

Cabinet - 6 March 2014
Report of the Chief Executive

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| Electoral Division affected: All |
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Lancashire Fairness Commission Feasibility Study
(Appendices 'A' and 'B' refer)

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Executive Summary

At its meeting on 5 December 2013, Cabinet approved proposals to undertake a feasibility study into the development of a Fairness Commission in Lancashire. The study would be undertaken by a Member/Officer Working Group and the findings presented to the Cabinet meeting to be held on 6 March 2014.

The objectives of the feasibility study are set out in Appendix 'A' as part of the Terms of Reference of the Member/Officer Working Group.

This report sets out the findings of the feasibility study, makes recommendations about a preferred option and sets out the next steps that will be required if the preferred option is adopted.

Recommendation

Cabinet is recommended to:

- (i) Consider the results of the feasibility study;
- (ii) Approve the establishment of a Lancashire Fairness Commission;
- (iii) Approve the adoption of the preferred option (option 5) for the Fairness Commission as set out in the report;
- (iv) Authorise the Leader of the County Council and the Cabinet Member for Health and Wellbeing to approve the detail of the Fairness Commission's establishment and any other consequential decisions required on behalf of the County Council.

1. Background

Fairness Commissions have been established in several local authorities in the UK. Although they all differ depending on local circumstances, in many cases they are

independent bodies that follow the parliamentary select committee model, hearing evidence and making recommendations. Fairness Commissions, even when independent, have usually been established and run by local authorities. Some have required a considerable range of resources to be used for a limited amount of time. Virtually all Fairness Commissions have so far been established in largely urban, unitary local authorities.

In December 2013, Lancashire County Council's Cabinet agreed that a feasibility study into the development of a Fairness Commission in Lancashire should be undertaken by a working group made up of elected members and officers.

2. The purpose of a Lancashire Fairness Commission

The purpose of a Lancashire Fairness Commission would be to provide an independent perspective on equality in the County and to make recommendations to increase equality to the County Council and its partners.

Recommendations might be made for:

- Policies and programmes to promote equality of life chances in Lancashire. In particular to address the social, economic, and environmental inequalities affecting Lancashire's citizens.
- Action to mitigate the impact of the current economic climate on the wellbeing of Lancashire's citizens.
- Allocation of resources in line with need.

3. Overview of findings of the feasibility study

3.1 Discussions with established Fairness Commissions

The feasibility study gathered a range of information about previous and on-going Fairness Commissions in the UK. In addition to information about Fairness Commissions held in the public domain on websites, officers contacted staff involved in other Fairness Commissions to gain an understanding about issues such as partner commitment, resources, local impacts and communication.

Each Fairness Commission has different characteristics dependant on the local context and priorities. For instance, while in most there were elected member commissioners, a few (such as Liverpool and York) did not have councillors on the commission to emphasise its independence. Most other commissions had cross-party representation to ensure political balance.

Nearly all commissions had a fixed term, although Blackpool's commission has been developed as an open-ended process supporting local campaigns and community development. All commissions that ended produced a final report detailing its findings and recommendations. In most cases recommendations have tended to be specific while a few were of a more aspirational nature. Recommendations in most cases have been directed not only to the local authority but to a range of local partners.

While most commissions looked at local issues and examined evidence on a number of policy areas, Newcastle's commission was more concerned about drawing a number of 'fairness principles'. The drive behind most commissions has been to obtain a detailed investigation of local inequalities and to make recommendations about how they can be reduced. Many have also attempted to involve local communities in various ways, a fairness campaign (Liverpool), an open membership (Blackpool), or a series of community engagement activities, such as the 'Summer of Listening' stimulated by the Plymouth commission, involving community walkabouts and meetings held in a number of neighbourhoods.

The diversity of approaches notwithstanding, Fairness Commissions have sought to tackle local inequalities and other local fairness issues. Although the themes have varied, almost invariably commissions have focus on a range of wider policy areas such as health and wellbeing, education, housing, income and jobs, the local economy, and so on. Some focused on more specific issues such as the living wage, welfare reform, child poverty; but most covered these as part of wider themes.

