

East Lothian Council

Equality in Employment Monitoring Report Workforce and Recruitment Profiles

1st April 2019 to 31st March 2020

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1. Introduction

East Lothian Council's Equality Plan 2017 -21 continues the journey towards realising 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 Gold award and Recognised for Excellence as well as 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 recently realigned its staff values and behaviours to reflect the changing needs of the business. 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.

East Lothian Council moved to a new HR & Payroll system in 2018, this new system has self-service functionality that allows employees to self-report their 'Sensitive Information'. This remove barriers for an employee to provide their Equality data as it will not be read or input via managers or admin staff.

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 external environment in which the council recruit, select and retain staff continues to provide challenges. East Lothian council continues to use the Equalities in Employment Monitoring questionnaire on 'myjobscotland'. This questionnaire is maintained by COSLA to ensure that local authorities are complying with the legislation outlined in the Equality Act 2010.

Between 1998 and 2018 the population of East Lothian increased by 19.7%. This is the highest percentage change out of the 32 council areas in Scotland. Over the same period Scotland's population rose by 7.1% (*National Records for Scotland 2019*).

c. Reporting

The annual Employment Equalities' data is presented to the Council Management Team for their information. The data was also presented to the Joint Trade Unions Secretary and the EIS secretary for comment and discussion. Due to circumstances surrounding the Covid-19 pandemic the paper will be lodged with the Members Library Service in place of 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 7, 2017.

3. Key Findings 2019/20

- a. The council headcount marginally increased over the past year (121). The total workforce headcount has increased from 4449 to 4570.
- b. There were 9671 job applications to East Lothian Council across the 556 recruitment campaigns. The average number of applications received per campaign has increased fractionally from 17 to 17.4.
- c. The Council's workforce has remained at a 7:3 ratio of female employees to male employees respectively.
- d. 561 employees left the organisation within the reporting period.
- e. The ethnic profile of employees has not changed significantly this year. Over three quarters of employees have identified as 'White – Scottish'. There has been a slight increase of employees opting for 'prefer not to answer', this has increased from 1.51% in 2019/19 to 4.53% in 2019/20.
- f. 3.37% of the workforce declared having a disability.
- g. The religion, faith or belief profile has not changed significantly. With 'None' accounting for 40.83% of the workforce. 'Prefer not to answer' has increased by 2.89%.
- h. East Lothian Council has an aging workforce with 55.3% of employees being 46 or older. The 16-25 year old group only accounts for 4.53% of the workforce.
- i. 87.86% of the workforce have declared their sexual orientation as 'Heterosexual/Straight'. The percentage of employees choosing the 'Prefer not to answer' option has increased by 3.11% over 2019/20.
- j. A small percentage of staff declared themselves as 'Yes' under the Gender Reassignment profile.
- k. In 2019/20 56% of the workforce were married; 36% were single and less than 1% were in Civil Partnerships.
- l. In 2019/20, 90 employees commenced a period of Maternity leave. 78 employees returned for a period of Maternity leave during 2019/20.
- m. In 2019/20 there were 2 instances of Equality related disciplinary/grievance taken by employees.

