



birmingham race action partnership

b:RAP briefing

no. 2.

RACE EQUALITY SCHEMES

January 2004

Introducing b:RAP briefings

This is the second in what will be a continuing series of **b:RAP briefings**. The purpose of these briefings is to examine key issues in public policy *from a clear and practical race equality perspective*.

While some briefings will cover topics that have a very clear and evident relationship to race equality – as with this one – others will take less obvious issues and examine them afresh, teasing out the race equality dimension.

Each briefing will identify the key issues involved, highlight current trends in thinking and recommend practical action and solutions.

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THE RACE RELATIONS AMENDMENT ACT 2000: *Putting Race Equality Schemes into Practice*

1. A NOTE ON USING THIS b:RAP BRIEFING

This briefing is not intended to replace other more comprehensive guidance notes and codes of practice which support implementation of the Race Relations (Amendment) Act 2000 [RRAA 2000] and we recommend that it is read in conjunction with the Commission for Racial Equality publication, *The Duty to Promote Race Equality: A Guide for Public Authorities (Non-Statutory)*.¹ Wherever, during the course of this briefing, we refer to “CRE guidance”, it is this publication that we are referring to.

Given the level of detail with which the CRE guidance addresses individual technical and logistical issues arising from implementation of the Act, it was our view that there was little need to retread that particular ground. What this briefing focuses on instead are some of the underlying principles and issues of race equality. Rather than answering specific “how to do it” questions, we look at what race equality is trying to achieve and why and at what principles an organisation should adopt in seeking to do more than the Act requires.

Put simply, our aim in this briefing is not just to help organisations *comply* with race equality legislation, but to help them think – and act – differently regarding race equality.

¹ CRE 2002, 76pp. ISBN 1 85442 431 9. £7.00. See http://www.cre.gov.uk/pubs/cat_duty.html.

2. b:RAP'S PERSPECTIVE ON RACE EQUALITY LEGISLATION

2.1 What the Act does...and what it does not do

While the Race Relations (Amendment) Act 2000 is viewed by many in the field of race equality as being the most significant legislation to enter the statute books in the past twenty-five years, it is important from the outset to examine just what the Act does and does not do.

The Act provides a legally enforceable basis for the “elimination of unlawful racial discrimination” and for the “promotion of equal opportunities and good relations between people of different racial groups”, but it does not challenge or deconstruct the notion of “race” itself. Perhaps it is unrealistic to ask that legislation do such a thing. While this is not the place to engage in a lengthy discussion of the philosophical and sociological interpretations of race, it is important to acknowledge the depth and complexity of this debate.

The language and thinking of “race” is increasingly contested. The frequency with which we now tend to see the word race enclosed in qualifying inverted commas, for example, is evidence of this and is intended as a shorthand acknowledgement that “race” is as much a social and political construction – with all the legacy of imperialism and colonialism that implies – as it is a consequence of birth, colour or culture. Similarly, there is also a tendency to talk in

terms of “ethnic groups” rather than race, the suggestion here being that ethnic group is a more appropriate concept as it implies a *chosen* association with particular origins, customs and practices and therefore a consciously “claimed” identity.²

These are not simple issues and their relationship to the RRAA may well be viewed as tangential. And yet they are fundamental factors in how we think about race, about equality and – perhaps more importantly – about racism.

The Act, then, we must accept, is founded on the notion of ‘racial groups’ and the importance of ensuring that all of these are treated equally, free of deliberate or unintentional discrimination. This of course should be the objective of every organisation and where the Act excels is in providing a codified body of law requiring that public service provision does not, either intentionally or unintentionally, produce differential outcomes for people from different ethnic groups. But *racism* is more than just discrimination and is about more than material, economic or service outcomes, important though these are. Racism refers to “all those words, attitudes and actions that denigrate, exclude, disadvantage or subjugate others”.³ **Our view, then, is that race equality – a race equality founded on principles of anti-racism, that is –**

² See *Parallel Lives: Poverty amongst ethnic minority groups in Britain*, Lucinda Platt, Child Poverty Action Group [2002]. Poverty Publication 107/ISBN 1-901698-49-1. This discusses ethnic group classification at some length.

³ Ibid., p.10.

consists of more than simply ensuring that groups' different cultural needs are met: we cannot challenge racism if our thinking is founded on an acceptance that race is what defines us.

