


## REPORT TO EMERGENCY COMMITTEE

11 November 2020

<b>Subject:</b>	<b>Sandwell Equalities Commission and Diversity and Inclusion Action Plan</b>
<b>Director:</b>	<b>Surjit Tour Director of Law and Governance &amp; Monitoring Officer</b>
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	<b>Jaspal Sehra</b>

### DECISION RECOMMENDATIONS

That the Committee:

1. Approve the formation of the Sandwell Equalities Commission and its Terms of Reference as set out in Appendix 1.
2. Approve the Diversity and Inclusion Action Plan as set out in Appendix 2 that will support the work of the Sandwell Equalities Commission.
3. Acknowledges the considerable work that has already been undertaken to date, that highlights the council's commitment to advancing equalities.

## 1 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to agree the council's approach to tackling inequalities and discrimination across the council and the wider region through establishing the Sandwell Equalities Commission, and the Diversity and Inclusion Action Plan to ensure the impact is significant and long lasting.
- 1.2 **Appendix 1** set out the Terms of Reference for the Sandwell Equalities Commission and **Appendix 2** sets out the and Workforce Diversity and Inclusion governance structure and action plan.

## 2 BACKGROUND AND MAIN CONSIDERATION

- 2.1 Equality, Diversity and Inclusion continues to remain a key priority for the council and this has been made even more evident by the Me Too challenge and Black Lives Matter movement that demonstrated some of the inequality in our society. These issues have been further exacerbated and laid bare by the pandemic, starkly highlighting the socioeconomic crisis as well as the injustice and discrimination that persists today.
- 2.2 As a council we have a duty to respond to these challenges by accelerating our efforts to mainstreaming equality, diversity and inclusion in all our council-based activities and collaborating with our partners to ensure that the whole Borough is championing these values. Thereby, the authority can become a beacon of best practice, and positive change.
- 2.3 Simply meeting our Public-Sector Equality Duty alone is insufficient to address the issues our communities are facing today. Therefore, it is imperative that the council go beyond our immediate statutory obligations in order to identify and dismantle the structures that discriminate against or limit opportunities for too many of our residents because of their race, disability, age, religion, sex, sexual orientation – or concerns associated with intersectionality.

- 2.4 These issues hold particular gravitas because over the past two decades Sandwell has become more ethnically diverse, with a rich cultural and religious heritage. This is evidenced by the 2011 Census, which estimates 34.2% of residents living in Sandwell are from a Black, Asian and Minority Ethnic (BAME) background. This is an increase of 12.2% from the 2001 Census. Furthermore, approximately 43.7% (2011 Census) of children aged 0-5 are also from a BAME background, which is substantially greater than the national average.
- 2.5 This report therefore proposes that the Sandwell Equalities Commission is established as catalyst to drive forward the council's equalities agenda. The Commission will promote equality and challenge discrimination in all its forms. To achieve this, it aims to break down barriers prohibiting an inclusive society, tackle unfairness caused by inequality and encourage community cohesion through increased understanding and awareness. For this reason, the scope of this project is extensive and far reaching.
- 2.6 The council has also devised a Diversity and Inclusion Action Plan, which aims to address inequalities that may exist within the workforce, whereby the primary objective is to ensure our employees mirror the citizens and communities they serve. The delivery of the Action Plan will be overseen by the Equalities Commission.
- 2.7 From a workforce perspective, it is important that the council is an inclusive employer with a diverse workforce that reflects all the communities living in Sandwell. This will help bring a wealth of perspectives and ideas to ensure we are a high performing council. It is recognised that when people from diverse backgrounds are involved in creating the public services we all rely on, we will get better services that work for everyone.
- 2.8 When we compare our workforce composition (broken down by the protected characteristics we collect data on) against Sandwell's Economically Active Population - aged 16 and over (ONS - Annual Population Survey, 2019), the data shows that while we have a diverse workforce we still do not reflect the Borough we serve especially at senior management level. Chart 1 below shows the variance between these figures.

