

# Report to Cabinet

**21 June 2023**

<b>Subject:</b>	Equalities, Diversity and Inclusion (EDI) Commission
<b>Cabinet Member:</b>	Leader of the Council Cllr Kerrie Carmichael
<b>Director:</b>	Surjit Tour - Director of Law and Governance and Monitoring Officer
<b>Key Decision:</b>	No
<b>Contact Officer:</b>	Koser Shaheen - Equality, Diversity and Inclusion (EDI) Manager <a href="mailto:Koser_Shaheen@sandwell.gov.uk">Koser_Shaheen@sandwell.gov.uk</a>

## 1 Recommendations

- 1.1 That approval be given to the establishment of the Equality, Diversity and Inclusion Commission (EDI Commission).
- 1.2 That approval be given to the Terms of Reference for the Equality, Diversity and Inclusion Commission (EDI Commission) as set out in Appendix 1.

## 2 Reasons for Recommendations

- 2.1 The current Equalities Commission (EC) Terms of Reference expired on 31 March 2023.
- 2.2 Refreshing the EC is a key strategic deliverable in the Sandwell Improvement Plan.



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

- 3.1 The Corporate Plan is at the heart of everything that the council does. Refreshing the EC 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.



#### **One Council One Team – Systems and Governance**

The EDI Commission will drive the equalities agenda at the heart of our organisation.

### 4 Context and Key Issues

- 4.1 Sandwell Council is committed to celebrating and promoting the rich and diverse backgrounds and cultures of its residents and employees across all six towns in the Borough. This commitment is driven by the recognition that promoting diversity and inclusion is essential for creating a fair and equitable society where everyone can thrive and contribute to their fullest potential.
- 4.2 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. The PSED requires public authorities to take proactive steps to promote equality and prevent discrimination, rather than simply avoiding discriminatory behaviour.
- 4.3 The council's ambition is to not only meet its obligations but also exceed them by continuing the work of the EC, which was launched in 2020. This will be achieved through the refreshed EDI Commission. The EDI Commission will help, support and drive the EDI agenda and promote EDI principle within the council and the wider community. Through its work, the EDI Commission aims to go beyond mere compliance and create a culture that values diversity and inclusion and promotes equitable treatment for all which is consistent with the council's new values and behaviours framework.



- 4.4 The establishment of a refreshed EDI Commission comes at a critical time for Sandwell Council with a renewed focus on culture change which includes promoting and embedding equality, diversity, and inclusion throughout our operations and activities.
- 4.5 Refreshing the EC will demonstrate Sandwell Council's ongoing commitment to promoting equality, diversity, and inclusion, and to challenging discrimination and intolerance in all its forms. By revitalising the commission, the council can renew its focus on ensuring that everyone feels respected and valued, regardless of age, disability, gender identity, marital and /or civil partnership status, pregnancy or maternity, race, religion or belief, sex and sexual orientation.
- 4.6 Sandwell Council is committed to continuously improving its approach to EDI and promoting an inclusive culture that values diversity and equal opportunities for all. As part of this commitment, the council has adopted a new 2023 Equality Objective: *"We will progress and drive our equality performance through the Equality Framework for Local Government and utilise Council resources to support our equalities agenda. We will embed our 'One Council One Team' approach and commitment to equality by the production and publication of the Council's first Equality, Diversity and Inclusion Strategy, developed through engaging and collaborating with our diverse residents, communities, and workforce."*
- 4.7 This objective reflects the council's commitment to creating a more inclusive and equitable community where everyone has the opportunity to thrive. Refreshing the EC is a vital step towards achieving these goals. This will ensure that the council remains at the forefront of EDI best practices continuing to promote an inclusive culture that respects and values all members of the community.
- 4.8 The new EDI Commission will provide valuable oversight and insight into the council's EDI work, enabling the council to focus on its One Team, One Council ethos and work collaboratively to promote its ambitious EDI agenda.
- 4.9 The Leader has retained EDI within her own portfolio, and the EDI Commission will serve as an effective board to enable the Leader to consider the EDI agenda and examine through the support of the board the most effective way of delivering the council's ambitious EDI agenda.



4.10 The Terms of Reference (Appendix 1) sets out the purpose, scope and remit of the EDI Commission. Its primary purpose is to help promote and embed equality, diversity and inclusion throughout the operations and activities of Sandwell Council, and to ensure compliance with the Equality Act 2010.

## **Membership of the EDI Commission Board**

4.11 The EDI Commission's Board membership will consist of Elected Members, a representative from Leadership Team, representatives from each Staff Network, a representative from HR, a representative from Learning and Development, and also relevant stakeholders that the Chair considers appropriate. These individuals will possess a wealth of knowledge and expertise in EDI matters, enabling them to help and support delivery of the EDI Agenda. The board will be supported by the Director of Law and Governance, and members of the EDI Team.

4.12 The EDI Commission Board provides an opportunity and platform to hear from a diverse range of voices and perspectives, ensuring that EDI issues are evaluated from multiple angles.

## **Consultation**

4.13 Consultation has been undertaken with each Staff Network and Trade Unions who have been afforded the opportunity to comment on the proposed Terms of Reference for the EDI Commission.

4.14 The feedback received has been considered in the drafting of the Terms of Reference for the EDI Commission.

## **5 Alternative Options**

5.1 The alternative option would be to do nothing and not to have the Equalities Commission.

5.2 The council is not legally obliged to have an Equalities Commission.



## 6 Implications

<b>Resources:</b>	<p>There are no specific financial implications arising from the contents of this report.</p> <p>The support for the EDI Commission board will be met from existing resources and approved budgets.</p>
<b>Legal and Governance:</b>	<p>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 <i>section 149(1)</i> 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.</p> <p>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 protected characteristic.</p>
<b>Risk:</b>	<p>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.</p>
<b>Equality:</b>	<p>The equality implications are detailed within the main body of the report.</p>
<b>Health and Wellbeing:</b>	<p>The more the council is able to embed its EDI agenda, the more positive impact there will be on the health and wellbeing of the council's workforce and the residents living across Sandwell. The establishment of the EDI Commission will enable the council to achieve this outcome.</p>
<b>Social Value:</b>	<p>There are no social value implications arising from this report.</p>
<b>Climate Change:</b>	<p>There are no climate change implications arising from this report.</p>



<b>Corporate Parenting:</b>	The EDI Commission will promote a positive working environment free of bullying, harassment, victimisation and discrimination. It will promote dignity and respect for all.
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## 7. Appendices

### Appendix 1 – Terms of Reference

