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| OVERVIEW AND SCRUTINY COMMITTEE |
| 5 FEBRUARY 2014 |
| EQUALITY AND FAIRNESS COMMISSION |
| REPORT OF HEAD OF DEMOCRATIC SERVICES |

1. Purpose

This Committee is asked to consider the information provided relating to the work Equality and Fairness Commission (EFC) and to agree the protocol for how the EFC and Overview and Scrutiny can share work programmes and refer items to each other.

2. Action required

Councillors are asked:

- (a) to agree the protocol attached at Appendix 1;**
- (b) to consider and comment on the information provided at Appendix 2 and the presentation;**
- (c) to consider requesting a briefing paper one of the following topics with a view to potentially carrying out a scrutiny review or as an item for a future Overview and Scrutiny Committee:**
 - (i) Commissioning and Procurement;**
 - (ii) The Council's approach to Good Growth;**
 - (iii) The Health and Wellbeing Strategy.**

3. Background

The purpose of the protocol is to guide the relationship between O&S and the (EFC) as follows:

- i) to guide the exchange of information and work programmes between O&S and the EFC to share learning and avoid duplication; and
- ii) to establish a way of referring items between O&S and the EFC.

In this two way exchange the O&S can refer items to the EFC and vice versa. At this meeting three topics have been put forward as potential items for scrutiny.

4. List of attached information

Appendix 1 – Protocol for O&S and EFC

Appendix 2 – Report by Imoegen Denton, Equality and Community Relations Lead

5. **Background papers, other than published works or those disclosing exempt or confidential information**

None

6. **Published documents referred to in compiling this report**

None

7. **Wards affected**

City-wide

8. **Contact information**

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Appendix 1

Protocol between Overview and Scrutiny and the Equality and Fairness Commission

The purpose of this protocol is to guide the relationship between Overview and Scrutiny (O&S) and the Equality and Fairness Commission (EFC) with the aims of improving the lives of people who live and work in Nottingham, reducing inequalities and improving the quality of and access to public services.

The protocol will:

- ii) guide the exchange of information and work programmes between O&S and the EFC to share learning and avoid duplication; and
- iii) establish a way of referring items between O&S and the EFC.

Information sharing

O&S committee meetings are held in public and an email alert will be sent to the Equalities Team when agendas and minutes are published. If the EFC wishes to comment on any item on the agenda it should do so, in advance of the meeting, to the Chair of the Committee via the Council's O&S team.

The EFC will email agenda and minutes for its own meetings to the O&S team for information.

While there is no expectation that representatives of each group will attend the meetings of the other, they will be welcome to attend any public meetings as they choose.

Collaborative working

The EFC are welcome to attend any public scrutiny meetings and where appropriate, the EFC will be invited to give evidence to O&S Committee or Scrutiny Review Panels and the O&S Team are invited to attend EFC meetings although there is no expectation that the Scrutiny team will be able to attend on a regular basis.

Referrals to overview and scrutiny

If, during the course of its work the EFC becomes aware of any strategic equalities issue that it feels needs further investigation then it can refer this to O&S for consideration. Referrals should be made in writing, with supporting evidence, to the Chair of the Overview and Scrutiny Committee or lead health scrutiny councillor via the Council's O&S team. The appropriate scrutiny committee will consider any referrals at its next available meeting for potential inclusion on its work programme. The EFC will be informed as to whether the issue will be included on the programme for scrutiny. If scrutiny is carried out the EFC may be invited to contribute and will be informed of the outcome of the scrutiny activity. If it is not included then reasons will be provided.

Referrals and recommendations to EFC

If, during the course of its work O&S identifies any issue with equalities implications that they feel needs further consultation with service users and user representatives it will refer it to the EFC. Referrals will be made in writing to the Chair of the EFC via the Equalities Team. The EFC will consider any referrals at its next available meeting and provide feedback on discussion to scrutiny.

If, during the course of its work scrutiny identifies an area for improvement relating to the EFC or an area of its responsibility, it will make a recommendation to the EFC. Recommendations will be made in writing to the Chair of the EFC via the Equalities Team. If the recommendation is accepted the EFC will provide details of its intended implementation and timescales. If the recommendation is not accepted the EFC will provide reasons why not.

Informal communication/ working

This protocol ensures that the O&S and Equalities Teams share information and work programmes as meetings take place and inform each other of potential topics or issues as they arise.

Respect each other's independence and autonomy

Both O&S and the EFC control their own work programmes and investigations and may decline to review topics put forward (giving reasons).

