

CABINET

16 February 2015

Title: Implementing the Equality and Diversity in Employment Policy	
Report of the Cabinet Member for Central Services	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
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Accountable Divisional Director: Martin Rayson, Divisional Director HR & OD	
Accountable Director: Graham Farrant, Chief Executive	
Summary <p>The Council has in place a policy on Equality and Diversity in Employment and amendments to that policy have recently been agreed by the Council's Corporate Management Team (CMT). The policy ensures that the legal duties of the Council are fulfilled, but also supports the commitment to have a workforce that is representative of the community.</p> <p>There is under-representation in relation to a number of protected characteristics. The report focuses in particular on representation of people from the local black and minority ethnic (BME) community, people with disabilities and LGBT people who face particular issues around sexual orientation.</p> <p>A number of positive actions are proposed that might be taken to increase representation of under-represented groups, at all levels of the workforce, and annual targets against which progress can be measured.</p>	
Recommendation(s) <p>The Cabinet is recommended to:</p> <ul style="list-style-type: none">(i) Agree the following targets as part of the Council's Equality and Diversity in Employment Policy:<ul style="list-style-type: none">(a) That recruitment in any one year reflects the breakdown of the working population in the Borough;(b) To achieve an annual 10% increase in 2015/16 to 2017/18 in the proportion of the workforce from the BME community (i.e. a 2.7% increase in 2015/16 on the baseline of 27%, that is increasing the current figure of just under 1000 to around 1030);(c) To reduce the number of staff who do not declare whether they have a disability or not by 30% in 2015/16, in order for a suitable target to be	

set for future years to increase the number of people with disabilities working in the organisation.

- (ii) Support a campaign to promote tolerance of all nine groups recognised as “protected characteristics in the Equality Act 2010” equally.

Reason(s)

To support the ambition of the Council to employ a workforce that is representative of the community it serves.

1. Introduction and Background

1.1 The Council must ensure that it complies with the requirements of the Equality Act 2010, which imposes a duty on public authorities and other bodies when exercising public functions to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Please note that there are separate provisions for schools and these will be matters for school governing bodies. Officers and members will continue to encourage school governing bodies to set the highest standards around equality and diversity.

1.2 The “protected characteristics” are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (including ethnic or national origins, colour or nationality)
- religion or belief
- sex
- sexual orientation

1.3 Over and above that though, the Council recognises the importance of having a positive approach to equality and diversity, if it is to meet the needs of the community effectively in this diverse Borough. Our Equalities and Diversity in Employment Policy sets out the following ambitions for the Council as an employer:

- ensure that its employment practices do not discriminate against any group or individual on any unjustifiable grounds;
- make the profile of its workforce at all levels as representative of the Borough's population as possible;
- monitor its employment processes by relevant protected characteristics and take action to address inequalities that are apparent;

- promote a culture of fairness and respect in all its employment policies, procedures and practices;
- provide appropriate training for employees on equality issues;
- protect its employees from harassment and investigate all claims of harassment that are made;
- respond appropriately to the particular needs of employees, including those relating to religion or culture, sexual orientation, age etc.
- develop the Council's reputation as a progressive and fair employer and as a result reduce the likelihood of any legal action against the Council.
- ensure that our working practice remains in line with all legal requirements.

1.4 One of the specific actions in the current Single Equalities Scheme relates to the make-up of our workforce as follows:

*** To ensure the development of an effective and diverse workforce that is representative of the communities served by the Council.**

Our staff need to reflect the diversity of the local people in Barking and Dagenham and be equipped to be able to integrate all equalities considerations into their day to day work. Where we are reducing our workforce we need to ensure that the process is fair and not discriminatory.

Action: Develop workforce targets, using the information from the workforce profile reports and local demographic data, to identify actions and initiatives to:

- achieve a more representative workforce at all levels within the organisation including the percentage of women, BME and disabled staff in management posts
- recruit and retain more people from the local community, especially into difficult to recruit to posts"

2. Current Data

2.1 On a quarterly basis we gather data on the workforce, (currently age, disability, ethnicity and gender but which will be extended to cover all the protected characteristics where information is provided by the individual). This is reported to the Council's Equality Group and to the Employee Joint Consultative Committee (EJCC) and shared with the Trade Unions and Staff Support Networks.

2.2 What this does show is that there is under-representation in the workforce from many of the protected characteristics. On age, the Council does have an older workforce than other organisations of equivalent size (which is not unusual in local government). There is a higher proportion of female (60.7%) to male staff (39.3%), which is equally represented in the professional grades PO1-6, there are proportionately more men (66.05%) in terms of the overall workforce at management level PO7 and above.

