

# Briefing

## Positive action in the NHS

### Phase 1 of the NHS Employers positive action programme

The Government's Equality Bill, with its proposed Commission for Equality and Human Rights, is rapidly changing the approach to equality in the workplace. As well as requiring public authorities to promote equal opportunities, the legislation provides ample support for specific types of positive action.

This *Briefing* outlines the key findings of the first phase of a positive action programme by NHS Employers in partnership with the University of Bradford to counter the scarcity of research on this important subject. It includes the rationale behind positive action, a working definition, case studies and practical guidance.

#### Key points

Positive action promotes equality of opportunity and diversity, enabling the recruitment and retention of the most competent employees from a wide spectrum of the population.<sup>1</sup>

The research findings highlight the need for employers in the NHS to make progress in agreeing a common definition of positive action, taking a strategic approach and improving understanding of what positive action is.

The full NHS Employers report into positive action is at: [www.nhsemployers.org/equality](http://www.nhsemployers.org/equality)

#### What is positive action?

In the absence of a common legal definition of positive action, NHS Employers has devised the following working definition:

“Positive action is a range of lawful actions that seeks to address an imbalance in employment opportunities among targeted groups that have previously experienced disadvantage, or that have been subject to discriminatory policies and practices, or that are under-represented in the workforce.”

The definition has been used to review examples of positive action that are being undertaken in the

NHS. It must be emphasised that this is not a legal definition. It is open to further consideration and may be changed in the future.

#### Positive action and positive discrimination

Positive action should not be confused with positive discrimination. Positive discrimination is illegal. It involves employing or promoting people because they are from a target group such as women or men, or a particular ethnic group.

Positive action, on the other hand, involves job selection or promotion measures that encourage or enable members of a previously disadvantaged group to apply for a post.

However, the actual recruitment process must be applied fairly and the strongest candidate should be appointed, regardless of background or disadvantage.

## Why consider positive action?

There are legal obligations placed on employers in relation to age, disability, gender, race, religion and belief and sexual orientation. Further legislation comes into force on age in 2006 and on gender in 2007.

Positive action can support disadvantaged groups and address imbalances between a workforce and the communities served. It also brings other benefits through broadening the experience, knowledge and ideas influencing an organisation. Because of this, the Department of Health (DH) and NHS Employers encourage employers in the NHS to take positive action when appropriate.

Positive action promotes equality of opportunity and diversity, enabling organisations to attract, recruit and retain the most competent employees from a wide spectrum of the population.<sup>1</sup> A workforce that, at all levels, broadly reflects the community it serves will be better placed to understand its needs and provide an effective service.

In spite of more than 30 years of equalities legislation in the UK:

- women earn, on average,

18 per cent less than their male counterparts, 35 years after the Equal Pay Act<sup>2</sup>

- only three out of 400 directors of nursing in the NHS are black<sup>3</sup>
- despite having specific health needs, black and minority ethnic (BME) groups generally under-use the NHS<sup>3</sup>
- disabled people are nearly three times as likely as non-disabled people to be economically inactive, ten years after the Disability Discrimination Act 1995.<sup>4</sup>

Service pressures also underline the need for change. It is estimated that the NHS loses nine per cent of its workforce each year. This means recruiting about 10,000 employees every year in order to maintain the same level of service.<sup>5</sup> In addition, the workforce is ageing. About 73,000 nurses are aged between 50 and 55 and are due to retire over the next five to ten years. Almost half of all GPs intend to retire before they are 60.<sup>5</sup> The national BME population has a much younger profile: 45 per cent are under 25 years of age, compared with 29 per cent of white people.<sup>6</sup>

Faced with these issues and the requirement to improve services, NHS employers will increasingly need to:

- widen the potential recruitment pool

- improve access to education, training and job opportunities
- attract, recruit and retain staff from under-represented groups
- make their organisations, at all levels, more representative of the community.

Positive action can help to resolve these issues and make a vital contribution to developing and maintaining the NHS as an employer of excellence.

## The research

In partnership with the University of Bradford, wider research was undertaken into the background to positive action.

