



Making Progress? An assessment of public sector employers' compliance with the public sector equality duty

November 2015

INTRODUCTION

About Close the Gap

Close the Gap is a partnership initiative that works in Scotland on women's participation in the labour market. Project partners include Scottish Government, Equality and Human Rights Commission, Scottish Enterprise, Highlands and Islands Enterprise, Skills Development Scotland, and Scottish Trades Union Congress. The breadth of the partnership reflects the fact that the gender pay gap is an economic issue as well as an equalities issue.

Public sector equality duty

The public sector equality duty (PSED) forms s149 of the Equality Act 2010. It has a general duty which requires public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. There are also Scottish specific duties which are intended to help listed public authorities to meet the general duty.

Each public authority listed in the schedule for the specific duties is required to:

- Report on mainstreaming the equality duty;
- Publish equality outcomes and report progress;
- Assess and review policies and practices;
- Gather, use and publish employee information; and
- Publish in a manner that is accessible.

Authorities with more than 150 employees are required to publish:

- gender pay gap information; and
- statements on equal pay, including information on occupational segregation.

The first round of reporting was to be completed by 30 April 2013, with progress updates on mainstreaming, meeting equality outcomes, and updated gender pay gap and employment data to be published by 30 April 2015.

Close the Gap assessment of 2013 reporting

In 2014 Close the Gap published an assessment of PSED reporting in 2013 by a sample of 45 public bodies¹. The report identified significant room for improvement in public bodies' responses to PSED across all aspects of the duty.

In general, public bodies failed to recognise data collection, interpretation and use as a process. Some bodies were stronger on data collection but then provided insufficient or weak analysis. Other bodies had stronger outcomes but these were not based on the data collected. Inconsistencies were also observed around the calculation of the gender pay gap, and bodies' understanding of the causes and types of occupational segregation. Forty four per cent of public bodies published no outcomes relating to gender and employment, despite the vast majority identifying occupational segregation and a gender pay gap within their organisation. Gender pay gap reporting was disappointingly low at 67 per cent of all bodies required to publish, and analysis of gender pay gap and occupational segregation data was poor.

By 30 April 2015 public bodies were required to publish the following:

- An updated mainstreaming report;
- Updated employee data;
- A report on progress to meet equality outcomes; and
- An updated gender pay gap figure.

This report presents the findings of Close the Gap's assessment of 2015 reports, and progress made since 2013.

METHODOLOGY

Selection and sampling process

Where possible, the same public bodies were selected for this assessment in order to allow for comparison. Where an organisation had undergone a merger since 2013, the reports published by the newly merged body was assessed in its place.

Five sectors were initially selected from across the public sector, followed by a sample from within each sector. A total of 45 public bodies were sampled representing 33 per cent of public bodies across those five sectors.

¹Close the Gap (2014) *Monitoring Scottish public bodies' compliance with the public sector equality duty*.

Organisations were selected from the following sectors:

- Further education colleges (FE);
- Higher education institutions (HEI);
- Local authorities (LA);
- Health boards (NHS); and
- Other bodies and offices (non-departmental public bodies) (NDPB).

The selection process was not randomised in order to obtain the fairest geographical representation as well as a mix of larger and smaller organisations. This allowed the sample to account for the different pressures experienced in each local authority area (e.g. additional childcare pressures in rural areas). As with any qualitative research the results are subjective and there is no guarantee the sample is entirely representative of wider responses to PSED.

For the purpose of this assessment, only those documents that were published online by the deadline of 30 April 2015 have been used. Any subsequent amendments or additions made by individual public bodies have not been included.

Analysis framework

An analytical framework was devised based on the 2013 assessment framework using a combination of the regulations, guidance materials published by Close the Gap, and non-statutory and technical guidance publications from the EHRC. The reports were broken down into sections; some sections were assessed using a scoring system, while non-scoring sections produced a yes or no answer.

The assessment followed the four sections of the framework, and in each section points were allocated based on the relevant criteria. The four sections of the framework sought to assess the following:

- The quality of the mainstreaming report in relation to gender and employment;
- The standard of new and existing equality outcomes in relation to equal pay and occupational segregation;
- The standard of progress reporting on those equality outcomes; and
- The quality of gender pay gap information.

The full criteria for each of the sections can be found in the Appendix.

Scoring

Using the framework the documents were assessed and allocated scores. For scoring sections of the framework, each section carried a headline yes/no question or questions, followed by further questions where scores were divided into category bands, with each category band carrying a number of points. In all sections except Gender Pay Gap Information, which was categorised as either adequate or inadequate, possible scores were good, satisfactory, poor and none. The full framework document, including category band descriptions and associated scores, is listed in the Appendix.

Checklists were used for the sections of the framework that were non-scoring. Although these checklists were non-scoring, they were a useful additional measure for assessing reports.

The first checklist focussed on the data published by public bodies in response to PSED. The regulation requires that an authority should publish data on the composition of its employees, and the recruitment, development and retention of those employees. However it does not provide a definitive list of the specific data that should be used to fulfil these requirements. The PSED guidance published by both Close the Gap and the EHRC does provide advice on this, and was used to design a checklist to support the assessment of the data published.

The second checklist was used to assess the equality outcomes published, specifically in relation to the main causes of the gender pay gap:

- Pay discrimination;
- Flexible working;
- Vertical occupational segregation; and
- Horizontal occupational segregation.

Any public body whose outcomes had not changed since 2013 had its score from the 2013 assessment carried over. For those public bodies whose outcomes had changed, and which included at least one outcome on gender and employment, these were quality-assessed. Details of the checklists are contained within the Appendix.

The focus throughout the assessment process was on public bodies' awareness of, and proposals to address, the causes of the gender pay gap within their organisations. The findings, and any subsequent grade awarded for a body's efforts, relates only to the quality of their submissions around gendered employment issues.

FINDINGS

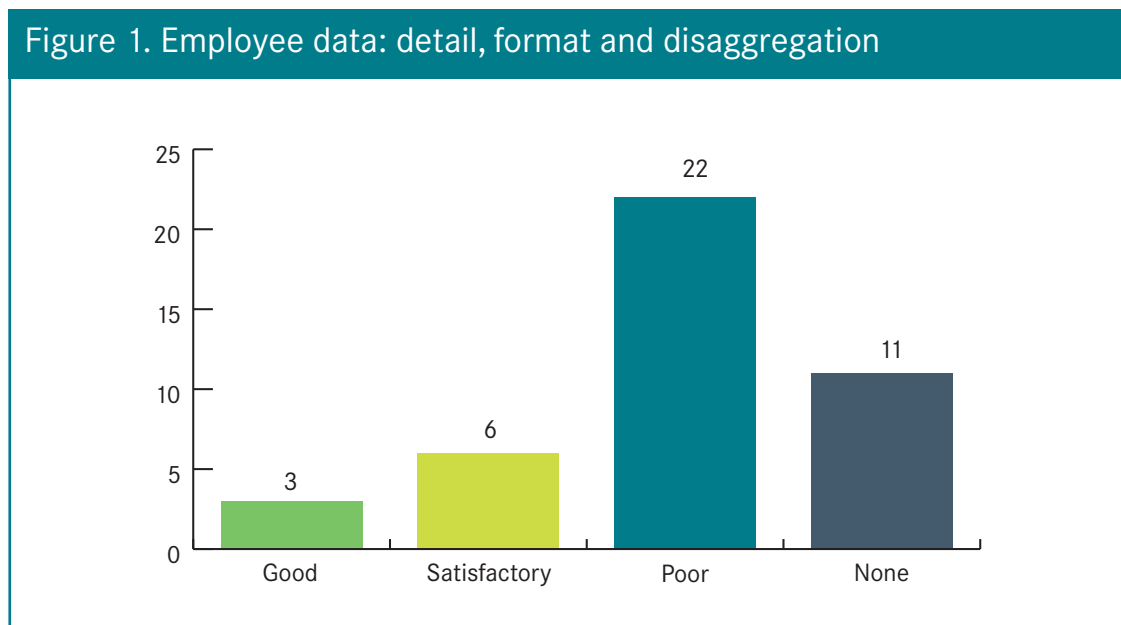
Overall picture

The assessment indicates that little progress has been made by public bodies in terms of their overall response to the duty. The vast majority of organisations assessed were considered to have published reports with a lower overall quality than those published in 2013. A number of bodies were observed to have taken a significant backwards step. Of the 45 bodies assessed reports for three could not be located, and were considered as not published and have not been included in this assessment.

As in 2013, overall performance varied considerably, ranging from a maximum of 32 out of an available 41 points, to a minimum of zero. Reporting standards also varied considerably within reports: positive examples cited here were most often not indicative of the overall standard of the related report, and in many cases reports which contained positive examples of work were often also a source of negative examples referred to in this assessment.

Employee data

As in 2013, there were significant issues with the quality and format of the employee data published. Figure 1 shows that eleven bodies (26 per cent) had either published no employment data, or the employment data that has been published was not disaggregated by gender. Of those that had published gender disaggregated employee data few had published meaningful employment data beyond workforce composition.



The publishing of employee data was characterised by the same three themes identified in 2013.

Incomplete data

Many organisations have published pay gaps that exclude groups of staff. The most commonly excluded group was senior management, with organisations citing the negative impact of a small number of typically male-dominated roles on their gender pay gap. This theme is a particular issue in the NHS and FE sectors, with three out of the ten bodies assessed in each sector publishing either no employee data disaggregated by gender, or no employee data at all. No NHS boards published data on staff development, with many citing poor systems as the reason. Many of these reports referred to the introduction of a new system, eEES, with the hope that data on training and development will improve as a result.

Inconsistent publishing of data

Many bodies had published employee data in such a way that would suggest the data is incomplete. For example publishing the number of men working part-time but not the number of women, publishing data on return to work for disabled staff but not for staff on maternity leave, and one body which published only one quarter's data which was disaggregated by race alone. This theme also included problems around reporting low numbers. Some reports were overly assiduous in anonymising data for low numbers, while others published data which could potentially identify individual employees. Given the presence of specific guidance² on publishing low numbers it is concerning to note such inconsistencies.

Insufficient detail

This included employee data disaggregated by gender but only listed in a high level 'job family' format, and numbers of staff who had accessed training with no date on the type of training or completion rate by gender.

Themes which have developed since 2013 are as follows.

Low disclosure levels and gaps in monitoring

Low disclosure levels are still a widespread issue, however very few public bodies describe taking action to tackle this. Many public bodies still do not gather data on all protected characteristics. One public body included a section from its 2013 report stating "*We are in the process of extending this monitoring to include sexuality, transgender and religions and belief [sic]*" indicating that a gap in monitoring had been identified in 2013 but no work had been undertaken to address it. The same body stated they monitor "*all protected characteristics except pregnancy and maternity*", suggesting not just a lack of understanding but also a sense of complacency. Given that in the

²<https://ico.org.uk/for-organisations/guide-to-data-protection/anonymisation/>

2013 reports a number of bodies had recognised their data collection processes, and communication around these, needed improvement, it is disappointing to note such a lack of progress.

Pregnancy and maternity

There is significant under-reporting on pregnancy and maternity. Only seven public bodies published data on the proportion of women returning to work after maternity leave, with only one publishing data on the destination of those women on return to work. Eight bodies published numbers of women on maternity leave, while 26 (62%) public bodies reported no data on it at all. Many organisations appeared to conflate pregnancy and maternity with gender, noting that outcomes which benefit women will automatically positively impact on pregnancy and maternity issues. This suggests a lack of knowledge and understanding around this protected characteristic, and the barriers that pregnant women and women on maternity leave face at work. The only organisations which included data on both the proportion and destination of women returning to work after maternity leave was an NHS board, which detailed the number of women who had returned to work on a flexible basis. The remaining nine NHS boards assessed published no data on pregnancy and maternity, the lowest performance of any sector.

Mainstreaming report

Of the 42 bodies assessed four were considered to have failed to publish a mainstreaming report. Reasons for this included no mainstreaming report being present, or the report pertaining to mainstreaming containing insufficient or no reference to mainstreaming practice. The best average score for the quality of mainstreaming reports was found in the NDPB and higher education sectors.

Lack of understanding

Most bodies' mainstreaming reports indicated they had an understanding of the duty and the principles of mainstreaming, however few provided practical examples of mainstreaming in action. A significant proportion of reports were characterised by vague statements or assurances of action, commitment to principles, and frequently used terms such as “exploring” and “reflecting” as opposed to referencing concrete examples of work undertaken or planned.

Many reports suggested a sense of complacency, and there were a number of bodies which had published an almost exact copy of their 2013 mainstreaming report. A number of reports cited a lack of action or progress due to resource, with one organisation suggesting that they lacked the resource to report on their own examples of good practice.

A number of bodies had a poor understanding of mainstreaming, with one organisation advising that its Equality and Diversity Committee had been disbanded in 2014 as it was a “barrier to mainstreaming”. This same organisation’s report contained statements indicating a lack of understanding of the causes of the gender pay gap and women’s experience of work, including that the gender pay gap was not caused by “discrimination, but rather is due to the different choices made by each gender.” This demonstrates a need for a specific focus and resource for equalities, as opposed to disbanding mechanisms which advance such work. There was also a high number of bodies describing actions they are required to take by law as evidence of mainstreaming work, such as gathering employment data, undertaking equality impact assessments or offering parental leave. This is contrary to the purpose of the duty, which is to be proactive in advancing equality and addressing discrimination. Most reports cited having equalities policies in place, or reviewing those policies, as evidence of mainstreaming, while few included examples or analysis of how these policies worked in practice. This theme was particularly evident in further education, with many of the examples cited observed in this sector.

Service user focus

A significant proportion of mainstreaming reports were heavily focussed on service users. Mainstreaming work described was almost entirely focussed on making employees aware of their obligations to consider equalities in how they deliver services, to the exclusion of employers’ own responsibility to their employees under the duty. Equality and diversity training for staff, while welcome, was often aimed at ensuring employees were aware of equalities issues affecting service users. This issue was observed most frequently in the NHS and local government sectors. It was also evident in assessing equality outcomes whereby the vast majority of outcomes were targeted at service users, with few outcomes on public bodies’ function as employers.

Positive examples: Mainstreaming in HE sector

One university had given all staff the right to work flexibly and made unconscious bias training compulsory for all staff involved in the recruitment or promotion of staff. Another HE institute had held positive action workshops for aspiring female conductors.

Standard of equality outcomes

As described in the methodology any new outcomes as a result of merger or participation in EHRC improvement work were assessed. Outcomes which had not changed since an organisation’s 2013 report had their score carried forward from our 2013 assessment.

The higher education sector performed best in this section, and also in the assessment of progress towards outcomes. This sector also performed best on publishing and analysing employee data, highlighting the link between gathering, analysis and use of data and their performance of the duty overall.

Lack of outcomes on gender and employment

Figure 2 shows that over half (22) of organisations assessed had no outcomes on gender and employment while all reported a gender pay gap and equal pay issues. Outcomes on gender and employment were most likely to be seen in the higher education sector, and least likely in the NHS sector. Twenty organisations have at least one outcome relating to workplace gender equality issues. This is a regression from 2013, when corresponding numbers were 25 and 22 respectively.

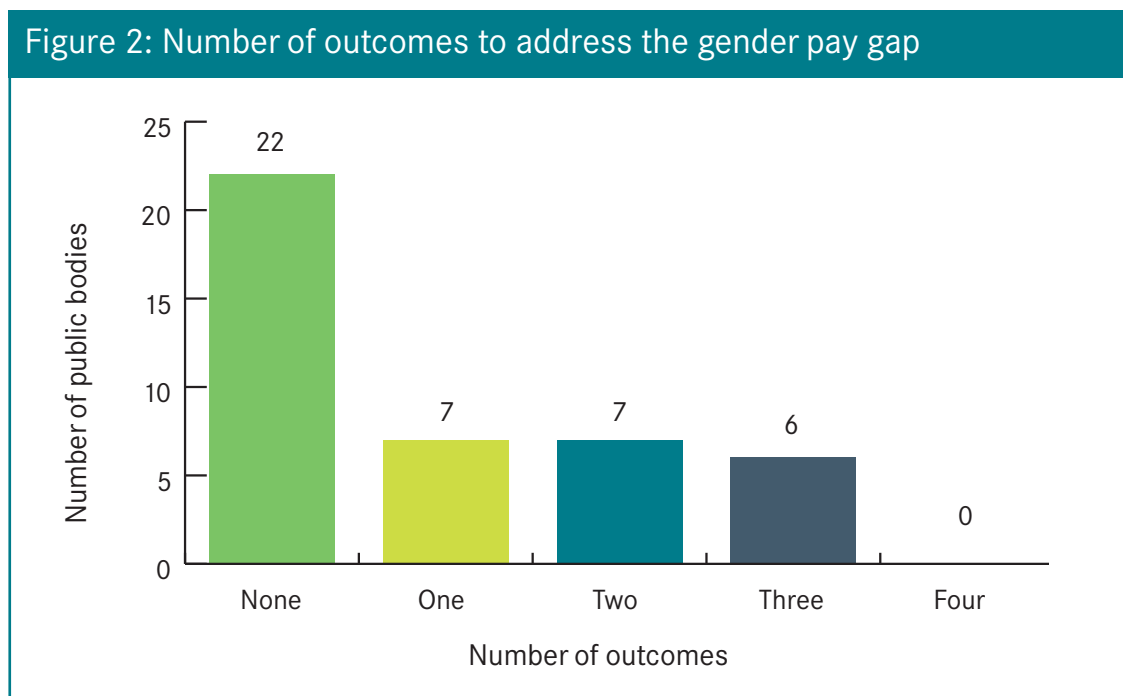
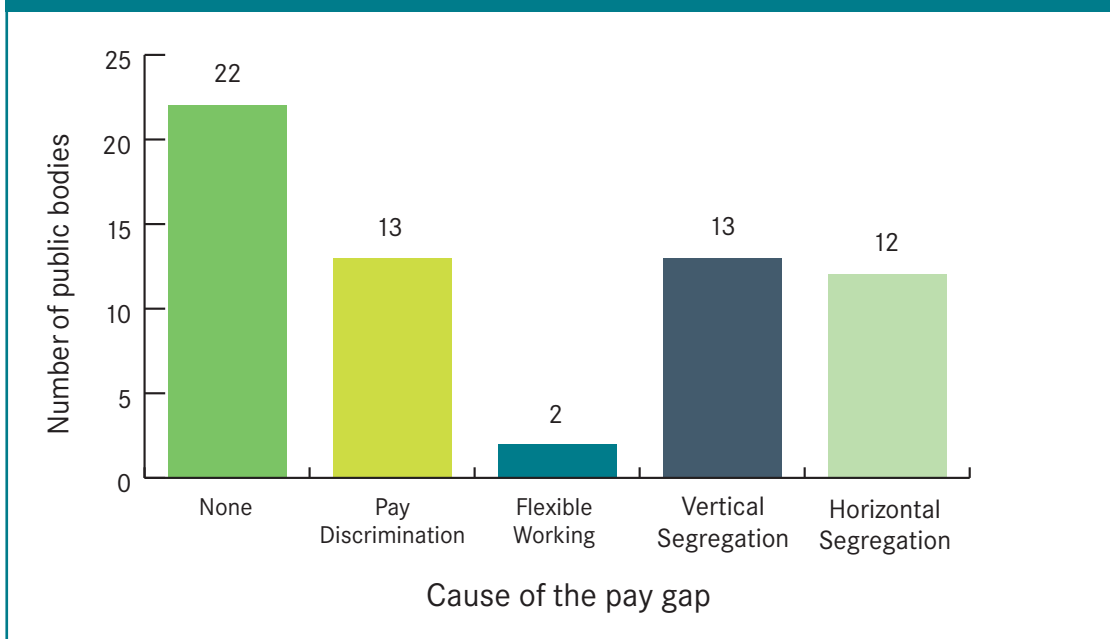


Figure 3 shows which causes of the gender pay gap were addressed by those which did have outcomes on gender and employment. There was a fairly even spread of outcomes on vertical and horizontal segregation and pay discrimination while only three had an outcome on flexible working. This may be linked to a lack of gender disaggregated data on flexible working uptake, or may indicate public bodies feel they do not have an issue with flexible working.

Figure 3: Outcomes on each cause of the pay gap



Generic outcomes

There has been little positive change among the new outcomes assessed. In common with the 2013 assessment, outcomes were found to be non-specific and vague in nature. There was a high number of outcomes which purported to benefit all of the protected characteristics. This generalised approach does not align with the principle of equalities work, which should seek to address the particular barriers affecting groups of people who share a protected characteristic. As previously mentioned, a number of organisations had conflated the protected characteristic of pregnancy and maternity with that of gender, assuming that outcomes which seek to target gender issues would also address pregnancy and maternity issues.

Unmeasurable actions

Outcomes often included vague, generalised actions such as “review recruitment practices”, “develop initiatives” and “increase[d] awareness of equality issues among workforce”, with little detail on how these actions would meet the general duty or benefit those who share a protected characteristic. There were a significant number of outcomes which simply repeated the general or specific duties or, as observed in mainstreaming reports, described actions which public bodies are required to undertake by law, such as equality impact assessment. This does not align with the positive aim of the duty which is to be proactive in tackling equalities issues.

Failure to use data

Among the new outcomes there still appeared to be confusion of outcomes with outputs, and a lack of clarity both in terms of which aim of the general duty the outcomes sought to meet and which causes of the gender pay gap the outcomes were intended to address. There remains a lack of recognition of the gathering, analysis and

use of data as a process. One public body described the process it had followed in setting its new outcomes, including consultation with particular groups, but made no reference to utilising staff data. This correlates with the tendency of outcomes to focus on service users almost to the exclusion of outcomes which focus on employees.

