

Royal College of Midwives

Freedom of Information
Request:

Midwives and Disciplinary
Proceedings in London

November 2012

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The Royal College of Midwives
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The Royal College of Midwives (RCM) is the trade union and professional organisation that represents the vast majority of practising midwives in the UK. It is the only such organisation run by midwives for midwives.

The RCM is the voice of midwifery, providing excellence in representation, professional leadership, education and influence for and on behalf of midwives. We actively support and campaign for improvements to maternity services and provide professional leadership for one of the most established clinical disciplines.

In addition to representing nearly 90% of the midwives in the UK we also represent student midwives and maternity support workers (sometimes called maternity care support workers or maternity care assistants).

The Royal College of Midwives
November 2012

Executive Summary

Following research and anecdotal reports of the disproportionate number of black and minority ethnic (BME) midwives involved in disciplinary proceedings in September 2011 the Royal College of Midwives (RCM) sent a Freedom of Information Request to the 24 Trusts in the London Strategic Health Authority that provide maternity services to gather information about the number of midwives subject to disciplinary proceedings broken down by ethnic group.

The Freedom of Information Request showed a disproportionate number of black/black British midwives were subjected to disciplinary hearings and a disproportionate number of black/black British midwives were subjected to a more punitive outcome from the disciplinary proceedings. The key findings were:

- 60.2% of the midwives who were subject to disciplinary proceedings were black/black British however only 32.0% of midwives in London were black/black British.
- There were ten midwives who were dismissed during the time period; every midwife who was dismissed was black/black British; 15.4% of the black/black British midwives who were subject to disciplinary during the time period were dismissed.

The RCM recognises that the findings of the research indicate a very serious problem regarding the disproportionate number of BME midwives involved in disciplinary proceedings. However, the numbers from the Freedom of Information request only show one side of the story and it is likely that the causes for the numbers are complex.

The RCM would like to make the following recommendations:

- The RCM would like to work with various stakeholders to address these issues, including other NHS Trade Unions, NHS Employers, the Department of Health, the Nursing and Midwifery Council and the Local Supervising Authority of London to investigate the issues further and find solutions at a national, regional and local level.
- We would like to work with all the Trusts in London, regardless if they have been identified as having a disproportionate number of BME midwives involved with disciplinary proceedings, so we can work in partnership to develop best practice.

Background

The research that has already been conducted into the experience of black and minority ethnic (BME) staff in the workplace has found that BME staff are more likely to face harassment and bullying in the workplace and BME staff are disproportionately subjected to disciplinary proceedings in the NHS. Research also shows that when there is evidence of high levels of discrimination of BME staff in the NHS this can lead to negative patient outcomes.

In 2004 the Institute of Employment Studies published a report that found that midwives report more incidents of harassment, including verbal abuse and racial abuse, than any other groups of workers in the NHS.¹

In 2005 a report was published by the Valleys Race Equality Council and the University of Glamorgan Business School on workplace bullying found that BME staff are five times more likely to suffer bullying in the workplace than their white colleagues.²

In 2009 a report was published by the Aston Business School that linked NHS staff survey data to patient survey data and found that the staff survey item that was most consistently linked to patient survey scores was discrimination, in particular discrimination on the basis of ethnic background. They found that high levels of bullying, harassment and abuse against staff related to negative patient experiences.³

In March 2010 the Centre for Inclusion and Diversity at the University of Bradford conducted research into the involvement of BME staff in NHS disciplinary proceedings. The research, 'The Involvement of Black and Minority Ethnic Staff in NHS Disciplinary Proceedings'⁴ which was commissioned by NHS Employers and the NHS Institute for Innovation and Improvement, found that BME staff were almost twice as likely to be disciplined in comparison with their white counterparts and BME staff employed by acute, primary care, mental health and learning disability and care trusts were significantly overrepresented in disciplinary proceedings.

The research investigated issues around the collection of disciplinary data; issues around management practices; organisational culture; support networks and behaviours and attitudes of staff members.

