

**LOCAL AUTHORITY RACE EQUALITY SCHEMES 2002
AND THEIR PREPARATION**

**HOW LOCAL AUTHORITIES IN THE WEST MIDLANDS
HAVE RESPONDED TO THEIR SPECIAL DUTIES UNDER
THE RACE RELATIONS (AMENDMENT) ACT 2000**

DECEMBER 2002

**RACE EQUALITY WEST MIDLANDS
IN ASSOCIATION WITH
GOVERNMENT OFFICE FOR THE WEST MIDLANDS
THE COMMISSION FOR RACIAL EQUALITY, BIRMINGHAM
AND WEST MIDLAND RACE EQUALITY COUNCILS AND
PARTNERSHIPS**

- **Researched and written by Dr Frank Reeves, Director of Race Equality West Midlands, with clerical support from Ms Tracey Smith.**
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EXECUTIVE SUMMARY

- ES1 This report is based on a comparison of the race equality schemes of local authorities across the West Midland region, with the aim of checking that schemes were in place, complied with statutory duties, and were likely to be effective in promoting race equality.
- ES2 The schemes of fourteen authorities (West Midland metropolitan districts, unitary authorities and county councils - but not local district councils) were analysed. The local government officers responsible in each authority for producing the schemes were interviewed to provide an insight into the process of preparation. The schemes were prepared for areas that differed greatly, for example, on the urban-rural continuum and in the proportions of ethnic minorities living there. Interviews were also held with directors of race equality councils situated in the local authority areas.
- ES3 The report distinguishes between action taken to achieve compliance with the statutory duty to promote racial equality and schemes that are likely to lead to the social realisation of racial equality. The Race Relation Act places a general duty on a wide range of public authorities to promote race equality. Local authorities are required to produce a race equality scheme to a specified format to enable them to achieve compliance. The underlying aim, set in the aftermath of the McPherson report into the death of Stephen Lawrence, is to eliminate institutional racism. To help authorities perform their duties under the Act, the Commission for Racial Equality (CRE) has produced a statutory *Code of Practice* and a *Guide for Public Authorities*. Local authority compliance will be monitored by means of Best Value Performance Indicators and a framework produced by the CRE to assist inspectorates.
- ES4 Interviews held with local authority officers responsible for preparing race equality schemes aimed to discover the context in which they worked and the practical issues they faced in meeting the legal requirements. Most officers appeared to have a corporate policy development brief, but some - about a third - were equalities or race equality specialists. Most officers were supported in their work by a committee with a membership variously consisting of council members, senior officers, external advisers, or black and minority ethnic staff or community representatives. The majority of officers was male and about a third was of minority ethnic origin.
- ES5 When asked about the problems they faced in preparing schemes, officers mentioned the timescale they had to work to, the multi-functional nature of the Council and the problem of listing all relevant functions, the absence of base-line data and the relationship of the race equality scheme to the generic equalities agenda. Officers had had to choose what level of detail to include in the scheme, whether to consult prior to, or after, publication, and whether and how to align

their scheme with the performance management process. Questions also arose as to whom the scheme was to be written for, what resources should be dedicated to it, and the level in the organisation at which it should be produced. Half of officers felt their scheme made insufficient reference to their authority's equality achievements to date. The schemes themselves contained little information about current race equality practices. A majority of officers, although technically having published their documents, still saw them as drafts requiring further work, or as 'living documents'.

- ES6 As part of their scheme, local authorities were required to list those of their functions and policies that were relevant to the general duty to promote race equality. The majority of schemes examined contained lists of functions, but function numbers varied immensely from authority to authority (and indeed from internal service area to service area). There appeared to be confusion over whether full lists of functions needed to be published as part of the scheme, or only those considered relevant. Only half of the schemes indicated relevance to one or more of the three dimensions of the general duty. Officers claimed to have experienced difficulty in understanding and undertaking what was required of them in assessing policies and functions for relevance.
- ES7 Local authorities variously interpreted the requirement to assess and consult on the likely impact on race equality of their proposed policies. Some officers made a sharp distinction between 'assessment' and a more methodologically-exacting 'impact assessment'. There were also different views on what consultation should be about, when it should be done, and with whom it should be done. Most officers admitted that there had been little consultation with the public or community groups, and where it had taken place, it had not been particularly helpful. A distinction was often made between internal consultation with council managers and external consultation with other organisations and the community.
- ES8 In setting out their arrangements for monitoring policies for adverse impact, authorities seemed to have been affected by three factors: the prevailing framework of performance management, the need generally to improve services on offer, and a recognition that ethnic monitoring had in the main been confined to the monitoring of employees. Schemes varied in their interpretation of 'monitoring', some emphasising performance monitoring, others ethnic monitoring. While recognising the need to mainstream the activities set out in their schemes by linking them with performance monitoring, officers had not yet fully worked through the implications of the need to monitor performance in regard to race equality work.
- ES9 By adhering closely to the structure set out in the Code of Practice, the schemes as a whole showed little evidence of being firmly underpinned by performance management theory or practice, or of subscribing to relevant performance measures or targets. The overall impression was of a context in which authorities were anxious to declare their good intent and to promise to monitor in future for

adverse impact, but to conceal the true extent of their ignorance in the absence of any actual racial monitoring of service uptake or satisfaction.

- ES10 All the race equality schemes examined included some comment, however brief, on publishing the results of assessment, consultation and monitoring, although a fifth was best described as minimalist in approach. 'Publication' was generally understood in the sense of making information available to any person who needed or wished to have it. It did not necessarily mean ensuring that printed materials were distributed, circulated, or read widely. A majority of local authorities recognised the need to make available results in other languages, particularly community languages spoken locally. Race equality schemes should also explain local authority arrangements for ensuring the public have access to information and services. Most followed the CRE guidelines in this respect and stated an intention of improving interpreting and translation services and of developing systems for monitoring access by racial groups to council services.
- ES11 All the race equality schemes examined contained a section on the training of staff, although some sections were brief and perfunctory. Most described the kind of training that would be offered, about half making it clear that the training would be targeted at staff responsible for producing or delivering the race equality scheme.
- ES12 In regard to specific duties relating to employment, most schemes reproduced material from the CRE code and guide. Two thirds also gave some description of current monitoring arrangements but provided little detail about the racial categories they currently used and the extent to which any data were analysed. The lack of detail in relation to current employment statistics and practices was near universal. Only two authorities made any reference in their schemes to existing or proposed targets for the ethnic composition of their work force.
- ES13 Most schemes examined included some kind of action plan, although the name of the action planning section and the format adopted in setting it out varied from authority to authority. For more than half of the authorities, the action plans described action to be taken in respect of the race equality scheme, with only a third relating action more directly to policies and functions. Only one of the schemes examined included a three-year action plan, with the great majority detailing action for a one-year period only. Plans varied considerably in the number of actions or objectives listed.
- ES14 The statutory duty to promote race equality also applies when local authorities work in partnership with other organisations. Schemes varied in the degree to which they recognised and acknowledged the new Local Strategic Partnership framework in which the local authority was working to bring service providers together with service users in order to improve services. A majority of schemes was 'inward looking' and primarily concerned with the divisional structures of

their organisation, rather than looking out towards partner service providers, service users, or communities.

- ES15 A number of conclusions may be drawn from the analysis of the schemes. There is need for clarity about what a scheme is, for whom it is written, and what it is intended to achieve. Those responsible for its production should be aware of the model of race equality delivery they intend to employ. Recognition of the three major drivers of race equality work (service improvement, human resource, and democratic drivers) and the need to make them all work together (a synergetic integration) will help in the task of eliminating institutional racism and transforming the organisation in regard to race equality. But the scheme and proposed action must engage meaningfully with local communities and with action on the ground.
- ES16 All this comes at a price, and resources have to be allocated to enable the tasks associated with the scheme to be undertaken in an expert and professional way. Action on functions must be prioritised, as must meaningful impact assessment and consultation. Tasks must be related to a performance management framework and properly managed, with base lines and targets agreed. To achieve greater synergy, there must be both internal alignment between local authority departments and external alignment with other service providers and the voluntary and private sectors. These conclusions, drawn out further in a set of recommendations, may help to improve the schemes and to achieve the aims of the general duty in local authorities and local service delivery.

Chapter 1

PURPOSE OF THE REPORT

- 1.1 In recognition of the new duty placed on public authorities to promote race equality, Race Equality West Midlands (REWM), with the support of twelve West Midland race equality councils and partnerships, undertook to monitor and compare the race equality schemes of local authorities across the region, with a view to checking that they were in place, complied with statutory requirements and were likely to be effective in promoting race equality.
- 1.2 This comparative exercise (whose findings form the body of this report) related to two other initiatives: the first, a study undertaken by REWM, and sponsored by the Government Office for the West Midlands and the Commission for Racial Equality, into the promotion of race equality and community cohesion through Local Strategic Partnerships; and the second, a joint project by the Commission for Racial Equality and Midland race equality councils and partnerships to monitor, at local level, the large number of race equality schemes that public authorities had produced in response to the amended Race Relations Act.
- 1.3 For the purposes of this study, race equality schemes were analysed for each of the West Midland region's metropolitan district councils, unitary authorities and county councils, fourteen authorities in all. In addition, local government officers responsible in each authority for producing the schemes were interviewed to provide an insight into the process of preparing the schemes. The local authorities were:

Metropolitan districts

Birmingham City Council*
Coventry City Council*
Dudley Metropolitan Borough Council*
Sandwell Metropolitan Borough Council*
Solihull Metropolitan Borough Council
Stoke-on-Trent City Council*
Walsall Metropolitan Borough Council*
Wolverhampton City Council*

Unitary authorities

Herefordshire Council
Telford and Wrekin Council

County Councils

Shropshire County Council
Staffordshire County Council
Warwickshire County Council
Worcestershire County Council

- 1.4 The first ten councils listed are single-tier authorities responsible for all local government services apart from those which have a statutory authority over areas wider than the individual districts, for example, the fire service. The last four are county councils whose areas are also sub-divided into local districts which, themselves, have locally elected councils with separate functions. The county councils provide large-scale services, such as economic strategy, planning and transport, social services, and education, while the district councils are responsible for more local ones, such as council housing, leisure, environmental health, and refuse collection.
- 1.5 This report is limited in scope, dealing only with the race equality schemes of single-tier authorities and county councils, and not with the schemes of the counties' district councils.
- 1.6 The schemes cover areas that differ in geographical spread, on the urban-rural continuum, in industrial activity, and, crucially, in the size and settlement patterns of black and minority ethnic (BME) communities. Authorities with larger BME populations often have a history of policy and practice in relation to race equality work, whereas authorities with much smaller BME numbers - often thinly dispersed across rural areas - are only just starting to attend to issues of race. The seven authorities distinguished above by an asterisk are also in receipt of Neighbourhood Renewal (NR) fund money, a government grant targeted at the 88 most deprived areas in the country.
- 1.7 Local authorities receiving NR funding have to show they have formed a Local Strategic Partnership (LSP) which has achieved accreditation and that they have agreed a Local Neighbourhood Renewal Strategy. One of the criteria for accreditation requires the LSP (in which the local authority is expected to play a lead role) to engage meaningfully with hard-to-reach groups (such as young people, refugee groups, faith groups, travellers, and black and minority ethnic groups). In Neighbourhood Renewal Areas, therefore, local authority race equality schemes might be expected to show some recognition of partnership arrangements and measures to improve 'inclusivity'.
- 1.8 In order better to compare and assess the race equality schemes collected in the course of this research, a race equality scheme checklist, or audit instrument, was developed by REWM (which is included as Appendix A) and used for assessment prior to, and as a preparation for, the interviews with local authority officers.

- 1.9 The race equality scheme checklist, still at a developmental stage, was conceived with local councils specifically in mind. It was not intended as a generic instrument for analysing and assessing race equality schemes as a whole. While elements of the checklist may be applied more widely, REWM officers believe that the adequacy of a scheme can only be judged in relation to those produced by other organisations of the same family, or with similar functions, and within a concrete local historical and geographical context.
- 1.10 The set of interviews with local government officers was conducted with a view to finding out what lay behind the variation in approach displayed by the different schemes and the problems and decisions faced by those allocated responsibility for producing them. Local authority respondents provided a useful insight into the difficulties encountered in interpreting the *CRE Code of Practice* and applying it to the multi-functional complexity of local government organisation.
- 1.11 In addition to the analysis of local authority race equality schemes and interviews with local authority officers responsible for producing them, interviews were also conducted with the directors of race equality councils and partnerships situated in the local authority areas covered by the schemes, thus enabling a comparison to be made between the responses of the local authority officers and the race equality directors. The scheme for an authority spanning more than one race equality council area of benefit was assessed by all race equality council directors operating in the area (eg., Staffordshire). A race equality director whose area of benefit spanned more than one authority provided assessment of more than one scheme (eg., Telford and Shropshire REC for Telford and Wrekin Council and Shropshire County Council). In Solihull, where there is no race equality council, no assessment of this kind was possible.
- 1.12 Directors of the following race equality councils and partnerships were interviewed:
- Birmingham Race Action Partnership (Birmingham City Council Scheme)
 - Coventry Racial Equality Council (Coventry City Council Scheme)
 - Dudley Racial Equality Council (Dudley Metropolitan Borough Council Scheme)
 - East Staffordshire Racial Equality Council (Staffordshire County Council Scheme)
 - Herefordshire Race Equality Partnership (Herefordshire Council Scheme)
 - North Staffordshire Racial Equality Council (Stoke-on-Trent City Council Scheme, Staffordshire County Council Scheme)
 - Sandwell Ethnic Minority Umbrella Forum (Sandwell Metropolitan Borough Council Scheme)
 - Telford and Shropshire Race Equality Council (Telford and Wrekin Council Scheme, Shropshire County Council Scheme)
 - Walsall Strategic Race Equality Partnership (Walsall Metropolitan Borough Council Scheme)

Warwick District Racial Equality Council (Warwickshire County Council Scheme)

Wolverhampton Race Equality Council (Wolverhampton City Council Scheme)

Worcestershire Racial Equality Council (Worcestershire County Council Scheme)

- 1.13 It is important at an early stage to draw out the essential distinction between, on the one hand, complying with the letter of the law in pursuit of the general duty to promote race equality by undertaking the statutory designated steps, methods or arrangements that constitute the specific duties and, on the other, achieving the long-term socially-beneficial goal of eliminating discrimination and promoting equality of opportunity and good race relations. It is possible, of course, to have an apparently first-class legally-compliant race equality scheme and yet to fail dismally to promote race equality, or to have a perfunctory scheme with an excellent practical track record of good relations. Somehow, it is necessary to look behind the paper scheme to see how well it is grounded in the actual practice of the local authority. One important feature of any scheme, therefore, must be the way it reflects, demonstrates, or builds on current practice to set and achieve realistic targets.
- 1.14 The distinction between legal compliance and effective social realisation is important to bear in mind in the course of discussing the schemes. There is a tendency in local government to assume that the task has been accomplished when legal duties (in this case, the specific duties) have been met.
- 1.15 While the aim of the law is to promote racial equality, far more is needed than a bureaucratic conformity or compliance. The schemes and accompanying action plans have to demonstrate an understanding of local race relations, the aspirations of local ethnic groups and communities, realistic performance measures and targets, as well as imaginative strategies for achieving the improved and fairly-allocated services envisaged.
- 1.16 The production of a race equality scheme that conforms in every way with the template set out in the CRE's Code of Practice does not imply that an authority is fulfilling its general duty. Nevertheless, the way that the scheme is written or produced may provide clues as to how and to what extent the general duty is being exercised. The conclusion (chapter 11) and recommendations (chapter 12) draw out the many lessons to be learned from this analysis and the way forward to improving not only the schemes but local councils' race equality work generally.

