Trust has a disability staff network. The network aims to provide an avenue for staff to discuss disability-related issues, the WDES outcomes and action plan are discussed with the network. The network reports to the Diversity Matters Steering Group, which the Chief Executive and HR Director chair.

## Metric 10 - The percentage difference between the organisation’s board voting membership and its organisation’s overall workforce, disaggregated:

The organisation’s Board executive membership and its overall workforce

### Brighton and Sussex University Hospitals NHS Trust

| **Staff Group** | **Number in workforce** | **% in workforce** | **Number on board** | **% of board** | **% Difference** |
| --- | --- | --- | --- | --- | --- |
| **Disabled**  | 547 | 6.2% | 0 | 0.0% | **-6.2%** |
| **Non-disabled** | 7331 | 82.6% | 5 | 35.7% | **46.9%** |
| **Not known**  | 995 | 11.2% | 9 | 64.3% | **-53.10%** |
| **Total** | 8873 | 100.0% | 14 | 100.0% |  |

### Western Sussex Hospitals NHS Foundation Trust

| **Staff Group** | **Number in workforce** | **% in workforce** | **Number on board** | **% of board** | **% Difference** |
| --- | --- | --- | --- | --- | --- |
| **Disabled**  | 230 | 3.1% | 0 | 0.0% | **-3.1%** |
| **Non-disabled** | 5402 | 71.8% | 5 | 35.7% | **36.1%** |
| **Not known**  | 1888 | 25.1% | 9 | 64.3% | **-39.2%** |
| **Total** | 7519 | 100.0% | 14 | 100.0% |  |

# In Year Actions for 2021/22:

| Number | Action | Responsibility | Completion |
| --- | --- | --- | --- |
| 1. | Executive Director sponsor for Disability Staff Network | EDI | Feb-22 |
| 2. | Improve on declaration rates of the workforce | EDI/HR | Mar-22 |
| 3. | Review disparity in Recruitment data | HR Employment Services | Mar-22 |

# Factors or data which should be taken into consideration in assessing progress?

As the reporting period of this report covers the period of the COVID-19 pandemic, many pieces of work had been on hold, delaying progression in several areas to ensure the Trust was able to meet the needs caused by the pandemic.

## **Any issues of completeness of data**

None, although declaration of disability remains under-reported/disclosed by staff.

## **Any matters relating to the reliability of comparisons with previous years**

On completing data for the WDES report, it was realised that there had been an inconsistency in interpreting TRAC recruitment reports. This has now been rectified. In 2020 the likelihood was reported as 0.82, which should have been 0.96 for BSUH. For WSHFT, 1.85 was reported and should have been 2.48.