

Equalities work

Purpose of report

For discussion and agreement.

Summary

This report summarises the Board's activities on equalities over the past year and develops proposals for continuing this work throughout 2013/14.

Recommendations

That the Board:

1. notes the past and current work on equalities;
2. agrees the work programme for 2013/14; and
3. agrees options for the future.

Action

As directed by Members.

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Equalities work

Background

1. At the Board meeting on 10 September, Members agreed that they were not aware of the Board's role as the corporate home of equalities and diversity within the LGA and requested an update on the work the organisation undertakes in this area. It should be noted that the Terms of Reference of the Community Wellbeing Board state that: "The Board works to support local government in delivery of its public health, social inclusion and equalities responsibilities, as well as issues relating to an ageing society and the reform and funding of adult social care".
2. This report outlines the work undertaken by the LGA on equalities over the past year and sets out the work priorities on equalities for 2013/14 in supporting councils to meet their statutory duties.

Introduction

3. As public service providers, councils are bound by values of fairness and tackling inequality is on their list of priorities. Feedback from the sector indicates that local authorities require support to give proper consideration to local issues of inequality when making decisions on budgets, commissioning and provision. A number of councils have been subject to judicial reviews with regard to compliance with the public sector equality duty and it is important, therefore, the LGA continues to provide them with support to meet their statutory duties.
4. In the past the LGA has offered a wide range of support, advice and development opportunities on equality policy and practice as part of the wider improvement agenda. Over the last two years the pressure on resources has necessarily limited the extent of this work. It should be noted that resources to undertake equalities work on behalf of the Board are limited: we currently employ a Senior Adviser for one day a week to undertake this work. In addition, the Peer Support Programme also offers Equality Peer Challenges on a demand basis.
5. The work programme over the past year has focused on the following six key activities:
 - 5.1 promoting what we do well: the Equality Frameworks, Equality Peer Challenges and annual equalities conference;
 - 5.2 building the Knowledge Hub and supporting the Equality Community of Practice (CoP);
 - 5.3 working with central government on the Public Sector Equality Duty (PSED) Review;
 - 5.4 strengthening our partnerships with health;
 - 5.5 links with the regulator; and

5.6 reactive work and responding to enquiries.

Equality Frameworks, Equality Peer Challenges and conference

6. The three Equality Frameworks - the Equality Framework for Local Government, the Social Housing Equality Framework (SHEF) and the Fire and Rescue Service Equality Framework - and their related Peer Challenges are key components of our improvement support offer to councils. All three Frameworks require a refresh in light of the PSED Review and the transition of health into local government in order for them to continue to be fit for purpose. There is a clear value case for this work to continue at a national level. It will ensure that the benefits of equality peer challenge are consistent, available to all councils and contribute to national policy development. More importantly, there is also a reputational risk of continuing to deliver support that is not up to date. There is still an appetite for peer assessment (albeit less than previously) among local authorities, fire and rescue services and social housing providers. In 2012/13 13 Peer Challenges were completed, with 11 attaining 'excellent' and two 'achieving' status.
7. Five equalities peer challenges have been completed so far in 2013/14 and another four are planned to be completed by April 2014. A small number of other councils have enquired about an excellent level challenge in 2014.
8. "Doing the Duty: using the Equality Framework to make evidence based decisions", the LGA conference held in September 2012, offered a range of speakers including officers and elected members from all ten authorities rated as "excellent". It also included workshops focused on a reaffirmed commitment to equality as a result of budget reduction process, and recognition that equality is even more important when hard decisions have to be made. The event generated £17k in income for the LGA through delegate fees.

Knowledge Hub

9. The Equality CoP (and EqIA support network) has one of the highest participation rates of any community on the LGA's platform, with almost 1,400 members, which includes a high level of service managers (i.e. not equality offices). The Equality CoP and the EqIA support network are due to be merged in the Knowledge Hub overhaul. Feedback from the sector is positive. In addition the CoP enables the LGA to facilitate very cost effective engagement through online activity.

Public Sector Equality Duty (PSED) Review

10. LGA was represented on the PSED Review Officials Group. The review was designed to assess whether the duty is operating as intended, and whether there are better ways of achieving the objectives set out under the Act to:
 - 10.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - 10.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - 10.3 foster good relations between persons who share a relevant protected

characteristic and persons who do not share it.

11. The aim of the review was to engage widely with a wide range of stakeholders and to build up an understanding of how the Duty is working in practice. This work was overseen and supplemented by discussions at the PSED Review Officials Group, which meets bi-monthly.