Contact details:

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OVERVIEW & SCRUTINY – 5 FEBRUARY 2014

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| Title of paper: | Review of the work of the Equality and Fairness Commission: 2012 - 2013 |
| Report author(s) and contact details: | Imogeen Denton Equality and Community Relations Lead Nottingham City Council Imogeen.Denton@nottinghamcity.gov.uk |
| Other colleagues who have provided input: | |
| Summary of issues (including benefits to citizens/service users): | |
| <p>The main role of the Equality and Fairness Commission (EFC) is to work collaboratively with stakeholders to ensure that Nottingham is a City where people are treated fairly and that wherever possible, action is taken to address inequality between communities. Over the last 18 months the Commission has reviewed a number of policies and practices of various public sector agencies (details of which are provided in section 1.2 of this report), areas of focus include: the Police use of stop and search powers; the Council's budget proposals; and issues relating to the Government's programme of welfare reform. Whilst it should be acknowledged that the Commission is still in the early stages of its development process, there is a need to take a number of the debates forward in order to address the issues and concerns that have been raised. It is to this end that the following recommendations are being made to the Overview and Scrutiny Committee.</p> | |
| Recommendation(s): It is recommended that Overview & Scrutiny | |
| 1 | Note the content of this report, more particularly the proposed areas of work that the EFC will focus on over the next 12 months. |
| 2 | Support the work of the EFC by helping to advance equality and fairness through key policy areas that have potential to contribute significantly to advancing equality in the City, such as Commissioning and Procurement; the City's Growth Plan; and the City's Health and Wellbeing Strategy. |
| 3 | Works in collaboration with the EFC to conduct a review into one of the abovementioned areas within the next 12 months. |

1. BACKGROUND

- 1.1. The Equality and Fairness Commission (EFC) was established in June 2012. Its aims include taking a strategic approach on equality and diversity issues that impact on the lives of Nottingham Citizens; influencing decision making of One Nottingham, the City's Local Strategic Partnership, and its partner organisations to improve the lives of those who experience discrimination, disadvantage or deprivation; and providing constructive feedback to partners on their policies and practices aimed at achieving positive outcomes for people with protected characteristics as defined by the Equality Act 2010.

- 1.2. Guided by its work plan, the EFC has focused its attention during the last eighteen months on the following areas:
 - The Nottingham Plan to 2020;
 - The Nottingham Growth Plan;

- Homelessness and Hope: Citizens for Sanctuary;
- The Role and Activity of Overview and Scrutiny committee;
- The Housing Nottingham Plan 2012-2015;
- Welfare Reform, Changes to Council Tax Benefit;
- Police Use of Stop and Search Powers;
- Nottingham City Council 2013/2014 Budget Consultation;
- The Health and Wellbeing Strategy, Health Inequalities and the Role of Health Watch;
- Streamlining Investment to the Voluntary and Community Sector;
- The Police and Crime Plan 2013-2018;
- Tackling Youth Unemployment in Nottingham
- Hate Crime;
- The Vulnerable Adult's Plan 2012-2015
- Children and Families Efficiency Savings
- Young People; Educational Achievement; Employment and Commissioning.

- 1.3. The EFC is a unique group in comparison to fairness commissions nationally, in that it has an independent chair and includes representation from many of the communities defined as having 'protected characteristics' under Equality Act 2010 (i.e. in terms of race, sex, gender, disability, age, sexual orientation, religion or belief etc). Each member acts as a link between the commission and their networks, undertaking the role of critical friends and ensuring there is a two way flow of information between the EFC and the bodies they represent. The Commission operates as a sounding board at a strategic level for the Council and partner organisations, allowing Officers to listen to the views of diverse communities and to use constructive feedback to shape and develop policies and service provision, and to influence the allocation of resources.
- 1.4. A number of recommendations have been made by the Commission, which are detailed below. Further work needs to be done to establish the most effective routes and means of progressing the issues raised, maximising the use of existing resources, and joining up the work of the Commission where possible with other stakeholders. Many of the issues raised are linked to complex causes where effective solutions are more likely to be achieved through long-term partnership work involving Citizens and a range of different agencies.

2. RECOMMENDATIONS FROM THE EFC REVIEW MEETING

- 2.1. Following a review meeting of the work of the EFC held in October 2013, a number of recommendations were made with a view to strengthening the Commission's performance and enhancing its ability to influence the direction of local policy. The recommendations include short and longer term goals which for the purpose of this report are divided into three areas: proposals linked to the Commission itself; the focus of future activity; and areas to be referred to Overview and Scrutiny Committee, summarised as follows:

Recommendations for the Commission

- The Commission should focus on fewer issues, in greater depth, with the aim of achieving positive outcomes.
- Priorities should be reviewed on a regular basis, to ensure that the Commission's workload is relevant and achieving the desired outcomes.

- Reinforce the EFC's position as an independent body, supported by the Council, but not run by it. This should be supported by independent 'branding' and through the rotation of the location of meetings; and measures taken to effectively publicise the work of the EFC.
- Accountability for the EFC should be to One Nottingham, the City's Local Strategic Partnership.

