

EAST AYRSHIRE COUNCIL

COUNCIL – 8 DECEMBER 2005

**REVIEW OF THE RACE EQUALITY SCHEME 2002 – 2005
AND
THE RACE EQUALITY SCHEME 2005 – 2008**

**Report by the Depute Chief Executive/Executive Director of Corporate
Support**

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Council of the review of the Council's Race Equality Scheme 2002 – 2005 and to submit for approval the Race Equality Scheme 2005 – 2008.

2. BACKGROUND

- 2.1 Under the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 the Council has a general duty to have due regard to the need to:-

Eliminate unlawful racial discrimination; and

Promote equality of opportunity and good relations between persons of different racial groups

- 2.2 In addition to this general duty the Council has placed upon it by Scottish Ministers through the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002 certain specific duties which seek to contribute to the attainment of the general duty. These specific duties are:-

To produce a Race Equality Scheme and to review it at three yearly intervals;

To set out within the Race Equality Scheme:-

- * which of the Council's functions and current and proposed policies are relevant to the general duty to promote race equality;
- * the arrangements for monitoring any adverse impact the Council's policies have on promoting race equality;
- * the arrangements for publishing the results of assessments, consultations and monitoring;

- * the arrangements for making sure that people have access to information and services they provide;
- * the arrangements for training staff on issues that are relevant to the general duty.

To monitor by ethnicity the Council's employment functions relating to the number of staff who:-

- * Receive training
- * Benefit or suffer from performance appraisals
- * Are involved in grievances
- * Are subject to disciplinary action
- * End their service with the Council (for whatever reason)

3. STATISTICAL INFORMATION

3.1 Ethnic profile of East Ayrshire

According to the 2001 Census the ethnic make up for East Ayrshire is

Ethnic Group	Number	Percentage
<u>White</u>	<u>119,425</u>	<u>99.33</u>
White	113,286	94.22
Other White British	4,734	3.94
White Irish	691	0.57
Other White	714	0.59
<u>Asian</u>	<u>523</u>	<u>0.43</u>
Indian	84	0.07
Pakistani	172	0.14
Bangladeshi	5	0.00
Other South Asian	43	0.04
Chinese	219	0.18
<u>Black</u>	<u>51</u>	<u>0.04</u>
Caribbean	17	0.01
African	21	0.02
Black Scottish or Other Black	13	0.01
<u>Mixed</u>	<u>176</u>	<u>0.15</u>

Any Mixed Background	176	0.15
<u>Other Ethnic Background</u>	60	0.05
Other Ethnic Group	60	0.05
<u>TOTAL</u>	120,235	100

3.2 **Employment profile**

0.34% of the Council's workforce, excluding teachers, have identified themselves as being from a minority ethnic background. (Ref: Staffing Watch Quarter 4 – 2004).

3.3 **Recruitment and Selection**

The details of applications for employment, interviewed candidates and successful candidates analysed by ethnic origin for the three years 2002/2003, 2003/2004 and 2005/2005 are as follows:-

2002/2003

<u>Asian Applications</u>	Black	Mixed	Other	White
17	Nil	5	4	4,793
<u>Interviews</u>				
2	Nil	Nil	Nil	1,462
<u>Appointments</u>				
1	Nil	Nil	Nil	389

2003/2004

<u>Asian Applications</u>	Black	Mixed	Other	White
10	11	4	2	4,108
<u>Interviews</u>				
4	1	1	1	1,094
<u>Appointments</u>				
1	1	Nil	Nil	226

2004/2005

<u>Asian Applications</u>	Black	Mixed	Other	White
13	3	4	1	4,793
<u>Interviews</u>				
6	Nil	2	Nil	1,091
<u>Appointments</u>				
1	Nil	1	Nil	218

4. RACE EQUALITY SCHEME 2002 -2005

4.1 At the meeting on 24th October 2002 the Council agreed:-

- (i) to approve the adoption of the Race Equality Scheme;
- (ii) that each Service Director prepare a report to the earliest appropriate Service Committee meeting on the impact of the Act on their Services and policies and their proposals for promoting race equality within the terms of the Council's Race Equality Scheme; and
- (iii) that the Depute Chief Executive/Director of Corporate Resources arrange an early consultation meeting with representatives of the Ethnic Minorities Forum on the Scheme and publicise the Race Equality Scheme to the East Ayrshire community.