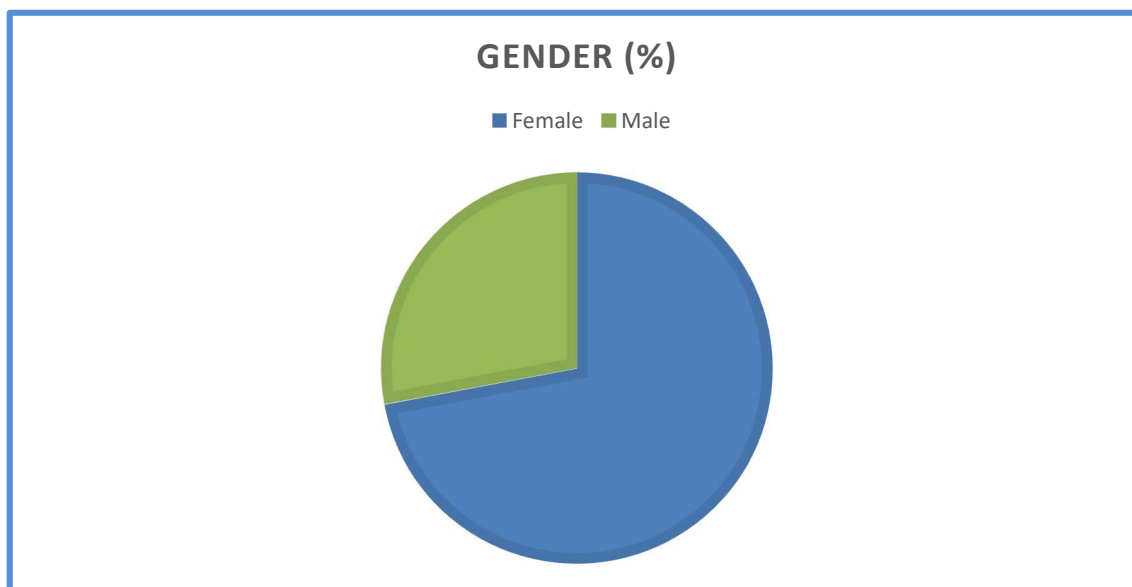
4. Workforce Profile Analysis

Sex

The Council workforce remains consistent with female workers equating to circa 72% since 2013/14.

	Part time Workers (%)	Full time Workers (%)	Total
Female	41.70%	30.30%	72.00%
Male	4.59%	23.41%	28.00%
Total	46.29%	53.71%	100.00%

The above figures show that that 46.29% of staff working for East Lothian are on part time contracts – this is as a result of both the Worksmart policy (which gives employees the flexibility to change the way they work) and the nature of the job roles and needs of the service when it comes to staffing.



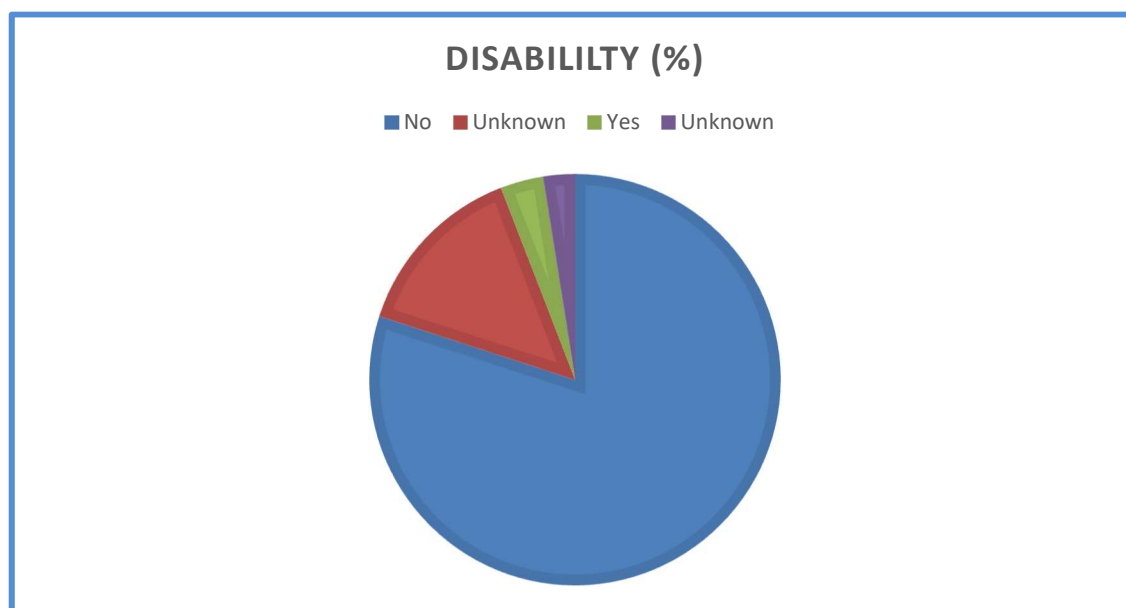
Disability

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 Disability Confident and the enhancement of the Council's employee benefits programme along with flexible working and workplace adjustments.