¹ 'Safety, Health and Equality at Work' Labour Research Department April 2012

² 'Safety, Health and Equality at Work' Labour Research Department April 2012

³ 'Does the experience of staff working in the NHS link to the patient experience of care? An analysis of links between the 2007 acute trust inpatient and NHS staff surveys.' Jeremy Dawson, Aston Business School, July 2009

⁴ The Involvement of Black and Minority Ethnic Staff in NHS Disciplinary Proceedings (2010) University of Bradford Centre for Inclusion and Diversity

The research findings are consistent with anecdotal reports received by the RCM that BME midwives are overrepresented in disciplinary proceedings, particularly in London. The RCM collects equality and diversity data from members requiring representation, including disciplinary proceedings, our data shows that a disproportionate number of BME midwives require representation.

With this in mind, the RCM undertook research into the involvement of BME midwives in disciplinary proceedings. Our equality and diversity data showed that the findings were particularly marked in London so it was decided that the research would focus on the London Strategic Health Authority.

Key Findings

In September 2011 the RCM sent a Freedom of Information Request to the 24 Trusts in the London Strategic Health Authority that provide maternity services to gather information about the number of midwives subject to disciplinary proceedings broken down by ethnic group.

Out of the 24 Trusts in London that provide maternity services two Trusts were unable to provide data due to section 40 of the Freedom of Information Act⁵ and one Trust did not respond to the request. The response rate was 87.5%.

The key findings from the Freedom of Information Request were:

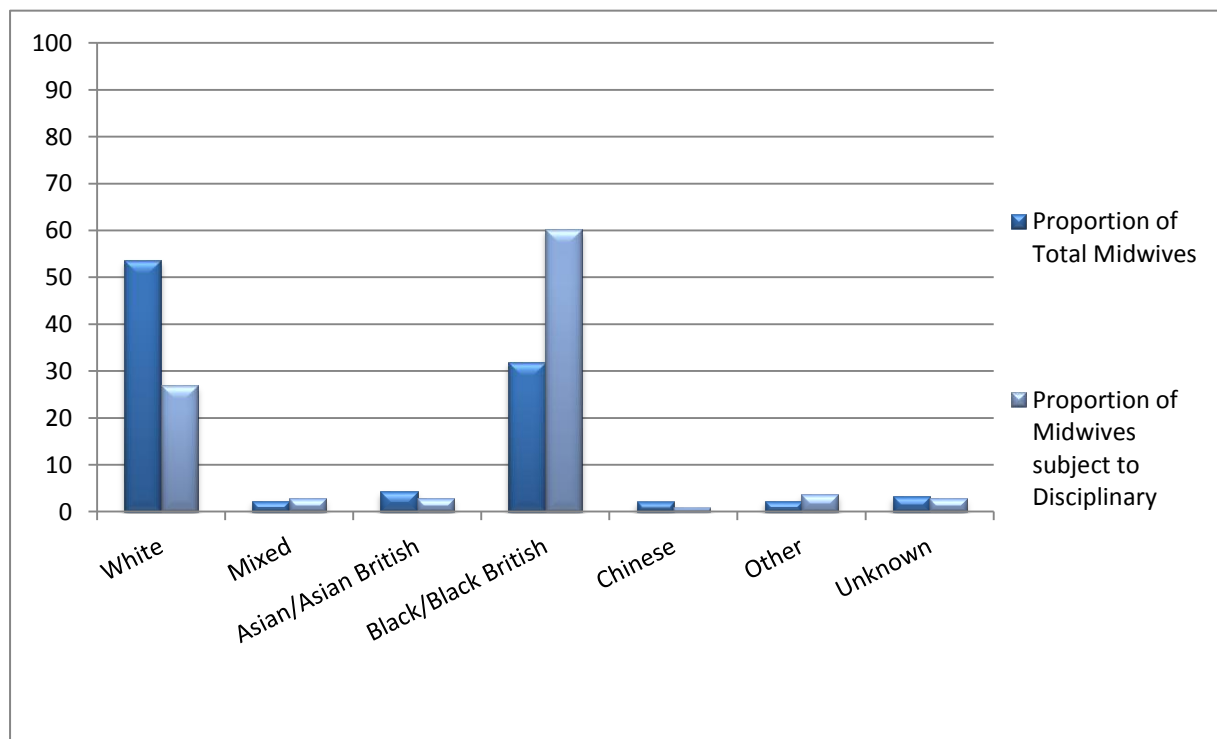
- 60.2% of the midwives who were subject to disciplinary proceedings were black/black British however only 32.0% of midwives in London were black/black British.
- There were ten midwives who were dismissed during the time period; every midwife who was dismissed was black/black British. 15.4% of the black/black British midwives who were subject to disciplinary during the time period were dismissed.
- 33.9% of black/black British midwives were suspended compared with 17.2% of white midwives.
- 26.2% of black/black British midwives had no further action taken compared with 31.0% of white midwives.
- 6.2% of black/black British midwives had an informal warning compared with 10.3% of white midwives.

