



## Mayor and Cabinet

### **Mayor and Cabinet Response to the Safer, Stronger Communities In-depth Review: How Lewisham's Embeds Equalities Across its Service Provision**

**Date:** 11 November 2020

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Director of Law and Human Resources  
Assistant Chief Executive

#### **Outline and recommendations**

This report sets out the response to the recommendations made by the Safer Stronger Communities Select Committee In-depth Review: How Lewisham Embeds Equalities Across its Service Provision.

Mayor and Cabinet are invited to:

- Agree the response to the recommendations of the Safer Stronger Communities Select Committee In-depth Review.
- Agree that this report should be forwarded to the Safer Stronger Communities Select Committee.

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## Timeline of engagement and decision-making

**09 September 2020** – Presentation of the In-depth Review recommendations at Safer, Stronger Communities Select Committee

**16 September 2020** – Presentation of recommendations to Mayor & Cabinet by the Chair of the Safer, Stronger Communities Select Committee

## Summary

1. This report sets out the Mayor and Cabinet response to the Safer, Stronger Communities Select Committee's In-depth Review of Equalities in Lewisham. The recommendations of the In-depth Review were presented to Mayor and Cabinet on 16 September 2020.

## Recommendations

2. Mayor and Cabinet is recommended to:
  - i) Agree the response to the recommendations of the Safer Stronger Communities Select Committee In-depth Review; and
  - ii) Agree that this report should be forwarded to the Safer Stronger Communities Select Committee.

## Policy context

3. Promoting equality, by tackling inequality, sits at the heart of the Council's public welfare role. The performance of this role is framed within the Council's Corporate Strategy 2018-22 and given specific expression through the seven Corporate Strategy priorities as follows:
  - Open Lewisham – Lewisham is a welcoming place of safety for all where we celebrate the diversity that strengthens us.
  - Tackling the housing crisis - everyone has a decent home that is secure and affordable.
  - Giving children and young people the best start in life - every child has access to an outstanding and inspiring education, and is given the support they need to keep them safe, well and able to achieve their full potential.
  - Building an inclusive local economy - everyone can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
  - Delivering and defending: health, social care and support - ensuring everyone receives the health, mental health, social care and support services they need.

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- Making Lewisham greener - everyone enjoys our green spaces, and benefits from a healthy environment as we work to protect and improve our local environment.
- Building safer communities- every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.

## Background

4. This Member-led Review looked at the current ways equalities are considered in Lewisham Council. In particular it considered: how the Council is meeting its equality obligations under the 2010 Equalities Act and Public Sector Equality Duty; how consideration of equalities is embedded across the council; and workforce equalities. The review also considers socio-economic equality.
5. The Committee had a strong focus on ensuring that the diverse needs of Lewisham residents were understood and supported and this was the starting point for the review. The evidence gathered was considered by the committee through the angle of how the council can best serve all Lewisham residents. It links strongly with the Corporate Priority of “Open Lewisham” and includes themes on open data and on engagement that fit with the recommendations by the Council’s Democracy Review.
6. The findings and recommendations of the the Safer Stronger Communities In-depth Review were presented to Mayor and Cabinet in September 2020.

## Response to recommendations

7. The recommendations of the Member-led Review arrive at a time when equalities sits squarely at the centre of the national political debate. This is exemplified by the wide-ranging socio-economic impact of the Covid-19 pandemic, the Black Lives Matter movement, continuing concerns over the potential risk to EU nationals as a result of Brexit and the impact of climate change.
8. Whilst the Council is already undertaking work to address the above issues, the outcomes and recommendations from the Member-led Review will significantly enhance the Council’s focus on these matters and therefore adds impetus to the work that is already being done. In particular, the Member-led review, will help the Council to take a fresh look at its approach to tackling inequality and promoting public welfare, particularly across intersecting issues of employment, health, housing and community engagement.
9. **Recommendation one: A Fairer Lewisham Duty should be established requiring the Council to consider socio-economic disadvantage in its decision making process.**
  - a. All Equality Impact Assessments should consider socio-economic disadvantage on the same basis as the nine statutorily protected characteristics.
  - b. Lewisham Council should produce clear guidance for staff, Councillors, partner organisations and the public, explaining the Fairer Lewisham Duty, with reference to the Interim Guidance for Public Bodies produced by the Scottish Government.
10. In relative terms, Lewisham is one of the most deprived local authority areas in the country as well as in London. The impact of socio-economic deprivation and its effects on the quality of life and life experience of our residents, has been further highlighted by the Covid-19 pandemic, particularly so with the comparatively high proportion of BAME

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residents in front facing occupations who are potentially at risk, the rise in the number of residents claiming out of work benefits and the number of residents experiencing food insecurity.

