

LGA/European Year of Equal Opportunities for All speech

This speech was given on the 1 November 2007 by Trevor Phillips.

Thank you, Barbara.

I'm very pleased to be here today, and to recognise a few faces from an earlier life.

It is of course some years since my own short sojourn in local government - or city government as we liked to describe it when I was chair of the Greater London Assembly. But I still retain a healthy respect - indeed sometimes awe - for the people who keep our cities, towns, counties and districts working, at rather little cost to the taxpayer, and all too often with very little thanks from the citizen.

But I'm not just here to pay compliments. I am conscious I stand between you and a comfort break. I am here because our mission the task of creating a society built on fairness, dignity and respect, and confident in all aspects of its diversity is at the heart of what local government does too. Just as you are faced with the local and community resonances of global events which are reshaping our world, we at the Equality and Human Rights Commission are being asked to deal with many of the issues of inequality and fraught human relations Barbara referred to that arise from those very same global changes.

We often say that there are two great challenges for human kind in the twenty first century. One is how we live with our planet - the complex bundle of issues around climate change and waste for example. The

other is how we live with each other - the questions of how people in a free and diverse society treat each other with fairness, equality, and respect. We are here to help you, I hope, with the second - the explosive issue of how we live together better.

Our Commission is just one month old today. We are as you know partly a merger of the three legacy equality commissions the CRE, the DRC and the EOC; we also have new responsibilities for addressing the issues arising from age, sexual orientation, religion and belief, and for the promotion of human rights.

In any one day this can mean our helpline, our staff and our Commissioners will be called on to clarify the law or give guidance on areas as various as:

- how to tackle gang culture amongst young people;
- how better to ensure dignity and respect for people both old and young in care;
- what constitutes discrimination against women, pregnant or otherwise;
- what legal rights should be afforded carers;
- what books might or might not be provided in schools or places of worship;
- and whether a public authority should prioritise English translations or more English classes;
- what should be the human rights afforded to prisoners either foreign or domestic;
- what are the implications of the law on abortion for the way in which we discharge our duties to disabled people under statute ;
- and if insurance companies should be allowed to read your DNA and see whether you have a predisposition to some disabling condition, and if so whether they should be permitted to load your premiums for the risk that you might one day develop the condition that you don't currently have - or would this be yet a new dimension of inequality that should be outlawed?

And these are things that have just arisen this week, and I haven't even mentioned the fundamental question of socio-economic inequality which lies behind many of the questions which we have to confront.

Actually, I know that this range won't necessarily seem too complex to you - local government in its own way has to deal with all of this and more.

But as you will know better than most, the rapidity of social and demographic change each day makes it harder to keep up with the upheavals in our policy landscape.

Take for example, the fact that we are broadly speaking a healthier, longer living society with more choice about how many children we have. The result is also an aging society.

There are 9.4m people over the age of 65 now – there will be 12.4m by 2021. By 2050 the number of people aged over 80 will double. By 2026 the demand for informal care will also nearly double. We have at present no plan to cope with this explosion of demand. We actually rely on women who thought that 50 was the year they got rid of the kids and started to live their lives that they choose, agreeing to spend the middle third of their lives - at least - caring for their parents, and they may be a big ask of many parents.

There are more lone parents; 8% of households were headed by a lone parent in 1972. In 2005 the figure had risen to 24%. There are more stepfamilies. This government has to its credit transformed the material position of many lone parents; but a continued employment penalty of 45% confronts partnered women with children under 11 years old – a penalty by the way from which they never recover, even if they do later enter the labour market.

More of us will define ourselves as disabled over the coming years. There are around 10 million disabled adults and 700,000 disabled children in the UK. That suggests disability directly affects at least one in five adults and one in 15 children, and many more people are indirectly affected by their relationship with a disabled person, particularly if they provide informal support or care.

Ethnic minority groups are expected to grow from 9% to 11% of the British population by end of next decade. But that growth will be different from that of the past few decades. We will have more different kinds of people – in 1991 nine ethnic census categories seemed excessive to some; now even the 17 categories used in 2001 look pretty crude.

Today, one in four babies born in Britain has a foreign parent. Latest figures from the ONS tell us that our population will increase to 65m by 2015 and to 71m by 2030, largely driven by immigration. The House of Commons science and technology select committee has gone further, saying that by 2030 the number could be 83m. It's worth saying that we have never before hit the estimates - but the trend is clear.

And the point is that in a free society we cannot do much about any of this, even if we wanted to. The question rather is how to deal with the trend.

People know this and have little doubt about its importance. And that is why when you ask them, the issues that emerge at the top of the public's concerns today are immigration and care for the elderly. It is why you today - the LGA - are rightly registering concern about the effect of migration on your ability to serve your communities. And it is one reason why I welcome the remarks made by the Leader of the Conservative Party earlier this week. about population increase.