Due to the sensitivity of the findings individual trusts can not be identified.

⁵ Section 40 of the Freedom of Information Act applies to requests for personal data that could breach the Data Protection Act

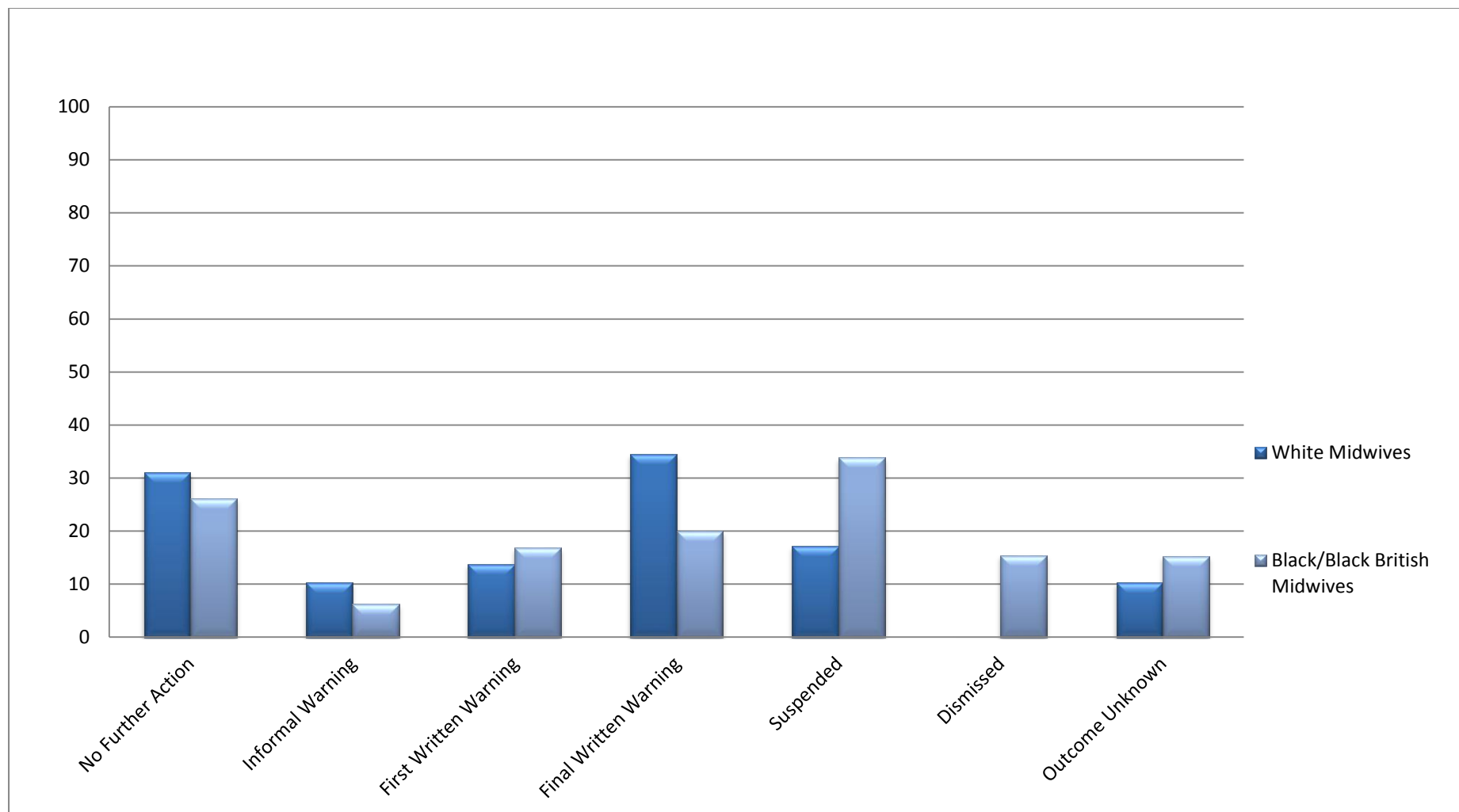
Comparison of the total numbers of midwives in London and the total numbers of midwives subject to disciplinary proceedings by ethnic group

