

Measuring Up?

Report 4: Practice

A report of public authorities practice in meeting the Scottish Specific Equality Duties

September 2015

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Introduction

On the 30th April 2015, 239 listed authorities across Scotland were required to publish reports which set out their progress in meeting the Public Sector Equality Duty. The Equality & Human Rights Commission has assessed all of these reports and we have set out our findings in two separate reports.

Measuring Up? Performance focusses on listed authorities' compliance with the Duties. This report can be found at

www.equalityhumanrights.com/scotland_mu4performance

This report sets out examples of good practice and common areas for improvement to assist listed authorities in preparing for their next reporting requirements in 2017, in particular through improved evidence collection to support better and more effective reporting in the future.

Context

Scottish listed authorities were required by The Equality Act (2010) (Specific Duties) (Scotland) Regulations 2012 (referred to as 'the duties') to publish the following information by 30 April 2015:

- A mainstreaming report;
- Annual employee information, with details of progress made in gathering and using the information to better meet the duty;
- A report on progress made towards achieving equality outcomes published in 2013;
- Gender pay gap information, for listed authorities with 150 employees or more.

Overview: What represents good practice?

Public services such as health, education, local government and the justice system, affect people's day to day lives and the opportunities open to them. The purpose of the duties is to ensure that listed authorities deliver services and operate employment practices in ways that are accessible, are appropriate to people's needs, and advance equality and good relations.

In assessing good practice we drew on several sources of evidence:

- What the duties require listed authorities to do;
- What our guidance suggest that listed authorities might do;
- Observations of practice which, in our own assessment, assist the reader to understand what progress was being made and how.

Listed authorities who performed well in meeting their specific duties published reports that demonstrated how equality was integrated into their work, how the duties influenced the decisions that they made, and how they tailored their work to meet the needs of their service users. These authorities provided clear, well organised and concise reports showing where the duties had a meaningful impact.

Listed authorities who did not meet the duties so well published reports that tended to be more general, lacked detail or specific measurements of progress on equality outcomes, or presented only parts of the evidence required to enable readers to make an informed assessment of their work. In the poorer quality reports there were assertions unsupported by evidence or a lack of detail

about how this work related to their broader aims.

This report includes examples of elements of practice for each of the four areas of information that were required to be published. These examples evaluated well against our criteria, as described below.

Mainstreaming report

Publishing a mainstreaming report provides listed authorities with the opportunity to present the work they are undertaking to meet the general equality duty. This is where they can set out their organisational approach to promoting equality, tackling discrimination and fostering good relations, highlight their commitment to equality and present examples of good or innovative work.

What represents good practice in producing mainstreaming reports?

Reports were assessed against some of the key factors set out in the EHRC's non-statutory guidance on mainstreaming equality, including:

- The commitment of leadership in mainstreaming equality in the organisation;
- Successful, effective, evidence-based work with clear outcomes, which reported on changes achieved for people with, or who share protected characteristics;
- Presentation of examples, case studies and vignettes to bring the report to life.

What were the common areas for improvement?

- Reports which failed to locate equality in the broader work or aims of the body;
- Reports which lacked consistency or focus;
- Reports which concentrated on listing activities rather than the outcomes they aimed to achieve.

Mainstreaming Practice

Demonstrating leadership in the mainstreaming report

Scottish Enterprise

In her foreword to their Equalities Mainstreaming Report 2015, Lena Wilson, Chief Executive says 'I believe it is essential that Scottish Enterprise be seen to lead the way in the implementation of the equality agenda and that our stakeholders are given clear evidence of the work we are doing in acting as a conduit to business in this regard.'

The report highlights how Scottish Enterprise embeds good equality practice by ensuring that the Board and Senior Executive team have responsibility for equality. They have also taken steps to ensure greater diversity in their Governance Structures such as Regional Advisory Boards and Industry Leadership Groups. For example, in 2013 the number of women on these Boards had risen to 17% from a low initial base.

Reporting on changes achieved for people with, or who share protected characteristics

University of Edinburgh

The University of Edinburgh Mainstreaming Report sets out clearly how it has worked to embed equality across its key functions. The report describes work which will deliver change for people with or who share protected characteristics, for example they have introduced a new admissions policy specifically designed to remove barriers for disabled people.

They also provide detailed information about their work to advance gender equality, with reference to the Equality Challenge Unit's Athena SWAN programme, particularly for women working in STEM (Science, Technology, Engineering and Maths). This includes efforts to broaden the programme out to other subjects in Arts, Humanities and Social Sciences and the School of Divinity; and the Institute of Sport, Physical Education and Health Sciences.

