

Slough Borough Council

Report To:	Employment Committee
Date:	22 June 2023
Subject:	Workforce Equality Data Report
Chief Officer:	Sarah Hayward
Contact Officer:	Surjit Nagra Associate Director -HR, Christine Ford Diversity & Inclusion Lead.
Ward(s):	All
Exempt:	No
Appendices:	A - Workforce Equality Data Report B - Further Update on Ethnicity Reporting.

1. Summary and Recommendations

- 1.1 This report presents Committee Members with the Workforce Equality Data Report. This includes employee equality profile information and analysis (snapshot date of 31 December 2022) and additional actions taken to promote equality and inclusion within the Slough Borough Council workforce.

Recommendations:

The Committee is recommended to review and note the Workforce Equality Data Report.

Reason:

The council is committed to being an inclusive employer. Under the Equality Act 2010, the Council has various duties, including the public sector equality duty. Collection, monitoring and publication of workforce equality data can support the Council to meet this duty. Publishing data such as ethnicity pay gap reports and other employee data in an anonymised format is one-way employers can understand whether unjustifiable disparities exist between different groups of staff based on specific protected characteristics.

Commissioner Review

Commissioner comments have been included in the papers.

2. Report

Introductory paragraph

Regulations made under the Equality Act 2010 require specified bodies to publish gender pay gap information. In addition public bodies must publish information to demonstrate its compliance with its duty under s.149 of the Act. Section 149 (known as the public sector

equality duty (PSED)) requires the council, when exercising its functions, to have due regard to the need to :

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The information required to be published under the regulations is not prescribed but includes information relating to persons who share a relevant protected characteristic who are (a) its employees; (b) other persons affected by its policies and practices. This report relates to the first category. As an organisation, we are working hard to improve the accuracy of our workforce data and ensure our HR policies, practices, and procedures provide an inclusive and responsive workplace for all colleagues. The Workforce Equality Data Report (Appendix A) takes a snapshot of the workforce as of 31 December 2022 and is published on the council website. The full report will be updated at least annually (by 30 March 2024), and at interim periods as additional workforce data and strategic objectives are developed (October 23).

3. Background

- 3.1 The council has gone through an unprecedented period of organisational change over the past 3 years and, like many local authorities, is also managing the impact of the pandemic. Whilst it has complied fully with its legal obligations under the Equality Act (2010) to publish its gender pay gap annually, it has not been fully compliant in its publication of workforce data. This report marks a return to compliance with the workforce element of the Public Sector Equality Duty (PSED) and we are working with the Equality and Human Rights Commission to ensure full compliance with all elements of the PSED by October 2023. As we begin our journey of recovery and improvement, we want to ensure that inclusion, dignity and respect is at the heart of everything we do as an employer. This report is a starting point to understand where we are now and where we want to be in the future, as we rebuild and stabilise our permanent workforce.
- 3.2 The report shows that the council employs more female staff than male staff. This is consistent with national employment trends in local government and is reflective of the wide range of job roles and services provided by a unitary authority. However, whilst female staff outnumber male staff in all salary bands up to £69,999, there are disproportionately more female staff in the lowest salary bands, and more male staff than female staff in the most senior salary bands (above £70,000).
- 3.3 Most employees are aged between 35 and 64 years of age, with c.30% of staff being ages between 45 and 54 years of age.
- 3.4 Just over 6% of employees have declared a disability. However, almost 70% of employees have not disclosed their disability status.
- 3.5 With over 50% of employees not declaring a broad ethnic group, our analysis of ethnicity profiles of staff remains limited. However, since the publication of the report, additional work has been undertaken to analyse the more detailed ethnic groups category

in Agresso (the HR and Payroll system, which contains all staff data) and reconcile this with the broader groups (see Appendix B –Further Update on Ethnicity Reporting).

- 3.6 Work is being undertaken to encourage staff to update their diversity information via confidential “self-service” in the Agresso system. The staff network group chairs are delivering a campaign, including a video, to show staff how to complete this and explain why it is so important to help us better understand what actions we can take to improve diversity at all levels of the organisation. The aim is that overall declaration rates amongst existing staff will have improved across all diversity categories, but particularly for disability status and ethnicity by the time of the next snapshot reporting date (31 December 2023).

It is recognised that more work needs to be undertaken to improve the equalities monitoring information available on applicants that is collected and analysed as part of the recruitment process. To aid this the HR team are working on the introduction of a new Applicant Tracking System (ATS) within the next 12 weeks. The new ATS will give us the ability to collect and report on any diversity information that has been declared by the applicant. This can be tracked from the point of application, through the selection process to the appointment to a post. We will also be able to access (where this has been declared and recorded by the agency), the diversity information of temporary and interim staff.

