

Equality in London

London local authorities delivering best practice



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foreword

I am delighted to be presenting some great examples of work being done by London's local authorities to eliminate unlawful disadvantage through consideration of their duties under the 2010 Equalities Act.

The 2010 Equalities Act replaced the previously separate equality duties relating to race, gender and disability with one general public sector equality duty. The old duties had played an important role in helping public bodies consider the effects of their policies on protected groups in a way that many had never done before. The 2010 act sought to simplify the law and make equalities legislation easier to understand and comply with.

The question now being asked by government is whether or not the new general public sector equality duty is operating as intended; whether it effectively supports the government's equalities strategy; and how it could be changed or improved.

Local authorities take hundreds, if not thousands, of formal decisions every year and although decisions that affect some people negatively are unavoidable, understanding better the non-financial impacts of different options can mean better policy making and better decision making.

At a time when all local authorities are having to make decisions to withdraw or change services in order to balance budgets, having a proper understanding of how those decisions might affect parts of the community can be the difference between good decisions and bad decisions.

We hope that the information which we have collated at London Councils will provide some robust information, not only for those considering the effectiveness of the equality duty, but also for those within local authorities who are utilising the duty to improve their organisation's performance and service provision across the board.

The best public bodies will continue to consider equalities whether there is a legal duty to or not. The issue is whether this can be carried on effectively without a legal duty and whether those parts of the public sector who have not always considered equalities effectively would do so otherwise.

Councillor Marie Pye

London Councils Lead Member for Equalities

01 introduction

There is widespread agreement that tackling discrimination and advancing equality of opportunity are essential to a flourishing society. The government's equality strategy states that failure to do this "harms individuals, weakens our society and costs our economy".

Even in the current difficult economic climate, London boroughs are ensuring that the promotion of equalities and fairness remains a prominent aspect of the delivery of public services. London Councils has been investing in equalities work since 2006 and continues to spread learning and good practice wherever it may exist. Along with a commitment to promoting equality, London's boroughs also have a commitment to basing decisions on robust evidence.

There is now some concern among London's boroughs that the review of the public sector equality duty introduced by the 2010 Equality Act – originally scheduled to take place in 2015 – has been brought forward by two years. For the duty to be reviewed so soon after its introduction means there has been precious little time to assess the benefits it has brought to councils' work.

Nevertheless, London Councils is confident that the work councils have been doing to bring the promotion of equalities issues into the mainstream is having a positive impact.

This publication brings together a series of examples of how London's boroughs have not only secured real and measurable benefits by assessing their services through an equalities prism, but also acted to put equalities at the heart of their work.

London Councils would like to give thanks to all the local authorities who so willingly and helpfully provided us with such useful examples of the work they are doing and their strong commitment to advancing equality across London.

a powerful improvement tool



The new public sector equality duty does not require public bodies to conduct equality impact assessments (EIAs) nor examine equality issues where they are not relevant. However, many London councils have taken the approach that if they are to pay due regard to the aims outlined under the duty (see appendix) while improving equality outcomes or tackling inequality, then impact assessments can be a powerful service improvement tool. The information which we have gathered at London Councils has shown that the key to a good assessment is having robust and up-to-date data on the characteristics of the borough's residents and service users. This ensures that a local authority can easily utilise that evidence to identify the impact of a policy and to inform its decision-making.

In this way, the equality duty has helped to drive the collection and use of diversity data by London boroughs and has, in our view, improved the quality of decision-making.

Critics of the equality duty have cited concerns that EIA's can become lengthy "tick box exercises" conducted after decisions have been made; something simply undertaken to meet a legal duty. Although there are some examples of these in the public domain (and in fact have been the subject of high profile legal cases) these appear to be examples of where the duty is not being undertaken correctly, rather than an issue with the duty itself. The examples we have identified have shown that making equalities considerations a part of the decision-making process is beneficial in itself and just going through the motions after-the-fact will inevitably increase bureaucracy.

The following examples show how London boroughs have secured better outcomes for their residents by making consideration of equalities issues a central part of the policy process.