Chapter 2

POLICY CONTEXT

- 2.1 The Race Relations Act places a general duty on a wide range of public authorities to promote race equality. All the authorities listed in schedule 1A of the Act must, in carrying out their functions, have due regard to the need to:
- eliminate unlawful racial discrimination.
 - promote equality of opportunity, and
 - promote good relations between people of different racial groups.

The McPherson report

- 2.2 The general duty was introduced by the government in the aftermath of the McPherson report, an inquiry into matters arising from the death of Stephen Lawrence in 1993. The report did not confine itself to recommendations relating to the investigation and prosecution of racially motivated crimes but resulted momentarily in a definition of institutional racism as:

"the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people" (para 6.34).

- 2.3 Although at the time concerned primarily with policing, the report made it clear that public institutions could not afford to be complacent about the services they delivered and urged them all to examine their policies and practices "to guard against disadvantaging any section of our communities" (para 46.27).
- 2.4 Determined to prevent any repetition of the events highlighted by the McPherson report and to act effectively to eliminate institutional racism in public life, the government passed an amendment to the 1976 Race Relations Act, placing a general statutory duty on a wide range of public authorities to promote racial equality.

General duty and specific duties

- 2.5 The aim of the general duty is to make the elimination of discrimination and the promotion of equality of opportunity and good relations central and integral to the way public functions are performed and services are provided. Indeed, the adequacy of the services themselves is to be judged on whether they cater fairly for all sections of the population which need them.

- 2.6 To ensure the general duty is met the Home Secretary has imposed on listed public authorities special duties in the areas of policy-making, service delivery and employment. These special duties are set out and explained in detail in the Commission for Racial Equality (CRE) *Code of Practice on the Duty to Promote Race Equality*.
- 2.7 The Code's aim is to help public authorities to adopt good practice and to eliminate racial discrimination. The specific duties imposed by order of the Home Secretary came into effect on 3 December 2001, with those public authorities bound by the duties required to have timetabled and realistic plans for meeting the duties in place by 31 May 2002.

The race equality scheme

- 2.8 All fourteen councils which form the subject of this report are required to publish a race equality scheme. The arrangements that the scheme must describe are not ends in themselves, but the necessary basic means for meeting the overall general duty. The Code of Practice recognises that some public authorities will already have made progress towards putting these arrangements in place, while others might want to do more than the necessary minimum. By publishing a race equality scheme, the public authority becomes accountable for its proposals for meeting the duty.
- 2.9 The Race Relations Act, the accompanying Statutory Duties Order 2001, and the CRE Code specify, in some detail, the form and content of a race equality scheme. The scheme should include:
- a list of functions and policies (including proposed policies) that are assessed as being relevant to the general duty to promote race equality.
 - arrangements for assessing and consulting on the likely impact of its proposed policies on the promotion of race equality.
 - arrangements for monitoring its policies for any adverse impact on the promotion of race equality.
 - arrangements for publishing the results of assessment, consultation and monitoring.
 - arrangements for ensuring public access to information and services.
 - arrangements for training staff in connection with the general duty and specific duties.

- 2.10 Most public authorities – including the fourteen local authorities examined here - must also monitor their staff and applicants for jobs, promotion and training by racial group. If the organisation has more than 150 full-time staff, it must also monitor by racial group the number of staff who receive training, are subject to appraisal, are involved in grievances or disciplinary action, or terminate their employment.
- 2.11 The list of functions and policies integral to the scheme and, therefore, the scheme itself should be reviewed every three years (from 31 May 2002). The scheme can be part of a more general equality strategy or improvement plan, providing it can be identified as meeting the statutory requirements of the race equality scheme.

Commission for Racial Equality *Guide for Public Authorities* (purple book)

- 2.12 To help public authorities, such as local councils to produce a race equality scheme, the CRE, in addition to its statutory code of practice, issued a (non-statutory) guide for public authorities (purple cover). The guide explains in more detail the general duty, the way it relates to the specific duties, and the specific duties themselves. It provides answers to questions such as:
- What is the reason for the scheme?
 - What should the scheme include?
 - Does the scheme need special procedures?
 - How should the scheme be published?
 - What are meant by 'functions' and 'policies'?
 - How will we know if a function or policy is relevant to the general duty?
- 2.13 To assist in this last task, the guide includes an assessment grid for assessing the relevance of functions or policies to the general duty, which has been widely reproduced in many of the race equality schemes examined in the course of this research, either in completed form, or as a blank exemplar, of what needs to be done. The guide (purple cover) goes on to explain the reasons for racial monitoring, how to monitor impact, assess and consult on proposed policies, and possible publication methods.

Partnerships

- 2.14 The CRE Code of Practice emphasises that listed public authorities (which category includes the local authorities studied in this report) should take into account their general duty to promote race equality, and any specific duties, when they work with other public, private, or voluntary organisations. A public

authority such as a Council, working within a partnership, would need to seek agreement from its partners to arrangements for planning, funding and managing any joint work aimed at meeting its statutory race equality duties. The Code of Practice makes it clear that public authorities should refer in their schemes to the functions they perform in partnership with other service providers.

Best Value Performance Indicators

- 2.15 In addition to having to promote race equality, local authorities have many other statutory duties to perform and must demonstrate improvements in the services they offer on an annual basis. The government measures their performance against a statutory performance management framework, usually referred to as 'Best Value', which provides for annual reporting of a set of national performance indicators and standards specified under section 4 of the Local Government Act, 1999. The Best Value Performance Indicators (BVPIs) are meant to provide for a rounded view of a broad range of local services and to assess the quality of a service, the efficiency with which resources devoted to a function are used, and the service users' experience of service delivery.
- 2.16 There are two types of BVPI: Best Value Corporate Health Indicators which give a snapshot of how well the authority is performing overall, and Best Value Service Delivery Indicators which enable comparisons to be made between the services provided by different authorities. Five dimensions of performance are distinguished:
- strategic objectives: why the service exists and what it seeks to achieve.
 - cost/efficiency: the resources committed to a service and the efficiency with which they are turned into outputs.
 - service delivery outcomes: how well the service is being operated in order to achieve the strategic objectives.
 - quality: the quality of the services delivered explicitly reflecting users' experience of services.
 - fair access: ease and equality of access to services.
- 2.17 In addition to the performance indicators specified by the government, local authorities are also encouraged to develop and use local performance indicators to show their responsiveness and sensitivity to local needs. The government guidelines stipulate that targets for improvement should be set and monitored for local, as well as national, indicators.
- 2.18 Best Value Performance Indicators, as the main statutory performance management system for local authorities, have important implications for race

equality work and compliance with general and specific duties under the Race Relations Act. It would seem essential in planning and delivering race equality to ensure performance is monitored and managed. Economically, it makes no sense to introduce a new system for managing race equality performance separate from the existing mainstream Best Value approach.

- 2.19 In recognition of this, increasing alignment is occurring between the government's Best Value indicators and the statutory requirement to promote race equality through undertaking special duties, such as producing a race equality scheme (but see Chapter 6 and 11).
- 2.20 In 2002/2003, for example, local authority housing services are expected, as a BVP indicator, to measure the satisfaction with the overall service provided by them as landlords of their black and minority ethnic tenants in comparison with the satisfaction of their non-black and majority ethnic tenants (BVPI 74).
- 2.21 In 2003/2004, the BVP Corporate Health Indicators will be amended substantially to take into account the promotion of race equality. Each local authority will be expected not only to specify the level of the *Equality Standard for Local Government in England* to which it conforms, but to show that it has in place an effective race equality scheme and that there are continuing improvements accruing from the application of the scheme. The criteria for assessing a race equality scheme are explicit.
- 2.22 Because of their importance for ensuring local authorities are paying due regard to race equality, the BVP indicators relating to the duty to promote race equality are presented in full as Appendix B of this report. The criteria include:
- a list of relevant functions and policies.
 - a realistic strategy.
 - clear priorities and targets.
 - a timetabled, three-year action plan.
- 2.23 The Best Value assessment also attaches great importance to measurable improvements in, for example:
- the representation in the workforce at all levels of the variety of ethnic groups in the local area.
 - reducing differences between ethnic groups in the profile of service users based on need and relative to the local population.

- reducing differences between ethnic groups in satisfaction rates among service users.
- reducing differences between ethnic groups in service outcomes.

A framework for Inspectorates

- 2.24 The Commission for Racial Equality has also produced a framework to assist inspectorates in assessing whether the public authorities they inspect meet the new statutory public duty to promote race equality. It is suggested that the framework be adapted to the templates and methodologies which the various inspectorates already use for their inspection regimes. The aim is to make sure that the inspections of the new public duties form part of the full range of mainstream inspection work.
- 2.25 The framework, in the form of two related columns, sets out the *evidence* required in a race equality scheme to show compliance with the duty to promote race equality, together with the *outcomes* that an authority is expected to achieve. Evidence and outcomes are presented in great detail under the standard headings provided in the Code of Practice, eg., the list of functions and policies assessed as relevant to the general duty, arrangements for assessing and consulting on the likely impact of proposed policies. This represents the CRE's thinking on and approach to monitoring local authority performance in relation to their duties under the Act.

Chapter 3

ORGANISATIONAL CONTEXT

- 3.1 Interviews held with local authority staff responsible for preparing race equality schemes were aimed at discovering the context in which they operated and the practical issues with which they were faced in attempting to comply with the legal requirements and the structure outlined in the *CRE Code of Practice*. Each scheme of course, was produced within a specific organisational context. The research attempted to explore that context in order to make sense of the differences between the schemes.
- 3.2 Local authority officers directly responsible for preparing race equality schemes were interviewed. The term 'preparation' was defined here as drafting, writing and/or collation. In most cases, the researcher succeeded in interviewing those who had prepared the scheme. In one instance, however, the person was no longer in post and a successor was interviewed. In another, someone else who had worked on the scheme was asked to deputise for the person in charge. On three occasions, other members of officer teams were present. Many authorities distinguished between the senior officers (eg Deputy Chief Executive) with lead responsibility and the member of staff who actually prepared the draft document. The interest here, is in the latter's role and contribution.
- 3.3 The officers were attached to different departments or divisions of the local authority for which they worked. It is difficult to compare one authority with another because of the different ways in which they are internally structured into divisions, departments, or service areas. A majority of the officers, however, dealt with policy issues either in a chief executive's corporate policy or central services unit. Just under a third was attached to a human resource function or section, whether situated in central services or elsewhere. It was not possible, however, to detect any greater inclination towards promoting race equality in employment - rather than in services - in schemes produced by those with a human resource base or background. Other connections were with organisational performance, community governance, and a centrally-located equalities division.
- 3.4 Most officers appeared to have a generic corporate policy development brief, but some - about a third - were equalities or race equality specialists, with this responsibility reflected in their job title. Although it is dangerous to draw any firm conclusion from such a diverse and numerically small set, one admittedly impressionistic observation was that the race specialists had produced schemes that engaged with a more recognisably race equality or equalities agenda, while the corporate policy officers were more inclined to refer to the local authority performance management framework.
- 3.5 Internal arrangements for preparing schemes varied considerably from authority to authority. Most officers were supported by a standing or, in some cases,

specially-formed advisory committee or working party, often with a membership of council members, senior officers, external advisers, or black and minority ethnic staff or community representatives. In a handful of cases, race equality council directors were members of these internal advisory bodies.

- 3.6 It was not clear, however, how often advisory committees had met, what quantity or quality of advice had been offered, or what input they had made to the final schemes. Generally, the schemes' authors gave the impression that much of the responsibility for drafting the schemes and collating inputs from service departments had fallen on them - a somewhat lonely and onerous experience - and that advisory committees in the main had had the role of legitimating the various drafts that had been produced. Other arrangements included committees of senior managers charged largely with the identification and assessment of council functions.
- 3.7 Of the officers responsible for preparing the schemes, 65 per cent were male and 35 per cent female, and 30 per cent were of minority ethnic origin. All were asked why they had been chosen and why they considered themselves suited or qualified for the work of preparing the scheme.
- 3.8 Respondents answered by describing their job responsibility, their experience, or their qualifications. Responsibility was usually for equal opportunity or local government policy initiatives. Experience was usually of many years (10 to 20 years was often cited), mostly in local government (50 per cent), but also in equalities or race equality work (35 per cent), or community development (7 per cent). Qualifications mentioned included degrees in race equality, employment law, community education or development, and membership of the Institute of Personnel Development.

Problems

- 3.9 Officers were asked about the problems they had faced in preparing the scheme. Most complained about the timescale they had been forced to meet in producing the scheme and the late approval of the CRE's *Code of Practice*. Some felt the CRE guidance, particularly in respect of multi-functional organisations, such as local authorities, was inadequate. Similarly, others emphasised the difficulty in listing and assessing functions. The absence of base-line data, the lack of examples of worked race equality schemes, difficulties of engaging locally, or consulting, with black and minority ethnic communities, and the relationship of the race equality scheme with the generic equalities agenda, were also mentioned.

Choices

- 3.10 Officers had faced a number of choices when setting out to prepare the scheme. The most commonly-mentioned choice was what was described as the level of detail or comprehensiveness to aim for in a scheme, for which there was no

guidance. This issue arose, in particular, in relation to the selection and assessment of functions. Another issue was that of whether to undertake consultation prior to, or after, preparation of the scheme, generally resolved by the imposed timescale in favour of consultation, post-publication. Officers were also faced with the question of how to align their scheme with the business planning and/or performance management process, a problem that does not seem to have been very satisfactorily resolved in the schemes themselves.

