

## APPENDIX 1

<b>Safer, Stronger Communities Select Committee</b>			
Report Title	In-depth Review of Equalities in Lewisham		
Contributors	Executive Director for Resources and Regeneration	Item	
Class	Part 1 (Open)	Date	9 October 2019

### Introduction

1. This report provides evidence to inform the Safer, Stronger Communities Select Committee review of equalities in Lewisham. A summary of responses to various questions asked by the Committee, are set out further on in this report.

### Recommendation

2. The Committee is invited to:
  - i) Note the contents of this report; and
  - ii) Consider the responses to questions raised by the Committee's In-depth Review, set out at paragraphs 8 to 37

### Background and context

3. Lewisham is a borough of more than 303,000 residents of which children and young people make up one in four and older people aged over 65 about one in ten of the population. Seven in ten Lewisham residents are of working age (16-64).
4. In terms of ethnicity, about 54 per cent of the population is white, whilst 46 per cent is of Black and Minority Ethnic heritage. Some 15 per cent of Lewisham residents describe themselves as disabled and about a third describe themselves as having a faith. Estimates vary on the proportion of the population who identify as LGBT, but it could be as high as one in ten.
5. In addition to its demographic diversity, Lewisham is economically diverse. Nearly one in four residents are earning below the London Living Wage and just over one in ten households are those in which no-one has ever worked. Nationally, Lewisham ranks 19<sup>th</sup> out of 326 local authorities (1 equals high), with respect to income deprivation affecting both children and adults and 80<sup>th</sup> out of 326 against the measure of employment deprivation.
6. An example of the borough's geo-spatial diversity can be seen in the higher concentrations of predominately white and older residents who make their home in the

south of the borough, compared to the higher concentrations of younger and BAME residents who reside in the north of the borough.

## **Response to questions**

7. This section of the report attempts to address the specific questions presented by the Committee's In-depth Review. A summary of responses in each instance, is set out under the sub-headers below.
  - a. How is Lewisham Council meeting its equalities obligations under the 2010 Equalities Act and Public Sector Equality Duty?
8. The Public Sector Equality Duty is a duty under the Equalities Act 2010. It requires public bodies in the exercise of their functions to have due regard to the need to eliminate discrimination between those with a 'protected characteristic' (as defined by the Act) and other people, to advance equality of opportunity between those with and without a protected characteristic, and to foster good relations between different people when carrying out their activities.
9. The provisions of the Duty do not preclude public bodies from making decisions that could adversely impact groups of individuals who have a protected characteristic nor, in limited circumstances, from making decisions to reduce disadvantage by taking positive action in relation to a protected group. However, public bodies must demonstrate that they have taken reasonable steps to acquire relevant information and weigh up relevant factors before reaching decisions. In the event that impacts of decisions are likely to be negative, where possible, public bodies should describe actions that will be taken or have been considered to moderate those impacts on protected groups.
10. Where major changes to policy, strategy and service delivery are required or where major budget decisions are being made, it is expected that officers undertake equality analysis assessments to model the likely impact of such changes on residents and service users. The above assessments will demonstrate how evidence has been weighed and how various factors considered in the development of recommendations for decision-making.
11. In policy terms the Council has also sought to embrace a wide definition of equality. This definition recognises the needs and aspirations of groups such as refugees, asylum seekers, those who do not speak English as a first Language and European Union nationals living in the borough, who face specific challenges as a result of Brexit. The point being made here is the Council has taken active steps to adopt an approach to equality that measures success in terms of its commitment to public welfare, rather than simple compliance with statute.
12. With regard to the above, the main challenge for the Council has been the need to ensure that it has access to data across the range of equality groups. This continues to be a challenge for some protected characteristics where the availability of data relies

upon self-declaration and the issue of discrimination is a barrier for such declarations to be made in the first place.

