

Equalities and Diversity Review

London Borough of Southwark

Audit 2005/2006

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Introduction

- 1 Following the District Auditor's public interest report and the Local Government Ombudsman's consideration of planning failures affecting the Camberwell nightclub, Imperial Gardens, Southwark Council decided to commission an independent review of its strategic policy making and its implementation. The terms of reference for the review were to: (1) review and assess existing policies within the equality and diversity framework to determine comprehensiveness, appropriateness and any potential adverse impacts; (2) review and assess implementation arrangements, the practices and processes, their effectiveness and the scope for achieving equality outcomes; (3) review and assess whether there is an effective framework to respond to allegations of discriminatory effects and outcomes, including in relation to businesses; and (4) producing a report with findings and recommendations. The review, conducted by Lord Ouseley, started in late September 2004 and reported in February 2005. It made 35 recommendations, all of which were accepted by the Council.

Background

- 2 At its meeting on 4 April 2005, the Council's cross-party working group agreed to explore ways of implementing Lord Ouseley's report and its recommendations. In particular, recommendation 35 stated that: 'an independent equality and diversity auditor be contracted to scrutinise such processes on a continuous basis, reporting to scrutiny committees and community councils as well as providing feedback to the network of public and all community organisations which have interests in equality, diversity and good community relations'.
- 3 The Council approached the Audit Commission to provide the external scrutiny function suggested by Lord Ouseley. It was proposed that the Audit Commission would in the first instance complete a review of the framework the Council is using to implement the recommendations in Lord Ouseley's report. Additionally, the Commission would then undertake further audit work to explore how the key themes in Lord Ouseley's report were being implemented using bench marks and best practice identified in the Audit Commission's publication '*The Journey to Race Equality*'.
- 4 This proposal was for voluntary improvement work outside the programme of audit already agreed with the Council. The specification was prepared at the Council's request. The fees were subject to the complexity of the field work, the availability of relevant information and people that the Commission needed to interview to inform its work.

Audit approach

- 5 This audit is intended to contribute to improving the management and delivery of diversity and equality in Southwark. It consisted of an initial audit of the framework for implementing Lord Ouseley's recommendations. At a later date, the Commission will undertake a themed programme of audit activities to assess how effective the Council has been in implementing the specific recommendations from Lord Ouseley's report.

Overall conclusions

- 6 The Council has shown demonstrable commitment to addressing the recommendations of Lord Ouseley, presented in his report to Council in March, 2005. There is sound evidence that the Council has taken the report and recommendations seriously, investing significant chief and senior officer and senior member time in leading the response. Progress has been made in setting up a framework to implement the recommendations. A number of key activities are in place, such as: the members' working group, the requirement on portfolio holders to take responsibility for equality impact assessments for all Council policies and functions, and work with Southwark Race Equality Council on the education recommendations. While a number of the recommendations can be implemented fairly speedily, some, such as improvements in educational attainment, will take a number of years before they can be fully achieved.
- 7 The Council had aimed to provide the community with the opportunity to scrutinise and challenge it on its progress with the recommendations, and for this challenge to take place in a transparent and constructive way through the setting up of the Strategic Reference Group (SRG). Managing this rapport with the community has proved to be the most difficult challenge for the Council. The challenge activity has not taken off because the work of the SRG has been distracted by a small minority of activists. The effect of this has been that the SRG has not provided the effective community involvement for which the Council had hoped and has not been able to challenge the pace of implementation. The group was wound up at its meeting on 12 December. In consequence, the Council should review: (1) its strategy for working with community groups on the Ouseley recommendations; and (2) the effectiveness of its communications with the vast majority of people within its communities.
- 8 The absence of one party in the cross-party working group has deprived the Council of the consensus it sought to establish in order to provide a harmonised response to the recommendations. Even so, the Council is pressing on with implementation. This is positive but the Council should consider using its overview and scrutiny function as this has the potential to play an influential role in focusing on outcomes and complementing the role of the cross-party working group. In the next phase of implementation, there is a need for wider member scrutiny to support mainstreaming of the recommendations within service plans.

