

EQUALITY AND DIVERSITY REVIEW

Purpose

- 1) This paper has been prepared for the Board to provide an overview of the current position of the equality and diversity agenda across England and to consider how to make further progress.

Recommendations

- 2) The recommendations are:
 - a) Provide a **supportive** briefing note to Cost Centre Managers from Simon Hodgson (in his role as EEB Diversity Champion). This note would remind Cost Centre managers of their leadership responsibilities on Equality and Diversity and encourage FDM's to build on the good work that is happening on the ground. EEB may wish to use the management briefing at Annex 1 as a basis for the note.
 - b) Review and refresh the Equality Analysis (EqA) process to ensure that it is easy, compliant and flexible for use across the business, with a linkage to KPI's where appropriate. Care needs to be taken to ensure that those currently using the FC EqA process continue to do so.
 - c) **Develop** the diversity key contacts in either each Area/ District (the Diversity Team has established a network) **or** identify a lead in FS and one in FE so that they can ensure that the basic requirements are in place and provide support on the EqA process as necessary. Details of the role, responsibilities, time commitment, etc are outlined at Annex 2.
 - d) Review and develop local web site provision with a view to enhancing the diversity information and imagery for each Forest website to enhance the 'Welcome' experience. This would involve working collaboratively with the Diversity and Comms and Marketing Teams.
 - e) Ensure that major new projects (capital and non-capital); Business plans (as necessary) and new policies have an appropriate equality analysis at the Project Board level/ overarching programme level and/or at the FSMB and FEMB level.
 - f) Give consideration to building in equality and diversity capacity and supporting systems and data capture as the development of FEE+ progresses to ensure the business benefits of engaging with diverse communities are achieved and compliance with the legal obligations maintained.

- g) Linked to (f) above, consideration needs to be given to the view of the Business Strategy Working group that equality and diversity should be one of the early shared service functions to be devolved. If the Business strategy working Group recommendation is accepted then plans will need to be drawn up to cover how FCE will take over and manage this responsibility in the future.

Background

- 3) The Equality Act came in to force in October 2010 and replaces/consolidates all previous equality legislation. There are now nine categories and 'protected characteristics', and these are listed below:
- a) Race
 - b) Sex
 - c) Disability
 - d) Gender Reassignment
 - e) Civil Partnership and Marriage
 - f) Maternity and Pregnancy
 - g) Religion or Belief
 - h) Age
 - i) Sexual Orientation
- 4) The Equality Act requires the FC to have due regard to the need to:
- a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
 - b) Advance equality of opportunity between people from different groups; and
 - c) Foster good relations between people from different groups.
- 5) This is known as the General Duty. The Government has recognised that public sector resources are scarce. Therefore, with regard to the diversity agenda, the FC can focus on those areas of its business likely to make the most positive impact in achieving the General Duty. Each year the Diversity Team completes an analysis of the FC England Corporate Plan which states which objectives/aims require consideration of the Diversity agenda and those which do not. For FC England the focus is on the provision of direct services to customers i.e. the recreation and education experience.
- 6) Equality Analysis (EqA) is an important tool to ensure that our policies and practices meet the three aims of the General Duty.
- 7) A review has been undertaken of forest 'service delivery' and employment provision in England to assess compliance against the public sector equality duty.
- 8) The review has been conducted by holding a series of meetings with:
- a) The Shared Services Diversity Team
 - b) The Head of Recreation and Public Affairs

- c) The Enabling Programme Manager (WPEP)
- 9) This was then followed up by an e mail that went out to all FMD's, followed by a series of telephone calls (with those that were available), to discuss points in more depth and obtain feedback on the following:
- a) Usage of the diversity data produced by the FC Corporate Forestry Statistics Team such as the stakeholder public opinion survey and additionally the BMG consultancy research on the quality of visitor experience;
 - b) To what extent EqA's are being used;
 - c) The Work being done towards the equality objectives and examples;
 - d) Linkages to other organisations to help progress either engagement with various groups, share facilities/deliver equality in service delivery;
 - e) What assistance if any may be needed to help embed diversity/equality considerations in to normal business/customer processes?
- 10) Additionally a random sample search of local forest websites was conducted together with a search of other websites such as various National Parks and Natural England.

