

Committee Cabinet	Date 8 April 2009	Classification Unrestricted	Report No CAB 143/089	Agenda Item No
Report of: Assistant Chief Executive		Title: Age, Race, Religion/Belief and Sexual Orientation Equality Schemes, 2009-12		
Originating Officer(s) Michael Keating, Service Head, Scrutiny and Equalities Frances Jones Diversity and Equality Coordinator, Scrutiny and Equalities		Wards Affected All		

1. SUMMARY

- 1.1 This report informs Cabinet of the new draft Equality Schemes in relation to Age, Race, Religion/Belief and Sexual Orientation for 2009-12. The Schemes in full are attached at Appendix 1.

2. RECOMMENDATION

Cabinet is recommended to:

- 2.1 Agree the Age, Race, Religion/Belief and Sexual Orientation Equality Schemes 2009-12, as set out in Appendix 1.

3. BACKGROUND

- 3.1 Tower Hamlets Council has placed diversity and equality at the core of its functions and is committed to maintaining the very highest level of equalities practice in relation to both employment and service provision. In 2006 the Council was externally validated as being at the highest level of the Equality Standard for Local Government (Level 5). The production of Equality Schemes in relation to Race, Disability and Gender has been an essential vehicle for maintaining this performance. Actions from these Schemes have fed into the annual Diversity and Equality Action Plan, along with activities relating to religion/belief, age and sexual orientation equality.
- 3.2 Our commitment to promoting equality and eliminating discrimination is supported by a number of legal duties. However under current legislation, the requirements to address inequality and discrimination and promote equality vary between equality 'strand'. Since 2001 we have had a legal duty to publish an Equality Scheme for race and in 2006 and 2007 further duties were introduced to require us to produce Equality Schemes in relation to disability and gender respectively. We are also required to address discrimination against *employees* on the basis of all six equality strands, age, gender, ethnicity, sexual orientation, disability and religion / belief. The Council's Valuing Diversity Statement however makes it clear that we have a strong moral and social duty to recognise that discrimination takes place and inequality exists for individuals and groups belonging to all of the six equality strands. The production of three new Equality Schemes in relation to Age, Religion/Belief and Sexual Orientation, along with the refreshing of the Race Equality Scheme, is intended to assist us to go beyond the requirements laid down in law to address all six equality strands and to do everything that we can to challenge prejudice and discrimination and promote better understanding and respect between all people.
- 3.3 The forthcoming Single Equality Bill will replace the separate equality duties on public authorities covering race, disability and gender with a single equality duty, which will also extend to gender reassignment, age, sexual orientation and religion/belief. These new Schemes prepare the Council for the new legal obligations on local authorities arising from the duty to promote equality in these three areas.

4 DEVELOPMENT OF THE NEW EQUALITY SCHEMES

- 4.1 In producing the Equality Schemes we have drawn on the '**Equality Measurement Framework**' developed by the Equality and Human Rights Commission. The Framework is intended to assist public authorities in identifying inequality between individuals and groups of employees and service users. It is based on the idea of equality in the "central and valuable things that people can do or be". These are grouped into ten domains of equality:
- Life
 - Physical security
 - Health
 - Education
 - Standard of living
 - Productive and valued activities
 - Individual, family and social life
 - Participation and voice
 - Identify, expression and self-respect
 - Legal security

4.2 Within these domains, the Framework identifies three aspects of inequality:

- **Inequality of outcome** – that is inequality in the central and valuable things in life that individuals and groups actually achieve
- **Inequality of autonomy** – that is, inequality in the degree of independence people have to make decisions affecting their lives
- **Inequality of process** – reflecting inequalities in treatment through discrimination or disadvantage by other individuals and groups or by institutions and systems

4.3 In developing the Equality Schemes we analysed evidence of inequality between individuals and groups in the borough. Drawing on the Equality Measurement Framework categories the Equality Schemes offer a description of inequality which distinguishes between the inequality of access and outcome. For example we know that many new communities are less able to access public services as they may not be aware of the services that exist, may experience language barriers and may not be eligible for some services. To ensure that we respond to this inequality of access we have a duty to engage with these communities to identify and minimise barriers and improve access. However we also know that for some groups and individuals tackling inequality of outcome is not a case simply of improving access to services but requires a more holistic response to a variety of factors. The Schemes therefore distinguish between the experiences of sections of our community in accessing and benefiting from our services and issues of ‘persistent and systemic’ inequality which result in significant differences in outcomes for sections of our community.

