

**EQUALITY IMPACT ASSESSMENT:**

**ON THE RECRUITMENT AND APPOINTMENTS  
FUNCTION FOR THE 2011 CENSUS IN  
ENGLAND AND WALES**

**VERSION 1.0**

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## EXECUTIVE SUMMARY

### 1.1 INTRODUCTION

This document is an Equality Impact Assessment (EqIA) on the recruitment and appointments function for the 2011 Census to be carried out in England and Wales. It specifically covers the *Attraction, Recruitment, Assessment and Selection, and Appointment* process to be used by the ONS in recruiting a national field force of 35,000 people needed for the take-up census questionnaires (CQ). The aim of the EqIA will be to highlight the positive and negative impacts of the proposed recruitment and appointments policy, as well as provide recommendations for mitigating identified adverse impact going forward.

This EqIA will focus on the rehearsal that took place between October and December 2009, in the three key areas; Lancaster, Newham, Ynys Mon Isle of Anglesey, as well as Birmingham (where there was a small scale test), using these to understand the viability, reliability and equity of the census recruitment systems to positively and actively advance equality of opportunity in candidate sourcing through to eventual appointment.

For the rehearsal, a total of seven roles<sup>2</sup> were recruited for. These were:

1. Area manager
2. Census coordinator
3. Census collector
4. Census distributor
5. Special enumerator
6. CCS Team manager
7. CCS Interviewer

By way of methodology, the EqIA will focus on the attraction, recruitment, assessment and selection and appointments process within the three rehearsal areas, pointing out areas of impact, *positive, negative or neutral* (as the case may be) on all groups of people, with the aim to use the findings of the assessment to strategically develop a blueprint for mapping out a viable, reliable and practical process for mitigating adverse impact as it may arise during the live census event in 2011.

In this sense, this EqIA process is to be seen as an initial 'quality assurance mechanism' based on practical day-to-day observation, evidence gathering and analysis, the aim being to lay the foundation for a business as usual (BAU) approach

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<sup>2</sup> Copies of the job description for all 7 roles are located in the appendices

for the 2011 Census where the principles of *fairness, inclusivity and transparency* form the natural point of departure for managing the recruitment and appointments function going forward

## 1.2 WHAT IS AN EQUALITY IMPACT ASSESSMENT?

Simply put, equality impact assessments refers to the systematic process of positively challenging an organisations policy, process, procedure or strategy, so as to initially determine the impact they may have on particular 'communities' or 'groups', with the aim of ensuring fairness, transparency and inclusivity govern the introduction and implementation of the particular process of change in question. The EqIA's process:

- is a requirement for all public sector organisations arising from the Race Relations (Amendment) Act 2000, the general and specific duties of the Disability Discrimination Act 2005, and the Equality Act 2006
- is a mechanism for ensuring an organization has due regard to the impact equality (or should have) on their policies, procedures, process, with the aim of proactively advancing equality of opportunity and eradicating unlawful discrimination within varied business areas regardless of ethnicity, disability, gender, age, religion or faith, sexuality, gender identity, class, wealth, etc
- assists in reducing the risk of adverse impact on the above-mentioned groups and beyond in support of delivering an organisations core objectives
- is legally obliged to cover ethnicity, disability and gender with further extension to gender reassignment, religion or belief, age, sexual orientation in view of the thinking of the forth coming Equality Bill to adopt a singular approach.
- can be applied on any particular part of an organisations processes with the aim of proactively facilitating diversity best practice in the workplace

### Equality impact assessment: Its six key stages

Broadly speaking the EqIA process involves the following six stages:

1. Data collation
2. Impact assessing
3. Mitigation intervention
4. Action planning
5. Monitoring and measuring
6. Report publication

For the purpose of explanation, the stages above represent a rigid sequential approach. In reality there is often cross over between the first four stages, but the very important point to mention is that the EqIA process by its very nature is just that - a process. What makes the process a viable and positive enterprise to engage

however, are the outcomes of the process, which are the emanating actions that are carried out post production of the process report.<sup>3</sup>

For the purpose of synergy, the EqlA process will be carried out on the recruitment and appointments process for the 2011 Census bearing in mind the ONS mission: "...to improve the understanding of life in the United Kingdom and enable informed decisions through trusted, relevant, and independent statistics"<sup>4</sup> as well as its Vision: "...to be a prestigious place to work, a world leader, innovative, geared for change and delivering more with less. Continuous improvements to our systems will allow for more analysis while maintaining the high quality of our statistics."<sup>5</sup>

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<sup>3</sup> Michael Rubenstein, *The Equal Opportunities Review* and Butterworths Conferences posed this thinking on Equality Impact Assessments whilst discussing the Equality Bill, London, 22 September 2009:

*"We believe that this represents an important shift away from the current emphasis on the equality impact assessment process itself, onto outcomes and the difference assessing the impact on equality can make to the design and delivery of policies and services. In our view, the process of assessing the impact on equality should be adaptable to the needs of each organisation and each policy, while ensuring transparency and accountability to the public ... Either a proper equality impact assessment was carried out before a policy was adopted, or it was not. A jurisprudence has been developing whereby a policy decision taken without carrying out an equality impact assessment may be held to be an invalid decision"*

<sup>4</sup> ONS Equality Scheme, 2008-2011, Version 8

<sup>5</sup> ONS Equality Scheme, Ibid



### 1.3 SUMMARY OF IDENTIFIED POSITIVE IMPACT ON THE RECRUITMENT AND APPOINTMENTS FUNCTION FOR THE 2011 CENSUS

1. The design and implementation of a diversity strategy<sup>6</sup> for the attraction, recruitment and appointment process, which ensures that diversity sits at the heart of recruitment function, not as a standalone, but as a cohesive part of the overall appointments process leading to the recruitment of a diverse and representative workforce throughout England and Wales.
2. The proactive engagement with a range of community groups and organisations across England and Wales, (for example, through running focus groups) so as to ensure the recruitment and appointments process meets the specific needs of all people, particularly for those from 'disadvantaged' or 'hard to reach' and 'hard to recruit' community groups.
3. The design of training programs with diversity mainstreamed and factored throughout all training modules including content design, ensuring content is relevant and specifically addressing the demographic change visible in England and Wales.
4. The development of a subtitled training DVD to ensure greater accessibility and inclusivity, particularly for those who may have a hearing related impairment.
5. The allocation of classroom training days for the rehearsal bearing in mind key religious festivals such as *Yom Kippur*, etc
6. Capita's collaboration with Shaw Trust, a pan disabilities organisation to test the recruitment and appointment systems so as to ensure compliance with web accessibility standards.
7. The design and implementation of a management information system bearing in mind the seven equality strands (in consonance with the 'single approach' of the Equality Act, 2010 for candidate tracking and analyses of comparative response rates during, and post the recruitment process to understand areas of *adverse impact*).
8. The recruitment of 24 Welsh speakers in the rehearsal (three area managers, three coordinators, and 18 field staff), as well as one Capita Welsh speaker working within the Capita recruitment response handling function to assist with the provision of translation services in Welsh as required by prospective candidates.
9. The mandatory provision of diversity training by the Capita diversity lead to all Capita workstream leads involved in the design and development of the recruitment and appointments process, thus ensuring all are aware of the importance and centrality of diversity for the success of the census project.

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<sup>6</sup> See SA CAP 0.4, Census Diversity Strategy, p.102

10. The mandatory provision of diversity training to all Capita satellite teams involved in the appointments process. Capita has taken this approach to ensure its internal functions are in line with the ONS core objective of recruiting a representative workforce.
11. The development of a tracking system (JIRA) which picks up and registers arising issues, including those related to equality and diversity. These issues are logged and managed through to completion.
12. The design of the candidate attraction strategy designed with an in-built flexibility allowing it to focus on particular geographical areas that meet specific demographic need. For example, there is a need to ensure the attraction strategy focuses on recruiting Welsh speakers in line with meeting the Welsh language requirement.
13. The good diverse mix of applications received during the rehearsal reflected across all groups in England and Wales.
14. The availability of a variety of working hours (25 and 37 respectively) for a number of roles, positively impacting female applications as well as males (with dependents). In addition, the census collector role allows for 15 hours.
15. The use of certified accessibility proofed buildings for classroom training in line with the Disability Discrimination Act (1995) and the Disabled Persons Act, (1981).
16. The development of a Diversity and an Equality Impact Assessment Steering Group to ensure the connection and feed-through of the census diversity strategy into all key elements of the recruitment and appointments process.
17. The availability of a variety of pay arrangement options, such as I@W (Ingenuity at Work), IVR (Interactive Voice Recognition) and paper options, etc. This ensures that Capita and ONS are able to meet a variety of candidate needs as well as anticipate required reasonable adjustments in advance.
18. Reflecting the last point above, all census job applications are available online as well as via paper and as such bear in mind reasonable adjustments and pay due regard to proactively advancing equality of opportunity in the application process.

## 2 FULL IMPACT ASSESSMENT

|                              |                                      |
|------------------------------|--------------------------------------|
| <b>Name Of FPPP Assessor</b> | Jude-Martin Etuka                    |
| <b>Division</b>              | Recruitment and Appointments Process |
| <b>Branch</b>                |                                      |
| <b>Date of Assessment</b>    |                                      |
| <b>Director</b>              | Simon Wilde                          |
| <b>Version Control</b>       | 0.5                                  |

|                     |     |   |
|---------------------|-----|---|
| <b>Name of FPPP</b> | Yes | This is a <b>new</b> FPPP                   |
|                     |     | This is a <b>change</b> to an existing FPPP |
|                     |     | This is an <b>existing</b> FPPP             |
| <b>Recruitment</b>  |     |   |

### 2.1 OVERVIEW, AIMS AND OBJECTIVES

**HAVING COMPLETED THE INITIAL EQUALITY IMPACT ASSESSMENT (EQIA), PLEASE SET OUT THE AIMS, OBJECTIVES AND OUTCOMES REQUIRED FROM THE POLICY.**

**(PLEASE REFER TO Q1 IN YOUR INITIAL EQIA FOR GUIDANCE.)**

#### Overview

The census is undertaken every 10 years by the Government and is run by the Office for National Statistics (ONS). The next census will run in 2011 and Capita will provide around 35,000 staff to collect and collate census data. The census date of 27 March 2011 is set by legislation and cannot be delayed. To test processes and systems, there was a smaller-scale rehearsal (comprising of approximately 130,000 households) which was undertaken from October to December 2009.

Core to the success of the rehearsal and the actual census, is the placement of *diversity as strategy* as central to the key functions that will facilitate the recruitment and appointment of a 35,000 representative workforce across England and Wales.

The Equality Impact Assessment (EqIA), a quality assurance mechanism used to ensure compliance and best practice with the core diversity principles of fairness, inclusivity transparency (FIT)<sup>7</sup>, will work alongside the recruitment and appointments process (and associated policies, processes and practices)<sup>8</sup> to ensure that as a public authority ONS embeds and drives the legislative requirements of the 'general duty' within it. These duties aim to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the duty
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In view of the above, the task of the EqIA process is not just to ensure compliance with, and internalisation of the above three duties, but ultimately to determine how *fit* the recruitment and appointment function is to deliver a national workforce *broadly representative of the local community*<sup>9</sup> in accord with the ONS requirements.

### Aims

The overall aim of the EqIA as identified in the 2011 Census diversity strategy document, is to ensure that fairness, inclusivity and transparency govern the appointment of talented field staff representative of England and Wales.<sup>10</sup>

The methodology to be applied is diagrammatically shown in Fig 1 below:

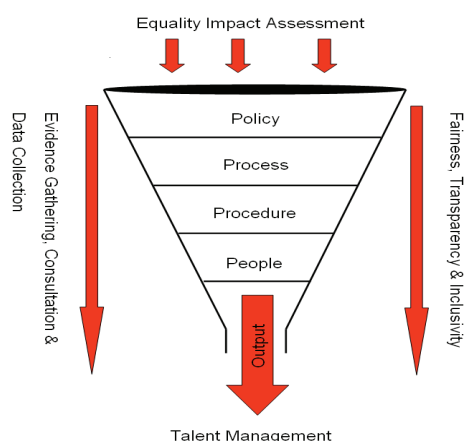


Figure 1: EqIA Methodology

<sup>7</sup> Capita, Diversity as Strategy Manual, 2008

<sup>8</sup> Authority Requirements, Schedule 2.1, version 1.5, 2009, p 35-44

<sup>9</sup> Ibid, p36

<sup>10</sup> 2011 Census Diversity Strategy, Version 0.3, May 11 2009, p.5-10

To facilitate the process described above, the aim of the EqIA is to form an interlinking with the overall strategic approach diversity has across all workstreams (see diagram below) using recruitment as its main link-in as fig 2 shows:

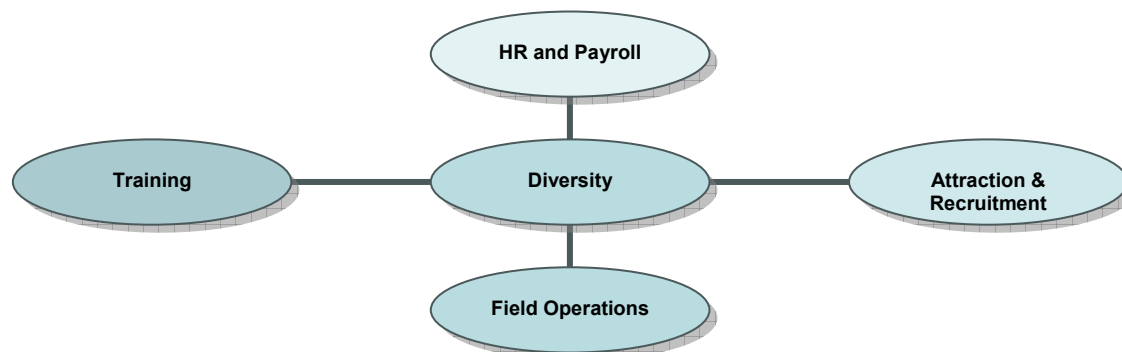


Figure 2: Overall diversity strategy approach

ONS requires that an EqIA be carried out on all aspects of the recruitment and appointments process bearing in mind the seven equality strands in consonance with the Single Equality Bill, with a focus on ethnicity and Welsh language targets as interpreted by the Authority.

The recruitment and appointments function aims therefore to recruit field staff that are broadly representative and understand the local community in which they will be working, so as to carry out their census duties more effectively. The function also aims as a minimum to cover the following points :

- That all field staff must be able to communicate adequately in verbal English and written English to be able to process questionnaires and discuss them with customers
- That proposed targets for ethnic minority frontline staff for specific areas will be met noting however that targets are not to be viewed as quotas - overall approach to recruitment is one that is based on merit
- That in Wales, the process will ensure capability to carry out interviews bilingually as detailed in the Welsh Strategy Document<sup>11</sup>
- That the process is able to attract people with disabilities and 'hard to reach' and 'hard to recruit' groups (young men and women aged 18-29, and ethnic minorities) in view of previous difficulties noted in the Census 2001.<sup>12</sup>

### Objectives

The overall objective of the EqIA is to ensure that the principles of fairness, inclusivity and transparency are not just embedded within the recruitment and appointment functions and their related policies, practices and projects, but that they are

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<sup>11</sup> See Welsh Strategy Document, page 103 onwards

<sup>12</sup> Schedule 2.1, Ibid, p.36

internalised and proactively promoted by ONS (and its suppliers) in accordance with its legislative duties leading to real positive outcomes for people 'on the ground'.