Further information can be found here:

http://www.docs.csg.ed.ac.uk/EqualityDiversity/Mainstreaming_Progress.pdf

Highlighting innovative or unique work or presenting examples, case studies and vignettes to bring the report to life

City of Glasgow College

The Mainstreaming Report highlights a review carried out by the College to determine progress made since 2013 in equality. The results are presented in a Mainstreaming Matrix, which illustrates where mainstreaming equality has been addressed across most of the Colleges functions. The College has also used this Matrix to identify areas where additional work is required in the future.

They provide examples of where they have had particular success in advancing equality, for example they hold an annual competition to ‘encourage students and staff to reflect upon what diversity and equalities means to them as part of the learning and teaching experience, and to creatively consider and communicate fairness, opportunity and respect.’

Further information can be found here:

https://www.cityofglasgowcollege.ac.uk/sites/default/files/Equality-Mainstreaming-Report-2015_0.pdf

Annual employee monitoring information

The specific duty regulations require listed authorities to monitor protected characteristics at key points in the employment cycle including the composition, recruitment, retention and development of employees. More importantly, listed authorities must report on their progress in gathering and using employee information.

What represents good practice in gathering and using employee information?

EHRC non-statutory guidance emphasises the requirement for listed authorities to actively use their employee information to better perform the general equality duty.

Monitoring employee information allows listed authorities to look for differences between people who share protected characteristics, identify trends over time and investigate reasons for differences so that, where appropriate, actions to address these can be identified. Effective employee monitoring allows listed authorities to recruit and retain staff from a wider pool of talent and signal to employees their commitment to equality.

Reports were assessed against the following criteria:

- Active use being made of information, for example initiatives which respond to low levels of access to employment or progression from people with or who share specific protected characteristics;
- Evidence of steps being taken to encourage greater disclosure of protected characteristic status by employees improving on gaps identified

in 2013;

- Employee monitoring information which is set out clearly, disaggregated by department or profession and grade to enable identification of areas of weakness and strength.

What were the common areas for improvement?

- No evidence being set out about how employee information was being used to improve employment practice;
- Static disclosure rates for protected characteristics or rates which are falling;
- Missing information or information presented without disaggregation.

Practice Note

Authorities should take care to prevent individual employees being identifiable, reflecting data protection considerations when publishing employee information. Many listed authorities published numbers fewer than 10 in employee monitoring categories rather than asterisking them.

Low levels of disclosure rates (“Nil Returns” and “Don’t Wish to Say” rates) remain a widespread issue affecting the meaningfulness and usability of employee information.

Some listed authorities state an expectation that the planned introduction of a self-service facility will improve the quality of their equality data. A self-service facility allows a user to update their-own details. Experience in other listed authorities (cited in unpublished research by Close the Gap, 2015) suggests that

self-service in itself is unlikely to guarantee an improvement unless accompanied by sufficiently supportive workplace initiatives.

Poor ICT systems are cited as an obstacle to reporting, suggesting a need to prioritise employee data collection in designing or purchasing new HR software.

Employee information practice

Active use being made of information e.g. in taking steps to respond to findings or planning ahead and identifying future priorities

East Renfrewshire Council

East Renfrewshire Council's employee monitoring reporting begins from a rationale of why this is important and what it is intended to achieve.

The report presents analysis of the data gathered and identifies areas where further work is required. Data, augmented by staff survey and suggestion scheme information, is used to support the development of policies such as work/life balance.

Future priorities are identified in the areas of recruitment processes and in harassment complaints to support the introduction of a new Dignity at Work policy.

"Fulfilling our Equality Specific Duties: Progress on Fulfilling our Equality Specific Duties: Equality Mainstreaming Report and Equality Outcomes 2013-2017" is available on the East Renfrewshire Council [website](#).

NHS Greater Glasgow and Clyde

NHS Greater Glasgow and Clyde has published a 'Smart Metrics' Report which provides an analysis of how equality and diversity workforce monitoring is currently dealt with within the organisation. This presents detailed information on how monitoring could be better carried out, and how the information might be used more effectively in the future.

Increased employee reporting or gaps identified in 2013 being addressed

University of Stirling

University of Stirling report an improvement in staff disclosure rates for the protected characteristics of Disability, Gender Reassignment, Sexual Orientation and Religion and Belief from 2013 to 2014.