4.4 The Equality Schemes also highlight the need to understand that some groups and individuals are less able to exercise choice and control over their lives. A number of Council services seek to address this ‘inequality of autonomy’ by empowering local people to access services and support to enable them to make positive decisions about their own lives and those of their families and wider community. However the Equality Schemes also identify areas in which choice and control are limited by the way services are delivered and contain actions to address this. Looking across the Equality Schemes it is clear that a tension exists between an understanding of the constraints on choice and autonomy experienced by some groups and individuals and a commitment to common standards of ‘personal responsibility’. Addressing this tension requires that we work towards supporting individuals and groups to make active choices about their lives rather than focusing solely on inequality of outcomes for communities.

4.5 We know that the experience of groups and individuals is not determined by any one equality strand but by the interplay of various aspects of social identity within social and economic circumstances. Using the Equality Measurement Framework has enabled us to develop the Schemes in a consistent way, assessing qualitative and quantitative evidence of inequality against common criteria. It has also enabled us to make linkages between the equality strands. Mapping inequality across the strands in this way has helped us identify areas of persistent and systemic inequality which arise from a complex interplay of factors and require a holistic and long term response. These areas are set out in Table 1 below:

Table 1: Priority areas of inequality to be addressed through Equality Schemes, 2009-12

Priority area	Age	Disability	Gender	Race	Religion/Belief	Sexual Orientation
A Prosperous Community: Worklessness	Reduce number of 16-18 year olds not in education, employment or training	Increase number of disabled people in employment	Reduce rate of economic inactivity among working age women	Reduce levels of unemployment and worklessness amongst Bangladeshi and Somali residents	Reduce rate of economic inactivity among Muslim women	
A Prosperous Community: Educational achievement			Improve under performance of boys relative to girls at GCSE	Narrow the achievement gaps between different ethnic groups and between the national average		Improve the learning experiences of LGB young people by tackling homophobia in schools
A Great Place to Live: Housing		Increase access to independent living opportunities for disabled people		Address shortage of suitable social housing which has a disproportionate impact on BME families	Address shortage of suitable social housing which has a disproportionate effect on Muslim families	
One Tower Hamlets: Community cohesion	Strengthen inter-generational cohesion	Give disabled people a voice in decision making		Increase the extent to which people of different backgrounds feel that ethnic differences are respected in the borough	Increase the extent to which people of different faiths say they get on well together	Reduce homophobia and promote understanding and respect for LGB people

