

<b>Committee(s):</b> Equality, Diversity and Inclusion Sub Committee	<b>Dated:</b> 21 <sup>st</sup> March 2024
<b>Subject:</b> Compliance Health Check	<b>Public</b>
<b>Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?</b>	All Corporate Plan Outcomes are supported by this work
<b>Does this proposal require extra revenue and/or capital spending?</b>	<b>N</b>
<b>If so, how much?</b>	<b>£</b>
<b>What is the source of Funding?</b>	<b>N/A</b>
<b>Has this Funding Source been agreed with the Chamberlain's Department?</b>	<b>N/A</b>
<b>Report of: Dionne Corradine, Chief Strategy Officer</b>	<b>For Information</b>
<b>Report authors:</b> <b>Shelagh Prosser, Interim Director of EDI</b>	

### Summary

A Compliance Health Check to ensure that the City Corporation is compliant in its equality duties and commitments was one of four EDI priorities agreed by members at the EDI sub-committee on 11<sup>th</sup> December 2023. Its purpose was to identify gaps and potential vulnerabilities to prioritise EDI activity.

Following checks undertaken by the EDI team in January 2024, the Chief Strategy Officer emailed members on 29<sup>th</sup> January 2024 with assurance that the City Corporation was compliant, at a strategic level, with the requirements of the Equality Act 2010 in respect of its functions as an employer and service provider. This was subject to meeting two specific requirements under the Equality Act 2010 Public Sector Equality Duty, firstly to publish Equality Objectives every four years and secondly, to publish annually an equality information report.

This report provides members with further information on the findings of the Compliance Health Check and sets out initial priorities for action.

### Recommendation(s)

Members are asked to:

- Note the report.

## Main Report

### Background

1. In a confidential session at the EDI Sub-Committee on 11<sup>th</sup> December 2023, members agreed that to address immediate challenges and to prioritise activity, the corporate EDI team should focus on four areas:
  - Support to the EDI team.
  - Ensure the Corporation is compliant in its equality duties and commitments.
  - Take stock of and prioritise the 3 political EDI commitments; deliver the Equality Objectives; complete and embed the Tackling Racism Taskforce recommendations; and address EDI data gaps.
  - Scope and agree the terms of reference (with members) for an EDI review.
2. The EDI team undertook a compliance health check in January 2024 seeking evidence of the Corporation's performance against the Equality Act 2010, with particular reference to Section 149 of the Act, the Public Sector Equality Duty. The aim was to identify compliance gaps and potential vulnerabilities to thereby prioritise EDI activity.
3. The methodology adopted was a short questionnaire to key stakeholders across the organisation, direct engagement with a range of HR colleagues and departmental EDI representatives, and a high-level document review.

### Current Position

4. Following checks undertaken by the EDI team, the Chief Strategy Officer emailed members on 29<sup>th</sup> January 2024 with assurance that the City of London Corporation was compliant at a strategic level, with the requirements of the Equality Act 2010 in respect of its functions as an employer and service provider. There were two caveats in respect of the Specific Duties<sup>1</sup>:
  - 1) the requirement to set one or more Equality Objectives at least every four years and to publish these by 30<sup>th</sup> March.
  - 2) the requirement to publish an Equalities Information Report every year by 30<sup>th</sup> March.

The legislation states that all information must be published in a way which makes it easy for people to access it.

5. The Health Check found potential vulnerabilities in components of the Equality Act, for example the anticipatory and continuing duty on service providers to provide reasonable adjustments to avoid a person with disabilities being placed at a "substantial disadvantage" when compared to people without disabilities. For instance, there is currently no explanation on the website of how British Sign Language (BSL) users can access the Corporation for information and advice. We are aware of at least one concern being raised that City leaflets and communications do not routinely take visual impairment into account with

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<sup>1</sup> The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017

reference to colour and print size. There has also been a suggestion that impairment specific accessibility tools could be explored for inclusion on the Home page of the website.