- 3.11 Whom the scheme was to be written for presented another conundrum: was it to be a management instrument or a document on which to consult with the community? And what resources needed to be allocated to ensure the success of the exercise? Finally, should the scheme be written at a corporate level or delegated down the line to service areas, to ensure community engagement and staff ownership?

Generic equalities versus race equality

- 3.12 Most local authorities had pursued policies on equality of opportunity and race equality for many years before public authorities acquired the statutory duty to promote race equality. Local authorities' responses to the requirement to produce a race equality scheme can partly be understood in the context of the efforts and resources they had invested in the past in this direction. In urban areas, in particular, councils had appointed dedicated staff, often attached to equalities teams, to develop policy and improve practice.
- 3.13 In some of the more rural areas, with comparatively small ethnic minority populations, initiatives may have been more limited but, nevertheless, some equal opportunities policies would have been introduced in areas such as human resources, or the ethnic monitoring of children in care or in local schools. Most local authorities would have responded in some way to pressure from local government departments, the Commission for Racial Equality, local communities and pressure groups and others to the need to provide suitable services for their local population.
- 3.14 At least twelve of the local authorities in this survey, had adopted the Commission for Racial Equality's *Race Equality Means Quality* standard prior to preparing their race equality schemes. (Informants in the other two authorities did not know whether their authority had adopted REMQ, or did not want to say.) And half of the authorities had reached level two or three. In the last year, a majority had also adopted, or had been about to adopt, the Local Government Association's *Equalities Standard*, approved by the Commission for Racial Equality, Equal Opportunities Commission and the Disability Rights Commission.
- 3.15 The background for many authorities, then, had been one where they had already installed a race equality standard and were working towards more demanding levels of performance. Latterly, this standard had been replaced by one involving

the generic equalities of race, gender, and disability. And, more recently still, they had been required to comply by 31 May 2002 with the statutory duty to promote race equality by producing a race equality scheme. While resigned to getting on with the job, most officers were critical of what they saw as a confused message, which left them with the dilemma of how to continue pursuing an equalities policy while, at the same time, having to concentrate their resources on the statutory race equality scheme requirement.

- 3.16 Various solutions had been adopted. Wolverhampton was alone in producing an equalities scheme which it believed met its statutory duty to promote race equality, while allowing it to adhere to its longstanding generic equalities policy. Birmingham was also engaged in producing a corporate equalities scheme. It saw its race equality scheme as separate but forming one segment of its generic scheme. Stoke, too, saw the race equality scheme as a fraction of its overall equalities initiative.
- 3.17 Other authorities, however, had decided to prioritise, or reprioritise, race equality because, as most respondents pointed out, they were conscious of their legal obligations under the Act. Besides, for many, the amount of work involved in producing a generic scheme would have been greater and more onerous in the limited time available. Most of the county councils would have preferred to have produced a generic equalities scheme, believing it more suited to their circumstances, but felt they would be struggling in the timescale available merely to achieve legal compliance with the Race Relations Act.

Equality achievements to date

- 3.18 When asked whether they felt their scheme made sufficient reference to, or was effectively built on, their organisation's equalities achievements to date, half of local authority respondents felt that it had not done so. Some qualified their response with comments such as 'no, because it is a general statement', 'no, that wasn't its purpose and that's not the best way to publish achievements' or 'no, it's meant to be a broad statement and we're not starting from scratch'. Of those that felt that the scheme did build on achievements, more than half hinted that it was because they were starting from a low threshold. The schemes themselves, as pointed out elsewhere, showed little sign of being evidence-based, of being supported by assessments of impact, or of setting targets against base-line assessment.
- 3.19 One major criticism of the schemes themselves was that they contained comparatively little information about the current state of affairs in regard to council race equality practice or achievement. They did not appear to be sufficiently engaged with, embedded in, or grounded on, the reality of local race relations, or on what was actually occurring in the locality and community on a day-to-day basis. This situation was probably exacerbated by the self-evident

lack of input into the schemes, prior to their publication, from voluntary and community groups.

For whom was the scheme written?

- 3.20 For whom, it was asked, had the scheme been written? Usually, more than one audience was identified. Six of the 14 officers interviewed mentioned the CRE, or the government as their primary audience, 8 saw it as a management tool for local government, 4 felt it was for BME communities and 4 cited local citizens and communities. No one specifically identified partners or partnerships (other than communities).
- 3.21 The question of the scheme's target audience seemed to come as a surprise to some respondents who gave the impression that they had not as yet given the matter much thought. It was clear, nevertheless, that a majority saw the importance of the document primarily as a means of achieving legal or managerial compliance, and only secondarily as a route to promoting race equality.

Final three-year schemes or drafts?

- 3.22 Public authorities were expected to produce their race equality schemes by 31 May 2002. The consultation draft of the Commission for Racial Equality's Code was issued on 3 December 2001, coming into effect on 31 May 2002. Councils had effectively six months to produce their race equality schemes in accordance with the structure set out in the Statutory Order and Code of Practice - which remained in draft form until the day on which legal compliance was required. Unsurprisingly, local authority officers felt that the preparation of the scheme had been rushed and that they had had to work to a document that had not been finalised.
- 3.23 It was against this background that they were asked what they believed to be the status of their scheme: was it the final three-year document, was it a draft for consultation to be amended, adopted and published at a later stage, or something else beside? All schemes were technically 'published' on local authorities' individual websites. But officers of only six authorities regarded them as final finished documents, the others treating their scheme as drafts, first-stage affairs, or 'living documents'.
- 3.24 At the time the research was undertaken, three of the six final finished documents had been printed and produced in a glossy format with graphics. Nearly all of the others remained in an A4 word-processed format.
- 3.25 Officers who claimed their schemes had unfinished status felt that this provided them with an extended opportunity (beyond 31 May 2002) to make improvements through, for example, undertaking further consultation and responding positively to criticism or comment, or preparing more detailed action plans. On three

occasions, the expression 'living document' was used in an interview. At least two officers saw their schemes as interim and of one year's duration only, with a full three-year scheme coming into effect on 31 May 2003.

- 3.26 Officers of schemes with unfinished status were somewhat cagey about the schedule for formal cabinet or committee approval of their schemes, although it has to be assumed that most, if not all, schemes had been formally adopted.

Chapter 4

IDENTIFICATION OF FUNCTIONS AND POLICIES

- 4.1 Public authorities are required to list in their race equality scheme the functions and policies (including their proposed policies) that are relevant to the general duty to promote race equality.

The Code of Practice suggests that for each function or policy, public authorities might ask:

- whether, and how, each of the three parts of the general duty (eliminating discrimination, promoting equality of opportunity and promoting good race relations) applies.
- what racial groups are affected, and
- whether there is any reason to believe that people are, or could be, differently affected because of their racial group.

- 4.2 The Code proposes the following questions as test of relevance:

- Is there evidence that the function or policy is affecting some racial groups differently?
- Is there any public concern that the function or policy in question is causing discrimination?
- Is there any public concern that the function or policy is damaging good race relations?

The CRE guide suggests that while prioritising functions may help organise and plan action, the terms of the act require authorities to look at *all* relevant functions and policies and the scheme should allow for a review of this kind.

- 4.3 Two thirds of the schemes examined contained a list of the functions performed by the local authority, usually in the form of an appendix, but where functions had been listed, their number ranged from as few as 14 to as many as 648. While all schemes dealt in some way with the issue of identifying functions and policies, those that did not contain lists, would usually state either that the exercise of identification had been undertaken, or that it was the Council's policy or intention to undertake it. Some schemes did not contain a separate list of functions, but had nevertheless demonstrated that the exercise had been conducted by listing functions for review in their accompanying action plan.

- 4.4 As stated above, analyses of functions varied immensely in detail and specificity, with some authorities clearly having spend a great deal of time and effort in compiling lists and scrutinising them for relevance. Those responsible for preparing the schemes often confessed that they had spent many days persuading the various service areas to return their lists and to conform to a standard format. Some wondered whether the government or the CRE could have had multi-functional organisations, such as local councils, in mind, when the schedule to the Act and the Code of Practice were finalised.
- 4.5 The general guidelines issued by the CRE and subsequent training sessions had not been sufficient to reduce the scope for interpreting how many functions to list and in what detail, nor apparently, to determine whether the list of functions needed to be published as an integral part of the scheme to ensure legal compliance. Neither was it clear whether a major distinction had to be made between policies and functions, although one scheme at least had attempted to separate them.
- 4.6 Sometimes an authority chose to list all its functions and policies, sometimes only those its considered relevant to the general duty. Most authorities had made use of the CRE's specimen assessment grid, some of them including it in their scheme as an indication of the exercise they were proposing to undertake, some of them completing the grid for each of their functions and including it as an appendix.
- 4.7 Comments were sought from local authority officers on the experience of preparing the list of relevant functions. Half of the respondents raised the issue of whether the CRE could possibly have had multi-functional organisations such as local councils in mind when the Statutory Duties Order, CRE Code of Practice and Guide were written. All officers had been presented with the question of which and how many - of as many as a thousand - functions they should identify. Dissatisfaction was expressed with the quality of the guidance that had been given: it wasn't straightforward or easy, and prioritisation might have been somewhat arbitrary.
- 4.8 Some officers reported that they had dealt with the problem by fully delegating the decision on relevance to service areas. Others said the task had been difficult until the decision had been taken to relate functions to measures of Best Value, although it was recognised that the latter did not capture the full range of activity. Others said they had used the list already prepared for the e-governance exercise. A general complaint was that while a standard spreadsheet would be issued to different sections of an authority, it would come back variously completed in non-standard form.
- 4.9 Of those schemes where functions had been listed, only half had attempted to indicate their relevant to one or more of the three dimensions of the general duty and only a quarter to indicate relevance to a specific racial group. In short, of the fourteen schemes examined, only four (approximately a third) showed any

evidence that they had analysed functions as relevant to an aspect of the general duty. And only one demonstrated, tangentially, any recognition of public concern in respect of the current performance of a function.

- 4.10 One scheme and possibly others, seemed to confuse evidence of no effect with no evidence of effect, as in "we found no significant evidence of discrimination or public concern about discrimination". This distinction is of considerable importance in race relations and lies at the heart of the continuing failure to recognise institutional racism. The purpose of the race equality scheme is to make sure that functions previously considered as impartial or neutral in their effect on racial groups (no evidence of effect) are critically tested to see whether they do after all have differential racial impact.
- 4.11 The schemes did, however, provide evidence of an understanding of the need to prioritise functions, with over half of councils claiming to have done so.
- 4.12 In relation to functions performed jointly with others, less than half of the schemes made any reference to joint coordination of services or collaboration with partners in their delivery and only a third saw how partnership policy might have a bearing on the performance of functions.
- 4.13 Even when schemes included comprehensive lists of functions, it was extremely difficult to compare functions in one authority with those in another because they differed so much in name, description and level of detail given. Nevertheless, a cursory examination gave the impression that some functions that had been assessed as having little or no relevance to the general duty by one authority had been assessed as having some or great relevance in another. Similarly, there were differences between authorities in their assessment of which aspect of the general duty a particular function related to. Walsall's thorough treatment of street care was a useful reminder of how less newsworthy council services might still play a significant part in race relations.
- 4.14 What emerges from examining the schemes and talking to the officers who produced them is the ambiguity inherent in the term 'assessment' in the context of identifying functions relevant to race equality. While this is explained at some length in the CRE's *A Guide for Public Authorities* (purple book), the initial process of assessing functions was for most officers conducted almost intuitively, with very little evidence (particularly, evidence gathered through prior racial monitoring of services) available to them.
- 4.15 Thus, the following CRE advice, while sound in principle, could not readily be followed:

'Check whether the policies you use to carry out a function affect all racial groups equally.'

'Look for any significant differences between the information available on the different racial groups in the population and the information you hold on the people served by each function and its various policies.'

'Make sure your findings are correct. You should do this in several ways: for example, by going through recent surveys or research which you (or other authorities) might have carried out; checking past complaints and cases; or consulting people directly, through local meetings, focus groups or interviews.'

- 4.16 The fact remains, however, that very little research of this kind existed, particularly in low-profile local authority service areas, each with their own particular functions. Officers freely admitted they had no idea as to whether, how, or why functions such as health and safety, pay-roll, waste management, pest control, building control, property acquisition and disposal, or relocation schemes impacted differentially on racial groups. They were, however, prepared to hazard a guess about functions such as sickness absence, harassment and bullying at work, libraries, domestic violence and schools admissions, despite the fact that here, too, they had little or no evidence of differential impact. The sheer number of functions and the scale of assessment for relevance, however, do need to be borne in mind in any appraisal of this first set of race equality schemes.

Chapter 5

ASSESSMENT AND CONSULTATION ON IMPACT OF PROPOSED POLICIES

- 5.1 Public authorities are required to set out in their race equality schemes their arrangements for assessing, and consulting on, the likely impact on race equality of their proposed policies.
- 5.2 Local authorities had variously interpreted this requirement and gone about meeting it in different ways. Officers had to decide on whether to assess and consult on only *proposed* policies, or on functions and policies more generally, in the recognition that most functions and policies had not previously been assessed for differential impact on racial groups, and one (CRE-recommended) way for making the assessment was by consulting with people directly.

Assessment

- 5.3 There was also confusion as to whether this exercise was the same as that of identifying or assessing functions as relevant to the duty, or demanded a separate and more formal process of impact assessment involving the use of demographic data, research findings, comparisons with other local authorities' policies, ethnic monitoring and specially-commissioned research. In this regard, the CRE guidance proposes that the assessment should take account of as much information as possible and be written up as a formal 'impact assessment report', to indicate whether and how a policy should be revised in the light of the assessment.
- 5.4 In the context of the ongoing policy development and delivery of a multitude of different functions by local authorities, this requirement, if interpreted in accordance with the guidance, would amount to a heavy, if not impossible, task. As one officer expressed it: "our services have grown up over time and in response to legislation, rather than as a result of local needs analysis. We don't have much idea about the impact of our services on the general population, let alone on our different ethnic groups."
- 5.5 When REWM discussed with officers what they understood by 'assessment' in the context of a race equality scheme, the responses covered a range of views, such as: acting on your best hunch, seeking the opinion of a race equality officer or expert, listening to members of ethnic minorities and acting on their suggestions, undertaking and acting on ethnic monitoring statistics, or commissioning serious social scientific research. Some officers made a sharp distinction between 'assessment' and a more methodologically-exacting 'impact assessment' which they imbued with almost mystical efficacy.

