



Equality Information and Equality Analysis 2013 – The Department as an Employer

Department of Health

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Equality Information and Equality Analysis 2013 – The Department as an Employer

Department of Health

Prepared by Head of Diversity

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1. Background

The Department, its arm's length bodies and the health and care system as a whole has faced an unprecedented set of challenges. Some of the Department's functions have ceased, some have altered, some have stayed the same, and new functions have been created. All of this means that the size and structure of the Department have changed. However, there have been, and will be, opportunities to develop new ways of working and to refresh and grow the skills and capabilities of the new Department of Health. Due to the scale and complexity of the change, the transition programme has taken longer than anticipated but major changes to the functions of the core Department will be complete towards the end of 2012–13.

2. Equality Act - publishing equality Information

The Equality Act places a 'general equality duty' on public sector organisations to:

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

The relevant protected characteristics (or groups) for the purpose of the duty are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership. The Department extends its equal opportunities policies and practices to other characteristics: namely, working pattern and caring responsibilities.

The 'specific duties' within the Act place a requirement on public sector bodies to *'publish information to demonstrate their compliance with the general equality duty ... by 31 January 2012, and at least annually thereafter'*.

3. Scope of this report

This report sets out the Department's approach to using equality data and information to inform policy development, implementation and practice. The scope of this report:

- relates to the Department of Health as an employer
- covers the period 1 February 2012 to 31 January 2013
- provides an overview, with illustrative examples, of how equality information is used to inform policy development (i.e. not the details for each and every policy)
- includes quantitative and qualitative data, and,
- provides an interim position for equality analysis for the major employment activity (transition) for the period in question, recognising that this programme extends beyond 31 January 2013.

4. Diversity – our goals

Our aim as an employer is to attract and retain people who are the best in their field, with the right skills and competencies and from a range of diverse backgrounds; and for our staff profile to reflect that of the community we serve.

We recognise and fully commit to the strengthened statutory responsibilities in the Equality Act 2010. The objectives for the Department as an employer are set out in the Equalities Action Plan published on the DH website in September 2012. www.dh.gov.uk/health/2012/04/equality-objectives-2012-16/

5. Equality information

The Department draws on a comprehensive range of research, data and analysis to inform policy development and implementation. This includes:

- Annual diversity reports
- Statistical monitoring and analysis
- Qualitative research (internal and external)
- Annual staff surveys (analysed by diversity demographics)
- Consultation and engagement (incl. unions and staff networks)
- Equality analysis of policy development, implementation and review.

6. Workforce - diversity declaration rates

Completion rates for all of the diversity characteristics rank amongst the highest in Whitehall departments and the Department has met the Cabinet Office target to achieve a response rate of at least 80% for religion or belief, sexual orientation and caring responsibilities by April 2013.

Completion rates (at 31/3/12)¹

| Category ² | Completion rate |
|--|-----------------|
| Ethnicity | 95% |
| Disability | 95% |
| Sexual orientation | 82%* |
| Religion or belief | 83%* |
| Caring responsibilities | 83% |
| * including a 'Prefer Not to Say' option | |

In line with Cabinet Office policy relating to stringent confidentiality and security protocols, information regarding transsexual status is not collected; however, the lesbian, gay, bisexual and transgender staff network is routinely consulted on all HR policy development, which is combined with external research to develop relevant and meaningful policies.

7. Annual Diversity Monitoring Report (Annex A)

Background

This report is produced annually and covers the twelve-month period 1 April to 31 March. It provides a high-level summary of equality statistics, including workforce profiles and monitoring data for the employment activities relevant to the period in question. It is designed to provide an overview of the statistics; however, a more in-depth equality analysis is carried out for all major HR policy development and implementation (see section 9). The report for 1 April 2011 to 31 March 2012 is shown in an annex to this report (Annex A).

¹ For permanent staff.

² Age and gender stands at 100% because providing this information is a requirement for employment within the Civil Service.

Employment Monitoring

The Department currently monitors the following areas by age, disability, gender, ethnicity, religion or belief, sexual orientation, grade (in hierarchy), full-time/part-time working pattern, and location.

