

**THE RACE EQUALITY SCHEME FOR
WEAR VALLEY DISTRICT COUNCIL**

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1. INTRODUCTION

THE GENERAL DUTY

As required by the Race Relations Amendment Act, the Council shall, in carrying out its functions, have due regard to the need:

- (a) to eliminate unlawful racial discrimination,
- (b) to promote equality of opportunity and
- (c) to promote good relationships between persons of different racial groups.

What does the General Duty Mean in practice?

The aim of the general duty is to "mainstream" the elimination of discrimination and the promotion of equality of opportunity and good race relations, by making these an integral part of the way public functions are carried out. It is not a weighty new burden, just a better and more effective way of doing what an authority already does.

'To have due regard'

By phrasing the general duty in this way, parliament has made it clear that public authorities do not have the option to decide whether they will do anything about discrimination and racial equality – it is now mandatory. The Council should therefore assess where, and how, racial equality is relevant or potentially relevant to the way they carry out their various functions.

Complying with the General Duty

To have 'due regard' means that the weight given to racial equality should be proportionate to the relevance of the Authorities' functions and policies. For all public authorities, regardless of their specific functions, racial equality will always be relevant to all aspects of employment – recruitment, selection, training, promotion discipline and dismissal. To comply with the general duty, therefore, all authorities should "equality proof" their employment policies, procedures and practice, and take all necessary steps to prevent discrimination.

Public authorities are responsible for ensuring the general duty is an integral part of any function where racial equality is relevant. The Authority has to define its functions and then assess the impact on racial equality of what it is currently doing and what it is proposing to do. Where current or proposed policies conflict with the elimination of racial discrimination or the promotion of racial equality and good race relations, the Council is expected to consider the changes needed to comply with the general duty, and then make those changes.

Partnerships, private, voluntary organisations and the General Duty

When the Council has a contract or other arrangements with a private company or voluntary organisation to carry out any of its functions, it is the Council that is

responsible for meeting the general duty. In terms of procurement, the Council must comply with existing laws but must also take appropriate measures to promote racial equality in setting criteria and deciding who should be awarded contracts or grants.

The general duty applies to the way the Council carries out its functions within the partnership. In partnerships where other members are private or voluntary organisations, the Council should ensure that, where relevant, the activities of the partnership comply with the general duty.

Where other members of the partnership are public authorities, the general duty will then apply fully to all deliberations, decisions and action by the partnership.

Enforcement by the CRE and the Courts

An individual or an organisation, including the CRE, can apply to the High Courts for a judicial review of a public authority's alleged failure to comply with its general duty. The CRE has powers of enforcement to take legal action against a public authority for not fulfilling its specific and positive race equality duties.

Specific Duties

A key feature of the Race Relations (Amendment) Act 2000 is the provision for the Home Secretary to introduce specific and positive race equality duties on all public authorities. The specific duties require all public authorities to publish a Race Equality Scheme.

The Race Equality Scheme

The Race Equality Scheme is effectively a strategy and action plan. It summarises our approach to race equality and our corporate objectives and values. It also says how we plan to meet each part of the duty, that is, our arrangements for assessing, consulting, monitoring and training.

Wear Valley District Council's Race Equality Scheme has been developed in consultation with Durham and Darlington REC and other minority community organisations to cover all relevant functions, inside or outside the authority, however we carry them out, and bring them together within a single framework.

2. **WEAR VALLEY DISTRICT COUNCIL'S CONTEXT AND VISION**

Wear Valley District Council has a population of just under 62,000. According to the 2001 census 0.8% of our local population are Black or ethnic minority people. The largest town, Bishop Auckland in the south east of the district, has approximately 2.2% of its population being Black or ethnic minority.

Wear Valley District Council Black and ethnic minority people are mostly African Caribbean, Pakistani/Muslim and Chinese. Gypsy and travelling people are also part of the local communities. The largest ethnic minority group locally is the White Other group.

