

Cabinet

Excerpt of the Minutes of the meeting held on Thursday 12 August 2021 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillors Day (Leader), Bartlett, Cooke, Grainger, Hales, Matecki and Rhead.

Also Present: Councillors: B Gifford (Liberal Democrat Group Observer), Nicholls (Labour Group Observer), Milton (Chair of Overview & Scrutiny Committee) and Nicholls (Chair of Finance & Audit Scrutiny Committee).

29. **Apologies for Absence**

An apology for absence was received from Councillor Falp.

30. **Declarations of Interest**

There were no declarations of interest made relevant to this excerpt.

Part 2

(Items upon which a decision by the Council was not required)

31. **Equality & Diversity Task & Finish Group**

The Cabinet considered a report from Councillor Mini Mangat which set out the recommendations from the Task & Finish Group, supported by the Overview & Scrutiny Committee, in respect of equalities issues relating to the internal practice and policies, and the experiences of employees of WDC with a Black, Asian and Minority Ethnic (BAME) background.

In June 2020, the Council approved a motion, as part of the international response following the death of George Floyd, and as a result of that motion the Overview & Scrutiny Committee was asked to establish a Task and Finish Group. The Task and Finish Group was charged with undertaking a review of the Council's approach to equality and diversity, especially with regard to race. Its report to the Committee would include an action plan with a view to the Cabinet adopting the Committee's recommendations in the report and its action plan. The progress and outcomes of the action plan would be monitored by the Overview & Scrutiny Committee, with the expectation that measurable improvements would be made by 2023.

The Overview & Scrutiny Committee supported the request and appointed a Task & Finish Group at its meeting on 22 July 2020, along with its Scope as set out at Appendix 1 to the report.

The Group met on 11 occasions and spent time collecting a considerable amount of information, as set out at Appendix 2 to the report. This work involved meeting with officers of Warwick District Council, officers of Warwickshire County Council (as the Council's appointed equality advisor), as well as representatives from Investors in People, a Trade Union and West Midlands Employers. On completion of that research phase, interviews were conducted with a number of BAME employees at WDC. The interviews were anonymised and conducted by an independent third party.

A significant amount of evidence was provided to the Group, as well as further background reading and research. A list of data provided appeared in Appendix 2 to the report, with a very brief summary of ethnicity data in Appendix 3 to the report.

The Group was aware of the partnership work with Stratford-on-Avon District Council, which it was anticipated would see all employee policies aligned. Therefore, it was vital that the recommendations and this work was also adopted by Stratford-on-Avon District Council and so discussions to this effect would be required. Without this, it would be significantly harder to bring forward these changes and enable broader cultural change.

The Group was generally reassured with the position the Council was in, in terms of equalities, and that a significant amount of work had been undertaken over a number of years on equalities in general. The HR department provided a significant amount of information including policies, procedures and data that was held by WDC, and additional data held by WCC. WDC collected and monitored the diversity of its staff to better understand its profile compared with local and national data and to ensure that the workforce was reflective of the communities served. Compared with data from the 2011 Census, WDC's Black, Asian and minority ethnic (BAME) representation of 10.32% was roughly representative of BAME communities within Warwickshire (11.8%). At June 2020, 58 out of 512 WDC employees were BAME, while 46 officers had chosen not to record their ethnicity (disclosure of ethnic background was optional for staff and Members). The Group was disappointed that more recent local data could not be provided to show the ethnicity of Warwick District residents to provide a more accurate comparison with the community the Council served, but recognised this would be updated when the 2021 census data was published.

WDC's BAME employees were not evenly spread across the organisation, nor were they evenly spread across pay bands, as set out within the Ethnicity Pay Gap report that was considered by Council. As at 31 March 2020, the highest concentration of BAME employees was in the lower middle quartile (15.5%), although a small increase had been seen in the middle and upper quartiles since 2018. WDC was to be praised for having reported on the Ethnicity Pay Gap ahead of many other Councils and organisations. However, although the gap had reduced significantly in recent years, there was an 8.9% pay gap between the mean hourly rate for BAME employees and those White British/unknown at 31 March 2020, and an 11.2% pay gap between the median hourly rate. In view of this evidence, the Group felt there was a need to introduce proactive measures to try and increase the racial and ethnic diversity representation within senior management.

There was a commitment at WDC to having a diverse and inclusive workforce, and strategies had already been adopted that should result in greater recruitment of BAME employees as well as better opportunities for development. Input from West Midlands Employers regarding recruitment for Head of Service level and above had already resulted in the adoption of 'anonymising' candidates to remove unconscious bias in selection, and the Group strongly endorsed this approach; the Group believed further

recommendations could be adopted to widen the media channels used so more BAME applicants were attracted.

Following the research phase, it was clear that further evidence was needed from the point of view of WDC's BAME employees, to ascertain the extent to which policies were embedded in practice. The Group appointed WME to conduct interviews, and nine WDC staff of BAME background provided their (anonymous) experience. While the Group acknowledged that the sample was small (nine out of an estimated BAME workforce of 58), and that their views might not be wholly representative of BAME staff in general, the small sample should not in any way detract from the findings. Put simply, although two thirds felt valued and respected, one third did not; around half believed they did not have the same opportunities as their white counterparts, and two thirds felt that the selection process for roles was not transparent. In general, it was felt that the correct policies were in place, but that having a diverse workforce was not promoted by the organisation's culture and equality was not being led from the top and that there were no promises or commitments to promote the Equality agenda from the Senior Management Team. These findings, taken alongside employment data and the ethnicity pay gap, had convinced the Group that further racial equality initiatives were needed, together with strategies such as adoption of the Race Equality Code and application of the Rooney Rule.

