

Annex A

The withheld information is described below:

The withheld information relates to Workplace Equality Index feedback from Stonewall to the GLA. The information is located in two documents:

1. Summary of feedback report within the document *DIMB Meeting – 8 - 04 -20: Agenda Item Stonewall Workplace Equality Index and LGBTQ+ Action Plan update*
2. LGBTQ+ Action plan 2020 – information about actions themed and aligned to the Stonewall Workplace Equality Index that reflect feedback on the 2018, 2019, and 2020 GLA Stonewall submissions.

Exemptions:

Section 41 – Information provided in confidence

Section 41 sets out an exemption from the right to know where the information was provided to the public authority in confidence.

41. —(1) Information is exempt information if — (a) it was obtained by the public authority from any other person (including another public authority), and, (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

Section 43 (2) – Commercial interests

Section 43(2) exempts information whose disclosure would, or would be likely to, prejudice the commercial interests of any legal person (an individual, a company, the public authority itself or any other legal entity).

How the exemptions apply to this information:

Section 41

In order for Section 41 to be engaged, the following criteria must be fulfilled:

- the authority must have obtained the information from another person,
 - its disclosure must constitute a breach of confidence,
 - a legal person must be able to bring an action for the breach of confidence to court, and
 - that court action must be likely to succeed.
1. The Workplace Equality Index feedback was provided to the GLA by another person - Stonewall.
 2. Workplace Equality Index feedback is provided to organisations by Stonewall in confidence (as per the [privacy statement](#)) so disclosure would represent a breach of confidence. This is clear from the privacy statement on the submission which notes that “Any scoring or comments made on the submission is confidential between Stonewall and the applicant/organisation, except for purposes outlined below.” The points below that statement explain that Stonewall (not the WEI organisation) may use the scoring and comments for certain purposes.
 3. It is not clear that there would be any public interest defence for a breach of confidence in these circumstances. We therefore consider that disclosure would constitute an actionable breach of confidence such that section 41 is engaged

Section 41 Public interest defence arguments

Disclosure of the feedback would ensure that the GLA remains transparent, accountable and open to scrutiny.

Disclosure of the feedback would be likely enable individuals to understand decisions made by public authorities and facilitate accountability and transparency in the spending of public money.

Disclosure of information about the GLA's work with Stonewall would be likely to further public understanding of, and participation in the debate of issues of the day. Disclosure of the feedback element would be less likely to further public understanding of wider issues.

Public interest arguments in favour of maintaining the confidence

The public interest would be met by maintaining the confidence, demonstrating that the principle of confidentiality has been respected. The public interest is further met by maintaining the confidence because breaching the confidence would be very likely to have a commercial impact (a cost the public purse).

The breach of confidence would impact the interests of the confider. Disclosure would damage the confider's commercial interests as set out below, including their competitive position or ability to compete. Disclosure would reveal information that would assist competitors; undermine the confider's future negotiations for work with other organisations; Disclosure would negatively impact on the confider's relationship with the authority or other organisations.

Section 43(2)

Section 43(2) provides that information can be withheld from release if its release would, or would be likely to, prejudice the commercial interests of any person.

A commercial interest relates to a person's ability to participate competitively in a commercial activity and in this instance, the information withheld from disclosure details Workplace Equality Index feedback from Stonewall to the GLA.

Stonewall operates in a competitive marketplace. There are a wide range of workplace development organisations who deliver training, guidance and/or accreditation on diversity and inclusion including LGBT inclusion.

Participation in the Workplace Equality Index is free to access, but in-depth feedback is a memberships benefit of the Diversity Champions programme. Disclosing feedback provided by Stonewall would enable competitors to work out their methodology to their commercial advantage, and to Stonewall's detriment.

While Stonewall provides a significant amount of free material to help organisations, in order to carry out its charitable objects most effectively it must be able to safeguard its confidential and commercially sensitive information. Failure to do so would provide other organisations providing workplace development with a competitive edge, which would have both a financial and strategic impact on Stonewall.

Releasing feedback information would have a detrimental impact on the commercial revenue of Stonewall, as other public bodies would be less willing to engage in its services if detailed submission and feedback information were shown to be subject to disclosure

The GLA is satisfied that in this instance disclosure of the feedback information would be extremely likely to, prejudice or harm the commercial interests of Stonewall.

Section 43 (2) Public Interest Test

Section 43(2) constitutes a qualified exemption from our duty to disclose information under the FOIA and consideration must be given as to whether the public interest favouring disclosure of the information covered by this exemption outweighs the public interest considerations favouring maintaining the exemption and withholding the information.

The 'right to know; must be balanced against the need to enable effective government and serve the best interests of the public.

Factors in favour of disclosing this information:

The GLA acknowledges there is a strong public interest in being accountable to the taxpayer about costs and budgets. This interest is met by the publication of financial information on request¹.

The GLA acknowledges there is a strong public interest in the GLA being transparent about the measures it uses to ensure a fair and representative workforce. This is partially met through the release of any information which is not subject to an agreement.

There is a strong public interest in understanding the GLA's work on LGBTQI+ issues on behalf of London's communities.

The GLA is also mindful of the assumption in favour of disclosure in 2(2)(b) of the FOIA.

Considerations favouring non-disclosure

There is a strong public interest in financial accountability. It is not in the public interest for the GLA to incur legal costs to the public purse through breaking an agreement.

It is not in the public interest to weaken the competitive position of Stonewall in their particular market by disclosing sensitive information which would be likely to be used by competitors to gain a competitive advantage.

The feedback is only a part of the requested information. In this case, it is felt that the public interest is met to a degree by the release of the remainder of the information requested under FOI in this instance, and by the publication of best practice and top 100 employers by Stonewall <https://www.stonewall.org.uk/full-list-top-100-employers-2020>

We find that the balance of the public interest favours maintaining the exemption provisions of in relation the redacted information.

¹ https://www.london.gov.uk/sites/default/files/mgla220621-6430 - foi_response_redacted.pdf and https://www.london.gov.uk/sites/default/files/mgla100621-5457 - foi_response_redacted.pdf

DIMB Meeting – 26 - 02 -20: Agenda Item ??

Stonewall Workplace Equality Index and LGBTQ+ Action Plan update

Action Required: For decision and information

1. Background & high level Stonewall Workplace Equality Index results

- 1.1 The GLA submitted to Stonewall's Workplace Equality Index 2020, a benchmarking tool to support employers measure their progress on LGBTQ+ inclusion. The GLA has achieved the following results:
 - Rank: 22/503 organisations taking part
 - Score: 147/200 points
 - Staff feedback questionnaire: 19/20 points
- 1.2 This is a significant jump from the GLA's 2019 Index results, where the GLA ranked 118/445 organisations taking part. The GLA's results this year are the product of many people's hard work over a number of years, especially the work of the LGBTQ+ Network, and the HR&OD team.
- 1.3 The GLA's LGBTQ+ action plan has been reviewed ahead of a benchmarking feedback meeting with Stonewall scheduled for March 2020. During this meeting, Stonewall will share detailed feedback on the GLA's submission and will recommend further actions that the GLA can take to progress this work. Stonewall's feedback will be taken into consideration as we continue to develop and make progress against this action plan.
- 1.4 The full benchmarking report and a further update on this meeting and a new action plan will be presented at the next Diversity and Inclusion Management Board meeting.

2. LGBTQ+ Action Plan

- 3.1 This action plan is focused on the work done against Stonewall's benchmarking tool, the Workplace Equality Index. It is not a reflection of all the GLA's LGBTQ+ inclusion work. The aim of this plan is to bring together the work the GLA is doing and has done across the different areas of workplace good practice identified by Stonewall.
- 3.2 Stonewall's criteria operates on a three year cycle to evolve with best practice. The 2020 Index was the third year of the last cycle, meaning that the criteria will change for the 2021 submission. A new action plan will be created in light of the new criteria once Stonewall makes this available – this will build on the old plan, and will not lose any actions which are still relevant.
- 3.3 The action plan has been updated to reflect the work done for the 2020 submission (see appendix). It also highlights areas of work which the GLA needs to focus on – for example, training/awareness raising for managers and all staff, changes in the way the GLA monitors and reports on gender identity, and supporting the LGBTQ+ Network. These areas will be carried forward in the new action plan based on Stonewall's updated good practice criteria.

3. Recommendation

4.1 The Board is asked to:

- Note and provide any feedback on the updated LGBTQ+ action plan.
- Agree in principle that the GLA will submit to the Stonewall Workplace Equality Index 2021 to continue benchmarking the GLA's LGBTQ+ inclusion work against best practice, pending the outcome of the March 2020 benchmarking meeting with Stonewall and the new criteria.

DIMB Meeting – 8 - 04 -20: Agenda Item

Stonewall Workplace Equality Index and LGBTQ+ Action Plan update

Action Required: For information

1. Background & high level Stonewall Workplace Equality Index results

- 1.1 The GLA submitted to Stonewall's Workplace Equality Index 2020, a benchmarking tool to support employers measure their progress on LGBTQ+ inclusion. The GLA has achieved the following results:
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- 1.2 This is a significant jump from the GLA's 2019 Index results, where the GLA ranked 118/445 organisations. The GLA's results this year are the product of many people's hard work over a number of years, especially the work of the LGBTQ+ Network and the HR&OD team.
- 1.3 The GLA's LGBTQ+ action plan has been updated following a benchmarking feedback meeting with Stonewall on 6 March 2020. During this meeting, Stonewall shared detailed feedback on the GLA's submission and recommended further actions that the GLA can take to progress this work. Stonewall's feedback has been taken into consideration as we continue to develop and make progress against this action plan.

| Response | Percentage |
|----------|------------|
| Yes | 1.4 |
| No | 98.6 |

2. LGBTQ+ Action Plan

- 3.1 This action plan is focused on the work done against Stonewall's benchmarking tool, the Workplace Equality Index. It is not a reflection of all the GLA's LGBTQ+ inclusion work. The aim of this plan is to bring together the work the GLA is doing and has done across the different areas of workplace good practice identified by Stonewall.
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- 3.3 The action plan has been updated following the benchmarking meeting to highlight areas of work which the GLA needs to focus on – for example, training/awareness raising for managers and all staff, changes in the way the GLA monitors and reports on gender identity, and supporting the LGBTQ+ Network. These areas will be carried forward in the new action plan based on Stonewall's updated good practice criteria.

