

# Race Equality Scheme

(Second Edition)

Oldham MBC  
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# 1 Introduction

## 1.1 Background to Oldham Councils Race Equality Scheme

The Race Relations (Amendment) Act 2000 (“the Act”) came into force in April 2001. This Act placed new duties on all ‘public authorities’ to promote race equality. In response to this legislation the Council was required to prepare and publish a Race Equality Scheme by the 31 May 2002.

The Council also has as one of its corporate objectives building community cohesion, and as part of achieving this is fully committed to promoting race equality and good race and community relations.

The aim of the scheme was to show how the Council planned to fulfil its legal obligations under the Act, through setting out an action plan for improvement and change, together with identifying clear targets so the Council could measure its progress. In order to meet the ‘General Duty’ and ‘Specific Duties’ laid down by the legislation

## 1.2 The General Duty

Section 71(1) of the Race Relations Act (1976) (the Act) sets out a general duty applicable to all public authorities. The duty requires public authorities to have due regard to the need

- a) to eliminate unlawful racial discrimination; and
- b) to promote equality of opportunity and good relations between persons of different racial groups.

## 1.3 The Guiding Principles

The duty is supported by four principles which should govern Oldham Council's efforts to meet the duty to promote racial equality.

- a) promoting race equality is **obligatory** – where race equality is relevant to the function, policy or service it must be considered when carrying out that function, providing that service, or applying that policy.
- b) The Council must meet the duty in all **relevant** functions – race equality will be relevant if it affects the public, including employees.

The weight given to race equality should be **proportionate** to its relevance - The greater the effect on the public, the more relevant race equality becomes.

- c) The elements of the duty are **complementary** (which means they are all necessary to meet the whole duty) – The duty to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups may overlap but they are separate. For example, if we do not fully explain why we are introducing this RES, we may harm relations between persons of different racial groups. In this instance, despite all our efforts, we may still not have met the duty.

## 1.4 The Specific Duties

The Home Secretary has issued an order under the Act, which sets out specific duties in policy making, service delivery and employment. These duties aim to improve performance of the general duty. Under the specific duties covering policy and service delivery, public authorities must:

### **Publish a Race Equality Scheme, which**

- i) states the functions and policies they have assessed as being relevant to the general duty to promote race equality; and
- ii) sets out their arrangements for meeting the duty by:
- monitoring their policies for any adverse impact on race equality
  - assessing, and consulting on, the likely impact of proposed policies;
  - publishing the results of their assessments, consultation and monitoring;
  - making sure that the public have access to information and services; and
  - training their staff on the general duty.

Under the specific duty on employment, public authorities must monitor existing staff, and applicants for jobs, promotion and training by their racial group. Authorities with at least 150 full time staff also need to monitor and analyse, by racial group:

- Grievances;
- Disciplinary action;
- Performance appraisals (when they lead to benefits or penalties)
- Training; and
- Staff leaving the Authority

## 1.5 Why has the Race Equality Scheme been revised?

The Council's original Race Equality Scheme set out what its priorities were for promoting race equality, so that it could ensure that it was meeting its legal obligations and that it was aiming to improve the way the Council provides its services to all sections of the community. It has always been important that the Council does not simply aim to meet the minimum legal requirements, and so the original Scheme also acted as a set of standards for high quality services, delivered fairly by a workforce which reflects the local community.

Twenty months on from the publication of the Council's first Race Equality Scheme it has become apparent, that for many reasons, the Race Equality Scheme has become outdated.

The Council has been through a great deal of change over the past 2 years brought about, in part, by the disturbances in Oldham in the summer of 2001. The Council's response to these disturbances has been significant and both the structure and vision of the Council has changed as a result.

In particular, it needs to reflect the changes that the Council has undergone in the last two years, and the priority the Council attached to building community cohesion in the Borough- within which race equality and race relations is an important part. In addition it became apparent that the RES itself had some gaps within it, and that the system for monitoring implementation needed to be strengthened.

Strengthening the RES will support the Council in its aim of delivering quality services which meet the needs of people in all the communities of Oldham

## **1.6 What the document contains**

The document follows very closely the structure and layout of the Council's first Race Equality Scheme as this is what is proscribed by the 'Guidance to Public Authorities' (CRE 2002).

The document:

- contains background information about the borough of Oldham and the issues it faces;
- sets out our race equality principles and values;
- outlines how we have gone about identifying our priorities;
- provides action plans related to all areas for which the Council is responsible, showing how we will address the issues identified, consult and inform people and train our staff; and
- outlines how we will meet our new duties as a major employer.

In addition to the above, the document also explains the links between the Race Equality Scheme and the other Council documents and initiatives with regard to Equalities and Diversity more generally. All these documents and

initiatives put together make up Oldham Council's Corporate Equalities Plan which will be explained in more detail later on in this document.

## **1.7 How the council's second race equality scheme has been produced**

The Council's new Corporate Policy Unit, has taken the lead in co-ordinating and preparing the Council's second Race Equality Scheme.

The Commission for Racial Equality (CRE) designated Oldham as a pilot authority for the implementation of the Race Relations (Amendment) Act 2000 and their assistance in preparing the Race Equality Scheme has been invaluable.

Due to this being the second Scheme, the preparation has been slightly easier than the first Scheme as the responsibilities and duties of the Act are well known by the Council.

## 2 The Structure of Oldham Council

Oldham Council is one of the ten metropolitan districts making up Greater Manchester. As a Metropolitan Borough Council it carries the full range of local authority functions. At the time of the last scheme the Council had its services organised through six main Departments of:

- Education and Cultural Services
- Environment and Transportation
- Social Services
- Operational and Leisure Services
- Housing, now an Arms Length Management Organisation (First Choice Homes Oldham)
- Chief Executive (incorporates Corporate Services Department and Policy, Performance & Regeneration Department from June 2002).

Since the production of the last scheme the Council's structure has changed greatly and in addition to this there has been a change in political leadership with the Council now being under Labour control. There are 60 councillors in all representing 20 municipal wards each of which elects three Councillors who sit for a four year term. Each year one third of the Council membership is subject to re-election. At the present time 32 Councillors represent Labour, 25 represent the Liberal Democrats, 2 Conservative and 1 Independent.

Oldham Council still provides a wide range of services for the people of the Borough and manages an annual budget totalling about £500 million. The services the Council provide include such things as street cleaning, collecting the Council Tax, providing parks and leisure facilities, administering Housing Benefit, providing home care services, funding and supporting voluntary organisations, and promoting economic development and regeneration. Some of these are services the Council is obliged to carry out ('statutory' functions) and some are ones where the Council is able to set its own priorities ('discretionary' functions). Also, the Council provides some of these services directly, whilst others are 'contracted out' to the private sector, or other organisations, who deliver the services on the Council's behalf. The Council also provides grant aid to a variety of voluntary organisations in the Borough in order that they can meet a wide range of needs at the local level.

The work of the Council is now undertaken by five Departments (as opposed to six) which are answerable to the Cabinet of the Council. An Arms Length Management Organisation (First Choice Homes Oldham) is responsible for the management and upkeep of the Council's housing stock and as they are now independent and have their own Scheme, are not included in this edition of the Council's Race Equality Scheme. In addition to this the Regeneration Department is no longer part of the Chief Executives Department and is a

Department on its own. Operational and Leisure services no longer exists as a Department with some of it being incorporated into Environmental Services and some of it being devolved as a private company. The new Council Departments are as follows:

### **The Chief Executive's Department**

This departments is responsible for the management and running of the Council and advising and developing the policies for the Local Authority

### **The Regeneration Department**

This department is responsible for seeking resources for the regeneration of the Borough and manages the implementation of regeneration programmes.

### **The Education and Cultural Services Department**

This Department is responsible for providing a full education service to the people of the Borough through 120 primary, special and secondary schools. The Youth Service and the Lifelong Learning Service also form part of the department. The department's cultural provision encompasses a comprehensive library service, delivering information and IT through a network of 14 static and one mobile library. Also included are a new art gallery and museum, events and festivals and arts, theatre and sports development, all contributing to the provision of lifelong learning for the community.

### **The Social Services Department**

This Department provides services to vulnerable people in need in Oldham, notably children, people with physical and sensory disabilities, people with mental health problems, elderly people and people with learning disabilities. It also provide help to carers who support vulnerable people.

### **The Environmental Services Department**

This department provides a wide range of services for the Borough of Oldham. These include responsibility for environmental health, trading standards, refuse collection and street cleaning.

## **2.1 Political and Decision making arrangements**

For electoral purposes the Borough is divided into 20 wards, each of which is represented by 3 local councillors - making a total of 60. Councillors are elected for 4 years with one third of the Council due for election every year (except that every fourth year there are no elections). To provide a local focus for decision-making and debate there are 6 Area Committees covering: East Oldham, West Oldham, Chadderton, Failsworth & Hollinwood, Saddleworth &

Lees, Shaw & Royton. These are made up of local ward councillors and co-opted members from the community.

The Cabinet is the decision making body of the Council and acts in line with the policy framework and budget of the Council. Overview and Scrutiny committees exist which can question decisions taken by the Cabinet and help in policy development.

A Standards Committee on probity, licensing and planning committees and the six Area Committees complete the municipal structure.