London Borough of Hackney - Reducing infant mortality

The London Borough of Hackney has secured better health outcomes, helped young mothers return to the workplace and fostered better joint working relationships with other public bodies in the area, by considering the equalities aspects of the borough's persistently high rates of infant mortality.

Between 2008 and 2010, there was an average of 25 infant deaths per year in Hackney. Along with factors such as pre-term births, smoking, breastfeeding and poor nutrition, initial consultations with voluntary and community organisations also highlighted a number of barriers to accessing the services including issues around language and communication. They indicated that some groups within the population are at greater risk of experiencing infant mortality, particularly women of Black African and Black Caribbean origin.

This initial research prompted a task group of front-line, strategic and community representatives set up by the local strategic partnership to commission more in-depth research looking at this issue specifically. As a result, the Reducing Infant Mortality Programme was established to target four priority groups that had been missed by past programmes:

1. Black African and Caribbean women
2. Women not accessing care until late in their pregnancy, if at all (including vulnerable groups such as asylum seekers)
3. Pregnant teenagers
4. Those within an identified deprived area (Shoreditch).

The programme led to the development of a range of evidence-based contact and care interventions including 'Bump Buddies', a peer education programme focused on Black British/African/Caribbean and Turkish/Kurdish women that pairs pregnant women with a buddy; 'Birth Buddies', a labour support volunteer programme; and a maternity telephone helpline staffed by experienced midwives.

Since 2010, the Bump Buddy programme has been extended to the Charedi community, while future plans include extending Bump Buddy recruitment to the Vietnamese and Irish travelling communities.

In addition to improvements in health outcomes, a significant benefit of the project is to have supported women with young children to keep their skills alive and take steps back to the workplace. Six of the 'Bump Buddies' have gone on to train as labour support volunteers with Homerton Hospital.

The distinctive joined-up, multi-agency approach fostered by the task group has also improved collaboration and joint working practices and attitudes between different organisations within the local strategic partnership.

London Borough of Camden – Improving school attainment

Educational attainment in Camden is a priority for the council which has a long-held commitment to schools and raising standards of achievement across the borough. The council is working in partnership to prioritise, drive and monitor improvements in educational attainment and training for all young people in Camden to achieve its goal of having the country's best schools within a decade.

In order to tackle issues of under-attainment within certain groups, Camden was one of 10 pilot authorities involved in the successful Achievement for All (AfA) project that aimed to promote better communication between parents and teachers through 'structured conversations' and improvement in the achievement of pupils with special educational needs or disabilities. The benefits of parental involvement in a child's education are well-known and the evaluations of AfA in Camden and among the other pilot projects have affirmed this. Camden schools are embedding the learning from this programme.

In previous years Camden took part in a number of targeted programmes including a Minority Ethnic Achievement Project (MEAP), which focused on driving improvement in the attainment of Bangladeshi, Pakistani and Somali pupils through the use of pupil tracking, partnership teaching and increased parental and community involvement. A significant improvement has been achieved in attainment levels and positive feedback has been received from parents and teachers.

At foundation stage, the achievement gap between underperforming groups and the whole cohort has narrowed over the past three years. For example, the gap for Bangladeshi children has narrowed from 9 percentage points to 2 in that period. Early indications from 2012 results show that the gap has narrowed for Somali children as well.

Where qualitative and quantitative evidence can be obtained, not as an end in itself but as a tool with which to drive policy change, gaps in achievement can be identified and remedied. In many cases, a particular characteristic protected under the equalities duty may not be the most important factor in a consideration. However, in the case of Camden's school attainment, particular deficiencies were identified in the achievement of pupils of certain ethnic origins and interventions were put in place to improve outcomes. This demonstrates how the duty is used both effectively and pragmatically.

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helping councils take tough decisions



The financial climate that councils are having to adjust to means that many have redesigned services or redeployed resources in different ways.

There have been occasions where equalities considerations have formed the basis of a legal challenge to decisions made on the use of public money. Such examples have seized the attention of the media and helped dominate perceptions of what the equality duty is for.