## Chart 1

Protected Characteristics	Overall Workforce Composition (April - 2020)	Senior Management (defined as J grade and above)	Sandwell's Economically Active Population (2019)
BAME	23.7%	7.4%	37.4%
Disability	4.5%	0%	14.5%
Gender	M 41.3% F 58.3%	F 51.9% M48.1%	M 45.0% F55.0%

- 2.9 Apart from gender, the council is significantly underrepresented across the other 2 protected characteristics we collect monitoring data on. Although, it must be stressed that the low percentages figures for disabled employees could be partly attributable to employees not declaring their disability.
- 2.10 Along with the global issues, the regional and workforce figures show why it is important to the council as one of the largest employers in the region to lead by example. Only then can we have an open, fair and inclusive Borough that embraces and celebrates Sandwell's rich and diverse communities, where everyone is treated fairly and given opportunities to make the most of their talents. This can be achieved through our policies and programmes that improve residents and families' social and economic circumstances and remove discriminatory practices.
- 2.11 The council has already undertaken a considerable amount of work to get to a stage where it can launch the Sandwell Equalities Commission and devise the Diversity and Inclusion Action Plan – both of which will be key to making a real difference to our region and workforce.

### Considerations

- 2.12 The renewed approach outlined in this report to addressing inequalities will ensure the council's ongoing commitment to reducing inequalities underpins everything it does and is embedded in its plans and strategies, along with how it will engage with partners and residents across the Borough.
- 2.13 The Commission and Action Plan will help ensure the council continues to meet its legal obligations and become a beacon of best practice on issues of equality and diversity.
- 2.14 The council must also be bold and open to having 'uncomfortable conversations' to understand the underlying causes of persistent inequality.

### **3 THE CURRENT POSITION**

3.1 Sandwell Council is committed to driving improvement with regards to the equalities agenda which is underpinned by the Equality Act 2010 ("the Act"). Under section 149 of the Act - 'the Public Sector Equality Duty', public bodies like the council need to have 'due regard' in everything they do to:

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

The council's ambition is to not only meet these obligations but exceed them through the work that will be carried out by the Equalities Commission and inter alia the delivery of the Diversity and Inclusion Action Plan.

#### **Sandwell Equalities Commission**

3.2 The terms of reference have been drafted for the Commission to highlight the scope, which is intended to be as wide-reaching as possible to ensure its contribution and impact is as significant as it can be. The Commission's work will form the cornerstone of equalities and diversity standards and best practice to which the council's services, policies, procedures and work will strive to adhere to. The programme has 8 key objectives to meet this vision:

1. To promote, embed and protect the rights of Sandwell residents to fairness, dignity and respect along with encouraging community cohesion across the Borough.
2. To challenge ignorance and intolerances in relation to all protected characteristics by being a leading voice that promotes and celebrates the multi-cultural heritage of the Borough and the diverse nature of the population.
3. To understand, Involve and enable our diverse communities to play an active role in civic society and put the citizens' voice at the heart of decision-making.

4. To review and recommend changes (as necessary) to council policies, procedures, and practices to ensure the authority complies with its legal obligations and its workforce reflects the diversity of the people and communities it serves.
5. To champion and further embed equality in education (including career development) and employment for all residents of Sandwell regardless of race, disability, gender, religion or belief, sex, sexual orientation, age, marriage and civil partnership, pregnancy, and maternity.
6. To work with partners, the business community, voluntary/faith sectors, and other stakeholders to challenge harmful prejudices, stereotypes and biases that undermine equal opportunity.
7. To engage and work regionally, with councils and other stakeholders, national bodies, and Government to help ensure inequality concerns and issues in Sandwell are heard, understood, and addressed (including the encouragement and fostering of excellent relations with policy and decision-makers).
8. To monitor analyse and evaluate relevant data and benchmark information to inform and drive new initiatives to meet the Commission's strategic objectives.

3.3 Public authorities are legally required to set at least one equality objective every four years to help focus attention on priority areas. The Commission is proposing eight objectives to help drive equality and inclusion across all areas of the council's work, as well as demonstrating compliance with the Public-Sector Equality Duty.

### **Governance Arrangements**

3.4 The Commission will remain in place for two years and report to the Leader of the Council and Chief Executive. The key role of the Commission will be to work with internal council departments, trade unions and external organisations to help achieve the 8 equality objectives (see Appendix 1 for Sandwell Equalities Commission Terms of Reference).

3.5 The Commission's membership will consist of five Sandwell Elected Members from a diverse range of backgrounds (who shall not be members of the Executive). This will be determined by the Leader of the Council (or Deputy Leader) and appointees will remain on the

Board whilst the Commission remains in place. The Leader of the Council will appoint the Chairperson and Vice-Chairperson from amongst the membership of the Board.

- 3.6 The Commission will have the authority to invite any individual or organisation from inside or outside the council to attend meetings of the Board as it deems necessary to best inform and progress its work. It will also be able to seek relevant information held by the council in order to progress its work, subject to legislative requirements, restrictions/limitations that are applicable.