Positive example: Equality outcomes in local government

One local authority had developed an outcome on young people and Modern Apprenticeships, which included as one of its progress measures “[Increase] the percentage of employees in non-traditional apprenticeships by sex” with the aim of reducing occupational segregation. While the measure did not include a particular percentage increase they wished to achieve, the aim of the outcome was clear and progress measurable.

The positive example described here is particularly pertinent, as a number of bodies include work on Modern Apprenticeships in their mainstreaming and outcomes reporting, however only one example was found where a gender analysis was included. Given the long-standing gendered occupational segregation in Modern Apprenticeship frameworks, and the increased focus on addressing this following the recommendations of Developing the Young Workforce³, it is disappointing to note the lack of action on this among public sector bodies despite the imperative of the duty.

Progress on equality outcomes

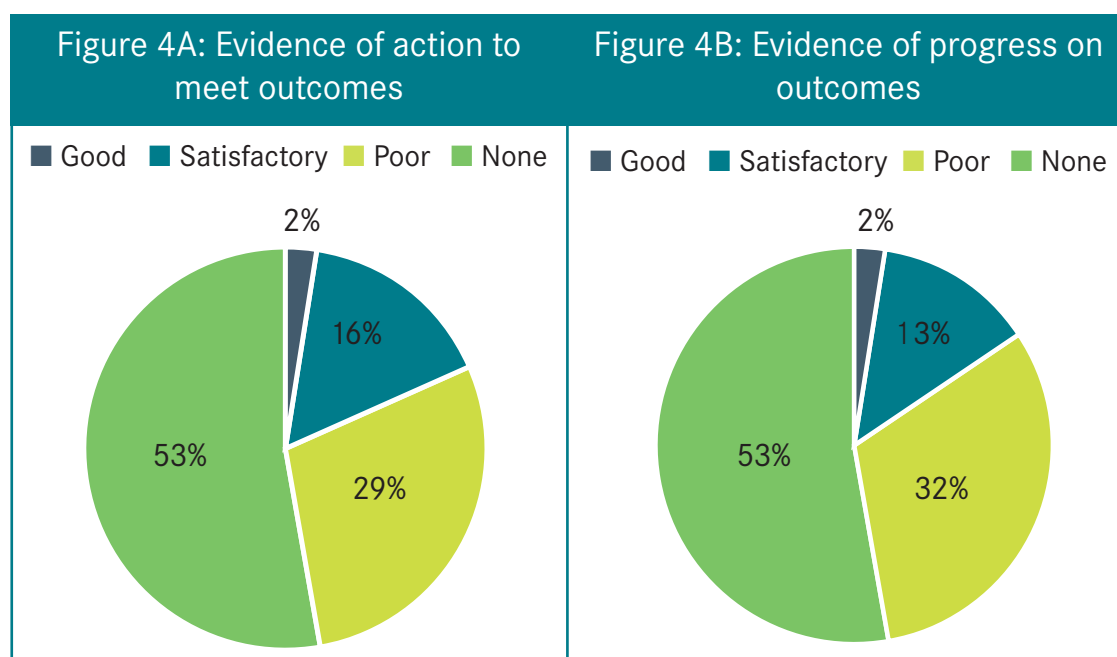
Only four of the bodies who had published reports had not published an outcome progress update. Of these, two were organisations whose outcomes had changed since 2013. One of these organisations stated they had not collected information on progress made towards meeting their original outcomes, citing guidance received from the EHRC that this was satisfactory. The EHRC guidance states that bodies whose outcomes had changed since 2013 should report on progress made towards the original outcomes prior to the new outcomes coming into place, and thereafter report on work done under the new outcomes. The other organisation whose outcomes had changed attributed their failure to report on progress to their previous merger which took place in 2012.

Lack of evidence of action

Progress reporting was relatively poor across all sectors. Of the 38 bodies who did provide an outcome progress report, around half (21) had outcomes addressing at least one cause of the gender pay gap, and had their progress assessed. Of these 21 bodies, 14 were rated as poor in relation to evidence of practical work carried out to meet their outcomes, and prioritisation of that work, with 11 rated as poor on the evidence of

³ Scottish Government (2014) *Developing the Young Workforce: Scotland's Youth Employment Strategy*

actual progress made. These reports often described change or progress in general terms with no supporting data or evidence, or description of practical steps taken to meet the outcomes. In a number of reports it was evident that no work had been undertaken to meet their outcomes, indicated by action plan timelines being shifted from 2013-2015 to 2015-2017. Several reports which had set clear actions and measures in their 2013 reports made no reference to these actions or measures in their progress reports.



Lack of understanding

An area of significant concern is the discussion of plans by some public bodies to withdraw distinct equality and diversity policies and mechanisms as work is perceived to become mainstreamed. This is a misunderstanding of mainstreaming. That these bodies received some of the lowest assessment marks would indicate a need for targeted support to build their understanding of mainstreaming and equalities work. This particular issue was most evident in the further education sector.

Positive examples: Outcome progress in the local government sector

One local authority whose outcome sought to promote non-traditional occupations to young women and men through employability programmes had successfully delivered a series of “equality sessions” to encourage young people to seek work experience in non-traditional jobs for their gender. Reporting on this work would be improved if the progress update included statistics showing the level of young women and men choosing non-traditional jobs for their work experience.

The same local authority had also identified an issue in its education authority, where none of their secondary school head teachers were women. A recruitment programme including management support targeted at women, and a positive action statement in their recruitment process, resulted in a reversal of the situation and now five of the eight secondary schools in the local authority are women. This is a good example of a successful targeted initiative with measurable results. Reporting on this could have been improved through the provision of more detail on the actions taken.

Gender pay gap

Of the 42 public bodies assessed two were not required to publish a gender pay gap, although one of these had published its gender pay gap data. Of the 40 remaining bodies a third (14) had failed to publish a gender pay gap figure. A body was considered not to have published where no single organisational figure had been provided (which included bodies who had published a lengthy table of pay data but no single figure overall), or where no pay gap data was present. An organisation was also considered not to have published where they had excluded groups of staff from their pay gap calculation. Of the 31 organisations who had published their gender pay gap seven had published a figure considered inadequate. A figure was considered inadequate if the calculation had been completed incorrectly and therefore an inaccurate figure had been published, but it was possible to ascertain the correct figure through recalculation. For a number of organisations it was not possible to check the calculation as insufficient pay data was provided.