While there is no doubt that a robust equality impact assessment (EIA) can help a council protect itself against the threat of a judicial review, considered use of impact assessments has also enabled potentially difficult or controversial changes to be made in such a way that takes into account the needs of certain groups and individuals with protected characteristics.

Again, making equalities considerations a core part of the decision-making process has helped guard against unthinking or systemic discrimination in the allocation of scarce resources.

The following examples show how such an approach has led to proposals being amended for the better, or time being found to build in alternative means of provision for vulnerable groups.

Westminster City Council – Provision of one-stop services

Over the course of 2011 Westminster City Council closed three traditional 'one-stop services', replacing them with a mixture of more than 40 post offices – where face-to-face payments can be made - and community locations with free phone and internet access to contact council departments. The equality impact assessment conducted as part of the decision-making process made clear that existing one-stop services were disproportionately used by older people, Asian groups and Muslim groups.

As well as signposting those in need of additional support to libraries, where staff had been trained to handle enquiries, the following measures were taken:

- Extensive literature was provided in one-stops and other community locations to advise customers where they can be advised on the ways and places to transact with the city council post closure. The literature was translated into Arabic and Bengali, the most widely used among one-stop customers.
- To help those used to communicating in person and who might find communicating over the phone difficult, special staff were made available to support customers in using the phones provided and ensuring they get to speak to the right person to match their needs.
- Cash and cheque paying customers may find that the waiting times at their post office are longer than they have experienced at the one-stop. To help customers avoid the queues, leaflets were distributed identifying the busy periods at key post offices to prevent long queuing times.
- Staff were appropriately trained in equalities implications of the changes and able to support those customers who may find the transition more difficult.

London Borough of Hounslow – Transport service

Hounslow decided in November 2011 to consult with six community groups that had historically benefited from a funded transport service which has secured them more favourable treatment than other voluntary and charitable organisations and clubs in the borough.

The council proposed ending those funding arrangements. Such support was not available to other community groups so it was judged to be inequitable. The existing transport support had been in place for about 25 years and enabled approximately 66 older people and disabled residents to access local clubs. The proposal aimed to ensure new arrangements were consistent with similar local organisations. Affected groups would be supported to access Hounslow Community Transport should they wish.

The majority of feedback reiterated that the nature of the physical and visual disability of users would make it hard to access public transport. Age-related mobility problems such as arthritis and the impact of operations were also given as reasons for favouring the council's free transport. Carers also stated that relatives with early onset of dementia would have their routines broken which would cause significant problems for their relatives and for them as carers. Blind/partially sighted users praised the drivers for the personal assistance offered when alighting the vehicles. There were anxieties that this experience and the familiarity between the driver and blind/partially sighted users would be lost if the funding ceased.

Following consultation, it became evident that at least two of the clubs would struggle to continue and residents would be unable to make alternative arrangements quickly. The savings were therefore deferred and the clubs supported through the transition. All the affected clubs survived the transition away from being council-funded.

mainstreaming of equalities

It used to be the case that the production of equalities impact assessments (EIAs) was a legal requirement. It could be argued that this ensured that public bodies demonstrated there had been at least some consideration of equalities issues when decisions were taken, when they otherwise might not have done so.

But equalities policies and practices have been evolving over many years and a range of networks has been set up to spread good practice of how to 'do equalities' not only more effectively but in a way that improves decision making.

The move to a general Public Sector Equality Duty was in part due to a recognition that, for some, equalities assessments had become a mere box-ticking exercise. The new duty was an attempt to embed the consideration of equalities into councils' decision-making frameworks – to mainstream the process of assessing the equality implications of policy making so that it takes on a more constructive nature and in many cases informs the formulation of policy from beginning to end. In some cases, impact assessment had also become quite negative – focusing on how to mitigate the negative impact of decisions rather than proactively seeking to improve equality – hence the focus of the new duty on advancing equality.

The following case studies show examples of London boroughs going beyond legal compliance to firmly embed the consideration of equality in the policy-making process. They also show the importance of having a robust evidence base if a council is to make equality a part of its mainstream activity.