### Equality Impact Assessment Outcomes

To:

- understand areas where the recruitment and appointments function poses positive, negative or differential impact on all groups that cut across the seven equality strands. The assessment recognises the small sample size that the rehearsal represents and in this sense will aim to make only reasonable and practical recommendations that highlight areas of concern for action
- understand the nature of any 'negative' impact and mitigate them in accordance with proposed action plans
- to ensure that all plans are monitored and reported on so as to ensure real and practical outcomes are achieved and measured for the 2011 Census
- take note of areas of positive impact and highlight these as standards of best practice for embedding going forward.

## 2.2 DATA COLLATION

**CONSIDER THE RELEVANT QUANTITATIVE & QUALITATIVE DATA YOU HAVE IN RELATION TO THIS FPPP. (YOU MAY WISH TO REFER TO PAGE 14 OF THE EQIA GUIDANCE – ASSESSING EQUALITY IMPACTS FOR FURTHER INFORMATION.)**

**PLEASE CITE ANY QUANTITATIVE (E.G. STATISTICAL RESEARCH) AND QUALITATIVE EVIDENCE (MONITORING DATA, COMPLAINTS, SATISFACTION SURVEYS, FOCUS GROUPS, QUESTIONNAIRES, MEETINGS, RESEARCH INTERVIEWS ETC) OF COMMUNITIES OR GROUPS HAVING DIFFERENT NEEDS, EXPERIENCES OR ATTITUDES IN RELATION TO THIS FPPP AREA.**

### Relevant Quantitative and Qualitative Data

| No | QUANTITATIVE DATA                            | QUALITATIVE DATA   |
|----|--|--|
| 1  | Recruitment Data Management Information (MI) | Focus group reports covering the seven equality strands                                      |
| 2  | Welsh Annual Population Survey               | One-to-one interviews with ONS and Capita stakeholders                                       |
| 3  | Census geography chart                       | External meetings with equality and diversity best practice bodies and related documentation |

| No | QUANTITATIVE DATA                    | QUALITATIVE DATA                                      |
|----|--------------------------------------|---|
| 4  | Welsh Language Use Survey, 2004-2006 | Overview of the 2011 Census strategies and plans, etc |
| 5  |                                      | ONS policies and procedures                           |
| 6  |                                      | Recorded observations                                 |
| 7  |                                      | EqIA site visits                                      |

## 2.3 STAKEHOLDERS

**WHO ARE THE STAKEHOLDERS, COMMUNITY GROUPS, STAFF OR CUSTOMERS FOR THIS FPPP AREA? (YOU MAY WISH TO REFER TO YOUR ANSWER TO Q6 IN THE INITIAL EQIA TO ASSIST IN ANSWERING THIS QUESTION.)**

Given the scale of the 2011 Census exercise there are many stakeholders but for ease of understanding these are split into two main levels:

High level stakeholder analysis table:

| INTERNAL  | EXTERNAL  |
|---|---|
| 1) ONS Director of Census   | All people, groups and communities in England and Wales |
| 2) Capita, Service Director   | Government departments and related agencies             |
| 3) ONS/Capita Workstream Leads: Recruitment, Training, HR and Payroll/Service Assurance | Best practice equality and diversity bodies             |

## HOW HAVE YOU CONSULTED AND INVOLVED INTERNAL STAKEHOLDERS IN CONSIDERING THE IMPACT OF THIS PROPOSAL ON THEM?

At initial project 'kick-off', the approach adopted was to ensure that diversity was positioned as the core strategic driver of the recruitment and appointment function as it connects and interfaces with other related functions (Training, HR and Payroll). The 2011 Census Diversity Strategy document developed in this regard was circulated to all internal stakeholders for comment and eventual sign-off by ONS stakeholders.

In addition, the following two approaches were taken internally to ensure stakeholder (the ONS and Capita) buy-in and input on the EqIA process:

### Equality Impact Assessment Steering Group

Consisting of key ONS and Capita equality and diversity stakeholders, this group met on a fortnightly basis to mutually design, develop, and facilitate a structured process for conducting the EqIA.

The overall aim of the body was to ensure that systems, policies and practices with particular regard to the recruitment and appointments function were not inherently discriminatory. To facilitate this, relevant information relating to the process were shared openly, and arising equality and diversity issues tabled for discussion and clarification to ensure the production of an objective EqIA report with solid recommendations going forward.

### Diversity Steering Group (Capita)

A Diversity Steering Group was set up at project initiation stage as a mechanism for scrutinizing arising issues across all workstreams (recruitment, training, HR and Payroll) assessing these for potential positive or negative impact on service users during the rehearsal (with a view to the 2011 Census).

Chaired by the Capita diversity lead for the census, the meetings take place on a monthly basis and consist of the census project and programme directors, as well as workstream leads representing the key functions described above. The meetings have as their core focus ensuring that arising diversity issues are tracked and monitored through to resolution.

### Individual discussions with ONS/Capita Stakeholders

As part of the overall approach to diversity, the diversity lead held intermittent as well as formal discussions with key stakeholders to gain an understanding of how equality and diversity considerations had been factored into various parts of the recruitment and appointments process. This included one-to-one consultation/interviews with ONS stakeholders as a specific requirement of the EqIA process where pre-prepared questions were asked and answers recorded which informed the production of an objective EqIA report on understanding areas of positive and negative impact, so as to plan an approach for mitigating negative impact identified as a consequence.

In addition to the above, the following groups/bodies/people were continually consulted and/or engaged:

- ONS Diversity Staff Network Groups



- The ONS Community Liaison team
- The ONS Equality and Diversity Manager
- The ONS Census Director
- The Capita Project Director
- The Census Recruitment Manager
- Individual discussions with ONS/Capita stakeholders, including workstream leads

## 2.4 INTERNAL CONSULTATION FINDINGS

### WHAT POSITIVE AND ADVERSE IMPACTS WERE IDENTIFIED BY THE PEOPLE/GROUPS YOU CONSULTED INTERNALLY? DID THEY PROVIDE EXAMPLES?

As part of the data collection and consultation activity the EqIA process requires, internal stakeholders (ONS, Capita, as well as The Shaw Trust, a pan disabilities organisation) were consulted regarding the recruitment and appointments process to initially understand and diagnose positive and adverse (negative) impact areas arising as they cut across the seven equality strands.

The overall aim of the internal consultation process was to ascertain the level of general understanding of how equalities had been factored into the recruitment and attraction policy and indeed the importance of doing so for the success of the 2011 Census. Information detailed in the table below represents feedback received from the one-on-one engagement process carried out and is evidenced with relevant internal/external legislative/best practice thinking as required.

In terms of methodology, it is important to note here that the Equality Bill introduced a new duty on public authorities to consider reducing the socio-economic inequalities that people face in their communities. The socio-economic duty suggests that ONS and Capita consider this in the allocation of resources, that it does so in order to ensure that the most financially vulnerable people are positively impacted in the recruitment and appointments process.

As ONS is a public body, socio-economic factors have been included in the internal consultation process, and the arising issues identified have been interwoven into understanding and identifying the positive and negative impacts as seen in section seven.

The table below represents the key findings:

**Ethnicity:**

| POSITIVE IMPACT AREAS  | NEGATIVE IMPACT AREAS   | ACTIONS  |
|--|---|--|
| 1. Diversity considerations have been strategically embedded into the recruitment & appointments process to enable the attainment of ethnicity targets   | None  | None   |
| None   | 2. There was an identified issue of ethnic under-representation for the area manager community based role in Newham during the rehearsal, which is predominantly a BME community. This could highlight a possible issue to be aware of across other geographical areas. | Capita to examine recruitment management information statistics to understand the fuller picture and develop a plan of action with ONS in accordance with the EqIA monitoring and measuring requirement that will mitigate potential problems beyond Newham. |
| 3. The creation of community liaison roles to specifically address target population groups including the Bangladeshi, African Caribbean, Asian Pakistani and Chinese, etc – will address areas of underrepresentation particularly for BME population groups. | None  | None   |
| 4. None  | There appears not to be a cohesive structured report on ethnicity data from the 2001 Census field force recruitment process which could be used to develop an initial benchmark for understanding the demographic challenge for 2011.                                   | This has been raised with the ONS Recruitment workstream for input into lessons learnt.  |

| POSITIVE IMPACT AREAS  | NEGATIVE IMPACT AREAS  | ACTIONS   |
|--|--|---|
| <p>5. It was discussed and recommended that disadvantaged socio economic groups be added to the list of 'hard to recruit' groups, given a rising concern as detailed in the recent Equality and Human Rights Report which referred to a 'white underclass' (see The Final Report of the Equalities Review: Freedom and Fairness, 2007. p.8). It was suggested that this group be added to the 'target' list for engagement activities as it would ensure and link in to an overall inclusive approach which will positively impact census questionnaire take-up.</p> | <p>The potential under-representation and under-enumeration of this 'group' during the census exercise.</p>  | <p>Issue raised and discussed with ONS for possible inclusion as a 'target group' as part of a focus for engagement activities. Capita has indicated this in its Lessons Learnt Rehearsal Document.</p>   |
| <p>6. None</p>   | <p>Current theoretical and voluminous instruction based e-learning assessment could negatively impact those who may not have English as their first language</p> | <p>Issue has been remedied by ONS and Capita. E-learning assessment questions have been evaluated and questions likely to impact negatively on those for whom English is not their first language have been adjusted or de-scoped accordingly. In addition, the answers to all questions in future will be available within the e-learning content. (see TR-P11 – Lessons Learnt – Rehearsal Evaluation v 3.0 located in Sharepoint).</p> <p>All documents have gone through a 'Plain and Simple English' check at ONS and as per Capita's internal procedures to ensure equal access and inclusivity for all regardless of background in line with best practice recommendations (The Shaw Trust, The Plain English Society &amp; The US Army guidelines for clear writing</p> |

| POSITIVE IMPACT AREAS   | NEGATIVE IMPACT AREAS   | ACTIONS  |
|---|---|--|
| <p>7. Diversity training has been provided to all Capita work stream stakeholders to ensure a common point of approach with ONS and consequent embedding into the development of census related products. All subsequent Capita staff will undergo diversity training as an induction based plan.</p> | <p>None</p>   | <p>None</p>  |
| <p>8. None</p>  | <p>Language used in SiftAbility™ has potential to be difficult for those who do not have English as their first language.</p> | <p>Issue raised with the Capita Project Director:</p> <p>Outcome: The thinking is that prospective candidates will need to be able to speak/understand/use good English for effective doorstep routine and Siftability will help to enable that function (see Schedule 2.1, p 36, point 1)</p> <p>As a means of ensuring all documents are clear and easy to understand, Capita have developed a plain English checking process through which all documents pass as standard process prior to use in the public space.</p> |
| <p>9 Diversity strategically incorporated into the e-learning and classroom training (see diversity strategy document and will positively impact actual training roll-out in the field – SA CAP 0.3)</p>  | <p>As point 6 above</p>   | <p>As point 6 above</p>  |
| <p>10. Capita's Attraction Strategy has been developed taking into consideration the need to attract those deemed as 'hard to recruit' groups including all BME population groups (see RC CAP 1.0 – Census Attraction Strategy).</p>  | <p>None</p>   | <p>None</p>  |

**Religion or Faith:**

| POSITIVE IMPACT AREAS   | NEGATIVE IMPACT AREAS | ACTIONS   |
|---|-----------------------|---|
| 1. Religious festivals and faith days were taken into account when planning classroom training days for the rehearsal. For example, so as not to negatively impact the Jewish community, there is no planned classroom training during Yom Kippur. (see TR-P11 – Lessons Learnt – Rehearsal Evaluation v 3.0) | None                  | Capita has subsequently developed a list of key allocated religious days for 2010/2011 with the training workstream for factoring into the training plan to ensure inclusivity and maintain candidate training attendance levels. |

**Disability:**

| POSITIVE IMPACT AREAS  | NEGATIVE IMPACT AREAS   | ACTIONS  |
|--|---|--|
| 1. Classroom training DVD produced with subtitles beyond contract stipulates to positively impact those with a hearing related disability, etc (Approach to Training Document) | None  | None   |
| 2. None  | <p>Potential accessibility issues with online recruitment and appointment process identified by Shaw Trust Review.</p> <p>Capita to implement recommendations accordingly in conformity with legislation and best practice as well as to secure the required AA standard for the online recruitment system.</p> | Capita project director and diversity lead are currently implementing Shaw Trust's recommendations |

| POSITIVE IMPACT AREAS  | NEGATIVE IMPACT AREAS  | ACTIONS  |
|--|--|--|
| <p>3. Shaw Trust, a pan disabilities organisation, is working collaboratively with Capita to assess the web-based online recruitment systems accessibility and compliance with AA required standards (Shaw Trust Report on the Capita recruitment online function is available upon request)</p> | <p>Census application process is mainly online given volume.</p> <p>Potential negative impact arising on those who due to a disability may need to apply via paper given the potential speed to hire that may be required in particular cases (see CIPD comments on page 44 &amp; 66 of report).</p> | <p>Confirmation provided by Capita that the paper application process is in place and working, and can be tailored to reasonable adjustment needs, with particular regard to sight related disability requirements like character or page enhancements/alterations, etc.</p> |
| <p>4. All classroom training venues have been sourced in accordance with standard accessibility requirements as per terms of contract to suppliers.</p>  | <p>None</p>  | <p>None</p>  |
| <p>5. The Capita online recruitment and appointment processes facilitates assistive technology usage with reasonable adjustment frameworks in place</p>  | <p>None</p>  | <p>None</p>  |
| <p>6. None</p>   | <p>Current theoretical and voluminous instruction based e-learning module could negatively impact those with dyslexia, dyspraxia or related mental disabilities</p>  | <p>See action taken under 'ethnicity' - action no 6.</p>   |
| <p>7. Capita utilising a range of disability focused advertising/profile-raising channels such as the RNIB, RNID, Shaw Trust, etc</p>  | <p>None</p>  | <p>None</p>  |

| POSITIVE IMPACT AREAS   | NEGATIVE IMPACT AREAS | ACTIONS |
|---|-----------------------|---------|
| 8. Diversity training provided to all Capita workstream stakeholders to ensure alignment with the ONS objective of ensuring a representative workforce across England and Wales (see Schedule 2.1, p 37, paragraph 1) | None                  | None    |

