

Natural Resources Wales

Board Meeting

21 May 2013

Paper Title	Strategic Equality Plan – Way Forward
Paper Reference:	Paper NRW B (O) 9.13 – May 2013
Paper Sponsored By: Paper Authored By:	Liz Davis Adrian Williams / Claire Begley

Purpose of Paper:	To set out how NRW will comply with the Equality Act 2010 and our approach to achieving this, together with plans for NRW's equality and diversity programme of work .
Recommendation:	• To agree the proposals set out at paragraphs 7-9. • To nominate a Board Level Champion for Equality and Diversity
Decision Required:	Yes

Impact: To note – all headings might not be applicable to the topic Avoid generic statements and aim to tease out any specific impacts related to the overall purpose of the paper	Impact on the Environment: Non applicable Impact on the Economy: Non applicable Impact on Community: As an employer of staff in Wales, working with partners and communities across the country, it is essential that NRW is compliant with the law and that it sets a high standard across the full range of the equality and diversity field. Impact on Knowledge: The preparation of a Strategic Equality Plan will require the capture and analysis of a comprehensive range of data relating to staff characteristics, together with evidence of achievement against a wide range of objectives.
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Issue

1. As a Welsh Government Sponsored Body, NRW has a legal and moral responsibility to comply with the 'specific' and 'general' duties outlined in the Equality Act 2010. These duties apply to the nine protected characteristics and the three main aims – further information on the 'specific and general' duties and a definition of the nine protected characteristics is set out at Annex A.
2. NRW now has less than one year to develop our strategic equality plan and objectives for NRW. We must then publish our plan and report progress annually to the NRW Board. This paper explains how the work on the strategic equality plan will be taken forward, together with the equality and diversity programme of work.

Background

3. During this first year, NRW's legal requirement to comply with the Duties is covered by our existing legacy bodies' plans.
4. However, this is an interim arrangement purely to ensure legal compliance and we are required to publish our own Strategic Equality Plan by no later than April 2014. Further information on the main components of a Strategic Equality Plan is set out at Annex B. The requirement to develop our own plan is an excellent opportunity to start building and sharing the culture, priorities and outcomes of our new organisation. Expectations of the Board and visible leadership of the Executive Team will be essential to this process if we are to successfully embed equality and diversity in NRW, ensuring that equality and diversity underpins everything we do rather than being viewed as a 'bolt on'.
5. By the 31 March 2014 we must:
 - Conduct a **staff survey** to collate relevant workforce and equality data not currently available due to separate IT systems or reliance on legacy body data.
 - **Prepare and publish our Equality Objectives** – drawing upon the evidence in the staff survey prepare one objective for each of the nine protected characteristics, plus a specific objective to address any pay differences. In terms of the latter, we will need to work closely with NRW's planned harmonisation and pay and grading projects.
 - **Develop and publish our Strategic Equality Plan** – identify how we intend to deliver our objectives and to what timescales. This will include our arrangements to monitor progress and evaluate the effectiveness of actions taken to meet the objectives.
 - Undertake a **Consultation Period** with interested parties from the protected groups.
 - **Complete an Equality Impact Assessment** - consider relevant evidence in order to understand the likely or actual effect of policies and practices on protected groups.

6. This is an ideal opportunity for NRW to create a new Strategic Equality Plan by building on legacy bodies' past successes and using our collective expertise. This will help us to be an organisation where everyone can be themselves, enabling their individuality to benefit people and the environment. This work is also complementary to wider NRW priorities around outcomes such as access, education and health – for example, work with disabled groups to improve access and participation etc.

Next Steps and Proposals

7. A key early priority is to set up a NRW governance structure to take forward the equality and diversity work programme. To achieve this we should establish an Equality and Diversity Steering Group, chaired by ED for OD and People Management, supported by other members of the leadership group and some representation from the 9 protected characteristics. This group needs to be established and operational urgently if we are to deliver a Strategic Equality Plan and Objectives by end of March 2014. The Steering Group should provide an annual report to the NRW Board, providing information on performance against plan and key aspects of the programme of work for the year ahead. At Board level it is recommended that a lead member be nominated to act as the equalities and diversity champion. The role of the Champion, which mirrors best practice elsewhere, would be to take a close interest in the development of the Strategic Equality Plan and to also work closely with the Chair of the Steering Group on the full spectrum of the equalities and diversity agenda. The Champion would also have an important role as a conduit of feedback from external stakeholders, together with advice and ideas from NRW Board Members.

8. As part of the governance arrangements, we further propose that we also set up an action group to drive forward the equality and diversity work programme. A key early priority for the action group will be to commission and deliver all the necessary work to ensure NRW has a Strategic Equality Plan by April 2014. However, beyond this immediate priority, the action group will also lead on the longer term equality and diversity work programme and an early aim should be to integrate all key plans and initiatives from the extant (and still current) 3 legacy body plans and also promote and encourage new NRW structures and groups to support the 9 protected characteristics. The group should be led by Head of OD and Learning and include a wide representation from across the organisation. These staff/managers should also act as champions, promoting the work on equality and diversity within their functions to ensure staff engagement and ownership by the business. Trade union representation will also be sought including other key business representatives, such as Communications,

9. A further priority is for us to update our external website and intranet with a statement from the Board on our equality and diversity policy and plans for NRW. The statement should include details on governance arrangements, points of contact, our immediate year one priorities together with an outline of our longer term agenda. As part of this, it will be important to maintain an active communications strategy as work is taken forward and changes made.

Risks

10. The equality and diversity agenda has a high profile, both externally and also internally with staff. There are real legal and reputational risks if NRW does not get this right. There is also a potential negative impact on staff morale, plus the external risk that we would not be seen as an employer of choice. Putting in place the arrangements set out in this paper will help to manage this important programme of work and ensure that NRW fully delivers its commitments.

Financial Implications

11. There are no immediate financial implications to these proposals. Taking forward this substantial body of work, in particular the significant work required to deliver a Strategic Equality Plan this year, will need to be carefully prioritised alongside other tasks required of HR OD staff. Any specific proposals that cannot be met from within our existing equality and diversity budget will be subject to a separate business case.

Legal and Compliance Issues

12. There is a legal requirement to comply with the Equality Act 2010 and the Public Sector Equality Duties.

Communications

13. A detailed communications plan should be developed in support of the equality and diversity work programme. This should be produced by the Equality and Diversity Action Group.

Equality impact assessment (EqIA)

14. The work programme should be subject to a EqIA.

Annexes:

- A. Equality Act 2010 - The General Duty and Equality Objectives.
- B. Strategic Equality Plans.

Annex A – Equality Act 2010: The General Duty and Equality Objectives

The aim of the general duty is to ensure that public authorities and those carrying out a public function consider how they can positively contribute to a fairer society through advancing equality and good relations in their day-to-day activities. The duty ensures that equality considerations are built into the design of policies and the delivery of services and that they are kept under review, achieving better outcomes for all.

There are three main ‘aims’ of the general duty:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The general duty covers the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Sex
- Sexual orientation
- Race – including ethnic or national origin, colour or nationality
- Religion or belief – including lack of belief
- Marriage and civil partnership – but only in respect of the requirement to have due regard to the need to eliminate discrimination

Equality Objectives - What the duty requires on equality objectives

A listed body in Wales must:

- Prepare and publish its equality objectives by 31 March 2013 (Note: NRW has until April 2014 to achieve this).
- Publish objectives to meet the general duty. If any authority does not have an objective for each protected characteristic –in addition to any objective to address pay differences – it must publish reasons why not.
- Publish a statement setting out the steps it has taken or intends to take to meet the objectives and how long it expects to take to meet each objective.
- Make appropriate arrangements to monitor progress towards meeting its objectives and to monitor the effectiveness of its approach.
- Give appropriate consideration to relevant equality information it holds when considering what its equality objectives should be.

Objectives on pay difference

A listed body for Wales must:

- Have due regard to the need to have objectives to address the causes of any pay differences that seem reasonably likely to be related to any of the protected characteristics.
- Publish an equality objective to address any gender pay gap identified or else publish reasons why it has not done so.

even where an authority publishes an equality objective to address pay differences in relation to any protected characteristic, it must still have due regard to the need to have other equality objectives in relation to that protected characteristic. If it publishes no other such objective, it will need to explain why not.

Review and revision of objectives

A listed body in Wales must:

- Review all its equality objectives as least once every four years.

A listed body may revise or remake its equality objectives at any stage. If it does so, it must publish the new objective or revision and reflect any changes in its published statement about the timescales and steps for meeting its objectives. If a change is made to an equality objective on gender pay, it will need to be reflected in its gender pay action plan.

Annex B - Strategic Equality Plans

What the duty requires from NRW on its Strategic Equality Plan

- Draw up a Strategic Equality Plan by 31 March 2014

This Strategic Equality Plan must include:

- A description of the authority.
- Our equality objectives (including pay objectives).
- The steps it has taken or intends to take to meet its objectives and in what timescale.
- Our arrangements to monitor progress on meeting its equality objectives and the effectiveness of the steps it is taking to meet those objectives.
- Our arrangements to identify and collect relevant equality information. This includes information gathered from engaging with protected groups about how the work of NRW may relate to the general duty. It also includes any information about pay differences related to a protected characteristic and the causes of these differences.
- Our arrangements for publishing relevant equality information that we hold and which we consider appropriate to publish.
- Our arrangements for:
 - Assessing the likely impact on protected groups of any policies and practices that NRW is proposing, reviewing or revising.
 - Monitoring their actual and ongoing impact.
 - Publishing reports where an assessment shows a substantial impact (or likely impact) on NRW's ability to meet the general duty.
- Details of how NRW will promote knowledge and understanding of the general and specific duties among employees, including through performance assessment procedures to identify and address training needs.
- An action plan relating to gender pay objectives (see 'Gender pay differences' above).

It is open to NRW to decide to include its Strategic Equality Plan and other information relevant to meeting its general duty.

In preparing and revising its Strategic Equality Plan NRW is required to engage appropriately and have due regard to relevant equality information.