

# CLOSING THE GAP

## a bitesize guide to addressing racial discrimination in disciplinarys

The 'disciplinary gap', as highlighted in metric three of the Workforce Race Equality Standard (WRES), is the relative likelihood of ethnic minority staff entering the formal disciplinary process compared to white staff.

### Why do we need to reduce the disciplinary gap?

Data from the 2024 WRES report found that **ethnic minority staff are 25% more likely than white staff to be taken through a formal disciplinary process in almost 50% of NHS trusts.**

The NHS equality, diversity and inclusion improvement plan asks NHS organisations to review their disciplinary and employee relation processes to ensure that all staff who enter a formal process are treated with compassion, equity and fairness.

The disciplinary gap has significant implications for both the NHS and its staff, including:

- Impact on staff wellbeing.
- Risk of losing talented staff.
- Impact on patient care.
- Damage to the reputation of the NHS.
- Legal and financial implications.



## The role of trust leaders

Leadership plays a crucial role in addressing the disciplinary gap. Here are seven actions trust leaders have taken to address the disciplinary gap in their organisation:

### Set the tone for the organisation:

by setting the organisational culture, role modelling inclusive, compassionate leadership and clearly communicating the organisation's approach to discrimination and anti-racism, including expected behaviours and values.



### Demonstrate commitment and accountability:

by committing to and communicating specific, measurable, achievable, relevant, and timebound (SMART) actions, trust leaders can promote and drive forward strategies for closing the disciplinary gap.



### Review data with curiosity:

by reviewing and triangulating information across multiple datasets including the NHS staff survey, employee relations, Freedom to Speak Up as well as qualitative insights, leaders can identify trends within disciplinaries and make informed, prioritised and equitable decisions.

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## **Commit to having the 'uncomfortable' conversation:**

by practising anti-racism and white allyship, leaders can increase their own and others' awareness towards discrimination and disparities in the disciplinary process, promoting more equitable decisions.



## **Invest in training and education:**

by investing in the development of staff, leaders can improve cultural awareness and competency and increase their workforce's confidence to actively address any issues related to discrimination or bias.



## **Listen to and engage with stakeholders:**

by engaging with groups like staff networks and trade unions, leaders can gather valuable insights on the disciplinary process and how it can be improved.

Engagement can involve hearing about lived experience, the impact of disciplinary interventions and how internal stakeholders can coproduce solutions with trust leaders.



## **Develop a diverse and values driven board:**

by ensuring different perspectives and experiences are considered, decisions that are made towards improving the disciplinary gap and processes are more likely to be equitable.

## Examples of good practice

Here are four examples of interventions trusts have implemented to address the disciplinary gap. Scan the QR code to read more.



### **Barking, Havering and Redbridge University Hospitals NHS Trust**

has reduced the disciplinary gap by cultivating a restorative, just and learning culture which enables staff to have 'conversations that make a difference' and resolve issues informally.



### **Black Country Healthcare NHS Foundation Trust**

has implemented a 'Cultural Ambassador Programme' and training for the board, HR team and managers. This has supported a reduction in their disciplinary gap, reduced cases of bullying and harassment, and supported their ambition to become an anti-racist organisation.



### **Pennine Care NHS Foundation Trust**

increased the capacity of the senior HR team to enable greater scrutiny and oversight and provided anti-racism training and education. These actions alongside the introduction of case triage have resulted in fewer cases being taken forward unnecessarily/where there is 'no case to answer'.



### **Yorkshire Ambulance Service NHS Trust**

implemented 'gateways' within its disciplinary and grievance processes along with a focus on education and support for managers to reduce the number of ethnic minority staff being taken through an unnecessary disciplinary process.

## For further information

For our comprehensive report, *Closing the gap: a guide to addressing racial discrimination in disciplinarys* please scan the QR code.

To access our full suite of programme resources and upcoming events, visit our website: <https://nhsproviders.org/programmes/race-equality>

If you would like to talk through any challenges or requirements, contact our programme team at [race.equality@nhsproviders.org](mailto:race.equality@nhsproviders.org)

