



HFEA DIVERSITY STRATEGY

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HFEA DIVERSITY STRATEGY

1. Introduction

Equality & Diversity is high on the government agenda and recent changes to the law place general and specific requirements on the HFEA. This paper outlines a strategy for diversity and a set of action plans in relation to race, disability, gender, sexual orientation, religion or beliefs and age.

The HFEA is required to comply with the general duties requirements for race, disability and gender as required under the Race Relations (Amendment) Act 2000, Disability Discrimination Act 2005 and the proposed Gender Equality Act 2007. We are also listed under the Disability Discrimination Act 2005 as required to comply with the specific duties in relation to disability .and DH are recommending to list the HFEA as required to be compliant with specific duties under the RR(A)A, i.e. to also produce a Race Equality Scheme. This change is due to be ratified December 2006.

The specific disability equality duty requires us to develop and publish a Disability Equality Scheme by 4 December 2006. The specific race equality duty will require us to produce a Race Equality Scheme.

The HFEA is also required to comply with the Employment Equality Regulations in relation to Sexual Orientation (2003), Religion and Belief (2003) and Age (2006).

2. Objectives of Our Strategy

The purpose of our diversity strategy is to outline key priorities for the HFEA in promoting equality and diversity in our work over the next two years. Our goal is to ensure that equality and diversity is fully addressed in all of our work and embedded in how we regulate. We also believe our role is to promote diversity in partnership with the ART sector and with all our stakeholders.

Our objectives on diversity are

- to ensure that diversity issues are at the heart of our planning and work and that staff and members are fully aware of diversity issues
- to ensure that in all our functions we address and promote diversity
- to ensure that as an employer we are fully promoting diversity in our workforce and in our employment policies
- to ensure that we involve a wide range of stakeholders in our work on diversity

- to ensure that we are promoting equality and diversity and helping to challenge discrimination in the sector and working with others to promote best practice in diversity.

3. Our Achievements to date

Human Resources

HFEA Employment Policies

The HFEA's policy on equal opportunities states:

'In accordance with its corporate values of integrity, impartiality, fairness and best practice, the HFEA is committed to providing a working environment where a policy of equal opportunity is upheld. All employees or job applicants shall have equality of opportunity for employment, career advancement and remuneration regardless of gender, marital status, race, religion, age, sexual orientation or disability.'

The HFEA also has policies on *Dignity at Work, Recruitment, Flexible Working, Managing absence, Performance management, Discipline* and *Grievance* which specifically promote good practice in the area of equality and diversity. Built into these policies are monitoring and evaluation mechanisms to test how well they work and identify areas for improvement.

In addition to these written policies it is recognised that cohesive action plans must be put in place to actively promote diversity and equality of opportunity.

Promoting a diverse workforce

A staff diversity profile was completed May 06 and compared to the previous year. Key findings were:

Age

59% of the workforce is aged between 20 – 40 (compared to 64% in May 2005). Just over 14% is aged 50+, comparable with a year ago. Managerial level posts are fairly evenly spread across the age groups. There is a higher concentration of younger staff in the lower bands, though not exclusively so, with a notable exception of some band 1 postholders

Religion/Belief

Of those staff who have declared a religion/faith the largest proportion is Christian at 42%. 48% of staff have no religious beliefs or have not stated their religious beliefs. The religion profile is not significantly different from the previous year.

Ethnicity

78% (compared to 82% in May 2005) of all staff consider themselves 'white' and 22% (compared to 18% in May 2005) from other ethnic groups.

There was a more significant shift in the ethnic profile during the year 05/06 with more staff from black and minority ethnic (BME) backgrounds employed to work on the Register projects, including HAP and EDI. Data collated in March 06 showed 63% of staff who considered themselves 'white' and 37% from other ethnic groups. These staff working on these projects were on fixed term contracts.

Ethnic representation at senior and middle management levels in the organisation remains low. There is a slight improvement at band 3 level compared to May 2005.

Disability

The profile of staff who declared they have a disability remains low at 1%.