### **3 Duty to promote race equality**

In reviewing the Council's functions, policies and procedures for their relevance to race equality it is clear that the Council's responsibilities are very extensive. So this document sets out how the process of assessing those functions for their relevance has been undertaken, outlines what the timetable is for more detailed evaluation of relevant policies and procedures, and provides a clear statement of our values and principles in relation to race equality. This will allow the Council to be sure that it has information about who uses its services (through monitoring, research, etc.), has tried to establish what barriers there are to people accessing services, and that it is providing those services fairly to all its citizens, on the basis of identified needs.

Before considering these issues, a background section sets out the context within which the promotion of race equality in Oldham needs to be considered.

## 4 The Structure of the Borough

This section provides a context for the Race Equality Scheme. It analyses the demographic, social and economic situation in Oldham and highlights some of the factors which make the promotion of race equality particularly important for Oldham. This section differs from the previous Race Equality Scheme as it has the benefit of being based on the results of the 2001 census where as the last Scheme's information was based on the 1991 census and Oldham Council's projections of population change.

### 4.1 The Borough - Population

The population of Oldham has fallen by 0.6% since 1991, whilst across England the population has increased by 2.6%. Females make up over half (51.7%) of Oldham's population, as is the case nationally. Oldham has a younger age structure than England, with under 16s making up 23% of the population in Oldham compared with 20.2% nationally. People aged 75 and over make up 6.8% of Oldham's population compared with 7.5% of England's population.

**Table 1: Population 2001**

Population	Oldham no.	Oldham %	Greater Manchester %	North West %	England %
Total	217273				
Change since 1991	-1200	-0.6	-2.9	-1.7	2.6
Males	105036	48.3	48.7	48.4	48.7
Females	112237	51.7	51.3	51.6	51.3
People aged 0 to 15	49992	23.0	21.2	20.7	20.2
People aged 16 to 74	152602	70.2	71.8	71.9	72.3
People aged 75 & over	14679	6.8	7.0	7.4	7.5

Source: Key Statistics for Local Authorities, 2001 Census, © Crown Copyright 2003

#### 4.1.1 Ethnicity and religion

The proportion of white people in Oldham (86.1%) is lower than in England (90.9%). The largest minority ethnic groups in Oldham are people of Pakistani origin (6.3%), followed by Bangladeshi origin (4.5%). Both groups make up a higher proportion of Oldham's population than nationally (1.4% and 0.6% respectively). By contrast people of Indian origin (0.7%) and Black ethnic origin (0.6%) make up a lower proportion of Oldham's population than is the case across England (2.1% and 2.3% respectively). In Oldham 1.1% of the population are of mixed origin compared with 1.3% in England. The size of Oldham's minority ethnic population has increased from 8.8% in 1991 to 13.9% in 2001. It should be noted that the results from the 2001 Census are not

strictly comparable with those from the 1991 Census because classifications have changed, particularly with the introduction of the mixed origin category.

<b>Table 4: Ethnic group</b>			
<b>Ethnic group</b>	<b>Oldham</b>	<b>Oldham %</b>	<b>England %</b>
<b>All people</b>	217,273		
<b>White</b>			
British	183,297	84.4	87.0
Irish	1,962	0.9	1.3
Other White	1,903	0.9	2.7
	<b>187,162</b>	<b>86.1</b>	<b>90.9</b>
<b>Mixed</b>			
White and Black Caribbean	1,287	0.6	0.5
White and Black African	187	0.1	0.2
White and Asian	686	0.3	0.4
Other Mixed	291	0.1	0.3
	<b>2,451</b>	<b>1.1</b>	<b>1.3</b>
<b>Asian or Asian British</b>			
Indian	1,562	0.7	2.1
Pakistani	13,754	6.3	1.4
Bangladeshi	9,817	4.5	0.6
Other Asian	674	0.3	0.5
	<b>25,807</b>	<b>11.9</b>	<b>4.6</b>
<b>Black or Black British</b>			
Caribbean	931	0.4	1.1
African	182	0.1	1.0
Other Black	122	0.1	0.2
	<b>1,235</b>	<b>0.6</b>	<b>2.3</b>
<b>Chinese or other ethnic group</b>			
Chinese	408	0.2	0.4
Other Ethnic Group	210	0.1	0.4
	<b>618</b>	<b>0.3</b>	<b>0.9</b>

Source: Key Statistics for Local Authorities, 2001 Census, © Crown Copyright 2003

The 2001 Census findings closely match the Council's Population Projections for 2001 which projected a population of 86.8% white, 6.7% Pakistani, 4.4% Bangladeshi, 0.9% black, 0.7% Indian and 0.5% 'Other'.

A higher proportion of Oldham's population (91.8%) were born in the UK than of England's population (90.7%). The same proportion of Oldham's population (6.9%) as England's population were born outside the European Union.

**Table 5: Place of birth (all people)**

Place of birth	Oldham no.	Oldham % Manchester	Greater Manchester	North West	England
Born in UK	199546	91.8%	92.8%	94.9%	90.7%
Born elsewhere in EU (inc Rep Ireland)	2727	1.3%	2.1%	1.6%	2.3%
Born outside EU	15000	6.9%	5.2%	3.5%	6.9%

Source: Key Statistics for Local Authorities, 2001 Census, © Crown Copyright 2003

The 2001 Census was the first to ask a question on religion. The question was voluntary and 6.5% of people in Oldham did not state their religion, compared with 7.7% in England. The proportion of people stating their religion as Christian in Oldham (72.6%) was slightly higher than the figure for England (71.7%). After Christians, Muslims made up the second largest religious group in Oldham (11.1%) and in England (3.1%), with Oldham ranking 16<sup>th</sup> out of 376 Local Authorities in relation to the proportion of Muslims. Hindus made up 0.6% of Oldham's population. In Oldham 8.9% of people stated they had no religion, compared with 14.6% of people in England.

**Table 6: Religion (all people)**

Religion	Oldham no.	Oldham % Manchester	Greater Manchester	North West	England
Christian	157793	72.6%	74.1%	78%	71.7%
Buddhist	241	0.1%	0.2%	0.2%	0.3%
Hindu	1333	0.6%	0.7%	0.4%	1.1%
Jewish	91	0%	0.9%	0.4%	0.5%
Muslim	24039	11.1%	5%	3%	3.1%
Sikh	67	0%	0.1%	0.1%	0.7%
Other	266	0.1%	0.2%	0.2%	0.3%
No religion	19375	8.9%	11.3%	10.5%	14.6%
Religion not stated	14068	6.5%	7.4%	7.2%	7.7%

Source: Key Statistics for Local Authorities, 2001 Census, © Crown Copyright 2003

## **5 Race equality values, principles and standards**

### **5.1 The current position**

Oldham Council's current commitment to tackling inequality and promoting good race relations is embodied in a number of documents. The Council's initial Corporate Race Equality Policy Statement was adopted in 1982, and this was updated in 2000 and incorporated into a more extensive Race Equality Policies and Information booklet which has been widely distributed throughout the authority. The statement was again revised in 2003 and forms part of the Council's Equalities and Diversity Policy. It also forms part of the commitment to community cohesion within the Community Strategy and Corporate Plan and is set out below.

### **5.2 Policy statement on race discrimination**

Oldham MBC recognises that people from black and other minority ethnic groups experience racial discrimination that can have a powerful effect on their ability to gain equality of access to employment and a variety of services and facilities.

As a public authority we have a statutory duty under the Race Relations (Amendment) Act 2000 to:

- eliminate unlawful discrimination;
- promote equality of opportunity; and
- promote good relations between people of different racial groups.

We strive to fulfil this duty and have developed a comprehensive Race Equality Scheme to assist us in meeting our obligations, which will be reviewed every three years.

In addition to our statutory duties we understand our responsibility to the local community and our workforce to ensure racism is tackled and eliminated in service delivery, employment, in our role as a community leader and as a major procurer of services

Our commitment is to ensure that irrespective of racial, ethnic or national origins, all people have the same rights of access to services and employment. All people will be treated with equality, dignity and respect when having any contact with the Council. The Council acknowledges that its services must be tailored to meet the needs of minority ethnic groups to ensure that the services are fair and responsive to their needs.

The terms 'black' and 'minority ethnic groups' are used by the Council to refer to those people who may experience racism, discrimination, prejudice or victimisation on the grounds of their colour, race, or national origin, and as a result experience inequality in their lives.

We have adopted the Stephen Lawrence Inquiry Report definition of a racist incident, which is that:

**“A racist incident is any incident which is perceived to be racist by the victim or any other person”**

The Council has also resolved that the following definition of institutional racism from the Stephen Lawrence Inquiry Report be adopted with a view to publicising our commitment to racial equality and valuing cultural diversity. This is:

***“The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people”.***

The Council will work towards eliminating this institutional discrimination from its structures, policies and procedures.

The setting of 'quotas' to recruit and retain people from minority ethnic groups in employment is unlawful. However, we emphasise our commitment, wherever possible, to reflecting the composition of the local community in our workforce and will set and publish targets for the employment of underrepresented groups. We will strive to achieve these targets through the systematic use of our Race Equality Scheme along with monitoring of both our recruitment and service delivery. We will also endeavour to introduce appropriate positive action measures to achieve this goal by making full use of the perspectives, knowledge, skills and experience of people from underrepresented groups to ensure their personal and professional development.

