

# **East Lothian Council**

## **Equality in Employment Monitoring Report**

### **Workforce and Recruitment Profiles**

**1st April 2017 to 31st March 2018**

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## 1. Introduction

East Lothian Council's Equality Plan 2017 -22 continues the journey towards realizing the vision of 'an even more prosperous, safe and sustainable East Lothian. The council retains its vision of being "an Employer of Choice" delivering quality services needed by the residents of East Lothian and to achieve this it has replaced its People Strategy with a Workforce Plan, incorporating a workforce development plan.

To achieve this our people will:-

- *have the skills, knowledge, experience and motivation to deliver the highest quality services*
- *be flexible and adaptable around our changing organisational needs*
- *be resilient to change and instigate, as well as adapt to, changes in service delivery*
- *be satisfied and engaged and feel safe at work*
- *work in partnership across all services and with the Council's partners and communities to effectively deliver essential services and outcomes*
- *feel valued and recognised for the contribution they make to achieving the Council's vision and objectives*
- *be supported, empowered and trusted*
- *take personal responsibility and ownership to be effective in their jobs.*

The Council's commitment to being an employer of choice is evidenced by its attainment of various external awards and accreditations such as Investor in People, Investor in Young People, Healthy Working Lives and Recognised for Excellence and its pay and terms and conditions package, which aim to make the Council a competitive employer in East Lothian's employment marketplace.

In addition, the Council has a well-established set of staff values and behaviours. These are known as the East Lothian Way.

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
- 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 2017/18

Following the success of last year, the preparation for this report and analysis included previous equality questionnaire responses were used where there was an unknown status against the following categories:

- Religion, Faith or Belief
- Ethnic Group
- Disability

As the impact of this additional information enhanced the overall picture of East Lothian Councils' workforce.

- The Council's headcount has increased by 33 over the past year. However, the majority (23) was within the casual workforce.
  - The Council saw a reduction in the average number of applications per campaign from 19 to 15, receiving a total of 7524 applications. Whilst this number is down on previous years it may be a result of the roles available as we saw an increased number of professional/ specialist roles which along the gender bias of applicant seen within some roles. Albeit we have seen a reduction in female applicants self-restricting within stereo typically 'male' roles as a result of the considerable work done within infrastructure to redefine role titles making them more appealing to both genders.
  - The Council's workforce remains consistent with the majority of the workforce female at 71%. Men and women continue to be employed in different ways 52% of female employees working part time compared with 14% of the male workforce.
  - The number of flexible working arrangements has remained consistent at 38 female. However, 8 of these are new arrangements for existing employees. Previous reports have shown that the number of job share roles are higher however, have been reported as Part Time by the line manager when there has been a change of contract 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 along with the previous equalities questionnaire information brings this figure to 6%.
  - White Scottish remains the largest category at 78%.
  - 45% of the workforce declared a Christian faith. However, those stating no Religion, Faith or Belief remains the largest percentage in this category at 38% with a 1.6% increase on the previous reporting year.
  - 52% of the Councils workforce are aged 46 and over. The greatest percentage remains in the 46–55 age bracket at 32%, the largest change is in the 56-65 category which saw a 2% reduction.

- Previous equalities information and a continued confidence in employees declaring their sexual orientation in the workplace with 9% of staff (combined 'prefer not to answer' and 'no reply') choosing not to disclose this information.
- There was a reduction in the number of Transgender employees in 2017/18. However, this may be as a result of those employees who had been identified as responding to the 2015 questionnaire positively completing a new form or leaving the council.
- 56% of the workforce was married or in a Civil Partnership (Civil Partnership remains at less than 1%), with 35% declaring themselves not Married.
- 100% of women reaching the end of Maternity Leave, returned to work. 85% of whom were on maternity leave from the 2016/17 reporting period.
- There were no grievances or disciplinary investigation on the grounds of equality or diversity issues.
- 561 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.

