

Joint Consultative Committee for Ethnic Minorities

Date: 2 December 2020

Agenda item:

Subject: Update on Equality and Diversity

Lead Director: Rachael Wardell – Director of Children Schools and Families

Lead officer: Liz Hammond – Interim Head of HR

Lead member: Cllr Mark Allison.

Recommendations:

- A. To note the profile of the senior workforce of the Council.
 - B. To note the ongoing work that Merton are undertaking to further enhance our Equality and Diversity position
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1. Purpose of report and executive summary

- 1.1 The purpose of this report is to update the JCC on actions being taken within Merton Council to improve our diversity profile and ensure that the organisation is free from any racial bias.

2. Details (high-level overview)

- 2.1 In September 2020 CMT received a report from the Head of HR. The purpose of the report was to highlight the impact that the outbreak of COVID-19 is having on members of BAME communities nationwide with evidence pointing to the fact that the disease has seemed to impact disproportionately on those communities. These early concerns have now been backed by evidence from Public Health England which shows that members of BAME communities are at greater risk of contracting and of dying of COVID-19 related disease. Although the causes for this are not yet fully researched, the emerging evidence increasingly suggests that existing structural injustices affecting these communities (such as low incomes, under-valued occupations, over-crowded housing etc) are an important factor.
- 2.2 The death of George Floyd in the US – the killing of a black man by a white police officer – prompted an international outpouring of disgust, anger and sorrow and a resurgence of the Black Lives Matter movement, including on-street protests in the US, UK and elsewhere, about racism and the embedded structural injustices facing black and other minority citizens in many countries.
- 2.3 Against the backdrop of these incidents, many of Merton’s BAME staff expressed their concerns about the COVID-19 risks they may be exposed to in the course of their work for the council, and they shared their thoughts and emotional responses to the wider structural injustices they are subjected to through racism in society. They

saw those injustices and that racism reflected in their experience of working for the Council and challenged the Council to do better.

2.4. CMT's initial response to the issues being raised was to:

- develop an individual risk assessment for staff which specifically addresses the COVID-19 risk for BAME colleagues
- prepare the Employee Assistance Programme to respond well to staff whose concerns encompassed structural injustice and racism, and
- seek to re-establish a BAME staff forum, which had operated in the past, but which had ceased to function several years previously.

2.5. CMT also took a paper written by the Chair of the Corporate Equality Steering Group and CMT agreed the following actions:

- Cross-council anti-racist education and action. CMT will demonstrate their commitment to anti-racism by leading a programme of corporate education and change and should be accountable to the BAME Forum for the impact of that programme.
- Medium term strategy. To ensure that there is long term commitment to this agenda and that the council builds the confidence and trust of its BAME staff. There should be a medium term strategy (3-5 years) to address the structural inequalities and racism experienced by BAME staff, supported by an annual plan, to meet specific objectives for change that are identified by the BAME Forum.

2.6. The BAME forum has now been established and the initial meetings of the forum also suggested that to CMT that Merton should adopt the NHS's Workforce Race Equality Standards (WRES), which offer a set of objective measures (Indicators 1-9) which could be adapted and adopted for the council to measure and monitor.

2.7. The WRES standards are set out below (the wording, where necessary, has been modified for a Council context as opposed to an NHS setting):

1. Percentage of ethnic staff in each salary band
2. The relatively likelihood of BAME staff being appointed from shortlisting compared to that of white staff being appointed from shortlisting across all posts
3. Relative likelihood of BAME staff entering the formal disciplinary process compared to that of white staff entering the formal disciplinary process.

4. Relative likelihood of BAME staff accessing non mandatory training and CPD as compared to white staff.
 5. Percentage of staff experiencing harassment, bullying or abuse from customers, relatives or the public in the past 12 months.
 6. Percentage of staff experiencing harassment, bullying or abuse from staff in the last 12 months.
 7. Percentage believing that Merton provides equal opportunities for career progression or promotion.
 8. In the last 12 months have you personally experienced discrimination at work from any of the following – Manager, team leader or other colleagues?
 9. Percentage difference between the organisations' Members and its overall workforce.
- 2.8. The CMT report from the Head of HR confirmed that Merton would be able to report on all of the above indicators with the following caveats:
- Indicator 5. Staff harassment and bullying is captured through the Council's accident and incident reporting procedures. However, caution should be taken that these figures may not be wholly accurate as there is a feeling that some staff may see an element of 'verbal abuse' as being an unfortunate by product of their role and may not always report it.
- Indicator 9. Whilst we can report on the diversity of the Members, this is not something that the Council can influence as members are voted in by their constituents through a democratic process. In a hospital setting the 'Board' would be something that the hospital would recruit to.
- 2.9. The Head of HR proposed that HR would produce an Annual Equalities in Employment report at the end of each financial year. This report, once cleared through CMT would be both an internal and externally public and published document.
- 2.10 In addition the Head of HR also put forward the following additional items for CMT to consider:
- **Reporting**
The Annual Equalities and Diversity in Employment report (at Appendix 1) will show a much wider range of metrics in addition to those outlined in the WRES Standard.

