



EQUALITY DELIVERY SYSTEM Q&A

WHAT IS THE EQUALITY DELIVERY SYSTEM (EDS)?

The Equality Delivery System (EDS) is a nine step process to make sure NHS workplaces are free from discriminatory practices toward patients, staff, and visitors. It was designed by the NHS for the NHS to improve services and delivery and imbed equality practices into everyday NHS business. It was made available in late July 2011 and formally launched in November 2011. Many NHS organisations are already using the EDS.

At the heart of the EDS is a set of 18 outcomes grouped into four goals. The goals are:

- Better health outcomes for all
- Improved patient access and experience
- Empowered, engaged and included staff
- Inclusive leadership at all levels

All the steps in the EDS work toward achieving these goals.

HOW CAN UNISON BRANCHES USE THE EDS?

The EDS can be used by branches to drive up standards and help eliminate bad practice in the workplace. Public sector organisations have clearly defined legal duties under the Equality Act and other pieces of legislation, which branches and UNISON activists can use to hold employers to account.

Although using the EDS is not a legal requirement, the Department of Health are unlikely to look favourably at NHS organisations who do not assess themselves against of the Outcomes in the EDS and report their findings. If your organisation decides to make use of the EDS, a representative from your branch should be included in the working group. If your organisation decides to use another tool or process – make sure a UNISON branch representative is included in those working groups and discussions as well.

If the EDS hasn't already made an appearance on your organisation's Joint Staff Forum agenda, make sure it is on the next one. Discuss with your branch and with the employer how to begin using the EDS, what steps would need to be taken, who would need input and what evidence already exists.

If your organisation is already using the EDS, make sure your branch has access to the evidence gathered. It would be worth putting a group together, possibly with members of management, to look through this data.

WHICH PARTS OF THE EDS ARE MOST RELEVANT TO BRANCHES?

UNISON branches should pay close attention to Goals 3 and 4. Goal 3 has the heading "Empowered, engaged and well-supported staff." Goal 4 aims for "Inclusive leadership at all levels."

Outcomes 3.1 - 3.6 make up the section devoted to the welfare of employees.

The Outcomes are:

- 3.1 Recruitment and selection processes are fair, inclusive and transparent so that the workforce becomes as diverse as it can be within all occupations and grades.
- 3.2 The NHS is committed to equal pay for work of equal value and expects employers to use equal pay audits to fulfil their legal obligations.
- 3.3 Through support, training, personal development and performance appraisal, staff are confident and competent to do their work, so that services are commissioned or provided appropriately.
- 3.4 Staff are free from abuse, harassment, bullying and violence from both patients and their relatives and colleagues, with redress being open and fair to all.
- 3.5 Flexible working options are made available to all staff, consistent with the needs of the service, and the way people lead their lives.
- 3.6 The workforce is supported to remain healthy, with a focus on addressing major health and lifestyle issues that affect individual staff and the wider population.

Each Outcome is further broken down by “Factors” by which an organisation is evaluated. These are found in the EDS Grades Manual.

This grading structure can be used to hold organisations to account for bad practice or poor working conditions. If there are disagreements between how an Outcome should be graded, the EDS manual recommends that the views of local interests, such as trade unions, be given precedence.

Outcomes 4.1 – 4.3 are graded in the same way; in fact many of them use the same or similar ‘Factors.’ These Outcomes are:

- 4.1 Boards and senior leaders conduct and plan their business so that equality is advanced, and good relations fostered, within their organisation and beyond.
- 4.2 Middle managers and other line managers support and motivate their staff to work in culturally competent ways within a work environment free from discrimination.
- 4.3 The organisation uses the Competency Framework for Equality and Diversity Leadership to recruit, develop and support strategic leaders to advance equality outcomes.

Although these Outcomes will likely be the most relevant to UNISON members, remember that every situation is unique. Have a read through the other Outcomes as well in case you find something relevant to your situation.

IS USING THE EDS A LEGAL REQUIREMENT?

No. The EDS is an optional tool. However it helps organisations to meet legal requirements such as:

- Meeting the public sector Equality Duty
- Delivering on the NHS Outcomes Framework, NHS Constitution and the Human Resources Transition Framework
- If they are providers, meeting the Care Quality Commission’s “Essential Standards of Quality and Safety”

NHS organisations need to produce information to demonstrate compliance with these requirements. The EDS is a process that organisations can use to produce this information. By itself however, the EDS will not satisfy the public sector Equality Duty.

WHO DOES THE EDS COVER?

The EDS covers all those people with characteristics protected by the Equality Act 2010. There are nine characteristics in total: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race including nationality and ethnicity, religion or belief, sex, sexual orientation.

The term “protected groups” is often used as shorthand to refer to people with these characteristics.

IS THE EDS APPROPRIATE FOR ALL NHS ORGANISATIONS TO USE?

Yes. The EDS was designed to work for both current and emerging NHS organisations.

Large organisations do not need to run separate EDS processes for each site or department, rather it is recommended that a single EDS process be run for the whole of the organisation. However it is advisable that a Board be set up to take account of different levels of performance across sites and services.