<p>A Healthy Community: Health</p>	<p>Reduce childhood obesity</p>		<p>Improve life expectancy for men through effective health promotion services</p>	<p>Promote healthy lifestyles in an effective way to BME communities</p>		<p>Improve access to primary care health services for LGB people</p>
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- 4.6 Addressing these persistent and systemic areas of inequality will require coordinated and sustained action by a range of partners including statutory sector organisations, the third sector and community leaders and groups. Each of the Equality Schemes identifies areas in which work with partners will be crucial to successfully reducing inequality. Thus work will build on strong existing partnership arrangements in a number of areas. These include the merging of the Human Resources functions of the Council and the Primary Care Trust and the joint 'Workforce to Reflect the Community' strategy, close operational links between the Council and Police in tackling hate crime and promoting community cohesion and the establishment in January 2008 of the Tower Hamlets Partnership Diversity and Equality Network (THDEN). The THDEN coordinates work on equalities across the Tower Hamlets Partnership and is responsible for delivering the Community Plan commitment to deliver the highest standard of equalities practice across the borough. This group will be crucial to delivering strategies to tackle the areas of persistent and systemic inequality outlined above.
- 4.7 The production of the Schemes and the use of the Equality Measurement Framework is intended to strengthen our understanding of inequality in the borough. The information and learning generated in the development of the Schemes will inform the production of a Single Equality Scheme for the Council in 2010. The production of such a Scheme will be a requirement of the Single Equality Bill announced in the Queen's Speech in December 2008.
- 4.8 Evidence gathering: Consultation and research
- 4.8.1 Evidence gathering for the four Schemes followed a common framework. In relation to Religion / Belief a programme of consultation was undertaken involving both community consultation to gain the views of service users and residents (in identifying and understanding the characteristics of faith communities in the borough and how this affects their use of services, their experiences and opportunities and the way they are supported to participate in the life of the borough) and internally within the Council to ensure that the needs of employees are taken into consideration. The process was overseen by a Programme Board which included representatives from key Council and partner services, the Interfaith Forum and the Council's self-organised Christian Prayer Groups and Muslim Staff Forum.
- 4.8.2 Evidence to inform the Race Equality Scheme was drawn together from a wide range of local and national data sources and service monitoring information. This was supported by specific consultation with different community organisations and internal consultation with services and staff.
- 4.8.3 A comprehensive baseline exercise was undertaken to inform the Age Equality Scheme using a combination of research and input from staff across the Council including analysis of demographic and statistical information, analysis of existing consultation and a review of relevant Equality Impact Assessments (EqIAs). From the baseline information we were able to identify a number of areas for further examination and discussion. To test our findings and to gain further input as to which areas should be our priorities we undertook a number of consultation activities with residents, voluntary and statutory agencies and members of staff. The Scheme draws upon information from the Council's Children and Young People's Plan and Best Value Review of Older People's Services amongst other key existing strategies and policies.

4.8.4 Due to significant gaps in local information about Lesbian, Gay, Bisexual and Transgender (LGBT) people two specific pieces of research were commissioned into the needs and the specific needs of older LGBT people to inform the Sexual Orientation Equality Scheme. These pieces of research were overseen by a subgroup of the Tower Hamlets LGBT Community Forum. Internal consultation with staff about their views and experiences of the Council as an LGB employer alongside an anonymous Stonewall questionnaire to all staff was also used to inform the scheme.

5. CONTENT OF THE EQUALITY SCHEMES

- 5.1 Each Scheme sets out what we know about the profile of our community in relation to the relevant strand and the nature of inequality experienced by people as a result of this element of their identity. The Schemes also contain a summary of the action which the Council and partners will undertake to address inequality and discrimination in relation to this equality strand.
- 5.2 These priorities, which cut across the six equality strands, are worklessness, educational achievement, housing, community cohesion and health. Linked to poverty all four sit at heart of inequality in Tower Hamlets. To make a dramatic shift against the inequality of Tower Hamlets and make progress on the wide range of issues identified in each of the schemes it is recommended that investment to address these five core inter-connected areas will lead that change.

6. CONCLUSION

- 6.1 Our Equality Schemes articulate what the Council and partners need to deliver to achieve our aspiration of 'One Tower Hamlets' which is about reducing the inequalities and poverty that we see around us, strengthening cohesion and making sure our communities continue to live well together.
- 6.2 Tower Hamlets continues to face big challenges in terms of inequality and these Schemes further enhance the Council's capacity to respond by sharpening our understanding of what inequality looks like and by responding to its multidimensional aspects across the six strands.

10. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

- 10.1 The European Union Race Directive 2000/43 (published in June 2000) prohibits discrimination on the grounds of race and ethnic origin by laying down "the principle of equal treatment between persons irrespective of racial or ethnic origin".
- 10.2 In November 2000, the European Union published the Equal Treatment Framework Directive. This Directive sets out the anti-discrimination "principle of equal treatment" in the context of sexual orientation, religion or belief, disability and age. These Schemes strengthen our implementation of this Directive.