The Council acknowledges that there are issues concerning representation of black and minority staff at senior levels within the Council and will take steps to ensure that these lessen over time. In addition to this the Council is committed to working to eliminate institutional barriers that may exist, which limit the progression of black and minority staff within the organisation.

We seek to create and encourage an environment free from harassment. All employees can feel confident that any reports of such incidents will be fully addressed in accordance with the Council's procedures and the relevant race

relations and equal opportunities legislation and, where appropriate, will result in disciplinary action. Members of the public can use the Council's Corporate Complaints Procedure.

Oldham Council's Corporate Plan also reflects the authority's commitment to tackling racial inequality in a number of ways. The Corporate Plan is founded upon six core values, with the value of Fairness stating, in particular, that:

**'Fairness** - we are committed to fairness and equality of opportunity for all people regardless of age, culture, disability, economic status, gender, race, religion or sexuality'

and that of Respect stating that:

*'We will treat people with dignity and courtesy in providing services that reflect and celebrate local diversity and provide choice.'*

In addition, the Corporate Plan sets out the objectives that drive forward the work of the Council overall. One of the key organisational objectives, cutting across all the Council's service areas, is tackling discrimination and prejudice. Located under this objective are a number of specific corporate race equality tasks that the Council is already committed to undertaking. These include:

- responding to the Independent Review into the civil unrest in the borough in May 2001;
- developing a Community Cohesion Strategy;
- revising the Council's Workforce Strategy with a view to making the workforce more representative, as recommended in the Independent Review; and
- developing Departmental Equality action plans in order to ensure the authority makes progress against the Equality Standard for Local Government supported by a cultural awareness strategy and training for staff.

A number of key targets and appropriate Best Value Performance Indicators are also set out in the Corporate Plan in order that progress can be assessed. These form the baseline values upon which the Council intends to build in order to meet its new duties under the Act.

## **6 Service delivery and policy development**

### **6.1 Assessment of functions and policies**

#### **6.1.1 What the Council is required to do**

Oldham Council has adopted the Stephen Lawrence Inquiry definition of institutional racism. The Council recognises that to combat institutional racism it needs to systematically assess all of its functions, policies and procedures to ensure it does not unintentionally discriminate against any section of the community. The Council is aware from experience that different racial groups can be affected in different ways by the way services are delivered.

This duty will help the Council to identify which of its services may need to be reviewed to ensure that it does not discriminate by helping the Council 'equality proof' all its services. The duty will also help the Council to identify which of these services are already monitored and which of them the Council will need to begin monitoring. Finally, this duty will help the Council determine its priorities for conducting a further in-depth assessment where this is required. To ensure continuous improvements and monitoring the Council will review its list of relevant functions, policies and proposed policies within three years.

The Council originally completed the assessment of functions and policies in April 2002. For this scheme to be effective it was decided that this assessment should be done again for the new scheme. In this way it was felt that the scheme would be more meaningful with a whole new list of priorities to work on.

Under the Act the Council must set out in this Race Equality Scheme which of its current and proposed functions and policies are relevant to the general duty to promote race equality. Appendix 2 sets out, for each department of the Council, the full list of those functions and policies along with their relevance.

#### **6.1.2 What the Council will do**

The second assessment of functions and policies took place in November/December 2003,

Each Service Manager was asked to list all of their functions, policies and procedures on a proforma developed by the Equalities and Diversity team and asked to assess their relevance to the general duty. This pro-forma built on the original pro-forma used in April 2002. It was felt that this new pro-forma was more developed than the original pro-forma and would aid service managers in undertaking the assessment and the subsequent translation of actions into the service plans would be more straight forward.

In addition to the pro-forma the service managers were issued with a short guidance manual developed by The Equalities and Diversity Team to help them

to do Complete the proforma. For copies of the proforma and guidance note please see Appendix 1.

After listing their functions and policies service managers identified those that are relevant to the general duty by considering:

1. whether each function or policy involved or had consequences for the public; and
2. whether there was any reason to believe that some racial groups could be differently affected by the function or policy.

After deciding on the relevance of the function or policy the service managers made a decision as to whether the policy had the possibility for differential/adverse impact on racial groups. They did this through assessing how much evidence or public concern there was surrounding the policy. After doing this they graded each policy according to its importance in terms of race equality according to the system set out below.

- If a policy was relevant to the general duty, had the possibility for differential/adverse impact and there was a reasonable amount of evidence and public concern, it was given a priority 1 (top priority).
- If the policy was relevant to the general duty, with the possibility of differential/adverse impact with some evidence or some public concern it was given a priority of 2 (medium priority).
- If a policy was relevant to the general duty, had the possibility for differential/adverse impact but with little or no evidence or public concern, it was given a priority 3 (low priority)
- If a policy was relevant to the general duty but did not seem to have the possibility of differential/adverse impact or if the policy was not relevant to the general duty it was given a priority 0 (reassessed in the next scheme)

After allocating the priorities the service managers asked themselves the question 'What action should be taken to eliminate unlawful discrimination, promote equality of opportunity and promote good race relations in terms of this policy. The action that they decided on was marked on the proforma and that is the action that will be included within their service plans.

Due to the problems encountered whilst undertaking this task in preparation of the Council's first Race Equality Scheme it was decided that ,as a quality control mechanism, the Equalities and Diversity Team should be involved in all these assessments and undertake them with the relevant service managers.

This quality control mechanism being built into the assessments had a number of benefits:

- It enabled consistency between all services areas in the allocation of priorities

- It enabled service managers to draw on the expertise of the Equalities and Diversity Team when assessing if a policy could have the possibility for differential/adverse impact as service managers do not always recognise this if left to undertake the task in isolation
- It made the task more manageable for service managers as the presence of the Equalities and Diversity Team focused everyone on the task in hand
- Due to the level of support given it made the task seem less onerous
- The Equalities and Diversity Team were on hand to help the service managers develop manageable and realistic actions as a result of the assessments.

### **6.1.3 Building actions within service plans**

The reason for undertaking the assessment of functions and policies in November/December 2003 was to enable the task to be finished before the service planning cycle begins. This was one of the difficulties identified in the first scheme as the assessments were finished after the service plans had been developed and this had the effect of actions not being incorporated into the service plans.

The service planning guidance had been substantially altered for this year's cycle and it has a section devoted to the actions arising out of the reassessment of functions and policies.

To back up this guidance 10 service planning workshops were arranged in January/February 2004. These workshops were attended by all service managers and 3-4 members of the Diversity and Cohesion Unit were on hand to assist the service managers in incorporating all the required actions into their service plans.

A full list of functions and policies along with their relevance identified by the screening processes can be found at Appendix 2

### **6.1.4 Proposed Policies**

The specific duty to identify and assess functions and policies requires the Council to identify any new policies that have yet to be implemented. This is necessary to ensure that an impact assessment is carried out to assess the likely impact of the new policy on different racial groups. More information about impact assessments can be found in Chapter 8. The reassessment of functions and policies did not address this as there is now a section in the service plan where each service area must identify the impact assessments that it is to undertake in the coming year on new policies. This part of the duty has been tackled in this way as it would seem to be a more effective method of mainstreaming race equality within the processes and structures of the Council.

### **6.1.5 Procurement and Partnerships**

Our reassessment of functions and policies has also allowed the Council to identify those of our services that are delivered through contract to other organisations, or in partnerships with other organisations. As part of our Departmental Equality Action Plans the Council will review all of these arrangements to make sure it can continue to meet its duties under this Scheme. The is in the process of developing a strategic procurement strategy and will use the CRE's *Procurement Guide for Local Authorities*, as the basis for reviewing our Contracts and Service Level Agreements with other organisations.

### **6.1.6 Consultation on the Council's reassessment of functions and policies**

Oldham Council believes that consulting our employees, service users and other stakeholders about which of our functions and policies we have assessed as relevant to the General Duty, including our priorities for further reviews is the best way of engaging people about the Race Equality Scheme.

The reassessment will be consulted on as part of the full consultation exercise on this Scheme and people will be specifically asked for their comments on this section of the Scheme. For more information on consultation arrangements see, *Arrangements for Assessing and Consulting on the likely impact of proposed policies on promoting race equality*.

## **7 Assessing and consulting on the likely impact of proposed policies on the promotion of race equality**

### **7.1 What the Council is required to do**

This Scheme has already set out in some detail how the Council plans to assess further the impact of its current policies for the promotion of good race relations. But it is important that the Council also has in place a system for assessing the likely effects on different groups in the community of policies it is proposing to introduce.

The Act requires the Council to consider the potential impact of all its new and proposed policies on different racial groups. The Council welcomes this new duty as it sees it as a way of eliminating institutional racism which the Macpherson inquiry stated was implicit in the policies of public authorities. Assessing the impact of policies the Council plans to introduce will ensure that the Council does not discriminate from the outset. In time, this duty will help the Council to build up a comprehensive picture of the different needs of all its communities and will increase trust and confidence between the communities and the Council. The Council also believes that it is more efficient to design-out differences at the initial stage of policy development, rather than undertaking costly reviews later, or missing some of our potential customers because our services do not meet their needs

### **7.2 What the Council does now**

As new responsibilities are placed on the Council, or proposals are developed to change how services are delivered, there are already a number of mechanisms in place to assess the impact on local people in general.

