

<b>Safer Stronger Communities Select Committee</b>			
<b>Title</b>	How Lewisham Council embeds Equalities across its service delivery	<b>Item No</b>	7
<b>Contributors</b>	Scrutiny Manager		
<b>Class</b>	Part 1	<b>Date</b>	16 July 2019

### **1. Purpose of paper**

- 1.1 As part of its work programme the Committee has agreed to undertake an in-depth review into “How the Council embeds Equalities across its service delivery”.
- 1.2 This paper sets out the rationale for the review, provides some background information and sets out proposed terms of reference for discussion and agreement by the Committee.
- 1.3 The in-depth review process is outlined at Appendix 1.

### **2. Recommendations**

The Select Committee is asked to:

- consider and agree the proposed key lines of enquiry for the review outlined in section 7, and the timetable outlined in section 8.

### **3. Policy context**

- 3.1 The Council’s new Corporate Strategy 2018-22 sets out 7 corporate priorities that drive decision making in the Council. Lewisham’s corporate priorities have been agreed by full Council and they are the principal mechanism through which the Council’s performance is reported.
- 3.2 The Council’s Corporate Strategy of “Open Lewisham” promotes Lewisham as a welcoming place of safety for all which celebrates the diversity that strengthens us. It includes emphasis on Lewisham being a place where diversity and cultural heritage are recognised as a strength and celebrated and where hate crime will not be tolerated.
- 3.3 The strategy includes specific references to striving to make the Council’s workforce more representative of the borough’s diverse population at all levels and to challenging all forms of discrimination and tackling unconscious bias. There is also reference to understanding and mitigating the impact of Brexit for the borough.

## 4. Background

### Equalities Act 2010 and Public Sector Equalities Duty (PSED)

- 4.1 The Equality Act 2010 came into force in October 2010 and replaced previous anti-discrimination laws with a single Act. Before the Act came into force there were a number of pieces of legislation to cover discrimination, including:
- The Equal Pay Act 1970
  - the Sex Discrimination Act 1975
  - the Race Relations Act 1976
  - the Disability Discrimination Act 1995
  - the Employment Equality (Religion or Belief) Regulations 2003
  - the Employment Equality (Sexual Orientation) Regulations 2003
  - the Employment Equality (Age) Regulations 2006
  - the Equality Act 2006, Part 2
  - the Equality Act (Sexual Orientation) Regulations 2007<sup>1</sup>
- 4.2 The Act brings together this previous legislation into one Act which is a legal framework to protect the rights of individuals and advance equality of opportunity for all. Within the Act there are nine protected characteristics of:
- age;
  - disability;
  - gender reassignment;
  - pregnancy and maternity;
  - race;
  - religion or belief;
  - sex;
  - sexual orientation.
  - marriage or civil partnership status

### Public Sector Equality Duty (PSED)

- 4.3 One of the main parts of the Equalities Act in terms of the duties of local authorities is the Public Sector Equality Duty under Section 149 of the Equality Act 2010. This says that public authorities must, in the exercise of their functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

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<sup>1</sup> <https://www.equalityhumanrights.com/en/equality-act-2010/what-equality-act>

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## Socio-Economic Inequalities

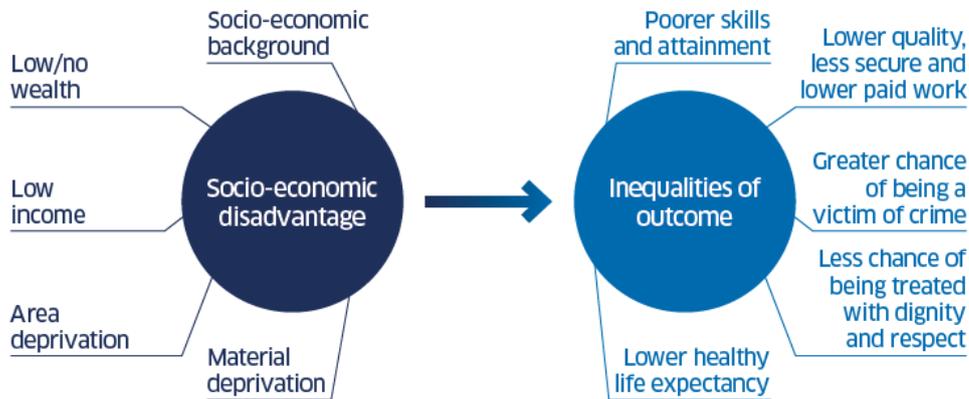
- 4.4 Part 1 of the Equalities Act 2010 is entitled Socio-Economic Inequalities and it requires relevant authorities to: “when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.”
- 4.5 When the Equalities Act came into force, part 1 was applicable only to a limited number of public bodies. However there has been some prominent advocates of this duty being applied to a wider range of public organisations including local authorities.
- 4.6 The Equalities and Human Rights Commission published a report entitled “Progress on Socio-Economic Rights in Britain” in which they recommended the Government:  
  
