

East Lothian Council

Equality in Employment Monitoring Report Workforce and Recruitment Profiles

1st April 2016 to 31st March 2017

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1. Introduction

East Lothian Council's Equality Plan 2013-2016 states the Council's vision to be "an Employer of Choice" delivering quality services needed by the residents of East Lothian and this is fundamental to its People Strategy.

The four key drivers identified as crucial to delivering on this are as follows:-

- High achieving leadership and management
- Building workforce capacity
- Competitive recruitment and retention
- Positive employment experience

The Council's long-term Employment Outcome is that "*East Lothian Council is a positive workplace for all employees*" providing a workplace free of harassment and discrimination, eliminating the pay gap between employees and having a range of flexible employment practices in line with business need.

Fundamental to achieving this Employment Outcome is equality of employment opportunities and the Council strives to ensure that equal opportunities underpin all aspects of employment and employment policies. The Council's Equal Opportunities Policy and Equal Employment Opportunities Policy demonstrate a commitment from East Lothian Council to be responsive to all.

2. Background

a. The statutory context

The Equality Act 2010 was introduced in April 2010 and has brought all of previous individual pieces of equalities legislation together into one. This was done to modernise the law and 'even up' the protections afforded to individuals under the law. The Equality Act should make it easier for individuals to be aware of their rights under the law, and for services and organisations to meet their legal responsibilities also.

The purpose of the Act is to ensure that everyone, whether at work or in using a service has the right to be treated fairly. It protects people from discrimination on the basis of certain characteristics. These are known as protected characteristics and they vary slightly according to whether a person is at work or using a service.

The 9 protected characteristics are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion and Belief
- Sex
- Sexual Orientation

As a local authority, East Lothian Council is required to implement the Public Sector Equality Duty in addition to the provisions employment, education and

training. This is comprised of two elements, the general duty and the specific duty.

The general duty was developed for public bodies due to the significant impact that the delivery of public services has on people's lives. The general duty is intended to ensure that, if followed; services are designed to meet the diverse needs of the community and are inclusive. The Council is required when in the exercise of our functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

b. External Environment

The Council has worked with other councils and partners and implemented the Equalities in Employment Monitoring form which is used on the 'myjobscotland' website.

The Council introduced age and gender demographic information to the monthly reporting suite for Service Managers following the 2014/15 Equalities report which highlighted the challenges around age profile of the Council workforce.

c. Reporting

The annual Employment Equalities' data is presented to the Board of Directors for their information. The data is also reported to the Joint Consultative Committee which has Elected Member and Trades Union membership. Priority areas for action on equalities in employment are agreed within the JCC. The report is also made publicly available, and to all employees, via the website and intranet.

d. Data Protection

In producing this monitoring data, the Council has to meet the requirements of the Data Protection Act, in particular to protect the privacy of individuals. Therefore, where there are a number of employees in any data category lower than 10, which may lead to individuals being identifiable, we use an asterisk or percentage as appropriate. This is an increase from 5 of previous years in line with the best practice contained within the EHRC Scotland "Measuring Up" Report from September 2015.

3. Key Findings 2016/17

As part of the preparation for this report and analysis an audit was conducted of those employees who had an unknown status against any of the protected characteristics. This audit found for the majority with missing information employees had completed an earlier Equalities questionnaire.

To produce a fuller picture of the protected characteristics across East Lothian Council a report was then produced on the previous equalities questionnaire responses for the following categories:

- Religion, Faith or Belief
- Ethnic Group
- Disability

and where there were gaps in the current questionnaire, the previous response was used. The impact of this additional information has not changed the profile of the workforce significantly and has enhanced the overall picture.