Review Results

- 11) The HR Shared Services Diversity Team has worked hard to ensure that the FC is compliant with the public sector specific legal requirements. They have achieved this by internally promoting equality and diversity, by publishing our annual diversity monitoring report and by agreeing and publishing associated diversity business objectives with the component parts of the FC business, including FC England.
- 12) There is a National Office perception that more should be happening to comply with the general duty and with the usage of EqA's.
- 13) Most Forest Districts fear that they are being pushed down a 'tick box' route with regards to EqA's and many admit that they have not completed one around their service planning process for several years. Although some are using the equality data to inform various plans, particularly those where schemes have attracted grant or Heritage Lottery funding.
- 14) Generally Forest Districts try to provide information to link in to the corporate equality objectives with a view to the improvement of facilities and access, particularly where there is grant or Heritage Lottery funding. For example, this has resulted in schemes to work with underrepresented groups such as working with autistic children, community outreach for the elderly and young people from black and ethnic minority backgrounds. Generally, these initiatives (including

equality data) are monitored through funding body processes. However, not all initiatives are being picked up through the equality objectives and there seems to be a mismatch between the objectives and some of the initiatives on the ground. Examples of this are the Gateway to Nature projects, various volunteer projects.

- 15) EqA's generally are not being used at the business planning stage in Districts and any equality analysis that is being undertaken tends to be built directly into grant aided schemes at the point of the grant application. These are then monitored throughout the lifetime of funded projects to meet agreed outcomes. It is unclear whether this alone would fully satisfy the requirement of the Public Sector Duty. The requirement is to show that 'due regard' has been given to equality matters and public sector organisations must decide the best way of achieving this.
- 16) The Government has attempted to reduce the administrative burden on public bodies by recommending that equality impacts must be considered as part of policy making rather than being a tick box exercise.
- 17) If we are audited under our current localised practices against the principles enshrined within the public sector equality duty, we may not be able to fully provide consistent audit trails to demonstrate our full compliance under the Equality Act 2010. This will be a matter for Cost Centre managers to determine whether they could demonstrate that they had considered the equality impacts as and when the next audit takes place.
- 18) Annex 1 provides a draft guidance note that clearly lays out what managers need to consider in order to demonstrate that they have given 'due regard' to equality matters. The draft guidance note has been based on a published guidance note from Eversheds Solicitors and Cost Centre Managers may find this helpful.
- 19) As part of the research Dartmoor National Park Authority was contacted as they have developed an internal approach to equality and diversity as a response to a paper produced by the South West Protected Landscape Forum. As part of this exercise equality impact assessments are being conducted at the business planning stage, at the planning stage for major projects and at the strategic reporting stage. Additionally they have produced a simple post project Equality and Sustainability Impact Assessment Screening record that would accompany a final report on the equality outcomes of a particular project.
- 20) This approach is similar to the approach being taken within Forest Services, whereby an equality analysis has been conducted in connection with the change programme part of the business plan, at the project board/programme level and at a new policy level.
- 21) Likewise the Enabling Programme Manager (WEPEP) has recently produced an EEB paper on Equality and Diversity and has recommended that an EqA

should be signed off at the programme board level and an EqA has been produced to cover the project streams.

- 22) It is however acknowledged that there is a difference in approach between FS, National office and Forest Districts.

Employment:

- 23) The Forestry Commission is served well with a range of strategies and policies that encourage diversity and equality with regards to recruitment and employment. These can be found on the HR FC Shared Services section of the intranet.
- 24) The Civil Service guidance on monitoring equality and diversity in employment highlights the importance of workforce monitoring in order to build an inclusive organisation and to inform appropriate action.
- 25) The table in annex 3 provides a breakdown of the diversity profile of FCE. (Note: it will be necessary for the new PFEMO to capture, monitor and publish its own equality and diversity data in order to comply with the public duty under the Equality Act).
- 26) A recent report from the Diversity team indicates that the workforce profile of the Forestry Commission has not changed over the previous 12 month period. The figures capture race, gender, disability and age profiles within FCE. It is noticeable that the profile on disability appears low compared to the demographic statistics for England/Scotland (18% of the population declaring themselves disabled). However, the low figures are partly due to staff not reporting changes to their health status through the 'yourself' system. It is noted that the diversity of the workforce is monitored via the staff survey and annually through the REBUS system. However systems will only reflect the information that has been provided and therefore it may not be possible to report accurately on disability.
- 27) Additionally the racial background of the workforce remains low. From previous research that has been conducted, we know that there are a number of reasons why BAME people would not choose to work for the FC, including the rural location of many of our jobs and a lack of awareness of the FC and what it does.
- 28) As highlighted by the recent EB report from the Diversity Team, the monitoring has not highlighted anything discriminatory in the FC's processes and procedures.
- 29) Discussion of the alternative courses of action available
- a) The Board as the senior leadership team has a duty to ensure that FCE is applying practices in a consistent way which complies with the general public sector duty on equality. Cost centre managers may find it helpful to

read the management briefing note and guidance. This can be done in a supportive/encouraging manner.

