

An overview of form, function and impact of the NHS Equality and Diversity Council since April 2015: Paper from the Co-Chair Advisory Group

Purpose

1. In response to challenges in meeting the recommendations of the January 2015 review into the function, form and membership of the Equality and Diversity Council (EDC), and the changing landscape of the NHS around us, this paper offers recommendations on shaping an EDC that has clear governance, oversight, direction and purpose.
2. This paper does not present another formal review; it is a reflective piece, the primary aim of which is to help ensure that the EDC is delivering upon its original intent and commitments – summarised and agreed upon as part of its last review.

Background

3. The EDC was formed by the Department of Health in 2009 in response to the challenge that there was no senior system-wide forum to promote equality across the NHS. At that time, the EDC was a sub-committee of the NHS Management Board. In 2013 it was temporarily disbanded due to the health and social care reforms and refreshed in its current form, in November 2013 by NHS England, who sought a new membership and refreshed the Terms of Reference to extend the remit of the Council to include health inequalities, human rights and social care.
4. In January 2015, the EDC's function, form and membership was reviewed and the following key recommendations were agreed upon:
 - The purpose and work programme of EDC should be explicitly focused on promoting equality and diversity in the NHS particularly for and with people using services. EDC will deal with issues which can help address health inequalities, but this is not its core purpose.
 - There should be recognition of shared interests with social care, but EDC is rightly concerned with the NHS.
 - Membership is unwieldy - it should be reduced. Members with a nil or very low attendance could be replaced by others more able to attend.
 - There is a case for involving patients or people with 'lived experiences' as part of the work of the EDC.

Current challenges

5. When established, the EDC provided direction-setting from system leaders. Notwithstanding attempts to retain a similar level of system leadership, it is acknowledged that an element of that oversight and assurance role has been lost during the recent refresh of the EDC. Whilst recognising the ultimate responsibility of NHS boards for delivering on the public sector Equality Duty, the EDC needs to be seen as a forum where the key NHS oversight organisations come together nationally to share intelligence, agree action and monitor overall assurance on equality and diversity covering both person centred care and workforce issues..
6. Such a national blueprint that clearly sets out the purpose and context of the EDC is currently missing. During the review of the EDC in 2015, members were unclear about the purpose, remit and added value of the EDC and welcomed this being restated within clearer and realistic terms of reference. It is clear that this original aim can be quickly developed but has yet to be realised.
7. There is a clear need for the EDC to develop a strategic overview across its remit to help establish clarity about the key areas of focus for the Council and their relative priority. Using this overview, the EDC can facilitate a national concerted focus on patient care and workforce equality through system leadership.
8. As agreed in previous reviews, the focus of the EDC should primarily be upon equality and diversity and not upon health inequalities, which must continue to be addressed locally using local data and analysis to inform direction. 'Equality and diversity' is a big enough agenda and focus should not be lost in making continuous improvements in this area particularly for patient care. The EDC can set a national context for the NHS with regard to equality and diversity, but it is not practical for the entirety of this work to be managed from the centre.
9. Despite attempts to reduce membership on the EDC during the refresh, the membership remains unwieldy. Up to 46 members attend core EDC meetings, with many having little opportunity to contribute. Form follows function, as such, if the EDC is to be a forum where key system lead organisations set the direction for continuous improvements in equality and diversity then current EDC structure and membership need to be revised.

10. A two-tier structure for the EDC is proposed that will provide both the strategic direction-setting and the operational expression of that direction. Consequently, a core strategic EDC membership of 12-15 national organisations should meet quarterly, supported by a small number of operational subgroups tasked to deliver on the set vision and strategic priorities of the EDC. It is envisaged that many current EDC members will be able to continue to work, if they wish, within the two-tier leadership and task and finish delivery structure.

Recommendations

- i. It is recommended that EDC has a primary focus on equality and diversity across both patient centred care and workforce issues. Equality and diversity alone is a large agenda; it would be ambitious of the EDC to broaden its scope to health inequalities and realistically do justice to both.
- ii. The EDC should develop a system-wide blueprint, based upon the core values and principles of the NHS Constitution (as was the case with the original guiding overview for the EDC), across its remit and clearly describe our current key issues that should be nationally driven.
- iii. Core EDC membership should be reduced to 15-18 members representing national systems or structures. Operational Council membership should be assigned to operational subgroups that will deliver upon the strategic direction.
- iv. In line with other national bodies, the EDC should produce an annual report summarising what it has achieved. This would help communicate the Council's work out to the system, reinforce to the EDC its own purpose and added value and help the momentum of the Council and its work.
- v. It is recommended that a facilitated EDC workshop that has a clear purpose and end-point is held during July 2016. The workshop will outline where the EDC has have come from, celebrate its achievements to date, and engage upon the draft system-wide blueprint for the EDC.