“Implements the duty on public authorities to take account of the impact of their decisions on socio-economic inequalities under Part 1 of the Equality Act 2010 in England and Wales.”<sup>2</sup>
- 4.7 In addition to this the United Nations Committee on Economic, Social and Cultural Rights published in 2016 an enquiry into the UK and Northern Ireland in which they recommended:  
  
“The Committee recommends that the State party bring into force the relevant provisions of the Equality Act that refer to the public authorities’ duty on socio-economic disadvantage, as well as to the prohibition of intersectional discrimination, in order to enhance and guarantee full and effective protection against discrimination in the enjoyment of economic, social and cultural rights.”<sup>3</sup>
- 4.8 In Scotland the Fairer Scotland Duty came into force in April 2018 meaning part 1 of the 2010 Equalities Act will now apply and public authorities in Scotland will now have a legal responsibility to actively consider (‘pay due regard’ to) how they can reduce inequalities of outcome caused by socioeconomic disadvantage, when making strategic decisions. There is also discussion in Wales with National Assembly for Wales recommended in

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<sup>2</sup> EHRC Progress on Socio-Economic Rights in Britain, March 2018  
<https://www.equalityhumanrights.com/sites/default/files/progress-on-socio-economic-rights-in-great-britain.pdf>

<sup>3</sup> UN Economic and Social Council “Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland\*” 14 July 2016  
<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW3XRinAE8KCBFoqOHNz%2FvuCC%2BTxEKAI18bzE0UtfQhJkxxOSGuoMUxHGypYLjNFkwxnMR6GmqogLJF8BzscMe9zpGfTXBkZ4pEaigi44xqiL>

October 2018 that the Welsh Government should “outline its latest position on the introduction of the socio-economic duty, given that the power to do so will be devolved under the new settlement.”<sup>4</sup> Socio-Economic inequalities are a key theme within the corporate strategy and the new CES will have an overarching theme of social mobility (see next section).



Scotland Duty: Interim Guidance for Public Bodies<sup>5</sup>

## 5 Lewisham

### The Comprehensive Equalities Scheme

5.1 The Council’s Comprehensive Equality Scheme (CES) is the Council’s framework through which policy development and service delivery should be developed and viewed. It incorporates the Council’s five equality objectives.

- **tackle** victimisation, discrimination and harassment
- **improve** access to services
- **close** the gap in outcomes for all residents
- **increase** mutual understanding and respect within and between communities
- **increase** citizen participation and engagement

5.2 The CES has a specific focus on the development of strategies and plans as this is where resources and effort to facilitate delivery of services is targeted.

5.3 During the 2019-20 municipal year, the Council will be developing the Comprehensive Equalities Scheme (CES) for 2020-24. The intention is that the new CES will adopt the same emphasis on strategies and plans as previously.

5.4 It is proposed that the overarching theme of the CES 2020-24 will be ‘social mobility’. This theme underpins the wider work that the Council undertakes in

<sup>4</sup> <http://www.assembly.wales/laid%20documents/cr-ld11793/cr-ld11793-e.pdf>

<sup>5</sup> <https://www.gov.scot/publications/fairer-scotland-duty-interim-guidance-public-bodies/>

terms of promoting the social, economic and environmental well-being of Lewisham residents. However, through the CES, the intention is to make the ambition of 'social mobility' more explicit and as part of this, the Council will be engaging with a wide range of local stakeholders to seek their view, ideas and input.

#### Data Gathering

- 5.5 A review of the Council's approach to equality data monitoring is currently underway. The broader aim of the data monitoring review is to enhance the organisation's capacity for evidence-based decision-making. The review recognises that the equalities landscape is changing and that residents and service users may have a number of characteristics and experiences. It is therefore felt that an enhanced approach to equality data monitoring will improve the way in which the Council designs and delivers services.

#### BAME equalities report

- 5.6 Over the next few months, the Council is reviewing BAME equalities and producing a report. The aim of the report is to capture and analyse data relevant to the experience of the BAME community in Lewisham. Insights gained from the analysis will then be used to inform policy and service responses. Initially the proposal is that the report will be published annually. Areas to be covered by the report include the following:
- demography
  - housing
  - health
  - education
  - employment

#### Corporate Equalities Policy

- 5.7 The Council's Corporate Equalities Policy<sup>6</sup> is the Council's guide to monitoring, analysing and promoting equality in Lewisham. The policy provides a guide to equalities monitoring, collecting data and to completing Equality Analysis Assessments.

