



Homes
England

Date: 27 October 2020

Our Ref: RFI3142

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Making homes happen

██████████
By Email Only

Windsor House
Homes England – 6th Floor
50 Victoria Street
London
SW1H 0TL

Dear ██████████

RE: Request for Information – RFI3142

Thank you for your recent email, which was processed under the Freedom of Information Act 2000 (FOIA). You requested the following information:

-Your response suggests Homes England made a conscious decision to pause the development of their ED&I Strategy. Was this discussed/minuted in any Homes England meetings at the time? If so, can Homes England provide a copy of all relevant documents confirming discussions about the Strategy and their decision?

-Your response refers to a report in January 2020. Can Homes England provide a copy of this report?

-In my previous email, I asked the date plans for the current ED&I Strategy were first discussed in a recorded/minuted Homes England meeting. Can Homes England confirm the date of the meeting and provide a copy of the relevant document?

The 'response' referred to in your request was a response to an enquiry regarding Homes England's Equality, Diversity and Inclusion Strategy, Reference No. CAS-117708-T1D6F2.

Response

We can confirm that we do hold some of the requested information. We will address each of your points in turn.

-Your response suggests Homes England made a conscious decision to pause the development of their ED&I Strategy. Was this discussed/minuted in any Homes England meetings at the time? If so, can Homes England provide a copy of all relevant documents confirming discussions about the Strategy and their decision?

I am able to confirm that Homes England does not hold the information detailed in your request. This is because there is no legal or business reason for Homes England to do so.

In order to conclude that the information is not held, we have searched with our Diversity and Inclusion Manager who would have the requested information if held.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty under section 1(1) is only to provide the recorded information held.

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The full text of section 1 in the legislation can be found here:

<https://www.legislation.gov.uk/ukpga/2000/36/section/1>

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. To comply with this duty we are able to confirm that this decision was not made as part of a minuted meeting and we do not hold recorded information that discusses this.

-Your response refers to a report in January 2020. Can Homes England provide a copy of this report?

The relevant report was entitled 'Equality Update' and was presented to the Homes England Nominations and Remuneration Committee on 30 January 2020. The report is attached to this response as Annex A.

Section 40 – Personal information

We have redacted information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

To disclose personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the identification of third parties and would breach one or more of the data protection principles.

Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

The full text in the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

-In my previous email, I asked the date plans for the current ED&I Strategy were first discussed in a recorded/minuted Homes England meeting. Can Homes England confirm the date of the meeting and provide a copy of the relevant document?

Plans for the current ED&I strategy were first discussed at the Nominations and Remunerations Committee meeting on 30 January 2020, in response to the report provided as Annex A. The minutes for this item are provided as Annex B.

Section 40 – Personal information

We have redacted information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.



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Right to Appeal

If you are not happy with the information that has been provided or the way in which your request has been handled you may request an internal review by writing to;

The Information Governance Team
Homes England – 6th Floor
Windsor House
50 Victoria Street
London
SW1H 0TL

Or by email to infogov@homesengland.gov.uk

You may also complain to the Information Commissioner however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

The Information Commissioner's details can be found via the following link

<https://ico.org.uk/>

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

The Information Governance Team
For Homes England

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NOMINATIONS AND REMUNERATION COMMITTEE

DATE OF MEETING: 30 JANUARY 2020

ITEM NUMBER: 4

TITLE: EQUALITY UPDATE

Purpose: A report to Nominations and Remunerations Committee on Homes England's current position and progress towards meeting our statutory obligations under the Public Sector Equality Duty.

Responsible officer: S40(2)

Prepared by: S40(2)

A MATTER FOR CONSIDERATION

- 1 This report outlines Homes England statutory obligations relating to equality and diversity. All employers must comply with the Equality Act 2010, and all public bodies must comply with the Public Sector Equality Duty. This report explores these duties, highlights the progress made towards them to date, and updates Nominations and Remunerations Committee members on the planned work that will ensure that we remain compliant going forward. The report also showcases the progress made over the past twelve months that go beyond our statutory obligations, and the proposed actions Homes England are taking to ensure we continue to embed diversity and inclusion, through our internal culture as part of the Homes England Way, and to the external market.

B RECOMMENDATIONS

- 2 The Committee is invited to:
- a) **NOTE** our current position against our equality and diversity statutory obligations;
 - b) **NOTE** the progress made that goes beyond our statutory obligations;
 - c) **NOTE** the existing equality objectives will be updated and a revised set of equality, diversity and inclusion objectives will be published on the Homes England website during first quarter of 2020; and
 - d) **AGREE** to publish an annual equality, diversity and inclusion statement every May, which will reflect our progress against our objectives during the previous financial year.

