

<b>Committee</b>	<b>Safer Stronger Communities Select Committee</b>	<b>Item</b>	<b>4</b>
<b>Title</b>	Draft Comprehensive Equalities Scheme 2016 – 2020		
<b>Wards</b>	All		
<b>Contributors</b>	Chief Executive, Executive Director for Resources		
<b>Class</b>	<b>Part 1</b>	<b>Date</b>	09 March 2016

## Introduction

1. This report summarises the draft Comprehensive Equalities Scheme (CES): 'Opportunity and Responsibility for All' 2016-20. In particular, the report sets out the statutory context informing the development of the CES, describes the draft objectives going forward and summarises next steps.

## Recommendations

2. This Committee is invited to:
  - note the processes supporting the production of the Comprehensive Equalities Scheme, to be published 31 March 2016;
  - give consideration to, and make comments on, the draft CES.

## Background and context

3. The Equality Act of 2010<sup>1</sup> took existing equality legislation into a single statute and extended coverage to include a broader range of protected groups than were acknowledged previously. The nine characteristics given protection under the Equality Act are: age, disability, gender, gender re-assignment, marriage, pregnancy & maternity, race, religion & belief and sexual orientation.
4. In respect of these protected characteristics, the Equality Act places a General Duty on public bodies to have due regard to the need to:
  - eliminate unlawful discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;
  - advance equality of opportunity between persons who share a protected characteristic and those who do not share it;

- foster good relations between persons who share a relevant protected characteristic and those who do not share it.
5. The Specific Duties of the Equality Act<sup>2</sup> also provide that public bodies have a statutory duty to publish equality objectives setting out how they will comply with the General Duty. These objectives are required to be in place for four years and must be measurable.
  6. For Lewisham, the requirements of equalities legislation and the national policy context, provide a clear framework for the performance of Council functions and provision of services.

## **Comprehensive Equality Scheme 2016-20**

7. Back in 2008 (as part of the first CES) in addition to statutory schemes for disability, gender and race the Council developed non-statutory schemes for age, religion or belief and sexual orientation. Then in 2012, under the new legislative framework, Lewisham was one of the first local authorities in London to develop CES – with our approach mirrored by other local authorities.
8. Lewisham's CES 2016-20 replaces the previous scheme<sup>3</sup> which ran from 2012-16. In terms of its strategic fit, with the Council's higher level ambitions, the CES sits within the wider framework of the borough's Sustainable Community Strategy<sup>4</sup> and in particular the two overarching principles of the Strategy which focus on:
  - reducing inequality – narrowing the gap in outcomes
  - delivering together efficiently, effectively and equitably – ensuring that all citizens have appropriate access to and choice of high quality local services
9. In addition, the CES gives expression to the Council's ten priorities which set out the specific contribution that the local authority will make to the delivery of the Sustainable Community Strategy. The Council priorities are as follows:
  - Community leadership and empowerment
  - Young people achievement and involvement
  - Clean, green and liveable
  - Safety, security and visible presence
  - Strengthening the local economy
  - Decent homes for all
  - Protection of children
  - Caring for adults and older people
  - Active healthy citizens
  - Inspiring efficiency, effectiveness and equity

## CES objectives

10. For the next four years, it is proposed that the objectives of Lewisham's CES will be to:
- tackle victimisation, harassment and discrimination
  - improve access to services
  - close the gap in outcomes for our citizens
  - increase understanding and mutual respect between communities
  - increase participation and engagement
11. The five objectives above, which cover the Council's role as both an employer and service provider, are deliberately high-level in as much as the intention is to ensure that every protected characteristic can recognise themselves within these aspirations.
12. In terms of the underlying intentions behind each objective; the Council will take reasonable steps to ensure that residents, service users and employees are not unlawfully discriminated against and will take appropriate action to prevent & tackle victimisation and harassment. The Council will also take reasonable steps to ensure that services are inclusive, responsive to risk, physically accessible and provided through the most efficient and effective channels available.
13. Similarly where gaps exist in life chances, the Council will take reasonable steps to improve life chances for citizens by closing outcomes gaps that exist within the borough as well as between the borough and elsewhere. The Council will also take reasonable steps to build stronger communities and promote good relations both within and between communities.
14. Finally where barriers exist to participation and engagement, the Council will take reasonable steps to remove such barriers and help residents (especially those who are under-represented) to participate in and influence local decision making.

## policy context

15. Lewisham's CES has been developed at a particularly challenging time for the Council. Substantial cuts to public spending and local government funding have left local authorities facing extremely difficult choices about future service provision and have, in some instances, meant the discontinuation of some services altogether.
16. Lewisham faces a complex set of challenges: the borough's population, currently at 292,000 is expected to rise rapidly over next 20 years. In the area of health, there is a significant disparity in life outcomes for our residents - the gap in average life expectancy, between the least and most deprived wards, is 7 years for men and 9 years for women. With regard to jobs and earnings,

Lewisham's unemployment rate is lower than London and Great Britain, however median earnings are below the Inner London average (with the gap widening). In common with other borough's, Lewisham is also challenged by a rapidly changing housing economy, with more than one in four residents now living in private rented accommodation (nearly double what it was ten years ago). In Lewisham schools, the performance of pupils at early years and primary is amongst the best in the country, however performance of secondary school pupils, at Key Stage 4, is amongst the worst in London.

17. In light of these and other challenges, the Council has become increasingly mindful of two things: firstly that the environment within which equality issues are emerging and playing out, is fluid and dynamic. Second, that we need to be increasingly sophisticated in our understanding of how inequalities are addressed eg: when is it reasonable to expect people to do more for themselves? Where we can help people to solve problems with others? Where might the Council need to act to protect public welfare?