- 9 Monitoring and evaluation would be further aided by setting clear targets and milestones for progress. This approach will provide transparency and the incremental steps towards full achievement of the recommendations will be easier to understand and measure.
- 10 There has been some progress in preparing an equalities and diversity development programme for elected members. Delivery of a programme started on 16 November, 2005, as a result of contracting with an external provider. Understandably, the Council wanted to design a programme which would be specific to the members' needs and in which they would have confidence. Following the May election, it will be important for new members to receive training as soon as the Council is able to arrange it.
- 11 Set out below are more detailed findings and conclusions followed by a section of the report in which some pointers to developing good practice are outlined.
- 12 Subject to the decision of the Council, the Audit Commission will be assessing progress in the implementation of the recommendations in approximately one year from now.

Findings and conclusions

Key line of enquiry:

What steps have been taken by the Council since the publication of the Ouseley report to implement the recommendations?

Findings

- 13 The Ouseley report was published in March 2005 and taken to full Council on 24 March 2005 where the recommendations were agreed in full.
- 14 The Council established a cross-party working group with the following terms of reference: (1) to advise on the response to the Ouseley report, in conjunction with appropriate community groups; (2) to ensure that all outstanding complaints are being dealt with through an appropriate management process and monitor and review progress; and (3) to make any recommendations to the Executive, where appropriate.
- 15 The working group, at its meeting on 19 May, 2005, grouped the 35 recommendations into 5 themes: member decision-making; managers and staff competence and training; knowledge of and user feedback from diverse communities; consultation, outreach and community cohesion; and business development.

- 16 At its meeting on 21 November 2005, the working group considered, in view of the mainstreaming of many of the recommendations into service delivery, grouping the recommendations into five key areas as follows.
- Equality and diversity aspects of member development and decision making, particularly in respect of planning and regeneration.
 - Equality and diversity arrangements for user feedback, community involvement and building cohesion.
 - Improving the educational achievement of BME and other under-achieving groups.
 - Promoting the development of BME and SME business, including procurement opportunities.
 - Addressing the imbalances in the gender, ethnicity and disability profile of Council staff and ensuring effective staff development in equality and diversity issues.
- 17 The report to the Executive on 8 March 2005 recommended that the Council's review of the Equalities Scheme should be fully informed by the Ouseley report. The Council has taken into account many of the recommendations made by Ouseley when devising the revised Equality Scheme. This is exemplified by the references to Ouseley's findings and recommendation throughout the scheme and associated annexes. The Council has also integrated its response to the recommendations within the Scheme. For example, the plans to develop e-learning on the Race Relations Amendment Act are stated to be in line with Ouseley's recommendations.
- 18 The majority of members and officers interviewed expressed general satisfaction with the progress that the Council has made in implementing the recommendations. Concerns were expressed that the Council has managed to put a framework in place but has not made much progress in implementation particularly in the area of improving the Council's working relationship with the local community. There was general agreement that some recommendations are harder to implement because they are longer-term and provide greater challenge than others. The recommendation regarding building community confidence was cited as an example of this.
- 19 Implementation in some activities has not been as prompt as had been hoped. An example of this is the recommendation to monitor the ethnicity and diversity of agency staff/contractors. The Council's existing contract with the agency staff provider did not provide for ethnic monitoring. However, the Council has been in the process of procuring a new contract and this will be in place with effect from April, 2006; it will include diversity and equalities monitoring.

Conclusion

- 20 The grouping of the 35 recommendations into key service themes is a positive, practical measure, providing a clear framework for progressing the recommendations.
- 21 The working group receives reports detailing the progress being made on each of the recommendations but a monitoring role of these is not specifically part of the terms of reference.
- 22 Progress has been made in incorporating and mainstreaming many of the recommendations into Council plans such as the revised Equalities Scheme and into the education agenda.

Key line of enquiry:

How is the Council prioritising the recommendations?

