

# **Department of Health - Equality Information and Equality Analysis**

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### The Department as an Employer

#### 1. Background

The Department, its arm's length bodies and the health and care system as a whole are facing an unprecedented set of challenges. Some of the Department's functions will stop, some will alter, some will stay the same, and some new functions will start. All of this means that the size and structure of the Department must change. However, there will also be opportunities to develop new ways of working and to refresh and grow the skills and capabilities of the new Department of Health. The life of transition will span three years, but major changes to the functions of the core Department will be complete towards the end of 2011–12.

#### 2. Equality Act - publishing equality Information

The Equality Act places a 'general equality duty' on public sector organisations to :

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between persons who shared a relevant protected characteristic and persons who do not, and
- foster good relations between persons who share a relevant protected characteristic and persons who do not.

The relevant protected characteristics (or groups) for the purpose of the duty are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership. The Department extends its equal opportunities policies and practices to other characteristics: namely, working pattern and caring responsibilities.

The 'specific duties' within the Act place a requirement on public sector bodies to *'publish information to demonstrate their compliance with the general equality duty ... by 31 January 2012, and at least annually thereafter'*.

#### 3. Scope of this report

This report sets out the Department's approach to using equality data and information to inform policy development, implementation and practice. The scope of this report :

- relates to the Department of Health as an employer
- covers the period 1 April 2011 to 31 January 2012
- provides an *overview*, with illustrative examples, of how equality information is used to inform policy development (i.e. not the details for each and every policy)
- includes quantitative and qualitative data, and,

- provides an interim position for equality analysis for the major employment activity (transition) for the period in question, recognising that this programme extends beyond 31 January 2012.

#### 4. Diversity – our goals

Our aim as an employer is to attract and retain people who are the best in their field, with the right skills and competencies and from a range of diverse backgrounds; and for our staff profile to reflect that of the community we serve.

We recognise and fully commit to the strengthened statutory responsibilities in the Equality Act, and anticipated these requirements by extending coverage of all strategies, policies, and activities to the full range of diversity groups in the Department's Single Equality Scheme, which was published in June 2009.

#### 5. Equality information

The Department draws on a comprehensive range of research, data and analysis to inform policy development and implementation. This includes :

- Annual diversity reports
- Statistical monitoring and analysis
- Qualitative research (internal and external)
- Annual staff surveys (analysed by diversity demographics)
- Consultation and engagement (incl. unions and staff networks)
- Equality analysis of policy development, implementation and review.

#### 6. Workforce - diversity declaration rates

Completion rates for all of the diversity characteristics rank amongst the highest in Whitehall departments and the Department has met the Cabinet Office target to achieve a response rate of at least 80% for religion or belief, sexual orientation and caring responsibilities by April 2013.

##### Completion rates (at 31/3/11)<sup>1</sup>

Category <sup>2</sup>	Completion rate
Ethnicity	95%
Disability	96%
Sexual orientation	81%*
Religion or belief	82%*
Caring responsibilities	81%
* including a 'Prefer Not to Say' option	

<sup>1</sup> For permanent staff.

<sup>2</sup> Age and gender stands at 100% because providing this information is a non-negotiable requirement for employment within the Civil Service.

In line with Cabinet Office policy relating to stringent confidentiality and security protocols, information regarding transsexual status is not collected; however, the lesbian, gay, bisexual and transgender staff network is routinely consulted on all HR policy development, which is combined with external research to develop relevant and meaningful policies.

## 7. Annual Diversity Monitoring Report (Annex A)

### (i) Background

This report is produced annually and covers the twelve-month period 1 April to 31 March. It provides a high-level summary of equality statistics, including workforce profiles and monitoring data for the employment activities relevant to the period in question. It is designed to provide an *overview* of the statistics; however, a more in-depth equality analysis is carried out for all major HR policy development and implementation (see section 9). The report for 1 April 2010 to 31 March 2011 is shown in an annex to this report (Annex A).

### (ii) Employment Monitoring

The Department currently monitors the following areas by age, disability, gender, ethnicity, religion or belief, sexual orientation, grade (in hierarchy), full-time/part-time working pattern, and location.

