

COMMITTEE:	CABINET
DATE:	10 APRIL 2002
SUBJECT:	RACE EQUALITY SCHEME
REPORT OF:	DIRECTOR OF TOURISM & LEISURE
Ward(s):	All
Purpose:	To seek approval of the proposed Race Equality Scheme (attached as appendix 1)
Contact:	Nick Ritson, Strategic Development Officer, Telephone 01323 415418 or internally on extension 5418.
Recommendations:	That Cabinet approve the attached Race Equality Scheme

1.0	Introduction
1.1	The Race Relations Act 1976 outlawed racial discrimination in employment, training, education, housing, public appointments and the provision of goods, facilities and services. It also placed a general duty on public authorities to promote race equality.

1.2	<p>The Race Relations (Amendment) Act 2000 extended the scope of the 1976 Act to include all the functions of public authorities. The general duty now places a duty on public authorities to have due regard, in carrying out all of their functions, to:</p> <p>§ eliminating unlawful racial discrimination;</p> <p>§ promoting equality of opportunity; and</p> <p>§ promoting good race relations between people of different racial groups</p> <p>There are also new specific duties, by 31 May 2002 public authorities must:</p> <ol style="list-style-type: none"> 1. have completed and published a Race Equality Scheme ; and 2. have in place arrangements for fulfilling their specific obligations on employment. 3.
1.3	<p>This report presents a Race Equality Scheme for Eastbourne that includes the necessary detail on how Eastbourne Borough Council will meet the specific employment duty.</p>
2.0	The Race Equality Scheme
2.1	<p>The Race Equality Scheme is attached, in full, as an appendix to this report.</p>
2.2	<p>A Race Equality Scheme should show how the public authority plans to meet its statutory duties under section 71 (1) and sections 2(2) and (3) of the Race Relations Act (Statutory Duties) Order 2001 which says:</p> <p>“2 (2) A Race Equality Scheme shall state, in particular –</p> <p>(a) those of its functions and policies, or proposed policies, which that person has assessed as relevant to its performance of the duty imposed by section 71(1) of the Race Relations Act; and</p> <p>(b) that person’s arrangements for –</p> <p>(i) assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;</p> <p>(ii) monitoring its policies for any adverse impact on the promotion of</p> <p>race equality:</p>

2.3

As an employer of more than 150 staff, the Council is also covered by the specific duties on employment and details of how we intend to meet this duty should be included within a Race Equality Scheme. Specific obligations are covered in Sections 5 (1) (2) and (3) of the Race Relations Act (Statutory Duties) Order 2001, which state the following:

“5 (1) A person to which this article applies shall,

(a) before 31st May 2002, have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2); and

(b) fulfil those duties in accordance with such arrangements.

(2) It shall be the duty of such a person to monitor, by reference to the racial groups

to which they belong,

(a) the numbers of –

(i) staff in post, and

(ii) applicants for employment, training and promotion, from each

such group, and

(b) where that person has 150 or more full-time staff, the numbers of staff

from each such group who

(i) receive training;

(ii) benefit or suffer detriment as a result of its performance assessment

procedures;

(iii) are involved in grievance procedures;

(iv) are the subject of disciplinary procedures or

(v) cease employment with that person.

(3) Such a person shall publish annually the results of its monitoring

under paragraph (2)”

2.4	<p>The Race Relations (Amendment) Act 2000 has given new powers of enforcement of the general and specific duty to the Commission for Racial Equality (CRE). The CRE have produced a Code of Practice that has a statutory basis and can be used in the County Court to evidence failure in meeting all or part of the specific and general duty. The attached Race Equality Scheme has been written following the Statutory Code of Practice.</p>
2.5	<p>In meeting the statutory requirement Eastbourne has difficulties shared by other authorities with a relatively small Black and Minority Ethnic (BME) community – (approximately 2% (2000) of the population of Eastbourne)</p> <p>There appears to be little community development as evidenced by the lack of lobbying and advocacy groups;</p> <p>§ The usual means of monitoring satisfaction and use of services by surveys produces results from such a small sample that they are statistically invalid;</p> <p>§ There appears to be little recognition among the majority ethnic population that racism or exclusion of ethnic minority groups is a significant issue; and</p> <p>§ There is a lack of local facilities such as bi-lingual community workers and translation facilities.</p>
2.6	<p>In order to address the difficulties identified above the Race Equality Scheme proposes:</p> <p>§ Aligning consultation with other authorities in East Sussex;</p> <p>§ Engaging the skills of a BME advocacy group;</p> <p>§ Focussing on qualitative rather than quantitative data; and</p> <p>§ Appointing departmental representatives to work with community development workers gaining experience of the issues facing members of the BME community and forging direct links with the community.</p>

3.0	<u>Consultations</u>
3.1	The Commission for Racial Equality and Sompritti have both been consulted on the proposed Race Equality Scheme. The CRE were supportive of the document and have referred other Councils to Eastbourne for an example of a good RES. Sompritti have suggested a few amendments based on their experience of working with the BME community. Where appropriate for the content of a Race Equality Scheme these comments have been incorporated.
3.2	The draft Race Equality Scheme has been shared with other Councils across E Sussex and there is agreement at officer level for a common approach and to co-ordinate consultation and review. This will maximise effectiveness and minimise expenditure.
3.3	There has been extensive internal consultation on the Race Equality Scheme particularly given the importance of policy having a real effect on service delivery.
4.0	<u>Implications</u>
4.1	Financial: The Race Equality Scheme proposes establishing a formal agreement with Sompritti. The cost of implementing the agreement will be met from within existing resources.
4.2	Human Resources: The Race Equality Scheme identifies corporate and departmental “equality representatives” work priorities will be organised to allow sufficient time to be devoted to fulfilling these roles from within existing resources.
5.0	<u>Summary</u> There is a statutory obligation to publish a Race Equality Scheme by 31 May 2002. A Race Equality Scheme is attached as an appendix to this report. Officers believe that this policy document is fit for purpose and proposes practical measures to fulfil our statutory obligations under the Race Relations (Amendment) Act 2000 and meet our aspirations as expressed in Corporate Plan. Members are therefore asked to endorse the Race Equality Scheme.

<p>Nick Ritson</p> <p>Strategic Development Officer</p>	
<p>Background Papers:</p> <p>The Background Papers used in compiling this report were as follows:</p> <p>§ CRE Statutory Code of Practice on The Duty to Promote Race Equality</p> <p>§ the equality standard for local government</p> <p>§ Ethnic Monitoring: A guide for public authorities</p> <p>§ Code of Practice on the Duty to Promote Race Equality: A guide for public authorities</p> <p>§ Consultation Report from Sompritti on BME issues across E.Sussex</p> <p>To inspect or obtain copies of background papers please refer to the contact officer listed above.</p>	
<p>\\Ntenvironmental\Planning&Stratergy\Nick Ritson\Best Value Reviews\Reviews 01-02\Cabinet Report RES.doc</p>	