They report a number of initiatives aimed at raising awareness and developing a supportive workplace, organised under an equality outcome concerned with workplace culture.

University of Stirling Mainstreaming the Equality Duty April 2015 is available [here](#).

Employee monitoring information which is set out clearly to enable identification of areas of weakness or strength

East Lothian Council

Employee monitoring covers composition, recruitment and retention, but not development of employees. Comparisons year on year are provided, and succinct analyses made for different protected characteristics.

The report itself is defined as a key tool for the organisation. '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.'

This report includes a conclusion for the organisation, with focus for actions as an employer agreed with Trades Unions.

Further information can be found [here](#).

Progress report on equality outcomes

The Specific Duties require listed authorities to set and report progress made to achieve equality outcomes.

Equality outcomes are focussed on results and intended to focus activity on the achievement of specific and identifiable improvements in people's life chances. Progress reports are an opportunity for listed authorities to demonstrate how they are achieving these outcomes.

What represents good practice in reporting progress made to achieve equality outcomes?

EHRC non-statutory guidance on equality outcomes suggests that listed authorities will provide clarity for their stakeholders if they detail actions taken and measure progress made towards achieving these outcomes.

Reports were assessed against the following:

- An explanation of how outcomes have been monitored;
- A clear description of how progress has been measured and the impact it has had;
- Evidence of improvement in the lives of people with, or who share protected characteristics, which is a result of the work of the listed authority.

What were the common areas for improvement?

- Reports which focus on activity only rather than on outcomes;
- Reports which indicate general progress but do not address progress for people with, or who share protected characteristics who are the intended beneficiaries of the outcome.

Equality Outcomes Practice

An explanation of how equality outcomes have been monitored

A clear description of how progress has been measured and its impact

Scottish Borders Council

Reporting progress made towards achieving eight equality outcomes, Scottish Borders Council clearly describe these as contributing to meeting the general equality duty. They present performance information on a number of indicators used to measure progress towards achieving each outcome; actions undertaken in support of achieving the outcome; and case studies which illustrate the impact of this work.

There is reference to the protected characteristics of age, disability, gender reassignment, race, religion and belief, sexual orientation and sex.

Scottish Borders Council Equality Outcome Update Report 2013-2015 can be downloaded [here](#).

North Lanarkshire Council

Reporting progress made towards achieving 13 equality outcomes, North Lanarkshire Council state that these are contributing to meeting the needs of the general equality duty, and that the aim of the outcomes is to make a difference to the lives of people experiencing disadvantage.

There is reference to a wide range of different groups of people, e.g. carers, and to the protected characteristics of age, disability, race, sexual orientation and sex. Some outcomes are defined to address the needs of people with, or who share particular protected characteristics and progress is reported for these. Progress is reported using measurements of specific indicators, and is related to targets where relevant.

Case studies are used to illustrate the impact of this work:

Outcome 1	Black and minority ethnic people, older people and disabled people have improved access to a range of housing options which meets their needs and supports independent living	General Duty 2
<p>Progress</p> <ul style="list-style-type: none">• On target to have 211 new affordable homes built to housing for varying needs standard across Council and Housing Associations• Exceeded the planned 21 sheltered housing complexes benefitting from upgrade in warden call system to provide more tailored support to 23.• 2221 adaptations undertaken from April to October 2014 in homes across NL (council, housing association and private homes) to support independent living.• 2.8% of applicants for housing are BME with 3.8% of total allocations to BME people.		
<p>This work has contributed towards the General Duty by advancing equality of opportunity for disabled people, older people and BME people.</p>		
<p>Homes for disabled veterans in Wishaw – Houses for Heroes A joint project between North Lanarkshire Council and Houses for Heroes Scotland is building five ground floor wheelchair adapted houses in Wishaw for disabled veterans due to be completed in the summer of 2015 with a further 5 planned in Motherwell.</p>		

North Lanarkshire Council Public Sector Equality Duty Mainstreaming Report April 2015 can be downloaded [here](#).

Glasgow Community Justice Authority

Reporting on progress made towards achieving 2 equality outcomes, Glasgow Community Justice Authority refers to the protected characteristics of Age and Sex. A number of specific indicators are measured to report progress.

Glasgow Community Justice Authority Equalities Report 2014-15 can be accessed [here](#).

Gender pay gap information

Publishing pay gap information, by listed authorities with at least 150 staff, is intended to encourage action to reduce pay inequality between male and female employees.

What represents good practice in publishing gender pay gap information?

