

EAST AYRSHIRE COUNCIL

COUNCIL MEETING - 24 OCTOBER 2002

RACE RELATIONS (AMENDMENT) ACT 2000

Report by Depute Chief Executive/Director Of Corporate Resources

1.0 PURPOSE OF REPORT

- 1.1** To recommend adoption of the attached Race Equality Scheme in accordance with the requirements of the Race Relations (Amendment) Act 2000.

2.0 BACKGROUND

- 2.1** The Race Relations (Amendment) Act 2000 places an express 'general' duty on public bodies to eliminate unlawful racial discrimination, promote equality of opportunity and promote good relations between people of different racial groups.

The Council must set in place and publish an equalities scheme and time-tabled action plan by 30 November 2002 setting out how it aims to meet its obligations under the Act.

- 2.2** The Act is comprised of a General Duty and Specific Duties. The General duty is as set out at para 2.1 above. The following specific duties are designed to aid public bodies meet the General Duty:

- Publishing a written Equalities Scheme
- Conducting a review of ALL Council services and policies to determine their relevance to race relations and impact on different minority ethnic groups
- Arranging for consultation and monitoring of policies and services to identify adverse impact on race relations
- Promoting a review and development of the Council's Employment Policies with a view to establishing a more representative workforce
- Ensuring all staff are aware of their duty to promote equality of opportunity

- Places specific duties on the delivery of educational services to ensure equality of opportunity (Already being actioned by G. Short in partnership with Legal and Admin)
- Monitoring and publishing details of annual performance indicators on race.

2.3 The Council's existing Equal Opportunities Strategy document has been reviewed in the context of the Act and is considered to remain modern and relevant. However, the Commission for Racial Equality's guidance is that the Act requires Race to be given separate and easily identified priority within the Council's Equal Opportunities commitments. The Equal Opportunities Strategy document is therefore being reviewed and recommendations will be returned to the next meeting of the Policy and Resources committee for consideration.

2.4 The Chief Executive's Senior Staff Management Team have reviewed the Race Equality Scheme and approved its reference to Council.

3.0 RECOMMENDATIONS ON THE RACE EQUALITY SCHEME

3.1 The Act requires that in supporting the Race Equality Scheme the Council will need to:

- Monitor its workforce, and make sure that people from ethnic minorities are treated fairly.
- Assess how its policies and programmes may affect ethnic minorities, and deal with any possible adverse impact.
- Monitor the way its policies and programmes are put in to practice, to make sure they meet the needs of people from ethnic minorities.
- Have a publicly-stated policy on race equality.

3.2 Appendix 1 to this report provides the recommended elements of a race equality scheme.

3.3 Appendix 2 to this report provides the recommended Race Equality Scheme.

Members will note reference to supporting appendices within the scheme which are available from the Head of Personnel. It is these appendices which will require to be developed by Service Directors in partnership with Service Committees and relevant external bodies that will mainstream the Council's commitment to race equality thus building

race equality in to everything that we do from developing policy to front line service delivery.

- 3.4** In terms of the specific duty of consultation placed on the Council the Depute Chief Executive/ Director of Corporate Resources will, subject to Council approving the recommendations within this report, arrange an early meeting with representatives from the ethnic minority forum.
- 3.5** In terms of the specific requirement on Councils to publish their Race Equality Scheme the Depute Chief Executive/ Director of Corporate Resources will arrange to publicise the scheme appropriately to the East Ayrshire community.
- 3.6** In drafting the Scheme the Commission for Racial Equality were approached for advice and guidance on the content of the document. Following this consultation process appropriate amendments were made to the scheme to ensure that the Council would comply fully with the requirements of the Act in respect of the introduction of a Race Equality Scheme.

4.0 LEGAL & POLICY IMPLICATIONS

- 4.1** The introduction and publication of the race equality scheme will ensure that the Council complies with the requirements as laid down by the Race Relations (Amendment) Act 2000 and by the Scottish Parliament.