East Lothian Council offer a range of workplace adjustments and work with East Lothian Works as well as Access to Work to facilitate these.

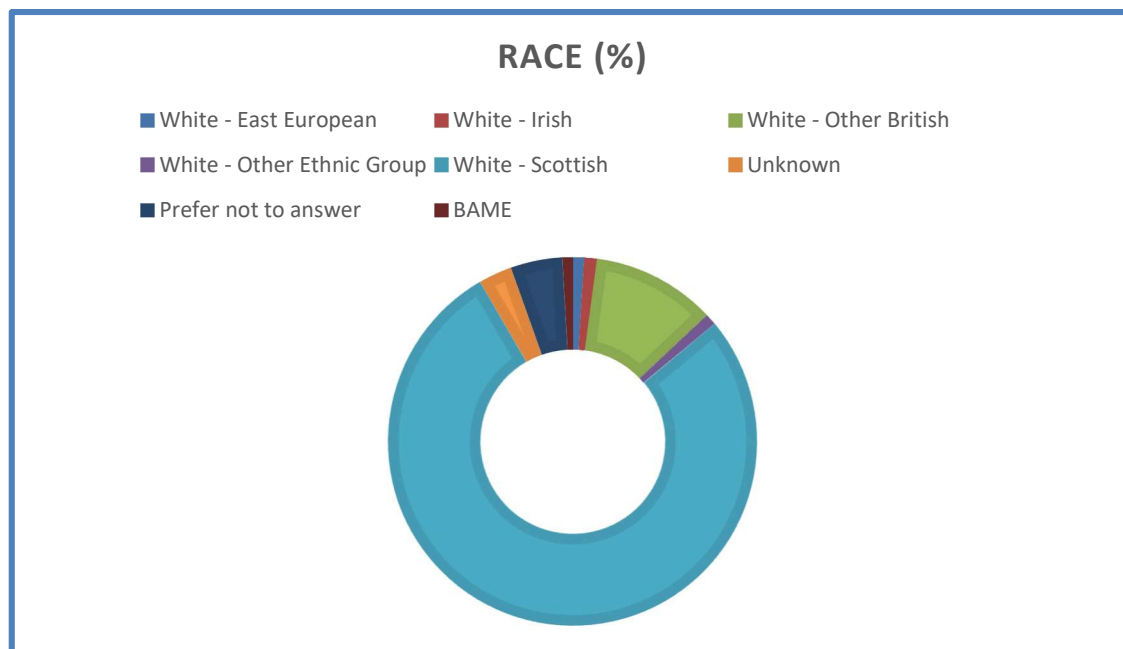
With the removal of casual workers those declaring a disability increased to 154 (4 counts higher than 2018/19).

- 3.37% of the workforce have a disability.
- Unknown and blank(s) account for 16.63% of this category.