Consultation

- 5.6 The requirement to consult was interpreted in different ways, too. As before, consultation could take place merely on the likely impact of *proposed* policies or, more generally, on the impact of all or some of existing council services, particularly those assessed to affect ethnic minorities in different or adverse ways. Consultation might also occur on the race equality scheme itself.
- 5.7 Often, local authority officers were apologetic for not having consulted about policies and functions *prior* to publication. They had not felt it possible to undertake meaningful consultation on the impact of policies in the short time scale available for producing the schemes. When asked who had been consulted about the schemes prior to the 31 May 2002 deadline, most officers admitted that consultation had not as yet taken place with members of the public or community groups.
- 5.8 Officers were questioned specifically about the involvement of black and minority ethnic groups and/or local race equality councils in the preparation of their race equality schemes. Ten authorities (two thirds) admitted to there having been no involvement with black and minority ethnic groups prior to preparing the first draft and publication, two claimed to have had some limited contact, and two to undertaking some or a lot of direct consultation.
- 5.9 Half of the authorities had had no prior involvement with a local race equality council in the preparation of their scheme, while half had had some form of contact. Race equality officers had sat on various committees which had contributed to the preparatory process, or had been asked to comment on early drafts of the scheme.
- 5.10 Most local authority officers defended the decision to undertake consultation on schemes or functions *after* publication on the grounds that the time scale available left no other option, or that it was important to consult on a definitive document, or that they had acted on the advice of CRE officers or consultants.
- 5.11 Where consultation had taken place prior to, or post publication, many local authority officers observed that it had been a fruitless exercise, with little or no response to the consultation exercise from black and minority ethnic groups, race equality council, the voluntary sector, or the general public.
- 5.12 A number of the schemes, as well as of the officers who wrote them, made a distinction between *internal* consultation with managers in the different sections and service areas of the council, and *external* consultation with other organisations and individuals in the community. In most instances, consultation had taken place internally, but not externally, by the time of the scheme's publication. The phenomenon of internal consultation, however, meant that most officers were able to claim with impunity that some consultation had taken place.

- 5.13 Most schemes contained a separate section dedicated to assessment and consultation and reflecting the race equality scheme framework as set out in the Home Secretary's Order relating to specific duties and in the CRE Code of Practice. One authority, however, had separated assessment and consultation into two sections. Two other authorities had combined assessment and consultation with divisional/departmental action plans, presumably on the grounds that consultation needed to be specific to function or purpose. All authorities, however, had made proposals for assessment and consultation if some proposals were vague and unspecific.
- 5.14 As a whole, proposals were not well grounded in existing assessment and consultation practices, and only half of the schemes examined mentioned local authorities' current arrangements. Some schemes made reference to their local authority's consultation strategy which either existed as a separate document or was in the process of preparation. Just over half of the schemes went into detail about the methods of assessment and consultation which it was proposed to adopt or which were already in place.
- 5.15 Many schemes, however, named specifically the organisations, communities, or individuals that were to be consulted. As mentioned above, about one fifth of authorities intended to arrange consultation specific to a service or theme. Less than half of authorities made a proposal to consult strategic partners and only one had a proposal to explore the possibilities for undertaking assessment and consultation jointly with other service providers. The number of authorities proposing to consult with 'partners' probably overstates the commitment, as the term 'partner' is defined by context. In some instances, it might mean members of a Local Strategic Partnership, while in others, for example, it refers to the tier of district councils within a two-tier county council.
- 5.16 One notable feature of a fifth of the schemes examined (and expressed more widely by officers themselves) was an interpretation of 'consultation' to mean consultation targeted exclusively at those deemed to be the main beneficiaries of the duty to promote race equality, namely ethnic minorities. This limited view of the role of consultation may have been inadvertently encouraged by the CRE's guidance for public authorities (purple book) which advises: 'Your aim should be to make sure that ... people from all ethnic backgrounds are consulted, and that their views are taken into account when developing various policy options'. In the public mind, in which white people do not regard themselves as belonging to an ethnic group, 'ethnic background' has come to mean 'minority ethnic background'. Some schemes, therefore, seem to focus entirely on consultation with ethnic minority groups, in one case including in an appendix of consultees a list of only ethnic minority, faith, and race equality groups.
- 5.17 A quarter of the schemes examined acknowledged that there might be a need to consult with some local communities in languages other than English, and

promised interpreting and translation services to assist in the process. Most schemes expressed the intention of consulting with local race equality councils and partnerships. (Solihull, without a race equality organisation, promised to contact race equality councils in Birmingham and Coventry.)

- 5.18 While most schemes and the officers responsible for them made clear their wish to consult widely with individuals, voluntary groups and communities, only a minority of schemes was circulated with a structured consultation questionnaire or form aimed at seeking opinions on the various issues raised.

Had race equality directors been consulted?

- 5.19 Of the twelve race equality directors working in the local authority areas covered by the schemes, five claimed not to have been consulted nor to have been involved in any way in the preparation of their local authority's or local authorities' race equality scheme. Others had sat on committees that had advised on the preparation of the scheme, or in drawing up action plans. Some said they had been consulted before or after publication and some were allocated a role in implementing the provisions of a scheme. Eight race equality councils were mentioned by name in the schemes, usually in reference to the consultation process, or to their being a source of advice and assistance.
- 5.20 Race equality directors were asked whether their local authorities had contacted them at any time in relation to the setting of racial equality targets, consultation, impact assessment, monitoring, improving access to information, or training. Many reported that some contact had taken place, most usually in relation to consultation and improving public access to information. Few, however, reported contributing to the setting of race equality targets, impact assessment, monitoring of services, or training. When asked, however, whether the local authority treated them as a partner in relation to the promotion of race equality in the area, two thirds of race equality directors said that they did.
- 5.21 A majority of RECs/REPs was critical of local authority race equality schemes, describing them variously as 'not very joined up', 'unspecific on targets', 'quite badly-written version of the CRE code', 'insufficient attention to partnerships', 'neglectful of and patronising towards local communities', and 'concentrating on process rather than outcomes'. Positive comments were that they were 'a starting point', 'improving rapidly', 'realistic, deliverable and not over-ambitious' and 'very good'.

Chapter 6

MONITORING FOR ADVERSE IMPACT

- 6.1 Public authorities are required to set out in their race equality scheme their arrangement for monitoring their policies for any adverse impact on race equality. While monitoring policies for adverse impact is demarcated as a separate task in the CRE code, the schemes showed evidence of an overlapping and merging of this category with the preceding one of assessing and consulting on impact and the subsequent one of publishing assessment, consultation and monitoring reports. Even when separate sections were clearly labelled, elements were prone to stray from one category into another.
- 6.2 In setting out their arrangement for monitoring policies for adverse impact, authorities seemed to have been affected by three factors: the prevailing framework of performance management, especially in the form of the Best Value Performance Plan, the need generally to improve services on offer, and finally, a recognition that ethnic monitoring had, in the main, been confined to the monitoring of employees. Schemes varied, therefore, in their interpretation of 'monitoring', some emphasising the need for performance monitoring in the light of evidence of differential racial impact, others underlining the need to develop ethnic monitoring for the major service areas.
- 6.3 Birmingham City Council's scheme, for instance, boasted an established track record in implementing an equality-related performance monitoring system and framework, and promised to bring together a basket of race-equality-based performance indicators, measures and BVPIs (but the scheme is published separately from the action plan). By way of contrast, the Sandwell Borough Council scheme stated a commitment to monitoring policies for adverse impact on particular racial groups, with action proposals based on evidence of over or under-representation of different racial groups, service satisfaction, and whether services took into account cultural needs, or the effect of discrimination.
- 6.4 The effectiveness of a race equality scheme, of course, is likely to depend on whether it is conceived as an instrument of management and on how well it is cemented into existing management structures. CRE guidelines seem to emphasise information and assessment, rather than performance and achievement (except perhaps in their insistence on action planning). Local authorities, however, are bound up ever more tightly with Best Value Performance Indicators and might have been expected to relate their scheme to their mainstream performance management system to ensure outcome delivery. In deciding on the nature of the monitoring task, local authority officers did not appear to have been informed or influenced by the *CRE Performance Guidelines for Local Authorities*, which became available only after the schemes were drafted. These guidelines do seem to suggest that the term 'monitoring' is meant to relate to performance management.

- 6.5 While local authority officers interviewed were conscious of the demands of performance management, they had not yet fully worked out its implications for race equality work, nor incorporated a performance model into their schemes by, for example, establishing base lines and setting realistic and timed targets. Some, nevertheless, had managed to make reference in their schemes to those Best Value Performance Indicators which related to race, with half of the schemes making general reference to the need to measure performance.
- 6.6 Local authority officers were asked how they thought their schemes had taken into account the need to manage performance and existing local authority performance measures. Of fourteen councils, respondents for ten claimed to have related schemes to the Best Value Performance Plan, although the schemes themselves did not always reflect this claim. Many officers were insistent that race equality schemes should relate to the key policies of the council and not simply be 'add on' or 'stand alone'. It was essential that race equality be 'mainstreamed' and this could only occur within the overall performance management framework.
- 6.7 When it was pointed out that a scheme as it presently stood showed little evidence of a performance management approach, this was met with retorts such as: 'well, it's the intention', 'it's early days yet', 'the departmental action plans will show a relationship', 'the scheme is not the leader', 'I work closely with the performance management officer', 'there is a strong tie because of the principal officer's other role' and 'every theme has a specific action plan'.
- 6.8 In the counties, anxiety was expressed about the lack of base-line data on ethnicity or local ethnic minority groups which made it difficult not only to undertake assessment, but to establish targets or indicators of improvement. Some respondents criticised Best Value Performance Indicators as lacking sophistication and being currently incapable of measuring race equality at local level. They were not thought to be the best or only way to measure advances in race equality promotion.
- 6.9 At a later stage of the interview schedule, respondents were asked whether race equality targets and performance measures had been made sufficiently explicit in the scheme. Of the officers interviewed, four said they had, five said they hadn't or hadn't yet, and three said they had to a limited extent, for example, in the employment area. Two respondents revealed that the expressions 'targets' and 'performance measures' were understood broadly to mean 'actions', as in the action plans that formed part of the schemes.
- 6.10 While the monitoring dimension of the specific duty provided an opportunity to develop schemes which made use of performance management theory and practice, most schemes showed that the monitoring process was seen as related

primarily to information gathering and reporting in preparation for a further subsequent decision-making process.

- 6.11 By adhering closely to the structure set out in the Code of Practice, the schemes as a whole showed little evidence of being firmly underpinned by performance management theory or practice, or of subscribing to relevant performance measures or targets. Where Best Value measures or targets were included, no convincing explanation was offered as to how the designated targets were to be achieved. There was, in fact, a tension throughout, with performance indicators and targets appearing to have been inserted somewhat uneasily into the official format.
- 6.12 Coincidentally, the race equality council directors commented independently and intuitively on the difficulties of assessing schemes that seemed to concentrate on information gathering, rather than on outcomes. Anita Kumari, director of Warwick District, pointed out how much easier it would have been if the scheme she had in mind had highlighted year-on-year achievement, for example, of an increase in the number of BME teachers the authority employed. Authorities needed to demonstrate improved outcomes, and the schemes as they stood did not do this.
- 6.13 The overall impression was of a context in which authorities were anxious to declare their good intent and to promise to monitor in future for adverse impact, but to conceal the true extent of their ignorance in the absence of any actual racial monitoring of service uptake or satisfaction.
- 6.14 There was no way of telling from the schemes themselves whether much was known about differential service uptake. Indeed, schemes were conspicuous in containing no reference to past service-monitoring assessments or reports, or to actual examples of adverse impact on particular racial groups. There was virtually no evidence in the schemes themselves that the possibility had ever previously been considered that service provision (in contrast to employment opportunities) might be unevenly and unfairly distributed on racial lines.
- 6.15 Obviously, in major service areas, such as education and social services, monitoring arrangements must have been in place, but the general corporate race equality schemes did not contain this information. One of the major weaknesses of the schemes as a whole, was their failure to show how the proposals for improved services (provided fairly to all, irrespective of race) were grounded in existing good practice.

Chapter 7

PUBLICATION AND ACCESS

Arrangements for publishing assessment, consultation and monitoring reports

- 7.1 Public authorities are required to set out in their race equality schemes their arrangements for publishing the results of any assessments, consultations and monitoring they carry out to see whether their policies have an adverse impact on race equality. The CRE guide (purple cover) insists that public authorities must publish the monitoring results for *every function or policy* that is relevant to the general duty, as well as all assessment and consultation reports, in order to be accountable to the public, to demonstrate commitment, and to win and keep public confidence.
- 7.2 A detailed list of the information that should be published, as well as of publication methods, is provided in the guide. Authorities are advised they can use whatever methods they normally use (for example, a newsletter or annual report), or publish results separately. They will need, however, to ensure that information is reaching people from different racial groups, possibly by translating information into languages other than English. Posting information on a website is suggested as a cost-effective way of reaching a wide audience, although a reminder is given that not everyone will have access. Public notices might be placed in the local, national, or specialist press. Curiously, the CRE guidance notes on publication do not refer to the race equality scheme itself. This might also be published and some authorities were bound to see it as an important means of communicating their intent to the general public and to BME groups.
- 7.3 Race equality schemes showed a propensity to combine or merge the section on publishing assessment, consultation and monitoring reports with the section on arrangements for assessing and consulting on the likely impact of proposed policies, and/or with the section on arrangements for making sure the public have access to information and services. All the schemes examined included some comment, however brief, on publishing results, although one fifth might best be described as minimalist in their approach.
- 7.4 'Publication' was generally understood in the sense of making information available to any person who needed or wished to have it, rather in the same way as individuals or agencies might obtain sight of unrestricted, above-the-line council reports. 'Publication' did not necessary mean ensuring that printed materials were distributed, circulated, or read widely, although some local authorities had clearly set themselves this task.
- 7.5 Views on publishing assessment, consultation and monitoring reports varied enormously. Some treated it as an extension of performance management

requirements, with just under half suggesting results be included in the Best Value Performance Plan.