- Depending on the type of service or policy this might include:
- undertaking a survey or commissioning research;
- holding consultation meetings in areas affected, or with groups representing those affected;
- holding discussions with key individuals or organisations with particular expertise (e.g. specialist voluntary organisations, local businesses, etc);
- taking proposals to the Area Committees for further, local, discussion; or
- consulting with trades unions representing Council employees as well as Council employees themselves.

Where possible, proposals are then refined to take account of issues raised during consultation.

In the past, unless a particular policy is specifically addressing services to ethnic minority groups (such as the provision of interpreting and translating services), or where there is a particular requirement (such as being a condition of obtaining funding) there will not necessarily always be a specific consideration of the implications for race equality.

The Council has, however, been looking to improve the way it undertakes consultation about a wide range of issue, and has introduced a number of important changes. There is now a Consultation Strategy to give best practice guidance on how consultation should be undertaken. This contains eight principles of consultation which state that the Council will:-

- Respect people. Listen to and value their contributions.
- Be clear about the scope of consultation.
- Strive to give people equal opportunity to contribute.
- Identify the needs of different sectors of the community.
- Keep people informed.
- Make effective use of resources.
- Work with partners.
- Learn from experience.

This Strategy is supported by a Consultation Guide for Council staff and the Authority's Consultation Events (ACE) database, which is used to share information about consultation events. A Citizens' Panel has also been established to allow different parts of the Council to consult with a broadly representative cross-section of the Oldham population on issues, as required. There is also some use of focus groups drawn from the Citizens' Panel, to allow for more in-depth study of people's views.

The Council also has an Ethnic Minority Panel whose membership is drawn from Councillors on the People & Communities Overview & Scrutiny Committee and individuals who represent the ethnic minority communities in the Borough drawn from the Black and Minority Ethnic Network. This group are consulted on a range of policy issues relating to race equality issues.

The Council has also established a Black Workers Employee Network which will be an invaluable method of communicating with our Black employees

Despite the above good practice already being undertaken by the authority, the Councils approach to assessing the impact of its policies has tended to be done in an ad-hoc way. Due to this the Council does not always realise the effects of its policies on different racial groups until it receives complaints, or conducts costly research. This new duty is welcomed as a means of systemising the assessment of the impact that its policies has on the community.

### **7.3 What the Council will do**

To help us assess the impact of policies, the Council has produced an Equalities Impact Assessment Toolkit. This toolkit is a structured way of checking how the Council's functions and policies could potentially affect different racial groups.

The Equality Impact Assessment Toolkit is a generic toolkit which will not just look at the impact of different racial groups but also the impact on all the other marginalised groups of people such as women, different religions, LGBT community, people in poverty, people with

disabilities, people with offending backgrounds etc. Whilst this will make the task more complex it seem only prudent and fair to assess the impact on all groups at this stage.

### 7.3.1 What is an Equality Impact Assessment (EIA)

In the context of Section 71 of the Race Relations (Amendment) Act 2000, and the Equality Standard for Local Government, an Equality Impact Assessment (EIA) is a thorough and systematic analysis of a policy, whether that policy is written or unwritten, formal or informal, and irrespective of the scope of that policy.

The primary function of the EIA should be to determine the extent of differential impact upon the relevant groups and in turn whether that impact is adverse, that is whether it has a negative impact on groups or individuals in relation to one or more of the equality categories (gender, disability, sexual orientation, age, religious belief, offending past, transgendered and transsexual people. people with dependants). In the light of this assessment, if it is decided that the policy has an adverse impact, the Council must consider alternative policies which more effectively achieve the promotion of equality of opportunity or measures which might be employed to mitigate the adverse impact. The **processes** involved in conducting an EIA should not be looked on as an end in themselves. Instead, it should be borne in mind that the aim of the assessment is the promotion of equality of opportunity and thus the **outcomes** of the EIA are of primary concern.

In conducting an EIA there are certain methods and procedures that must be considered:-

- Assessing how the proposed policies are likely to affect people from relevant groups; this should include collecting and analysing relevant data;
- Consulting people who are likely to be affected by our proposed policies; and
- Reviewing and revising the proposed policies in light of the assessment and consultation.

To assess the impact of a proposed policy it is important to have as much knowledge as possible about how the proposed policy will affect people. How this is assessed will depend on the nature of the policy itself but will include some of the following:

- Demographic data and other statistics, such as census findings
- Available research findings
- Comparisons between similar policies in our Council and other Councils.
- Survey data
- Equality monitoring data
- One off data gathering exercises
- Specially commissioned research

### 7.3.2 Equalities Impact Assessment within the Council

Equality impact assessment will be undertaken on three levels

- Initial impact assessment or screening
- Partial impact assessment

- Full impact assessment

### 7.3.3 The Initial Assessment or screening

This will play a valuable role in new policy formulation, or when considering changes to an existing policy and will be carried out in all cases. This is very similar to the assessment of functions and policies already carried out on existing policies but it enables the service to look at the policy in more depth and use the initial impact assessment as a fundamental tool of the policy development process

Before embarking on an EIA, it is important to determine the aims of the policy. From this point it is possible to determine the EIA's terms of reference and whether a partial or full assessment is necessary.

The following questions may help to provide an early steer for an EIA:

- *What is the aim, objective or purpose of the policy?*
- *Are there associated objectives of the policy? If so, what are they?*
- *Who defines or defined the policy?*
- *Who implements the policy and who is responsible for the policy including:*

- (i) the responsibilities which the Council holds in relation to this policy; and
- (ii) the responsibilities held by other bodies (including other public authorities).

- *What outcomes do we want to achieve with this policy and for whom?*
- *Who are the main stakeholders in relation to this policy?*
- *Who is intended to benefit from this policy and in what way?*
- *How do these outcomes meet or hinder other policies, values or objectives of the public authority?*
- *What factors/forces could contribute/detract from the outcomes?*
- *How does the policy relate to policies of other public authorities?*
- *Are there any groups which might be expected to benefit from the policy but which do not or that the policy could adversely affect?*

On those occasions where one or more public authorities share responsibility for a policy then necessary arrangements will be put in place and they will co-operate in carrying out the EIA.

It is important to recognise that the 'General Duty' under the Race Relations (Amendment) Act 2000 applies to all policies of the Council. It states, where a policy either originates, or is controlled in full or in part, by other persons, organisations or public authorities then arrangements must be put in place to co-ordinate the conduct of the EIA between these persons and/or bodies. Where the public authority has an involvement in the service delivery of a policy which is set elsewhere it will not be appropriate to disregard this involvement.

As an EIA proceeds it may become apparent that certain policies are associated. Where this is the case then it may be appropriate to link the EIAs of these policies.

### 7.3.4 The Partial Impact Assessment

A Partial Impact Assessment will build on an Initial Assessment, will outline risks and benefits, and will include the advice of experts and interested groups.

The Partial Impact Assessment is very similar to the Initial Assessment of a policy and will be undertaken if the Initial Assessment points to the possibility of unjustifiable differential impact on relevant groups.

The Partial Impact Assessment will have to clearly state the risks associated with the policy in relation to differential impact and weigh these against the benefits that the policy may have.

Should the Partial Impact Assessment point to a real concern about the policy in terms of differential impact which is echoed by the views of the experts/relevant groups, then it will be necessary to undertake a Full EIA.

### 7.3.5 The Full EIA

A Full EIA should be undertaken in 8 key stages which are listed below:

1. Identify the aims of the policy and how it is to be implemented
2. Consideration of relevant data and research
3. Assessment of impacts
4. Consideration of measures
5. Formal consultation on the actual impact of existing policies and the likely impact of proposed policies
6. Make a decision in the light of data, possible alternatives and consultation
7. Monitoring for adverse impact in the future and publication of the results of such monitoring
8. Publication of results of the Equality Impact Assessments

Each level of the EIA will determine if the policy needs to move on to the next level of impact assessment or straight to a full impact assessment. Having these three systematic levels will lead to a full impact assessment being undertaken on the policies/procedures/decisions that have the biggest potential for adverse impact. In this way the Council is fulfilling the aim of the act that the weight given to race equality should be **proportionate** to its relevance.

The Council has a number of checks within the EIA process to ensure that they are carried out by the whole Council wherever possible on all new or proposed policies. The main one of these is the new requirement within the service planning process which requires all service managers to indicate what impact assessments they are to undertake during the coming year. With these being in the service plan it enables the performance team to monitor their progress on this issue on a quarterly basis as service plans are reported on quarterly. The inclusion within service plans will also serve as a reminder to service managers of their duty to undertake EIAs.

## **7.4 Support for services in undertaking EIAs.**

### **7.4.1 The EIA Toolkit**

The EIA toolkit that has been developed by the Equalities and Diversity Team contains a host of information to assist service managers in undertaking impact assessments. The Toolkit contains:

- Statistical data from the 2001 Census about the population of Oldham
- Statistical data on the workforce of the Council
- A list of all equality related voluntary and community groups in the Oldham area
- A list of national groups concerned with equalities issues
- Example EIAs from around the country
- Contact details for the Equalities and Diversity Team

This information will be added to on a regular basis and should become a valuable resource for people undertaking impact assessments

### **7.4.2 The ACE Database**

In addition to the information in the toolkit the Council also has the ACE consultation database. This database holds details of all the consultation undertaken by the Council. This information will provide invaluable for people undertaking impact assessments as it will enable people to draw on the experiences and findings of consultation and research undertaken throughout the Council

### **7.4.3 The Equalities and Diversity Website**

The Equalities and Diversity section on the Council's web site on the Internet will have a specific section on impact assessments. It is hoped that all impact assessments undertaken by the council will be placed on this site for both public and internal use. This should provide a great deal of information for those people who are undertaking the process for the first time.