Although commissions have used a range of resources, the amount of resource required has depended on the nature of the commission's activities. Islington used three full time staff and nearly £14,000 of budget, while Newcastle paid £20,000 for additional research by local academics. In most cases at least one or two full time members of staff delivered the work of the commission, but in many cases there was also officer time used occasionally throughout the life of the commission (e.g. data analysis, writing reports and communications). With the exception of information publicly available about the Islington commission, most officers we have spoken to have not been able to establish exactly how much the commissions in their areas cost. However, in many cases additional funding was made available by partners, such as higher education institutions or third sector organisations.

Although commissions were able to tell us about a number of positive impacts arising from their work, such as the adoption of evidence based recommendations by partners, none were able to report measurable reductions in inequality in their area. A number suggested that this largely because it is too early for such outcomes to have been achieved.

In Conclusion, our findings have identified that there are three main approaches to fairness commissions:

1. **Academic** – This is where independent commissioners gather expert opinion and academic evidence about fairness issues and make recommendations to partners based on this evidence. In this model there are usually close relationships with universities, specific research might be commissioned and the Chair is likely to be an eminent local academic.
2. **Independent scrutiny** – This takes a select committee type approach. Commissioners might be selected to be representative of local partners rather than for their specific expertise or knowledge. In this model elected members and other partners will commission analysis and policy reviews, the results of which are presented to the commission for it to make recommendations.

- 3. Community Action** – This is where the Commission leads action-orientated engagement with local people and partners to increase equality. This is based on a premise that both communities and agencies have the potential to contribute to fairness.

3.2 Discussions with prospective partners

A Lancashire Fairness Commission would operate within a much more complex partnership landscape than any previous commissions. The feasibility study therefore included discussion with a number of local partners from the public, business, academic and third sectors to establish the extent of commitment to a Lancashire Fairness Commission.

Discussions took place with Chief Executives from five of the twelve district councils and these revealed a range of views. There was support for focused efforts to increase fairness. However, there were differing views about whether a Fairness Commission would add value to existing partnership arrangements. The need for a Lancashire Fairness Commission to be independent of the County Council and politically neutral was reiterated. Partners from a number of other organisations and sectors also felt that independence was critical. Partners from district councils suggested that it would be most appropriate for the proposal be considered by the Lancashire Leaders Group.

A number of partners questioned whether a Fairness Commission, in any form, would provide any added value to existing partnership mechanisms. Partners reported that key fairness issues are already brought for discussion to strategic partnerships, in which partners both support and challenge each other. It was pointed out that there are already mechanisms to establish joint scrutiny committees across local authorities and examples of where these have been successfully used for equality issues were highlighted. Partners mentioned that joint research and intelligence is already undertaken to identify priorities for fairness across partners through the Joint Strategic Needs Assessment. Partner organisations already routinely undertake equality and other impact assessments. There was mention of several activities at district level looking at issues such as poverty and welfare reform. Therefore, there was some concern from partners that a Fairness Commission may duplicate this extensive work that is already happening in Lancashire.

The local business community also expressed an interest in fairness issues and looked forward to seeing more specific detail about a Commission's terms of reference and specific objectives. The need to select a small number of Commissioners with the integrity and standing required to undertake a serious piece of work was emphasised, in order to ensure that a Commission be taken seriously by those it seeks to influence.

Another concern relates to the nature of the issues and recommendations. Some partners pointed out that many decisions that impact on fairness in Lancashire are actually made at a national level, limiting the ability of a local Fairness Commission to make recommendations that local partners can implement. On the other hand

some partners from the third sector identified that a commission could make recommendations about how to increase local resilience to negative impacts of changes at a national level.

