

Item No. 1	Classification: Open	Date: 04.04.05.	MEETING NAME: Cross-Party Ouseley Review Working Group.
Report title:		Implementation of the Recommendations of the Ouseley Review and Oversight of Outstanding Complaints.	
Ward(s) or groups affected:		All	
From:		Chief Executive (Head of Social Inclusion)	

RECOMMENDATIONS

That the Working Group

1. Agrees the terms of reference set out at paragraph 11.
2. Agrees the following proposed early actions for those recommendations within the Review report that can be implemented without delay and asks for a progress report on implementation to be brought back to its next meeting. (Paragraph 12 and Appendix 1 refer)
 - Members to lead on Council-wide rollout of E-learning package on Race Relations (Amendment) Act.
 - Establishment of a Strategic Reference Group constituted from representatives of the community with knowledge and experience of working in the equality and diversity area to assist the Working Group in developing its response to the recommendations.
 - Equalities implications and evidence base to appear on all Council Committee and Community Council reports.
 - Immediate discussions to begin between the Council and SREC to develop an action plan for reform of SREC, to be considered by Working Group in July.
 - Roll-out of E-Learning in Race Relations (Amendment) Act training across Council
 - Establishment of dedicated post within Organisational Development to focus on equalities.
 - The Council to engage with BME staff Consultative Group as a key consultation route, including consultation on the Race Equality Scheme.
 - The Working Group to receive a paper at its meeting in May setting out options for addressing recommendations 16.8 to 16.14 regarding employment and workforce issues, including the analysis of the 20% gap between BME job applicants and BME appointments proposed in recommendation 16.13.
 - The Working Group receive a paper at its meeting in June setting out options for addressing recommendations 16.18 to 16.21 regarding education.
 - The current programme of equalities training for staff in the Planning Division is maintained.

3. Asks for a report to be brought back to its next meeting setting out options for tackling the more medium to long-term recommendations of the Review report (Appendix 1 refers)
4. Asks for a separate report to be brought back to its next meeting detailing options for the implementation of recommendation 35 of the Review report, proposing the appointment of an Independent Auditor to equality-proof decision making, scrutinise processes and feedback to the community;
5. Notes the different types of complaint passed to the Council by Lord Ouseley during the course of the Review, as set out at paragraph 16, and instructs the Chief Executive to investigate the complaints and bring a report to the next meeting detailing what action has been taken to investigate and resolve them, bearing in mind any constraints where complaints may be subject to legal or insurance processes, and detailing any wider service or policy issues arising.

BACKGROUND INFORMATION

6. On 8th March 2005, the Executive agreed that an all party sub-group be established to oversee and drive forward the Council's response to the Report and to ensure that any outstanding complaints against the council are properly dealt with, the sub-group to consist of 8 councillors (4 Liberal Democrat, 3 Labour and 1 Conservative). On 24th March, Council welcomed the action of the Executive in setting up this sub-group to oversee the council's response to Lord Ouseley's recommendations. The purpose of this paper is to help identify how the Working Group might discharge its functions.
7. The Review makes 35 recommendations. This report identifies those recommendations that can be actioned within a short-term timescale (or where enabling action can be taken quickly that will contribute to delivery of medium or longer term outcomes). It is proposed that subsequent meetings of the group receive a progress report on the actions specified.
8. It is proposed that the remaining recommendations, which will require more medium to long term consideration in consultation with the Council's own workforce and the wider community, will be the subject of a future report.
9. In particular, perhaps the recommendation requiring most consideration is the recommendation at 16.35 of the Report (Appointment of an Independent Audit function). Whilst a number of Lord Ouseley's recommendations can be implemented fairly quickly and easily, and others are clearly longer term and aiming for us to achieve best practice, this recommendation does not easily convert into a ready solution that is already known to us. There are complexities involved: for example, issues of governance and the legal framework in which it might operate. Given this, it is suggested that the Working Group receives a paper at a future meeting specifically on Recommendation 35, after further consideration has been given as to how best to develop this recommendation.
10. During the course of the review, Lord Ouseley received submissions from people who believed that they had been unfairly treated, as well as from people who have praised the Council for its work. He forwarded a number of written submissions from individuals and organisations complaining about their treatment by the Council to the Chief Executive, including some in an annexe to his report.

KEY ISSUES FOR CONSIDERATION

Terms of Reference.

11. The proposed Terms of Reference for this group are set out below:
 - To advise on the response to Lord Ouseley's report, in conjunction with appropriate community groups.
 - To ensure that all outstanding complaints are being dealt with through an appropriate management process and monitor and review progress.
 - To make any recommendations to the Executive, where appropriate.

Implementation of Recommendations.