C BACKGROUND

HOMES ENGLAND'S STATUTORY EQUALITY AND DIVERSITY OBLIGATIONS

The Equality Act 2010

- 3 The Equality Act was introduced in 2010 to bring together previous legislation to strengthen the equality laws.
- 4 The act built on existing law and introduced the concept of the nine protected characteristics: age, disability, gender reassignment, maternity and pregnancy, marriage and civil partnership, race, religion and belief, sex, and sexual orientation, prohibiting both direct and indirect discrimination related to these characteristics.
- 5 Homes England has a legal obligation to comply with the Equality Act by developing policies and practices that protect employees from discrimination and ensure that they are treated according to their needs.
- 6 The Equality Act states that, as an employer, we must:
- comply with the Public Sector Equality Duty (general and specific duties)
 - comply with equal pay legislation i.e. we pay people of all genders the same for doing the same (or equivalent) jobs;
 - publish and report specific figures about our Gender Pay Gap, in line with The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.

The Public Sector Equality Duty

- 7 The Public Sector Equality Duty came into force in 2011 and applies to public bodies, including Homes England. It supports good decision-making by ensuring public bodies consider how different people will be affected by our activities, helping us to deliver policies and services which are efficient and effective, accessible to all, and which meet different people's needs. There is a general Equality Duty, which is then supported by specific duties.

General Equality Duty

- 8 The general Equality Duty requires organisations to have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - foster good relations between people who share a protected characteristic and people who do not share it.

Compliance with the General Equality Duty

- 9 Throughout Homes England's decision-making procedures, colleagues seeking decisions are required to complete a report template which includes a section titled

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'Equality and Diversity Implications' containing guidance on the General Equality Duty. This requires colleagues to consider whether there is a risk that the proposals outlined in the paper would be contrary to this Duty and, if so, explain the steps they plan to take to mitigate that impact. This ensures that consideration to the Equality Duty is made in every key business decision.

- 10 In addition to this, Homes England has embedded the General Equality Duty into policies and processes throughout the organisation:

Eliminate unlawful discrimination harassment and victimisation and any other conduct prohibited by the Act:

- 11 Homes England has policies in place to ensure that no colleague is discriminated against, harassed or victimised, either as a result of Homes England's policies and procedures, or through the behaviours and actions of colleagues.

- 12 Homes England's Dignity and Respect at Work policy states that 'We have adopted a zero-tolerance approach to bullying, harassment, victimisation and discrimination, which means that where any of them are identified, they will be addressed. In conducting our work, we are committed to providing a positive and supportive working environment that is free from all forms of bullying, harassment and victimisation. The leadership takes its responsibilities in relation to tackling workplace bullying, harassment or victimisation seriously.'

- 13 The HR team is committed to ensuring all Homes England policies are inclusive of, and accessible to, all colleagues. All updated and new policies are shared with our diversity network chairs for comment prior to approval and publication to colleagues.

Advance equality of opportunity between people who share a protected characteristics and people who do not share it

- 14 Equality is not about treating everyone the same, but about treating individuals according to their needs so that everyone has the access to the same opportunities.

- 15 Homes England has mechanisms in place to remove disadvantages, and meet the needs of, people with protected characteristics. For example, we have a guaranteed interview scheme which means that all candidates that declare a disability are shortlisted, providing they meet the minimum criteria for the role. Reasonable adjustments are provided to individuals who have declared a disability, both for employees and candidates.

- 16 Additional work is being undertaken to advance equality of opportunity for women in the workplace, in response to our gender pay gap. Our work to date has resulted in improved gender diversity at a senior level. Specifically, we are reviewing our recruitment processes to identify attraction strategies to increase the number of female candidates and to remove biases that may put women at a disadvantage. This work will focus upon where we advertise roles, the language used, the flexibility offered and recruitment training. We recognise that gender issues are receiving a greater focus at present which is proportionate to the specific risk that are facing the organisation at present and where we need to gain traction. It is recognised that representation of BAME, LGBT+ and disabled colleagues at a senior level also remain low. As we build our Diversity and Inclusion strategy these areas will receive appropriate focus to broaden our inclusion.

- 17 Externally, Homes England are also advancing equality of opportunity through the homes we deliver. Investing and supporting homes for older people, LGBT+ people,

people with disabilities, BAME and Jewish communities are great examples of how we understand that a 'one size fits all' approach is not enough and that we instead consider what additional needs members of the community with protected characteristics may have.