5.0 FINANCIAL

- 5.1** Development of departmental responses to the specific duties of the Act will be considered by directors as they develop their service responses to the legislation and will be reported to service committees in the normal way.

6.0 RECOMMENDATION

- 6.1** The Council is asked to:
 - (a) approve the adoption of the attached Race Equality Scheme in accordance with the Race Relations (Amendment) Act 2000;
 - (b) ask each Service Director to 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

- (c) ask the Depute Chief Executive/Director of Corporate Resources to arrange an early consultation meeting with representatives from the ethnic minorities forum on the scheme and publicise the Race Equality Scheme to the East Ayrshire community.

Fiona Lees
Depute Chief Executive/Director of Corporate Resources
GH/EG
21 October 2002

Anyone wishing further information should contact Graham Haugh, Head of Personnel (Tel 01563 576092).

APPENDICES

1. Elements of a race Equality Scheme
2. Race Equalities Scheme – “Putting People First”

BACKGROUND PAPERS

1. Race Relations (Amendment) Act 2000
2. Commission for Racial Equality Consultation Draft – “The Duty to promote race equality ‘A Guide for Scottish Public Authorities’”
3. Commission for Racial Equality Consultation Draft – “Statutory ‘Code of Practice on the Duty to Promote Race Equality in Scotland’”
4. Commission for Racial Equality Consultation Draft – “Ethnic Monitoring ‘A guide for public authorities’”

ELEMENTS OF A RACE EQUALITY SCHEME

As outlined by the Commission for Racial Equality in 'A Guide for Scottish Public Authorities' a race equality scheme should include the following elements:

- Race equality values, principles, and standards
- Race equality strategic aims
- How the Council will meet the general duty
- How the Council will meet the specific duties
- An action plan and timetable
- Race equality targets (where appropriate)
- Race equality performance indicators (where appropriate)
- How the Council will deal with complaints
- How the Council will consult staff and the public, including ethnic minority communities, at different stages of the action plan
- How the Council will tell staff about our plans and activities
- How the Council will tell the public about progress in race equality

East Ayrshire Council Draft Race Equalities Scheme “Putting People First”

East Ayrshire Council is committed to building equality of opportunity into all that we do, from developing policy to front-line service delivery.

INTRODUCTION

This Equalities Scheme underpins the Council’s Corporate Plan and its core values of Quality, Equality, Access and Partnership. It should be considered in conjunction with the Council’s Equal Opportunities Strategy.

Through this Race Equality Scheme and associated Action Plan the Council sets out the terms under which it will respond to the Race Relations (Amendment) Act 2000, herein referred to as “The Act”.

The Council will comply with both the “General Duty” and “Specific Duties” of the Act as laid out below for the purpose of promoting equality of opportunity. It is recognised that the Commission for Racial Equality has enforcement powers under the Act to ensure it is implemented in the Council.

STRATEGIC AIMS & GENERAL PRINCIPLES

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.

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.

In developing its scheme the Council is conscious that race equality issues do not stand in isolation from other equality issues and the Council is taking steps to ensure that no one is disadvantaged on any of the grounds as listed above. The Council supports the

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objectives of the Act and will continually monitor the introduction of this scheme to ensure that other minority groups are protected.

RESPONSIBILITY FOR COMPLYING WITH THE ACT

Ownership of equality issues lies within each service. It is the responsibility of each Director to ensure implementation of the Race Equality Scheme within their department and delivery of their services.

Directors and managers will be responsible for implementing the Policy within their Departments and for ensuring that staff are familiar with, and act in accordance with, the Scheme, and that adequate monitoring arrangements are in place.

Each Director and Head of Service will have responsibility for ensuring that the specific requirements of monitoring and publishing information as well as ensuring the employment duty is met within their area of responsibility. The Head of Personnel will have specific responsibility for the employment duty as it relates to the Council as a whole.

Special responsibility for reviewing the Race Equality Scheme and assessing the implementation of the specific duties rests with the Policy and Resources Committee as informed by the Chief Executive.