**Gender:**

| POSITIVE IMPACT AREAS  | NEGATIVE IMPACT AREAS                                       | ACTIONS  |
|--|---|--|
| 1. Job roles systematised so as to encourage a range of working hours including, 25 and 15 (for the census collector role) as well as 37 hours. This will positively impact women with children, as well as those who may prefer to work part-time for a variety of reasons. | All three area manager posts were filled by male candidates | Review of MI statistics and the recruitment strategy is taking place to determine possible adverse impact and proffer solutions with attraction and community liaison team. Findings to be provided to ONS for the joint plan going forward though the process is keen to point out the small sample size of the rehearsal.<br><br>Capita recruitment team will build sourcing networks that will assist to ensure greater volume of female applications |
| 2. Language used in job descriptions is inclusive and caters to all people, regardless of background in consonance with required legislation   | None  | None   |
| 3. The Candidate Attraction Strategy for the census includes a variety of options for engaging all groups, including women.  | None  | None   |

| POSITIVE IMPACT AREAS   | NEGATIVE IMPACT AREAS | ACTIONS |
|---|-----------------------|---------|
| 4. Good gender balance within the ONS/Capita delivery team impacting positively on continued strategy development and general equality and diversity awareness. | None                  | None    |

**Gender Reassignment:**

| POSITIVE IMPACT AREAS  | NEGATIVE IMPACT AREAS   | ACTIONS  |
|--|---|--|
| 1. Attraction strategy has been designed to be inclusive so as to be able to engage people from all communities, including the trans community (see Census Recruitment Attraction Strategy, RC CAP 1.0, p15) | Recruitment and appointment systems need to be ready to meet trans community specific needs, for example, a synergy of approach to be adopted to the gender question on the census questionnaire and the census application form  | Issue with ONS. Capita will ensure that the equality monitoring section of the application form for census roles mirrors that of the census questionnaire to ensure synergy. |
| 2. None  | Trans community not identified as a 'hard to recruit' group in recruitment policy given general equality and diversity evidence (see ONS Report from the review of equality data, summary and recommendations, October 2007), GIRES website – <a href="http://www.gires.org.uk">www.gires.org.uk</a> and the EHRC) also shows high proportions of trans people as marginalised by society due to visible stereotypes potentially making them 'hard to recruit'. | Capita to raise with ONS for initial consideration and follow-up.  |

**Sexual Orientation:**



| POSITIVE IMPACT AREAS  | NEGATIVE IMPACT AREAS | ACTIONS |
|--|-----------------------|---------|
| 1. The Capita Recruitment Attraction Strategy positively impact sexual orientation alongside other strands (see Census Recruitment and Attraction Strategy, RC CAP 1.0, p15) | None                  | None    |

**Age:**

| POSITIVE IMPACT AREAS   | NEGATIVE IMPACT AREAS | ACTIONS |
|---|-----------------------|---------|
| 1. ONS liaising with local authorities across England and Wales to encourage people of all ages with previous field based census experience to apply for census jobs which will positively impact greater census questionnaire take-up (see Census Recruitment and Attraction Strategy, p.24)   | None                  | None    |
| 2. Experience from the 2001 Census indicates that young people may have been under-enumerated and as such have thus been classified as a core 'target population' group for the 2011 Census with proactive plans in place for greater engagement, particularly at a community liaison level (see Schedule 2.1, Section 4, point 5, p. 36) | None                  | None    |
| 3. Attraction team engaging and building relations with universities, higher institutes of learning, youth groups, etc – this will positively impact questionnaire take-up rate and ensure relevance of census across all ages (see Census Recruitment and Attraction strategy, p.25)   | None                  | None    |

**Socio-Economic**

| POSITIVE IMPACT AREAS   | NEGATIVE IMPACT AREAS   | ACTIONS  |
|---|---|--|
| <p>1. Recruitment and attraction strategy adopts an all inclusive approach for candidate sourcing that cuts across all 'class' types as depicted in the Census Recruitment and Attraction Strategy (see recruitment and attraction strategy, RC CAP 1.0)</p>  | <p>Challenge of ensuring that English language used for online recruitment and appointment systems is of a standard that is accessible to all groups, particularly those that may not have successfully engaged educational institutions. (see Shaw Trust Recommendations, section 9.1)</p>   | <p>Capita Diversity Lead and Capita Project Director currently tasking all workstream leads to ensure that products that will be available to candidates through the application process, are written in clear and simple English, with minimum use of acronyms. This is considered a priority and will be being monitored accordingly with feedback provided to the director of the census project.</p>   |
| <p>2. Various application methods; online, paper, etc, will assist candidates to apply for census roles in accord with their specific circumstances.</p> <p>There are built-in reasonable adjustments procedures in place in the application process to assist those who may have particular disabilities. Some of these have been mentioned under the disability section (see pages 22-24).</p> <p>Capita is using a variety of attraction methods to ensure census opportunities are communicated to a range of population groups, regardless of socio-economic background.</p> <p>The ONS community liaison team is working with local authorities and a range of community networks as a means of raising the profile of the census, which will also positively impact applications for census roles to marginalised groups, such as the Gypsy and Traveller communities.</p> | <p>There could potentially be an adverse impact on groups with socio-economic difficulties as applying online for those without immediate access to a computer may require having enough funds to pay for computer use at an internet café - for example, the EqIA mystery shopping experience revealed that some candidates re-took the e-learning process between 15 - 27 times prior to passing.</p> <p>From a socio-economic perspective, this would imply that an applicant may need extra funds for the extra time required, which could potentially negatively impact them completing their application.</p> | <p>Issue has been remedied by ONS and Capita given a recent review of the e-learning assessment process, where theoretical instructions are no longer used as part of the e-learning assessment but only as job related information for use by appointed applicants in the field (see TR-P11 – Lessons Learnt – Rehearsal Evaluation v 3.0). This will ensure that reduced amount of time is spent on completing an application, consequently leading to reduced cost for those who access census job applications via an internet café.</p> |

| POSITIVE IMPACT AREAS | NEGATIVE IMPACT AREAS  | ACTIONS                             |
|-----------------------|--|-------------------------------------|
| 3. None               | The 'White under-class' not specified as a 'target group' could negatively impact this community in take-up of census questionnaires (See 'The Final Report of the Equalities Review: Freedom and Fairness', 2007. p. 8) | See point 5 under 'Ethnicity' above |

## 2.5 EXTERNAL CONSULTATION FINDINGS

FEEDBACK THE RESULTS OF THIS INTERNAL CONSULTATION AND USE IT AS A BASIS FOR WORK ON EXTERNAL CONSULTATION.

HOW DID YOUR ENGAGEMENT EXERCISE HIGHLIGHT POSITIVE AND ADVERSE IMPACTS ON DIFFERENT COMMUNITIES?

ORGANISATIONS WITH WHOM YOU CONSULTED?

### Methodology:

Based on the information derived from the internal consultation in the previous section of this report, focus groups were held with organisations in both the public and private sector to further understand the issues identified, so as to further understand any arising adverse impact on all people, including target population groups and varying communities that the census exercise would be engaging.

In an attempt to secure a wide range of opinion from people across the seven equality strands, known best practice public sector organisations with an equality and diversity remit were contacted. The process was keen to also contact niche equality best practice bodies (shown below) so as to secure 'real' information from people that have their 'ears closer to the ground' – in order to develop a practical picture of equality needs and concerns for the success of the 2011 Census.

Focus group questions were designed to facilitate the consultation process cutting across the census recruitment and appointments function, the aim being to consult as widely as possible so as to gain an objective opinion which would be used to develop plans to mitigate arising identified issues accordingly.

By way of methodology, focus group questions were designed to cover the following key areas - *attraction, recruitment, selection and assessment and appointments*, and the sessions were facilitated based on:

- General experience of each area identified above
- A good understanding of the context of the census, and
- The ONS recruitment and appointments policy and Capita's delivery approach as contractor.

Below is a list of the organisations that were engaged for the consultation:

1. Royal National Institute of the Deaf (RNID)
2. Royal National Institute of the Blind (RNIB)
3. The British Dyslexia Society (BDA)
4. Gender Identity Research and Education Society (GIRES)

5. Race for Opportunities (RFO)
6. Opportunity Now
7. HMPS (Her Majesty's Prison Service) LGBT Network
8. The Beaumont Society
9. LB Newham Council
10. LGB Consortium
11. Southwark LGBT Network
12. Capita LGB Network
13. Sector Treasury
14. Business in the Community
15. Virgin Active
16. Equanomics
17. The Interfaith Network
18. Gaywise
19. City Women's Network
20. Women's International League for Peace and Freedom (WILPF)
21. Women's Environmental Network
22. Enterprise UK

Focus groups were attended by the first 15 of the 22 organisations listed above. The remaining seven that were unable to attend were forwarded a survey of questions in an attempt to secure an overall response to key questions posed. Nil responses were received back however.

The table below shows a synopsis of direct feedback received from contributors highlighting positive and adverse impact under the four key areas: attraction, recruitment, assessment and selection, and final appointment. Where particular words or sentences are highlighted, these have been evidenced as to the source of the particular comment.

### Ethnicity/Religion or Belief:

NB: Ethnicity and religion are assessed together in the below table given the cross-over between the Race Relations Amendment Act 2000 and the requirements of the Religious Regulations 2003 (see further explanations provided on page 47).

| AREA                            | POSITIVE IMPACT  | NEGATIVE IMPACT   |
|---------------------------------|--|---|
| <b>Attraction</b>               | 1. Consultation highlighted that where the strategy to attract BME communities involved targeting through the use of BME related media, that this could demonstrate a willingness to engage BME communities, leading to greater workforce representation and an increase in the take-up of census questionnaires.  | <p>However, the consultation emphasised the word '<i>strategic</i>' in terms of media use as it was also felt that attempting to attract BME groups in a "tokenistic" fashion would more than likely have an opposite effect. The general thinking was that BME groups would normally source jobs via regular publications (comment from Sector Treasury, Virgin Active)</p> <p>It was also thought that the use of BME media would best be served by using editorials/advertorials and not straight forward recruitment advertising which could have a negative impact</p>       |
| <b>Recruitment</b>              | 2. Consultation suggested that most BME groups are conversant with online applications and the use of technology   | Consultation suggested the need to ensure that online application instructions were clear and easy to understand otherwise a lack of clarity could negatively impact the filling out of the census online application form  |
| <b>Assessment and Selection</b> | <p>3. There was a general consensus that the language used for conducting assessments, whether that be by telephone, online or face-to-face, tends to be clear and understandable by a variety of applicants and that this appeared to be an approach Capita and the ONS had incorporated</p> <p>The variety of assessment types to be used for census roles was seen as positive good practice.</p> | <p>It was thought that whilst many BME candidates tend to apply for roles, not many get through the assessment. The question was asked as to the viability of assessment and selection criteria for the census. (Newham Council Representative)</p> <p>Language and communication barriers may negatively impact at the point of assessment and selection. For example at telephone interviews.</p> <p>It was thought that where selection and assessment professionals are of a diverse background, potentially there is a lesser negative impact on applicants from diverse</p> |

| AREA               | POSITIVE IMPACT | NEGATIVE IMPACT   |
|--------------------|-----------------|---|
|                    |                 | backgrounds.<br><br>Ensure language used for online assessment is clear and easy to understand otherwise can negatively impact understanding what is being requested and lead to inability to pass the assessment     |
| <b>Appointment</b> | 4. None         | The requirement to provide equality statistics needs to be made clear at the on-set of the application process as some minority groups feel that data of this kind has been used to prevent appointments in the past. |

**Disability:**

| AREA               | POSITIVE IMPACT  | NEGATIVE IMPACT  |
|--------------------|--|--|
| <b>Attraction</b>  | 1. Networking stakeholders within disability organisation as part of the ONS recruitment and attraction strategy will enable jobs to be accessed by those who whilst having a disability are capable of doing the job.                           | Consultation revealed that those who had a sight or hearing related disability would, as one of their options source jobs via Job Centre Plus. However it was recognised that reasonable adjustment facilities were very limited at Job Centres and as such had a negative impact on prospective candidates with disabilities (RNID, RNIB representatives)   |
| <b>Recruitment</b> | 2. Capita's in-built reasonable adjustment process is throughout the application and the appoints process demonstrates a positive approach to disability and will assist encourage recruitment from people who may have particular disabilities. | 2a. There is the need to ensure that online recruitment particularly website, is accessible and meets the required AA standards that enables people with a range of disabilities to apply for jobs<br><br>b. Ensure that the application form is conducive to those with dyslexia – i.e., that the ONS online application form does not have too much white space, for example. British Dyslexia Association, (BDA)<br><br>c. Where a person with a disability prefers to apply by paper, this should allow for a lot of space for |

| AREA                            | POSITIVE IMPACT  | NEGATIVE IMPACT   |
|---------------------------------|--|---|
|                                 |  | <p>people with sight impairments as well as ensure that font size is easily legible according to specific requirements</p> <p>d. Where a fax no has not been assigned on the job description or application document, this could adversely impact those who have a hearing impediment as they will probably have difficulty communicating issues they may have (RNID)</p>   |
| <b>Assessment and Selection</b> | <p>3. The provision of reasonable adjustment and the use of assistive technologies as a fundamental part of the assessment and selection process for census roles will facilitate greater take-up of census questionnaires as well as ensure that all communities are effectively engaged.</p> | <p>a. Consultation suggested that where interview is via telephone that it could negatively impact people with disabilities. Suggestion is to use face to face where possible bearing in mind scale and time.</p> <p>b. Consultation also suggested using competencies with optional choice answers to complement telephone interviews particularly for the deaf and hard of hearing (RNID)</p> <p>c. Where access is not available to level 4 BSL qualified interpreters for face-to-face interview, this could negatively impact those with a hearing related disability given the adequacy in translating at interviews effectively (RNID)</p> |
| <b>Appointment</b>              | <p>4. None</p>   | <p>There was the feeling that the question relating to reasonable adjustment should be clear as this will enable the better provision of services that will assist a person with disabilities once they have been appointed. Suggestion is that the following wording could be used on the application form: <i>“To help us support you through the recruitment process, please also let us know if you require any adjustments to our processes related to disability, for example translation and interpretation</i></p>  |



| AREA | POSITIVE IMPACT | NEGATIVE IMPACT  |
|------|-----------------|--|
|      |                 | <i>facilities such as BSL, or specialist equipment or access needs, etc” – RNID Best Practice Suggestion</i> |

**Gender:**

| AREA                            | POSITIVE IMPACT  | NEGATIVE IMPACT  |
|---------------------------------|--|--|
| <b>Attraction</b>               | <p>1. Advertising using a range of options works for all will positively impact female applications.</p> <p>1b. The range of census jobs and the flexible working options available (15, 25 &amp; 37 hours) will encourage women, particularly those with children to apply for roles they can work around</p> | Where senior level jobs do not have part-time or reduced hours available, this will lead to greater male take-up of census roles.                          |
|                                 | None   | Ensure language used for advertising, job descriptions, etc - is inclusive in order to ensure that both male and female applicants are encouraged to apply |
| <b>Recruitment</b>              | As per point 1 above   | None   |
| <b>Assessment and Selection</b> | None   | None   |
| <b>Appointment</b>              | None   | None   |

