



Agenda Item 4

Employment Committee
7 September 2021

Title: Equality & Diversity Task & Finish Group
Lead : Councillor Mangat, mini.mangat@warwickdc.gov.uk
Portfolio Holder: Andrew Day
Public report
Wards of the District directly affected: None

Contrary to the policy framework: No
Contrary to the budgetary framework: No
Key Decision: No
Included within the Forward Plan: 1,235
Equality Impact Assessment Undertaken: No
Consultation & Community Engagement: No
Final Decision: No
Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	13/8/2021	Chris Elliott
Head of Service	13/8/2021	Tracy Dolphin
CMT	13/8/2021	Chris Elliott, Andrew Jones,
Section 151 Officer	13/8/2021	Mike Snow
Monitoring Officer	13/8/2021	Andrew Jones
Finance		
Portfolio Holder(s)	13/8/2021	Andrew Day

1. Summary

- 1.1. The report sets 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) background¹.

2. Recommendations

- 2.1. The Employment Committee notes the progress WDC has made with regard to adopting positive equality and diversity policies with tangible outcomes, and commit to do more and make the District and the Council an exemplar of best practice in equality, diversity and inclusion, especially with regard to racial equality.
- 2.2. The Employment Committee:
 - (i) approach Stratford-on-Avon District Council to similarly endorse these recommendations that owing to the proposals to bring together staff as part of the consideration of a merger proposal;
 - (ii) that they endorse the use of the Race Equality Code 2020 and Race at Work Charter, as set out at Appendices 4 and 5 of the report, to underpin the equality, diversity and inclusion action plan each year. This will require the setting of agreed indicators, both quantitative and qualitative, so success can be measured against the action plan;
 - (iii) that the Chief Executive appoints a senior manager to be a champion for Race Equality within the organisation;
 - (iv) that they note that the current ethnicity data is based on the 2011 Census but will be updated following the publication of 2021 census data; and that this be used as the basis for the Council better reflecting the communities it serves;
 - (v) that they welcome the publication of the first data on the ethnicity pay gap in November 2020 and the commitment from this Council to produce this information annually;
 - (vi) that they endorse the intention, within the next five years, to increase the diversity in senior managers across the Council so that it is more reflective of the racial and ethnic diversity of the local community in the District;
 - (vii) that they endorse the intention, within the next three years, to increase the racial and ethnic diversity within the posts of Chief Executive, Deputy Chief Executives, Programme Director for Climate Change and Heads of Service, with a minimal expectation equivalent to one post, so that it is at least reflective of the racial and ethnic diversity of the local community in the District;
 - (viii) that they endorse the adoption of the Rooney Rule (as explained in paragraph 3.13 of this report) for all recruitment processes by Warwick District Council for vacancies at Service Manager, Head of Service, Deputy Chief Executive or Chief Executive position, and the Employment Committee asks officer to bring forward proposals on how the current recruitment process for these roles should be revised to accommodate this approach;

¹ For purposes of brevity, the term 'BAME' has been used throughout this report. The Group acknowledges that it is unsatisfactory and that all ethnic groups should ideally be referred to specifically.

- (ix) that they endorse the approach that, subject to computer software changes being possible, from 1 April 2022, all applications for positions in the Council will be anonymised prior to short listing by the recruiting manager;
- (x) that to support the delivery of the above recommendations, Officers are tasked to bring forward proposals for the introduction of a specialist role, for a given time period, and to address the need for other necessary supporting resources.

2.3 The Employment Committee notes the progress and impact of the recommendations are to be reported to the Overview & Scrutiny Committee in 12 months from the date of the consideration of this report.

2.4 That the Employment Committee notes the Overview & Scrutiny Committee have asked the Task & Finish Group to produce a timetable to the September meeting for the review of service delivery, as set out within its scope, including details of community engagement and including the officer and other resources needed to support this process.

3. Reasons for the Recommendations

3.1. 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 would be 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.

3.2. 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.

3.3. The Group met on 11 occasions and spent time collecting a considerable amount of information, as set out at Appendix 2. 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.

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

3.5. The Group were aware of the partnership work with Stratford-on-Avon District Council, which it is anticipated will see all employee policies aligned. Therefore, it is vital that the recommendations and this work is also adopted by Stratford-on-Avon District Council and so a conversation needs to be had to this effect. If

this does not happen it will make it significantly harder to bring forward these changes and enable broader cultural change.