Informal conversations with higher education institutions and organisations from the Third Sector were positive, with plenty of support offered for a Lancashire Fairness Commission. Other organisations such as Lancashire Constabulary and the Office of the Police and Crime Commissioner would also be interested in getting involved. A small number of partners said they would be willing to contribute resources to the Fairness Commission whether cash or 'in kind'.

4. Issues to be considered in the Establishment of a Fairness Commission

Our discussions with partners, other fairness commissions and the Member/Officer Working Group highlighted some key considerations in establishing a Lancashire Fairness Commission.

The **benefits** of a commission include:

- A high level of focus on addressing specific fairness issues within the County Council and among its partners.
- Enhanced opportunities for the public to have their say in how fairness can be achieved in Lancashire and for their community, and to motivate action to address inequality.
- A Fairness Commission is a key way that the County Council can demonstrate its commitment to the Marmot objectives to address health inequalities.
- At times of difficult spending decisions, the County Council and its partners can benefit from expert, independent, and investigation of current inequalities and the impact of recent changes and reforms on our population and communities.
- Having a commission gives a clear message that 'we don't have all the answers' and that the understanding of, and solutions for Lancashire's inequalities need a wider partnership approach.

The feasibility study results also indicate that the following **principles** should inform the development of a Fairness Commission:

- A commission that is viewed as pragmatic and politically independent can maximise support from across partners and different political groups.
- The aims and activities of the Commission should not duplicate existing mechanisms of scrutinising, assessing and researching inequalities in Lancashire.
- The Commission should include engagement with communities through existing engagement mechanisms.
- Although not every partner will be committed to the Commission from the start, the Commission will need an effective strategy to build support as it develops.

A key theme from discussions with established fairness commissions was the choice of Chair. The Chair needs to be a confident and already highly experienced Chair. It is proposed that the Chair needs to be fully independent from the County Council and have the integrity and standing required to undertake this role. The Chair will need to play an active role in identifying and recruiting Commissioners.

The number of **themes** that the Fairness Commission will focus on will depend on the model chosen. However it is proposed that the Chair will identify the themes for the commission. Proposed themes to be considered include:

- How can all our children and young people reach their potential?
- How can we all age well?
- How can we ensure a good standard of living and work for all?
- How can we improve our communities and where we live?

The selection of themes will be influenced by evidence about inequalities in Lancashire and the ability to influence local change in the theme area. Commissioners will then be identified based on their knowledge of, and ability to influence, the themes selected.

5. Options Appraisal

Five models for developing a Lancashire Fairness Commission have been developed by the Member/Officer Working Group informed by intelligence from other commissions and the views of partners. These are based on the three models summarised in section 3.1 above. They are:

1. Using existing processes
2. Academic model fairness commission
3. Scrutiny model fairness commission
4. Community action model fairness commission
5. Hybrid model fairness commission

The details of the options appraisal are set out in Appendix 'B'.

6. Preferred Option for a Lancashire Fairness Commission

The conclusion of the Member/Officer working group is that a Fairness Commission should be established, and that option 5 is the preferred option. This option enables us to take the best elements of other Fairness Commissions and apply them to Lancashire and allows the Commission membership and resourcing to be scaled according to the number of themes chosen and the amount of community engagement. It allows the Commission to draw on expert advice to make recommendations and for those to be tested with both representatives of partner organisations and with communities.

7. Proposed Lancashire Fairness Commission

The specific proposal for the establishment of a Lancashire Fairness Commission is highlighted below.

7.1 Structure and governance

The Lancashire Fairness Commission would consist of 21 Commissioners (one of whom will be the Chair), with roughly a third consisting of County and District Council elected members, a third of experts from the public, private and academic sectors, and a third from key organisations in the third sector. The elected member Commissioners would comprise 5 County Councillors (2 from the Labour Group and 1 each from the Conservative, Liberal Democrat and Independent Groups) and 2 District Council members. The Commission membership will reflect Lancashire's social and geographical diversity. Commissioners will give their time for free. During its life time decisions about the Fairness Commission are likely to be required to be made by the host organisation (the County Council). It is proposed that these decisions are delegated to the Leader of the County Council and the Cabinet Member for Health and Wellbeing, who will also report to Cabinet about progress with the Commission's work.

