



Department  
for Environment  
Food & Rural Affairs

Defra HR  
9 Millbank  
c/o Nobel House  
17 Smith Square  
London SW1P 3JR  
T: 08459 335577  
helpline@defra.gsi.gov.uk  
[www.defra.gov.uk](http://www.defra.gov.uk)

**Your ref:**  
**Our ref:** RFI 5754  
**Date:** 18 September  
2013

Dear,

**REQUEST FOR INFORMATION: EQUALITIES AND EMPLOYMENT LEGISLATION**

Thank you for your request for information about Equalities and Employment Legislation, which we received on 28 August 2013. As you know, we have handled your request under the Freedom of Information Act 2000 (FOIA).

You asked:

1) Does the Department consider that it is compliant with the Public Sector Equality Duty, based on 2010 Equalities Act?

2) Does the Department undertake equalities monitoring of all employees on a regular basis?

Given that there is a 3 month time limitation on employees pursuing an Employment Tribunal against an employer on the grounds of discrimination on the basis of sexual orientation, is the regularity of equalities monitoring at least quarterly?

3) Has the Department undertaken to ascertain the proportion of male employees who identify as 'gay' and what are the percentage results?

4) Has the Department compared the proportion of self-identifying 'gay' employees with those reporting other similar organisations?

Given that the DfE have established a target of 6% of all employees to identify as gay (where gay is a generic term for Lesbian, gay, transgender, bi-sexual and queer), does the Department have a comparable target figure and if so where can this be found?

5) Has the Department compared the proportion of employees who identify as gay with data relating to the country as a whole?

6) Given that there is a nationally recognised issue of under-reporting on the part of gay-identifying employees has the Department undertaken positive action, as



outlined in the guidance to accompany the 2010 Equalities Act? And if so what form has that action taken?

7) Have Senior Officers a 'positive action plan' relating to on-going employment? And if so would a copy of that plan be available via an FOI request?

The information you requested is as follows in relation to the core Department (as confirmed in your email of 11 September):

1) Defra is committed to embedding and promoting diversity and equality of opportunity and to meeting our legal obligations under the Equality Act and Public Sector Equality Duty (PSED).

As required by the PSED specific duties we have published and recently updated our Departmental Equality objectives. These outline the ways in which we aim to address key equality issues for our customers and employees.

<https://www.gov.uk/government/publications/defra-equality-objectives-2012-2016>

2) Defra undertakes equalities monitoring for its employees and publishes this annually in a Departmental Workforce Monitoring report. These reports are retrospective and the last report for year ending 31 March 2012 was published in January 2013. The 2013 report is currently being compiled and this will be published externally by January 2014. These reports have not previously included sexual orientation data. Defra will be reporting on sexual orientation going forward and our next published report will make reference to this intention.

I am sending you a link to the last published Workforce Monitoring report on the Gov.UK website:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/221033/workforce-monitoring2012.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/221033/workforce-monitoring2012.pdf)

As part of its ongoing monitoring of equalities data, Defra provides its Directors with monthly reports and statistical analyses, which now include those for sexual orientation. It is not possible to identify individuals from the statistical information provided.

3) Defra takes steps through its monitoring processes to ascertain the proportion of its workforce who identify as 'gay'. Currently this is 7% of the 32% of male Defra employees who have identified their sexual orientation.

4) All Defra employees are encouraged to complete or update their diversity information on a voluntary and anonymous basis. In line with industry best practice a 'prefer not to say' option is offered on our internal Human Resources database.

Defra does not currently compare its self-identifying 'gay' employees with other Government Departments. We have not set a specific target percentage of our employees to self-identify as 'gay', however please see the answer to question 5.

Defra is an active member of a cross-Government group that has been established to find new and innovative ways to improve diversity self-reporting rates and to share best practice across the Civil Service.

- 5) HM Treasury Actuaries estimate that 6% of people across the UK are lesbian, gay or bisexual. Stonewall recommends working towards a target zone of 5 – 7% of the workforce identifying as LGB. Defra is using these estimated percentages as a broad benchmark against which it can measure its future year on year progress in increasing the percentage of our employees who self-identify as 'gay' and in making our LGB data as accurate as possible.
- 6) Defra recognises both the national issue of under-reporting by gay-identifying employees and the importance of creating a diverse and inclusive organisational culture in which all employees can thrive and progress. To help build the trust and confidence of our LGB employees and increase confidence in self-reporting sexual orientation at work Defra undertakes a wide variety of positive actions. These include:
- A flourishing LGB & T staff network that is supported by a Director level Champion and the Diversity team
  - Defra corporate membership of Stonewall and promoting the Stonewall Leadership Programme to lesbian, gay and bisexual employees. This includes agreement to jointly fund up to two places annually for successful Departmental applicants, to help increase the number of visible LGB role models in senior positions
  - An ongoing positive internal communications programme, for example LGB & T history month and Bisexual day, annual Pride publicity; 'Landscape' online internal magazine articles
  - All Defra employees encouraged to access the Civil Service Learning portal and complete an LGB & T e-learning package to raise awareness, encourage inclusive behaviours and reduce the risk of homophobic or transphobic bullying and harassment in the workplace
  - A current Defra internal communications campaign encouraging all Defra employees to record or update their diversity data, which includes their sexual orientation. This action is ongoing until January 2014 and being monitored to assess progress and help us to decide what further actions may be needed.
- 7) Defra has a refreshed Departmental Diversity and Inclusion Strategy, published internally in July and cross-cutting action plans published in August, as well as organisation-specific action plans currently being developed. If a copy of the Strategy was requested under the FOIA, its disclosure would be considered subject to any applicable exemptions under the Act.

Defra Executive Committee agreed earlier this year to make Unconscious Bias e-learning mandatory for all its managers, to support effective decision making.

In keeping with the spirit and effect of the FOIA, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you may now be published on our website together with any related information that will provide a key to its wider context.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me.

Yours sincerely,

**Direct Line**  
**Email**

## **Annex A**

### **Copyright**

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

Most documents produced by Defra will be protected by Crown Copyright. Most Crown copyright information can be re-used under the [Open Government Licence](#). For information about the OGL and about re-using Crown Copyright information please see [The National Archives website](#).

Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the [Intellectual Property Office's website](#).

---

## **Annex B**

### **Complaints**

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: [requestforinfo@defra.gsi.gov.uk](mailto:requestforinfo@defra.gsi.gov.uk)) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF