

Safer Stronger Communities Select Committee		
Title	Development of the comprehensive equalities scheme	
Contributor	Executive Director for Resources and Regeneration	Item 5
Class	Part 1 (open)	21 October 2015

1. Purpose

- 1.1 This report provides an update on the development of the comprehensive equalities scheme (CES), which will cover the period 2016-2020. An overview of the data sifting exercise carried out in preparation for the development of the new CES will be presented at the meeting.

2. Recommendation

- 2.1 The Committee is recommended to note the steps being taken in the development of the new comprehensive equalities scheme.

3. Policy context

- 3.1 The Equality Act (2010) placed a statutory duty on public organisations to have 'due regard' to the need to:

- Eliminate unlawful discrimination, victimisation and harassment.
- Foster good relations between those who share a protected characteristic and those who do not.
- Advance equality of opportunity between those who share a protected characteristic and those who do not.

- 3.2 The Act drew together a range of previous equalities legislation and included the requirement for organisations to foster good relations between a broader range of groups protected as well as the existing prohibitions against discrimination.

- 3.3 The contents of this report are in line with all of the aims of the Sustainable Communities Strategy (2008-2020), which outlines Lewisham's ambition for its communities to be:

- Ambitious and achieving – where people are inspired and supported to fulfil their potential.
- Safer – where people feel safe and live free from crime, antisocial behaviour and abuse.
- Empowered and responsible – where people are actively involved in their local area and contribute to supportive communities.
- Clean, green and liveable – where people live in high quality housing and can care for and enjoy their environment.

- Healthy, active and enjoyable – where people can actively participate in maintaining and improving their health and well-being.
 - Dynamic and prosperous – where people are part of vibrant communities and town centres, well connected to London and beyond.
- 3.4 The development of the new CES is in line with the Council’s corporate objectives, including *community leadership and empowerment* and *inspiring efficiency, effectiveness and equity*.
- 3.5 In setting out his ambitions for this administration, the Mayor committed to ‘work with people of every background – race, gender, age, sexual orientation, disability or faith to ensure they can meet the challenges of discrimination’.
- 3.6 The Lewisham Future Programme is the Council’s organisational approach to meeting the financial pressures placed on it by central government. The Council is now in the sixth year of an expected ten year long period of resource reduction. In the period 2010 to 2015 the Council made savings of over £120m. It is anticipated that there will be a requirement to identify £45m of savings over the next two years to 2017/18.
- 3.7 At the early stages of the savings process, Mayor and Cabinet, in making decisions about savings proposals, it would:
1. Take account of the impact on service outcomes and social results for customers and citizens
 2. Be prudent and sustainable for the longer term, not just opt for short-term fixes
 3. Reflect a coherent “one organisation” approach that avoids silo-based solutions
 4. Encourage self-reliance, mutualism and cooperative endeavour
 5. Mitigate potential harm in accordance with an appropriate assessment of needs
 6. Be mindful of the impact on the geography of fairness across Lewisham (and its boundaries)
 7. Involve service users, staff and other stakeholders in the redesign of services for the future
 8. Consider the current or potential actions of other public agencies and the voluntary sector locally, including sharing and reshaping services (Total Place)
 9. Consider the impact on the Lewisham approach where all voices are listened to, all views are taken account of and then move forward to implementation.
- 3.8 Lewisham’s employment profile outlines the characteristics of the Council’s workforce and demonstrates the impact of changes in policy on different parts of the organisation. It provides information on key trends within the Council’s personnel and an updates on activities over the year to ensure that the Council is a fair employer. The report is presented to the Safer Stronger Communities Select Committee on an annual basis.

4. Background

4.1 Under previous equalities legislation, the Council drew up separate schemes for groups protected under the law:

- Age Equality Scheme (AES) 2008–11
- Disability Equality Scheme (DES) 2008–11
- Gender Equality Scheme (GES) 2008–11
- Race Equality Scheme (RES) 2008–11
- Religion/Belief Equality Scheme (RBES) 2008–11.
- Sexual Orientation Equality Scheme (SOES) 2008–11

4.2 The Equality Act (2010) consolidated previous protections into a single legal framework and created a new 'public sector duty'. Following the passing of the act, public organisations were legally required to give due regard to the need to:

- Eliminate unlawful discrimination, victimisation and harassment.
- Foster good relations between those who share a protected characteristic and those who do not.
- Advance equality of opportunity between those who share a protected characteristic and those who do not.

4.3 Protection under the legislation was extended to incorporate a broader range of characteristics alongside existing protected groups:

- Age, gender, gender reassignment, disability, religion or belief, sexual orientation, pregnancy or maternity – it also included marriage or civil partnership, but only in relation to unlawful discrimination.

4.4 In response to the implementation of the Equality Act, the Council developed a new Comprehensive Equalities Scheme, based on data analysis and consultation and agreed five enduring objectives:

1. tackle victimisation, discrimination and harassment;
2. improve access to services;
3. close the gap in outcomes for citizens;
4. increase mutual understanding and respect between communities; and
5. increase participation and engagement.

4.5 The Committee has received three annual updates on the delivery of the CES and Members have agreed that the Committee will scrutinise the development of the new Scheme.

4.6 The Equality and Human rights commission has issued guidance on meeting the aims of the Equality Act. It has also published key lessons learnt from judicial reviews brought under the act. The Commission states that the Courts take the equalities duties seriously and highlights:

- the need to consider equality issues thoroughly in the context of the duties before any significant individual decisions are made or any policy is introduced or subject to significant change
- equality impact assessments may provide important evidence as to whether the public authority has complied with its duties.
- that a public authority should refer to Commission guidance and codes of practice explicitly and keep records of its decision making. If it departs from the code or guidance, there must be clear reasons to do so.
- if another organisation or person is carrying out a function under guidance by the public authority, the responsibility for ensuring that the general duties are met remains with the public authority
- the duties apply not just to decision-makers but also to those who implement them

5. Development of the CES 2016-2020

5.1 The Council's current CES ends in March 2016. The Council's Corporate Equalities Board (CEB) is overseeing the development of the new CES. The CEB has proposed that the new CES will reemphasize two of the formative principles of its predecessor: firstly, that delivering equality for all should form the foundation of equalities work through the Council's delivery of its business as usual. Secondly, that the attention given to and effort expended on, the CES should be proportionate to the decisions being taken and the reach of the services being delivered.

5.2 As previously discussed with the Committee, a period of focused research and analysis has been carried out in preparation for the new CES. This *data sift* draws together demographic data with the ambitions set out in the Council's strategic plans. Key areas of strategic action are highlighted, including plans to:

- reduce health inequalities through the Health and Wellbeing Strategy
- support vulnerable people through the delivery of the housing strategy
- tackle gaps in the achievement and wellbeing of young people through the Children and Young People's Plan
- oppose violence against women and girls and end serious youth violence through the Safer Lewisham Strategy.
- enable vulnerable jobseekers to find employment through the work and skills strategy.

5.3 The results of the data sifting exercise will be presented to the Committee at the meeting on 21 October.

6. Legal implications

6.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

6.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

6.4 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

6.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

6.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

7. Financial Implications

- 7.1 There are no specific financial implications arising from the implementation of the recommendation in this report.

8. Environmental implications

- 8.1 There are no specific environmental implications arising from the implementation of the recommendation in this report.

9. Equalities implications

- 9.1 The Annual Review of the CES has high relevance to equality and diversity. The CES sets out the Council's five equality objectives and the Annual Review highlights new initiatives and areas of good practice in support of these objectives.
- 9.2 The Council's employment profile is presented to the Safer Stronger Communities Select Committee annually. It outlines the profile of Council staff across the 9 protected characteristics.

10. Crime and disorder implications

- 10.1 There are no specific crime and disorder implications arising from the implementation of the recommendation in this report. However, it is anticipated that improving service design and delivery to achieve equality of outcomes for local people, (while promoting good relations between different groups in the community) will have a positive impact on matters such as community safety, crime and disorder, and community cohesion.

Background documents

- Comprehensive equalities scheme monitoring and update, Safer Stronger Communities Select Committee, 10 March 2015: <http://tiny.cc/fckc3x>
- Comprehensive equalities scheme monitoring and update, Safer Stronger Communities Select Committee, 25 February 2014: <http://tiny.cc/wykc3x>
- Comprehensive equalities scheme monitoring and update, Safer Stronger Communities Select Committee, 26 February 2013: <http://tiny.cc/v0kc3x>
- Comprehensive Equalities Scheme, Mayor and Cabinet, 7 March 2012: <http://tiny.cc/k5kc3x>
- Draft Comprehensive Equalities Scheme 2012-16, Safer Stronger Communities Select Committee, 28 February 2012: <http://tiny.cc/22kc3x>

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