- The Council's headcount has increased over the past year. There were 500 recruitment campaigns for a total of 152 different roles and 622 appointments made.
- The Council saw a reduction in the average number of applications per campaign from 21 to 19, receiving a total of 9678 applications. Whilst this number is down on previous years it may be a result of the roles available as we saw 14 role types where there were no male applicants, and a total of 13 where the male applications accounted for less than 10% across all campaign.
- The Council's workforce remains consistent with the majority of the workforce female at 71%. However, men and women are employed in the workforce in different ways 51% of female employees working part time compared with 14% of the male workforce.
- The number of flexible working arrangements remains at 1 male compared to 48 female taking up job share opportunities (a reduction of 2 against previous year). However, a sample of those who were previously reported as job share has shown that the individuals remains job share, but have been reported as Part Time by the line manager when contract changes have been requested e.g. location, hours, etc.
- Almost 4% of the workforce declared having a disability. The number of employees reluctant to answer by either giving no reply or preferring not to answer this question has continued to reduce, which along with the previous equalities questionnaire information brings this figure to 6%.
- White Scottish remains the largest category with 11% of the unknown group identifying as white Scottish bringing the total to 78%. The other categories impacted were White other British increased by 1% to 11% and White other increasing by 0.55% to 1%, moving this category marginally ahead of White Eastern European.
- The impact of previous equalities information has had the largest impact to the category stating no Religion, Faith or Belief which increased by almost 7% to 37% taking this category ahead of Church of Scotland which saw a 3% increase to 33% retaining the largest category of those declaring a faith.

- 56% of the Councils workforce are aged 46 and over. The greatest percentage remains in the 46–55 age bracket at 33%, the largest change is in the 36 – 45 which has reduced by almost 1%.
- There is a continued confidence in employees declaring their sexual orientation in the workplace with 20% of staff (combined ‘prefer not to answer’ and ‘no reply’) choosing not to disclose this information. This is a reduction of 1% against 2015/16.
- This continued confidence is reflected within the Transgender category as we see a continued reduction of those in the ‘prefer not to answer’ category and a slight increase in those identifying as transgender albeit this number remains at just under 1%.
- 57% of the workforce was married or in a Civil Partnership (Civil Partnership remains at less than 1%), with 38% declaring themselves not Married. This increase is in line with the increase in employment in the 16 – 25 age category.
- 99% of women reaching the end of Maternity Leave, returned to work. 82% of whom were on maternity leave from the 2015/16 reporting period.
- There were no grievances or disciplinary investigation on the grounds of equality or diversity issues.
- 595 employees left the organisation within the reporting period.

4. Workforce Profile Analysis (Appendix 1)

Gender

The Council workforce remains consistent with female workers equating to circa 71% since 2013/14.

- Part Time female workers has the largest change for 2016/17 for both genders, increasing the part time workforce to 40%. This is a mix of locum workers moving to a temporary contract and those previously on full time contracts reducing their hours through flexible working requests.
- The number of female Job Share workers has declined from 48 to 38. However, investigation shows that the reason for this declining trend is as a result of changes of contracted where the employee is then recorded as Part Time rather than Job Share.

CS1: EXAMPLE of FLEXIBLE WORKING REQUEST

Employee with East Lothian Council for 9 years working full time.

Submitted a request to reduce hours stating that retiring in 3 years and would like to work part time in lead up to retirement.

Request accepted and reduction to 3 days to allow for ‘wind down’ and engage a new member of the team who can be trained during this wind down period.

Disability

There is a further increase in the number of employees’ declaring a disability bringing the total to 184 in 2016/17. East Lothian Council’s Recruitment and Selection policy

takes full account of the measures that impact on recruitment and selection, such as the Equality Act 2010, the Two Ticks Symbol (now Disability Confident) and the enhancement of the Councils employee benefits programme.

- 3.79% or 184 Council employees have declared that they are disabled, a slight increase on 2015/16.
- The number of disabled workers working full time has dropped by 5% to 45% against 2015/16. However, the actual number of full time workers declaring a disability has only reduced by 3.
- The 'prefer not to answer' category has increased marginally from 1.95% to 2.04% this may indicate a higher figure of disabled employees.

CS2: APPLICANTS v EMPLOYEES

Analysis was conducted on those declaring a disability in 2016/17 and of those who joined East Lothian Council during 2016/17.

It was found that of those who successfully applied for a role 16 declared a disability this at the application stage. However, once employed this number increased to 30.

Race

By using the information from the previous equalities questionnaire we have seen the greatest change in the white – Scottish category which has increased by 11%. The remainder of the Councils workforce remains consistent year on year and is broadly reflective of the population of East Lothian (as per the Census 2011).

- The Council's workforce is predominantly White at 93%.
- Whilst the percentage of the Asian Scottish workforce has not changed a great deal over the 2013 – 16 period due to the increased headcount, we have seen this category rise from 0.35% to 0.51%

Religion, Faith and Belief

For the first time we see 'no religion, faith or belief' the dominant category at 37%, which has increased by 10% since 2013.