2.3 The Council does have a high proportion of women in the most senior management positions (above 50%), but in some service areas, they are not well-represented at management levels.

Ethnicity/Gender

- 2.4 What our data shows is that whilst the proportion of staff from the BME community has risen steadily over the last ten to fifteen years, it still remains below the overall percentage in the local working-age population (46.1% in 2014 census projections).
- 2.5 The table overleaf shows the percentage of BME staff in each grade in the Council at the end of the first quarter of 2014/15. The overall percentage of BME staff in the workforce is 27.25%, which is well short of the percentage in the local working population. The imbalance is more significant at senior levels in the organisation, PO7 and above. It also shows the males/female split across grades. Overall the majority of the workforce is female, which is usual in local authorities. This Borough's 60:40 split is higher than in most local authorities. Women occupy nearly 50% of the most senior roles in the Council (Divisional Directors and Directors). They predominate in grades Sc1 to PO6, but only fill 39% of the positions above PO7 and below Divisional Director.
- 2.6 The local population mix has been changing quite rapidly over the last few years and the Council does tend to have a fairly static workforce. Whilst turnover is not unusually low overall (around 10-15%), the churn tends to be among the same group of staff and we have a significant proportion who have been employed by the Council for many years. This impacts on our ability to change the profile of the workforce.
- 2.7 The mix of apprentices reflects concerns about the performance of young white males in Education and entry into employment (75% of NEETS are white males). In terms of gender, one of the issues is that the job areas in which apprenticeships are offered are in housing and environment (area services, repairs and maintenance, landscaping), which tend to have a larger male contrast. By contrast, apprentices in childcare are 100% filled by females. The group managing the apprentice programme want to find ways to avoid stereotyping and address the other challenge, around getting young people from all parts of the community to apply.

Workforce Profile – 1st Quarter (April to June 2014)

Grade Bands			BME employees			Gender					
						Female			Male		
			Total	% of all employees in grade bands	% of all BME Employees	Total	% of all employees in grade bands	% of all female employees	Total	% of all employees in grade bands	% of all male employees
Chief Officers	15	0.42%	2	13.33%	0.2%	7	46.67%	0.32%	8	53.33%	0.57%
PO7-13 *	118	3.28%	23	19.49%	2.3%	46	38.99%	2.10%	72	61.02%	5.12%
PO1-6 *	516	14.35%	170	32.94%	17.0%	309	59.89%	14.13%	207	40.12%	14.71%
Scale 4 - SO2	1,320	36.73%	288	21.82%	28.9%	732	55.45%	33.47%	588	44.55%	41.79%
Scale 1a – 3	916	25.49%	256	27.95%	25.7%	751	81.99%	34.34%	165	18.01%	11.73%
Apprentice grades	61	1.70%	6	9.83%	0.6%	23	37.70%	1.05%	38	62.29%	2.70%
Other grades	648	18.03%	252	38.89%	25.3%	319	49.23%	14.59%	329	50.77%	23.38%
Total employees	3,594	% of all Council employees	997	N/A	100%	2,187	N/A	100%	1,407	N/A	100%
			27.74% of all Council employees			60.85% of all Council employees			39.15% of all Council employees		

2.8 The second table shows the ethnicity and gender of staff recruited in the last two years. At a senior level recruitment activity has been very limited. What we can see is that a higher percentage of BME staff are being recruited, which will impact on our overall workforce mix.

Council Starters (October 2012 to July 2014)							
All Starters							
Grade Bands	No. of starters	% breakdown starters	% Male	% Female	% White/British	% BME	% breakdown of all Council BME employees
Chief Officer's	1	0.11	0.00	100.00	0.00	100.00	0.19%
PO7 - PO13	11	1.26	72.73	27.27	90.00	10.00	2.15%
PO1 - PO6	93	10.69	41.94	58.06	50.54	49.46	15.89%
Scale 4 - SO2	214	24.60	52.80	47.20	66.35	33.65	28.69%
Scale 1a - 3	233	26.79	32.62	67.38	66.95	33.05	27.94%
Apprentice grades	108	12.41	46.30	53.70	81.48	18.52	0.65%
Other grades	210	24.14	40.95	59.05	88.10	21.90	24.49%
Total	870	100.00					100%
BME % of all Council employees = 27.86%							

Disability

2.9 The proportion of disabled staff (3.5%) is low compared with local community. The information we have is based on that provided by employees on a voluntary basis when they join the Council; there is no requirement to provide the information and some staff have chosen not to disclose this. 1,347 of our staff (37.4%) have chosen not to disclose whether or not they have a disability. Whilst we will continue to take steps to recruit more staff with disabilities, we do first want to get an accurate picture of the number of staff with disabilities working in the Council.