Important as it is, therefore, we believe the Act should be regarded as representing a *minimum* requirement. It is what listed public authorities *must* do by law, but mere compliance is not enough. If the Act is to deliver real social change, real action against racism – even within our most vulnerable communities – then it has to be as part of a broader climate of **anti-racism** and public authorities should seize this crucial opportunity to become not just 'equality-driven' organisations, but **anti-racist** organisations, committed to challenging and combatting racism wherever it may occur. Nothing less can create social change of the order necessary in order to truly challenge racism. That should be our

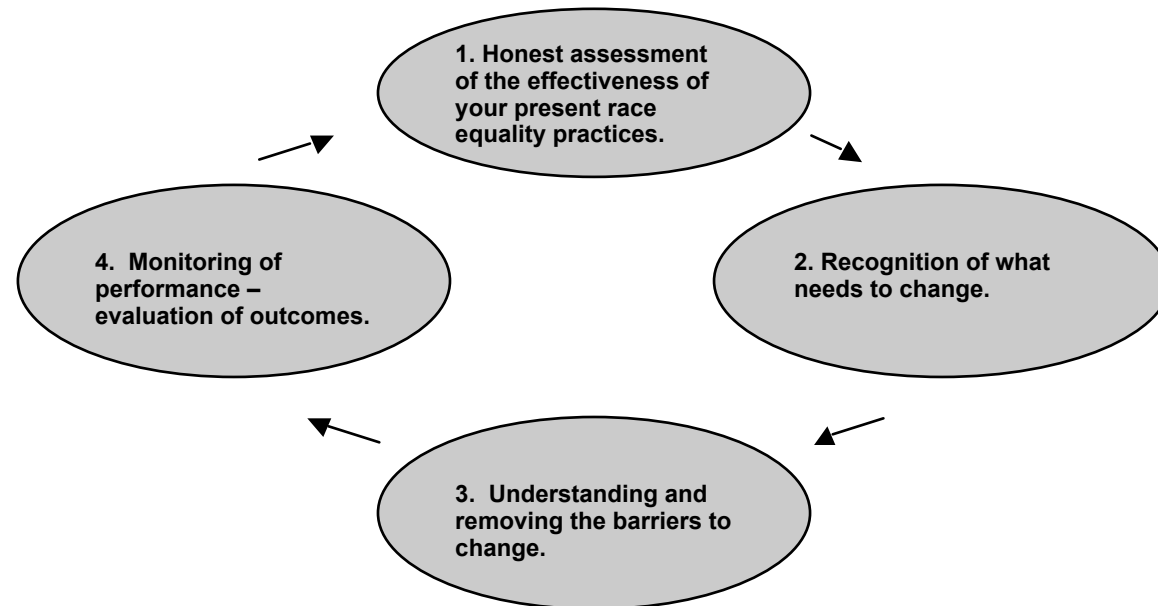
aspiration for the twenty-first century and in this sense, the RRAA 2000 is but the starting point.

2.2 Thinking through your response to the Act

Firstly, let us just reiterate the point made above: our intention is to enable public authorities to move *beyond* simply complying with the legislation and map out steps that will enable real and lasting change to be made. Race equality is the platform for a much more far-reaching anti-racist movement in our city.

Effective responses to the Act itself, however, need clear and unequivocal foundations. We believe that this can best be achieved by always keeping at the forefront a simple four-step process. This is most effectively represented in graphic form, because it illustrates that race equality is a *cyclical* process:

The race equality cycle



We shall discuss the need for robust approaches to initial assessment in the next section.

3. THE RRAA 2000

3.1 Background and essential components

The Race Relations (Amendment) Act 2000, which came into force in April 2001, updates the Race Relations Act 1976 and enshrines three principles, known as the "General duties". These require public authorities to take action, in all of the areas in which they function, in order to:

- Eliminate unlawful racial discrimination
- Promote equal opportunities
- And promote good relations between people from different racial groups.

The Act then describes a number of "Specific Duties", which are the *means* by which you will achieve the three core responsibilities of the General duties. The Specific Duties require you to:

- Set out those policies (or proposed policies) and functions which you have judged have a relevance to race equality and then:
 - ✓ Assess and consult on their likely impact on the promotion of race equality.
 - ✓ Monitor these policies and functions for any adverse impact on the promotion of race equality.
 - ✓ Publish the results of your monitoring and assessment.
 - ✓ Ensure public access to information and services which you provide.
 - ✓ And train staff in connection with the duties, functions and policies you have identified.

In shorthand, these steps can be characterised as:

- Assessment and consultation
- Monitoring
- Publishing
- Informing
- And training

The starting point for public authorities is to use the principle steps above to develop, publish and implement a Race Equality Scheme (RES). A Race Equality Scheme is a strategy, with clear, timetabled action, explaining:

- Your corporate aims and your approach to race equality.
- How you plan to carry out the individual parts of the Specific Duties.

