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## **Traveller Employment and Enterprise Policy Programme**

### **Examples of positive action measures to enhance employment of under-represented groups**

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**METHOD**

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## 1. Introduction

According to Census 2016, there are 10,653 Travellers in the labour force, with an unemployment rate of 80.1%. A Traveller Community National Survey, carried out by Behaviour & Attitudes on behalf of the National Traveller Data Steering Group and Community Foundation for Ireland in 2017<sup>1</sup>, found that 52% of Travellers had experienced an obstacle to accessing employment, and 43% encountered discrimination while accessing employment. These included discrimination because of identity; not meeting required level of skills; having to modify and hide identity when applying, or being known as a Traveller and not gaining employment as a result. A related survey found that only 17% of people in the settled population surveyed said they would employ a Traveller.<sup>2</sup>

In 2021, the St Stephen's Green Trust published [Mincéir Misl'ér a Tom Tober. Travellers in the Mainstream Labour Market: Situation, Experience, and Identity](#) as part of its Traveller Enterprise and Employment Policy Programme, and under its strategic goal to contribute to improving equality outcomes for the Traveller community.

The research identified the need for employers to consider positive action<sup>3</sup> measures as a means of addressing the challenges and barriers facing Travellers in accessing and progressing in employment. However, the research found some reluctance among employers to consider positive action measures targeting Travellers, for fear of perceived discrimination against others, despite the provision made for positive action in Irish and EU legislation.

This report seeks to clarify the legal basis for positive action measures, and to provide case examples of the practice in other jurisdictions. It provides an overview of some of the measures taken to address labour market disadvantage for under-represented groups – focusing on positive action measures in the public sector. It also outlines other initiatives that target under-represented groups outside of the public sector.

The examples are diverse, and the rationale for their inclusion in the study is listed below.

**Table 1.1 Examples of practice/ policy and their relevance**

Example	Relevance
<b>Policy measures and legislation</b>	Examples of policy measures that promote data collection, reporting, monitoring and accountability and may be relevant given that these measures are in their infancy in Ireland.
<b>General tools and practices for supporting targeted employment of minority groups</b>	The types of tools and practices among public sector employers are relevant regardless of the minority ethnic group or other group targeted in initiatives. Travellers comprise of a very small proportion of the overall population in Ireland as well as the UK, and so reliance on measures solely focused on Travellers would not provide much data.
<b>Public campaigns re positive action for minority groups underrepresented in employment</b>	These may provide lessons for how to address unnecessary barriers and obstacles to the recruitment process for minority groups.

<sup>1</sup> [https://exchangehouse.ie/userfiles/file/reports/research/National\\_Traveller\\_Community\\_Survey\\_2017\\_07.pdf](https://exchangehouse.ie/userfiles/file/reports/research/National_Traveller_Community_Survey_2017_07.pdf)

<sup>2</sup> From the simultaneous barometer survey undertaken with the national population on attitudes towards Travellers and other groups.

<sup>3</sup> Positive action is the term used for lawful measures to remedy the under-representation or disadvantage experienced by members of particular groups in the workplace. It does not offer preferential treatment to a candidate on the basis of their being from an under-represented group, and so is very different to positive discrimination, which selects an individual for a position on the basis of their ethnicity, gender, etc. Positive discrimination is unlawful throughout the EU, except in specific circumstances.

## 2. Legislation and policy measures in the UK

### 2.1. Northern Ireland

#### *Fair Employment and Treatment Order*

Northern Ireland has put in place specific measures in relation to addressing inequality and sectarianism in the workplace.

Measures to address problems in equality and sectarianism in Northern Ireland (such as the 1989 Fair Employment (Northern Ireland) Act) did not have a discernible impact on the employment outcomes for Catholics. The Fair Employment and Treatment (Northern Ireland) Order 1998 (FETO SI 3162 (NI 21)) sought to address this by revising the legal framework and provided greater reporting and monitoring obligations on employers. The framework put in place the following:

- Private employers with more than 10 employees and all public sector employers are obliged to register with the Equality Commission for Northern Ireland (ECNI) and to collect data on the religious composition of their workforce (as well as job applicants).
- At least once every 3 years, each employer must review the religious composition of those who are employed and determine whether “members of each community (i.e., Protestant and Catholic) are enjoying fair participation in employment” (Art 55(1)).
- If there is not fair participation of both communities, the employer must determine “the affirmative action (if any) which would be reasonable and appropriate” (Art 55(2)).
- The ECNI can require employers to provide evidence of the reviews that they have conducted. The Commission has the power to direct an employer to take affirmative action and set goals for the employer and timetables for changing the religious composition of the organisation. These directions are legally enforceable.

The positive action measures permitted under the FETO include the following:

- The encouragement of applications for employment or training from people in under-represented groups;
- Targeted training in a particular area or at a particular class of person;
- The amendment of redundancy procedures to help achieve fair participation; and
- The provision of training for non-employees of a particular religious belief, following approval by the ECNI.