- Staff in post
- Applicants for employment
- Applicants for promotion
- Appointments to posts
- Progress against targets to increase the number of women, BME and disabled staff in the senior civil service
- Staff who apply for, and receive, training\*
- Staff involved in the grievance procedure
- Staff subject to disciplinary procedures
- Staff leaving DH

*\* This relates to centrally run training courses and events and does not reflect the broader picture, including informal learning activity such as on-the-job coaching. The Investors in People (IiP) review included the full range of learning and development activities in the assessment process (using interviews with staff as the principal data gathering tool). The IiP standard has explicit indicators relating to equality of opportunity and the Department continues to satisfy all the criteria in this national, and international, benchmarking standard.*

### (iii) Workforce profile – overview

The report at Annex A details the make-up of the organisation by diversity characteristics. In summary :

- over half (56%) of the Department's workforce are women

- 11% of the workforce work part-time hours, of which are 85% are women
- the proportion of women is generally higher than men across all grades, except in the senior civil service (SCS)
- there is substantial representation of women in the feeder grades to the SCS (grade 7: 51%, grade 6: 51%).
- 16% of the workforce are from black, asian or minority ethnic (BAME) backgrounds.
- the proportion of BAME staff decreases as the grade increases (40% at the administrative officer grade to 7% in the senior civil service)
- the representation of BAME staff in the feeder grades to the SCS stands at 9% (grade 7) and 8% (grade 6)
- 7% of staff have declared a disability. The proportion of disabled staff decreases as the grade increases (8% at the administrative officer grade to 5% in the senior civil service), with the exception of those in the Fast Stream - high potential - grade (13%)
- 36% of the workforce has caring responsibilities
- 43% of staff have a religion or belief, 29% stated that they did not.
- 4% of staff have declared that they are lesbian, gay or bisexual; 11% would 'prefer not to say'.

(iv) Targets to Address Under-representation

The Department continues to meet or exceed the Cabinet Office threshold targets for women, disabled and BAME staff in the senior civil service and has set aspirational 'stretch' goals, to be achieved by April 2013.

## 8. Equal Pay Review

The Department is undergoing major change and restructuring, with incoming functions from other organisations with varying pay and grading structures and terms and conditions. The Department is also subject to the cross-government pay freeze.

An equal pay review will be scheduled when the department has a stable and enduring workforce, and there are mechanisms available to address equal pay issues if identified through the review.

The last equal pay review<sup>3</sup> in 2008 highlighted 'some anomalies' but 'further investigation<sup>4</sup> concluded that these were not due to underlying discrimination'. Since this review, the Department has instituted a number of measures to minimise the likelihood of pay disparities in the future. These include shortening pay ranges; reviewing the policy for starting pay for new employees; strengthening the governance and benchmarking processes for performance related pay (PRP)<sup>5</sup>; and using 'real-time' equality analysis at the point of decision-making for PRP

<sup>3</sup> Covering gender, ethnicity, disability, part-time/full-time working, pattern, age and location.

<sup>4</sup> Including disaggregating the results by pay grade.

<sup>5</sup> Also, one of the measures introduced to address potential inequalities in the performance management process.

recommendations<sup>6</sup>. These measures sit alongside long established processes such as job evaluation, and, also, initiatives to increase the representation of under-represented groups in more senior grades.

## **9. Transition programme & equality analysis**

The period to which this report relates has been dominated by a major transition programme, which will endure until 2015.

In December 2010, the Department published the HR Framework for transition—setting out the governance arrangements and over-arching principles for managing organisation and workforce design; filling posts, conducting recruitment and selection exercises; and transfers in and out for the Department. This document set out the principles and processes that would be employed to deliver fair, objective, consistent and business focused decisions.

The HR Framework was accompanied by an Equality Analysis (Annex B) that set out the key equality impact considerations. These were drawn from workforce profiles; qualitative research; staff survey findings; and extensive consultation and engagement with staff on the framework itself.

The transition programme is ongoing. The sections below provide a summary of the equality analysis work carried out to date.

### **(i) Phase One - Voluntary Exit Scheme**

In early 2011, the Department announced its intention to hold a Voluntary Early Severance scheme (VES) as an early measure to reduce the size and cost of the Department before the HR framework came into effect in April 2011. The scheme was open to all staff with the requisite years of service. An equality analysis was conducted on the results of the exercise - examining the data to determine whether there were any equality and diversity implications that resulted from the way in which the exercise was conducted.

The results of the work showed that there had been very little unintended effect on equality and diversity issues relating to whether people were successful in the VES. A summary of the report is attached (Annex C).