While your Race Equality Scheme must address all parts of the Specific Duties, there is no single right way to approach the development of an RES. However, b:RAP believes that rather than seeking to merely *comply* with the legislation, the Act offers an opportunity to go beyond what is simply required and identify ways in which your race equality practices can be made more effective, achieving real organisational change and delivering greater equality of opportunity and access for all the communities you serve.

The next five sections will consider each of the key areas covered by the Specific Duties detailed in the Act, highlighting key issues to consider and making practical suggestions for implementation.

4.0 THE SPECIFIC DUTIES OF THE RRAA 2000

4.1 ASSESSING & CONSULTING

“Setting objectives, not just listing...”

Assessment

Most guidance quite rightly identifies **assessment** of an organisation's policies and functions as they *affect the public and are relevant to race equality* as being the crucial starting point in constructing a Race Equality Scheme [RES]. In fact,

this cannot be emphasised strongly enough. Weak initial assessment procedures will inevitably result in an RES that is weak – certainly, in an RES that has little chance of capturing real, tangible objectives for improvement.

We shall outline one possible basis for initial assessment in a moment, but first it is important to touch on what we consider to be 7 critical questions that organisations need to bear in mind as they begin the process of constructing their initial assessment procedures:

1. Does your proposed RES meet the requirements of the legislation as explained by the CRE guidance?
2. Do you know what key race equality objectives and outcomes your organisation should prioritise?
3. Are there significant differences in the public confidence in your organisation expressed by people from different racial backgrounds?
4. Are there significant differences in service outcomes between different racial groups?
5. Do people from different racial groups express significantly different levels of satisfaction with your services?
6. Do *staff* from different racial groups express significantly different levels of satisfaction with the organisation?
7. Is your organisation's workforce representative at **all** levels of your organisation?

* *

Some RES documents we have examined have tended to make this initial assessment process massively complex, while also failing to capture *actual objectives* which will **improve** the organisation's race equality practices and bring about change. Below we outline one possible initial assessment process which we feel captures the appropriate level of detail, while also focusing firmly on the need to set objectives for change and improvement:

Break down or disaggregate your organisation's activities as follows:

Area of activity:

- Policies that relate
- Procedures that relate
- Services that relate

Assess each category against the following:

- Current aims / objectives of this activity?
- Explicit race equality provision?
- How well are we performing?
- What needs to improve/change?
- Targets for improved race equality provision?
- Overall priority for action in the RES?

Thus it can be seen that – right from the outset – the purpose is not just to check policies and functions for *compliance*, but also to identify targets for improving race equality practice in the organisation.

Consulting

Wide and genuine consultation on proposed policy or service changes is identified as an essential part of the initial assessment process for RES purposes. The CRE guidance goes into considerable detail on this issue and we therefore do not need to rehearse those details here. Reference to the CRE guidance is, however, essential. What we would like to do in this section is take a broader look at the question of community consultation and draw attention to some broader points of principle.

First, we must be clear about what consultation is – and what it isn't.

Consultation – seeking the views or opinions of people or groups – is not the same as 'representation'. It is one thing to be asked for *your* views, but it is something else entirely to be asked to *represent* the views of others. This has happened all too often in the past, especially in black and minority ethnic communities, where 'community elders' or particular faith groups have been seen to speak "representatively" on behalf of entire communities. Such an approach fails to acknowledge the diversity that exists *within* diversity and, in assuming that BME communities are homogenous and undifferentiated, has often proven to be as exclusionary as the practices it was sometimes replacing.

What follows, then, are some key pointers on the issue of community consultation:

- **Consultation – creating space:** Consultation should do what it says – it should create a space within which the widest range of views can be sought, no matter how messy or inconvenient those views may turn out to be.

How often institutions and politicians at all levels say they “celebrate diversity” but then ignore that very diversity – of class, gender, age, life experience, background – because it turns out to be too complex. BME communities – just like white communities – are not neat, homogenous groupings and should not be treated as such.

