

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PERSONNEL COMMITTEE

Agenda Item No. 7

meeting date: WEDNESDAY, 19 OCTOBER 2016
title: EQUALITIES ACT 2010 – WORKFORCE DATA
submitted by: MICHELLE SMITH – HEAD OF HR
principal author: JANE PEARSON – DIRECTOR OF RESOURCES

1. PURPOSE

1.1 To update Members on workfore data to be published in compliance with the Equality Act 2010.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives: As staff are the Council's biggest resource the achievement of all the Council's ambitions is dependent on a diverse, dedicated and committed workforce that can ably support the needs of all our residents and deliver services that meets those needs.
- Corporate Priorities: See above.
- Other considerations: None.

2. BACKGROUND

2.1 The Equality Act 2010 provides a cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society

2.2 The Equality Act contains a range of rights, powers and obligations to help the drive towards equality.

2.3 In April 2011, the public sectory equality duty (the equality duty) came into force. It replaced the race, disability and gener equality duties.

2.4 The equality duty was developed in order to harmonise the equality duties and to extend across the protected characteristics.

2.5 It is unlawful to discriminate against an individual because of *any* of the protected characteristics in the Equality Act 2010.

The nine protected characteristics under the Equality Act are:

- Age
- Disability
- Gender Reassignment
- Pregnancy & Maternity
- Marriage and Civil Partnership
- Race (including ethnicity and national origin)
- Religion or Belief
- Sex

- Sexual Orientation

The Act also widens the scope of protection for individuals with these protected characteristics.

3. ISSUES

3.1 The Act sets out the general duties and specific duties in relation to equalities. In summary, those subject to the equality duty must, in the exercise of their 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.

3.2 In summary, a public authority covered by the specific duties (listed body) is required to:

Publish information to demonstrate its compliance with the general equality duty across its functions on an annual basis.

This information must include, information on the effect that its policies and practices have had on people who share a relevant protected characteristic, to demonstrate the extent to which it furthered the aims of the general equality duty for its employees and for others with an interest in the way it performs its functions.

All information must be published in a way that is accessible to the public.

3.3 The steps prescribed by the specific duties are limited to preparing and publishing equality objectives and publishing information. Beyond that, it is left up to public authorities to decide how they will go about ensuring compliance with the general equality duty.

In order to comply with the general equality duty, a public authority must ensure that:

- Staff and leadership are aware of the duty's requirements. Compliance involves 'a conscious approach and state of mind'. This means that decision-makers must be fully aware of the implications of the duty when making decisions about their policies and practices.
- The duty is complied with before and at the time that a particular policy is under consideration and a decision is taken. A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in such a way that it influences the final decision.
- Any third parties exercising public functions on its behalf are required to comply with the duty, and that they do so in practice.
- Regard is given to the need to advance equality when a policy is implemented and reviewed.

3.4 The specific duties require listed bodies to publish information to demonstrate that they have complied with the general equality duty across their functions. All such bodies must publish information to demonstrate how they are meeting the general duty for service users. Listed bodies with 150 staff or more also need to publish that information in relation to their employees.

The Commission would normally expect to see the following:

For bodies with 150 staff or more:

- the race, disability, gender, age breakdown and distribution of our workforce;
- indication of likely representation on sexual orientation and religion or belief, provided that no individuals can be identified as a result;
- an indication of any issues for transsexual staff, based on your engagement with transsexual staff or voluntary groups;
- gender pay gap information.

3.5 The latest set of Workforce Equality data for 2016 is attached at Appendix 1 and has been published on our website in accordance with the requirements of the specific duty.

3.6 The workforce data includes some comparisons with Local Government averages and Census information where relevant.

3.7 The data provides a comprehensive overview of our current workforce and is useful for workforce planning as well as meeting the requirements of the Equality Act 2010. Members may wish to consider any positive action that could be taken to increase representation from under-represented groups or to identify any challenges posed by our current workforce demographic.

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources: None.
- Technical, Environmental and Legal: the Council has a legal duty to ensure that staff are not discriminated against in the workplace and failure to comply with the legislation could result in action being taken against the Council.
- Political: There are no political implications.
- Reputation: None.

5. **RECOMMENDED THAT COMMITTEE**

5.1 Note the report.

MICHELLE SMITH
HEAD OF HR

JANE PEARSON
DIRECTOR OF RESOURCES

WORKFORCE PROFILE REPORT

31 March 2016

1. Introduction

This report gives information about the people we have recruited, the composition of the workforce, the use of discipline, grievance and other procedures, and information about employees who leave the authority.

