

Agenda Item 9

Executive Board Meeting
4 March 2015

Memo No 4/15

DIVERSITY - FORESTRY COMMISSION'S WORKFORCE

Purpose

1. To advise Executive Board members of the current diversity of the Forestry Commission's workforce.

Background

2. The Forestry Commission's legal obligations under the Equality Act 2010 are detailed at Appendix 1.
3. The Forestry Commission (FC) has a legal requirement to produce a report annually by 31 January which monitors workforce and customer diversity across the nine protected characteristics and provide progress on achieving the FC's diversity objectives.
4. Although the current and previous Monitoring Reports have not highlighted anything discriminatory in the FC's HR processes and procedures, the FC's workforce diversity remains very poor, and does not reflect the diverse society that we serve.
5. The Government recruitment freeze and FC down-sizing have limited our ability to further diversify our workforce.
6. The Equality Act requires senior management involvement, ensuring they are committed to, informed about and involved in the equality and diversity agenda. The breadth of the FC's approach to equality and diversity, including senior managers' involvement, is summarised at Appendix 2.

Workforce Diversity

7. The FC's workforce as at 31 March 2014 numbered 2,537 individuals and was predominantly male (67%), white British (95%), not disabled (98%) and aged 40 or over (68%).
8. These percentages are almost identical to last year. The FC has not significantly improved the diversity of its staff since we started diversity monitoring our workforce eight years ago.

9. The internal and external recruitment applications remain dominated by white men who do not have a disability.
10. The staff survey carried out at the end of 2013 indicated that, of those staff that responded to the survey, only 1% identified themselves as Lesbian, Gay or Bisexual. However, 14% of those that responded chose not to disclose their sexual orientation. A total of 1.6% of staff who responded identified themselves as transgender. This is high (and increasing steadily) for an organisation of this size compared to the national average.
11. In terms of religion and belief, the largest group of those who responded to the staff survey identified themselves as Christians (42%), followed by those with no religion (37%) and then those who preferred not to disclose their religion (12%). The next largest group was those that are atheist (6%) followed by 3% who practice other religions (Buddhist, Muslim, Hindu and Jewish).
12. A total of 217 staff (15% of those who responded to the survey) advised that they had caring responsibilities for elderly or disabled children/relatives.
13. A total of 409 staff (16% of total staff; 31% of women and 10% of men) utilise a flexible working pattern.
14. The FC percentage of women who return to work after maternity leave is 96%, which is higher than the HSE calculated GB average of 69%.

Issues Arising from the Annual Monitoring Report

15. The Monitoring Report indicates that there is nothing inherently discriminatory in the FC's policies and practice with regard to staff. Many of the differences between protected characteristics are to be expected. There are several differences that we will continue to monitor closely in case trends develop.
16. However, the Monitoring Report also details the continuing low level of staff diversity. Although the level of external recruitment has dropped over recent years, the FC advertised 214 posts externally (including the wider Civil Service) during 2013/14.
17. This means that the FC is not fulfilling its key diversity objective of having a workforce that reflects the society we serve. Data collected via the 2011 Census shows the demographic of the country (Scotland and England) is:
 - Gender: 51% female, and 49% male;
 - Ethnicity: 85% White, 2% Mixed race, 8% Asian, 4% Black, and 1% Other;

- Disability: 18% consider themselves disabled, and 82% are not disabled;
- Age: 19% are aged 15 or below, 12% are 16 to 24, 13% are 25 to 34, 14% are 35 to 44, 14% are 45 to 54, 12% are 55 to 64, and 16% are 65 or over; and,
- Religion: 59% are Christian (all denominations), 9% are non-Christian, and 32% have no religion.

Actions Being Taken

18. The Diversity Team continues to carry out a limited publicity campaign within the disabled and ethnic lifestyle press to promote the FC both as an employer and a provider of recreation opportunities.
19. Both FR and FC Scotland are taking a proactive approach to evaluate their current staff diversity, the impact of their respective cultures on staff and take steps to change and improve the diversity of their workforce. For example, FC Scotland has already carried out focus groups with staff of both genders and has developing a programme of actions to improve the gender diversity of their workforce. The Diversity Team is currently working with those on the Talent Action Programme in Scotland on how to tackle Unconscious Bias and increase understanding of the changing diversity of Scotland's population and how FC Scotland will cope with that in the future.
20. The Diversity Team is also working with the senior management teams in England and Scotland to develop a 'Diversity Exemplar' District model that we are planning to pilot in an English District in the Summer.
21. The Diversity Team, with the support of colleagues in FR, has accumulated a great deal of evidence about the use of forests by people with protected characteristics. This will inform the development of a new set of diversity objectives throughout 2015 for FC Scotland and FC England (it is a legal requirement to publish these by April 2016). This will ensure that FC customer services continue to be valued and hopefully open up our forests to the groups of customers who are not using estate regularly.

Equality Act Impact on FC Business

22. Completion of Equality Analysis remains patchy throughout the business and is an area that the FC needs to improve on. Completion of Equality Analysis provides several business benefits, as well as contributing to meeting the FC's legal obligations under the Equality Act.
23. The Government accepts that public sector resources to devote to the equality and diversity agenda must be focused on achieving the Equality Act General Duty.