6. There is an Accessibility Statement is on the Homepage of the website which sets out how compatible it is for users of adaptive technology and states that the website has been assessed as being compliant with the Web Content Accessibility Guidelines version 2 AA standard (the legal minimum). There is a monthly (full site) and (weekly) top 250 pages automated audit by Sitemorse and a manual quarterly audit by the Shaw Trust. Since 2018 all PDF documents published on the website are accessible.
7. The Health Check identified areas where further work was required for example, extending the scope of EDI training provision, enhancing organisational awareness of the need to have due regard to all three aims of the public sector equality duty, updating policies to ensure they reflect legislative changes (for example, in respect of sexual harassment<sup>2</sup>, carers and the greater protection afforded to employees with a disability, are pregnant or breastfeeding<sup>3</sup>) and improving the robustness of employee equality data. The latter is already agreed as a priority by EDI Sub-Committee and is acknowledged as an organisational-wide challenge.
8. The Health Check found that the organisation is compliant with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requirement to publish gender pay gap information. The snapshot data for the reporting year of 2023 will be published on the Government Gender Pay Gap Service portal by the required date of 30<sup>th</sup> March 2024. Although not mandatory, the Equality and Human Rights Commission recommends that employers also publish a supporting narrative to signal their commitment to close any identified gap and the actions that they propose to take to do so. Whilst the Corporation will not include a narrative on the Government portal the intention is to take a fuller report to the April meeting of the Corporate Services Committee. This will include ethnicity and disability pay gap data.
9. Assurance was given in respect of the equal pay requirements of the Equality Act. The City Corporation ensures people are paid and rewarded in a fair, consistent and equitable manner. Our pay and reward practice includes controls ensuring pay decisions are fair and applied consistently and the City Corporation publishes a 'Pay Policy Statement', outlining its overall pay policy approach. This and other processes form part of the new People Strategy 2024-2029 launching in April.
10. Whilst not legally mandated, EDI training in respect of the legalisation and best practice helps to build and sustain all employees understanding of what can constitute unlawful discrimination and their role in creating an inclusive workplace and responsive service provision. Currently, there is a mandatory online module on equality and inclusion that is part of the New Starters Induction programme, three optional in-person courses in the Core Curriculum

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<sup>2</sup> Worker Protection (Amendment of Equality Act 2010) Act 2023

<sup>3</sup> The Equality Act 2010 (amendment) Regulations 2023

that specifically focus on EDI and a module in the People Manager programme called Leading Diverse Teams. Other training has been provided on an ad hoc basis, for example, on equality analysis. Departments also commission development, according to need.

11. The Health Check also considered the range of EDI related policies currently available for employees on the intranet. It is acknowledged that there are policy gaps, for example a specific Harassment and Bullying Policy and a Reasonable Adjustments Policy (although in both cases guidance and a procedure exists) and that some policies require updating to align with legislative developments and emerging best practice. For example, the Equal Opportunities Policy. In recognition of the need to have robust up to date policies, a new senior Policy Manager role has been created to lead on this work and a person appointed.

## Proposals

12. The Health Check drew highlighted two urgent requirements, namely, to publish Equality Objectives and an Equality Information Report by 30<sup>th</sup> March 2024.
13. A paper requesting agreement to publish a revised set of Equality Objectives has been tabled for the March EDI subcommittee. In respect of the latter requirement, the possibility of publishing a short report based on existing available equalities data is currently being explored by officers.
14. Addressing gaps and potential vulnerabilities identified in the Health Check will form part of a review into EDI to commissioned later this year.

## Corporate & Strategic Implications

**Strategic implications** – Ensuring compliance with equality legislation and best practice supports the commitment in the Corporate Plan to EDI being a golden thread through all six Outcomes.

**Financial implications** – N/A

**Resource implications** - Ensuring responsiveness to current and emerging equalities legislation and best practice is a cross-cutting responsibility and cannot rest solely with the current corporate EDI team.

**Legal implications** - This compliance health check seeks to highlight gaps in respect of the Equality Act 2010 and its subsequent amendments to enable appropriate and proportionate action to be taken.

**Risk implications** – Failure to address legislation gaps poses a potential financial and reputational risk to the City Corporation. Mitigations are in place and work is underway to better understand, articulate and manage EDI related risks.

**Equalities implications** – This compliance health check supports the City Corporation's commitment to be a leader in respect of EDI.

**Climate implications** – N/A

**Security implications** – N/A

## **Conclusion**

1. The Heath Check provides a high-level assurance of compliance, with two caveats, the publication of Equality Objectives and an Equality Information report. It also identifies other areas for attention.
2. The paper outlines a proposal for addressing the immediate compliance issues and a way forward on closing the gaps. Members will be updated as this work progresses.

## **Appendices**

None

## **Background Papers**

None

**Shelagh Prosser**  
**Interim Director of EDI**  
**CSPT**

E: [shelagh.prosser@cityoflondon.gov.uk](mailto:shelagh.prosser@cityoflondon.gov.uk)