

<b>Item No.</b> 20.	<b>Classification:</b> Open	<b>Date:</b> 9 February 2016	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Diversity Standard	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Michael Situ, Communities and Safety	

## **FOREWORD - COUNCILLOR MICHAEL SITU, CABINET MEMBER FOR COMMUNITIES & SAFETY**

The diversity of our population is one of our most valued assets. Strong communities will thrive and prosper when individuals and groups are treated fairly and with respect, and are able to identify and gain access to the services they need. We understand that equality will only be achieved if everyone in the borough understands and feels able to contribute to it.

This report sets out our proposed diversity standard that we will be encouraging business and our partners in the voluntary sector to sign up to. It meets our promise to implement a strategy which recognises and values the diversity of the borough, and offers a mechanism for non-council organisations operating in the borough to demonstrate their commitment to supporting the Council's ambition for a fairer and more inclusive borough.

There is real strength in our local communities. Southwark is a borough where people are proud to say they get on well together. By placing fairness at the centre of everything we do, by promoting equality of opportunity and by celebrating diversity and community cohesion we can help to build a fairer future for all.

## **RECOMMENDATION**

1. That the cabinet notes the consultation carried out, and approves the final version of the Diversity Standard as set out in Appendix 1.

## **BACKGROUND INFORMATION**

2. In December 2011 the cabinet agreed the Approach to Equality. The Approach put equality at the heart of the Fairer Future Vision. Although the Equality Act 2010 does not require the council to have such an approach in place this was developed in line with good practice and guidance from the Equalities and Human Rights Commission.
3. In July 2014 the council agreed a new council plan that sets out how the council will deliver the fairer future vision. One of the commitments made in the council plan is to build on the Equality Approach by introducing a new diversity standard. This report sets out the results of consultation on the draft Southwark Diversity Standard, and recommends implementation of the Standard.
4. The draft Diversity Standard proposes a baseline set of standards that external organisations such as local businesses of all sizes and voluntary and community

sector organisations can sign up to. It meets the commitment in the existing Council Plan to implement a strategy which recognizes and values the diversity of the borough, and offers a mechanism for non-council organisations operating in the borough to demonstrate their commitment to supporting the Council's ambition for a fairer and more inclusive borough.

5. The Standard is intended for all organisations, private, public and voluntary within the Borough to sign up to on a voluntary basis, private, public and voluntary. Officers consulted the following key umbrella groups in this initial stag of work:

- the new Business Forum,
- the Southwark Voluntary Sector Forum
- the Forum for Equalities and Human Rights in Southwark (FEHRS)
- the Southwark Chamber of Commerce.

## CONSULTATION PROCESS

6. As the Cabinet requested in January 2015, the draft Standard has been shared with over-arching consultative forums and the responses are set out below.

<b>Summary of consultation responses</b>	
<b>Business Forum</b>	<ul style="list-style-type: none"> <li>• Discussion led by a senior council manager – accepted without comment.</li> </ul>
<b>Business Improvement Districts</b>	<ul style="list-style-type: none"> <li>• Consultation document emailed to chairs of BIDs - no negative comments received.</li> </ul>
<b>Community Action Southwark</b>	<ul style="list-style-type: none"> <li>• Most comments appear to interpret the purpose of the Diversity Standard as a replacement for our Approach to Equality.</li> <li>• CAS also hoped it would provide a 'gold standard' rather than the proposed baseline standard.</li> <li>• In response the draft Diversity Standard has been radically edited to make it much more concise and easy to understand its purpose.</li> </ul>
<b>FEHRS</b>	<ul style="list-style-type: none"> <li>• There was a general feeling that it is too 'wordy' and as noted above, has been amended to reflect this comment.</li> <li>• Asked how those signing up to the standard would be monitored for compliance. The intention is the standard is voluntary.</li> <li>• Asked whether the 'no zero hours contracts' commitment could be amended to recognise that zero hours contracts suit some people, but these should be negotiated and agreed by both parties. (this has been inserted as a suggestion)</li> <li>• Also felt the commitment to paying the 'Living Wage' Not ambitious enough, and would like to see this changed to the 'London Living Wage' (originally this was inserted to cover organisations who had employees outside the borough but this has also been inserted as a proposal).</li> <li>• Noted that as yet there is no implementation plan, and that the promotion of the scheme, including the benefits of</li> </ul>

<b>Summary of consultation responses</b>	
	joining, is important to its future success. They suggested training for interested organisations.