Therefore, the FC has been able to prioritise available resources on equality and diversity on key areas and issues where we can make a real difference. This is based on evidence gathering and engagement with diverse communities, in order to justify our priorities.

24. The EHRC and Government Equalities Office have made clear that best practice is to ensure equality and diversity objectives are built into the FC strategic planning process and Business Plans and not a separate HR process.
25. The Monitoring Report also reviews our achievement and progress with regard to our objectives. Good progress has been made with many and the FC continues to offer a range of services to those with protected characteristics.

Resource Implications

26. None at present.

Risk Assessment

27. As pointed out previously, the risk to the FC of failing to diversify our workforce and therefore failing to recognise, understand and engage communities of those with protected characteristics about the services we offer remains high.
28. The lack of Equality Analysis being carried out at a local level remains a high risk. This could lead to investigation by the Government Equalities Office and/or EHRC and potentially legal action.

Communications Issues

29. None at present.

Implementation and Evaluation Proposals

30. Annual monitoring will continue.

Recommendations

31. The Board is asked to:

- note the diversity of the FC's current workforce;
- be aware that equality objectives/priorities should be built into the strategic and business planning processes;
- recognise that local teams continue to be responsible for delivering many of the diversity objectives with regard to customers;
- note the risk with regard to Equality Analysis.

Stephen Bennett
Head of Corporate Services and Diversity
February 2015

The Equality Act 2010

The Act applies to England, Scotland and Wales.

Section 149 of the Act sets out an Equality Duty (often known as the General Duty). The duty covers age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex (or gender) and sexual orientation. In summary, all public sector organisations, including the FC, must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity between different groups; and
- Foster good relations between different groups.

The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnership. Together with the other characteristics outlined above, these form what is known as the nine protected characteristics covered by the Act.

The power to set more specific duties was devolved, so each country has different, further legal responsibilities. In December 2010, the Head of the Diversity Team agreed with the Government Equalities Office that the FC (then a GB organisation) would follow the Westminster Government's public sector specific duties. Therefore, the FC currently has two further specific duties:

- to publish information to show their compliance with the Equality Duty, at least annually; and
- to set and publish equality objectives, at least every four years.

All information must be published in a way which makes it easy for people to access it.

N.B. In Scotland there are ten specific duties, nine of which would apply to Forestry Commission Scotland. Wales has 18.

FC Approach to the Diversity Agenda

- Dedicated Diversity Team of 2.5 individuals with an annual budget set at circa £150K in FY 2015-16
- Team situated in HR function to ensure close engagement with other HR teams, particularly Recruitment, Policy, L&D, Occupational Health and Case Managers
- Five Diversity Champions across the FC business (four of whom are SSG)
- Staff Diversity Forum meets regularly with membership from across the FC, pay bands and protected characteristics
- FC Values include direct reference to diversity through respect – “We value each other and our stakeholders, recognising diverse perspectives and treating everyone with consideration.” Diversity Team was consulted and involved during Values refresh exercise
- People Strategy has E&D as one of the four key themes – associated action plan regularly reviewed by the HR Management and Service Boards
- There is an FC Diversity Strategy directly linked to the People Strategy – both are signed off by senior managers, including the Executive Board
- There are FC Diversity Objectives (three sets for FC England, FC Scotland and Diversity Team), published on the Internet and approved by country management boards and the Executive Board
- The Head of the Diversity Team is on the HR Management and Service Boards
- Annual discussions on FC diversity with the Executive Board, regular updates provided to Commissioners
- Suite of both online and face to face equality and diversity training available for staff. Also diversity is built into other courses as appropriate e.g. New Entrants (diversity specific presentation and discussion), Interview Skills, etc.
- Equality Analysis process developed and supported with guidance and ‘exemplar’ process map developed for use in Forest Districts
- Annual exercise carried out to monitor staff diversity, performance against objectives and services to diverse customers – results shared and discussed with senior managers, including the Executive Board
- Biennial Staff Survey carried out, which monitors staff diversity and levels of discrimination, etc. Diversity Team involved in developing content and complete

an analysis of the results for discussion with HR Management Board and Executive Board

- Internet and Intranet presence – extensive library of advice and guidance (much of it externally assessed and validated) including Operational Guidance Booklets
- Involvement in FC customer surveys, including Public Opinion of Forestry, etc. Diversity Team involved in developing content and carry out analysis
- Best Practice in customer initiatives is published and shared
- Suite of internal and external communications materials, including posters, leaflets and information booklets
- Network of contacts established with organisations representing the interests of people with protected characteristics (e.g. Business Disability Forum, Capability Scotland, Stonewall) and other public sector organisations
- Calendar published every six months with diversity events and links to guidance and ideas for forest themed events
- Process developed to provide reasonable adjustments for staff and customers
- Research programme developed by the Diversity Team and carried out by colleagues in Forest Research (Social Research Group)
- Monitoring of Civil Service, central Government, Government Equalities Office, Equality and Human Rights Commission development and initiatives for impact on FC
- Monitoring of news, social media etc to keep up to date with current developments.