

Global HPO Ltd  
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## ***Race Equality in Employment at Brighton & Hove City Council***

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Finally, we would like to acknowledge that the Council has already started a process of review and changes are being made that should enable the Council in the future to be a place where all feel valued, can be committed, and know that equality and diversity have meaning.

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## EXECUTIVE SUMMARY

A summary report containing key highlights; section summaries and conclusions along with recommendations is provided separately.

## 1. INTRODUCTION

### BACKGROUND TO THE STUDY

- 1.1 Following a meeting with the former Chief Executive (John Barradell) and the former Strategic Director Communities (David Murray), Global HPO (GHPO) were commissioned to undertake a project with a brief to review issues affecting BME (Black and Minority Ethnic Staff) in Brighton & Hove City Council (BHCC) based on concerns that had been raised by the council's BME Workers Forum (BMEWF).
- 1.2 Similar issues had previously been identified in a piece of work completed in 2006 by Ododo Dafe, a senior black manager in Brighton & Hove which detailed the experiences of staff from minority backgrounds who '*expressed dissatisfaction stemming from systemic and cultural disadvantage or discrimination in the organisation*'<sup>1</sup>. Latterly, this manifested itself in the way that HR employee relations policies, procedures and processes in particular were felt to have been applied, with a general sense from the BMEWF a significant degree of unfairness continued to exist within the council. It was also noted in the 'People Strategy'<sup>2</sup> that a request had been made by the BMEWF for a follow up study to be undertaken.
- 1.3 The GHPO brief was not to revisit what had been done in 2006 but to look at more current issues that were affecting certain groups of staff disproportionately. This was with particular reference to how BME staff were/are treated with respect to the application of people policies, procedures, processes and systems and whether they suffered greater detrimental outcomes in the application of these. More fundamentally, the brief explicitly focussed on what could and must be done to progress matters so that any issues, however challenging, could be appropriately addressed, with the council ready, willing and able to put in place mechanisms that would enable and support all staff, but in particular BME staff in Brighton & Hove.
- 1.4 The BMEWF in particular felt that the organisational culture, whilst it may not have deliberately sought to do so (though the effect was such), excluded BME people, was defensive and effectively discriminated against people from minority ethnic backgrounds. The Forum also thought that the lack of an effective performance management culture and practice tended to result in the proliferation of discriminatory practices. This, coupled with no agreed statement of values across the organisation, left a vacuum that was filled by individual view and action by some managers and staff alike.
- 1.5 The impact of this is 'silo' working, with no set standards in values, stark inconsistencies in performance standards, with pockets of good management performance working alongside pockets of very poor performance; two organisations in the same place, with some staff members in very high performing teams with good managers being nervous about moving to other teams for fear of a very different and far more negative experience.
- 1.6 Following the initial piece of work, a further scoping was done to ensure that the views of colleagues in Human Resources were clearly understood, and refined at a Working Party set up to oversee the programme. This took place in May 2012. With the departure from the Council

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<sup>1</sup> Taken from "*Perceptions of black and minority ethnic staff: A report of research findings*"

<sup>2</sup> People Strategy p7 bullet point 7

of both the former Chief Executive and Strategic Director, the Working Party was chaired by the then acting Chief Executive, Catherine Vaughan and included in its membership, representatives from the BMEWF Steering Committee (notably the Chair, Sandra Cartwright, Ms Trajkovska, Lianne De Mello and other members when available). Also in attendance were Abraham Ghebe-Ghiorghis, Head of Legal and Constitutional Services, John Shewell, Head of Communications; latterly, Denise D'Souza, Acting Director of Corporate Services and Sue Moorman, Acting Head of Human Resources. A programme of work was agreed and meetings were scheduled on a six to eight week timetable.

- 1.7 It should be noted that without the active involvement of the former Chief Executive and the Strategic Director Communities, work on this crucial issue for Brighton & Hove City Council would not have been undertaken.
- 1.8 It was agreed that the review would cover the period 1 April 2009 to 31<sup>st</sup> March 2012, and that:
- Global HPO would be granted access to all people related policies, procedures and process in the Council;
  - GHPO would review the outcomes of employee relations action by sampling disciplinary and grievance cases and reviewing compromise agreements<sup>3</sup>;
  - GHPO would look at actions short of dismissal including those arising from the capability process.
- 1.9 It was also agreed that while there would need to be a review of schools related work, they would not form part of this exercise because of particular challenges in accessing information.
- 1.10 GHPO also noted that particular steps would need to be taken to reach a significant number of staff who were not office based, specifically those working in the ancillary services involving shift work and also staff employed in *CityClean*. The latter in particular were offered specific sessions to meet their needs which included an interpreter for the proportionately significant number of staff from Eastern European countries.

### **Methodology**

- 1.11 The methodology adopted for the project is based on standard programmes of work of this nature and accords with the principles of research investigation and good practice. Two phases were identified:
- Diagnostic - a desk top research approach incorporating the review of documentary evidence and a qualitative assessment phase involving interviews and focus groups;
  - Analysis of the evidence gathered, reporting and then proposals for action and evaluation.

### ***Desk Top Research:***

- 1.12 The desk top research consisted of the following:
- A review of current/relevant human resources policies, procedures, processes and practices was undertaken. This area had been highlighted as a particular point of contention and it was important to understand those aspects that may be the source of

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<sup>3</sup> Details, other than numbers of agreements were not available to access



the dissonance within the organisation - and also to assess enabling approaches that should deliver outcomes in line with legal requirements, best practice and organisational values. On this basis, a substantial number of council processes and procedures were looked at - Appendix 1 details the list of policies and procedures accessed;

- A review and analysis of race equality monitoring data and reports as a means of providing a profile of race equality at BHCC, and to understand their methods and the issues with respect to equality record keeping and monitoring at BHCC;
- A case review of some 99 employee relations cases (a combination of disciplinary, absence/capability, grievances and dignity at work case work) were reviewed. A review was also undertaken of equality impact assessments (EIA)<sup>4</sup> completed by BHCC in relation to its employee relations policies, procedures, and processes. EIAs are only conducted once every three years in line with policy reviews;
- A review of key documents (e.g. Equalities Scheme(s), establishment and equalities data and 'The People Strategy', etc.) to understand the context of the HR philosophy and approach in relation to the business strategy of BHCC.

### ***Qualitative Research:***

1.13 Work of this nature is always about getting a clear view of the perceptions of the individuals involved. To do so required that GHPO see a wide enough range of people to get an understanding of the source of the perceptions held, and the context surrounding them to secure clarity in respect of the issues to be addressed.

- Between August 2012 and October 2012 a series of one-to-one interviews and focus groups were conducted council wide. This took in managers at all levels and a cross section of staff;
- Specific sessions were held with the BMEWF, the LGBT<sup>5</sup> Forum, and the DWF<sup>6</sup>, HR staff, trades union representatives and councillors. Approximately 120 people were seen over the period. Interviews were also held with the outgoing and incoming Chief Executives and members of the outgoing Senior Leadership Board;
- Of the 130 people that were seen some 57% were of UK origin<sup>7</sup>; 35% were from visible minority ethnic backgrounds and approximately 8% were from 'White Other' backgrounds<sup>8</sup>;
- A template was developed for these interviews and focus groups, which took no more than 90 minutes in most cases; a few of the focus groups lasted over 2 hours with the greater proportion of individual meetings taking about 50 minutes. Interviews were closely focussed so that relevant information could be obtained from key individuals.

### ***Report, Action and Evaluation:***

1.14 GHPO's aim, in line with the original brief, has been to produce a report and plan of action that

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<sup>4</sup> Now called Equality Analysis

<sup>5</sup> Lesbian, Gay Bisexual and Transgender Forum

<sup>6</sup> Disabled Workers Forum

<sup>7</sup> Including Irish

<sup>8</sup> Largely from eastern Europe but also Spain, Italy and Portugal

is practical and realistic within the context of Brighton & Hove City Council. This we believe will provide a route through understanding the critical issues, provide a blueprint for action and in that respect bringing the parties together to deliver required outcomes. The following considerations were relevant:

- It is important that the Council has acknowledged that the audience for future action is wider than those raising concerns and those seeking a resolution to the issues raised;
- As with the initial research piece issues around diversity, perceptions, alleged racism and discrimination require organisation wide involvement and effort. Sustaining the commitment expressed by all parties, be they the Members, executive, BME Forum, staff, trades unions and wider stakeholders to work to actively address and embed any recommendations will represent the key challenge going forward;
- As part of this piece of work we have proposed that a process is developed and implemented that should enable subsequent evaluation of outcomes in the journey that BHCC as an organisation will be undertaking. These have been, wherever possible and appropriate, linked into current frameworks that the Council may have to avoid duplications. This will be essential to drive change, acknowledge the challenges ahead, and most importantly, secure a lasting transformation that makes a difference to everyone who works for, with or is served by Brighton & Hove City Council.

## THE CITY

- 1.15 The city of Brighton and Hove is nestled between the South Downs and the sea. It has a growing population that includes a large student cohort, with a significant number of foreign language students. There is a growing economic migrant population, but precise numbers are difficult to estimate. Recently published census 2011 data from the Office on National Statistics (ONS) indicates that 10.9% of the local population come from a range of black and minority ethnic groups, and 7.1% from 'white other' groups with 82% from the white British and Irish communities. This indicates that the BME population has doubled its size from 2001 when the population was 5.3%. The 'white other' population has also grown from 4.6% in 2001. The minority ethnic population in Brighton and Hove is growing at a rate commensurate with the UK population as a whole.
- 1.16 Brighton has been described as the UK's 'gay capital'. The Stonewall Index estimated in 2010 that up to 17% of the population of Brighton and Hove are gay. The 2001 census revealed that Brighton and Hove had the highest proportion of same-sex households in the country at 1.29%: some 2,544 individuals said that they lived with a person of the same sex. The 2011 census did not measure same-sex households specifically but showed that Brighton and Hove had the highest number of civil partnerships in the country, at 2,346 individuals or 3.1% of all legal relationships within the unitary authority area.
- 1.17 The city has two universities and a highly qualified resident population. There is a significant level of entrepreneurialism evidenced by high levels of self - employment and business density that is much higher than most other equivalent towns and cities. With the high level of private sector jobs growth, Brighton & Hove has recently been described as 'buoyant' and one of the UK's 'super cities'.

## THE COUNCIL

- 1.18 The council is a significant large employer in the city, employing over 8,000 people on contracts, including staff in schools but excluding agency/casual staff. There are currently 4,974 people employed at BHCC, excluding schools and agency/ casual staff. The diversity profile of this workforce is:
- 59.5% are women;
  - 12.4% are lesbian, gay, bisexual and transgender (LGBT);
  - 6% have a disability
  - 5.3% come from a black and minority ethnic group (BME)
- 1.19 Given the nature of diversity in the city, it is not surprising that social inclusion and equality have been key issues for the council for a number of years. The council has invested in community engagement over many years, resulting in a strong civic culture. It engages with an extensive range of voluntary and community sector organisations, and with a large number of community forums for equality stakeholders who share experiences and engage and evaluate council services. Key amongst these stakeholder groups is the City Inclusion Partnership (CIP) – a partnership of the council, local statutory agencies, and voluntary and community groups. The partnership has jointly identified priorities and is starting to achieve its outcomes through joint working. The CIP’s Human Rights Charter has been described as an innovative document, serving as an exemplar for neighbouring authorities.
- 1.20 The council has established an equalities delivery structure enshrined in the Communities and Equality Team which is made up of approximately 10.5 full time equivalent posts. The staff working on equalities (four FTE posts) deliver activities across the equalities strands covering community involvement, accessibility of services, equality impact assessment, staff engagement, training & support, policy development & implementation. BHCC has invested in the development of equality staff forums - The Disabled Workers Forum, the LGBT Forum and the BME Forum - who provide mutual support to staff from these equality groups and enable relevant issues to be raised/addressed with and by senior council management. Each forum is provided with an annual budget (£5,000) to spend against the priorities outlined in their business plans.
- 1.21 BHCC’s work in equalities has been externally recognised through the achievement of equality accolades. In 2011 it attained ‘excellent status’ in the Equality Framework for Local Government after a Diversity Peer Challenge. This is owned by Local Government Improvement and Development and was carried out by trained peers who measured BHCC equality and diversity performance across all functions against the Equality Framework. BHCC is recognised as an exemplar organisation on LGBT issues – consistently attaining a place as one of the top 100 employers in Stonewalls Workplace Equality Index.
- 1.22 In 2010 BHCC was rated the highest local authority in the country for best practice in the employment of lesbian, gay and bisexual people.
- 1.23 In 2010 there was a focus on commissioning across the organisation. As part of this equality

impact assessments are being embedded in commissioning priorities. Whilst commissioning is one of the disciplines at the council it is now not seen as the way in which to structurally organise the council. However equalities issues will continue to be identified and addressed through the analysis process as seen in commissioning plans and prioritise

### **Initiatives and achievements in equality and employment at BHCC**

1.24 It is clear that BHCC has delivered some significant achievements in equality and diversity over the years, even though this has been reactive, and characterised by positive starts counterpointed by sudden stops. The particular initiatives and achievements in equality and employment include:

**a) Community out-reach work:** conducting, in conjunction with senior managers, outreach work in the community to identify issues which might prevent those from minority communities applying for jobs with the Council and promoting the organisation as the employer of choice; organising a number of presentations/workshops for minority community groups to explain the recruitment process and to help potential applicants apply for jobs with the council; consultations with the BME community and Jobcentre Plus, to find out from unemployed BME people how the council could encourage applications from this section of the community;

**b) Recruitment campaigns:** attending a range of recruitment fairs and events to promote the council as an employer of choice; running a number of innovative recruitment campaigns with an emphasis on diversity marketing - for example, a national and local campaign was launched introducing a “Working for a Diverse City” logo and jobs website to encourage people from all groups in the community to apply for BHCC jobs. This particular campaign was enhanced locally by a “Reflecting our Communities” advertising initiative; re-designing application forms to make them more accessible;

**c) LGBT Mentoring Programme:** The LGBT mentoring scheme is in its fifth year at BHCC. It provides peer support and advice to LGBT staff who have issues at work, whether they are discrimination or lack of confidence. The mentoring scheme has had a positive impact for the experience of individuals by offering support and development during increasingly difficult times of transition. Mentors also have on-going support via quarterly half day peer supervision sessions. Mentees take part in an intensive induction process prior to engaging within the scheme. Each relationship is evaluated twice yearly the outcomes of these evaluations go towards shaping the scheme for the following year;

**d) Local Employment Partnership Scheme (LEP):** working with Jobcentre Plus and other partners to provide employment opportunities for those over 18 who have been unemployed for six months or more or who have a disability including mental health issues, and are out of work;

**e) Disability Symbol User – ‘Two Ticks’ Scheme:** participation in the disability ‘two ticks’ scheme – the symbol is a recognition given by Jobcentre Plus to employers who have agreed to meet five commitments regarding the recruitment, employment, retention and career development of disabled people. By using the symbol it is clear to disabled people that as an employer, applications from disabled people are welcomed. It also shows existing employees that their contribution is valued and they will be treated fairly should they become disabled. The council operates a guaranteed interview scheme where applicants with a disability must be offered an interview where they meet the minimum essential criteria for the post. It has seen an increase in the numbers of disabled applicants who have made it to interview and on into positions over

recent years as a direct result of this scheme;

**f) PATH:** participation in PATH, a national initiative aimed at increasing the number of BME employees in certain professions. BHCC have been providing positive action training placements for BME trainees in the city since 2004. One or two of these trainees are reported to have progressed to achieve very successful careers in local government;

**g) People Strategy:** The development of the People Strategy led to an open debate about equalities in employment at BHCC;

**h) Bi-annual staff surveys:** BHCC seek and record the opinion of staff on their experiences of working for the council. The responses of particular equality groups are specifically sought and evaluated;

**i) Staff Forums:** LGBT, Disabled and BME Workers Staff Forums are supported. Steering Group members are allocated time to carry out their functions. They each have a budget to deliver their business plan priorities, agreed with the senior leadership team within the council;

**j) HR Equalities Group:** A strategic group comprising of staff from HR, Communities and Equality and representatives from each staff forum, where they can work together on equalities in employment issues;

**k) Councillor equality champions have been identified:** The councillor for equality is Cllr Leo Littman. His role is to support forum activities and raise awareness of specific issues. He supported the BMEWF in bringing their concerns to the attention of strategic leaders at BHCC;

**l) Dignity at work:** There is a comprehensive and generally well crafted Dignity at work Policy and procedure. Dignity at work advisers have been recruited and trained. These advisors are council employees whose role is to provide confidential support for anyone experiencing harassment or bullying at work. They are not advocates, but can point someone in the direction for appropriate help;

**m) Mandatory equalities training:** An e-learning foundation programme has captured 70% of staff. There is a two day skills course for managers on positive engagement and undertaking equality impact assessments.

- 1.25 While GHPO did not undertake a comprehensive search with regard to comparatives, what evidence<sup>9</sup> there is did not indicate that BHCC is particularly different in its approach to monitoring and or taking action in relation to issues of equality and diversity from others in its sector. However, BHCC amongst its peers has received a number of accolades and has itself made commitments in its corporate plan, People Strategy, and Equality and Diversity strategy that it has duty to deliver in practice.
- 1.26 It will be important therefore, going forward, for BHCC to set the standard to meet the obligations of the accolades it has achieved externally, those it has set itself and the expectations of its staff and customers in this area.

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<sup>9</sup> This material has not been reproduced in this report for reasons of business/commercial sensitivity and confidentiality.



## 2 PART ONE: THE WAY IT IS NOW

This section of the report details and comments on the current arrangements and outcomes with respect to racial equality at BHCC. It begins with the results of an analysis of race equality data, followed by the review of equality policies, approaches and structures, as well as relevant HR policies, procedures and practices.

### THE DATA ANALYSIS<sup>10</sup>

- 2.1 We began our study by conducting a document review - specifically examining ethnicity equality data information and reviewing the content of employment equality and HR policies and processes. Did the data reflect the reports and concerns of the BMEWF? Was there anything in the way that the policies and procedures were crafted that could have a detrimental impact on BME staff?

#### Diversity Monitoring at BHCC

- 2.2 Effective monitoring of diversity is an essential tool for measuring performance and progress towards equality and diversity goals and in ensuring true inclusion. It provides:

- a profile of diversity outcomes;
- tangible quantifiable evidence of equality or inequality;
- alerts for the potential or actual danger of inequality;
- the basis for equality analysis (impact assessments);
- a business tool to measure and manage equality;
- a planning tool to respond to diverse needs;
- evidence of compliance with the Public Sector Equality Duty.

- 2.3 In short it is the bedrock of an organisation's approach to equality - underpinning a dynamic equality/diversity strategy or schema. The central aspect of monitoring is the analysis that is then used to inform appropriate action. Key to this will be understanding the reasons why certain patterns are evident.

#### The Public Sector Equality Duty

- 2.4 BHCC has a duty under s.149 of the Equality Act to 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''.*

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<sup>10</sup> A number of tables are produced in this section of the report which detail percentages, more detail on the tables in terms of whole numbers is provided in Appendices B1 - 4

- 2.5 This is known as the general duty. In addition to this as a listed public body, BHCC is specifically required to publish equality objectives every four years and publish annually relevant information demonstrating their compliance with the general duty. In relation to staffing matters they must publish information about the protected characteristics of employees (as they have more than 150 staff). This information will usually fall into two main categories:
- Information to identify equality issues. Examples of this include equality monitoring information about employees;
  - Information about steps taken to have due regard to the aims of the general equality duty.

### **The Process at BHCC**

- 2.6 In employment BHCC use the ONS census categories (2001) for monitoring, and present and analyse the data with a focus on two groups aggregated from these categories thus:
- BME** includes: Asian- other; Bangladeshi; Black-African; Caribbean – Black; Black- other; Chinese; Indian; Pakistani; White & Black African; White & Black Caribbean; White & Asian; other ethnic background; other mixed background;
- Non BME or White** includes: White British; White Irish; White other background.
- 2.7 However, with respect to communities and services, BHCC use a system that is based on these categories, but sensitised to the diversity of the local population. Therefore, the white other category is broken down to include Polish, Portuguese and Gypsy<sup>11</sup> communities for example and the ‘other ethnic’ category is broken down to specify the presence of Turkish, Arab and Japanese communities.

2.8 **Highlight:**

As is the case with many local authorities, BHCC holds a lot of data. We do not believe that BHCC makes the best use of its data. Whilst regular and standard record collection and monitoring of certain aspects of equality is not carried out systematically, the data probably exists in the council’s information banks. It is just not interrogated effectively to develop the systems to provide the necessary reports. In this respect diversity employment data collection and analysis at BHCC is weak.

- 2.9 This is evidenced by the following:
- There have been challenges in using the IT programme to collect the data resulting in ineffective data collection;
  - There is no agreed and documented format detailing an effective methodology for equality monitoring, resulting in patchy performance and inconsistent approaches in analysis;
  - There is no dedicated resource to maintain an appropriate system;
  - There is a lack of understanding of how the data should/could be used to drive change;
  - There is no comparison of the BHCC workforce profile to the workforce in the community profile (economic activity), to provide equality targets – that is a profile of equality - and

<sup>11</sup> As categorised in BHCC's monitoring forms



enabling intelligent analysis to inform action;

- There is a lack of commitment amongst some staff and managers at BHCC to record the information consistently, resulting in approximately 15% of employed staff not responding to the ethnic origin question over the three year period, with the greatest level of non - participation in staff at Scale 6 and below (22.3% compared with 15.4% of all staff not disclosing in 2011/2012)<sup>12</sup>;
- There are high levels of non- response to the ethnicity question for applications in recruitment - approximately 20% over the three year period;
- There is limited monitoring of employment processes. For example, there is no monitoring of the grades people apply for and are recruited to, of promotion, of training and professional development, of discrimination and harassment that may occur because of a protected characteristic, that is harassment on the grounds of race, or gender or sexuality etc. nor of the reasons why people leave with respect to the quality of their work experience;
- Record keeping of non-contracted staff such as casual and agency staff is given even less focus, consisting of employment placements only, and no information on the grades that they are employed in, or other processes that they may be undergoing. This is particularly concerning in terms of number of annual temporary assignments (2,491 staff at 2012)<sup>13</sup> excluding those in schools.

2.10 In addition to the above, BHCC has not placed a focus on the equality outcomes for white minorities who are represented in the 'white other' category (which includes Eastern European migrants), even though the data indicates that in a number of the employment processes they have similar outcomes to the black and minority ethnic groups.

2.11 In relation to this, the BMEWF have included 'white other' in their categorisation of BME and there are a number of white minority ethnic people as members of the forum. This is in response to the (anecdotally) large numbers of Eastern European migrants a number of whom report similar experiences to black and other ethnic minority groups. For the data analysis in this study, we have identified outcomes for the 'white other' minority ethnic group as a distinct category. We would not recommend that BHCC include them in the BME category *for monitoring purposes*, but that they recognise that 'white other' staff experience similar outcomes to BME groups and keep this group in focus separately and in addition to the BME category.

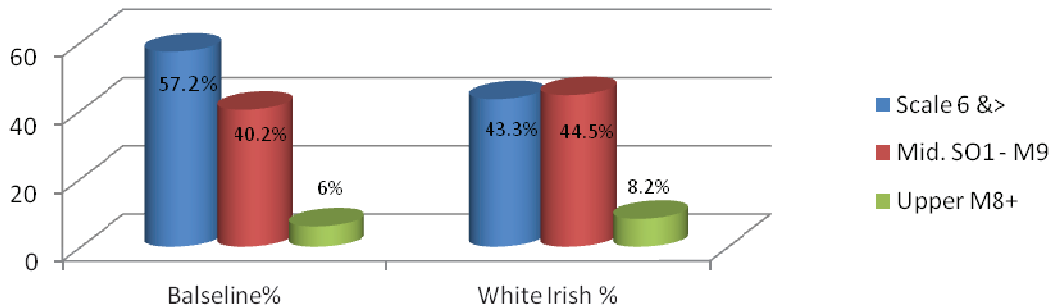
2.12 It should also be noted that White Irish are a minority ethnic group. BHCC may also wish to consider monitoring outcomes of this group separately and distinctly. We have not done so for this exercise as the employment outcomes for this group at BHCC do not indicate inequality and are in fact particularly favourable. However, White Irish staff have been subject to inappropriate name calling and 'jokes' – we address this below - which amounts to harassment and bullying, although again the number of reports of bullying from white Irish staff do not differ substantially from all staff (notwithstanding under-reporting which we also address below).

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<sup>12</sup> Though we noted that there has been recent drive to increase reporting among staff which has reduced the level of non-responders to approximately 12%.

<sup>13</sup> As reported by Carlisle Managed Solutions

**Table 1: BHCC Irish staff: Aggregate 2009/10 – 2011/12**



2.13 In analysing the data presented below, we have removed the element of uncertainty associated with the proportion of ‘unknown’ ethnicity, by taking account of known/declared ethnicity only, as this provides more reliable information. We have however, highlighted and commented on the level of ‘unknowns’.

**GETTING IN: Recruitment and Selection**

2.14 BHCC is the largest employer in Brighton, and BME people have been applying for posts in the council, although there has been a significant downturn in the most recent year. In 2006 ethnicity data relating to those available for work/economically active between the ages of 16 – 64 in Brighton and Hove revealed that BME people made up 7.4% of that figure. Our estimate for the most recent figure for 2011/12 is 10.3% (does not include ‘white other’). In relation to applications for work for the council over the past three years BME groups have constituted approximately 12.1% of all the applications and ‘white other’ 10%. This is relative to the level of their economic activity and their presence in the community, for BME people constituting 10.3% and 10.9% of the population respectively at 2011.