Enforcement of the order is undertaken by ECNI. The ERRC (European Roma Rights Centre<sup>4</sup>) has undertaken an assessment of the ECNI, and reports that grant aid has incentivised change, while at the same time, the ECNI has the authority to investigate and impose sanctions on firms that are suspected of non-compliance.<sup>5</sup>

The ECCR assesses the ECNI approach as being very successful and it notes that the ECNI has seldom had to make use of its sanction capabilities.<sup>6</sup> The ECNI also provided supports to new and inexperienced employers with the administration of the fair employment process. The financial assistance to set up the administrative procedures has also been a useful incentive to motivate co-operation from more resistant firms.

FETO has been a significant driver of change, in terms of equality in employment in the Northern Ireland workforce. An evaluation<sup>7</sup> undertaken ten years after FETO found:

<sup>4</sup> The European Roma Rights Centre is a Roma-led, international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Romani people. Based in Brussels, it has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations.

<sup>5</sup> <http://www.errc.org/roma-rights-journal/the-fair-employment-and-treatment-order-feto--northern-ireland> :

<sup>6</sup> Cited by the ECCR <http://www.errc.org/roma-rights-journal/the-fair-employment-and-treatment-order-feto--northern-ireland> :

<sup>7</sup> Cited by the ERRC.

- A substantial improvement in the employment profile of Catholics;
- A considerable increase in the numbers of people working in integrated workplaces, in contrast to continuing segregation in public housing;
- That education, rather than religion, became the main determinant of social mobility;
- That employers indicated that strong legislation has helped change practices, and evidence suggesting that affirmative action agreements have helped to redress workplace under-representation.

FETO as a model is particularly relevant for minority ethnic and discriminated groups, not only because it has proven to be successful at counteracting widespread discrimination in employment, but also because of the strict accountability processes of measuring and monitoring equality in employment – providing a very explicit message that employment discrimination will not be tolerated. Data collection, reporting and impact assessment will be discussed below.

### ***Policing in Northern Ireland***

To redress the substantial underrepresentation of Catholics in policing in Northern Ireland, the Police Service for Northern Ireland (PSNI) is governed by a special legislative arrangement. The Police (Northern Ireland) Act 2000 establishes a “50:50” recruitment scheme. Applicants to the PSNI are first sorted into two pools of qualified persons (i.e., those who have sufficient qualifications to be considered for appointment): Protestant applicants (and any other non-Catholic applicant) and Catholic applicants. For every person appointed from the Protestant pool of applicants, one must also be appointed from the Catholic pool (Section 46(1)).

The above is relevant because it demonstrates how regulations create equality consciousness in workplaces. There is a need to ensure that all aspects of the workplace (from recruitment through the course of employment to dismissal) are monitored and audited and corrective measures are taken when necessary. It requires clear goals and timetables. This is not likely to work with very small populations, who themselves represent a very small proportion of the workforce. For Travellers, it would be very difficult to enforce such a regulation: Travellers represent less than one percent of the population – most employers are small, and a proportionate workplace would need to employ at least 100 staff in order to meet proportionate requirements.

### **3. United Kingdom – Equality Act and the Public Sector duty**

The Equality Act 2010 (‘the Act’) prohibits discrimination based on nine ‘protected characteristics’ (corresponding to the ‘nine grounds’ referred to in Irish legislation): age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

The Act establishes the Public Sector Equality Duty (PSED). Its application is relevant to Ireland because it informed the establishment of the Public Sector Equality and Human Rights Duty in Ireland, and its reporting and implementation is further advanced in the UK compared with Ireland.

#### **3.1. Public Sector Equality Duty**

The public sector equality duty (PSED) came into force in 2011 across England, Wales and Scotland (Northern Ireland has its own legislative provisions). It requires public authorities, when exercising their functions to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages experienced by people which are connected to their protected characteristics
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

### ***How this has been implemented***

There are specific obligations under the Act, which have been put into place with secondary legislation. In England, for example this includes the need to:

- Collect equality information and data across all the protected characteristics and throughout the activities of the organisation (including employment, and those who are affected by decisions). This would include ethnic identifiers.
- Assess the impact on equality of policies and practices which is an important part of complying with the general equality duty, even though the precise methodology is not prescribed.
- Publish equality data (relating to people with protected characteristics who are employees, or who are affected by its policies and practices).
- Prepare and publish equality objectives every four years – these must be specific and measurable

The Equality and Human Rights Commission, which oversees the duty in the UK states that English case law indicates that these equality impact assessments should be done *before* decisions are made, and that a *written record* is useful for demonstrating compliance. It stresses that case law indicates that consideration of equality matters should be an integral part of decision-making, and that the duty must influence the final decision.