- **Consultation – beyond narrow self-interest:** As ‘localisation’ – getting more people involved in the renewal of their neighbourhoods, or helping to decide how best local services should be provided – becomes more established in Birmingham, it will become increasingly important that people can think outside of their own narrow personal or community interests. Such a view marks an important break with the past and the tendency to get people to try and *represent* their communities – and consequently, whether intended or not, to fight for the interests of those communities. This has not always been in the wider interest. In future, what the Government calls ‘cross-community working’ will be crucial. We will desperately need people who can think ‘outside of the box’, who can take the wider view – who can help our communities stick together rather than cause them to come apart.
- **The voluntary sector – not the same thing as the ‘community’:** Voluntary and community organisations can be an important way of reaching people whose voices might otherwise be unheard, whose views might otherwise remain unknown. While we agree that voluntary and community groups can and do play an important role in local consultation, it is important not to mistake their voice *for* that of the community. It is important too to look at the kinds of issues or activities

groups are involved in – to look at their experience – rather than to assume that simply because they seem to be mainly black or Asian or indeed from any minority community, that they represent that community in all its diversity. It is very rarely that particular voluntary organisations – or, indeed, particular faith groups, community leaders, or individual activists – can speak authoritatively on behalf of entire communities.

Consultation, then, has an important role to play, but it is vital that we do not repeat the mistakes of the past. Communities are far more diverse than many understand and even with the best of intentions it is easy to *appear* to be consulting while missing out on the real views of women, or older people, or youth. There is “diversity within diversity” and the old methods of consultation have generally failed to take account of this or to reveal the full extent of community opinion. **Race Equality Schemes offer an early opportunity to move beyond such approaches.**

It is also vital however that existing data on ethnic groups and communities and their needs is not ignored. It is at this point that existing data – sometimes from earlier consultative exercises – should be brought into play, ensuring that this is used to inform the priorities, objectives and approaches of your new consultation activity.

4.2 MONITORING

“A learning process...”

In order to meet the requirements of the specific duties, you will need to make arrangements to monitor the *impact* of your organisation's actions (whether this be the introduction of a new policy, the modification of an existing one, or service changes that you have made in order to achieve better race equality outcomes). The CRE guidance recommends that your impact assessment should not, therefore, be viewed as a one-off exercise but an on-going process integrated into your usual monitoring arrangements and management information systems. While this makes evident sense, there are some underlying issues that the CRE guidance does not tackle and it is those that we want to cover here.

The key issue is that of learning from – and changing behaviour or action as a consequence of – your Race Equality Scheme. Good monitoring practices alone cannot ensure that race equality becomes a **learning process** directed at changing and improving the organisation. Organisations need to think carefully, therefore, about how they will learn from their RES and incorporate this learning into the overall practice of the organisation.

Those organisations at the forefront of good race equality practice ensure that an officer with appropriate authority at a **senior level** – in some cases a Chief or Deputy Chief Executive, in others a combination of senior departmental

officers – oversees the RES. However your organisation tackles this issue, it is crucial that those with responsibility for your RES also have the authority – and the appropriate systems – to ensure that lessons learnt from the RES can be promoted throughout the organisation and consistently acted upon. You will know best which solution most suits the style and structure of your organisation, but the principle is the important thing. All too often, responsibility for race equality is left to a personnel officer or HR professional – highly skilled and experienced in their area of specialism, but often, especially in large organisations, lacking the authority to ensure that what is learnt from the RES actually permeates the *entire* organisation.

The other important message concerns creating **change** as a consequence of what has been learnt. It may not necessarily be the best or indeed the only solution in all cases, but where appropriate, it is essential that individual **performance targets** are allocated as a consequence of the RES and that these are clearly incorporated into all work plans and performance reviews. This is one of the few ways that the RES can actually be used to drive identifiable objectives for change in the organisation.

4.3 PUBLISHING

“Demonstrating commitment and accountability...”

The specific duties of the act require that you publish the findings of your consultations, assessments and monitoring. The CRE guidance makes specific recommendations regarding what should be published and organisations seeking this level of detail should refer to this. However, it is worth pointing out that this has the potential to be a large volume of relatively dry, technical information, so the onus is on public authorities to try and ensure that what they publish demonstrates and explains their commitment to race equality, conveying clear messages regarding the actions they have taken and why and perhaps most importantly, what these actions have achieved.

It is also important to stress that in the context of the Act, *publishing* is intended as a central expression of **public accountability** and what you do publish, therefore, must be both *physically* and *linguistically* accessible. This may mean making provision for ensuring that publications are available in appropriate community languages, but it may also mean making provision for those who do not or cannot easily read their own language.

It is also probably better to publish relatively small amounts frequently, rather than massive reports at long intervals. Involve your staff teams: periodic review discussions of the organisation's progress in implementing the RES will help identify 'newsworthy' items – whether from particular

departments, about specific service modifications, individual policies or other actions – that merit publication.