3. Recommendation

- 4.1 The Board is asked to:
- Note and provide any feedback on the updated LGBTQ+ action plan.

LGBTQ+ Action Plan 2020-2021

Background

The GLA is committed to improving workforce representation at all levels in order to reflect London communities. We also aim to be a great place to work, which is inclusive and supportive to all. The aim of this action plan is to show a clear commitment to LGBTQ+ equality, recognising specific challenges facing the LGBTQ+ community, within and beyond the GLA.

The GLA has an active LGBTQ+ Network, which is working with GLA HR&OD and Stonewall in an advisory capacity.

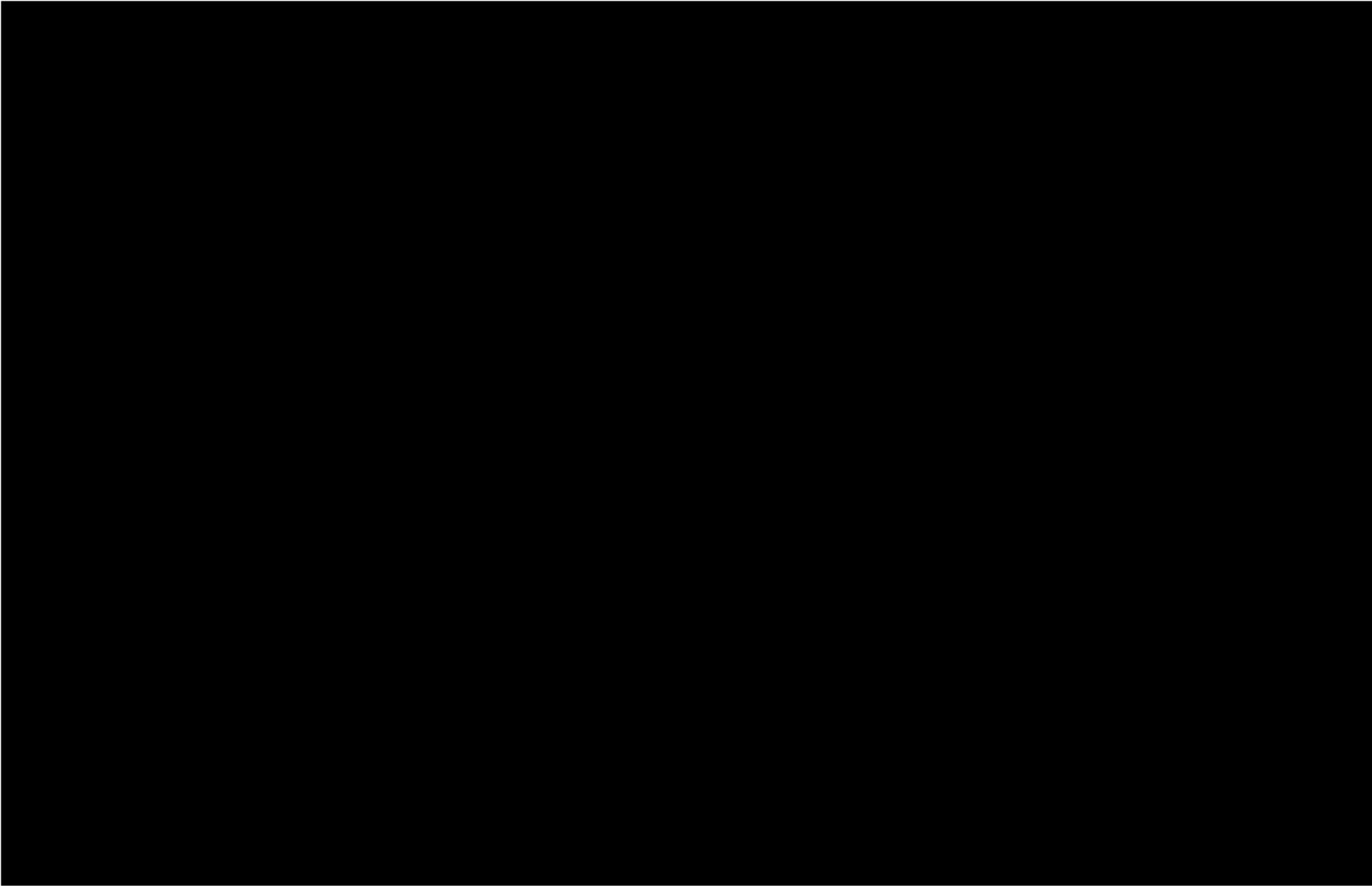
Please note that this plan does not reflect the LGBTQ+ inclusive business as usual work that takes place at the GLA, nor does it reference all of the work undertaken by the LGBTQ+ network or further across the GLA. This work will still be captured in the GLA's Workplace Equality Index submission.