#### **The Council Directorates:**

- 5.8 Safer Stronger Communities Select Committee requested that each Executive Director produce a summary highlighting the key equalities issues facing their Directorate over the next few years, for this scoping paper. Each of the summaries are included in their entirety at Appendix 2 of this report.

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<sup>6</sup> [https://lewishamcouncil.sharepoint.com/:w:/r/sites/Intranet/\\_layouts/15/Doc.aspx?sourcedoc=%7B6E8D9E21-A038-4EA1-AEC2-E1882F54E8E8%7D&file=CorporateEqualityPolicy.docx&action=default&mobileredirect=true&DefaultItemOpen=1](https://lewishamcouncil.sharepoint.com/:w:/r/sites/Intranet/_layouts/15/Doc.aspx?sourcedoc=%7B6E8D9E21-A038-4EA1-AEC2-E1882F54E8E8%7D&file=CorporateEqualityPolicy.docx&action=default&mobileredirect=true&DefaultItemOpen=1)

- 5.9 Across all four directorates key themes emerged in terms of the challenges faced, including: understanding and adapting to demographic change; adapting to the reduction in public spending and budget cuts; the challenges faced by Brexit; and data capturing and the availability of data. Socio-economic equality including income deprivation and income deprivation affecting children was also a key theme, together with an acknowledgment that this has not always been fully understood due to gaps in the available data. The summaries also point to budget cuts and public spending reduction disproportionately affecting the most disadvantaged. Supporting and better understanding the data and needs of residents with multiple characteristics (intersectionality) is also a theme across all directorates and improving Equality Analysis Assessments. Each directorate has specific focuses within these areas that are listed in full at Appendix A.
- 5.10 Key areas for **Customer Services** include: affordable housing and meeting the needs of vulnerable groups; the Syrian refugee programme; monitoring the risk of EU Nationals having “No recourse to public funds” if there are challenges to settling their immigration status; and monitoring intersectionality (those who have more than one protected characteristic or need) through software to predict growth and improve timeliness for intervention.
- 5.11 **Children and Young People Directorate** key areas include: the increase in demand for SEND provision and rise in numbers of children with Education and Healthcare Plans (EHCPs); access to mental health services in particular for the most socio-economically disadvantaged and for BAME young people; improving school attainment in particular for Black Caribbean children and White children on free school meals; reducing exclusions and in particular the over-representation of Black Caribbean pupils. Increasing the representation of BAME people in senior management in schools and on governing boards was highlighted along with data gathering from externally commissioned services. Other areas such as childhood obesity and the disproportionate affect on socio-economic disadvantaged and BAME communities and ensuring disadvantaged 2 year olds had access to free early years provision were also highlighted as key issues facing the directorate from an equalities point of view.
- 5.12 **Community Services** has a strong emphasis on supporting vulnerable adults through Adult Social Care provision. They have emphasised that the support is broader than the Equalities Act and is about promoting the right to live independently. Again there is an emphasis on socio-economic status and that this is neglected in the Equalities Act. Similarly to other Directorates the challenges of ensuring the robustness of Equality Analysis Assessments is also raised. There has been a strong emphasis on unconscious bias and disproportionality particularly within the criminal justice system. The summary also acknowledges that “the Directorate can sometimes struggle to fully understand where its role begins and ends in terms of addressing wider issues of inequality/disproportionality particular in times where budgets are very tight and the need to maintain a core service offer is the primary consideration.”

- 5.13 Like other Directorates, **Resources** emphasised the equalities challenges brought about by Brexit and budget cuts and the challenges and importance of having reliable and relevant data including monitoring demographic trends. Other areas included “channel shifting” and the digitalisation of public-facing services ensuring that vulnerable groups were not excluded, and the importance of monitoring compliance with policy standards and data quality across the organisation.

## **6. Meeting the criteria for a review**

- 6.1 A review into “How Lewisham Council embeds Equalities across its service delivery” meets the criteria for carrying out a scrutiny review, because:
- It is a strategic and significant issue and affects a large number of people in the Borough.
  - A scrutiny review would be timely as the Council’s is reviewing the relevant policy area as it is developing a new Comprehensive Equalities Scheme.