### **7.4.4 The Equalities and Diversity Team**

The main support for service managers when undertaking impact assessments will be from the Equalities and Diversity Team. As the process becomes established, it is envisaged that the Equalities and Diversity Team will work with all those people who are undertaking full impact assessments within the Council. By offering this level of support at the outset it is hoped that service managers will become skilled in the area of impact assessments in a relatively short space of time. Those people undertaking initial or partial impact assessments will be able to call upon the advice of the Equalities and Diversity Team at any time to assist them in the process.

### **7.4.5 Consulting on EIAs**

It is clear that the Council already has a variety of arrangements in place to assess new policies and consult on their impact in general terms. Although these arrangements do not

go far enough to meet the duties under the Act it is proposed to build on the Councils existing arrangements, rather than to establish new, and separate, arrangements for consulting specifically on the race relations implications of new policies. This will help with the task of mainstreaming race equality issues, by making consideration of the implications for race equality a routine part of the consultation undertaken on any new initiative.

The EIA toolkit contains a great deal of information on how service managers should consult on their EIAs. Specific attention is paid in this guidance on how to consult most effectively with marginalised groups within our community. In all cases where a service manager is consulting on their proposed policy and EIA, consultation about the race equality implications of the proposed policy should become integral to (and supplement) existing consultation exercises, rather than being separate from them.

In designing appropriate consultation exercises it will be important to ensure that the approach taken to consulting on the race equality implications is both proportionate to the relevance of the function, and appropriate to the groups affected by a particular policy.

The Council's Consultation Strategy and Guide should still form the basis of advice to staff on how consultation should be undertaken but when these documents are next updated particular attention will be given to ensuring that the requirements of the Act are fully reflected in the best practice guidance given.

In addition to routine staff and trade union consultations on policy changes affecting the Council's workforce, a Council-wide black workers' group has been established along with a Council wide Women's group, an LGBT Forum and a Disability forum. These will provide an additional, fresh perspective on policy initiatives, with many of these staff also living in the borough and thus being able to comment from a resident's perspective too.

Finally, further work will be done to ensure that the Council's Website can become a more effective tool for consultation generally, with particular attention being paid to how it can best be used to gather comments on the race equality implications of policies. The Council's internal intranet could also be used specifically as a tool for staff consultation (whilst bearing in mind that, currently, certain groups of employees may disproportionately lack access to the Council's intranet).

## **8 Arrangements for Monitoring existing policies for adverse impact on the promotion of race equality**

### **8.1 What the Council is required to do**

The Council must set out in its Race Equality Scheme its arrangements for monitoring relevant policies for any adverse impact on the promotion of race equality.

Ethnic monitoring will help us to continuously improve our Services by providing information about how our functions, policies and procedures affect different racial groups. We will be able to demonstrate our commitment to equality by identifying potential problems at the earliest practical opportunity. Our arrangements for monitoring all our relevant functions and policies will touch every service unit. Monitoring systems are also essential tools in measuring whether the Council is complying with legislation against discrimination (the 1976 Race Relations Act as amended by the Race Relations (Amendment) Act 2000 in respect of race) and its own equal opportunities policies.

- Effective operation of ethnic monitoring systems involves:
- identifying possible inequalities associated with relevant policies or functions;
- investigation of the underlying causes of these inequalities; and
- action to remove any unfairness or disadvantage.

### **8.2 What the Council does now**

The Council has undertaken monitoring in terms of employment for a number of years but its arrangements for monitoring service delivery, user satisfaction, etc. in terms of race equality are less well developed. The Council is committed to establishing systems to monitor the impact of current or proposed policies in order to identify their effect on minority groups.

Some Departments within the Council are already well ahead in terms of monitoring their service delivery in terms of race equality and it is hoped that through a partnering scheme set up under the Equality Standard for Local Government this good practice can be shared throughout the Council.

### **8.3 What the Council will do**

**Deciding what to monitor** - As part of the process of assessing all functions and policies for relevance to race equality, the Council has identified which of its policies are ethnically monitored. Where the assessment identified a need to establish comprehensive monitoring of the policy/procedure in question, and this action will be included in the relevant service plan as a priority for action.

In deciding what to monitor the Council will take account of: the assessment of relevance of functions; the recommendations in the guidance provided in the CRE's Guide for Public Authorities on Ethnic Monitoring; the views of elected members on priority areas for monitoring; and assessment of the costs and benefits of introducing monitoring systems. A balance needs to be struck between ensuring that the Council can effectively monitor its performance in relation to race equality and creating undue bureaucracy which impairs the effective delivery of services.

The Council will introduce the ethnic monitoring systems required to comply with the specific duty on employment in the Act relating to monitoring, analysis and publication of data on:

- Staff in post;
- Applicants for employment, training and promotion;
- Staff receiving training;
- Disciplinary action;
- Performance appraisal (when this results in benefits or sanctions); and
- The number of staff leaving the authority, for whatever reason.

**Introducing or enhancing monitoring systems** - The Council is keen to ensure that new and existing monitoring systems operate effectively, and that they provide useful tools for improving race equality in employment and service delivery.

In introducing systems, or improving the use of existing systems, key issues to be addressed are:

- **Preparation for introducing systems** - by providing information to staff and service users about why the information is being collected and how it will be used. This will help to develop the support needed to make the introduction of ethnic monitoring effective. Trades Unions have an important role to play in this, and have already had some involvement in developing the Race Equality Scheme;
- **What is to be monitored** - In some circumstances it may be appropriate to monitor other characteristics such as people's language or religion in addition to ethnic origin. Also, if monitoring systems are being introduced there will often be only a marginal cost to monitoring other characteristics such as age, gender and disability. The introduction of ethnic monitoring will therefore contribute to the promotion of other aspects of inequality rather than simply race equality;
- **Training needs** - Developing and using monitoring systems effectively is a complex process, and those involved will need training and support. Training will be provided for service managers involved in this. This will need to cover a range of issues such as: types of monitoring; systems of data collection; maximising response; ethnic origin classifications; data protection; benchmarking; target setting; and analysis, interpretation and use of monitoring data. Managers will need to ensure staff operating the systems are also fully trained in relation to their new responsibilities.

Training will also be provided for elected members and community representatives from the Ethnic Minority Panel who will be involved in scrutinising the results of ethnic monitoring systems;

- **IT implications** - Introduction of monitoring systems could sometimes require the introduction of new IT systems. An assessment will be made as early as possible of the IT implications of introducing monitoring systems, both in order to timetable this work and to secure the necessary budgetary provision. Wherever possible existing systems will be utilised, if necessary on a temporary basis, to avoid this becoming a barrier to the introduction of ethnic monitoring;
- **Benchmarking** - Monitoring systems require appropriate benchmark information about the population to enable effective assessment of inequality, for example in monitoring the composition of the workforce it is necessary to have comparative information about the working age population of the Borough. The Council's Research Team will prepare appropriate benchmark information to facilitate ethnic monitoring, and this will be a priority in analysing data from the 2001 Census.

### **8.3.1 Complaints Procedure**

The Council has just devised a new Corporate Complaints Procedure and this will assist the Council in monitoring the impact of its policies and services on the public through this procedure. This procedure was reviewed as a result of the Council's first Race Equality Scheme and as such under the procedure:

- All complainants will be ethnically monitored in accordance with the Census 2001 categories
- All complaints will be monitored as to their nature, specifically whether the complaint itself is regarding equality or race equality
- All data will be analysed on an annual basis

Data about the ethnic make-up of complainants and the number of complaints that relate to race or equalities issues more generally will be published in the Council's Annual Equalities and Diversity Report which will be available in various formats and community languages.

### **8.3.2 Corporate guidance on monitoring**

The Council's Equalities and Diversity Team will review the corporate guidance on how to undertake equal opportunities monitoring. This guidance was developed from the CRE's Guidance on Ethnic Monitoring produced in July 2002.

### **8.3.3 Service Plans**

All Service Units are required to include equality actions in their annual service plans which include targets for service delivery and employment. Measuring progress against these plans will help to assess the effectiveness of the Council's policies in promoting race

equality. Monitoring of these plans takes place on a quarterly basis and is co-ordinated through the Council's Performance Team.

## 9 Arrangements for Publishing the results of Assessments, Consultations and Monitoring

### 9.1 What the Council is required to do

The Authority has a duty to publish the results of:

- Assessments and consultation on the likely impact of proposed policies on the promotion of race equality; and
- Monitoring of its policies for adverse impact on the promotion of race equality.

The purpose of the duty to publish the results of assessment and monitoring is to increase the accountability of the organisation to the public. This will be achieved by: enabling people to understand the reasons for which decisions have been made, and providing information which enables people to question decisions or existing policies or to raise issues which need to be addressed in the future.

The Council believes that if we want the community to take part in our consultations, or to have confidence in our service improvements we must be able to demonstrate that their views are important to us and that their views have had a bearing on the matter they were consulted about. We also recognise that some people distrust ethnic monitoring and that we must be able to demonstrate why we ask people to complete monitoring forms and what happens to the monitoring data collected. In both these cases publishing the results of consultations and monitoring will go some way to alleviating the concerns of the community and go some way to building confidence in our services. .

