

## EQUAL OPPORTUNITIES WORKFORCE MONITORING

### BRIEFING PAPER

- The Race Relations Amendment Act (2002) placed a number of statutory requirements on Public Bodies. These include:

#### General Duty

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Promote good relations between persons of different racial groups

#### Specific Duties

1. Publish race equality scheme
    - a. Identify, access and prioritise functions / policies / services
  2. Assess impact of functions / policies / services
  3. Consult on the impact of functions / policies / services
  4. Monitor the impact of functions / policies / services
  5. Ensure public access to information
  6. Ensure public access to services
  7. Employment duty (monitor)
    - a. Workforce
    - b. Recruitment
    - c. Training (applicants / recipients)
    - d. Disciplinary process (including appeals)
    - e. Grievance process (including appeals)
    - f. Performance assessment / appraisal (including appeals)
    - g. People leaving organisation (including dismissal appeals)
  8. Publish outcomes of
    - a. Assessments
    - b. Consultations
    - c. Monitoring
  9. Train staff in relation to duties
  10. Partnerships and procurement
- NHS Lanarkshire has made good progress in compliance with the General and most of the Specific Duties but, like most NHS Boards in Scotland, currently fails to fully comply with the Statutory Duty in relation to **the requirement to monitor the categories of activity within the workforce in relation to ethnicity**. Similar statutory requirements exist in relation to disability and age and again the Board currently fails to fully comply with these statutory duties. In addition, we similarly fail to fully monitor activity within the workforce in relation to gender, sexual orientation and religion, and although, at present, this does not represent a statutory duty it is likely to become such in the future and performance / compliance should be judged accordingly.

- The Board was recently asked by the Commission for Racial Equality (CRE) to submit a status report on compliance with the statutory duty in relation to workforce monitoring on ethnicity.

The report produced in response to the CRE highlighted a number of areas of workforce monitoring, analysis and reporting which require urgent action.

- The duty and good employment practice requires workforce monitoring and the publishing of reports across the aforementioned 6 equality themes in a number of areas of workforce activity.

The status of Board compliance in relation to each aspect of the Workforce Monitoring Duty can be summarised as follows :

- ***Monitoring the Workforce : Partial Compliance.***

Workforce monitoring data is captured and reported annually through the Board's Annual Workforce Plan. The Plan reports on ethnicity in the Lanarkshire community, ethnicity by staff headcount and ethnicity, age profile and gender profile by job family. Steps are currently being taken to create new fields within the workforce information reporting system to facilitate production, monitoring, analysis and decisions on positive action in relation to the make up of the workforce.

- ***Monitoring Applications for Employment and Promotion : Partial Compliance.***

A system is in place to monitor and report on applications received for employment for all staff groups except Medical and Dental, with data captured and reported according to the requirements of the statutory duty. This system has been in place since 1<sup>st</sup> April 2004. The current system does not however capture, analyse and report on information in relation to shortlisted and appointed candidates.

- ***Monitoring Applications for Training and Training Received : Non-Compliance.***

A system is in place to capture and report on applications received for training and training received but it has proved difficult to network the system with the Board's core employee database – which would facilitate full analysis and reporting in line with the requirements of the statutory duty.

- ***Monitoring Performance Appraisal : Partial Compliance.***

Executive Directors and Senior Managers are the only staff groups within NHS L where appraisal is linked to pay progression.

Historically the Board has not created or published reports in relation to performance related pay for Executive Directors and Senior Managers other than for the purposes of informing decision making within the Remuneration Committee.

Such reports are not currently designed to meet the requirements of the Statutory Duty.

Creation and publication of reports will require to be raised with the Director of Human Resources to ensure maintenance of confidentiality of personal information etc.

Discretionary Points are now only payable to Senior and (certain) Career Grade Medical and Dental staff. A system does not currently exist to capture and report on the award of Discretionary Points consistent with the requirements of the statutory duty.

The full introduction of Agenda for Change and the Knowledge Skills Framework (KSF) will create a link, in future, between evidenced staff competence and pay progression. Introduction of e KSF (an IT database for management of organisational records) should facilitate data capture, analysis, monitoring and reporting against the statutory duty in this regard.

○ ***Monitoring Disciplinary Action, Grievances and Harassment : Partial Compliance.***

A system is in place to capture and report on the incidence of investigations, disciplinary cases, individual staff grievances and cases of bullying and harassment – reported by job family.

Historically the data capture and report was not constructed to meet the requirements of the statutory duty.

Due to the limited numbers involved it has proved possible to complete a retrospective manual report to meet the statutory requirements and a system is now in place to more fully capture and report on data consistent with the statutory duty

○ ***Monitoring Staff Leavers : Partial Compliance.***

A system is in place to monitor and report on staff leaving the workforce. The system involves a leaving interview and completion of a Reason for Leaving data recording form.

The current system does not facilitate the reporting of data on leavers to a level which is fully compliant with the requirements of the statutory duty.

- The challenge of full compliance focuses mainly on the limited development nationally (SWISS) and locally (Empower) of effective Human Resources IT systems.
- On behalf of the Director of Human Resources and Workforce Development the Director of Organisational Development has established a small working group of the Board's HR and IT staff to address full compliance with the Statutory Duties and good employment practice.

- The working group will establish a project plan and will prioritise progress to create enhanced compliance with the Statutory Duty through the further development of data capture and reporting systems.

Board endorsement is sought to the approach that where the ideal solution depends on development of a national IT system and development of such a system is not being progressed according to a locally acceptable timescale then a) steps need to be taken to influence national system development timescales and b) interim local systems need to be developed and implemented.

The working group will establish links with colleagues in NHS Boards across Scotland to benchmark performance, to share models of good practice and to share development costs, where these prove necessary. SEHD support for this approach has already been sought by the Director of Organisational Development.

- Progress and performance improvement will be led by the aforementioned Working Group and will be monitored through Reports to the Board's Equality, Diversity and Spirituality Committee, the three Operating Committees, the Human Resources Forum and the Staff Governance Committee.
- In recognising the priority which should be given to this work, due regard should be paid to the 2002 date of creation of the RR(A) Act. This is not a new obligation placed on the Board but is one which arguably now requires to be treated with higher priority.
- It is suggested that the risk associated with non - full compliance should also be recorded in the Board's Risk Register.

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