- 3.6. The Group were generally reassured with the position the Council is in, in terms of equalities, and that a significant amount of work has 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 collects and monitors the diversity of its staff to better understand its profile compared with local and national data and to ensure that the workforce is reflective of the communities served. Compared with data from the 2011 Census, WDC's Black, Asian and minority ethnic (BAME) representation of 10.32% is 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 is optional for staff and Members). The Group were 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 recognise this will be updated when the 2021 census data is published.
- 3.7. WDC's BAME employees are not evenly spread across the organisation, nor are 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 has been seen in the middle and upper quartiles since 2018. WDC is to be praised for having reported on the Ethnicity Pay Gap ahead of many other councils and organisations. However, although the gap has 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.
- 3.8. There is a commitment at WDC to having a diverse and inclusive workforce, and strategies have already been adopted that should result in greater recruitment of BAME employees as well as better opportunities for development. Input from West Midlands Employees regarding recruitment for Head of service level and above has already resulted in the adoption of 'anonymising' candidates to remove unconscious bias in selection, and the Group strongly endorses this approach; the Group believes further recommendations could be adopted to widen the media channels used so more BAME applicants are attracted.
- 3.9. 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 acknowledges that the sample was small (nine out of an estimated BAME workforce of 58), and that their views may 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 believe they do not have the same opportunities as their white counterparts, and two thirds feel that the selection process for roles is 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 are 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, have convinced the Group that further racial equality initiatives are needed, together with strategies such as adoption of the Race Equality Code and application of the Rooney Rule.

- 3.10. The research undertaken identified that there is a wider community and cultural aspiration for promoting diversity within the workplace, and that a body of 'best practice' strategies has been developed. A number of models exist to illustrate the embedding of inclusive practice, and while WDC has shown commitment to this, there was opportunity to improve. In order for WDC to develop inclusion 'maturity', the Group believes 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), have worked towards the adoption of the Code. It does not create new obligations but provides one set of standards and an overarching accountability framework based on 4 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 will help to further develop a culture of inclusivity within the Council.
- 3.11. 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 is clear that leadership of equality is not the job of HR, and in order to further improve the culture of and inclusiveness, commitment from top leadership is essential.
- 3.12. 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 has been specifically highlighted as one of the positive steps the Council has taken in promoting equality generally and being open with its community. The Group were 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.
- 3.13. Within the information provided to the Group, no member of SMT identifies as BAME, which is not reflective of the wider organisation and community. It is recognised that to promote engagement with the wider community and to encourage a more diverse workforce, the community and applicants will look to see themselves within senior positions. The lack of BAME representation in senior management is considered to have a direct effect on the wider recruitment and engagement from and with the community. A positive change of culture is needed within the Council to help achieve a more diverse and inclusive workforce. This focus on recruitment and talent development processes will 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.

- 3.14. Adopted in 2003, the Rooney Rule is 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 is considered appropriate for the Council to promote a more inclusive senior management team. Application of the Rule for key managerial positions requires a racially diverse set of candidates for consideration and will widen the talent pool.
- 3.15. The work undertaken by WME with colleagues within the Council highlighted some areas of concern. It is recognised that although a limited number of staff participated, it identified, along with examples of best practice considered by the Group, that there is 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 summarises the current position succinctly: 'The WDC culture is 'treating everyone the same' when this is not the solution, and it is about giving people equal opportunities and addressing the imbalance.' To achieve this, an action plan needs to be drawn up that sets out what steps will be taken, and the Council needs to be realistic about its current level of available resources for this. This will need the support of an expert, and under current resource constraints it is considered this will not be possible. However, an action plan can be developed as part of the transformation process for the possible merger with Stratford, which will see a cultural shift for both Councils. As well as the above, the specialist can review the work and findings of this Group and develop a wider action plan for consideration by Senior Management and Members.
- 3.16. With this action plan there is 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 will need careful consideration to ensure appropriate engagement. For these reasons it is considered that a specialist in this area of work is needed to help the Council move forward.
- 3.17. It is important for the Committee to monitor progress on the recommendations. Considering the detail of these, it is important that sufficient time is provided to bring these forward.
- 3.18. The recommendations were reported to the Overview & Scrutiny Committee at their meeting on 6 July 2021. Some aspects of the report are also relevant to the Employment Committee and therefore these will also be reported to them at their next meeting on 7 September 2021.
- 3.19. The Employment Committee will be aware that the Cabinet considered a similar report on the 12 August 2021. 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 is clear in that it is 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 are for the Committee to take.