Through the Council's commitment to Mainstreaming within Equal Opportunities each employee and Member of the Council has a personal responsibility for ensuring that their behaviour is acceptable within the terms of the Council's Equal Opportunities Strategy.

The Council acknowledges that specific responsibilities fall upon managers, supervisors, and those individuals involved in personnel administration or who receive requests for service provision.

Responsibility extends to any one or any organisation providing services on behalf of the Council. Recipients of such services are considered to be Council customers and therefore entitled to the same equality of opportunity as if the Council had directly provided the service. The General Duty will also apply to private, voluntary, and partnership bodies carrying out the Council's functions.

WHO IS COVERED BY THE SCHEME

Any employee, job applicant, customer, potential customer, recipient of services, potential recipient of services, contractors to the Council or those seeking contracts with the Council and anyone seeking assistance from the Council is considered to be covered by the terms of the Race Equality Scheme.

EAST AYRSHIRE COMMUNITY

The 1991 census showed that 575 people from ethnic minorities were resident in the East Ayrshire area. Ethnic minorities represent 0.5% of the resident population. *(2001 figures to be published 31/03/03)*

East Ayrshire contains a relatively small and scattered ethnic minority population. This scheme seeks to ensure that the active promotion of race equality is consistent with the Authority's approach to the delivery of excellent services to all its citizens and is an important aspect of its community leadership role as well as being a statutory duty.

The Act recognises that while rural areas such as East Ayrshire have relatively small ethnic minority populations these authorities must demonstrate that they have implemented the full requirements of the Act. For this reason the Act places a duty on the Council to continuously review the methods it uses to consult the population and seek new ways of gathering information and views from the community.

THE DUTIES OF THE ACT

The Act places two broad types of duty on the Council: a general duty and a series of specific duties.

The following sections outline what is expected of the Council under these duties and how we will meet them.

HOW THE COUNCIL WILL MEET THE GENERAL DUTY UNDER THE RACE RELATIONS (AMENDMENT) ACT 2000

Under the general duty the Council has a legal obligation to:

- Eliminate unlawful racial discrimination
- Promote Equality of Opportunity
- Promote good relations between persons of different racial groups

We will meet the General Duty through:

- Assessing each of our functions for its relevance to the general duty. A list of functions is attached at Appendix 1
- Development and Implementation of the Action Plan

Appendix 2

- Compliance with the specific duties

The Council will also:

- Actively consider ethnic minorities with respect to its policies, service delivery and employment policies.
- Identify and consult with ethnic minorities within the community.
- Ensure information and services are accessible for people whose first language is not English.
- Promote awareness of the cultural diversity within the community.
- Consider making changes to policies to meet the General Duty
- Examine its employment policies in a similar manner
- Monitor relevant policies, and services and where the results of monitoring exercises indicate an adverse impact on ethnic minorities, proportionate action will be taken to eliminate the inequality.

The aim of the Council is to ensure achievement of the General Duty by following and fully introducing the processes and arrangements covered by the specific duties.

HOW THE COUNCIL WILL MEET THE SPECIFIC DUTIES

To assist public bodies in meeting the requirement of the General Duty a series of “Specific Duties” have been imposed by the Scottish Parliament. Specific Duties are, therefore, considered a means to an end and not an end in themselves.

The publication of this Race Equality Scheme is one such Specific Duty. Other Specific Duties as defined by the Commission for Racial Equality are addressed in the remainder of this Scheme.

We will meet the specific duty by:

- Assessing, Listing and Prioritising functions and policies (Appendix 2)
- Monitoring (Appendix 3)
- Assessing and consulting on proposed policies (Appendix 4)
- Consultation (Appendix 5)

Appendix 2

- Complaints (Appendix 6)
- Publishing results (Appendix 7)
- Training (Appendix 8)
- Employment (Appendix 9)
- Reviewing Progress (Appendix 10)
- Council Wide Action Plan (Appendix 11)
- Ethnic Monitoring Categories (Appendix 12)
- Corporate Wide Assessment Grid (Appendix 13)
- Racial Impact Report (Appendix 14)

AGENDA