### 9.2 What we do now

Presently the Council publishes a great deal of monitoring data but this in the main relates to employment monitoring. A full breakdown of the Council's employment monitoring data can be found in the Council's first Annual Equalities and Diversity Report.

In terms of service delivery monitoring, Departments are responsible for publishing their own monitoring data. At the present time this is not done to a consistently high standard throughout the Council to meet this duty although there are some areas of good practice which can be learnt from.

### 9.3 What the Council will do

The Council welcomes this duty, which is entirely consistent with its core values, as set out in the Corporate Plan. These include: **empowerment** of residents to involve them in the decision making process, and **openness** to ensure that decisions are clear, open and honest. Publication is also a demonstration to the public and staff of the Council's commitment to the promotion of race equality.

As well as meeting the requirements for publication set out above, the Council will also undertake to publish the results of all assessments of existing functions of policies for their relevance to race equality, including the outcome of such assessments.

### **9.3.1 Consultation and assessments of the impact of proposed policies**

Full Council is responsible for approving or adopting a set of plans and strategies which are defined as the Council's policy framework. Other decisions on policy are delegated to the Council's Cabinet. Any policy decisions are therefore made on the basis of a report to either Full Council or Cabinet. A list of future decisions, and details of how people can submit their views are published in the Council's Forward Plan which is available both on the Council's Website and through libraries.

All committee reports already include sections on Consultation and on Environmental Implications and Community Cohesion, and all impact assessment will be attached to these reports. All these reports are available on the Council Website.

As part of the process of introducing Community Cohesion implications, guidance notes and training have and will be provided for officers on evaluation of equalities implications, and training will also be provided for elected members to assist them in effectively scrutinising officers' assessments.

The decisions of the Council and Cabinet are lodged on the Council's Executive Decision Recording System, and the decisions and reports on which they are based are publicly accessible on the Internet as well as available through public libraries. They are therefore available for public scrutiny.

In addition to the above, all impact assessments undertaken will be published along with the policy under consultation. This will enable members of the community to see how decision in the policy relating to race equality have been arrived at. At the end of the consultation period all impact assessments will be stored under a specific section of the Council's Equalities and Diversity web pages, thus giving easy access to all the Council's EIA's

### **9.3.2 Outcome of Public Consultation**

The Council is seeking to improve its consultation mechanisms, to enable people to participate in decision making without creating an undue burden upon the public and creating "consultation fatigue". Through The Oldham Partnership (Oldham's Local Strategic Partnership), the Council and other public bodies are seeking ways of better co-ordinating consultation activity.

An important development is the Council's ACE consultation database. This provides a central register of consultation activity which is used to co-ordinate consultation work and avoid duplication of effort. This is currently only accessible on the Council's Intranet, but it is in the process of being made available to partner organisations so that they can also include their consultation exercises on the database and co-ordinate their activities with the Council and each other. As part of this the ACE database will be made accessible to the

public on the Council's database. A further development which it is planned to introduce is to make the reports summarising the findings of consultation exercise part of the ACE database, so that people who have been consulted can access the results. This would be in addition to any other feedback – such as sending participants a summary of results.

### **9.3.3 Publishing results of monitoring of policies**

The Council has a set of existing arrangements for reporting on its performance including, in some cases, the results of ethnic monitoring. It is planned to build on these rather than create new arrangements because of the risk of otherwise creating a disproportionate administrative burden.

The set of key performance indicators for race equality have been developed and will be reported upon annually in the Corporate Plan, which now incorporates the previous Best Value Performance Plan (BVPP). The Council's performance against these will be reported upon annually in this, and also when appropriate in publications which draw upon this such as: Council inserts in the local paper; the Council's magazine, the Oldhamer, which is delivered to every household in the Borough; and the Outlook Magazine which is to be distributed to all staff on a periodic basis.

The Council will also publish the results of its monitoring of its corporate policies on an annual basis in its annual Equalities and Diversity Report

From April 2004 it is expected that individual Departments publish an Annual Service Delivery Monitoring Report. During the year it is expected that Departments will report quarterly to their Equalities and Diversity working group on all those policies that have been assessed as having a high degree of relevance to racial equality (priority 1) and on a six monthly basis for all those policies with medium priority ( priority 2). All those with a low priority will be reported on in their annual monitoring report.

### **9.3.4 Publishing the Results of Employment Monitoring**

The Council will publish the results of its employment monitoring each year in its Annual Equalities and Diversity Report. In addition to this quarterly reports will also be submitted to SMT on this issue, These reports will always provide the fullest suite of ethnic monitoring data broken down by each strand of the specific Employment Duty.

### **9.3.5 E Government**

In line with the Government's target for accessing all Council services on-line by 2005 the Council will aim to ensure that any reports we publish are available on its Website.

### **9.3.6 Data Protection Act 1998**

We will not publish data in any way that makes it possible to identify any individual without that individual's permission. This may prohibit us from publishing details of some of our employment and service delivery data by specific ethnic group. Where it is not possible to provide a breakdown by ethnic group, perhaps due to the relatively small number of people

involved, we may cluster the results and provide details of all black and minority ethnic persons, or all white persons.

Where this would still make it possible to identify any individual we may not be able to publish the data. If we cannot publish the data, we will provide details of what our analysis found and any corrective measures we may have taken.

On rare occasions, we may ask individuals for their permission to publish data that may identify them. For example, we may ask an individual employee for their permission to use their details for the purpose of marketing or advertising our services, and/or our job vacancies.

## **10 Arrangements for making sure the public have access to Information & Services**

### **10.1 What the Council is required to do**

The Council is required to ensure that everyone, whatever their ethnic or racial group, can get information about the Authority and its services. This includes information about, for example, policies, services and complaints procedures and about people's rights in relation to these. Compliance with this duty will help ensure that the Council's services are accessible to everyone, particularly those who: do not currently know about services; are not confident in using them; or meet barriers when they try to use them.

### **10.2 What we do now**

The Council currently provides the following (amongst others) to help us meet this specific duty:

- Provision of interpretation and translated materials via the interpretation and translation service
- Outreach work by Departments
- Targeted publicity
- Targeted projects
- Consultation with minority ethnic forums and voluntary and community groups in the borough
- Services targeted and specifically set up for our BME communities
- Language line is in operation across the Council to provide an interpreting service in a whole range of languages not provided by the Council team
- Consultation on our service delivery with our BME communities

### **10.3 What the Council will do**

The Council recognises that meeting this specific duty is about more than setting out what is already done. To meet this duty and provide an appropriate and culturally sensitive service the Council will:

- Examine existing monitoring data to establish a baseline position and establish a comprehensive monitoring system;
- Conduct a thorough review of the information and services currently provided when each service undertakes impact assessments;
- If the Council discovers that some communities are not using particular services we will investigate the reasons why. If necessary, we will conduct a further review of the service, specifically to try to improve access, or information to it;

- The Council's comprehensive monitoring systems will develop ways of monitoring what information people currently request to establish how useful this information is in practice.

## 10.4 Access to information

**Improving communication** - The Council is keen to ensure that everyone has access to the information they need at the time that they need it, and improving communication is central to this. Improving dialogue with ethnic minority communities is one aspect of this wider communication issue and, in response to this, the Council has developed a corporate Communication Strategy. This incorporates good practice guidance on communicating with ethnic minority communities.

**Interpreting and Translation Services** - The Council's Best Value Review of Services to Ethnic Minority Communities identified the need to conduct a detailed review of Interpreting and Translation Services, including assessment of need and demand and development of a range of options for the organisation of service.

Research has been carried out with both people from ethnic minority communities, front-line service providers and the voluntary sector on how a new service should be organised. As a result of this the service has been redesigned along business lines with a reduced number of full time interpreters backed up with a bank of sessional interpreters to provide interpretation in an increased array of languages. The service will also be opened up for use by the voluntary sector and other bodies within Oldham as this was an identified need within the research. In undertaking this restructure the Council aims to establish a comprehensive service that will be of benefit to the whole community with increased capacity and the ability to deal with requests for interpretation outside of normal business hours .

The implementation of the new service is underway and will be operational by March 2005.

**English language acquisition** – Linked to this issue of language skills is the development of English language skills among people whose first language is not English. While the Council needs to enable people who cannot speak or read English to access information and services, an inability to communicate in English provides a major barrier to most employment opportunities and to the development of community cohesion. The Oldham Independent Review placed great emphasis on this, particularly in relation to ethnic minority children and their families.

The Council's Education & Cultural Services Department, in partnership with schools, Oldham College, Oldham Sixth Form College and other members of the Local Learning Partnership, are delivering, and further developing a very substantial programme of support relating to English for Speakers of Other Languages (ESOL), English as an Additional Language (EAL), basic skills development and family learning. This closely links into initiatives benefiting Oldham's more deprived communities such as: Sure Start, Single Regeneration Budget, New Deal for Communities and Neighbourhood Renewal Fund.

The impact of this programme of work will clearly contribute significantly to the process for improving race equality in relation to access to information, services and employment.

**Use of intermediary organisations** - Voluntary and community groups working at the "grass roots" provide an important route of communication with ethnic minority groups and other sections of the community. The Council is committed to supporting the contribution of voluntary and community organisations, which is reflected through the provision of grant funding and dedicated officer support, and formalised through the Voluntary Sector Compact. However there is an identified need for capacity development work with the ethnic minority voluntary and community sector to enable them to work more effectively together and participate in wider voluntary sector networks. The Council is working with The Voluntary, Community and Faith Sector Partnership to strengthen this, and has supported the development of the BME network and Interfaith Forum.