- **Policy Review** - A review of all those policies, from an equalities perspective, where there is a possibility that bias could affect outcomes such as the Recruitment Policy, Equality and Diversity policy, disciplinary, capability, absence management
- **The introduction of the Rooney Rule in recruitment** – this is an initiative borne from American football which says that all final interview panels must be represented by a BAME candidate and a female candidate. If a job is advertised and there is no female or BAME candidate in the final shortlist the manager would need to halt the process and go back out to the market again. This has potentially significant implications for further delays in the recruitment process, the potential to lose excellent candidates and managers circumventing the process by shortlisting candidates who do not have any real hope of being successful in order to meet the criteria and not delay the recruitment process
- **BAME representation on recruitment panels**
- **A specific Staff Pulse Survey on Racism**
- **Mandatory training for all on Equality and Diversity** (already in place)
- **Training in unconscious bias**
- **Senior leadership to be trained in anti-racism training** and then to review whether further roll out is appropriate
- **Mutual mentoring programme**

2.11 To address Health and Wellbeing issues the L&D Team have commissioned training on

- Stress management
- The road to resilience
- Coping with change
- Mental Health awareness
- What is trauma
- Bereavement Support
- Safeguarding – COVID-19
- ASC specific training
- Mental Health First Aid
- Mental Health Awareness
- Mental Health First Aid Champion

2.12 **CMT agreed:**

- **To the adoption of the WRES Standards and to taking part in the WRES pilot.**
- **To the introduction of an Annual Equalities and Diversity in Employment report but that it would include all the main equality protected characteristics included and not just race. The first full report will be at the end of April 2021 and will be an internal and external public document. CMT also agreed to the wider metrics proposed being included.**

- To the Policy Review as outlined with the BAME Staff Forum being asked to support the review
- For a CMT led training programme on anti-racism
- They noted the training already in place which all BAME staff have access to
- For the Head of HR to meet with the BAME staff forum to obtain their views on the following:
 - The introduction of the Rooney Rule in recruitment
 - BAME representation on recruitment panels
 - A specific staff pulse survey focusing on race
 - The introduction of reverse mentoring

3. BAME Staff Forum feedback

- 3.1 The Head of HR met with the BAME Staff forum and outlined the discussions at CMT. The BAME forum conducted a short pulse survey to gain feedback on the questions they were being asked.

Merton has approximately 527 BAME staff (taken from our equality profiling). 23 BAME staff from the forum responded to the survey.

3.2 ***BAME staff on recruitment panels***

The BAME Staff Forum were asked for their views on whether BAME staff should be present on all recruitment panels. Out of the 23 BAME staff that responded, 21 said yes and 2 said no.

BAME members were then asked, whether they were willing to sit on a recruitment panel with 15 saying yes, 5 saying no and 3 not responding to this question.

Merton appoints approximately 250 new starters every year. A decision to put a BAME member on every recruitment panel would mean that for 250 panels a year we would need a BAME member of staff to support final stage interviews. At MGA level and above the number of appointments per year will vary but run to approximately 15 a year. Another option would be to introduce BAME staff members on recruitment panels for MGA level posts and above only.

CMT agreed that we will introduce, with immediate effect, BAME staff on senior appointment recruitment panels. We would also monitor the panel make up of all other recruitment panels to see what the ethnicity split is currently before deciding whether this should be a Council wide initiative, or whether by default this is already happening.

3.2 ***Mutual mentoring***

The BAME Staff Forum were asked whether they would see a value in Merton introducing a mutual mentoring programme. 21 individuals responded to this question with 20 indicating yes.

The BAME members were then asked if they would be willing to become a mentor. 7 individuals indicated they would be willing to become a mentor with 16 individuals skipping the question entirely.

CMT agreed that HR should work on a further paper on the logistics and costs of running the programme to come back to a future CMT meeting.

3.3 ***Pulse Survey on racism***

7 members of the BAME staff forum indicated that they would be willing to support the design of a survey on racism within Merton. The Head of HR met with these staff members and a survey will be produced and run in January next year, in order not to conflict with the bi annual staff survey that will be running throughout December.

3.4 ***The Rooney Rule***

The questionnaire was responded to by 23 BAME Staff Forum members, 15 who voted in favour of introducing the Rooney Rule and 8 who voted against its introduction.

CMT agreed that we would monitor the candidate make up of all final stage recruitment panels for a period of time in order to see whether this is actually an issue or whether we actually already have a BAME representative on all final stage interviews.