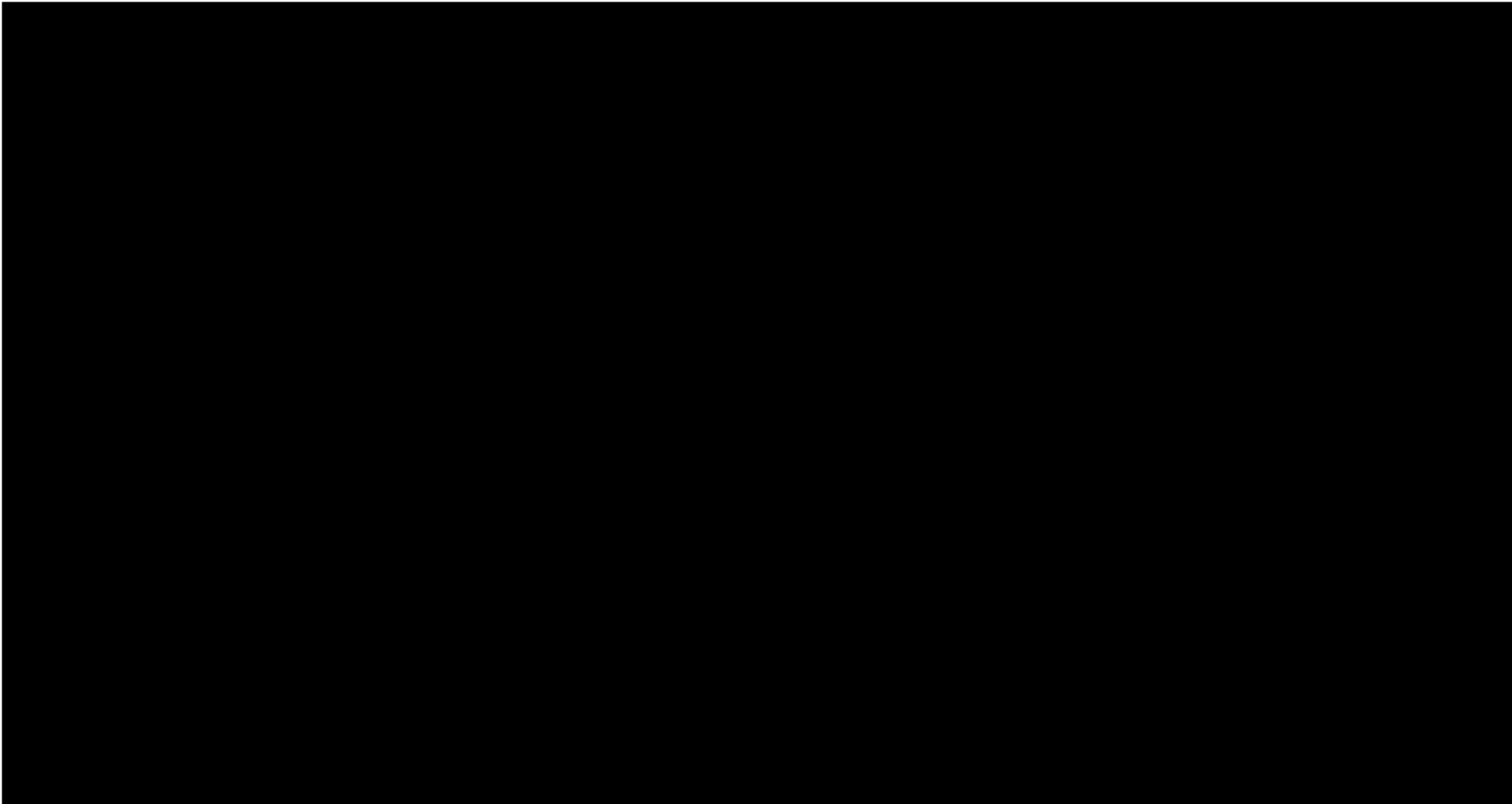
The actions below have been themed and aligned to the Stonewall Workplace Equality Index and reflect feedback on the 2018, 2019, and 2020 GLA Stonewall submissions.