- Full Time female workers is at the lowest percentage in the last 5 years at 27%. The part time workforce has increased to 41%. 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 remained at 38.

##### **CS1: EXAMPLE of FLEXIBLE WORKING REQUEST**

Employee with East Lothian Council for 1 year working full time.

Submitted a request to reduce hours stating that looking to take a more active role in children's school life.

Request accepted and reduction to 3.5 days agreed

## Disability

Employees' declaring a disability remained at 184 in 2017/18. 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 Council's employee benefits programme.

- Whilst numbers remain the same the percentage has dropped slightly to 3.76% due to the increased headcount.
- The number of disabled workers working full time has dropped by 5% to 45% against 2015/16. However, this is as a result of an increased number of part time workers and a reduced number of casual workers which is as a result of our ELVOS workers who are now categorised as volunteers. The actual number of full time disabled workers has increased by 1.
- The 'prefer not to answer' category has reduced marginally from 2.02% to 1.97%.

### CS2: APPLICANTS v EMPLOYEES

It was found that of those who successfully applied for a role 17 declared a disability this at the application stage. However, once employed this number increased to 34.

## Race

The race profile of the Council workforce remains consistent and is broadly reflective of the population of East Lothian (as per the Census 2011).

- Non-white ethnic origins accounted for just over 1% of the workforce.
- The Council's workforce is predominantly White at 93%, consistent with 2016/17.

## Religion, Faith and Belief

The largest category remains 'no religion, faith or belief' at 38%, a further increase of 1.6% on 2016/17.

- Christianity remains the largest Religion / Faith across the council at 50%, 10% are unknown or prefer not to answer.
- Church of Scotland remains the predominant religious denomination (32%) which is reflective of the 2011 Census figures of 34% across Scotland.



- Roman Catholic remains the second largest religion with 10% declaring as their religion. However, this remains lower than the 2011 Census figure of 16% across Scotland.
- Of those declaring other faith, religion or belief, Humanist is the largest category at 30%. Atheists reduced by 5% to 15% and Agnostics by 2% to 15%. Spiritualists are the fourth largest in this category at 10%.

## Age

Whilst there is a slight reduction on the 16-25 age group in 2017/18. The Council has continued to focus on youth employment. The average number of youth employment initiatives in place across the council rose to 36 from 32 against 2016/17, and the average percentage of workers in the 16-25 age category rose from 5.31% to 5.47%.

- The largest change was within the 56-65 age group which reduced by 2.29%.
- The 36-45 age group saw the largest increase with 1.17% increase to 23.44%.

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 Youth 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.

- 89% of Council employees declared themselves to be heterosexual, an increase of 10% on last year.
- 1.53% of employees are gay, lesbian or bisexual, which is a marginal increase and consistent year on year.

## Gender Reassignment

The gender reassignment figures reduced slightly and remains above the East Lothian demographic. However, manual analysis of the responses in 2018 indicated that the majority of 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.*

- 0.78% of employees declared themselves transgender, this is a 0.19% reduction on the previous year.

Analysis of the changes in response from 2016/17 show that 34% have changed their equalities information and the remaining 66% left council employment as a result of retirement, end of temporary contract or moving to a new employer.

## **Marriage/Civil Partnership**

There 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 increased 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.

- 74 returned from family leave in 2017/18, 63 of whom were from the 2016/17 reporting period
- 100% of those whose family leave ended during 2017/18 returned to work.
- Of the 80 who commenced family leave in 2017/18 11 returned and 69 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 STEM teaching roles.

- Excluding those applicants who withdrew their application during the recruitment process, there were 7524 applications across 500 campaigns, making an average of 15 applications per campaign.
- The highest number of applications continues to be received by Female candidates at which reduced from 74% in 2016/17 to 69%.
- 86 (17%) of campaigns did not receive male applications.
- 23 (4.6%) of campaigns received male only applications

Excluding campaigns where there were unknown or prefer not to answer responses there were a total of 288 with applications received from both genders, of these:

- 43 (15%) of campaigns received less than 10% of applications from males.
- 5 (1.7%) 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.