Gender

In total 70.5% of the workforce is female and 29.5% male. This is similar to May 2005. There are a disproportionately higher proportion of women than men in Bands 1 and 2, but a proportionate mix at Bands 3, 4 and Director level.

In summary, key concerns are under-representation of staff from BME backgrounds at senior levels (particularly Section Heads and SMT) and low numbers of staff who consider they have a disability.

Recruitment Policy and Practice

The Recruitment Policy is currently under review to ensure compliance with the Employment Equality (Age) Regulations. A new competencies framework has been introduced which is aimed to improve recruitment methodology.

A Fair and Rewarding Place to Work

We are in the process of conducting an age audit, with an initial review of remuneration and benefits packages undertaken.

We have introduced a Competency Framework in which positive behaviours, which promote diversity, are understood and rewarded. This is intended to link to performance related pay from 2007.

We have in place an Employee Assistance Programme, *Empathy*; we subscribe to *Familylife Solutions* which provides support for staff with childcare, eldercare and disability care issues; we have introduced

childcare vouchers to maximise tax benefits for staff with childcare costs

We have introduced a Staff Forum to ensure that collective staff views can be heard and influence the decisions we make

Exit interviews are undertaken with all staff who leave and analysed for indications of a range concerns relating to their employment, management practices and reward.

Staff actively promote equality and are confident in their ability to challenge discrimination

Training has been provided on equality and diversity through the following mechanisms:

- E-learning programme on equality and diversity awareness was introduced in 2005, which is mandatory for all staff. The programme is now accessible for Authority members to access through the Internet.
- Diversity law and principles included in Employment Law for Managers course (x 4 delivered in 2006)
- Age awareness sessions for managers run in July and November 2006 to raise awareness of the requirements of the new age regulations.
- Commitment gained to rolling out a cross organisational programme to help embed diversity in the work of the organisation (including Authority Members). A specification has been drawn up and a provider appointed. Work is currently underway to tailor the programme.

Equality and diversity issues are raised at induction and completion of the e-learning package is an expectation for all new staff.

Equal pay for work of equal value

A full pay and grading review was undertaken by external consultants, Inbucon in 2004. Pay was adjusted following job evaluation and market adjustment exercise. It was agreed to review pay levels on a three yearly basis.

A review of the performance development process was undertaken in March 06, specifically to review box markings, which impact on performance related pay.

Additional moderation processes were also introduced into this process in June 2006 to monitor equity of approach to pay awards across different departments. The box marking and pay award was monitored by gender and ethnicity with further analysis on resultant pay levels by gender and ethnicity undertaken in July 06. Box markings were fairly

consistently applied across gender; there was a slight bias towards white staff being awarded the highest box marking.

All staff policies, contracts and terms and conditions are compliant with the law and promote diversity

An analysis of all HR policies and functions has been undertaken as part of the assessment of functions and policies relating to the general duties.

A new Retirement Policy has been written to ensure compliance with new Age legislation.

We have commenced a systematic review of all HR policies to ensure compliance with new regulation and to review where these can be more pro active in promoting aspects of equality and diversity.

HFEA Functions

(i) Inspection

The regulation department have identified their priorities and proposed timetable for implementing their Action Plan specified within the Equality and Diversity Action Plan contained within the 2007/2008 Business Plan.

(ii) Policy

An early version of the Equality Impact screening tool was used to assess proposals included in the Authority's consultation document on egg donation for research and was published with the consultation document. Views on the conclusions reached on the equality screening were invited from respondents. The same approach was taken with the consultation on the 7th edition of the Code of Practice

(iii) Communications

We advertise events on our website and those of other stakeholders (where offered free of charge) so that they are open to all (some smaller meetings are to invited audiences only, e.g. patient group representatives).

Attendees are asked in advance about any special needs at our events, such as signers. All buildings used are accessible. Dietary requirements, including those for religious reasons, are checked in advance and catered for.

Dates for planned events are checked before confirmation, to avoid conflict with religious holidays or festivals.