## **7. Key lines of enquiry (KLOE)**

- 7.1 It is proposed that the review draws on evidence from key Council Officers as well as partner organisations, national research and experts. At its meeting on 30<sup>th</sup> April, the Committee agreed that the following areas should be included in the scope for the review:
- The Council’s employee profile and staff survey results;
  - How equalities is embedded across the Council including organisations funded by the Council;
  - Equalities Analysis Assessments including looking at what best practice is and how they are carried out in Lewisham;
  - Data and disclosure rates.

It was also requested that each Directorate be asked to highlight the key issues in their area, which has been done (Appendix A).

### **Specific KLOE:**

## **7.2 Employee Profile and Staff Survey Results**

1. Is the Council meeting equalities obligations as an employer?
2. What do the staff survey results tell us?
3. Are staff engaged and treated fairly?
4. Are there any barriers for staff?
5. Are different groups and those with protected characteristics represented at all levels in the organisation?
6. Are there any causes for concern – dissatisfaction/grievances/high turn-over?
7. Does the employee profile reflect the community Lewisham serves?

### 7.3 Equalities in Lewisham

1. How is Lewisham Council meeting its equalities obligations under the 2010 Equalities Act and Public Sector Equality Duty?
2. What is the Council's Comprehensive Equalities Scheme and how successfully is it embedded in decision-making and policy and strategy development?
3. How else is equalities embedded across the Council including Equality Analysis Assessments and Equalities implications in committee reports?
4. What is the importance of socio-economic inequality and income deprivation? How can the Council promote socio-economic equality?
5. How does the Council ensure equalities are embedded in the commissioning process for third party organisations that deliver services?
6. What can we learn from the work of partner organisations such as Metro (commissioned by Lewisham to provide a strategic equalities lead)? Are Lewisham residents' equalities needs known and taken into account? Do gaps exist?

### 7.4 Best Practice on Equalities and on Socio-economic deprivation

1. What are the best performing local authorities and government organisations doing?
2. How can local authorities take socio-economic factors into account in terms of promoting equality? (Consider the indices of Multiple Deprivation data release and evidence from Scotland on the Fairer Scotland Duty).
3. Are there any examples of good community engagement strategies that the Council could learn from?

## 8. Timetable

8.1 The Committee is asked to consider the outline timetable for the review set out below. It is suggested that two evidence sessions take place in addition to attending any visits as necessary.

### 8.2 Employment Profile and Staff Survey Results – (16 July 2019)

1. Receiving evidence from Council officers on the Employment profile and staff survey results.
2. Receiving evidence from the Unison branch representative on key issues raised by staff.

### 8.2 First evidence-taking session – Equalities in Lewisham (9 October 2019)

Receiving evidence to address KLOE as outlined in section 7.3 above and questioning officers and witnesses on their evidence. Including from:

1. Key Council officers.

2. Chair of the Corporate Equalities Board (Executive Director for Community Services)
3. Local stakeholders with a strategic Lewisham view – for example Metro Charity.

**8.3 Second evidence-taking session – Best Practice on Equalities and on Socio-economic deprivation (26 November 2019)**

1. Receiving verbal and written evidence from national organisations and practitioners. This could include: the Equalities and Human Rights Commission, local authorities with examples of good practice, academic practitioners.
2. Receiving verbal and/or written evidence on socio-economic deprivation.

**8.4 Engaging partner organisations and the community (September – December 2019)**

To help the Committee assess the situation from the broadest context it would be useful to hear from partner organisations and the community.

1. Through the Council's Main Grants Programme, a number of organisations are funded to take a lead on identifying and addressing barriers to engagement of communities that do not traditionally access services or have a disproportionate representation within particular services. In particular the Metro Centre has been commissioned by the Council to provide a strategic equalities lead as well as working with LGBT communities. Other Lewisham organisations include: the Stephen Lawrence Centre to work with black and minority ethnic communities; the Lewisham Refugee and Migrant Network to work with refugee and migrant communities; the Lewisham Pensioners Forum to work with older people; and the Lewisham Education Arts Network (LEAN) to work with young people.
2. Any evidence and data from attending meetings of partner organisations will be compiled and provided to the committee as evidence at the meeting on 26 November to help shape questioning and challenge of witnesses.

**8.5 Recommendations and final report (16 January 2019)**

1. Considering a final report presenting all the evidence taken and agreeing recommendations for submission to Mayor and Cabinet.

**9. Further implications**

- 9.1 At this stage there are no specific financial, legal, environmental or equalities implications to consider. However, each will be addressed as part of the review.

For further information please contact Katie Wood, Scrutiny Manager on 020 8314 9446

## Appendix 1

# How to carry out an in-depth review