London Borough of Islington – The state of equalities

The annual Islington State of Equalities report collates a variety of data describing the borough's population in terms of its diversity and provides a picture of equality.

The Islington Fairness Commission was set up to look into how to make the borough a fairer place. As a result of the Equality Act 2010 extending protections to new characteristics (gender reassignment, pregnancy and maternity and marriage and civil partnerships) alongside the existing strands (race, religion and belief, gender, disability, age and sexual orientation), and also strengthening particular aspects of equality law, the council will need to review and change some policies and practices.

The primary focus of the State of Equalities report is to build a single evidence base detailing issues faced by specific groups. This will inform the council and its partners in decision-making and service delivery. It will also be used to inform equalities in business planning, as an integral part of thematic and geographic partnership working.

The difficult decisions councils are having to make about delivering services in different ways, for less money or withdrawing services altogether, puts a greater onus on collecting and maintaining good data and evidence on how the services provided by council directorates are used so that the impact of savings proposals can be understood and the impact on the most vulnerable limited. This becomes increasingly difficult as more complex and deeper spending reductions need to be made.

In addition, local authorities are having to assume a number of new responsibilities.

For example, responsibility for council tax support was devolved to councils as of April 2013 with a reduction in funding. That meant that for many local authorities there needed to be a full consideration of who would be expected to pay some or all of their council tax and who would be exempt.

London Borough of Waltham Forest – Council Tax support scheme

In setting up its council tax support scheme, Waltham Forest identified some parts of its population that might be affected disproportionately by the reduction in funding available for the scheme, particularly;

- 40-64 year-olds
- Women

A model of council tax support that included child benefit as income was rejected, helping to mitigate some of the impact on women.

There was no single change that could be implemented to fully mitigate the impact on 40 – 64 year-olds due to the large numbers affected, however the following changes were made:

- The final scheme will continue to exempt war widows/widowers pension which will mitigate against some of the effect of this change.
- By not adopting the government's default model, income such as child benefit will continue to be ignored when calculating entitlement to support. And the capital cut-off limit will not be lowered from £16,000 to £6,000, which will reduce the likely financial impact on some age groups in particular.
- The implementation of the new scheme will be complemented by the launch of a Discretionary Fund to support those individuals suffering the most financial hardship. This fund will offer short-term (and where necessary, long term) support for the most vulnerable households. The introduction of this fund was supported by 82 per cent of respondents to a survey.

Active engagement with service users, residents and employees – particularly those from protected groups – is a key element of equalities mainstreaming and can help councils gather evidence. This is likely to lead to better and more appropriate decision making. Elected members need to know what impact the decisions they take will have and this needs to be based upon robust evidence.

Embedding equalities considerations within a budget making framework ensures that councils are aware of who their service users are and whether proposals that are being made to reduce spending will affect a particular protected group to a greater extent than others.

Crucially, it enables mitigatory measures to be put in place or for decisions to be amended or even deferred. Without considering equality impacts alongside policy making and without accurate data being obtained and made available to decision makers, budget reductions might be little more than numbers on a page.

However, where equalities considerations can be woven into the policy making process, not only can council officers ensure that policies that they put forward will not adversely impact on particular sectors of the community, but mitigatory steps can be identified during the process of policy formulation.

Due to the granular nature of budget setting, it appears to be useful to have an appreciation of the cumulative impact of decisions taken; small, seemingly low-impact changes when considered alongside a range of other low-impact changes can add up to an increasingly serious whole for a particular protected community. Looking across the full range of decisions appears not only to spot cumulative negative impacts but also to highlight opportunities for improvements.

The duty in itself is not the ‘be-all-and-end-all’ but must be complemented by positive leadership from elected members and a management team that is able to take proportionate account of the likely impact of the goals of the equality duty.

So when used well, the duty is more than just something to be complied with; it is providing senior officers and members with the information they need to take effective decisions and to have confidence in their understanding of the long-term impact and consequences of those decisions.

