

# Report to Cabinet

**16 November 2022**

<b>Subject:</b>	Equality, Diversity and Inclusion Policy 2022 - Update
<b>Cabinet Member:</b>	Leader - Cllr Carmichael
<b>Director:</b>	Surjit Tour, Director - Law and Governance and Monitoring Officer
<b>Key Decision:</b>	No
<b>Contact Officer:</b>	EDI Manager, Koser Shaheen <a href="mailto:Koser_Shaheen@sandwell.gov.uk">Koser_Shaheen@sandwell.gov.uk</a>

## 1 Recommendations

- 1.1 That the Equality, Diversity and Inclusion Policy 2022 as set out in Appendix 1 be approved.
- 1.2 The Local Government Association Equality Framework (Appendix 2) be utilised 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 by 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><b>One Council One Team – Systems and Governance</b></p> <p>The revised Policy will help meet our specific equalities duties and drive the equalities agenda at the heart of our organisation.</p>
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## 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 that was established in November 2019.
- 4.4 The LGA Peer Challenge Review recommended a review of the council's Equality Policy. This recommendation was progressed by an officer working group that has now completed a review of the policy, benchmarking against other local authorities, best practice across the sector and guidance from external organisations, including the LGA and ACAS.
- 4.5 Wider consultation on the proposed policy has been undertaken with recognised Trade Unions.
- 4.6 From the benchmarking exercise undertaken, it was evident that local authorities that were successful and proactive in their EDI agendas had implemented the roadmap methodology of Equality Framework Local Government 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.
- 4.11 The Equality, Diversity and Inclusion Policy 2022 draft report was considered at Budget and Corporate Scrutiny Management Board on Thursday 22 September 2022. No comments or concerns were raised by the board.
- 4.12 The Equality, Diversity and Inclusion Policy 2022 draft report was considered and agreed to be progressed by the Equalities Commission Board on Friday 14 November 2022.

### **LGA Equality Framework for Local Government (EFLG)**

- 4.13 The EFLG framework helps local councils to meet their obligations under the Equality Act 2010, including the PSED.
- 4.14 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.

4.15 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.

4.16 The four modules are:

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

4.17 The EFLG framework and improvement modules will be used to produce an EDI Roadmap which will set out the timeline, design and delivery of the council's first EDI Single Framework Strategy that will be considered at future meetings of Cabinet.

4.18 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.

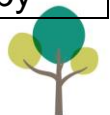


## 5 Alternative Options

- 5.1 There are no alternative options. The council is obliged to have a policy in line with section 149 of the Equality Act. See paragraph 4.2.
- 5.2 The council is not legally obliged to adopt the LGA Equality Framework, however it is considered best practice to do so as identified during the benchmarking process. For the council to deliver its EDI ambitions, it would need to implement something similar to achieve those ambitions.

## 6 Implications

<b>Resources:</b>	There are no specific financial implications arising from the contents of this report.
<b>Legal and Governance:</b>	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.
<b>Risk:</b>	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.
<b>Equality:</b>	The Equality implications are detailed within the main body of the report.
<b>Health and Wellbeing:</b>	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.
<b>Social Value</b>	<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>

## 7 Appendices

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