The District Council is now one of the largest local employers with approximately 550 employees of whom 0.4% are Black or ethnic minority none of whom are at senior levels. We have a target of 1% of employees being Black or ethnic minority by 2005.

The Council's vision for Wear Valley and the District, stated in the Council Plan, is to become the best District Council in England. This is supported by the following objectives:

1. Population

The Council will use its statutory powers, resources and influence to help create a balanced, vibrant and growing population across the whole of Wear Valley District.

2. Environment

The Council will aim to secure new public and private investment to improve the built and natural environment.

3. Economy

The Council will enable the development of a continuously improving economic infrastructure and environment in Wear Valley.

4. Community Safety

The Council will design its services to increase community safety and crime prevention and work closely with key partners to improve crime reduction.

5. Health

The Council will use its services to help improve the health and well being of Wear Valley residents and promote healthy lifestyles.

6. Lifelong Learning

The Council will encourage the development of continuous lifelong learning in Wear Valley.

Wear Valley District Council believes that its aims can best be achieved and our values demonstrably followed by pursuing an equality agenda that encompasses the three Codes of Practice issued by the relevant bodies (Commission for Racial Equality, Disability Rights Commission and Equal Opportunities Commission).

The Council's Race Equality Scheme in accordance with the Race Relations (Amendment) Act 2000 aims:

- To achieve Racial Equality in all our undertakings, and develop and maintain a racially diverse workforce at every level to reflect the ethnic composition of the District.
- To achieve race equality in all aspects of our services.
- To secure a fairer society for Wear Valley, where everyone regardless of their ethnic, racial or national origin has equal opportunity to develop and attain their full potential.

Our race equality values, principles and standards are set out as follows:

- We work to ensure that all our services and employment opportunities are equally available to everyone in the District. We recognise that discrimination denies black and ethnic minority people equal opportunities. We are committed to eradicating race discrimination from our services and our employment provision.
- We acknowledge there may be institutional discrimination in our organisation. Institutional discrimination is the processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and stereotyping which discriminates and disadvantages black and ethnic minority people.
- Our equality policy covers all black and ethnic minority communities including travellers, and Irish people. We recognise that some people may experience more than one form of discrimination, for example, as a result of being female and black.
- We recognise that the comparatively small size of our black and ethnic minority community does not mean that there is no problem of racism. It does mean that we have a particular responsibility to challenge it, especially the 'everyday racism' that black people and ethnic minorities have to face.
- We recognise that both equal treatment and positive action are necessary for equal opportunities. Working with local black and ethnic minority people and with other agencies, we are take positive action to counter-act the effects of discrimination and disadvantage.
- In taking positive action we are not giving black and ethnic minority people special treatment or better opportunities. We are recognising that we may have failed to deliver the same standard of services and opportunities to local black and ethnic minority people or to take account of their particular needs and we need to take steps to correct this.

3. **IDENTIFYING RELEVANT FUNCTIONS AND POLICIES**

In assessing the relevance of functions and policies the Authority has listed all the functions and policies of the Council and ranked them in order of relevance

and priority. This has led to the timetable below for reviewing what actions the Council should take to comply with the General Duty.

Details of the assessment process are attached at Annex A.

The list of functions and policies and the priority given for reviewing them will be reviewed every three years.

Year 1

To be agreed

Year 2

To be agreed

Year 3

To be agreed

4. **ARRANGEMENTS FOR ASSESSING AND CONSULTING ON, THE LIKELY IMPACT OF PROPOSED POLICIES ON THE PROMOTION OF RACE EQUALITY**

In order for progress to be made in pursuing the Equalities Agenda, all proposed policies will be assessed for their potential to promote racial equality in order to fully comply with both the General duty and Specific duties in accordance with the Race Relations (Amendment Act) 2000.

To this end, all policy reports will contain a written race equality statement that will be made up from the report author's answers to the following questions:

1. Could this policy affect some racial groups differently?
2. What impact will it have promoting good race relations?
3. Is there any public concern, especially from ethnic minorities, about possible discrimination?

