

WMCA Board

| | |
|--------------------------------------|---|
| Date | 24 July 2020 |
| Report title | Equalities Update |
| Portfolio Lead | Inclusive Communities - Councillor Bridget Jones |
| Accountable Chief Executive | Deborah Cadman, West Midlands Combined Authority email: deborah.cadman@wmca.org.uk tel: (0121) 214 7200 |
| Accountable Employee | Anna Sirmoglou, Equalities & Diversity Manager email: anna.sirmoglou@wmca.org.uk tel: (0121) 214 7505 |
| Report has been considered by | Senior Leadership Team - 26 February 2020 Programme Board - 6 March 2020 and 10 July 2020 |

Recommendation (s) for action or decision:

The WMCA Board is recommended to:

- (1) Approve the introduction of a new WMCA Modern Slavery Policy and endorse the annual Statement published in line with legislative requirements.
- (2) Approve adoption of the International Holocaust Remembrance Alliance's Working Definition of Antisemitism (paragraph 3.2).
- (3) Note progress on the delivery of the equality agenda within the West Midlands Combined Authority including the WMCA response to Black Lives Matter.

1. Purpose

- 1.1 To inform the Board of our obligations under the Modern Slavery Act 2015, including the introduction of a WMCA Modern Slavery Policy and publication of accompanying statement.
- 1.2 To provide the context and seek endorsement for the adoption of the International Holocaust Remembrance Alliance's (IHRA) Working Definition of Antisemitism.
- 1.3 To update the Board on other equality related activity and future plans, including recent actions taken in light of Black Lives Matter.

2. Modern Slavery Policy and Statement

- 2.1 Modern slavery is a criminal offence under the Modern Slavery Act 2015. Modern slavery can occur in various forms, including servitude, forced or compulsory labour and human trafficking, all of which have in common the deprivation of a person's liberty by another in order to exploit them for personal and commercial gain.
- 2.2 The Government has introduced a provision in the Modern Slavery Act 2015 which requires organisations with turnover over a certain threshold (over £36m) to produce an annual statement setting out the steps they have taken to ensure there is no modern slavery in their own business and their supply chains. The WMCA has a turnover over £36m and we are therefore required to produce a statement on an annual basis (in April).
- 2.3 A statement should aim to include information about:
 - (a) The organisation's structure, its business and its supply chains;
 - (b) Its policies in relation to slavery and human trafficking;
 - (c) Its due diligence processes in relation to slavery and human trafficking in its business and supply chains;
 - (d) The parts of its business and supply chains where there is a risk of slavery and human trafficking taking place and the steps it has taken to assess and manage that risk;
 - (e) Training delivered to employees to raise awareness and minimise risk.
- 2.4 If an organisation fails to produce a statement for a particular financial year the Secretary of State may seek an injunction through the High Court requiring the organisation to comply. In practice failure to comply with the provision will mean the organisation has not produced a statement, published it on their website or has not set out the steps taken by the organisation in the relevant financial year.
- 2.5 The Modern Slavery Statement will be produced every April in compliance with Section 54 of the Modern Slavery Act 2015 and published on the WMCA [website](#). The statement will also be communicated to our supplier base along with a Modern Slavery Procurement Guide.

3. Working Definition of Antisemitism

- 3.1 The definition was introduced by the International Holocaust Remembrance Alliance (IHRA) in May 2016 and adopted by the UK Government in December 2016. The IHRA brings together governments and experts to strengthen, advance and promote Holocaust education, research and remembrance.
- 3.2 The IHRA working definition of antisemitism states: 'Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.'
- 3.3 The IHRA has published examples to guide organisations on the implementation of the definition and gives examples (see Appendix B) of the kind of behaviours which can constitute anti-Semitism. These examples can make it easier to recognise what is and what is not anti-Semitic.
- 3.4 The UK Government adopted the definition in December 2016 and the Rt. Hon Sajid Javid MP, the then Secretary of State for Communities and Local Government wrote to council leaders encouraging them to adopt the definition. Since then many councils have adopted the definition. The WMCA was approached by the Jewish Leadership Council regarding adopting the definition. Adoption by the WMCA would be a decision relating to the Authority itself (and does not automatically apply to its' constituent or non-constituent councils).
- 3.5 Antisemitism, alongside Islamophobia, racism and other forms of discrimination remain a national and regional challenge. Antisemitism is on the rise. The Community Security Trust (CST), the leading Jewish organisation monitoring and supporting victims of antisemitism, recorded 1,652 reported anti-Semitic incidents in 2018 – their highest annual total on record for the third year running. The Jewish community in the West Midlands is the 5th largest in the UK.
- 3.6 The definition is not legally binding but is an important tool for public bodies to understand how anti-Semitism manifests itself in the 21st century. Adopting the definition will help demonstrate and create confidence within the WMCA area that antisemitism will not be tolerated. It would also be in line with our wider equality and inclusion objectives and the Equality Act Public sector duty to demonstrate due regard or think about the need to:
 - eliminate unlawful discrimination
 - advance equality of opportunity between people who share a protected characteristic and those who don't;
 - foster or encourage good relations between people who share a protected characteristic and those who don't
- 3.7 Following adoption of the definition the WMCA will incorporate a commitment to opposing antisemitism into relevant policies taking appropriate action to challenge and raise awareness in relation to this form of hatred (in line with our general stance towards discrimination of any kind). These policies include: Equal Opportunities Policy and Dignity at Work Policy. Our commitment will also be reflected within the 2021-2023 Equality Scheme (to be finalised by early 2021).