The research has been structured in two phases. In Phase 1, work was undertaken with a range of NHS organisations in England to find out:

- why they decided to use positive action
- what target groups they identified
- what benefits have been achieved.

Preliminary research indicates that positive action initiatives are commonplace in the NHS. However, there is little co-ordination of these activities nationally.

## Types of positive action

Twenty NHS and other key partner organisations took part in the research. In-depth interviews were held with each of these organisations, covering all types of positive action activities across the NHS. Over 70 examples were put forward for consideration, a number of which are summarised in this section.

### Work experience placements

Paid or unpaid employment is offered for a limited period, to provide experience of a working environment or specific type of work. Those who have completed the placement should be in a better position than before if a formal recruitment process follows the placement.

**The Positive Action Through Health scheme**, run by **Portsmouth Hospitals NHS Trust**, enables unemployed members of minority groups on the Government's New Deal programme to undertake work placements. The scheme's objectives are:

- to recruit from the local community
- to provide a link between the trust and minority groups
- to encourage individuals on the programme to apply for full-time posts in the trust or elsewhere

- to support general recruitment and retention objectives.

### Job preparation training

This is often combined with a work experience placement. Potential employees from target groups are invited to undertake a short training scheme, which usually focuses on the skills required to fill specific vacant posts.

### The Short Job Focus training programme

is run by the **Central Manchester and Manchester Children's University Hospitals NHS Trust**. It comprises a two-week training programme, followed by a four-week placement. Candidates are placed in new work areas each week, so that they experience different aspects of the trust's work. Participants are drawn from disadvantaged sectors of the local community and have been unemployed for at least six months. After completing the placement, candidates are guaranteed interviews for domestic, catering and portering vacancies. The scheme was developed with community groups, Jobcentre Plus, the Employment and Regeneration Partnership and Joint Health Unit.

### Personal development support

Support is given to strengthen personal competence, skills and knowledge in key areas, to help people gain future employment or promotion.

**The Profile Plus professional coaching scheme**, operated by **South London and Maudsley NHS Trust**, offers training and support in developing interview skills and techniques, including public speaking. The programme targets under-represented staff groups, including BME employees. It is part of a wider positive action programme, which aims to apply NHS Employers' Positively Diverse approach across the trust.

### Mentoring schemes

These can support the ten-point plan for race equality developed by NHS Chief Executive Sir Nigel Crisp.<sup>7</sup>

In collaboration with the local strategic health authority (SHA), **Leeds Mental Health Teaching NHS Trust's mentoring scheme** has trained a number of senior employees to mentor BME staff. There are plans to work with other local trusts to pilot a pan-organisational mentoring scheme, using chief executives, executive directors and other senior staff as mentors.

### Assistance towards qualifications

Support for educational programmes leading to additional qualifications could be targeted at existing employees or potential employees on work experience placements.

Over the last five years, the **Widening Access into**

**Healthcare Professions scheme**, operated by **Luton and Dunstable Hospital NHS Trust**, has enabled staff without qualifications to gain professional training through NVQ programmes. After reaching NVQ Level 3, employees can be seconded to three-year professional training programmes supported by the local SHA's workforce development directorate.

### Targeted recruitment

Typically, this involves making links with specific community groups by setting up job shops at local events, or by targeting groups with particular backgrounds or capabilities. For instance, Pennine Acute Hospitals NHS Trust recruits individuals from local BME communities to act as interpreters for patients.

### Targeted management development programmes

This approach could use a recognised external management development programme. Examples are Springboard for female staff, Navigator for male staff, and Free to Be and Breaking Through for BME staff.

**South East London SHA** has organised a **BME leadership programme** to tackle under-representation of BME staff at senior levels in the NHS. The programme complements the national Breaking Through initiative and is targeted at BME staff below director level.

### Community awareness programmes

**Smashing Science Days** were piloted by **South West Peninsula SHA** with small groups of 10 to 11-year-olds. Designed as an interactive game charting the patient journey, the scheme included talks by healthcare professionals about their jobs and equipment, such as a radiographer with x-ray photographs. It was reported that the children involved were less fearful about hospital experiences – and 99 per cent wanted to work for the NHS!