The assessment will be based on evidence gathered in a variety of ways depending on the potential impact on the general duty to promote racial equality. This assessment will include all or some of the following:

- Consulting members of the ethnic minority community;
- Consulting ethnic minority advocacy groups;
- Comparison of policies with those from other authorities;
- Analysis of existing data and research findings*; and
- Advice from statutory agencies.

*Analysis of data - the data to be analysed will cover as appropriate:

- Service Applicants;
- Service Users;
- Levels of Use;
- Satisfaction rates; and
- Complaints.

The assessment will be reported to the Committee who are responsible for the adoption and monitoring of the Council's policy.

Where the assessment indicates that there has been or is likely to be adverse impact on good race relations, discrimination or the denial of equality of opportunity, it will identify how the policy should be (or has been) revised in the light of the assessment.

This assessment will set a date that will be no longer than three years after the adoption of the policy for a further (monitoring) report that will report on any actual or perceived adverse impact to the promotion of race equality.

5. **ACCESS TO SERVICES**

In order to meet our stated objectives of engaging all sectors of the community; providing access to services for all; and ensuring that people from ethnic minority groups:

- Know about particular services;
- Are confident about using them; and
- Do not meet barriers when they try to use them.

Wear Valley District Council will re-activate its Corporate Equalities Group. Its role will include raising awareness and promoting equal opportunities across the Council.

The Council's Equalities Group will meet regularly with Departmental Heads to discuss the progress of implementing their Equality Action Plans to effect the integration of the Equalities Agenda into the business of the Council. The information collated and recommendations from the Equalities Forum will be used in the review of the Council's Race Equality Scheme.

To counter the current lack of engagement with ethnic minority groups, time will be taken to develop links with the community. This will increase the confidence of members of the ethnic minority community in contacting the Council and participating fully in the wider community.

There will be, in addition, regular (frequency to be determined) meetings with community and Voluntary Sector workers as part of the Wear Valley Local Compact Strategy. This will include:

- The perceptions of Council services; and
- Problems experienced in accessing them.

The Council's objectives, as well as hearing directly from the community above about their experiences, opinions and needs, include:

- Building trust with the community; and
- Enabling and promoting long term engagement and ongoing relationships.

Specific objectives for the development of the local compact are to inform the community on:

- Service availability;
- How to access services;
- How to make a complaint; and
- Details of local Councillors.

Given the importance of the widely distributed Wear Valley Matters in providing information about Council services, all copies will have details of how to obtain copies in other languages. Within the District, the relatively small and diverse ethnic minority population means that it is not feasible to have pre-printed foreign and ethnic minorities language versions available and therefore such information will be provided upon request of what languages are required.

6. **COMPLAINTS**

The Council positively welcomes feedback and complaints on the way the Council is implementing both the specific and general duties under Race Relations legislation. In common with the Council's agreed procedures for complaints, complainants are asked to contact the Complaints Officers, however the Council is aware that for those sectors of the community who have difficulties in accessing services the Council's formal complaints procedure may be similarly inaccessible.

Our objective in having a complaints procedure is to ensure that all residents' concerns are addressed; a prerequisite for this is that all sectors of the community have confidence in the responsiveness of the Council. The Council will seek to establish links between ethnic minorities groups and the Council. The intention is for complaints to be resolved at the most appropriate level and develop improved, direct links with the black and ethnic minority groups.

Complaints that allege that service delivery or policies are in some way discriminatory will be considered by the Directorate Director who will investigate. If the complaint is substantiated this will be reported to the Council's Scrutiny Committee with recommendations for action that may include amendments to policy or procedures as appropriate. The complaint will also be considered when reviewing the appropriate function in our three-year review programme. The complainant will be kept informed of the results of their complaint and advised of their right to take the complaint to the Local Government Ombudsman and/or the Commission for Racial Equality.