5. MONITORING THE RACE EQUALITY SCHEME 2002 - 2005

5.1 Following the Council approval of the Race Equality Scheme in October 2002 each Director has annually reported to the relevant Service Committee on those elements of the Scheme which were subject to review. In terms of the identification and assessment of policies which are relevant to the general duty, the Race Equality Scheme was divided in to years 1, 2 and 3 and each Director's report dealt with those policies which fell in to the year on which progress or action was being reported.

5.2 In addition to reports being submitted to Service Committees a council-wide report has been submitted to Policy and Resources in respect of years 1 and 2 of the Scheme. The year 3 report is due to be submitted shortly.

The Corporate Action Plan targets have been met or where reports to Committee are concerned, these will be submitted in the current or next Committee cycle.

6. THE RACE EQUALITY SCHEME 2005 - 2008

- 6.1 As indicated above, the Council has a statutory obligation to review the Race Equality Scheme on a three yearly basis. A draft Race Equality Scheme for 2005 –2008 is attached as Appendix 1. As previously, it will be for Departments and Service Committees to take action under the various elements of the Scheme. However, there are also a number of corporate actions which require to be taken. These actions are contained in the Corporate Action Plan which is attached as Appendix 2.

7. THE AYRSHIRE RACE EQUALITY PARTNERSHIP

- 7.1 Within Ayrshire the black and minority ethnic community accounts for 0.68% of the general population. This poses certain challenges in taking forward race equality issues.

In recognition of this, in 2003 a Report was commissioned by the three Councils and other public agencies in Ayrshire made two recommendations, viz;

that an Ayrshire Race Equality Partnership (AREP) should be established to address race equality issues across Ayrshire; and

that a needs assessment should be carried out to identify service needs of black and minority ethnic communities across Ayrshire.

Following the establishment of AREP a funding application was submitted to and approved by the Commission for Racial Equality to match funds from AREP to allow the needs assessment referred to above to be carried out.

The membership of AREP is East, North and South Ayrshire Councils, the Procurator Fiscal Service, Strathclyde Police and the NHS.

- 7.2 Producing the needs assessment was a challenging task due to a number of factors. First, the number of people in Ayrshire identified in the 2001 census as being from the black and ethnic minority community is relatively small - about 1500 people in total which is less than 1% of the total population. Second, identifying people to take part in the survey and contacting them in a language that they understood required considerable organisation and planning. Third, there was reluctance on the part of many people approached to take part in an interview survey.

The findings of the Needs Assessment will be used to address a

number of issues under the Race Equality Scheme 2005 – 2008. In particular the findings highlighted issues relating to community engagement and consultation where members of the ethnic minority community are not involved in community groups; issues relating to discrimination and racial abuse; issues relating to lack of awareness of how to submit a complaint about public services; issues relating to a perception of a lack of specialised support for members of the black and minority ethnic community; low access rates to premises such as libraries and sports centres and crucially a lack of awareness of the existence of Race Equality Schemes generally across all public service.

The Council will continue to play a full part in the Ayrshire Race Equality Partnership as it will allow for effective collaboration between agencies in relation to race equality matters.

8. CORPORATE MANAGEMENT TEAM

- 8.1 The Corporate Management Team at their meeting on 23 November 2005 reviewed the Race Equality Scheme 2002-2005, endorsed the Race Equality Scheme 2005-2008 and agreed to establish a Strategy Group to be chaired by the Chief Executive which will provide strategic direction and monitor action across all equalities and diversity areas including race equality.

9. LEGAL/POLICY IMPLICATIONS

- 9.1 As referred to above the Council has statutory obligations to meet in terms of promoting equality of opportunity. In addition to these statutory obligations the promotion of race equality contributes to the objectives of the Community Plan in relation to Social Justice and Social Inclusion.