4. Equality Updates

- 4.1 The WMCA is in the process of developing our 2021-23 equality objectives and update our Equality Scheme to encompass all the work that is taking place and will be taking place to improve equality and inclusion outcomes for employees and West Midlands residents. The draft Policy will undergo external consultation with a range of stakeholders including equality groups in the region in in late 2020
- 4.2 The WMCA featured on the 2019/20 Inclusive Top 50 UK Employers list (33rd in the list). This is a definitive list of UK based organisations that promote inclusion across all protected characteristics throughout each level of employment.
- 4.3 The WMCA featured at number 24 in the National Centre for Diversity Grand Awards Top 100 Index 2020.
- 4.4 The WMCA is a Disability Confident employer and are currently working towards attaining Disability Leaders recognition.
- 4.5 The WMCA attained Thrive at Work accreditation aiming at improving health and wellbeing for employees and are implementing a number of internal wellbeing initiatives, such as Mental Health First Aider schemes, procuring a more effective Employee Assistance Programme (EAP) and incorporating wellbeing within our management development programme.
- 4.6 Our internal organisational 'Building our Future Workforce' Strategy is designed to provide underrepresented groups with a range of skills and opportunities. Since the scheme was launched the proportion of employees who are apprenticeships has increased to 6.2%, well above the target for the public sector (2.3%) and exceeding best practice benchmarks (5%). All posts under SP26 are advertised as apprenticeships and we target under-represented groups (care leavers, NEETs etc.) in our recruitment to work experience and entry level jobs/apprenticeships.
- 4.7 The WMCA is now a Real Living Wage accredited employer, recognising that all directly employed under a contract of employment with the West Midlands Combined Authority are paid the 'real living wage'. There will also be an expectation that contractors who provide third party contracted staff to the WMCA pay the real living wage too. This will be implemented on a phased basis that takes account of affordability and contract end and renewal dates. Accreditation is important for the WMCA as an organisation that delivers, supports and enables inclusive growth across the region, and helps to demonstrate our commitment to embedding inclusivity across the organisation.

5. Black Lives Matter

- 5.1 In response to Black Lives Matter and in line with our wider equality and inclusion objectives a number of equality focus groups were conducted with staff that will help shape our internal equality and inclusion agenda. Future activities to increase diversity and support inclusion include the development of internal mentoring schemes; the development of strategic leadership apprenticeships to address under-representation and promote inclusion; the delivery of unconscious bias training and awareness campaigns; active engagement with employees, e.g. through user led networking groups; embedding equality competency considerations within management fundamentals; ensuring all key elements of the transformation programme are equality proof, and positive action to support our wider diversity objectives.
- 5.2 Our Recovery work is being developed with a constant view on those who are most disproportionately impacted by Covid. And the Leadership Commission are reviewing their priorities considering Black Lives Matter.

6. Financial Implications

There are no financial implications in relation to this report

7. Legal Implications

There is a statutory requirement for organisations with a turnover in excess of £36 million to have a statement to comply with the legislation and therefore WMCA will discharge this legal obligation with the approval of the Modern Slavery Policy and Statement. The approval of the Policy will provide both assurance to and confidence in the operation of the WMCA in this regard.

8. Equalities Implications

The above initiatives are likely to have a positive impact on equalities and inclusion

9. Inclusive Growth Implications

There are no direct inclusive growth implications arising from this report though the initiatives outlined above are likely to have a positive impact on a number of different groups therefore resulting in inclusive growth outcomes.