7. **PUBLISHING THE RESULTS**

Wear Valley District Council aims to promote social inclusion and local democracy. The results of all assessment, circulation and monitoring will be available to anyone who asks for them. In addition a summary and assessment of equality monitoring, including any evidence or discrimination, how the results of the monitoring and consultation have developed policy and practice will be published on the Council's website www.wearvalley.gov.uk. This information will be published in the annual Best Value Performance Plan that is available on demand. This will be made available in languages other than English and in other media types.

8 **ASSESSMENT**

We will publish the following:

- A description and explanation of the policies we have proposed introducing, a brief account of how we assessed the likely effects of the policy, including any consultation we carried out at this stage;
- A summary of the results of our assessment;
- Any available technical reports, and how to get them;
- A review of our proposed policy (or policy options) in the light of our assessment; and
- A statement of what we plan to do next.

9. **CONSULTATION**

We will publish the following:

- Why we carried out the consultation;
- Details about how we went about it;
- A summary of the consultation results;
- An assessment of the proposed policy (or policy options) in the light of the responses we received; and
- A statement of what we plan to do next.

10. **RACE EQUALITY IN THE PROCUREMENT CYCLE**

The following paragraphs set out the procurement cycle as it relates to this Race Equality Scheme. The headings shown below need to be carried out in the order shown.

Heading	Sub Heading
Definition of needs	<ul style="list-style-type: none"> • Decide if race equality is a core requirement in any of the work to be provided • Consult users and potential users (if thought necessary) • Evaluate existing provisions and identify Improvements • Consult providers (if thought necessary)
Specification and contract conditions	<ul style="list-style-type: none"> • Include all race equality requirements in specification • Include requirements of Race Equality Scheme (RES) • Include non-discrimination contract clauses • Include relevant clauses to promote race equality
Selection	<ul style="list-style-type: none"> • Check no history of discrimination • Check ability to promote race equality in employment and service delivery
Invitation to tender	<ul style="list-style-type: none"> • Give all information about Wear Valley District Council • State race equality criteria • State evidence to be submitted
Evaluation and award	<ul style="list-style-type: none"> • Apply relevant criteria relating to race equality • Evaluate offer which is best value for money and can meet all the requirements
Immediate steps following award of contract	<ul style="list-style-type: none"> • Agree on responsibilities of Wear Valley District Council and contractors • Clarify race equality requirements • Agree methods of monitoring
Monitoring and managing	<ul style="list-style-type: none"> • Check contractor's performance meets race equality requirements • Act promptly to improve poor performance

Heading	Sub Heading
	<ul style="list-style-type: none"> • If poor performance persists, take enforcement action
Review	<ul style="list-style-type: none"> • Review success or failure in promoting race equality • Note lessons for future contracts

11. **RACE EQUALITY OBJECTIVES FOR PARTNERSHIP WORK**

The Council is committed to partnership working as means of achieving its corporate objectives. In furtherance of this, we will strive to achieve the following:

- We inform partner organisations that we work in line with the principles of the duty to promote race equality.
- We aim to get these principles adopted as governing principles for the partnership.
- We aim to get local partnerships to set race equality targets with progress reviewed regularly.
- We work to get Local Strategic Partnership staff and other partnership staff briefed on the general and specific race equality duties.
- We include the race equality duties in any service level agreements that we make.

12. **BEST VALUE REVIEWS AND SERVICE PLANNING FRAMEWORK**

The Council will use the Best Value Regime to integrate diversity within its mainstream business processes for achieving major change in the way services are accessed and delivered to people.

In relation to the service planning framework, this will be updated so that each departmental service plan reflects the following:

- Timetable for assessing functions
- Consultation carried out
- Training delivered

13. **MONITORING**

We will publish the following:

- An explanation of monitoring and why it is important; and

- The monitoring systems and methods we used.

