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Official

Board: EDI Board   **Date:**   17 July 2021

Chair: Suzanne Gordon and Jen Green

Topic: Update on the work of the EDI Board

Reason for report: This report fulfils the requirement of the Board to provide an update on its work to SLT.

Areas for discussion by SLT: SLT is asked to note the progress being made, and the breadth of the work being delivered by the EDI Board Sub-groups.

Executive Summary: Since the last SLT update in April, the EDI Board has met twice and has continued to focus predominately on the following three workstreams:

- Improving our diversity data
- Embedding the People and Equality Impact Assessment process
- ICO Review of People Policies

In addition to this, the Board has finalised the EDI Action Plan for 2021/22, which is provided at Annex 1 for information.

The focus of the Board continues to be one of scrutiny and oversight of this work, with many of the EDI Board members chairing and/or attending these sub-groups and working collaboratively with colleagues from across the office to further this work.

Key achievements:

<u>Improving our diversity data</u>

During the last quarter we concluded the review of Minfo diversity categories. This review looked at the language we use and diversity options provided when self-selecting equality and diversity data.

The review which commenced in Q4 took slightly longer than anticipated due to conflicting views and some uncertainty amongst the EDI Board and EDI Staff Network Groups relating to the inclusion of gender identity categories. To ensure the proposed Minfo diversity categories were aligned with the most up to date legal position, the Board sought independent advice to clarify what categories should be included in

relation to sex, gender reassignment and gender identity. Following this and further advice from Ali Jarvis, the Board agreed to align the categories as closely as possible with the current legal requirements, ensuring that this was reviewed on a regular basis, as caselaw is developing in this area quickly and equality legislation relating to gender identity remains topical, controversial and under review.

Embedding the People and Equality Impact Assessment process

Work continues across the ICO to embed the People and Equality Impact Assessment process. In this quarter, the Board and its subgroup considered feedback received from users since this relaunched process became operational.

Since the updated form and guidance was launched in February, we are seeing equality considerations being more thoroughly considered and articulated in papers coming to SLT Boards. In addition to this, 28 PEIA's have now been completed since February, and we are beginning to see the quality of these improve, although work is still needed to drive quality consistently across the office.

From the feedback received in the last quarter, the subgroup has updated the People and Equality Impact Screening form to enable better collaboration between colleagues during drafting, and additional guidance has been drafted specifically providing examples of types of impacts to consider for each of the protected characteristics. Both of these documents will be published by the end of July.

The Board has also commissioned Ali Jarvis to deliver PEIA training to Directors and Heads of Service in August and then to the Policy Profession and ICO Programme Office/Regulatory Programme Office across September and October.

The EDI Board continues to ask that SLT be mindful of the legal requirement to undertake a PIA at the earliest opportunity when considering a change, policy or decision that will impact staff, customers and stakeholders.

ICO Review of People Policies

In the last SLT update, the EDI Board reported that a number of existing ICO People Policies were being reviewed. As this review continues, in this quarter the Board focused on the drafting of an overarching Equality Policy Statement, which will set out our commitment to equality, diversity

and inclusion and will act as an 'umbrella' policy to all of the ICO People Policies. We anticipate that this policy will be finalised and ready for TU consultation by September.

Key challenges: This continues to be an incredibly busy period for the ICO, and as work pressures continue to build, the personal capacity of some of the members of our EDI Board is being impacted. We are continuing to monitor this closely.

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Upcoming issues: The EDI Board has commenced work on an ICO Transgender Policy, which will set out clearly our commitment to supporting employees during any processes of transition (as defined within the protected characteristics in the Equality Act), as well as the safeguards that would be in place around personal records and appropriate disclosure of information.

The policy will also provide guidance to our customer facing staff on appropriate handling of callers and contacts as well as a review of the appropriateness of existing record formats and what personal details around gender identity (if any) might be appropriate to capture.

We anticipate that this policy will be ready for TU consultation in October.

Publication considerations:

This report can be published internally and externally. However reference to the EDI Audit should be redacted due to contractual considerations.

Author: Suzanne Gordon

Annex 1: EDI Action Plan 2021/22