**Gender Reassignment:**

| AREA              | POSITIVE IMPACT   | NEGATIVE IMPACT   |
|-------------------|---|---|
| <b>Attraction</b> | <p>1a. Trans media is a good tool to use for advertising census jobs as trans people may well source jobs via trans publications, which include mailing lists that are specific to the trans community. Advertising in professional journals is encouraged. (GIREs)</p> <p>b. Trans community happy to work alongside Capita and the ONS as a means of attracting candidate applications from the trans community (GIREs)</p> | <p>Consultation however showed that on attraction the feeling was that adverts need to be specific, particularly if using positive action statements. The transgender community should be specifically named on adverts as a demonstration of openness in order to 'single in' trans people, rather than to 'single them out' (GIREs)</p> |
|                   |   | <p>Advertising via Stonewall is a turn-off for trans people because Stonewall does not specifically respond to key trans issues</p>   |

| AREA                            | POSITIVE IMPACT  | NEGATIVE IMPACT   |
|---------------------------------|--|---|
| <b>Recruitment</b>              | 2. Consultation suggested that the overall inclusive approach adopted for the entire recruitment and selection process will go a long way to demonstrating openness and transparency to all groups, including the trans community. | <p>a. Application method for trans people is best via CV rather than online as it gives less of a trans person's history and prevents being screened out unfairly</p> <p>b. Regarding the ONS job description, the section requesting an applicants 'name' etc - can be problematic for a trans person, particularly if the trans name has changed, as it probably will no longer represent his/her present gender status, which if checked via Disclosure Scotland's vetting process could appear deceptive and lead to automatic screening out. A solution would be to ask the question thus: <i>'By what name do you prefer to be known?'</i> – GIRES Best Practice Contribution</p> <p>c. With regards to the application form which asks whether a candidate is male or female, this may not conducive to recruiting trans people, particular those that may be 'transitioning'. It could be best to remove this question entirely or substitute the current question with <i>'Is your gender identity different from your sex assignment at birth?'</i>, for example – GIRES Best Practice Contribution</p> |
| <b>Assessment and Selection</b> | 2. As per point 1 above  | Trans awareness training should be provided to all conducting the selection process (particularly those facilitating telephone interviews) to ensure selection professionals and the systems they design are not inherently biased. (GIREs)   |
| <b>Appointment</b>              | 3. As per point 1 above  | 3. Post appointment: Would working in the field in terms of dress code be an issue from a trans perspective and what processes are in place to manage this?   |

**Sexual Orientation:**

| AREA                            | POSITIVE IMPACT  | NEGATIVE IMPACT   |
|---------------------------------|--|---|
| <b>Attraction</b>               | 1. Census jobs should be advertised as per normal as the LGB community would source for jobs like anyone else. To this extent, a positive action statement demonstrating inclusivity from all equality angles would suffice and would actually demonstrate proactivity on the equality agenda. (HMPS LGBT Network) | Consultation suggested LGB applicants would not look to source jobs via LGB specific press as this could demonstrate overt targeting though it is understandable how this could benefit the census PR process |
| <b>Recruitment</b>              | None   | None  |
| <b>Assessment and Selection</b> | None   | None  |
| <b>Appointment</b>              | None   | None  |

**Age:**

| AREA               | POSITIVE IMPACT   | NEGATIVE IMPACT   |
|--------------------|---|---|
| <b>Attraction</b>  | 1. Focus group confirmed that the Capita attraction process for ensuring age inclusivity in the language used in attracting a wide audience via advertising and related media will assist in promoting a non biased approach for all census roles and will positively impact all age groups as a consequence. | It was thought that where there is an indirect allusion to an age type, this could negatively impact those who may otherwise have applied for census roles.   |
| <b>Recruitment</b> | 2. No issues were raised with regards the language on the census application form. The group confirmed that clear and simple language that is easily understandable throughout the recruitment process will positively impact all age groups.   | It was suggested that there is the need to ensure the online application instructions were particularly clear as their experience with online applications showed that this was an area that applicants tended to get frustrated about and as a consequence discontinued with an application process. |

| AREA                            | POSITIVE IMPACT | NEGATIVE IMPACT |
|---------------------------------|-----------------|-----------------|
| <b>Assessment and Selection</b> | 3. As per above | None            |
| <b>Appointment</b>              | 4. As per above | None            |

## 2.6 IMPACT ASSESSMENT

**DOES THE EQIA SHOW A POTENTIAL FOR DIFFERENTIAL IMPACT ON ANY GROUP(S) IF THIS PROPOSAL IS INTRODUCED?**

**IF YES, STATE BRIEFLY WHETHER IMPACT IS ADVERSE OR POSITIVE AND IN WHAT EQUALITY AREAS**

**ORGANISATIONS CONSULTED? (SHOWN IN PREVIOUS SECTION)**

**Ethnicity:** (See recommendations 1, 2, 4, 6, 8, 13, 14, 15, 18 & 19 in section 2.7)

Please note the abbreviations below for explanatory purposes:

### Ethnic Categories:

| CATEGORY               | ABRIEVIATION |
|------------------------|--------------|
| Asian or Asian British | AAB          |
| Black or Black British | BBB          |
| Prefer Not to Say      | PNTS         |
| Not Applicable         | NA           |

### Roles:

| ROLE               | ABRIEVIATION |
|--------------------|--------------|
| CCS Interviewer    | CCS INT      |
| CCS Team manager   | CCSTM        |
| Census coordinator | CCOR         |
| Census collector   | CCOL         |
| Census distributor | CD           |
| Special enumerator | SE           |

Internal and external consultation revealed that discussions regarding ethnicity appeared to limit the understanding and interpretation of the term BME to refer specifically to Black and Asian groups. The EqIA is keen to point out that ethnicity cuts across all official ONS ethnic categorisations on the census questionnaire. Indeed, it is also important to point out that whilst the term BAME (Black, Asian Minority Ethnic) or BME (Black Minority Ethnic) refers to Black, Asian groups, it also includes other group(s) who historically have suffered disadvantage as a consequence of being a minority. In this regard, the term also includes; the Irish, the Jewish, Gypsies, travellers, Eastern European Communities, etc.

In view of the above, it is important that in developing an effective strategy that has the capability of attracting BME groups, that the strategy bear in mind the breadth of what BME actually covers, ensuring that it includes, for example, socio economic considerations, a new emerging disadvantaged 'group' that also fits within this category and is explicitly referred to in The Equalities Review: "*finally we argue that modern equality...will target groups not commonly considered, for example the children of poor White families and poorer White boys in education*"<sup>13</sup>. This report therefore questions the reasons why 'non-white' ethnic groups are those specifically mentioned as 'target groups' in the Census Recruitment Policy<sup>14</sup> bearing in mind the thoughts above and recommends that recruitment strategy in this sense be re-visited.

As the proposed New Equality Bill requires socio-economic factors to be included in strategic decision making (*A Fair Future: The Equality Bill and other actions to make Equality a reality, p.9*) with regard service delivery functions,<sup>15</sup> there is the potential for negative impact on a number of BME groups where a clarification of terms is not effectively incorporated into strategic planning for the 2011 Census attraction and recruitment strategies and processes, and could lead to the under-enumeration of these groups.

As a public sector body, ONS is legislatively tasked to take cognisance of the Race Relations (Amendment) Act 2000 as well as the Public Sector Equality Duty to have due regard to:

- Eliminate unlawful discrimination (racial), harassment, victimisation and any other conduct that is prohibited under the Act
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In line with this, ONS recognises the drastic change in demographics across England and Wales since the 2001 Census and has clearly demonstrated the need to ensure

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<sup>13</sup> The Final Report of the Equalities Review: Freedom and Fairness, 2007. p.8

<sup>14</sup> Schedule 2.1, Section 4, Field Force Service, p 36

<sup>15</sup> A Fairer Future, The Equality Bill and other actions to make equality a reality, April, 2009, p.9

that diversity sits at the heart of the approach to recruit the 35,000 staff needed for field operations: In its requirements, ONS suggests that:

*“...the bidder demonstrate how it will plan for, recruit and maintain a national workforce that is able to encourage the completion of questionnaires by winning the trust of the public...through a field staff representative of the local communities”*<sup>16</sup>

The consultation carried out with community groups acknowledged the positive impact the provision of diversity training will provide from strategy formulation through to front line service provision, and this report confirms upon consultation with Capita and ONS stakeholders that key staff have undergone diversity and equality training within the last year in view of developing and importantly, embedding an inclusive approach to the entire census programme.

This thinking has further been driven through the training process for those candidates placed on conditional offer, who mandatorily are required to go through classroom training prior to commencing their field based role. Extensive consultation was carried out by ONS and Capita training leads to embed diversity into the training programme provided to all candidates such that it did not appear as a standalone, but rather as a continuous strand running through the entire training course.<sup>17</sup> The positive impact this will present is clearly visible in the approach not just to engaging a diverse range of people at the doorstep, but also in facilitating greater inter-team working where teams themselves will constitute a range of different groups and communities working together to achieve a unified outcome.

The e-learning training process, which also forms part of the overall applicant assessment process, is divided into two main elements; e-learning and classroom. A candidate is required to pass the e-learning module (by up to 85 per cent) prior to being invited to attend classroom training. Mystery shopping carried out as part of the EqIA process revealed that the e-learning assessment was very instruction based, theoretical and voluminous, the consequence of which candidates reported that they had to re-sit the test a good number of times (with some reporting between 15-27 times) prior to passing. Further analyses of e-learning data revealed that candidates re-took e-learning test approximately four times on average. The level of challenge posed by the assessment itself therefore has apparently proven to be very high and steps need to be taken to mitigate the arising adverse impact on groups who may, for example, not have English as their first language.

It is important to choose an assessment type that does not indirectly discriminate across a range of population groups and equality strands, particularly where the over-use of complex acronyms and conceptual explanations can potentially negatively impact performance on those who may not have English as their first language. Due consideration should be paid to looking at alternative methods for ensuring that the e-learning assessment is based on real experience which can be practically understood by applicants for census jobs.

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<sup>16</sup> Schedule 2.1, Ibid, p.36

<sup>17</sup> Census 2011, Approach to Training, section 8.2, 'Diversity and Accessibility, p.41



On the recruitment front (see table below), and in continuation from the thinking above, an analysis of recruitment data <sup>18</sup> shows that the 2011 Candidate Attraction Strategy used for recruitment in the three rehearsal areas over and above appears to have had a positive impact generally on candidate application numbers across most ethnic groups.

In Lancaster however, recruitment data appears to show low applications levels from Black and Asian groups: 24 applications received from both AAB and BBB groups (see explanation of acronyms above), constitute approximately 5.5 per cent of the overall 435 total applications received, bearing in mind that AAB's and BBB's constitute 7.8 per cent of the overall 143,000 Lancaster population total according to the 2001 Census figures. This may demonstrate that the attraction strategy needs to have greater impact on AAB and BBB applicants in this area (as well as other areas where historically there may have been lower BME response rates), as practical findings <sup>19</sup> revealed that some applicants appeared not have heard about census opportunities despite various attraction methods.

It is important to mention for understanding the details above that: (1) the number of BME applications does not take in account possible BME applications received but categorised as NA – Not Applicable or PNTS – Prefer Not to Say, (2) that the population demographic is based on the 2001 Census data and is therefore not a complete reflection of present demographic levels, and importantly, (3) that the rehearsal is dealing with a small sample population size and as a consequence may not be an accurate reflection of BME candidate response levels expected during the 2011 Census recruitment process per se. This means:

- That BME applications for Lancaster specifically could actually have been more than the 5.5 per cent figure
- That in terms of understanding targets for ethnicity generally, a number of variable factors will need to be borne in mind by ONS to ensure a true reflection of BME representation levels in this case, and generally with regard to different geographies for the 2011 exercise.

Over and above however, the Lancaster experience suggests that one-on-one engagement is utilised by the attraction team as a viable means of reaching out to minority groups in addition to traditional attraction methods.

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<sup>18</sup> Cognos: Census MI system

<sup>19</sup> A visit was made to Lancaster as part of the EqIA process where speaking on a *one to one* basis with the Job Centre Plus Manager as well as prospective applicants I met inside and outside the Job Centre revealed that many had not heard about Census jobs. Upon speaking about the opportunity, a good number returned with relatives and family friends who applied there and then for jobs. This led to a rise in application numbers. It is to be noted that most candidates engaged on a one-to-one basis appeared to come from a minority background.

**Rehearsal Recruitment Data Analysis:**

**Overall No of Actual Applications by Ethnicity:**

|                        | AREA MGR   | CCS INT    | CCSTM      | CCOR       | CCOL        | CD         | SE         | TOTAL       |
|------------------------|------------|------------|------------|------------|-------------|------------|------------|-------------|
| <b>AAB</b>             | 18         | 74         | 14         | 90         | 705         | 271        | 63         | <b>1235</b> |
| <b>BBB</b>             | 32         | 63         | 17         | 65         | 414         | 169        | 50         | <b>810</b>  |
| <b>Chinese</b>         |            |            |            | 1          | 14          | 1          | 1          | <b>17</b>   |
| <b>Mixed</b>           | 3          | 7          | 6          | 12         | 88          | 29         | 9          | <b>154</b>  |
| <b>Other</b>           | 2          | 2          | 2          | 4          | 44          | 15         | 2          | <b>71</b>   |
| <b>PNTS</b>            | 2          | 8          |            | 12         | 36          | 11         | 6          | <b>75</b>   |
| <b>White</b>           | 77         | 248        | 63         | 177        | 1151        | 348        | 181        | <b>2245</b> |
| <b>N/A's</b>           | 34         | 32         | 9          | 94         | 171         | 54         | 18         | <b>412</b>  |
| <b>Wales</b>           | 26         |            |            | 30         | 225         |            | 25         | <b>306</b>  |
| <b>Ethnicity Total</b> | <b>168</b> | <b>434</b> | <b>111</b> | <b>455</b> | <b>2623</b> | <b>898</b> | <b>330</b> | <b>5019</b> |

**Overall No Appointed by Ethnicity:**

|                | AREA MGR | CCS INT | CCST | CCOR | CCOL | CD | SE | TOTAL      |
|----------------|----------|---------|------|------|------|----|----|------------|
| <b>AAB</b>     | 0        | 9       | 0    | 7    | 51   | 4  | 0  | <b>71</b>  |
| <b>BBB</b>     | 0        | 6       | 0    | 4    | 52   | 5  | 0  | <b>67</b>  |
| <b>Chinese</b> |          |         |      | 0    | 4    |    | 0  | <b>4</b>   |
| <b>Mixed</b>   | 0        | 2       | 0    | 1    | 12   | 0  | 0  | <b>15</b>  |
| <b>Other</b>   | 0        | 0       | 0    | 0    | 3    | 0  | 0  | <b>3</b>   |
| <b>PNTS</b>    | 0        | 5       |      | 0    | 8    | 1  | 0  | <b>14</b>  |
| <b>White</b>   | 3        | 97      | 6    | 20   | 272  | 13 | 12 | <b>423</b> |
| <b>N/A's</b>   | 0        | 0       |      | 13   | 10   | 0  |    | <b>23</b>  |
| <b>Wales</b>   |          |         |      | 7    | 86   |    | 2  | <b>94</b>  |

|                        | AREA MGR | CCS INT    | CCST     | CCOR      | CCOL       | CD        | SE        | TOTAL      |
|------------------------|----------|------------|----------|-----------|------------|-----------|-----------|------------|
| <b>Total Ethnicity</b> | <b>3</b> | <b>119</b> | <b>6</b> | <b>45</b> | <b>412</b> | <b>23</b> | <b>12</b> | <b>620</b> |

**Analysis of negative impact and actions arising shows:**

| No | OBSERVATIONS   | ACTION   |
|----|--|--|
| 1. | Low attraction levels of applicants from the Chinese community | Capita to review attraction strategy and work in partnership and collaboration with ONS to share an understanding of the issue and plan an approach for greater engagement with the Chinese community.   |
| 2. | No AAB or BBB area managers                                    | Capita to carry out a review of the attraction and recruitment process for BME's / identify possible blockages, plan next steps and monitor MI figures for progress looking at reasons for drop-out rates bearing in mind that this is too small a sample size to draw any real conclusions. |
| 3. | Three appointed area managers all from White backgrounds       | This is a small sample size but action to be adopted as per above  |

Further analysis of recruitment data reveals that there appeared to be a negative impact on the Chinese community with just 17 applications in total received across all seven rehearsal roles with four appointed to census collector. This will need to be addressed strategically, with both the Capita Recruitment and Attraction Team and the ONS Community Liaison Team joining expertises to develop a proactive understanding of possible engagement issues. It is worthy to note that of the 17 applicants, 12 came from London which may raise the issue of the need for greater community engagement in areas like Birmingham which also has a diverse range of communities, including the Chinese community<sup>20</sup>.