7.2 Activities and outputs

For each theme, it is proposed that a *call for evidence* is held, whereby any relevant evidence can be submitted. This will include facilities for the submission of written evidence and also audio, photographic and/or video evidence. The County Council will work with its partners in devising an inclusive engagement strategy to provide all reasonable opportunities for individuals and organisations to submit evidence in the most effective way.

It is considered that the Commission should hold at least six meetings in public, one of which will be to launch the Commission and discuss fairness principles for Lancashire, while the other meetings will focus on separate themes, geographical areas (or both). These meetings will be attended by witnesses submitting oral *evidence* and by interested members of the public. Other activities and events may be organised depending on the themes identified and the views of the Commissioners.

The Commission may also decide, depending on resource availability, to produce additional reports (such as 'evidence packs' or 'thematic reports') or to organise additional activities.

7.3 Timetable

In order to achieve effective outcomes and make the best use of resources available it is proposed that The Lancashire Fairness Commission is launched in early May 2014 and runs for nine months from June 2014 to February 2015, producing its final report by the end of that month.

7.4 Communication

Communications will need to be a key element of the Fairness Commission's. It will require a brand identity and website separate to the County Council to demonstrate

its independence. The Commission will announce events, findings and outcomes as a result of the Commission's work to the public through traditional and social media. This approach is limited to those who read local newspapers or sign up to our social media channels. However, it is also anticipated that some dedicated communications officer time will be used to co-ordinate a more comprehensive public engagement approach in collaboration with partners. This could consist of targeted events and/or campaigns. The number and extent of these will depend on whether additional resources can be secured.

7.5 Resources

The Lancashire Fairness Commission will require dedicated resource. The greatest expenditure item is officer time. Officers will be identified to work as a small project team to support the work of the Fairness Commission. Officer time will be integrated into existing roles, meaning that existing staff will be deployed to support the Fairness Commission for its duration. Based on other Fairness Commissions and the fact that Lancashire is at least twice as big as other Fairness Commission areas (in both population and geography), we anticipate that, to support the work of the Lancashire Fairness Commission, the Project Team will provide support equivalent to the following staff (for 12 months):

- 1 Full-Time Co-ordinator (or two Part-Time coordinators if different sets of skills/backgrounds are required are seen to be required)
- 1 Full-Time Business Support Officer
- 1 Part-Time (0.5) Research Analyst
- 1 Part-Time (0.5) Communications Officer

The Lancashire Fairness Commission will also require a budget. Some partners have already indicated that they would be willing to provide financial support to the commission either as cash or 'in kind'. Although, such additional resources will be sought from partners for the duration of the project, it is crucial that the Council 'underwrites' the Commission to provide it with security and continuity. It is by no means expected that all of the budget will be spent.

It is proposed that a budget of up to £20,000 will be made available to cover the following estimated costs:

- £2,000 for expenses (for commissioners and witnesses)
- £4,200 for meetings (x7 – to cover contingent costs such as fully accessible venues, BSL interpretation, etc.)
- £1,000 for various communications items (leaflets, report design, etc.)
- £1,000 specifically for web development
- £1,800 for any contingencies
- £10,000 for community engagement and campaigns

This budget can be made available from existing budgetary provision within the Public Health budget and will provide the Project Team with enough resources to deliver the work of the Commission to its potential. However, the Project Team will

be expected to deliver value for money and to maximise their efforts to secure additional funding from partners, be it moneys or in kind.

Consultations

Details of consultations with other organisations are set out in the report.

Implications:

These are set out in the report.

Risk management

This option has been selected because it provides the lowest risk to the County Council informed by lessons from established Fairness Commissions.

Should Cabinet decide not to establish a Fairness Commission there are risks that equality issues will not receive the necessary independent scrutiny, and therefore opportunities to take action to reduce inequalities will be missed.