Figure 5: Gender pay gap information

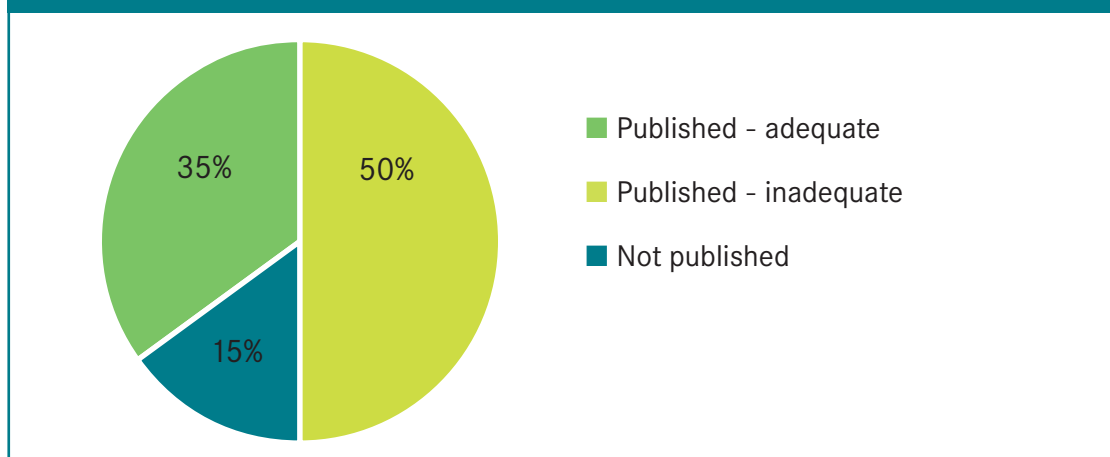
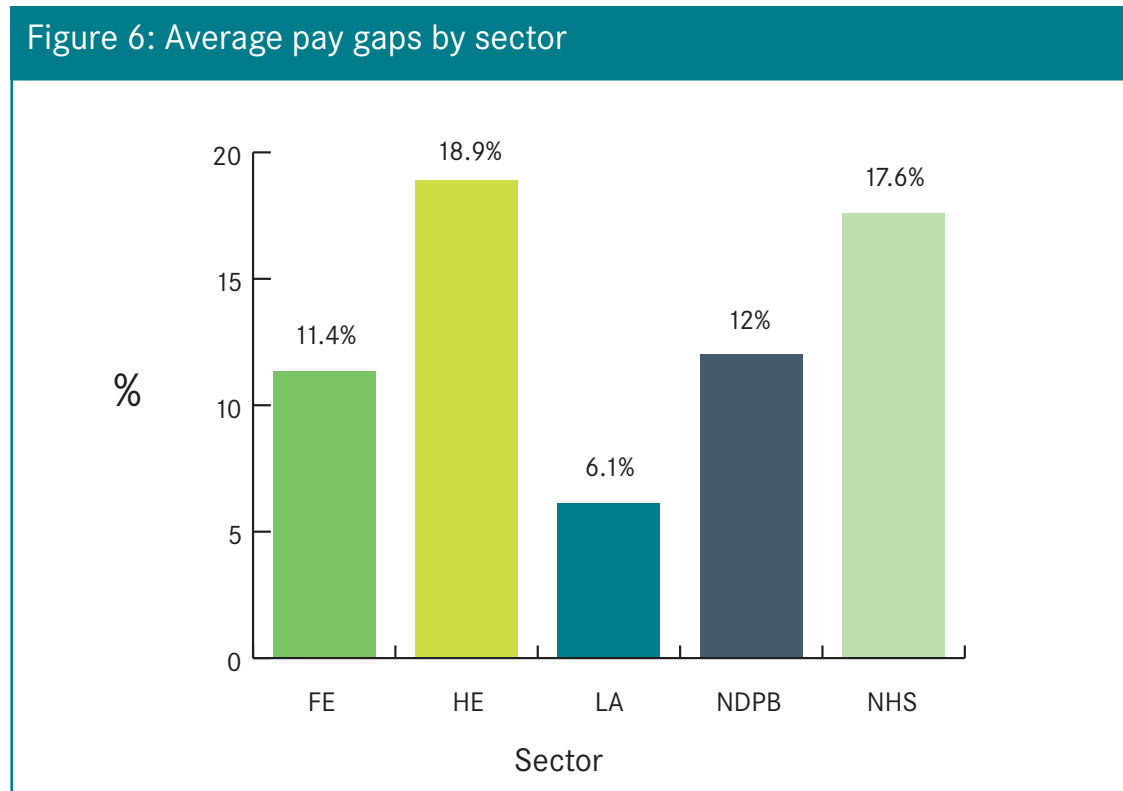


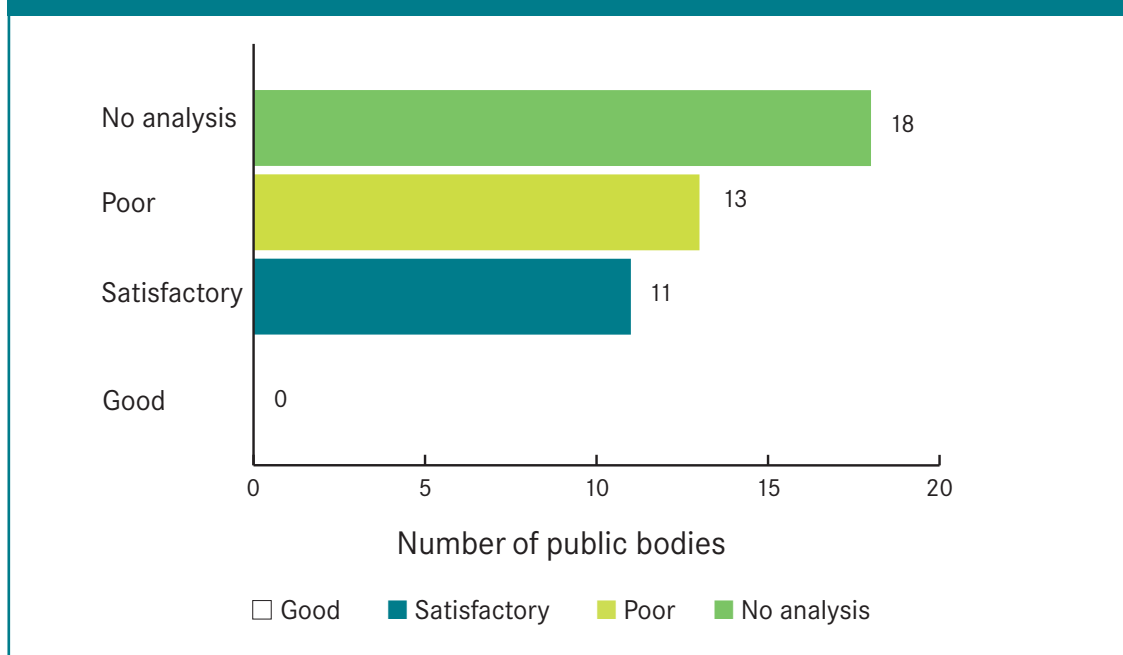
Figure 6 shows the average pay gaps by sector. The highest average pay gap was seen in the higher education sector, at 18.9%. This sector also saw the lowest proportion of bodies publishing their pay gaps, with only 40% doing so. The lowest average pay gap was seen in the local government sector. A number of organisations in this sector reported that staff of Arm's Length External Organisations were excluded from pay data. Many of the employees transferred to ALEOs are women in lower grades, and the removal of this pay data from an organisation's pay gap calculation is therefore very likely to have had a positive impact on gender pay gap figures.