<sup>20</sup> [http://en.wikipedia.org/wiki/British\\_Chinese](http://en.wikipedia.org/wiki/British_Chinese): There are over 78,000 people of various Chinese origins living in London alone and approximately 400,300 in England (according Census Test 2007 figures) and 6,267 in Wales (2001 Census figures) with good representation in Birmingham, Liverpool, Manchester, Newcastle and Sheffield. The Chinese community is the fastest growing non-European ethnic group in the UK presently

In addition, the table also shows that whilst a total of 50 applications were received from both AAB and BBB for the Area Manager role (comparative to 77 from White applicants), all area managers subsequently recruited came from White backgrounds, including from Newham which has a large AAB and BBB community. This may reveal negative impact on the candidate attraction and recruitment strategy for AAB's and BBB's for high level positions.<sup>21</sup>

This report acknowledges the proactive approach ONS is taking to ensure engagement with all population groups, which will have a direct impact on recruiting a representative field force. Indeed, the creation of Community Liaison Support Officers seen in this light which will specifically target 'hard-to-reach' population groups (Bangladeshi, African Caribbean, Asian Pakistani, Chinese, etc) will assist, amongst other options mentioned in this report, have a positive impact for ensuring greater representation across all census roles. It must be mentioned however that in view of the numbers of Eastern European communities across England and Wales (approx 500,000), and the corresponding language issues that may exist, it is suggested that engagement activities are put in place to cover these Eastern European communities in addition to those mentioned above.

#### Welsh Language Requirement:

The census is to be carried out in England and Wales and this report notes that the ONS recognises its duty in accordance with the Welsh Language Act to provide services in English and Welsh:

*"...we will give effect so far as is both appropriate in the circumstances and reasonably practical, to the principle established by the Welsh Language Act that, in the conduct of public business and the administration of justice in Wales, the Welsh and English languages should be treated on the basis of equality"*<sup>22</sup>

In line with the above, and in order to ensure workforce representation, the Welsh Language Act requires that recruitment campaigns be carried out in English and Welsh<sup>23</sup> which will assist to ensure high census response rates. In keeping with this the attraction strategy used for the rehearsal specifically was designed to bear in mind various options for ensuring a tailored approach to candidate sourcing in Wales<sup>24</sup>.

From an overview of the numbers of people that speak Welsh - 740,500 out of 2,861,800 (from age three and over)<sup>25</sup> it is evident that there are varying levels of

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<sup>21</sup> It is important to mention however that there are 34 applications registered as 'NA's', 2 as 'Other', 2 as 'PNTS' and 3 as 'Mixed' – which need to be factored into understanding if there were possible BME attraction issues in this case

<sup>22</sup> ONS Welsh Language Scheme, April 2008

<sup>23</sup> Schedule 2.1, Ibid

<sup>24</sup> Census Attraction Strategy, 2011, p 29-30

<sup>25</sup> Local labour survey of the annual population in Wales, 2008 - <http://www.statswales.wales.gov.uk/TableViewer/tableView.aspx?ReportId=5502>

fluency dependent on region or local authority. So for example, the Isle of Anglesey has the highest numbers of Welsh speakers (41,500 out of 66,800), compared to Cardiff (57,400 out of 309,300), approximating to 63.1 per cent and 19.3 per cent respectively. Of course, this needs to bear in mind the varying population density in different local authorities balanced by those able to speak Welsh fluently over the age of 18 (for recruitment purposes).

In addition to the above, it must be mentioned that the data source for the information above incorporates numbers of children sent to Welsh schools and as such does not accurately reflect the picture of actual Welsh speaking adults, which in part poses some difficulty in setting accurate and practical targets in accord with requirements.<sup>26</sup> Whatever the case is however, ONS in accord with its Welsh Language Scheme, are seeking to adopt a *reasonably practicable* approach to meeting the Welsh language requirement, one that will overall positively impact the recruitment and appointments process particularly in areas identified and known for high numbers of Welsh speakers.

In such areas, certain roles may have Welsh speaking as an essential requirement, and ONS will endeavour to meet this by:

- Working collaboratively with Capita to explore alternative attraction and recruitment strategies to source Welsh speaking applicants, using community networks, language groups, local communication and media channels, etc
- In line with the above, Capita's attraction strategy will have a specific focus on recruiting Welsh speakers in an attempt to meet the Welsh language requirement
- ONS and Capita to continue to build strong relationships with the Welsh Assembly Government (WAG) and the Welsh Language Board (WLB), utilising these as networks for attraction to balance recruitment deficiencies in particular areas/posts where Welsh is deemed essential
- Ensuring each role is analysed in terms of actual contact with the public and the level of competence required in Welsh
- In the recruitment of senior roles where Welsh is an essential requirement (area manager, for example), where recruitment difficulties arise, an area manager who is a Welsh speaker from a neighbouring area can be drafted in to ensure service provision in consonance with the language requirement
- In addition, census coordinators that speak fluent Welsh can be drafted in to work alongside area managers, particularly at meetings where the Welsh language is likely to be spoken

In essence, from an overview of relevant literature, documentation and observation, it is evident that ONS is committed to treating the Welsh language on the basis of equality, and whilst ensuring the application of the language requirement remains a

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<sup>26</sup> Schedule 2.1, p. 36

priority, will in particular cases endeavour to provide an interpreter to facilitate use of the Welsh language in the day-to-day life of the public.<sup>27</sup>

### Religion or Belief:

(See recommendations in section 2.7 covering Ethnicity, including 18 & 19)

The Employment Equality (Religion or Belief) Regulations, 2003 made it illegal to discriminate against people in employment or vocational training on the basis of their religion or belief. The religious discrimination regulations give protection against discrimination on the grounds of “any religion, religious belief or philosophical belief” in a similar way to the existing sex discrimination and race discrimination laws.

In an attempt to ensure ONS meets these requirements from the start, due regard was paid by Capita to ensuring that the design and development of the candidate attraction strategy bore in mind the variety of religious networks across England and Wales<sup>28</sup> that Capita and ONS will work in collaboration with to ensure inclusion and field force representation leading to greater take-up of the census questionnaires (CQ's).

It is important to point out that in meeting the requirements of the Race Relations (Amendment) Act 2000 that ONS has also covered by implication key aspects of the requirements under the religious regulations, 2003. This is because the divisions between religious discrimination and race discrimination are sometimes blurred, and some aspects of religious discrimination are covered by existing race relations legislation. For example, discrimination against Jews and Sikhs is outlawed because they are seen as a racial group as well a religious one. Marginalised Black and Minority Ethnic communities have often used religion to express their identity and until the introduction of the regulations, there had been no specific protection against discrimination for most religious groups.

An understanding of the tie-in between both aspects of the race and religious legislative requirements is demonstrably visible in the ONS approach to the recruitment and appointments process, for example through the allocation of rehearsal training classroom days, which bore in mind the religious festivals, such as Yom Kippur. Going forward, classroom training days will continue to bear in mind key religious days to ensure attendance by all applicants bearing in mind religious sensitivities.

An overview of the recruitment management information statistics reveals positive impact on all rehearsal roles at the point of application, however it also appears to reveal negative impact at appointments stage for Buddhist, Jewish and Sikh<sup>29</sup> religions compared to others. There were also fewer applications from all 3 aforementioned religious groups for census roles comparative to all others. It is noted also that most appointments regarding these groups were made to the CCOL role.

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<sup>27</sup> ONS Welsh Language Scheme, Ibid, p. 6

<sup>28</sup> 2011 Census: Candidate Attraction Strategy, pgs 20, 25 & 32

<sup>29</sup> 4 Buddhist and Sikh applicants each were appointed to the Census Collector post, and 1 Jewish applicant to Special Enumerator.

As stated previously, this report does bear in mind the small sample size of the Rehearsal and highlights the trend for further investigation and planning.

**Analysis of negative impact and actions arising shows:**

| No | OBSERVATIONS  | ACTION   |
|----|---|--|
| 1. | Low level appointments of people from Jewish and Sikh religious backgrounds comparative to others | Capita to review attraction strategy and plan on proactively engaging the aforementioned religious communities |

It is worthy to mention that the positive and adverse impact noted under ethnicity criss-crosses and relates intricately to religion and belief given the explanations above.

**Disability:** (See recommendations 5, 10, 11, 13, 14, 15, 16, 17, 18, 19 in section 2.7)

The Disability Discrimination Act (DDA) 1995 aims to end discrimination experienced by people with disabilities. The Act has been significantly extended (Disability Discrimination Act 2005) and gives disabled people rights in the areas of:

- Employment
- Education
- Access to goods, facilities and services, including larger private clubs and land-based transport services
- Buying or renting land or property, including making it easier for disabled people to rent property and for tenants to make disability-related adaptations
- Functions of public bodies, for example issuing of licenses

ONS has a duty to advance equality of opportunity for disabled people through its functions, policies, processes, etc – ensuring due regard and considerations are given to all forms of disability – physical, mental or sensory.<sup>30</sup>

Linked to the many aspects of the consultation, we note that the ONS has been proactive in this area through its internal disability staff network groups, its diversity champions,<sup>31</sup> and visibly, in its brilliant facility at Titchfield which appears to be clearly designed and built to effectively accommodate and lead the way on building accessibility.<sup>32</sup>

<sup>30</sup> Disability Rights Commission, 2005, "The Duty to Promote Disability Equality" Statutory Code of Practice"

<sup>31</sup> ONS Equality Scheme, 2008-2011, Version 8, – see 'Disability Equality Action Plan', p.49

<sup>32</sup> ONS' facility at Titchfield, Southampton is a pacesetter for accessibility. It practically and visibly demonstrates the embedding of disability access equality

In terms of the Rehearsal, an overview of responses received to the disability question: Do you consider yourself to have a disability?<sup>33\*</sup> - are indicated in the table below:

**Overall Disability Recruitment Data Analysis for the Rehearsal:**

|                   | APPLICATIONS | % VALUE | APPOINTMENTS | % VALUE |
|-------------------|--------------|---------|--------------|---------|
| No                | 4487         | 89%     | 582          | 93%     |
| Prefer Not to Say | 410          | 8%      | 23           | 4%      |
| Yes               | 122          | 3%      | 20           | 3%      |
| <b>Total</b>      | <b>5019</b>  |         | <b>625</b>   |         |

At a glance the table above appears to suggest that prospective applicants with disabilities did not feel inhibited in responding to the question “Do you have a disability?” There are approximately 8.6 million people registered as disabled in the UK – 14 per cent of the UK population<sup>34</sup>. This suggests that of the sample size of disabled applicants for the rehearsal, the three per cent figure (bearing in mind the small sample size of applicants) remains within the benchmark for disabled applications, which may be due to positive census branding, or due to a positive impression the disability community have as a consequence of the census attraction and recruitment process - and as such may suggest positive impact.

However, from consultation held with a number of organisations with expertise in disability and disability best practice, three areas of interest were raised with specific reference to the census application form:

Firstly, the consultation revealed some dissatisfaction with the wording relating to the definition of disability used for the GIS (Guaranteed Interview Scheme) scheme requirements suggesting that in addition to the “*physical and mental impairment*”<sup>35</sup> a

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<sup>33</sup> \*This needs to be re-phrased to: “*Do you consider yourself to have a disability*” to remove negative insinuations

<sup>34</sup> The DRC website: It also states that 1 in 12 men and 1 in 200 women have some form of colour blindness – approximates to 9% of the UK population (source: Institution of Electrical Engineers), 2 million UK residents have a sight problem – 4% of the UK population (source: RNIB), there are 12 million people over the age of 60 in the UK – 21% of the UK population. Given overlaps between the above variable, the DRC suggests that approx 48% of the UK population could potentially have some kind of disability or accessibility issues and so the disability question used for recruitment purposes in particular is imperative for ensuring the promotion of equal opportunities.

<sup>35</sup> See the Census Application Form in appendices



person needs to have in order to qualify for the scheme, that the term “sensory”, be added without which some may choose not to respond to the question at all.<sup>36</sup>

This report takes note that the GIS requirements are derived from the regular standard text of the definition of disability by the Disability Discrimination Act, 1995<sup>37</sup> (as well as the two ticks criteria) but also notes that a further ‘broadening’ of the definition has been carried out by the Act at a later stage where the term “sensory” is then used to explain the possible type of impairment a person might have. In order to encourage greater response rates to the question on disability, this report suggests the addition of the term ‘sensory’ to ‘physical and ‘mental’ when the term ‘disability’ is initially defined as a remedy to ensure greater inclusivity.

Secondly, it was thought that with regards the reasonable adjustments or ‘particular arrangements’ section, that the wording with regards particular adjustments ought to be more specific and suggest specific types of reasonable adjustment services a candidate may require, such as translation and interpretation services, like BSL, etc. Consultation indicated that being specific about reasonable adjustment services demonstrates proactivity on the part of ONS and Capita and could positively impact application take-up from across the disability community.

Thirdly, in view of the fact that the deaf and hard of hearing (DAHH) have campaigned to redefine what BSL and deafness means – not a disability but a language community<sup>38</sup>, RNID during the consultation suggested a rephrasing of the question: “*Do you consider yourself to be disabled?*” to read: “*Do you consider yourself to be disabled or deaf?*”. This report goes further to suggest a rephrasing of the question using language which is softer and more inclusive: “*Do you consider yourself to have a disability or a hearing impediment?*” – as the footnote below aptly suggests.