London Borough of Redbridge – Budget-making processes

Redbridge subjects all proposed changes in spending (including those taken as part of the council’s annual budget process) to an initial screening for potential equality impact. The screening documents must be made available as part of the relevant background information used to support members when taking decisions on the council’s current and future spending plans.

While the initial screening document is brief it will give a clear indication as to whether a full EIA is required. Where such a requirement has been determined but not completed in time for members’ initial consideration, the timescale for completion must be advised. Full impact assessments must be completed in a timely fashion to ensure appropriate advice to members as part of the on-going decision making process.

Legal principle has established that the duty cannot be delegated and owned by the primary decision makers i.e. elected members. It is the duty of officers to ensure that members are properly informed of the nature and extent of the duty. Giving due regard to the duty is an essential preliminary to the formulation of any important policy and/or financial decision.

London Borough of Lambeth – Cumulative impacts of budget setting

Lambeth has developed an approach that ensures equality impacts are considered during the consideration of budget decisions. The approach takes account of the potential impacts on marriage and civil partnership, pregnancy and maternity, race, sex, disability, religion or belief, sexual orientation, age, health and wellbeing, community safety and socio-economic factors.

Lambeth has identified critical points to review and scrutinise emerging equality considerations and to inform key decision-making. These are set out below:

1. Screening of service reduction proposals
2. Initial assessment of cumulative impacts of relevant service reduction proposals
3. Corporate Equalities Board reviews all staff reduction proposals large enough to trigger a s188 redundancy notice
4. Cumulative impacts assessment of staff reductions and mitigating actions to address identified adverse impacts and to promote equality of opportunity
5. Individual impact assessment for each saving proposal including mitigating actions to address adverse impacts and tackle inequality
6. Cumulative impact assessment of savings proposals and mitigating actions to address identified adverse impacts and tackle inequality
7. Assessment of actual impact and evaluation of mitigations .



Action to make sure that organisations have the capacity to implement the Equality Duty effectively is key to mainstreaming equalities properly. This capacity would usually need to include staff understanding and awareness, up-to-date information to aid consideration of equality issues and policy and decision making processes that enable equality implications to be considered before decisions are made. However, impact assessments can also be used retrospectively to give a view of how services can be improved.

London Borough of Enfield – Whole service review: Youth support

Enfield's Youth Support service provides access for young people to educational and recreational leisure activities along with information, guidance and advice on overcoming barriers to education, employment or training. There is a particular focus on engaging with young people from vulnerable groups. As part of this, the borough has developed data systems that allow it to identify the numbers and characteristics of young people accessing those services.

By conducting a retrospective equality impact assessment of the whole service, Enfield identified a number of areas where service provision could be improved:

- A need to consult more closely with particular targeted groups was identified, particularly lesbian, gay, bisexual and transgendered (LGBT) young people
- The service found there was an over-representation of young people who are from the White British ethnic group who were not in employment, education or training (NEET) – 40.7 per cent of NEETs being White British, despite the White British cohort making up 30 per cent of the borough's 16-19 population
- The service also identified a number of barriers to teenage mothers accessing support to return to employment, education or training

As a result of the retrospective assessment, the service undertook a number of actions.

- While the teenage pregnancy unit established a task group to explore the barriers to education, employment and training facing young mothers, a project was launched which offered childcare as part of a course to help them engage with services
- To improve information gathering on sexuality, the borough researched good practice carried out by other local authorities while seeking to establish examples of good practice within the wider directorate
- And to address the over-representation of White British young people who are NEET, the service worked with the council's NEET scrutiny panel, providing them with additional data and information.

05 conclusions



It is clear that many London local authorities have utilised the single equality duty brought in by the 2010 Equality Act very effectively. They have used evidence, well-informed policy analysis and good decision-making to have the maximum impact on advancing equality in key areas.

The stereotype around the equality duty is one of public bodies going through the motions, just ticking boxes, looking at equality either for every tiny decision or only the big ones; considering equality after decisions have been made; or setting up a huge bureaucracy. The examples that we have easily identified across London could not be more different to that stereotype.

