

Employment Committee

Minutes of the meeting held on Tuesday 7 September 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Tracey (Chairman); Councillors; Cooke, Davison, Grey, Hales, Kohler, Mangat, Russell and Tangri.

9. **Apologies and Substitutes**

- (a) there were apologies for absence from Councillor Bartlett and Margrave; and
- (b) Councillor Cooke substituted for Councillor Day, Councillor Davison substituted for Councillor Kennedy and Councillor Russell substituted for Councillor B Gifford.

10. **Declarations of Interest**

There were no declarations of interest made.

11. **Minutes**

The minutes of the meetings held on 15 June and 1 July 2021 were taken as read and signed by the Chairman as a correct record.

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

The Committee considered a report from the Overview & Scrutiny Committee that 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 by 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 were asked to establish a Task and Finish Group. The Task and Finish Group were 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 Executive 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 Task & Finish Group were 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 adopted by Stratford-on-Avon District Council and so a conversation needed to be had to this effect. If this did not happen, it would make it significantly harder to bring forward these changes and enable broader cultural change.

The Group were 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 serves, 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. 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 been adopted that should result in greater recruitment of BAME employees as well as better opportunities for

development. Input from West Midlands Employees (WME) regarding recruitment for Head of service level and above had 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 were 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 more 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 is '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. An action plan could be developed as part of the transformation process for the possible merger with Stratford-on-Avon District Council, 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 might 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 their meeting on 6 July 2021.

The Cabinet had considered the report on the 12 August 2021. The decision from the Cabinet had been circulated to the Committee prior to the meeting so that they were aware of this.

Therefore, in taking its decisions this Committee needs to be mindful of taking the Cabinet decision. It should, however, be noted that the remit of this Committee was clear in that it was responsible for "To approve any policies affecting staff employment, working conditions or conditions of services e.g. the content of the Personnel Handbook and Personnel Strategy", therefore the decisions on these matters were for the Committee to take.

Councillor Mangat took the opportunity to thank all who had been involved in the work of the Task and Finish Group and emphasised the positive step forward for the Council this work had brought.

In response to questions from the Committee the Democratic Services Manager & Deputy Monitoring Officer explained that:

- the recommendation, from the Cabinet, in respect of the second part of the work of the Task & Finish group, was to be considered by the Task & Finish Group on 14 September who would then make their views known to Overview & Scrutiny Committee, before it took a decision on the second phase of the work by the Task & Finish Group; and
- the monitoring reports referenced within the recommendations would continue to be provided to the relevant Committee or body within the Council for consideration, for example the ethnicity pay gap report would come to the Employment Committee, along with the gender pay gap report, before going to Council for approval.

Councillor Hales took the opportunity to thank all who had been involved in this comprehensive piece of work.

It was proposed by Councillor Hales and seconded by Councillor Cooke and

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.

13. **Corporate Apprenticeship Programme Update**

The Committee considered a report from People & Communications that proposed an amendment to the Apprenticeship Pay Scales and period of security of employment and an overall update of the scheme.

In April 2021, the government amended the minimum wage criteria which WDC Apprentice Pay Scales were linked to. Whilst updating to reflect changes to legislation, consideration had been given to awarding progression at age 18 after one years' service. This would be in line with other apprenticeship progression points as shown in Appendix 2 to the report.

In April 2021, the Employment Committee approved the Joint Redundancy Policy and Procedure which set a six week period of protection of employment. This recommendation aligned the period of protection of employment to ensure consistency.

The Corporate Apprenticeship Programme had been in place since late 2017, with a launch in 2018. A budget of £154,700 was made available each year to fund Apprenticeships across the Authority. There was significant progress towards the Public Sector Apprenticeship Target and the positive results being achieved through the introduction of the Corporate Apprenticeship Programme.

Since its inception, it had funded the intake of six apprentices each year. There was a public sector target for an average of 2.3% apprenticeships from April 2017 to March 2021. This had now been extended to March 2022.

The Committee welcomed the report and the significant positive news that it provided and as such encouraged public promotion of this success.

Resolved that

- (1) the amendment to the WDC Apprenticeship Pay Scales to allow for progression at the age of 18 with one years' service (Appendix 2 to the report), be approved;
- (2) the amendment of the 12 week security of employment period to 6 weeks security of employment in line with the existing organisational policies, be approved; and
- (3) the progress towards the Public Sector Apprenticeship target and the content of the Apprenticeship Update (Appendix 1 to the report), be noted.

14. **Responsibilities of Employment Committee**

The Committee considered a report from People & Communications and Law & Governance that brought forward proposals on recruitment to Senior Officer positions within the Council and sought the approval of Policies jointly with Stratford-on Avon District Council.

Senior management roles across both Warwick District Council and Stratford-on-Avon District Council were shared, with the exclusion of the role of Chief Executive.

This process could be achieved through the establishment of a Joint Committee for these appointments under the Local Government Act 1972, subject to procedures for the meetings being confirmed. Officers were confident these could be agreed between the two Councils based on the work previously undertaken for a Joint Cabinet Committee for the joint Local Plan. This would need approval from both Councils which were next due to meet week commencing 18 October 2021.

Building upon this, there would be a need to review key employment policies and terms/conditions over the coming months to provide consistency. Therefore, it was proposed that at the same time officers explored the potential to have a Joint Employment Committee for the entire remit of the responsibilities of this group. This could take a little longer to process to ensure the consistency of remit and agreement from all parties including wider membership/proportionality.

In response to questions from the Committee, the Democratic Services Manager & Deputy Monitoring Officer explained that in terms of a joint Committee there were a few options on the remit which would be discussed with Chairs. This was because there were key areas where it would be beneficial to have a meeting take the decisions, but in respect of statutory officer matters there could be a need to retain a specific Committee at each Council.

Resolved that

- (1) officers work with the Chairman of the Committee and their equivalent at Stratford-on-Avon District Council to bring forward proposals for a joint recruitment process for Heads of Service and Deputy Chief Executives to Council on 18 October 2021 (at Stratford-on-Avon District Council) and 20 October 2021 (at Warwick District Council); and
- (2) officers bring back proposals, to a future meeting of the Committee, for a joint Employment Committee with Stratford-on-Avon District Council.

(The meeting ended at 6.23pm)

CHAIRMAN
28 October 2021