- b) The feedback received was open and honest and generally the managers that took part felt that it would be useful to develop the key contact for diversity and ensure that they were also familiar with the various data streams relating to stakeholder and visitor survey results produced by the Corporate Forestry Support Statistics Team. The Diversity Team has offered to assist Cost Centre Managers to meet their requirements in whatever way it can and have re-iterated their availability to visit local teams (e.g. a visit to South England District is scheduled for June).
- c) Where EqA's are not being created, it will be important that there is a basic but compliant means of capturing the appropriate data, possibly through a refreshed simplified EqA arrangement. The reasoning behind this is to try and win hearts and minds and remove the perception of a tick box approach that involves additional work and bureaucracy. The objective is to ensure that FCE provides facilities, recreation and employment reflective of the communities that it serves. A refreshed process could be linked to KPI's as appropriate to ensure that it is embedded in to normal business processes.
- d) Further internal audit or support visits to assess compliance is a possible course of action open to us.
- e) Web sites and signage are a way of reaching out to the public and these could be further developed along with accessible signage in order to encourage people from underrepresented groups to visit.

Resource Implications

- 30) The resource implications are time/people and utilisation of the Diversity Team. FCE is already paying for a proportion of the Diversity Team's costs through the agreed Business Plan.

Corporate Plan

- 31) The paper supports the Corporate Plan and the aligned People Strategy.

Risk Assessment

- 32) A number of risks have been identified and these are:
 - a) FCE not increasing its share of the available spending power of diverse communities – see Annex 3.
 - b) A failure to provide an accepted Equality Analysis process may perpetuate the feeling at District level that equality and diversity is a bureaucratic process;
 - c) A failure to evidence 'due regard' may result in customer/lobby group complaints and reputational damage;

- d) A failure to link local equality initiatives to strategic objectives may result in missed opportunities to promote our services to a wider range of diverse groups in a prioritised way.

Equality Impact Assessment

- 33) Not required for this paper.

Communications

- 34) The Board will determine the next steps.

Conclusions

- 35) To conclude, the recommendations have been made on the basis that changes can be made in FCE, to support FD teams with engaging diverse communities.
- 36) The evidence that Districts do undertake work when applying for grants and Heritage Lottery Funding indicates that some work is being done to capture evidence that 'due regard' is being given to equality matters. This will pave the way for future progress and a cultural shift.

**Angela Gizzi and Simon Hodgson
Senior HR Manager and Chief Executive Forest Enterprise
8 July 2014**

Annex 1: Management Guidance on Equality Analysis 2014 - England

Introduction

Since the introduction of the Equality act 2010, Public Sector Organisations need to evidence that they have exercised 'due regard' to equality and diversity when considering new policies, projects or initiatives that impact on people and communities. The current requirement is for public service providers to exercise judgement and proportionality when considering 'due regard' to equality under the Public Sector Equality Duty so that there is a genuine attempt to promote equality and diversity within our communities and workplace.

Demonstrating Due Regard

Although the Government has gone some way to try and make the process less burdensome and bureaucratic, there does need to be a means of demonstrating that an equality assessment has been undertaken at the start of a policy making process and is being monitored for the duration of the project, initiative or policy. The Cost Centre manager/Project Manager should ensure that the approach is proportionate, timely and that an audit trail is kept to show that 'due regard' has been given to equality matters.

Practical Steps

In order to demonstrate that 'due regard' has been given to these matters, Cost Centre Managers/Project Managers will need to clearly show:

- a) The stage at which the duty was considered;
- b) The considerations that were made;
- c) How the assessment was undertaken and conclusions reached to establish full compliance with the duty.

Equality Analysis

There are five main questions that need to be addressed in an Equality Analysis (EqA) and this will provide a simple audit trail:

- a) What is the nature of the service, function, policy, initiative or saving?
- b) Who are the main people that will be affected?
- c) What research or consultation(s) have been carried out?
- d) What are the equality impacts on different equality groups (positive and negative)?
- e) What action planning and monitoring is going to take place?