The focus of future activity

- 2.2. It was proposed by the Commission that the areas of work to be focused on in 2014 are:
- § The City Council's Budget for 2014/2015 (Including Welfare Reform and Council Tax Policy)
 - § The Living Wage/Payday Lending and the City's approach to financial support for vulnerable Citizens e.g. Credit Unions.
 - § Child poverty
 - § Good Growth (maximising opportunities through commissioning and procurement, apprenticeships, and employment).
 - § Addressing the gap in provision left as a result of the closure of the Race Equality Council in Nottingham.

Items to be referred to Overview and Scrutiny Committee

- 2.3 Whilst a number of policies and service were reviewed by the EFC over the last year, there are a number of issues and concerns that remain unresolved or have not yet reached what can be regarded as a satisfactory conclusion. In recognition of the capacity of Overview and Scrutiny to support the work of the Commission, it is proposed that the Committee gives consideration to supporting a review of the following areas:
- (a) Commissioning and Procurement**, in particular how the purchasing power of agencies can be used as a tool to advance and promote equality. Consideration should be given to how local bids or tenders are encouraged; how supplier diversity can be increased; consultation and engagement of key stakeholders that is well timed and meaningful to ensure that goods and services are fit for purpose; and opportunities for equality champions to participate in selection processes. The Commission suggested that this can also be used more effectively as a tool to tackle youth unemployment through 'added value' schemes that deliver training and employment contracts through positive action. There was acknowledgement that while voluntary sector grants, although reduced, remain accessible to a range of organisations, there is potential for local private sector, voluntary and community sector organisations to play a much greater role in providing goods and services in the City. Concerns were also raised in relation to the limited extent of diversity monitoring carried out in terms of contract providers and service users. By incorporating measurable equality outcomes in contracts it is possible to promote benefits such as community cohesion, and initiatives involving targeted recruitment to support disabled people into the workplace. Assurance is also being sought by the Commission that consultation and engagement processes at the relevant stages of the commissioning and procurement processes are inclusive and that involvement is representative of the communities we serve.

(b) The City's approach to 'Good Growth'. The Commission is seeking assurance that all communities will benefit from the opportunities arising from the work developed in this area. Concerns were expressed that the growth plan for the City is unclear in terms of how shared growth will be achieved. The growth areas that have been identified i.e. 'digital content, life sciences and clean technology' demand particular skill sets. Consequently, the commission has expressed concern with regard to how the City's young people, disabled people and BME communities will benefit from this strategy. There was acknowledgement that growth alone does not necessarily lead to equality and that inequality can in fact stifle economic growth, therefore a different approach may be required. In order for the City to achieve economic success, policies and practices must be in place that place equality at their core.

(c) The Health and Wellbeing Strategy. Four priority areas are covered by the strategy: Preventing alcohol and substance misuse; supporting older people; improving mental health; and Working with priority families. Although the Commission was in agreement with the overarching themes, there were a number of concerns raised, more particularly that:

- There appears to be a shift away from providing personal support increasingly towards the use of technology. This can lead to greater isolation and increased mental health problems, causing conflict between priorities. It was alleged that the main driver for this is more to do with saving money and less so to do with promoting independence. Concern was also raised about the use of agencies providing personal care that this ultimately increased cost in terms of resources. With particular regard to disabled Citizens, the Commission noted that the push towards physical activity could be particularly challenging, so reassurance was sought that this would be addressed.
- Reference was made to the accessibility of services by people whose first language is not English. There was a sense that many people turn to the voluntary sector for support with this but there are insufficient resources available which can lead to misdiagnosis and longer term complications.
- Questions were raised as to how health issues affecting marginalised groups would be addressed as these are not addressed by the strategy, and there needs to be recognition of the groups and their related health concerns by the strategy, with appropriate signposting. There was also concern raised about the 'cultural competence' of service providers working with BME communities in the City.
- In relation to the 'priority families' theme, the Commission queried how agencies would find capacity to deliver against this area of work against a backdrop of fewer staff and shrinking resources.

The above issues provide a flavour of the issues and concerns raised by the Commission. They are not intended as an exhaustive list of concerns raised, but provide an indication of the areas where it is recommended that the Overview and Scrutiny Committee explores further.

3. REASONS FOR RECOMMENDATIONS

In order to achieve equality it is essential that public bodies, institutions, agencies and citizens' work together to remove barriers that limit what people can do and the opportunities they have access to. Public sector organisations have a legal duty to

give due regard to equality in the way that they provide services. They also have a responsibility to eliminate harassment and discrimination, to advance equality and to promote good relations.

4. FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)

There are no financial implications arising as a direct result of this report.

5. RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)

Not applicable.

6. EQUALITY IMPACT ASSESSMENT

Has the equality impact been assessed?

Not needed

No

Yes – Equality Impact Assessment attached

7. LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

Equality and Fairness Commission Terms of Reference, September 2012.

LGIU Policy Briefing. *Fairness Commissions*. 13 August 2013.

Minutes of the EFC Review meeting, 15 October 2013

Minutes of the EFC meetings 2012-2013

8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

Report to Overview and Scrutiny. *One Nottingham Fairness Commission*. 17 June 2010