### **Implementation of the Southwark Diversity Standard**

7. Following the adoption of the Southwark Diversity Standard by the Cabinet, the umbrella organisations in the borough will be invited to sign up to it, including:
  - The Business Forum
  - The Southwark Voluntary Sector Forum
  - The Forum for Equalities and Human Rights in Southwark
  - Community Action Southwark
  - The Multi Faith Forum.
8. Council officers will offer to attend an appropriate meeting of each of the umbrella bodies to promote the Standard and encourage participation, emphasising that the Standard provides a baseline only.
9. Those umbrella organisations that agree to participate will be expected to encourage their membership to sign up also.
10. Those organisations who have agreed to participate will be provided with a poster-size copy of the Standard to display and accompanying visuals for their premises.
11. The Council's main contractors will be encouraged to sign up to the Diversity Standard and further work will take place to consider how the Standard may be included in future contracts the Council enters into with external providers and suppliers.
12. The council will develop tools and guidance to support participating organisations. These will include case studies of some of the good practice that already exists across business and community sectors and will be made available on the council website.
13. Officers will continue to work with businesses and voluntary and community organisations in the borough to encourage more organisations to adopt the Standard.
14. It is not intended that the Council will carry out any monitoring of individual organisations, but for those that have opted in to self monitor. As opting in will be entirely voluntary, there should be no need for sanctions. The council will however conduct an annual review of the take-up of the Standard.

### **Policy implications**

15. The Diversity Standard will contribute to delivering the council's Fairer Future promises, as set out in the Cabinet report dated 2 July 2014 - Delivering a Fairer Future for all in Southwark.

### **Community impact statement**

16. This Diversity Standard once enacted will provide an approach for any external organization in any sector working in Southwark to demonstrate their

commitment to recognising and valuing the diversity of our borough.

17. It will reassure the diverse communities of Southwark that the council is promoting their interests beyond the council's own provision of services.
18. Discussion with representatives of some of the key forums in the borough has already taken place and has helped to shape and promote the standard.
19. The Diversity Standard addresses all nine strands of the council's equality agenda: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation as well as socio-economic status.

### **Financial implications**

20. There are no additional costs to be incurred by consulting on the Standard as set out in this report, as existing staff will consult the forums listed.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Director of Law and Democracy**

21. The director of law and democracy (acting through the employment section) notes the content of the report.
22. The report seeks cabinet agreement to introduce a Southwark Diversity Standard in the attached form.
23. This is a decision that can be made by the cabinet in accordance with part 3B (7 & 19) of our constitution:
  - (7) To promote human rights, equality of opportunity and the interests and particular needs of all those who experience discrimination or disadvantage by virtue of their race, gender, disability, sexuality or age;
  - (19) To have responsibility for all equalities and diversity matters concerning both employment policy and practices and service delivery and the active promotion of the council's equalities policies.
24. The relevant legislation is the Equality Act 2010, as set out in paragraph 2. Section 149 of the Equality Act 2010 introduced a single public sector equality duty (the PSED General Duty). It requires the council to have due regard in its decision making processes to the need to:
  - (a) Eliminate discrimination, harassment, victimization or other prohibited conduct;
  - (b) Advance of equality of opportunity between persons who share a relevant protected characteristic and those who do not share it;
  - (c) Foster good relations between those who share a relevant characteristic and those that do not share it.
25. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also applies to marriage and civil partnership, but only in relation to (a) above.

