


Non-Executive Report of the:  <b>Human Resources Committee</b>  28 October 2015	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Simon Kilbey, Service Head - Human Resources and Workforce Development	<b>Classification:</b> Unrestricted
<b>Encouraging Equalities Data</b>	

<b>Originating Officer(s)</b>	Simon Kilbey, Service Head – Human Resources and Workforce Development
<b>Wards affected</b>	All wards

### Special Circumstances Justifying Urgent Consideration

A THESG (Tower Hamlets Equalities Steering Group) meeting was held earlier this week, during which there was discussion of WFTRC targets for the future. There is a clear link between the recording of equalities data and achieving targets and therefore this report was delayed to give consideration to the issues discussed at THESG. The report has been presented now rather than wait for the next meeting on 19 January 2016 as Members were keen to review the information as soon as possible and a delay to the consideration would also delay the implementation of any Member recommendations.

### Summary

At a meeting of the HR Committee on 1<sup>st</sup> July 2015, it was requested that officers explore ways of encouraging better participation in staff recording equalities data.

This report gives information on past, on-going and future actions to achieve this aim.

### Recommendations:

The HR Committee is recommended to:

1. Note this report for information.

#### 1. REASONS FOR THE DECISIONS

- 1.1 The report is for information.

#### 2. ALTERNATIVE OPTIONS

- 2.1 The report is for information.

### **3. DETAILS OF REPORT**

#### Background

- 3.1 The Equality Act 2010, which replaced previous anti-discrimination legislation, imposed an Equality Duty on public bodies and others carrying out public functions to “ensure that public bodies consider the needs of all individuals in shaping policy, delivering services, and in relation to their own employees”. The Equality Duty covers nine ‘protected characteristics’: gender; religion or belief; ethnicity; age; disability; sexual orientation; marriage and civil partnership; gender reassignment; and pregnancy and maternity.
- 3.2 Government Guidance on the Equality Act 2010: Public Sector Equality Duty states that a public body must have ‘sufficient information’ to ensure legal compliance’, adding that a public body must consider what information it has and what further information may be needed in order to give proper consideration to the Equality Duty.
- 3.3 The Equalities and Human Rights Commission, in its Guide for Public Authorities on Equality Information and the Equality Duty states: ‘Public authorities must understand the impact of their policies and practices on people with protected characteristics. It must have sufficient evidence on which to base its consideration of the impact of a policy or decision. Therefore, collecting and analysing equality information ... is an important way for it to develop this understanding’.
- 3.4 In relation to the Equality Act 2010 (Specific Duties) Regulations 2011, the Commission states that the information about employees of the Council to be published ‘must include information relating to people who share a relevant protected characteristic’.
- 3.5 Accordingly, the Commission recommends the publication by Local Authorities of “the race, disability, gender and age distribution ... sexual orientation and religion and belief...transsexual ...” of staff.
- 3.6 It is therefore necessary to collect information on the makeup of the workforce, to know whether legal compliance is being achieved in respect of actions previously undertaken and whether future planned actions are targeting those areas in most need.
- 3.7 To ensure that the Council fulfils its statutory responsibilities, when staff start their employment with the Council, they are asked to complete forms giving information on their protected characteristics. Additionally, to ensure that information is as comprehensive and current as possible, staff can update their information through the HR Self Service section of the Council’s intranet at any time.
- 3.8 This information is used to monitor the makeup of the workforce, in relation to a number of employment related activities, such as recruitment, promotions, leavers etc. This is so that performance can be monitored against corporate

targets where appropriate and helps measure the Council's success in achieving a Workforce to Reflect the Community. Additionally, it gives the Council a basis on which to target future activities aimed at people with particular protected characteristics.

3.9 Regulation 5(1A) of the Data Protection Act states that the storage of personal information must:

(a) ensure that personal data can be accessed only by authorised personnel for legally authorised purposes;

(b) protect personal data ... against accidental or unlawful destruction, accidental loss or alteration, ...

(c) ensure the implementation of a security policy with respect to the processing of personal data.

3.10 The Council is fully compliant with the Data Protection Act, with access to personal information restricted to a small number of people within Human Resources who require the information for legitimate employment purposes. Information on protected characteristics that is accessible to a wider group is generalised and always anonymised to ensure that no individuals can be identified.