10. RECOMMENDATIONS

- 10.1 The Council is recommended to
- a. note the review of the Race Equality Scheme 2002 – 2005;
 - b. approve the Race Equality Scheme 2005 – 2008;
 - c. approve the Corporate Action Plan;
 - d. instruct each Executive Director to submit to the relevant Committee a revised Departmental Action Plan for the period 2005 – 2008;
 - e. agree that the Race Equality Scheme 2005 – 2008 be publicised;

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support
24 November 2005

BACKGROUND PAPERS

1. Race Relations (Amendment) Act 2000 - Report to Council on 24 October 2002 by Depute Chief Executive/Director of Corporate Resources.

Anyone wishing further information should contact Martin Rose, Head of Personnel tel: 01563 576092

APPENDIX I

EAST AYRSHIRE COUNCIL

RACE EQUALITY SCHEME 2005 – 2008

1. INTRODUCTION

- 1.1 Under the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 the Council has a general duty to have due regard to the need to:-

Eliminate unlawful racial discrimination; and

Promote equality of opportunity and good relations between persons of different racial groups

- 1.2 In addition to this general duty the Council has placed upon it by Scottish Ministers through the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002 certain specific duties which seek to contribute to the attainment of the general duty. These specific duties are:-

To produce a Race Equality Scheme and to review it at three yearly intervals;

To set out within the Race Equality Scheme:-

- * which of the Council's functions and current and proposed policies are relevant to the general duty to promote race equality;
- * the arrangements for monitoring any adverse impact the Council's policies have on promoting race equality;
- * the arrangements for publishing the results of assessments, consultations and monitoring;
- * the arrangements for making sure that people have access to information and services they provide;
- * the arrangements for training staff on issues that are relevant to the general duty.

To monitor by ethnicity the Council's employment functions relating to the number of staff who:-

- * Receive training
- * Benefit or suffer from performance appraisals

- * Are involved in grievances
- * Are subject to disciplinary action
- * End their service with the Council (for whatever reason)

2. RACE EQUALITY SCHEME 2002 - 2005

2.1 At its meeting on 24th October 2002 the Council agreed:-

- (i) to approve the adoption of the Race Equality Scheme;
- (ii) that each service director prepare a report to the earliest appropriate Service Committee meeting on the impact of the Act on their Services and policies and their proposals for promoting race equality within the terms of the Council's Race Equality Scheme; and
- (iii) that the Depute Chief Executive/Director of Corporate Resources arrange an early consultation meeting with representatives of the Ethnic Minorities Forum on the Scheme and publicise the Race Equality Scheme to the East Ayrshire community.

3. RACE EQUALITY SCHEME 2005 – 2008

3.1 Race Equality Scheme 2005 – 2008 consolidates the elements which made up the 2002 – 2005 Scheme and takes account of changes in the Council's structure and changes in external relationships such as with the Ayrshire Race Equality Partnership.

The arrangements for Assessing, Listing and Prioritising Functions and Policies are as contained in the 2002 – 2005 Scheme.

4. RACE EQUALITY VALUES, PRINCIPLES AND STANDARDS

4.1 The Council is committed to the eradication of discrimination and the promotion of equality throughout East Ayrshire in the delivery of services and the employment of a diverse workforce.

4.2 In accordance with the Council's Equal Opportunities Strategy no employee, job applicant, customer or recipient of services will receive less favourable treatment than any other on grounds including the following:

Race, religion, nationality, ethnic or national origins, disability, age (subject to normal retirement age and restrictions on the employment of young people), gender, sexuality, marital status, responsibility for dependants, employment status, address, Trade Union activity or political affiliation or be disadvantaged by

conditions or requirements which cannot be shown to be justifiable.

5. RACE EQUALITY STRATEGIC AIMS

- 5.1 The Council's strategic aims are to mainstream race equality into all its activities and to align it with its core values of QUALITY – EQUALITY – ACCESS – PARTNERSHIP. In addition it will seek to promote good race relations and eliminate unlawful racial discrimination in conjunction with its Community Planning Partners and other partners.