Our stakeholder database is constantly updated to ensure it represents the wider community beyond those who have a known interest in ART – including representative organisations for different faiths, ethnic groups and those with disabilities.

We have redeveloped the HFEA website and Guide to Infertility, based on user-centred principles. People from a range of ages, genders and ethnicity are represented pictorially and in any case studies used. We are in the process of adding a new case study - that of a single woman - to our website.

The website is AA compliant and we are removing PDFs where possible, which are difficult for people with visual impairments to access.

All patient information is written using Plain English principles to make it as broadly accessible as possible to those for whom English may not be their first language, or those with learning difficulties.

Copies of the HFEA Guide to Infertility have been sent to wide range of counselling and support organisations, women's groups, and organisations representing minority ethnic groups.

Fertility Views is advertised widely on patient message boards that we know to be used by a wide range of patients, including single people and same sex couples. We have raised awareness of Fertility Views through editorial coverage to communities currently under-represented on the panel, including those from minority ethnic groups, single women and same-sex couples.

The October 2006 survey will collect the most up to date data on the diversity of members, including those who have joined after recent recruitment activity. This can inform our future marketing of Fertility Views. The survey is also asking members what they consider the HFEA's role, as a regulator, should be in promoting equality and diversity issues. These findings will be analysed and communicated internally and with clinics, to identify actions that should be taken.

(iv) Information and the Register

Information is collected relating to the ethnic origin of donors.

4. How we developed our strategy

The HFEA works within a fast-changing environment which will impact on its role as a regulator in addressing diversity issues.

Most IVF treatment in the UK is carried out in the private sector and the HFEA largely regulates private sector clinics. NHS clinics will be

working within diversity strategies devised by their own Trusts. Private clinics do not have the same legal obligation placed upon them. Also, because patients at present predominantly pay for their own treatment this means that the patient population in the UK for infertility treatment is not necessarily representative of the UK population as a whole.

HFEA's role as a regulator in this field is heavily shaped by the 1990 HFE Act which governs how centres offering assisted conception are regulated and how the law operates for patients. The Government is reviewing that Act and it is expected there will be new legislation forthcoming from this review which will need to embrace issues of diversity.

The HFEA also has to work within the European Union Tissue and Cell Directive (EUTCD) which prescribes standards in clinics and also covers issues such as the use of and procurement of gametes, as well as donation.

Finally, it is the Government's intention to create a new organisation – the Regulatory Authority for Tissue and Embryos (RATE) which will deliver the functions currently carried out by the HFEA and the Human Tissue Authority. The strategy will therefore apply to the HFEA until the new organization is created.

5. HFEA Diversity Working Group

A working group was convened in May 2006, chaired by the Director of Policy and Communications, with representatives from Regulation, Policy, Communications, Information and Human Resources.

A project plan has been developed which identifies priorities for action, clearly states what the improved outcomes will be, is proportionate and meets our legal requirements.

The working group focused on undertaking a detailed assessment of the HFEA's core functions and policies and how these relate to the general duties. Specifically the analysis looked at:

- Which aspects of the duties does the function or policy relate to (if any)?
- What evidence or reason do we have to believe different groups could be differentially affected?
- Which specific groups might be affected and how?
- What evidence do we have? What further evidence do we need to get?
- Is there any public or staff concern that functions or policies may be operating in a discriminatory manner?

From this analysis we:

- Reviewed what actions are already underway, current milestones and means of evaluating progress
- Identified what goals or outcomes we are looking to achieve through the Diversity Strategy and Action Plan, including any targets.
- Identified what further actions we wish to take, timescales to meet these goals and means of monitoring and evaluation
- Identified who will be responsible for leading on delivering aspects of the action plan

To help inform our understanding and analysis we have recognised the importance of gathering information and feedback from a wide range of sources and have therefore spoken or had contact with staff across the entire organization.

We have made extensive use of literature available from the Disability Rights Commission, Equal Opportunities Commission; Commission for Race Equality, Department for Trade and Industry, Department of Health, other Regulators and other bodies who demonstrate exemplary practice in equalities and diversity.