- Christianity remains the largest Religion / Faith across the council at 51%, 11% are unknown or prefer not to answer with other religions / beliefs making up 1.21%
- Church of Scotland remains the predominant religious denomination (33%) which is reflective of the 2011 Census figures of 34% across Scotland.
- Roman Catholic remains the second largest religion with 11% declaring as their religion which is a 2% increase. However, this is 5% lower than the 2011 Census figure of 16% across Scotland.
- Of those declaring other faith, religion or belief, Humanist is the largest category at 22.5%, Atheists make up 20% and Agnostics 17.5% with Jedi Knights dropping to fourth place albeit with a higher percentage at 12.5%.

Age

The Council has continued to focus on youth employment in 2016/17, introducing age demographics into the Efficient Workforce Management monthly reports. This has shown an average of 32 monthly youth employment initiatives against 21 for 2015/16.

- Three categories saw an increase against 2015/16, the largest increase was within the 26-35 of 0.53%, 16-25 year olds 0.39% and the 56-65 of 0.23%
- The 46-55 category saw a significant drop of 0.82%

The population and demographics of East Lothian report highlights that East Lothian has a lower than national average population aged 16-44. Whilst the report forecasts that the population and demographic is due to change significantly over the period to 2037, with an increase in population by 23%. This increase is predominantly in people over the age of 65 (+72%) and those aged 0-15 (+27.5%) and whilst the number of people of working age is set to increase, the number of people aged 50 – 64 is set to decrease by 7.6%.

Sexual Orientation

The Council proactively promote external support organisations including Stonewall and LGBT Helpline Scotland which has seen the ‘prefer not to answer’ and ‘unknown’ categories continue to reduce year on year. With marginal increases seen in Bisexual and Lesbian categories.

- 79% of Council employees declared themselves to be heterosexual, an increase of 1.41% on last year.
- 1.40% of employees are gay, lesbian or bisexual, which is consistent year on year.

A sample of the ‘prefer not to answer’ category has shown that where an employee submits a ‘personal change form’ to advise a change of bank account, address, marital status etc. and does not complete the equalities information it results in the responses being recorded as ‘prefer not to answer’.

Gender Reassignment

The gender reassignment figures increased slightly in 2016/17 and remains above the East Lothian demographic. However, manual analysis of the responses would indicate that the majority of these respondents (circa 90%) ticked the option in error based on the remainder of their questionnaire responses. This finding is reflective of 2013 and 2015 Registrar General for Scotland Gender Recognition Register which has a total of 25 entries and the GIREs report of 2011 which advises that:

Organisations should assume that 1% of their employees and service users may be experiencing some degree of gender variance. At some stage, about 0.2% may undergo transition. The number who have so far sought medical care is likely to be around 0.025%, and about 0.015% are likely to have undergone transition. In any year, the number commencing transition may be around 0.003%.

All of the above numbers are tiny proportions of an organisation’s employees and service users. Moreover, most the people in each group are unlikely to wish to be detected. The only persons who cannot escape detection are the very few who undergo transition.

- 0.97% of employees declared themselves transgender, this is a 0.11% increase on the previous year.

Marriage/Civil Partnership

The number of Civil Partnerships has increased year on year, and whilst the number of married employees has increased the overall percentage has reduced. The largest change in percentage across the categories is those employees who are categorised as not married which rose by 0.5%.

- Those Married or in a Civil Partnership remained consistent in 2015/16 at 57.69% of the workforce.
- 38% of employees are not married.

Pregnancy/Maternity

East Lothian Council's Family Leave policy covers surrogacy, adoption, Foster and shared Parental Leave along with breast feeding entitlements.

In line with statute, employees who are pregnant are given special leave to attend appointments associated with their pregnancy. In addition, during family leave employees are offered the opportunity and actively encouraged to take part in "keep in touch" days. Employees on family leave are also communicated with on a regular basis in terms of keeping them up to date and ensuring a smooth transition back into the workplace.

- Of the 53 who started family leave in 2015/16 which ended in 2016/17 96% returned.
- Of the 4% who did not return. 2% left the Council and 2% remain on a Career Break which is due to end in the 2017/18 reporting period.
- Of the 83 who commenced family leave in 2016/17 15 returned and 68 remain on leave.