12. This report focuses on those recommendations to which it is possible to make an early response, and deliver relatively quick wins; i.e. where the Council can take unilateral independent action to implement, and which should be implemented without delay. It also identifies where longer-term recommendations can be facilitated by this Group making recommendations at an early stage, to expedite delivery of those recommendations, (enabling action). An example of this is the recommendation of establishment of a post within the Organisational Development Unit to expedite standardisation and best practice in equalities training across the Council. The recommendations that can be actioned quickly are highlighted in paragraph 2 of this report.
13. However, in order to keep the bigger picture in view, Appendix 1 sets out all the Report's recommendations themed within the two overarching areas covered by the report: These are:
 - Leadership, community involvement and service delivery, and;
 - Human Resources and Staff Development
14. Many of the recommendations in Appendix 1 will require implementation over a longer timeframe; they will require intensive consultation both internally and externally and will require us bringing partners on board to work with us. An example of this is Recommendation 16.20 : giving high priority to improving parental involvement in schools. Clearly this can only be achieved by engaging in fairly intensive discussions with stakeholders: parents, head teachers, governors and others. It is suggested that implementation of medium to longer term recommendations is brought back to future reports to this Group. It should also be noted that Appendix 1 is not a comprehensive draft Action Plan for all the recommendations, but constitutes early thoughts which members might find helpful to assist their thinking.

Independent Audit function.

15. A key recommendation of Lord Ouseley's review is the establishment of an Independent Audit function. Clearly members of the Working Group will want to progress this recommendation with some speed, but this there is a considerable amount of detailed preparatory work required to fully specify this role. It would appear that this function is entirely new to local government, so the full

implications of different options will need to be carefully worked through in advance; also, if the role is to have a function in relation to planning decisions, this is a heavily regulated and complex area. Given both the urgency of addressing this recommendation and the need to consider the implications in depth, it is recommended that the Working Group receives a further report setting out issues and options for implementation at its next meeting.

Complaints.

16. There are eleven submissions from individuals and organisations in the annex to the Ouseley Report containing a variety of allegations and complaints. Lord Ouseley also passed two further cases to the Council for investigation and resolution during the course of his review, making a total of 13. In summary, these cases and submissions fall within the following categories:
- Issues raised by individuals or organisations which it should be possible to address through the normal complaints procedure; (7)
 - Issues raised by individuals or organisations which may be subject to a legal process and in which case can only be resolved on the advice of the Council's legal team and/or insurers; (3 submissions, all of which relate to a single case)
 - A complaint by a former temporary employee against their line manager; (1)
 - Some helpful suggestions for improving the planning process; (1)
 - A complaint against the Southwark Race and Equalities Council (1).
17. It is proposed that the Working Group receives a report back to their next meeting detailing progress made in investigating and resolving those complaints that are not potentially subject to legal and/or insurance processes. The report is also to detail and underlying policy or service issues raised which require further action.

Resource implications

18. All activity proposed within this report would be within existing and planned resources for 2005/6

Legal Implications

19. The recommendations cover a wide area of the Council's functions. In implementing them the Council will have to have regard to its duties in carrying out its functions (particularly in the quasi judicial areas of planning and licensing) and to acting within its powers of delegation.
20. Investigating complaints will have to be done in accordance with the principles of natural justice as expressed in legislation (e.g. Human Rights Act, Race Relations Act) and the Councils own disciplinary, capability and investigatory and complaints procedures.
21. Where either complaints or proposals involve parties outside the Council, the Council will have to be particularly careful that it acts within its powers.

22. Legal advice and support to the process will be available as proposals are worked up. The primary purpose of the recommendations: to better carry out the legal requirement to promote equality in the borough, is to be welcomed and facilitated to the best effect possible.

Consultation

23. The Report has been shared with members of the Equality and Diversity panel, and will remain a standing item on future meetings, so that we can be sure of capturing the expertise of that group in informing future developments.
24. A meeting was held on 30 March between Personnel and Management Services, the Social Inclusion Unit and members of the BME staff Consultative Group, to discuss that Group's initial response to the report, whose recommendations they welcome. The Group's views will be fed into the appropriate mechanism and they have been assured of the Council's commitment to involve them as a key consultative route in relation to implementation of the recommendations.
25. A number of the recommendations contained within Lord Ouseley's report relate to employment and workforce matters. As the paragraph above details, discussions have already begun with staff to receive their reactions to the report, and will continue, through regular meetings between the Head of Personnel and Management Services with the BME staff Consultative Group and Departmental Liaison Committee meetings with the Trade Unions.
26. The Council has an established list of community leaders and stakeholders who have a proven track record of working in partnership with us in policy development and delivery on the equality and diversity agenda. An early meeting was held with members of this shortly after publication of the Report, and their interest in, and commitment to working constructively with the Council was very apparent. It is therefore proposed that membership of the SRG is drawn from within this cohort. It is suggested that the Working Group works closely with the SRG, once established, in developing its proposed response to the Ouseley report.
27. The Council will shortly be beginning consultation on our new Race Equality Scheme, and will be consulting widely with staff, trade unions, the BME staff Consultative group and with the community, with a targeted focus on hard to reach communities.

Background Papers	Held At	Contact
Independent Review of Southwark Council's Equality and Diversity Framework	West House, Southwark Town Hall	Jules O'Mahoney 0207 525 7491.

APPENDIX A

Audit Trail

Lead Officer	<i>Chief Executive.</i>	
Report Author	<i>Jules O'Mahoney.</i>	
Version	<i>Draft.</i>	
Dated	<i>31.03.05.</i>	
Key Decision	<i>No</i>	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes.	
Chief Finance Officer	No.	No.
<i>List other Officers here</i>		
Executive Member	N/A.	
Date final report sent to Constitutional Support Services		