



SECTION 75, NORTHERN IRELAND ACT 1998

Equality Impact Assessment (EQIA) on Ofcom's
employment policies in Northern Ireland

Final Report following consultation

This report can be made available on request in accessible formats such as Braille, disc, and audio cassette and in alternative languages for those not fluent in English. This report is also available on Ofcom's website www.ofcom.org.uk

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Summary

Ofcom has conducted an equality impact assessment on its employment policies as part of its commitments in its Equality Scheme and under s75 of the Northern Ireland Act 1998. Ofcom employs eight people in Northern Ireland. The employment policies which apply to staff in Great Britain also apply to staff in Northern Ireland.

Ofcom prepared an initial report for consultation on its human resources policies on diversity, recruitment, dignity at work, disciplinary matters, grievance matters, redundancy, retirement, work-life balance, maternity, adoption and parental leave, professional development, education and health and safety.

The initial consultation report identified as far as possible the impact of the policies on the nine different equality groups in Northern Ireland. The results of this analysis have now been supplemented by comments received during the consultation process with affected groups and individuals. These are presented in detail – along with Ofcom's response - in Annex 1 of this final report. The views expressed have been taken into account in finalising the employment policies.

Where statistical evidence on the equality profile of colleagues or job applicants in Northern Ireland is available, this suggests strongly that representation from people from different community backgrounds, gender, disability, race and age is in line with expectations. Where there are issues of concern from a wider equality perspective throughout Ofcom, these matters are being considered and progressed as part of organisation-wide initiatives as outlined in the report.

As a result of this review Ofcom has revised and adopted a new Diversity Monitoring Form for use in appointments to positions in Northern Ireland. Ofcom acknowledges that its employment policies apply to the nine equality strands referred to in Northern Ireland legislation, and will take opportunities to ensure that all of these are specifically highlighted in future versions of the policies.

Ofcom is also committed to continuing to monitor the impact of its employment policies on colleagues and equality strands and to taking account of the results of this review in developing any relevant policy.

Section 1

Introduction

1.1 Ofcom is a designated public body under Section 75 of the Northern Ireland Act 1998 and as such is required in carrying out its functions relating to Northern Ireland to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

Without prejudice to the obligations set out above, Ofcom is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

1.2 Ofcom's Equality Scheme, approved by the Equality Commission for Northern Ireland in 2005 sets out how it intends to fulfil its statutory obligations under Section 75. Ofcom has also undertaken a screening process to determine which policies would be subject to a full equality impact assessment. One of these policies screened in for formal assessment is its employment policy.

1.3 Ofcom has conducted this EQIA in line with the Practical Guidance issued by the Equality Commission. The EQIA will follow the recommended 7 Step Process of:-

- Defining the Aims of the Policy;
- Consideration of available data and research;
- Assessment of impacts;
- Consideration of measures which might mitigate any adverse impact or alternative policies which might better achieve the promotion of equality of opportunity;
- Formal consultation;
- Decision by public authority & publication of results of the EQIA;
- Monitoring for adverse impact in the future and publication of the results of such monitoring.

1.4 This report incorporates the first six steps of this process, and is presented as a formal review of the policy, incorporating an analysis of its impact on equality strands, a summary of the results of consultation and the final decisions taken. The feedback received has assisted Ofcom to ensure best practice methods in how it recruits, retains and develops its staff, referred to as colleagues.

Section 2

Background and Overview of employment policies

Background to Ofcom

- 2.1 Ofcom is the regulator for the UK communications industries, with responsibilities across television, radio, telecommunications and wireless communications services. It is independent of Government but accountable to Parliament at Westminster.
- 2.2 Ofcom's sponsoring Departments of State are the Department for Business, Enterprise and Regulatory Reform and the Department for Culture, Media and Sport at Westminster. Ofcom in Northern Ireland maintains an appropriate relationship, as a matter of courtesy, with the Department of Enterprise, Trade and Investment and the Department of Culture, Arts and Leisure in the Northern Ireland Executive.
- 2.3 Ofcom was set up, and its powers and duties are provided for, under the Communications Act 2003. Its principal statutory duty in carrying out its function is to:
 - a) further the interests of citizens in relation to communication matters, and
 - b) further the interests of consumers in relevant markets, where appropriate by promoting competition.

Broadcasting and telecommunications are reserved matters, the responsibility of UK central government and not that of the devolved assembly in Northern Ireland.
- 2.4 Ofcom's main office is located in London; it has, in addition, offices in Wales and Scotland and, specifically, an office in Northern Ireland to represent Ofcom to people and organisations in Northern Ireland and to enable them to more easily make contact with Ofcom and articulate their views and concerns.
- 2.5 Ofcom employs 814 staff – referred to as colleagues. Of these 8 colleagues are located in the Belfast office. The employment policies that apply in Northern Ireland are the same as apply throughout Ofcom's operations in the UK. In accordance with good practice and commitment to diversity Ofcom has already produced and published information on its Race Equality Scheme – Employment Monitoring, Disability Scheme and on gender to assess the potential impact of policies on the different equality strands. These have been prepared as part of its obligations to promote equality in England, Scotland and Wales.
- 2.6 It is inevitably difficult to draw conclusions on the impact of employment policies on colleagues in Northern Ireland since the total number of colleagues employed is small - only currently eight. Measures of statistical significance to analyse the effectiveness and fairness of policies will therefore not be meaningful. For that reason where the results of monitoring for the workforce as a whole (including Northern Ireland) are available by the different equality strands, these will be used as a measure for likely equality impact in Northern Ireland.