2.15 The race equality profile in applications for employment at BHCC over the past three years (aggregated) has been:

**Table 2**



2.16 However, the necessary ‘funnel’ or cone through the process from application, to shortlisting down to appointment has not followed the expected route for all ethnic groups, given the profile of applicants. In relation to this ‘funnel’ consider the following within each group over the past

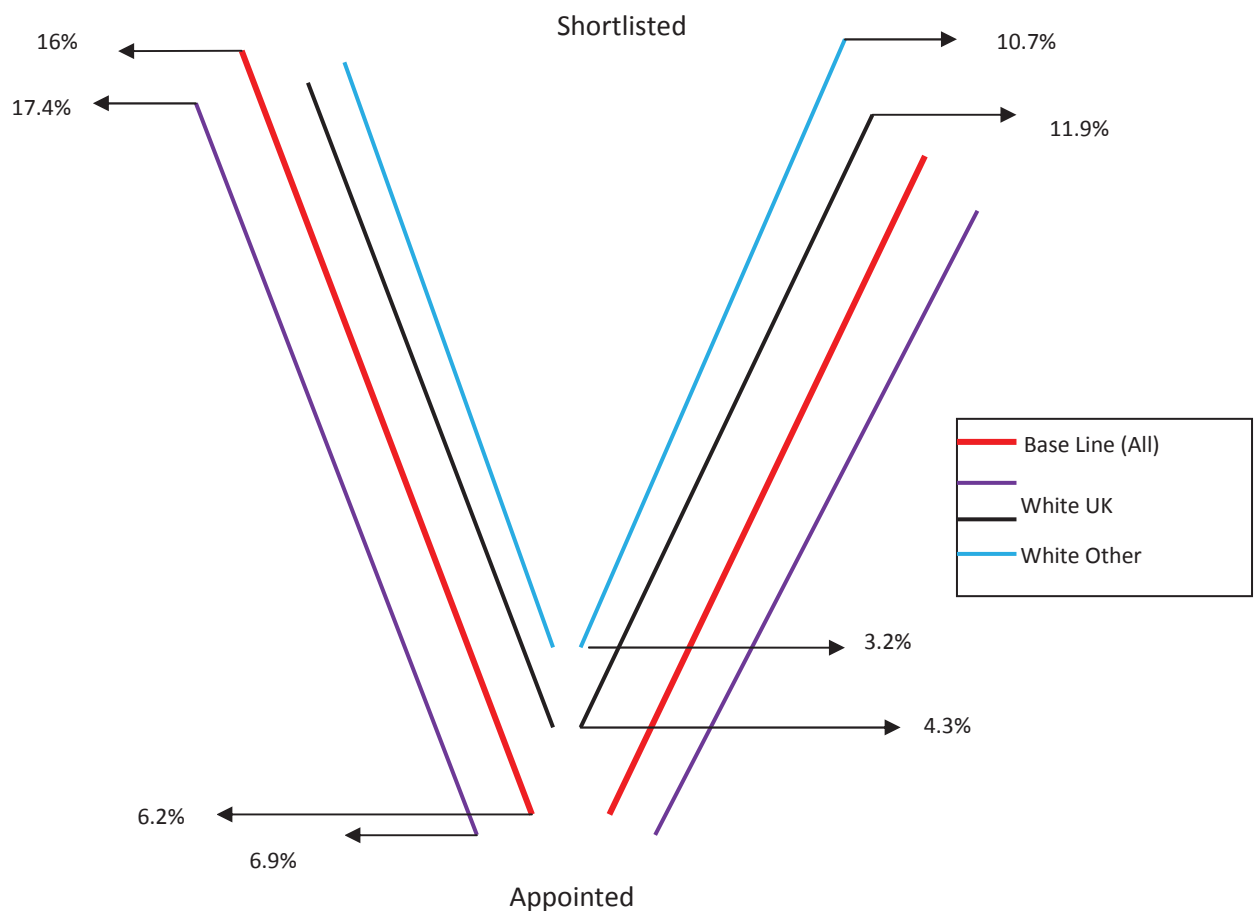
three years:

**Table 3**

	BHCC Shortlisted applicants (%)	BHCC job offers in relation to applications (%)
<b>All (baseline indicator)</b>	<b>16</b>	<b>6.2</b>
BME	10.7	3.2
White other	11.9	4.3
White British/Irish	17.4	6.9

2.17 The above table shows the properties of the cone or 'funnel' (rate of attrition) from application to appointment and measures the experience of each group against the norm or baseline.

**Table 3a**



12.17 The breadth of the 'funnel' is measured by taking the proportions from application to shortlist, and then from application to job offer. When we examine and compare the specific experience of particular groups from shortlisting to job offer, again during the same time period, the

following underscores this conclusion.

**TABLE 4**

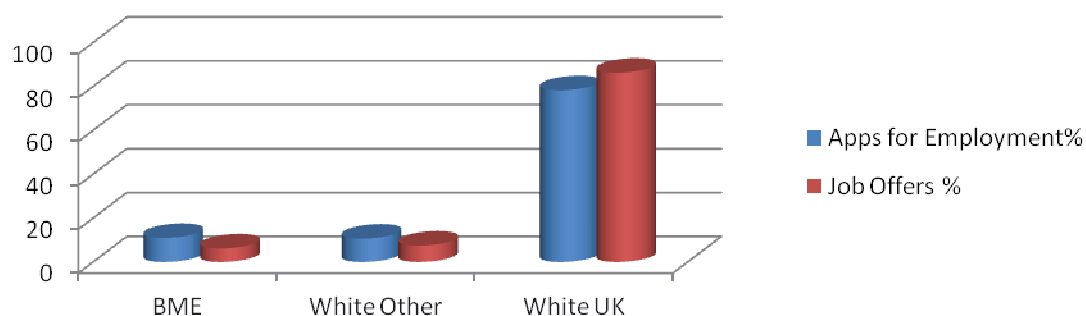
	BHCC % of shortlisted applicants offered employment
<b>All (baseline indicator)</b>	<b>39</b>
BME	30
White other	36
White British/Irish	39.7

12.18 The picture is clear. The ‘funnel’ is widest for ‘white British/Irish people, and tightest for BME people. BME in particular, but also white other applicants are not only less likely to be shortlisted, but are also less likely to be appointed. The route to employment at BHCC is more difficult for BME and ‘white other’ applicants.

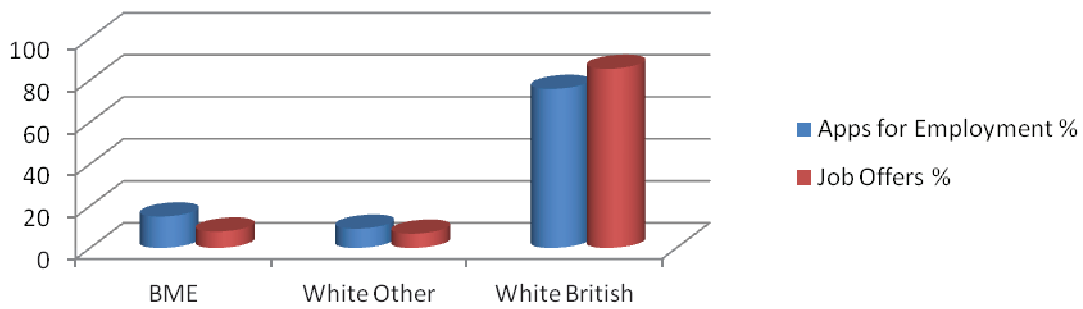
**Trends**

12.19 Over the past three years the numbers of BME people applying to work for the council has both risen and fallen again, and the number of ‘white other’ people in the same circumstances has been steadily falling.

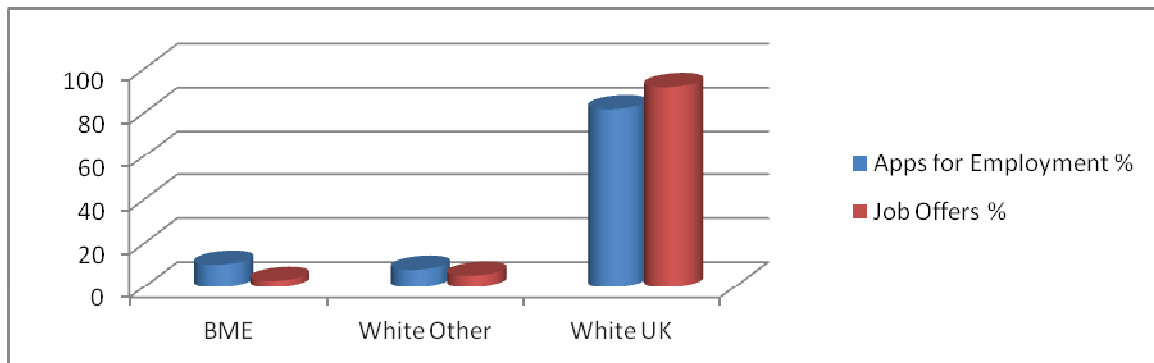
**TABLE 5: 2009/10**



**TABLE 6: 2010/11**



**TABLE 7: 2011/12**



2.20 Notably, there has recently been a significant fall in the proportions of BME people offered posts by the council, from 7.8% in 2010/11 to 2.9% 2011/12. There was also a drop in applications, but not proportionate to the fall in job offers. When we analyse the information for appointments in this year more closely the data underscores this finding, indicating that nearly 46% of all shortlisted applicants were offered positions in the council – for BME staff this figure was 22.7%.

2.21 BHCC does not keep diversity records of the grades, departments or disciplines that people apply for, and are subsequently appointed to. We comment further on this in Part Three.

2.22 **Highlight:**

The route to employment for BME and ‘white other’ people at BHCC is far more difficult. They are far less likely to be successful in attaining a position, and that situation has deteriorated in the most recent year.

**BEING THERE: Employment and promotion, grievance/harassment and discipline, training and development**

2.23 BHCC collect and monitors ethnicity information about the position of existing staff with respect to the grades that they are employed at and the departments they are employed in. It does not however, collect and monitor information about the progression of staff in the organisation, nor does it do so for comprehensive information about training and development – who accesses opportunities and who benefits as a result. BHCC also monitors information about grievance and discipline, but this is also limited as detailed below.

**Employment**

2.24 BHCC is a significant local employer, currently employing approximately 4,974 contracted and over a period on a year<sup>14</sup> 2,491<sup>15</sup> non contracted assignments on a casual and agency basis, and this does not include the staff in schools. This is an cumulative annualised figure and month on month the average number of temporary staff in the organisation is approximately 207. Over the last three years the numbers of people employed have been falling. Notwithstanding, the ethnic diversity of staff employed by the council over the three year period has not changed substantially, other than the 'white other' category has been falling slightly but steadily over the period. This is significant given that the BME and 'white other' community have been growing in Brighton and Hove during the same period.

**Table 8**

	<b>BME (%)</b>	<b>White other (%)</b>	<b>White British/Irish (%)</b>	<b>Total (%)</b>
2009/10	5.4	5.3	89.6	100
2010/11	5.5	5.2	89.3	100
2011/12	5.4	4.9	89.5	100

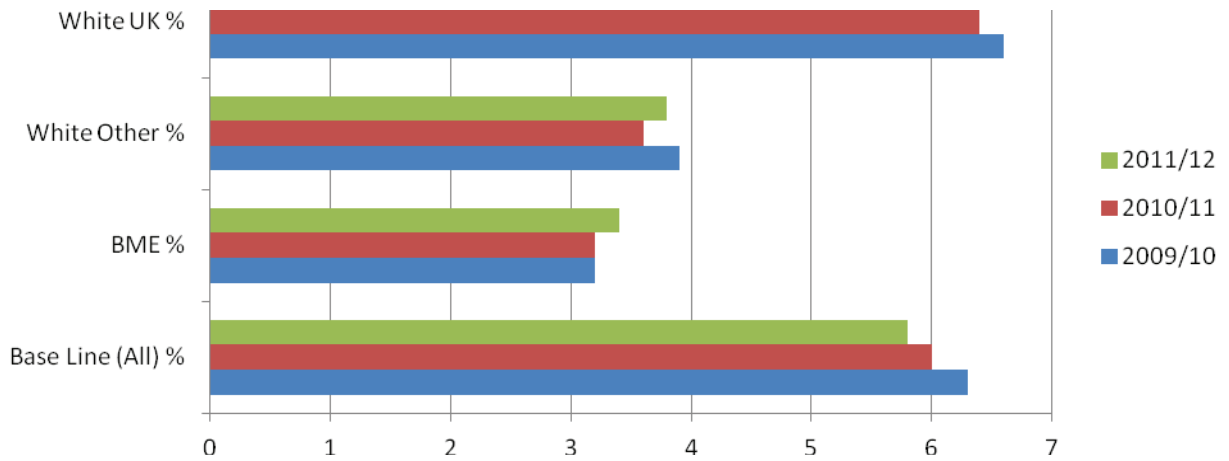
2.26 BME staff are under represented at the more senior levels in the council and over represented at the most junior grades. Again this profile has not changed substantially over the three year period, even though the local population of BME people has grown along with the rate of their relative economic activity.

The table below shows that the proportion of staff at the most senior levels at BHCC has been falling over the years. This reduction has affected the white British/Irish people in the council and to a lesser extent the white other groups, but not the BME group. Over the three year period the number of BME staff at M8 and above has remained the same (eight people), but their proportion at senior levels has increased slightly as a result of the reduction of staff in the other ethnic categories. There is still however, notable under-representation.

**Table 9: Staff at M8 and above annualised**

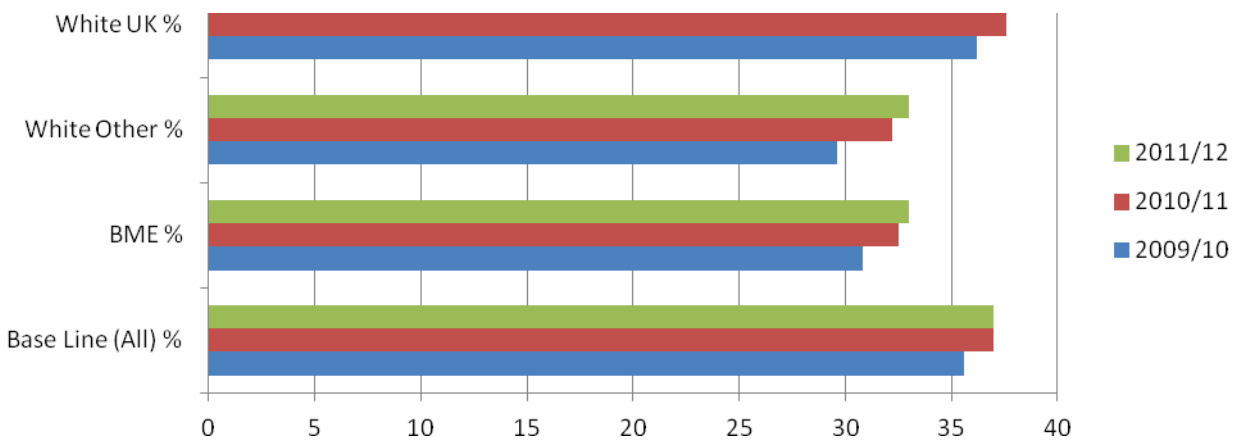
<sup>14</sup> April'11 - March 2012

<sup>15</sup> This number has been reducing since 2006 when Carlisle were brought in to help manage temporary arrangements



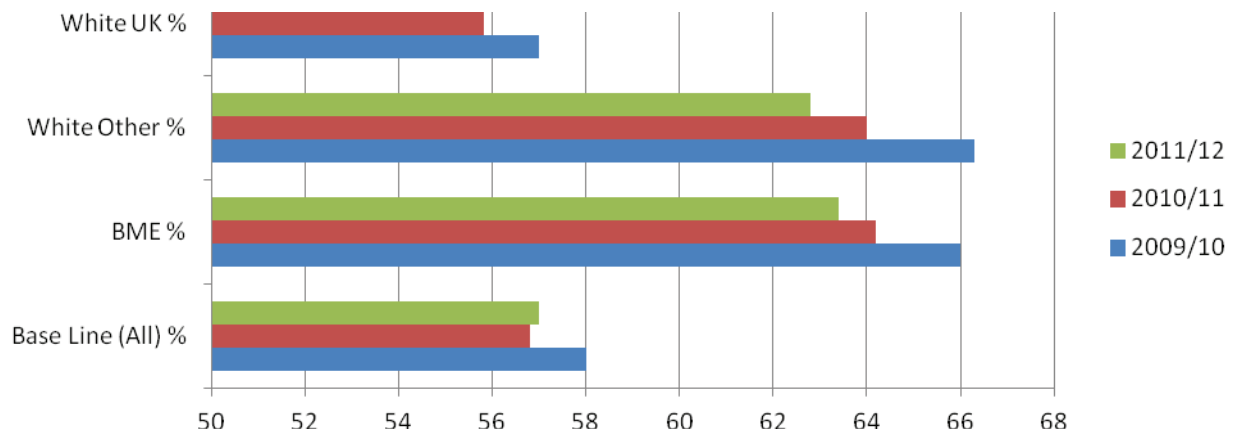
2.27 It would appear that the processes of job evaluation and staff reductions did not impact negatively on BME staff in middle or senior management levels, and may have served to increase their proportions at these levels.

**Table 10: Staff at SO1-M9**



2.28 It is interesting to note that the one area where white British/Irish staff are under-represented is at the lower grades in the organisation. It is clear that BME and ‘white other’ staff are more likely to be employed at Scale 6 and below than other grades at BHCC. However, this picture is changing slowly. The level of under-representation over the three year period has reduced, and whilst there is no monitoring of promotion/progression at BHCC, it would seem in comparison with the middle managers table above, that there has been some progression from this level to the middle management level for these staff members.

**Table 11: Staff at Scale 6 and below**



- 2.29 One striking feature amongst BME staff at these grades is the position of Bangladeshi staff. The numbers here are small (seven – nine people) but over the past three years Bangladeshi staff have been concentrated solely at this level of Scale 6 and below - there are no Bangladeshi people employed in the council above Scale 6, and this has not changed over the past three years. The Bangladeshi community comprise 0.5% of the population of Brighton and Hove, and the data on economic activity for 2011/12 indicate that they have a very high rate of economic activity (1.5% joint Pakistani and Bangladeshi), yet they make up 0.16% of the staff complement. The recruitment data indicates that they have been applying for posts, but over the three year period none have been appointed.
- 2.30 Because BHCC monitors the diversity of staff within departments as well as grades, it is possible to identify the teams that perform well in relation to the numbers of BME and ‘white other’ staff they employ and the levels at which they employ them. There are some teams who do extremely well, and others that don’t do as well. During the qualitative stage of this study we examined this and concluded that this outcome was as a result of good and excellent management practices in some departments as compared to others – good managers manage diversity well. We address these issues later in this report.
- 2.31 Over the three year period approximately 15% of staff have not disclosed their ethnic origin for monitoring purposes. This varies significantly between the different grades of staff with staff at Scale 6 and below far less likely than other staff to disclose the information, and senior managers at M8 and above most likely. This situation has also deteriorated over the years.

### Agency and Casual Staff

- 2.32 The equalities data held for non-contracted casual and agency staff is extremely limited. Data is limited to employment only, and not grades/levels of employment or departments. The data indicates that there was an annual cumulative total of 2,491 temporary assignments at BHCC for the 2011/12 period (207 temporary staff in situ in any month); that is agency workers, interims, Care Crew and Admin All Areas.
- 2.33 Carlisle – the third party agency that manage the provision of temporary staff to BHCC include ‘white other’ in their category of BME. In 2009/10 the proportion of BME temporary staff was 14.2%, this dropped to 11% in 2010/11 and totalled 21% in 2011/12. It is very common to find a high level of BME and ‘white other’ staff employed as casual and agency labour. This is because of the level of exclusion/discrimination that they are subject to in gaining access to permanent



employment due to a number being recent arrivals and migrant workers, and for some because of their language skills. So the 2011/12 figure of 10.2% of agency staff from BME groups (compared with 5.4% BHCC permanent staff) and 10.9% from the 'white other' group (compared with 4.9% BHCC permanent staff) was not surprising.

2.34 What is notable is that agency staff are more likely to reflect the local BME and 'white other' population, and in accordance with the relative rate of their economic activity. Given the size of this community it is important that we understand the grades and departments where they are employed, because it is also not uncommon to find BME people in casual labour disproportionately at the lower levels. So, what must be addressed is a more inclusive approach to equality for these staff members. Monitoring needs to address their number, as well as all the employment processes necessary for all staff.

2.35 **Highlight:**

The proportion of BME and 'white other' staff employed by the council is not reflective of their representation in the local community with respect to their relative rates of economic activity; the overall ethnicity profile in employment at BHCC has not changed markedly in the past three years, even though their representation in the population profile has. BME staff are more likely to be employed in the most junior grades in the council, less likely to be middle managers, and far less likely to be senior managers.

Bangladeshi staff have particularly poor outcomes in this regard. There has been some slight progression for BME staff from the junior grades to middle management grades particularly in the years 2009/10 and 2010/11. BHCC pay little attention to diversity and their employment practices as it impacts agency and casual staff, which is significant given their proportion of the

### **Discipline and Grievance**

2.36 Discipline and grievance are important areas to review when examining the quality of the work experience for staff. It also provides alerts to patterns that may indicate both covert and unreported acts of discrimination and harassment. For example, high levels of stress related illnesses that may appear in disciplinary records may be an indicator of bullying and harassment. The Health and Safety Executive published research in 2008 which indicated that 50% of all stress related illness was due to bullying and harassment. Coupled with this Giga, Hoel, and Lewis published research in 2008 that added weight to the body of evidence highlighting that BME people are more likely to suffer stress related illnesses, as well as being more likely to experience harassment and bullying in the workplace.

2.37 In 2006, the same team of researchers published research that found that 25% of the BME workforce of the public sector experienced workplace bullying compared with 13.6% of the overall workforce, and 11.8% of white employees – BME staff were more than twice as likely to be bullied. In addition, BME people are more likely to be disciplined for capability. A TUC report in 2000 showed that BME people were consistently overlooked or downgraded; Hoel and Giga reported in 2008 that BME people had higher levels of repeat reminders and persistent criticism,

and reported less favourable job performance evaluations for BME managers<sup>16</sup>.

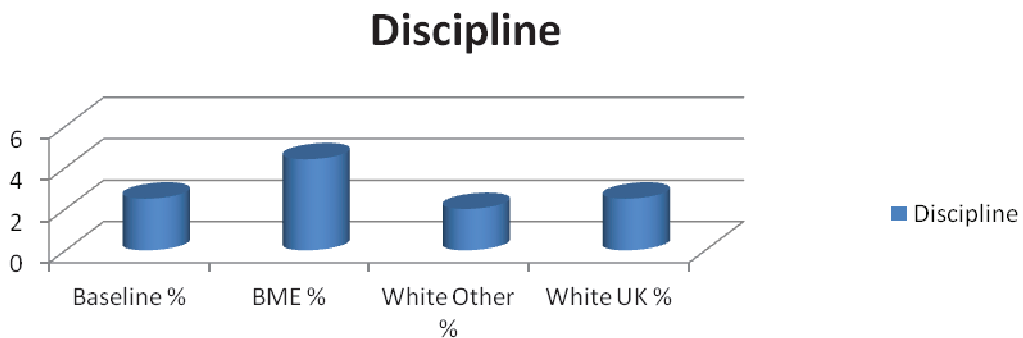
2.38 BHCC keeps records for grievance and discipline in relation to the departments where they occur, so as with the employment data, it is possible to discern where the main challenges are in the council and address them. Data was only available for two years for this element of the study – 2010/11 and 2011/12. It is also important to note that some of the numbers here were extremely small, so the statistics must be viewed cautiously. However, there are emerging patterns that need vigilance as they show that some ethnic groups are more likely to be subject to the more negative aspects of experience at work – that is discipline and grievance.

**Discipline**

2.39 It is noticeable that the number of people failing to respond to the ethnic origin monitoring question during the disciplinary process was high – 22% in 2011/12. We comment further on this in the recommendations in Part Three.

2.40 2.5% of staff were subject to the disciplinary process at BHCC between 2010/11 and 2011/12. Whilst the numbers are small, there is a discernible pattern over the two year period indicating that BME staff are nearly twice as likely to be disciplined as compared with all staff. White British/Irish employees experience discipline at a level commensurate with the norm, whereas the ‘white other’ staff group are least likely to be disciplined.

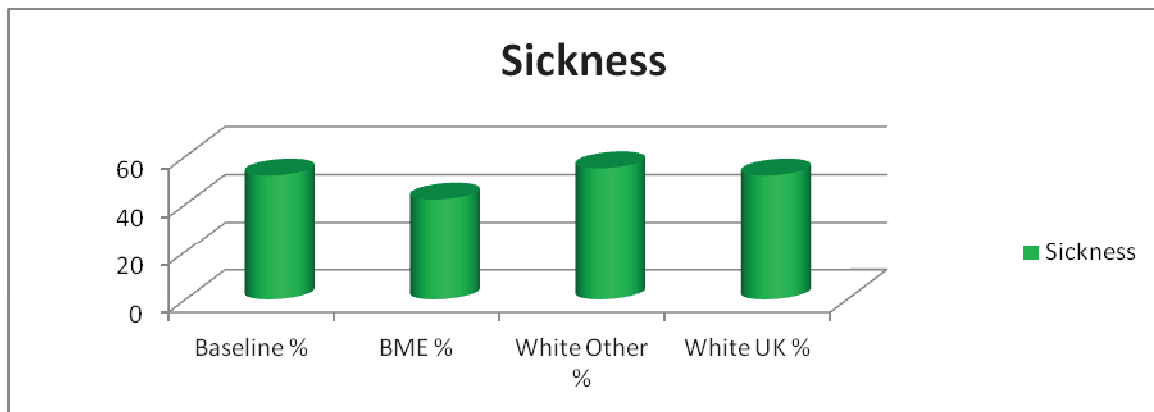
**Table 12: BHCC % staff subject to discipline 2010/11 – 2011/12**



2.41 The largest number of disciplinary cases was for sickness - approximately 52% of all disciplinary cases. The white British/Irish employees maintain a level very close to the norm, whereas BME employees are least likely to be disciplined for sickness and white other staff most likely.