	Total Midwives in London		Total Midwives in London Subject to Disciplinary Proceedings	
	Number	Percentage	Number	Percentage
White	2265	53.7	29	26.9
Mixed	98	2.3	3	2.8
Asian/Asian British	182	4.3	3	2.8
Black/Black British	1348	32.0	65	60.2
Chinese	90	2.1	1	0.9
Other	95	2.3	4	3.7
Unknown	139	3.3	3	2.8
Total	4217	100%	108	100%



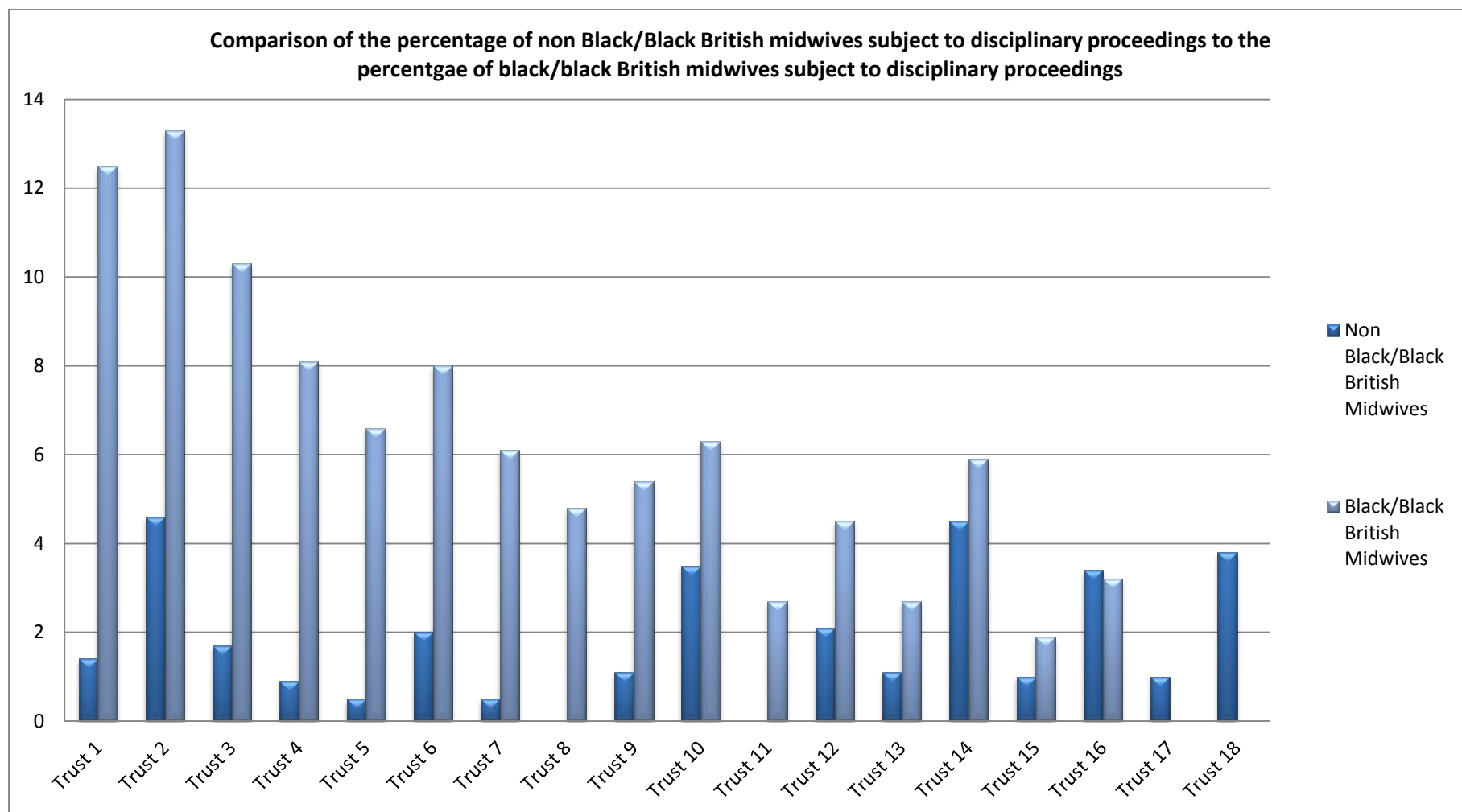
Comparison of the outcomes of disciplinary proceedings by ethnic group