### **CASE STUDY –Collecting data and monitoring outcomes**

The UK's National Health Service (NHS) introduced the Workforce Race Equality Standard (WRES) in 2015 to collect data on workplace indicators and report on workplace inequalities between its black and minority ethnic (BAME) and white staff. Annual reports have been produced since the WRES has started, which allow progress to be measured across years. The WRES indicators are:

- Composition of roles occupied by BAME and white staff (across salary levels and seniority)
- Likelihood of white applicants being appointed from shortlisting across all posts compared to BME applicants
- Likelihood of BME staff entering the formal disciplinary process compared to white staff
- Likelihood of BME staff accessing non-mandatory training and CPD compared to white staff
- BAME membership of NHS Trust boards
- Percentage of BAME staff experiencing harassment, bullying or abuse from patients, relatives or the public in the last 12 months compared with white staff
- Percentage of BAME staff believing that trust provides equal opportunities for career progression or promotion
- Percentage of BAME staff personally experiencing discrimination at work from a manager/team leader or other colleagues

The data is compiled across different NHS services, regions and other classifications. According to the [2019 WRES report](#), challenges and inequalities remain. However, some progress has been made: since 2015, the number of BAME very senior managers has increased by 30%. However, staff survey results lag these HR changes, with continuing high levels of reported concerns on key WRES Indicators.

Likewise, the UK's Ministry of Justice (MOJ) collects and monitors staff diversity data in order to check how representative they are (by comparing the workforce against UK demographics), and to examine the success and impact of employment policies and processes, including identifying areas where these appear to be impacting disproportionately on certain groups of staff. Collecting, monitoring and publishing diversity data also supports its ability to show 'due regard' to the Public Sector Equality Duty, a legal requirement under the Equality Act 2010.<sup>8</sup>

### **MOJ Equality objectives**

The MOJ's equality objectives set out how it intends to demonstrate compliance with the aims of the public sector equality duty between (2017 to 2020). Its Diversity & Inclusion (D&I) Strategy details 23 commitments. These are summarised below (regarding an inclusive and diverse workforce).

#### **INCLUSIVE WORKFORCE**

- Use insight to improve our knowledge of diverse groups' experience of the workplace, and take action where we identify challenges
- Put inclusion at the heart of leadership and line manager development
- Embed diversity and inclusion activity and awareness as an integral part of performance management
- Build a cohort of senior 'champions' to spearhead diversity and inclusion initiatives with meaning and action
- Make it easier for employees to record their diversity data and promote the benefits that robust data brings in ensuring a fairer workplace for everyone

#### **DIVERSE WORKFORCE**

- Strengthen the role of diversity in recruitment and selection processes
- Use innovative approaches to ensure diverse representation in the recruitment of new prison officers
- Identify and nurture diverse talent to participate in corporate leadership programmes
- Continue to promote positive action programmes and track progression and success
- Take action where some groups may disproportionately face barriers in performance through better support and fairer processes
- Establish ownership, responsibility and accountability in every 'business group' for building a diverse workforce
- Use external benchmarking and assessment to identify areas of improvement and successes

**Relevance to Traveller employment** - the PSED includes actions where authorities are required to gather data, assess impact of their policies and practices on equality, and to develop plans which demonstrate how they are addressing inequalities. They are required to put in place mechanisms to mainstream and embed equality across employment, service provision and all corporate activities.<sup>9</sup> While we have little detail on specific initiatives undertaken by the above bodies, and none of the above are guarantees of change (unless implemented), they can provide a basis for holding public bodies to account.

## **4. Positive Action in the UK**

The Equality Act 2010 allows the use of positive action measures. As outlined above, positive action is the term used for measures to remedy the under-representation or disadvantage experienced by members of particular groups in the workplace. Positive action does not offer preferential treatment to a candidate on the basis of

<sup>8</sup> The report is provided in pdf and excel spreadsheet – and reports on changes in composition of staff (in terms of protective characteristics) over the years.

<sup>9</sup> Note that the equality duty also applies to procurement by public authorities. They must incorporate social value in their purchase of goods and services.

their being from an under-represented group. In this way it is very different to positive discrimination, which selects an individual for a position on the basis of their ethnicity, gender, etc. Positive discrimination is unlawful in the UK and Ireland, as well as throughout the EU, except in specific circumstances.<sup>10</sup>

Rather, positive action aims to support and encourage under-represented groups to apply for roles or to help them gain skills which will enable them to compete on merit on an equal footing with others, and to overcome disadvantages that they experience by virtue of their 'protected characteristic'. The aim is to widen the pool of suitable applicants to include those who are under-represented. Positive action can be used before, or at any stage of, the recruitment process – from providing development opportunities for potential candidates to setting a strategy for advertising and search.