### **(ii) Phase Two – Organisation & Workforce Design**

The next phase of transition focussed on designing organisational functions and workforce structures. This phase related to posts not people; however, the governance and processes had explicit requirements to deliver evidenced-based outcomes against consistent criteria, including equality considerations, where appropriate (see directorate analysis template - Annex D). For example, the proportion of part-time posts/posts that were amenable to part-time working and alternative working patterns; and the degree of flexibility in the geographical location of posts.

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<sup>6</sup> As footnote 5.

The consultation process for each directorate/division had core, essential elements; specifically :

- open and transparent communications about the proposals for the what, when and how
- staff engagement and involvement on the proposed design and structure of the directorate/division (including 1-1s with all staff)
- cross-cutting sub -groups<sup>7</sup> for consultation purposes were established when the weight of opinion called for it.
- union representation at all meetings with Director Generals and business area leads.

### Governance & Assurance

All directorate proposals have been, and will be, scrutinised by a Workforce Assurance Panel, chaired by the Director General for System Design & Finance. The terms of reference include the key purpose to 'enable consistency of approach across directorates' and 'ensure fairness, equity and transparency in staff handling'.

This phase is still in progress. The overall diversity analysis and report will be produced in February 2012. It will examine the cumulative and organisation-wide impact by diversity characteristics of the workforce design programme.

### (iii) Phase Three – People & Posts

This phase looks at the people dimension. A Governance Assurance Panel was established and tasked with ensuring that the proposals for filling posts met the criteria set out in the HR framework. The core assurance processes were broadly similar to those used for the preceding stage. Specifically:

- open and transparent communications about the proposals for the what, when and how
- staff engagement and involvement on the proposed design and structure of the directorate/division (including 1-1s with all staff)
- cross-cutting sub -groups for consultation and engagement purposes were established when the weight of opinion called for it.
- union representation at all meetings with Director Generals and business area leads.
- fast-track appeals process.

### Governance & Assurance

All directorate proposals have been, and will be, scrutinised by a Governance Assurance Panel, chaired by the Director General for Transition for the Department, and with union representation. The terms of reference include the requirement to 'ensure a consistent and equitable approach' and 'ensure diversity monitoring of the outcomes'.

A diversity analysis is produced for each directorate/division<sup>8</sup> and is used to inform decision making *before* the proposals are approved. Anonymised example attached (Annex E).

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<sup>7</sup> For example, for particular grades.

This phase is still in progress. The overall diversity analysis and report will be produced in February 2012. It will examine the cumulative and organisation-wide impact by diversity characteristics of this phase of the programme. It will also inform the next phase of the programme – filling posts through competitive selection exercises.

## **10. Qualitative research**

Over the years, the Department has commissioned a number of qualitative research projects, to tease out the specific actions it can take to promote equality of opportunity and eliminate disadvantage.

For the period in question, the Department launched a major initiative - 'Making the Department a Great Place to Work' – with the aim of improving the quality of the work environment, job satisfaction and career development, and employee health and well-being. To date, this programme has included two consultation exercises, covering the themes of secondments and flexible and remote working. An early response on the DH intranet to some of the themes from the 'Working Well Remotely and Flexibly' consultation is attached (Annex F).

The Department carries out an annual staff survey, which is then analysed by the diversity characteristics of those who completed the survey. The overall results are published on the external web-site (<http://www.dh.gov.uk/health/2012/01/dh-staff-survey-results/>). The information is used to develop the themes for further engagement with staff and to inform policy development. The Equality Analysis for the HR Framework Annex B, pages 10 -11) illustrates how the staff survey information was used to inform thinking on key equality considerations.

## **11. External benchmarking**

For the second year running, the Department improved its ranking in the Stonewall Workplace Equality Index, by a significant jump of 19 places (72 to 53) in the 'Top 100' league table. Workforce declarations for sexual orientation *and* action taken as a result of diversity monitoring, data gathering and research are key criteria in this Equality Index.

## **12. Strategic Diversity Objectives**

The information in this report will be used to develop the diversity strategy and objectives for 2012/13. The strategic objectives will be published on the Department's web-site on 1 April 2012, in line with the requirements of the Equality Act.

**Date : 31 January 2012**

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<sup>8</sup> All equality analysis work is managed and quality assured by a statistician.