Annual review of equality 2016

Introduction

- 1. The Cabinet approved a new equality strategy for 2016-19 for the council at its meeting on 29th June 2016. This replaced the council's equality scheme 2012-15 and introduced a refreshed approach to equality recognising the new challenges facing the council since the equality scheme was written. These include:
 - the year on year reduction in resources
 - the restructuring of the organisation
 - the transformation programme, and, in particular,
 - the ambition to be a community council.
- 2. A summary of the strategy is attached at Appendix 1.
- 3. The annual review of equality will support the strategy through reporting on progress with its implementation. It will continue to be one of the main ways the council uses to meet the specific public sector equality duty under the Equality Act 2010. This duty requires public authorities to publish information showing how they meet the general duty in the Act. Other information is also published on the council's website at www.dudley.gov.uk/community-and-living/equality-diversity.
- 4. The 2016 review contains top level actions that will be taken to implement the strategy over the next three years. Progress with these will be reported in future years' annual reviews and will allow scrutiny by Members of how the strategy is being implemented. Data and analysis on equality and employment is also included to meet the expectations of the specific public sector equality duty on the publishing of equality information related to the council's workforce.

National context

5. Legal requirements relating to equality remain unchanged. Following its review in 2012/13, the Government indicated that it would again review the public sector equality duty, along with the whole Equality Act 2010, during 2016, but a timetable for undertaking this review has not yet been announced. Applications are still being made to the courts for judicial review of local authorities' decisions challenging compliance with the public sector equality duty although the volume of cases heard has fallen, and the duty tends now to

feature as one ground for challenge amongst several rather than the primary one.

6. A number of recent national reports have highlighted that, while some progress has been made in Britain in recent years in tackling various aspects of inequality, there remain many areas where inequalities remain entrenched and people's life chances are being affected on the basis of sharing a protected characteristic. The Prime Minister announced at the end of August "an audit of public services to reveal racial disparities and help end the injustices that many people experience."

Equality strategy action plan

7. The outline action plan for implementing the council's equality strategy is set out below. This is supported by a much more detailed work programme for the officers' corporate equality and diversity leadership group, alongside the community council 'love your community' action plan and the working for Dudley plan 2016-19, both of which will have a significant impact on the delivery of the strategy.

'Strong leadership' actions:

- Identify member and officer equality champions
- Develop and implement a communications plan for promoting equality and the strategy
- Review with members their role in promoting equality
- Demonstrate values and behaviours relating to equality evidenced, for example, through case studies
- Identify a small number of key equality objectives in each directorate and actions for achieving them

'Effective governance' actions:

- Strengthen arrangements for scrutiny of the annual review/progress with the action plan
- Review and rationalise equality information published to meet the public sector equality duty
- Embed the equality impact assessment process fully in the budget process and the transformation programme across the council

¹ These include: Healing a divided Britain: the need for a comprehensive race equality strategy (Equality and Human Rights Commission 2016); Inequality among lesbian, gay, bisexual and transgender groups in the UK: a review of evidence (National Institute for Economic and Social Research 2016, for the Government Equalities Office); The gender wage gap (Institute for Fiscal Studies 2016)

- Identify measures for the goals set out in the strategy so that overall progress can be assessed
- Include the identified directorate equality objectives and actions in chief officer plans for 2017/18 onwards and monitor progress

'Working with communities and partners' actions:

- Examine commissioning and procurement arrangements and update guidance, ensuring the Public Services (Social Value) Act 2012 is embedded and used to promote equality
- Review key partnership arrangements to ensure that equality is at their heart and equality responsibilities are clear e.g. for carrying out equality impact assessments (EIAs)
- Review and clarify the links between the work on community cohesion and work on equality e.g. to ensure the 'foster good relations' part of the public sector equality duty is fully addressed
- Deliver equality through the community council 'love your community' action plan by ensuring that, for example:
 - a broad range of appropriate and inclusive engagement approaches are used, opportunities are widely communicated and people are supported to engage
 - diverse communities across the borough are involved in asset mapping in their local areas