4. Policy Framework

4.1. Fit for the Future (FFF)

4.1.1. The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

4.1.2. The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found on the Council's website. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

4.2. FFF Strands

4.2.1 External impacts of proposal(s)

People - Health, Homes, Communities - The report will have no direct impact for the community but aims to bring forward changes to the Council to enable it to more closely represent the Community it works for.

Services - Green, Clean, Safe – No direct impact from this report.

Money- Infrastructure, Enterprise, Employment - No direct impact from this report.

4.2.2. Internal impacts of the proposal(s)

People - Effective Staff – The recommendations with the report should provide a more inclusive and representative Council which will create an improved culture and show strong community leadership in respect of race equality.

Services - Maintain or Improve Services - No direct impact from this report.

Money - Firm Financial Footing over the Longer Term - No direct impact from this report.

4.3. **Supporting Strategies & Changes to Existing Policies** – The report will impact on the Supporting People Strategy, recruitment policies and the Equality & Diversity Action Plan. These will all need to be revisited if the recommendations are approved.

4.4. Impact Assessments

4.5.1. The Equality Impact Assessment is set out at Appendix 6 to the report.

5. Budgetary Framework

5.1. The report does not directly impact on the budgetary framework or budget.

6. Risks

- 6.1. The inclusion of aspirational percentages of BAME colleagues within the Council and at senior level within the Council may open the Council to a potential challenge, on grounds of positive discrimination, from individuals, unions and other organisations. This is where the Equality Impact Assessment will be used to demonstrate the application of recommendations to make the Council more representative of its community.
- 6.2. The proposed use of the Rooney Rule, or a similar process could open the Council up to challenge on grounds of positive discrimination. However, at this stage the recommendation is only to consider and bring forward proposals so that these risks can be considered in detail and advised upon.

7. Alternative Option(s) considered

- 7.1. The report contains the recommendations of the Task & Finish Group and so there are no alternatives.

Appendix 1

<p>Review Topic (Name of review)</p>	<p>The Council’s approach to equality and diversity, especially with regard to race</p>
<p>Working Group Members</p>	<p>Councillors Gifford, Mangat, Noone (10 November 2020), Tangri and Illingworth (10 November 2020 onwards)</p>
<p>Key Officer Contact</p>	<p>Tracy Dolphin, Head of P & C, Tarandeep Mahal, HR Business Partner, Liz Young, Community Partnership Team Manager, Rose Winship, Head of Cultural Services (Chair of PSSG), Nicki Curwood Marketing and Communications Manager (others as and when required)</p>
<p>Scrutiny Officer Support</p>	<p>TBC</p>
<p>Rationale (key issues and/or reason for doing the review)</p>	<p>On 24 June 2020 Council approved a notice of Motion proposed by Councillor Mangat and seconded by Councillor Tangri. Part of the Motion requested that the Overview and Scrutiny Committee establish a Task and Finish Group. The Task and Finish Group would be 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 and Scrutiny Committee, with the expectation that measurable improvements would be made by 2023.</p>
<p>Purpose/Objective of Review (specify exactly what the review should achieve)</p>	<p>To review the Council’s approach, both internally and externally, to racial equality in the broader context of equality and diversity, looking both for successes and areas for improvement.</p> <p>With a view to providing assurance on the current work the Council undertakes on equalities and provides a framework for enhancing this.</p> <p>Areas to consider will include:</p> <ol style="list-style-type: none"> 1. Feedback from sectors of WDC workforce, safe space to raise issues, relationships, health and wellbeing. Processes and Management Information relating to recruitment at all levels, retention and promotion. 2. WDC’s engagement with residents, particularly where WDC is providing services, but also including the effectiveness of public messaging (website, press releases etc). 3. All contractors dealing with residents by exploring the procurement practices and which race equality conditions are applied into tenders if any. 4. WDC’s promotion of racial equality generally e.g. addressing hate crime. 5. If the Council can do more to encourage engagement of BAME residents in democratic processes including standing for election and identifying its messages reach these Communities.