There is no limit on the sort of action that can be taken, but to be lawful positive action:

- Must not involve preferential treatment at the point of selection (at long-listing, short-listing or appointment stages) unless in the case of the 'tie-break' or 'Section 159' provision<sup>11</sup>
- It must be reasonable to think that the particular group is under-represented or disadvantaged<sup>12</sup>, and
- The action taken must be proportionate (i.e. there needs to be a balance between the need for action on the one hand, and its potential impact on other 'protected characteristics')<sup>13</sup>

While positive action measures can be a tool for employers to meet their equality duty, any use of it is entirely voluntary, and no public authority or employer is compelled to use it (for example, in the way that they are compelled to use similar provisions in Northern Ireland).

### ***Barriers to the use of positive action***

Limited awareness of the legal constraints and other issues may be a barrier to introducing positive action measures. For example, research undertaken in 2010 on practice within the NHS found few positive action provisions which were part of a systematic strategy for improving recruitment from minority ethnic communities. The research found that the arguments for positive action were neither widely understood nor embraced, and the problem was compounded by the fragmented organisational structure of the NHS. The researchers concluded that what is required is an effective national strategy.<sup>14</sup> This may be relevant to Ireland insofar as this research was undertaken when positive action was a relatively new concept in the UK.<sup>15</sup>

### ***Supporting the use of positive action measures***

The role of professional associations, or those with responsibility for establishing standards of good professional practice, may have a role in promoting good practice among their members (for example, the College of Policing, or the Chartered Institute of Library and Information Professionals as outlined below).

<sup>10</sup> For example, with regard to people with disabilities and gender quotas in certain circumstances.

<sup>11</sup> The 'tie-break provision' as outlined in Section 159 of the Act can be used in recruitment or promotion where there are two or more candidates who are equally qualified. In these circumstances, a person from an under-represented group can be selected if doing so is a proportionate way of addressing under-representation or disadvantage. If used at short-listing or long-listing (early) stages of the recruitment process, care should be taken so that sufficient information is known about the candidates' ability to meet the job specification, competence, professional experience and formal qualifications to assess whether they are of equal merit. It is not lawful to adopt artificially low thresholds to allow more candidates into a tie-break position.

<sup>12</sup> Hence the importance of data

<sup>13</sup> What is proportionate should be based on up-to-date information which indicates the scale of under-representation, types of barriers experienced; what other action has been taken to address the under-representation; and the success/ failure of these actions; and whether there are any alternatives.

<sup>14</sup> Iganski, P, Mason, D, Humphreys, A and Watkins, M (2010) Equal opportunities and positive action in the British National Health Service: some lessons from the recruitment of minority ethnic groups to nursing and midwifery. Pages 294-317 | Published online: 07 Dec 2010

<https://www.tandfonline.com/doi/abs/10.1080/01419870020023454>

<sup>15</sup> While January 2020 figures reveals that BAME groups are over-represented as a whole in NHS employment, in 'very senior management' and 'senior' grades, Black and Asian communities and under-represented. See <https://www.ethnicity-facts-figures.service.gov.uk/workforce-and-business/workforce-diversity/nhs-workforce/latest#by-ethnicity-and-type-of-role>

According to the College of Policing in 2014, 'some forces are applying good practice for attracting, recruiting, developing and retaining officers from under-represented groups, but this is not consistent across the whole police service. The underrepresentation of BAME officers and officers who share protected characteristics needs to be addressed in order to provide a consistent and sustainable approach to meet the increasing requirements for a representative police service.'<sup>16</sup>

With regard to policing, in England and Wales, the College of Policing<sup>17</sup> provides guidance on the PSED as well as Positive Action, suggesting the following ways in which it can be introduced in a police environment. These include:

- Targeting specific media (including those that generally attract readers from a particular group) for advertisements
- Stating in advertisements that applicants are particularly welcomed from particular groups
- Providing preferential treatment towards an individual from a particularly under-represented group provided that the individual is as qualified or of equal merit as the other candidate(s), i.e., in a tie-break situation, and that it can be demonstrated that it was reasonable to believe that the group was under-represented in the context, e.g. through data collection.
- Holding open days for potential candidates, while also ensuring that potential candidates receive no guarantee that they will automatically progress through the initial application process.
- A police force should not have a general policy of using the tie-break provision to provide preferential treatment to an under-represented group - the specific case will need to justify the action.
- Additional points could be offered in a recruitment process so as to reward candidates with a particular skill or language or cultural knowledge relevant to the community which they would be serving in (as long as this is proportionate to the need for these skills and the extent of the under-representation).<sup>18</sup>
- Provide training supports (for example, a bursary or loan to complete an accredited Certificate of Knowledge of Policing) if such supports are means by which this would enable them to overcome barriers and disadvantage, or to encourage them to apply for employment (rather than provide a positive discrimination).
- Mentoring, outreach and networking opportunities, internships, training opportunities such as work placements that are exclusively targeted at under-represented groups
- In terms of workplace progression opportunities, 'acting-up' temporary placements that are classed as training, and do not have a financial advantage attached could be lawful as positive action. Similarly, targeted secondments and transfers are acceptable forms of positive action, as long as they are not promotions.
- Providing targeted support for training of employees.