Findings

- 23 There is a widely shared view in the Council that recommendations relating to planning and regeneration are of priority. In addition, it is acknowledged that the Council needs to ensure it has the confidence of those sections of the community which feel Southwark is not doing enough to meet their needs and should build up trust with the local community.
- 24 At its meetings, the working group received progress reports on the recommendations. At its meeting on 14 December, the group decided that it had come to the end of the first stage of the work and it was now appropriate to mainstream its activity into the executive and scrutiny process.

Conclusion

- 25 The Council has identified which recommendations it sees as most important. It is unclear to what extent the community would agree with the prioritisation and the Council would benefit from having effective mechanisms by which it could test out the views of the communities.
- 26 The Council's scrutiny function should be used to strengthen the monitoring and evaluation responsibility. This would also have the effect of engaging more backbenchers in the progress of the recommendations.

**Key line of enquiry:
What processes are being used to address the
recommendations?**

Findings

- 27 Officers indicated that many of the recommendations were not new and there were already plans in place to address some of the issues raised. For example, regarding staff development, HR already had plans to develop all staff. However, the impact of the Ouseley report was to highlight and to reprioritise certain activities such as the accelerated career development for BME staff. In other areas, such as education, the Council used the opportunity presented by the return of the education service to the Authority to prioritise Ouseley's recommendations around educational achievement for African Caribbean children.

Conclusion

- 28 The Council has worked to mainstream the Ouseley recommendations into service plans and delivery. This is positive. However, in order for the Council to measure and identify the effectiveness of its actions to improve its approach to equalities it is important that specific actions being taken to address the Ouseley recommendations can continue to be identified. The setting of targets and milestones would assist with making progress transparent to a wide range of audiences.

**Key line of enquiry:
Who has been involved and why?**

Findings

- 29 The Leader, the Lead Member for Equalities, Sport and Culture and Chief Executive have provided leadership from the outset and continue to be involved in monitoring the progress and implementation of the recommendations. The main reason for this is to show that the Council is taking the report and recommendations seriously. The other main factor is the sensitivity and complexity of certain issues that are or have been associated with recommendations such as the issue relating to Elephant and Castle regeneration and the dispute surrounding Imperial Gardens.

Conclusion

- 30 The Leader, the Lead Member for Equalities and the Chief Executive have shown clear leadership by their hands-on involvement in the implementation of the recommendations and this provides a persuasive message about the strength of the Council's commitment.

Key line of enquiry:

How effective has been the involvement of external people/ organisations?

Findings

- 31 The Council set up the Strategic Reference Group (SRG), which included key leaders from across the equalities interest groups in Southwark, as the key vehicle for providing the communities with an opportunity to challenge, advise and scrutinise the development of policy relating to equalities and the implementation of the recommendations.
- 32 However, the SRG has not been a successful forum for the Council in seeking external challenge to its work. SRG meetings have tended to be embroiled in issues to do with Imperial Gardens which is not part of the SRG role. The intended agenda has been side tracked by a small but dominant number of participants which has led to a breakdown of the group. Although during the autumn of 2005 there appeared to be no resolution to this situation, the group closed down at its meeting held on 12 December.

Conclusion

- 33 Whilst the Council has made efforts to involve community leaders and certain voluntary organisations in providing external advice and scrutiny, the vehicle for this, the SRG, has not met these expectations. The Council is searching for an alternative strategy for engaging community challenge and should regard this as an urgent priority. It should also consider how its communications capacity can be used effectively to support this work.

Key line of enquiry:

What has been the political party response to the recommendations?

- Have the actions taken been based on cross-party discussion?
- What is the level of involvement of executive members and backbenchers?