List of Background Papers

N/A

Appendix 'A'

Terms of Reference of the Member/Officer Working Group

Terms of Reference

- 1.** To understand the learning and gain insight from existing Fairness Commissions to help decide the best option for Lancashire.
- 2.** Identify whether local partners in the public, voluntary and business sectors, including Further and Higher Education organisations, are committed to contributing to a Fairness Commission and acting on any recommendations made to them by the commission.
- 3.** Explore and have an understanding of alternative options to a Fairness Commission.
- 4.** Identify the resources needed to set up and run the Lancashire Fairness Commission, both from within and outside the County Council;
- 5.** Propose a set of themes and subject areas that a Fairness Commission would focus on if established;
- 6.** Establish the status of the Commission's recommendations, if established;
- 7.** Identify methods and strategies for hearing evidence and engaging with the public including children, young people and families.
- 8.** Propose a governance structure for the Commission, when one is established.
- 9.** Present its findings to the meeting of Cabinet on 6 March 2014.

Appendix 'B' - Options Appraisal

| Model | | Description | Strengths | Weaknesses | Resource implications | Communications implications |
|-------|---|---|--|---|--|--|
| 1. | Using existing processes | <p>Use existing equality impact assessment processes and tools to apply to significant economic, policy and spending decisions</p> <p>Monitor the use of the tools and the implementation of recommendations</p> <p>Opportunities could be taken to enhance existing tools and processes and to explore making them more consistent across partners</p> | <p>Inexpensive</p> <p>Uses existing expertise and evidence</p> | <p>Doesn't include analysis of the current situation in relation to inequality</p> <p>Lack of independence, likely to be driven by organisational priorities</p> | <p>Undertaken within existing resources</p> | <p>Initial messages to explain why we have chosen not to implement a 'traditional' Fairness Commission</p> <p>Use results and change from impact assessments when communicating decisions to stakeholders and the public</p> |
| 2. | Academic Fairness Commission model | <p>Fully independent commission</p> <p>Comprising a chair and commissioners from academic institutions and with particular knowledge and expertise of equalities issues</p> <p>10-15 Commissioners appointed based on professional expertise; personal commitment to equalities, fairness and social justice; and knowledge of Lancashire</p> <p>Time limited</p> | <p>Independent and politically neutral</p> <p>Potential to be high profile and visible</p> <p>Draws upon local expertise</p> <p>More likely to be perceived as neutral and independent</p> <p>Possibility to focus on one or two issues in depth based on evidence</p> | <p>Most resource intensive</p> <p>Risk that it will lose momentum without leadership from within host organisation</p> <p>Risk that it be perceived as a 'talking shop' without capacity for action</p> | <p>1 x full time Fairness Commission Co-ordinator</p> <p>1x full time Business Support Officer</p> <p>Dedicated communications support</p> <p>Expenses paid to experts from outside Lancashire asked to give evidence</p> <p>Possibly resources to commission research</p> | <p>Brand identity development</p> <p>Website development</p> <p>Regular communication updates to stakeholders on evidence to support decision making</p> <p>Regular updates via media, social media and website of evidence and changes made as a result of research</p> |