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<p>Scope of the Topic (what is specifically to be included/excluded)</p>	<p>Reviewing our existing approach to racial equality and promoting diversity and considering any areas to improve that are not already within the existing action plan’).</p> <p>The Group will have three core focuses</p> <ol style="list-style-type: none"> (1) Equality within the work force of the Council (2) Equality in the services it (and its contractors deliver) (3) The promotion of racial equality generally e.g. addressing hate crime <p>While the focus will be on equality and diversity in respect of race if other areas of inequality are identified these must be report back to the next meeting of the Overview & Scrutiny Committee.</p> <p>The review cannot consider any perceptions or allegations of failure to comply with the equality act by other organisations. If this occurs the Group will refer these to the appropriate party.</p> <p>The review cannot consider the equalities of other organisations, including the diversity of its contractors staffing. It could however share findings with its contractors (in respect of staffing for them to be aware of). If these are identified they will be shared with the appropriate organisation.</p>
<p>Indicators of Success (what factors would tell you what a good review should look like)</p>	<p>Specific, Measurable, Achievable, Realistic, and Timely (SMART) outcomes that identify the maturity of racial inclusivity within WDC, the development of anti-discriminatory positive action plans and dashboards.</p>
<p>Specify Evidence Sources (Background Information documents to look at)</p>	<p>Current WDC Policies WDC staff equality data WDC data held in respect of customer equality criteria WDC data of complaints made regarding equalities Information held by WDC contractors of equality of their customers WDC data on measuring success of marketing and advertising Best practice from other organisations including other councils. Engagement with relevant groups: see purpose, above.</p>
<p>Specify Witnesses/Experts (Who to see and when)</p>	<p>Stakeholders identified below should be considered experts in terms of their experiences. Also organisations that specialise in this work should be consulted e.g. the Equality and Inclusion Partnership. Keira Rounsley, Equality, Diversity and Inclusion Practitioner, Warwickshire County Council.</p>
<p>Specify Site Visits (where and when)</p>	<p>N/A</p>

<p>Consultation with Stakeholders (who should we consult?)</p>	<p>WDC staff and councillors including those with strategic responsibility. Consultation approach must be signed off my O&S Cttee before being published Groups identified in 'Purpose' above. Both individuals and groups within the local BAME community in Warwick District, including Community Leaders. Warwick District Council recognised Trades Unions</p>		
<p>Level of Publicity (what level is appropriate and what method should be used)</p>	<p>High. There is considerable public interest in this review. The Council should welcome views, experiences and input from residents. These will be developed Consultation approach must be signed off my O&S Cttee before being published</p>		
<p>Barriers/dangers/risks (identify any weaknesses or potential pitfalls)</p>	<p>Risk that a few loud voices are unduly influential; but equally those who have been discriminated against may be reluctant to speak. Too many issues are explored, so the review fails to complete within the allotted time. Competing priorities within the Council Difficulty of engagement during COVID-19 response. Specialist support may be required, to provide understanding of requirements of the Equality Act Insufficient funds to buy in specialist support if required Insufficient resources with the HR/Payroll/HCP and other Service Areas and Committee team to provide support for the review. The review will be based on data held by the Council and it is known that a significant number of people do not declare their ethnicity on forms. There may be some aspects which require approval from the current Employment Committee and some from the Executive. Issues may be identified about other service providers which are not in our control and these need to be directed to respective authority for them to consider</p>		
<p>Projected Start Date</p>	<p>August 2020</p>	<p>Draft Report Deadline</p>	<p>January 2021</p>
<p>Meeting Frequency</p>	<p>Fortnightly</p>	<p>Projected Completion Date</p>	<p>March 2021</p>
<p>Key Milestones</p>	<p>Must report back on work to date in full to O&S on 29 September and 8 December 2020, plus verbal updates to 18 August, and 10 November 2020.</p>		
<p>Date to evaluate impact</p>	<p>Annual report in 2022 and March 2023 outlining performance against the agreed recommendations</p>		
<p>Methods of tracking / Evaluating</p>	<p>Using the annual targets and dashboards.</p>		