Linked to this, funding has been provided through the health sector to support the development and maintenance of a community contacts database. This could be accessed by council members or officers wanting to contact groups working in particular areas or on particular issues, and provide a means of broadening dialogue beyond the "usual suspects". This work is being developed jointly with Oldham Voice and other partners.

## 10.5 Access to services

A Best Value Review of Access to Services was completed in 2002. Inclusion was one of the issues considered within this, and part of this relates to the promotion of race equality. Implementation of the recommendations of the Best Value Review links closely into the Council's e-government Strategy. While the use of the Internet is one area of activity, there is concern about creating a "digital divide", which would further disadvantage people living in deprived communities.

By contrast, a very high proportion of all sections of the population have access to a telephone, and the current priority is therefore in developing a Council Call Centre. This will have a highly trained customer services team who can deal with the majority of customer enquiries without reference to "back office" staff. This will provide an improved service to local people and make more effective use of staff. Key issues which will be addressed in developing the system are: the customer care training of staff which needs to incorporate issues of cultural awareness; and arrangements for communicating with people who do not speak English or whose preferred language is not English. At the present time all reception areas within the Council have access to Language Line telephone interpretation.

A range of issues addressed in other sections of the Race Equality Scheme will also contribute to improving equality of access to services. These include:

- increasing the number of employees with minority language skills as a result of action to make the workforce more representative of the local community;
- improving arrangements for accessing interpreters; and
- training in cultural awareness and anti-discriminatory practice for all staff.

## **11 Arrangements for Training staff in relation to the General & Specific Duties.**

### **11.1 What the Council is required to do**

As a public authority this Council must, as part of this Race Equality Scheme, set out its arrangements for training staff on the issues that are relevant to the general duty to promote race equality and the other specific duties placed on the Authority. The Council is committed to promoting race equality in both service delivery and employment, and it is therefore important that employees are properly trained so that promoting race equality becomes a routine part of their work.

### **11.2 What the Council does**

At the time of writing the first scheme the Council had in place corporate mandatory 2 day Race and Cultural Awareness training course for all its staff. This course contained a significant amount on the RRAA and both the general and specific duties contained within it.

In addition to there was a specific course called Race Relations (Amendment) Act Training for Managers. This course is designed specifically with service managers in mind and was a 1 day course followed by a one day follow up course on how they could implement the Act as service managers.

#### **11.2.1 External Training**

In addition to the above, some Officers, including key senior officers, have attended external training sessions on the Race Relations (Amendment) Act 2000 arranged by the CRE and other bodies. It is recognised that key officers need to keep up to date with national developments in relation to the legislation if the Council hopes to live up to and exceed its statutory duties.

#### **11.2.2 Management Briefings**

At the time of publication of the first Scheme, briefing sessions were held for all Service Managers on their obligations under the Act and two sessions of the Management Forum were devoted to the Race Relations (Amendment) Act 2000.

#### **11.2.3 Other training which includes the Race Relations (Amendment) Act 2000**

In addition to the above the Council ran other training courses that include and have been heavily influenced by the Race Relations (Amendment) Act 2000, some of which include the following

- Recruitment and Selection training

- Anti-discriminatory Practice
- Harassment and Bullying training

## **11.3 What the Council will do**

Despite the amount of training already being undertaken by the Council, it is recognised that changes will need to be made and more training developed if it is to fully meet this duty.

### **11.3.1 Race and Cultural Awareness Training**

Despite the success of this course it has been decided that this course should no longer run as a corporate course. The course is still available for Departments to run independently of the corporate centre if they wish to run it. One of the reasons for this is that by running the two day course it would take too long to get through all the staff within the Council. In addition to this the Council came to the decision that running this course alone did not help the Council meet its obligation with regard to other aspects of the equalities agenda. In its place the Council has developed a comprehensive Equalities and Diversity Training plan in which race equality is a central theme. The new training plan has a wide range of training presented in a range of different styles and includes (where race is an element) the following

### **11.3.2 Cascading with Confidence Course (Train the Trainer)**

This interactive programme provides trainers with the practical skills and abilities, supported by the in-depth knowledge and understanding of diversity issues required by those training within the Council. It also assists staff involved with all aspects of training to integrate Equality and Fairness into their learning events in a relevant and practical manner. This includes not only the delivery but also the design, planning and assessment process.

### **11.3.3 ‘Tackling Racism’ Pilot**

Trade Unions are in a position to reach staff in ways not available to others. Working in partnership with Oldham, Unions can help deliver very positive messages about diversity in the workplace and the community. By using trained Workplace and Learning Representatives, OMBC will be able to promote a coherent strategy in relation to the whole area of diversity – identify existing attitudes and practices, make clear what is expected and how it can be achieved.

### **11.3.4 Paradoxos Forum Theatre**

Paradoxos Theatre Company specialises in producing theatre for the workplace and in using forum theatre for training.

Theatre is a powerful way of exploring and experiencing the human condition. It enables an audience to empathise with characters while at the same time retaining some objectivity on a character’s situation. In using theatre you are able to include a multitude of issues and viewpoints, as well as real anecdotes to illustrate points and demonstrate characters

acting inappropriately or unlawfully. This means that large numbers of an organisation or community can experience the same event and listen to the same messages, providing a powerful resource from which to develop discussion and/or other training. Theatre is a high impact experience and will often be remembered long after more traditional training has been forgotten. It gives an opportunity for the participants to engage with a subject matter in an emotive way and to reflect on their own personal experiences. At its best, theatre can move people to change their lives and influence the people around them.

One of the aims of this project is to raise awareness about diversity issues and ask some of the more difficult questions, no matter how negative. The training does not make any apologies for confronting the more problematic areas of diversity, even though the answers might not be easy to find. People often expect simple solutions, which they can put into practice in the workplace, but with diversity, there is often a variety of answers, or number of strategies, that can be used in order to try and resolve a situation.

All too often during training, especially diversity training, the focus is on legislation and good practice, usually in classroom based training. It is easy to forget the emotional stress that victims experience during harassment or discrimination and the long-term impact it can have. By using the Forum Theatre process, we are able to hear some of those experiences and have the opportunity to empathise with the suffering. This particular training stresses the importance of understanding the reality of these issues, and the implications of decisions managers and others make in the workplace. The power of seeing such scenes acted out can lead people to change their behaviour. Forum theatre does not require the audience to act or perform at any time.

### **11.3.5 GRC: Respect for People Workbook**

GRC: Diversity Workbook “Respect for People” is a measurable distance learning programme, featuring a diversity Workbook that covers the key elements of Diversity-race/ethnicity, gender, disability, age, religion/belief and sexual orientation. “Respect for People” aims to be informative without being contentious. The Workbook is City & Guilds Approved Training. Once participants have studied the Workbook, they take an automated telephone test using their own individual PIN number to demonstrate their understanding of the material. Reports with full results by PIN are emailed regularly to the client, thus ensuring robust compliance and measurement of participation.

### **11.3.6 Diversity Distance Learning Pack**

This learning pack offers a flexible approach to learning. Limited classroom attendance ensures Elected members can work at their own pace. The pack provides a set of useful reference materials.

### **11.3.7 2 Day Anti Discriminatory Course**

The course aims to raise awareness of discrimination and to practice anti-discriminatory ways of working. Course objectives include:

- Understanding of legislation and policy in the area of anti-discrimination
- Raised awareness of anti-discriminatory ways of working
- Understanding of discrimination experienced by a diverse range of groups

- Raised awareness of own values and beliefs in the area of anti-discrimination

This course has been well received in Social Services and is in the process of being adapted to be rolled out corporately before the end of the year.

### **11.3.8 Race Relations (Amendment) Act Training for Managers**

This training has now been running for 2 years and it is felt that the content now needs changing to reflect the progress that the Council has made so far. This training course will be reviewed in the coming months and the emphasis changed to be more reflective of the current situation and needs of managers.

### **11.3.9 HATE Incident Training**

This course aims to give officers an understanding of:

- What constitutes a hate incident
- OMBC policy
- Recording procedure and documentation
- Stages of an interview with a victim / witness

This training is a ½ day classroom based course, delivered by the Equalities Team with facilitation assistance from Organisation Development. To date 80 recording officers across all departments have been trained.

### **11.3.10 Induction Training**

Induction training is being developed within the authority and this training will include training on equality and diversity and the duties of all public servants to promote race equality under the Act.

### **11.3.11 Impact Assessment training**

In August 2004 a comprehensive training package on Impact Assessment was delivered to service managers across all Council Departments. This training was devised to give managers the skills necessary to undertake Impact Assessment in their day to day work

### **11.3.12 Future Training**

In the longer term, service specific training programmes will be reviewed to ensure that they fully reflect the Council's duties under the Act. For example, the range of issues covered in Customer Care training may need to be revisited to ensure that race equality considerations are fully addressed. Based on evaluation of the current training being delivered, a Corporate Equality and Diversity Training Plan will be developed for the a further 2 years (April 05-March 06 and March 06-April 07). The training plan will developed following:

- Thorough 4 Level Kirkpatrick Evaluation of current training being delivered.