It is thought that taking a view of the three suggestions above as they relate specifically to candidate application numbers, could lead to a possible rise in candidate applications from people with disabilities, improve data provision on the back of the disability question, increase take-up of census questionnaires (CQ’s), foster greater community engagement and relations, as well as positively impact the ONS brand.

Capita and ONS are taking practical and positive steps to encourage accessibility of the online application systems as it anticipates that up to 95 per cent of applications for census jobs will be via online applications. The CIPD acknowledges the growth in organisations using online applications by up to 75 per cent in 2007 to attract and

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<sup>36</sup> ‘Sensory’ is included in the DDA’s definition but appears in the explanations following the actual definition itself.

<sup>37</sup> DDA definition of Disability: “*A person has a disability if he or she has a physical or mental impairment, which has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities*”

<sup>38</sup> community [http://www.rnid.org.uk/information\\_resources/aboutdeafness/myths/](http://www.rnid.org.uk/information_resources/aboutdeafness/myths/)

recruit applicants and this continues to steadily increase.<sup>39</sup> It acknowledges the benefits of this method as:

- Reducing recruitment costs
- Broadening the selection pool
- Increasing the speed of time to hire
- Greater flexibility and ease for candidates
- Strengthening of the employer brand

However, the CIPD also recognises the limitations of online recruitment as it can limit the attraction of those unable to fully utilise technology, particularly groups with certain types of disabilities. In addition, it can turn off candidates particularly where a website is badly designed or whereby technical difficulties are encountered.

In order to ensure that the positive impact of online recruitment outweighs any prevailing adverse impact, Capita has taken steps to ensure accessibility levels meet the required AA standard. It has already carried out a full impact assessment of all aspects of the online function (recruitment, training, and the payroll process), using Shaw Trust, a pan disability organisation which assesses the suitability of online application systems using a team of experts, who themselves have disabilities, to ensure the reliability of the recruitment and appointments process. As a consequence, recommendations that have been presented for implementation are currently being looked into at the time of writing this report for immediate action.

The above having been said, this report recognises that some applicants may potentially be adversely impacted by the recruitment methodology used and understands the choice adopted for the 2011 Census more so in view of the scale and speed of resources needed for field positions. It takes on board the availability of a corresponding paper application process to counteract as much as possible those who due a disability may not be disposed to apply online, such as those with certain types of dyslexia, colour blindness or other sight related disability.

To facilitate those in this group, Capita and the ONS are taking practical steps to ensure that paper applications are not just available for example, but meet disability specific requirements, such as ensuring font sizes are in accord with set standards, that there is enough space in between sections on the application form to cater for those with certain types of sight impairments, and that online assessment types – i.e., such as SiftAbility™ is also available on paper, etc. Indeed, in consonance with the views arising from the consultation process, extra effort will be taken to ensure language used in job descriptions, application forms and general recruitment information is clear, simple and complies with best practice standards.<sup>40</sup>

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<sup>39</sup> <http://www.cipd.co.uk/subjects/recruitment/online/online/online.htm>

<sup>40</sup> English should be at a standard *or grade level of no more than 12 (the typical age of a school-leaver in the UK* – Shaw Trust Report on Accessibility for Census, September, 2009

ONS understands that in consonance with the Public Sector Equality Duty, it is legislatively tasked to promote and foster good relations with persons who possess a range of protected characteristics, including disability. In the design and development of the candidate attraction strategy, particular attention was paid to ensuring that it built positive and long-lasting relationships with best practice disability organisations, with the aim to utilise these contacts as routes to market, as and when key roles are to be advertised. These organisations are able to influence and recommend talented candidates, regardless of disability, to apply for roles for which they are qualified and have the ability to perform effectively. The off-shoot of such an approach will be greater relationship building with a focus on the individual <sup>41</sup>as its fundamental starting point. Capita will seek to positively exploit these relations through its recruitments networks to ensure greater applications for census roles.

It is to be noted in conjunction with the point above however, that the consultation with various disability focused organisations and groups revealed potential negative impact in the way jobs are made available at job centres (JCP), a key partner of ONS and Capita for putting jobs out to market. It is noted that there appears to be a certain lack of readiness in job centres in terms of having disability employment advisors (DEA's) available to assist either with a number of disability needs that will facilitate the application process for candidates with disabilities or the lack of reasonable adjustment facilities (BSL interpreters, braille technology and changeable font sizes for reading job adverts, etc), which the consultation revealed would negatively impacts access to jobs for those with specific needs.

ONS and Capita will continue to work closely with JCP to ensure and agree a plan to circumvent the above.

**Gender:** (See recommendation 9, 15, 18 & 19 in section 2.7)

The Sex Discrimination Act 1975 (SDA), makes it unlawful to discriminate on grounds of sex, marital status or gender reassignment. This requirement of law applies

- When recruiting
- When deciding what terms and conditions should be offered to an employee
- When decisions are made about who should be promoted, transferred or receive training
- When making decisions about terminating someone's employment.

The ONS demonstrates how it is complying with the SDA in its Gender Action plan <sup>42</sup>, and shows steps it has embedded as part of its equality strategy to monitor gender related pay prior to the release of the thinking on pay equalities for men and women as proposed in the Equality Bill. <sup>43</sup>

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<sup>41</sup> Capita's *Diversity as Strategy Model*, 2008, p.2

<sup>42</sup> ONS Equality Scheme, Ibid, p.48,

<sup>43</sup> A Fairer Future: Ibid, p.15

The census is recognised as a nationwide exercise that requires a representative nationwide workforce in order to guarantee its effectiveness. ONS has taken practical steps to encourage women, as well as men (particularly those with sole responsibility for children), or those expecting children to apply for census jobs that have a range of flexible hours. This is in direct consonance with the 'single' approach of the New Equality Bill, which explicitly aims to make life fairer for women through the protected characteristic that covers pregnancy and maternity.<sup>44</sup> Working hours range from 37 to 25 to 15 hours respectively, depending on job type and location and will positively impact female application levels.

The range of working options appears to have positively impacted the number of female applications received across all roles (see table below) where female applications totalled 1795 compared to 2774. There were also a total of 23 N/A's which could also add to this overall figure.

|                          | AREA MGR | CCSI | CCST | CCOR | CCOL  | CD  | CE  | OVERALL VALUE |
|--------------------------|----------|------|------|------|-------|-----|-----|---------------|
| Male Applications        | 93       | 225  | 60   | 199  | 1,498 | 500 | 199 | 2774          |
| <b>Appointed</b>         | 3        | 75   | 2    | 19   | 209   | 12  | 10  | <b>332</b>    |
| Female Applications      | 39       | 173  | 42   | 153  | 938   | 338 | 112 | 1795          |
| <b>Appointed</b>         | 0        | 44   | 4    | 13   | 193   | 11  | 2   | <b>267</b>    |
| Transgender Applications | 0        | 2    | 0    | 0    | 1     | 0   | 0   | 3             |
| <b>Appointment</b>       | 0        | 0    | 0    | 0    | 0     | 0   | 0   | 0             |
| <b>N/A</b>               |          |      |      | 13   | 10    |     |     | <b>23</b>     |
| <b>Total</b>             |          |      |      |      |       |     |     | <b>625</b>    |

Looked at from a overall recruitment viewpoint, this appears encouraging particularly given the reality that a good section of female applicants could probably be working mothers with children. Indeed, in some roles, the number of applications between male and female came quite close; the census coordinator role for example had 153 female applications compared to 199 male. It is to be noted however that greater female representation is needed at senior level census roles such as area manager, as female representation at this level would encourage greater female applications across a variety of roles, and hence greater census questionnaire take-up at the doorstep. An action is already in place for this to be addressed by Capita.

<sup>44</sup> Ibidem, p29

In line with the argument above, it is worthy to mention that according to records obtained from the 2001 Census, the population split between male and female in UK at the time was 28.6 million compared to 30.2 million <sup>45</sup>. This has not decreased:

*“The number of births is increasing partly due to rising fertility among UK born women and partly because there are more women of childbearing ages due to inflows of female migrants to the UK <sup>46</sup>.”*

The simple point being made here is that there is the need to ensure greater representation of women at all levels as the impact of female under-representation particularly at the doorstep, could negatively impact census questionnaire take-up by women themselves, more so as they make up the majority of the UK population.

On the best way to increase female representation at all levels, consultation revealed that women from a variety of businesses were less likely to source jobs from female specific media. What is needed, the consultation suggested, is an overall inclusive approach to candidate attraction, placing emphasis on flexible working arrangements, and importantly, ensuring language used on job descriptions are clear and not male biased.

ONS and Capita have taken a proactive approach to ensure the above criteria are prevalent and where recommendations are in place for change, these are in fact incorporated.

**Analysis of negative impact and actions arising shows:**

| No | OBSERVATIONS                                | ACTIONS  |
|----|---|--|
| 1  | No female appointments to area manager post | Capita to review attraction strategy (bearing in mind the small sample size of the rehearsal) and to network opportunities to women groups as a means of increasing female applicants for senior census posts. |

**Gender Reassignment:** (See recommendations 7, 12, 15, 18 & 19 in section 2.7)

The Sex Discrimination Act, 1975 was amended by the Sex Discrimination (Gender Reassignment) Regulations, 1999 in order to ensure that transsexual men and women would clearly be included in the Sex Discrimination Act to further ensure that

<sup>45</sup> [http://www.statistics.gov.uk/census2001/demographic\\_uk.asp](http://www.statistics.gov.uk/census2001/demographic_uk.asp)

<sup>46</sup> <http://www.statistics.gov.uk/ci/nugget.asp?ID=950>

they do not suffer discrimination as a consequence of undergoing or about to undergo gender reassignment procedures.<sup>47</sup>

Gender reassignment is defined for clarity reasons as a *'process which is taken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex, and includes any part of such a process'*.<sup>48</sup> The act also covers employment-related and some vocational training matters.

The census recruitment and appointment process is aware of gender reassignment issues (as seen in the ONS Trans Equality Policy) and corresponding legislation and manages these as detailed in its equality scheme action plan on gender equality and as such understands its responsibility as a public body to lead the way in eliminating discrimination in this key area.

An overview of the Capita attraction strategy for the 2011 Census suggests that a variety of means will be adopted in ensuring all groups are effectively attracted to apply for different roles, doing so using a number of formal and informal networks, including working closely with the community liaison team to open the door to the most segregated communities.

Consultation particularly with GIRES (Gender Identity Research and Education Society)<sup>49</sup> suggested that the trans community is in fact a very segregated community, more so because of the visible traits that Trans people have, and that others recognise as the quotation below suggests:

*"Added to this social stigma is the process of marginalisation whereby the risk of being identified as transsexual acts as a deterrent to fully engaging in society: in being prepared to participate in the legal system in particular as a complainant but also as a witness, to apply for jobs in the police force, in the armed services, maybe even the prison service and nursing, to obtain insurance or a private pension or to engage in single sex social activities by joining sports or other social clubs".*<sup>50</sup>

This report recognises the adverse impact trans people experience on a daily basis in a variety of societal forms (education, employment, training, social, etc) the consequence of which tends to drive them 'underground', such that they are in fact to be recognised as 'hard to recruit groups' and therefore ought to be one of the 'target groups' for ensuring overall field force representation for the 2011 Census. It is important in this light that the attraction, recruitment and appointment processes are

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<sup>47</sup> Also look at the Gender Recognition Act, 2004, which gives transsexual people legal recognition as members of the sex appropriate to their gender (male or female), allowing them to acquire a new birth certificate, affording them full recognition of their acquired sex in law for all purposes, including marriage

<sup>48</sup> (<http://www.cipd.co.uk/subjects/dvsequal/sexdisc/sexdiscrimination.htm>)

<sup>49</sup> Extensive consultation was held with GIRES as part of the consultation process, information of which can be found in the external consultation section of this report. Further information can be located on: [www.gires.org.uk](http://www.gires.org.uk)

<sup>50</sup> <http://www.pfc.org.uk/node/345> - *Press for Change: Campaigning for Respect and Equality for all Trans People*

well prepared to manage applicants from the trans community to avoid adversely impacting them.

An **overview of the recruitment data** suggests that there have been three applications from trans people, which may demonstrate negative impact, though it must be highlighted that the rehearsal concerns a small sample size. This may further show that more engagement work needs to be done with the trans community. A report carried out by the Equality and Human Rights Commission (EHRC) and confirmed by Rhodes et al (2008) suggests that there is a considerable Trans community online and that transsexual people can easily be reached on the internet.<sup>51</sup>

It is, however, currently unclear how many trans people there are in England and Wales as an ONS study has found:

*“...starting with the major data sources highlighted in the ER (Equalities Review), we assessed the degree to which they intend to collect UK level information...and found that at a very high level the coverage is fair, with the exception of the transgender characteristic”.*<sup>52</sup>

Ensuing recommendations from the report (see details in footnote) suggested that government agencies work with non-government stakeholders (including trans best practice organisations) to ensure accurate data collection<sup>53</sup>. This finding and ensuing recommendation has also been put forward by the EHRC report on trans research.<sup>54</sup> This report therefore suggests that in consonance with the recommendations, where this is not proactively pursued in view of 2011 via the ONS/Capita attraction and community engagement strategies that the trans community could be negatively impacted showing itself particularly in low application levels to census roles.

From the viewpoint of attraction, consultation revealed that whereas some groups (women, BME, LGBT, etc) did not particularly favor recruitment advertising via ‘group specific’ media sources, the trans community felt that this approach would not only demonstrate openness on the part of an organization, but would be an effective way of engaging trans people for census jobs.

A number of associated issues were identified during the consultation that may have the potential to adversely impact the trans community. The key ones have been bullet-pointed below to avoid repetition and further information is documented in the ‘transgender’ section of the external consultation process.

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<sup>51</sup> Trans Research Review: Equality and Human Rights Commission, Research Report 27, (Martin Mitchell and Charlie Howarth, Autumn, 2009), p. 22

<sup>52</sup> ONS Report from the review of equality data, Summary and recommendations, October 2007.

<sup>53</sup> ONS Report from the review of equality data, Ibid, section R4.4, our strategy and process for improving equality information

<sup>54</sup> Trans Research Review: Ibid, p. 23

Issues of concern raised during the Consultation process were:

- The suggestion to remove the gender question on the application form as it was thought that it may not be conducive to a person ‘transitioning’.
- Connected to the above, is the ‘compulsory’ nature of responding to the gender question without which a trans person is unable to progress through the application process given built in ‘blocks’.
- The Disclosure Scotland checking process and the fact that a trans person’s name may have changed as a consequence of gender reassignment – this could automatically screen a trans person out of the process it was suggested

As a consequence of this report and the ensuing recommendations, it is envisaged that Capita and ONS will take a view on the most effective measures to ensure equalities are advanced in this particular area.

**Analysis of negative impact and actions arising shows:**

| No | OBSERVATIONS                                | ACTIONS   |
|----|---|---|
| 1  | Three applications from the trans community | Capita to review attraction and recruitment process to ensure the trans community is effectively engaged. |



**Sexual Orientation:** (See recommendations 3, 15, 18 & 19 in section 2.7)

The Employment Equality (Sexual Orientation) Regulations, 2003 and the Equalities Act 2006, which introduced the Sexual Orientations Regulation, 2007, defines sexual orientation as sexual orientation toward persons of the same sex, persons of the opposite sex or persons of the same sex and opposite sex. The regulation prohibits discrimination not just against lesbian and gay people but heterosexual and bisexual people as well.