Annex 2: Print Screen of e-Connect page

The screenshot shows a web browser window displaying the e-Connect website. The browser's address bar shows 'ect'. The website's header is green and contains the 'e-Connect' logo, navigation links for 'COUNTRIES/FR >', 'CENTRAL SERVICES', 'APPLICATIONS >', and 'HELP >', a search box with the text 'Search' and a 'Go' button, and a utility bar with icons for home, search, print, and page settings, along with the text 'Page Safety Too'.

The main content area is titled 'Internal Staff Forum'. It contains the following text:

The Internal Staff Forum, which meet every 6 months, is made up of volunteers from all parts of the Forestry Commission (FC). Time to conduct Forum business is added to members' forward job plans; some work is required outside of the formal meetings.

Terms of Reference:

- To provide advice, views and recommendations on the impact policy changes may have on FC employees and stakeholders.
- To provide advice, views and recommendations on the impact service changes may have on FC employees and stakeholders.
- To provide advice, views and recommendations on the impact function changes may have on FC employee and stakeholders.
- Provide a mechanism for forum members to bring ideas and suggestions on how FC can improve as an organisation in relation to equality and diversity.
- Forum members to act as champions to promote the values and principles of equality and diversity within their work and with colleagues.

Those responsible for creating policies, functions or services may contact the Forum via the **Diversity Team** if they are interested in using this internal consultation process.

Internal Staff Forum Members:

- **Nicky Whitaker:** Head of Corporate Services FC S, 0131 314 6416 (Chairperson)
- **Romena Huq:** Central Scotland, 01698 368 350
- **Mike Strachan:** Perth & Argyll Cons, 01738 450790
- **Laurence Campbell:** Moray and Aberdeenshire Forest District, 01466 794161
- **Nadeem Shah:** NRS, 0131 445 6930
- **Pamela Ness:** Silvan House, 0131 314 6557
- **Lindsey D'onofrio:** Silvan House, 0131 314 6578
- **Kate Hawley:** York, 01904 382321
- **Helena Ladbury:** Alice Holt, 01420 526253
- **Louise Fleetwood:** Central England, 01623 821457
- **Sharon Rose:** SW England, 01626 892864
- **Paul Brown:** North England, 18002 01768778075

The Forum is keen to have a wide range of members from across the FC and as representative as possible of the nine protected characteristics (age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sexual orientation and race).

If you are interested in joining and making a contribution to the way the FC embraces the challenges and benefits of equality and diversity, would like more information or wish to talk to a member of the Forum, please contact one of the **Diversity Managers**.

On the right side of the page, there is a sidebar with a green header 'Equality and Diversity Home Page' and a link 'Diversity: Who Does What?'. Below this is a section titled 'Minutes of Meetings' with a list of dates: 'December 2012', 'March 2013', 'September 2013', and 'January 2014'.

The browser's taskbar at the bottom shows the 'Internet' icon and system tray icons.

Annex 3:

All FC England Workforce (1069)	National Office England (53)	National Office England – PB3 & Above (17)	FE England (826)	FE England – PB3 & Above (49)	FS England (190)	FS England – PB3 & Above (39)
<ul style="list-style-type: none"> • White – 98.6% • Mixed – 0.2% • Asian – 0.4% • Black – 0.2% • Other – 0.6% 	<ul style="list-style-type: none"> • White – 90.6% • Mixed – 1.9% • Asian – 5.6% • Black – 0% • Other – 1.9% 	<ul style="list-style-type: none"> • White – 94.1% • Mixed – 0% • Asian – 5.9% • Black – 0% • Other – 0% 	<ul style="list-style-type: none"> • White – 98.9% • Mixed – 0.1% • Asian – 0.1% • Black – 0.3% • Other – 0.6% 	<ul style="list-style-type: none"> • White – 98% • Mixed – 0% • Asian – 0% • Black – 0% • Other – 2% 	<ul style="list-style-type: none"> • White – 100% • Mixed – 0% • Asian – 0% • Black – 0% • Other – 0% 	<ul style="list-style-type: none"> • White – 100% • Mixed – 0% • Asian – 0% • Black – 0% • Other – 0%
<ul style="list-style-type: none"> • Male – 65% • Female – 35% 	<ul style="list-style-type: none"> • Male – 40% • Female – 60% 	<ul style="list-style-type: none"> • Male – 59% • Female – 41% 	<ul style="list-style-type: none"> • Male – 69% • Female – 31% 	<ul style="list-style-type: none"> • Male – 84% • Female – 16% 	<ul style="list-style-type: none"> • Male – 56% • Female – 44% 	<ul style="list-style-type: none"> • Male – 77% • Female – 23%
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* REBUS data as at 31/12/13 (excluding Office Holders and contractors).