- Staff in post
- Applicants for employment³
- Applicants for promotion⁴
- Appointments to posts
- Progress against targets to increase the number of women, BME and disabled staff in the senior civil service
- Staff who apply for, and receive, training*
- Staff involved in the grievance procedure
- Staff subject to disciplinary procedures
- Staff leaving DH

* This relates to centrally run training courses and events and does not reflect the broader picture, including informal learning activity such as on-the-job coaching. The Investors in People (IiP) review included the full range of learning and development activities in the assessment process (using interviews with staff as the principal data gathering tool). The IiP standard has explicit indicators relating to equality of opportunity and the Department continues to satisfy all the criteria in this national, and international, benchmarking standard.

³ The period in question has been dominated by transition and consequent restructuring exercises. Recruitment and selection activity has focussed on 'appointment to posts' in the new structures. This is detailed in section 9.4.

⁴ See footnote 3.

Workforce profile – overview (at 31/3/12)

The report at Annex A details the make-up of the organisation by diversity characteristics. In summary:

- over half (57%) of the Department's workforce are women
- 13% of the workforce work part-time hours, of which 85% are women
- the proportion of women is generally higher than men across all grades, except in the senior civil service (SCS)
- there is substantial representation of women in the feeder grades to the SCS (grade 7: 53%, grade 6: 55%).
- 16% of the workforce is from black, Asian or minority ethnic (BME) backgrounds.
- the proportion of BME staff decreases as the grade increases (38% at the administrative officer grade to 6% in the senior civil service)
- the representation of BME staff in the feeder grades to the SCS stands at 9% (grade 7) and 8% (grade 6)
- 6% of staff have declared a disability. The proportion of disabled staff decreases as the grade increases (9% at the administrative officer grade to 5% in the senior civil service), with the exception of those in the Fast Stream - high potential - grade (9%)
- 37% of the workforce has caring responsibilities
- 44% of staff have a religion or belief, 30% stated that they did not.
- 4% of staff have declared that they are lesbian, gay or bisexual; 11% would 'prefer not to say'.

Targets to Address Under-representation

The Department continued to meet the current Cabinet Office threshold targets for women, disabled and BME staff in the senior civil service and has set aspirational 'stretch' goals, to be achieved by April 2013.

8. Equal Pay Review

The Department is undergoing major change and restructuring, with incoming functions from other organisations with varying pay and grading structures and terms and conditions. The Department is also subject to the cross-government pay freeze.

An equal pay review will be scheduled when the Department has a stable and enduring workforce, and there are mechanisms available to address equal pay issues, if identified through the review.

The last equal pay review⁵ in 2008 highlighted ‘some anomalies’ but ‘further investigation⁶ concluded that these were not due to underlying discrimination’. Since this review, the Department has instituted a number of measures to minimise the likelihood of pay disparities in the future. These include shortening pay ranges; reviewing the policy for starting pay for new employees; strengthening the governance and benchmarking processes for performance related pay (PRP)⁷; and using ‘real-time’ equality analysis at the point of decision-making for PRP recommendations⁸. These measures sit alongside long established processes such as job evaluation, and, also, initiatives to increase the representation of under-represented groups in more senior grades.

9. Transition programme & equality analysis

The period to which this report relates has been dominated by a major transition programme, which will endure until 2015.

In December 2010, the Department published the HR Framework for transition— setting out the governance arrangements and over-arching principles for managing organisation and workforce design; filling posts, conducting recruitment and selection exercises; and transfers in and out for the Department. This document set out the principles and processes that would be employed to deliver fair, objective, consistent and business focused decisions.

The HR Framework was accompanied by an Equality Analysis (Annex B) that set out the key equality impact considerations. These were drawn from

⁵ Covering gender, ethnicity, disability, part-time/full-time working pattern, age and location.

⁶ Including disaggregating the results by pay grade.

⁷ Also, one of the measures introduced to address potential inequalities in the performance management process.

⁸ See footnote 5.

workforce profiles; qualitative research; staff survey findings; and extensive consultation and engagement with staff on the framework itself.

The transition programme is ongoing. The sections below provide a summary of the equality analysis work carried out to date. Phases one and two were referenced in the Equality Information report for 2011/12 and are repeated here for ease of reference.

9.1 Phase One - Voluntary Exit Scheme

In early 2011, the Department announced its intention to hold a Voluntary Early Severance scheme (VES) as an early measure to reduce the size and cost of the Department before the HR framework came into effect in April 2011. The scheme was open to all staff with the requisite years of service. An equality analysis was conducted on the results of the exercise - examining the data to determine whether there were any equality and diversity implications that resulted from the way in which the exercise was conducted.