Findings

- 34 Minutes of the Executive dated 8 March 2005 show that the Executive responded positively to the report and recognised the opportunities that the recommendations presented to improve the Council's approach to equality and diversity in both employment and service delivery. The report was accepted in its entirety by full Council at the end of March 2005. However, a few days after this decision, the majority opposition withdrew its support because it was concerned with the way in which the Council was responding to the publication of the report and the annex. As a result, the majority opposition declined to fill its seats on the cross-party working group. Attempts were made to re-engage the group. However, a resolution could not be reached to three preconditions set by them. These were: (1) for the report (including the annex) to be published in full; (2) to hear from Lord Ouseley in person and to ask him questions about his findings; and (3) for the cross-party group to be given the power to hear and resolve the complaints cited in the annex to the report.

- 35 The minority opposition, however, did take up its seat and has been an active participant on the working group.

Conclusion

- 36 All parties accepted the findings and recommendations. However, differences of approach to addressing the report's recommendations have led to not all members sharing responsibility for implementing the recommendations and this may have a detrimental impact on the credibility of the Council's response.

Key line of enquiry:

How effectively has the Council involved the local community?

- Has the Council involved the wider community in determining the framework for implementing the recommendations?
- What mechanisms has the Council used to determine community participation?

Findings

- 37 When the SRG was being formed, the Council felt it was important to ask people who have a leadership role in equalities locally, to provide challenge and advice. At the initial meeting, 20 community representatives were present and the meeting was constructive. At the second meeting, Southwark Black Awareness Group and Elephant and Castle activists attended and these individuals changed the focus and dynamics of the group with the effect that numbers of the equalities reps on the SRG are now disengaged from the process.
- 38 The Council still wishes to engage community representatives and reports that it is in the early stages of working with community leaders to see how it can do this effectively.
- 39 Although the SRG was originally intended to be the main vehicle for engaging with the community, officers state that they did not view SRG as the only form of engagement with the local community. The Council considers that it works well with a range of community groups and organisations, such as SREC.

Conclusion

- 40 The Council set out with a genuine aim of establishing a forum in which members of community groups could challenge, scrutinise and advise the Council on the progress it was making with implementing the recommendations. The SRG has not been able to fulfil this role. The consequence is that a key part in the implementation framework has not been functioning. It is crucial in the interests of credibility with the community that the Council identifies as soon as possible alternative strategies for engaging community representatives. In the absence of a new strategy, the risk exists that the positive steps being taken by the Council will be undermined and viewed negatively by some local communities.

Key line of enquiry:

How robust are the monitoring arrangements to assess progress in implementing the recommendations?

Findings

- 41 The member working group was viewed as the main member machinery for monitoring the progress in implementing the recommendations even though this function is not within its terms of reference.
- 42 The Chief Office Equalities Group, chaired by the Chief Executive, meets bimonthly and has been monitoring progress in implementing the recommendations.

Conclusion

- 43 Whilst there is a performance monitoring process in place, a clear evaluation of progress and outcomes is missing.
- 44 No milestones have been set by which to assess progress so it is unclear which recommendations the Council feels can be achieved quickly and whether it is on target to meet these. The Council should consider broadening the monitoring and evaluation to include backbenchers in the scrutiny function.

Key line of enquiry:

What evaluation mechanisms are in place and who is responsible for monitoring at corporate and service level?

Findings

- 45 The Council has not specified clear outcome measures so it is unclear how it will be evaluating the progress in implementing the recommendations. The Council has not identified any specific mechanisms for measuring the outcome of its actions to meet the Ouseley recommendations. Both members and officers indicated that existing methods of feedback such as feedback from staff, user surveys/opinions/complaints will be used to measure satisfaction levels.
- 46 Chief officers are individually responsible for their areas and accountable to the Chief Executive. The CE chairs the chief officers' equalities sub-group which is the main management framework for implementation. This group meets bimonthly. However, there was little information given from the minutes of these meetings to show the extent and detail of monitoring that takes place. It is therefore difficult to assess the effectiveness of this forum as a vehicle for monitoring implementation.
- 47 A number of activities in response to the recommendations have been incorporated into mainstream work plans, therefore monitoring takes place using the Council performance monitoring framework.