2.7 Ofcom's employment policies are outlined in its Colleague Handbook - the policies and procedures to which employees adhere. The policies which have been reviewed are available from

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2.8 There are employment policies on the following:

- Diversity – our statement of intent
- Recruitment Policy and process
- Dignity at Work Policy
- Disciplinary Policy and Procedure
- Grievance Procedure
- Redundancy Policy
- Retirement Policy
- Work-Life Balance policy
- Maternity Policy
- Adoption Leave Policy
- Parental Leave Policy
- Professional Development
- Education & Development Sponsorship Policy
- Health & Safety Policy

2.9 Employment policies in Northern Ireland – especially those which may have an impact on equality of opportunity - are regulated by a range of legislative provisions, the primary of which are:

- Fair Employment and Treatment (NI) Order 1998
- Northern Ireland Act 1998, s 75
- Sex Discrimination Orders 1976, 1988
- Disability Discrimination Act 1995

- Race Relations (NI) Order 1997
- Employment Equality (Sexual Orientation) Regulations (NI) 2003
- Employment Equality (Age) Regulations (NI) 2006
- Equal Pay Act (NI) 1970, as amended

2.10 These provisions outlaw discrimination on the grounds of sex, marital status, race, religious belief, political opinion, sexual preference, age and disability. There is an additional requirement to make reasonable adjustments for disabled job applicants and employees. A duty is placed on public bodies to have due regard through their policies to promote equality of opportunity between the eight equality groups (strands) mentioned above and between one additional category – people with and people without dependants. A further duty is placed on public bodies – namely, to have regard to the desirability of promoting good relations between people of different religious belief, political opinion and racial group.

2.11 Whilst there are some differences – primarily relating to the breadth of coverage of equality groups / strands - between the legal provisions applying to employment in Northern Ireland and those which apply in Britain, the substance of the protective and promotional measures in force is broadly similar.

Section 3

Ofcom's employment policies in Northern Ireland

Diversity Statement

3.1 Ofcom has developed a statement of intent on diversity:

'Diversity – our statement of intent

We are placing diversity at the heart of Ofcom by developing and implementing an integrated diversity policy. We oppose and will seek to overcome all forms of unlawful or unfair discrimination on the grounds of a person's race or ethnicity, gender, sexual orientation, disability, religion or belief and age in all aspects of our work.

In carrying out our statutory duties, including in respect of the industries we regulate, Ofcom will work to promote diversity in our policy development and encourage equality of opportunity. Ofcom will operate in an open and transparent manner and will seek to ensure its communications are as accessible as possible.

As an employer, Ofcom's goal is to recruit, motivate, develop and retain outstanding people, reflecting the diverse communities we serve, who work together to deliver our common aims and objectives. We are committed to equality of opportunity in all areas of employment, including development and promotion. We aim to treat all colleagues fairly, with dignity and respect'.

3.2 Ofcom recognises that there can be challenges to implementing an integrated diversity policy in practice, where different legislative provisions apply throughout its area of operation. For example anti-discrimination provisions in relation to political opinion apply only in Northern Ireland, and whilst six equality strands – ethnicity, disability, race, gender, sexual orientation, religion or belief and age - apply to obligations to promote equality in England, Scotland and Wales, the equivalent provisions in Northern Ireland also expressly include political opinion, marital status and caring status, under s75 of the Northern Ireland Act 1998. Accordingly Ofcom accepts that its diversity policy incorporates all the relevant nine areas applicable in Northern Ireland and also commits to its duty to have regard to promote good relations on the grounds of racial background, religious belief and political opinion in Northern Ireland.

3.3 Colleagues in the Northern Ireland office have received training on diversity legislation, including anti-discrimination laws and 's75', and on practical ways to promote equality and diversity.

Recruitment policy and process

3.4 The stated aim of the Ofcom recruitment policy is:

'to recruit the best person for the job. We are committed to the principle of equal opportunities both in the industry that we regulate

and in our own organisation. We oppose all forms of unlawful or unfair discrimination on the grounds of colour, race, nationality, ethnic origin, language spoken (obligations under the Welsh Language Act 1993 and Gaelic Language Act 2005 in relation to Welsh and Gaelic in Scotland), gender, marital status, disability, political opinions, part-time or fixed term status, parental or caring responsibilities, age, religion or sexual orientation.' The nine equality grounds specified under s75 of the Northern Ireland Act 1998 are explicitly included in the statement.

3.5 The Recruitment Policy explicitly states that Ofcom aims to:

- recruit from the widest possible pool of talent to ensure as diverse a range of applicants as possible
- advertise all roles both internally and externally
- recruit the best possible candidate for the job
- base selection decisions on a candidate's ability to do the job and to make a contribution to the organisation's effectiveness
- adhere to legislative requirements and commonly accepted best practice
- be competitive in the marketplace
- have regard to diversity and equal opportunities and comply with anti-discrimination legislation

Through its Equality Scheme for Northern Ireland Ofcom accepts its commitment through its Recruitment policy to show due regard to the need to promote equality of opportunity for the nine specified groups.