Consultation showed that ONS proactively supports the LGB agenda (see the ONS Equality Scheme action plans for sexual orientation) and has factored this approach into the design of the recruitment policy for the 2011 Census which will positively impact national representation in England and Wales.

An ONS deliverable as far as LGB is concerned is the need to gain a true picture of LGB data in England and Wales. Ongoing ONS consultation with the Equality and Human Rights Commission (EHRC) suggests that there is presently a lack of reliable data with regards sexual orientation and as such it is difficult to fully understand the number and geographical spread of the group:

*“Lesbian, gay and bisexual people are thought to form a relatively small percentage of the population. The census would provide urgently needed baseline data on the number and geographic distribution of people in these groups”.*<sup>55</sup>

The impact of under-exploiting the opportunity that the 2011 Census brings to engage, attract and recruit people from the LGB community will have an adverse impact in fully understanding, for example, the health inequalities and socio-cultural discrimination forms that this group still suffers.<sup>56</sup> Indeed, it is thought that there are a good number of young LGB people who leave school at the age of 16 due to bullying and that these tend to eventually become homeless.

What is needed therefore to begin positively impacting this group is an attraction strategy that has diversity at its heart involving the following three key approaches in order to ensure they are engaged as part of the census recruitment process:

- Attraction to be designed to encourage as wide a spectrum as possible of suitably qualified individuals to apply for census positions, in the volumes required.
- Attraction communications as a whole to be designed so they do not discriminate nor advantage any particular group of individuals capable of meeting the ONS job specification requirements.

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<sup>55</sup> *The 2011 Census: Assessment of initial user requirements on content for England and Wales - Sexual orientation, March 2006, p.3*

<sup>56</sup> Ibidem

- Individual targeted campaigns to be designed to attract specific target population groups, but these will in no way preclude individuals from other groups from applying.<sup>57</sup>

These tenets must be applied in practice.

An overview of the rehearsal data<sup>58</sup> shows that whilst there have been applications from LGB applicants, and though the levels are relatively low (an approximate total of 215 applications out of 5,019 with 15 appointments to CC and CCoI), it remains somewhat difficult to ascertain the exact numbers that applied given the numbers of 'Prefer not to Says' and 'NA's' (811 in total) in response to the question on Sexuality at the point of initial application. This may refer to the need for more directed and extra community engagement work in order to instil confidence and trust within the minds and hearts of future LGB applicants in the ONS application process.

**Analysis of negative impact and actions arising shows:**

| No | OBSERVATIONS   | ACTIONS  |
|----|--|--|
| 1  | Need to attract more applications from the LGB community | Capita to review attraction and recruitment process and seek to build relations with LGB groups. |

**Age:**

(See recommendations 15, 18 &19 in section 2.7)

The Employment Equality (Age) Regulations 2006 covers all employees and workers of any age, protecting them from age discrimination including partners of firms, contract workers and anyone in vocational training.

All aspects of employment (or prospective employment) are protected from age discrimination, including recruitment, employment terms and conditions, promotions, transfers, dismissals and training.

In the contractual requirements, ONS uses the phrase 'hard to reach' groups to describe the age category of young men and women between the ages of 18-29. These people were difficult to count in the 2001 Census and hence people from these age ranges particularly are 'targeted' so as to ensure greater representation and take-up of census questionnaires.<sup>59</sup>

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<sup>57</sup> Census Attraction Strategy, 6.1, p.29)

<sup>58</sup> Cognos,

<sup>59</sup> Schedule 2.1, Ibid, p.36

**Rehearsal recruitment data** shows a good selection of applications across all ages in all roles which indicate positive impact as a consequence of the attraction strategy. 20-29 year olds presented the largest number of candidate applications – 1,145 - for the census collector role with 115 appointments made. It is noted that applications for AM posts started from age 40 upwards but it is also noted that there are a good range of ages applying across the board for all roles.<sup>60</sup>

The CIPD recognises the potential negative impact that an online application may pose for recruiting older people and suggests that as a process, online recruitment tends to be biased toward the 25-34 year old job seeker.<sup>61</sup> This negative impact is however offset by the presence of the paper application process that ONS have in place through Capita its supplier to handle potential paper application requests as and when they arise.

In an attempt to ensure the mitigation of adverse impact on young people experienced in the 2001 Census, Capita's candidate attraction strategy employs a variety of attraction methodologies to drum up publicity leading to greater role take-up, particularly from the aforementioned targeted age. Amongst them is proactive one-on-one engagement as may be required. For example, in order to ensure greater take-up in Lancaster, ONS and Capita worked very closely with Job Centre Plus on a one-to-one basis to network the opportunity by actually meeting people via road shows as a means of bolstering applications. This led to positive outcomes in terms of increased candidate applications.

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<sup>60</sup> Cognos

<sup>61</sup> <http://www.cipd.co.uk/subjects/recruitment/online/online.htm>

## 2.7 MITIGATION - RECOMMENDATIONS

### WHAT WERE THE MAIN FINDINGS OF THE ENGAGEMENT EXERCISE AND WHAT ARE YOU PLANNING TO DO ABOUT IT?

The main findings of the engagement and consultation exercise are shown in the sections 2.4 & 2.5 of this report.

The list of recommendations below are in response to the areas of potential impact identified and are separated into attraction, recruitment, training, assessment and selection and appointment for ease of reading

#### Recommendations: On Attraction

- **Recommendation 1:** That the Capita attraction team work with ONS to effectively engage the identified 'hard-to-reach'<sup>62</sup> and 'hard to recruit' groups, as well as other equality strands this report has identified, such as the trans community, as well as disadvantaged socio economic groups - an arising marginalised group identified by the Equality and Human Rights Commission (EHRC) as a 'new' area for equality focus.
- **Recommendation 2:** That whilst recognising potential difficulties in networking/marketing opportunities to any disadvantaged socio economic groups, it is recommended that proactive engagement with Job Centre Plus and local community groups, for example, will help meet this recommendation.
- **Recommendation 3:** That in accord with the findings of this report on ensuring reliable LGB statistics (lesbian, gay and bisexual), that Capita proactively seek to engage LGB groups effectively in the recruitment process.
- **Recommendation 4:** In view of the rehearsal experience, particularly in Lancaster and Anglesey where there was an initial slow take-up of advertised roles, that an approach which involves greater *one-on-one* engagement (through career fairs, road shows, etc) with the local people be adopted and 'function ready' alongside already existing options to bolster response levels and take-up of advertised roles
- **Recommendation 5:** That Capita and ONS work closely with Job Centre Plus to ensure the availability of disability employment advisors (DEAs) at job centres to offer practical assistance to those with disabilities who need may need specific support in accessing census jobs at local job centres.
- **Recommendation 6:** That in attempting to attract applicants from BME communities, and where minority media is to be used, that Capita and ONS ensure that it is used in such a way as not to 'turn off' those communities being sourced. For example, strategically using positive stories via editorials or advertorials as a means of raising the profile of an organisation has been proven

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<sup>62</sup> See Schedule 2.1. p36: 'Hard to reach groups' are identified as young men and women age 18-29 and also non-white ethnic groups.

to lead to greater 'minority' interests which indirectly lead to take-up of advertised recruitment roles.

- **Recommendation 7:** That in advancing equality of opportunity in the candidate attraction process that an all inclusive approach continue to be adopted which particularly bears in mind transgender as a new equality strand<sup>63</sup> so as to ensure active engagement and participation of this community in the census exercise.
- **Recommendation 8:** That the Capita recruitment team conduct an analysis of low response levels received from the Chinese community during the rehearsal and that the findings are fed into further developing attraction plans to ensure greater take-up of field roles by this group going forward.
- **Recommendation 9:** That given that none of the three advertised area manager posts was successfully filled by a female or BME person, and aware of the need to ensure visible gender and ethnic representation within senior level posts to encourage greater female and BME participation in the census exercise, it is recommended that further engagement with women and BME groups be considered as a priority by Capita and that these channels be used specifically as a sounding board for senior census roles.

#### Recommendations: On Recruitment

- **Recommendation 10:** That the census application form be re-assessed to ensure it is inclusive for those with particular disabilities. For example, that the word 'sensory' be added to "physical or mental" under the GIS requirements, and that a text number be placed on the application form for online applicants who may be deaf or hard of hearing (DAH), etc
- **Recommendation 11:** That the reasonable adjustment statement on the application form be reviewed in the light of the recommendations arising from the disability focus group. See section 2.4 under Disability.

#### Recommendations: On Training

- **Recommendation 12:** That the tenets of the ONS Trans Equality Policy as it relates to gender reassignment be effectively communicated by Capita to key stakeholders with field management responsibilities, particularly as it translates to use of facilities at classroom training where Capita will be engaging hotels across the country as suppliers of training facilities.
- **Recommendation 13:** That the instruction based approach to the e-learning assessment be reviewed to ensure that it is not as theoretical, detail specific and voluminous as it presently appears resulting in applicants having to retake on multiple occasions prior to passing. The content as it stands has the potential to discriminate indirectly against those with whom English may not be their first

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<sup>63</sup> For example, the attraction team should seek to tap into the community networks GIRES (Gender Identity Research and Education Society) have within the trans community for assisting with the candidate attraction process, more so given the low response levels received from trans applicants during the Rehearsal

language, as well as those with particular types of learning disabilities, such as dyslexia, dyspraxia, etc

- **Recommendation 14:** That the e-learning instructions be re-positioned as a reference resource rather than a learning resource given the arising negative impact due it being voluminous and theoretical (see p40). This approach will further ensure the elimination of adverse impact on the groups already specified above.

#### Recommendations: Assessment and Selection.

- **Recommendation 15:** That during the lessons learnt process that data is captured for each stage of the census process to identify the effectiveness of each stage to predict candidate ability to progress through the selection and assessment process. Such an approach will ensure continuous quality monitoring and assist understanding of the levels of adverse impact tests may have on applicants from different backgrounds

#### Recommendations: General

- **Recommendation 16:** That ONS conducts a disability audit of all census roles and take a practical view on the reality that not all jobs will be able to be performed by people with certain disabilities and that a plan is developed to communicate this to potential applicants with particular disabilities in a respectable and humane fashion.
- **Recommendations 17:** That a process is put in place to ensure that Capita customer services staff are trained and able to communicate the above information with confidence in a manner that treats potential applicants with dignity and respect as this will assist prevention of possible arising discrimination concerns.
- **Recommendation 18:** That in order to ensure consistency and synergy of strategy, that the emphasis placed on diversity for the recruitment of field staff for the census, also be placed as a best practice standard on the recruitment process for all Capita in-house teams working on the census across the country. This will further ensure that a representative and effective service is delivered at all times to all regardless of background.
- **Recommendation 19:** That the Capita recruitment workstream and the ONS community liaison team jointly review the lessons learnt from the rehearsal exercise so as to develop a cohesive plan of action of benefit to both areas for raising the profile of the census to community groups which will have a direct benefit for the attraction and recruitment process.
- **Recommendation 20:** That an action plan is devised by ONS to implement the accepted recommendations adopted from this assessment.

## 2.8 DIRECT OR INDIRECT DISCRIMINATION

**A) DOES THIS FPPP HAVE THE POTENTIAL TO CAUSE UNLAWFUL DIRECT OR INDIRECT DISCRIMINATION?**

**B) DOES THIS FPPP HAVE THE POTENTIAL TO EXCLUDE CERTAIN GROUPS OF PEOPLE FROM OBTAINING SERVICES?**

**C) DOES THE FPPP LIMIT THE PARTICIPATION OF DISABLED PEOPLE IN ANY ASPECT OF PUBLIC LIFE?**

**A.** The census as a process happens once every 10 years and involves a wide range of people from a vast variety of backgrounds in order to ensure its success. The recruitment and appointments function sits at the epicentre of this involving the recruitment of a national field force of 35,000 people.

The present context of the 2011 Census is clearly distinct from any other past census exercise mainly because of the three below reasons:

1. The UK has had a significant influx of people from around the world and from within Europe since it joined the EU and opened its borders in 2004 – all of whom have varying needs as a consequence of their socio-cultural and economic experiences
2. The impact of globalisation particularly as it facilitates the migration and intermingling of people from all over the world – and the potential this has to inadequately cater to the needs of new and arising ‘hard to recruit’ groups given differences
3. The growth and continued development of new technologies, such as the internet, Facebook, Twitter, blogs, and other online facilities such as recruitment, etc – and the potential this has to ‘naturally’ discriminate against those with whom this technology is still somewhat alien or difficult to negotiate given continuing change, such as the elderly, people with disabilities and those with socio-economic difficulties particularly during the global economic downturn

Given the above, the recruitment and appointments function does possess the potential to cause indirect discrimination and ONS and Capita as supplier are very much aware of this and are taking practical means to ensure that all forms of discrimination, particularly direct discrimination is identified and mitigated as soon as possible.

Areas for potential adverse impact have been described in the previous section.

**B.** Similar to the points identified above, the recruitment and appointments function does have the potential to exclude or not adequately provide the required services to some (such as the trans community, Gypsies and Travellers, etc), more so given changing equality legislative requirements and the continued complexities new and uprising communities and groups bring to the table.

ONS and Capita will continue to liaise and engage community leaders and best practice organisations representing these communities to ensure equal access to its services.

- C. *A person has a disability if they have a physical, mental as well as sensory impairment, which has a substantial and long term adverse impact on his or her ability to carry out normal day-to-day activities.*<sup>64</sup>

ONS as a public sector body is legislatively tasked to advance equality in accord with its statutory duties as described in the Disability Discrimination Act, 2005. Working collaboratively with Capita to achieve this, it has documented practical steps which ensure an inclusive approach to service provision<sup>65</sup> and has taken practical measures to ensure the recruitment and appointments function for the census delivered by Capita does not limit the participation of people with disabilities from public life.

Such measures have been identified in section 2.6 of this report and the arising recommendations for implementation by ONS and Capita.

## 2.9 EQUALITY OF OPPORTUNITY

### HOW DOES THE FPPP PROMOTE EQUALITY OF OPPORTUNITY?

*“...An equal society recognises and values people’s diversity – their different needs, situations and goals and removes the barriers that limit what people can do and be”*<sup>66</sup>

The recruitment and appointments function for the 2011 Census, from the very onset of process design and development recognised, valued and importantly, anticipated the diversity of the prospective end-users of the function. To ensure it had the ability to meet the needs of its diverse users, *fairness, inclusivity and transparency* (FIT) – the three hooks of diversity were factored and embedded into the fabric of the process to ensure equality of opportunity through the following ways:

- Capita set up a diversity steering group at project ‘kick-off’, which served as a sounding board for discussing arising equality issues which impacted various parts of the recruitment and appointments process. The meetings were proactively and visibly supported and attended by senior members of the 2011 Census project team
- The diversity lead overviewed and signed off the attraction, recruitment and training strategies, ensuring they had diversity as core starting point, were fit for purpose, and that they did not discriminate directly or indirectly against any

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<sup>64</sup> The Duty to Promote Disability Equality: Statutory Code of Practice”, Disability Rights Commission, 2005).