'Knowing our communities' actions:

- Review what equality data is collected across key service areas to ensure appropriate data is available e.g. to inform EIAs
- Improve intelligence held about equality and community assets in the borough and make it more widely available through use of the 'All About Dudley Borough' database
- Implement the working for Dudley plan 2016-19 to achieve the identified equality outcomes of:
 - a diverse workforce with a flexible and agile mindset, making every penny count, valuing each minute
 - developing a supportive culture, with equality at its heart, appreciative of each others' differences and valuing diversity
 - an organisation that understands and promotes equality and respect, embracing diversity
- Put in place new equality training provision, including integration of equality within management development programmes and other training of key importance to equality such as recruitment and selection

- 8. The first year's progress with implementing the action plan will be reported in the annual review 2017.
- 9. A revised equality policy statement has been drawn up in line with the new strategy which sets out the council's commitment to equality which is attached at Appendix 2.

Employment monitoring data

- 10. Monitoring employment monitoring data assists the council to assess the extent to which it is providing fair employment opportunities for all groups and contributes towards the duty to publish equality information. Employment data in this report is presented on the basis of the completed directorate restructure approved by the Cabinet in June 2015. The new human resources and payroll system to be introduced for the 2017/18 financial year will provide an opportunity to improve further the data that it is held on employees.
- 11. In order to deliver substantial annual budget savings, the number of council employees has reduced each year since 2011/12 through voluntary redundancies, relatively few compulsory redundancies, and vacancy management. The council employed over 776 fewer staff on 1 April 2016 than on 1 April 2015. As a result of budget decisions taken during 2015/16, there have been 304 voluntary redundancies approved to date (5th September 2016). 16 employees at risk of compulsory redundancy were redeployed or redundancy bumped into posts vacated by voluntary redundancy. Compulsory redundancies were reduced through this means to 19 to date, although currently a number remain at risk. Equality impact assessments related to the reductions in staffing continue to be undertaken or updated each year to ensure there is not a disproportionate, unjustified impact on particular protected characteristics. Managers and employees faced with redundancy situations continue to be offered a range of support.

Workforce profile

12. A summary of the council's workforce broken down by directorates (and schools), sex, disability, white/BME groups and part-time employees as at 1st April 2016 is set out at appendix 3(a). Appendices 3(b) and 3(c) provide a grade breakdown of this data, showing higher paid employees at grade 9 and above, or equivalent (salaries of over c£29,500 - approximately the highest paid 25% of the workforce), excluding schools, and employees on grades 1 to 8 or equivalent respectively. Appendix 3(d) shows the workforce profile by age and appendix 3(e) a more detailed directorate breakdown by ethnic group.

The analysis below refers to figures relating to the council's workforce not including schools unless otherwise stated.

Sex

13. The council's workforce is 66% female (see appendix 3(a), with this percentage having changed very little in recent years and reflecting the picture for similar local authorities. The proportion of women employed is the highest in the People Directorate at 83%. Where there are more traditionally male occupations in the Place Directorate, there is a sizeable majority of male employees at 65%. At grade 9 and above there is a lower proportion of women than in the workforce as a whole (appendix 3(b)) at 56%, the same as in 2014/15, although there had been a gradual increase in this proportion over the previous 6 years.

Race

- 14. Table 1 shows the percentage of BME employees in the council's workforce² at 10%, with an increase of 1.2% in the last 12 months and a year on year rise in the figure for more than 5 years. The figure can be compared with data from the 2011 Census which shows the BME population of the borough at 10% in 2011 but on a clear upward trend and with a significantly higher proportion of the population of below working age from a BME background (18% of under 16s in 2011) ³.
- 15. The more detailed breakdown (Appendix 3(a)) shows some variation between directorates in the proportion of employees from BME communities. These figures are not directly comparable with previous years' directorate figures due to the reorganisation of the council's structure during 2015/16. The People Directorate has the highest proportion of employees from BME backgrounds at 13.7% and Place the lowest at 6.6%. Appendix 3(e) provides a breakdown of employees by individual ethnic groups. The grade breakdowns at Appendix 3(b) and 3(c), show that there is a higher proportion of BME staff at grades 9 and above at 11% than in the workforce as a whole (10.0%). This has been the case over a number of years.