Poor or no analysis

Figure 7 shows that of the 42 bodies assessed, just under a third (13) were rated as providing poor analysis, with 11 providing satisfactory analysis. Just under half (18) were assessed as providing no analysis of gender pay gap data, which includes those bodies who had not published a headline gender pay gap figure. Two bodies which were considered not to have published a gender pay gap figure had provided an analysis of the data they had published, and so were included in this assessment. Analysis which was assessed as poor was characterised by a lack of detail, inaccuracy and basic observations. A number of bodies published pay information which showed high pay gaps at grade level with no comment or analysis. In its analysis, one body stated that “vertical segregation is not evident”, but went on to state it had observed that “the percentage of men increases as the salary bands rise”, indicating a fundamental misunderstanding of occupational segregation.

Figure 7: Analysis of gender pay gap data



Lack of action

Many public bodies appear to view publishing their gender pay gap, or undertaking an equal pay review, as an end in itself. There were few examples given of specific actions to tackle the causes of the pay gap. Where work was described it included little beyond monitoring the pay gap or organisational commitment to equal pay, or it included unrealistic commitments such as undertaking annual equal pay analysis. This is unlikely to refer to a formal equal pay review given the short timescale involved, and therefore could lead to sub-standard or inaccurate analysis. One body reported that it monitored its gender pay gap on a monthly basis which is unlikely to add value to its work on equal pay. Many organisations stated their commitment to equal pay, however the lack of evidence of action on this in the reporting period is at odds with such commitments.

Within their pay gap analysis, a number of bodies made reference to “societal job segregation” as opposed to focussing on occupational segregation within their own organisations. The framing of this issue as societal, with an absence of recognition of the particular causes of occupational segregation within each organisation and what actions can be taken to address these, may be contributing to the lack of action observed.

Lack of understanding

The assessment identified some clear gaps in competency on the causes of, and reporting on, the gender pay gap. In the majority of cases where bodies had excluded groups of staff from their pay gap calculation, senior management information had been removed, citing the “skewing factor” on their pay gap of a small number of high paid, typically male-dominated roles. This indicates a lack of understanding of the gender pay

gap at a basic level, as this skewing factor is itself a gendered feature of the pay gap. It is a particular concern that a number of NHS boards stated their gender pay gap figure became “more accurate” if senior staff were removed. A significant proportion of bodies made reference to this skewing factor, including among those who had published a satisfactory gender pay gap figure, indicating a widespread lack of understanding of the causes of the gender pay gap.

Lack of prioritisation

One organisation stated it was committed to taking action to ensure it provides equal pay for men and women but had set no actions on equal pay. This same organisation’s pay gap had more than doubled since 2013, and in its report presented an alarming analysis of the gender pay gap, stating, *“It is generally accepted that the majority of the wage gap is not due to explicit discrimination, but rather is due to the different choices made by each gender.”* Another organisation included an action to *“continue to monitor the prevalence of women in part-time roles to ensure that choice is the prevailing factor”*. This indicates at best a lack of understanding of the structural barriers which funnel women in to low-paid part-time work, and at worst a low priority attributed to women’s labour market inequality.

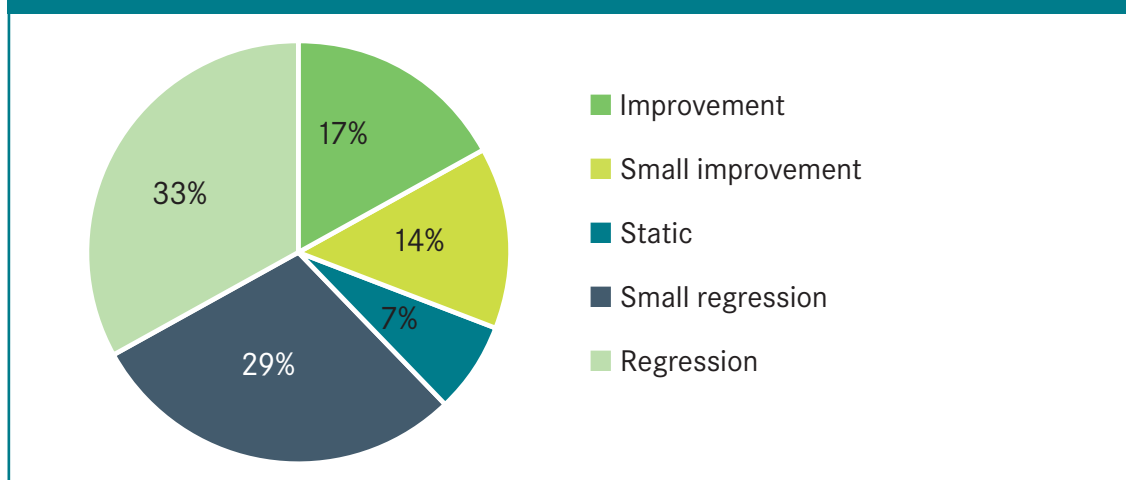
Positive example: Narrowing the pay gap in the local government sector

A local authority implemented the Scottish Local Government Living Wage, raising hourly earnings for the three lowest grades. Because women are concentrated in lower grades this change benefited more women than men; however the Living Wage campaign was most likely the driving force behind this change, and women benefiting was a welcome result.

CONCLUSION

Among the sample of public bodies assessed, performance of the duty has largely regressed. Using a comparison of 2015 assessment scores with scores awarded in 2013, of the 42 bodies assessed 26 (62%) have received a lower total score, with 14 (33%) of those bodies' scores observed to be significantly lower than in 2013. Only 13 bodies (31%) achieved an improved score, and three bodies' scores remained static.

Figure 8: Progress 2013 - 2015



In the 2013 assessment many bodies had recognised that their data collection systems were poor, their disclosure rates were low, and committed to work to improve these. That few reports describe work to improve the gathering of employee data is disappointing. Many organisations framed their 2013 reports as a starting point on a path to improved compliance, however this assessment suggested a lack of evidence of action. Of particular concern was the large number of organisations which still do not collect data on all protected characteristics.

The vast majority of bodies assessed published no data on pregnancy and maternity, and of those who had published data few had provided data that was meaningful. Recent research by EHRC on pregnancy and maternity discrimination⁴ suggests that around 54,000 new mothers may be forced out of jobs in the UK each year simply because they are pregnant or have had a child. It is therefore deeply concerning that such a low priority is being placed on this protected characteristic. If public bodies do not gather and publish adequate data on the proportion and destination of women who return to work after maternity leave, and use this data to inform action, a significant cause of the gender pay gap will remain unchallenged.

⁴ Equality and Human Rights Commission (2015) *Pregnancy and Maternity-Related Discrimination and Disadvantage First findings: Surveys of Employers and Mothers*

Mainstreaming and outcome progress reports were characterised by vague commitments, generalised outcomes and a lack of measurable actions. A significant number of reports contained statements indicating a lack of understanding of the duty, and complacency towards equalities work. The vast majority of reports focus heavily on bodies' responsibility to service users, with little priority given to their responsibility as employers. Public bodies routinely use data to inform the design and delivery of services, therefore it is disappointing to note the continued failure to apply the same process to inform their practice as employers.

Reporting on the gender pay gap remains poor, with many bodies publishing incorrect calculations, flawed analysis, and little action. A number of organisations framed low paid part-time work as women's "choice", and many appear to view publishing their pay gap as an end in itself, rather than a driver for action to tackle the causes of the pay gap that exist within their own organisation. This indicates a lack of understanding of women's labour market inequality in general.