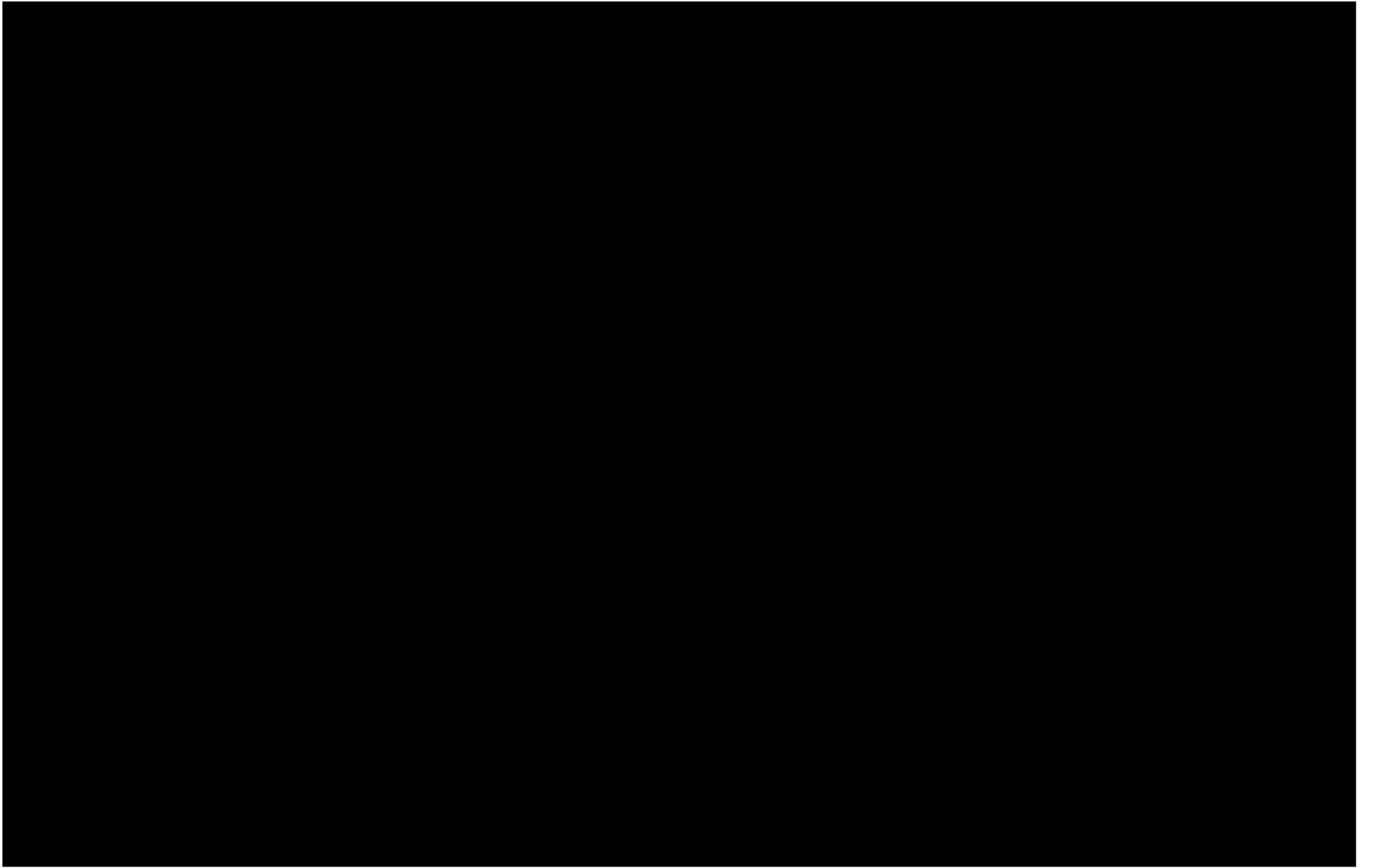
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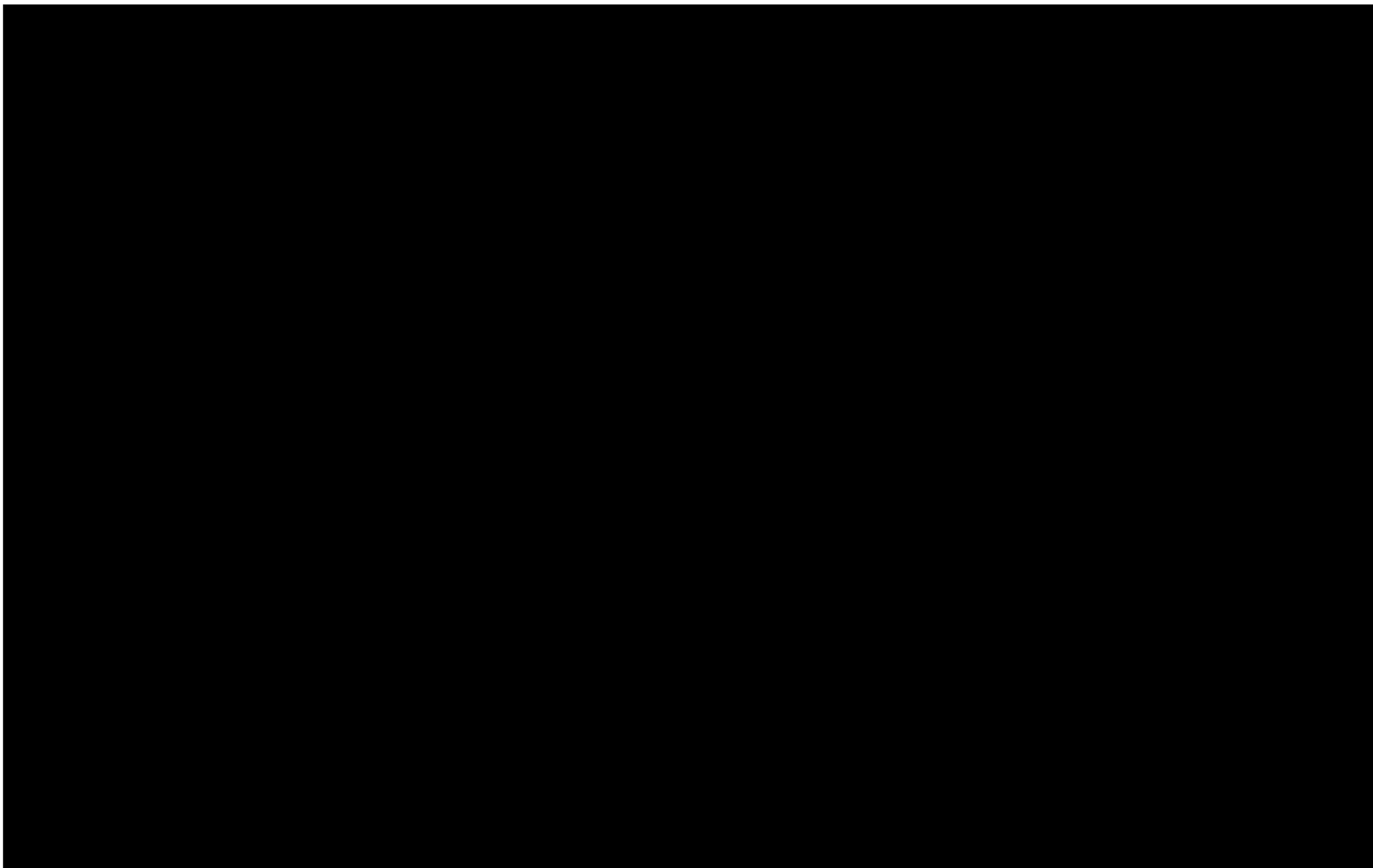
| Status | Explanation |
|------------------|---|
| Complete/Ongoing | <ul style="list-style-type: none">• The action has been completed (if it is a discrete action, for example attendance at specific event)• The action is ongoing (if the action reflects a new systematic process that has been introduced, for example network chairs attending DIMB).• The action refers to a change the GLA made on how it presented its work as part of the Index for the upcoming 2021 submission (for example, using 'LGB' rather than 'LGBT' when presenting sexual orientation monitoring data). |
| In Progress | <ul style="list-style-type: none">• The action has not been completed (if it is a discrete action) or established (if it is a new systematic process) yet, but it is planned. These actions will either be in place for the 2021 or 2022 submission. |
| Not Started | <ul style="list-style-type: none">• The action has not been completed, established, and remains to be planned. |