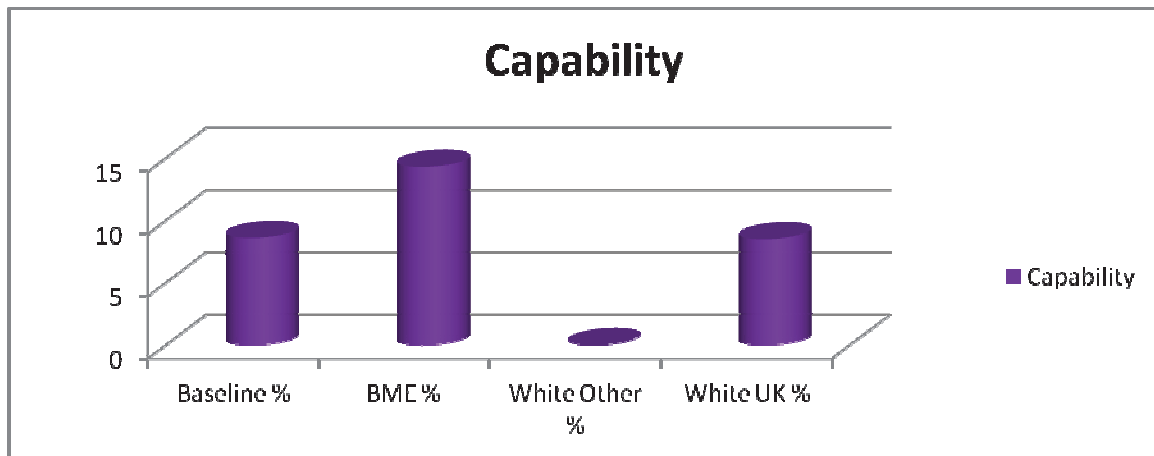
**Table 13: BHCC % of disciplinary cases relating to sickness 2010/11 – 2011/12**

<sup>16</sup> In 1990 Greenhaus et al reported that performance management was a covert bullying mechanism employed against BME staff. This practice continues today, and can be seen in BME staff experiencing higher levels of discipline for capability.



2.42 There is a striking picture for capability. Overall the proportion of disciplinarys for capability is approximately 8.5% - white British/Irish staff display the same levels with respect to their disciplinarys. For BME staff this figure is 14.3% over the two year period, with the most recent year (2011/12) figure being 28.6% of BME disciplinarys. No 'white other' staff were disciplined for capability during this period.

**Table 14: BHCC % of disciplinary cases for capability 2010/11 – 2011/12**



2.43 BHCC also detail disciplinarys for bullying and harassment. Of the 11 of these cases during the two year period – one disciplinary involved a BME member of staff. We comment on the level of disciplinarys for bullying against the number of claims later in this report.

2.44 BME staff are more likely to face disciplinary action at BHCC and are far more likely to be disciplined for capability than other staff. An Equality Impact Assessment on the disciplinary process conducted in 2009 also concluded that BME staff were more likely to be disciplined than other staff and noted in respect of BME and staff with disabilities.

*"It would appear that a higher proportion of BME and disabled employees were subject to the procedure compared with their level of representation within the workforce...the fact that some equality groups appear to be more likely to be subject to the procedure is an issue of concern and further monitoring and review needs to be undertaken to establish any underlying reasons for this".*

An impact assessment of the capability procedure in 2009 also arrived at the same conclusion:

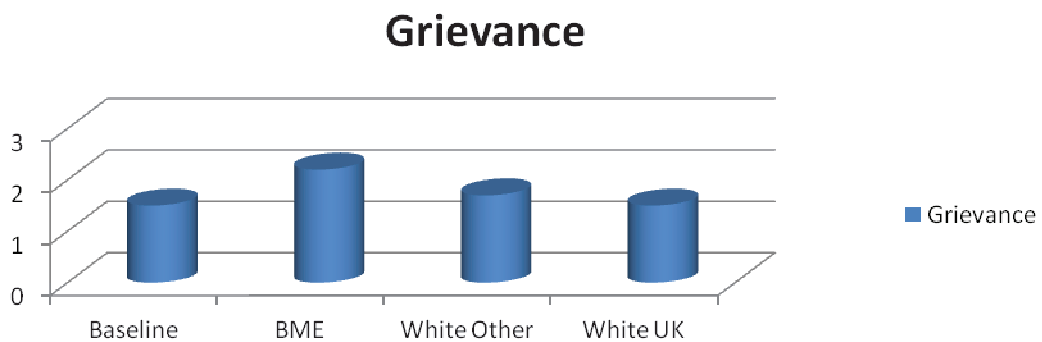
*"It would appear that a statistically higher proportion of BME employees.... were subject to the procedure compared with their level of representation within the workforce".*

However it appears, as there are not any follow up reports, that no action was taken at the time and because EIAs are conducted on a tri-annual cycle, no action was taken in the intervening period.

## Grievance

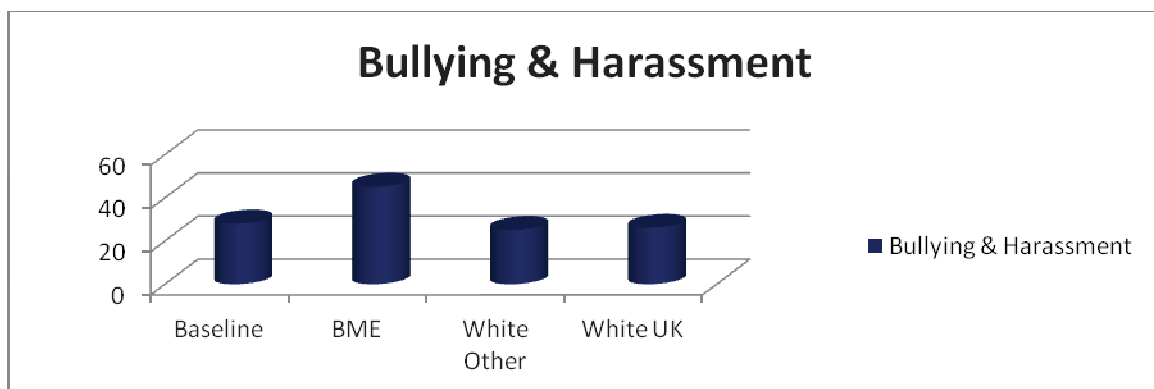
- 2.45 Records on grievance at BHCC do not report on the specific reasons for the grievance, other than for bullying and harassment. There is no recording of grievances relating to allegations of discrimination, and the bullying and harassment records do not record bullying/harassment related to a particular protected characteristic, such as sexual/gender harassment, or harassment on the grounds of sexuality or racial harassment etc.
- 2.46 1.5% of the staff population raised a formal grievance between 2010 – 12. Again this data needs to be treated cautiously because of the very small numbers involved however, the BME staff group and the white other staff group raised more grievances proportionately.

**Table 15: BHCC % of all staff raising a grievance 2010/11 – 2011/12**



- 2.47 Bullying and harassment is the only specific reason recorded for grievances. Approximately 28% of all grievances over the two year period was for bullying and harassment. For BME staff this figure is significantly higher at 45%. Whilst a high proportion of grievances are for bullying and harassment, the actual proportion of grievances raised for this reason in the council are small that is, there aren't many formal grievances raised at BHCC (140 over the two year period – of known ethnic groups), but nearly a third of those that are raised are for bullying and harassment.

**Table 16: BHCC % of grievances relating to bullying and harassment 2010/11 – 2011/12**



- 2.48 Whilst approximately 0.4% of most staff groups complain of bullying at BHCC, this figure rises to just over 1% for the BME staff team. This needs however, to be viewed within the context that many people do not report their experience of bullying and prefer to ‘suffer in silence’ fearing the consequences of raising the issue, particularly if the ‘bully’ is their manager. We came across many reports of this nature during the interviews and focus group discussions. We comment more on this below.
- 2.49 In addition, the issue of bullying was highlighted as part of the consultation for the People Strategy and was raised as a key issue in the staff survey.

2.50 **Highlight:**

BME staff are more likely to raise a grievance at BHCC, and far more likely to complain of bullying and harassment.

**LEAVING: Exit**

- 2.51 BHCC hold exit ethnic origin data in relation to length of service on exit, and reasons for exit. These reasons are listed as resignation, ill health, redundancy, end of contract, dismissal, death in service, retirement and other.
- 2.52 There is no recording of the quality of the work experience, so the records do not indicate if people were happy or unhappy about their experience at BHCC and the reasons for that, for example staff who may leave because of bullying or discrimination. Exit interviews are more likely to contain this information, but these are not carried out systematically at BHCC, so any recording of this more qualitative information for leaving is patchy.
- 2.53 However, in response to a Freedom of Information request from the BMEWF in May 2012, BHCC indicated that 13 BME leavers between 2009 and 2012 completed exit interviews – exit records show that 67 BME staff left during this period so this constitutes 21. % of BME leavers. Of these 13, three left because of poor working relationships, two because of poor promotion prospects and two because of lack of job satisfaction. This data however does not provide any comparisons with other ethnic groups, so we can’t tell if these outcomes are remarkable or not. In addition to this, it is known that a large number of people leave the council with compromise agreements and this information is also not recorded with respect to ethnicity.
- 2.54 The data for staff leaving the organisation shows that an increasing proportion of staff have been leaving the organisation over the past two years in particular – 7.9% of all staff left the council in 2010/11 and 9.3% in 2011/12, with an average of 8.4% of the workforce leaving the council between 2009/10 – 2011/2012. BME staff do not leave in any greater proportion to other staff, but ‘white other’ staff are more likely to leave the council’s employ. Whilst the level of BME people leaving the council does not differ from all ethnic groups, there are differentials in the reasons why they leave.

**Table 17: BHCC % of staff leaving the council: Aggregate 2009/10 - 2011/12**

<b>All (baseline indicator)</b>	<b>8.4</b>
BME	8.4

White other	9.8
White British/Irish	8.3

2.55 The white British/Irish group by and large reflect the patterns for all ethnic groups in the exit data set. Given relative length of service for these ethnic groups – it is not surprising that no BME and ‘white other’ staff retired during this period. The single largest reason for people leaving are in the ‘resignations’ category, and this is the single largest reason for all ethnic groups, although the proportions differ for each group. What this category doesn’t reveal of course is the reasons for resignations. However, BME staff are more likely to resign compared with all staff, with the highest level of BME resignations in the most recent year (2011/12 – 62% of BME leavers). However, the staff group most likely to resign are the ‘white other’ group.

**Table 18: BHCC - Reasons why staff leave (%) Aggregate 2009/10 – 2011/12**

	Resignation	Ill - health	Redundancy	End of contract	Other reason	Dismissal	Death in service	Retirement
<b>All (base line indicator)</b>	<b>42</b>	<b>4.3</b>	<b>4.5</b>	<b>11.9</b>	<b>10.4</b>	<b>11.4</b>	<b>1.1</b>	<b>13.1</b>
BME	48	4.4	1.5	11.4	14.8	16.4	1.5	0
White other	59	1.3	2.2	13.2	12.3	8.3	0	0
White British/Irish	41	4.5	4.9	11.6	9.7	11.2	1.2	14.7

2.56 A notable reason for leaving are ‘other reasons’. The data shows that BME people and ‘white other’ staff are more likely than others to leave for this reason. Along with ‘resignations’, this may reflect the quality of work experience that is not captured elsewhere, and /or the level of compromise agreements signed by these staff.

2.57 Additionally BME staff are more likely to be dismissed than all other staff. Of particular note is the fact that in 2010/11 7.5% of all leavers were dismissed. For BME leavers this figure was 20.8%. They were dismissed at nearly three times the rate of all other staff. It is also noteworthy that during 2011/12 there was a particularly high level of dismissals across the board compared to other years (22% of all leavers compared to 7.5% the previous year, and 4% in 2009/10). BME dismissals were still higher than all others at 28.5% for this year.

2.58 Most staff leave the organisation within 3 – 9 years of service. This is the same for all ethnic groups. However, BME staff are more likely than others to leave in the first year of service (23% of BME leavers compared with 17.3% of all staff leaving); ‘white other’ staff slightly less likely (16.7%). This has to be seen in the context that BME and ‘white other’ staffs’ length of service does not appear by and large to exceed 15 years, whereas in 2011/12 for example 21% of white British/Irish leavers had completed between 15 to over 25 years of service. However, when the

data is examined to look only at the rate of leaving for those individuals who were appointed in a particular year, it reveals the following:

**Table 19: BHCC leavers from those who joined in 2009/10**

	Left 2010/11 within 1 year of service	Left 2011/12 within 2 years of service
<b>All (baseline indicator)</b>	<b>15%</b>	<b>7.4%</b>
BME	28.5%	2.8%
White other	2.4%	11.9%
White British/Irish	15%	7.4%

2.59 The table above shows that 15% of all staff who joined BHCC in 2009, left within a year – by 2010/11 - and compares the experience of other staff groups to this base line. The high rate of BME leavers within 1 year of service may correlate with the high level of BME dismissals in this year. The data for those who joined in 2010/11 is very different, indicating that BME people were far less likely to leave within the first year of service (6% of BME leavers compared to 15% of all leavers), and white other staff far more likely to leave within 1 year of service. The two years taken together however reveal that BME and white other staff are more likely to leave within the first year of service (17% of the BME staff joining in 2009 and 16% of white other staff compared with 15% for white British/Irish staff and all staff). This project is only focused on the three years 2009/10 – 2011/12. These however, need to be carefully monitored over time.

#### SUMMARY AND CONCLUSION

2.60 Staffing levels at BHCC have been reducing – fewer appointments, implementation of cost reduction programmes and more people leaving has resulted in a staff complement shrinking from 5,279 in 2009/10 to 4,974 in 2011/12. Against this backdrop, the data demonstrates that BME and in some cases ‘white other’ staff have disproportionately experienced some of the more negative aspects of various employment processes over the past three years. In addition, BHCC do not make the best use of the data that they have in their information banks. Monitoring could be improved by using this resource more strategically.

2.61 BME people seeking employment from BHCC experience a far more difficult transition from application to appointment and are far less likely to be successful in attaining a position, even though they apply for jobs in proportion to their representation in the community, and in greater proportion to their relative rate of economic activity in the community. This situation is deteriorating.

2.62 The proportion of BME and ‘white other’ staff employed by the council is not reflective of their representation in the local community with respect to their relative rates of economic activity;

the overall ethnicity profile in employment at BHCC has not changed markedly in the past three years – BME and white other staff make up approximately 5% respectively of the total staff complement. The current ethnicity staff profile does not reflect the ethnicity of Brighton and Hove residents with respect to their economic activity; 5% of staff at BHCC are from BME communities in comparison to their availability for work locally being 10.3%. BME staff are more likely to be employed in the most junior grades in the council, less likely to be middle managers and far less likely to be senior managers. Bangladeshi staff have particularly poor outcomes in this regard.

- 2.63 Employment processes as they relate to casual and agency staff receive scant attention with respect to equality monitoring. This is an important finding as the only monitoring that does take place indicates that nearly twice the proportion (compared to the council's contracted staff) of non - contracted staff come from BME and 'other white' communities.
- 2.64 BME staff are more likely to face disciplinary action at BHCC and are far more likely to be disciplined for capability than other staff. The exit data additionally demonstrates that they are more likely to be dismissed than other staff. BME staff are also more likely to raise a grievance, and far more likely to complain of bullying and harassment.
- 2.65 Overall, BME staff are no more likely to leave BHCC than other staff, but are more likely to leave within the first year of service. 'White other' staff are more likely to leave. BME staff are however, more likely to resign than other staff and leave for 'other reasons'.

#### **POLICIES, APPROACHES, INITIATIVES AND STRUCTURES**

- 2.66 The second part of the document review examined BHCC policies, strategies, procedures and structures. The case study and qualitative work - interviews, email submissions and focus groups - examined in more detail aspects of actual practice. The data analysis underscored the anecdotes and reports from BME staff over the years - that there were unequal outcomes for BME staff at BHCC, and that they were disproportionately subject to the more negative employment processes, such as grievance (and bullying), discipline and dismissal. The qualitative reports and case study work provided examples of excellent and extremely poor practice and the shades in between. To what extent did written policy and procedures (or the lack of them) contribute to or encourage these outcomes?

#### **EQUALITY AND INCLUSION: Policy and Practice**

##### **BHCC delivering on equality commitments in employment**

- 2.67 Tackling inequality is one of five key priorities of the Corporate Plan 2011 – 2015:  
*"We believe that everyone has a right to a decent home, a good education, a job that pays for a decent standard of living, good healthcare and to feel safe in their in community. We also strongly believe that no one should be disadvantaged from birth due to the neighbourhood or family circumstances they are born into"*
- 2.68 The Equality and Inclusion Policy for BHCC 2012 – 2015 *"describes the vision, objectives and key actions and measures to promote, facilitate and deliver equality both within Brighton and Hove City Council and the rest of the city..."*. It is a document that brings together previous equality schemes and initiatives, to build on the council's track record of equalities work, and encapsulates the council's strategic corporate objectives to deliver on its equalities



commitments. It is a well - crafted document, with a not unexpected heavy emphasis on partnership working.

- 2.69 Section E of the document is devoted to employment and procurement practices at BHCC, and refers the reader to the People Strategy for more detailed actions around promoting equality and inclusion within the workplace. There is however, a timetabled implementation plan outlining how the objectives will be delivered through the key actions. We comment briefly on the two objectives that directly related to this study as follows:

a) *“E1 – We will strengthen our employment monitoring and use it to improve the diversity of our workforce at all levels to ensure that we reflect the communities we serve”*

The measures for this are the organisational health report: % of top 5% of earners and employees overall who declare that they are women, from BME communities or disabled. The actions relate to identifying appropriate workforce equality targets, and developing the technology to improve the quality of workforce monitoring. None of these actions have been progressed.

b) *“E2 – the council will not tolerate bullying and harassment at any level in the organisation. We will develop a workplace environment where all staff feel they are treated with dignity and respect”*

The measures for this are the corporate plan: decrease in percentage of employees responding that they have experienced discrimination or harassment or bullying in the last year; and staff survey: confidence in employer taking action to tackle discrimination, harassment and bullying etc....’ The actions are limited principally to reviewing the dignity and respect procedure and analysing and sharing data to identify perceptions and outcomes from the procedures. There is no target to reduce the level of bullying and harassment, and no mention of the fact that there is no tool to measure discrimination.

- 2.70 The main issue with the employment aspects of the Equality and Inclusion Policy is not the identification of the problems and the objectives, but the lack of action. This failure to follow through is evidenced at the first port by the fact that the implementation plan is placed in the People Strategy, which has lost its energy. Comments from our focus group with HR staff included....

*“The People Strategy is stuck at the moment....it hasn’t been transformed into action... It’s lost its momentum, but a lot of work was done....it’s in isolation...”*

- 2.71 But in addition to this, stated commitments to meet objectives have just not been honoured. This was a recurrent theme in the review of documents and qualitative work that we undertook during this study. Many of the outcomes for BME staff that we identified in data analysis and other work had been documented at BHCC in the past. For example, over three years ago the trend around disciplinaries and capability for BME staff were identified in impact assessments and recorded in action plans, but nothing was done.

- 2.72 This study was initiated following numerous reports and abortive actions about the position of BME staff at BHCC. There were also reports of individuals who had complained about discrimination, and no effective action was taken - we comment more on this below. Repeated episodes of failure to act and deliver on commitments around race and other areas of equality has understandably led to a high level of scepticism amongst staff about the prospects of

change, and the value of their involvement in any initiatives to make the change:

*“ I don’t have any faith in this council to do anything about this...”*

*“people won’t take part (in the focus groups) because they don’t believe that anything will happen, we’ve seen it all before....”.*

- 2.73 This is a very striking outcome from this study and we comment on this further below, but it does highlight that there were failings of management throughout the organisation - not just at the top – to make an effective and appropriate response to identified issues of inequality within the council.

### **Equality Impact Assessments (EIA’s)**

- 2.74 We took a particular look at the council’s use of EIAs, because of what we considered to be the inadequate level of equality monitoring and reporting. Given that the EIA depends in no small measure on good data and analysis, how efficient was the process? So we wanted to follow through on the unequal outcomes identified by the data review and whether or not EIAs had picked those up and initiated remedial action. We also wanted to identify if the EIAs had effectively addressed practice as a consequence of directives of policy.
- 2.75 An Equality Impact Assessment (also known as Equality Analysis) is a process that provides evidence to help an organisation to understand the impact of existing and imminent plans for services, activities and functions on different types of people, and on relationships between different people. It will facilitate the answer to the question “what will happen or not happen if we do things this way?” It is an essential business tool to help organisations plan, develop and deliver inclusive approaches, strategies and services, and to promote equality and positive relationships between people in the communities and localities where they work.
- 2.76 The equalities approach at BHCC very heavily and in our view very properly, relies on the use of EIAs. Not only does it evidence compliance with the Public Sector Equality Duty (s149 Equality Act 2010) it enables improved targeting and delivery of services, knowledge and understanding of local people and communities and, serves to embed within the organisation the commitment to equality and social justice and to deliver on commitments for inclusion.
- 2.77 BHCC has provided EIA guidance with a template and training to relevant staff on the process. At BHCC all the ‘protected characteristic’ groups as defined by the Equality Act are included in the process, but also as necessary ‘inclusion groups’ who are groups of people in the community - such as unemployed people, or homeless people – subject to exclusion or disadvantage. BHCC has a comprehensive system of EIA’s which means that all policies and services are reviewed every three years. In addition all new policies need to have an EIA. EIAs are carried out across both Commissioning and Delivery units and the process has been recently strengthened to improve findings and become more outcome focused. There is a corporate EIA timetable ensuring an on-going rolling programme of EIAs providing audit across the organisation.
- 2.78 The Communities and Equality team provide support and guidance to staff and sign off an EIA before it is finalised. The timetable is monitored by the corporate Equalities Steering Group and the (previous) Strategic Leadership Board (SLB) receives regular reports on progress.
- 2.79 A very well developed system. However, the EIAs in HR that we reviewed had not triggered the need to review and improve the quality and breadth of data sets, and some of the key action

points from the processes (those that showed negative impact) had failed to materialise. Poor practice was not picked up in one or two of the EIAs as the emphasis seemed to be on written policy, and not on policy as an underwriter of practice. It appeared that this process was still regarded as one to be completed and put away (ticking boxes) and the genuine value of the EIA had not been understood or appreciated in these cases. Whilst the toolkit was well thought out, it was also apparent that two requirements in the process could actually serve to discourage embedding of the EIA into normal policy making practice, making it seem cumbersome and a chore to complete. We identified the following;

a) The three yearly cycle for all policies is very positive in that it ensures that all existing written policies and procedures go through the process regardless, and all new policies must be EIA'd and at re-design. However, this does not encourage and stress the need to review EIA's in between the cycle and when events occur that may require a re-think to the approach. There is also a danger that this might encourage a 'time to do this, tick the box' attitude. Also, the term 'policy' with respect to EIAs is to be understood loosely to include approaches and practices. EIAs are not limited to written policies, but critically are about the actual practice whether it is written as a procedure or not. One or two of the EIAs we reviewed failed to examine what the real practice was in some areas as compared to the written procedure.

b) The encouragement in the toolkit to develop a core team of people with different perspectives to oversee the EIA is also not conducive to fast and efficient policy development. Whilst it is important to engage with and ascertain the views of different stakeholders, to do this 'by committee' and to have everyone contributing in this fashion can only serve to elongate the process and make it seem like an event, when the aim is to embed the discipline of intelligent periodic review of the equality outcomes of policy and practice so it is as second nature in policy development – not eventful but natural.

### **Learning & Development in Equality and Diversity (E&D)**

- 2.80 BHCC provides its staff with training in equality and diversity in a range of courses. There are courses dedicated to E&D and other courses with an E&D element. By and large this training occurs via e-learning.
- 2.81 In December 2010 the council launched an e-learning equalities module which was designed in house. It is mandatory for all staff to raise basic equalities awareness. To date 70% of staff have completed the module. There is also a mandatory managers' e-learning equalities module. A two day interactive workshop entitled Positive Engagement with Customer and Staff Diversity was piloted over six months from January to June 2011.
- 2.82 Whilst reportedly successful, the pilot was not adopted and rolled out to all staff.
- 2.83 In addition E&D is an element of e-Induction in which policy and best practice is outlined around working with staff diversity and addressing discrimination. The work of the forums is part of 'Being a Manager in BHCC' and 'People and Performance Management', and 'Recruitment and Selection' training enforces the councils commitment to equality and to increasing community

representation within the workforce.

- 2.84 During the qualitative phase of this study E&D training at BHCC did not receive a very good press. In particular, staff had very negative perceptions of e – learning as a viable vehicle for E&D training. Staff commented:

*“The online equalities teaching units will not address these issues. Printing off a certificate to say a course has been completed has clearly not worked. I feel Brighton & Hove are decades behind the times when it comes to equalities.”*

*“Equalities isn’t something that you can pick up on e-learning. Beliefs and values cannot be challenged...you need a challenging discussion, it is about understanding the differences between people. There’s too much e-learning, they are falling down in creating awareness amongst staff....”*

*“E learning is mandatory, but this is not real training. It’s just lip service, they have to do it so they trawl us all through it. It was done in the context of the equalities framework challenge, it all happened at the same time, it was done to get us through the challenge...”*

*“ I started the online course, but it was so badly constructed I couldn’t finish it. On line training for equalities is pointless, we could do a lot better...”*

- 2.85 In relation to this the Diversity Peer Challenge of the Equality Framework for Local Government noted:

*“Employees were not particularly enthusiastic about e-learning as a training media for equalities as they felt they learnt more through more interactive formats. Staff reported rushing through this as the deadline for completion of the training approached”*

- 2.86 Another important factor was that a sizeable element of the workforce do not have access to computers (particularly staff in *CityClean*), so on-line methods exclude them. The view was also expressed that even when E&D workshop training (not e-learning) was successful as was the case in the past, change did not occur as a result.

- 2.87 **Highlight:**

As part of this process we tested the managers E&D e-learning package at BHCC. It was disappointing in that it was not at all challenging and more at the level of basic awareness than a managers’ programme. There was no space for debate, reflection or practice. It did not give managers the tools to manage diversity. This is important as there were many reports during our discussions with staff about managers ‘fear’ of managing diversity. We comment more on this below.

- 2.88 There is a management development programme at BHCC which is not delivered via e-learning – one would ask why managing diversity was relegated to e-learning and not a distinct but integral element of a managers’ development programme addressing these challenges at BHCC?

- 2.89 In recent years, many employers have been turning to e-learning methods to deliver E&D and other forms of training. E-learning is seen as a cost effective means of training a lot of people, as opposed to the more costly face to face group interaction workshops. The phrase ‘sheep dip’ is

commonly used to describe the process of meeting mass training needs or requirements in an organisation – E&D awareness training is frequently cast in this category, and this terminology was also used in our interviews and focus groups at BHCC .