11. As such, the need to ensure that the Council's assessment of equality impact covers socio-economic disadvantage is absolutely correct. This recommendation will be taken forward and reflected in ongoing work being led by the Director of Law, Governance and Human Resources, which is focused on the development of programmes and plans to take forward work around equality, diversity and inclusion. As part of this, guidance will be updated to ensure that socio-economic status is, where-ever appropriate, reflected in the equality implications for reports presented for democratic scrutiny and decision-making. As it stands, guidance on socio-economic status already exists in the Council's Corporate Equality Policy. However, the opportunity will be taken to strengthen this in light of the Member-led Review of Equalities and building on new insights on socio-economic inequality gained from the Covid-19 pandemic.
12. It should also be noted that 'tackling socio-economic inequality' is one of the objectives set out in the Single Equality Framework, which was considered at Safer, Stronger Communities Select Committee and approved by Mayor and Cabinet back in March. However, following the referral of the Single Equality Framework to Mayor & Cabinet, by the Committee, officers will be working with the Committee to further refine the above and other Single Equality Framework objectives.
13. In line with the Committee's recommendation, officers will look into the establishment of a Fairer Lewisham Duty, and a further recommendation on adopting such a Duty may be made to Mayor and Cabinet once this work is complete.

**14. Recommendation two: Intersectionality should be considered as part of the Equalities process.**

- a. Each department and all project leads should consider issues of intersectionality, and a range of diverse groups and their needs.
  - b. The Council should listen to, include, and meaningfully collaborate with diverse groups. There should be diversity of individuals and diversity of organisations. One voice cannot speak for all.
  - c. In funding, designing and commissioning services the Council should take an intersectional approach. This could include;
    - Ensuring diverse organisations closest to the ground take the lead in project design and implementation.
    - Recognise and trust the expertise and lived experiences of organisations and movements, especially those representing marginalised groups.
    - Funding diverse organisations and movements to facilitate safe spaces where particularly marginalised communities can feel empowered to speak freely.
    - The Council should build a senior management team with a culture of inclusion that reflects the diversity of communities and overlapping identities in Lewisham.
    - The Council should create a culture that celebrates difference by appreciating the contributions that everyone can make.
15. The recognition of intersectionality (ie: the various aspects of a person's lived experience which might contribute to vulnerability and disadvantage) is an essential component of tackling inequalities.
  16. The Council's Single Equality Framework sought to specifically recognise this in the policy and decision-making process of the organisation through the identification of six 'equality prisms' of which intersectionality is one. The planned review of the Single Equality Framework to be undertaken by the Safer, Stronger Communities Select

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Committee, will help enhance the focus on intersectionality in the business system of the Council. However, at officer level, it is recognised that further work is also needed to ensure that there is a full grasp of the concept of intersectionality and how although apparent, might often go unrecognised in the provision of services and performance of functions such as user engagement and commissioning.