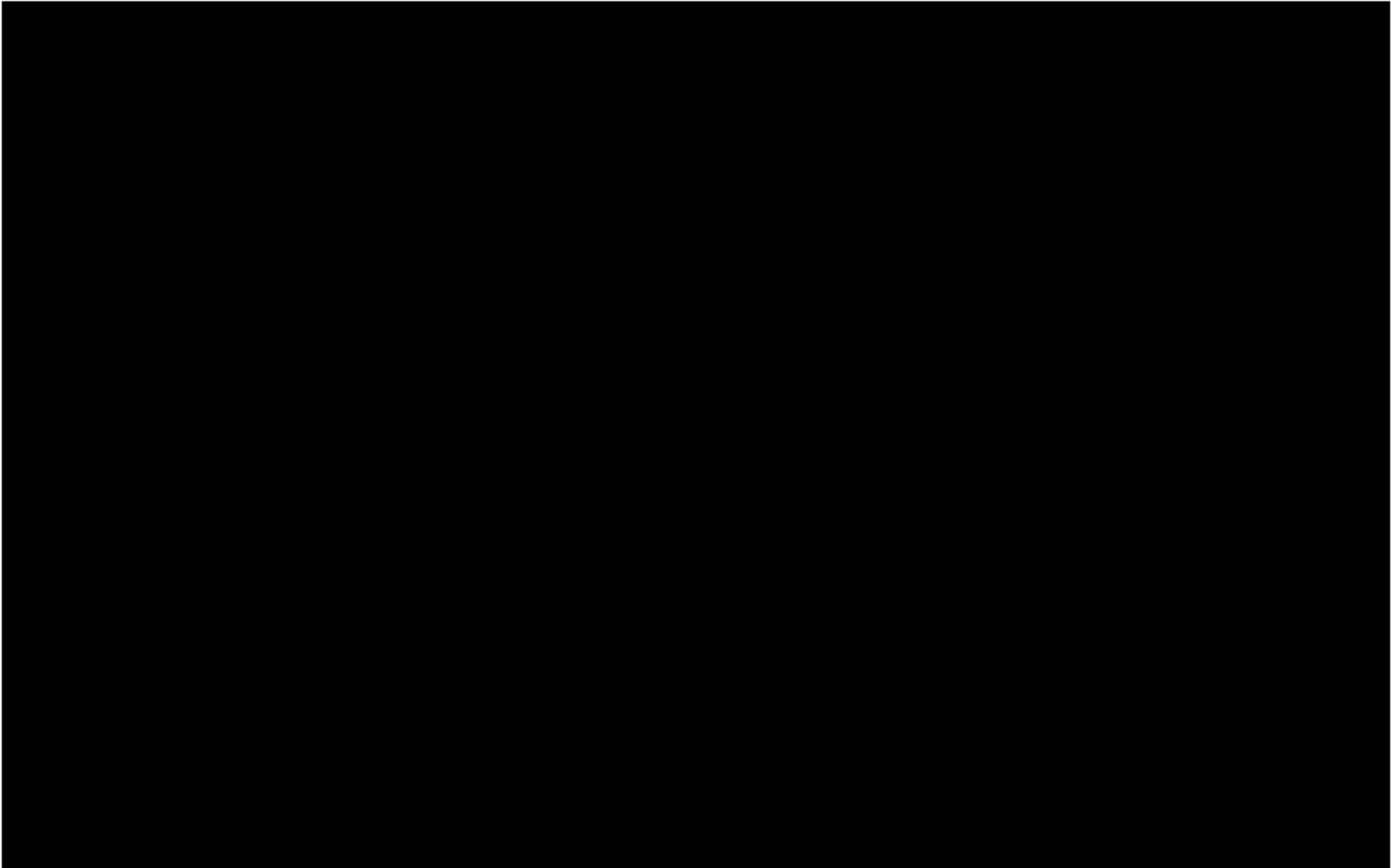


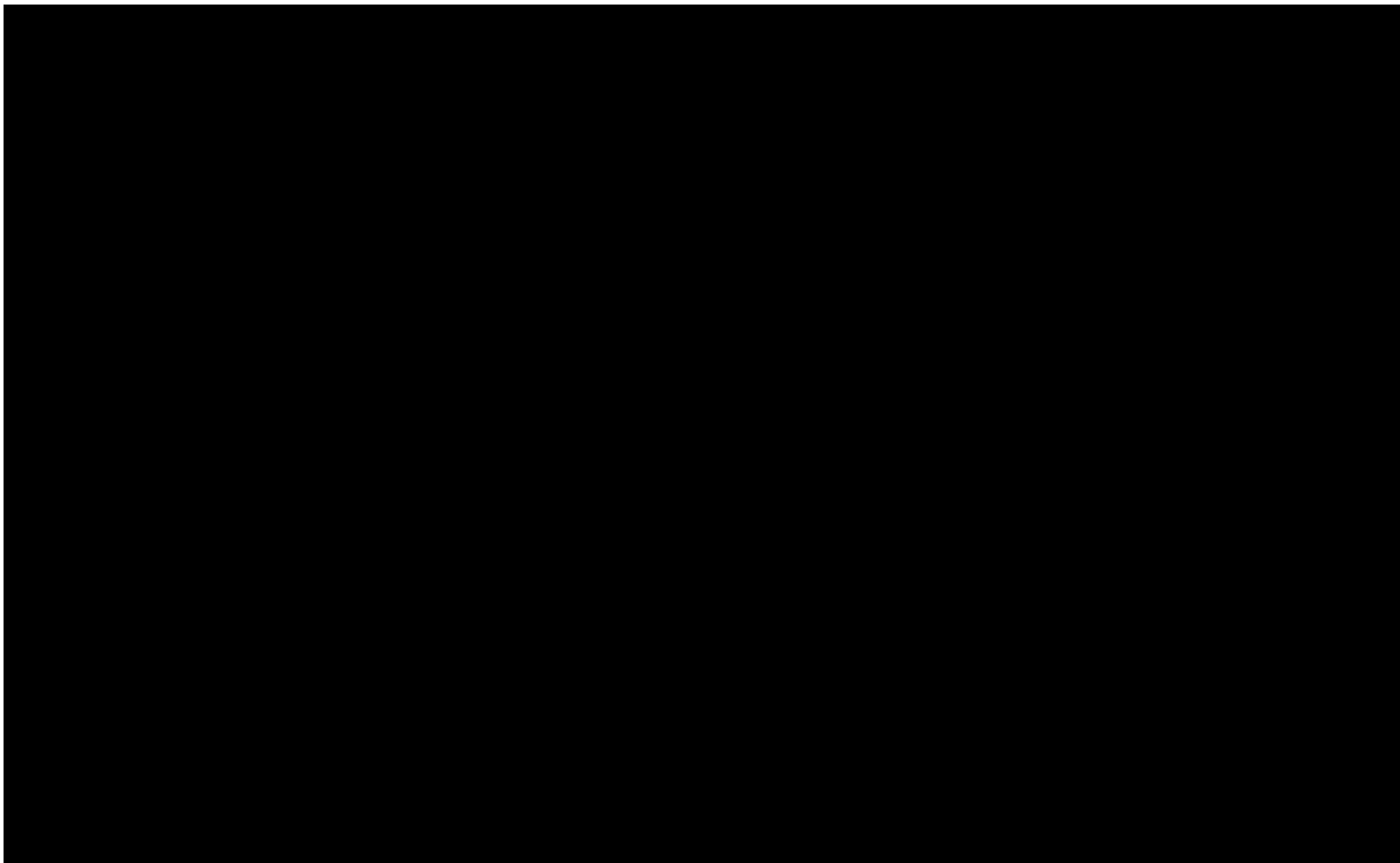












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|----|-----------------------------|--|--|
| 6. | Stonewall Submission Update | <p>██████████ provided the update.</p> <p>A) The 2021 Stonewall Index submission was due in October. There had been some controversy recently around Stonewall and its support for Trans people and the Board were asked to note this and confirm the GLA's continued commitment to working with Stonewall and submitting to the index.</p> <p>B) ██████████ indicated that despite the controversy the LGBTQ+ staff network had found Stonewall useful and supportive. It was noted that the perspective may have been misrepresented in the press and that we should continue to work with Stonewall amongst others to help support Mayoral priorities around LGBTQ+ inclusion</p> | |
| | | <p>C) David Bellamy indicated there had been challenges before now, we should however continue with Stonewall membership and the index submission for the next year, keeping the situation under review.</p> | |

Stonewall Update

1. Purpose:

1.1 To provide an update on the GLA's involvement in Stonewall's Diversity Champions Programme, recent press debate and the GLA's upcoming submission to their Stonewall Workplace Diversity Index.

1.2 **Decision Required:** We are asking the Board to confirm that we:

- Continue with our commitment to being a Stonewall Diversity Champion and renew our membership of the scheme (due September 2021).
- Go ahead with the work needed to submit to the 2021 Stonewall Workplace Equality index by October 2021 (see timeline below).

2. Overview:

2.1 Stonewall is a UK lesbian, gay, bisexual, trans, queer, questioning and ace (LGBTQ+) rights charity. It is the largest LGBTQ+ rights organisation in Europe. Stonewall has worked with thousands of employers to support their LGBTQ+ staff through their [Diversity Champions Programme](#). They benchmark employer performance annually with their [Workplace Equality Index](#).