Foster good relations between people who share a protected characteristic and people who do not share it

18 To ensure compliance with this arm of the general duty, Homes England has several established employee networks (each focussed on protected characteristics) who are responsible for fostering good relations and raising matters where prejudice may exist. These are:

- Homes England Gender Network
- BAME Network
- Build Together (LGBT+ network)
- Disability and Carers Network
- Faith Network
- Neurodiversity Network

In addition to this, we have further networks and groups, focussed on giving a voice to, and supporting, our people, including:

- Graduate and Apprentices Network
- Build Together Friends (LGBT+ allies network)
- Future Leaders Network
- Mental Health First Aiders
- People Champions

19 Our networks have developed and built over the past three years and membership across the networks stands at c300 colleagues. Their role is to raise awareness about issues that affect people with protected characteristics and communicating with the wider organisation to help educate, create positive relationships and empower them to be allies to one another. Each network is sponsored by a senior Leader.

20 An example supporting this duty has been the provision of the Stonewall Allies Training to around 70 colleagues, across all grades and directorates. This has focussed on increasing knowledge and understanding to foster better relationships between LGBT+ colleagues and non-LGBT+ colleagues.

Specific Equality Duties

21 The General Equality Duty is supported by two specific duties, which require public bodies to publish relevant, proportionate information demonstrating their compliance with the Equality Duty; and to set themselves specific, measurable equality objectives. The specific duties are:

Publish equality information:

22 Public authorities have been required to publish information annually to demonstrate compliance with the general equality duty since 2012. This must include information relating to people with protected characteristics who are:

- Employees
- Affected by its policies and practices

Compliance with this specific duty

- 23 Homes England has met this obligation by publishing annual information as part of Homes England's Annual Report. This includes information on policy regarding people with disabilities, our staff networks, facilitated discussions on 'Respect at Work', the Homes England Way and our ambition to be leaders in diversity and inclusion within the housing sector and construction industry.
- 24 For 2019/20 we will publish our first Equality, Diversity and Inclusion statement to reflect on the past year and look forward to the year ahead to further demonstrate our compliance with the specific duty and our ambitions.

Prepare and publish equality objectives

- 25 Public authorities must prepare and publish one or more equality objective to meet the general equality duty (at least every four years.)

Compliance with this specific duty.

- 26 In 2016, Homes England published the following objectives on our external website:
- Work with staff to develop and incorporate best diversity practice into our employment policies and practices,
 - Ensure that equality and diversity issues are identified and addressed effectively through enquiries and activities of the Consumer Regulation Panel,
 - Improve the profile and representation of disabled people at the HCA,
 - Support the capacity of staff and stakeholders to deliver housing options that meet the needs of people with protected characteristics,
 - Promote investment in housing that meets the needs of people with protected characteristics – including older people.
- 27 Work is underway to review these for relevance and consider revising and re-publishing a refreshed version in May 2020, along with the Equality, Diversity and Inclusion statement (see paragraph 24) which will chart our progress against these objectives and share our revised 2020-24 objectives.

Equal Pay Legislation

- 28 Homes England must give employees equal treatment, regardless of sex, in the terms and conditions of their employment contract if they are employed to do:
- 'like work' - work that is the same or broadly similar
 - work rated as equivalent under a job evaluation study
 - work found to be of equal value in terms of effort, skill or decision making.

Compliance with Equal Pay legislation

- 29 Following the recent restructuring of roles a review of Homes England pay and grading arrangements is underway. This is to ensure compliance with equal pay legislation, establish that our pay approach is fair, transparent and consistent. Any actions as a result of the review will be acted upon and the organisation is committed to equal pay.

30 Whilst the pay and grading review is being finalised, we are introducing a set of interim pay principles. This will enable the management of pay on promotion, appointment and pay progression and will:

- Support in creating parity approach between internal/external candidates,
- Prevents creation of further pay disparities in the short term,
- Begin the introduction of new governance,
- Provide greater flexibility than the current approach to redress potential gender pay issues,
- Provide an opportunity for development into roles.

Publication and Reporting of Gender Pay Gap Figures

31 Each year Homes England must publish and report its gender pay gap on our public-facing website. The data must be accurate as of 31 March (this is called the 'snapshot date') and must be published within 12 months of "the snapshot date".

32 This is supported by a 'written statement' to confirm that the published information is accurate and be signed by an 'appropriate person'. Data must be uploaded to the Gender Pay Gap Online Reporting Service and published on GOV.UK.

Compliance on Gender Pay Gap publication and reporting

33 Homes England is compliant with all our statutory obligations for publishing and reporting our gender pay gap. We go further by publishing a detailed report and action plan which addresses the steps to be taken to close the identified gap.