26. The council's "Approach to Equality", which was agreed by cabinet in December 2011, outlines the council's legal duties under the PSED General Duty as well as its obligations under the Human Rights Act 1998. It also sets out the council's commitment to embedding equality and human rights within the day to day responsibilities of all members, officers and contractors, as a part of day to day business.
27. The report notes, at paragraph 15, that the proposed Diversity Standard will apply in respect of socio-economic status. Socio-economic status is not a relevant protected characteristic under the Equality Act 2010 and it is not unlawful to discriminate on that ground. Further the public sector duty regarding socio-economic inequalities under Section 1 of the Equality Act 2010 has not been brought into force. However, whilst it is not a legal requirement to advance equality and eliminate discrimination on the ground of socio-economic status, to the extent that the proposed Diversity Standard aims to tackle socio-economic disadvantage it is consistent with the council's fairer future promises.
28. As the report notes in paragraphs 3, 4 and 10, the proposed Diversity Standard is also consistent with the Approach to Equality and a commitment to its introduction was included in the new Council Plan which was agreed by cabinet in July 2014.
29. The report confirms that the draft form of the Southwark Diversity Standard as presented to Cabinet on January 2015 was subject to consultation and summarises, in paragraph 6, the form and outcome of that consultation. There is no explicit legal requirement under the PSED General Duty to engage with people but it does require public authorities to have an adequate evidence base for decision making. For analysis to be vigorous it follows there must be meaningful consultation and engagement with interested parties. The council's Approach to Equality also commits the council to engaging with the community through a wide range of channels, including with those that have an interest in key issues around equality and actively look for feedback on proposals where appropriate. The consultation undertaken is consistent with this.

**Strategic Director of Finance and Governance**

30. As stated in paragraph 15 under financial implications, no additional costs are foreseen for the development of the standard and subsequent consultations. In the event that unexpected costs do arise, they will have to be managed by Communities within the division's overall budget provision.

**BACKGROUND PAPERS**

Background Papers	Held At	Contact
Southwark Council's approach to equality: delivering a fairer future for all (Item 12)	Housing & Community Services / 160 Tooley Street, London SE1 2QH	Darryl Telles 020 7525 1787
<b>Link:</b> <a href="http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&amp;MId=3818&amp;Ver=4">http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&amp;MId=3818&amp;Ver=4</a>		

## APPENDICES

No.	Title
Appendix 1	The Southwark Diversity Standard

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Michael Situ, Communities and Safety	
<b>Lead Officer</b>	Stephen Douglass, Director of Communities	
<b>Report Author</b>	Sarah Totterdell, Senior Strategy Officer	
<b>Version</b>	Final	
<b>Dated</b>	28 January 2016	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director for Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	29 January 2016	

## APPENDIX 1

### The Southwark Diversity Standard

#### Commitments to Diversity

This Standard is our commitment to equality of opportunity, respect for diversity and preventing unlawful discrimination towards customers, service users and residents. It applies in respect of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation and socio-economic status.

All our staff will contribute to the Standard by treating each other, customers, and all residents fairly, with respect and understanding, as well as celebrating and promoting difference.

In complying with the Standard we will:

*Make sure that everyone who needs to can use our services. We will make sure that we meet the diverse needs of our service users and our staff.*

*Actively contribute to making our communities more cohesive by welcoming and treating everyone with respect and dignity.*

*We will make reasonable adjustments to ensure that all customers and service users are not placed at a disadvantage due to perceived differences. We will consider how our services can affect different groups, taking action to tackle barriers to access where these exist.*

*Our recruitment and employment practice encourages equality of opportunity and respect for diversity and tackles barriers faced by specific groups. We actively work to create a workforce that is representative of the local community and our customers.*

*Ensure that all our workers and subcontractors in Southwark are paid at least the London Living Wage, or where employed outside London, at least the Living Wage.*

*Ensure that we do not use zero hours contracts in place of permanent contracts except where negotiated by employer and employee to the mutual benefit of both.*

*Seek opportunities to work with our local community and local community organisations to tackle inequality, for example by supporting people to develop the skills they need to participate economically, culturally and socially*

*Have systems in place to deal with any complaints of discrimination promptly, fairly, openly and effectively.*

*Encourage other employers to adopt similar practices.*