The results of the work showed that there had been very little unintended effect on equality and diversity issues relating to whether people were successful in the VES. A summary of the report is attached (Annex C).

9.2 Phase Two – Organisation & Workforce Design

The next phase of transition focussed on designing organisational functions and workforce structures. This phase related to posts not people; however, the governance and processes had explicit requirements to deliver evidenced-based outcomes against consistent criteria, including equality considerations, where appropriate (directorate analysis template attached - Annex D). For example, the proportion of part-time posts/posts that were amenable to part-time working and alternative working patterns; and the degree of flexibility in the geographical location of posts.

The consultation process for each directorate/division had core, essential elements; specifically:

- open and transparent communications about the proposals for the what, when and how
- staff engagement and involvement on the proposed design and structure of the directorate/division (including 1-1s with all staff)
- cross-cutting sub -groups for consultation purposes were established when the weight of opinion called for it.

- union representation at all meetings with Director Generals and business area leads.

Governance & Assurance:

All directorate proposals were scrutinised by a Workforce Assurance Panel, chaired by the Director General for System Design & Finance. The terms of reference included the key purpose to ‘enable consistency of approach across directorates’ and ‘ensure fairness, equity and transparency in staff handling’.

9.3 Phase Three – People & Posts

This phase looked at the people dimension. A Governance Assurance Panel was established and tasked with ensuring that the proposals for filling posts met the criteria set out in the HR framework. The core assurance processes were broadly similar to those used for the preceding stage. Specifically:

- open and transparent communications about the proposals for the what, when and how
- staff engagement and involvement on the proposed design and structure of the directorate/division (including 1-1s with all staff)
- cross-cutting sub -groups for consultation and engagement purposes were established when the weight of opinion called for it
- union representation at all meetings with Director Generals and business area leads.
- fast-track appeals process.

Governance & Assurance:

All directorate proposals were scrutinised by a Governance Assurance Panel, chaired by the Director General for Transition for the Department, and with union representation. The terms of reference include the requirement to ‘ensure a consistent and equitable approach’ and ‘ensure diversity monitoring of the outcomes’.

A diversity analysis was produced for each directorate/division and was used to inform decision making before the proposals were approved.

The overall diversity analysis and report was produced in February 2012. It examined the cumulative and organisation-wide impact by diversity characteristics of this phase of the programme. The report was submitted to

the Departmental Management Committee in April 2012. The high level findings were published on the DH intranet in June 2012 (Annexes E & F).

9.4 Phase Four – Filling Vacant posts - Open Competition & Matching

In this phase, all DH staff without permanent and enduring roles were eligible to apply for vacancies within the new Department. This will be followed by a matching (people with posts) exercise.

Open Competition:

The open competition ran from January 2012 to June 2012.

The initial equalities analysis highlighted age as a key determinant in the results ie appointed/not appointed. However, the number and complexity of variables in the process - and influences outside the selection panel's control - militated against drawing firm conclusions relating to the open competition in and of itself. With this in mind, the components within the exercise were disaggregated to pinpoint the precise cause, or causes, for potential advantage/disadvantage. The analysis examined:

- appointments by directorate
- appointments by grade
- merit lists
- line manager assessments
- applications (trends by diversity characteristic).

Although samples were too small to draw significant conclusions, the findings will be used to:

- engage with staff, unions and staff networks on the key issues for the future, and
- inform the diversity strategy, and action plan, for 2013/14.

Matching:

The matching stage will commence in February 2013.

10. Quantitative & Qualitative research

The Department carries out an annual staff survey. The overall results for 2011 were published on the:

- external web-site (www.dh.gov.uk/health/2012/01/dh-staff-survey-results/)
- DH intranet in February 2012 (Annex G).

The satisfaction ratings for 'inclusion and fair treatment' increased by 4% on the previous year and were 8% higher than the median Civil Service scores.

The results were also analysed by the diversity characteristics of respondents (Annex H). The statistical information and comments were used to develop the themes for engagement with staff networks.

11. External benchmarking

For the second year running, the Department improved its ranking in the Stonewall Workplace Equality Index (WEI) 2013, rising to 24th place from 53rd in the 'Top 100' league table. The WEI criteria includes:

- workforce declarations for sexual orientation
- diversity monitoring and equalities analyses
- qualitative data gathering and research, and,
- staff perceptions(as measured by an anonymous survey run by Stonewall).

www.stonewall.org.uk/at_work/stonewall_top_100_employers/default.asp