3.11 Contracts of employment issued to all staff when they begin working for the Council state that any personal information they provide can only be processed for the purpose of their employment or for compliance with the Council's contractual, statutory, management or other similar obligations. Similarly when all staff were last asked to consider updating their personal information, they were informed that 'the information is treated confidentially, held securely and only used for the purposes of ensuring that the Council adopts appropriate policies and procedures...'. Nonetheless, it is the decision of the employee as to whether to provide information related to their protected characteristics.

3.12 Disclosure rates have increased over time as a result of initiatives described below. However the rates are still below the desired level.

3.13 Encouraging staff to share information on their equalities profile is part of the Workforce to Reflect the Community Action Plan and there have been a number of initiatives undertaken by HR and SPP in the past, some in conjunction with the appropriate Staff Forums, to achieve higher declaration rates.

#### Past and Current Activities

3.14 Activities undertaken can be broadly categorised as either being directly aimed at improving declaration rates amongst staff with regards to equalities

data or more indirectly being aimed at reducing stigma so that staff feel more comfortable disclosing, for example, that they are gay or disabled.

- 3.15 With regards to directly tackling the disclosure of equalities information, a piece of work was undertaken where all staff at LPO7 and above were written to and asked, if they had not already done so, to declare whether or not they considered themselves disabled. Information was provided on the social model of disability, which is what the Council uses as a definition and which is about long term health conditions. This exercise improved declaration rates and was subsequently rolled out to all staff across the council, which has resulted in a rise across the board in relation to declaration of disability from 247 staff (5.61%) stating they are disabled in Q3 of 2014-15, to 265 (6.04%) in Q4 of 2014/15. For staff at LPO7 and above, there has been an increase from 19 (7.88%) in Q3 of 2014-15 to 22 (8.87%) in Q4 2014-15.
- 3.16 In addition, at the beginning of June 2015 all staff were encouraged to update their equalities information related to their sexual orientation. An item was also placed in the Manager's Briefing as a reminder. A glossary was also included to help staff understand the definitions used in the monitoring questions.
- 3.17 In relation to action undertaken aimed at reducing stigma so that staff feel more able to disclose such personal information, as part of the work undertaken by Human Resources & Workforce Development (HR&WD) to improve engagement with staff across the council, an intranet site called 'Your Workplace, Your Voice' has been created. On this, there is a page dedicated to Your Health, which provides information and links to further support for physical and mental health issues, including disabilities.
- 3.18 Your Workplace, Your Voice also hosts surveys where staff are asked to give their views on a number of subjects. One of the first surveys run was titled Declaring Disabilities and was aimed at raising awareness of disability.
- 3.19 The Access to Work guidance has been updated to ensure it accurately reflects the services offered to staff and information has been provided to those who support staff with health problems with regards to the Mental Health Support Service offered by Access to Work. This has also been publicized through the Your Health page on the intranet, which has a section specifically focused on mental health and wellbeing.
- 3.20 Work is being undertaken, in conjunction with the One Tower Hamlets team, to profile staff who have multiple identities (e.g. are disabled and LGBT or are BME and disabled) and to showcase them as Role Models. This is also part of the Stonewall Action Plan for 2015. This will raise the profile of staff with protected characteristics and make them more visible, with the aim of making other staff feel more comfortable about sharing their protected characteristics.
- 3.21 The equalities training that was delivered by the Council has been reviewed and a new range of training is now available, which includes awareness of disabilities (including those that are 'hidden'), theatre workshops on a whole range of equalities issues and LGBT awareness training. Members of the

Disabled Staff Forum were involved in setting the aims and outcomes of the disability awareness training.

- 3.22 As part of the Council's regular training offer, courses are run that will aid staff with disabilities in the workplace. Examples of this include stress management and training on mental health issues. These courses are regularly promoted to staff and raising awareness of them will continue to be part of the ongoing communication plan.
- 3.23 Communications around raising awareness of disabilities to date includes news stories/reminders in the council's internal newsletter TH Now promoting the organisation's disability audit to staff. TH Now continues to feature staff stories about a wide range of employees, some of which have focused on staff members with disclosed disabilities. There was a piece in the January 2015 issue of TH Now where a staff member discussed her disability in relation to the council's flexible working arrangements. There were also 2 articles in the August 2015 edition which profiled one member of staff who is BME and Gay and another member of staff who is lesbian and disabled. This is part of the ongoing programme related to showcasing role models with multiple identities.
- 3.24 Furthermore, an internal communications advisor will collaborate with HR and the ESCW Learning and Disability team to further develop communications on disabilities including hidden disabilities.
- 3.25 As part of Occupational Health's ongoing work programme, they run health and wellbeing sessions for staff. These sessions provide training, support and signposting to other available services around a whole range of health issues, as well as sometimes involving hands on support such as massage sessions. These are promoted on the intranet as well as through other usual communication channels.