- 2.90 It is true that there is an expectation that public sector organisations will ensure that all staff receive training in E&D, and this is a necessary and reasonable expectation in our view. Employers have a responsibility to ensure that all employees understand the nature of the business (delivering services to a diverse range of customers), the legislation and regulation that governs the business, and are aware of expectations of them in relation to that - behaviour, customer focus, standards of performance etc. – sometimes ‘sheep have to be dipped’. However, this need to ensure that ‘everyone knows and understands’ can be met in captivating and creative ways.
- 2.91 Methods that hold participants’ interest are ones that leave the most lasting impressions and therefore the most likely to be retained as learning. An effective E&D awareness learning intervention is engaging, challenging, participative, reflective, responsive, memorable, best delivered through human interaction - all the elements that are needed to provoke a real change in behaviour. Unfortunately e-learning cannot deliver all these elements, and reports at BHCC reveal that the e-learning programme there has not done so. E-learning then for E&D as it is applied at BHCC may be a false economy.
- 2.92 Regardless of how enthralling any learning intervention, the ground has to be fertile for the seeds of change to take root and grow, that is if the climate/work environment is not conducive to enable the nature of the change required – nothing will change, and that really is financial waste. But the climate at BHCC is evolving to embrace the kind of changes required to deliver equality commitments, and many people expressed their optimism about this.
- ‘I am optimistic about the future – new head of HR and new CEO’*
- 2.93 This is a good time to review the effectiveness of E&D training at BHCC and renew the approach to optimise and exploit the opportunities looming. In reviewing equality training at BHCC, method, content, audience and evaluation should be considered.
- 2.94 **Method:**
- A range of methods should be utilised to deliver the various types of E&D training. The issue is to choose the most appropriate method for the audience to deliver the results you seek. For example, computer based learning will not be appropriate for staff who do not have access to computers. A significant number of the workforce who have day to day contact with the communities of Brighton and Hove (in *CityClean*) were excluded from the equality awareness training. A further significant point here is that a high proportion of *CityClean* staff in particular are from Eastern European countries and have interpreting needs. Particular attention needs to be given to the methodology of equality training for this group of staff. During the focus group discussions with this staff group it was clear that a number of them did not understand BHCC’s approach to equality, diversity and inclusion, even though training had been provided.
- 2.95 E- learning has its place in E&D for information, briefings, updates, blogs etc. and should be used for this purpose, ensuring of course that other media are used for this purpose with staff who do not have computers. However, face to face group interactive methods such as peer learning, action learning, facilitated workshops, theatre/drama, debating circles etc. could all be explored. The key is it must engage people. It must capture their attention, challenge their thinking, and

inspire them to action.

2.96 **Content:**

The content of training/development interventions should be bespoke to the needs of BHCC and the particular needs of the participants, and time needs to be spent ensuring that the training content and methods to deliver it are suitable and relevant. For awareness training for example, the BHCC approach to equalities has got to be the 'flavour' – what diversity means at BHCC with respect to communities and staff, key issues/ challenges for the organisation, the council in the lives of its diverse communities, policy approaches and the performance/delivery framework etc. – the business case. It needs to be couched in the values of the organisation, and address specific issues such as expectations with respect to behaviour - behavioural competencies and how these can be attained; the importance of record keeping and monitoring and how the information is used, understanding discrimination etc.

2.97 A range of training courses about people and communities at BHCC should have diversity flowing through them, and/or specific elements focused on diversity as integral to them, for example Induction, Recruitment and Selection, Dignity at Work, Community Engagement and Customer Care training. In particular, management development training at BHCC should contain a significant managing diversity content, throughout the course and as a specific element of it.

2.98 How the subtle and 'unconscious' impacts on our actions is the most challenging aspect of exclusion and discrimination to address. Unconscious bias arises because of the implicit preferences we all develop as a result of our socialisation, experiences and exposure to like minded others and views around us. It is true that we all have these biases and would not be human if we did not. These biases or predispositions help us to make sense of the world and our location within it. They help to form our view of the world, and we use them as a foundation of our decision making based on what feels safe, what is likeable, what we believe to be valuable and in the workplace, who we consider to be competent.

2.99 These unconscious biases are normal but they are not always safe. In this respect is not unusual to come across a manager who believes they can quite confidently spot the right candidate for the job, and just as damaging the wrong candidate, without reference to process or organisational dictat.

2.100 It is also true that such unconscious bias can be a characteristic of organisational culture and without meaning to be seen to endorse behaviours, approaches, practices and outcomes that exclude others.

2.101 An awareness of its existence is fundamental to BHCC's plans to rethink the way equality and diversity works within the organisation, because as studies have shown and the work done in delivering McPherson and Scarman reports have evidenced, unconscious bias needs to be addressed to enable a sustainable change to deliver equality and social justice.

2.102 **Highlight:**

Dealing with this issue will be a key challenge going forward for BHCC in its drive to develop and embed a culture of openness and inclusivity where all feel valued.

2.103 Our proposal is therefore that because changes in this area must be seen to come from those

above who we unconsciously believe are, or at least should be, our betters that the senior management team (CMT & ELT) should address this issue jointly through a learning intervention. It is important that the most senior operational group in BHCC has a clear understanding of its own unconscious bias, how more generally it pervades BHCC, and what they need to do to manage it organisationally.

- 2.104 From there on it will be necessary to ensure that all E&D learning and development interventions, from awareness through to management development training, and critically includes recruitment and selection training (mentioned in Part Three) includes a detailed examination of the subject, with practical exercises to demonstrate its impact, and most importantly that it imparts the skills to manage it.
- 2.105 In our view this understanding will form the bedrock of the work around developing effective management, leadership and culture that enables diversity and equality to be realised and will support it becoming part of BHCC's DNA. Learning here will be 'slow burning' – that is the results of this kind of learning intervention will take longer to materialise. It is however important that the process is put in place sooner rather than later and so should be an early priority in the learning element of the action plan.

2.106 **Highlight:**

During the interviews and focus groups, a significant number of people commented on the fear that many managers display with respect to managing diversity. We comment more on this below, however it is important that management training addresses this fear.

- 2.107 There is no text book with a flow chart for managing diversity - that is the nature of diversity. It is about developing certain management skills and competencies, and understanding how to use a variety of management techniques and approaches and recognising when and how to apply them. Critical to this is building the confidence to manage difference.
- 2.108 There will also be the need for specialist diversity training such as Conducting Equality Impact Assessments, Dealing with Hate Crime and Diversity Record keeping and monitoring. Where there are teams with high levels of staff from diverse communities, such as *CityClean* where there are significant numbers of Polish staff, Cultural Awareness training in particular may help all staff members.
- 2.109 **Audience:**  
The mandatory nature of E&D training has to be maintained, and the expectation that everyone will attend enforced. It is however, important that everyone understands why the training is mandatory. Beyond any legal requirement, diversity is the business of any organisation such as a local authority like BHCC that works with people and communities, and in this regard there is a moral imperative that underpins the business one.
- 2.110 It is also important that staff at all levels and members undergo this training. These programmes must be tailored to their needs and expectations, but everyone in the business should be able to demonstrate that they understand the business case for diversity at BHCC, and demonstrate a commitment to the values and principles of the council which underpin an approach that values difference.

### 2.111 **Evaluation:**

Effective evaluation is important to any investment in learning and development. How effective was the intervention in the short, medium and longer term? Did behaviour/performance improve at the individual, the team, and the wider organisational level? What elements of the programme worked especially well, and what did not work well at all? Answers to these questions and more determine if the investment was worthwhile or not.

2.112 Many organisations do not monitor the effectiveness of E&D training in the longer term. Most will organise the completion of the post course evaluation feedback – typically a ‘happy’ sheet asking the participant to comment and rate their experience of the event and the extent to which their learning objectives were achieved. This is an important part of evaluation - because if the event does not make a positive impact, the chances of sustained learning is substantially reduced - but unfortunately evaluation frequently stops there. Anecdotes from our interviews and focus groups infer that long term change from E&D training at BHCC has not been apparent, but we were not presented with any quantifiable evidence of the same. We understand that BHCC have used The Kirkpatrick Model to evaluate E&D learning, this was applied to individual events such as ‘Positive engagement with Staff and Customer Diversity’. Kirkpatrick Evaluation Model is as follows:

Level 1: Evaluate Reaction – how the delegates felt and their personal reaction to the learning experience. Assessed at the end of the course through the ‘reactionnaire’ or the ‘happy’ sheet;

Level 2: Evaluate Learning – specifically what was learned and was this what was intended? What do they know or have the skills to do after the learning that they did not know or have the skills to do before? This is assessed with pre & post-course discussion between delegate and manager;

Level 3: Evaluate Behaviour – the extent to which trainees applied their learning and changed their behavior. Improved Knowledge/Skills/Attitude in the workplace. This is assessed through observation of performance, 360° feedback from managers and colleagues on changes/improvements in practice and behaviour;

Level 4: Evaluate Results – The measure of return on investment. Was it worth it? Managers review learning activity and impact on business improvement, including customer service feedback, absence improvements etc.

All four levels have to be applied for a full evaluation, and this has not happened at BHCC with respect to E&D training.

### **Race in the overall context of equalities at BHCC:**

*“It’s about the inequality within the equalities culture here...”*

2.113 The Peer Challenge report noted:

*“Despite the many good examples of the council working with all minority communities, there is a danger that it is perceived to respond primarily to the largest and loudest group, in this case those are white, able bodied LGBT and also are often professional and articulate...”*

2.114 This was stated in relation to community engagement and satisfaction, and the commentary went on to indicate that other groups in the community felt marginalised by this, and that that there was a lack of representation of BME groups in particular. Our study focused on



employment at the council and from our interviews and focus groups it is clear that the same perception abounds in relation to employment at BHCC.

*"I am not LGBT but many of my colleagues do identify as such. The perception amongst many workers within the council (correctly or not) is this is not a disadvantage but an advantage and certainly with in some departments you are quite likely to be promoted if you identify as being LGBT". ...*

*"The culture here is that LGBT issues are very prominent, but it seems that among some people who should know better that there are issues that are not acceptable when it is LGBT, but when it is BME it's not the same..."*

*"You always get the feeling that they are more committed to gay equality than BME equality here.."*

2.115 The council has received national recognition for several years for its work in equalities for LGBT employees, and given the representation of LGBT staff in the council and LGBT people in the community, this is an appropriate response. However, there is little doubt that other equality groups in the council could benefit from similar efforts and approaches, and this presents a good opportunity to refocus on equality across all areas.

2.116 Whilst a good focus has been applied to LGBT employment issues at BHCC, this does not imply that everything is fine and good for LGBT staff in the council. Our focus group and interview work enabled all staff to speak to us, and there is no doubt that bullying and harassment in particular are still very evident and prominent issues for LGBT staff, and transgender staff have specific challenges and have good reason to be fearful in some circumstances:

*"The council portrays an image – with Stonewall for example – that they are really behind this, and they don't condone homophobic bullying. But the reality is very different. When bullying is reported the perpetrators are not held to account. The truth is that managers don't have the confidence to take these issues on because they won't be supported by members or they are frightened of the unions...."*

*"I have gay staff who won't report bullying because of the trauma they will go through and knowing that they will probably have to still work with that person who knows that they have reported them....I have tried to protect my staff, but I have managers who just want it to go away."*

*"I don't regard Stonewall because they don't include transgender.....transgender issues here are being marginalised.."*

2.117 In addition to sexuality, we had many participants who spoke about their experience as disabled members of staff or as carers of family members with a disability, and how they were treated as a result of their caring responsibilities:

*"I have been laughed at; my work the subject of ridicule; I have been the recipient of bullying (so bad several people have told me I could have taken a grievance), by someone who really should have known better; told I am making it up and called a liar"*

*"The current switch to hot-desking in our area of work with no consultation with staff has resulted in wasted time by staff trying to find somewhere to sit and has identified hidden disabilities of staff who are having to get specialist equipment out to put on their desks every day"*

*"I have suffered from a lack of understanding around invisible disabilities and the reasonable*

*adjustments needed”.*

*“I am appalled by the way disabled people are treated. There is a real culture of bullying here, and by senior managers....”*

2.118 **Highlight:**

During this study, we identified very similar issues for disabled staff as there are for BME staff, with respect to their representation in the workforce and monitoring data. Bullying and harassment on the grounds of a protected characteristic seems to be an experience for all the equality groups at BHCC, as well as more generally in the council and we address this issue below.

- 2.119 The one equality issue that did not appear with any significance during this study was gender. We were struck that there were workers equality forums here, but not a women’s group. As is the case with most public sector organisations, women are well represented in the staff group at BHCC, but are under-represented at the more senior levels –notwithstanding the recent appointment of a female CEO. We understand that a woman’s staff forum is now being established.
- 2.120 So, within the wider context of equality, race is not the only matter that needs attention at BHCC. Issues around disability in particular have not had the focus that they need, and as referred to above, whilst there has been a better focus on sexuality everything here is certainly not ok.
- 2.121 In this regard we strongly recommend that BHCC takes this opportunity to refocus and rejuvenate all its equality work in employment. Most of the recommendations that we outline in Part Three of this report can and should be applied to other equality areas. For example, widening the breadth of data collection, analysis and reporting can also relate to recording and analysing the type/nature of disability for staff in disability monitoring.
- 2.122 The recommendation to explore the possibility of a PATH type initiative in the CIP could be a scheme for BME and disabled people in Brighton and Hove, both groups experiencing under-representation in employment in the locality. The council's work and achievements in the area of LGBT should be seen as a flagship, using these approaches as a blueprint to inform and address other areas of inequality.

**Employment in the Equalities Performance Management Framework at BHCC**

- 2.123 The BHCC corporate approach to equalities is heavily focused on community engagement and service delivery. Internal staffing/HR does not share the spotlight. This is not unusual across the public sector in equalities - HR/employment has always played ‘second fiddle’ to the main purpose of the business, which for a local authority is service delivery and engagement with the residents. This approach has been sanctioned, encouraged even by regulators, who have traditionally ‘tip toed’ around the contractual relationship that an organisation might have with its employees, giving employment/HR matters less focus in regulation. This tone can be seen in BHCC with the 2011 Diversity Peer Challenge owned and co-ordinated by the Local Government

Improvement and Development.

2.124 The assessors identified more areas for improvement in workforce issues than in any other aspect of the assessment, (and the only area where the need for improvements matched the number of strengths) and highlighted HR issues that did not meet the excellent standard from their own framework, yet scored BHCC an overall excellent. It is noteworthy that HR was not the only area where BHCC did not meet the excellent standard of the framework – engagement with BME community organisations was also highlighted. This approach could only serve to emphasise and promote the fact that poor performance in HR matters in public sector organisations is not as important as it is in community and services (and implies that in community and services BME issues are not as important), and does nothing to drive the standards up. This point was not lost amongst the staff who spoke to us during the interviews and focus groups:

*“People saw the equalities e learning as a quick fix for the peer review. I was surprised that we got excellent and lots of people were.....people here know that equalities in HR is really weak”*

2.125 This is a critical point. It would appear that BME people in the community of Brighton and Hove do not think that they are getting great services or that their engagement with the council is good. The Peer Challenge review noted in the section on community engagement and satisfaction:

*“There is a lack of representation for BAME groups and there is a perception that their voices are not being heard to the same extent as others”.*

Other staff comments were:

*“It was highlighted in the peer review that we don’t have a great relationship with BME groups – and we got excellent in my view because of our work with LGBT groups”*

*“The BME community are not the biggest fans of the council. Lack of needs assessment and lack of any strategies, when they do engage with us it’s not a very positive experience”*

*“BME organisations know that we don’t support BME staff. They say we don’t look after our own BME people so why should they think that we will look after them”*

BME staff members said:

*“My friends and family ask me why I work for the council. Everyone knows that this is not a great place to work if you’re black”*

*" the council forgets that BME staff are also customers; we live in Brighton and Hove and our experience both internally and externally is not positive"*

2.126 **Highlight:**

What happens internally will be reflected externally. If an organisation’s culture does not embrace or is indifferent to all its diversity, then any initiatives and approaches to value difference and engage with diverse communities will be fragile and unsustainable, and the cracks are beginning to show at BHCC.

2.127 BHCC is the largest employer in the area, as is the case with many local authorities. It has made a commitment to reflect local communities – notwithstanding what this really means in employment - it does not do so and irrespective of various initiatives over the years, that

position has not changed. Even though BME people have been applying for jobs in the council, they are less likely to get them than other people, and for some communities (Bangladeshi) they don't get them at all.

- 2.128 The opportunity is now for the HR team to address this and make a difference. In 2010/11 there was a notable spike in the number of BME people who applied for jobs at BHCC, and more BME people were also appointed that year. This seems to have been as a result of a number of recruitment initiatives aimed at BME people, where HR staff engaged with BME community groups to encourage applications for jobs. These initiatives worked, but they did not continue, with the resulting disproportionate drop in applications and plummet in appointments the next year.
- 2.129 It is important that BHCC as a local large employer reconnects with its diverse communities. HR at BHCC should take its place as a large employer on the CIP with other statutory, voluntary and community agencies, and plan a programme of out-reach work with BME community organisations. Strategic internal partnerships must also be forged and maintained with colleagues in the Communities and Equality, and Economic Development teams. Members of the BMEWF should also be engaged in this work, as their links with and knowledge of local BME communities will be critical.
- 2.130 It was suggested during the interviews and focus group discussions, that HR and Communities and Equality should design a joint BME strategy, reflecting both internal employment and external drives to engage with and improve the position for BME communities with BHCC. BHCC may wish to consider this, but needs to be mindful of strategy overkill. In our view HR needs to step up and be seen to lead BHCC's diversity in employment agenda, but by making the right strategic alliances and in concert with other BHCC initiatives as necessary.

#### ***The Black and Minority Ethnic Workers Forum (BMEWF)***

- 2.131 There are currently three equality staff forums established at BHCC - The Disabled Workers Forum, the LGBT Forum and the BME Forum - a Women's forum is being developed. They are a centre for mutual support for staff from these equality groups and enable dialogue with senior management in the council to address relevant issues for their members.
- 2.132 Each forum is provided with an annual budget (£5,000) to spend against the priorities outlined in their business plans, and each forum has a steering group of officers and a Chair. Steering group members are allocated one day a month paid time to devote to forum matters.
- 2.133 Of the three forums, the LGBT group is the longest established and the most developed. It has a thriving membership which consists of staff at all levels in the council. The forum use their resources very strategically to engage with the LGBT community in Brighton and Hove, to garner their support. The gay media locally for example has been very supportive of them. The membership of LGBT senior staff at BHCC has enabled the LGBT forum to develop important strategic skills and easier access to dialogue with senior management. In contrast both the BMEWF and the DWF are not as well developed. Their membership is much smaller and less active, and senior BME and disabled staff do not engage to the same level as is the case with the LGBT forum (though there are fewer of them). Once again there is a perception that the LGBT forum receives a greater level of recognition from the council than the other forums:

*"It is also perceived that this group of people have the most support at senior level out of all the*

*fora and BME and DWF members would like to achieve similar recognition”.*

- 2.134 This was recognised by the leadership team in place at the time, and the Strategic Director of Communities began attending all forum meetings as their ‘link’ to SLB.
- 2.135 The BMEWF is open to employees who identify themselves as black or minority ethnic. Their objectives are to:
- **Support** members by organising general meetings and training opportunities, providing a support network and raising members’ issues;
  - **Review and consult** on internal policy and practices, external reviews and awards;
  - **Improve the working environment** by identifying issues and working to resolve them;
  - **Monitor** cases where there is union involvement (with members consent) to enable them to identify common problems experienced by BME staff in the organisation;
  - **Reach out to the community** by identifying a need in the city for community groups and organisations to have a voice. They engage with local and national organisations, and find out what they need.
- 2.136 The BMEWF is not as well supported in terms of active membership as it would like. During our interviews and focus groups it was apparent that some staff (BME and others) did not understand the nature and purpose of the BMEWF. Some BME staff reported that their managers had not informed them of the forum, so they were nervous about asking for the time out of office hours to attend and nervous about the attitude of their colleagues:
- “I don’t go to the BME workers forum. I have never been told about the group and I don’t feel that I would be encouraged to attend by my team, my colleagues wouldn’t understand. I don’t feel that I could go I can’t justify the time....”*
- " I have to plan my work to be able to go; my manager makes a point of asking me if I have finished work projects before agreeing to let me go. Sometimes it's just too hard work to bother.."*
- 2.137 Others felt that the BMEWF did not have the strategic capacity to make significant inroads into the issues facing BME staff in the council:
- “The BME workers forum is a group of overstretched people. They don’t have a great deal of power and strength ..”*
- 2.138 When a minority group is overwhelmed with challenges related to their status it is completely understandable that they may become susceptible to feelings of powerlessness. Whilst challenging, these feelings need to be balanced with the reality of what strengths they do have and the prospects for expansion in this regard, so that they are better able to wrest control and adopt a more tactical approach to their actions. Otherwise there is a danger that the group manifests as a cohort of ‘wounded casualties’ or ‘victims’. We observed this as a potential danger for the BMEWF. The initiation of this study is certainly an important and major achievement for the forum and they have a continuing and critical role to play in the development of the BHCC equality agenda. The task now facing them is that they ensure that they position themselves strategically and appropriately in the medley of activity.

2.139 **Highlight:**

It became apparent that the steering group members of the BMEWF would benefit from further support from the council in the form of learning and development. A programme of development could be provided to these members (individually and collectively) to enable them to improve their skills in negotiation and develop more strategic approaches to the way they work. This should be seen as personal development for these BME staff and a positive aspect of their career development as council officers.

- 2.140 There appears to be much scope to learn from the LGBT forum, who have expressed a desire to support the development of both the BMEWF and DWF. The forums should meet to discuss practical ways that the LGBT could support their development. Group mentoring/shadowing of steering group activities, periodic meetings between the chairs and between other officers to share experiences and learn different approaches/ techniques to handling challenges are all approaches that could be explored. We feel that the steering groups of the forums should meet more regularly than they do currently, to learn more about each other and from each other and to redress a 'silo' tone to their working, that is prominent in BHCC generally – see below – and that we certainly observed in the way that the equalities forums operate.

***The HR Equalities Group***

- 2.141 The HR Equalities Group (HREG) is a forum of HR staff and the equalities workers forums, designed to enable them to work together on equalities staffing issues. It is part of the Equalities Performance Management Framework at BHCC and feeds into the Equalities Steering Group (ESG), which in turn feeds into the (previous) Strategic Leadership Board (SLB), and then to the council committee etc. The group is chaired by the Head of HR and staff from the Communities and Equality Team are also represented, along with the members of the currently three staff workers equality forums. The group meets quarterly.
- 2.142 There have been some challenges around how this group has operated in the past. It doesn't appear to have Terms of Reference (TOR), and some of the forum members feel that HR have used the group to show that they have consulted on equalities issues, without any real engagement. Staff from the Communities and Equality Team have not regularly attended and the group seems to have lost its way. We observed once again an atmosphere of 'silo' working, which we mentioned above with the equalities forums. Whilst it is important that forums represent the interest of their equality groups and members, this must be a forum for joint working to address particular, but also overall equality and diversity matters, and we didn't feel that the temperament for this latter point was well set within the group.
- 2.143 Recent changes in the organisation provides a good opportunity to refocus and renew, which the group has resolved to do. First on its agenda is to establish Terms of Reference. We make below proposals for the group to consider in its new set of TOR's, but we also recommend a change in the equality performance framework and the positioning of the HREG.
- 2.144 With respect to TOR we feel that it is important that the group takes a more strategic role in both supporting HR to achieve the organisation's equality objectives, but also in holding the organisation and HR as its vehicle for oversight, to account for performance along the its strategic pathway - a critical friend. In this regard we propose that the strategic action plan that

is developed as a result of this study, becomes effectively the essence of the HR Equality and Diversity Strategy and the key initiative in the equality strand of the People Strategy, and is overseen by this group. That will mean that a standard and significant agenda item will be progress against the action plan, and the group will both support HR to achieve the targets and objectives, and provide stretch and challenge as appropriate to HR and the organisation as a whole.

- 2.145 This group should generally provide support for HR in all its equality activities, so it should be a place where HR can bring any challenges or discuss plans/proposals outside of the action plan. Linked to that should be oversight of the programme of HR Equality Impact Assessments. The proposal is not that this group signs them off, but that they are kept abreast of HR's progress on delivering EIAs, and any significant issues that may arise from them or the process.
- 2.146 The quarterly employment equality monitoring reports should be presented to this group at each of their quarterly meetings, for discussion and challenge. Any highlight issues, risk assessments and positive developments should then form part of the reporting to ELT as detailed below.
- 2.147 The staff forums need a space to raise any issues pertinent to their particular equality interests, jointly or individually.
- 2.148 With regard to the performance management framework we believe that the issue of equalities in HR needs to take on a more significant focus at BHCC, and HREG should step up in the hierarchy of the framework. We propose therefore that the HREG reports directly to the new Executive Leadership Team (ELT - replacing SLB) rather than have its deliberations filtered through ESG. The new ELT is the senior team shaping and driving responses to council policy – internal and external. It is ultimately accountable for delivery and the performance of the council. The Head of HR as the guardian of equalities in employment and Chair of HREG should keep CMT engaged as active participants in delivery.
- 2.149 However it is important that the HREG retains a link to the ESG ensuring that political oversight is maintained.