3.6 Through the application of its Recruitment Policy in Northern Ireland Ofcom ensures that:

- formal structured documentation supports the recruitment and selection process – including job descriptions, job specifications – providing an outline of the responsibilities of the post and a list of the skills and requirements needed to do the job - advertisements, interview assessment forms
- recruitment is based on a structured objective assessment of candidates against the skills required for specific opportunities
- all recruitment advertisements are clear and state briefly the requirements of the job, the necessary and desirable criteria for job applicants, the job location, tenure and application procedure
- recruitment advertisements confirm Ofcom's commitment to equality of opportunity
- Interview panels will always comprise the Hiring Manager and at least one other senior colleague

- All those involved in interviewing have attended training on equal opportunities and fair selection techniques – including reference to appropriate provisions in Northern Ireland
 - Interview assessment forms are completed for all candidates. These include a list of the criteria by which the candidate is to be assessed, which ensure that all candidates are assessed against the same criteria and that the reasons for any selection decisions are recorded.
 - All stages of the recruitment process are monitored in order to ensure that Ofcom is recruiting from as wide a base of potential applicants as possible and to ensure that all groups have an equal chance at all stages of the recruitment process. For positions in Northern Ireland specifically adapted monitoring forms are used to ensure that community background is monitored in accordance with the relevant fair employment provisions. (The Monitoring Form used in Northern Ireland has been revised, in accordance with the Equality Commission's latest guidance, as a result of the EQIA, Annex 2).
 - Given the different readership patterns of the Protestant and Catholic communities in Northern Ireland, all employment positions are advertised in Northern Ireland through media which will ensure readership from the two communities.
 - Recruitment documentation relating to Northern Ireland is retained for a period of at least 12 months after the post has been closed
- 3.7 The effectiveness of the recruitment policies in delivering a diverse workforce can be assessed by statistical analysis of the workforce by equality group and the profile of applications in Northern Ireland. These will be analysed in the next chapter.

Dignity at Work

- 3.8 Ofcom has developed a Dignity at Work policy which supports its general statement on diversity. The policy states 'Ofcom believes that all colleagues have the right to be treated with dignity. Harassment (including bullying) of colleagues or stakeholders, whether on grounds of race, colour, ethnic or national origin, sex, sexual orientation, gender reassignment, transsexualism, marital status, disability, religion or belief, age or any other grounds, will not be tolerated under any circumstances'.
- 3.9 The policy recognises that harassment on any grounds will not be tolerated. It is therefore clear that harassment on the grounds of family or caring status or political opinion in Northern Ireland will not be tolerated. The policy applies to all colleagues working for Ofcom, including consultants, agency contract workers and those on secondment to Ofcom from other employers.
- 3.10 The Dignity at Work policy commits Ofcom to investigating any complaints raised under the policy and commits that any colleague who is found to have retaliated against another for complaining, supporting a colleague or giving evidence about harassment may be subject to disciplinary action.
- 3.11 The policy places responsibility on all managers to take action to prevent harassment, encourage incidents to be reported and to ensure that satisfactory solutions to problems are applied. It also specifically places an obligation on them to implement the policy and ensure it is understood. Ofcom recognises its additional

obligations in this regard to colleagues who have communication disabilities. All colleagues are required to comply with the policy, take action where they observe an act of harassment and are warned of potential disciplinary and criminal penalties if they engage in behaviour in contravention of the policy.

- 3.12 The policy specifies informal and formal procedures for resolving or addressing issues raised, and commits to handle complaints in a timely, confidential, impartial and sensitive manner. Provision is also made for obtaining independent counselling as appropriate.
- 3.13 Ofcom's office in Northern Ireland is based in premises at the Gasworks site in Belfast which is readily accessible to all sections of the community. Ofcom ensures that a good and harmonious working environment is maintained at this location for its colleagues and visitors by not permitting the display of any materials – including flags or emblems - which could be reasonably held to cause offence.
- 3.14 There have been no complaints brought under the policy in the Northern Ireland office of Ofcom.

Disciplinary, Grievance and Redundancy procedures

- 3.15 The disciplinary and grievance procedures adopted by Ofcom conform with the standards of good practice specified in the relevant legislation and the Codes of Practice produced by ACAS and - in Northern Ireland – the Labour Relations Agency (LRA). The aim of the disciplinary policy and procedures is 'to encourage improvement in individual conduct including behaviour and attendance' by using 'a fair and systematic approach to the enforcement of standards of conduct'. The purpose of the grievance procedure is to 'provide a fair and systematic approach for dealing with grievances, ensuring that they can be aired and, where possible, resolved quickly to the satisfaction of all concerned'.
- 3.16 A review of the respective policies has highlighted references to the right to appeal being lodged 'in writing', and the outcome of an appeal being relayed 'in writing'. Ofcom would clarify that in both policies it recognises its obligations under the Disability Discrimination Act to make reasonable adjustments for its employees. In these specific circumstances, for colleagues with communication disabilities, it would ensure that appropriate arrangements are put in place so that as far as reasonably practicable the notification of appeals will be accepted in different formats and the results or outcome communicated in an accessible format, matching the colleague's needs. Ofcom also fully accepts its responsibilities to make other reasonable adjustments for disabled colleagues as appropriate through the procedures e.g. in relation to accompanying persons or the presence of a signer at interview.
- 3.17 The Disciplinary Policy cites examples of gross misconduct, stating clearly that it is not an 'exhaustive list'. Amongst the examples cited are 'any act of harassment, bullying or discrimination related to another person's sex, sexual orientation, disability, age, race, religion, colour or ethnic origin'. Ofcom would wish to clarify that consistent with its Dignity at Work policy, which recognises harassment on any grounds as a breach of policy that this specifically includes the other s75 equality grounds not highlighted in the Disciplinary Policy, specifically marital status, family or caring status, or political opinion in Northern Ireland.
- 3.18 Ofcom's policy on redundancy is to avoid declaring redundancies whenever possible, but where they are inevitable as a result of organisational change, technology, adverse economic conditions or other unforeseen circumstances, the policy aims to

ensure that 'any reduction in staff numbers is achieved in an orderly and systematic manner consistent with a fair and equitable treatment of the colleagues involved in such circumstances'.