34 We are on track to publish our "gender pay gap snapshot" as at 31/03/2019 by the deadline of March 2020.

35 Further information on our current position on the gender pay gap, as well as actions identified to close the gap, can be found at paragraph 38.

OTHER SUCCESSES AND ACHIEVEMENTS

36 In addition to our statutory obligations, Homes England goes beyond our legal requirements and a list of our achievements over the past twelve months are highlighted below. It is worth noting that our employee networks have been instrumental in driving this agenda forward over the past few years, with some of their achievements including:

- UK's first ever LGBT extra care scheme;
- Secured a place on the Stonewall Top 100 list of LGBT inclusive organisations (ranked 72nd), and have reached the Top 20 Trans Employers list (out of 503);
- Hosting BAME career development events for colleagues address the lack of diversity at senior levels;
- Development of a Disability Passport to support colleagues with disabilities throughout their time at Homes England;
- Development of a Transitioning At Work policy and line manager guidelines to support trans people in the workplace;

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- Introduction to gender neutral toilets in some of our offices;
- Creation of external networks to improve inclusivity within the property and construction industries
- Contributing to the development of a diversity calendar to drive ongoing engagement with colleagues;
- Sharing personal stories to raise awareness of issues of difference and promote inclusivity.

37 The networks have also proactively influenced the organisation through:

- Ensuring development centres are accessible for all with focus on neurodiversity;
- Ensuring HR policies are inclusive of all, for example starting to remove gendered language from policies and will continue as part of the policy review which is currently underway;
- Ensuring our new accommodation is inclusive and accessible to all;
- Exploring how Homes England can use procurement and tendering to help encourage partners to think about diversity and inclusion;
- Ensuring that blocks on websites containing important LGBT resources were lifted;
- Ensuring members of HR received gender identity training;
- Encouraging Homes England to become a member of Building Equality, collaborating with other construction companies to embed inclusion in the industry;
- Ensuring that our security colleagues are mindful of the implication of some processes on trans and non-binary colleagues or candidates.

GENDER PAY GAP PROGRESS

38 At 31st December 2019, Homes England's mean gender pay gap was 15.33%, (median gap 12.5%). This is showing an improvement from September 2019 (mean 1.75% down and median 3.25% down). While Homes England's gender pay gap remains higher than we want it to be, progress is being made, with the last quarter showing the biggest improvement to date. The table below shows the progress that we are making:

Snapshot date	Mean hourly pay gap	Median hourly pay gap
31 st March 2018	18.19%	17.51%
31 st March 2019	18.02%	15.49%
30 th June 2019	17.66%	15.81%
30 th September 2019	17.07%	15.75%
31st December 2019	15.33%	12.50%

39 While we are lower than the national average (18.4% at March 2018) and the wider built environment (18.6% at March 2018), our Gender Pay Gap is significantly higher than the wider Civil Service (9.8% at March 2018). Gender Pay Gaps as at March 2019 will be available to access for a more up to date comparison from 31st March 2020.

40 Our gap is a historical issue that will take time and conscious effort to resolve, however, the early intervention we have put in to play, evidences some early success.

41 Actions taken include:

- Improved transparency by raising awareness through gender pay gap roadshows.
- Mandatory unconscious bias training for all new colleagues.

42 Early Progress is evidenced with an increase in female appointments. In the past six months we have seen:

- Headcount increase of 44 of which 30 were female. (68%).
- Improved gender diversity of in our Executive and Director posts.

43 Next Steps – short term:

A working group has set up to pilot a new attraction strategy for a small number of vacancies with the aim of increasing the number of female candidates. This is a test and learn project. Successful outcomes can then be scaled and embedded in all of our recruitment. Given the growth plans for the agency this could have a significant impact.

44 Next Steps – medium term:

In parallel, the new People Strategy, due to be approved in April 2020, is an opportunity to mainstream the agency's approach to equality, diversity and inclusion. The strategy will include how we attract, reward, and retain the best talent and to position the agency as an employer of choice, for all. In the medium term we are actively undertaking people interventions such as a pay and grading review and scoping a new performance management approach which will be support the further closing of the gender pay gap. We will also review our current measures of success and identify a broader framework to measure all areas of diversity and inclusion activity to establish the impact of our activity.

SUMMARY

45 Homes England has taken significant steps over the twelve months in becoming a more diverse and inclusive workplace and compliance with the Public Sector Equality Duty. However, our aim has been to go beyond compliance, to build an inclusive working environment where all colleagues can thrive. Employee networks have played a significant role in this agenda, and this has been enhanced through a more visibly supportive leadership team. We will continue to build upon this work to become a truly inclusive organisation that reflects all our values during 2020.