13. Part of the challenge that the Council faces with regard to gathering diversity data, is that there must always be a clear business case for it and once collected, it must be used for the purpose for which it was collected in the first place. The Council's approach to data collection must always be proportionate. Therefore, diversity data is not collected as a default.
14. There is also the matter of personal choice. Residents and services users are not mandated to share their personal information with the local authority. That said, it is recognised that the Council could and should do more to encourage residents to share such information. In particular, by demonstrating much more clearly how diversity information has been used in the past, to improve services.
15. The desire to ensure that the above process is managed as effectively as possible has led the Executive Management Team to ask Directorate Management Teams to play a much greater role in providing assurance across their areas of responsibility. As part of this directorates are taking a strategic view of data gathering based on an assessment of longer term issues and challenges. This will help ensure that the approach to data collection is not just operationally driven.

b. What is the Council's Comprehensive Equalities Scheme and how successfully is it embedded in decision-making and policy and strategy development?

16. The Comprehensive Equalities Scheme is an assurance framework for evaluating and assessing how the Council addresses and promotes equality and fairness through the performance of functions and the provision of services. The existing Comprehensive Equalities Scheme is comprised of the following five objectives:
  - Tackle, victimisation, discrimination and harassment
  - Improve access to services
  - Close the gap in outcomes for our citizens
  - Increase mutual understanding and respect, within and between communities
  - Increase participation and engagement
17. The above-mentioned objectives are the prism, through which officers and members can assess the rationale and impact of recommendations as they are being developed and before they are agreed. By applying this lens, the Council is better able to understand the impact that its decisions might have on service users and where possible, take reasonable steps to mitigate any negative impacts.
18. The Comprehensive Equalities Scheme is not a strategy. As such, it does not set strategic goals, nor is it accompanied by an action plan and resources to effect delivery. The idea is that the underpinning objectives of the Scheme should instead be reflected in the

strategies, plans and business systems through which the Council delivers and where resources are already invested.

19. The rationale for a strategic framework for equalities rather than a strategy is based on the presumption that it is a much more effective way to ensure that all Council business systems and processes have equalities at their core. This would not be the case if equalities consideration were an adjunct sitting in a separate plan – or for that matter in nine separate plans reflecting each of the nine characteristics protected under the Equality Act.
  20. It is because the Comprehensive Equalities Scheme is a strategic framework and not a strategy that its impact is measured in terms of business assurance and confidence, rather than targets achieved or deadlines met. A particular measure of business assurance is the extent to which, when scrutinising information presented by officers, elected members can satisfy themselves that consideration of equality objectives have been factored into relevant impact assessments and report recommendations.
  21. A good recent example of how the Comprehensive Equalities Scheme framework has been applied is with respect to the development of the Children and Young People's Plan 2019-22. The Plan addresses all five Comprehensive Equalities Scheme objectives and reflects these in its ambition, intent and success measures. The Plan was adopted by Full Council in July 2019.
  22. Another strategy, in development, that will incorporate the above approach is the Council's Housing Supply Strategy. The Strategy will be using equality data as a lens to inform how the Council builds, buys and acquires properties as well as what partners build and develop in the borough.
  23. As elsewhere, there is more that can and should be done to improve the effectiveness of the above approach. Specifically, the systematic and routine application of the Comprehensive Equalities Scheme, as an assurance framework, is not yet custom and practice across the organisation.
- c. How else is equalities embedded across the Council including Equality Analysis Assessments and Equalities implications in committee reports?
24. There are a wide range of ways in which equalities is embedded across Council business systems. Set out below, are some examples of this.
    - Strategy development – various strategies reflect the Council's broader commitment to equality and to the needs of various protected characteristics. Examples of these include: the Corporate Strategy, Safer Lewisham Plan, Children and Young People's Plan, Mental Health and Well-being Strategy and Housing Strategy;
    - Strategic needs analyses – the Council publishes various strategic needs analyses which are used to inform strategic planning, funding bids and service planning. Joint Strategic Needs Assessments (JSNAs) that have been published in the last 18

months include those on 'parenting' and 'maternal mental health'. JSNAs that are scheduled for publication in the next twelve months include those for 'LGBT+ health', 'children and young people self-harm' and 'transitions preparing for adulthood';