We have found a wide range of examples of London authorities utilising the duty and the various tools which accompany it to make real improvements to their outcomes in relation to equality but also general performance in times when decision-making can be tough. They have not always been able to necessarily take decisions which would further equality as much as they may have liked and they have sometimes had to focus on the more significant impacts but the duty has enabled them to make well-informed decisions, to be fully aware of the consequences of those decisions and to maximise their effectiveness including in the longer term.

We have seen that in some cases, impact assessments can be a valuable performance improvement tool, especially when carried out in advance of the policy decisions and utilising a strong evidence base. Furthermore, it has been demonstrated that where consideration of issues of equality goes wider than the production of impact assessments on individual policies, even better outcomes can be achieved.

Where local authorities have recognised the value of embedding considerations of equality within their decision-making framework, gaps in service provision have been identified, hard to reach groups targeted and, ultimately, councils enabled to intervene earlier where certain groups are presenting issues that hitherto had not been considered.

Of particular interest are those London authorities who have managed to move away from looking at individual decisions in isolation but have looked across a range of decisions or across the whole service. By looking at the cumulative impact of a range of decisions on equality then the decision-makers have been fully informed of the consequences and this brings more confident and more effective decisions. Where authorities have been able to look at whole services then again this is a more proactive and holistic approach, with a better chance of leading to service improvement than just looking at decisions as they arise.

We have identified a range of ways in which London authorities are utilising the current equality duty in a positive way to increase their evidence base, improve their decision-making and ultimately advance equality without falling into the stereotypes of ticking boxes and bureaucratic processes. This leads to the key question as to whether this work would still be happening without a legal imperative to pay due regard. Undoubtedly in some cases it would continue, but whether this would happen over the long term, with increasing pressure on budgets and officer numbers, is difficult to say. Certainly the duty is clearly producing positive outcomes rather than a compliance culture when undertaken in a professional way. Therefore the challenge appears to be how to ensure that all public bodies engage with the duty in the positive and professional ways that we have identified rather than changing the duty itself.

The new public sector equality duty was always intended to be a long-term policy tool rather than a short-term fix. Nor was it intended to be a panacea – rather a part of a toolkit that also requires leadership, skills and knowledge within organisations.

A review of the duty was always intended to be carried out in 2015 but, by bringing the review forward to a point where it has only been in force for two years, it is inevitable that consideration of its effectiveness must be based on narrowly drawn evidence. It also risks being informed by anecdotal and individual opinion rather than robust evidence.

appendix

Equality Impact Assessments

An equality impact assessment (EIA) involves assessing the likely or actual effects of policies or services on people in respect of disability, gender and racial equality. An EIA can help to make sure the needs of people are taken into account when new policies or services are developed and implemented or existing policies or services are changed.

There is no legal requirement for a public body to conduct an EIA. Nevertheless, for many boroughs, they remain the chosen method of assessing the effect that policies, practices or activities might have on different groups before decisions are made. They can also be applied retrospectively to assess what effect decisions have had. This can help with the continual improvement of public policies.

The 2010 Equality Act

The 2010 Equality Act replaced a range of previous anti-discrimination laws. It defined nine protected characteristics, which cannot be used as a reason to treat people unfairly. Those characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

The act requires public bodies to show how they are advancing the equality agenda. Under the legislation, councils employing more than 150 people will have to produce 'equality objectives' at least once every four years. These commitments should show how local government will eliminate discrimination – against the nine protected characteristics – in their areas. The objectives must be both specific and measurable.

Public sector equality duty

The 2010 Act also introduced the public sector equality duty, which came into force in April 2011.

The duty has three main aims. It requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any 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

To have demonstrated 'due regard', public bodies must demonstrate that consideration of equality issues has influenced the decisions they take as employers, in the development, evaluation and delivery of services and in the commissioning and procurement of services.

The duty does **not** impose a legal requirement to conduct EIAs, nor examine equality issues where they are not relevant to the matter in hand.

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