

<b>Item No.</b> 12.	<b>Classification:</b> Open	<b>Date:</b> 13 December 2011	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Southwark Council's Approach to Equality - Delivering a Fairer Future for All	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Abdul Mohamed, Equalities and Community Engagement	

## **FOREWORD - COUNCILLOR ABDUL MOHAMED, CABINET MEMBER FOR EQUALITIES AND COMMUNITY ENGAGEMENT**

The diversity of our community is one of our most valued assets. Strong communities will thrive and prosper if individuals and groups are treated fairly and with respect, and given access to the services they need. Our aim is to provide opportunities to Southwark's residents, businesses and organisations to fully engage in the community. We understand that for equality to be achieved it must be something that everyone understands and feels able to contribute to. We will ensure that residents are involved in making our services more accessible.

The Council is guided by a number of fairer future principles - listening to local people, seeking to protect our most vulnerable residents and helping people to lead independent and fulfilling lives. We are a Council that tries to treat people just as we would members of our own family.

Whilst it is no longer a legal duty for the Council to produce an equality scheme, we think that producing an approach will help ensure consistency in delivery of equality across the organisation.

The new approach will set out what you can expect from the Council and what the Council will commit to doing. A number of councils have indicated that they will implement the socio-economic duty regardless of the government's decision. We want to join these councils. As part of the development of the Council's new approach to equality and human rights, our fairer future vision will act as the key means of delivering the aim of the socioeconomic duty.

### **RECOMMENDATIONS**

1. Further to previous briefings, Cabinet notes the requirements of the Equality Act 2010 and the Public Sector Equality Duty 2011 (paragraphs 7-9).
2. That Cabinet agrees Southwark Council's Approach to Equality (see Appendix A).

### **BACKGROUND INFORMATION**

3. There are three key drivers for reviewing our approach to equality. These are:
  - Delivering on the Council's ambition for a fairer future for all.

- A change in legal requirements for public sector organisations.
  - Opportunity to take a pragmatic approach, where all activity directly contributes to improved outcomes and services.
4. Equality is central to the Council's fairer future vision. The fairer future principles set out how the Council will work towards realising the borough's vision and achieving its promises. The fairer future principles are: *being more transparent, creating a fairer borough, making Southwark a place to be proud of, realising potential, spending money as we would our own and transforming public services.*
  5. The Cabinet is committed to an open and transparent budget setting process following the budget principles outlined last year. One of these principles was to "limit the impact of its budget on the most vulnerable and to being transparent with any specific group or groups of users who may be affected by any cut or reduction in service provision, and to conduct an equalities impact assessment of budget proposals."
  6. During March to October of this year work has been undertaken to:
    - Work closely with departments to review existing processes around equality.
    - Consider the Council's legislative requirements and look at good practice.
    - Review the Council's existing policies.
    - Engage with key stakeholders such as the trade unions, staff equality groups, the Equality and Diversity Panel and the Forum for Equality and Human Rights in Southwark (FEHRS) and consult residents.

## **KEY ISSUES FOR CONSIDERATION**

7. There have been a number of changes to the legislative requirements for the Council. In October 2010 the majority of the new Equality Act came into force. This consolidates the numerous acts and regulations that form the basis of anti-discrimination law, all in one single act. The Act introduces nine protected characteristics - age, disability, gender reassignment, marriage and civil Partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
8. A public sector Equality Duty (PSED) (section 149 of the Equality Act) came into force in April 2011. The public sector Equality Duty requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. Under the PSED, a public authority must, in the exercise of its functions, have due regard to the need to;
  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9. Section 153 of the Act gives the government a power to impose “specific duties” on certain public bodies to help them perform the Equality Duty more effectively. The specific duties are now in force. They came into effect on the 10 September 2010. The specific duties require public bodies to publish:
- information to demonstrate their compliance with the Equality Duty – including information relating to their employees (for authorities with 150 or more staff) and others affected by their policies and practices, such as service users by 31 January 2012 and then at least annually, and
  - equality objectives, by 6 April 2012 and then at least every four years.
10. With the exception of schools, public authorities will be required to publish relevant information demonstrating their compliance by 31 January 2012, and their first equality objectives by 6 April 2012. Schools will be required to publish both their information and their equality objectives by 6 April 2012.
11. Following a period of consultation, including an on-line questionnaire on the Council’s website and workshops with FEHRS, staff interest groups and departmental policy leads, a proposed approach has been developed (see appendix A). It is intended to meet the drivers set out in paragraph 3. Specific points to note are set out below:

### **Equality objectives**

12. In line with the requirements of the specific duty to set equality objectives, it is proposed that equality objectives are set as part of the Council’s business planning processes. By aligning with the business planning processes, equality objectives can be considered at the same time as other performance measures ensuring that they are mainstreamed into the Council’s business. This will then form part of the existing Council Plan performance cycle.

### **Equality information**

13. In line with the requirements of the specific duty to publish information, it is proposed that we publish equality information annually, including information on the diversity of our workforce (the latter are broadly the same as current requirements).

### **Equality analysis**

14. It is proposed that “equality analysis” is undertaken, as it aids business delivery and is an effective way of demonstrating due regard to the public sector Equality Duty. It is also recommended by the Equality and Human Rights Commission. Equality analysis would replace the current equality impact assessment process.
15. It is proposed that equality analysis is embedded into the departmental and service business planning processes; this will also help inform the setting of equality objectives.
16. We will also undertake equality analysis when making decisions, using the equality analysis undertaken for departmental and service planning, and supplementing where required. The Council operates a “by exception” scheme of management by which all matters are formally delegated to the relevant Strategic Director and/or Divisional Service Manager unless they are specifically reserved

to the Council, the Cabinet, another of its Committees or to Individual Decision Makers. These arrangements are set out in the Council's Constitution. We will evidence the equality analysis undertaken in reports relating to these decisions, including considering ways in which the impacts of decisions can be mitigated.

### **Engaging with the community**

17. The Council will continue to maintain a commitment to consult with the community around equality issues, including appropriate and proportionate consultation to aid analysis of equality impacts.
18. This would also include a role for FEHRS, the Council's "critical friend". FEHRS will provide appropriate challenge to ensure that our policies are as fair as possible and will signpost the Council to different equality organisations. It is also proposed that FEHRS coordinate a panel to provide a specific external critical friend role around the Council's meeting of the PSED. This strategic role would also replace the current process around the Equality and Diversity Panel, which has largely focused on giving feedback on individual equality impact assessments.

### **Employment**

19. The new approach to equality affirms the Council's commitment to developing and implementing strategies that ensure equal access to recruitment, training, career development, promotion and retention and to fair treatment in the application of the disciplinary procedure.

### **Human rights**

20. The Humans Rights Act (HRA) 1998 aims to give greater effect to rights and freedoms guaranteed under the European Convention on Human Rights (the Convention). We will comply with the HRA when providing services or making decisions that have a decisive impact upon anyone's human rights.

### **Socio-economic disadvantage**

21. Clause one of the Equality Bill was not implemented. It focused on tackling socio-economic disadvantage. It was not intended to create any private rights, but focused at the strategic level. The Council Plan will act as the key means of delivering the aim of the socio-economic duty, with Southwark Council's approach to regeneration being central to this.

### **Implementation and review**

22. The approach to equality will be taken forward in a number of ways:
  - The new approach will be communicated internally and externally.
  - Work will be undertaken to publish the equality information by 31 January 2012 and set equality objectives by 6 April 2012.
  - Training will be updated/developed for staff and Councillors.

- An equality tool-kit will be developed for managers to support them in delivering the approach.
- We will continue to work with the Council's 'critical friend' and other key stakeholders.
- The approach will be reviewed alongside future reviews of the Council Plan and/or when the Council's legislative requirements change.