### **Diversity and Inclusion Action Plan**

- 3.7 The action plan provides a road map to help embed diversity and inclusion across our workforce. It has been developed based on feedback provided by employees across the council along with gaps identified in the workforce diversity data as well as best practice put forward by other public-sector organisations. While the plan aligns closely to a number of the Commissions eight equality objectives, it directly impacts on objectives 4 and 8, which looks at developing a workforce that mirrors our communities and improving how we monitor data.

### **Governance Arrangements**

- 3.8 Critical to implementing the Diversity and Inclusion action plan is a robust governance framework to help monitor and review the objectives and actions in the document. The framework, will include roles and responsibilities for Staff Forums, Trade Unions, the Corporate Delivery Team and Steering Group who will report directly into the Commission (See Appendix 2 to see Governance Framework and Action Plan).

## **4 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 4.1 The Deputy Leader has been consulted on the Terms of Reference for the Equalities Commission, along with the Leadership Team.

- 4.2 The Diversity and Inclusion Plan was developed in conjunction and consulted on with staff groups. The Cabinet Member for Equalities and Community Engagement, the Cabinet Member for Transport and the Leadership Team have also been consulted on the Plan.

## **5 ALTERNATIVE OPTIONS**

- 5.1 The alternative option would be to do nothing, which would mean the council could fall foul of its equality duties, especially in the context of recent events such as the Me Too initiative and Black Lives Matter movement.

## **6 STRATEGIC RESOURCE IMPLICATIONS**

- 6.1 There are no specific strategic resource implications, both programmes will be managed with existing budgets.

## **7 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 7.1 Section 149 of the Equality Act 2010 enacts a single general public-sector equality duty (PSED) which applies to public authorities exercising public functions. The duty on public authorities to have "due regard" to the PSED in *section 149(1)* of the Equality Act 2010 is more than simply a requirement to have general regard. Real thought must be given to the PSED and its requirements.
- 7.2 Equality Act 2010 (Specific Duties), Regulations 2011 state the council must prepare and publish at least one equality objective once every four years.
- 7.3 Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 impose a duty on specified public authorities with at least 250 employees to publish gender pay gap information relating to employees, in order to demonstrate compliance with the PSED.
- 7.4 Any information shared with the Commission will need to be consistent and compliant with council policies, procedures, relevant legislation such as the Data Protection Act 2018, General Data Protection Regulation, Freedom of Information Act 2000 and other associated legislation.



## **8 EQUALITY IMPACT ASSESSMENT**

- 8.1 We have undertaken a screening exercise, and this has demonstrated a full Equality Impact Assessment (EIA) is not required because the proposals in the report will have a positive impact on people with protected characteristics across the workforce and the Borough. This will support the council meeting its PSED. Any actions undertaken will include a EIA as necessary to ensure all relevant considerations are taken into account.
- 8.2 The Commission is not a decision-making body but any recommendations will be informed by EIAs as deemed necessary.

## **9 DATA PROTECTION IMPACT ASSESSMENT**

- 9.1 The Commission will have access to certain data and information held by the council considered necessary to undertake its role and functions. However, the disclosure and use of such data and information will be consistent with and compliant with council policies and procedures, the Data Protection Act 2018, General Data Protection Regulation, Freedom of Information Act 2000, related regulations and other relevant legislation.

## **10 CRIME AND DISORDER AND RISK ASSESSMENT**

- 10.1 There are no specific crime and disorder implications arising from the contents of this report.

## **11 SUSTAINABILITY OF PROPOSALS**

- 11.1 There are no specific sustainability proposals arising from the contents of this report.

## **12 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

- 12.1 It is hoped the recommendations made in this report will have a positive impact on the Health and Wellbeing of the council's workforce and the residents living across Sandwell.

## **13 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

- 13.1 There is no impact on council managed property or land arising from the contents of this report.

## **14 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 14.1 Our renewed approach sets out the key areas where the council is best placed to influence major change, both in its role as a major employer and as the democratically accountable, civic leadership body for the whole Borough.
- 14.2 However, the council is clear that if it wants real change, tackling inequality must be everyone's priority. The proposals outlined in this report will not only support this endeavour by tackling inequality across the workforce and the communities we serve, but also celebrate and promote the rich and diverse backgrounds and cultures of its employees and residents across all six towns.

## **15 BACKGROUND PAPERS**

- 15.1 No background papers.

## **16 APPENDICES:**

Appendix 1 - Sandwell Equalities Commission - Terms of Reference

Appendix 2 - Governance Structure and Workforce Diversity and Inclusion action plan