We have commenced discussing our priorities and actions with the Human Tissue Authority (HTA) to look at joint approaches.

6. Implementing the strategy: key activities

Ensuring that Diversity is embedded in our planning and work

Our goals are to ensure that:

1. Diversity issues are addressed in our business planning
2. Diversity forms a key part of our policy making
3. Diversity is addressed in our operational processes and that we measure how we are addressing diversity issues
4. We provide a clear vision for staff on diversity and exercise strong leadership in the sector

Business Planning Process

This diversity strategy will be integrated with the annual Business Plan. The strategy sets out our high level approach to addressing diversity but the objectives and actions will form part of the Business Plan.

Developing our Policies

All policies will be assessed to ensure that they do not have an adverse impact on particular groups of patients, e.g. by unfairly limiting access to treatment. An Equality Impact Assessment (EIA) tool is being developed which will become a core part of the policy development

process. This will include an initial screening of all policy proposals at an early stage and the development of a more detailed Equality Impact Assessment (EIA) if the initial screening indicates that a policy may have an adverse impact on one or more groups of service users. This would be agreed by the Authority and published when policies are issued for consultation and finalised, in the same way as the Authority currently publishes regulatory impact assessments.

The EIA tool will also be used when existing policies are being monitored and evaluated. This might be used to trigger urgent remedial action or prioritise review of a policy.

Operational processes and monitoring and evaluation

All staff and members will have a responsibility for ensuring their work takes into account diversity and the needs of specific groups. It is important that we 'mainstream' diversity work

We have set up an Equalities and Diversity Implementation Group chaired by an HFEA Director and composed of staff from different directorates to review the implementation of the diversity strategy. This group will report to the SMT.

The Business Plan will set actions and targets for each of the functions with respect to diversity. Progress on implementing actions will be carried out through the normal business planning process with advice from the Equalities and Diversity Implementation Group (By end March 2008)

All major strategies and projects at their planning stage will include an Equalities and Diversity Impact Assessment following the tool being used for Policy.

The Authority through our Organisation and Finance Committee will receive twice yearly reports on the implementation of the strategy and monitor outputs and, if necessary, suggest new targets.

An Annual Report on our progress towards meeting diversity will be published on our website and communicated to stakeholders in May 2008

Leadership and Management

It is important that we provide clear leadership on promoting diversity within the HFEA and within the sector in order to put diversity on the agenda from the top of the organization.

The Senior Management Team will ensure and regularly review that the HFEA is equipped with the necessary capacity and skills to meet the goals of diversity

All staff, as well as OFC and Board Chairs will receive diversity awareness training from June 2007 onwards.

The Authority will exert leadership by promoting diversity to the sector and ensuring best practice is followed, working with partners in the field and donor organisations.

7. Delivering our functions so they promote diversity

Inspection

Regulation aims to deliver our functions so they promote diversity by: ensuring where possible, that the principles of equality and diversity are upheld within regulated centres by promoting equality of access to the regulated service and to ensure centres do not discriminate against patients, either directly or indirectly on grounds of marital status, race, religion, gender, age, sexual orientation or disability.

We will require that Persons Responsible report to the Regulation Department as part of their Self Assessment process on how they meet equality and diversity requirements. Inspectors should follow this through as part of the inspection process and report to Licence Committee their findings. As part of their application under the HFEA Act, Persons Responsible will receive training in equality and diversity and how it impacts on the provision of assisted conception services.

We will ensure that PRs and staff in clinics are notified of the new requirements around equality and diversity and will introduce an amended Self-Assessment questionnaire and Pre-Inspection questionnaire to enable assessment of the understanding of the Person Responsible of issues related to equality and diversity.

We will evaluate complaints to see whether there is an equality and diversity aspect to them and report to the Authority accordingly

Non-compliance with current diversity legislation will be taken into account when assessing applications and reports. A key action plan will be to clarify what sanctions may be taken by Licence Committee for non-compliance with equality and diversity legislation or good practice guidance in the Code of Practice.

We also intend to amend the Patient Questionnaire to ensure that the views of all groups of patients are met.