2.2. GLA has been a longstanding Stonewall member and is on track to submit to Stonewall's Workplace Equality Index by October 2021. This is a piece of work that will involve cross-organisational input into submission categories like leadership, HR policies and our LGBTQ+ employee network.

2.3 Recent weeks have seen significant press debate relating to Stonewall's position on trans-rights and the decision of organisations to discontinue with their Diversity Champions Programme. Debates have centred on Stonewall's trans-inclusivity work and whether the scheme offers value for money. The GLA has been subject to write-ons and FOIs in relation to the above.

2.4 The Mayor is a vocal supporter of LGBTQ+ Londoners' rights and has worked against homophobic, biphobic, and transphobic exclusion and disadvantage. The Mayor's 2021 [Manifesto](#) reaffirmed his solidarity with London's LGBTQ+ community.

3. Stonewall Workplace Index - GLA Timeline:

3.1 The table below provides an overall timeline for the work needed to submit to the 2021 Stonewall Equality index which will be published in 2022. This work will be coordinated within HR&OD by [REDACTED] but will be closely supported by the LGBTQ+ staff network and stakeholders from across the organisation.

| | |
|--|----------|
| Stonewall Relationship Manager Appointed | May 2021 |
|--|----------|

| | |
|---|----------------|
| LGBTQ+ Network Consultation Commenced | June 2021 |
| Roundtable 1 | July 2021 |
| GLA Staff Survey Questionnaire Undertaken | July 2021 |
| Interim Submission | August 2021 |
| Roundtable 2 | September 2021 |
| Final Submission | October 2021 |
| Award Announcements | February 2022 |

4. Recommendations:

4.1 That GLA renews our membership of Stonewall's Diversity Champion Scheme and undertakes the work needed to submit to the 2021 Stonewall Workplace Equality Index. This takes into account the Mayor's commitment to be trans-inclusive, the GLA's LGBTQ+ Networks' recommendation to continue and our positive ongoing relationship with Stonewall. It is also suggested:

- GLA Officers keep up to date on press coverage and brief as necessary.
- The GLA continues to pro-actively support the trans community in London and the work of our LGBTQ+ Network.