

SCRUTINY COMMISSION – 4TH SEPTEMBER 2002

REPORT OF THE CHIEF EXECUTIVE

DRAFT RACE EQUALITY SCHEME

Purpose of Report

1. The purpose of this report is to ask the Commission to consider and comment on the draft Race Equality Scheme. The draft Scheme has been approved by the Cabinet for consultation.

Reasons for developing the Scheme

2. The County Council is required to publish a Race Equality Scheme. The regulations governing the preparation of the Race Equality Scheme do not require the Scheme itself to be the subject of consultation. However, it would not be appropriate, given the range of issues required to be covered by the Scheme, for it not to be the subject of consultation both inside and outside the County Council. The current draft has not been consulted on to date.
3. The Race Relations Act 1976 (Statutory Duties) Order came into effect on 3 December 2001. It requires the County Council to publish a Race Equality Scheme by 31 May 2002. Draft statutory and non-statutory guidance was published by the Commission for Racial Equality in December 2001 but not formally approved by Parliament until April 2002.
4. The proposed timetable for consultation on the Race Equality Scheme is:

August to November 2002	–	consultation on draft scheme
November 2002	–	Cabinet consideration of consultation outcomes and approval of Scheme

Policy Framework and Previous Decisions

5. The County Council has a general policy statement on equal opportunities which is set out in the draft Race Equality Scheme. It does not have a specific corporate race equality policy statement or Scheme. A Race Equality Scheme is now a statutory requirement and presents an opportunity for the County Council to develop its approach

to equal opportunities in line with commitments in the Medium Term Corporate Strategy.

6. A Members Information Item on the requirements of the new statutory duties was circulated to all members of the Council in January 2002.

Background

7. General duties under the Race Relations (Amendment) Act 2000 came into force in April 2001. Regulations under the Act in relation to the preparation of race equality schemes came into force in December 2001 and required the County Council to publish a Race Equality Scheme by 31 May 2002. A summary of the general provisions of the Act is attached as Appendix 'A' together with a summary of the requirements of the regulations relating to the preparation of the Race Equality Scheme.
8. In November 2001 the Commission for Race Equality (CRE) published a draft of the statutory code of practice on the duty in the Act to promote race equality. The CRE also produced a draft of non-statutory guidance to accompany the proposed statutory code, further guidance on race equality monitoring and draft guidance on the application of the statutory duties to schools and to further and higher educational establishments. Final copies of the code and guidance were published in May 2002.
9. Separately, in October 2001, the Employers' Organisation, with the CRE, published a draft Equality Standard to cover all aspects of equal opportunities in relation to service delivery and employment. The new Equality Standard has replaced the previous CRE Standards for local government from April 2002 and is the subject of a new Best Value Performance Indicator.
10. The duties under the Act and regulations apply differently to schools with consequently different responsibilities on the local education authority for monitoring and reporting. Other local education authority functions and non-school employees will be subject to the responsibilities as they apply to local authorities.
11. Amongst the issues listed in Appendix 'A', the following are important:
 - (i) the positive requirement in the Act to promote good race relations, rather than just to avoid breaking the law;
 - (ii) the requirement to publish by 31 May 2002 a Race Equality Scheme which must contain:
 - an assessment of the Council's functions and policies relevant to the duties under the Act;
 - the Council's arrangements for assessing, consulting, monitoring and reporting on the impact of policies on the promotion of race equality;

the Council's arrangements for training employees in connection with the duties under the Act; and

priorities for action over a three-year period.

- (iii) the requirements (and expectations) in the Regulations and statutory guidance concerning monitoring and reporting not just for employment and training matters but also in respect of service delivery;
- (iv) the statutory guidance and accompanying guide for public authorities set out detailed proposals for the assessment of functions and contents of race equality schemes;
- (v) although the timetable for preparation of the Regulations and the statutory and non-statutory guidance slipped considerably, the statutory date for compliance did not;
- (vi) the regulations do not contain a specific requirement to consult on the Race Equality Scheme itself although there is clearly an expectation of this particularly in relation to the assessment of functions and prioritisation of action.

Proposal

12. The County Council's self-assessment submission for the Comprehensive Performance Assessment contains a commitment to develop the County Council's approach to equality linked to the Better Access to Better Services Initiative and acknowledges that the new Equality Standard provides a tool for doing this.
13. The Race Equality Scheme should therefore be seen as part of a wider approach to equalities. Such an approach would fit in with the commitment in the County Council's medium term corporate strategy that "We will act positively to tackle inequality and discrimination building on our existing approach to equal opportunities". The race equality elements County Council's existing equal opportunities policy statement need to be reviewed in the context of the specific requirements of the Race Relations (Amendment) Act.
14. The County Council's Best Value Performance Plan for 2001/02 contained a commitment to undertake an audit against the then Commission for Racial Equality (CRE) Standard for local government. The target set in the Best Value Performance Plan was to undertake an audit against level 3 of the CRE Standard (the Standard had 5 levels). An officer group was formed to undertake this work and put forward proposals to enable the Authority to achieve level 3 across all service areas. The intention in carrying out an audit against the CRE Standard was not just to satisfy the requirements of the then Best Value performance indicator but also, more importantly, to help the County Council in responding to the corporate, service and workforce implications of the Stephen Lawrence Inquiry report and preparing for the requirements of the Race Relations (Amendment) Act 2000.

15. A draft Race Equality Scheme has now been prepared. A copy is attached as Appendix 'B'. It contains a summary of the outcome of the audit referred to in paragraph 14 above. In particular it is proposed that the Scheme is subject to consultation between August and November.

Consultation

16. The current draft of the Scheme has not been the subject of consultation internally or externally. It is therefore proposed that it is the subject of widespread consultation. The consultation exercise can be linked to other consultation taking place during the same period, including the development of the countywide community strategy and proposed review of Library Services to cultural minorities.

Equal Opportunities Implications

17. The purpose of this report and the draft Race Equality Scheme is to develop the County Council's approach to race equality as part of the overall development of equal opportunities.

Resources Implications

18. There will be additional resource implications arising from the training, monitoring, additional publication / translation requirements arising from the new duties. In addition race equality impact assessments may indicate the need for service developments with cost implications. It is intended that costs arising in the current financial year will be contained within existing budgets. Resource implications for future years will need to be considered as part of the budget process. The County Treasurer has been consulted on this report and his comments included.

Recommendations

19. The Commission is asked to comment on the draft Race Equality Scheme and the County Council's approach to race equality as part of the overall development of equal opportunities.

Background Documents

None.

Members Advised under Sensitive Issues Procedure

None.

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