- 7.6 At least two authorities made a formal distinction between internal and external publication, providing examples of each, but others tended to emphasise either internal or external forms of publication. A statement that publication would involve the 'democratic reporting process with summaries appearing as a contribution to relevant committee reports' serves as an example of internal publication, while a proposal that presentation be made to a community forum constitutes external publication. Herefordshire distinguished between three groups (staff, councillors and the community) for which different methods of publication (for example, team briefings, scrutiny committee reports, and local area forums, respectively) might be suited.
- 7.7 Two of the schemes made clear that their intention was to delegate consultation and publication on service provision to particular service areas or departments and not to undertake the function at a collective corporate level. The underlying idea was that particular services were provided for specific groups who would only provide a meaningful response when asked about the services they used. One of the authorities that took this approach had taken the decision early on to produce nineteen specific service area schemes to encourage 'ownership'.
- 7.8 Either under the heading of publishing results, or under public access, a majority of local authorities recognised the need to make available the results of assessment, consultation and monitoring reports, as well as of the scheme itself, in other languages, particularly community languages spoken locally. Some, but not many, had gone as far as to indicate in other languages in the scheme itself that various translation and interpreting facilities were available to improve the accessibility and understanding of the document. Overall, however, it was difficult to tell from the schemes what degree of help with languages other than English that the council was prepared to provide. Was it a telephone interpreting service, or the race equality scheme translated and published in Punjabi?
- 7.9 Some councils offered a list of publication methods. Wolverhampton, for example, intended to include publishing updates in its Best Value Performance Plan, its annual report and accounts, the Council newsletter, the human resources bulletin for staff and on its website. A yearly report on the progress of its scheme would be presented at the City Action Forum.

Arrangements for making sure the public have access to information and services

- 7.10 Public authorities are required to set out in their race equality scheme their arrangements for making sure that the public have access to the information and services they provide. The CRE guide explains that authorities must make sure that everyone, whatever their racial group, can get information about services, but that in practice this means identifying and focussing on those people who do not

appear to know about them or who face barriers (for example, of language) in accessing them. People from ethnic minorities may be especially disadvantaged by lack of information.

- 7.11 The CRE recommends authorities to find out for their areas what information and services people need, and to monitor how information and services are used. When this is established, barriers might be identified and changes made to improve availability. All this requires service use to be racially monitored.
- 7.12 Access to information might be improved in a variety of ways, for example, by publishing in other languages, using interpreters when needed, keeping community leaders informed, speaking directly to community groups, and making sure information reaches women and young people from ethnic minorities. The guide provides a list of suggestions as to how access to services might be improved. This includes holding sessions in local venues, and for local ethnic minority communities, appointing community-liaison workers, making use of ethnic minority mediators, training staff and setting clear standards of conduct for them, and working with local community organisations.
- 7.13 Race equality scheme sections on access to information and services show evidence of incorporating many of these suggestions verbatim. Telford, for example, intended: to ensure that the location of its information points took into account the distribution of BME communities, to use ethnic minority advocates, and to set clear standards for how staff should conduct themselves.
- 7.14 One obvious omission from most schemes, however, was any account of how local authorities were currently going about ensuring public access to information and services. While one or two schemes made reference to the existence of a corporate communication strategy, little, if any, detail was offered as to how local authorities currently provided public access to information and/or services or targeted information at BME communities.
- 7.15 Rarely was any indication given of how an existing communication policy would have to be amended or developed to take into account council relations with BME groups, unless this was intended to be covered by the section on consultation. Indeed, mention of BME groups and the local REC was largely in the context of consultation about schemes, functions and impact assessment and not, on the whole, related in any specific way to improving public access to information and services, although this might have been one consequence of the consultation process.
- 7.16 Few schemes showed recognition of the possibility for providing information or services jointly with partner service providers.
- 7.17 Many authorities planned to improve interpreting and translation services and to develop more thorough systems for monitoring access by racial groups to council

services. On the whole, however, the proposals did not offer instances of existing good practice, nor go much beyond the suggestions offered in the CRE purple guide. And in many cases the section was barely distinguishable from that of publication.

Chapter 8

TRAINING AND EMPLOYMENT

Arrangements for training staff

- 8.1 Public authorities are required to set out their arrangements for training their staff in connection with the general duty to promote race equality, and any specific duties.
- 8.2 The CRE guide (purple cover) draws attention to the fact that many public authorities have a long history of training staff on race issues (although there is little reference to this in the schemes examined here). The guide also makes a distinction between two types of training need: those of (i) staff who have special responsibility for managing the race equality scheme itself, and (ii) all public authority staff who must go about their jobs without discriminating unlawfully. Training of the first kind should include: a general understanding of race equality issues as they affect public authorities (for example, explaining the idea of 'institutionalised racism'), how to introduce policy in large organisations, the general and specific duties, the concept of a race equality scheme, and how to carry out assessments, consultation and monitoring, and produce and publish reports on them.
- 8.3 All the race equality schemes examined contained a section on the training of staff, although some sections were brief and perfunctory. Most described the kind of training that would be offered, about half making it clear that training would be targeted at staff responsible for producing or delivering the race equality scheme. About three quarters of authorities stated that the training would be differentiated according to staffing function, with a number elaborating substantially on the content of the intended training syllabus. About a quarter of authorities declared an intention of eventually offering training to all staff, while others said they would train variously, managers and/or elected members, steering group members, front-line staff, or people from community organisations. No scheme contained a proposal to train jointly with other public authorities, or members of the Local Strategic Partnership.
- 8.4 Two authorities treated race equality training as a matter for their constituent departments or service areas and not as a central responsibility, which may have reflected the way these organisations allocated their training budgets. While some authorities mentioned former arrangements for race equality or equal opportunity training, most were silent about their previous achievements in this field. In interview, local authority officers were keen to point out that their authorities had run training programmes and to mention successes and failures.

Arrangements in relation to specific duties in respect of employment

- 8.5 The local authorities that are the subject of this study are required to monitor, by reference to the racial groups to which they belong, the numbers of staff in post, applicants for employment, training and promotion, those receiving training, those incurring benefit or detriment as a result of performance assessment, those involved in grievance procedures or subject to disciplinary procedures, and those terminating their employment. The Code of Practice suggests that public authorities might find it useful to include specific employment duties in their race equality scheme, and all but one of the authorities studied here produced schemes with a section dealing with employment matters.
- 8.6 Authorities are expected to monitor applicants and employees to enable them to develop race equality schemes that will lead to a public sector workforce that represents Britain's multi-ethnic population. The CRE guide (purple cover) explains the objectives of the monitoring exercise as to: ensure people's talents are used to the full, ensure staff selection is based on objective criteria, avoid unlawful discrimination in employment, monitor employment targets and achieve a workforce more representative of the community served by the organisation. The guide addresses the questions of what needs to be done, what to monitor, what information to collect, what ethnic categories to use, what to do with the results, and how they should be published.
- 8.7 Information from the CRE code and guide had inevitably found its way into the race equality schemes, to such an extent that they appeared very similar in their approach, promising, essentially, to introduce, improve, or make greater use of, racial and ethnic monitoring data.
- 8.8 About two thirds of schemes gave some description of current monitoring arrangements, but provided little detail about the racial categories they currently used and the extent to which any data were analysed. There was no mention, for example, of the software available, its limitation and the practicalities of whether and how all the functions listed under the specific employment duty would be dealt with.
- 8.9 This lack of content in relation to employment arrangements was near universal. Only one authority included information about the current ethnic breakdown of its workforce. Only one other commented on the accuracy/adequacy of current staffing information. Practical proposals for monitoring (selection of categories, new IT systems, etc) were mentioned in just under half of schemes. And only one authority proposed amending the recommended monitoring categories to take into account local circumstances. (In this case, it was proposed that the category of gypsies/travellers be added.)
- 8.10 It would have been comparatively easy for public authorities to set targets for employment in relation, for example, to the proportion of ethnic minorities in the

general workforce, or at different levels in the organisation. Only two authorities made any reference in their schemes to existing or proposed targets for their workforce, although some of them must already have had them in place, or considered them in the past, for areas such as teaching and social work.

- 8.11 This absence of detail and convincing performance management targets in relation to employment provides a further example of the overall lack of grounding of the schemes in the practical day-to-day reality of the major service departments.
- 8.12 Neither was there much evidence of the sections on the employment duty reflecting or relating to any broader human resource policy. Only a third of local authority schemes could be said to have recognised any link between the employment duty and broader considerations of staff treatment and development generally, although a few mentioned the need to tackle the possibilities of racial harassment and bullying.
- 8.13 In service areas identified as unrepresentative of the community, local authorities might have been expected to have made proposals for encouraging the recruitment of underrepresented groups or, in the absence of any applicants in the first place, to develop access courses or fast-tracking arrangements. Evidence for this kind of thinking was entirely absent from the schemes as was the important and useful concept of the tracking of applicant/employee progression through the organisation.
- 8.14 The fact that these approaches to human resource management were not mentioned in the schemes, does not, of course, mean that nothing of the kind was going on in local authorities, nor indeed that it would not appear in action plans still in the process of preparation.

Chapter 9

ACTION PLANS

- 9.1 Most local authority race equality schemes consisted of four sections: (i) a statement of arrangements for assessing and consulting on the impact of policies, monitoring policies, publishing the results of assessments and consultation, ensuring public access, and training staff in their statutory duties, (ii) a statement of arrangements for monitoring by reference to racial group, job applicants, staff and personnel functions, (iii) a list of functions and policies relevant to the promotion of race equality (usually provided as an appendix), and (iv) an action plan, explaining the action that was to be taken to meet the statutory duty (again usually presented as an appendix).
- 9.2 The CRE Code of Practice defines an action plan as a practical and realistic plan with an agreed timetable, showing how an authority is planning to meet its duties. The scheme itself, as a whole, is considered to be that timetabled and realistic plan, setting out the authority's arrangements for meeting the general and specific duties. Nevertheless, all the schemes examined for the purpose of this research treated the action plan as *part* of the scheme, although, for one authority, the part was detached and published separately from the scheme, and, for two others, it was the most sizeable part of the scheme. Thirteen of the 14 schemes examined, therefore, included some kind of action plan. They were not always called action plans, with headings such as 'timetable', 'key targets', 'what we have to do', 'activities', or 'priority list'.
- 9.3 In the case of the authority whose action plan was not attached to its scheme, an assurance was given that a separate and comprehensive plan would shortly be made available. In the case of the composite scheme (where a sub-scheme had been produced for each of the authority's nineteen services areas), each sub-scheme contained its own action plan.
- 9.4 Formats for action plans varied from authority to authority, but most were produced as spread sheets with a range of column heads, for example:
- what we have to do / how we will do it.
 - objective / lead department / community plan priority / priority groups benefiting / planned outcome / performance indicator / target date.
 - task / proposed action / measure of success / target date / who owns it.
 - business unit / activity / outcome / post responsible.
 - service / action / responsibility.

- what we will do / to achieve ... / by when / resources required / lead responsibility.
- key actions / by whom / by when.
- business unit / target date / milestone / post responsible / priority.
- action / by whom / by when / how.
- action / timetable.

- 9.5 The column heads showed an emphasis on: tasks or activities, the timescale for embarking upon or completing the activities, allocation of responsibility for undertaking the activities and, to a lesser extent, setting of targets, specification of performance, or attempts at prioritisation. The level of detail and the specificity of the tasks set down varied considerably from scheme to scheme.
- 9.6 A key distinction between action plans rested in the staging or development of the action. For more than half of local authorities the action plans described action to be taken in respect of the race equality scheme itself to fulfil its stated intentions or objectives, for example, to undertake consultation, monitoring, or assessment, or to produce a more comprehensive action plan. For a further third of authorities, the action related more directly to policies and functions, which, it has to be assumed, was the purpose of the scheme and plan.
- 9.7 Another distinction can be made between those action plans that dealt with action to be taken on a wide range of local authority services (a general review of the impact on race equality of all kinds of function across an authority) and those that focused on the traditional remit of local authority race equality issues and the work and activities of race equality officers. There was overlap, of course, but plans of the second kind could be identified not only by the listed action, but from the column allocating responsibility (largely to the equalities team). A small number of the plans fell into this second category.
- 9.8 Given that the assessment of functions and policies (which lies at the core of a race equality scheme) has to be reviewed every three years, it would be rational to expect that the accompanying action plan would cover a similar period. Only one of the schemes examined included a three-year action plan, with the great majority detailing action for a one-year period only. Other schemes were unspecific about timescale. A couple of the one-year plans added a list of broad topic or service area headings for years two and three. Some of the one-year plans were concerned only with delivering the various promises made in the body of the race equality scheme itself.
- 9.9 Most action plans listed actions, activities or tasks, but some spread sheets referred to objectives. Only four made any reference to targets, milestones or

achievements, which tends to confirm the observations made elsewhere that the action plans were relatively unintegrated with local authorities' performance management systems.

- 9.10 Plans varied considerably in the number of actions or objectives listed. Some identified as few as seven tasks, others as many as 43 (for one year), averaging out at 24 per scheme. (The composite scheme, consisting of 19 sub-schemes and action plans, has been excluded from this calculation.)
- 9.11 Descriptions of actions or objectives also differed greatly in their specificity and measurability, some remaining as very general statements of intent. Actions, of course, are not outcomes, and very few of the spreadsheets included proposed targets or achievements along-side actions.
- 9.12 In conclusion, most authorities had included action plans as add-on appendices to their schemes. None of the schemes was conceived entirely as an action plan, although the action plan was a main feature of two of the schemes. Action plans varied in the basic information they contained (for example, in the specificity of the task, and in the allocation of responsibility or time) and in the number and kind of actions listed. Most action plans examined here covered a period of one year - not three - and did not include targets or performance indicators. Many seemed to be intended as 'holding operations', either describing the measures needed to complete or 'operationalise' the race equality scheme itself, or setting out somewhat minimalist programmes of information gathering and impact assessment.

Chapter 10

PARTNERSHIP ARRANGEMENTS

- 10.1 Local authorities have acquired a statutory duty to promote race equality, a duty which also applies when they work with other organisations in partnership. They have also played a lead role in establishing Local Strategic Partnerships (LSPs). As lead partners within their LSPs, local authorities have the task of coordinating and improving the delivery of public services in partnership with others. It might be expected, therefore, that they would have made a connection between their duty to promote race equality and their efforts to improve service delivery through partnership work.
- 10.2 In what way did the race equality schemes studied here reflect the new partnership and community initiatives that lie at the forefront of the government's drive to encourage the formation of Local Strategic Partnerships? This section examines the degree to which local authorities have managed to align their race equality policies and action plans with the work of the LSPs and to engage in collaborative approaches to race equality promotion with other public authorities and the private and voluntary sectors.
- 10.3 The schemes varied considerably in the degree to which they recognised and acknowledged the new LSP framework in which the local authority was working to bring service providers together with service users in order to improve services. Three of the fourteen schemes could be said to be structured in a way that demonstrated a recognition of the new partnership agenda and its implications for service coordination and delivery. Another three schemes made reference to the local partnership environment, but could not be said to demonstrate an understanding of its significance for the promotion of race equality in service delivery.
- 10.4 While the terms 'partner' or 'partnership' might have appeared in other schemes, there was no textual evidence in them of an awareness of the partnership environment. The term 'partners' in the county council context was often used to refer to the district councils that formed the second tier of county services.
- 10.5 An analysis of the schemes showed a majority to be 'inward looking' and primarily concerned with the divisional structures of their organisation rather than looking out towards partner service providers, service users, or communities. Nevertheless, there were some good examples in three schemes, produced by urban authorities, of partner and user orientation (see REWM, 2002).
- 10.6 Very little formal or informal contact had taken place between local authorities and local LSPs in preparing or consulting on schemes. Most local authority officers reported that the LSP or its members had *not* been involved at any stage in the preparation of their race equality scheme.