### ***Relevant HR Policies and Approaches***

- 2.150 BHCC has in place all the relevant policies and procedures one would expect to see. These include disciplinary, absence management, grievance, dignity at work, recruitment and selection, capability. Compared with those found in other local authorities, the detail generally accords with best practice with the occasional sensitising to the specific needs of BHCC; at face value they are therefore appropriate.
- 2.151 The data on how they have been applied however has shown that the negative impacts have been greater for staff from BME backgrounds, in that they are more likely to find themselves subject to formal processes that have a greater potential to lead to their departure from BHCC.
- 2.152 At BHCC there is '*a growing consensus about what may have become an over reliance on formal procedures ...*' This reliance has not helped BHCC '*to resolve issues around equality and in some*

cases [has made] *the issues more difficult to resolve*'.<sup>17</sup>

- 2.153 This said there are some general issues arising out of the application that impact on working relationships, culture and perceived fairness that also need addressing:
- 2.154 **Timescales:** One of the key complaints was the time taken to deal with disciplinary issues with reports of some cases taking over six months before being heard and an equal amount of time to complete the process. This being the case more often than not the member of staff would be suspended with no clear time frame for their return as the procedures specify that suspension can be '*for the duration of the investigation*'. This practice does not accord with the 'law of natural justice' which the ACAS Codes say that time taken should be 'reasonable' and what would be expected of a 'good employer'.
- 2.155 Such time away also contributes to the likelihood that a member of staff will not return to work. Studies have shown that the longer an individual is away from the place of work (either because of formal action or through ill-health), the less likely they are to return. All it takes is 12 weeks for a person to begin to feel disconnected and disassociated from the work environment.
- 2.156 Where the impact of formal processes is evidenced to be greater for particular groups than others, it may a perception that the affected groups are being alienated.
- 'I was suspended for 12 weeks... They say suspension isn't punishment and all that but it sure felt like it. No one keeps in touch and I felt it worse because others have done things and they haven't been suspended; or at least not for as long as I was'*
- 'It's hard when you are trying to manage the situation; the process just takes so long by the time the person has to come back everyone's walking on eggshells'*
- 2.157 There are a raft of HR employee relations policies and procedures that are due for review (2012/13) and it may be worth looking specifically at creating clarity around timescales (which need to be realistic but reasonable), for both managers and staff.
- 2.158 **Understanding:** In relation to the use of policies and procedures the HR Business Partners should look to provide more direct support for managers involved in employee relations processes providing more direct briefings, workshop sessions and case studies taken from the organisation.
- 2.159 **Trends, Hotspots and Action:** HR teams involved in employee relations casework may also want to consider holding peer case review meetings to assess impact, consistency and outcomes on a quarterly basis to be able to catch trends early and take corrective action.
- 2.160 **Highlight:**

Employee communications is a key plank of the 'People Strategy' and expectations around how processes should work and what people should expect in such situations should be communicated widely. A number of the procedures already come with guides but these are targeted at managers. Short guides should also be developed for staff and given out as part of the information pack they receive when going through processes.

*'HR should stop referring people to the WAVE for everything. Every area has its jargon and while they might understand it all - we don't necessarily'*

<sup>17</sup> People Strategy p7-8



## SUMMARY AND CONCLUSION

- 2.161 BHCC has a well-developed corporate approach to equalities that has a heavy emphasis on community engagement. Employment at BHCC is part of the Equality and Inclusion Policy, but many of the commitments have not been followed through, leading to staff scepticism that anything will change.
- 2.162 The corporate equalities approach relies on Equality Impact Assessments (EIAs) and the EIA toolkit and template is generally well designed. EIA's in HR have been completed in a 'tick box' fashion and revealing a lack of understanding of their true purpose and value. Whilst generally well designed, the toolkit in some respects encourages a 'tick box' approach.
- 2.163 Equality awareness training at BHCC has not produced lasting change and one of the methods – e-learning – is very unpopular. E&D is not embedded in management training and evaluations are not meaningful. Most importantly, the matter of unconscious bias needs to be addressed in E&D learning and development at all levels, but with the leaders (members and executive) playing a pivotal role here, in recognising the importance of addressing this as an organisational issue.
- 2.164 There is a perception that LGBT issues dominate the equality agenda at BHCC. However, this study has concluded that there is a need to refocus and address equality and diversity across all equality groups in employment at BHCC and develop an HR Equality and Diversity Strategy and Action Plan.
- 2.165 The HR team need to reconnect with BME communities in Brighton and Hove, as there has been a loss of confidence in them as local employers amongst this community. HR need to work more strategically with external (CIP) and internal (Community and Equality, Economic Development and BMEWF) partners in developing their new approach.
- 2.166 BHCC should seek to support the development needs of steering group members of the BMEWF. The LGBT forum could act as mentors to both the DWF and BMEWF, and all forums should organise a programme of working together to improve partnership working. BHCC should support and resource these activities.
- 2.167 During our qualitative work, it became apparent that there is some tension between the role of the trades unions and the role of the workers forums. It is beyond the scope of this study to examine this in more detail. However, it is clear that some discussions need to be had at BHCC between the workers forums and the trades unions to address these tensions - to provide some clarity about roles and to ensure that a clear message about commitment to equality is seen to come from all quarters.
- 2.168 The HR Equalities Group (HREG) is renewing its focus. New Terms of Reference are being developed. The proposal is that these TOR's include HREG acting as a critical friend to the HR team in meeting their equality objectives, and oversee the progress of the HR E&D Strategy. The HREG should also become more focal in the equality performance management framework and report to ELT.
- 2.169 Policies and procedures are about setting standards and being clear about how those standards should be applied. However because of the need to cover numerous eventualities they are open to interpretation and in some circumstances can be abused. It is critical therefore that there is

appropriate oversight to ensure that they are being applied in a clear, consistent, fair and reasonable manner.

- 2.170 Lack of clarity around use can lead to inconsistency in approach and allegations of bias. More importantly a failure to clearly put in place measures to ensure approaches are being fairly applied in a consistent and reasonable way allows for inequality, and perceived discrimination to take route.
- 2.171 It is imperative therefore that HR, as the guardians and overseers of these critical cultural framework tools, take action to identify, codify and act on variances and issues that may arise during the implementation of these process.

### 3 PART TWO: CENTRAL THEMES

This section of the report details and comments on the overriding and fundamental issues that underscore the lack of progress on racial equality at BHCC. Without these being addressed any actions to achieve equality will not be sustainable.

#### 3.1 Highlight:

*“An organisation filled with decent people overwhelmed by a lack of process, leadership and courage. With no staff development or career planning of note, lip-service to what is fed back to managers from their employees and a cavalier attitude to recruitment don’t help. Being involved in recruitment and seeing what passes for practice has been an eye opener, and attempts to improve applications from under-represented groups are thwarted by a ‘lack of resources’. Sexuality is addressed in a more convincing fashion but on top of the lack of ethnic diversity, I don’t think we engage applicants from the large ‘council’ estates on the edge of the town, nor the long term unemployed, as well as we ought to.*

*I enjoy elements of my job....., but do find it a difficult place to work. Bureaucratic, top-down and without accountability/responsibility at the top, and an inability to be decisive or creative in looking forward. Communication is poor and on a need to know basis, and I have at times had to challenge some opinions that have been articulated or have heard disparaging remarks about staff that aren’t helpful”.*

These comments from a staff member during our qualitative work summed up much of what we heard. The following are key themes.

#### DIGNITY AT WORK

- 3.2 Dignity at work refers to a culture of working relationships in which everyone is treated with dignity and respect. An organisation that has dignity and respect embedded in the culture is a mature organisation, where bullying, harassment, discrimination and other forms of offensive and humiliating behaviour are considered intolerable and incidents are at a minimum.
- 3.3 It is one where individuals demonstrate their respect for each other by treating each other as they would like to be treated themselves; and even when this results in someone taking offence, having the emotional competence and maturity to talk about the issues and resolve matters quickly and without the need to resort to officialdom, except if the matter is serious.
- 3.4 A dignity at work policy then, is one that delivers the organisation's respect values by promoting a culture of respect; outlining decent and acceptable behaviour as well as unacceptable behaviour. It sends a message of zero tolerance for unacceptable behaviour and discourages the use of official bullying and harassment procedures (except in more serious cases), by training and supporting staff to deliver dignity and respect. It is not about how to use bullying and harassment procedures; it's about how to reduce the need to use them.

- 3.5 Bullying and harassment is unwanted conduct in working relationships affecting the dignity of employees. Promoting dignity at work is likely to reduce stress and related health problems and absenteeism among those who are both experiencing and witnessing bullying. It is likely to increase positive feelings about their employer and their job. This might be expected to lead to greater willingness to accept change, to learn new skills, pursue high standards of quality through pride in their work, work as a team and so on. Time spent on the promotion of dignity at work approaches is often better in outcomes than time spent on dealing with individual complaints of bullying and harassment.
- 3.6 In spite of the prevalence of work place bullying and the fact that it appears to be on the increase, there is no specific legislation in the UK dealing with the issue. Bullying is addressed through existing employment contract law. There is however a legal remedy for harassment when it occurs within the context of the Equality Act 2012 against people on the grounds of a 'protected characteristic'.
- 3.7 This is important because there is substantial evidence to show that certain groups of people are more likely to experience harassment/bullying in the workplace because of their race, gender, disability, sexuality, age and gender-reassignment for example. Whether bullying or harassment is specifically covered in the legislation or not the courts accept that bullying and harassment is defined in the first instance with respect to the perception of the person experiencing it. That is, it is not whether the conduct was intended on the part of the perpetrator, but whether it was unwanted on the part of the recipient.
- 3.8 The Equality Act 2010 prohibits three types of harassment. These are:
- Harassment related to a 'relevant protected characteristic';
  - Sexual harassment; and
  - Less favourable treatment of a worker because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment.
- 3.9 A 'relevant protected characteristic' relates to seven of the nine protected characteristics. That is age, disability, gender reassignment, race, religion or belief, sex or gender, sexual orientation. Pregnancy and maternity and marriage and civil partnership are not protected directly under the harassment provisions. However, pregnancy and maternity harassment would amount to harassment related to gender, and harassment because of civil partnership would amount to harassment related to sexual orientation.
- 3.10 This type of harassment occurs *'when a person engages in unwanted conduct which is related to a relevant protected characteristic and which has the purpose or the effect of violating the worker's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that worker'*.

### **The Picture at BHCC**

- 3.11 There is a generally well-crafted Dignity at Work Policy at BHCC. There are some areas for improvement but a stalwart effort was made by a group of concerned people from HR and the staff forums. The problem is that very few people know about it, and even fewer understand what it really means. The energy to make it a reality at BHCC was not forthcoming, so for example, there has been no staff training. The policy has had little impact, but has recently been

reviewed.

*"There are 3 key weaknesses in responses (to bullying and harassment) ....do nothing, go through the motions, use inappropriate sanctions"*

*"The increasing pressure of work becomes an excuse for bullying to flourish"*

*"Dignity at work - I don't know what the council means by it. There's been no training on it. I expect it means that everyone treats each other with respect..."*

*"I read something about it on the Wave, but I didn't know there was a policy..."*

*"the dignity at work policy was put on the agenda by HR staff but management didn't drive it. There was no big push and no resources put behind it. People still don't know about it"*

*"Dignity at work is not a very useable term, what does it mean exactly?"*

- 3.12 Our data analysis showed that reporting of bullying and harassment at BHCC is relatively low. However, our qualitative work revealed something very different; the vast majority (95%) of participants commented that bullying was a serious issue at BHCC, and we were given examples of serious issues that had not been reported. As a result, we are clear that there is significant under-reporting of the more serious forms of bullying at BHCC, and as employers BHCC need to know about that. There are a number of reasons for under – reporting.

3.13 **Highlight:**

*"I have not reported what happened...I saw someone who was really strong being humiliated... reporting bullying makes it worse...I feel very frustrated with the council"*

*"People need to feel safe to raise the issues. There is a sense of fear if you rock the boat"*

*"Climate of fear, intimidation, autocratic rule. When we in our team have serious concerns about proposed changes we are often told 'you need to be very careful what you say to the senior managers.' or 'They won't even read that if it doesn't say what they want to hear.' There is a sense that if we annoy the management team our service will suffer as a result. In a time of cuts and fear for jobs this is enough to silence people".*

*"there is a lot of low level harassment here, bullying and disrespect. People feel uncomfortable and not wanting to lift their heads above the parapet. Everyone knows about it but won't do anything about it, managers don't know how to deal with it, or think that if they do they won't be supported"*

*"There is a seedy underbelly which has been accepted – there is collusion. Managers don't manage and are bullied themselves by their operatives because the operatives will go to the unions. The unions will threaten to strike and the councillors will intervene because no-one wants refuse and rubbish all over the city..."*

*"There is a lack of responsibility and a real fear of addressing this. There are no real ownership.."*

- 3.14 In summary staff are reluctant to report and challenge harassment because they do not feel confident they will be supported by a robust and fair management response. Staff reported perpetrators of serious forms of harassment being disciplined, but being returned to the workplace to work alongside the complainant. There was a strong sense that there are no

consequences to bad behaviour. Some reported working in a climate of fear, and some managers reported that when they did deal properly with serious cases, their decisions were overturned by more senior managers.

- 3.15 Many of the cases reported to us in interviews, were in relation to harassment on the grounds of sexuality, disability and race. We were concerned about this, because as noted above, these forms of harassment are specifically unlawful under the Equality Act. There is no particular reference to this in the Dignity at Work Policy (other than to note that any acts amounting to unlawful behaviour will be gross misconduct), and as we referred to in Part One above, there is no monitoring of this form of bullying. So, harassment relating to a protected characteristic has not been acknowledged at BHCC as an unlawful act and therefore gross misconduct, and all that comes along with that i.e. potentially dismissal. A strong message of this nature followed up with robust action for breaches may have encouraged people to speak up, especially as most of the complaints of bullying that we heard about related to this.
- 3.16 In contrast, our case study work revealed that a high proportion of the cases that are reported are matters that could/should have been dealt with informally. We concluded that the reason for this is that staff have not been provided with the tools to deal with offensive behaviour, so they use all that they do have, and resort to procedures. There is no behaviour framework at BHCC – that sets unequivocal standards of behaviour, no training, support and development about how to handle matters informally when these standards are breached, or how to identify a serious breach from one that can be dealt with informally.

3.17 **Highlight:**

There is an overuse of the procedures for less serious forms of bullying and harassment and an underuse of the procedures where they should be utilised.

- 2.18 Our case study work also identified inconsistencies in the treatment of cases, particularly those cases where harassment was on the grounds of a protected characteristic. Each case will be different in relation to any mitigating factors and may warrant different outcomes, but what we identified was the same type of case being categorised in the first instance differently. For example, electronic circulation of a racist or sexist or homophobic joke will be gross misconduct regardless. The outcome for the worker under discipline will be determined according to a range of mitigating factors which may include past conduct, the level of offense that the joke could be said to give to any reasonable person, the level of remorse shown by the worker etc. However, because managers at BHCC have not been made aware of the serious nature of harassment on the grounds of a protected characteristic there is this licence to treat this with less vigour than it needs. In addition, not making it gross misconduct in the first instance immediately means any consideration there may have been of possible dismissal is not available to the hearing panel.
- 3.19 A dignity at work strategy needs the right environment to flourish, one that values its people and demonstrates that staff really are an organisation's best assets. Our discussions with staff indicated that there was some considerable doubt about this at BHCC:

*“There is a lack of responsiveness to the needs of people rather than policies”*

*“I don't feel the council invests much in its staff in terms of support and consultation or invests in the ability of its managers to support their employees many of whom see supervision as something they need to do once in a while and not a mechanism to check our welfare, workload*

or safety”.

*“Management can be very task oriented and the human aspects quite cold”*

3.20 There is evidently a need for BHCC to refocus on people, and give a higher priority to performance management that is people centred. The new CEO has detailed her plans to refocus on people performance management with the proposal to introduce some management coaching in the area.

3.21 There was some considerable criticism about the role of the trades unions in delivering dignity at work and indicating that they could better demonstrate their support for this policy;

*“for the unions protecting someone’s job is more important but you can’t protect someone who is bragging about harassment.”*

*“the trades unions use the procedures to escalate issues, when there are matters that could be dealt with informally”.*

3.22 The approach some union stewards have sometimes taken in terms of the tone and pitch of correspondence can be seen to have also played its part. We looked at e-mail correspondence as a part of the case work review along with transcripts of hearings. More frequently than might be considered appropriate, it was dismissive particularly with respect to HR staff and on some occasions aggressive.

[Steward]... *‘doing union work here is not a challenge because we always win’*

### **Irish Staff**

3.23 During interviews we heard reports from Irish staff relating to derogatory name calling and negative associations (drunkenness for example) aimed at Irish people and we were made aware of the circulation of inappropriate ‘jokes’ about Irish people. Any humiliating, degrading or offensive behaviour that Irish people may encounter as a result of their ethnicity should be treated as harassment on the grounds of a protected characteristic (race), therefore unlawful under the Equality Act 2010 and potentially gross misconduct. This should be emphasised in the policy, to ensure that the status of these ‘jokes’ are properly understood as unacceptable behaviour.

### **Staff who have English as a Second Language**

3.24 Another common theme during the interviews and focus groups was the treatment of staff who do not have English as their first language and have discernible accents relating to their mother tongue. A common experience is that colleagues ignore them, dismiss their competence or collude with the prejudice of customers who declare they “want to speak to someone who speaks English” rather than support their colleague. One participant commented of her experience:

*“I carried on trying; maybe 25 applications later and on my 7<sup>th</sup> interview I got a job as an Admin person, undertaking temporary appointments in many offices across the Council. In some offices, people would accept me more easily, and they would demonstrate appreciation when they noticed I was able to work to a high standard. However, in one location, I saw dismay in the manager’s face when she realised I spoke with an accent. I was there only for a week, and she used baby talk with me all the time. Some people just assume we are stupid for the fact that we don’t speak English as the first language, giving us such a hard time”.*

3.25 **Highlight:**

Complaining about someone who does not speak English as a first language, but whose English is perfectly discernible is not an uncommon way to express discriminatory attitudes relating to difference on the grounds of ethnicity. It is humiliating and demotivating for these staff to receive this treatment from staff colleagues, but to have to contend additionally with their collusion with customers who are effectively being offensive is unconscionable. It is also harassment and needs to be addressed.

- 3.26 Where a staff member speaks with an accent that means that their English is genuinely very difficult to understand and may be hindering their career progression, then the manager concerned should seek to address this with them and offer development through appropriate language/speech interventions such as elocution. To ignore this development need for fear of being branded a 'racist' is not good management practice and could be viewed as discrimination. However, in many cases this is not the case and this situation provides individuals who want to be offensive with a veiled opportunity to do so. This behaviour needs to be challenged with customers as well as staff members in the same way that harassment/offensive behaviour would be challenged and dealt with.

**Dignity at Work – organisational factors for BHCC to consider**

- 3.27 ***Strong leadership and values:*** actions of leaders and senior managers are crucial. They must take the lead in promoting dignity at work, modelling the behaviours they expect from others, tackling bullying and harassment and demonstrating that there are consequences to bad behaviour to show employees they take the matter seriously. ELT should receive regular reports of progress in achieving dignity at work, which will include monitoring reports of the level and type of cases (see below). The new CEO has already made it clear that Respect is amongst the non-negotiable values that she is introducing at BHCC and that this will be underscored by a zero tolerance approach. Leadership is not only about 'positional leaders' it is also about groups or individuals who are seen to have a power base. In this respect the unions can be counted amongst this group and should also reflect therefore the impact they may have in enabling or destabilising the behaviours necessary to embed agreed values.
- 3.28 ***Role of Members:*** there is a great responsibility on Members to be seen to be part of the process. Internal politics must not be seen to override the operations of the organisation. Organisations work best when there is seen to be a clear separation of duties and accountability between those who oversee the organisation and hold its chief officers to account, and the chief officers who are accountable for the day-to-day operation. Where members are too easily accessed by what are seen by some as '*pressure groups*' (e.g. the forums and unions), it can create an imbalance that will only serve to undermine the process of change required. Blurring of boundaries sometimes occurs with good intent – and seldom delivers an effective outcome. It is therefore important that members are clear about the role they need to play and the leadership challenge they face in enabling the outcomes they have expressed commitment to and that this is understood clearly by all those within the organisation and beyond.



- 3.29 **Zero tolerance:** organisations found to be most successful in dealing with bullying and harassment adopt a zero tolerance approach. This means accepting bullying as an organisational responsibility - as a business essential - and ensuring that an unequivocal message is promulgated backed up by appropriate action, including demonstrating that there are consequences when the expectations of behaviour are not met. Underpinning this is the recognition of the damaging effects bullying and harassment has on productivity and performance.
- 3.30 **Business case:** there are significant costs associated with the failure to deal with bullying and harassment at work and financial benefits to having a zero tolerance approach. The Health and Safety Executive (HSE) estimates that bullying accounts for up to 50% of stress related workplace illnesses, which means that every year, bullying costs UK employers 80m lost working days and up to £2bn in lost revenue. This is in addition to the cost to the targets and the risk to employers that employees will take legal action resulting in adverse judgements, heavy costs and damages, and extremely negative publicity. In addition to the moral case, the business case is compelling. What have been the real costs to BHCC of bullying at work with respect to stress related sickness, compromise agreements, and the reasons why people leave. What are the properties of the business case at BHCC?
- 3.31 **Policies:** these set standards for acceptable behaviour, and unacceptable behaviour. These standards must be non-negotiable, and unequivocal, as must be the consequences of breaches. Policies need to make it clear to individuals what their responsibilities are towards each other. The particular type of harassment that occurs on the grounds of a protected characteristic must be highlighted in policy, how seriously the organisation regards this and how that is translated into consequences for breaches. Policy must stress the importance of early intervention. Early and informal action to resolve complaints and conflict is core to effective resolution. The earlier an issue is resolved the better for all parties concerned.
- 3.32 **Training:** Policies must be backed up by good and relevant training and support. It is all well and good to say to staff that they must behave properly, and resolve their problems informally, but this will have minimal impact without effective training and support to give them the skills and competences to do these things. Training here must be mandatory and interactive to be effective. It must both raise awareness and ensure understanding of dignity at work and what this means at BHCC with respect to behaviour and the policy framework. Therefore, there must be a concentration on the detail of the behavioural standards and the skills to effectively challenge inappropriate and offensive behaviour, as well as how to respond to a challenge; to be able to identify a case that requires formal intervention, one that doesn't and the differences between the two. Manager training needs particular attention as they need additional skills to support their staff in developing and implementing these new approaches as well as ensuring that through performance management these standards are achieved, maintained and developed.
- 3.33 **HR, Trade Unions and workers equality forums:** HR are the guardians of the organisations Respect Value, and they need to be seen to be taking a proactive stance. It is however important that the trades unions and workers forums are also part of the framework to instil this change in culture at BHCC, and are seen to promote the zero tolerance approach. A partnership involving all parties working with the leadership group will yield the best results.

- 3.34 **Long and short term outcomes:** There should be regular quarterly monitoring and reporting of cases of bullying and harassment, and of overall progress in achieving dignity at work to ELT, in addition to the equality monitoring of this (see above). In the short term official complaints of bullying may increase, as staff become more confident and less fearful about using the procedures to report serious cases of bullying. Under-reporting will decrease which means that official reporting will increase. These however, will be reports of the more serious nature. This is not a bad outcome. In the longer term, all reporting will decrease, as staff become competent and confident to resolve their less serious issues informally, as well as the more serious incidents decreasing over time. When these patterns begin to emerge, BHCC should set a target for the reduction of complaints of bullying and harassment.

### MANAGEMENT PRACTICES

- 3.35 Not all that came out of the qualitative process was negative about BHCC, its management or the experience of staff. Some staff from minority groups stated that they felt BHCC was a good place to work and while there were not significant numbers of minorities they had not experienced any problems though they had heard about things. Other staff expressed the view that they felt there was clarity around diversity issues in their operational areas. One member of staff stated that management in the operational area had taken the outcome of the staff survey around bullying seriously and acted to facilitate team learning along with supporting staff when issue arose. However it was also clear that staff felt that silo working persisted at BHCC which gave rise to a mixed regime for staff to operate within.
- 3.36 Staff frequently indicated that they believed bullying and machismo<sup>18</sup> had taken root in the culture (as ways of getting things done) with a lack of respect at its core from all sides (managers and staff). The larger proportion of those participating were not in management roles and with the exception of those that were in parts of the organisation where they felt practices were good, the majority of non-management level staff recounted their view that the culture had evident undertones of bullying overlaid with less positive aspects of characteristics ascribed to men (e.g. aggression and non-verbal intimidation) that were practiced by some managers and some colleagues regardless of gender or race.
- 3.37 Staff talked about a lack of management accountability with perpetrators not seen to face consequences and the impact often resting on the 'victim' who in the case of minority staff, was often accused of 'playing the race card'.
- 3.38 There were many concerns about the skill of managers at every level to manage diversity effectively and they were certainly seen as the key weak link in the chain of effective equality and diversity practice. We referred to this in the section on training in Part One, but many participants to the focus groups and interviews commented on the 'fear' that many managers have in managing inclusively and being decisive when faced with challenges around diversity. We also heard examples of management practice that was certainly exclusion and bordering on, if not categorically, unlawful – all through ignorance and fear. In our case study work we identified that poor management skills frequently resulted in grievances and disciplinarys being unnecessarily escalated.

*"There are confidence and competence issues around equality and a fear of not being able to*

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<sup>18</sup> an exaggerated sense or display of masculinity, emphasizing characteristics that are conventionally regarded as male, usually aggressiveness and lack of a considered emotional response - taken from English Dictionary

*handle issues well enough”.*

*“Managers are fearful of diversity, they’re scared they’ll get it wrong and be called a racist or something....there’s no courage around this...”*

*“People are too scared to challenge racism and the organisation is too scared to manage BME staff”.*

3.39 A critical element of a manager’s skillset is their ability to manage diversity in their teams with confidence – to manage inclusively. ‘Managers who manage’ is a well recognised term in the field of managing diversity and refers to managerial capability and competence as an essential factor in managing difference that is, it is the lack of this ability that hinders or creates barriers to inclusive management. Managers skilled at making people feel valued and included will understand how to harness potential and achieve the best from their workforce, whatever the diversity of that workforce. They understand individual motivation, and performance manage their staff with the knowledge that people are individuals with different strengths and capacities. They know how to work with those capacities to the benefit of the individual and team performance. A manager who manages well will manage diversity well.

3.40 **Highlight:**

It is clear that there is a cohort of managers at BHCC who have neither the knowledge and understanding to lead positively on diversity, nor the insight and skills to interrupt, challenge and change inappropriate attitudes and behaviour. Appropriate learning interventions (see above) need to be designed to address this.

3.41 There is no culture of appropriate challenge. Where potentially effective challenge was noted some managers received this as an attack – with the consequence that the fear and uncertainty noted were exacerbated and embedded still further in the organisation.

3.42 It is also interesting to note that, because the organisation is for many a good employer, staff turnover at middle and senior manager levels is less than one might expect. This brings stability, but it also brings risk in terms of accepted norms that elsewhere would be considered unacceptable. The one level of managers where change has been most common is at the most senior level and there is evidence to suggest that these forces of ‘embedded culture’ prevented some of the opportunities this new management team could have offered from succeeding.

3.43 Organisationally people issues appear to be side-lined. Trust remains a critical issue generally and in particular for some corporate service departments and, organisationally employee issues were not seen to be championed.