6. MEETING THE GENERAL DUTY

- 6.1 The Council will meet the General Duty by:-
- * assessing each of our functions for its relevance to the general duty.
 - * carrying out impact assessments on all new policies and formalising those assessments into the Committee processes
 - * developing and implementing corporate and departmental Action Plans
 - * monitoring all employment activities and taking positive action as necessary
 - * working in partnership with appropriate partner organisations through the Ayrshire Race Equality Partnership (AREP)
 - * monitoring statistical and other information through Council Committees, Forums and other bodies including those set up specifically with other Community Planning Partners. These include the Policy and Resources Committee, the Ethnic Minorities Forum, the Ayrshire race Equality partnership and the Multi-Agency Racial Incident Monitoring Group.
 - * supporting appropriate community groups.
 - * contributing to relevant campaigns and activities which challenge discrimination and promote good race relations.
 - * publicising the Race Equality Scheme through the Council's website and through publications such as *Headlines* the Council's community newspaper and *Eastwords* its internal staff magazine.

7. MEETING THE SPECIFIC DUTY

- 7.1 The Council will meet the specific duty by:-

- * Compiling and publishing this Race Equality Scheme and keeping it under review both internally and where appropriate in conjunction with its Partners.
- * Monitoring by ethnicity the Council's employment functions relating to the number of staff who:-
 - * Receive training
 - * Benefit or suffer from performance appraisals
 - * Are involved in grievances
 - * Are subject to disciplinary action
 - * End their service with the Council (for whatever reason)
- * Reviewing on a regular basis all employment policies and procedures to ensure that they do not have an adverse impact on any particular racial group.
- * Including within the Performance Management Framework for Chief Officers the various requirements of the Race Equality Scheme.

8. ACTION PLAN AND TIMETABLE

- 8.1 The Action Plan will outline the corporate framework against which specific departmental and corporate actions will be taken. Each Department will be required to submit a Departmental Action Plan to the appropriate Service Committee to outline how it will contribute to the achievement of the corporate Action Plan.

9. MONITORING

- 9.1 Having determined which of the Council's functions and policies are relevant to the general duty they will be monitored to determine whether they affect different racial groups differently, or are having an adverse impact on some groups.

To establish an effective monitoring mechanism we will do the following:

1. Select policy for monitoring
2. Set up a monitoring system
3. Brief employees
4. Collect data
5. Analyse the data
6. Identify any patterns of inequality
7. Investigate the reasons for any inequality

8. Consider and take action

9.2 Each Department and policy owner is responsible for ensuring that effective monitoring mechanisms are in place and that employees are aware of them. While monitoring mechanisms may vary from function to function and policy to policy the following guiding principles determine what each technique should examine:

- * consultation with users and non users of services,
- * keeping records on service users
- * satisfaction surveys
- * monitoring of complaints made through the Council's complaints procedure,
- * focus/interest groups,
- * workforce monitoring.
- * The service area concerned will maintain records of the type of monitoring carried out and the results of such monitoring.

9.3 The analysis of monitoring data will identify the effects of the function on different racial groups and will be used to check whether there are any differences between the groups which have an adverse impact on them.

For the purposes of ethnic monitoring, the categories used in the 2001 census (Scotland) will be used. These will be kept under review and amended to take account of any changes agreed by the Scottish Executive.

Details of information and the methods used for gathering the monitoring data will be published each year in accordance with the arrangements detailed elsewhere in the Scheme.

10. **DEALING WITH COMPLAINTS**

10.1 The Council has a formal system for receiving comments, suggestions or complaints from its citizens or customers. This system comprises specifically a leaflet entitled – *It's Better To Listen* which can be used to submit complaints, comments or suggestions to the Council. This leaflet is available in languages other than English.

10.2 In addition to taking specific action to address and resolve complaints, monitoring of complaints will be carried out by the Council's Corporate Management Team and will be reported to the Corporate Governance Committee.

10.3 Employees who wish to submit a complaint or grievance can do so under the Council's Grievance Procedure or the Recruitment and Selection Complaints Procedure.

