

Safer Stronger Communities Select Committee			
Title	Comprehensive Equalities Scheme (CES) Annual Review 2013/14		
Contributor	Executive Director for Resources and Regeneration	Item	4
Class	Part 1 (Open)	Date	25 February 2014

Introduction

1. This report aggregates information on activities and achievements to provide an overarching summary of progress against the five objectives in the Council's Comprehensive Equalities Scheme (CES).

Recommendations

- i) The Committee is invited to note the contents of this report and the attached appendices.

Background

2. There are two national policy frameworks that provide the backdrop for Lewisham's Comprehensive Equalities Scheme. These are the Equality Act 2010 and the Equality Strategy - '*Building a Fairer Britain*'. Further details regarding both of these frameworks are set out in Appendix A.
3. Lewisham's Comprehensive Equalities Scheme 2012-16 describes the Council's commitment to equality for citizens, service users and employees. The CES also shows how business processes including performance management, review, procurement and commissioning will be utilised to monitor progress against the schemes objectives and help deliver successful outcomes, which this review aims to follow through.
4. The five objectives set out within the CES which this review is measured and monitored against are:
 - tackle victimisation, discrimination and harassment;
 - improve access to services;
 - close the gap in outcomes for citizens;
 - increase mutual understanding and respect between communities;
 - increase participation and engagement.

Progress Update

5. Over the last year, the council has been focussing on strengthening the robust base that it already has with regards to equalities, as well as ensuring efficiency and achieving our savings targets. Therefore the following areas have been maintained and updated as part of business as usual:

- Safeguarding the wellbeing of vulnerable adults and children
- Providing social homes for the priority homeless
- Assisting young people to access the labour market through the council's award winning apprenticeship scheme
- Supporting local voluntary and community groups through the council's grant programme
- Supporting citizen engagement through local assemblies
- Taking forward the young mayor scheme into a tenth successive year
- Monitoring our decisions and considering their impact on protected characteristics through Equalities Monitoring and Analysis Assessments
- Profiling our workforce

Going forward

6. For the foreseeable future the issue of budget savings is likely to have a significant impact on the delivery of the CES. Comprehensive and robust Equalities Analysis Assessment's (EAAs) will make the Council aware of the impact on all protected characteristics. These will ensure that where possible adverse or unintended impacts can be mitigated.
7. There is also the issue of financial inclusion, which sits within the broader strategic framework of the CES and towards which the Sustainable Development Select Committee has made a significant contribution. The Scrutiny Team, project managed, a Financial Inclusion Review on behalf of the Sustainable Development Select Committee. The Review sought to identify ways to increase residents' access to financial advice or services and nine key recommendations which were accepted by the Mayor. One of the recommendations was to set up a Financial Inclusion Forum which consists of organisations from across the borough that have a link with the financial wellbeing of our residents. The Forum had it's first meeting back in June 2013 and is exploring key data sets to determine how the success of initiatives might be monitored.
8. By tackling financial exclusion (and promoting financial inclusion), the Council and its partners will make a positive contribution towards the achievement of all five CES objectives, in particular the objective to: *'close the gap in outcomes for our citizens'*.
9. The Review of the Public Sector Equality Duty (PSED) was published back in October 2013. The review concluded that it was too early to make a final judgment about the impact of the PSED and that the publication of equalities information and the monitoring of service users should be appropriate and proportionate.

Conclusion

10. The Council will continue to monitor progress against the objectives outlined in the CES 2012-16 over the next year. A further annual report will be presented to the Safer Stronger Communities Select Committee early in 2015 along with proposals for the new CES 2016-2020.

Legal implications

11. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
12. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
 - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
13. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
14. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
15. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
 1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
16. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

Financial Implications

17. There are no specific financial implications arising from this report.

Environmental Implications

18. There are no specific environmental implications arising from this report.

Equalities Implications

19. The Annual Review of the CES has high relevance to equality and diversity. The CES sets out the Council's five equality objectives and the Annual Review provides an overview of progress against these objectives.

20. The Council's Fairness in Pay and Employment Report is prepared annually and presented to the Public Accounts Select Committee. It considers the profile of Council staff across the 9 protected characteristics.

Crime and Disorder Implications

21. Improving service design and delivery to achieve equality of outcomes for local people, (while promoting good relations between different groups in the community) will have a positive impact on matters such as community safety, crime and disorder, and community cohesion.

For further information about this report please contact Lucy Morton (Principal Policy Officer) on 02083143373.

Appendix A – Equalities Legalisation

Equality Act 2010

The Equality Act was passed in April 2010 and the Public Sector Equality Duty became effective in April 2011. The Act contains a General Duty which sets out that Public Authorities must, in the exercise of its functions have due regard to the need to:

Equality Act 2010: General Duty

- **eliminate** unlawful 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

The Public Sector Equality Duty, also contains Specific Dutiesⁱ (published in September 2011) which are designed to help public bodies meet the requirements of the General Duty. Under the specific duties Public Authorities must:

Equality Act 2010: Specific Duties

- **publish** information to demonstrate its compliance with the General Duty across its functions by 31 January 2011, and at least annually after that;
- **prepare** and publish equality objectives by 6 April 2012 and at least every four years after that.

Equality Strategy

The Government's Equality Strategy– '*Building a Fairer Britain*', published in December 2010, sets out the Coalition Government's new approach to equality. This strategy supplements the existing legislative framework, the Equality Act 2010. The Equality Strategy focuses on 2 key principles:

Equality Strategy: Overarching principles

- **equal treatment** – it is not right that people are discriminated against because of who they are or what they believe;
- **equal opportunity**– it is not right or fair that the opportunities open to people are not based on their ambition, ability or hard work, but on who their parents are or where they live.

ⁱEquality Act 2010 (Specific Duties) Regulations 2011