17. To that end, a wide-ranging programme of work is being led by the Director of Law, Governance and Human Resources, which amongst other things will prioritise support for officers and Members to ensure consistency in terms of understanding and application. This programme of work will, as the Committee recommends, also include other actors such as partner organisations and those through whom services are commissioned. The intention is that the Council working with local organisations can refresh its approach to service design, development and decision-making.
18. **Recommendation 3: A more proactive approach should be taken to address the Public Sector Equality Duty.**
  - a. Equality objectives should be specific, achievable and measurable.
  - b. Equality objectives should be readily understandable to the public.
  - c. Equality objectives should identify areas of work via which improvements in equality can be made.
  - d. Progress in these areas of work should be monitored and reported.
19. The Public Sector Equality Duty (PSED), which is a provision of the Equality Act 2010 sets out that, when public authorities carry out their functions, they must have due regard or think about the need to:
  - Eliminate unlawful discrimination;
  - Advance equality of opportunity between people who share a protected characteristic and those who do not share that characteristic; and
  - Foster or encourage good relations between people who share a protected characteristic and those who do not share that characteristic
20. Following its referral to Mayor and Cabinet in September, members of the Safer, Stronger Communities Select Committee will work with officers to review the Single Equality Framework, which is the primary focus of this recommendation.
21. The above-mentioned review will inform the further refinement of the Council's equality objectives, which are set out in the Framework. A previous report to the Safer Stronger Communities Select Committee back in March, highlighted the fact that a basket of performance indicators would be developed to measure the impact of the objectives. Work to identify and refine the suite of measures will be undertaken in concert with the Committee. Going forward, the support of the Committee will provide a valuable template for the wider engagement of the Council.
22. It should be noted that proactive approach to addressing the PSED also includes the approach to data. This is addressed in the Single Equality Framework, which specifically sets an an expectation that data drives decision-making and sets out a process to perform this function. However, as part of the ongoing review of the Corporate Equality Policy, the Council's approach to data collection will be strengthened to further facilitate the process of 'SMART' (Specific, Measurable, Achievable, Realistic and Timebound) objective setting and monitoring.
23. **Recommendation 4: Staff Diversity Forums should be empowered within the Council.**
  - a. Forums should have a clear remit as to their purpose and how they contribute to the improvement of the Council.

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- b. Forums should have a set time to meet to discuss, promote and air concerns staff may have affecting equality in the Council. This should be adequately resourced and supported by the Council.
  - c. Forum leads should be given specific time away from their substantive role to plan, prepare and carry out the forums activities. This should be protected time which will not impact on their hours of work.
  - d. Forum members should be given time to participate in its activities.
  - e. Forums should be given the opportunity to meet with senior management and communicate the experiences and needs of staff.
24. Lewisham Council has a long-standing commitment to supporting staff-led fora. Staff fora are actively supported and promoted and given access to the highest levels of Council management and political leadership. A review is currently underway that will further inform the development of mutually supportive engagement between staff fora and the Council.
25. In addition to the above, the Council is undertaking a wider-programme of work on staff-led improvement, which is focused more broadly on empowering Council staff to drive change across the Council. The broader effort of staff-led improvement is supported by the Council's Change Network, which is a type of staff forum for those with a shared interest in change and improvement. Although not related to any particular protected characteristic, the Change Network operates in a similar way around a shared interest, and is open to all staff. However, equality is an important part of the Network in terms of ensuring it is accessible and welcoming to all staff and that any work delivered by the Change Network is undertaken with a view to safeguarding and promoting equality.
26. It is believed that the existing review of support to diversity forums and the targeted work on staff-led improvement, facilitated by the Change Network and support from senior management, will help to further empower and enable staff to feel confident to shape and inform the policies and decisions that affect them.
- 27. Recommendation 5: The Council should adopt an Open Data approach for Equalities.**
- a. Data sharing across the organisation should be improved. It should not be a challenge to access data that has already been collated by different teams or departments.
  - b. Guidance for producing Equality Impact Assessments (EIA) should be clear. Equality Impact Assessments should be data driven.
  - c. Every Equality Impact Assessment should be logged by Corporate Services and published on the Council website making it accessible to all.
  - d. Steps should be made to ensure individuals are confident sharing their data with the Council to help improve services. At the point where individuals share their data agreements should be in place to allow for this to be anonymised and shared where necessary.
28. The approach to data is a critical element of the Council's ongoing work on equalities. In terms of data sharing, whilst the Council cannot assert rights to access the personal data of residents or employees, more can be done to establish the trust that makes it more likely that members of the public and employees will choose to share their personal information. Specifically, the Council could and should be better at clearly explaining the benefits of sharing data, with examples of how data shared has been used to improve outcomes and experiences.
29. A wide-ranging programme of work, on equality, diversity and inclusion, is currently underway, which will also focus on data collection. Building on experience and learning

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from Covid-19, this work will be informed by a fresh look at equalities classifications. In particular, how a more nuanced approach to classifying equality groups could help the Council and our partners to better understand those in our community who face 'hidden risk'.