### approach

18. Lewisham's CES is based on the overarching principle of 'Opportunity and Responsibility for All'. In practical terms this means doing all we can to ensure that every citizen has a chance to do their best for themselves and for others. The development of the CES objectives is informed by a data gathering exercise<sup>5</sup>, which again underscored the relevance of the five objectives agreed for 2012-16. As a result, these objectives have been 'rolled forward' for 2016-20.
19. The revised CES also highlights the importance of a shared approach to equality. This is especially important as it is a deliberate move away from a silo-based approach (which can place undue emphasis on difference and distinction), to one that focuses on shared aspiration, collective accountability and individual responsibility. As much as this approach is a clear recognition of the need to use our resources more effectively, it is also a recognition of the greater benefits that can be derived when individuals and groups work together towards a common good.
20. In addition, the CES underlines the Council's commitment to the efficient and effective use of data. As part of this, the scheme makes a clear commitment to collecting data that is appropriate to business needs and effective decision making. This systematised approach to data collection and use, will help reduce bureaucracy and plug knowledge gaps. It will also enable the Council to identify risks and determine what action might need to be taken in light of such risks. By pooling together richer data relating to protected groups, the Council will add even greater depth and breadth to its understanding and be able to further enhance its capacity for effective decision making.

### implementation

21. The intention is that CES objectives will be implemented as part of the Council's existing process of strategic planning and annual review. As such

the CES will not require an additional investment of resource. The five high level strategies that have been specifically identified as vehicles for CES implementation are as follows:

- Safer Lewisham Strategy 2014-17
- Housing Strategy 2015-20
- Work and Skills Strategy 2015-20
- Health and Wellbeing Strategy 2013-23
- Children and Young Peoples Plan 2015-18

22. Each of the above strategies should be able to describe how, through their delivery, they give expression to one or more of the five CES objectives. As such, the above arrangement will enable Members, in their scrutiny role, to see the specific contribution being made by these high-level strategies towards the five equality objectives. This in turn will further empower Members to hold officers to account and, where necessary, identify priorities for action going forward. The approach avoids duplication of activities and properly focuses attention where the debates about priorities and resource allocation take place.

### **Financial Implications**

23. The costs of delivering the CES and associated action plans will be contained within the resources allocated for service budgets.
24. The scheme therefore has no direct financial implications. Where services will need to undertake consultation to meet their statutory duties for evidence-based service design or policy development, these costs must also be contained within service budgets.

### **Legal & Human Rights Implications**

25. The 2010 Equalities Act brings together all previous equality legislation in England, Scotland and Wales. The new public sector equality duty (the equality duty or the duty), replaces the separate duties relating to race, disability and gender equality. The duty came into force on 5<sup>th</sup> April 2011. The general equality duty has three aims, as previously set out within paragraph 4 above.
26. The “specific duties” announced by the Government in regulations which came into force on 10<sup>th</sup> September 2011 (stated in paragraph 34 below,) require the Council to set specific and measurable equality objectives and to publish information about our equality performance, no later than 31 January 2012 and at least annually thereafter.

27. Further, pursuant to regulation 3 of the 2011 Regulations all public authorities must prepare and publish one or more objectives they think they should achieve to further the aims of the general duty under section 149 of the Act by no later than 6 April 2012. These are equality objectives that are specific and measurable and that will help the Council to further its aims of the general duty. These must be based on equality evidence and analysis and must be published at subsequent intervals of no greater than four years beginning with the date of the last publication.
28. Basically, the specific duties require public authorities to be transparent about how they are responding to the equality duty – requiring them to publish relevant, proportionate information showing compliance with the equality duty, and to set equality objectives.
29. The Council's Corporate Equality Scheme 2016-2020 meets the public sector equality duty (section 149) and the Equality Act 2010 (Specific duties) Regulations 2011 which came into force on 10 September 2011.
30. The Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, incorporates the European Convention on Human Rights into UK law. The Council, as a public authority, is under a duty, by virtue of section 6 of the 1998 Act, to act compatibly with Convention rights in the exercise of their functions.
31. Sections 12, 13 & 14 of the HRA expressly preserve freedoms of expression, thought, conscience and religion and this is further embodied within Articles 9 and 10 of Schedule 1 the HRA. These are however "qualified" rights, in that these freedoms, which carry duties and responsibilities, must also be subject to "... formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, ...or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary".
32. Article 14 of Schedule 1 to the HRA, prohibits discrimination generally. Discrimination is prohibited on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

## **Crime and Disorder Implications**

33. The scheme itself does not have any direct crime and disorder implications.
34. However on a general note it is anticipated that improving service design and delivery to achieve equality of opportunities 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.

## **Equality Implications**

35. The primary focus of the CES is to promote equal life chances for all. The equality implications are therefore contained within the scheme itself. The CES was developed through the analysis of data and through consultation with the community, partners and stakeholders.
36. As a single equality scheme, the CES provides an overarching framework and focus for the Council's work on equalities. Furthermore, the alignment of our legal duties and responsibilities into a comprehensive scheme will help minimise bureaucracy and free up Council staff to concentrate on the provision of services to the public.

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### **Contacts:**

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## References

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<sup>1</sup> Equality Act 2010 - UK Parliament

<sup>2</sup> Equality Act 2010 (Specific Duties) – UK Parliament

<sup>3</sup> Comprehensive Equalities Scheme 2012-16 - LB Lewisham

<sup>4</sup> Shaping our Future: Sustainable Community Strategy 2010-2020 – Lewisham Strategic Partnership

<sup>5</sup> Comprehensive Equalities Scheme (CES) data sift, LB Lewisham October 2015

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