10. Geographical Area of Report's Implications

The report encompasses the West Midlands region

11. Other implications

There are no other implications

12 Schedule of background papers

Modern Slavery Statement: <https://www.wmca.org.uk/media/3894/modern-slavery-statement-2020-21.pdf>

Appendix A: Modern Slavery Policy

Appendix B: Working Definition of Anti-Semitism practical examples

APPENDIX A

MODERN SLAVERY POLICY

| | |
|----------------|--|
| Date approved | |
| Author | |
| Version | |
| Approved by | |
| Designation | |
| Published date | |
| Review date | |

1 POLICY STATEMENT

Modern slavery is a crime and a violation of fundamental human rights. It takes various forms such as slavery, servitude, forced and compulsory labour and human trafficking, all of which have in common the deprivation of a person's liberty by another in order to exploit them for personal or commercial gain.

As a public sector organisation, West Midlands Combined Authority recognises that we have a corporate responsibility to take a robust approach to slavery and human trafficking. We have a zero-tolerance approach to modern slavery and we are committed to acting ethically and with integrity and transparency in all our business dealings and to implementing and enforcing effective systems and controls to safeguard against any form of modern slavery taking place anywhere within our own business or supply chains.

2 PRINCIPLES

- WMCA will release a Modern Slavery Statement each financial year, in compliance with Section 54 of the Modern Slavery Act 2015. This statement will be made publicly available on our website and intranet. Regular reviews of the policy will be conducted to ensure it adheres to regulatory and legislative requirements.
- WMCA acknowledges its responsibility as a 'First Responder' under Section 52 of the Modern Slavery Act 2015, to report all instances when there are reasonable grounds to believe a person may be a victim of modern slavery or human trafficking to the Home Office.
- Safeguarding will continue to remain a mandatory e-learning course for all new starters within the business alongside the compulsory reading of this policy, with additional training being provided as necessary. Any amendments/updates added to this policy will be communicated to all staff.
- WMCA will provide a working environment that thoroughly encourages all its employees, customers and other business partners to speak out if they are aware of, or suspect, any wrongdoing or misconduct within the organisation. This includes any circumstances which may give rise to an enhanced risk of slavery or human trafficking. The CA will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken. An employee will not suffer any detrimental treatment as a result of reporting, in good faith, a suspicion that modern slavery is taking place in any part of the organisation or our supply chain.

3 SCOPE

The prevention, detection and reporting of modern slavery in any part of WMCA business or supply chain, whether in the UK or abroad, is the responsibility of all who work for WMCA.

This policy applies to all persons working for WMCA in any capacity, including employees at all levels, directors, officers, agency staff, interns, contractors, consultants, volunteers and people on a formal secondment.

4 PROCEDURE

4.1 Indicators of trafficking

The following questions can help indicate if an individual is a victim of human trafficking:

- Is the person in possession of their own passport, identification or travel documents or are these documents in possession of someone else?
- Does the person act if they were instructed or coached by someone else? Do they allow others to speak for them when spoken to directly?
- Was the person recruited for one purpose and forced to engage in some other job? Have transport costs been paid for by facilitators, whom they must pay back through working or providing services?
- Does the person receive little or no payment for their work? Is someone else in control of their earnings?
- Does the victim have freedom of movement? Are they dropped off and collected from work?
- Is the person withdrawn or do they appear frightened?
- Has the person or their family been threatened with harm if they attempt to escape?
- Is the person under the impression they are bonded by debt, or in a situation of dependence?
- Has the person been physically or emotionally harmed or deprived of food, water, sleep, medical care or other life necessities?
- Can the person freely contact friends or family? Do they have limited social interaction or contact with people outside their immediate environment?

4.2 Procedure if someone is suspected of being trafficked/enslaved

Being a 'First Responder', WMCA has a Duty to Notify (DtN) the Home Office if anyone working within the CA identifies an individual with indicators that suggest they may be trafficked/enslaved. If someone suspects that this is occurring, they are to inform either their manager, HR, a Safeguarding Officer or by following the procedure outlined in the Whistleblowing policy.

5 RESPONSIBILITIES

5.1 Employee's Responsibilities

Preventing and reporting suspected Modern Slavery is the responsibility of all WMCA employees. Employees are expected to be proactive take any necessary and appropriate steps when procuring goods or services to ensure that modern slavery does not occur. This encompasses assessing any risks to modern slavery and human trafficking.

Employees are required to be aware of the signs of modern slavery and human trafficking and to be vigilant during their day-to-day job roles. Employees must assess the risk of modern slavery when awarding a supplier contract. This involves questioning whether a supplier is based in a high-risk geography (such as conflict-affected zones) or if the contract being awarded is of a high-risk sector (i.e. construction, hospitality and agriculture).

It is the employee's responsibility to complete the mandatory e-learning courses as part of their induction, this includes courses on Safeguarding Children and Safeguarding Adults which have sections on modern slavery. Employees are also responsible for familiarising themselves with the WMCA Safeguarding Policy, which outlines how to identify and report suspected incidents, and follow the correct procedure as/when necessary.

