

MAYOR AND CABINET		
Report Title	Comprehensive Equalities Scheme 2012 – 2016	
Key Decision	Yes	Item No.
Ward	All	
Contributors	Chief Executive, Executive Director for Resources & Regeneration.	
Class	Part 1	Date: 7 March 2012

Introduction

1. This report summarises the draft Comprehensive Equalities Scheme (CES): 'Equality for All' 2012-16. (Attached as Appendix A) In particular the report provides details of the statutory context informing the development of the CES, information on how stakeholders have been engaged and information on the draft objectives going forward.

Recommendations

2. The Mayor is recommended to:
 - (i) approve the Comprehensive Equalities Scheme 2012-16;
 - (ii) approve and agree the draft equality objectives for the next four years.

Background and policy context

3. The Equality Act of 2010¹ brings existing equality legislation into a single statute and extends coverage to include a broader range of protected groups. 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 Act² also provide that public bodies have a statutory duty to publish equality objectives by 6 April 2012. These objectives, which must set out how public bodies will comply with the General Duty, are required to be in place for four years and must be measurable.
6. In December 2010, the Government published its Equality Strategy³ '*Building a Fairer Britain*'. The Equality Strategy supplements the existing legislative framework of the Equality Act and focuses on two overarching principles:
 - equal treatment – it is not right that people are discriminated against because of who they are or what they believe;
 - equal opportunity – it is not right or fair that the opportunities available to people are not based on their ambition, ability or hard work, but who their parents are or where they live.
7. 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 2012-16

8. Lewisham has a history of developing equality and diversity policy that has gone beyond the requirements of statute. 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.
9. The desire to extend our commitment to equality, beyond the requirements of the law, clearly demonstrated the Council's ambition to do what we believe to be right for our citizens, irrespective of what the law required.
10. Lewisham's CES 2012-16 replaces the previous scheme⁴ which ran from 2008 to 2011. In terms of its strategic fit, the CES sits within the wider framework of the borough's Sustainable Community Strategy⁵ 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
11. 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 health citizens
- Inspiring efficiency, effectiveness and equity

CES objectives

12. 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
13. 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.
14. 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.
15. Similarly where gaps exist in life outcomes, 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.
16. 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.

wider national issues

17. Lewisham's CES has been developed at a particularly challenging time for those who provide public services as well as those who rely upon them. In the wake of the global financial crisis in 2008 and following the General Election in 2010, the Coalition Government made clear that its number one priority was deficit reduction.⁶
18. As part of this, 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.
19. These challenges are by no means short term and are instead likely to continue for many years to come. For the most vulnerable in our society, it is quite reasonable to assume that concerns might be raised as to how the Council will maintain its commitment to equity and fairness, whilst facing such testing and difficult times.
20. It is worth pointing out that the effects of the challenging economic climate are already being seen in official statistics, which show rising levels of unemployment nationally (at record levels for those aged 16-24).⁷ The potential equality impacts of these trends also present significant challenges as many of those who currently find themselves out of work, are likely to include those who may traditionally face discrimination in the job market.
21. Other important considerations which provide the backdrop to the CES include the Localism Act, which will devolve greater powers to local authorities and communities and the Government's welfare reform programme which will see the introduction of a cap on the amount of benefit that an individual can claim. In common with other councils, Lewisham is considering what the introduction of these measures will mean for our citizens and particularly the most vulnerable.
22. In light of these and other issues, the Council has become increasingly mindful of two things: firstly the need to be even more adaptive & resourceful and secondly the need to retain a focus on improving life outcomes for our citizens. Retaining our focus is particularly important because, irrespective of the difficulties we face our business will remain: public welfare, safeguarding the most vulnerable, community empowerment, fair distribution of public services, social protection and the responsible stewardship of public funds.

approach

23. Lewisham's CES is based on the overarching principle of 'equality for all'. In practical terms this means doing all we can to ensure that every citizen has an equal chance to do their best for themselves and for others. To facilitate this the CES underlines the importance of fairness in terms of making reasonable and proportionate provision for those whose circumstances make them particularly vulnerable.

24. The 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 and collective effort. 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.
25. 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.

consultation

26. Extensive consultation has been undertaken as part of the development of the CES. This has included presentations to voluntary & community organisations representing various protected characteristics and public bodies. Amongst those who have been consulted as part of this process include: the Standing Advisory Committee on Religious Education, the Ecumenical Borough Deans, the Lewisham Disability Coalition and Lewisham Ethnic Minority Partnership. Others included the Metro Centre, Lewisham Pensioners Forum and Lewisham's Young Mayor & Young Advisors. Presentations have also been made to internal staff forums.
27. At each engagement, stakeholders have been provided with an opportunity to express views and challenge the approach that has been adopted. As part of this, the views and contributions of stakeholders have been taken on board.

implementation

28. The intention is that CES objectives will be implemented as part of the Council's systematic process of budget, business and service planning. To that extent the implementation of the objectives will not require an additional investment of resource. The quite deliberate move away from the management of nine separate equality strands is one of the key features of the CES and is intended to reduce unnecessary bureaucracy, whilst retaining focus on the need to promote equal life chances for all.
29. In keeping with the broad approach described in this report, it is intended that the Council will, as appropriate, take the opportunity to adopt a more resourceful approach to the collection and use of data.

Financial Implications

30. There are no direct financial implications arising from this report. Any costs arising from implementing the Comprehensive Equality Scheme and associated action plans will be contained within existing service budgets council wide.

Legal & Human Rights Implications

31. 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 5th April 2011. The general equality duty has three aims, as previously set out within paragraph 4 above.

32. The “specific duties” announced by the Government in regulations which came into force on 10th 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.

33. 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.

34. 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.

35. The Council’s Corporate Equality Scheme 2012-2016 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.

36. The Human Rights Act 1998, which came into force on 2nd 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.

37. 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”.
38. 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

39. The scheme itself does not have any direct crime and disorder implications.
40. 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

41. 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.
42. 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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Background Papers/References

- ¹ Equality Act 2010 - UK Parliament
- ² Equality Act 2010 (Specific Duties) – UK Parliament
- ³ Equality Strategy: 'Building a Fairer Britain' – Government Equalities Office
- ⁴ Comprehensive Equalities Scheme 2008-11- LB Lewisham
- ⁵ Shaping our Future: Sustainable Community Strategy 2010-2020 – Lewisham Strategic Partnership
- ⁶ The Coalition: Our Programme for Government – HM Government
- ⁷ Labour Market Statistics (January 2012) – Office for National Statistics