

Positive Action

Report of the Chief Fire Officer

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1 Purpose of Report

This report is produced to provide an overview of Service activity in relation to Positive Action taster days delivered through August and September 2020.

2 Recommendations

The Strategy and Resources Committee is asked to note the report.

3 Positive Action

Positive action in the workplace is designed to help people belonging to protected groups overcome or minimise disadvantages, meet the particular needs of a protected group, or encourage them into an activity they might be under-represented in or otherwise feel excluded from.

Under sections 158 and 159 of the Equality Act 2010, it is lawful for employers to take positive action to support those who they reasonably believe face disadvantages arising from a protected characteristic. There are 9 protected characteristics, which are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

It is worthy of note that the Service do not utilise Section 159 of the Equality Act 2010 as this relates to the employer treating an applicant with a protected characteristic more favourably in connection with recruitment or promotion than someone without that characteristic who is qualified for the role.

Positive action must not be confused with positive discrimination. Discrimination occurs when a candidate or employee is given preferential treatment because of a protected characteristic or is employed specifically because of a protected characteristic. Whereas with positive action the job is given to the most qualified or equally qualified, i.e. the best candidate, for the role, regardless of whether they have a particular characteristic or not. Shropshire Fire and Rescue Service (SFRS) do not undertake any positive discrimination or work to set “quotas”.

4 Under-represented Groups

To enable Shropshire Fire and Rescue Service to represent the communities we serve, data has been captured to identify which groups are currently under-represented with a particular focus on the Wholetime Operational establishment.

The following groups were identified:

- Black, Asian and Minority Ethnic (BAME) people make up 5% of our workforce
- LGBT+ people make up 0.5% of our workforce
- Women make up 6% of our workforce.

5 Taster days

Taster days have been used within the Service to enable targeted events to be held for under-represented groups, encouraging them to see the role of firefighter as being attractive and accessible. Previously, this activity has been directed towards the BAME community and women. However, this year we have also included LGBT+ within one of our target groups to raise awareness.

The taster session is designed to allow attendees to get an opportunity to learn about the Service. This is achieved through a range of presentations, discussion groups and “hands on” experiences including:

- Service overview
- Fitness standards
- Training and development process
- Recruitment process overview
- Question and answer session with different members of our existing staff.
- Practical session

A total of 12 half day sessions were undertaken, with the first taking place on 28 July 2020 and the last on 5 September 2020

It is worthy of note that numbers for the sessions were limited due the limited amount of equipment available as a result of restrictions currently in place in relation to Covid-19.

6 Communications

Approximately two weeks before the first taster day, a scheduled release of adverts took place via social media channels including Facebook and Twitter. The purpose of the adverts was to encourage individuals from under-represented groups to contact the Service and book a place on one of the sessions.

Whilst the uptake from individuals interested in attending taster days was positive, resulting in most sessions being fully subscribed and reserve lists being created, the adverts also generated a significant number of negative comments regarding the Service approach.

The content of the negative comments ranged from dissatisfaction from members of the public who linked positive action to recruiting from specific groups of people, through to comments that could be viewed as inciting racial hatred. Any communications of this nature were shared with colleagues within West Mercia Police for further investigation.

Further comments from members of the public following the release of the targeted adverts, have been received into Service via phone calls and emails that have been responded to with a standard statement explaining the purpose of positive action as outlined within this report.

One complaint was sent both to the service and to the individual's local MP, which was then escalated to the Home Office. It is worth of note that the Home Office response was understanding and supportive of the Service's endeavours to raise awareness in under-represented groups.

7 Organisational Learning

A full debrief was conducted with all key stakeholders, to capture individuals' thoughts, feelings and views on what went well, what did not go well and what can be done differently in the future. This learning has been used to identify alternative methods of engaging with individuals from under-represented groups

It is apparent that there remains a lack of understanding regarding positive action and peoples' perceptions of how positive action is used. It is fair to say that most of the negative comments were borne out of misunderstanding or lack of knowledge of why positive action is required.

Key learning points from the debrief include:

- A wider view of recruitment, rather than treating different aspects such as positive action and recruitment as single entities. In response to this area of learning, the Service has established a Recruitment Steering Group that will oversee all areas of succession planning and recruitment.
- The creation of a communications strategy and media plan, with pre-prepared press statements to ensure the Service are well prepared to answer queries or comments from members of the public.
- Education material to be considered as part of the media plan leading up to future positive action events. This approach will enhance understanding of positive action.
- Consideration of use of technology to support delivery of positive action sessions. This will enable the Service to reach large groups and manage restrictions posed by Covid-19. This could include virtual sessions with staff.
- A review and update of the Service's website in relation to recruitment.

8 Next steps

A Recruitment Steering Group has been established to ensure all elements of succession planning are considered and co-ordinated. The group will consider all aspects of recruitment including attraction, selection and retention. Positive action will be a standing agenda item for the group to progress.

This approach will ensure that project management methodology can be used to inform and manage future recruitment and will enable the Service to work towards medium term succession planning to ensure Service Delivery.

9 Finance

There are no financial implications arising from this report.

10 Legal Comment

The actions carried out to date and proposals moving forward will support the Fire Authority in meeting its obligations under the Equality Act 2010 (the Act).

The Act requires that everything the Authority does, must have due regard to the need to; eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and person who do not share it.

The positive action provisions under s.147 of the Act can be applied where the Authority reasonably thinks that people who share a protected characteristic either suffer a disadvantage connected to the characteristic, have needs that are different from the needs of persons who do not share it; or have disproportionately low participation within the Service.

In future proposals for recruitment, selection and retention the Authority will need to consider if the proposal for positive action is necessary and appropriate to achieve the aim and also whether the aim could be achieved by any other means less likely to result in less favourable treatment of others.

As set out within this report positive action does not remove the requirement to appoint on merit.

11 Initial Impact Assessment

This report contains merely statements of fact and outlines how the Service will manage attraction, selection, recruitment and retention. An Initial Impact Assessment is not, therefore, required.

12 Equality Impact Assessment

This report is produced for members of the committee to note. There are equality and diversity implications attached to positive action, however no equality or diversity implications arise from this report, therefore an additional equality impact assessment is not required.

13 Appendices

There are no appendices attached to this report.

14 Background Papers

There are no background papers associated with this report.