3. Recruitment Audit

3.1 In 2014 we undertook an audit of recruitment activity to understand why there was a significant drop-out of people from the BME community through the process. As a consequence of the audit a number of actions are being taken, including the following:

- Review job descriptions and person specifications to assure they reflect the real needs of the role
- Run "removing unconscious bias" training programmes
- Ensure greater consistency in short listing and interview scoring
- Reviewing the application form to ensure it is fit for purpose
- Seeking to recruit to all Scale 1 to 3 vacancies via our job-shops
- Advertising all vacancies through the job-shop

3.2 One of the actions was to update our Equalities & Diversity in Employment Policy which is attached at Appendix 1 for Cabinet to agree. This report sets out roles and responsibilities and the actions we might take to ensure the Policy becomes a reality.

4. Addressing The Issues

4.1 In the sections below, we have set out the action that we might take to address the concerns raised by the data available. As our Equalities and Diversity in Employment Policy also indicates, it is possible to take “positive action” where “they reasonably think that people who share a protected characteristic suffer a disadvantage connected to that characteristic”. This action can specifically relate to recruitment activity, but we have to avoid any action which might be seen as “positive discrimination” or “affirmative action”.

4.2 What we propose is that we set an overall target that all new recruitment over any one year should broadly be representative of the community in terms of the protected characteristics. We will review this at the end of 2015/16 financial year.

BME in the Workforce

4.3 In terms of increasing representation from the BME community, it is proposed to set an overall target to increase by 10% per year, beginning in 2015/16. At the end of three years we will review the target, based on our success and the position at that time. Whilst the gap in representation is large at the moment, we believe this is realistic target, based on the current level of turnover and the actions that can reasonably be taken.

4.4 Equality law does allow for “positive action” before or at the application stage in a recruitment process. We have shared information with other London councils which faced similar challenges around the make-up of the workforce. The actions proposed are set out below. They reflect the “positive action” that has been successful in other organisations:

- Ensuring posts are advertised in places that the BME community will look, e.g. the Trumpet newspaper published every Friday, or ensure the community gets used to looking on the Council’s website for vacancies with the Council.
- Work with groups active in the BME community to identify and overcome any recruitment barriers.
Work with the job-shops to host job fairs where we can sell the Council as an employer and explain where to access details of vacancies and the recruitment process.
- Target failed applicants for council jobs using Igrasp to invite them to personal statement workshops.
- Ensure there is at least one member of the recruitment panel from outside the service area. We will initially do this in those areas where statistics show there is a large percentage drop-out through the recruitment process.

4.5 Positive action does allow an organization to choose to appoint a candidate from an under-represented group where there are two candidates of equal merit. This is rather subjective and is open to challenge at an employment tribunal. We will advise managers that this provision exists, but recruiters must consult HR before it is used and there needs to be clear, demonstrable evidence to justify this.

People With Disabilities in the Workforce

- 4.6 We will continue to work to get a better understanding of the percentage of people in the workforce with a disability and understand what barriers may remain to people with disabilities gaining employment with us. The proposal is to initially set a target to increase the proportion of the workforce who declare whether they have a disability or not and then to set a target to increase the number of people with disabilities in the workforce.
- 4.7 The Council is a “two-ticks” employer and as such guarantees an interview to anyone with a disability who meets the minimum criteria for the job in any recruitment exercise.

Campaign of Tolerance

- 4.8 The Leader will be asked to give his support to protected characteristic campaigns, emphasising tolerance and the value of the diverse mix in our workforce.

Local Recruitment

- 4.9 We wish to encourage applications for roles at all levels in the organisation from people who live locally. We are currently working through the job shop to create talent pools of local people on which we can draw for roles up to Scale 3. We will look to take other measures to promote roles at all levels to local people (including those on senior manager scales) and identify and overcome any barriers to them applying for roles with us. We will include on adverts a statement that we “encourage in particular applications from people living in the Borough.”
- 4.10 We believe that this addresses the unfortunate perception or/prejudice that disadvantaged people are only good for semi-skilled and lower graded posts. The Council needs to reach out to qualified/experienced BME and other underrepresented people/residents in the borough when recruiting into senior positions. Arguably, the borough’s educational/skills profile may show that a sizeable number of our borough residents travel to other destinations including the City and Canary Wharf for highly skilled jobs.
- 4.11 Secondly, the financial benefits including economic regeneration of recruiting from within our borough cannot be overlooked.