<sup>16</sup> College of Policing (2014) Positive Action - Practical Advice Considerations for the police service and stakeholders on the use of positive action initiatives to promote equality in the police service workplace. P.5

<sup>17</sup> The College of Policing was established in 2012 as the professional body for everyone who works for the police service in England and Wales. The purpose of the College is to provide those working in policing with the skills and knowledge necessary to prevent crime, protect the public, and secure public trust. Its functions relate to knowledge, education and standards.

<sup>18</sup> The guidance note gives an example by way of illustration: more points could be awarded for languages in respect of which there was a particular under-representation of officers speaking that particular language (e.g. a force could decide to award one extra point for candidates speaking Polish (if there were already a number of Polish speaking officers on the force), but say five extra points for Somali speaking officers (if there were relatively few Somali speaking officers and a large Somali speaking community in the force area). P.23

#### 4.1. UK examples of positive action measures

Brief examples provided below are grouped according to their type – some are focused on engagement prior to recruitment, and others are focused on training, and support within employment to address disadvantages to promotion.

Many of the initiatives put in place mentor and other supports (prior to job application stage and beyond), setting targets for recruitment and advancement of BAME candidates, internship or temporary employment initiatives targeting BAME groups. The cases have been drawn from a variety of sources – some give more detail on preparatory actions, such as engagement with groups, through outreach, feedback from prior candidates or those with experience of the recruitment processes (including those who were not successful) or engagement with representative groups in designing initiatives. Where this information is available, it has been provided. They indicate that there are similar approaches used across the public sector in the UK in engaging positive action measures. It is not clear if all are delivered on an ongoing basis, but many of them are repeated programmes, and if not repeated, the obligation to addressing inequalities remains.

##### Staff training

**Table 4.1 Unconscious bias training**

Institution	Actions
<b>Royal Bank of Scotland (RBS)</b>	<p>To help understand the impact of unconscious bias on staff and the bank, in 2014, RBS undertook unconscious bias testing (across the UK and internationally) around disability, sexual orientation, age, ethnicity and gender leadership. Its purpose was to understand how unconscious bias was affecting the organisation and what training it could introduce to help mitigate against it.</p> <p>From the findings, RBS created a tailored training programme with targeted interventions aimed at each level of the organisation. This programme consisted of a workshop for senior leaders, a webinar for those with managerial responsibilities, and scenario-based e-learning for all employees.</p> <p>In 2015, its Executive Committee was dedicated to rolling out unconscious bias training across the bank as part of building the foundation for its inclusion agenda; specifically, to improve its awareness of how biases can influence people to make poor decisions. By 2017, over 40,000 employees had undertaken the training. As a result of the training:</p> <ul style="list-style-type: none"> <li>• 96% of participants would recommend the training to a friend</li> <li>• 97% report that they will 'do their job differently'</li> </ul> <p>Some of the tangible ways they did this included:</p> <ul style="list-style-type: none"> <li>• Revisiting talent and succession plans with a BAME (and gender) focus;</li> <li>• Requiring more diversity on all shortlists (e.g. at least one woman or BAME candidate) and consider more non-traditional candidates for certain roles (e.g. part time, retirees, carers)<sup>19</sup></li> </ul>

<sup>19</sup> This case study was sourced from [The McGregor-Smith Review– Race in the Workplace](#). An independent review by Baroness McGregor-Smith on issues affecting black and minority ethnic (BME) groups in the workplace (2017)

**Recruitment and internships**

Table 4.2 Recruitment and internship schemes	
Institution	Actions
<b>BBC</b>	A Journalism Talent Pool (JTP) was set up to improve the ethnic diversity within the journalism workforce of the BBC. Successful candidates joined the JTP (as interns) for 6 months, during which time they received extra support and training to apply for BBC jobs. Places were advertised in BAME websites and media, databases and networks. All selection panel members had undertaken fair selection training. Consequently, one third of those joining the Journalism Talent Pool were BAME individuals.
<b>Greater Manchester Police (GMP)</b>	<p><i>Operational Peel</i><sup>20</sup> was the name given to their positive action programme, which was devised in order to increase BAME representation of its workforce from 7%. It started with a workshop – invitations were issued to a number of BAME candidates who, to date, had been unsuccessful at various stages of recruitment process and who had become disillusioned with GMP as an organisation. The outcomes from their experiences highlighted to the GMP the need to revise its recruitment process.</p> <p>Recruitment marketing and promotional materials were revised and tested on members of the wider community as well as GMP personnel. The initial stage was to attract people to become Police Community Support Officers (PCSOs) which are civilian employees, as a stage to employment as police officers.</p> <p>A centralised recruitment process with standardised approaches was replaced by what the GMP call a 'community engagement model' involving outreach approaches and meetings between PCSOs with potential candidates in community settings. Expressions of interest were quickly followed up, and unsuccessful candidates were offered a mentor to support them to re-apply within six months.</p> <p>Training was provided prior to the recruitment stage on the work involved with the GMP. The programme as a whole was reviewed to establish how it might apply to other areas of recruitment. Following the programme, the subsequent PCSOs recruitment had a BAME representation of 32% and 40%. The GMP asserted that the programme has also resulted in a more holistic approach to BAME representation, focusing on attraction, progression and retention.</p>
<b>British Telecom</b>	BT implemented a large recruitment campaign for new engineers, and set targets to increase BAME staff from 6% to 15%. Employees mentored potential BAME candidates from inner city areas to ensure they understood the recruitment process. A variety of different media and imagery were used within the advertisements, and recruiting managers worked alongside an agency to ensure that a wider talent pool was available and no individuals were disadvantaged. The outcome of the campaign was a rise in the number of BAME employees from 6% to 12%.
<b>Chartered Institute of Library and Information Professionals</b>	The positive action trainee scheme 'ENCOMPASS' was developed to encourage BAME communities to seek a library and information career. Only 2% of library employees were of BAME origin before the scheme. An employer on the scheme would be required to create a new post, where the trainee spends four days a week working and one day studying for a professional qualification. Vacancies were advertised in local and regional ethnic minority press to attract suitable candidates.