While both publishing and informing would appear, on the surface, to cover a vast array of your procedures, services and activities, it is worth emphasising that they also lend themselves particularly well to identification at the early initial assessment stage, where objectives and targets can be set in advance which will guide you in addressing particular information needs that the organisation may have long acknowledged but so far failed to address in a systematic fashion.

4.4 INFORMING

“Equality of access, removing barriers...”

The Act requires public authorities to set out, in their RES, the arrangements for making sure **that everyone, whatever their racial group or background**, has equal access to information about the organisation and its services. In this sense, the Act is not just about BME groups.

Information covers a huge area and it may be problematical to know where to start. This is where robust initial assessment processes will pay dividends. It is probably wise to focus – at least initially – on those areas where you already know that there may be an information deficit, or where certain ethnic

groups have known difficulties in accessing information, perhaps due to a lack of translation services, or the unavailability of information materials in community languages.

It is worth bearing in mind that in the context of the Act, information is about removing barriers; it is about ensuring that public services are known to and work for everyone, irrespective of their ethnic group. It is important, then, to think about informing in its widest sense. Good, accessible information may not necessarily be written; it may entail you taking other kinds of positive action to raise awareness amongst and ensure understanding by particularly marginalised or excluded groups. The CRE guidance contains a number of useful case studies in this regard.

But accessible information does not necessarily mean that a service or activity is good, or culturally competent, or perceived as appropriate. Information is a two-way street and we have to learn not just the qualities of good information, but also how to respond to the ways in which that information is received.

4.5 TRAINING

“Equipping staff with race equality skills and knowledge...”

Training and personal development are a part of the landscape for many organisations, but the Act refers to *training* in a quite specific sense. It means equipping staff with the skills and knowledge they need in order to meet the general duties of:

- Eliminating unlawful racial discrimination
- And promoting equality of opportunity and good relations between people of different racial groups.

This training may take many forms. You may wish to train staff who have particular responsibilities in connection with your RES. Some organisations have adopted organisation-wide computer-based training and resource packages, designed to assist them in embedding race equality into consultation, business planning, performance monitoring and so forth. (See the CRE guidance for case studies.)

However, as well as training in quite specific areas of activity, we believe that organisations will also benefit from a more thoroughgoing approach to training in the *fundamentals* of race and race equality. What is race equality? Why do we do it? What do we intend to achieve by it? What is the relationship of *race equality* to *anti-racism*? These are perhaps

as much attitudinal issues as they are matters for formal training.

Create a space for honest discussion

Race and race equality are not simple or indeed uncontested concepts. There are many different interpretations of race equality and it is as important to create a climate in which race equality issues and practice can be constructively discussed as it is to simply 'transfer' skills. Creating a space within your organisation in which key concepts in race equality – such as 'race', 'faith', 'culture', 'discrimination' and 'equality' – can be discussed without fear or stigmatisation may well do as much and in some cases more to foster an understanding of racism and how to combat it than many more formal kinds of training.

Creating a space in which race equality can be frankly discussed, then, is a prerequisite for organisations seeking to achieve more than the legislation requires – especially for organisations wishing to inculcate anti-racism as a prevailing ethos at all levels of staffing and operation. In this sense, the legislation offers a unique opportunity; it also highlights a pressing need. If, as part of putting an RES into practice, organisations are able to make race and racism easier concepts to discuss, then we all stand a better chance of moving from 'race equality' to anti-racism, of changing not just our organisational practices but also the beliefs, attitudes and behaviour which lie behind both institutional and individual racism.

Embedding race equality

A few final points should be made about **embedding** race equality within organisations and the central role that creating and sustaining positive change in the **culture** of organisations plays in the context of the Act.

Training obviously has a role to play here and there is a need to ensure that those who have responsibility for leading an organisation's equality agenda receive appropriate training. But the aim of the Act is to embed widespread cultural change in organisations this suggests that a more lateral and creative response should be taken as regards training needs. For example, while there might be an automatic assumption that *specialist* race equality training is the answer, organisations should also be scrutinising their existing training programmes – in customer care, for instance – to ensure that the equality dimension is "built into" their mainstream, core training and staff development programmes.

Similarly, existing management performance systems should include race equality targets so that progress in implementing the organisation's RES becomes linked to and embedded in its core performance indicators and monitoring arrangements. The aim is not just to ensure that the race equality "experts" get better at developing equality measures but that the *whole* organisation, from top to bottom, gets better. It is crucial that everyone in the organisation – its staff, sub-contractors and delivery partners – has a stake in implementing the RES and driving race equality forward and that everyone feels that they can and will gain the necessary race equality skills which will enable them and their organisation to make a difference.