- 3.75% of applicants declared their disability, this is an increase from 3.6% in 2016/17.
- 5% of all candidates who were shortlisted for interview declared they had a disability, an increase of 1%.

- 3.7% of successful candidates declared a disability at recruitment stage which is an increase of over 1% on 2016/17. However, this rate increases to 5.3% once the candidate has completed on boarding.

### **Race**

- White Scottish applicants equate for 76% of applicants, a reduction of 2% on 2016/17.
- Of all applicants shortlisted, 75% were white Scottish.
- Of all successful applicants, 73% were White Scottish, 12% were White – Other British, 7% were unknown or prefer not to answer with the remaining 7% 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 53% an increase of 1% on 2016/17. Church of Scotland next at 16% and Roman Catholic 10%.
- Shortlisted applicants' percentages were in line with those of applications.
- Of all successful applicants;
  - 45% stated "No Religion" (increase of 1%)
  - 20% stated Church of Scotland (a reduction of 1%)
  - 11% stated Roman Catholic.
  - 8% stated "Other Christian" (a reduction of 2%).
  - A combined 'prefer not to answer' and 'unknown' of 12%.
  - Other religions, faiths and beliefs accounted for 4%.

### **Age**

- The largest volume of applications were received from candidates aged between 26 and 35 at 31%. Whilst consistent in being the largest age group applying for role this is a 4% reduction on 2016/17
- Of all applicants shortlisted;
  - 12% were aged between 16 and 25
  - 26% were aged between 26 and 35
  - 25% were aged between 36 and 45
  - 24% aged between 46 and 55
  - 9% were between 56 and 65
  - 4% over 65 or unknown
- Of all successful applicants;
  - 8% were aged between 16-25 years – 2% decrease

- 26% were aged between 26-35 years – 2% decrease
- 27% were aged between 36-45 years – 1% increase
- 22% were aged between 46-55 years
- 10% were aged between 56-65 years – 2% increase
- <1% were aged over 65 years.
- 6% unknown – 1% increase

### **Sexual Orientation**

There was an increase in gay, lesbian and bisexual applicants at all stages of recruitment.

- Heterosexual/Straight applicants reduced by 2% to 90%.
- Of applicants shortlisted, 89% were Heterosexual/Straight, a reduction of 3% on 2016.17. The combined 'prefer not to answer' and 'unknown' increased by 1% to 7%. The gay, bisexual, lesbian and other categories made up the remaining 4% of those shortlisted, an increase of 2%.
- Of successful applicants;
  - 91% were Heterosexual/Straight
  - 6% combined 'prefer not to answer' and 'unknown' – 2% decrease
  - 3% Bisexual, Gay, Lesbian or other – an increase of 2%

### **Gender Reassignment**

- Of all applicants;
  - 97% answered No,
  - <1% answered Yes
  - 2% were unknown or prefer not to answer
- Of all applicants shortlisted;
  - 96% answered No
  - <1% answered Yes
  - 3% were unknown
- Of all successful applicants;
  - 94% answered No
  - <1% answered Yes
  - 5% were unknown

### **Married/Civil Partnership**

- 35% of job applicants were married / Civil Partnership.

- Of all applicants shortlisted, 42% were married / civil partnership. 54% were not married, with a combined 'prefer not to answer' and 'unknown' of 4%.
- Of all successful applicants:
  - 45% Married /Civil Partnership
  - 49% Not Married
  - 6% 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 Calendar.

## 7. Conclusion

The 2017/18 employee monitoring information highlights the importance of the work that the Council does to ensure that 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, in agreement 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 continuation of the action plan from achieving Gold IIYP 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 we may find that there are a larger number of disabled employees that we are not aware of.
- 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 2017/18 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](http://www.eastlothian.gov.uk/downloads/file/9581/population_and_demography_section)

Gender Identity Research & Education Council:

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