- Service planning process – guidance published each year requires directorates to ensure that equality objectives and priorities are incorporated in service planning. This is to help ensure that service plans are effective delivery vehicles for equality objectives;
- Public consultation and engagement - some 50 public consultations are undertaken each year. As part of this, the Council invites survey respondents to complete a diversity questionnaire. The purpose of the questionnaire is to better understand who is responding to surveys and how representative survey responses are;
- Budget savings – each year the Council undertakes a budget savings process. As part of this, officers are required to assess the likely impact of savings proposals for all protected characteristics (where such impacts are known or anticipated). Analysis of this assessment is presented for members' scrutiny and published as part of the Budget Report;
- Performance reporting – performance reports across the Council demonstrate how equalities is embedded. Reports include data relevant to a number of protected characteristics including age, gender, disability and race;
- Service eligibility assessments – services such as housing, children's and adults social care undertake standard statutory assessments which provide a rich source of equalities data regarding those eligible to access their services;
- Service design – the Council designs services in a way that is responsive to the needs of specific communities and groups in the borough. An example of how this works is being undertaken for the LGBT+ community and is set out in the response to the In-depth Review of Services to the LGBT+ Community;
- Training – the Director of Law has delivered Equality Act training for Executive Directors and Service Directors. The purpose of the training is to ensure that senior Council managers are fully conversant with their roles and responsibilities as it relates to the legislation. Other training which is being commissioned by the Council includes that for 'Unconscious Bias'.
- Committee reports - Where reports are prepared for decision making by committee – for example, Mayor and Cabinet – or by other decision makers, equalities issues will be considered. There is a section in reports for the insertion of consideration of the equalities implications of the decision, and the legal implications section of the report will include information for the decision maker about the legal issues involved.

25. It is important to note that the above list is by no means exhaustive. However, it is intended to provide reassurance to members that the Council undertakes a wide range of work to assure itself that statutory and policy obligations regarding equality are being met. That said, it is recognised that more can be done to ensure that as well as being embedded in policy and procedure, consideration of equalities is part of organisational custom and practice.

d. What is the importance of socio-economic inequality and income deprivation? How can the Council promote socio-economic equality?

26. As set out on the Council's website, the Comprehensive Equality Scheme sets out our aspiration to take all reasonable steps to ensure that every citizen is able to do the best for themselves and for others. This will involve the promotion of social economic and environmental well-being for all. As such, an approach to equality that does not address aspirations for advancement for those on the lowest incomes and living in the most deprived communities is will fall short of the Council's best expectations for its residents.

27. Socio-economic status is not a 'protected characteristic' under the Equality Act. However socio-economic inequality is likely to be part of the lived experiences of a wide range of people who have a protected characteristic. For example it is likely that groups including women, lone parents with dependent children, older people, disabled residents and ethnic minorities will face specific challenges which limit their economic potential. Where that issue is a relevant consideration for a particular decision, it can therefore be taken into account.

28. For the Council, it is particularly important to focus on fairness and equity in the performance of roles and discharge of functions. The fact is that, whilst equality is about doing the best for everyone, fairness is about targeting those whose circumstances make them most vulnerable. As such, within the broader definition of what could be termed 'equality' it is incumbent upon the Council to ensure that it focuses effort and resources on those in the greatest need.

29. Examples of actions that the Council takes and should continue to take, which will have the effect of promoting socio-economic fairness include the following:

- Increase the number of Living Wage employers in the borough and ensure that service providers contracted by the Council, pay the London Living Wage;
- Encourage take up of free childcare places to help parents who want to return into the labour market to be able to do so;
- Increase take up of apprenticeships and particularly look to support young people from the most disadvantaged backgrounds;

- Improve attainment at Lewisham secondary schools, but particularly for those pupils who performs least well compared to other pupils such as afro-Caribbean pupils and white pupils in receipt of free school meals;
  - Target early help to families that might be at risk, which would help to prevent the avoidable escalation of need and the risk that children may need to be taken into care;
  - Expand the Council's business growth programme for small businesses and support more start up business to grow and become sustainable;
  - Continue to monitor the gender pay gap to ensure that women do not suffer pay discrimination.
- e. How does the Council ensure equalities are embedded in the commissioning process for third party organisations that deliver services?

