

Report to Budget and Corporate Scrutiny Management Board

14 September 2022

Subject:	Equality, Diversity and Inclusion Policy 2022 - Update
Director:	Surjit Tour, Director - Law and Governance and Monitoring Officer
Contact Officer:	EDI Manager, Koser Shaheen Koser_Shaheen@sandwell.gov.uk

1 Recommendations

- 1.1 That the Board considers and comments upon the draft Equality, Diversity and Inclusion Policy 2022 as set out in Appendix 1.
- 1.2 That the Board notes the proposal to utilise the Local Government Association Equality Framework (Appendix 2) to develop the council's Equality, Diversity and Inclusion strategy.

2 Reasons for Recommendations


- 2.1 The council must comply with its legal duties and obligations arising under the Equality Act 2010. Obligations require the council to set out its objectives in discharging its public sector equality duties.
- 2.2 Adopting the Equality, Diversity and Inclusion Policy 2022 makes clear the council's commitment to promote equality and challenge discrimination and intolerances in all its forms.
- 2.3 The policy will assist all employees to understand the council's ambitious vision, mission, and commitments in relation to Equality, Diversity and Inclusion (EDI).



- 2.4 The Local Government Association (LGA) Corporate Peer Challenge Feedback report recommended a review of our 2011 Equality Policy.
- 2.5 A review of the Equality Policy is a key strategic deliverable in the Sandwell Improvement Plan.
- 2.6 Updating our Equality Policy is the first step towards adopting best practice in implementing the improvement modules of the LGA Equality Framework for Local Government (EFLG).

3 How does this deliver the objectives of the Corporate Plan?

- 3.1 The Corporate Plan is at the heart of everything that the Council does. Implementing the Equality, Diversity and Inclusion Policy 2022 will help the Council to meet its legal obligations under the Equality Act 2010 and Public Sector Equality Duty (PSED). This in turn will contribute to the successful delivery of each of the priorities that make up the Corporate Plan.

	<p>One Council One Team – Systems and Governance We will deliver the Equalities Commission and implement its recommendations in order to ensure we meet our specific equalities duties and drive the equalities agenda at the heart of our organisation.</p>
---	--

4 Context and Key Issues

Equality Policy - Current Position

- 4.1 Sandwell Council is committed to celebrating and promoting the rich and diverse backgrounds and cultures of its employees and residents across all six towns in the Borough and embedding equality in all that it does.
- 4.2 Sandwell Council is committed to driving improvement with regards to its EDI agenda. Under section 149 of the Equality Act 2010, Public Sector Equality Duty (PSED), a public authority must, in the exercise of its functions, have due regard



to the need to-

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this 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.

4.3 The council's ambition is to not only meet these obligations but exceed them through the work that will be carried out by Sandwell's Equalities Commission.

4.4 Following the LGA Peer Group Review recommendation to review the council's Equality Policy 2011, an officer working group was established and reviewed the policy. The review included benchmarking various policies from other local authorities (LAs), considering best practice and guidance from external organisations, namely the LGA and ACAS.

4.5 The views and the thoughts of the recognised Trade Unions were also canvassed and considered in the preparation of the revised Equality Policy. Officers also engaged with the West Midlands Local Authority Equality Network which is a cross collaboration of approximately 14 LAs.

4.6 From the benchmarking exercise undertaken, the LAs which were successful and proactive in their EDI agendas had implemented the roadmap methodology of LGA EFLG to help design and deliver their EDI policy and strategies.

4.7 The benchmarking exercise also considered alternative equality policies, including from other local authorities. The Equality Policy template as recommended by ACAS formed the basis of the proposed Sandwell Equality, Diversity and Inclusion Policy 2022. The purpose of the policy is to provide equality, fairness and respect for all in our employment. The new policy specifically clarifies eight equality commitments.



4.8 The updated Equality, Diversity and Inclusion Policy 2022 is set out in Appendix 1.

Consultation process

4.9 Sandwell Council is committed to working with its recognised Trade Unions.

4.10 The Equality, Diversity and Inclusion Policy 2022 was developed in conjunction with Sandwell Council's recognised Trade Unions. The Trade Unions were afforded the opportunity to comment upon the proposed policy. The policy set out in Appendix 1 has the support of Trade Unions.

LGA Equality Framework for Local Government (EFLG)

4.11 The EFLG framework helps local councils to meet their obligations under the Equality Act 2010 including the PSED.

4.12 The framework is intended to help councils:

- Deliver accessible, inclusive and responsive services to customers and residents in their communities including those from under-represented groups.
- Employ a workforce that reflects the diversity of the area they are serving.
- Provide equality of opportunity for all staff.

4.13 The EFLG sets out four modules for improvement, underpinned by a range of criteria and practical guidance that can help a council plan, implement, and deliver real equality outcomes for employees and the community. This framework will be used for the council to self-assess its progress. For each module there are three Levels: Developing, Achieving and Excellent. The levels are progressive and cumulative so an organisation can plan and chart its progression against different priorities. Councils can be at different levels of the framework for different modules or themes. The council can also ask the LGA to review its progress against the framework.



4.14 The four modules are:

- understanding and working with your communities
- leadership, partnership and organisational commitment
- responsive services and customer care
- diverse and engaged workforce

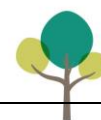
4.15 The updated Equality, Diversity and Inclusion Policy 2022 is phase one of the council's EDI improvement journey. The EFLG framework and improvement modules will be used to produce an EDI Roadmap (phase two) which will set out the timeline, design and delivery of the council's first EDI Single Framework Strategy (phase three).

4.16 The EDI Roadmap (phase two) will be developed between October and December 2022. A further report will then be presented to Cabinet in respect of the EDI Roadmap.

4.17 The EDI Roadmap will provide a clear timeframe within which the EDI Single Framework Strategy will be developed. It is anticipated that the strategy will be for either a three or five year period to enable time to embed the EDI agenda within the council and deliver various EDI initiatives across the borough working with our partners, stakeholders and residents. As part of the EDI strategy development, a comprehensive Equality, Diversity and Inclusion Policy will be constructed and embedded within the strategy.

5 Implications

Resources:	There are no specific financial implications arising from the contents of this report.
Legal and Governance:	The Council must comply with its legal duties and obligations arising under the Equality Act 2010. 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.
Risk:	A review of the Equality Policy is a key deliverable outlined in the council's Improvement Plan. Failure to implement an up to date policy will risk jeopardising Improvement Plan progress and result in the loss of confidence and trust in the Council's ability to deliver its Equalities priorities. Failure to comply with our legislative obligations leaves the council open to potential claims and or significant reputational damage.
Equality:	The Equality implications are detailed within the main body of the report.
Health and Wellbeing:	By taking a proactive approach in updating the council's Equality Policy, we will be supporting employees by promoting equality and challenging discrimination and intolerances in all forms. The council will break down barriers prohibiting an inclusive society by confidently tackling unfairness caused by inequality and encouraging community cohesion through increased understanding and awareness.
Social Value	<p>This policy will encourage EDI in the workplace as a matter of good practice. It will promote a positive working environment free of bullying, harassment, victimisation and discrimination. It will promote dignity and respect for all.</p> <p>The council does require when contracting with third parties that they have appropriate EDI policies in place. Where possible, the council encourages third parties to actively promote and embed their EDI duties and obligations.</p>

6 Appendices

- 6.1 Appendix 1 - Equality, Diversity and Inclusion Policy 2022
Appendix 2 - LGA Equality Framework for Local Government