### Apprenticeship schemes

These are fully funded work-based placements in specific disciplines for up to two years. The objective is that apprentices will be able to secure places at higher education institutions.

In response to specific recruitment and retention problems, **King's College Hospital NHS Trust** developed a **foundation modern apprenticeship in medical engineering**. School-leavers are employed by the trust as apprentices. They combine working towards NVQ Level 2 with one day a week at college, where they study for a BTEC national diploma in engineering. The trust works with the local Connexions service to ensure that all applicants are between 16 and 18 years old and are drawn from two local boroughs.

### Changes to policy, practice or working environment

The DH has stipulated that all NHS trusts should be 'two ticks' employers. Among other commitments, this requires employers to shortlist all disabled job applicants who meet the essential criteria for a vacant post.

### Sunderland Teaching Primary Care Trust

has set up a **disability sub-group** to advise on issues such as support for disabled staff and staff requiring adjustments to working practices. In developing its disability action plan, the group also consulted representative voluntary organisations. Initiatives in place or under consideration include:

- supporting disabled staff with training opportunities
- raising awareness about disability across the organisation
- working with local colleges and Remploy to support work placements for disabled people.

### Staff training and awareness

Targeted training to carry out specific management tasks relating to equality and diversity can be classed as positive action. For instance, Hertfordshire Partnership NHS Trust offers specialist management training in recruiting and retaining

disabled people. This is delivered annually by the human resources team and is one of several initiatives reinforcing a broader commitment to supporting disabled people, both inside and outside the workforce.

### Other activities

Other activities related to equality and diversity are increasingly common among NHS organisations, but do not constitute positive action according to the NHS Employers' working definition. These include:

- general staff training around equality and diversity
- staff support networks for BME, gay and lesbian, and older people
- events to celebrate diversity
- equality and diversity advisory and steering groups
- cultural awareness tools, such as booklets explaining the specific cultural needs of different groups.

International recruitment exercises and associated adaptation programmes do not

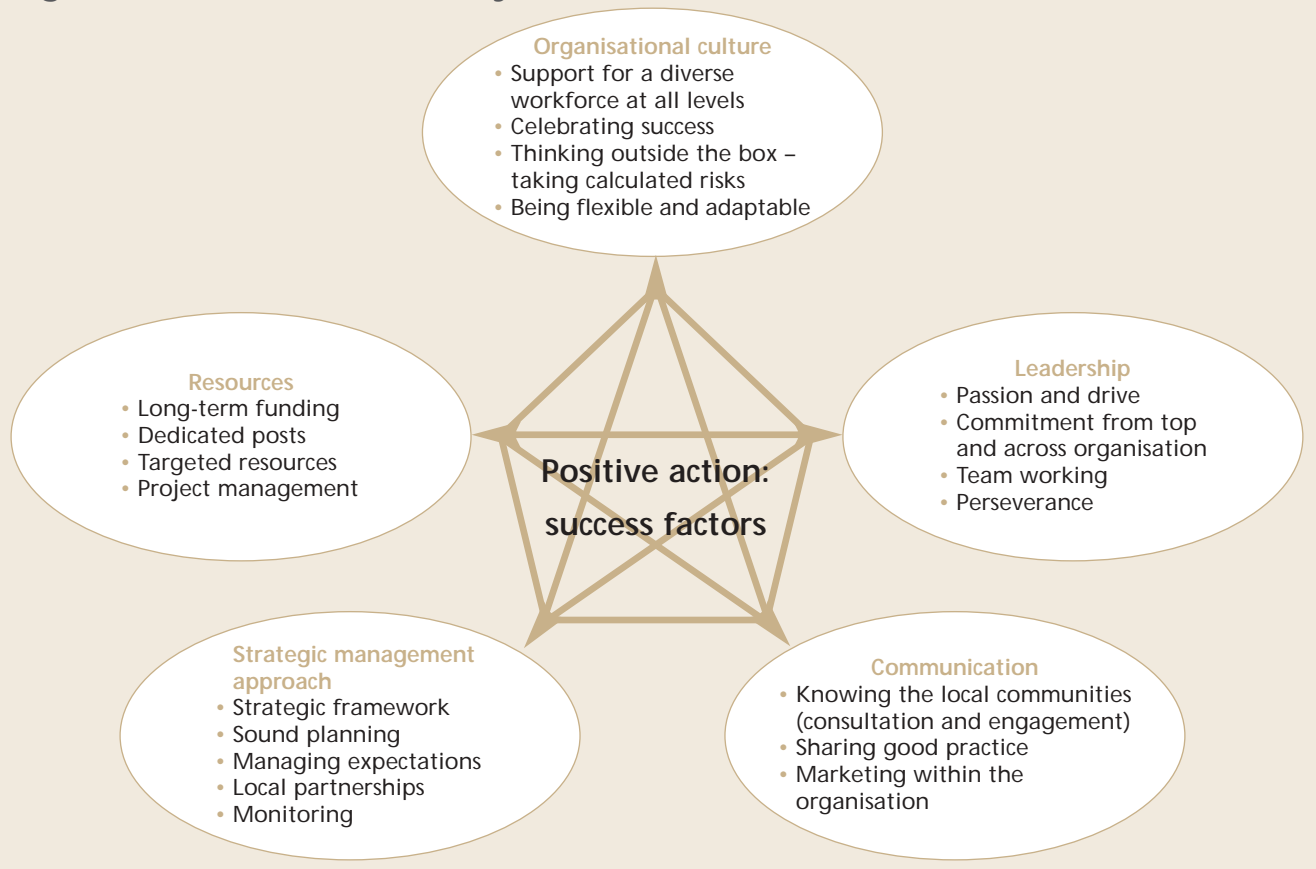
constitute positive action because the objective is not to redress imbalances in representation, although they might have this effect.