Disability

16. Table 2 shows that the proportion of council employees who have stated that they have a disability has grown by 0.4% over each of the last two years to the current 4.0%. While not directly comparable with the legal definition of

² The 16 ethnic origin categories in the 2001 Census have been used for the council's employment monitoring. BME communities are defined as the 13 non-white groups using these categories

³ The 2011 Census used revised ethnic origin categories so the results were not derived on exactly the same basis as in the 2001 Census.

disability used for the workforce, the 2011 Census shows that 6.3% of the borough's population aged 16-64 indicated that they had a long-term health problem or disability which limited their day-to-day activities a lot and a further 8.0% that it limited their activities a little. The grade breakdowns at Appendices 3(b) and (c) show that there is a higher proportion of disabled employees at grades 9 and above at 4.7% than there is in the workforce as a whole (4.0%). This has again been the case over a number of years. One explanation may be the older age profile of employees in the higher grades.

Table 1. Dudley MBC percentage of employees from ethnic minority communities

Year	Percentage of employees from BME communities
2015/16	10.0%
2014/15	8.8%
2013/14	8.7%
2012/13	8.4%
2011/12	8.2%

Notes to table 1: those for whom ethnic origin is not known are excluded from the analysis. BME communities are defined as the 13 non-white groups using the 2001 Census categories.

Table 2. Dudley MBC percentage of employees with a disability

Year	Percentage of employees with a disability
2015/16	4.0%
2014/15	3.6%
2013/14	3.2%
2012/13	3.2%
2011/12	3.3%

Note to table 2: disability is as defined in the Equality Act 2010; figures represent those employees who have indicated that they have a disability on the HR system.

Age

17. The age profile of the workforce is set out at Appendix 3(d). Over the last two years there has been a reduction in the percentage of employees in the younger age groups (under 35s). One explanation may be the impact of the reduction in levels of recruitment, with many fewer opportunities for younger people to enter the workforce.

Other protected characteristics

18. The proportion of employees who have recorded their sexual orientation (including 'prefer not to say') continues to increase year on year although there remains a majority of employees who have not recorded any details. From the limited data, while it shows that there is at a minimum a small but significant percentage of the workforce who are lesbian, gay or bisexual (LGB), firm conclusions cannot be drawn and there is not reliable data about the background borough LGB population if comparisons were to be made. (The ONS household survey 2015 indicated that 1.3% of the West Midlands region identified as LGB.) A majority of employees have now provided their religion or belief (including 'prefer not to say') with the main religious groups in the borough all represented in the workforce, but further data is needed to make more significant comparisons with the background adult population of the borough. In order to increase self-reporting of personal information, employees will be encouraged and the reasons for doing so explained alongside the launch of the new personnel and payroll system next year.

Recruitment

19. A summary of overall recruitment activity for the council, by race, sex, disability, religion or belief and age during 2015/16 is set out at Appendix 3. Tables 3, 4 and 5 show the percentage at each stage of the recruitment process for candidates from a BME background, women and disabled people respectively, compared with the previous four years. The trend over the last few years for the success rates of BME applicants in obtaining jobs in the council (including promotions or other internal recruitment) to be below those for people from white groups continued in 2015/16. Some benchmarking with other local and comparator councils has been carried out and, from the data obtained, it appears that this is a fairly common picture and not just a local issue. Some follow up work will be done to try to understand why this is might be so.