### **Community impact statement**

23. Southwark's Council's Approach to Equality replaces the Council's Equalities and Human Rights Scheme 2008 to 2011. The Approach to Equality explains how the Council is working towards a Southwark that is tolerant, diverse and fair for all. It sets out what the public can expect from the Council, what the Government expects of us, and what the Council is committed to doing. It explains our approach to advance equality of opportunity in the borough by making equality part of our day-to-day business – including how the Council will use equality analysis to generate insight and understand the effects of its decisions on different groups. Equality analysis will help the Council consider if there are any unintended consequences for some groups and if the policy will be fully effective for all target groups.
24. The move from an Equalities Scheme to an Equality Approach and from carrying out equality impact assessments to equalities analysis is a change in terms but not a change in the level of commitment to equality in Southwark. We are acting in accordance with best practice and guidance from the Equalities & Human Rights Commission and continue to incorporate consideration of the impact our policies and decisions have on the protected characteristics (race, sex, disability, age, religion or belief, sexual orientation, pregnancy & maternity, gender reassignment and marriage & civil partnership) into our processes.

### **Resource implications**

25. Any costs relating to the execution of the recommendations within this report, which mainly impact on officer time, will be contained within existing resources.

### **Consultation**

26. Consultation has been undertaken on the proposed approach through an on-line questionnaire on the Council's website, workshops with FEHRS, staff interest groups and departmental policy leads.

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

#### **Strategic Director of Communities, Law & Governance**

27. The Strategic Director of Communities, Law & Governance (acting through the employment section) notes the content of the report.
28. 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 equality and diversity matters concerning both employment policy and practices and service delivery and the active promotion of the council's policies.
29. The report sets out the relevant legislation with regard to the Equality Act 2010 at paragraphs 7 to 9. The Equality Act does not require us to produce an equalities scheme but it is good practice to have a scheme/approach in place and goes some way to show Southwark's commitment to meeting our section 149 duty referred to in paragraph 8 of the report.
30. The duty requires us to have due regard to in our decision making processes to the need to :
- (a) Eliminate discrimination, harassment, victimisation or any other conduct that is prohibited by or under the act;
  - (b) Advance of equality of opportunity between persons who share a relevant protected characteristic and those who do not
  - (c) Foster good relations between those who share a relevant characteristic and those that do not share it.
31. Moving from equality impact assessments to equality Analysis is a further example of good practice. Carrying out an equalities analysis assists the council to demonstrate how we have met the duty to have due regard
32. As a public authority we must also consider the impact our policies, practices and decisions have on our community's human rights. We must act in a way which is compatible with the Human Rights Act 1998. Paragraph 20 of the report notes our continued commitment to comply with the Human Rights Act.

### **Finance Director**

33. The finance director notes the recommendations to prepare and embed equality and human rights objectives into everyday council business, to ensure these are part of business planning processes and that these obligations can be achieved within existing resources. There is a continued requirement that, within the Council's annual budget setting framework, equalities impact assessments are prepared to ensure any budget decisions reflect the Council's commitments around equalities and human rights. The Cabinet is committed to an open and transparent budget setting process following the budget principles outlined last year. One of these principles was to "limit the impact of its budget on the most vulnerable and to being transparent with any specific group or groups of users who may be affected by any cut or reduction in service provision, and to conduct an equalities impact assessment of budget proposals."

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

## APPENDICES

No.	Title
Appendix A	Southwark Council's Approach to Equality - Delivering a Fairer Future for All

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Abdul Mohamed, Equalities and Community Engagement	
<b>Lead Officer</b>	Eleanor Kelly, Deputy Chief Executive	
<b>Report Author</b>	Claire Webb, Policy and Equalities Manager	
<b>Version</b>	Final	
<b>Dated</b>	1 December 2011	
<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>
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	1 December 2011	