Mr Cameron, in summary argued that population growth, though broadly positive, has to be planned for many decades ahead - which is rather a novel defence of socialist planning from a Tory leader. He cited several factors that are leading to new pressures on communities - changes in family life, household formation, higher life expectancy and immigration. Most importantly, his language suggests that he would very much like to deracialise the issue of immigration - to treat it like any other question of political and economic management.

I am not naive about this. David Cameron is a politician. He knows that Britain is a country now largely unsympathetic to an immigration policy based on racial division. Understandably he wants to drain the issue of immigration of the racial toxicity which it has held for his party for some forty years. He has a big task.

Because for most of my lifetime immigration has been code for a racial question – Mr Howard's sly are you thinking what I'm thinking, Mrs Thatcher's talk of swamping and of course Mr Powell's rivers of blood.

But every journey has to begin with a single step, and if this particular Conservative party leader wants to repudiate that legacy it would be churlish, it would be wrong of us not recognise this as a turning point in British politics, one that could allow us to normalise debate on this vital issue and prevent it standing as a constant threat to community relations.

But to use yet another cliché, one swallow does not make a summer.

In seven months' time parties go to the polls in London and euro elections. Conventional parties will face opposition from outright racists. I know that our Commission will be asked for guidance as the CRE was, and we will gladly try to clarify the law for local authorities who are running elections as to where legitimate political campaigning crosses the line to straightforward racism.

But we think that in the end the best discipline on these matters must come from political parties themselves. If decent politicians can resist the temptation to deal with the far right by moving on to their ground between now and May 1st, then the political air of our country next summer will be fresher and sweeter than it has been for a generation. The test of Mr Cameron's commitment – and Mr Brown's and whichever of Mr Clegg or Mr Huhne gets the gong - isn't really what they say but what their troops do.

Having said all that, though Mr Cameron was right to focus on the prosperity that new migrants bring, all our politicians have more to do. Mr Cameron is, I guess, asking the 21st century question about immigration. But unfortunately he is giving the wrong 20th century answer in proposing that all of these issues can be solved by capping net immigration numbers.

Both past research by the CRE and new research by the Equality and Human Rights Commission which we will reveal this month show that though people care less about the race of migrants than they used to - that's a good thing – they do care about the way in which new migrants fit in; migrants themselves want to be treated as equals, and not face discrimination. But above all everyone wants things to be done fairly.

So I want to say a few words about three issues – fairness, equality and the integrated society, all of which are a part of the aim of this European Year.

Everyone knows resources for housing, health services, transport and so on are limited. But people are realistic, and these days accept that we need to share them with migrants. What, however, does drive tension and hostility is a widespread public perception that new migrants too often get unfair advantages to which they are not entitled.

And one area where this idea of unfairness is most frequently alleged - is in housing allocation. Specifically that white families are cheated out of their right to social housing by newly arrived migrants.

So what's true? To date I have never seen any reliable evidence to back up this claim. And there can be no doubt that much of the public feeling is driven by careless media and racist parties. But I don't think that it's enough merely to dismiss the suggestion. I think that rather than appearing to suppress the debate we really need to inform it with robust, independent evidence. We will never combat prejudice with silence; as Charles Dickens' Councillor Thomas Gradgrind might say – "What we need, sir, is facts!".

So I want to propose, Peter, that between us, the Equality and Human Rights Commission and you the Local Government Association, we commission the best independent study we can by dispassionate academics on whether the housing system is being abused to the detriment of anyone - including white families. If there is evidence that it is, then we have the powers and the mandate to stop the abuse and we will do so. If there is no evidence, then we can properly say that this insinuation should play no part in next year's elections or politics henceforth.

The second thing we care about is equality.

From the Commission's perspective, it is clear that the people who suffer the most from the pressures of population growth on our infrastructure are the poorest people, in the most deprived areas. Yes, we need to find ways to capitalise on the injection of energy that new migrants bring, and to bolster our infrastructure and public services to cope with new demands.

But when our infrastructure creaks, apparently because of unexpected new arrivals, it exacerbates inequality, and this has a collateral impact on community relations, leading to fragmentation and segregation.

I fully understand these pressures. White Hart Lane school in Tottenham, which Mr Cameron cited in his speech as an example of what he called the "immense pressures" faced by local authorities is the school that I went to myself over four decades ago, and I still live in the same borough.

But a general cap on migrant numbers will do little to solve its problems. Shutting out the underachieving Pakistani, Turkish or Somali newcomers will also lock out the hugely overachieving Indian or Chinese star pupil; and a cap would have little impact on the most worrying emergent group of underperformers – poorer white boys.

So the right response surely is to meet head-on the challenges of rapid and diverse population growth.