The lack of evidence of action, and of progress to meet outcomes, is likely linked to public bodies' poor understanding of data gathering, analysis and use as a process, and of the positive purpose of the duty itself. The duty requires public bodies to be proactive in addressing equalities issues, and with women more likely to be service users, and comprising two-thirds of their employees, women's labour market inequality must be given greater priority than it currently receives.

PROPOSALS FOR FUTURE WORK

The findings of this assessment will inform the development of future Close the Gap work around supporting public authorities to better meet the public sector equality duty.

1. Develop and deliver updated guidance for public authorities on gender and employment, equal pay, and occupational segregation.
2. Develop and deliver capacity building sessions for public authorities to raise awareness and build knowledge around occupational segregation, the gender pay gap, and gender-disaggregated data gathering.
3. Continue to provide demand-led support to public authorities developing work on gender equality.

APPENDIX: SCORING FRAMEWORK

ASSESSMENT SECTION	CRITERION	GRADE	NUMERIC SCORE	TYPICALLY CHARACTERISED BY:
Mainstreaming	Recruitment, etc. data (disaggregated by gender)			
	Job applications	Yes/No	None applicable	
	Shortlisted applicants			
	Appointments			
	Occupation of part time posts			
	Occupation of fixed term or temporary posts			
	Applications for flexible working and success rates			
	Grievances			
	Disciplinary incidents			
	Development data (disaggregated by gender)			
	Training applications and success rates	Yes/No	None applicable	
	Types of training applied for - subject and level			
	Promotions			
	Retentions data (disaggregated by gender)			
	Proportions of women returning to work following maternity leave	Yes/No	None applicable	
	Redundancies - compulsory and voluntary			
	Dismissals			
	Destination of women returning to work following maternity leave			
	Retirement - including grounds			
	Mainstreaming report published	Yes	1	
		No	-1	
		No	-1	

	Accessibility of mainstreaming report	Good	2	Report immediately accessible with internet search.
		Satisfactory	1	Report accessible within 15 minute timeframe allocated.
		Poor/None	0	Could not locate within 15 minute timeframe allocated. Considered not published for the purposes of assessment.
	Data published as two separate years	Yes	1	
		No	0	
	Detail, format and disaggregation of employee data	Good	3	Comprehensive, gender disaggregated data showing the composition of the workforce will be available, along with a number of datasets relating to recruitment, development and retention. The information will be presented in a logical, well organised format and will be relevant, recent and easily understood.
		Satisfactory	2	Some or even all gender disaggregated data showing composition of the workforce will be available, though this may be presented in an illogical format and not necessarily easy to understand. Datasets in this category could be technical in nature or contain industry-specific jargon (e.g. job harmonisation titles). Broader information on recruitment, development and retention will be included though may be limited in scope.
		Poor	1	Some workforce data will be available but is likely to be presented at the highest level, leaving it impossible to identify occupational segregation. Alternatively, the data might be overly complex, illogically presented or have missing datasets for particular occupational groups (often senior management, TUPE staff or those on externally agreed pay scales). Information on recruitment, development or retention is unlikely to be included and if it is, will be of minimal benefit.
		None	0	No employee data has been published
	Signposting or ease of navigation to data	Good	3	Where the employee data is not contained within the mainstreaming report, there will be clear signposting to it on the authority's website and mainstreaming document.
		Satisfactory	2	Employee data may not be included in the mainstreaming section and directions to where the data can be located may not even be present. The data will, however, be available on the authority's website and will be relatively simple to access (i.e. located in a logical folder or page).

ASSESSMENT SECTION	CRITERION	GRADE	NUMERIC SCORE	TYPICALLY CHARACTERISED BY:
Mainstreaming	Signposting or ease of navigation to data	Poor	1	Locating the employee data is not a straightforward process, possibly presented in a folder or page where one would not consider looking for it.
		None	0	No employee data is included in the mainstreaming report and no signposting evident on the authority's website.
	Evidence of use of employee data informing mainstreaming policy and practice	Good	3	The authority will have provided evidence that it has performed detailed analysis of the data, possibly through the provision of narrative to support tables and graphs. It will also have demonstrated how it has used the results of the analysis to make gender equality considerations integral in the exercise of its functions. Examples might include changes to specific policies and procedures in light of workforce monitoring, inclusion of gender considerations in template planning documents or positive action being taken to address areas where occupational segregation is evident from examination of the data collected. It is clear the body has evaluated and built on the previous report.
				Satisfactory
		Poor	1	The authority will have provided little or no evidence to demonstrate that it has used the employee data to make gender equality considerations integral to the exercise of its functions and there will be little or no evidence of data analysis having formed the basis of mainstreaming actions. A report in this category might include generic statements regarding an authority's commitment to mainstreaming equality but will not detail why or how it proposes to do this and which groups will derive the benefits of such action. There is little or no evidence the body has evaluated and built on their previous report. The report may be in whole or in part a copy of the body's previous mainstreaming report.
				None
	Feasibility of proposals	Good	3	The actions proposed by the authority to embed gender equality into its functions will be proportionate in view of the evidence and achievable within the timescales provided.
		Satisfactory	2	The actions proposed by the authority to embed gender equality into its functions will be reasonably logical in view of the evidence and may have some chance of limited or partial success.
		Poor	1	Any actions proposed by an authority regarding mainstreaming practices will have no obvious basis in evidence and/or will have little likelihood of measurable success.
		None	0	Proposals are too vague to be feasible, impossible to implement or none provided at all.

ASSESSMENT SECTION	CRITERION	GRADE	NUMERIC SCORE	TYPICALLY CHARACTERISED BY:
Equality outcomes - standard	Have the body's outcomes changed?	Yes/No	None applicable	NOTE: If 'Yes' (where bodies have new outcomes, and for all post-merger FE bodies who were not assessed in 2013) their outcomes will be assessed using the below framework. If 'No' (where there have been no changes to a body's outcomes, and the body has been previously assessed) then the score for this section in the 2013 assessment will apply for this section. The criteria and grades used in this section in 2013 and 2015 are identical.
	Do outcomes address or include:			
	Pay discrimination	Yes / No	None applicable	
	Flexible working issues			
	Vertical occupational segregation			
	Horizontal occupational segregation			
	Clarity of outcome sought and which cause of the gender pay gap the authority is seeking to address	Good	3	There will be a clear articulation of the outcomes the authority hopes to achieve in relation to gender pay equality and occupational segregation. It should be clear from the statement which cause of the gender pay gap each outcome is seeking to address, perhaps with reference made back to the employee data or other evidence gathered to support the actions proposed.
	Satisfactory	2	There will be a statement of the outcomes the authority hopes to achieve in relation to gender pay equality and occupational segregation. It should be at least ascertainable which of the causes of the gender pay gap the outcomes are seeking to address though these may not have been specifically articulated.	
	Poor	1	Outcomes in this category may be characterised by not being outcomes at all, instead indicating outputs. It will be unclear which of the causes of the gender pay gap or inequality the actions are supposed to address.	
	None	0	No equality outcomes relating to gender and employment are included.	
Level of detail on action to be taken strength of evident connection between issue identified, actions to address them and outcomes expected	Good	3	The actions the authority intends to take should be detailed and likely to include information on the resources that will be targeted towards them, persons involved in their delivery and timescales involved. Outcomes in this category will likely be laid out in a logical manner to allow the reader to understand the rationale for actions being taken and how the authority proposes to meet its intended outcomes. In all cases there will be a clearly articulated link between the issues identified, the actions to be taken and the outcome expected, based on evidence gathered.	
	Satisfactory	2	The actions the authority intends to take should be outlined and may include some information on the resources and people involved in their delivery. In many cases there will be a link between the issues identified, the actions to be taken and the outcome expected, though this may be tenuous in places or a full explanation of the actions proposed and how they link to the evidence base may not be provided. Alternatively, the actions proposed could be of limited scope.	