- 3.19 The equality impact of redundancy decisions tends to relate to selection for redundancy. Ofcom's policy specifies that selection for redundancy will be based on 'the business's need to retain appropriate colleagues to meet future and current organisational requirements and may reflect skills and ability, competency, individual performance, future potential, suitability for retraining and a colleague's attendance and disciplinary record'. The policy further clarifies that all selection decisions 'will be based on objective, fair, consistent and non-discriminatory factors and Ofcom may, at its discretion, request colleagues to take part in an assessment procedure.'
- 3.20 In Northern Ireland employers are advised to take care in administering a redundancy programme using selection methods such as LIFO (Last In, First Out) which may undermine progress to fair participation of different equality groups within a workforce where there have been recent advances for minority or underrepresented groups. Ofcom does not specify length of service in the criteria it takes into account in redundancy selection decisions.

Retirement Policy

- 3.21 Ofcom's retirement policy states its commitment to employing a diverse workforce and aims to recruit, motivate, develop and retain outstanding people regardless of their age. The contractual normal retirement age for most colleagues is 65, but Ofcom will consider requests from colleagues to work beyond age 65. The policy aim is to ensure that colleagues who reach normal retirement age while at Ofcom are treated with dignity and respect. It aims to balance the wishes a colleague may have to continue working beyond their normal retirement date with the business needs of Ofcom. It sets out procedures for colleagues and managers to follow when a colleague reaches their normal retirement age.
- 3.22 The procedures put in place by Ofcom comply with the legal provisions outlined in the Employment Equality (Age) Regulations (NI) 2006 ensuring that retirements take effect on or after the normal retirement age, and that the employer has given the employee written notice of their intended retirement and told them about their right to request to continue working. Provisions are also in place to allow appeals by a colleague against refusal of a request to continue working.
- 3.23 The new procedures in relation to retirement have not yet been used in Northern Ireland.

Development policies

- 3.24 Ofcom – through its Learning and Development Agreement - provides every colleague with the opportunity to review their learning and development objectives with their line manager, at least once a year. As part of the agreement Ofcom provides development on core skills, online career development tools, focused career development activities and recognises colleagues who develop others. To this end Ofcom has made a commitment to provide on average up to five days of learning activity per colleague in 2007/08 to help everyone to work more effectively and encourage all colleagues to work to their full potential. This time for learning activities is spread across two main areas:

- Activities that meet personal objectives e.g. improving knowledge of specialist areas e.g. telecoms and spectrum and core business skills e.g. presentations
 - Activities that meet Ofcom's business needs e.g. diversity, performance training, management development
- 3.25 Ofcom's commitment to continuous learning and the development of colleagues is also evidenced through its Education & Development Sponsorship Policy. This policy sets out how Ofcom sponsors colleagues to undertake accredited academic qualifications and external development programmes, not provided by Ofcom in order to increase performance in their current role and prepare them for future roles. The mechanisms and procedures applied, including the criteria for authorisation – requiring identification of direct business benefits and appropriate performance assessment – provide for consistency of application throughout the organisation.
- 3.26 Ofcom in Northern Ireland has not received any complaints in relation to training or development issues in relation to colleagues.

Work Life Balance policies

- 3.27 Ofcom has in place a range of policies aimed at enhancing work: life balance for colleagues:
- Work Life Balance policy
 - Parental Leave policy
 - Maternity policy
 - Adoption Leave policy
 - Paternity Leave policy
- 3.28 Ofcom's general policy on Work Life Balance is to be flexible with regard to the hours that colleagues work, 'There is no formal system of working hours and colleagues should agree working times with their line manager. It is expected that both Ofcom and colleagues are flexible in relation to working hours varying the times at which they work as appropriate.'
- 3.29 All Ofcom employees – not just those with specific caring responsibilities for young or disabled children – may apply to work flexibly, recognising that everyone has responsibilities and interests outside the workplace. All requests are considered within the context of whether the changes requested can be accommodated within the needs of Ofcom's business. (The legal right to take parental leave to look after a child is specifically outlined in Ofcom's Parental Leave policy).
- 3.30 Ofcom also supports non-standard working arrangements including part-time working, job-share working, term-time working and working from home / teleworking. The importance of working from home for those with caring responsibilities and colleagues with certain disabilities is particularly relevant and acknowledged. Procedures are set out for making requests for flexible working and for ensuring equitable consideration of such requests in accordance with business requirements. The culture of the organisation strongly favours flexible working.

- 3.31 Ofcom's Maternity Policy aims to encourage working parents to be able to stay with the organisation and balance the demands of home and working life. The enhanced maternity policy is designed to provide new parents with financial support throughout the period of their leave and to ease their return to work. The current basic maternity entitlements are all provided i.e. ordinary maternity leave, additional maternity leave, Statutory Maternity Pay (SMP) and Maternity allowance. Ofcom also provides Enhanced Maternity Pay for colleagues who have completed one year of service. Contractual entitlements continue during maternity leave. On return from maternity leave colleagues are also entitled to further benefits to facilitate their return and reward them for their return.
- 3.32 An Adoption Leave policy is in place which aims to mirror, in relation to enhanced leave and pay provisions, what is available for birth mothers in the maternity policy.
- 3.33 The Paternity Leave policy ensures the provision of statutory paternity entitlements to partners of all new mothers. As with maternity pay, enhanced (paternity) pay is available to colleagues with the relevant qualifying service.
- 3.34 Ofcom's Work: Life balance policies significantly enhance statutory requirements and contribute to the promotion of a positive working environment for all colleagues, but especially colleagues with caring responsibilities and colleagues with disabilities.