### Target groups

The wide range of groups targeted by participating organisations can be seen in the full report at [www.nhsemployers.org/equality](http://www.nhsemployers.org/equality)

There was little or no evidence of positive action targeted at particular religious groups; gay

Figure 1. Positive action: key success factors



or lesbian staff or members of the community; or older people. This might be a peculiarity of the sample, or representative of the NHS as a whole.

## Key success factors

A focus group held by NHS Employers brought together all participating organisations. Emerging findings were shared and consensus was gained on key success factors. These are illustrated in Figure 1, which highlights the interdependencies between these. The participants emphasised that all of these need to be in place to ensure a successful positive action scheme.

## NHS Employers' recommendations

Findings highlight the need for **employers in the NHS to:**

- **agree a common definition of positive action.** As a first step it would be helpful if the working definition offered in this *Briefing* could be commonly used in the NHS, in the absence of an agreed definition.
- **take a strategic approach.** The findings show that it is necessary to align the objectives of the proposed scheme with the overall strategic direction of the organisation concerned.
- **spread the word.** Employers need to improve general

understanding of what positive action is. They also need to increase awareness of the benefits it can bring.

Before undertaking a positive action initiative, it will be useful to consider the positive action checklist on page 7.

## Next steps

NHS Employers is moving on to Phase 2 of the positive action programme, which will focus on:

- developing a structured approach to establish whether positive action is appropriate and, if so, how it can best be applied to specific circumstances
- tools and techniques to help managers to evaluate the effect of positive action initiatives and so ensure value for money.

If you can provide examples or case studies, or are interested in being involved in Phase 2, please complete the feedback form at [www.nhsemployers.org/equality](http://www.nhsemployers.org/equality)

## Further information

For more information on NHS Employers' work on positive action, e-mail [randeep.kular@nhsemployers.org](mailto:randeep.kular@nhsemployers.org) or visit [www.nhsemployers.org/equality](http://www.nhsemployers.org/equality). This site contains the full positive action report, including a complete list of activities and case studies.