	Total number subject to disciplinary	Suspended		Outcome unknown		No further action		Informal warning		First written warning		Final written warning		Dismissed	
	No	No	%	No	%	No	%	No	%	No	%	No	%	No	%
White	29	5	17.2	3	10.3	9	31.0	3	10.3	4	13.8	10	34.5	0	-
Mixed	3	1	33.3	0	-	0	-	0	-	1	33.3	2	67.7	0	-
Asian/Asian British	3	2	66.7	0	-	0	-	3	100.0	0	-	0	-	0	-
Black/Black British	65	22	33.9	10	15.3	17	26.2	4	6.2	11	16.9	13	20.0	10	15.4
Chinese	1	0	-	0	-	1	100.0	0	-	0	-	0	-	0	-
Other	4	0	-	1	25.0	1	25.0	2	50.0	0	-	0	-	0	-
Unknown	3	0	-	1	33.3	1	33.3	1	33.3	0	-	0	-	0	-

Comparison of the outcomes of disciplinary proceedings between white and black/black British midwives

Comparison of the proportion of non black/black British midwives subject to disciplinary proceedings and the proportion of black/black British midwives subject to disciplinary proceedings by Trust

	Total Number of non Black/Black British Midwives in Trust	Total Number of non Black/Black British Midwives subject to disciplinary proceedings	Total Number of Black/Black British Midwives in Trust	Total Number of Black/Black British Midwives subject to disciplinary proceedings	Percentage of non Black/Black British Midwives subject to disciplinary proceedings	Percentage of Black/Black British Midwives subject to disciplinary proceedings	Difference in percentage of non Black/Black British and the percentage of black/black British midwives subject to disciplinary proceedings
Trust One	70	1	40	5	1.4%	12.5%	11.1%
Trust Two	65	3	30	4	4.6%	13.3%	8.7%
Trust Three	176	3	39	4	1.7%	10.3%	8.6%
Trust Four	108	1	62	5	0.9%	8.1%	7.2%
Trust Five	194	1	136	9	0.5%	6.6%	6.1%
Trust Six	149	3	112	9	2.0%	8.0%	6.0%
Trust Seven	213	1	66	4	0.5%	6.1%	5.6%
Trust Eight	77	0	84	4	0.0%	4.8%	4.8%
Trust Nine	91	1	92	5	1.1%	5.4%	4.3%
Trust Ten	226	8	63	4	3.5%	6.3%	2.8%
Trust Eleven	117	0	74	2	0.0%	2.7%	2.7%
Trust Twelve	47	1	66	3	2.1%	4.5%	2.4%
Trust Thirteen	284	3	74	2	1.1%	2.7%	1.6%
Trust Fourteen	179	8	17	1	4.5%	5.9%	1.4%
Trust Fifteen	98	1	105	2	1.0%	1.9%	0.9%
Trust Sixteen	59	2	62	2	3.4%	3.2%	0.2%
Trust Seventeen	204	2	25	0	1.0%	0.0%	1.0%
Trust Eighteen	105	4	28	0	3.8%	0.0%	3.8%



Recommendations and Next Steps

The RCM recognises that the findings of the research show a very serious issue regarding the disproportionate number of BME midwives involved in disciplinary proceedings. However, the numbers from the Freedom of Information request only show one side of the story and it is likely that the causes for the numbers are complex.

Following on from the previous research and anecdotal reports the causes for the disproportionate number of BME midwives who are involved in disciplinary proceedings are likely to involve:

- Organisational culture
- Poor management practice, including lack of experience and confidence
- Poor leadership, including a lack of diversity amongst leaders
- Poor awareness of equality and diversity
- Attitudes and behaviours of all staff members

The RCM has already started to work with the London Supervising Authority and some of the trusts in London on the issues raised in this report.

The RCM would like to work with various stakeholders to address these issues, including other NHS Trade Unions, NHS Employers, the Department of Health, and the Nursing and Midwifery Council to investigate the issues further and find solutions at a national, regional and local level.