Health & Safety Policy

- 3.35 In addition to the general obligations in relation to health and safety that apply to colleagues on a universal basis, the policy explicitly emphasises the importance in not using Health & Safety as an excuse for excluding someone with a disability from work, or from access to Ofcom's services. The need for specific arrangements for disabled colleagues and disabled visitors to premises in relation to emergency egress are explicitly addressed in the Health & Safety policy.

Appointment of members to Ofcom Committees

- 3.36 In the appointment of members of the Advisory Committee for Northern Ireland Ofcom complies with best practice as outlined by the Office of the Commissioner for Public Appointments (OCPA). Consequently the Advisory Committee for Northern Ireland is chosen by open public process and the recruitment process closely follows the principles outlined in the OCPA's Code of Practice.
- 3.37 The Ofcom Advisory Committee for Northern Ireland was established under the terms of the Communications Act 2003 to provide advice to Ofcom about the interests and opinions of people living in Northern Ireland on all communications matters. It currently includes 10 members, comprising 5 men and 5 women; 5 Protestants, 4 Catholics and 1 not stated. No members have stated they have a disability, all members are white, and nine members have stated they are heterosexual, with one member stating 'prefer not to say'. The average age of the Committee members is 44, ranging from 23 to 62.
- 3.38 Of the 49 applicants for appointment to the committee, 35 were men and 14 were women. 21 applicants identified themselves as Catholic, 17 Protestant, with 11 not stating a religious background. The average age of all applicants was 44, ranging from 23 to 78. 41 applicants stated that they were not disabled, 3 indicated that they had a disability, and 3 did not state if they had a disability. Of the 49 applicants 47 were white, and two did not state their ethnicity. 43 of the applicants stated they were

heterosexual, none stated they were gay or lesbian, 2 indicated they preferred not to say, and 4 did not state their sexuality.

- 3.39 In addition to the Advisory Committee there is a representative for Northern Ireland on the Ofcom Content Board and the Ofcom Consumer Panel. A recent Northern Ireland member on the Consumer Panel had a disability.
- 3.40 The evidence in relation to public appointments to Ofcom in Northern Ireland is thus that there is proportionate representation from the Protestant and Catholic communities and of men and women. The average age at 44, and ranging from 23 to 62, is broadly what would be expected and reflects a diversity of age groups. The absence of individuals stating themselves as disabled, from an ethnic minority background, or stating themselves as gay, lesbian, bisexual or transgendered, reflects the small size of these groups in Northern Ireland. It is noted that there is Northern Ireland membership on two further Ofcom Boards / Committees and one of the recent members had a disability.

Section 4

The equality impact of the employment policies

- 4.1 The impact of an organisation's employment policies on different equality groups can be assessed in part by looking at the composition of the workforce and recruitment and appointment rates by each group. It is impossible to draw meaningful statistical conclusions of fairness and impact for a workgroup the size of Ofcom in Belfast with only eight current staff. However figures may provide broad indicators of impact. Because of this account has also been taken of available data for the workforce of Ofcom as a whole, as an indicator of the general impact of the organisation-wide policies on different equality groups.
- 4.2 The available data for five of the major equality categories is now analysed. Data is not currently held on individual colleague's marital status, political opinion, sexual orientation nor caring status. These also tend to be the categories where individuals have greatest reluctance in disclosing personal information.

Diversity data for colleagues

Disability

- 4.3 Ofcom has carried out a survey of staff with disability throughout the organisation. It revealed that 23 staff out of 814 stated they had a disability (3%), 751 stated that they did not and 40 did not state if they had a disability or not. (See Table 1)

Table 1: Disability in the workforce

Disability	Admin	Assoc	Sen Assoc	Princip	SMG	Grand Total	%
Not Known	14	17	5	1	3	40	5%
No	87	249	273	96	46	751	92%
Yes	2	10	7	4	0	23	3%
Grand Total	103	276	285	101	49	814	

- 4.4 None of the 8 staff in the Northern Ireland office have stated that they have a disability. It is noted that under 1 in 5 people in Northern Ireland are reckoned to have a disability (18%, NISRA 2007), and thus the composition of colleagues in the Belfast office is not out of line with expectations.

Ethnicity

- 4.5 A review of the ethnicity profile of the overall workforce in Ofcom at July 2008 revealed that 14% identified themselves as coming from the Black & Minority Ethnic community, 66% considered themselves white (white British and other white backgrounds), whilst 20% did not state their ethnicity. (See Table 2)

Table 2: Ethnicity in the workforce

Ethnicity	Admin	Assoc	Sen Assoc	Princip	SMG	Grand Total	%
Not Stated	31	56	49	20	8	164	20%
Black & Minority Ethnic	24	48	30	7	3	112	14%
White	48	172	206	74	38	538	66%
Grand Total	99	284	306	93	47	814	

4.6 None of the staff in the Belfast office stated that they are from a Black and Minority Ethnic group. The 2001 Census figures revealed that the stated Black and Minority Ethnic population in Northern Ireland was as low as 0.9%. Even allowing for under-reporting, and an increasing migrant population in recent years, it is clear that the ethnic profile of the eight colleagues in the Belfast office is not out of line with expectations.

4.7 Ofcom's Race Equality Scheme report on employment monitoring for the entire organisation (July 2007) reveals that the overall number of colleagues from minority ethnic backgrounds exceeds that of the UK population as a whole. However the majority of these colleagues tend to be at the lower level of the organisation. Monitoring of recruitment throughout the organisation also reveals that the proportion of applicants for jobs from minority ethnic backgrounds is higher than the catchment areas for jobs at all levels.

