

## APPENDIX 10

### **Officer comments on SHRREB's response to draft report on Future delivery of equalities and human rights functions (Southwark Human Rights, Race and Equalities Bureau) for 2010/11**

1. The Council sent SHRREB a copy of the draft report (and appendices) on 24 November 2009.
2. SHRREB provided a response on 8 December consisting of:
  - A letter from the Chair
  - The response
  - Proposed work programme December 2009-June 2010
3. The letter from the Chair starts by acknowledging that in relation to governance "there have been a number of issues over the past two years." It goes on to say that in terms of the work programme SHRREB has continued to deliver the Legal Services Commission (LSC) contract. The Council acknowledges this, but it is not relevant to the proposals contained in the report which concern the delivery of services that the Council funds SHRREB to deliver, and which have not been delivered. The delivery of the LSC contract has been prioritised to the detriment of the delivery of Southwark funded services and therefore the purpose for which the grant was awarded is arguably in question.
4. Further to this the letter states that "the local community impact of withdrawing this service will be devastating."

On the contrary as stated in the report, "despite receiving funding from the Council to promote Equalities and Human Rights Services to the communities of Southwark, SHRREB have not been delivering these services effectively over the last year." The recommendations in the report will have a positive impact on the community, as the failure of SHRREB to fulfil its role in promoting the diversity and equalities agenda within Southwark, means it is necessary for the Council to put in place alternative arrangements for the delivery of these functions.

5. As stated in the letter a holistic and integrated approach to Equalities and Human Rights is needed. As the report says, the Council is planning to put in place alternatives for the delivery of these. The Council would welcome the participation of the Chair of SHRREB in discussions about these arrangements.

In addition to the letter, a more detailed response has been provided.

6. Paragraph 3 states that "SHRREB did not formally know that consideration was being given to withdrawing the Council grant until the letter tabled at a Council of Management meeting on 21 September."

An officer attended the Council of Management on 17 July 2009 and stated that the Council had serious concerns about the way in which SHRREB was operating. Minutes from the Council of Management state, "A report would be prepared for councillors ...in September – before that the Council would send a letter to SHRREB outlining its concerns". The letter tabled at the Council of Management meeting on the 21 September is formally referred to in the minutes of the July meeting.

On 20<sup>th</sup> July an email to the organisation also explicitly referred to the need for the organisation to list all liabilities e.g. creditors, redundancy, rent etc in the event of wind down and stressed the importance of changing the bank mandate as soon as possible as was agreed at the meeting of 17<sup>th</sup> July 2009.

7. Funding for the third quarter was withheld due to failure to deliver services and pending clarification of the budgetary position at SHRREB. As has previously been indicated, Conditions of Grant Aid allow for request for wind down costs to be met.

8. Paragraph 5 of the response refers to funding and states that is unfair to criticise SHRREB for not having applied to the Community Support Programme because it has been awarded grant aid in previous years without such an application. The Council acknowledges that SHRREB was not specifically invited to apply to the Community Support Programme. The funding programme is openly advertised and organisations that meet the programme objectives are free to apply. More broadly SHRREB has not successfully applied for additional funding in recent years and apart from the LSC contract, has remained dependent on Council funding with no additional funding streams to support this. Since July 2009 SHRREB has been given advance notice of the Council's concerns, and given these could have prioritised seeking additional funding.

9. Paragraph 6 refers to paragraph 10 of the report. It is acknowledged that the response in this paragraph accurately describes the funding and nature of the support provided in 2008, and that the consultant was jointly commissioned by the Council and SHRREB.

10. Paragraph 9 of the response refers to the conflict of interest that affected a member of the Board. The response says, "There is no other way that this incident could have been handled more promptly or effectively." The Council's view is that the conflict of interest permeated all discussion at the Board, and led to an impasse in the functioning of the organisation. This is alluded to in paragraph 17 of the response in the last two bullet points. This says, "The Council officer's report makes no reference to the series of problems there have been in ensuring that there are sufficient staff resources to carry out the agreed programme."

The Council report has avoided making direct reference to the problems referred to for confidentiality reasons because they relate to identifiable individuals. The Council notes that there have been insufficient staff resources to carry out the agreed programme but the Council maintained its funding, and it is the responsibility of the organisation to manage and make effective use of its resources.

11. Paragraph 17 of the response states a number of the reasons why SHRREB has not made effective use of these resources. The final bullet refers explicitly to the impact of the divisions within the Council of Management on SHRREB's ability to carry out the work programme. Each of the key events listed (with the exception of the inquiry referred to in bullet point 3) could be viewed as unfortunate, but taken together they confirm the sense of an organisation unable to achieve the necessary stability to retain or recruit staff resources to deliver services. It was the divisions within the Council of Management that led to the Council to request deferral of the recruitment of a chief executive as stated in paragraph 18 of the report.

12. The council has previously referred to the election of Trustees at the AGM and the confusion around this. The objective of the AGM is to hold open and democratic elections. The omission of certain nominations and subsequent discovery

of this again highlights poor practice. An email from the organisation was received after the AGM that stated that two individuals nominated to the Council of Management were left off the list put to the AGM due to an oversight and that they should also be regarded as elected to the committee and invited to the first meeting.

13. In paragraph 11 of the response it is stated that the earlier response sent to the Council on 21 September has been ignored. The response has not been ignored. It has been attached to the report and is Appendix No 3 (though received 5 October rather than the date referred to above).

14. It is untrue to state that the monitoring officer attends all board meetings as stated in paragraph 11, but is recognised that complaints will be made every so often about services and that this is a fact of life.