- 10.7 When local authority officers were asked directly whether their scheme or action plan took into account the organisation's objective of working to deliver services in partnership with others, five claimed that they did, with nine admitting that they did not do so, or did not do so sufficiently. The schemes and action plans themselves did not support the minority's positive claim.
- 10.8 When asked how they felt the scheme related to the Council's broader community strategy, developed in partnership with others, three local authority officers said their schemes took it very much into account, one said the community plan had not then been published, and the rest agreed that the relationship was probably insufficiently explicit, or weak.
- 10.9 More specifically, six authorities (of fourteen) claimed that their schemes had taken into account the community plan, four (out of seven) the neighbourhood renewal strategy, five the crime reduction and community safety strategy, two the local learning partnership plan, one the health improvement plan, and one the early years development and child care strategy.
- 10.10 When asked their views on joint consultation, joint assessment, joint monitoring and joint publication on race equality schemes and action plans, most local authority officers recognised arrangements of this kind would be valuable. Some officers expressed reservations, however: it might 'deflect responsibility', 'cause confusion', 'lead to averaged-out answers', 'result in duplication' or cause 'consultation fatigue'. There needed first to be clarification of the methodology.
- 10.11 More detail about the way local race equality schemes have taken into account the partnership context in promoting race equality can be found in REWM (2002) *Promoting race equality and community cohesion through Local Strategic Partnerships*.

Chapter 11

CONCLUSION: HOW SCHEMES MIGHT BE IMPROVED

Policy context

- 11.1 The general and specific duties placed on public authorities by the Race Relations Act arose from the government's recognition, in the light of the McPherson report into the death of Stephen Lawrence, of the need to take action against institutional racism. Special duties in the areas of policy-making, service delivery and employment have been placed on certain public authorities to help them adopt good practice and to eliminate racial discrimination.
- 11.2 Local councils (fourteen of which are the subject of this particular study) are expected to publish a race equality scheme. This is 'a timetabled and realistic plan setting out the authority's arrangement for meeting the general and specific duties'. The Race Relations Act, the accompanying Statutory Duties Order 2001 and the CRE code set out the framework and content that the scheme must possess.
- 11.3 The preceding chapters of this report examine in detail each part as specified in law of the scheme and the way in which West Midland local councils have worked individually to achieve compliance with the race equality scheme requirement. Despite the detailed specification for the scheme, individual schemes themselves varied in content from authority to authority.
- 11.4 The arrangements described by the schemes, it should be remembered, are not ends in themselves but the means for meeting the overall duty, which is aimed at eliminating the kind of institutional racism highlighted by the Lawrence report. The schemes, therefore, must be judged not only on whether they comply technically with the law (probably most of them do, although the law has still to be interpreted), but on whether they are likely to be effective in getting rid of racial discrimination and in promoting equality of opportunity and good relations between people of different racial groups.
- 11.5 It is in this latter respect that the current structure of the schemes (as determined by the statutory duties order and the CRE code) and the manner in which it has been practically interpreted needs to be questioned. Are the schemes, as currently structured, likely to be effective in the drive to eliminate institutional racism? Could they have been differently structured?
- 11.6 One criticism made by local authority officers and race equality directors was that the schemes as they currently stood had been hastily produced as minimal formal gestures to the necessity of complying with the new law, and were not as yet fully integrated or mainstreamed with the central business of the councils. There was

insufficient clarity of purpose about what the schemes were, for whom they had been written, and what they were intended to achieve.

- 11.7 Another self-evident but rarely remarked-on feature of the schemes is their implicit model of delivery. It is possible to distinguish at least four local authority models for, or stages of thinking about, race equality delivery (see table below). Historically, the first is that of *policy as statement of intent*, with most local councils having adopted declarations of their intention not to discriminate racially in employment or in the supply of goods or services in accordance with the provision of the Race Relations Act, 1976. In recognition, however, that good intention is no defence against evidence of indirect discrimination, most councils have long since modified their approach in favour of an *evidence-based decision-making model*.
- 11.8 This second management model has been adopted, developed and formalised by councils for at least the last twenty years. It lays claim to be based on a needs analysis of local communities, followed by the setting of objectives and the allocation of resources to meet the needs identified. Action plans, specifying responsibility and deadlines, helped in a move towards the active management of race equality outcomes. A later stage in the evolution of the model was to shift attention from a mere analysis of need (in relation to a service) to an assessment of the impact of a service on the satisfaction of a need (impact assessment).
- 11.9 The third model still steadily being introduced across the public services as part of the government's modernisation programme is that of *performance management*. Here, the focus shifts still further away from intentions and specific means or actions to achieve goals, towards the achievements themselves. Each authority must establish base lines and adopt targets to be met to a timetable. Local government Best Value Performance Indicators, described in Chapter 2, are a sign of the application of this approach. The management task is to ensure delivery to targets already established against base-line evidence.
- 11.10 The race equality scheme, as can be seen from the foregoing description of the content of its various sections, has been conceived with the second model of evidence-based decision-making in mind. The emphasis is very much on impact assessment and monitoring to find evidence of differential racial effect, with the tacit assumption that further decisions and action will be taken, if suitable evidence comes to light. There is a presumption (correct in most of the instances explored in this report) that the evidence of differential impact does not yet exist and must be sought, thus shifting the onus of the scheme towards the collection of evidence and away from immediate delivery of a remedy, the accomplishment of which is regarded as a target.
- 11.11 Yet the dated evidence-based decision-making management model, implicit in the race equality scheme specification, sits uneasily with the emerging performance

management approach, and has resulted in one further somewhat bizarre refinement. It could best be termed *retrogressive performance management*.

11.12 In an effort to monitor local authorities' compliance with the general and specific duty to promote race equality, the government has for 2003/2004 created a new Best Value Performance Indicator that requires a local authority to show that it has a race equality scheme in place. But in recognition that the scheme so recently introduced is insufficiently performance-orientated, the Best Value assessment descriptor adds that great importance is also attached to *measurable* improvements.

LOCAL AUTHORITY RACE EQUALITY DELIVERY MODELS	
MANAGEMENT MODEL	FEATURES
1. Traditional local authority race equality policy.	<ul style="list-style-type: none"> • Statement of values, rules, regulations, good practice. • Emphasis on good intent and on reassuring public of that good intent. • Training to improve understanding, attitude, and practices of staff. • Very little attention paid to studying actual practices, to monitoring differences or outcomes, or to acting on differences.
2. Evidence-based decision making.	<ul style="list-style-type: none"> • Attention paid to finding out who uses the services and why and to discovering the needs of individuals and communities. • The aim is to establish need and then to advise or adapt services to meet those needs. • Action plans are prepared by service departments setting out what it is proposed to do (actions or objectives), by whom and by when. • Action is conceived as three stages: (i) gathering information on need (ii) decisions taken on resourcing and meeting need and (iii) action on need. • A further refinement is to move from needs analysis to impact assessment (in attempt to judge the effect of services

	<p>on meeting need).</p> <ul style="list-style-type: none"> • Many features of the race equality scheme fall into the evidence-based decision-making category.
3. Performance management.	<ul style="list-style-type: none"> • Focus on management effectiveness and efficiency: (i) what are the needs, (ii) how well are they being met (impact assessment), (iii) within the resource allocation available for them and (iv) what is the comparative evidence to show improvements are being made and that resources are being used efficiently. • Performance management emphasises targets and outcomes and measurement of results and is less concerned with processual action. A distinction is often made between 'outputs' and 'outcomes', the former of little consequence if predetermined outcomes are not achieved. • Performance management is also preoccupied with the resource implications of implementing new policies or introducing new services. This dimension is missing from the format of the race equality schemes.
4. Retrogressive performance management.	<ul style="list-style-type: none"> • This is manifested when features of evidence-based decision making (particularly those primarily concerned with process) are used as a proxy to measure an organisation's performance or achievements, for example, in the use of the race equality scheme to assess progress in promoting race equality.

11.13 In drawing attention to the evidence-based decision-making model underlying the race equality scheme framework, the aim is not only to highlight the tension experienced by many of the local authority officers in reconciling their scheme

with their council's Best Value Performance Plan, but to elicit what further has to be done to ensure the delivery of race equality outcomes. Schemes must be far more explicit in reconciling their existing format and content with the requirements of modern local authority performance management models and systems. (There is, of course, an argument to be had about the limitations of performance management systems but this is not the place to engage in it. But see the remarks of James Strachan, chair of the Audit Commission, on the dangerously proliferating targets by which delivery is being judged, reported in *The Guardian*, 10 January 2003.)

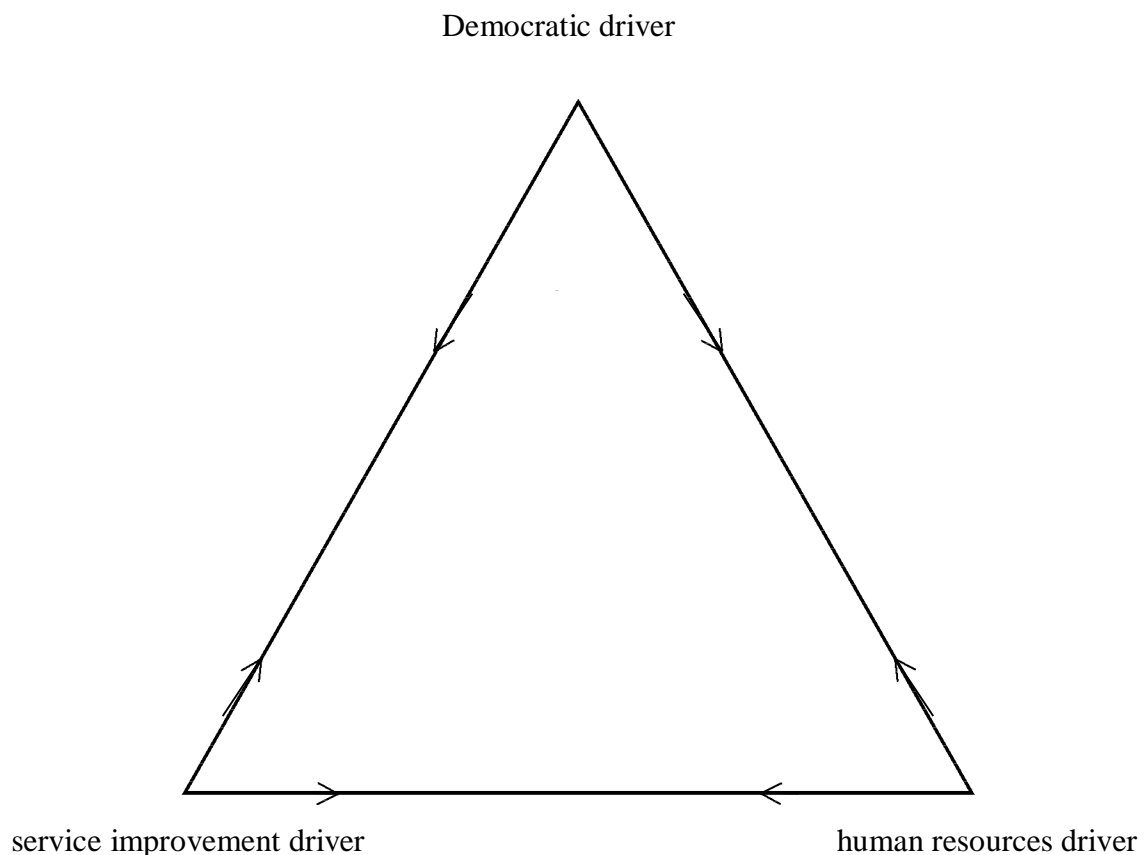
Organisational context

- 11.14 The specific organisational context in which the schemes were produced must account in large part for the differences between them. Officers were variously situated in chief executive's corporate policy, central services, human resources, community governance, or specialist equalities units. Most had a generic corporate policy development brief, but some were dedicated equalities or race equality specialists. Officers had experienced a great deal of pressure in preparing the schemes by the 31 May 2002 deadline and many still regarded the documents they had produced as drafts. There was a widespread view that neither the government nor the CRE had recognised the sheer number of functions that councils performed, nor the absence of base-line data.
- 11.15 Officers had made a number of choices in preparing schemes, of which the most commonly mentioned was the level of detail. Another issue was whether to produce a general document at corporate level or to try to be specific in relation to service areas and functions. Furthermore, officers had had to decide whether to write a document dealing with equalities generally, or to limit themselves to race equality. It was not as if the schemes were being produced in a vacuum: a number of authorities had recently adopted an *Equalities Standard*, rather than a race equality approach.
- 11.16 One obvious feature of the schemes was that they showed little sign of being evidence-based, of referring to the council's current race equality work and achievements, or of engaging directly with the reality of race relations in the locality or community. The primary aim appeared to have been one of achieving legal or managerial compliance against a very tight deadline.
- 11.17 Even as management documents or tools, however, the schemes revealed little evidence of the recognition of the need for systematic change to ensure the elimination of institutional racism. The schemes' general formalism and failure to identify any major areas of weakness (let alone the variability of their action plans) betrayed an underlying business-as-usual stance, strengthened by the widespread failure to pledge - at least in the schemes themselves - financial or staffing resources with which to undertake any work that needed to be done.