#### Future Activities

- 3.26 As part of Your Workplace, Your Voice, Your Voice Ambassadors are being created, who will focus on championing all equalities and diversity issues within the workplace. The programme of training for Your Voice Ambassadors will include all aspects of equality and they focus on championing all equalities and diversity issues within the workplace.
- 3.27 Under the Workforce to Reflect the Community Action Plan 2015-16, there will be a Management Development Programme introduced, which will include equalities and diversity training and the understanding of relevant policies. The inclusion of unconscious bias will be considered as part of this programme.
- 3.28 Further work with Communications will be undertaken to promote awareness of equalities issues throughout the year as per the examples set out above.

- 3.29 In all 3 of these areas, staff will be reminded that the provision of information on their protected characteristics will enable the Council to target policies and activities to best address the requirements of both staff and service users.
- 3.30 The promotion of role models with multiple identities will continue, with the aim of showcasing as many protected characteristics as possible, in line with the 2015 Stonewall Action Plan.
- 3.31. There will be a Trans Policy introduced for the first time, which will aim to reduce stigma and give support to any staff in the Council who are Trans.
- 3.32 There will also be events aimed at reducing stigma. One example is a Market Place event that is planned to coincide with the International Day of Persons with Disabilities on 3<sup>rd</sup> December 2015. The Market Place will include a number of stalls signposting staff and managers to what information and support is available with regards to disabilities. It will also include stalls from outside organisations. The event will cover representation from:
- Tower Hamlets Sensory Service
  - Assisted Technology
  - Occupational Health
  - MIND
  - The Tower Project
  - Pritchard's Day Centre
  - Poplar Harca
  - Access to Work
  - Disabled Staff Forum
  - Human Resources
  - Public Health
- 3.33 It is proposed to introduce quarterly lunch time seminars inviting inspirational personalities from diverse backgrounds to speak to staff with the aim of inspiring and motivating staff. This will also help reduce stigma around certain protected characteristics.
- 3.34 It is acknowledged that some people may be wary of providing personal information, fearing that it could be used to discriminate against them. For example a job applicant who has previously suffered from mental health issues may well consider that including accurate information as to their condition could reduce their chances of appointment. Whilst an explanation of the purpose of data collection is provided for applicants, the wording will be reviewed to ensure that it is as clear as possible.
- 3.35 Similarly, some employees may be reluctant to provide information because of data protection concerns, believing that the information may not be secure and confidential. This will be addressed by providing more detailed information on the security of data, the anonymisation of any information to be published and the assurance that no one will be identified or identifiable as a result of their supplying information on protected characteristics.

- 3.36 In the longer term, better understanding of why such information is collected and a reduction in the stigma associated with some protected characteristics will lead to higher declaration rates. Better declaration rates will lead to more effective targeting of policy initiatives.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 This report is for information only and there are no financial implications arising from this report.

#### **5. LEGAL COMMENTS**

- 5.1 This is a report for the HR Committee to note actions in respect of achieving better participation in staff recording equalities data.
- 5.2 Section 39 of the Equality Act 2010 places an obligation on the Council not to discriminate, either directly or indirectly, in the following: offering employment; the terms of employment; opportunities for promotion, transfer or training or for receiving any other benefit, facility or service; dismissal; or by subjecting a person to any other detriment. Under the same section, the Council has an obligation to make reasonable adjustments for persons with the protected characteristic of disability.
- 5.2 Under section 149 of the Equality Act 2010, the Council must when carrying out its functions have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not.
- 5.3 The report clearly sets out the Council's obligations to collect equality information under the Equality Act 2010. Such information allows the Council to comply with its duties and obligations under the Act as it allows decisions to be made and policies to be formulated using the most accurate data available to it. Any steps which the Council can take to improve the provision of such information by more staff should be taken.
- 5.1 To be arranged.

#### **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 No implications

#### **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 No implications

#### **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 No implications

**9. RISK MANAGEMENT IMPLICATIONS**

9.1 No implications

**10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

10.1 No implications

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**Linked Reports, Appendices and Background Documents**

**Linked Report**

- None.

**Appendices**

- None

**Local Government Act, 1972 Section 100D (As amended)**

**List of “Background Papers” used in the preparation of this report**

- None.

**Officer contact details for documents:**

- N/A