<sup>65</sup> ONS Equality Scheme, ‘Disability Equality’, p.49

<sup>66</sup> The Equalities Review, 2007



community or group in terms of methodology of approach to actual process design. This action was performed internally as a part of Capita internal procedures prior to eventual viewing and final sign-off by the ONS

- Set-up of an Equality Impact Assessment (EqIA) steering group to manage an effective impact assessment of the recruitment and appointments function
- The recruitment and appointments function is undergoing an Equality Impact Assessment (EqIA) in line with the requirements of the contract as set out in Schedule 2.1, but importantly, as a demonstration of a best practice approach. This involved wide consultation with a range of groups, communities and people in order to understand the need 'on the ground' and factor into designing a function which has equality at its heart.
- In terms of going forward, ONS and Capita will be taking the findings of this report in conjunction with the 'lessons learnt' from the rehearsal in Lancaster, Anglesey and Newham, review and design an action implementation plan which will ensure the adoption of a best practice approach as a business as usual (BAU) mechanism moving into 2011.

As a matter of project management of the recruitment and appointment function, ONS and Capita as supplier have in place systems for receiving candidate complaints, concerns and queries with agreed SLA's and KPI's for mitigating these accordingly. All applicant and people issues are recorded for future use and continued learning of lessons to ensure equality of opportunity is promoted.

## 2.10 GOOD RELATIONS

**HOW DOES YOUR FPPP PROMOTE GOOD RELATIONS? HOW DOES THIS FPPP MAKE IT POSSIBLE FOR DIFFERENT GROUPS TO WORK TOGETHER, BUILD BRIDGES BETWEEN PARALLEL COMMUNITIES, OR REMOVE BARRIERS THAT ISOLATE GROUPS AND INDIVIDUALS FROM ENGAGING IN CIVIC SOCIETY MORE GENERALLY?**

In accordance with the process for carrying out Equality Impact Assessments <sup>67</sup> the recruitment and appointments function for the 2011 Census

- Was scrutinized by all seven equality groups covering ethnicity, religion or belief, sexual orientation, gender reassignment, disability, gender and age through focus groups held across the country
- All arising concerns raised at these sessions were tabled, discussed and the groups consulted for feedback to ensure potential barriers raised were addressed.
- Where issues remain, these have been identified in this report for action to ensure real equality outcomes
- Ensuing actions resulting from this report will be developed into a revised strategy of approach as required and be used to re-engage all communities and groups

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<sup>67</sup> ONS Equality Scheme, Ibid, pages 9,29,37

- It is envisaged by ONS that the consequence of the above will be the recruitment of a national and diverse workforce consisting of people from a range of groups and communities working together to ensure the effective take-up of census questionnaires (CQ's)

## 2.11 ADVERSE IMPACT

**HOW CAN THE FPPP BE REVISED OR ADDITIONAL MEASURES TAKEN, IN ORDER FOR THE FPPP TO ACHIEVE ITS AIMS WITHOUT RISKING ANY ADVERSE IMPACT?**

See response in section 2.7

## 2.12 DATA CONCERNS

**ARE THERE ANY CONCERNS FROM DATA GATHERING, CONSULTATION AND ANALYSIS THAT HAVE NOT BEEN TAKEN ON BOARD?**

**PLEASE JUSTIFY AND EXPLAIN THE REASON FOR YOUR DECISION.**

There are four data concerns:

Firstly, from consultation, data gathering and analysis as well as observational evidence, it is recommended that ONS ensures that it has processes in place to effectively manage applications from the trans community, from the point of initial application through to appointment (and field management thereafter which goes beyond the perimeters of this process), so as to ensure they are not adversely impacted or directly or indirectly discriminated against.

This process also observes that post consultation with the trans community, that there appears to be evidence to suggest that the trans community are in fact to be considered as an unrecognised, segregated and disadvantaged group within the equalities arena, and for whom no real or viable data currently exists<sup>68</sup>. This report recommends therefore that the trans community be considered as a 'hard to recruit group' to be proactively engaged for the 2011 Census.

It is in view of the above that this report suggests the 'white underclass', a group that has gradually arisen and gained recognition post 2001 and which has been recognised by Trevor Phillips, (Equality and Human Rights Commission Chair, EHRC), at an interview on the BBC<sup>69</sup> be fully engaged as part of the approach to ensure a diverse workforce.

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<sup>68</sup> Report from the review of equality data, Summary and Recommendations, October 2007

<sup>69</sup> Tuesday, 28<sup>th</sup> October, 2008 – check the BBC website by typing in "white underclasses"

Trevor's comment runs thus:

*"More help is needed for areas where there is a "white underclass" which has been "neglected" by existing equalities policies...in some parts of the country the colour of failure is not black and brown... it's white - especially in some rural areas...we fail to deal with it at our peril"*

This report recommends that due consideration and thought be assigned to these two areas to ensure that any disadvantaged socio-economic groups are positively impacted and benefit from the 2011 exercise.

Secondly, it is highly recommended that ONS ensures it keeps a record of field force recruitment data by equality strand for future planning purposes. Recruitment data from the 2001 Census, which would have been a great resource tool for planning, forecasting and gaining a picture of issues that this report could have responded to in terms of offering solid recommendations based on previous experience - has not been readily available. Suffice it to mention that such a record is currently in place in view of the 2011 exercise.

Thirdly, with regards monitoring the findings of this report as described in the overview of the rehearsal recruitment data, this will be an ongoing process facilitated by Capita and ONS.

Finally, that this report has not been able to take into cognisance how equality issues/discrimination cases arising out of the 2001 Census were registered, monitored and managed through to final conclusion, as only anecdotal evidence exists at this point in time.

## 2.13 JUSTIFICATION OF NEGATIVE IMPACT DECISIONS

**ARE YOU GOING TO GO AHEAD WITH THE FPPP? JUSTIFY NEGATIVE IMPACT DECISIONS, WHERE NECESSARY**

ONS and Capita have taken proactive and positive steps from the outset to ensure that the recruitment and appointment process is fair, transparent and inclusive giving due regard to positive outcomes of the process to all groups, whilst bearing in mind the reality of proportionality.

In terms of using online recruitment as its main approach, ONS and Capita are aware of the potential negative impact it may have particularly with regard disability and the older workforce. It has borne in mind the thinking of the CIPD <sup>70</sup> in terms of proportionality and relevance <sup>71</sup> in accord with the Disability Rights Commission, 2005 and the Duty to Promote Disability Equality Statutory Code of Practice – England and Wales – and has taken and will continue to take positive steps to remove barriers to accessibility as speedily and diligently as possible bearing in mind the scale, spread and speed of the census exercise. Capita and ONS in line with the

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<sup>70</sup> <http://www.cipd.co.uk/subjects/recruitmen/onlnrcruit/onlrec.htm>)

<sup>71</sup> see the ONS Equality Scheme, p.9)

above have not only undertaken an accessibility review of the online recruitment website in partnership with the Shaw Trust, but are implementing its recommendations in accordance with the AA standards. In addition, Capita has a viable paper application process in place for all those who may prefer not to apply for roles via the online recruitment process.

Mitigation strategies and action plans with assigned responsibilities to ensure equality and fairness to all equality strands, including those specifically mentioned are detailed overleaf

**Action Plan for Business as Usual (BAU)**

**Equality Impact Assessment Action Plan:**

The Equality Impact Assessment Action Plan below sets out how ONS will realise the successful recruitment of a representative workforce for the 2011 Census exercise. It is our intention that the actions below will be incorporated into policies and strategies, with the aim of *advancing equality of opportunity, eliminating discrimination, harassment and victimisation, as well as fostering good community relations* across all 7 equality strands in an inclusive fashion in line with the dictates of the Equality Act 2010. The overall aim will be to ensure a *business as usual* approach to the recruitment and appointments function for all field staff.

|                    | OBJECTIVE  | ACTION   | COMPLETION DATE                                 | RESPONSIBILITY              |
|--------------------|--|--|---|-----------------------------|
| <b>Attraction</b>  |  |  |   |                             |
| <b>1</b>           | Ensure the field force is broadly representative of the demographic of England and Wales and facilitates equality of opportunity | Engage with a range of groups representing the seven equality strands, including Jobcentre Plus, local community groups, local authorities, use of road shows, career fairs, etc | On-going throughout census exercise             | Capita/ONS recruitment team |
| <b>Recruitment</b> |  |  |   |                             |
| <b>2</b>           | Conduct a disability audit to identify possible adverse impact within the recruitment and appointments process                   | ONS to carry out a disability audit of all Census roles and to discuss with Capita regarding implement arising actions   | Audit completed 31/10/2010                      | ONS recruitment team        |
| <b>3</b>           | Ensure equal access to census jobs website   | Capita to carry out a website audit of the recruitment website and implement arising actions   | Commenced and due to be completed by 20/12/2010 | Capita diversity team       |

|                                   | OBJECTIVE   | ACTION   | COMPLETION DATE          | RESPONSIBILITY              |
|-----------------------------------|---|--|--------------------------|-----------------------------|
| 4                                 | Ensure actual recruitment figures demonstrate a representative workforce and ensure plans are place to identify and immediately mitigate arising under-representation | Diversity and recruitment workstreams to meet regularly to analyse on-going recruitment on a per campaign basis so as to identify arising under-representation levels and develop plans to mitigate any issues accordingly | Commenced and on-going   | Capita/ONS recruitment team |
| <b>Assessment &amp; Selection</b> |   |  |                          |                             |
| 5                                 | Ensure all assessment types are fair, inclusive and transparent and allow for each applicant to demonstrate their full potential                                      | Capita to conduct an impact assessment of siftability and the interview process to ensure the eradication of adverse impact on all people, regardless of background  | Completed – October 2010 | Capita diversity team       |
| 6                                 | Ensure all complaints and arising issues to do with recruitment, selection and assessment are immediately captured and resolved                                       | Registered on JIRA (complaints management system) and escalated to the relevant manager to respond as appropriate  | Commenced and on-going   | Capita                      |
| <b>Training</b>                   |   |  |                          |                             |
| 7                                 | Ensure training delivery and content meets the needs of a diverse workforce   | Conduct a review of all training content ensuring language is simple to understand and that training delivery meets best practice standards.   | Completed October 2010   | Capita training team        |

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# CAPITA

|                | OBJECTIVE   | ACTION   | COMPLETION DATE        | RESPONSIBILITY |
|----------------|---|--|------------------------|----------------|
| <b>General</b> |   |  |                        |                |
| <b>8</b>       | Ensure reporting mechanisms are in place for addressing arising issues at a strategic level   | Where issues are identified these will be taken to the census operation group and where appropriate escalated to the census operations board for agreement, decisions and actions. | Commenced and on-going | ONS/Capita     |
| <b>9</b>       | Ensure the provision of equality and diversity training to all census operational staff ensuring the practical application of diversity principles throughout the census exercise | All operational staff have undergone either face-to-face or online equality and diversity training   | Completed - 30/10/2010 | Capita/ONS     |

### 3 APPENDIX 1 - GLOSSARY OF KEY TERMS

#### Diversity

Diversity is about the development of fair, inclusive and transparent (FIT) processes for sourcing, identifying and developing talent from a wide range of backgrounds (Capita Diversity Manual)

#### Equality

An equal society protects and promotes equal, real and substantive opportunity to live in the ways people value and would choose, so that everyone can flourish.

An equal society recognises people's different needs, situation and goals and removes the barriers that limit what people can do and be. (Definition taken from the Equality Review, p.126)

#### Under-representation

'Workforce under-representation' refers to the situation where in an organisation's total sum of employees, specific attention is particularly paid to the seven key equality strands as a means of 'balancing' its workforce composition. The equality strands are ethnicity, gender, disability, age, sexuality, religion or belief, and gender-reassignment' (Capita Diversity Manual, p.25)

#### Trans and Transgender

A very broad term to include all sorts of tran's people. It includes cross-dressers, people who wear a mix of clothing, people with a dual or no gender identity, and transsexual people. It is also used to define a political and social community which is inclusive of transsexual people, transgender people], cross-dressers (transvestites), and other groups of "gender-variant" (people – p.12 EHRC Trans report)

#### Trans

Referring to those people that fall within the gender-reassignment protected characteristic

#### Positive Impact

Referring to the state whereby a particular policy, function or strategy caters to the needs of group(s) in such a way that it promotes, fosters community relations and advancing equality of opportunity

Positive impact could be differential in the sense that the impact on one group may be higher than on another, neither however being adversely impacted as a consequence

#### Adverse (Negative) Impact

Referring to the state whereby a particular policy, function or strategy does not caters to the needs of a group(s), disadvantaging their ability to be involved or included in a process, and as a consequence does not promote, foster community relations or advance equality of opportunity



Adverse impact could be differential, simply meaning that adverse impact on one group could be greater on another. Where adverse impact is identified, mitigation plans of action need to be put in place to eradicate or reduce it as significantly as is practically possible.

### **(Negative) Discrimination**

Refers to a state of unfair treatment toward a person, group, or community on the basis of prejudice. Discrimination can either be direct or indirect

### **Gender Re-assignment**

Gender reassignment refers to the 'process which is taken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex, and includes any part of such a process'. The provisions cover employment-related and some vocational training matters (CIPD) (<http://www.cipd.co.uk/subjects/dvsequl/sexdisc/sexdiscrimination.htm>)

### **Single Approach**

Refers to the Single Equality Bill recently published by the Government Equalities Office (GEO), which will bring all seven equality strands into one piece of legislation, ensuring a holistic approach to managing equalities in the workplace. The 'single' approach is distinguished from the previous approach to managing equalities before it, which tended to treat each equality strand as distinct from the other. The 'single approach' for example will allow for cases of discrimination to be brought on combined multiple grounds cutting across a number of strands.

### **Diverse**

Refers to the state whereby all people are included. Do note that the term 'diverse' does not just refer to BME groups but to all people taken holistically

### **Accessibility**

Refers to those steps taken in accord with agreed standards (W3C for example) to ensure that web content is accessible to all people, but particularly those with disabilities. Accessibility standards ensure that all people are enabled to able to access on-line recruitment for example, via user agents, such as screen readers, voice over facilities, and the use of simple and easily understandable English language, etc

### **Protected Characteristics**

Refers to the term used to cover the seven equality strands as stipulated in the New Equality Bill – age, gender, ethnicity, religion or belief, gender reassignment, sexual orientation, etc.

Protected characteristics are those areas identified as where people are most likely to suffer discrimination, directly or indirectly and as such are where protection against discrimination is most needed.

### **The Equality Bill**

The Equality Bill creates a new single public sector Equality Duty which extends this duty to cover age, sexual orientation, religion or belief and gender-reassignment.

This means that there is now the need to consider the needs of all people in the community so that everyone can get fairer opportunities and better public service.