EHRC non-statutory guidance highlights that although the duty does not require contextual information to be provided, the intention is that pay gaps should narrow over time. In order to make pay gap information more accessible an explanatory narrative should be provided.

Reports were assessed against the following:

- Gender pay gap information being used to identify or support actions to reduce the gap;
- Information which covers all staff;
- Information which sets out the pay gap at different grades and for different departments;
- Evidence of steps being taken to prepare for the forthcoming equal pay publishing requirements for race and disability.

What were the common areas for improvement?

- Incomplete data which does not assess the pay gaps for all staff;
- Disaggregated data, but no overall figure presented;
- Figures presented without accompanying contextual narrative.

Publishing gender pay gap information

Gender pay gap information being used to identify or support actions to reduce the gap

Robert Gordon University

Robert Gordon University report that where any pay gap differences of over 5% have been identified these differences will be investigated by the HR department in consultation with the recognised Trade Unions to gain a better understanding of why these differences have occurred and to identify any actions required.

Further information can be found here: <http://www.rgu.ac.uk/about/planning-and-policy/equality-and-diversity/contacts-information-and-statistics/Equal-Pay-Audit-2014>

Cairngorms National Park

Cairngorms National Park provides an analysis of their pay gap information. They report that women occupy lower graded posts and commit to encouraging them to take up opportunities for training and development so that they are in a stronger position for promotion. They report that their Learning and Development strategy will respond to this need.

Further information can be found here:
<http://cairngorms.co.uk/resource/docs/publications/30042015/CNPA.Paper.1890.CNPA%20Mainstreaming%20Report.pdf>

NHS Greater Glasgow & Clyde

NHS Greater Glasgow & Clyde have used pay gap and employee monitoring information to identify several areas where they wish to improve, for example:

- Further exploratory analysis of data by comparing other elements, for example grade, length of service, or workplace location should be considered;
- Data analysis should also further explore the experiences and outcomes of staff falling into multiple protected categories – e.g. black women or disabled male manual workers.

Information presented clearly and broken down by grade

Skills Development Scotland

Skills Development Scotland reports on an equal pay audit which establishes their gender pay gap. They publish details of this in their 'Equality and Diversity Mainstreaming Report' including a breakdown of the gender pay gap by grade, gender distribution by grade, gender distribution by grade as percentage of grade and as percentage of overall employees by gender.

Together these views clearly present the organisational situation.

The figures show that female employees earn 86.9% of male employee's average hourly rate and they report a 13.1% pay gap which is a reduction from the 14.6% pay gap they reported in 2013. They attribute this reduction to continuing application of their pay and grading structure and agreed job evaluation.

Further information about can be found here:

http://www.skillsdevelopmentscotland.co.uk/media/1344738/equality_and_diversity_mainstreaming_report.pdf

Evidence of steps being taken to prepare for the forthcoming equal pay publishing requirements for race and disability

Robert Gordon University

Robert Gordon University undertakes an equal pay audit every two years. This covers all employees on the university's main pay and grading system.

A full report of the audit is available on their website and contains a breakdown of pay by grade.

The university have already published the pay gap for people from ethnic minorities which in 2014 was 4.43% and for disabled people which in 2014 was -3.76%.

Further information can be found here: <http://www.rgu.ac.uk/about/planning-and-policy/equality-and-diversity/contacts-information-and-statistics/Equal-Pay-Audit-2014>

Conclusion

In summary, the response of Scottish listed authorities to the duties has produced good practice, some of which is presented in this report. There are also many areas in which practice can be improved.

Public authorities can use this information to examine their own practice and consider what changes they may need to make to ensure that their efforts lead to improved outcomes for their employees and those that use their services.

Further information

The Equality Act (2010) (Specific Duties) (Scotland) Regulations 2012

<http://www.legislation.gov.uk/sdsi/2012/9780111016718/contents>

Public Authorities in Scotland - Who is covered by the Specific Duties?

<http://www.equalityhumanrights.com/about-us/devolved-authorities/commission-scotland/public-sector-equality-duty-scotland/public-authorities-scotland-who-covered-specific-duties>

Non-Statutory Guidance for Scottish Listed Authorities

<http://www.equalityhumanrights.com/about-us/devolved-authorities/commission-scotland/public-sector-equality-duty-scotland/non-statutory-guidance-scottish-public-authorities>

Measuring Up?

<http://www.equalityhumanrights.com/about-us/devolved-authorities/commission-scotland/public-sector-equality-duty-scotland/scotland-public-sector-equality-duty-projects/monitoring-and-enforcement>

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