| Model | Description | Strengths | Weaknesses | Resource implications | Communications implications |
|---|--|--|---|--|---|
| <p>3. Scrutiny Fairness Commission model</p> | <p>Select committee type approach.</p> <p>Commissioners selected to be representative of local partners rather than for their specific expertise or knowledge.</p> <p>30 commissioners:</p> <ul style="list-style-type: none"> • 10 elected members from county and districts • 10 from third sector • 10 from across business, academic, public sector partners <p>High profile Commission patron/ chair</p> <p>Members will commission and undertake analysis and policy reviews, the results of which are presented to the commission for it to make recommendations.</p> <p>Steering Group (chaired by the Leader of the County Council) to support development of themes, agenda setting and deployment of resources</p> <p>Time limited</p> | <p>Potential to be a high profile Commission that is visible and meaningful to the public</p> <p>Potential to have visible figurehead as patron or chair</p> <p>Wide range of local knowledge and different perspectives</p> <p>Access to high level of expertise across a range of themes</p> <p>Allows the systematic consideration of many key fairness issues</p> <p>Ability to include district councils and other partners in the Commission</p> | <p>Could be perceived as resource intensive at a time when there is going to be limited capacity within the public sector</p> <p>Visibility and high profile may make it less likely that some partners will be willing to sign up to the Commission and act on its recommendations for political reasons</p> | <p>1 x full time Fairness Commission Co-ordinator</p> <p>1x full time Business Support Officer</p> <p>Dedicated communications support</p> <p>Research analyst</p> | <p>Brand identity development</p> <p>Website development</p> <p>Regular communication updates to stakeholders on evidence to support decision making</p> <p>Regular updates via media, social media and website of evidence and changes made as a result of research</p> <p>Invitations to communities to submit written evidence and attend meetings</p> |

| Model | Description | Strengths | Weaknesses | Resource implications | Communications implications | |
|-------|--|--|---|--|---|--|
| 4. | <p>Community Action Fairness Commission model</p> | <p>Focus on community action rather than expert knowledge or organisational representation.</p> <p>Premise that we are all experts in fairness. Consistent with community assets approaches</p> <p>Focus on what we can all do to make a fairer Lancashire</p> <p>Anybody can register to support the commission</p> <p>Chaired by a cabinet member or senior officer of the Council</p> <p>Members from across local communities and the third sector</p> | <p>Greater capacity for buy in from stakeholders and supporters</p> <p>Community empowerment focused, so likely to have wider benefits arising from strengthening of communities</p> <p>Potential for small and large scale changes makes it achievable for everyone to have a stake in facilitating a fairer future.</p> | <p>Risk of a lack of Strategic overview.</p> <p>Far more Communications support will be required due to the need for intensive, engagement with the public</p> | <p>Engagement Co-ordinator</p> <p>Minimal business support</p> <p>Full time Communications and engagement capacity required (possibly more)</p> | <p>Brand identity development</p> <p>Website development</p> <p>Community engagement /events programme (£10k budget plus dedicated member of staff)</p> <p>'You said; we did' advertising campaign (£30k budget)</p> <p>Regular communication updates to stakeholders on evidence to support decision making</p> <p>Regular updates via media, social media and website of evidence and changes made as a result of research</p> |

| Model | Description | Strengths | Weaknesses | Resource implications | Communications implications |
|---|--|---|--|---|--|
| <p>5. Hybrid Fairness Commission model</p> | <p>Combination of options 2, 3 and 4 above with smaller membership for reduce resources required</p> <p>7 elected members depending on whether district councils chose to participate</p> <p>14 other partners from academic, business and third sectors</p> <p>Focused – one theme at a time, not more than 2 or 3 in a year</p> <p>Programme for each theme will be:</p> <ul style="list-style-type: none"> • Understand specific fairness issues in Lancashire • Develop recommendations • Engage with communities about implementing recommendations • Stimulate programmes of community action to increase fairness <p>Time limited 2 years maximum</p> | <p>Draws upon local expertise including both experts and influencers of change</p> <p>Engages community in recommendations and community action</p> <p>Possibility to focus on one or two issues in depth based on evidence</p> | <p>Resource intensive</p> <p>Risk that it is seen as less independent than other options</p> | <p>1 Full-Time Co-ordinator</p> <p>1 Full-Time Business Support Officer</p> <p>1 Part-Time (0.5) Research Analyst</p> <p>1 Part-Time (0.5) Communications Officer</p> <p>Community engagement /events programme (£10k budget)</p> <p>All posts to be integrated into existing roles, therefore deploy existing staff to support Fairness Commission</p> | <p>Brand identity development</p> <p>Website development</p> <p>Regular communication updates to stakeholders on evidence to support decision making</p> <p>Regular updates via media, social media and website of evidence and changes made as a result of research</p> |