<sup>20</sup> Named in recognition of the founder of the police force in the UK, Robert Peel, and it seeks to replicate his principle of 'the police are the public and the public are the police'.

**Development, leadership and progression**

**Table 4.3 Development and progression practices**

Institution	Actions
<b>Nottingham City Council</b>	<p>Launched a scheme to aid non-managerial BAME staff with career development as a low proportion of ethnic minorities were attending training courses. The programme aimed to help participants develop necessary skills, resources and networks to achieve goals. The programme was promoted at meetings, by email messages, the council’s internal IT communications system and a variety of media outlets. Overall the programme improved peer learning and networking throughout the organisation, eight employees gained new jobs and others achieved management qualifications. The success of the programme was attributed to on-going support from senior management and the link of programme purposes to strategic objectives.</p>
<b>Imperial College, London</b>	<p>The Diverse Leaders Development Programme named “ILead” has run for the past 3 years and was set up to address the under-representation of BAME staff in more senior positions. The programme is open to BAME staff from the Professional Support Services and is accredited by the Institute of Leadership and Management. Key aims are to assess capabilities and strengths for promotion opportunities, identify potential barriers to progression, develop strategies to manage careers and explore strategies for succeeding as a minority in a majority culture. The programme includes 4 modules including a 2 day residential workshop, a half day briefing for participants, a series of coaching sessions and a business critical project.</p> <p>Imperial College also introduced a mentor scheme<sup>21</sup> for BAME academics and researchers aimed at post doctorate to lecturer levels. The programme aimed to promote the exchange of ideas, understanding of formal and informal structures and provide opportunities for development and growth.</p>
<b>National Offender Management Service (NOMS)</b>	<p>The NOMS ‘Accelerate’ programme is a Positive Action Leadership Development Programme which was first established in the mid 2000s. Its aim is to</p> <ul style="list-style-type: none"> <li>– Develop BAME and disabled senior managers so they can attain ‘top tier’ positions</li> <li>– Increase minority group representation and diversity at the highest levels of NOMS</li> <li>– Support, challenge and equip participants with the necessary business and leadership skills required for success and to</li> <li>– Develop a more inclusive, innovative and vibrant organisational culture</li> </ul> <p>Candidates who secure a place on the programme (following an application and selection process) undertake a series of training and development actions over a two year period, including 1-day induction, 5 x 2 day residential modules, ‘Action Learning Set’ meetings, 1-day master classes, 1-to-1 coaching, strategic consultancy projects, a work placement and a final 1-day module where participants present their project outcomes and a review of their learning journey to senior stakeholders before a short ‘graduation’ event.</p> <p>Over 30% of participants (as at 2017) had progressed to senior management posts, and participants reported enhanced skills, confidence and leadership abilities. Participants also developed strong peer networks which sustained beyond the programme, and the programme itself has achieved external recognition.<sup>22</sup></p>

<sup>21</sup> Pilot scheme named B-Mentor. Mentors are academics / researchers from any background at the levels of senior lecturer and above.

<sup>22</sup> In 2014, Accelerate was awarded National Training Journal Awards for Best Public Sector Programme and Best Leadership Programme.