That is why we support the LGA's argument today that extra funding in the form of a £250million contingency fund should be given to areas that experience rapid population change. This will ensure that the money being generated by new migrants - some £40bn according to the LGA report - finds its way back down to the local level. And in channelling money back into mainstream services, such as housing, education, information and advice services, it will help local authorities deliver

equality and fairness at precisely the time when they are coming under the most pressure.

Ultimately, the important issue - for all the parties, for local government and for us as a Commission - is how we build an integrated society - something we will never create as long as there is a perception of unfair advantage and over-stretched resources.

Our task as a Commission is to make difference within our society a source of energy and prosperity, rather than a cause of friction and inequality.

As I said at the start of my remarks, local government is at the centre of all of these areas of difference and change. It has an absolutely key role in shaping the way we meet the challenges of our age of difference, and ensuring that we achieve good relations across the lines not just of race and faith, but also of gender, disability, age and sexual orientation.

But I think it's fair to say that local government has too frequently been overlooked as a partner in delivering equality. The Equality and Human Rights Commission will not overlook local government – we will depend on it.

We want to keep an active dialogue going with LGA and local government leaders. We want to pay close attention to the work local government is doing in promoting equality, and to highlight good practice where we can. We want to find ways of using local government's scrutiny powers to aid our efforts to keep public services attuned to the individual whatever their background. And, importantly, I want us to keep sight of the fact that on many cross-cutting equality issues, local government can be our most important partner.

And what can we do to make it easier for local government to deliver equality? You are legally obliged to meet the public sector duties actively to promote equality on the grounds of race, disability and gender. We want to make that task simpler and more effective.

First, we hope to make our organisation a more friendly, informative and effective source of guidance for you on the equality and human rights problems you face.

Second, we want to work with the LGA, IDeA, and the Audit Commission to share best practice; to put together your advisers and leaders to ensure that they find ways of promoting equality and human rights which are appropriate to the circumstances of each local authority. Specifically we would like to consider how we can use the inspection system

creatively to drive improvement in local government itself; and the scrutiny system to monitor other public authorities.

Third, we want to shift the emphasis on the fulfilment of equality duties from bureaucracy and box-ticking, and to focus instead on what brings results. This will always have a local context - different areas face different equality challenges. But for example one part of the solution pretty much everywhere, has to be better use of procurement as a tool for requiring good practice on equalities from suppliers.

Local government, as a whole, spends billions of pounds a year commissioning services from the private and voluntary sectors. The National Council for Voluntary Organisations yesterday published a report that showed that voluntary sector employment has risen 26% in the last decade, largely because government and local authorities have become purchasers of third sector services.

Just as ordinary consumers send powerful and influential messages when they buy goods and services, so local government can make a real difference to the communities they serve by demanding high standards from those organisations who take local taxpayers' money.

In all of this, as I have said, the focus needs to be on outcomes rather than processes. If local government can deliver demonstrably better equality outcomes, then, I can assure you, you won't find me complaining that fewer forms have been filled in.

Of course, we're the Equality and Human Rights Commission, and I finally just want to say a few words about our human rights remit. That's not a distinction we need to draw too starkly; rather, I think that one can inform and explain the other. Equality, without human rights standards, could be understood to mean that everyone is left, equally, with nothing. Human rights, if they're not applied to everyone equally, aren't universal - and if human rights aren't universal, then they aren't human rights.

Human rights standards have a very practical relevance for local authorities. In an environment in which councils are being asked to deliver an ever-increasing range of services from an ever-tighter budget, human rights are essential to help to make tough choices on spending decisions.

And by the way, I should say that if we think human rights are universal, we need to ensure that the Human Rights Act applies to people being cared for, for example, in private care homes on behalf of local authorities. The House of Lords ruled this year that it doesn't, despite the stated intention of the government and Parliament.

People living in private care homes need the protection of the Human Rights Act, and if that means changing the law then we will work to make sure that happens. I think most people will accept that your right to be treated with dignity and to be protected from abuse and to participate should not depend on what kind of care home you live in.

But the fundamental point is that for public services, however supplied, human rights standards provide a boundary within which local government gets to make choices. Sometimes those choices are hard, but in the end, when presented with hard choices, we have to say that having a second weekly rubbish collection isn't a human right. If a local authority can deliver a second weekly rubbish collection as well as delivering excellent social care to everyone who needs it, and stay in budget, fantastic. But if not, then human rights help us to prioritise.

If the purpose of local government is to make the area it serves better for the people who live in it, then equality and human rights need to be at the heart of everything that local government does. In this new age of difference, the task is more urgent than ever before, but the prize - a nation confident and at ease with its diversity - is worth winning. And I believe that if we can work together we will both find ourselves playing on a winning team.