- 10.4 Complaints about the Race Equality Scheme itself or matters contained within it should be made to the Chief Executive who will make an initial assessment of the complaint and where appropriate pass it on to the appropriate Director for consideration. Following this initial consideration it may be necessary to conduct a review/racial impact report and modify the Scheme in line with the monitoring procedure laid out at appendices 3 and 4.

11. CONSULTATION

- 11.1 The Council is committed to engaging in consultation with ethnic minority communities in consultation. The Council will continue to support the Ethnic Minorities Forum and the Ayrshire Race Equality Partnership to engage with recognised community groups. It will continue to monitor the effective operation of these forums. Where no recognised community groups exist the Council will seek to encourage individuals to come forward to represent interests of those groups.

- 11.2 The Council recognises that a key part of the consultation process will require less formal methods of communication to encourage participation. As such the Council will:

- * Invite people to come forward through their Elected Members
- * Publish the Council's commitment through articles in the press and on local radio
- * Include relevant articles in *Headlines* which is delivered to all households in East Ayrshire
- * Use questionnaires or surveys as appropriate
- * Hold meetings in local neighbourhoods and use community venues
- * Hold separate meetings for particular ethnic minority communities, and also for particular groups, such as young people and women
- * Use focus groups, reference groups and citizen's juries to explore particular issues in greater detail

The Council will translate all relevant consultation material into the main community languages and arrange for interpreters at meetings.

- 11.3 Where the above approaches fail to produce an adequate response the Council will consider alternative methods of investigating consultation by proxy e.g. asking GP's what issues, concerning the Council, they have identified as affecting ethnic minorities.

- 11.4 The Council will also consult with employees through its established joint consultative arrangements and through specifically established employee focus groups where necessary.

12. WHO WILL BE CONSULTED

- 12.1 In addition to relevant stakeholders, anyone in the area who has an interest in promoting race equality should be invited into the

consultation process. This may include individuals, community groups, associations, and corporate teams. Those consulted should include:

- * Groups who are new to the country such as refugees and asylum-seekers
- * Long-standing groups with a history of poor relations with public authorities such as: Gypsies and Travelers; Women; Young people; Ethnic minority businesses;
- * Isolated families or individuals; people who live in one area and work in another and have needs in both

The Council will also consult with the Commission for Racial Equality, Race Equality Councils and other public bodies in gathering information as part of the consultation process.

13. WHEN WE WILL CONSULT

13.1 If a robust assessment process demonstrates there is no adverse impact on ethnic minorities and that it will not harm race equality, there is no need to enter into consultation. Where the assessment process shows there may be an impact, the results would form the basis for consultation and the method of consultation.

13.2 The aims and objectives of consultation should be to ensure:

- * People's views are used to shape the decision making process
- * The exercise represents the views of those who are likely to be affected by the policy
- * The consultation method is suitable for both the topic and the groups involved
- * The exercise is in proportion to the effect that the policy is likely to have
- * The consultation's aims are clearly explained
- * The consultation exercise is properly time-tabled
- * The consultation methods are monitored and if necessary, amended
- * The consultation's findings are published

14. INFORMING EMPLOYEES

14.1 We will inform staff of matters relating to the general and specific duties through a range of mechanisms including the intranet, *Eastwords* and through the team briefing arrangements.

15. INFORMING CITIZENS

15.1 The Council has a responsibility to publish details of the Race Equality Scheme and its ability to meet the demands of the Act. Furthermore, the Council recognises that publishing comprehensive information regarding its performance is open to public scrutiny which is in itself is an effective, additional consultative tool.

15.2 The Council will make publicly available:

- * The Race Equality Scheme & Action Plan
- * Annual Report on how the Council has met targets outlined in Equality Scheme and Action Plan

- * Results of Assessment and Racial Impact Reports

- * Details of Consultation process

- * Results of monitoring mechanisms including complaints

- * Leaflet 'Pocket Guide to Race Relations'

15.3 In all instances the Council will endeavor to publish comprehensive information, however, where publication of information would identify a private individual the Council reserves the right to withhold such information on grounds of data protection and possible infringement on human rights.