There is a constant review conducted of all maternity leavers and the feedback from these employees is that the Family Leave policy is effective, and that the culture within the Council is one of inclusion. This is supported by the analysis which also showed that of those recruited since 2015, 2 went on Maternity Leave within 3 months of joining and 1 within 6 months.

Disciplinary Cases

- No disciplinary action has been taken, regardless of the outcome, and analysis has shown no evidence of disproportionate treatment on the grounds of any of the protected characteristics.

Grievance Cases

- No grievance cases were lodged, regardless of the outcome, and analysis has shown no evidence of disproportionate treatment on the grounds of any of the protected characteristics.

5. Leavers Profile Analysis

- See Appendix 1a.

5. Recruitment Profile Analysis (Appendix 2)

East Lothian Council review each role profile and person spec in advance of each recruitment campaign to ensure that there are no barriers to application for any potential candidate. This has included a change to the wording for those roles which require essential travel to ensure that candidates who cannot drive are not discouraged from applying.

5: Extract from Job Outline:

As the duties of the role require you to effectively travel to successfully undertake the full remit of the role, you must hold a current driving licence and have access to a vehicle.

**Where a disability precludes you from obtaining a driving licence, ELC will take into account its responsibility to make reasonable adjustments to allow for your disability.*

Gender

Applicants continue to self-restrict to 'traditional' male / female roles. Female only applications continue to be seen within the caring, cleaning and teaching roles where the role is within Primary teaching or Domestic Science. Male only applications were seen within manual, trade and teaching roles within Outdoor Ed and Maths.

- There were 9678 applications across 500 campaigns, making an average of 19 applications per campaign.
- The highest number of applications continues to be received by Female candidates at which rose from 67% to 74% against 2015/16.
- 93 (18.6%) campaigns across a total of 14 different role types did not receive male applications.
- 13 role types (8.5%) received less than 10% of applications from males.
- 19 (3.8%) campaigns across a total of 8 role types did not receive any female applicants.
- 8 roles received male only applications and
- 7 (4.5%) roles received less than 10% of applications from females.

Disability

The Council holds the Disability Confident award, the Mental Health Commendation Award and the Healthy Working Lives Gold Award, and actively promotes these in recruitment practices.

- 3.6% of applicants declared their disability, this is consistent with the previous year.
- 4% of all candidates who were shortlisted for interview declared they had a disability.
- 2.57% of successful candidates declared a disability at recruitment stage. However, this rate increases to 4.8% once the candidate has completed on boarding.

Race

- White Scottish applicants equate for 75% of applicants.

- Of all applicants shortlisted, 73% were white Scottish which is a reduction of 4% on the previous year.
- Of all successful applicants, 71% were White Scottish, 16% were White – Other British, with the remaining 13% from other ethnic groups.

Religion, Faith or Belief

- The faith profile of applicants remains consistent with the largest application numbers received from those stating no Religion, faith or belief at 50% with Church of Scotland next at 18% and Roman Catholic 11%.
- Shortlisted applicants' percentages were in line with those of applications.
- Of all successful applicants;
 - 44% stated "No Religion" (reduction of 4%)
 - 21% stated Church of Scotland
 - 11% stated Roman Catholic (a decrease of 2%).
 - 10% stated "Other Christian" (an increase of 3%).
 - A combined 'prefer not to answer' and 'unknown' of 12%.
 - 2% stated Humanist, Jewish, Muslim or Other Religion or Belief.

Age

- The largest volume of applications came from candidates aged between 26 and 35 at 35%.
- Of all applicants shortlisted;
 - 11% were aged between 16 and 25
 - 30% were aged between 26 and 35
 - 25% were aged between 36 and 45
 - 23% aged between 46 and 55
 - 8% were between 56 and 65
 - 3% over 65 or unknown
- Of all successful applicants;
 - 10% were aged between 16-25 years – 8% decrease
 - 28% were aged between 26-35 years – 3% increase
 - 26% were aged between 36-45 years – 1% increase
 - 23% were aged between 46-55 years – 3% increase.
 - 8% were aged between 56-65 years – 1% increase.
 - 0 were aged over 65 years.
 - 5% unknown – 1% increase

Sexual Orientation

- Heterosexual/Straight applicants reduced by 2% to 92%.