Policy

Policy aims to ensure that diversity is fully embedded in the HFEA's policy making, monitoring and evaluation processes with a revised methodology for policy-making.

A clear statement of the Authority's adherence to the principles of equity and non-discrimination underlying diversity will be added to the guiding principles in the introduction to the Code of Practice to be published in April 2007.

As part of the Code of Practice review, an equality audit will be undertaken to identify and address any requirements which may have an impact on equality of access or equity in provision of treatment

An Equality Impact screening tool will be developed during 2006/07 and used in the course of policy projects (from conception through to evaluation) to identify need for a detailed EIA) and/or corrective action. EIAs, where produced, will form part of the policy consultation process. A statement regarding the 'diversity impact' of new policies may also be published when agreed measures are communicated. Equality Impact screening tool will be brought into use as soon as it has been developed. The prioritisation of policies for evaluation or review will be partly determined by consideration of diversity issues, including the use of the Equality Impact screening tool.

A strategy on the communication of policy will be developed to ensure that, as far as possible, policy consultations reach all groups that may be affected by the proposal. Similarly, the Authority's methodology for the evaluation of policies will be reviewed to ensure that, as far as possible, we capture input from diverse user groups, in particular any that have been identified as experiencing particular impact.

The Authority will work with the Department of Health to identify and address sections of the current Act and the proposed Bill which may have an impact on equality of access or equity in provision of treatment.

Communications

Communication aims to ensure that HFEA and its activities are communicated widely to a range of stakeholders and different audiences; to promote and communicate the HFEA's commitment to equality and diversity both internally and externally; and to ensure that our communications and communication channels are fully effective in taking into account diversity issues.

HFEA will develop and implement a media relations strategy to promote HFEA and its functions using as broad a range of media as possible. We plan to advertise events on websites and in publications that reach a more diverse audience. We will also create a range of events which are open to stakeholders and any interested members of the wider public to learn more about the HFEA's role, what is happening in the ART sector, and to exchange views and ideas.

We are committed to continuing to develop the stakeholder database to ensure it reflects our diverse audiences and their representatives

From 2007 onwards, we will produce information for UK patients and those considering IVF treatment at an HFEA-licensed clinic which addresses diversity issues. This information will be primarily available via the HFEA website. Our website will also offer more case studies from spring 2007, including a same-sex couple or single lesbian patient and a patient with a disability.

We will carry out a review on the issue of providing information in, or access to, languages other than English through translation or production of new materials into large print, Braille or audio by spring 2007.

Our online patients' panel Fertility Views already provides us with invaluable opinion and insight into the issues facing those undergoing fertility treatment and how we are viewed as a regulator. We will consult with our panel on diversity issues to help frame our future actions, priorities and consultations. We will also analyse the online panel membership to identify gaps in representation which will help to inform our future recruitment priorities.

Clinic staff will receive information on diversity issues through the quarterly HFEA Update and through our monthly centre mailings.

Information and the Register

Register aims to ensure that diversity information relating to treatment and donations is captured by the HFEA and recorded in the Register. The possibility of interaction between HFEA Register and other public sector databases to be reviewed following review of HFE Act.

8. Developing the HFEA's employment policies and practices to promote diversity

Our goals are:

1. To promote a diverse workforce, ensuring representation of different groups across all directorates and at all levels within the organisation
2. That staff of all backgrounds experience the organisation as a fair and rewarding place to work and want to stay
3. That staff actively promote equality and good relations in their work and are confident in their ability to challenge discrimination
4. That staff receive fair and equal pay for work of equal value
5. That all staff policies, contracts and terms and conditions are compliant with the law and promote diversity.

Recruitment policy and practice

We will review our recruitment sources in order to attract more candidates with disabilities and to encourage applications from a more diverse cross section of the population at all levels. To this end, we will undertake systematic monitoring of recruitment by reviewing receipt of equalities data from agencies where CVs have been submitted.