- 11.18 In drawing attention to these features of the schemes, the aim is to highlight what might be done in future to make them more effective.
- 11.19 First, there needs to be a much more obvious *synergetic integration* between the three major drivers of race equality work: the service improvement driver, the human resources driver and, what, for want of a better expression, might best be described as the democratic driver.
- 11.20 The drive to improve services for, and distribute them fairly to, all users from whatever racial groups is explicit in the race equality scheme template. It fits closely with the government's agenda of insisting that all public services improve their standards of service delivery. Local authorities might, like educational institutions or health trusts, improve their overall long-term quality of service by making greater use of concepts such as 'user journey' or 'user experience and perception'. Current consultation exercises about the services on offer are often somewhat detached from the feedback, compliments, and complaints of users. The schemes themselves make little direct reference to the recorded experience of individual users, and even less to any changes that might need to be made in response to them.
- 11.21 Where human resources are concerned, little information is given in the schemes about the proportion of staff by ethnic group working in different service areas and at different levels in the organisation. There is no use of concepts such as 'employee progression', 'access routes', or 'access courses'. The schemes never make the case for successful multi-ethnic staffing policy and a multi-racial workforce as important means of transforming and improving service delivery. The link, apparently, is not appreciated.
- 11.22 The possibilities for transforming council practice and services through giving more power or delegating decision-making to communities, external agencies, and strategic partnerships are simply not explored in the schemes. Currently, consultation rarely involves making decisions about what to do, but, as in the case of consultation about the schemes, is a way of modifying or adjusting existing policies or statements of intent. (This point is the subject of intense debate elsewhere and needs no further elaboration here.)
- 11.23 The three drivers of race equality work (see synergetic integration triangle) are, of course, recognised in the schemes under the headings 'functions and policies', 'employment', 'consultation on impact' and 'access to information'. The schemes, however, do not reflect the need to link the drivers in order to create a synergetic integration capable of transforming an organisation's culture and practices. Synergetic integration will not occur, either, in public authorities whose departments or service areas look inwards, and behave like stubbornly independent medieval fiefdoms.

- 11.24 Two other points should also be highlighted. If a scheme is to be successful in preventing institutional racism, it must show that the authority has a history of relating and working with ethnic groups and is familiar with the social processes, issues of contention, and sources of potential conflict on its patch. In short, the scheme must show how the local authority is engaged with its ethnic communities and bedded down with them. The schemes, as a whole, reveal little convincing evidence of local authority familiarity with the unique ethnic relations of the localities in which they operate.
- 11.25 Possibly, because of the framework within which they were written, the schemes make little or no reference to the resource implications of meeting the general and special duties. Impact assessment, consultation, monitoring, training and publishing are expensive activities, with the scale of these undertakings dependent on the level of resources devoted to them.
- 11.26 Some of the authorities contacted did not have specialist equalities or race equalities staff in post, nor plans to appoint them. If race equality promotion is to be performance-managed, then it will need not only targets but a budget before work can be undertaken and the efficiency of performance judged. Sadly, there seems little evidence of detailed consideration being given to the cost of acting on the legislation.

ACHIEVING SYNERGETIC INTEGRATION



Identification of functions and policies

- 11.27 Public authorities are required to list, as part of their race equality scheme, the functions and policies that are relevant to the duty to promote race equality. The number of functions listed varied immensely from authority to authority as did those functions considered relevant to one or more of the three dimensions of the general duty.
- 11.28 Assessment of relevance appeared to be interpreted in one of two ways: either as an intelligent guess as to the likelihood that a function was relevant (hypothetical assessment) or as a research exercise supported by available data (data-based assessment). For many functions, very little research had been undertaken into relevance.
- 11.29 Given the manifest differences between authorities in the number of functions and the assessment of their relevance, the utility and viability of this exercise must surely be brought into question. The outcome often seemed to consist of a list of unsubstantiated hypotheses about the possible differential effect of the exercise of a function on ethnic minorities generally.
- 11.30 In reading those schemes with lengthy lists of possible relevant functions, it seemed unlikely that authorities would ever have the resources to test their hypotheses convincingly or, indeed, to be able to establish causal relationships, or provide effective remedies. If local authorities, with their multiple functions, were to undertake this task in any meaningful way (that is, as suggested in the CRE guide (purple cover)), then they had a Herculean task on their hands.
- 11.31 The answer clearly has to lie in taking seriously the business of prioritisation: that is, pinpointing those functions for which there is a lot of evidence for their operating in a discriminatory manner, as well as for there being considerable public concern about them. In addition to selecting functions or policies for their relevance to the general duty, they must also be tied into the performance management system, by establishing base-line data, intervening decisively, and monitoring for improvement.
- 11.32 The keys, therefore to making a success of the section of the scheme relating to the identification of relevant functions and policies are to strictly limit the number of data-based assessments, to ensure they are undertaken with thoroughness, and also rigorously to prioritise only those functions deemed to be highly relevant.
- 11.33 It is worth raising the question as to whether greater effort might be invested nationally or at a regional level (and in consultation with the CRE) in establishing some kind of consensus, supported by pooled research evidence, on local authority functions that are currently assessed as relevant to the duty to promote race equality.

Assessment and consultation on impact of proposed policies

- 11.34 Local authorities variously interpreted the requirement to assess and consult on the impact of their proposed policies on race equality, many recognising that little assessment and consultation had taken place in regard to existing policies. 'Assessment' in this context was understood in different ways, varying along a scale of the amount of evidence required and the rigour of the methodology required to achieve it.
- 11.35 The understanding of 'consultation' also varied in regard to what it should be on, what it amounted to, with whom it should be, and when and how it should be undertaken. Consultation might be internal within and between the divisions and departments of the council, or external with members of the community, voluntary organisations, or other service providers.
- 11.36 The many ways in which the requirement to assess and consult has been interpreted, as illustrated both by the schemes and the responses of officers, shows that public authorities would benefit from further guidance on what they should be doing and how they should go about it. While 'assessing impact' is defined in the CRE Code of Practice as "a systematic way of finding out whether a policy affects different racial groups differently", it remains unclear whether all assessment referred to in the context of the schemes must be 'impact assessment' and, indeed, how systematic or methodological it needs to be. The task of assessment becomes particularly awesome in the light of the many functions local authorities, in particular, have to perform.
- 11.37 Consultation, similarly, is defined in the CRE code glossary as "asking for views on policies or services from staff, colleagues, service-users, or the general public. Different circumstances call for different types of consultation". But the key issues on which local authority opinion differs, are the *weight* to be given to the opinions of these different groups and, just as importantly, how to *engage* the public more fully in the affairs of the councils with a view to improving the services it receives from them.
- 11.38 Two distinct positions became evident in the course of the research exercise. The first embraced uncritically an agenda of increased community consultation, involvement and participation. The second was more cynical of consultation processes generally and placed its faith in professional expertise to decide on matters.
- 11.39 In the context of the McPherson report, which highlighted the failure of professional systems, the requirement to undertake consultation is meant, at least, to supplement this second approach. If only lip-service is paid to consultation, the changes intended by the duty to promote race equality stand no chance of success, and one important means of transforming an organisation - the democratic driver

(referred to above in relation to synergetic integration) - will not be brought to bear.

Monitoring for adverse impact

- 11.40 Local authorities provided very little information about their current arrangements for monitoring their policies for adverse impact on race equality. It was not easy to establish from the schemes or interviews what ethnic monitoring data, particularly of services, were available or what use was being made of them.
- 11.41 Neither the CRE code, nor the guide for public authorities, is explicit in drawing attention to the difficulties of interpreting ethnic monitoring data, firstly, to reveal actual 'adverse impact', secondly, to explain it causally, and thirdly, to recommend effective remedial intervention. Discrepancies in rates between racial groups are not always statistically significant and, even when they are, they are not always readily explainable. When they can be explained, it may not be easy to devise ways of intervening to change matters: the responsibility for the state of affairs may lie outside the powers of the organisation.
- 11.42 All this might be perfectly obvious to social scientists, but it is not made explicit in the Code of Practice or the schemes themselves, nor understood by the local authorities in terms of the resources they are prepared to devote, not only to monitoring, but to social scientific research based on the ethnic monitoring data.
- 11.43 The process of monitoring, as explained in Chapter 6, has been interpreted in two distinct ways: (i) the gathering of ethnic data and its use in research into racial disadvantage, discrimination and adverse impact, and (ii) performance monitoring of progress towards promoting or achieving racial equality. This ambiguity appears to be related to the two underlying management models of (i) evidence-based decision-making (which the race equality scheme format seems to adopt) and (ii) local government performance management (exemplified by Best Value Performance Plans).
- 11.44 As stated earlier, it would seem essential that, if the schemes are to lead to success in eliminating institutionalised racism, then all the measures taken in relation to them have to be incorporated into a performance management framework and effectively performance managed. It is only in this way that action can be monitored. But more than this is required by performance management. Base lines must be established and appropriate targets set. A performance assessment element, therefore, must be built in to all schemes, and targets (within the sphere of the organisation's control) adopted.
- 11.45 The suspicion remains, however, that local authorities are at an early stage in developing both ethnic monitoring and performance management systems and that the CRE code's adherence to an evidence-based model is, for many councils, still appropriate for their current circumstances. In any case, the evidence-based

approach is essential for gathering the base line data necessary for setting appropriate and realistic race equality targets.

- 11.46 Nevertheless, good race relations research of this kind is resource hungry, and the chances of it being undertaken by every local authority on an individual basis are slim. As for the identification of functions and policies, such work might benefit from collaboration between authorities and the pooling of resources.

Publication and access

- 11.47 The CRE guide (purple cover) gives detailed advice on arrangements for publishing assessment, consultation and monitoring reports. A description of the way local authorities plan to go about these duties is provided in Chapter 7.
- 11.48 Once more, the key to a successful scheme lies in the way an authority intends to use its arrangements to activate the democratic driver in support of race equality promotion, to encourage service user participation, and empower its local communities. The schemes as a whole did not show much recognition of the government's Active Communities agenda and the potential for improving services to the general public and black and minority ethnic communities through publishing and improved access to information and services.

Training and development

- 11.49 Training as envisaged in the CRE guide is for staff who have special responsibility for managing the race equality scheme and for all staff to ensure they conduct their business without discriminating. Local authorities declared their intention of offering this training. A separate section of the CRE code deals with arrangements in relation to specific duties in respect of employment, setting out in detail the statutory requirement for monitoring applicants and employees by racial group. While a number of authorities has undertaken monitoring of this kind in the past, little mention of this is made in the race equality schemes, nor is there much evidence of explicit targets being set for achieving an ethnically proportionate or multi-racial work force.
- 11.50 The weakness of most schemes lies in their failure to recognise the human resource function as one of the three drivers for achieving race equality in and by an organisation. A link has to be made in the schemes between employment and promotion policy on the one hand and training and staff development on the other. Not only should staff performance be racially monitored, but performance itself should be assessed against race equality criteria and achievements.
- 11.51 The schemes show little grasp of the need to relate the minimal training and employment requirements to a fully-fledged mainstream equalities-promoting organisation-wide human resource policy. In this respect, race equality is still seen as an add-on extra, rather than as a means, through human resource policy,

development and achievement, of improving the organisation's overall performance and quality of service provision.

Action plans

- 11.52 One worry raised by the action plans was the ease with which they could be detached, or treated as a separate exercise, from the production of the race equality scheme, when, in fact, the scheme itself could be construed as an action plan – rather than a formal restatement of statutory requirements. Furthermore, the amount of action envisaged varied immensely, with little obvious justification, from local authority to local authority, and also, within the same plan, from one service department to another. Indeed, the minimal contributions of some major service areas to corporate action plans indicated at the very least a lack of involvement in the planning exercise, or perhaps the existence elsewhere of a separate internal departmental plan. The plans also varied in format, not all of them containing standard details such as: action/how to be done/by whom/by when/to what effect (outcome).
- 11.53 One way in which they could be improved would be by agreeing and following a standard format for each area of an authority's work and functions. But more importantly, more attention needs to be paid to relating the actions proposed by different departments to achieve some kind of synergy.
- 11.54 Action plans as presently presented (and not all authorities had produced them at the time the research was undertaken) appear to consist of a series of separate sections for each major service area, with little attention paid to inter-departmental collaboration, even on such obvious tasks as the monitoring systems to be adopted, or the consultation exercises proposed. Creative, mutually reinforcing internal linkages or alignments are essential to the success of the schemes and need to be established and built upon.

Partnership arrangements

- 11.55 Race Equality West Midlands has commented upon the schemes and their relationship with external partnership arrangements in *Promoting race equality and community cohesion through Local Strategic Partnerships*. Only a minority of schemes could be said to demonstrate a recognition of the new partnership agenda and its implications for service coordination and delivery. Most schemes were 'inward looking' and showed concern only for divisional relationships within the organisation, rather than looking out towards partner service providers, service users, or communities.
- 11.56 A good scheme would need to indicate an awareness of the importance to improving service delivery overall, as well as to black and minority ethnic groups, of working in partnership with other service providers and voluntary and private sectors. An action plan should include proposals for establishing external

linkages or alignments to bring about joined-up working for seamless local service delivery free of all racial bias.

Summary

11.58 The various factors, highlighted in this conclusion, that might be expected of an effective race equality scheme may be listed and summarised as follows:

FACTORS	EXPLANATORY NOTE
Clarity of purpose	<ul style="list-style-type: none"> As to what the scheme is, who it is written for, and what it is intended to achieve.
Explicit model of delivery	<ul style="list-style-type: none"> Awareness, explicit in the scheme and by its author(s), of the model of race equality delivery being used.
Synergetic integration	<ul style="list-style-type: none"> Recognition of the three major drivers of race equality work (service improvement, human resources, democratic) and the need to make them all work together towards the same goals.
Meaningful engagement	<ul style="list-style-type: none"> Evidence of meaningful engagement with local ethnic communities and the race equality context.
Sufficient resource allocation	<ul style="list-style-type: none"> Allocation of sufficient resources to enable the tasks associated with schemes to be undertaken in an expert and professional way.
Prioritisation of action in relation to functions	<ul style="list-style-type: none"> Given the large number of functions performed by local councils, it is essential that these are rigorously prioritised.

FACTORS	EXPLANATORY NOTE
	<ul style="list-style-type: none"> • Data-based assessments have to be prioritised in proportion to the resources available to undertake them successfully.
Meaningful impact assessment	<ul style="list-style-type: none"> • Impact assessment undertaken in proportion to resource availability. • Clarity as to the meaning of, and purpose for, undertaking impact assessments.
Meaningful consultation	<ul style="list-style-type: none"> • Clarity as to the meaning and purpose of consultation, and the weight to be attached to its outcome.
Interpretation of 'monitoring for adverse impact'	<ul style="list-style-type: none"> • Recognition of the need to gather ethnic data and to use it in research. • Recognition of the need for performance monitoring of progress towards achieving racial equality.
Performance management	<ul style="list-style-type: none"> • Measures taken in relation to eliminating institutional racism must be incorporated into a performance management framework and properly managed. • Base lines and targets need to be established.
'Democratic driver'	<ul style="list-style-type: none"> • Publication and access measures can be used to empower local communities to bring pressure to bear for improving services.