		Poor	1	There will be basic details of the actions the authority intends to take to meet its listed outcomes. It is unlikely that there will be a discernible link between the issues identified, the actions to address them and the outcomes expected. Alternatively, the actions proposed might be wholly unsuitable as a means to address the issues highlighted, whether in terms of proportionality or sustainability.
		None	0	No equality outcomes relating to gender and employment are included.
	Standard of indicators to measure success of actions taken	Good	3	There should be clearly identified indicators to demonstrate how the authority will measure the successful of each action listed.
		Satisfactory	2	The authority's proposed methods of measuring the success of its actions will be listed, but may be vague in nature, have limited reporting value or even be overly complex.
		Poor	1	The authority's proposed methods of measuring the success of its actions are unlikely to have been listed or will have negligible reporting value.
		None	0	No equality outcomes relating to gender and employment are included
	Feasibility of actions proposed and likelihood of success	Good	3	In all cases, the proposed outcomes are realistically achievable in the timescales provided and are likely to deliver a significant measure of success in relation to addressing the issues identified.
		Satisfactory	2	In some, but not all, cases, the proposed outcomes may be realistically achieved within the timescales provided but only likely to deliver limited success in relation to the issues they are designed to address.
		Poor	1	It will be unrealistic to expect any or the vast majority of outcomes to be met within the timescales provided
		None	0	No equality outcomes relating to gender and employment are included.

ASSESSMENT SECTION	CRITERION	GRADE	NUMERIC SCORE	TYPICALLY CHARACTERISED BY:
Equality outcomes - progress	Outcome progress update published?	Yes/No	None applicable	
	Reporting on work to meet outcomes.	Good	3	There is a detailed progress update provided on work to meet the outcome/s, which is likely to include a summary of the outcome/s and organisational relevance, a timeline of the work, details of resources allocated, and an analysis of the effectiveness of the work undertaken. The report is likely to detail the future work on the outcome/s, and where appropriate will detail how the body will change its approach/actions to better enable future progress.
		Satisfactory	2	The progress update provides an adequate description of work to meet the outcome/s. The report may include some analysis of the work done so far, but may not have drawn out necessary changes to future work to better meet the outcome/s.
		Poor	1	The body has included little or no narrative to describe the work undertaken to meet the outcome/s, or future work to meet the outcome/s.
		None	0	No equality outcomes relating to gender and employment are included
	Evidence of practical steps taken to meet outcome/s, and prioritisation of the work.	Good	3	There is evidence that a meaningful programme of work has been undertaken to meet the outcome/s, and that there has been a consistent and ongoing focus maintained on the work. There is likely to be a clearly evidenced connection between the work and the cause of the gender pay gap it seeks to address. There has been clear prioritisation of the work and adequate resources allocated.
		Satisfactory	2	There is some evidence of work undertaken to meet the outcome/s. There is likely to have been a reasonable level of focus maintained on the work, and a connection to the cause of the gender pay gap it seeks to address. There have been resources allocated which are sufficient to effect some progress.
		Poor	1	There is little or no evidence presented which details work to meet the outcome/s. Work which has been undertaken is likely to have been patchy in nature, lacking in focus, and/or not sufficient to effect change. There has been little or no prioritisation of the work and/or resources allocated.
		None	0	No equality outcomes relating to gender and employment are included.
	Evidence of meaningful progress towards outcome/s	Good	3	The outcome/s have been met either in whole or in part. Where the outcome/s have been met in part there is evidence of meaningful progress. There is likely to be evidence of an analysis of progress which will allow the body to maintain or adapt its work to better effect future progress, and a commitment to do so.
		Satisfactory	2	The outcome/s have been met in part. There is evidence of some progress, and a commitment to maintain resources and focus allocated to the work.
		Poor	1	The outcome/s have not been met. There is little or no evidence of progress, or effort to analyse why progress has not been made.
		None	0	No equality outcomes relating to gender are included.

ASSESSMENT SECTION	CRITERION	GRADE	NUMERIC SCORE	TYPICALLY CHARACTERISED BY:
Gender pay gap data	Gender pay gap figure required (i.e. >150 employees)	Yes/No	None applicable	
	Gender pay gap figure published	Yes	If required = 1 if not required = 0	A gender pay gap figure will be considered 'published' if it appears that the authority believes it has correctly provided a pay gap figure for the entire authority (i.e. no missing data). A grade will be given for publishing in these cases even if the figure is subsequently graded 'inadequate'.
		No	If required = -1 if not required = 0	Where no pay gap figure is provided
	Figure adequate or inadequate	Adequate	1	A figure will be considered adequate if the authority has indicated that all employees' salaries have been included in the calculation and they have not articulated any information that would suggest an error in the pay gap calculation process.
		Inadequate	-1	A figure will be graded 'inadequate' if it is not provided, if an entire organisational pay gap figure is not presented (even if pay gap figures for individual job grades / departments have been given) or if there is information to suggest that certain salaries have been omitted from the calculation where these should have been included.
	Has gender pay gap changed?	Increased/ Decreased/ No change	None applicable	
	Accompanying narrative and analysis of pay gap figure	Good	3	There is a detailed narrative accompanying the pay gap figure, which includes an analysis of any change to the headline figure. The analysis demonstrates links, positive or negative, between action taken to address equal pay and any change in the pay gap figure, and acknowledges any necessary changes to equal pay policy or action to address equal pay as a result.
	Accompanying narrative and analysis of pay gap figure	Good	3	There is a detailed narrative accompanying the pay gap figure, which includes an analysis of any change to the headline figure. The analysis demonstrates links, positive or negative, between action taken to address equal pay and any change in the pay gap figure, and acknowledges any necessary changes to equal pay policy or action to address equal pay as a result.
		Satisfactory	2	There is a narrative accompanying the pay gap figure, which may include limited analysis of any change, and may make some links between action to address equal pay and any change to the pay gap figure. The narrative shows an understanding of the causes of the gender pay gap, but may not acknowledge the need to make changes to policy/actions to address equal pay.

		Poor	1	There is little or no narrative or analysis to accompany the gender pay gap figure.
		None	0	Where no pay gap figure is provided.
	Evidence of change to equal pay policy/action based on analysis.	Good	3	The body has made meaningful changes to equal pay policy, and/or detailed new or amended actions to address the gender pay gap, based on its analysis of its pay gap figure. It will be clear which cause/s of the gender pay gap the changes seek to address, and work will include tangible steps to tackle the issues identified.
		Satisfactory	2	The body has made some changes to equal pay policy, or actions to address equal pay, based on its analysis of its pay gap figure. It should be ascertainable which cause/s of the gender pay gap the changes seek to address, and there will be a description of the work planned.
		Poor	1	Where there is little or no narrative or analysis to accompany the gender pay gap figure, or where the analysis has not been used to make changes to existing policies/actions on equal pay.
		None	0	Where no pay gap figure is provided.