Gender

4.8 An analysis of the gender balance in the overall workforce – as at July 2008 – revealed that 40% of the workforce is female, 60% male. (See Table 3)

Table 3: Gender in the workforce

Gender	Admin	Assoc	Sen Assoc	Princip	SMG	Grand Total	%
Female	77	104	105	26	10	322	40%
Male	26	172	180	75	39	492	60%
Grand Total	103	276	285	101	49	814	

4.9 The workforce composition in the Northern Ireland office revealed a gender balance of 4 females and 4 males. This is in line with what would be expected. It is also noteworthy that two female staff and two male staff are employed at the Managers and Senior Officials Standard Occupational Classification (SOC 1) level.

Table 4 - Number of Northern Ireland applicants by gender

Year ending at	Female Applicants	Male Applicants	Total Applicants
01/01/07	18 (36.7%)	31 (63.3%)	49
01/01/06	14 (33.3%)	28 (66.6%)	42
01/01/05	31 (57.4%)	23 (42.6%)	54

- 4.10 Applications from females over the last three years indicate that in one year they accounted for over a half, and in two years they accounted for about a third of all applications. (See Table 4) In practice the gender profile of a vacancy tended to depend on the nature and the grade of the employment offered, although total numbers were small.
- 4.11 Two females and one male were appointed during the year ending 01/01/05. One female was appointed during the year ending 01/01/06. Two men were appointed in the year ending 01/01/2007. These figures suggest strongly that there are no grounds to believe that in overall terms there is evidence of bias in the applicant rate or appointment rate of men or women to appointments to Ofcom's Belfast office.
- 4.12 Ofcom has recently completed an Equal Pay Review throughout the organisation. The population of the Northern Ireland office is too small to draw meaningful conclusions on this issue, although it should be noted that there are a number of female staff at senior level (see 4.7). On an organisation-wide basis there is a higher proportion of female colleagues at administrator level and in the business support job family, a higher proportion of males in the engineering job family, whilst similar proportions of males and females are employed in the professional regulatory and professional specialist job families. Ofcom's Gender Equality Scheme (applicable to staff in Britain) notes that 'for occupations with a strong gender divide in society as a whole, Ofcom may find that it unintentionally selects from an artificially reduced pool of talent by drawing from one half of the available population and that it is important for Ofcom to look at ways to expand the pool of talent so that everybody's skills are utilised to the full'.
- 4.13 The Equal Pay Audit has concluded that whilst gender does not seem to be a significant factor behind differences in levels of pay for colleagues doing similar roles, there are a number of areas where further organisation-wide work will be undertaken. These include investigating reasons for wide pay ranges for those roles highlighted in the professional specialist and professional and regulatory job families, ensuring that internal relativities are considered when appointing new colleagues so that they are not appointed on salaries which are higher or lower than existing colleagues, and continuing to monitor the gender distribution of overall assessment ratings.

Age

- 4.14 An analysis of the age profile of colleagues in Ofcom by grade – as at July 2008 - revealed that 20% were under 30 years old, 41% were in the age range 31- 40, 23% in the age range 41-50, and 17% in the range 51+. (See Table 5)

Table 5: Age range in the workforce

Age Range	Admin	Assoc	Sen Assoc	Princip	SMG	Grand Total	%
< 30	35	97	30	0	0	162	20%
31-40	28	98	138	55	14	333	41%
41-50	19	46	73	26	20	184	23%
51+	21	35	44	20	15	135	16%
Grand Total	103	276	285	101	49	814	

- 4.15 The staff in the Northern Ireland office fell into the following age ranges: 2 aged under 30, 2 in the age range 31-40, 1 in the age range 41-50, and 3 aged over 50. The age profile in the Northern Ireland office is not unexpected either in relation to the rest of Ofcom's workforce or the working population at large.

Northern Ireland community background

- 4.16 Ofcom makes an annual return to the Equality Commission for Northern Ireland of the perceived community background of its workforce employed in Northern Ireland (having been deemed to be registered under the Fair Employment (Specification of Public Authorities) Order (NI) 2000 as at 01/01/04). There are currently eight colleagues employed in the Belfast office. As at 1 January 2008 the workforce comprised four staff from a Roman Catholic background and four staff from a Protestant background. In the previous two years when workforce monitoring was carried out in Northern Ireland, the workforce comprised 5 Catholic colleagues and 5 Protestant colleagues. These figures closely reflect the profile of the Protestant and Catholic communities in Northern Ireland generally.
- 4.17 The last few years the applicant profile of those seeking employment in Ofcom Northern Ireland by community background was as follows (see Table 6):

Table 6: Number of Northern Ireland applicants by community background

Year ending at	Catholic Applicants	Protestant Applicants	Non-determined	Total Applicants
01/01/07	26 (53.0%)	16 (32.7%)	7 (14.3%)	49
01/01/06	27 (64.3%)	9 (21.4%)	6 (14.3%)	42
01/01/05	21 (38.9%)	28 (51.9%)	5 (9.2%)	54

- 4.18 The applicant profile over the three year period reveals that 51% of applicants were Catholic, 36.6% were Protestant and 12.4% were not determined as coming from either of the two communities. These figures, given the small number of overall applicants, are not surprising and do not suggest significant under-representation by either community.
- 4.19 During the years ending 01/01/05 to 01/01/07 four Catholic and two Protestant colleagues were appointed to Ofcom's Belfast office. These figures, whilst again small, suggest that in general terms Protestants and Catholics in Northern Ireland are

being appointed in line with the proportions that would be broadly expected for vacancies in the Belfast office of Ofcom.