3.44 What were considered to be generally good and/or excellent people policies and procedures designed by HR/OD had not been given sufficient priority and profile within the organisation and had therefore not been validated by those who are required to apply them or are subject to them.

3.45 In general it was felt that the bad practices over-ride the good which left staff that experienced what they considered to be good management fearful of leaving their current environment and therefore career development was felt to be stifled.

## PERFORMANCE MANAGEMENT

- 3.46 As part of the qualitative work we asked people what they felt would help embed a change and the most often mentioned was a more effective performance management framework.
- 3.47 'Armstrong and Baron<sup>19</sup> define performance management as 'a process which contributes to the effective management of individuals and teams in order to achieve high levels of organisational performance. As such, it establishes shared understanding about what is to be achieved and an approach to leading and developing people which will ensure that it is achieved.' They stress that performance management is 'a strategy which relates to every activity of the organisation set in the context of its human resource policies, culture, style and communications systems'. This means that it is not a singular process and encompasses a range of activities and practices within organisations.
- 3.48 Staff often commented how they had not had 1-2-1s; that there were not regular team meetings; that where appraisals were done in most cases they were not referred to as part of on-going supervision. There was a lack of clarity about what objectives people had and there was most definitely no reference to equality and diversity and/or competence as part of performance.
- 3.49 This is not to say that BHCC does not have a formal performance appraisal process. However understanding is limited to the once a year meeting that appears to be unsatisfactory for both managers and staff.
- 'people should know what the job is and should get on a do it; appraisal is just more paperwork....'*
- 3.50 Key to the success of an effective performance framework is clarity about what is meant by performance and an understanding of where BHCC needs to be in its performance culture, and should include team meetings, staff briefings and more informal approaches. There should also be a focus on the part played by those involved, the link into organisational priorities and expected behaviours arising from BHCC value base.
- 3.51 Core to how all this fits together will be the role played by managers if change is to embed effectively, and in this respect their skill in coaching staff and their ability to use process effectively will be critical.

3.52 **Highlight:**

To make sure that the performance appraisal takes account of diversity issues, clear objectives should flow through from the overall aims identified in the corporate plan and the People Strategy. There should be levels of delivery reflected in the process from expectations around how it is driven in the objectives of managers and HR staff to front line delivery in the engagement with customers. This should be followed up during the year as part of the routine of supervision; (best practice suggests that performance objectives should be reviewed quarterly).

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<sup>19</sup> ARMSTRONG, M. and BARON, A. (2004) *Managing performance: performance management in action*. London: Chartered Institute of Personnel and Development

## LEADERSHIP

- 3.53 The most common theme in our focus group and interview work was 'lack of leadership'. This was felt to be from all levels of management.
- "There's a real lack of leadership, no responsibility and lack of courage to deal with the issues"*
- "From senior management, no one has inducted people properly or shown a different way, there has not been training in people skills and bullies have been promoted"*
- 3.54 It was clear that staff felt that the organisation had been rudderless for some time, BHCC having experienced considerable change in executive level staff over the last 5 years. Staff felt that there had not been a clear, unequivocal message from all of the leadership (CMT and above) about the priority of equality and diversity, the importance of eliminating discrimination, and the unacceptability of all forms of unfair treatment. Leaders had not led 'from the front' on diversity and set the tone for the rest of the organisation. Staff also reported that they had not seen evidence of behaviours at the highest levels which they believed would support best practice in equality and diversity despite managers at CMT level in particular having long term service and therefore considered to have been aware of the issues for some time .
- 3.55 Also pervasive in the culture of BHCC is 'internal politics'. This exists in every organisation, but staff in BHCC clearly believed it led to 'protectionism' amongst managers which meant that *"Everything you did had to be on message....."* and resulted in situations escalating rather than de-escalating. Tensions were heightened further because all too often Members would become involved in operational matters that would have been better dealt with locally.
- 3.56 This has the doubly negative impact in that Members are then seen to take an inappropriate role that undermines managers and removing managers' accountability for their own actions in the operational delivery of equality and diversity outcomes. This had created a high level of scepticism within the BHCC workforce that things could ever change for the better.
- 3.57 However, during the course of this study, we witnessed a dynamic change in the mood of staff following the appointment of a new CEO. The organisation was buzzing with optimism and hope as news circulated about her performance during the open interview aspect of the CEO recruitment process. She had made her beliefs in the business case for diversity crystal clear and her performance demonstrated a zero tolerance to inappropriate behaviour. She represents a fresh start which was visible to those staff who were involved in her recruitment process.
- 3.58 As she has taken her place in the organisation, she has built on this further by demonstrating her approach as a responsive and visible leader by 'walking the shop floor' on a Listening Tour through the organisation. She has used that experience to help in her plans to build on the strengths of BHCC to take the organisation forward, and she has since been promulgating messages about these plans – key to this is a set of values to underpin behaviour. The scene has been set – the ground has been prepared for the seeds of change to take root and grow at BHCC.
- 3.59 It now just needs the visible commitment of the ELT and even more critically the managers who make up the CMT to ensure that those seeds are effectively nurtured. The new CEO cannot deliver this alone - her leadership and management teams have the operational responsibility to ensure that this vision for change becomes reality. The key message here is that there is an opportunity now for a fresh start; there were errors involving all levels at BHCC in the past, but

there is no place for, and no point in, allowing the 'blame culture' - reported as an undercurrent at BHCC - to overshadow and infect the positive energies that are evident and necessary to deliver the transformation.

- 3.60 There are four key elements to the new approach for BHCC: Purpose, Ambition, Values and Priorities. We refer in more detail below to values, but one of the priorities is Modernising the Council. One of the key principles underpinning this is the introduction of four leadership domains which are for everyone and which require accountabilities to be clear from the CEO downwards. These domains are Accountability, Delivery, Working Together and Personal Impact. Together they form the centre of an organisational development framework which link the domains to six organisational values – Respect, Collaboration, Efficiency, Customer Focus, Creativity and Openness.
- 3.61 Work is now commencing to define those values at BHCC and translate them into meaning and to begin the conversation on what behaviours are needed to live the values. A behavioural framework will be finalised to which will be linked individual performance and a development programme will be introduced which will assess individual development needs and provide development and support to meet the new requirements. We examine this in more detail below with a focus on diversity.

## **VALUES**

- 3.62 The focus group sessions and interviews revealed that BHCC did not have a framework of values that staff felt able to relate to. When asked, most staff stated that BHCC did not have any organisational values, others quoted the corporate plan priorities or the aspirations of the People Strategy. It was evident that values were not driving behaviour in any significant way, though work had been done by HR staff sometime ago in defining a set of organisational values and an approach to bedding them in; however this was not endorsed within BHCC at the time.
- 3.63 Organisational values can be defined as 'beliefs in action'. Their function is self-evident – they are not a set of 'pretties' to be adopted and placed in a high place and bought out when the need arises and replaced after use. They are to be seen, felt, and experienced by everyone (members, staff, customers, clients, partners, agents) who has any kind of relationship with the council. Therefore, the organisation (the community of people who drive the BHCC vehicle) must demonstrate them in everything that they do. They are to be lived and found within the organisational DNA. They form the basis for describing how people should and will experience engagement with an organisation.
- 3.64 We are enthused by these values for BHCC, because at their essence – some more obviously than others – is the means to deliver the organisations equality and diversity agenda. These values relate to valuing diversity. Embedding equality and diversity is the long term and key objective of all equality programmes. Enshrining the means to achieve that in the genetic material of an organisation has got to be fundamental.
- 3.65 The next stage is to translate these values into behaviours so that they are tangible and can be measured. They will become behavioural competencies. The organisational competencies will be cascaded down and through the organisation (converted as necessary) to departmental competencies, team competencies, management competencies and individual job/grade competencies. They will be found in the organisation's competency framework and/or the person specifications of all jobs so that they can be recruited for, and performance managed.

This is true mainstreaming of equality.

3.66 To that end we propose the following for BHCC to consider in their work to define those values as behaviours, with a particular focus on the Respect value:

### **RESPECT**

The organisation, teams and individuals who demonstrate this competency will:

- Sense other feelings and perspectives and take an active interest in their concerns;
- Be attentive to emotional cues and listen well;
- Show sensitivity and understand others' perspectives;
- Help out based on understanding other people's needs and feelings;
- Demonstrate the capacity to accept the relativity of one's own knowledge and perceptions;
- Show a tolerance for ambiguity;
- Demonstrate the capacity to appreciate and communicate respect for other people's ways, backgrounds, values and beliefs;
- Have the capacity to demonstrate empathy;
- The capacity to be flexible;
- Examine their own behaviour, styles, belief and attitudes;
- Consider their own feelings and reactions to people;
- Be welcoming and inviting, wanting to know their colleagues;
- Try to see things from other peoples' perspective;
- Challenge accepted practices;
- Act as a role model;
- See diversity as an opportunity, creating an environment where diverse people can thrive;
- Challenge bias and intolerance;
- Accurately read key power relationships;
- Detect crucial social networks;
- Accurately read organisational and external realities;
- Know which emotions they are feeling and why;
- Realise the links between their feelings and what they think, do and say;
- Recognise how their feelings affect relationships and performance;
- Have a guiding awareness of values and goals;
- Manage their impulsive feelings and distressing emotions well;
- Stay composed, positive and unflappable even in trying moments;

- Think clearly and stay focused under pressure.

### ***COLLABORATION***

The organisation, teams and individuals who demonstrate this competency will:

- Cultivate and maintain extensive informal networks;
- Seek out relationships that are mutually beneficial;
- Build rapport and keep others in the loop;
- Balance a focus on task with attention to relationships;
- Collaborate, sharing plans, information and resources;
- Promote a friendly, co-operative climate;
- Spot and nurture opportunities for collaboration;
- Model team qualities like respect, helpfulness and co-operation;
- Draw all members into active and enthusiastic participation;
- Identify barriers to inclusion and remove them;
- Build team identity, team spirit and commitment;
- Protect the group and its reputation; share credit.
- Ensure open communication, setting explicit norms and expectations, and confronting under-performing team members;
- demonstrate a drive to improve, paying attention to performance feedback and learning to do things better;
- Demonstrate self-awareness, in the form of evaluating their strengths and weaknesses as a team, and their relationships with others;
- Take initiative and taking a proactive stance toward solving problems;
- Demonstrate self-confidence as a team;
- Show flexibility in how they go about their collective tasks;
- Have organisational awareness, in terms of both assessing the need of other key groups in the company and being resourceful in using what the organisation has to offer;
- Build bonds with other teams.

### ***EFFICIENCY***

The organisation, teams and individuals who demonstrate this competency will:

- Act ethically and be above reproach;
- Build trust through their reliability and authenticity;
- Take principled stands, even if they are unpopular;
- Meet commitments and keep promises;
- Hold themselves accountable for meeting their objectives;



- Be organised and careful in their work;
- Be results orientated, with a high drive to meet their objectives and standards;
- Set challenging goals and take calculated risks;
- Pursue information to reduce uncertainty and find ways to do better;
- Learn how to improve their performance;
- Readily adjust their priorities to meet larger organisational or team goals;
- Find a sense of purpose in the larger mission;
- Use the group's core values in making decisions and clarifying choices;
- Actively seek out opportunities to fulfil the BHCC's mission.

### ***CUSTOMER FOCUS***

The organisation, teams and individuals who demonstrate this competency will:

- Understand the forces that shape the views and actions of clients, customers and partners;
- Understand customers diverse needs and match them to services and products or as appropriate develop services and products to meet needs;
- Seek ways to increase customers' satisfaction and loyalty;
- Gladly offer appropriate assistance;
- Seek to engage customers and stakeholders in the decision making processes of the business as appropriate;
- Grasp a customers' perspective, acting as a trusted advisor.

### ***CREATIVITY***

The organisation, teams and individuals who demonstrate this competency will:

- Seek out fresh ideas from a wide variety of sources;
- Entertain original solutions to problems;
- Generate new ideas;
- Take fresh perspectives and risks in their thinking;
- Smoothly handle demands, shifting priorities and rapid change;
- Adapt their responses and tactics to fit fluid circumstances;
- Be flexible in how they see events;
- Be ready to seize opportunities;
- Pursue goals beyond what's required or expected of them;
- Cut through red tape to get the job done;
- Mobilise others through unusual, enterprising efforts;
- Persist in seeking goals despite obstacles and setbacks;

- Operate from hope of success rather than fear of failure;
- See setbacks as due to manageable circumstance rather than a personal flaw.

### **OPENNESS**

The organisation, teams and individuals who demonstrate this competency will:

- Be aware of their strengths and weaknesses;
- Be reflective- learning from experience;
- Be open to candid feedback, new perspectives, continuous learning, and self development;
- Show a sense of humour - not take themselves too seriously;
- Be honest and demonstrate the humility to acknowledge what one does not know;
- Have integrity and live personal values;
- Ensure transparency – removal of barriers and smokescreens – limit ‘spin’;
- Share information and knowledge to ensure inclusion and good decision making;
- Admit their own mistakes and confront unethical actions in others.

### **SUMMARY AND CONCLUSION**

- 3.67 There is a well-crafted Dignity at Work Policy at BHCC, but the energy to make it embed it in the organisation did not follow the design of the policy with the result that few people know about it or understand what it means. The policy has recently been reviewed.
- 3.68 There is significant under-reporting of serious forms of bullying and harassment at BHCC, particularly that which occurs on the grounds of a protected characteristic under the Equality Act 2010. Coupled with this, there is an overuse of procedures for less serious forms of harassment and bullying, mainly because there is no value and behavioural framework to provide staff with the skills and tools to tackle less serious cases informally.
- 3.69 Irish staff have been subject to harassment via the electronic circulation of inappropriate ‘jokes’ about their ethnicity and staff who have English as a second language have been subject to a particularly insidious form of harassment relating to their accents.
- 3.70 BHCC need to consider a number of organisational factors in applying a remedy to the situation – leadership and values, zero tolerance, the business case, policies, staff support and training, the role of HR and the trades unions and long and short term outcomes.
- 3.71 Prior to the appointment of the new CEO, staff at BHCC felt frustration at what they described as a lack of leadership generally and in particular with respect to equality and diversity. There were no standards set and models to follow. The new CEO has brought a dramatic shift in staff perspectives with hope and optimism for the future. She has demonstrated her belief in the business case for diversity and given clear messages about zero tolerance for harassment and bullying. A set of organisational values are being established – Respect, Collaboration, Efficiency, Customer focus, Creativity and Openness. Managers at all levels need to ensure this vision translates into reality.

- 3.72 Effective performance management is an essential foundation stone for delivering change and for bedding in key behaviours. This framework is not subscribed to at BHCC and is not championed as a key business tool.
- 3.73 It is clear that not all staff experience BHCC or their managers and colleagues in a negative way. There were reports of good management practice around issues such as bullying, and a number of staff reported positive experiences in relation to their employment with BHCC.
- 3.74 Nevertheless, poor management practices were evident and were seen to be the root cause of negative impacts for BME staff (disproportionately), but also for LGBT, disabled workers and women.

#### 4 PART THREE: THE WAY IT NEEDS TO BE

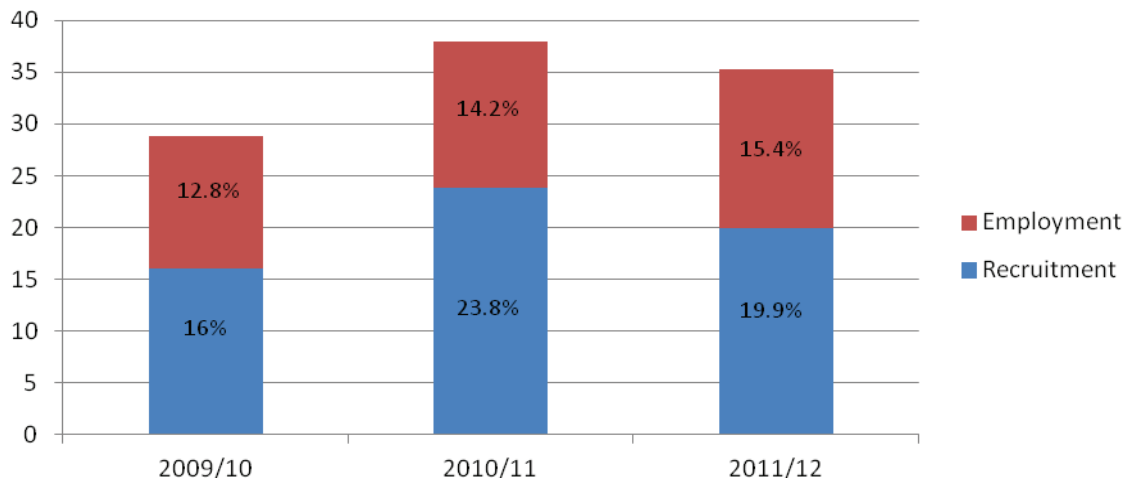
This section of the report contains the raft of recommendations from the study, commencing with the data analysis and policy review, and finally the central themes.

##### RECOMMENDATIONS DATA ANALYSIS

##### Increase the responses to the ethnic origin question

4.1 A reliable analysis depends upon a good body of data. The higher the response rate to equality monitoring questions, the better the built profile and subsequent planning to address anomalies and /or inequalities. In the recent past, this could not be said to be the case at BHCC.

**Table 20: BHCC % of non-disclosure to the ethnic origin question**



4.2 The table above shows that in respect to staff employed at BHCC the position has been getting worse. The data for employment also shows that the level of non-response has been concentrated in staff at the more junior grades in the organisation. In the most recent year – 2011/12 - the proportions for ‘unknown’ ethnicity across the grades was:

**Table 21**

Scale 6 and below	SO1 – M9	M8 and above
22.3%	11.5%	10.2%

4.3 In addition, in the response to the Freedom of Information request initiated by the BMEWF in May 2012, BHCC revealed that 27.5% of staff at Scales 1-3 did not complete the ethnic origin question for data collected at 21.5.12. Also, for people subject to discipline in this year 22% did not provide the information. One would ask why this is the case when a disciplinary enables (through increased contact) opportunities to ensure this information is collected. It may reveal a lack of commitment or lackadaisical attitude to equality monitoring at BHCC.

- 4.4 For comparison, Tameside Borough Council has a similar ethnic workforce profile to BHCC – 4% of their staff are from BME groups. In their employment monitoring report for March 2011 they bemoan the fact that they had been unable to collect ethnicity data for 4.2% of their staff – obtaining a collection rate of 96%. Throughout 2010/11 they made particular efforts to raise the proportion of staff with ethnic origin data available. Their HR Support Team are provided with a monthly list of staff for whom no equality data exists, in order to focus their attention in addressing any gaps. In recruitment 99% of applicants complete the ethnicity question when applying for posts at Tameside. They attain this high level by ensuring that the online process for applications (which is an increasing vehicle for job applicants) limits the possibility of applicants failing to disclose their ethnicity.
- 4.5 In our view the non-disclosure figures at BHCC are unnecessarily high. Whilst BHCC are obliged to ask the questions, staff are not obliged to respond. But, as employers they can have some considerable influence over the rate of completion of the ethnicity data request. For example, providing evidence of how equality monitoring data has been used in positive ways will encourage responses. Promotion, instilling confidence and applying vigilance are all within their gift as employers, and they need to address this as a priority. We understand that very recently BHCC have increased their efforts here.
- 4.6 This study is focused on race equality outcomes. However, any approach to increase the levels of response to the ethnic origin question, should take the opportunity to address other equality areas where the response levels are also low. Whilst we have not examined this closely, our perception is that the response rates for sexuality, gender – reassignment and disability could improve. In this regard the other staff forums (Disability Workers Forum and LGBT Forum) should be specifically included in addressing the collection rates for other protected groups.
- 4.7 In the strategic action plan to achieve the recommendations set out in this report (see below Part Four: Making it Happen) BHCC should prioritise the objective of increasing the level of responses to equality monitoring in HR processes. Staircase the route to attainment over time to achieve 100% disclosure for all protected groups where equality is monitored at BHCC and detail the following actions:
- Involve staff in the Communities and Equality Team and the staff forums in the strategic approach to this. In particular address with them appropriate ways to encourage increased disclosure for disability, religion and the more challenging areas of sexuality and gender re-assignment;
  - Engage with the Communication team at BHCC to develop a strategy aimed at all staff but with a particular focus on junior staff, to promote and encourage equality monitoring, using all available media, such as the Wave, staff newsletters etc. Ensure that the messages address data protection concerns, and informs staff why the data is necessary and what will be done with it. It is also essential to ensure staff are aware of BHCC’s renewed focus on diversity, inclusion and equality, particularly around race and other areas such as disability, that are perceived to have not been high profile previously;
  - Brief all managers about the priority and expectations that the target to increase disclosure will be met and their role in contributing to that. Encourage them to engage with their staff on the issue– at team meetings, in one to ones – and provide them with

the tools that they may need to respond to staff concerns and instil confidence;

- Include a session on equality monitoring in relevant training courses, such as induction, recruitment and selection, and diversity training in all forms and at all levels (that is awareness, managing diversity, equality analysis or impact assessments, bullying and harassment, community engagement, dignity at work etc.);
- In recruitment – for online applications explore limiting the possibility of non-disclosure to the equality monitoring questions. Our discussions with the HR team at BHCC revealed that there is some concern that the online process discourages a number of people in the Brighton and Hove locality from applying for jobs at BHCC, people with learning difficulties and people without access to online facilities for example. As a result they are seeking to engage more directly with potential applicants through liaison with community organisations and employment services. Any engagement of this nature should include a full explanation about equality monitoring and encourage disclosure in applications;
- Provide relevant HR staff with monthly lists of people who have not disclosed their equality data in order for them to follow these up and bridge the gaps. Provide briefings to the staff concerned to give them the necessary tools to do this sensitively and effectively;
- Monitor progress closely against the action plan. Be alert to any barriers to achievement and the potential for challenges and address them quickly.

### **Establish Equality Targets**

- 4.8 The following commitment is enshrined in BHCC’s Equality and Inclusion Policy 2012 – 2015  
*“We will strengthen our employment monitoring and use it to continue to improve the diversity of our workforce at all levels to ensure that we reflect the communities we serve..”*
- 4.9 The subtext to these reads... *“We will use this information to identify appropriate targets and areas for action”*. The Equality Framework for Local Government Peer Challenge review that took place in January 2011 highlighted...*“monitoring of the workforce profile is not being comprehensively compared to an up to date community profile to identify targets and areas for action...”*
- 4.10 Any analysis of recruitment and employment statistics is hampered when there are no equality targets for comparative measurement and to make sense of the data. An equality target is not an absolute, rigid figure that must be attained regardless – it’s an aspirational quantity. It is simply a tool that identifies what equality looks like by reflection of the local community profile in the relevant field. For HR/employment purposes for race equality, the relevant field is availability for work or economic activity.
- 4.11 The community profile for our purposes is ethnicity, so the race equality target will be the measure of economically active people in the travel to work localities for BHCC who are from BME communities. In 2011/12 we estimate this figure to be 10.3% of all economically active people in the Brighton and Hove locality only (not including travel to work areas). The extent to which the reality (the proportions of people applying for work and subsequently employed by the council with respect to ethnicity) falls short of the target will be the measure of inequality.

To redress this the employer must first of all make an assessment of why there is this profile of under-representation – what are the economic and related (such as educational attainment) characteristics of the local community in question? To what extent do their recruitment and employment processes disadvantage BME people locally? Given the answers to that and other related issues, how tenable is this position?

- 4.12 The employer may then develop a plan to address under representation of this community over time by using a range of (lawful) methods, which may include positive action – specific encouragement aimed at the under-represented group, exclusive training and development etc. until the target (which may be shifting) is met. The principle of targeting will be used throughout employment processes from this ‘big picture’ local community measure through to base line indicators (as we have used above) for the internal measurements, such as grievance and discipline, promotion and training etc.
- 4.13 BHCC have not established any equality targets for recruitment and employment. Local economic activity/labour force data can be obtained from the ONS. But ONS data will reflect national census ethnic categories and is not likely to be fine-tuned to reflect the specific local communities. However, these measurements around the census categories must still be made. A large employer of local people, providing services to local people, such as the local authority will want to ensure that their specific ‘flavour’ of local communities is reflected in these measurements. To that end the HR department will need to develop additional categories that reflect the major communities in the city and use this increasingly. They can start to do this by identifying the ethnic groups that applicants and staff specify under the ‘other please specify’ areas of the set of ethnicity questions.
- 4.14 The dichotomy here is that for communities and services BHCC actually do this, but the HR department do not. This is one example of why closer working relationships between HR and the equality team in the council is so important – sharing this information and working together to develop the best way to attain it and work with it as a whole organisation is critical. This is particularly important as the Communities and Equality team have a specific relationship with the City Inclusion Partnership (CIP) – a vehicle for statutory partners in the city to work together on equalities issues. One of the commitments in their Equality and Human Rights Charter is monitoring and using data, and they have proven to be effective in equality mapping across the city by sharing equalities data, signposting to data access and discussing and understanding where partners lack data. There is in addition an employment commitment in the charter and an HR group in the CIP.
- 4.15 BHCC is not just an employer of people delivering its local services. It is a very visible large employer of local people; and people from local communities who are not represented amongst its workforce will feel this exclusion acutely and question the democratic values of a council that excludes in this way. The only way that this commitment to reflect local populations in employment can be attained is for relevant teams to work collaboratively to do this. BHCC should address the following in their action plan:
- Establish an overall equality target to measure recruitment and employment against the local community profile. Liaise with colleagues in the Information and Economic Development teams to identify appropriate economic activity levels in the relevant travel to work areas from local ONS/labour force data;
  - Work with colleagues in the Communities and Equality team to improve information

about the specific ethnic groups represented in the city. Ensure that the council's HR equalities objectives are understood and supported by the CIP, and explore the possibility of HR representation on the CIP.

- Develop additional ethnic categories over time to reflect the largest of these communities and to fine tune the approach to reflecting local communities in employment;
- Use targets/baseline indicators throughout HR equality monitoring to capture internal HR processes.