*Leadership and race equality: mentoring guidelines*, NHS Leadership Centre, March 2004  
[www.leadership.modern.nhs.uk/ethnicdiversity/mentoring](http://www.leadership.modern.nhs.uk/ethnicdiversity/mentoring)

## References

- 1 Culley, L. 2001: 'Equal opportunities, policies and nursing employment within the British National Health Service', *Journal of Advanced Nursing*, 33 (1), pp130-137
- 2 DTI, Women and Equality Unit: [www.womenandequalityunit.gov.uk/pay/pay.htm](http://www.womenandequalityunit.gov.uk/pay/pay.htm)
- 3 Knight, J. 2003: 'Beating the odds', *Nursing Standard*, 17 (37)
- 4 Employers' Forum on Disability: [www.efd.org.uk](http://www.efd.org.uk)
- 5 Gledman, A. 26 June 2002: 'NHS staff: the issue explained', [www.society.guardian.co.uk](http://www.society.guardian.co.uk)
- 6 Ethnic Minority Employment Task Force: [www.emetaskforce.gov.uk/keys.asp](http://www.emetaskforce.gov.uk/keys.asp)
- 7 Crisp, Sir Nigel. 13 February 2004: 'Race equality action plan', [www.dh.gov.uk/PublicationsAndStatistics/Bulletins](http://www.dh.gov.uk/PublicationsAndStatistics/Bulletins)

## Positive action checklist

ACTION	Y	N	EVIDENCE
<b>COMMITMENT</b>			
1. There is clear commitment from the top of the organisation to improve equality and diversity in the workforce			
2. This commitment is supported by the following evidence:			
<b>STRATEGY AND PLANNING</b>			
3. There is a human resources strategy in place with clearly defined outcomes			
4. There is an equality and diversity strategy in place with clearly defined outcomes			
5. There is a clear case for positive action, in line with achieving outcomes from the human resources and equality and diversity strategies			
6. An individual with appropriate knowledge and understanding of equality and diversity, seniority and/or management support, has been designated to take responsibility for the initiative			
7. Sufficient resources have been committed to ensure support for the positive action over the expected life of the initiative			
<b>TARGETING</b>			
8. There is a clear target group for the positive action			
9. There is evidence that the target group:			
(a) has previously experienced disadvantage OR			
(b) has been previously subject to discriminatory policies or practices OR			
(c) has been under-represented in the workforce over the past 12 months (in comparison with other groups and in relation to the proportion of the group in the local area usually targeted for recruitment)			
<b>CHOOSING POSITIVE ACTION</b>			
10. A wide range of types of positive action has been considered			
11. Existing examples and sources of information about positive action have been reviewed, such as NHS Employers website, other local activities			
12. The type of positive action chosen will clearly support achievement of strategic outcomes			
<b>COMMUNICATION</b>			
13. There has been appropriate communication and consultation with the target group about the proposed positive action			
14. There has been appropriate communication within the organisation about the proposed positive action			
<b>IMPLEMENTATION, MEASUREMENT AND EVALUATION</b>			
15. SMART <sup>†</sup> objectives for the positive action have been defined			
16. Mechanisms to measure achievement of objectives have been put in place			
17. Key success factors have been defined			
18. Steps have been taken to ensure that people outside the target groups are not excluded from the potential opportunities available through the positive action			
19. A sound project plan has been developed to support implementation of the initiative			
20. Options for celebrating success have been considered and agreed			

<sup>†</sup> Specific, Measurable, Achievable, Relevant and Timed. For example, the proportion of staff from target group X is to have increased by Y per cent within one year.

NHS Employers is the employers' organisation for the NHS in England. Our aim is to help employers improve the working lives of staff who work in the NHS and, through them, to provide better care for patients. NHS Employers is part of the NHS Confederation but we have our own director, policy board and assembly. In striving to make the NHS an employer of excellence, we have four key roles: negotiating on behalf of employers; representing employers; supporting employers; promoting the NHS as an employer.

## Contact us

**[www.nhsemployers.org](http://www.nhsemployers.org)**

E-mail [enquiries@nhsemployers.org](mailto:enquiries@nhsemployers.org)

NHS Employers  
29 Bressenden Place  
London SW1E 5DD

2 Brewery Wharf  
Kendell Street  
Leeds LS10 1JR

This document is available in pdf format at [www.nhsemployers.org](http://www.nhsemployers.org)

The NHS Confederation (Employers) Company Ltd  
Registered in England. Company limited by guarantee: number 5252407