Strengthening our partnerships with health

12. Since the introduction of the health reforms LGA has provided specific equality policy support on the key activities outlined below.
13. **‘What matters to Patients and the Public about their local NHS’ – a sub-group of the Equality and Diversity Council** - Between March and November 2012, OPM and Forster were commissioned by DH to conduct a review of the factors important to the nine groups protected by equalities legislation about their local NHS services. LGA provided a local government input and perspective.
14. **Equality Act (Health) Coordination Group (EAHCG)** - The EACG works to establish an understanding (and – where appropriate - shared production) of guidance under development - assessing and filling gaps and reducing duplication. To date LGA have had input into: proposed guidance documents on equality monitoring for DH; consultation on changes to the way CQC regulates, inspects and monitors care (underway); a briefing paper on the ban on age discrimination in the provision of services and public functions, aimed at those who plan, commission or provide NHS services; sector specific guidance on managing reasonable adjustments; and local government representation at the DH’s Equality and Diversity Council Values Summit.
15. **Refresh of the Equality Delivery System** - NHS England is currently carrying out a refresh of the Equality Delivery System (EDS). The refreshed EDS will include a core set of outcomes and a more streamlined grading system. It will encourage organisations to use it flexibly and to embrace key local health inequalities. As with the LGA’s equality frameworks, NHS organisations are encouraged to use it to help them meet the specific duties of the public sector Equality Duty. LGA and NHS England have begun discussions on how best to connect the EDS with the LGA’s equality frameworks, and specifically how NHS England can support the proposed refresh of the LGA’s frameworks.

Links with the regulator

16. LGA has had discussions with the Equality and Human Rights Commission (EHRC) on the possibility of developing a Memorandum of Understanding. More generally, the LGA:
 - 16.1 attended a number of sessions supporting the development of the EHRC’s Equality and Procurement Guidance “Buying Better Outcomes” (Oct 2012 – June 2013);
 - 16.2 submitted a joint ADASS response the EHRC inquiry into disability harassment (June-Sept 2013); and

- 16.3 attended a half day Health and Social Care Roundtable at EHRC to the shape the EHRC's work with the sector to help strengthen equality and human rights (Sept 2013).

Responding to local authority enquiries and reactive work

17. Over the past year we have dealt with a wide range of enquiries from local government on several high profile equalities issues. We have also provided a prompt and timely response on behalf of the sector to a number of national and local policy issues in relation to equalities; these include same sex marriage legislation, instances of registrars refusing to conduct civil ceremonies and instances of some councils saying prayers before council meetings.

General Support and Enquiries

18. We continue to provide a prompt and informed response to equality related enquiries via e-mail, telephone contact and the Knowledge Hub. These are wide ranging in nature, and are summarised in the table below.

Proposals for future equalities work

19. Given that the Board has specific responsibilities for equalities work included in the terms of reference, it is important that the Board makes an explicit decision about the future of equalities work.
20. The Government's recommendations on the review of the effectiveness of the Public Sector Equality Duty were published in 2013. It is essential to the effective design and delivery of services that local government understands its role in relation to equalities.
21. The LGA has a strong track record of providing support for councils, and through the development of the service specific equality framework toolkits, to fire services and to the social housing sector. However, LGA resources to provide councils and others with support have significantly reduced over the last two years. We will need to consider the best use of scarce resources in order to support councils and others to meet their statutory duties with regard to equalities. Current and proposed work priorities for 2013/14 are outlined below.
- 21.1 **Developing a sector led response to the Public Sector Equality Duty** – the national conference will take place on 4 November 2013 to provide an opportunity for local government senior officers and elected to hear about the recommendations of the Government review of the public sector Equality Duty.
- 21.2 **LGA response to the public sector equality duty** – for LGA and ADASS to develop a joint response to the recommendations of the review of the public sector Equality Duty.
- 21.3 **Equality framework toolkits** – the toolkits continue to be used by a small number of local authorities, fire services and social housing providers to assess their own performance in relation to the public sector Equality Duty and to encourage them take action to achieve 'excellent' status. However,

they no longer reflect current national policy on equalities and if they continue to be used we will need to refresh them to ensure that they are up-to-date and reflect changes to the public sector equality duty. It is proposed that the 'refresh' is light-touch and undertaken largely by working with authorities that are currently in the 'excellent' category, and with authorities that have recently had an Equalities Peer Challenge. The intention is to hold a series of small workshops to comment and amend the existing framework so that they can be published by March 2014 organised by the LGA's Senior Adviser on Equalities and Diversity with input from other LGA staff involved in supporting the Equalities Peer Challenges.

- 21.4 **Equality Peer Challenges** – the continued relevance of the Equalities Peer Challenges is directly related to the equality framework toolkits. The scope of the Peer Challenges is based on the toolkits. Though the number of equalities peer challenges has reduced over the past two years, there continues to be a demand for them.
- 21.5 **Developing and maintaining local government influence in equalities work** – continue to contribute to national and regional groups that are responsible for developing policy on the Public Sector Equality Duty in order to ensure that local government interests are highlighted.
- 21.6 **Continuing to provide a timely and appropriate response** – to individual council's enquiries on equalities duty in order to ensure that we provide advice and information to minimise the risk of judicial review. Furthermore, to provide a response on behalf of the sector to high profile equalities issues.

Financial Implications

- 22. The majority of the equalities policy development work is undertaken by the Senior Adviser (Equalities and Diversity) who is employed one day a week until 31 March 2014. Members of the Peer Support Team managed and support Equality Peer Reviews. We consider that the activities proposed above can be delivered within available resources. Any further work beyond 1 April 2014 will need to be adequately resourced.