#### **Include 'white other' as a specific category for monitoring of BME issues**

4.16 The following comment was made by a member of staff who categorised themselves as 'white other':

*".....People in general had a nice approach, but there was no way to escape the eventual racist comment from individuals, such as talking against "foreigners who take working opportunities from citizens" - I simply didn't feel confident enough to challenge that attitude.*

*We came to this country in compliance with the laws; my husband and I are serious workers and we thought it would be a good experience for the family to come here for a length of time. As a consequence of such injurious attitudes we feel compelled to prove ourselves all the time; we have always had to do much more than the ordinary citizen to be accepted on not quite the same terms.*

*We can't help feeling exploited and on a few occasions I deeply regret moving here. I have never been confident even to join the union. I don't trust them to help me in case I receive unfair treatment. I'm afraid people will simply turn to me and say "go back to the place you came from. We allow you to work in this country, what else do you want?"....."*

4.17 BHCC do not address the equality outcomes for staff who have categorised themselves as 'white other'. This is important as they not only constitute the same proportion of staff as the BME workers but in many of the HR processes, particularly in recruitment, their outcomes are very similar. Our focus group work that included Eastern European staff revealed that poor English language skills often resulted in a lack of confidence amongst this group, and also a high level of people in posts that they are overqualified to do. Whilst 'English as a Second Language' training interventions are provided for many Polish workers, the staff from these communities in our focus groups indicated that there was a need for this training to be tailored to specific needs with respect to levels/competence in conversational English, and that these sessions would be best delivered by trainers who speak their mother tongue.

4.18 In recognition of poor equality outcomes for 'white other' staff the BMEWF include them in their definition of BME. As there is no sensitising of this category to reflect what 'white other' means locally we consider - from the communities information at BHCC and anecdotes during this study - that 'white other' constitutes a large proportion of Eastern European people (particularly Polish), Portuguese and Gypsy communities. Our **recommendations** here are that BHCC should:

- Include 'white other' as a specific and separate category for monitoring race equality;
- Fine tune over time (and further to the work to improve information about employability



of these groups) the set of ethnic categories to specify the appropriate 'white other' groups;

- Provide ESL training for relevant staff to meet the different levels of competence in conversational English. As far as possible, use trainers who speak the mother tongue of the participants; with the training being provided as part of the paid working day.

#### **Increase the areas for equality monitoring and include casual and agency staff**

- 4.19 BHCC provide ethnic monitoring data for applicants applying, shortlisted and appointed to posts, current employees and the grade and department of those employers, limited areas for grievance and discipline and exit. For over 25 years it has been good practice in employment to monitor the grades that applicants for jobs apply for and are appointed to, promotion/progression and training and development. This along with the categories that are monitored by BHCC would make up the basic and standard set of reports for equality monitoring.
- 4.20 Over more recent times many organisations have developed more sophisticated areas for monitoring to include appraisals, pay, full and part time appointments, grievance and discipline and exit information for harassment because of a protected characteristic and discrimination, and exit information relating to the quality of the work experience, such as poor working relationships and people feeling excluded or that they did not 'fit'.
- 4.21 The matter of ethnic monitoring of the grades that people are applying to and attaining, promotion, training and development are especially pertinent to BHCC. The data analysis shows an under-representation of BME people at the most senior levels in the council and an over-representation of them at the most junior levels. This has been the status quo for the past three years and very little action has been developed to address it, and what action has taken place such as involvement in PATH has not addressed the under-representation at senior levels. Coupled with this is the fact that the workforce at BHCC is shrinking, and most of the recruitment that is now taking place is happening through internal moves, which will include promotions.
- 4.22 The opportunity therefore to address under-representation through positive action measures to bring new BME people in is limited. Within this context, ethnicity information about internal training and development and promotion must be essential. BHCC needs to understand the training and development needs of its staff by ethnicity and who is accessing career development opportunities and succeeding and ultimately benefiting from that intervention; whether or not BME staff are presenting for promotion and the results of their efforts, and act on any worrying patterns that may emerge.
- 4.23 The second issue is the very basic level of monitoring that occurs for casual and agency staff, 21% of whom come from BME and 'white other' communities – it really is an important area for monitoring. They should enjoy the same level of attention as their contracted colleagues and we would recommend that BHCC address this.
- 4.24 BHCC enter into a high level of compromise agreements and is reported to have one of the highest levels of compromise agreements amongst local authorities in England. There is no equality monitoring of these agreements but anecdotal reports from BME staff are that BME people are disproportionately represented amongst the number in that they believe that there is

a tendency at BHCC to 'pay their way' out of discrimination and harassment claims.

- 4.25 All information should be available by grade and by department so that each Head of Service can be provided with the picture of equality within their sphere of influence. This is ensuring that the responsibility for achieving equality is shared across the council and they can take whatever management decisions that they feel is necessary as a result of the information that they have. This also improves BHCC awareness of what is happening in different parts of the council, and enables HR to make appropriate interventions as necessary. The following are **recommendations**:

BHCC should monitor all areas by grade and department, and extend their existing ethnic profile reporting to include as a minimum:

- The grades that applicants apply for and are appointed to in recruitment;
- Who applies for different kinds of training opportunities, who takes up training and who successfully completes their interventions and if training leads to promotion;
- Promotion and progression;
- Performance management – appraisals;
- Grievances that are raised due to harassment and discrimination that has occurred because of a protected characteristic;
- Discipline on the grounds of harassment and discrimination that has occurred because of a protected characteristic;
- Exit because of bullying/harassment and discrimination that has occurred because of a protected characteristic;
- Exit on the grounds of the quality of the work experience;
- Compromise agreements;
- All non-contracted casual and agency staff in all the employment processes by head count as well as contracts awarded.

#### **Maintain a dialogue with individual Heads of Service on departmental diversity performance**

- 4.26 BHCC maintains data with respect to the diversity profile of staff in all departments. This enables regular reporting to Heads of Service, and an audit of departmental performance in a range of areas. Continual dialogue with departments about equality and diversity in their teams is critical. Early intervention when worrying trends begin to emerge can ensure that remedial action is put in place to reduce the risk of inequality and disadvantage. Likewise good practice and innovation can be identified and promoted through the organisation and to other teams. We **recommend** the following:

- Present quarterly diversity management reports to Heads of Service and departmental management teams that comprise all the areas of record keeping;
- Engage with Heads of Service annually to discuss their diversity/equality performance;
- Address areas of concern with Heads of Service immediately that worrying trends begin to emerge;
- Assist these departments to plan remedial action and jointly monitor progress to

attainment;

- Engage with the CMT around organisational trends and develop with them consistent approaches to action and resolution;
- Note good practice and innovation and promote this across the organisation using appropriate media including the Wave.

#### **Keep grievance, discipline and dismissals under scrutiny**

4.27 The numbers relating to grievance and discipline are very small, so probably not statistically robust. They do however reveal some worrying trends around capability and bullying and harassment, and BHCC need to maintain a vigilant approach to this data set. Of particular concern is that these trends have been present prior to 2009 and persist. Monitoring of harassment and bullying because of a protected characteristic (see above) will reveal more specifically levels of racial harassment at BHCC. Also other recommendations on Dignity at Work and bullying and harassment (see above) should also go some way to addressing this. The level of dismissals of BME staff in comparison with others has also been concerning. We strongly **recommend** that this is kept under scrutiny and the reasons for these outcomes examined.

#### **Bangladeshi Staff**

4.28 The position of Bangladeshi staff at BHCC needs further examination. The numbers are very small but the trend is concerning. We make the following **recommendations**:

- Interrogate recent recruitment information to ascertain the experience of Bangladeshi applicants during recruitment;
- Liaise with the Bangladeshi community on their recruitment experiences at BHCC. Address the issues and remove the barriers;
- Examine the reasons for the position of Bangladeshi staff at BHCC;
- Keep under scrutiny the employment outcomes for Bangladeshi staff.

#### **Exit Interviews**

4.29 We have already recommended that exit monitoring data should include the quality of the work experience. But it is also clear from the focus groups and interviews that we conducted as well as the data sets, that exit interviews are not completed systematically at BHCC. A good bank of data in this area depends on the efficiency of the process to collect it, and this is not occurring. As well as the equality considerations, it is important that BHCC understand why people leave, and how they feel about their experience of working with the council. This is important feedback. We therefore make the following **recommendations**:

- Review the exit interview process to ensure that guidance to managers includes exploring the work experience and any negative content with respect to bullying including harassment and/or discrimination that may have occurred because of a protected characteristic;
- Ensure that staff are reassured that the content of the exit interview will not negatively impact any references to future employers from BHCC;
- Promote exit interviewing amongst managers and staff, and set a target to increase the numbers provided to HR over time.

- Offer staff the opportunity to complete an on-line or hard copy version of the exit interview which they can return to HR themselves. Staff may wish to comment on issues and experience that have to do with the managers or which they may not want to express in an open forum. It is for BHCC then to decide on the validity of the comment but can be insightful in terms of highlighting areas where there might be particular issues.

#### **Dedicated resource in HR to carry out equality monitoring**

4.30 A renewed approach to equality monitoring will require a dedicated resource to carry out the function. This need not be a new post, but a specific brief for someone (probably the person who normally carries out statistical management reporting) to be tasked with establishing an appropriate system, ensuring that it works and documenting the process/methodologies as a 'how to' guide to sustain the BHCC approach, and ensure consistency regardless. It is important that there is honest and intelligent and regular (quarterly) reporting; that there is regular analysis and early alerts to potential problems.

4.31 The data needs to be manipulated to enable it to be examined in different ways. The reasons behind the presentation of particular patterns/trends need to be explored and understood. Management reporting here must be clear and intelligible. Conclusions should be presented using the most appropriate but captivating and compelling methods and techniques – graphs and illustrations that can present important messages powerfully and clearly. The HR team need to understand what managers/leadership need to know, and then tell them that, plainly and lucidly. The power that the data has to drive change must be appreciated and exploited. Our **recommendations** here are as follows:

- Ensure a dedicated resource to be responsible for equality monitoring management reporting and to establish an appropriate system that facilitates quarterly reporting and that is effective. In the case of BHCC's self-service system mandatory training for managers, and where staff are also inputting details, mandatory training for staff in the appropriate use of systems. The quality of information coming out is only as good as that going in and recent studies have shown that something like 40% of new managers do not engage with organisational systems because of poor initial induction. Consequently, there should be a systems induction programme for new staff and programme developed to capture current staff.
- Document the analytical techniques and processes in a 'how to' guide so that a consistent approach can be sustained;
- Ensure the individual responsible has the necessary tools (skills and IT) to carry out the function. Provide appropriate training if necessary;
- Review the current IT arrangements and address the inefficiencies in the system. Ensure that the technology is fit for purpose and can produce the reports that are needed.

#### **Address the deteriorating levels of BME people both applying for jobs and being recruited to the council**

4.32 BME and 'white other' people have been applying for jobs in the council in greater proportions to the relative rate of their economic activity in Brighton and Hove. Whilst still high, their proportions of applications to the council have been falling. For BME people the highest level of applications from the community was in 2010/11 where they represented 15% of job

applications. This would seem to correlate with some community liaison work that was carried out by staff in the HR team during the same period, to encourage applications from a wider section of the community.

- 4.33 Notwithstanding the agenda to reduce staffing levels in the council, it is important that BHCC understand what is happening in the community to produce this falling rate, particularly as a higher level of applications has not produced a corresponding high level of job offers to BME people that is, even though they apply in greater proportions, they are still less likely to be offered a post. From the qualitative work that we did for this study, it would appear that BME people in the community are losing confidence about employment in the council. This needs to be examined and addressed by BHCC.
- 4.34 The proportion of BME and 'white other' staff offered jobs at BHCC is also falling, and for BME people this fall has been most significant in the most recent year. We were concerned about the reports from our qualitative work around recruitment practice at BHCC. Whilst recruitment and selection training is mandatory for managers with recruiting responsibilities, the HR team estimate that 80% of managers have not attended, and in our interviews with managers with recruitment responsibilities, the majority had not received any recruitment training. The following were reported to us as not uncommon recruitment practices at BHCC:
- Managers interviewing and making selection decisions on their own;
  - Staff with Eastern European names being repeatedly turned down for shortlisting, but on re-applying for posts and anglicising their names, being shortlisted;
  - Currently the recruitment and selection procedure allows the permanent appointment of staff with temporary contracts or who are acting up without recourse to further selection as long as there has been some form of initial selection process for the temporary role. This is not a recommended practice as it enables a virtual short cut through the process and is open to abuse. If it is decided that a permanent appointment is required then the post should be recruited to as it is often not clear at the outset that a permanent opportunity might result; hence a number of suitable candidates may well be excluded as they may not have applied initially because of the temporary nature of the role or even been aware of the acting opportunity;
  - Mandatory recruitment and selection training is not followed up and it was noted that only 100 of a possible 800 classified as recruiting managers had been trained. This despite the availability of an e-learning programme along with a one day course.
- 4.35 It is our view that poor recruitment and selection practices have contributed in a major way to these unfair outcomes for BME and 'white other' applicants for jobs at BHCC. In addition, these practices put the council at risk by exposing them to legal action and weakening their position in the event of challenge in employment tribunals.
- 4.36 In the one-to-one interviews a number of staff commented on the perception (or reality) created by these practices which is one of managers appointing 'their friends'. Temp to perm appointments in particular were seen to be a clear way in through which 'friends' were appointed.
- 4.37 Also the apparent lack of transparency in the process particularly at senior level led to the view that classically *'it's not what you know but who you know'* and *'if your face fits then....'*

*“sometimes/frequently [managers] employ someone without interviewing...[they are] taken on to do one element and made permanent...tends to happen at the higher grades...[there's] no consultation when doing this..we don't know what the justification was”*

4.38 BHCC has been participating in PATH since 2004. The ability of PATH to impact the position of BME staff at BHCC has been unremarkable. There have been eight traineeships in as many years; 2004 – 2012. From the records we examined six trainees have completed their traineeships to date. Of these, three have attained posts within BHCC, one with an external employer, and two left without jobs to go to. In the climate of staff reductions the prospect of permanent employment becomes more challenging.

4.39 The PATH project has very recently closed down. This presents an opportunity for BHCC to pursue the possibility of joint working with CIP partners to develop a scheme across employers of the CIP. This will expose trainees to more opportunities and enable greater impact locally (positive impact for BME people) of this form of positive action, that is to increase the employment prospects for unemployed BME people through targeted training and development.

We make the following **recommendations**:

- Work with colleagues from the BMEWF and the Communities and Equality Team to gain a clearer understanding of the image that the council has with respect to employment amongst BME and ‘other white’ communities;
- Explore the possibility of HR representation on the CIP;
- Following the demise of PATH, explore with CIP partners the feasibility of developing a joint positive action training programme aimed at BME people in the community;
- Rejuvenate HR liaison work with BME community organisations;
- Keep under review the levels of BME and ‘other white’ applications for posts;
- As part of the recent review of the recruitment and selection policy at BHCC, revisit the content of recruitment and selection training to ensure that it emphasises the correct procedure with respect to panel recruitment and the danger of sole interviewing; that there is an appropriate ‘Fair Recruitment and Selection’ content that properly addresses - amongst other equality in recruitment issues – ‘mirror imaging’, unconscious bias and discrimination in recruitment and the consequences of that;
- Ensure that all managers with recruiting responsibilities attend training and maintain a database of these individuals. Ensure that recruitment is not carried out by untrained personnel;
- Use the positive action provision of the Equality Act to provide specific encouragement of under-represented groups to take advantage of BHCC recruitment opportunities when advertising jobs;
- Revisit the “Reflecting Our Communities” advertising initiative and explore the feasibility of resurrecting aspects of that for under-represented equality groups.

## Address under-representation of BME staff at the more senior levels at BHCC

- 4.40 The number of BME senior managers (eight) has not changed in the last three years. Reductions in senior staff has not impacted BME people at this level, and has in fact served to slightly increase their proportion of senior managers. BME staff are however, less likely than all other people in the organisation to be at grades M8 and above.
- 4.41 Any initiatives to increase the levels of BME people at these levels will need to be internally focused as this is where much of the staff appointments are occurring in the current climate of cuts. The place to focus these energies then is at middle management level SO1 – M9. BHCC could target BME staff at these levels for management development training, coaching, mentoring, shadowing etc. to increase the numbers of BME people in the internal pool for senior management recruitment. BHCC will need to consider the feasibility of this carefully in the light of fewer appointments at this level and the expectations that development training will bring that BHCC as employers may not be able to fulfil, however an opportunity to develop this idea presents itself with the plans to extend the LGBT mentoring programme to include BME and disabled staff.
- 4.42 BHCC are planning to extend the current mentoring programme aimed at LGBT staff in the council to BME, disabled and female staff. The plans for the BME programme are as follows:
- The BME mentoring programme is available for all BME staff within the organisation. It will be run alongside and compliment the current established buddying network that is offered by the BME workers forum.*
- The aims of the programme are to:*
- *Improve the learning culture across the organisation to ensure staff from BME backgrounds are supported to reach their full potential;*
  - *Help advance the careers of BME staff and encourage applications for promotion and career progression;*
  - *Make a positive difference to individuals by supporting and encouraging their development;*
  - *Improve the levels of BME staff turnover;*
  - *Progress BME staff participation in leadership and decision-making roles;*
  - *Reduce any feelings of isolation for staff who do not work in ethnically diverse areas;*
  - *Encourage networking across the organisation;*
  - *Ensure there are sustainable positive outcomes from the scheme.*
- 4.43 The proposal here, is that an aspect of this programme could be specifically developed for the progression of BME middle managers. This will require a more assertive approach to the learning and development aspect of the current arrangements, that is that BME middle managers taking advantage of this part of the programme would not just be encouraged and supported to pursue development opportunities, but would be expected to. Their development needs would be properly assessed and an appropriate programme of learning developed for them to pursue. It would also mean that mentors for these staff would need to be senior managers.
- 4.44 The current LGBT scheme has been promoted as a peer support programme rather than a career

development one, and has been very successful in this regard being unique in that front line staff have mentored managers and that all participants come from all levels within the organisation from front line staff to strategic director level. This approach however, may not be entirely effective in addressing the needs of a programme aimed at developing the careers of middle managers.

- 4.45 Another issue is the ethnicity of the mentors for BME mentees. The reality at BHCC is that BME people at senior level are light on the staff complement, and may not be employed in all the areas/disciplines that aspiring BME middle managers may want to pursue. In this regard then, mentors of all ethnic groups at senior levels will be necessary to make a programme of this nature work, and will also serve to fulfil the first aim of the programme which is to *“Improve the learning culture across the organisation to ensure staff from BME backgrounds are supported to reach their full potential”*
- 4.46 Aside from these points about the development of BME middle managers, the BME mentoring programme will need to consider other matters for BME staff taking advantage of this opportunity. For example - who constitutes BME? The BME staff group at BHCC is actually a consortia of people from a very diverse range of ethnic groups who categorise themselves under the ‘canopy’ of BME through their common experience of difference in regard to their ethnicities, with the potential for or actuality of, marginalisation, exclusion and discrimination. They are not a homogenous group. Ethnic matching of mentors and mentees will need to be considered against this backdrop. Further - is the programme going to be accessible to ‘white other’ staff?
- 4.47 Careful monitoring of this and any initiative will be essential to measure the outcomes for the people accessing the programme and whether or not they derive any benefit from it. This links in with the point above re: monitoring of training and development and promotion. We make the following **recommendations**:
- Develop the plan to extend the current LGBT mentoring programme to BME staff, to contain a specific element targeting BME middle managers for career development to address the under-representation of BME senior managers at BHCC;
  - Ensure careful monitoring of these initiatives, from who accesses programmes, through who successfully completes to who benefits;
  - When advertising internal jobs, use the positive action provision of the Equality Act to provide specific encouragement to groups that are under-represented in that post/position/grade to take advantage of recruitment opportunities.

## **RECOMMENDATIONS: POLICIES, APPROACHES, INITIATIVES AND STRUCTURES**

### **Equality Impact Assessments**

- 4.48 A good template is in place at BHCC with the right status in the overall strategic approach to achieve equality. We feel however that some improvements could be made to that template to help to embed the discipline of EIAs at BHCC and that a clearer understanding of the role of EIAs with regard to policy and practice is needed with respect to employment matters. We make the following **recommendations**:
- Review the template and guidance and;



- Re-consider the core team approach;
  - Ensure that the three year rolling cycle is supplemented by the need to review EIA's in-between the cycle as necessary, and what may trigger those reviews;
  - Emphasise that EIA's are not only about the written policy, but actual practice is key, that is how policy underwrites practice.
- Provide an EIA training programme for all relevant staff in HR with a specific focus on employment, training and OD. Ensure that the programme devotes sufficient time to explore and discuss the rationale behind EIA's, and the true benefits of the EIA to their practice, and that they gain a genuine understanding of what they are doing when they carry out the process.
  - Implement more frequent up-dating of policies and procedures to ensure that they keep pace with legislative changes and best practice.
  - Use quarterly case review approaches in HR to monitor and action outcomes from employee relations practices and processes.
  - Increase management and staff engagement in terms of the application and expectations around HR through a comprehensive communications programme that includes newsletters, briefings, WAVE, workshops and case studies.

### **E&D Training and Development**

- 4.49
- Review all E&D training taking the opportunity to refresh approaches as necessary. Review in particular the e-learning E&D programmes;
  - Ensure the use of a range of methods, suited to deliver the desired training outcomes. Take time in training needs analysis to ensure that content is bespoke to the needs of BHCC and reflects the 'flavour' of the council;
  - Review the approach to Induction training and ensure that there is sufficient emphasis on equality and diversity. The new BHCC values need to be emphasised and how these relate to equality, diversity and social justice;
  - Review management development programmes to ensure that managing diversity is an integral and significant element that builds the skills and confidence of managers at BHCC to manage difference effectively;
  - Ensure that the matter of unconscious bias is addressed at all levels of equality training, and give this a high priority in the action plan, ensuring that leaders at BHCC play a pivotal role in taking this forward;
  - Ensure a better follow through of training evaluation to track change/improvement in performance in individuals, teams and ultimately the organisation over the longer term.

### **Equality and Diversity in Employment at BHCC**

- 4.50
- Whilst this study had a focus on race, we could not ignore the evidence that other equality areas also need attention. In fact, this context is important to this study, as a remedy that only addresses one aspect of a much bigger problem would be ignoring the underlying factor of commitment to equality and social justice more generally and could not be viable in the longer term. Also, there are even wider contextual matters relating to organisational maladies which underpin the equalities maladies, which in turn underpin the race ones. We address these

below. Our **recommendation** here though is as follows:

- Construct a strategic approach to re-invigorate the BHCC commitment to diversity and equality in employment capturing all the equality groups as necessary including gender;
- Use the evidence and recommendations from this study and apply them more generally across equality groups as it is relevant;
- Use the strong performance on LGBT issues to inform the development of strategies and approaches for the other equality groups.

### **Employment and Equalities Performance Management**

4.51 There is a need for the employment/HR function to have a more focal point in BHCC's corporate equalities programme. They need to be seen to be leading the vision for equality in employment at BHCC both internally and externally. There appears to have been a loss in confidence (anecdotal) in the council as an employer by local BME communities and this needs to be addressed. We make the following **recommendations**:

- Forge a strategic working partnership with colleagues in Communities and Equality, the BMEWF, and Economic Development;
- Re-invigorate the recruitment campaigns aimed at BME communities and begin outreach work with these community organisations to both improve the confidence of the community in the council and to promote whatever opportunities for employment there are with the council;
- Seek a place in the HR Group on the CIP.

### **The BMEWF**

4.52 There is a need for the council to support the development of steering group members as an aspect of their career development in the council. The LGBT Forum should also share their skills and experiences with the BME and DW forums. We make the following **recommendations**:

- BMEWF consider very carefully their strategic position at BHCC going forward from this review, and revise their business plan accordingly;
- BHCC should engage with each member of the BMEWF steering group to ascertain their development needs in relation to their abilities to carry out their particular function in the forum. This should be regarded as a career development learning intervention;
- The three (soon to be four) forums should meet to plan a programme of development and support to be delivered by the LGBT forum;
- Steering group members of all forums should meet periodically to learn about and from each other. Chairs could meet, and other officers as relevant. The aim is to establish better partnership working;
- All forums should meet with the trades unions representatives to define more clearly their respective roles in relation to the two different disciplines within the same field of support for staff members;
- BHCC should support these endeavours by providing staff time and any resourcing

necessary for the development of the forums.

### **HR Equalities Group (HREG)**

4.53 The HREG is currently refocusing its work and seeking to establish new Terms of Reference. In this regard we make the following **recommendations**:

- Act as a 'critical friend' to the HR team in the achievement of its equality and diversity objectives;
- Oversee and support progress of the HR Equality and Diversity Strategy Action plan;
- Oversee and support the HR EIA programme;
- Receive and review quarterly equality monitoring Reports;
- Discuss and address staffing matters raised by the equality workers forums;
- Report to ELT on progress of the HR E&D Strategy Action Plan, and any other equality matters as necessary, highlighting variances and making recommendations for action;
- Put in place measures to engage and seek the active participation of the CMT in the process of equalities monitoring and action through reporting from the HREG.

### 4.54 **Human Resources Practice and Delivery in BHCC**

*"The council's greatest strength is its people. Its second greatest[would be] that it recognised this"<sup>20</sup>*

4.55 As the function responsible for all issues to do with staff in the organisation there are expectations from staff that HR should champion their cause; which more often than not it is not believed to be doing. There were clear issues of trust as HR was not seen to challenge bad practice in the organisation and in management specifically and on occasion believed to collude.

*'I always thought that HR was there to help the employee but they don't. They just back managers all the time'*

[Manager].... *'to be frank I'm not sure what HR does and what value they add'*

4.56 At the time of starting this project there was a view expressed by the BMEWF concerning the approach HR was perceived to be taking with respect to issues arising from the application of employee relations policies and procedures relating to BME staff. To a large extent this has been borne out by the research but has also been compounded by what was seen as the inefficiencies of HR in managing 'its' processes (not seen as organisational processes); lack of consistency in advice; insufficient organisational profile and 'clout', and critically a management information framework that is not seen to deliver to enable the front line to effectively manage.