Dudley MBC annual recruitment analysis – percentage of candidates at application, shortlisting and appointment stages from identified groups

Table 3. BME groups

Year	Applied	Shortlisted	Appointed		
2015/16	24.2%	22.2%	12.5%		
2014/15 ^{\$}	22.5%	19.5%	12.4%		
2013/14	20.9%	16.9%	12.6%		
2012/13	19.1%	17.0%	12.5%		
2011/12*	18.4%	16.7%	11.7%		

Table 4. Women

Year	Applied	Shortlisted	Appointed		
2015/16	70.1%	70.3%	71.7%		
2014/15 ^{\$}	70.4%	71.7%	69.5%		
2013/14	68.6%	66.4%	62.0%		
2012/13	57.2%	66.3%	65.0%		
2011/12	59.8%	64.1%	62.5%		

Table 5. Disabled people

Year	Applied	Shortlisted	Appointed			
2015/16	4.8%	4.4%	3.2%			
2014/15 ^{\$}	5.4%	4.8%	4.3%			
2013/14	4.0%	4.8%	2.3%			
2012/13	2.5%	3.4%	2.0%			
2011/12	2.2%	2.2%	1.7%			

Notes to tables 3 to 5

Table 3 - for the analysis, those for whom no ethnic origin is recorded are included in the white groups

Table 5 - for the analysis, those who have not stated whether or not they have a disability are included in the not disabled group

^{*}Amended figures from those originally published in annual review 2012

^{\$}From 2014/15 the number of job applications rather than applicants are counted

20. More women than men continue to be appointed, a little above their proportion in the overall workforce. The proportion of employees appointed who declared that they have a disability fell from the 2014/15 figure but is above previous years. The age breakdown is also set out in the appendix which shows recruitment across the age ranges although the older age groups tend to have slightly higher success rates than the younger age groups.

Grievances and disciplinary action

21. There were 2 claims lodged with the Employment Tribunal during April 2015 to March 2016 alleging discrimination in employment by the council on the grounds of any of the protected characteristics, both are ongoing and have not reached a conclusion (equal pay claims are not included) (see table 6). No tribunal cases on the grounds of discrimination have been lost by the council over the 14 years that this information has been reported in the annual review.

Table 6. Dudley MBC employment tribunal discrimination cases brought April 2015 – March 2016

Directorate	Case Details	Application Lodged	Outcome
	Wrongful/unfair dismissal, victimisation & harassment	October 2015	Ongoing
	Unfair dismissal, discrimination & victimisation	January 2016	Ongoing

22. There were 40% fewer grievances raised by employees in 2015/16 than in the previous year. Of these relatively small numbers, very few were raised by BME employees. There was also a fall in the number of cases of disciplinary action taken against employees in 2015/16 compared to the previous year, although this might partly be explained by a reducing workforce. The percentage involving BME employees was a little above that in the workforce as a whole, although the overall numbers involved are small.

Conclusions

23. This review helps to fulfil the requirement to publish information about how the council is meeting the general public sector equality duty. Future annual reviews will report on progress with implementing the equality strategy

2016-19. The review highlights a number of areas relating to potential inequalities or underrepresentation in employment which will need to be taken into account in taking forward the work to implement the working for Dudley Plan 2016-19 in order to achieve the identified outcomes set out in the plan.

Public Health People Directorate October 2016

Equality Strategy 2016-19

Dudley council plan 2016-19: Community Council

The community influences council decisions

Delivering services in partnership with the community

Knowing our communities

Flexible & responsive services delivered in the community Helping the community help itself

- Gathering intelligence about equality
- Understanding communities' strengths as well as needs
- Supporting our employees and treating them fairly

Strong Leadership

Equality is at the heart of our community council

Equality is everyone's responsibility

Our communities are strong and cohesive

Our workforce reflects the local community at all levels

respect

culture of the council

 Demonstrating our values and behaviours of empowerment and

Having clear equality objectives
Ensuring equality is central to the

 Making decisions by talking and listening to people

- Tackling inequality with our partners
- Delivering equality through commissioning

Working with communities and partners

- Being accountable and transparent by publishing equality information and scrutinising performance
- Making equality integral to planning our services through embedding the equality duties and carrying out equality impact assessments