- 4.20 As would be expected an analysis of leavers in recent years has produced very limited evidence. It can be noted however that the small number of leavers included men and women and Protestant and Catholic colleagues.
- 4.21 In conclusion, therefore, the diversity data reviewed in this chapter suggests strongly that Ofcom's recruitment policies are resulting in participation rates for the equality groups identified that would be expected for employment based in Northern Ireland. The proportions in the workforce, and amongst applicants and appointees, are broadly as expected for men and women, and for Catholics and Protestants. Given the small proportion of people from ethnic minorities in Northern Ireland and the relatively small proportion of people with disabilities, coupled with a workforce of only eight staff currently, it is not surprising that these groups are not statistically represented in the workforce. The age range of colleagues in the Northern Ireland office is similarly not unexpected. All of this suggests that Ofcom's employment policies are not having a negative effect on different equality groups in Northern Ireland. Ofcom accepts it has not been possible to measure historical impact for colleagues or potential colleagues of different sexual orientation, political opinion, marital status or caring responsibility. Sexual orientation is now included in the Diversity Monitoring Form (Annex 2) and will be analysed in future. Ofcom will take account of the impact of its policies on the remaining categories, as far as this is reasonably practicable, within the constraints of sensitivity around these factors.

Section 5

The EQIA consultation process and decisions taken as a result

- 5.1 Ofcom consulted on the initial Equality Impact Assessment report of its employment policies in Northern Ireland for a nine week period ending on 26th September 2008.
- 5.2 The consultation report was circulated to all consultees listed in Ofcom's Equality Scheme, a public advertisement was placed in the regional newspapers, and meetings were offered to any who requested them. The consultation report was also placed on Ofcom's website. The consultation report was offered in alternative formats.
- 5.3 By the close of the consultation period five responses were received. As part of the EQIA process all responses are taken into account before a final decision on any changes to policy is made.
- 5.4 The key elements of each response are considered in detail in Annex 1.
- 5.5 Ofcom is undertaking a range of progressive measures on enhancing the diversity of its workforce throughout its area of operation. It has undertaken to progress its monitoring work on the effectiveness of its recruitment and selection processes in delivering a diverse workforce and to progress work resulting from its Equal Pay Review. In all this work it will ensure that the position of colleagues and potential colleagues in its Northern Ireland office is fully incorporated. Ofcom will continue to ensure that its monitoring arrangements meet the specific requirements of the Northern Ireland social and legal context. A new Diversity Monitoring Form has been adopted for use in Northern Ireland (Annex 2).
- 5.6 As a result of this Equality Impact Assessment Ofcom has highlighted a number of areas where the applicability of its employment policies to the protection of all equality groups specified under the Northern Ireland Act 1998, s75, could be more explicitly emphasised. Ofcom will ensure that as opportunities arise to revise the policies, the specific nine groups accorded protection in Northern Ireland will be highlighted. It wishes to emphasise that these groups are explicitly stated in the Recruitment Policy, implicitly addressed in the Dignity at Work policy, and are regarded as protected in all employment policies relating to colleagues in Northern Ireland.
- 5.7 Ofcom fully accepts its responsibilities under the Disability Discrimination Act to make specific reasonable adjustments to meet the individual needs of disabled colleagues and job applicants. A number of specific examples of wording in the Disciplinary and Grievance procedures have been highlighted where this facility could usefully be emphasised eg in allowing appeals to be submitted and in disseminating findings in alternative formats. Again when these policies are being revised these obligations – which Ofcom fully acknowledges – will be made more explicit for colleagues.
- 5.8 The data analysed as part of this impact assessment, including the consultation responses, suggests that different equality groups are not experiencing adverse impact as a result of the operation of Ofcom's employment policies in Northern Ireland. As noted above Ofcom will continue to monitor the impact of these policies to

ensure that it continues to promote equality of opportunity and good relations in this regard.

- 5.9 Ofcom considers that its employment policies do not afford a major opportunity to discharge its obligations to have regard to the desirability of promoting good relations between people of different religious belief, political opinion or racial group in Northern Ireland. The focus of its employment policies, under s75, are primarily to have due regard to the need to promote equality of opportunity across the nine equality strands. However Ofcom notes that its Dignity at Work policy, with its strong commitment to deal with harassment on any grounds, will create a supportive environment for colleagues and visitors which promotes good relations between the Protestant and Catholic communities and the established and newly arriving ethnic minority communities in Northern Ireland.

Section 6

Publication and future monitoring

- 6.1 Ofcom will send a copy of this final report to all those who responded to the consultation and place a copy on the website: - www.ofcom.org.uk
- 6.2 Ofcom will continue to monitor the impact of its employment policies – in Northern Ireland and throughout the UK – to assess if the policies continue to have an effect on the promotion of equality of opportunity and good relations. The results of monitoring will be published in accordance with its obligations.
- 6.3 Ofcom will take account of the results of this impact assessment report in reviewing any proposed changes to employment practices affecting staff or job applicants in Northern Ireland.
- 6.4 Those requiring any further information in relation to this report should contact:

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Telephone: 02890 417500

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Annex 1

Consideration of consultation responses

Review of consultation comments and Ofcom's consideration

Responding organisation	Comments made	Ofcom response
Labour Relations Agency	<ul style="list-style-type: none"> • No comment – offered their services in relation to alternative dispute resolution and mediation • Recommended development of a bullying policy and procedure separate from the harassment policy and procedure 	<p>Noted</p> <p>Ofcom's Dignity at Work policy explicitly incorporates protection against bullying. This approach has worked effectively to date, but Ofcom will keep this suggestion under review as experience develops.</p>
Age Concern (NI)	<ul style="list-style-type: none"> • The Diversity Statement / Statement of Intent should be extended to include all of the grounds prescribed in s75 (preferentially listed alphabetically) • Request you reassess the need for the wording 'future potential' as one of the reasons provided for selection for redundancy – may be discriminatory on the grounds of age 	<p>As noted at 3.2 of the report Ofcom accepts that its diversity policy incorporates all the relevant nine areas applicable in Northern Ireland, and will make this more explicit as organisation-wide opportunities arise.</p> <p>Ofcom accepts the risks associated with the interpretation of the term 'future potential' but affirms that it would not be used in an age discriminatory manner</p>