The research undertaken identified that there was a wider community and cultural aspiration for promoting diversity within the workplace, and that a body of 'best practice' strategies had been developed. A number of models existed to illustrate the embedding of inclusive practice, and while WDC had shown commitment to this, there was opportunity to improve. In order for WDC to develop inclusion 'maturity', the Group believed it should adopt best practice from examples such as the Race Equality Code 2020 and the Race at Work Charter. Other Local Authorities (Birmingham City Council, for example) had worked towards the adoption of the Code. It did not create new obligations but provided one set of standards and an overarching accountability framework based on four principles:

- Reporting – it's time to report on race;
- Action – it's time to demonstrate accountability from the top;
- Composition – it's time to get to define the right targets; and
- Education – it's time to provide psychologically safe places.

Adoption of the Code would help to further develop a culture of inclusivity within the Council.

Adopting the Race at Work Charter introduction would demonstrate a commitment from the Council in the most senior Leadership roles to undertake service and leadership transformation, then building in expectations and the right culture regarding equalities, diversity and inclusion, especially racial equality. From the WME reports it was clear that leadership of equality was not the job of HR, and in order to further improve the culture of and inclusiveness, commitment from top leadership was essential.

The Task and Finish Group welcomed the production and publicity of an ethnicity pay gap report and the commitment from the Council to continue to publish this data annually alongside the gender pay gap report. This had

been specifically highlighted as one of the positive steps the Council had taken in promoting equality generally and being open with its community. The Group was also aware that there would be ongoing monitoring of the recruitment process to identify applications being made to the Council, how these were progressing and the diversity within the Council overall.

Within the information provided to the Group, no member of SMT identified as BAME, which was not reflective of the wider organisation and community. It was recognised that to promote engagement with the wider community and to encourage a more diverse workforce, the community and applicants would look to see themselves within senior positions. The lack of BAME representation in senior management was considered to have a direct effect on the wider recruitment and engagement from and with the community. A positive change of culture was needed within the Council to help achieve a more diverse and inclusive workforce. This focus on recruitment and talent development processes would itself be dependent on data collection and analysis; fostering safe, open and transparent dialogue; mentoring, support and sponsorship; and working with a more diverse set of suppliers and partners.

Adopted in 2003, the Rooney Rule was a USA National Football League policy requiring every team with a head coaching vacancy to interview at least one or more diverse candidates. In 2009, the Rooney Rule was expanded to include general manager jobs and equivalent front office positions. The introduction of the Rooney Rule was considered appropriate for the Council to promote a more inclusive senior management team. Application of the Rule for key managerial positions required a racially diverse set of candidates for consideration and would widen the talent pool.

The work undertaken by WME with colleagues within the Council highlighted some areas of concern. It was recognised that although a limited number of staff participated, it identified, along with examples of best practice considered by the Group, that there was significant progress to be made in developing the Council's overall maturity in relation to race equalities. The view of one of the interviewees summarised the current position succinctly: 'The WDC culture was 'treating everyone the same' when this was not the solution, and it was about giving people equal opportunities and addressing the imbalance.' To achieve this, an action plan needed to be drawn up that set out what steps would be taken, and the Council needed to be realistic about its current level of available resources for this. This would need the support of an expert, and under current resource constraints it was considered this would not be possible. However, an action plan could be developed as part of the transformation process for the possible merger with Stratford, which would see a cultural shift for both Councils. As well as the above, the specialist could review the work and findings of this Group and develop a wider action plan for consideration by Senior Management and Members.

With this action plan there was a need to look for evidence of engagement and change within the Council over time. It may be considered advisable to bring forward focussed inclusion groups for employees within the Council but this would need careful consideration to ensure appropriate engagement. For these reasons it was considered that a specialist in this area of work was needed to help the Council move forward.

It was important for the Committee to monitor progress on the recommendations. Considering the detail of these, it was important that sufficient time was provided to bring these forward.

The recommendations were reported to the Overview & Scrutiny Committee at its meeting on 6 July 2021. Some aspects of the report were also relevant to the Employment Committee and therefore these would also be reported to it at its next meeting on 7 September 2021.

No alternative options were considered.

An addendum circulated prior to the meeting provided Members with appendices 4 and 5 to the report, which were to follow on the agenda page, and appendix 6 which was the Equality Impact Assessment.

Councillor Hales proposed the report as laid out, and that the Transformation PAB take the work forward from the Group with partners at Stratford-on-Avon District Council. The proposal was amended so that in respect of recommendation 2.4, the Cabinet asked the Overview & Scrutiny Committee to consider moving the proposed work on the second part of the Task & Finish Group to the Transformation PAB for consistency reasons. When put to a vote, the proposal was approved.

Councillor Day was grateful for the hard work of the Task & Finish Group and looked forward to the working with the Overview and Scrutiny Committee going forward.

Resolved that

- (1) the Transformation PAB take the work forward from the Group with our partners at Stratford-on-Avon District Council; and
- (2) the Overview & Scrutiny Committee is asked to consider moving the proposed work on the second part of the Task & Finish Group to the Transformation PAB for consistency reasons.

(The Portfolio Holder for this item was Councillor Day)
Forward Plan Reference 1,235

(The meeting ended at 6.55pm)

CHAIRMAN

23 September 2021