- 3.7 In addition to the workforce equality profiles, the Workforce Equality Data Report (Appendix A)), also details recent work to promote inclusive HR policies and procedures, including an updated Dignity at Work Code of Conduct, Guidance to support Trans Employees and Guidance on Menopause in the Workplace. Additionally, all organisational change processes continue to be subject to an equalities impact assessment, whereby the impacts of staffing restructures on different employee groups are assessed.

- 3.8 The Workforce Equality Data Report) includes further information on the work of the employee network groups (REACH, Women’s Network and Disability Forum). These groups are being re-invigorated to enable better feedback between the groups and Corporate Leadership Team, with each group now having a CLT Executive sponsor in place and the Chairs delivering a quarterly report to CLT on network activities and key issues. The groups have been key in encouraging dialogue and work together as well as on separate priorities.

- 3.9 The Government has recently published guidance on ethnicity pay reporting for employers. Whilst much of the guidance mirrors the approach taken for gender pay gap reporting, it is recognised that ethnicity pay reporting is much more complex than gender pay reporting as you are analysing more than 2 groups. Employers may have to make decisions about how to combine different ethnic groups to ensure their results are reliable and statistically sound and to protect confidentiality. It is also important to carefully analyse the underlying causes for any pay disparities and this helps in understanding whether unjustifiable disparities exist between different ethnic groups and in turn provides an evidence base from which to develop action plans. It should not be assumed that disparity is a result of discrimination. A pay gap between protected groups is not the same as unequal pay. Unequal pay means that employees performing equal work or work of equal value are not receiving equal pay. A pay gap is a measure of difference between average earnings and is not a comparison of individual employees.

3.10 The council is committed to being an inclusive employer and seeks to place employees at the centre of its recovery process. Data analysis is the starting point for evidence – based interventions to improve diversity and inclusion across the organisation and ensure HR policies and processes are fair and accessible to all employees. The Workforce Equality Data Report will be updated as further HR and workforce data becomes available and further actions to support workforce –related equality objectives are agreed. Work is continuing to develop future actions and the responses of the recent staff survey will also be analysed by equality group to provide further insights into employee experiences in the workplace, by different groups.

4. Implications of the Recommendation

4.1 *Financial implications*

There are no financial implications of the proposed action in terms of allocated budgets.

4.2 *Legal implications*

The Equality Act 2010 contains various duties in relation to workforce duties. This includes, but is not limited to, the public sector equality duty, the duty to have up to date equality objectives and to publish equality information. There is a specific duty to publish data on the gender pay gap. The Equality Act consolidated previous discrimination legislation and contains duties and responsibilities in relation to employment and work-related activities. There are specific duties in relation to equal pay between men and women. The Act makes it unlawful to discriminate, victimise or harass based on protected characteristic and places positive duties on employers to make reasonable adjustments to employees who have a disability. Some duties apply in the recruitment process, as well as during employment. Whilst it is lawful to have policies to encourage and promote roles to specific protected groups, there are only limited circumstances when it would be appropriate to require a person with a specific protected characteristic, for example a requirement for a female care worker if the role involved intimate care tasks.

When collecting and reporting on workforce data, the Council must comply with its data protection duties. Data about a person's protected characteristic, such as their ethnicity, sexual orientation or religion is classed as special category data under GDPR. This means that when collecting data, the Council must make sure their employees are aware of how the data will be used and how it will be kept safe and secure.

4.3 *Risk management implications*

Failure to publish information by the required deadline, risks legal challenge relating to non-compliance and potential investigation and intervention by the Equality and Human Rights Commission. Failure to address the long-term causes of inequality in the workplace can reduce staff morale and engagement, and ultimately impact recruitment and retention. Longer term it may also increase the risk of indirect and direct discrimination claims.

4.4 *Environmental implications*

There are no anticipated environmental implications

4.5 *Equality implications*

Analysing workforce equality profile data seeks to promote equality for all groups within the workplace by improving, through data insights, our understanding of how different policies and practices impact on different staff equality groups. Publication on the council website leads to greater transparency and accountability. Furthermore, analysis of staff equality profiles supports the council ambition to be representative of the communities it serves.

4.6 *Workforce implications*

The council is committed to being an inclusive employer, where employee diversity is valued and all staff have equal opportunity to thrive and progress their careers, irrespective of background.

5. Background Papers

A - Workforce Equality Data Report

B - Further Update on Ethnicity Reporting