**HM Revenue & Customs'**

Its first positive action (career management) programme, EmbRace, was established in 2014 to support 20 staff from BAME backgrounds at Administrative grades to meet their career aspirations. The Personal Tax operational group comprises approximately 29,000 staff but has the lowest number of BAME staff at first line management grade (Band O) compared to the rest of the organisation. An internal research report also found that BAME staff felt that they were being treated unfairly in terms of consideration for career progression/ developmental opportunities. The Embrace programme seeks to address BAME under-representation and create a workforce that represents the local communities HMRC serves, as well as increase levels of engagement among Personal Tax's BAME employees and build up the trust of HMRC's BAME staff. The objectives of the programme are:

- 1) Address BAME representation and improve promotion (50% of participants have been promoted within 3 years; and 100% expressed greater confidence about their skills)
- 2) Build leadership capability of participants on programme
- 3) Raise awareness of the professional challenges that face BAME staff
- 4) Meet participants' learning objectives and ensure managers benefit from the programme

The EmbRace programme also endeavours to make HMRC workplaces more inclusive. Twenty Senior Civil Servants (SCS) have volunteered to mentor BAME staff on the programme. According to the programme, their involvement provides a different perspective on how participants navigate through the challenges they currently face or may encounter with a view to enhancing their career prospects. It also provides an opportunity for mentors to learn about the cultural challenges facing BAME staff at administration grades. Managers also join the programme with participants and play an active role by participating in quarterly career conversations in which managers and participants work together to create a career plan specific to the needs of the individual. The selection process was a first for HMRC – focus groups suggested that if interviews or presentations were used, BAME staff at administration grades were unlikely to apply. Consequently, a more informal process called "informal discussions" was created that assessed suitability on competence criteria as well as considered passion for the programme and self-awareness. A wide range of competencies were used so that applicants could showcase their full capability and potential. HMRC was conscious that a lot of BAME applicants had been rejected for numerous opportunities in the past. It wanted to retain the goodwill of applicants and subsequently created a one-day intensive development centre/workshop for unsuccessful applicants.

The impact of the programme indicated that after 4 months:

- 15% of participants had already been promoted into higher grades.
- Through participant presentations to colleagues, exposure of the programme had rippled across the department.
- An increase in ambition and confidence was reported by participants
- Enhanced leadership skills was reported and at least 50% of managers and mentors identified evidence of leadership in those that they manage and mentor.
- The HMRC interest to scale up and extend the programme.

## 5. Positive action in Australia for indigenous communities

The Australia Public Service Commission has responsibility for delivering employment and workplace strategies for Aboriginal and Torres Strait Islanders. The 'Commonwealth Aboriginal and Torres Strait Islander Employment Strategy (2015-2018)' included the priority to build indigenous employment within the public sector.<sup>23</sup>

Actions that were developed are guided by the following principles.

**Table 5.1 Principles underpinning the Commonwealth Aboriginal and Torres Strait Islander Employment Strategy**

<b>Accountability</b>	The head of each agency is accountable for improving the representation of Indigenous Australians in their workforce.
<b>Leadership</b>	Public sector leaders are to participate and take action to drive improvements in the employment of Indigenous Australians.
<b>Cultural Capability</b>	The public sector has culturally safe workplaces where Indigenous employees are supported and valued for their contribution and where managers are culturally aware.
<b>Partnership</b>	Between public sector agencies, state and territory governments, non-government organisations and the private sector, to improve Indigenous employment outcomes and share best practice.

An evaluation of the strategy<sup>24</sup> found that while employment levels among indigenous communities had increased in the public sector, promotion pathways and progression were not evident, and there remained unacceptable levels of under-representation at middle and senior management levels. Barriers included: the complexity of recruitment processes; variable levels of support after completion of entry level programmes; issues around retention in the workplace; a 'patchy' understanding among public bodies of Aboriginal and Torres Strait Islander cultures (including a failure to acknowledge the need for change within the dominant public sector culture).

The successor to this strategy is *The Commonwealth Aboriginal and Torres Strait Islander Workforce Strategy 2020–2024*. This focuses on the following strategic areas:

- **Cultural integrity:** improving and embedding understanding of Aboriginal and Torres Strait Islander culture in the workplace to support the development of culturally safe workspaces and services, and creating a more inclusive public sector
- **Career pathways:** diversifying and strengthening pathways into and across the public sector
- **Career development and advancement:** individual career development and advancement plans supported by targeted development initiatives and advancement opportunities.

### 5.1. The Indigenous Australian Government Development Programme<sup>25</sup>

This is an 18 month programme designed to improve employment opportunities and outcomes for Indigenous Australians in the Australian Public Service (APS). Participants undertake a combination of on the job and

<sup>23</sup> It was also part of a response by the Australian Government to the 'Review of Indigenous Training and Employment Programmes' report, by Andrew Forrest, entitled 'The Forrest Review: Creating Parity (2014)'. This initiative has a range of actions and measures to promote indigenous employment in the Australian Public Service (APS).