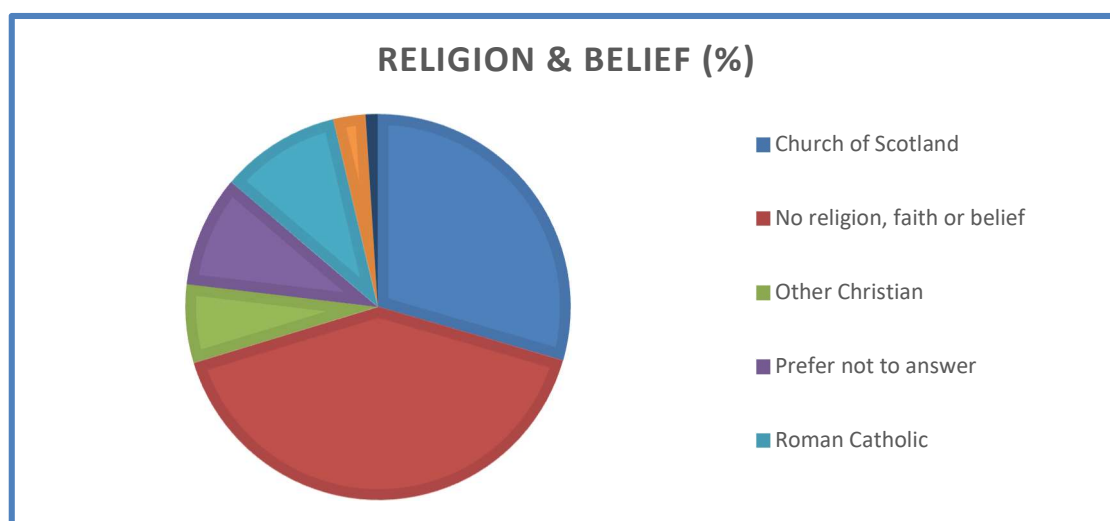
Race

- The council's workforce is predominately White at 91.64%.
- Black, Asian and Minority Ethnicities (BAME) account for 0.90% of the workforce, this is a reduction on the 2018/19 figure of 1.4%.



Religion, Faith and Belief

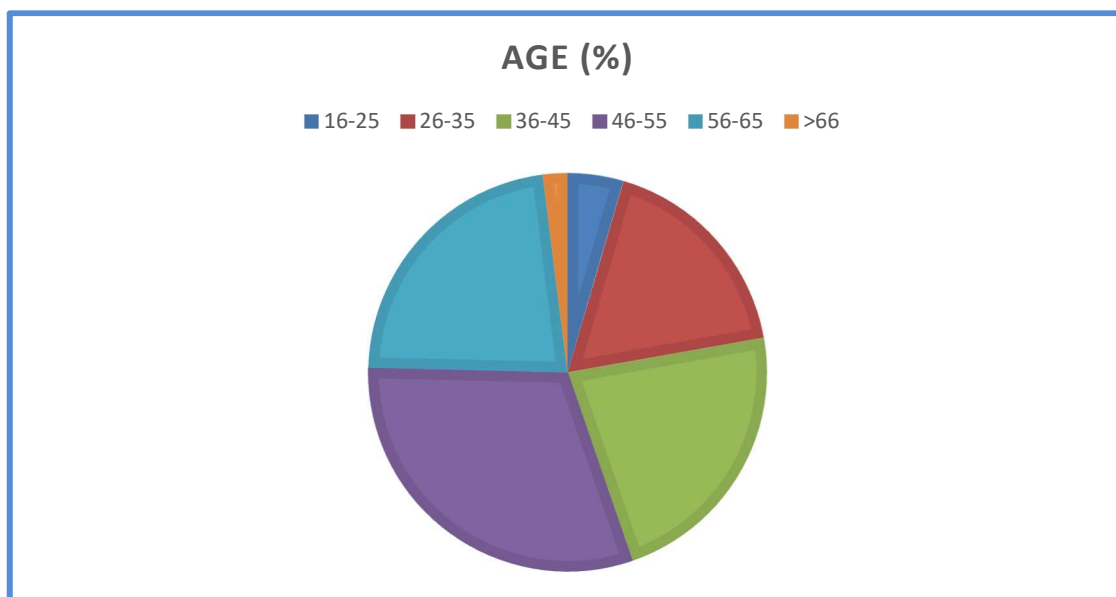
- The largest category remains 'No religion, faith or belief' this accounts for 40.53% of the workforce.
- The second largest category is Church of Scotland accounting for 29.47%.
- 'Prefer not to answer' and 'Unknown' account for 12.04%.
- Other Religions, faiths or beliefs (including but not limited to: Hinduism, Judaism, Sikh, Islam, Humanist and Spiritualists) account for 1.01% of the workforce.