- Of all applicants shortlisted, 92% were Heterosexual/Straight, with a combined 'prefer not to answer' and 'unknown' of 6%. The gay, bisexual, lesbian and other categories made up the remaining 2% of those shortlisted.
- Of all successful applicants;
 - 91% were Heterosexual/Straight – 1% decrease.
 - 8% combined 'prefer not to answer' and 'unknown' – 2% increase.
 - 1% Bisexual, Gay or Lesbian.

Gender Reassignment

- Of all applicants;
 - 97.99% answered No,
 - 0.38% answered Yes
 - 1.63% were unknown
- Of all applicants shortlisted;
 - 97.3% answered No
 - 0.15% answered Yes
 - 2.56% were unknown
- Of all successful applicants;
 - 96% answered No
 - 0% answered Yes
 - 4% were unknown

Further analysis of those declaring themselves transgender at application stage would appear to indicate that two candidate applied for more than one role. One of the candidates accounted for the majority of the yes category, applying for 27 separate vacancies. Further analysis shows that this candidate has secured a role with the Council. However, the equalities information contained in the successful application states that the candidate is not transgender.

Married/Civil Partnership

- 35% of job applicants were married / Civil Partnership.
- Of all applicants shortlisted, 44% were married / civil partnership. 53% were not married, with a combined 'prefer not to answer' and 'unknown' of 3%.
- Of all successful applicants:
 - 48% Married /Civil Partnership
 - 47% Not Married
 - 5% Unknown/Prefer not to answer

6. Training Profile Analysis

Different approaches such as one-to-one, group coaching sessions and leadership management courses for identified learning needs. This move away from a one size fits all classroom training approach continues to facilitate inclusion for all employees, irrespective of protected characteristic.

The Council also provide a proactive training resources available to all employees, through both LearnPro (online training) and Health Working Lives, who offer a variety of training courses related to the Employee Assistance Calender.

7. Conclusion

The 2016/17 employee monitoring information highlights the importance of the work that the Council does to ensure it is an employer of choice, providing modern and fair employment opportunities and experiences and that it is committed to robust self-evaluation and proactive improvement action. The analysis of this year's information highlights a number of areas for the Council to focus on in the year ahead. The main points of note, agreed with the Joint Trades Union Secretary, are:

- The Council should continue its focus on young people and continue to promote the various routes into the Council, for example Apprenticeships, Graduate scheme as well as continue to develop trainee positions were possible. Our aim is to recruit high-calibre young people and to be recognised as a great place for young people to work. The introduction of IYP status will support this along with the ongoing demographic reporting.
- Whilst the sexual orientation of the workforce is reflective of the East Lothian demographic, the Council should continue to promote and ensure that it is a positive workplace for lesbian, gay and bisexual employees and continue to reduce the numbers of employees who are uncomfortable in declaring their sexual orientation.
- An annual reminder to employees to update equalities information may be of benefit as research shows that circa 80% of disabled people acquired disability later in life given the age demographic of the Council.
- Engagement with employees in relation to equal opportunities is an important means of giving the Council a more qualitative insight into the issues concerning employees and allows the Council to take these on board when reviewing and developing new policies. The Council continues to encourage employees to feel confident about declaring their disability, sexual orientation or information about other protected characteristics. This year's data continues to show an increased confidence in disclosing equalities information.
- There have been no disciplinary or grievance cases raised on the grounds of equality or diversity.
- The Council's Equal Pay Audit report provides gender based pay analysis.
- The Council's Equality in Employment Action Plan (attached) is informed by the employment equalities monitoring data collated and analysed jointly with Joint Trades Union colleagues. The annual data is presented in Appendix 1 and 2, with the 2016/17 Action Plan presented in Appendix 3.

Human Resources, aided by the Council's Equalities Officer and in collaboration with the Joint Trades Unions, lead the Council's approach to employment equalities across all departments. The preparation of the equalities in employment annual report is a significant piece of work for the department as it informs key aspects of the work of the overall service.

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SOURCES

The Scottish Government: <http://www.gov.scot/Topics/People/Equality>

UK Government: <https://www.gov.uk/browse/disabilities/work>

Scotland's Census: <http://www.nrscotland.gov.uk/statistics-and-data/census>

East Lothian Profile:

http://www.eastlothian.gov.uk/downloads/file/9581/population_and_demography_section

Gender Identity Research & Education Council:

<http://www.gires.org.uk/prevalence.php>