- 10.3 The Government consultation paper "Towards Equality and Diversity-Implementing the Employment Race Directive" (2001) indicated its intention to implement the Directives by amendment to the Race Relations Act 1976 and the Disability Discrimination Act 1995. The consultation paper also referred to the Government's intention to introduce legislation to prohibit discrimination in work and training on the grounds of sexual orientation, religion / belief and age. The Employment Equality (Sexual Orientation) Regulations 2003 and the Employment Equality (Religion and Belief) Regulations 2003 were enacted with effect from 1 and 2 December 2003 and transposed the phase 1 provisions of the Directive into UK law. The Employment Equality (Age) Regulations 2006 gave effect to the provisions on age discrimination with effect from 1 October 2006.
- 10.4 The Race Relations (Amendment) Act 2000 strengthens the Race Relations Act 1976 by extending protection against racial discrimination by public authorities and by placing a duty on public authorities to have regard to the need to eliminate unlawful discrimination and to promote racial equality and good race relations.
- 10.5 The Equality Schemes 2009-12 set out the Council's intentions with regard to equality and have been formulated having regard to and in compliance with legislation. Regular monitoring and review of the Scheme will enable the Council to maintain compliance with statutory requirements as well as measuring progress in relation to non-statutory aspects and work towards developing a Single Equality by April 2010.

11. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 11.1 Equalities issues should be embedded into service delivery, and they are taken into account when budgets are set. As such, there are no additional budget implications arising from adopting the Equality Schemes 2009-12. However, if additional costs arise from implementing the action plans, they must be contained within current revenue budget provisions in directorates.

12. ONE TOWER HAMLETS CONSIDERATIONS

- 12.1 The new Equality Schemes represents an important step in progressing the Council's commitment to building One Tower Hamlets as a place in which people live together and where they are treated with respect and fairness regardless of their differences. The attached Schemes clearly show how equalities are at the heart of the Council agenda and the progress towards integrating diversity and equality fully into all aspects of service delivery and employment practice. The 2009-12 Schemes also specifically explore the inter relationship between work on equalities and community cohesion. The aim of the Schemes is to create an environment in which everyone who lives and works in our borough is treated with dignity and respect and where everyone can improve their life chances and access the increasing opportunities on offer.
- 12.2 The Equality Schemes aim to tackle the barriers currently preventing some of the most disadvantaged people in our community from accessing the life opportunities on offer and aims to enable them to actively participate in creating and sharing prosperity in the borough.

13. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 13.1 Efforts will be made to ensure that in delivering the commitments of the Equality Schemes the impact on the environment is kept to an absolute minimum. This includes

the use of recycled paper in any documentation, and careful consideration of the methods used to engage with local communities, partners and staff.

14. RISK MANAGEMENT IMPLICATIONS

- 14.1 The Council is seeking to implement an ambitious diversity and equality agenda in the context of changes in national legislation and standards. Progress to date has been very positive, but there is still much to be done if all the Council's targets are to be achieved and all the new legislative requirements are fully complied with. Any slippage could potentially undermine this.
- 14.2 The new Equality Schemes provides a focus for all the Council's equalities work, and a means by which Members can ensure that each of the progress milestones are achieved. The arrangements in place to review progress during the year through the Corporate Equalities Steering Group, Corporate Management Team and finally by the Overview and Scrutiny Committee are considered to be effective ways of keeping this work on track.
- 14.3 Diversity and equality performance indicators will help keep the focus firmly on delivery and outcomes. The emphasis on consultation will mean that the Council's performance in this area will be judged by the experiences of service users on the ground.
- 14.4 A greater emphasis will be given this year to communicating the progress that is being made to the wider community and to staff, including greater use of existing communications media such as East End Life and Pulling Together.
- 14.5 The Council will continue to work closely with the Improvement and Development Agency to ensure that local practice in implementing the new Equality Framework and all equalities issues is informed by best practice taking place in other parts of the country.

APPENDICES

Appendix 1: Draft Age, Race, Religion and Belief and Sexual Orientation Equality Schemes

LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED) LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of background papers:	Name and telephone number of holder and address where open to inspection
Diversity and Equality Action Plan 2008/09 agreed by Cabinet on 30 th July 2008.	Frances Jones, Diversity & Equality Coordinator, Scrutiny and Equalities 020 7364 4521
Diversity and Equality Action Plan Six Month Monitoring Report noted by Cabinet on 14 th January 2009	
Disability Equality Scheme, 2006-2009	
Gender Equality Scheme, 2007 - 2010	
Race Equality Scheme 2005-2008	