Age

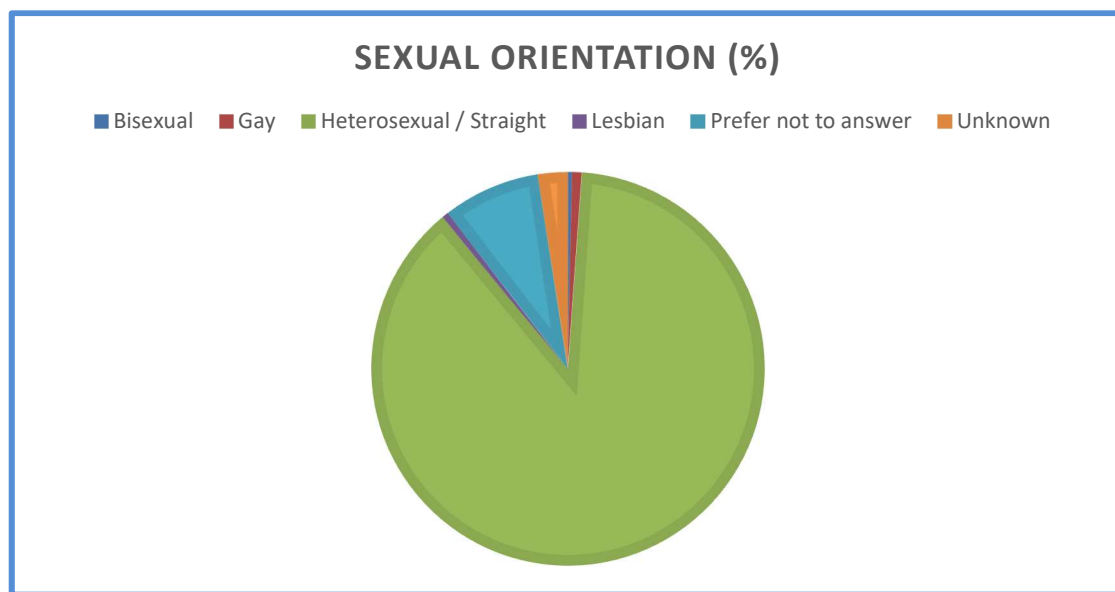
In 2019/20, the council continues to focus on Youth Employment, this is done through Modern Apprenticeships; Trade Apprenticeships and Graduate Internships.

- The largest age group within the council is (46-55) which accounts for 30.68%.
- The second and third largest groups are (56-65) and (36-45) which account for 22.63% and 22.49% respectively.
- (16-25) remains at the second-lowest level at 4.53%.
- The over 65s account for only 1.99% of the workforce.



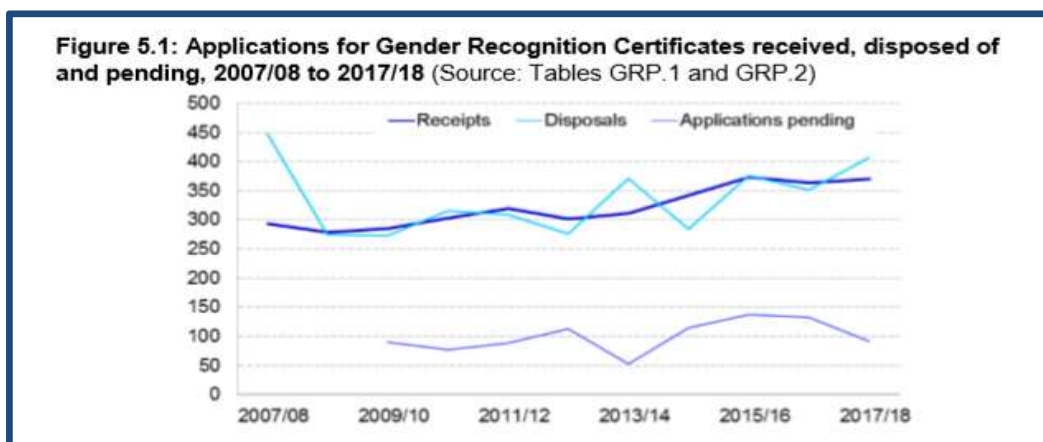
Sexual Orientation

- The council has seen a reduction in the percentage of staff identifying as Heterosexual/Straight. In 2018/19 this category was 90% of the council workforce. In 2019/20 this has reduced to 87.86%.
- Lesbian, Gay and Bisexual employee numbers remain consistent with a marginal increase from 1.5% to 1.68%.
- 8.01% of the workforce selected 'Prefer not to Answer' for this category.
- A further 2.45% opted to leave the field blank.