Such a monitoring report will identify the proportion of users of a service or those affected by a policy by ethnic group using the census groupings. To assess the impact of policies on the general duty and to counter the low proportion of returns from the minority ethnic communities in general surveys, the Council will expand on the existing relationship with the minority communities to assess and report on the usage and satisfaction with both policy and service delivery. This assessment will include the results of meetings with community development workers and other community workers who are continuously developing community links and are ideally placed to identify issues affecting ethnic minorities.

14. **TRAINING**

The Council will train its staff on race equality issues with the objectives of:

- Raising awareness on race issues;
- Eliminating any discrimination in service delivery; and
- Understanding the application of the Race Equality Scheme and the obligations of the Council under the General and Specific Duties.

Front line staff will receive training appropriate to their role within the Council.

Heads of Service will also receive training in:

- A general understanding of race equality issues as they affect public authorities including the concept of “institutional racism”;
- The general and specific duties of the Race Relations Act and why they are important;
- The concept of a Race Equality Scheme, how to develop it and put it into practice; and
- How to carry out assessments, consultation and monitoring and how to produce and publish reports on them, and publicise them widely.

15. **EMPLOYMENT**

The Council collects and monitors by racial group (and gender and disability) information on:

- The numbers of staff in post and at what grade;
- The numbers of applicants for employment, training and promotion;
- The numbers of staff who receive training;

- The numbers of staff who are involved in grievance procedures;
- The numbers of staff who are subject to disciplinary procedures; and
- The numbers of staff who cease employment with the Council.

The Council will include in the annual publication (in the Council's Best Value Performance Plan) the results of the above monitoring except where, due to the small number of employees in some of the groups, the member of staff could be identified.

- An analysis of the data that identifies any patterns of inequality; and
- Any positive actions being undertaken to remove identified barriers and promote equality of opportunity such as discussions with community groups on opportunities within Local Government and opportunities for work placements.

16. **DELIVERY**

The Council has a number of measures aimed at effecting racial diversity as part of general Equal Opportunities. These are:

(i) Best Value Performance Plan

This is a comprehensive report which, reviews and measures the Council's performance and progress on a wide range of all its activities. It provides detail monitoring information and a breakdown of its services in the Council as well as set targets and action plans for future development. At the heart of the Council's Plan is its Core Values which is underpinned by its commitment towards equal opportunities. Equality issues will become an integral part of the overall Best Value Performance Plan. The views of residents, users and stakeholders would be sought by using the CRE E.O.C. and DRC codes of practice.

(ii) Equality Standard for Local Government

Wear Valley District Council has adopted the Employer's Organisation Equality Standard as a generic benchmark against which to measure the success and progress of its equal opportunities and diversity initiatives. Targets and action plans are developed on race, gender, disability etc. up to level 2 of the Standard. Progress and achievements will be reviewed annually, via the Council's Equality Group and a report will be sent to Committee on a regular basis. The Council has attained level 1 of the Standards and is now working towards level 2.

(iii) Equal Opportunities and Job Responsibilities

As part of the commitment to the Equality Standard all employees have responsibility for promoting and implementing the Council's Policy on equal opportunities as an integral part of their job descriptions. Performance on equal opportunities will form part of individual work reviews, objective setting, and targets and employee development plans, and play a significant part of Personal Development Plans.

17. **OUTCOMES**

The Outcomes we expect from this Race Equality Scheme are as follows:

- Improving the representation in the workforce at all levels of the range of ethnic groups in the local area and relevant labour markets
- Improving staff perceptions of equal opportunities for all ethnic groups and reducing any differences
- Widening the ethnic profile of service users having regard to need and relative to the local population
- Improving satisfaction rates among service users of all ethnic groups and reducing any differences
- Reducing number of complaints from service users of all ethnic groups and reducing any differences
- Providing services that meet the needs of all ethnic groups in the communities the authority serves
- Proving service outcomes for all ethnic groups and reducing any differences
- Increasing satisfaction in the way racial incidents resulting in further action are handled
- The achievement of these outcomes will be monitored on an ongoing basis.

Annex B shows the action plan to be adopted by the Council to achieve the above outcomes.