FACTORS	EXPLANATORY NOTE
'Human resource driver'	<ul style="list-style-type: none"> • Recognition in relation to training and employment that the human resource function is one of the main drivers for achieving race equality in and by an organisation.
Internal alignment	<ul style="list-style-type: none"> • The action plan should be integral to the race equality scheme and create mutually reinforcing internal linkages.
External alignment	<ul style="list-style-type: none"> • Schemes should be outward looking, demonstrating awareness of partnership agenda and the need to improve services in partnership with other service providers and the voluntary and private sectors.

Chapter 12

RECOMMENDATIONS

- 12.1 For local authorities to make more explicit the model of management they intend to adopt in relation to their race equality scheme.
- 12.2 For the CRE to review its guide for public authorities to clarify the relationship between the existing structure of the race equality scheme and the requirements of the various public authority performance management systems, with their focus on base-line data, targets and service standards relative to resourcing levels.
- 12.3 For local authorities to consider the need to achieve greater synergistic integration of the three major drivers of race equality: the service improvement driver, the human resources driver, and the democratic driver by giving their race equality schemes a more overarching strategic status.
- 12.4 For local authorities to revise their schemes to ensure they refer in more detail to current realities and practices in the authority (to include data on service take-up and council employment by racial group) and are more convincingly grounded on a knowledge of local race relations (to include information about the authority's successes and failures in this respect).
- 12.5 For local authorities to include in, or with, their schemes some indication of the annual and continuing budget they intend to allocate to support race equality work and the writing and implementation of their race equality schemes.
- 12.6 For local authorities to provide in, or with, their scheme details of their specialist equalities workers or teams, their experience and expertise in the race equality field, and their lines of reporting and responsibility.
- 12.7 For local authorities to focus on improving a limited number of relevant functions and policies that they have good reason to believe may have differential racial impact on service users.
- 12.8 For local authorities to consider establishing consortia to investigate and establish a consensus as to the relevance of particular local authority functions to the duty to promote race equality and to commission, if necessary, assessments of impact in areas of concern, where information is not at present available.
- 12.9 If they have not already done so, for local authorities to develop a policy on community consultation and participation that is fully compatible and integrated with proposals in the race equality scheme. This may involve the appointment of dedicated community development or empowerment officers to facilitate greater active participation in council and Local Strategic Partnership decision-making.

- 12.10 For the CRE to clarify (possibly by offering more examples of good practice) for the benefit of local authorities what minimum action it expects local authorities to take to achieve compliance with the requirement to consult on the impact of proposed policies, and what kind of weighting it would expect to be attached to the outcome of the consultation process.
- 12.11 For local authorities to make clear in their schemes, the importance they attach to community consultation, involvement and participation in their affairs generally in relation to their work on race equality in particular.
- 12.12 For all local authorities to set up local race equality advisory committees to include black and minority ethnic members and race equality directors to monitor and scrutinise the implementation of the race equality scheme and action plan.
- 12.13 If they have not already done so, for local authorities to introduce performance management of race equality work by aiming to establish base-line data targets and service standards relative to resourcing levels.
- 12.14 For local authorities to review their human resource policy as a whole with a view to making it more proactive and effective in its use of workforce skills and potential, and to recognising its links with service improvement, greater levels of democratic participation and the achievement of race equality.
- 12.15 For local authorities to acknowledge that they need to make use of the services of trained and expert race equality specialists when producing and implementing effective race equality schemes.
- 12.6 For local authorities to produce standard formatted action plans of greater consistency for all major service areas and that that these should be properly linked to authorities' performance management frameworks, as well as to other service areas in the authority, so that 'joined-up' working takes place.
- 12.7 For local authorities to produce action plans that include proposals for establishing external linkages and alignments to bring about joined-up working with other local service providers and the voluntary and private sectors.

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APPENDIX A

RACE EQUALITY WEST MIDLANDS

NAME OF PUBLIC AUTHORITY _____

AUTHOR/SOURCE OF SCHEME _____

DEPARTMENT/DIVISION _____ **Date** _____

**RACE EQUALITY SCHEME CHECK LIST
SCORE**

					Comment
	GENERAL APPROACH				
1.0	Race equality scheme				
1.1	General equality scheme				
1.2	Clear Statement of document purpose				
1.3	Set within organisational context or framework				
1.4	Scheme written for organisation as a whole (corporate approach)				
1.5	Scheme subdivided by organisation's divisional functions				
1.6	Scheme largely follows CRE Code of Practice Format				
1.7	Mention of prior adoption of CRE REMQ Standard (specify level)				
1.8	Mention of prior adoption of CRE/EOC/DRC/LGA Equalities Standard				
1.9	Meaningful connection made with other organisation policies, eg. Best Value				
	Sub-total				

					SCORE			
								Comment
2.0	RELEVANT FUNCTIONS							
2.1	Functions separately identified and listed							
2.2	Sufficiently comprehensive list of functions							
2.3	Relevance to three dimensions of general duty indicated							
2.4	Relevance to specific racial group indicated							
2.5	Recognition of any public concern in respect of current performance of function							
2.6	Evidence of prioritisation in review of function							
2.7	*Recognition of functions performed jointly with others							
2.8	*Partnership policy recognised in relation to functions							
	Sub-total							
3.0	IMPACT ASSESSMENT AND CONSULTATION							
3.1	Relevant section identifiable							
3.2	Current assessment and consultation process described							
3.3	Proposals made for assessment and consultation							
3.4	Method of assessment and consultation specified							
3.5	Specific mention of those to be consulted							
3.6	*Proposals to consult strategic partners							
3.7	*Proposals to undertake joint assessment and consultation with other service providers							
3.8	Consultation specific to particular service/theme							
3.9	Scheme readily intelligible to public or service users							
3.10	Scheme consultation questionnaire/return issued.							
	Sub-total							

SCORE

					Comment
4.0	MONITORING FOR ADVERSE IMPACT				
4.1	Relevant section identifiable				
4.2	Reference to past service monitoring reports				
4.3	Reference to examples of actual adverse impact				
4.4	Proposals for future monitoring				
4.5	*Proposals for monitoring services jointly with strategic partners				
	Sub-total				
					Comment
5.0	PUBLISHING RESULTS OF ASSESSMENT, CONSULTATION AND MONITORING				
5.1	Relevant section identifiable				
5.2	Statement of current position on publication				
5.3	Proposals for publishing results				
5.4	Proposals for accessing published results				
5.5	*Proposals for any joint publication				
	Sub-total				

SCORE

					Comment
5.0	ENSURING PUBLIC ACCESS (INFORMATION AND SERVICES)				
5.1	Relevant section identifiable				
5.2	Statement of current practice				
5.3	Relation to general communication strategy				
5.4	Proposals for improving availability of information				
5.5	Recognition of need for translation/interpretation				
5.6	Indication of availability of RES in community languages				
5.7	Contact with BME groups				
5.8	Contact with local REC				
5.9	*Proposals for provision of information jointly with partners				
5.10	*Proposals for provision of services jointly with partners				
	Sub-total				
					Comment
7.0	TRAINING OF STAFF				
7.1	Relevant information provided				
7.2	Specific kind of training identified/proposed				
7.3	Staff/member categories identified				
7.4	Training differentiated according to staff function				
7.5	*Joint training scheme with partners proposed				
	Sub-total				

					SCORE
					Comment
3.0	EMPLOYMENT DUTY				
3.1	Section on employees etc., provided				
3.2	Description of current monitoring arrangements				
3.3	Mention of current ethnic breakdown of staff				
3.4	Comment on current accuracy/adequacy of staffing information				
3.5	Proposals for monitoring				
3.6	Statement of intent to monitor training, promotion, appraisal, grievance, discipline, resignation, and termination				
3.7	Targets proposed				
3.8	Proposals to act on employment monitoring				
3.9	Indication of relationship with broader human resource policy				
3.10	Access courses/fast-tracking recruitment proposals				
Sub-total					
					Comment
3.0	ACTION PLANNING				
3.1	Set of behavioural objectives provided				
3.2	Realistic programme of actions for achieving ends set out				
3.3	Outcomes readily measurable (performance measures)				
3.4	Responsibilities allocated to persons/roles				
3.5	Time schedules set				

9.6	Work balanced between organisation's sections				
9.7	Work load achievable/implementable				
9.8	Specific targets set				
9.9	Review of action plan included				
9.10	*Inclusion of action to be undertaken jointly with other service providers				
Sub-total					
Grand total					

SCORE

					Comment
10.0	OVERALL ASSESSMENT				
	POSITIVE				
10.1	Complies with Section 2 and 3 of Race Relations Act (Statutory Duties) Order 2001				
10.2	Builds self-evidently on current good practice				
10.3	Effective use of ethnic monitoring data				
10.4	Grounded on knowledge of race relations theory and practice				
10.5	Recognition of the importance to service delivery of strategic partnerships				
10.6	Consumer and consultation friendly				
	NEGATIVE				
10.7	Minimal legal compliance				
10.8	Much of it merely statement of intent				

10.9	Action plan appears very much at initial stage				
10.10	Impression somewhat general/abstract/non-specific				
10.11	Refers unduly to other documentation				
10.12	Uneven and patchy treatment of different functions				
10.13	Insufficient priority attached to improved service delivery				
10.14	Priorities not decided				
10.15	Timescales vague/unspecific				

*** Relevant to joint working**

SCORE

					Comment
11.0	Any other noteworthy/unusal features				

APPENDIX B

BEST VALUE PERFORMANCE INDICATORS 2003/2004 THE DUTY TO PROMOTE RACE EQUALITY (2b)

Purpose

Amendments to the Race Relations Act (new section 71 (1)) require specified public bodies to have due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups when performing their functions. We propose to add a second element to this indicator complying with RES.

The collecting of this data encourages authorities to promote equal opportunities and good relations between people of different racial groups and therefore become proactive, to seek to avoid unlawful discrimination before it occurs.

Amended description

This will not replace the generic BV 2 that currently exists but will be added as part (b).

Amended definition

1. Does the authority have a Race Equality Scheme (RES) in place?

Guidance notes: In order to answer yes, LAs must be able to satisfy considerations a) to i).

Does the RES

- a) list the functions and policies that are relevant to the general duty?
- b) include a realistic strategy, which addresses the general duty and each of the specific duties?
- c) contain clear priorities but achievable targets in order to make continuous progress in promoting racial equality?

Is the RES

- d) supported by a timetabled, three-year action plan?
- e) clearly integrated in all corporate and service level plans and strategies?
- f) clearly integrated in procurement and partnership strategies and policies?

- g) distributed widely and effectively and readily available to members of the public?
- h) reviewed regularly by the authority?
- i) owned by the Council members and senior officers who provide sustained leadership and publicly acknowledge accountability for the implementation of the RES?

2. Are there continuing improvements for race equality from applications of the RES?

Guidance notes: In order to answer yes, LAs must be able to satisfy considerations j) to s).

Is there evidence of measurable improvements in respect of:

- j) the representation in the workforce at all levels of the variety of ethnic groups in the local area and relevant labour markets?
- k) reducing differences between ethnic groups in staff perceptions of equal treatment?
- l) reducing differences between ethnic groups in the profile of service users based on need and relative to the local population?
- m) reducing differences between ethnic groups in satisfaction rates among service users?
- n) reducing differences between ethnic groups in levels of public confidence?
- o) services that meet the needs of all ethnic groups in the communities the authority serves?
- p) reducing differences between ethnic groups in complaints from service users?
- q) reducing differences between ethnic groups in service outcomes?
- r) reducing the number of complaints of racial discrimination or harassment?
- s) reducing the number of racial incidents in the area?

Being able to satisfy parts one and two will give the local authority a score of 2, being able to satisfy part one and part two will give the authority a score of 1.

APPENDIX C

LIST OF RESPONDENTS

Local authority officers

Gurdev Bal, Corporate Equalities Officer,
Personnel Services Unit, Walsall Metropolitan Borough Council.

Reuben Bergman, Head of Human Resources and Operational Support,
Social Services Department, Worcestershire County Council.

Val Brook, Head of Equality and Employment Policy,
Wolverhampton City Council.

Stephen Caldwell, Principal Human Resources Adviser,
Corporate Strategy and Policy Team, Solihull Metropolitan Borough Council.

Tim Edwards, Head of Corporate Development,
Stoke-on-Trent City Council.

Claire Gough, Equalities Consultant,
Corporate and Consumer Services, Staffordshire County Council.

Roger Hughes, Head of Corporate Policy
Coventry City Council.

Peter Jackson, Community Development Manager
Telford and Wrekin Council.

Elizabeth James, Policy Assistant,
Policy and Community Directorate, Herefordshire Council.

Arun Kang, Corporate Policy Adviser (Race Equality),
Chief Executive's Department, Warwickshire County Council.

James Little, Race and Regeneration Team Leader,
Equalities Division, Birmingham City Council.

Simon Manson, Management Officer,
Chief Executive's Department, Dudley Metropolitan Borough Council.

Carol Mitchell, Human Resources Manager,
Social Services Department, Solihull Metropolitan Borough Council.

Hilary Preedy, Policy Officer,
Policy and Community Directorate, Herefordshire Council.

Jatinder Sharma, Principal Race Relations Officer,
Corporate Services, Sandwell Metropolitan Borough Council.

Kashmir Singh, Project Officer,
Corporate Services, Sandwell Metropolitan Borough Council.

Anne Wolstenhome, Strategic Manager for Partnership and Democracy,
Shropshire County Council.

Race Equality Directors

Mohammed Aslam, Chief Executive,
Worcestershire Racial Equality Council.

Praveen Bedi, Director,
Coventry Racial Equality Council.

Dr Ezard Emanuel, Director,
Wolverhampton Racial Equality Council.

Amir Kabal, Director,
East Staffordshire Racial Equality Council.

Anita Kumari, Director,
Warwick District Racial Equality Council.

Neville Meredith, Development Officer,
Herefordshire Racial Equality Partnership.

Kenneth Rodney, Director,
Dudley Racial Equality Council.

Williams Stephens, Chief Officer,
Walsall Strategic Partnership.

Mohammed Tufail, Director,
North Staffordshire Racial Equality Council.

Joy Warmington, Director,
Birmingham Race Action Partnership.

Joy Warren, Director,
Telford and Shropshire Racial Equality Council.

Patricia Wright, Director,
Sandwell Ethnic Minority Umbrella Forum.