2. Summary of Main Points

- At 31 March 2016 Ribble Valley Borough Council employed 237 people (202 full-time equivalents (FTE)), of which 161 were full-time and 76 part-time. Of the 237 employees, 48.10% were female and 51.9% male.
- We have an ageing workforce where 51.9% is aged 50 or over and over three quarters (78.06%) are aged 40 or over.
- The percentage of council employees with a disability was low (7.44%) compared to the local government average of 14.6%. The percentage of BME employees was 2.48% - much less than the national average in local government workforce of 8.2%, but representative when compared with the demographics for the area.
- The equality target groups were under-represented in the top 5% of earners at the council, with 46.7%¹ being female, 6.7% disabled and no BME.
- The staff turnover in 2015/2016 was 11.79% compared to 11.95% the previous year.

3. Recruitment

79 adverts were placed for 84 posts - 18 temporary, 57 permanent and 9 casual posts during this period and 480 people applied.

3.1 Gender

Gender	Applied	Short Listed	Appointed
Male	49	21	29
Female	57	22	26
Not collected at point of application or short-listing (online application)	342	118	0
Monitoring form not returned	32	0	0
Total	480	161	55

¹ This is a temporary increase due to staff changes at the year end at the way this indicator is calculated. Indications are that this will change to 33% in 2016/2017.

3.2 Ethnicity

Ethnicity	Applied	Short Listed	Appointed
White or White British	403	141	51
Black or Black British	3	0	0
Asian or Asian British	12	5	1
Mixed Race	4	1	1
Other	3	0	0
Prefer not to answer/Not collected/Not returned	55	14	2
Total	480	161	55

The authority continues to advertise vacancies with organisations that work actively with BME communities.

3.3 Disability

Disability Status	Applied	Short listed	Appointed
Not disabled	407	143	50
Disabled	26	12	2
Prefer not to answer/Not returned	47	6	3
Total	480	161	55

The Council has been assessed under the Disability Confident Scheme and has been confirmed as a Disability Confident Employer. This will be self-assessed in 12 months.

3.4 Other equality strands

The equality monitoring section on our application form has been amended to ask about other equality strands. From April 2011, we have been able to monitor the success rates against: age, sexual orientation, and religion and belief at each stage of the recruitment process.

4. Our Workforce

At March 2016, the Council employed 237 people (202 FTE). The headcount of 237 is made up of 161 full time and 76 part time employees. 234 are on permanent employment contracts and 3 are on a temporary contract. Analysis of the workforce has indicated that 59.5% live within the borough (compared to 64.1% in 2015).

4.1 Employee Profile

(i) Gender

We employed 48.10% females and 51.90% males. The profile of the local government workforce is 75.1% female, 24.9% male. For shire districts, the figures show 53% female, 47% male².

² Local Government Association – Local Government Demographics 2010

The table below shows the gender breakdown for part-time employees and those on Management Grades, which we have defined as salary scales PO1, spinal column point 33, and above.

Total staff	Male	Female	Male P/T	Female P/T	Male staff in management grades	Female staff in management grades
237	123	114	14	60	26	20
	51.90%	48.10%	5.91%	25.32%	10.97%	8.44%

The PI detailing the percentage of employees in the top 5% of earners who are female was 46.7%, up from 25% in 2014/15. This is a temporary increase due to staff changes at the year end at the way this indicator is calculated. Indications are that this will change to 33% in 2016/2017.

(ii) Ethnicity

The percentage of BME employees overall was 2.48%, which is a slight increase on the previous year when it was 2.47%. The figure of 2.48% represents 5 members of staff.

Nationally, in 2010, 8.2%³ of the local government workforce was from BME backgrounds with a 3.2% from BME backgrounds in shire districts (4.1% in the North West).

The 2011 Census indicated that 2.2% of Ribble Valley's total population were from minority ethnic communities. Census data shows that the minority ethnic community make up 1.89% of the economically active borough population.

Unemployment rates tend to be higher for males from BME communities than for white males. People from minority ethnic communities are not represented in senior management.

(iii) Sexual orientation

There is no hard data on the number of lesbians, gay men and bisexuals in the UK as no national census has ever asked people to define their sexuality.

However, the key findings of a Household Survey in 2013 indicated that 1.6% of UK adults identified their sexual identity as gay, lesbian or bisexual. London had the highest percentage of adults identifying themselves as gay, lesbian or bisexual at 3.2%. Twice as many males (1.6%) as females (0.8%) were likely to state their sexual identity as gay or lesbian.⁴

The Government estimates that between 5 – 7% of the population are lesbian, gay men or bisexual. This figure is corroborated by Stonewall, an organisation promoting equality and justice for lesbians, gay men and bisexuals.