18. **MONITORING AND REVIEW**

We would monitor this policy regularly to ensure that the policy objectives are being achieved. This monitoring result will be published widely to all residents in the District as well as to all major employers and our Department by way of sharing best practice.

ASSESSING OUR FUNCTIONS AND POLICIES

1 All local authorities must demonstrate in their race equality scheme that they have assessed all their functions and current and proposed policies for their degree of impact on black and ethnic minority groups and on the authority's duty to promote race equality. Functions and policies which impact on different ethnic groups are *relevant* to the authority's duty to promote race equality and must be monitored.

2 **Meaning of 'functions' and 'policies':**

- The term 'functions' means duties and powers. It covers internal and external functions, including service delivery. Service delivery means the full range of external functions, including regulation and enforcement.
- The term 'policies' means the full range of formal and informal decisions made in carrying out duties and powers, and all the ways in which powers are used – or not. This includes assessments of long-standing 'custom & practice' and management decisions, as well as formal written policies.

3 **Meaning of 'relevance'**

A function or a policy is relevant if it has, or could have, implications of any kind for the promotion of race equality. We ask:

- How does this function or policy affect different racial groups in the community?
- Which parts of the general duty – eliminating unlawful racial discrimination, promoting equal opportunities, and promoting good race relations – are relevant to this function or policy?
- Is there any reason to believe that people from some racial groups are being, or could be, adversely affected by this function or policy? Which racial groups does this function or policy affect?

4 **Deciding degree of relevance:**

We ask:

- How much evidence do we have – none, a little, some, or a lot (for example, from research, consultation, complaints, or ethnic monitoring)?
- Are the public (especially ethnic minority communities) worried that certain functions or policies are discriminatory or racist?

5 Evaluating results:

Having undertaken the above we have decided:

High Relevance Reviewed in Year 1

- The function is relevant to all or most parts of the general duty.
- Substantial evidence that some racial groups are (or could be) differently affected by the function.
- There is substantial public concern about the function.

Medium Relevance Reviewed in Year 2

- The function is relevant to most parts of the general duty.
- Some evidence that some racial groups are (or could be) differently affected.
- There is some public concern about the function.

Low Relevance Reviewed in Year 3

All other functions. Some functions (for example, property services or highways maintenance in local government) may have very little relevance to the general duty – except the role of employer, which will be relevant to all functions. These functions should still be reviewed every three years.

ANNEX F

Task	Responsible Officer	Time line	Resources	Comment
Continue to train staff	Director of Central Resources	Ongoing	Officer time financial	Cost of training for impact assessments
Identify/prioritise relevant functions	All Directors	31 March 2006	Officer time	This will form part of the service planning process
Carry out impact assessments	All Directors	31 March 2008	Officer time	This is a 3 year process. The order of impact assessments will be as per task 2 (above)
Develop measures and targets to achieve outcomes	All Directors	31 March 2006	Officer time	This will form part of the service planning process
Review service planning arrangements	Head of Management Support	Ongoing to December 2005	Officer time	Cost implication for reprinting documentation
Review Best Value review process	Head of Management Support	Ongoing to December 2005	Officer time	Cost implication for reprinting documentation
Review procurement and partnership arrangements	Head of Management Support	April 2006	Officer time	Cost implication for reprinting documentation
Review Best Value Performance Plan arrangements	Head of Management Support	June 2006	Officer time	Cost implication for reprinting documentation

RRAA 2000:

ASSESSMENT OF FUNCTIONS AND POLICIES GRID – HOW RELEVANT ARE THEY TO THE DUTY TO PROMOTE RACE EQUALITY?

Function/Policy	Relevant to – 1. Eliminating discrim? 2. Promoting EO? 3. Promoting good race relations? Insert no.	<u>Evidence or belief that BME differently affected?</u> Y/N	<u>How much evidence?</u> 1. None or little 2. Some 3. Substantial Insert no.	<u>Public concern that function being carried out in discriminatory way?</u> Insert no. as previous