4. **The draft Annual Equality and Diversity in Employment Report**

Given the urgency around a need for further detailed analysis on issues that may be affecting BAME staff, at the end of September an initial dry run of the Annual Equality and Diversity in Employment Report was produced, however at this point it has only focused on Race. When the finalised annual report is run at the end of April 2021 it will refer to all the main protected characteristics. The key summary headlines from the initial dry run are as follows:

- The proportion of BAME staff in the workforce continues to increase, yet there remain no BAME staff with salaries over £80k per annum, and BAME staff constitute a low proportion of our top 5% earners. This is consistent with the last reported BAME pay gap compared to white employees where pay was 12.5% lower (mean) and 9.5% lower (median), primarily due to the concentration of BAME staff in lower grades.
- Whilst the Council is able to recruit BAME staff at a higher rate than presently in the workforce, BAME staff are less likely to remain after a period of time than their white colleagues i.e. their retention rates are lower. The reason the

proportion of BAME staff is still increasing is because recruitment outstrips leavers

- BAME staff are more likely to feature in the formal stages of capability and attendance procedures (though it should be noted that the numbers of these cases is low), they are no more likely to face disciplinary action but are more likely to have disciplinary sanctions. BAME staff are more likely to raise a grievance or take a case to an Employment Tribunal
- BAME staff are more likely to be promoted (regraded or appointed to higher graded posts) than white staff
- BAME staff are more likely to attend Learning and Development events than white staff but are less likely to attend Leadership and Management training (with the exception of Community and Housing where 80% attending were BAME).

5. Recruitment of Senior Appointments

As this report has noted there are currently no senior BAME staff over £80k. Merton currently have two senior appointments in the recruitment process as follows:

- ***The Assistant Director of Public Protection***
 - The appointment has final panel interviews on 18th November 2020
 - The head hunters, Hays, were instructed to make sure that they cast their net wide and attract good senior BAME applicants
 - Hays were chosen because of their track record of successful BAME appointments
 - 33% of the long list were BAME
 - 50% of candidates at final interview are BAME
 - A BAME senior member of staff will be on the final selection panel
- ***The Director of Children's, Schools and Families***
 - This is a member appointment and the Appointments panel meet on the 30th November to choose the head hunter to run this recruitment campaign, agree the salary band for the role and to satisfy itself that the highest level of equality and diversity attention is being paid to this important recruitment
 - The head hunter will be scrutinised for their track record in enabling organisations to attract BAME candidates and successful BAME appointments
 - The appointments panel will choose the panel for this recruitment and will be reminded of Merton's approach to having a BAME member on the final interview panel
 - The head hunter will report weekly on their search and the ethnic makeup of interested candidates
 - This recruitment will not go live until January 2021

6. Actions

The report has outlined a number of actions that the organisation is taking to support enhanced scrutiny of the impact that Council processes and procedures and COVID may have on BAME staff. In addition to all the actions outlined in this report which are currently being pursued there is also the following to note:

- The BAME staff forum have now selected their Co Chairs
- We are currently pursuing being a part of the WRES pilot scheme, but irrespective of whether or not we are accepted we will be following the WRES standards as outlined in this report
- In addition to the specific Staff Pulse Survey on Race the bi-annual staff survey which will be run in December has also had the questions enhanced around race issues
- The Equality Steering Group will be discussing the information that will be provided by:
 - The Annual Equality and Diversity in Employment Report which will be available at the end of April 2021
 - The breakdown of the results from the bi Annual Staff Survey, from an equalities perspective
 - The results of the Staff Pulse Survey on RACE

The findings and trends will be discussed with CMT and the BAME Staff forum, an action plan produced which will be monitored by the Equality Steering Group, with regular reports back to the BAME Staff Forum and CMT.

- Merton are currently participating in a pan London initiative focusing on recruitment and mentoring. The idea is that across London Councils a pool of interested Senior BAME individuals will be trained and available for cross Council recruitment panels and mentoring of Council staff. If Merton required a BAME staff member for a recruitment panel, but were unable to source one internally then this pool of individuals would be approached to see if someone outside the Council could assist. These staff are at Head of Service level and above. Merton senior BAME staff were approached and 3 have put themselves forward for this initiative.

7. Consultation undertaken or proposed

7.1 CMT and DMT are regularly consulted with regarding workforce profile information and also the contents of leadership, management and diversity development programmes.

7.2 Further consultation, analysis and review also occurs at the corporate equalities group chaired by the director of children's schools and families.

7.3 The Unions are fully up to speed with all the work being undertaken on the equalities front and are supportive of all the actions being taken.

7.4 The BAME Staff Focus Group will be fully consulted on all actions being taken.

8. Timetable

- 8.1 Monthly analysis, monitoring and reporting occurs across the Council as set out in the main body of the report above. The new Annual Equalities and Diversity in Employment report will be available at the end of April 2021. All other actions as outlined in the report are currently underway.

9. Financial, resource and property implications

- 9.1 CMT have provided the BAME Staff Forum with a budget. The reverse mentoring and coaching programme will need to come back to CMT for sanctioning as this will have a cost implication, as yet unknown. CMT will also need to approve the Leadership Anti-Racism training cost, once the preferred provider has been chosen as this will also have a cost implication.

10. Legal and statutory implications

- 10.1 The Council can lawfully take positive action with the auspices of the Equalities Act 2010 to address shortfall in the representation of the Council's workforce in comparison with the residents served.

11. Human rights, equalities and community cohesion implications

- 11.1 These are addressed in the main report above

12. Risk management and health and safety implications

- 12.1 None for the purposes of this report

13. Appendices – the following documents are to be published with this report and form part of the report

- 13.1 Appendix 1 - Draft Annual Equalities and Diversity in Employment Report

14. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report

- 14.1 CMT paper 8th September 2020
CMT paper 20th October 2020

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