We have no data on the sexual orientation of staff and the Council feels that providing an indication of likely representation on sexual orientation is sufficient in order to avoid individuals being identified as a result of an audit. This ensures that we are meeting the requirements of the Data Protection Act and protecting our employees' rights to confidentiality.⁵

³ Local Government Association – Local Government Demographics 2010

⁴ ONS Integrated Household Survey, January to December 2013: Experimental Statistics

⁵ According to the Gender Recognition Act 2004, where someone holds a gender recognition certificate, it is a criminal offence to disclose the fact that they have changed their sex. A transsexual person may consent to us disclosing the information if they decide it is in their interests to do so. Such consent, however, must be explicit. It may not be assumed.

iv) Age

The age profile for employees is as follows:

Age	The Council 237	Ribble Valley working population (2011 census) 36,000	Local Government Average⁶	England working population (2011 census) 34,979,900
Under 20	0.85%	10.00%	1.3%	9.55%
20-29	7.17%	14.17%	11.4%	20.71%
30-39	13.92%	16.11%	18.9%	20.18%
40-49	26.16%	25.56%	32.9%	22.20%
50-59	36.71%	22.22%	26.3%	18.29%
60+	15.19%	11.94%	9.2%	9.07%

It can be seen from the above table that over three quarters of the workforce (78.06%) is over age 40 with over 50% (51.9%) over age 50. The age profile for Ribble Valley BC generally reflects the profile for local government where there is a tendency to have a significant proportion of older staff with long service. However, on average 35.7% of Local Government employees are aged 50+, much lower than the Ribble Valley figure of 51.9%. The public and local government sectors have a larger proportion of older employees than the private sector, with 18% of employees aged 55 or over in both sectors compared with 14% in the private sector.⁷

The 2011 Census indicates that the profile of those in work in the borough was generally younger than that of Ribble Valley Borough Council. Roughly 40% were less than age 40 (40.28%), whereas about a third (34.16%) was aged over 50.

(v) Religion and belief

Monitoring information has not been previously collected in Ribble Valley in relation to this equality strand so we have no data on the religion and belief of staff. The Council feels that providing an indication of likely representation on religion or belief is sufficient in order to avoid individuals being identified as a result of an audit.

This information has been collected since 2011 as part of the recruitment process, it can be compared with the results as shown in the table below which is information for religion and belief within Ribble Valley and nationally from the 2001 Census.

⁶ Local Government Association – Local Government Demographics 2010

⁷ Local Government Pay and Workforce Facts and Figures 2010/11 – produced by LG Group

Religion or belief	The Council (237)	Ribble Valley Religion (2011 census - 57,100)	England Religion (2011 census - 53,012,500)
Christian	11.8% (28)	78.1%	59.4%
Buddhist		0.2%	0.5%
Hindu		0.2%	1.5%
Jewish		0.0%	0.5%
Muslim	0.84% (2)	0.7%	5.0%
Sikh		0.1%	0.8%
Any other religion		0.24%	0.4%
No religion	7.17% (17)	14.5%	24.7%
Religion not stated	13.92% (33)	6.0%	7.2%
Information not available	66.24% (157)		

(vi) Disability

The PI detailing the percentage of employees who report themselves as having a disability was 7.44%. Last year this was 8.41%. Overall in local government, in 2010, 15.7% of the workforce was classed as disabled⁸.

The PI detailing the percentage of employees in the top 5% of earners who report themselves as having a disability was 6.70%, down from 8.33% last year.

(vii) Issues for Transsexual staff

No issues identified.

4.2 Occupational Segregation

No issues identified.

4.3 Return to work rates after maternity leave

In 2015/2016 five members of staff took maternity leave. As at 31 March one person was still on maternity leave. One person did not return after maternity leave and two returned to work with a change to working hours.

4.4 Take up of training opportunities

No issues identified.

4.5 Applications for flexible working

During 2015/2016 there were five applications for flexible working. Four were approved and one was declined.

⁸ Local Government Association – Local Government Demographics 2010

4.6 Pay

The percentage of women in the top 5% of earners is 46.7%, up from 25% in 2014/15. This is a temporary increase due to staff changes at the year end at the way this indicator is calculated. Indications are that this will change to 33% in 2016/2017. We have no BME employees among our top 5% earners, and 6.70% have a disability.