The Council will make available important information in the main community languages of English, Urdu, Punjabi and Cantonese.

16. WHERE WE WILL PUBLISH

16.1 Where mechanisms for publishing and reporting upon performance currently exist the Council will continue to utilise these resources. This includes:

- * Publishing Council minutes
- * Best Value Performance Plans
- * Annual Council Report

16.2 The Council will also make use of:

- * The Council website www.east-ayrshire.gov.uk
- * *Headlines* newspaper delivered to all households in the area
- * *Eastwords* – staff magazine

- 16.3 A leaflet entitled 'Pocket Guide to Race Relations' will be distributed to all Council employees as well as distributed to schools, libraries, local offices, community centres and doctor's surgeries.

The Council will use the local press and radio to advertise particular initiatives which concern promotion of race equality.

The Council will seek other avenues for informing the public through consultation with the ethnic minority community. As well as responding to any gap in information provision identified as a part of the consultation mechanism, following a complaint or evident from other monitoring processes.

17. REVIEW OF RACE EQUALITY SCHEME

- 17.1 In addition to the statutory requirement to review formally the Race Equality Scheme every three years, ongoing review will be carried out through the arrangements for submitting annual reviews of the Action Plan as referred to elsewhere in the Scheme.

- 17.2 In carrying out this ongoing review we will seek evidence which shows:-

- * High levels of public confidence in our authority irrespective of people's racial groups
- * That service outcomes are not adversely affected by the recipients racial group
- * High levels of customer satisfaction with services irrespective of the ethnic background of users
- * That the Council's workforce is ethnically representative of the East Ayrshire community
- * staff receive fair treatment irrespective of their ethnic or racial origin

In the ongoing review of the operation and effectiveness of the Race Equality Scheme the Council will take specific account of changes in the legislative framework in particular the establishment in 2007 of the Commission for Equalities and Human Rights.

November 2005

APPENDIX II
EAST AYRSHIRE COUNCIL

RACE EQUALITY SCHEME 2005-2008

**CORPORATE ACTION PLAN TO MEET GENERAL
AND SPECIFIC DUTIES**

OBJECTIVE	ACTIVITY	ACTIONS	TIMESCALE	LEAD OFFICER/SERVICE
1	Ensure Race Equality Scheme implemented	<p>Establish Chief Officers Strategy Group</p> <p>Review arrangements for elected member involvement in Race Equality</p> <p>Ensure that Race Equality Scheme is publicised effectively</p> <p>Ensure that there are appropriate departmental structures to monitor Race Equality Scheme</p> <p>Review interface between Race Equality Scheme and other equality duties</p>	<p>January 2006</p> <p>April 2006</p> <p>January 2006</p> <p>April 2006</p> <p>December 2006</p>	<p>Chief Executive and Head of Personnel</p> <p>Chief Executive and Head of Administration and Legal Services</p> <p>Chief Executive and Head of Corporate Development and Communications</p> <p>All Directors</p> <p>Chief Executive and Race Equality Strategy Group</p>
2	Identify relevant functions and policies	Review current list of functions and policies contained in Race Equality Scheme (2002-2005)	January 2006	All Directors

3	Assess and consult on likely impact of proposed functions and policies	Build in this requirement to all policy development and within reports submitted to Committees	January 2006 for Committee reports and ongoing thereafter	All Directors
4	Monitor policies and functions for adverse impact	Ensure that relevant staff are trained in carrying out Impact Assessments.	April 2006	All Directors and Head of Personnel
5	Publish the results of assessments, consultation and monitoring	Ensure that relevant publications contain information relating to all aspects of the Race Equality Scheme and actions arising from it.	January 2006	All Directors
6	Making sure the public have access to information and services	Review existing publicity and information arrangements.	April 2006	All Directors and Head of Corporate Development and Communication
7	Training employees	Review existing arrangements for providing race equality training.	April 2006	Head of Personnel and all Directors
8	Monitoring employment activities	Review arrangements for monitoring employment information to ensure consistency and comprehensiveness	March 2006	Head of Personnel and all Directors