<sup>24</sup> Inside Policy (2019): *An Evaluation of the Commonwealth Aboriginal and Torres Strait Islander Employment Strategy Final Report*. Prepared on behalf of the Australian Public Service Commission

<sup>25</sup> Indigenous Australian Government Development Programme  
<https://www.ag.gov.au/About/Careers/Pages/Indigenousemploymentprograms.aspx>

formal training resulting in a nationally recognised diploma-level qualification, specialising in human resources, procurement or project management. This is an ongoing programme (the current round started in Sept 2019). Participants are offered:

- Practical work and structured training in administrative type functions<sup>26</sup>
- A nationally-recognised diploma level qualification
- Training and development opportunities
- Flexible working conditions
- Ongoing employment
- Australian Public Service (APS) 3 level salary<sup>27</sup> – this is the entry level for participants

Participants must undertake three programme components including: a diploma-level qualification, full-time work experience and on-the-job-training and access to career relevant learning and development. Mentoring, coaching and peer support form part of the programme. After successfully completing the programme, participants continue to work in a permanent full-time position and may be advanced to a higher classification level.

Participants must provide evidence of their Aboriginal or Torres Strait Islander heritage and meet APS requirements, including security and character clearances.

Participation of public bodies is not mandatory, but 16 departments and agencies in the APS have participated in the scheme.<sup>28</sup>

## 5.2. Australian Government Indigenous Graduate Recruitment Program

A second, graduate programme targets Aboriginal and Torres Strait Islander third level graduates. Participants take part in a 12 month, structured learning and development programme, and participate in work rotations across various areas of the department. Graduates receive extensive support including mentoring, access to learning and development activities and ongoing career opportunities at the end of the programme. After successfully completing the programme, graduates continue to work in a permanent full-time position within the department and may be advanced to a higher classification level.

## 5.3. The Work Exposure in Government Programme (WEX)

This is a programme open for Aboriginal and Torres Strait Islander students and their teachers. It gives second level students hands-on experience and information about job opportunities and career pathways in the Australian Government.

It is delivered by the *National Indigenous Australians Agency*<sup>29</sup> and aims to increase the number of Aboriginal and Torres Strait Islander students completing Year 12 and going on to work in the Australian Public Service and the Australian Parliament.

It is a five day programme (in 2019, it was held in Canberra from Sunday 20 October to Friday 25 October 2019, for 70 students towards the end of second level school).

<sup>26</sup> Typical tasks participants undertake include answering enquiries from the public, records management, data entry, human resources management, communications, project management, contract management, procurement, and other general administrative, clerical, operational or systems support.

<sup>27</sup> In the region of €38,000.

<sup>28</sup> Australian Criminal Intelligence Commission (ACIC); Australian Securities and Investment Commission (ASIC); Bureau of Meteorology (BOM); Department of Agriculture; Department of Communications and the Arts; Department of Defence; Department of Employment, Skills, Small and Family Business; Department of Finance; Department of Foreign Affairs and Trade (DFAT); Department of Health; Department of Infrastructure and Regional Development; Department of Parliamentary Services; Department of Social Services; Department of the Prime Minister and Cabinet (PM&C); National Disability Insurance Agency; The Attorney General's Department

<sup>29</sup> The National Indigenous Australians Agency (NIAA) was established on 1 July 2019. Prior to this the functions of the Agency were delivered by the Department of the Prime Minister and Cabinet (PM&C). The agency works to support the work of the Minister for Indigenous Australians.

Students and accompanying teachers are selected from all states and territories and from a variety of geographical locations, ranging from very remote to urban. All accommodation, transportation and meals are provided at no cost. WEX students are supported by Aboriginal and Torres Strait Islander mentors, in addition to teachers and support staff.

Typical WEX activities include:

- meeting government Ministers and parliamentarians
- visits to the Australian Defence Force Academy and the Australian Federal Police headquarters
- visits to national institutions such as the Australian War Memorial and the Museum of Australian Democracy
- a tour of Parliament House
- a Cultural Evening, celebrating Aboriginal and Torres Strait Islander cultures
- a careers expo where students can learn about jobs in a range of Government agencies.

By the end of WEX, participants should have an understanding of:

- how laws are made and enforced
- a range of opportunities for entry into the Australian Parliament and the Australian Public Service (non-graduate and graduate)
- a range of roles for Australian Government employees (service delivery, policy, defence, enforcement)
- how to apply for Government jobs
- the support available to Aboriginal and Torres Strait Islander employees.

## 6. Social Mobility Employer Index

The [Social Mobility Employer Index](#) is a bench-marking initiative that ranks Britain's employers on the actions they are taking to ensure they are open to accessing and progressing employees from all backgrounds and it showcases good practices.

The aim of the Index is to encourage firms to share their initiatives and progress in becoming more inclusive employers and to reveal which sectors and companies are taking the issue of social mobility most seriously.

The Index launched in 2017 and in 2019, 125 employers from 18 sectors (collectively employing over 1.1 million people) submitted entries to the Index in 2019 (a slight reduction on the previous year). The UK's Ministry of Justice ranks 7 on the list.

All organisations are entitled to remain anonymous, and can receive feedback on their performance without being named. In addition, any organisation finishing outside the top 50 is not published. The Index is free to enter, and each employer receives an individual feedback report highlighting areas where they performed well and where improvements can be made. Annual submissions to the Index will therefore enable employers to make tangible progress towards their social mobility goals.