5. Representation At All Levels

- 5.1 It is important to remember when considering “positive action” not just to look at under-representation in terms of the overall workforce but whether this applies equally across all areas e.g. there is much higher proportion of female to male staff but not at management level. Preferential consideration should not be given to one under-represented group before another or those with statutory rights e.g. pregnant employees or disabled people.
- 5.2 We plan to introduce a new approach to talent management during 2015. We will come forward with proposals for a targeted learning and development programme for talented individuals in our workforce and we want to encourage all talent and so will

focus on any barriers to under-represented groups being in a position to compete for senior vacancies when they become available. This may include, specific positive actions for specific underrepresented groups, including the use of internship, apprenticeships, job carving, etc. and “spot the talent” or “future leaders programme” to support and target, fast track BME, women, disabled people into appropriate roles and positions in the Council. We will also consider bespoke support and training for BME men and women to address the current gaps in senior Management roles in the Council.

- 5.3 Review and monitor the participation of underrepresented staff on corporate projects/programmes to ensure sufficient exposure to high profile roles and projects in the Council, thus giving BME staff and other underrepresented groups the chance to develop the prerequisite skills and experiences to compete fairly for senior positions.
- 5.4 The Council has recently re-established a mentoring programme (in conjunction with other London boroughs) as part of our overall Leadership & Management Development Programme. We will look to focus the coaching and mentoring on under-represented groups (BME, men and women) in order to assist in overcoming any barriers for these managers in progressing to senior positions.
- 5.5 We want to have a diversity-proof talent pipeline in place, which over time will deliver results (and the experience of organisations is that this is a long-term programme). We will introduce these initiatives in the 2015/16 financial year, once we have completed forthcoming restructuring related to savings plans.
- 5.6 We have established arrangements to try and redeploy where possible employees whose posts are deleted a result of budget restraints or changing organisational requirements, or who cannot continue in their post because of disability, or ill-health reasons. This covers permanent employees, those on fixed-term contracts and apprentices. We have been looking at ways of maximising redeployment, including setting up a Redeployment Panel and are currently reviewing those arrangements.

6. Leadership and Additional Support

- 6.1 In order to deliver this policy there will need to be strong leadership from members of CMT. All our staff attend equality and diversity training and all staff engaged in recruitment will undertake training which embraces equality in recruitment. Leadership is required to ensure that everyone in the organisation understands the significance of equality and diversity in terms of the vision and priorities of the Council and our ability to deliver effective customer service.
- 6.2 We will organise structured focus group discussions to enable us to secure sufficient coalition of all stakeholders, not just underrepresented groups in the Council. Winning the hearts and minds, and the active participations of the underrepresented staff and their managers is critical to turning positive actions into tangible success.
- 6.3 In addition, the capacity to support the Council's desire for a greater focus on this area, is extremely limited. Resources allocated to equalities and diversity work has reduced over the last few years as a consequence of the need to make savings. The resources currently available are operating at full capacity. Although equality and diversity is a matter for all staff and managers (reflected in the mandatory training

programmes that we run) if we wish to take the actions outlined in this paper there is a need for additional capacity.

- 6.4 We will need additional resource to undertake some of the activities listed above and ensure that we can achieve the targets set out in the document. We will explore in advance of the next financial year how we can bring those additional resources to bear on this work.

7. Monitoring Progress

- 7.1 It is proposed to report progress to Cabinet on a six-monthly basis. The Council's Equality and Diversity Group will review the actions being taken on a more frequent basis.
- 7.2 EJCC should continue to receive quarterly information on the make-up of the workforce and consider any actions necessary based on that data.

8. Financial Implications

Implications completed by: Carl Tomlinson, Finance Group Manager

- 8.1 Delivering the targets and actions outlined in the report will require funding outside existing HR budgets. Appropriate funding will be identified to support delivery activity.

9. Legal Implications

Implications completed by: Chris Pickering, Principal Solicitor

- 9.1 The policy and actions proposed ensure that that the Council complies with the requirements of the Equality Act 2010 including the Public Sector Equality Duty. However the Council recognises the importance, from a customer service perspective, of having a workforce that is representative of the community it serves and the actions here support that priority.

10. Other Implications

- 10.1 **Customer Impact** – The quality of services to the customer will be enhanced if the Council has a workforce which is representative of the community.
- 10.2 **Equalities Impact** – These are set out in the paper.

Public Background Papers Used in the Preparation of the Report: None

List of appendices:

- **Appendix 1** - Equalities and Diversity in Employment Policy