We are aiming for ✓✓ Positive about Disabled People status by summer 2007 and are identifying ways to attract more Black Minority Ethnic candidates at senior levels (through both external recruitment or internal promotion). We will review all job descriptions and person specifications for age related language or criteria.

A fair and rewarding place to work

We will undertake a complete Age Audit, including recommendations for changes to long service leave.

Through our Staff Survey, we will review staff perceptions and concerns and evaluate improvements on previous years and areas for further development.

Staff actively promote equality and are confident in their ability to challenge discrimination

We will develop a tailored training programme for staff – to develop diversity awareness and confidence through external trainers. The standards, expectations and responsibilities of the Equality Scheme and Action Plan will be made known to new staff during the Induction process.

Equal pay for work of equal value

We seek to develop more robust mechanisms for evaluating any potential causes of bias and to further develop the robustness of the moderation process. Pay will be awarded, either at recruitment or through PDP process, on clear, consistent and transparent methodology which is well documented.

We will also link the competencies framework to Performance Related Pay. A clear framework for assessing the impact of competencies in effective performance will be in place from April 2007.

All staff policies, contracts and terms and conditions are compliant with the law and promote diversity

We will complete the review of all staff policies for discriminatory aspects including age-related language or criteria.

In partnership with HTA, develop Change Management /Redeployment Policy in anticipation of the transfer to RATE.

We will update the Maternity and Parental Leave Policy to take into account the new Maternity and Parental Leave Regulations 2006, as well as the Working Families Bill. An agreed policy will be implemented by April 2007.

We require a commitment to E&D standards agreed by all agencies or contractors with whom we do business.

Recruitment, promotion, pay awards, training opportunities, exit interviews and disciplinaries, grievances and harassment claims will be monitored to identify areas of concern and take remedial action or to confirm that policies and systems are effective. Annual reporting to the HFEA Authority will take place in May 2007 and May 2008.

9. Involving others in our work

As part of the discussion and analysis in developing the HFEA Diversity strategy and action plan we have commenced discussions with a range of external people - public and stakeholders - whose views we value. It is our aim that we continue this dialogue and broaden it as widely as is reasonable to inform our ongoing actions, monitor the progress we make and help evaluate this against our outcomes.

To achieve this we will continue to discuss with and ask for feedback from:

- Licensed Centres Panel
- Fertility Views
- Infertility Network UK
- Staff Forum
- Programme Boards
- Other organisations

By March 2007, the design of patient questionnaires which feed into each inspection process will be reviewed to enable more detailed information about areas for improvement at each regulated centre .

We will seek to widen the representation on our online patients' panel Fertility Views to ensure that the views of all communities are listened to and we will be proactive in making contacts with a wider range of media targeted at minority audiences, including publicity of the Guide and awareness of our work. Equally, we aim to forge links with a wider variety of stakeholders to ensure that we are incorporating different views on our work in this area

We will share information and practice with other Regulators where there is crossover.

10. Encouraging others in promoting diversity

The general and specific duties for race, disability and gender are applicable for all the public (NHS) authorities we regulate, but not the private bodies. Other discrimination legislation applies to all.

It is HFEA policy that our inspection process is proportionate and consistent across the Fertility sector, regardless of its public or private status.

We have been reviewing the HFEA *Code of Practice*, which provides guidance on expected standards for all our clinics and aim to promote principles of good practice in equality and diversity through this.

Non compliance with the *Code of Practice* will be subject to review of the continuation or renewal of licenses to practice through our License Committees. We will be exercising clear leadership in promoting diversity within the sector (see 4A)

HFEA will ensure diversity awareness is embedded into the Persons Responsible competence checks and support mechanisms and we will actively promote the business case for implementing diversity principles and practice through our communication with the sector. We encourage the sharing of good practice between public and private clinics.

11. Evaluating the Strategy

We will monitor the implementation and effect of the strategy as part of the Business Planning process. Section **6: Implementing the Strategy: key activities** outlines the formal review process and the role of the Equalities and Diversity Implementation Group. Core to our evaluation will be the feedback from clinics, patients, service users and a wide range of stakeholders.