	<ul style="list-style-type: none"> Reference to the assessment of the small size of disability, ethnic origin and LGBT categories in Ofcom's Belfast office reflecting the low levels of these groups within Northern Ireland may not necessarily be a correct assessment, as there may be other factors why people from these groups do not apply for posts. 	<p>and would be related to other individual factors specified in the policy - including skills, ability, competency and individual performance.</p> <p>Ofcom is committed to ensuring fair access to and support in employment for all minority groups. In terms of statistical analysis, given the recognised small size of these groups in Northern Ireland and a workforce of only eight staff it is not possible to draw meaningful conclusions about participation levels. However organisation-wide analysis is used to more meaningfully assess any evidence of trends in employment patterns for these strands.</p>
<p>Training for Women Network Ltd</p>	<ul style="list-style-type: none"> No specific comment Copy of gender-proofing checklist provided 	<p>Noted</p>
<p>Information Commissioner's Office</p>	<ul style="list-style-type: none"> ICO has taken steps to separate all personal information, including details of the applicants' age, from application forms to promote equality of opportunity Census and other research 	<p>The Diversity Monitoring form (Annex 2) contains a question on age. This form is separated from the candidate's application form and so those involved in the selection process do not see details of the candidate's age.</p> <p>The 2001 Census</p>

	<p>suggests disabilities are more prevalent amongst the population than the consultation document infers at 3.40.</p> <ul style="list-style-type: none"> • Suggests issues relating to equality monitoring arrangements should be included in the corporate risk register 	<p>suggests a disability rate of about 20% in Northern Ireland – more recent NISRA research (2007) suggests a figure of 18%. With a workforce of eight staff it is therefore not statistically surprising that no staff have declared disabilities – but Ofcom notes the presence of a person with a disability from Northern Ireland on one of its Committees. Ofcom however works to ensure that disabled people apply for jobs and are treated fairly with appropriate, specific reasonable adjustments made in the workplace.</p> <p>Currently under review by Secretariat.</p>
<p>Disability Action</p>	<ul style="list-style-type: none"> • Welcomes diversity statement and training on diversity legislation • Offers best practice in recruitment and selection procedures • Welcomes recognition of obligations to make reasonable adjustments in relation to disciplinary, grievance and redundancy procedures – notes that disabled employees and 	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Ofcom accepts the need for individual</p>

	<ul style="list-style-type: none">• Welcomes flexibility of Work Life Balance policies to benefit disabled people	solutions for individual disabled people. Noted
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Annex 2

Diversity Monitoring Form

Vacancy title:	
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Ofcom selects candidates solely on the basis of merit. We are committed to equality of opportunity for all job applicants regardless of ethnicity, gender, sexual orientation, disability, age, caring status, religion and belief, marital status or community background or political opinion in Northern Ireland. All applicants are requested to complete a monitoring form to ensure the effective implementation of our Diversity Policy Statement and monitor whether we are attracting interest from a diverse range of candidates.

This form is confidential and will only be seen by the HR Team. It will not affect your application in any way. Thank you in advance for your co-operation.

Please tick the appropriate box

1. Age

Date of birth / /

2. Disability

Do you consider yourself to have a disability?¹ Yes No

Do you meet the Disability Discrimination Act definition of disability?² Yes No

If you wish, you may indicate the nature of your disability:

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¹Social model of disability

The social model approach states that a person becomes disabled by the physical and social environment, attitudes and barriers to participation, rather than from their impairment or medical condition. A person can self-identify as being disabled and does not need medical certification of their condition.

²Medical model / Legal definition of disability

A person has a disability under the Disability Discrimination Act (1995) if she or he has a physical or mental impairment, which has a substantial and long-term adverse effect on her or his ability to carry out normal day-to-day activities. Long-term means has lasted, or is expected to last, for 12 months. Included in this definition are:

- Physical impairments (including asthma, diabetes, epilepsy, etc)
- Mental impairments (including learning disabilities, clinical depression, Asperger Syndrome, etc)
- Sensory impairments such as hearing impairment or visual impairment (not corrected by glasses or contact lenses)
- Severe facial disfigurement
- Progressive conditions such as cancer, multiple sclerosis, muscular dystrophy or HIV
- People who have had an impairment in the past but have since recovered (such as cancer, mental health issues)

3. Ethnic Origin

Asian

- Bangladeshi
- Indian
- Pakistani
- Any other Asian background

Black

- African
- Caribbean
- Any other black background

Mixed Ethnic Background

- White & Asian
- White & Black African
- White & Black Caribbean
- Any other mixed ethnic background

Chinese or Any Other Ethnic Background

- Chinese
- Any other ethnic background

Irish Traveller

White

4. Gender

 Female Male

5. Sexual orientation

- Bisexual Gay man Other
 Gay woman / lesbian Heterosexual / straight
 Prefer not to say

6. Northern Ireland – religion

For positions in Northern Ireland Ofcom is required to monitor applications by religion or perceived community background.

Please indicate your religion or the religion to which you would be perceived to belong by ticking the appropriate box below:

- I am a member of the Protestant Community
- I am a member of the Roman Catholic Community
- I am a member of neither the Protestant nor the Roman Catholic Community

This information will be treated in the strictest of confidence and protected from misuse, and will not form part of your application. It will be used only for the purpose of monitoring our diversity and employment policy.

Thank you for your co-operation