Dudley Metropolitan Borough Council

Appendix 2

Equality policy statement

Dudley Council is working to ensure that:

- equality is at the heart of our community council
- equality is everyone's responsibility
- our communities are strong and cohesive
- our workforce reflects the local community at all levels

Our equality strategy 2016-19 provides the overall framework for this work and responds to and is supported by a range of other documents, particularly:

- the community council 'love your community' action plan
- the values and behaviours framework
- the working for Dudley plan 2016-19

The council's commitment to equality acknowledges the importance of tackling discrimination and advancing equality between different groups in the community and within its workforce, whilst also recognising and building on the diverse strengths or assets of different communities. The approach is about more than just complying with legislation, but it is important to make sure the council meets its statutory duties in the Equality Act 2010, including the public sector equality duty to pay due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation
- advance equality of opportunity, and
- foster good relations between people from different backgrounds

The council's commitment to equality covers all its services, its public functions and the employment of staff and all the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. The council will also make sure that it does not treat less favourably on any unjustified grounds people protected by other legislation, including trade union or political activities, social class, where a person lives or spent convictions.

While the Council is committed to meeting its duties under equality legislation, it also aims to follow additional good practice set out in statutory codes of practice and guidance which accompany the Act. The council will lead by example and will work with its partner organisations and the borough's communities.

Responsibility

- A member of the cabinet has the lead member role for equality
- The chief officer health and wellbeing has lead officer responsibility for equality, chairing the corporate equality and diversity leadership group which has representatives from each council directorate and appropriate partners
- All employees of the council have an individual responsibility for equality in working to the values and behaviours framework.

Implementation and review

- The council will review its equality strategy at least every three years
- The corporate equality and diversity leadership group will lead on developing, revising and implementing an action plan for the strategy
- An annual review of equality and diversity will be drawn up each year for the Cabinet to monitor progress with implementing the strategy
- Equality information in line with the specific public sector equality duty will be published on the website at http://www.dudley.gov.uk/community/equality

Raising concerns or issues

People who believe that they have been unfairly treated can raise this through the appropriate route below. Individuals are protected from any form of victimisation arising from their taking action in relation to their rights or in making a complaint through the council's procedures.

Who	About	Route
Customer	Unfair treatment/discrimination	Customer feedback procedure
	relating to services	
Job applicant	Unfair treatment/discrimination	Head of Human Resources
	relating to recruitment	
Employee	Unfair treatment/discrimination	Grievance policy and procedure
	relating to employment	
	Bullying or harassment	
Anyone with	Any aspect of service provision or	Whistleblowing policy
serious	the conduct of officers or	
concerns	members	
Victims or	Hate crime/incidents	Police or other reporting options, see
witnesses of		http://www.dudleysafeandsound.org/
hate crime/		hate-crimeincidents-third-party-
incidents		reporting-centres.html

Approved by Date

Appendix 3(a). Dudley MBC workforce profile - 31 March 2016

		Sex						Race					Disability	
Directorate	All staff	Male	Male %	Males working PT	Female	Female %	Females working PT	White	White %	вме	BME % [*]	Not known	Disabled	Disabled %
People	2529	429	17%	29%	2100	83%	57%	2091	82.7%	286	13.7%	152	94	3.7%
Place	1838	1187	65%	8%	651	35%	47%	1647	89.6%	108	6.6%	83	77	4.2%
Resources and transformation	1358	314	23%	11%	1044	77%	68%	1175	86.5%	97	8.3%	86	59	4.3%
Total	5725	1930	34%	13%	3795	66%	58%	4913	85.8%	491	10.0%	321	230	4.0%
Schools	5526	701	13%	26%	4825	87%	65%	5034	91.1%	268	5.3%	224	21	0.4%
Total including schools	11252	2631	23%	16%	8621	77%	62%	9948	88.4%	759	7.6%	545	251	2.2%

Notes:

Staffing figures exclude all casual or zero hours employees

PT – part-time (fewer than 37 hours a week for local authority terms and conditions)