30. It is acknowledged that systems, both electronic and human, can also be made to work more effectively to facilitate the sharing of information. Work is already in train to address this through the development of an organisation-wide approach to knowledge management. This will help to ensure that wherever possible, the approach to information sharing is collaborative. This effort is being supplemented by a performance management review, which, amongst other areas, is looking at the behaviours and practices that inform the use and handling of data.
31. Guidance on producing equality analysis assessments will be included as part of the revised and refreshed Corporate Equality Policy. As set out above, the Policy was last reviewed in 2017. The current scheduled refresh was timed to coincide with the publication of the Member-Led Review and to ensure that the Review recommendations could be incorporated.
32. In addition, a clear expectation will be set that all equality analysis assessments will be published on the Council's website. This will promote accessibility and transparency as well as accountability for sharing of good practice amongst Council officers.

## **Financial implications**

33. There are no specific financial implications arising from this report.

## **Legal implications**

34. 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.
35. 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.
36. 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.
37. The Equality and Human Rights Commission has recently 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

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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: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

38. 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

## **Equalities implications**

39. The equality implications are set out and contained within the main body of this report. They specifically underline the Council's ongoing and long standing commitment to the welfare of the borough and to promoting the social, economic and environment well being of Lewisham residents. In addition, they reflect the maturing of the Council's understanding of equalities, which in recent months has been framed by the Covid-19 pandemic.

## **Crime and disorder implications**

40. 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.

## **Climate change implications**

41. The recommendations referenced in this report and the specific responses proposed make a significant contribution to work being undertaken by the Council to tackle climate change in the borough.
42. The impacts of climate change include: forced migration, health inequalities and socio-economic deprivation. In addition, climate change has an uneven impact on future generations, whose quality of life and life experience are significantly affected by choices that are made by current and previous generations. As such, and as part of the Council's continued work to promote equality, diversity and inclusion, profile will be given to actions that can be taken to minimise the effects of climate change.

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## Health and wellbeing implications

43. The recommendations referenced in this report and the specific responses proposed make a significant contribution to work being undertaken by the Council to promote the health and well being of residents in the borough.
44. The report specifically highlights the socio-economic impact of Covid-19 on local residents and the important contribution that the recommendations in the Member-led Review of Equality can play in adding impetus to efforts of the Council and partner agencies in tackling the pandemic and safeguarding the well being of vulnerable residents.

## Background papers

45. Set out below are the background papers informing this report:

- Single Equality Framework 2020-24
- Referral of the Single Equality Framework to Mayor and Cabinet (March 2020)
- How Lewisham Council Embeds Equality Across its Service Provision (Safer, Stronger Communities Select Committee, September 2020)

## Glossary

Term	Definition
Covid-19	COVID-19 is a new illness that can affect a persons' lungs and airways. It is caused by a virus called coronavirus. The main symptoms of coronavirus (COVID-19) are a high temperature, a new, continuous cough and a loss or change to your sense of smell or taste.
Diversity	Diversity is difference. A diverse society is one which includes people of many different groups, who come from different backgrounds and have different life experiences.
Due regard	The Public Sector Equality Duty of the Equality Act 2010, requires public bodies such as local Council's to show that they have thought about how they can eliminate unlawful discrimination, foster good relations and promote opportunities for advancement in the way that they perform their duties.
Equality	Equality is a situation in which people of different backgrounds are all treated the same and have the same opportunities.
Inclusion	The idea that everyone should be able to use the same facilities, take part in the same activities, enjoy the same experiences and have the same choice as others.

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Term	Definition
Intersectionality	The interconnected nature of social categorisations such as race, class, and gender as they apply to a given individual or group and the extent to which these connections result in an overlapping and interdependent systems of discrimination or disadvantage.
Socio-economic status	This describe the differences between groups of people relating to their social class and financial situation (eg: employment, income, wealth, education, health and where they live)

## Report author and contact

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