We would like to work with all the Trusts in London regardless of if they have been identified as having a disproportionate number of BME midwives involved with disciplinary proceedings so we can work in partnership to develop best practice.

We would like to work to find solutions to the issues raised in this report and the previous research conducted in this area to ensure that maternity leaders are diverse, inclusive and reflective of the workforce as a whole.

Appendix One: Freedom of Information Request

Dear XXXX,

This is a request under the Freedom of Information Act.

Last year the Centre for Inclusion and Diversity at the University of Bradford conducted research into the involvement of black and minority ethnic (BME) staff in NHS disciplinary proceedings. The research, which was commissioned by NHS Employers and the NHS Institute for Innovation and Improvement, found that:

- BME staff were almost twice as likely to be disciplined in comparison with their white counterparts.
- BME staff employed by acute, primary care, mental health and learning disability and care trusts were significantly overrepresented in disciplinary proceedings.

The research findings are consistent with anecdotal reports received by the Royal College of Midwives (RCM) that BME midwives are overrepresented in disciplinary hearings, particularly in London. With this in mind, the RCM is undertaking research into the involvement of BME midwives in disciplinary proceedings.

This brings me onto the information we are after with this request:

1. How many midwives, by headcount and broken down by the following ethnic groups, are employed by your trust?

Ethnic code	Total headcount
White	
Mixed	
Asian/Asian British	
Black/Black British	
Chinese	

Other	.....
Unknown	.....
Total	.....

2. In the twelve months to 30 June 2011, how many midwives, by headcount and broken down by the following ethnic groups, employed by your trust were the subject of disciplinary proceedings (including investigations and capability procedure proceedings)?

Ethnic code	Total headcount
White	
Mixed	
Asian/Asian British	
Black/Black British	
Chinese	
Other	
Unknown	
Total	

3. Of the midwives who were the subject of disciplinary proceedings (including investigations and capability procedure proceedings) in the twelve months to 30 June 2011, how many, by headcount and broken down by the following ethnic groups, were suspended or otherwise excluded from employment?

Ethnic code	Total headcount
White	
Mixed	

Asian/Asian British	.....
Black/Black British	.....
Chinese	.....
Other	.....
Unknown	.....
Total	.....

4. Of the midwives who were the subject of disciplinary proceedings (including investigations and capability procedure proceedings) in the twelve months to 30 June 2011, how many, by headcount and broken down by the following ethnic groups, had no further action taken against them?

Ethnic code	Total headcount
White	
Mixed	
Asian/Asian British	
Black/Black British	
Chinese	
Other	
Unknown	
Total	

5. Of the midwives who were the subject of disciplinary proceedings (including investigations and capability procedure proceedings) in the twelve months to 30 June 2011, how many, by headcount and broken down by the following ethnic groups, received an informal warning?

Ethnic code	Total headcount
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White	
Mixed	
Asian/Asian British	
Black/Black British	
Chinese	
Other	
Unknown	
Total	.....

6. Of the midwives who were the subject of disciplinary proceedings (including investigations and capability procedure proceedings) in the twelve months to 30 June 2011, how many, by headcount and broken down by the following ethnic groups, received a first written warning?

Ethnic code	Total headcount
White	
Mixed	
Asian/Asian British	
Black/Black British	
Chinese	
Other	
Unknown	
Total	

7. Of the midwives who were the subject of disciplinary proceedings (including investigations and capability procedure proceedings) in the twelve months to 30 June 2011, how many, by headcount and broken down by the following ethnic groups, received a final written warning?

Ethnic code	Total headcount
White	
Mixed	
Asian/Asian British	
Black/Black British	
Chinese	
Other	
Unknown	
Total	

8. Of the midwives who were the subject of disciplinary proceedings (including investigations and capability procedure proceedings) in the twelve months to 30 June 2011, how many, by headcount and broken down by the following ethnic groups, were dismissed?

Ethnic code	Total headcount
White	
Mixed	
Asian/Asian British	
Black/Black British	
Chinese	
Other	

Unknown

Total

Thank you in advance for your assistance, which is appreciated. I look forward to hearing from you promptly, as required by the legislation, and in any case within 20 working days. Should you wish to respond electronically, please email your acknowledgement and response to [Amy Leversidge](#), RCM Employment Relations Advisor. Otherwise please submit your response to the above address.

Yours sincerely

Amy Leversidge
Employment Relations Advisor
Royal College of Midwives