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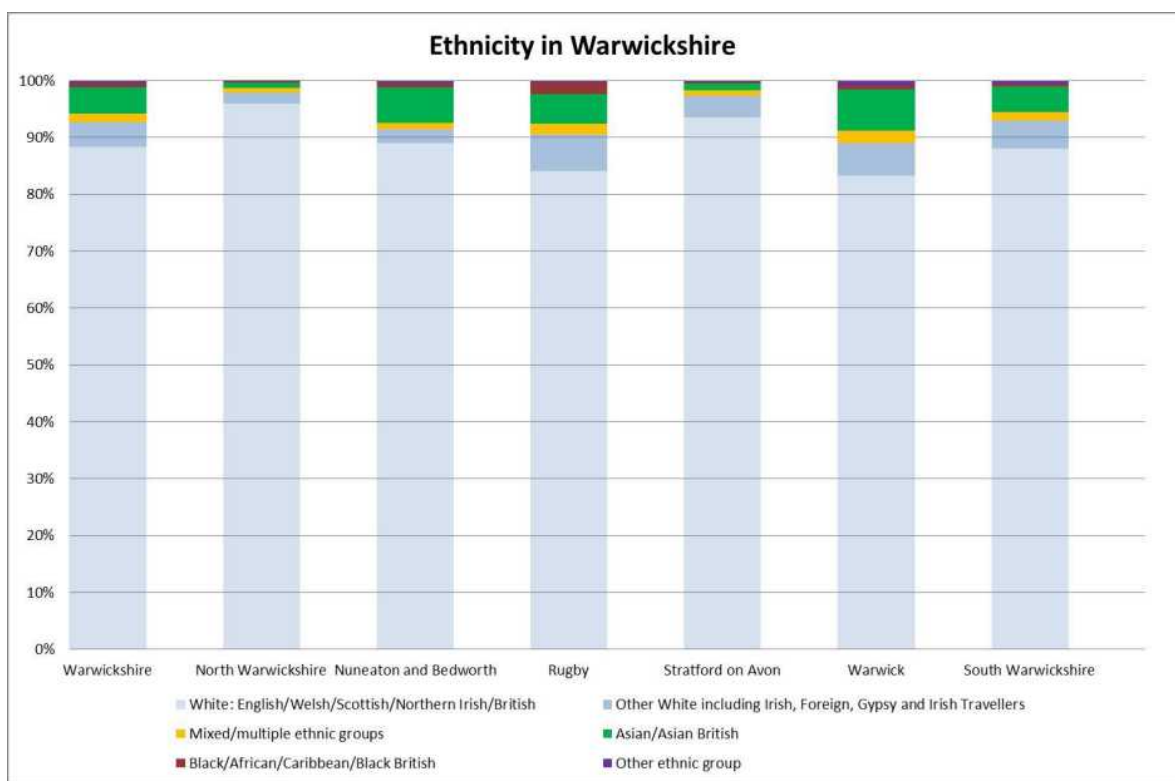
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The resident population

Resident population by ethnic group, 2011	Warwick District Percentage	Warwickshire percentage
Mixed White/Black Caribbean	0.6	0.6
Mixed White/Black African	0.2	0.1
Mixed White/Asian	0.8	0.5
Asian/British/Indian	4.9	3.0
Asian/British/Pakistani	0.3	0.3
Asian/British/Bangladeshi	0.1	0.1
Black African/Caribbean/African	0.3	0.4
Black African/Caribbean	0.3	0.3
Black Other	0.1	0.1
Total	7.6	5.3

(ONS, Census 2011) More up-to-date statistics will be released in 2022 following the 2021 Census



The [WCC Insight Report](#) provides this breakdown, but only includes those aged 16+ who are economically active:

Asian/Asian British: 4.6%
 Black/Black British: 0.9%
 Mixed: 0.9%
 Total: 6.4%

**WDC Employment data
Taken Ethnicity Pay Gap Report at 31 March 2020**

Compared with data from the 2011 Census, WDC's Black, Asian and minority ethnic (BAME) representation 10.32% is roughly representative of BAME communities within Warwickshire (11.8%).

The overall number of BAME staff in WDC in 2020 was 57 (52 in 2019). Of these staff:

- At 31 March 2020 the highest concentration of BAME employees is in the lower middle quartile (15.5%).
- The percentage of BAME employees in the upper quartile has increased by 1.8 percentage points and by 0.2 percentage points in the upper middle quartile since March 2018.
- Since March 2018, the percentage of BAME employees in the lower quartile has decreased by 1.3 percentage points.

In terms of employment by WDC:

At Grade H, only 3 out of 12 are BAME

At Grade I, only 1 out of 11 is BAME

At Grades A&B, there is only 1 BAME staff member out of 27 employees

The ethnicity pay gap:

- There is an 8.9% pay gap between the **mean** hourly rate for BAME employees and those White British / unknown at 31 March 2020. However, on the plus side, the Council's mean ethnicity pay gap has **reduced** by 3.8 percentage points from 12.7% since 2018.
- There is an 11.2% pay gap between the **median** hourly rate for BAME employees and those White British / unknown at 31 March 2020. However, on the plus side, the Council's median ethnicity pay gap has reduced by 2.7 percentage points from 13.9% since 2018.
- In terms of **mean hourly bonuses**, those of BAME background earn less (£370.00) than White British employees (£413.33); the gap is 10.5% in favour of White British employees. However, in terms of **median bonuses**, those of BAME background earn more (£370.00) than total employees (£327.60) employees; the gap is -12.9% in favour of BAME employees.