Equality workforce profile by pay bands as at 31 March 2016:

Salary Band	Number (Total 237)	BME	Disability	Female	Average Age	Full time
CEX/Director	3	0%	0%	33.3%	56.5	100%
Scp 38-58 (PO6-PO26)	14	0%	7.1%	42.9%	48.9	85.7%
Scp 33-37 (PO1-PO5)	29	0%	3.4%	44.8%	47.5	70.0%
Scp 29-34 (SO1-SO2)	8	0%	0%	12.5%	48.8	75.0%
Scp 18-28 (Scale 4-scale 6)	81	2.5%	4.9%	49.4%	45.3	75.3%
Scp 1-17 (Scale 1a-Scale 3)	101	3.0%	6.9%	52.5%	49.4	57.4%
Craft and Local Agreement Grade	1	0%	0%	0%	56.0	0.0%

The overall average age of a Council employee is 47.8 (an increase from 47.04 in 2014/2015).

4.7 Disciplinary and Grievance Cases

These are recorded by gender, ethnicity, disability and age. There were 4 incidents of disciplinary action taken and 0 grievances raised between 1st April 2015 and 31st March 2016.

Equality Group	Number	
BME	0	
Disability	0	
Gender - female	2	
Age	Under 20	0
	20-29	2
	30-39	0
	40-49	0
	50-59	1
	60+	1

5. Leaving the Council

5.1 Turnover

Turnover for 2015/16 was 11.79% (11.95% in 2014/2015), with 29 leavers overall. The following table breaks this down by service.

Service	Number of leavers (29)	Reasons for leaving	% of leavers	% turnover within the Council (237 posts)
Environmental Health	1	OR (1)	3.45%	0.42%
Housing and Regeneration	1	VR (1)	3.45%	0.84%
Legal Services	1	RI (1)	3.45%	0.42%
Human Resources	1	VR (1)		
Financial Services	2	VR (2)	6.90%	0.84%
Revenues and Benefits	0			
Culture, Recreation and Leisure	10	VR (10)	34.48%	4.22%
Planning	5	VR (4) OR (1)	17.24%	2.11%
Engineering	8	RI (2) VR (4) DI (1) OR (1)	27.59%	3.38%

i) Turnover by BME, Disability, Age & Gender

Equality Target Group	Number of leavers (29)	% of leavers	% turnover (237 posts)
BME	0		
Disability	3	10.34%	1.27%
Gender - female	16	55.17%	6.75%
Age	16-19	1	3.45%
	20-29	9	31.03%
	30-39	10	34.48%
	40-49	3	10.34%
	50-59	1	3.45%
	60+	5	17.24%

ii) Reasons for leaving

Service	Number of leavers	% of leavers
Dismissal (DI)	1	3.45%
Death in Service (DS)		
Early Retirement (ER)		
Retirement 65+ (RI)	3	10.34%
Efficiency of service/Redundancy (ES/RE)		
End of Fixed Term Contract (FI)		
Mutual Agreement (MA)		
Ill Health Retirement (IH)		

Service	Number of leavers	% of leavers
TUPE Transfer (TT)		
Voluntary Resignation (VR)	22	75.86%
Optional Retirement (OR)	3	10.34%

6. Complaints about Discrimination

No complaints have been made against the Council or its staff on the grounds of discrimination or prohibitive conduct.

7. Engagement with staff and trade unions

7.1 Engagement with Staff

The Council conducts a biennial survey with its staff, with the last survey being carried out in 2015. The table below highlights some of the results concerning flow of information and staff engagement.

Flow of Information	% Agree 2012	% Agree 2015
I am given sufficient information to do my job properly	49%	62%
I am told how the Council is performing	45%	Not asked
I am aware of my service's priorities and objectives	60%	69%
I regularly attend staff departmental meetings	74%	Not asked
I find team meetings effective, information is shared, staff can ask questions, raise concerns and ideas	42%	Not asked
Working away from the main council offices leaves me feeling isolated and ill informed	41%	18%
I hear things first through 'rumours'	41%	34%
I regularly read the Backchat newsletter	79%	Not asked
Over the past three years I feel that communications (eg team meetings and staff meetings) have improved	38%	30%

7.2 Engagement with Trade Unions

Details of engagement with Trade Unions are reported to Personnel Committee twice yearly. The Head of HR meets with the Trade Union representatives every six weeks to discuss any matters arising. All requests for re-appointment are seen by the Trade Union representative before being presented to Corporate Management Team. A Facilities Agreement has been introduced to monitor and review time spent on union duties.

7.3 Equality concerns raised by staff and how they have been addressed

No Equality concerns have been raised by staff during 2015/16.