*'Everything from HR takes forever'*

*'I've rung HR staff and asked the same question on more than one occasion and have got*

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<sup>20</sup> Roger Newmann - IIP inspector quoted in the People Strategy. Parenthesis insertion GHPO

*different responses from all of them...to the same question!*

*'The unions know more about our procedures than they (HR) do'*

*'I keep my own HR stats because my information is more accurate than anything they provide'*

*'The union told me I should not attend the hearing. They said I didn't have to'...*

*'I work very well with my HR person but she is hampered by HR's lack of infrastructure...the information they provide is just not of the quality needed'*

- 4.57 To enable HR to be part of the process of rejuvenating BHCC its profile and positioning has to change. Some of this is already being evidenced, however some key areas need to be addressed.
- 4.58 Managers and staff have to be enabled to understand HR's role in the process employee relations advice and support. At this time HR, rightly, forms part of any employee relations process however it was noted that they were often 'instructed' concerning the outcomes rather than participated actively in the decision making process.
- 4.59 Their role as experts will only be endorsed where their understanding and ability to advise confidently is evident. Some HR staff reported feeling intimidated by managers and reference is made in this report to that being extended to union representatives in terms of the way they correspond with HR staff. A learning need is evident here.
- 4.60 A properly constituted employee engagement framework is an essential part of the operation of any organisation not least one with over 8,000 staff. Part of that engagement framework has to be about consultation with duly elected/appointed officers and stewards of recognised unions. However where there is seen to be an inequality in the balance of power between established management functions and the role the unions play, this can have detrimental effects.
- 4.61 The unions are seen to be directly linked into the political framework of BHCC and their power is perceived to be the reason why *'no one gets sacked around here'*.
- 4.63 A number of staff in the qualitative phase reported that they were encouraged to take formal action by their representatives in the absence of any alternatives coming from HR.
- 4.64 The role of HR needs to be validated by the organisation, and the policies, procedures, processes and practices that it oversees for the organisation need to be acknowledged as being owned by the organisation and not just HR.
- 4.65 We make the following **recommendations**:
- a learning and development programme is put in place for HR staff with regards to their understanding and role in organisational processes. This should be aligned with work on understanding impact and outcomes referred to elsewhere in this report, along with making equality a key and understood aspect of reporting to operational areas along with general management statistics;
  - that as part of any member development programme that the impacts of their role in key internal management processes is clearly outlined along with skill based support to enable them to participate effectively;

- that BHCC 's mediation framework strengthened and re-launched as an alternative route through grievance issues;

that the People Strategy's key commitments seen to be endorsed and implemented across BHCC, and managers and the Executive Leadership Board seen to engage with HR & OD at the beginning of discussions and negotiations on actions that impact on staff across BHCC.

## RECOMMENDATIONS KEY THEMES

### Dignity at Work

4.66 The new CEO has set out her stall in regard to Respect and dignity at work. There has been a review of the policy and it will be re-launched under the Respect Value. The Dignity at work Policy will deliver this value and as such it must be high level and backed up with the necessary resources to ensure that the aspiration is realised and the commitments are honoured. This is the only way to regain the confidence of staff and ensure the shift in culture that is evidently necessary. We make the following **recommendations** to contribute to that:

- Capitalise on the new leadership stance on this and promote her ambitions for the council using all media to staff, and other relevant partners. Ensure that the zero tolerance message is clear and understood. Promote good news stories/examples anonymously as necessary;
- Ensure that the new policy and procedures highlights the serious matter of harassment on the grounds of a protected characteristic; Its status under the Equality Act and what that means at BHCC;
- Ensure that there is mandatory and effective training, support and development for all staff relative to their needs. Training must highlight acceptable and unacceptable behaviour, give staff the skills to challenge inappropriate behaviour and the skills to respond to a challenge. Performance management must ensure the desired behaviours are achieved and maintained; Managers need additional training to deliver their responsibilities here;
- Be vigilant about consistency in approaches across the council. Ensure regular case work reviews and watch the trends here. Address the reasons for discrepancies in approach.
- Involve trades unions and workers forums working together with the leadership and HR to deliver the change in culture;
- Monitor the level of harassment and bullying cases quarterly – in addition to equality monitoring of this area – and measure organisational progress in attaining dignity at work; report to ELT. Set a target for the reduction in the number of cases over time;
- Address the discrimination that people experience because of their accents by highlighting this as a form of harassment in the dignity at work procedure and in training and development for managers and staff. Provide the skills to staff to challenge this type of offensive behaviour with customers and with colleagues as necessary.

### Management Practices

4.67 In relation to management practices a number of the recommendations referencing managing diversity and equality, culture are already included in the relevant section. The key responsibility to note is the responsibility for all in a management position for the practice and dissemination

of the organisation's human resources philosophy. In this respect it is **recommended** that:

- As part of the managers performance framework they are given individual accountability for ensuring best practice in HR policy, procedure and process outcomes in their operational areas;
- putting in place measure to ensure that their staff have the appropriate tools/skills to constructively challenge issues as they arise;
- seek the views of staff and agree approaches to developing meaningful trust relationships within teams and between team members.

### **Performance Management**

4.68 Linked to management practice we believe there should be a performance management framework that is adhered to by all within the organisation; it objective clearly understood by managers and communicated to staff and we **recommend** that in includes:

- clear objective setting that feeds from organisational and operational goals and outcomes that are SMART;
- regular review which is predicated on outcomes but takes accounts of limitations in achieving outcomes and the development of approaches to addressing these limitation whether individual, departmental or organisational;
- assessment not only of task but corporate outcomes and their achievement (i.e. that takes account of corporate competences to drive changed in behaviours)
- An approach to appraisal that incorporates the five key elements<sup>21</sup>:
  - **Measurement** – assessing performance against agreed targets and objectives, and behaviour and attitudes against espoused values;
  - **Feedback** – providing information to individuals on their performance and progress and on what is required to for them to continue to perform well in the future, particularly in view of any change programme and evolution of job roles;
  - **Positive reinforcement** – emphasising what has been done well and making only constructive criticism about what might be improved, and drawing out the importance of how things are done, as well as what is done, and ensuring effort is directed at value-adding activities;
  - **Exchange of views** – a frank exchange of views about what has happened, how appraisees can improve their performance, the support they need from their managers to achieve this and their aspirations for their future careers;
  - **Agreement** – jointly coming to an understanding by all parties about what needs to be done to improve and sustain performance generally and overcome any issues raised in the course of the discussion.

### **Leadership and Values**

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<sup>21</sup> CIPD - Best Practice in Performance Management

4.69 A significant shift is underway to address the issues that we uncovered around leadership and values, led by the new CEO. Our recommendation here is to contribute to that change dynamic:

- Consider the proposals to transform the six organisational values into behavioural competencies in Part Two, which ensures that diversity/equality is mainstreamed into the organisational DNA;
- Ensure that follow through action is taken to embed the values and behavioural expectations in key organisational people processes (e.g. job profiles, recruitment, performance management and employee relations processes);
- Consider a specific programme for the senior leadership team (ELT and CMT in addition to managing diversity training), that will enable a greater understanding of their role with regards to equality and diversity as leaders in this area;
- Having established the values as competencies these should be used to develop and implement a 360<sup>0</sup> feedback framework for the top tier leadership team (ELT and CMT) at BHCC. This will help support the embedding of behaviours as the feedback will illicit evidence of the experience of others about the display of the required behaviours from the team.

## 5 PART FOUR: MAKING IT HAPPEN

### A STRUCTURE FOR CHANGE

This section of the report contains suggestions for implementation of the recommendations in part three. The greatest challenge for BHCC in the past has been sustaining their racial equality commitments. This section examines that and proposes an approach to ensure that the strategic commitments are achieved.

- 5.1 One of the most disappointing aspects of this study was the discovery that much of our findings had been uncovered and documented before. In some cases noted in action plans, but in nearly all cases left un-actioned. BHCC has a poor reputation amongst staff for not following through with commitments:

*"We seem to talk a lot and not deliver.....we don't follow through with "you said - we did"..."*

- 5.2 This has resulted in a high level of scepticism that anything will change. In equality in employment this has not been helped by a lack of a good management reporting with convincing arguments backed up by sound hard data. But there was also reported a lack of accountability, with no-one being held to account for non - delivery. The frequent change of priorities at BHCC meant that initiatives would lose focus and eventually disappear from management priorities.

*"Endless bouts of restructuring, 'service reviews', new initiatives that arrive, absorb huge amounts of time, money and energy without any positive impact on the service"*

*"there are different priorities all the time, one comes along, then it's dropped and the next priority comes up. It's very disjointed..."*

- 5.3 Another area that has not helped has been the accolades that BHCC has accumulated over the years. The Diversity Peer Challenge in particular seemed to serve to legitimise BHCC's poor performance in some aspects of diversity by rating the organisation excellent, even though it failed to meet a number of the excellent criteria in the framework. The resultant Peer Challenge Improvement Plan had no drive or energy to improve, but with an excellent rating – where's the imperative for change?

- 5.4 So a key consideration has to be – how do things change at BHCC? What will make this council look at its performance honestly and critically and do something about it? How do we break the historic cycle of non-delivery, collusion, lack of interest, of people being interested for a moment then getting bored, of not taking things seriously? We believe that the most important response to those questions has just occurred with the appointment of a new CEO, who has already made it clear that she will be leading change in a tone relative to the changes that we detail above to be necessary.

- 5.5 The new CEO needs an operational management team (particularly at CMT level) ready and eager to take on this challenge with her. This means that past behaviours which were often seen by staff to be dysfunctional, challenging change and self-interest must not be allowed to continue. We believe that there are positive indications that there are senior managers ready to take on that mantle which needs to be encouraged and supported to bed in but with



evidenced outcomes where this is not the case. With that leadership backdrop, we are confident that BHCC can and will drive this change programme.

- 5.6 The devil however, is in the detail. We have alluded to most of these points throughout this report, they are however drawn together and summarised below - there must be a strategic drive to achieve the recommendations set out in section three.
- 5.7 **BHCC must develop an Equality and Diversity Employment Strategy, which is owned by the ELT and driven by HR.** It will be an evolving programme, encompassing all the equality groups at BHCC, but commencing immediately with the recommendations for race in this report and developing other areas as necessary and learning from successes with the LGBT staff group.
- 5.8 **An action plan must be designed with strategic objectives** (from the recommendations above) which are focused, measurable, targeted, timetabled and prioritised.
- 5.9 **The Head of HR should be held accountable** for progress. The buck will stop there and the Head of HR will need to know what's happening on the programme and be responsible for staying alert to any challenges that could potentially derail the plan, and putting in place remedies to keep it on track. The Head of HR will ensure that colleagues in CMT are engaged in the action plan and keep them informed/seek their support as necessary for delivery.
- 5.10 **HR Team tenure.** Whilst the Head of HR is the accountable officer, the strategy is in the tenure of HR as a department and the entire HR team must be committed to this. This will mean ensuring that they are specifically and efficiently briefed about the programme and that it is a standing item in team meetings and other forums as necessary. Some members of the team will have specific responsibilities to deliver particular aspects of the action plan, and they may require specific training and support.
- 5.11 **An operational driver** will need to be given the responsibility to ensure that the plan progresses according to timetable and on target. Whilst the Head of HR will be the accountable officer, someone will need to drive it. This person cannot be responsible for all aspects of the programme – that will be a shared responsibility in HR – for instance someone else will be the holder of data and management reporting here – but this person will be the co-ordinator, the person who will have intimate knowledge of the detail of the programme and will keep the programme on track. They will report regularly to the Head of HR on this aspect of their work.
- 5.12 **A senior level champion** will be necessary and this should be the Executive Director – Finance and Resources, as the strategic director with responsibility for HR. This person will ensure that E&D in HR (as well as other HR matters) receives the essential status that is necessary at ELT, the most senior executive level in the council. They also will need to ensure that they are briefed regularly on progress and that they cast a critical eye on outcomes.
- 5.13 **The HR Equalities Group** will support the HR team to deliver the strategy action plan. They will have oversight of progress by receiving relevant reports and will question and challenge the detail of the action plan. They will report directly to ELT on progress.
- 5.14 **An external independent critical friend** is important to periodically review how BHCC is progressing. This can be an annual event, but it is important that BHCC becomes its own best critic and puts in place independent oversight to assist this process, rather than to rely on external high profile accolades to validate them.

- 5.15 **The People Strategy** is the natural location for this strategy overall. The People Strategy has lost its way and there may be plans to re-launch it. When this happens it needs to include the E&D programme. However, we feel that this E&D HR strategy needs an energy of its own, and that energy can contribute to the rejuvenation of the People Strategy.

#### **QUICK WINS**

- 5.16 Given the history of broken commitments at BHCC, it is critically important that stakeholders in this (all staff, customers and partners) are reassured that there will be change and these new commitments will be honoured. BHCC needs to win back the confidence of its stakeholders here. The best way to do this is to demonstrate that commitment by some short term delivery – quick wins. We have identified some quick wins as actions to set the tone below. These are structured under the four domains to underpin the new values to benefit from the momentum and energy of that piece of work:

#### **Accountability**

##### ***Set targets for increasing - and then increase - the responses to ethnic origin and other equality data within the workforce and recruitment and selection processes***

- 5.17 The greater availability of data will be a key way of demonstrating transparency and accountability to different groups within the workforce and local communities. It offers a quick win by continuing some existing work and focusing on an area of work where managers and individual staff already have significant control of the process.
- 5.18 It also, through the potential involvement of the Forums can develop relationships between different parts of the organisation and should be the platform for extending in quick order the range of ethnic profile reporting.
- 5.19 Finally, it begins a dialogue on race equality through publicising the importance of the collection of the data on organisational change and flows into more detailed work on employment target setting.

##### ***Improve qualitative data and the use of quantitative and qualitative data***

- 5.20 There are quick wins in promoting exit interviewing amongst managers, and setting a target to increase the numbers of interviews provided to HR. This will more widely need to be supported by implementing a dedicated resource be responsible for equality monitoring.

#### **Delivery**

##### ***Work with colleagues in the Communities and Equality team to improve information about the specific ethnic groups represented in the city***

- 5.21 This study has predominantly focused on the needs of BME workers within Brighton & Hove City Council. However, we have also identified the importance of identifying and engaging with local BME communities in order to ensure the representativeness of the workforce. As part of this process, we recommend that HR follows the approach of the Communities and Equality Team and includes “white other” as a specific and separate category for monitoring race equality;

Brighton and Hove City Council is at a point where cultural change within the workplace can spread outwards into the wider community through improved service delivery responsive to the diversity of all communities and the greater empowerment of local communities. This quick win links with others below.

### **Working Together**

#### ***Capitalise on the new leadership stance on Respect and Dignity***

- 5.22 This offers a quick win through capturing the energy of the new CEO's initiative. It offers the opportunity to ensure that the zero tolerance message is clear and understood and can be underpinned by the promotion of good news stories. The message will need to ensure that racial and other forms of harassment on the grounds of a protected characteristic is unlawful under the Equality Act. This quick win can then be the foundation for the wider use of values to guide decision-making.

#### ***Move HR into a more proactive role around equality and diversity***

- 5.23 We have identified quick wins above around data capture which can provide an opportunity to move HR into a more proactive role around equality and diversity. Other quick wins that flow from this include addressing areas of concern with Heads of Service immediately that trends begin to emerge from monitoring and assisting departments to plan remedial action and jointly monitor progress to attainment. Good practice and innovation can also be promoted as part of this process and publicised across the organisation.

#### ***Increase the capacity of the BMEWF***

- 5.24 The three (soon to be four) forums should meet to plan a programme of development and support to be delivered by the LGBT forum with the later involvement of TUs to work together with HR and senior management to deliver the organisational culture change required by this report.
- 5.25 BHCC should also engage with each member of the BMEWF to ascertain their development needs in relation to their abilities to carry out their particular function in the forum. This should be regarded as a career development learning intervention.

#### ***Enabling the Councillors in their role as ultimate arbiters***

- 5.26 The Councillors have a role to play as the final decision makers of the processes that are enacted in the council. It is critical that they understand what is required of them in this role; have a full appreciation of equality and diversity and are able to apply this in the context of their role as the 'ultimate employer'. Councillors should not be expected to know everything by virtue of their office and an appropriate briefing and engagement programme should be put in place to support them.

#### ***Role of the Unions***

- 5.27 This will be critical in enabling the change and should take a more proactive role in enabling the change. The opportunity should be taken as part of the consultative forum to define and agree union involvement particularly in relation to ensuring policies, procedures, processes and

practices accord with the organisation's stated objectives with regard to equality and diversity.

- 5.28 Union Stewards and Officials must be seen and must see themselves as part of the process of enabling a conducive and respectful workplace for all. Their behaviour and actions do influence those of staff and will engender an equal reaction positively or otherwise.

### **Personal Impact**

#### ***Review the approach to induction training and ensure that there is sufficient emphasis on equality and diversity***

- 5.29 This is the quick win element of what needs to be a wider review of the effectiveness of equality and diversity training programmes. There will need to be a refreshing of approaches to engage with the new value based approach being adopted by the authority along with ensuring that programmes have sufficient local content and drivers for change.
- 5.30 Create accountability with the inclusion of an equality and diversity requirement as part of the performance management for all who manage staff within the organisation.

#### ***Rejuvenate HR liaison work with BME community organisations***

- 5.31 This fits neatly with another quick win above – moving HR into a more proactive role around equality and diversity. However, the work with community organisations will also need the input of Communities and Equality and the BMEWF . In particular its input will be required as there will be limited employment vacancies in the current budgetary cycle and therefore engagement with community organisations will need to be about community opportunities to influence, co-produce and supply (as well as employ) to maximise opportunities for change.

## **Appendix A**

### **List of Strategies, Reports, Policies and Procedures Reviewed**

**Corporate Plan**

**People Strategy**

**BHCC State of the City Report**

**CEO Paper – Proposals for Leadership and Structure**

**Equality & Inclusion Policy**

**BHCC Equality & Human Rights Charter**

**BHCC Equalities Performance Management Framework**

**Equality Framework Peer Assessment Report**

**BHCC Equality Framework for Local Government Improvement Plan**

**Towards Equality & Diversity**

**Recruitment & Selection**

**Equalities Monitoring Guide for Applicants**

**Disciplinary Procedure**

**Grievance Procedure**

**Dignity at Work**

**Annual Report on Flexible Workforce 2011-2012**

**The Single Equalities Scheme**

**Working towards an inclusive City**

**Report on Brighton and Hove City Council Inclusion and Equality Policy 2012 -2015**

**Equalities Up-dates (various) 2009 -2012**

**Brighton & Hove - Performance Report April 2011 - May 2012**

**HR Equality Impact Assessments 2009-2012**

**HR Race Equality Monitoring Data Sets**

**HR Employee Relations Data Sets (Disciplinary; Grievance: Capability**

**Perspectives of Black and ethnic minority staff**

**TMT Corporate Learning Evaluation Report 2009 -10**

**Core Skills Programme 2009-10**

**Corporate L&D Offer 2010 & 2011-12**

**Investors in People Report**

**Leadership & Management 2012**

**Minutes of the HR Equalities Group**

**BMEWF response to the People Strategy**

**BMEWF Business Plan**

**BHCC response to BMEWF Freedom of Information request**

**Brighton and Hove JSNA 2012**

## Appendix B1

### RECRUITMENT 2009 – 2012

#### Breakdown by Ethnicity of Applicants

	2009/10	2010/11	2011/12
BME	1258	779	215
White other	1207	477	168
White Brit/Irish	8797	3931	1696
<b>Sub total</b>	<b>11262</b>	<b>5187</b>	<b>2079</b>
Unknown	2129	1616	517
<b>Total</b>	<b>13391</b>	<b>6803</b>	<b>2596</b>

#### Breakdown by Ethnicity of applicants shortlisted for interview

	2009/10	2010/11	2011/12
BME	139	82	22
White other	125	74	22
White Brit/Irish	1398	790	320
<b>Sub total</b>	<b>1662</b>	<b>946</b>	<b>364</b>
Unknown	428	180	64
<b>Total</b>	<b>2090</b>	<b>1126</b>	<b>428</b>

#### Breakdown by Ethnicity of applicants offered employment

	2009/10	2010/11	2011/12
BME	35	33	5
Whit other	42	29	9
White Brit/Irish	485	359	153
<b>Sub total</b>	<b>562</b>	<b>421</b>	<b>167</b>
Unknown	175	97	36
<b>Total</b>	<b>737</b>	<b>518</b>	<b>203</b>

## Appendix B2

### BHCC Ethnicity and Employment

2009/10

	Lower (Scale 6 and below)	Middle (SO1 – M8)	Upper (M9 and above)	Total
BME	165	77	8	250
<i>Inc. Bangladeshi</i>	9	0	0	9
White other	150	67	9	226
White Irish	47	51	9	107
White British	2309	1444	266	4019
<b>Sub total</b>	<b>2671</b>	<b>1639</b>	<b>292</b>	<b>4602</b>
Unknown	491	166	20	677
<b>Total</b>	<b>3162</b>	<b>1805</b>	<b>312</b>	<b>5279</b>

2010/11

	Lower (Scale 6 and below)	Middle (SO1 – M8)	Upper (M9 and above)	Total
BME	160	81	8	249
<i>Inc. Bangladeshi</i>	7	0	0	7
White other	143	72	8	223
White Irish	43	48	9	100
White British	2180	1447	246	3873
<b>Sub total</b>	<b>2526</b>	<b>1648</b>	<b>271</b>	<b>4445</b>
Unknown	509	203	29	741
<b>Total</b>	<b>3035</b>	<b>1851</b>	<b>300</b>	<b>5186</b>

2011/12

	Lower (Scale 6 and below)	Middle (SO1 – M8)	Upper (M9 and above)	Total
BME	146	76	8	230
<i>Inc. Bangladeshi</i>	7	0	0	7
White other	130	69	8	207
White Irish	41	47	7	95
White British	2084	1368	221	3673
<b>Sub total</b>	<b>2401</b>	<b>1560</b>	<b>244</b>	<b>4205</b>
Unknown	537	204	28	769



<b>Total</b>	<b>2938</b>	<b>1764</b>	<b>272</b>	<b>4974</b>
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## Appendix B3

### Grievance and Discipline

Grievance - including bullying complaints by ethnic group (known ethnicity only)

	<b>2010/11</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2011/12</b>
	<b>Total</b>	<b>Grievance</b>	<b>Total</b>	<b>Grievance</b>
	<b>Grievance</b>	<b>complaint of</b>	<b>Grievance</b>	<b>complaint of</b>
		<b>bullying</b>		<b>bullying</b>
BME	9	4	2	1
White other	7	1	1	1
White Brit/Irish	62	14	59	18
<b>Total</b>	<b>78</b>	<b>19</b>	<b>62</b>	<b>20</b>

Discipline - including capability by ethnic group (known ethnicity only)

	<b>2010/11</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2011/12</b>
	<b>Total</b>	<b>Discipline for</b>	<b>Total</b>	<b>Discipline for</b>
	<b>Discipline</b>	<b>capability</b>	<b>Discipline</b>	<b>capability</b>
BME	14	1	7	2
White other	5	0	4	0
White Brit/Irish	107	9	92	8
<b>Total</b>	<b>126</b>	<b>10</b>	<b>103</b>	<b>10</b>

## Appendix B4

### EXIT

#### Breakdown of leavers by ethnic group

	2009/10	2010/11	2011/12
BME	22	24	21
White other	30	19	24
White Brit/Irish	358	340	388
<b>Sub total</b>	<b>410</b>	<b>383</b>	<b>433</b>
Unknown	167	151	122
<b>Total</b>	<b>577</b>	<b>534</b>	<b>555</b>

#### Resignations and Dismissals by ethnic group (known ethnicity only)

	2009/10 Resignations	2009/10 dismissals	2010/11 Resignations	2010/11 Dismissals	2011/12 Resignations	2011/12 Dismissals
BME	9	0	10	5	13	6
White other	12	1	15	1	14	4
White Brit/Irish	144	15	160	23	139	89
<b>Total</b>	<b>165</b>	<b>16</b>	<b>185</b>	<b>29</b>	<b>166</b>	<b>99</b>

#### Length of service (known ethnicity only)

	2009/10 1 year	2009/10 2 years	2010/11 1 year	2010/11 2 years	2011/12 1 year	2011/12 2 years
BME	4	1	10	3	2	1
White other	6	3	1	4	6	5
White Brit/Irish	51	22	75	33	56	36
<b>Total</b>	<b>61</b>	<b>26</b>	<b>86</b>	<b>40</b>	<b>64</b>	<b>42</b>

## Appendix C

### 2011 Census: Ethnic group, local authorities in England and Wales.

Ethnic Group	England 2011 Census numbers.	Brighton and Hove 2011 Census numbers.	England 2001 Census %.	England 2011 Census %.	Brighton and Hove 2001 Census %.	Brighton and Hove 2011 Census %.
White: English/Welsh/Scottish/Northern Irish/British.	42,279,236	220,018	86.99(White British)	79.8	88.2 (White British)	80.5
White: Irish.	517,001	3,772	1.27	1.0	1.6	1.4
White: Gypsy or Irish Traveller.	54,895	198	Not recorded.	0.1	Not recorded.	0.1
White: Other White.	2,430,010	19,524	2.66	4.6	4.63	7.1
Mixed/multiple ethnic group: White and Black Caribbean.	415,616	2,182	0.47	0.8	0.34	0.8
Mixed/multiple ethnic group: White and Black African.	161,550	2,019	0.16	0.3	0.39	0.7
Mixed/multiple ethnic group: White and Asian.	332,708	3,351	0.37	0.6	0.64	1.2
Mixed/multiple ethnic group: Other Mixed.	283,005	2,856	0.31 (Mixed: Other Mixed).	0.5	0.57 (Mixed: Other Mixed).	1.0

Asian/Asian British: Indian.	1,395,702	2,996	2.09		2.6	0.85	1.1
Asian/Asian British: Pakistani.	1,112,282	649	1.44		2.1	0.22	0.2
Asian/Asian British: Bangladeshi.	436,514	1,367	0.56		0.8	0.39	0.5
Asian/Asian British: Chinese.	379,503	2,999	0.45		0.7	0.53	1.1
Asian/Asian British: Other Asian.	819,402	3,267	0.48		1.5	0.37	1.2
Black/African/Caribbean/Black British: African.	977,741	2,893	0.97		1.8	0.56	1.1
Black/African/Caribbean/Black British: Caribbean.	591,016	879	1.14		1.1	0.19	0.3
Black/African/Caribbean/Black British: Other Black.	277,857	416	0.19		0.5	0.06	0.2
Other ethnic group: Arab.	220,985	2,184	Not recorded.		0.4	Not recorded.	0.8
Other ethnic group: Any other ethnic group	327,433	1,799	0.44		0.6	0.65	0.7