30. The Council ensures that equalities are embedded in the commissioning process at all stages and in a number of ways.
31. Initially equalities will be considered as part of the permission to procure reports and therefore the early scoping of what it is the Council wishes to procure and how it wants these goods, works and/or services to be delivered to assist in the achievement of the Corporate Strategy. All procurements require approval prior to commencement and the Council's Contract Procedure Rules contained within section I of the Constitution and the Schemes of Delegation clearly define the approval route for procurement of goods, works and services, depending primarily on value.
32. It is expected that an initial scope of services be appended to the permission report and these reports are required to follow the standard report template which includes a section which considers equalities impacts. The specification itself always clearly articulates the service need and the impact this may have on those with protected characteristics and how the goods, works, and/or services to be provided are expected to mitigate or protect these. This shapes the service itself.
33. Decision reports will include a 'legal implications' section which – as with other reports - will contain information for the decision maker about the legal issues involved in considering equalities issues.
34. Once permission to procure has been given officers work with the procurement and legal services teams to draft the tender documentation. In addition to the specification this will include the Invitation to Tender document, the Method Statements required, the draft Terms and Conditions of contract, and the Council's Sustainable Procurement Code of Practice. Within the method statement templates there is a standard method statement on equality and diversity ensuring that all procurements include an explicit question on this unless there is an agreed deviation from standard form.

35. Once live the third party organisations will need to respond to the tender and their approach and commitment to equality and diversity will implicitly tested through their responses on how they will provide the goods, works, and/or services and how this service delivery meet our requirements with regards to equalities.
36. As part of the tender response third party organisations will also need to agree the Council's terms and conditions for the contract. These include a requirement on contractors to comply with the Council's Sustainable Procurement Code of Practice which contains overarching obligations requiring all contractors to consider and address equalities by requiring the following:

“Contractors, suppliers and service providers must follow best practice and comply with all legislation in relation to equality and diversity and be consistent with Lewisham's Comprehensive Equality Scheme (the Council's key equality policy document). Contractors, suppliers and service providers will provide the Council on request with copies of:

- Instructions to those concerned with recruitment, promotion and training.
- Equality and diversity policies, procedures and other documents available to employees, recognised trade unions or other representative groups of employees.
- Recruitment advertisements or other literature.

In order to assist the Council in its objectives under the Equalities Framework for Local Government (EFLG), contractors, suppliers and service providers must demonstrate that they have an understanding and commitment to the principles and practice of equality in the services they provide. They must also regularly review their services and access to them to ensure they continue to be appropriate and accessible to Lewisham's diverse communities.”

37. Finally at the conclusion of every procurement exercise there is the requirement to obtain approval to award, and, similar to permission reports, all procurement award reports follow the standard Council template which includes a section on equalities impact. Again, all reports will include a 'legal implications' section which will contain information for the decision maker about the legal issues involved in considering equalities issues.

## **Conclusion**

38. As set out above, there are a wide range of ways in which equalities is embedded in Council systems and processes. However, there is scope to improve further. This reality is underlined by the fact that Lewisham's population is increasing in its diversity and need. Alongside that, the demands of the government's austerity programme make it all the more essential that the Council fully understands the effects of its decisions and is able to focus resources on those in the greatest need.



39. Furthermore, by focusing on socio-economic inequality, the Committee has rightly alighted one of the key determinants of equality ie: how access to and advancement in the labour market, impacts both life chances and outcomes.

### **Legal implications**

40. None save as set out in the body of this report.

### **Financial implications**

41. There are no direct financial implications from noting the contents of this report.

### **Crime and disorder implications**

42. Section 17 places a duty on partners to do all they can to reasonably prevent crime and disorder in their area. The level of crime and its impact is influenced by the decisions and activities taken in the day-to-day of local bodies and organisations. The responsible authorities are required to provide a range of services in their community from policing, fire protection, planning, consumer and environmental protection, transport and highways. They each have a key statutory role in providing these services and, in carrying out their core activities, can significantly contribute to reducing crime and improving the quality of life in their area.

### **Equalities implications**

43. The equalities implications are contained in the body of this report.