If you believe or suspect a breach of this policy has occurred, is occurring, or is at risk of taking place, you must report it by speaking to your line manager, the HR Department, a Safeguarding Officer or by following the procedures outlined in the Whistleblowing Policy. Any concerns should be raised as soon as possible, as long as it is safe to do so.

If an employee is unsure about whether a particular act, the treatment of workers more generally, or their working conditions within any tier of our supply chains constitutes any of the various forms of modern slavery, this should be raised with their manager, HR, a Safeguarding Officer or by following the Whistleblowing Policy.

All employees are required to avoid any activity that might lead to, or suggest, a breach of this policy. Any employee who breaches this policy will face disciplinary action, which could result in dismissal for misconduct or gross misconduct.

5.2 Manager's Responsibilities

. If a contract manager has any reason to believe that an individual within their supplier workforce is a victim of modern slavery then they must report to either their manager, HR, a Safeguarding Officer or by following the procedure outlined in the Whistleblowing policy.

Management at all levels are responsible for ensuring their direct reports understand and adhere to this policy.

Managers are responsible for seeking out further guidance from HR should they be unsure of any aspects of this policy or the corresponding Modern Slavery Statement.

5.3 Human Resources Team's responsibilities

The Human Resources team has a responsibility to make sure Business Partners are fully knowledgeable on this policy and are taking a proactive approach to ensure their delegates are also aware of the relevant policies and procedures.

Should any modern slavery legislation be updated, it is the responsibility of the HR department to ensure that all relevant policies and procedures are amended, if necessary, to make sure they are fit for purpose in order for the organisation to remain compliant.

HR are to deal with any employee/ manager queries surrounding this policy and relevant legislation accordingly.

If a member of the HR team is made aware of any slavery/ human trafficking suspicions, they are responsible for informing the Designated Safeguarding Lead, or a Nominated Deputy Lead in their absence.

5.4 Procurement Team's responsibilities

Our zero-tolerance approach to modern slavery must be communicated to all suppliers at the outset of our business relationship with them. It is the responsibility of the Procurement team to ensure that the WMCA external supply chain is compliant with the Modern Slavery Act 2015.

Through a self-questionnaire, suppliers are required to confirm their agreement and compliance with this policy. If the supplier meets the criteria for Section 54 for the Modern Slavery Act 2015, they must provide their current Modern Slavery Statement.

At the Procurement team's discretion, appropriate audits of any supplier will be implemented should a potential risk of modern slavery be identified.

Relationships with suppliers may be terminated if they breach this policy, fail to show their commitment to the Modern Slavery Act 2015 and/or do not consent to appropriate audits taking place.

The Procurement team are responsible for considering modern slavery risks when making procurement decisions. WMCA procurement staff are to seek clarification on abnormally low tenders for amplification as to why this is the case. The tender is to be rejected if the bid is low due to: a breach of the tenderer environmental, social or labour law or illegal State aid is being provided to the Tenderer.

5.5 Appointed Safeguarding Officers' responsibilities

It is the responsibility of the Safeguarding Officers to follow the 'First Responder' procedure in line with Section 52 of the Modern Slavery Act 2015, the 'Duty to Notify'. This includes referring the case to the NRM (National Referral Mechanism) or by submitting an 'MS1' form if an adult does not give consent to be referred to the NRM.

6 ASSOCIATED DOCUMENTS

- Modern Slavery Statement 2020/21
- Whistleblowing Policy
- Safeguarding Policy
- Grievance Policy
- Social Value Policy
- Dignity at Work Policy

7 USEFUL LINKS

Further information on Modern Slavery and Human Trafficking is available from the following websites:

<https://www.antislavery.org>

<https://nationalcrimeagency.gov.uk/what-we-do/crime-threats/modern-slavery-and-human-trafficking>

<https://www.modernslaveryhelpline.org/>

<http://www.antislaverycommissioner.co.uk/>

<https://www.westmidlandsantislavery.org/>

<https://www.stopthetraffik.org/>

<https://www.bsab.org/>

8 MONITORING AND REVIEW

The Strategic Leadership Team will monitor the effectiveness of this policy as well as review its implementation. Considerations will be undertaken regularly to assess the suitability, adequacy and effectiveness of this policy. Any improvements identified will be made as soon as possible.

All WMCA staff, in any capacity, are responsible for the success of this policy and should ensure they use it to raise any concerns regarding modern slavery.

This policy does not form any part of an employee's contract of employment and we reserve the right to amend it at any given time.

Appendix B

Working Definition of Antisemitism – Practical Examples

To guide IHRA in its work, the following examples may serve as illustrations:

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.