Gender Reassignment

The gender reassignment figures 2019/20 are in line with the GIREs report 2019 but due to the Data Protection Act 2018 as defined in section 2.D of this report, no figures will be provided.

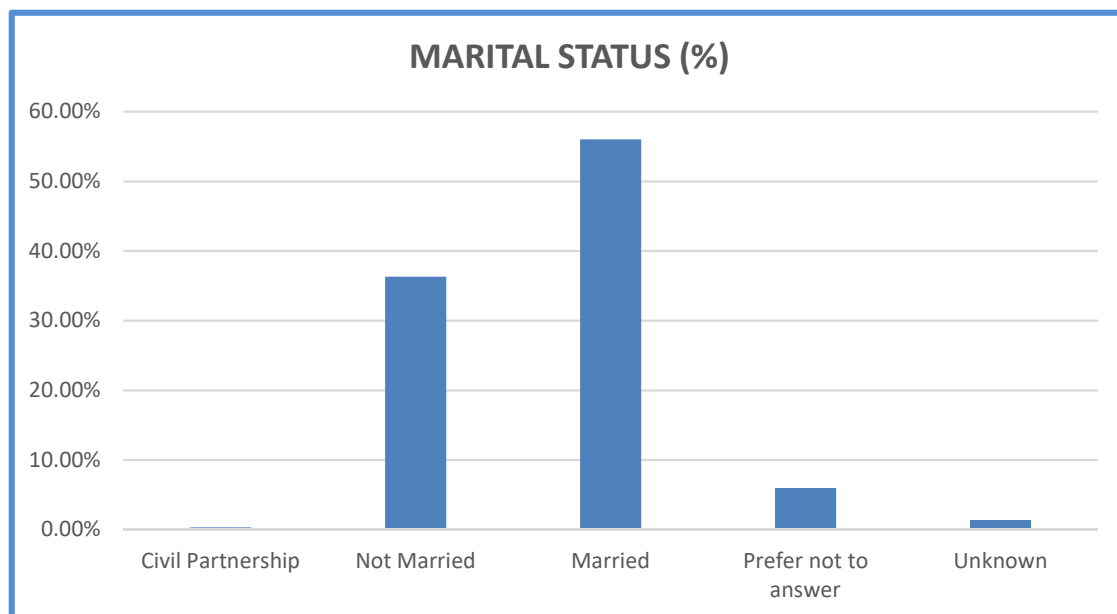


Ministry of Justice Tribunals and Gender Recognition Statistics Quarterly, October to December 2018 report

Data on gender identity is still currently limited and therefore a true comparison indicator is not available.

Marriage/Civil Partnership

- The majority of the workforce are married at 56%.
- 36.28% of the workforce are not married.
- 0.33% of the workforce are in a Civil Partnership.
- 6.00% of the workforce selected 'Prefer not to Answer' in this category.
- 1.40% left this category blank (Unknown).



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.

- 90 employees began a period of Family Leave during 2019/20.
- 78 employees returned to work after a period of Family Leave during 2019/20.

Disciplinary and Grievance Cases

In 2019/20, East Lothian Council had two instances of Equalities related Grievances. Both cases were linked to the 'Sex' protected characteristic. One case was lodged during an active disciplinary investigation for an unrelated matter and was not upheld, the second was lodged but the employee left the Council before the matter was concluded.

5. Leavers Profile Analysis

- See Appendix 1a for data.

Casual Workforce Analysis

- See Appendix 1b for data.

6. Recruitment Profile Analysis

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.*

- See Appendix 2 for data.

7. 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) via our Organisational Development colleagues and Health Working Lives, who offer a variety of training courses related to the Employee Assistance Calendar.

8. Conclusion

The 2019/20 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. This report was presented to the Joint Trades Union Secretary and the Educational Institute of Scotland (EIS) Secretary for comment and discussion. The main points of note, 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 where 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, following the introduction of the Self-serve functionality on iTrent, to update equalities information is of benefit as research shows that circa 80% of disabled people acquired disability later in life. .
- 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.
- The Council's Equal Pay Audit report provides gender based pay analysis.

Human Resources, 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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