WHY IS THE EDS NEEDED?

Despite a lot of good practice, there is still considerable evidence that some patients and communities feel they are not as well served by the NHS as they should be.

For example, information that organisations make available to patients and communities may not be accessible to everyone, or it might be difficult to gain access to buildings for some people. Similarly, staff may experience difficulties in developing their careers or feel excluded from some occupations or careers.

UNISON believes that all staff deserve the same opportunities to progress their careers, and that all people have a right to a working environment free from poor conditions that damage their health, safety or wellbeing. UNISON is made up of individuals from all walks of life. Every one of them is entitled to be treated with fairness, dignity and respect.

HOW DOES THE EDS WORK?

The EDS is broken down into nine chronological steps that guide the user organisation easily through the process.

The nine steps are:

1. Governance and partnership working
2. Identify local interests
3. Assemble evidence
4. Agree roles with the local authority
5. Analyse performance
6. Agree grades
7. Prepare equality objectives
8. Integrate equality objectives into mainstream business planning
9. Publish grades and equality objectives

The EDS works like many projects. It begins by identifying key players who should be involved and talking with them. Then it gathers and examines evidence (such as pay data, hiring data and so forth) and determines where the good practice is and where the problems lie. Based on this, goals and plans are drawn up to fix the problems and improve and continue the good practice. These plans are then integrated into everyday business. The process maintains transparency by making public the grades and objectives, for example by sharing them via health and wellbeing boards.

a million
voices
for
change

HOW DOES THE EDS GRADE LEVELS OF EQUALITY?

The EDS is based around a set of 18 Outcomes grouped into the four goals above. Using these, NHS performance is graded by the NHS organisation and working with local patients, community groups, staff, staff-side and voluntary organisations.

There are four grades that can be given to each outcome: underdeveloped, developing, achieving, and excelling.

WHERE DOES THE INFORMATION USED TO ANALYSE EQUALITY PERFORMANCE COME FROM?

Annex H in the EDS book provides a long list of potential sources of information, which will be a helpful place to start. Organisations are advised to begin by looking at the data within local Joint Strategic Needs Assessments, but are also encouraged to make full use of other available evidence.

Wherever possible, the evidence should be broken down by protected group. This will help give the clearest picture possible when analysing the data later.

In some cases organisations will decide to collect new monitoring data. This will need to be done with care and regard to how information is collected and what types of information are asked for. It may be detrimental to personal privacy, for example, to monitor the sexual orientation of employees in a small department. See UNISON's factsheet on Workforce monitoring for sexual orientation and gender identity, available here: http://www.unison.org.uk/out/docs_list_wpr.asp.

For more information on monitoring protected characteristics within the workforce and other guidance on equality within the workplace, see UNISON's Equality webpage, here: <http://www.unison.org.uk/equality>.

WHAT IF THERE ARE DISAGREEMENTS ABOUT HOW AN OUTCOME IS GRADED?

If disputes arise every attempt should be made to resolve them locally. If the disagreement cannot be resolved, the EDS book recommends that the difference of opinions should be openly acknowledged, with the views of local interests taking precedence when it comes to the grades.

Provided the process can be kept reasonable and manageable, local commissioners or neighbouring providers may be asked to arbitrate the disagreement. Commissioners and local interests may agree to approach other local commissioners or even PCT Clusters.

WHAT SHOULD BE DONE IF A SERIOUS CONCERN ABOUT A PROVIDER IS RAISED?

Serious concerns about providers may be referred to the Care Quality Commission.

AFTER THE GRADING IS COMPLETE, WHAT'S THE BEST WAY TO BEGIN TACKLING THE PROBLEM AREAS?

It may be tempting to simply focus on the outcomes that were agreed as 'undeveloped.' This could be entirely appropriate in some cases, but it could also miss issues particular to groups who are in a minority. If for example there is a situation where services and working environments for lesbian, gay and bi-sexual staff are generally poor; whereas for patients and staff from other protected groups there is achieving or excelling practice. A glance at the grades across all outcomes could give a misleading picture, being populated by mostly high grades, and could miss an opportunity to solve an existing problem.

WHAT ARE IMPORTANT DATES FOR THE EDS?

Make a note of:

- By 31 January 2012, NHS organisations are required by law to publish information to demonstrate their compliance with the public sector Equality Duty. This information must then be published at least annually in the future.
- One or more equality objective(s) for 2012/2013 must be published by 6 April 2012, and then subsequently at least once every four years.

WHERE CAN I FIND MORE INFORMATION ON THE EDS?

For further information and queries about the EDS, you can contact the EDS Support Team at edssupport@nhs.net.

To obtain a copy of the EDS and find more information, visit <http://www.eastmidlands.nhs.uk/about-us/inclusion/eds/?locale=en>.

A range of guidance, the sharing of good practice and lessons learnt, and other resources in support of EDS implementation will be available in due course at www.eastmidlands.nhs.uk/eds. There will be additional resources on the Department of Health's website: <http://healthandcare.dh.gov.uk/equality-delivery-system/>.



a million
voices
for
change