D PROPOSALS

46 The HR team will continue to provide support to our networks so that they can carry on generating the activity required for us to meet our Public Sector Equality Duty. The network groups will play a key role in the delivery of the People Strategy. The People Group will oversee the networks, providing a formal framework within which they will work, and ensure that the objectives of each network are aligned the People Strategy and wider Homes England objectives.

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47 Our network leads will work together to propose further equality objectives, which will be published in April 2020, delivered through our emerging People Strategy and overseen by our People Group. To support this activity it is proposed a review is commissioned with an external provide with expertise in diversity and inclusion for the purpose of facilitating this work and providing additional support and assurance.

48 We will publish an Equality, Diversity and Inclusion statement in May 2020.

E RISK MANAGEMENT

Statutory obligations

49 The key risk is losing sight of our statutory obligations. The Equality and Human Rights Commission is responsible for assessing compliance and enforcement. It has powers to issue a compliance notice to any public body that it believes has failed to comply with the specific duties, and can apply to the courts for an order requiring compliance. The HR team has a dedicated Diversity and Inclusion resource who will provide assurances to the People Group that the organisation is compliant and through appropriate actions mitigate any risks.

Data

50 We currently have gaps in our diversity data which prevents us from being able to fully assess issues we may need to resolve or by which successes are measured. Without fully understanding the make-up of our organisation, we limit our ability to understand issues or potential barriers facing certain groups. We are planning to undertake a refresh of our diversity data in 2020 by asking colleagues to update their profiles. This will increase our ability to measure, report and where necessary take appropriate action.

Network governance

52 We rely on the work of our employee networks in meeting our Public Sector Equality Duty. Until now there has been no standard framework or governance structure in which the networks operate, however, to mitigate this, structured governance will be provided through the People Group, to ensure consistency across them, and alignment to our People Strategy.

F RESOURCE IMPLICATIONS

53 There is a dedicated Diversity and Inclusion resource in the HR team, however it is the responsibility of all to ensure that diversity and inclusion is embedded into everything we do. It is important for all colleagues throughout the organisation to be aware of the Equality Duty and take collective accountability for the organisation to comply with its obligations.

G EQUALITY AND DIVERSITY IMPLICATIONS

54 In the writing of this paper, Homes England has given serious regard to the need to consider the three elements of the Public Sector Equality Duty. Namely, the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity
- Foster Good Relations

55 There is no risk that the proposals outlined in this paper would be contrary to this Duty; in fact, all proposals are to ensure that Homes England meets the Duty. The proposals in this paper will also help Homes England go beyond its statutory obligations around equality and diversity, in order to focus on inclusion and a sense of belonging for all our colleagues.

H TIMING

56 This report will be presented to Executive Group on 4th February 2020, and to Homes England's Board on 27th February 2020.

57 Homes England will publish its 2019 Gender Pay Gap figures and supporting statement before 31st March 2020.

58 Homes England plans to launch its 2020-24 Equality Objectives in Q1 of 2020/21.

59 Homes England will publish an Equality, Diversity and Inclusion statement in May 2020.

I COMMUNICATIONS HANDLING

60 Upon publishing our gender pay gap, and our diversity and inclusion statement and objectives, Homes England's Communications team will be consulted with to inform us, and assist with, communications handling.

Contact for further information: S40(2)

**Homes England
Minutes of the Nominations and Remuneration Committee
Held on Thursday 30 January 2020
at 1 Friargate, Coventry**

Present:

S40(2)
[Redacted]

Apologies:

S40(2)
[Redacted]

In attendance:

S40(2)
[Redacted]

Not in Scope
Not in Scope
S40(2)
[Redacted]

Minute Extract – Equality Report Item

Item 4	Equality report	
13/01/20	The Committee considered the report on Homes England’s current position, and progress towards, meeting its statutory obligations under the Public Sector Equality Duty and the planned work that would ensure that it remained compliant going forward. The report also showcased the progress made over the past twelve months that went beyond those statutory obligations, and the proposed actions Homes England was taking to ensure it continued to embed diversity and inclusion, through its internal culture as part of the Homes England Way, and to the external market.	
14/01/20	The Committee NOTED the current position against the agency’s equality and diversity statutory obligations and the progress made that went beyond those statutory obligations. They NOTED that the existing equality objectives would be updated and a revised set of equality, diversity and inclusion objectives be published on the Homes England website during first quarter of 2020. They suggested that the annual equality, diversity and inclusion statement should be published alongside the Annual Report and accounts, showing the agency’s progress against its objectives during the previous financial year.	S40(2) [Redacted]
15/01/20	Members NOTED the update.	

Chairman’s signature.....

Date.....