Conclusion

- 48 The Council has not had in place clear outcome measures and this means that assessing incremental progress is more complex than it needs to be. However, in December, it agreed that it should plan for these to be introduced.

Key line of enquiry:

What has evaluation shown so far and what action has been taken to address the findings from the evaluation?

Findings

- 49 The Council has not yet formally evaluated the framework and approach to the recommendations however a report to the meeting of the working group, held 21 November 2005, provided an update on progress made in implementing the 35 recommendations and proposed the mainstreaming of the themes. The group agreed to mainstream the recommendations from January 2006, with lead responsibility at member level integrated into the portfolio of the relevant executive member. Further reporting on overall progress would be incorporated into the quarterly performance report to the executive. There are plans to present a position statement to the Executive identifying the progress made and this will be the opportunity to evaluate progress.

Conclusion

- 50 It is too soon to comment on the Council's evaluation of its approach to addressing the recommendations. However, before decisions are reached about fully mainstreaming all the recommendations a SMART action plan with clear, measurable milestones should be put in place for service areas in order to highlight progress and areas requiring further impetus. In mainstreaming the recommendations, the Council needs to be assured that progress remains easily identifiable and that communities understand the rationale for mainstreaming.

Key line of enquiry:

What is the role of members/scrutiny?

Findings

- 51 The member cross-party working group, set up by the Executive, has been viewed as the main member machinery for monitoring the progress in implementing the recommendations.

Conclusion

- 52 Setting up the member working group has been positive and has enabled a small number of members to spend dedicated time on this work. It is now timely for more members to become involved in the scrutiny role to provide robust challenge on the pace and effectiveness of implementation.

Some pointers for developing good practice

- 53 From our work we have prioritised three issues for the Council's consideration and have set out below some pointers for good practice under each of these which might assist the Council to improve current arrangements.

Community engagement and relationships

- 54 Better use of the Council's knowledge of the range of communities and how to engage with them would have enormous benefits. Build strong relations with individual community groups and ensure these are based on mutual understanding and respect. Diversify the Council's approach to working with communities, using a range of strategies to appeal to a range of audiences. The local strategic partnership (LSP) will be a way to use partnership working to supplement the dialogue with community groups.
- 55 Elected members are potentially the most valuable resource in relating to communities, therefore members should consider undertaking an audit of knowledge, involvement and contacts with community groups and use this to promote the Council's relationships, communications and the community leadership role of members.
- 56 Some Council staff are also part of the local community: consider how staff can assist the Council in communicating with their communities.
- 57 Develop a strategy for working with a range of community leaders, which includes ways in which the Council can help build capacity in the voluntary and community sector and encourage stronger leadership skills for BME groups.
- 58 Use a citizen's panel or focus groups to identify:
- what community groups expect from the Council;
 - how they would best like to work with the Council; and
 - create 'sounding boards' of community groups for listening to views and perceptions; for example, hold 'listening days' as pioneered by other councils.
- 59 Consider contracting with a third party to facilitate and advise on the Council's work with diverse community groups.

Developing more effective communications with the full range of communities in Southwark

- 60 Build leadership capacity within the voluntary and community sector, as a high priority, in order to facilitate communications and relationships between BME communities, the Council and other stakeholders.
- 61 Set up a website page for dialogue and information exchange with community groups.
- 62 Publish a newsletter or periodical briefing targeted to communities and hard-to-reach groups/individuals.

- 63 Be more proactive in promoting and publicising the Council's work on diversity and equality issues so that the Council is seen as a champion of these issues, countering any misunderstanding that it is a hindrance.
- 64 Invest in communications, using a range of media, from local community radio to the Council's newsletter, to appeal to a range of audiences.

Monitoring, evaluation and the wider role of members

- 65 Mainstream recommendations into service plans but put in place targets and milestones for each recommendation in order to: (1) bring clarity and transparency to the progress being made; and (2) demonstrate incremental gains in the case of longer-term targets.
- 66 Develop a wider role for members through the scrutiny function so that the Council can secure a robust challenge to the pace and effectiveness of implementation.