*BME % excludes not knowns

Appendix 3(b). Dudley MBC workforce profile – grade 9 and above (or equivalent) - 31 March 2016 (not including schools)

		Sex						Race					Disability	
Directorate	All staff	Male	Male %	Males working PT	Female	Female %	Females working PT	White	White %	ВМЕ	BME % [*]	Not known	Disabled	Disabled %
People	720	162	23%	13%	558	78%	37%	574	79.7%	102	15.1%	44	25	3.5%
Place	396	322	81%	5%	74	19%	24%	362	91.4%	22	5.7%	12	18	4.5%
Resources and transformation	280	135	48%	6%	145	52%	33%	248	88.6%	23	8.5%	9	23	8.2%
Total	1396	619	44%	7%	777	56%	35%	1184	84.8%	147	11.0 %	65	66	4.7%

Notes:

Staffing figures exclude all casual or zero hours employees

PT – part-time (fewer than 37 hours a week for local authority terms and conditions)

*BME % excludes not knowns

Salary at bottom point of grade 9 on 31 March 2016 is £29,558 pro rata

Appendix 3(c). Dudley MBC workforce profile grades 1 to 8 (or equivalent) - 31 March 2016 (not including schools)

		Sex						Race					Disability	
Directorate	All staff	Male	Male %	Males working PT	Female	Female %	Females working PT	White	White %	вме	BME % [*]	Not known	Disabled	Disabled %
People	1809	267	15%	38%	1542	85%	63%	1517	83.9%	184	10.8%	108	69	3.8%
Place	1442	865	60%	9%	577	40%	50%	1285	89.1%	86	6.3%	71	59	4.1%
Resources and transformation	1078	179	17%	15%	899	83%	73%	927	86.0%	74	7.4%	77	36	3.3%
Total	4329	1311	30%	16%	3018	70%	64%	3729	86.1%	344	8.4%	256	164	3.8%

Notes:

Staffing figures exclude all casual or zero hours employees

PT – part-time (fewer than 37 hours a week for local authority terms and conditions)

Salary at top point of grade 8 on 31 March 2016 is £28,746 pro rata

^{*}BME % excludes not knowns

Appendix 3(d). Dudley MBC workforce profile by age - 31 March 2016 (not including schools)

Directorate	16 - 24	25 - 29	30 - 34	35 - 39	40 - 44	45 - 49	50 - 54	55 - 59	60 - 64	Over 65
People	64	156	190	262	290	425	499	391	199	53
Place	70	120	152	141	191	330	393	246	142	53
Resources and Transformation	42	63	113	143	174	281	271	181	68	22
Total	176	339	455	546	655	1036	1163	818	409	128
Total %	3.1%	5.9%	7.9%	9.5%	11.4%	18.1%	20.3%	14.3%	7.1%	2.2%

Note: Staffing figures exclude all casual or zero hours employees

Appendix 3(e). Dudley MBC workforce profile by ethnic origin - 31 March 2016 (not including schools)

Group	People	Place	Resources and Transformation	Total
British	2006	1601	1139	4747
Irish	11	8	*	*
Any Other White Background	74	*	34	146
Caribbean	92	25	23	140
African	10	*	0	*
Any Other Black Background	11	*	*	16
Indian	82	35	37	154
Pakistani	36	15	16	67
Bangladeshi	4	*	*	8
Any Other Asian Background	12	*	7	*
White and Black Caribbean	20	16	*	*
White and Black African	*	0	0	*
White and Asian	5	*	*	10
Any Other Mixed Background	6	*	*	10
Chinese	*	*	*	7
Other	*	0	0	*
Not known	152	83	86	321
Total	2529	1838	1358	5725

Notes:

Staffing figures exclude all casual or zero hours employees

^{*}Small numbers of employees (1-3) or totals not published for data protection reasons

Appendix 4. Dudley MBC recruitment data: April 2015 – March 2016 (not including schools)