- Consultation with OMBC workers Forums with regard to training content and delivery.
- Skills Matrix completed across all Departments.
- Training plans developed following the appraisal process.

## **11.4 Evaluation and Monitoring**

As with all specific duties there is a requirement to monitor the training provided. This will include monitoring its effectiveness and take-up. It will be the responsibility of the Corporate OD team and the Head of Corporate HR and individual Service Managers to ensure that training needs analyses take place on an a regular basis.

## **12 Employment duties**

### **12.1 What the Council is required to do**

The Act introduces a specific duty in relation to employment. This requires the Council to monitor, by reference to racial group:

- Staff in post;
- Applicants for employment, training and promotion;

Staff who:

- receive training;
- benefit or are disadvantaged as a result of performance assessment
- are involved in grievance procedures;
- are the subject of disciplinary procedures; or
- cease employment with the Council for any reason.

The Council is required to publish annually the results of this monitoring.

The specific employment duty requires the Council to move beyond setting out arrangements as it must also demonstrate that these arrangements are in place and it must implement them as soon as possible.

The Council recognises the link between equal opportunities in employment and service provision. This is why we will continue to set challenging but achievable targets in the future and we will monitor and report on progress.

The Council believes that a workforce, that represents the community it serves, will be better able to respond to their needs. This will increase confidence and trust and ensure that the Council becomes an employer of choice. The business rationale is clear and unambiguous.

### **12.2 The Specific Duties**

#### **12.2.1 Numbers of staff in post - RRAA section 5(2)a(i) and 5(2)b(v)**

##### **What we do now**

A survey of all staff was undertaken to ensure we captured data from our current employees where we did not hold any data. This survey now means we hold up to date ethnic monitoring data on over 90% of our employees.

This information has been entered into the Authority's personnel information systems and is used with other information – such as their age, gender, grade and department – in analysing the composition of the Council's workforce.

The Council routinely produces quarterly workforce monitoring reports.

### **What we need to do**

- Further refine the monitoring process to try to obtain 100% data
- Continue to produce quarterly monitoring reports

### **Conclusion**

The Council meets this duty and reports on it regularly

## **12.2.2 Applicants for employment and promotion - RRAA section 5(2)a(ii)**

### **What we do now**

Although information on ethnic group has been collected from application forms in the past, this has not been reported on regularly in the past and the categories used had become out-of-date

The Council has successfully been able to report on the duty to monitor applicants for employment in most of its departments and the figures published in its Annual Equalities and Diversity Report.

The Council's computerised personnel system had previously hampered this being done routinely across all departments and human resource problems in some departments meant this was not carried out to its fullest extent

A new application form has been introduced which includes the updated ethnic group categories, and an IT system is under development which will allow for recording and subsequent analysis and reporting of this information. Since the system will be applicable to all advertised vacancies, it will be capable of monitoring both applications for employment and promotion.

A corporate recruitment team has been established which will centralise the advertising and recruitment administration functions. Systems are being developed in order to ensure monitoring and reporting which covers expressions of interest, applicants, short-listed applicants and successful candidates.

In terms of applicants for promotion the Council as with other Councils does not promote people internally. All promotions are obtained via an open and fair recruitment process in line with the Council's Recruitment and Selection Policy.

Despite the above being true the Council acknowledges that it often seconds people into different jobs around the Council and that strictly this could be classed as a promotion not only due to the increase in pay this can attract but also the skills and experience that can

be gained from secondments. The Council believes this to be in the spirit of the Race Relations (Amendment) Act 2000 At the present time the Council struggles to capture this information effectively, but is working to rectify this.

The Council is implementing a detailed project to improve the quality and consistency of data in its existing computerised personnel information systems and is currently reviewing options to progress the procurement of an upgraded system. The specification for a new system will be designed to ensure compliance with all statutory monitoring and reporting requirements.

### **What we need to do**

- Complete the restructuring of the HR service which will improve resources for Departments to enable them to produce monitoring data more readily
- Develop a paper based system to report on the internal secondments within the Council
- Produce and start to implement a project plan to establish an improved/new computerised personnel information systems

### **Conclusion**

Not much more needs to be achieved before this duty is fully met.

### **12.2.3 Staff applying for and receiving training – RRAA section 5(2)a(ii) and 5(2)b(i)**

#### **What we do now**

Implementing this specific duty has not gone as smoothly as the Council would have liked. The Council at the present time is only able to report on this data from a corporate perspective and any training undertaken by Departments, the Council is at present unable to report on.

The Council has undertaken some limited research on good practice in this area but it appears that the current paper based approach that is used corporately will be suitable until the implementation of the new computerised personnel system which will contain a training section.

#### **What we will do**

- Develop a paper based system to capture this information from Departments
- Continue to report on the corporate training from the monitoring forms currently used.
- Produce and start to implement a project plan to establish an improved/new computerised personnel information system which will include provision of training records

## **Conclusion**

This duty is only partly met with some work still needed to comply fully

### **12.2.4 Grievance and disciplinary procedures – RRAA 5(2)b(iii) and 5(2)**

#### **What we do now**

The Council has developed a paper based system to capture this data from all its departments. Guidance was provided to staffing officers on the use of the new system and it was piloted between August-October 2003

#### **What we will do**

- Ensure the system continues to be used and the data reported on
- Finalise the specification for the new computerised personnel information system and employ the project manager for the project as this data will ultimately be obtained from the personnel system

## **Conclusion**

This duty has been met

### **12.2.5 Those benefiting or suffering detriment as a result of performance assessment procedures – RRAA section 5(2)b(ii)**

#### **What we do now**

The Council has been developing a revised performance appraisal scheme which has been implemented from April 2004. Evaluation of this will enable the Council to report on whether or not those people who have been through the process have suffered benefit or detriment.

At the present time the Council has a yearly incremental system associated with its pay. This system is not based on performance and as such it is unlikely that any employees will have suffered a detriment or indeed benefited from the current arrangements

#### **What we will do**

- Fully implement and evaluate the new performance appraisal system
- Ensure monitoring is a central part of this

## **Conclusion**

Due to the lack of true performance appraisal within the Council and the incremental pay scales based on length of service as opposed to performance, this criterion is not very relevant.

**12.2.6 Publication of employment monitoring information – RRAA section 5(3)**

**What we do now**

All the monitoring data surrounding the specific duties is published annually in the Equalities and Diversity Annual Report

**What we need to do**

- Continue to publish the annual Equalities and Diversity Report
- Continue to publish quarterly workforce monitoring reports

**Conclusion**

This duty has been met

## **13 Complaints**

### **13.1 Powers of enforcement**

Oldham Council will do its best to meet the duties placed upon it under the Act and is fully committed to implementing the actions set out in this Race Equality Scheme. But it is recognised that, from time to time, the Council will not get things right or that people may be dissatisfied with the way services are delivered. The Council is therefore committed to ensuring that people know that they have a right to complain and are given information about how to do this.

The Act does not give individuals a right to take legal action against the Council for failing to fulfil its general duty (although Judicial Review through the High Court is available), but the Council will attempt to deal with any complaints received about its performance in relation to this duty through the Council's complaints procedure (see below for further details).

The Commission for Racial Equality (CRE) has the responsibility for enforcing compliance with the specific duties placed on the Council (see Chapter 1). If it is satisfied that a public authority is failing to meet one of its specific duties the CRE has the power to issue a 'compliance notice' requiring the authority to provide details to the CRE about what it is doing to obey the notice and meet the duty. Ultimately, the CRE can ask the courts to order the authority to comply with its duty. Again, individuals do not have a direct right to enforce these specific duties but they (or trade unions, voluntary organisations, etc.) can inform the CRE if they have concerns or complaints about whether the duties are being met and the CRE can then investigate. But Oldham Council hopes that anyone with concerns will always contact us in the first instance to give the Council the opportunity to discuss the problem and put things right.

### **13.2 The Council's complaints procedure**

The Council has had a Corporate Complaints Procedure since 1994, which was recently revised and updated as a result of a Best Value Review. This allows service users to make complaints, compliments and suggestions about any aspect of the Council's services or policies. Leaflets about the procedure are made available to the public and details are also set out on the Council's Website. The full procedure allows those with a complaint to move through a series of stages in trying to get the matter resolved and it sets out clear timescales for each stage. Those using the procedure should always begin with the person responsible for the service complained about, but every Council Department has a Complaints Officer and overall responsibility lies with the Assistant Chief Executive – Legal and Democratic Services.

In addition, there are some separate complaints procedures relating to aspects of Social Services and Education, where there are specific legal duties to be met.

### **13.3 What the Council will do**

As with other aspects of this Race Equality Scheme, our intention is to mainstream our responsibilities under the Act by building on our existing Complaints Procedure, rather than establishing a separate one for handling complaints about our compliance with the Act.

Therefore it is our intention that all staff receiving training about meeting our duties under the Act (see Chapter 5.6) will be briefed about the handling of complaints in connection with this Race Equality Scheme. Departmental Complaints Officers will take on responsibility for taking forward and responding to those complaints that cannot be resolved at the initial stage, as well as for recording and monitoring relevant information. The Council's Complaints Officer (Assistant Chief Executive – Legal and Democratic Services) will carry overall responsibility, as with other aspects of the Corporate Complaints Procedure.

The Procedure itself already makes specific reference to the handling of allegations of racial discrimination, and this section will be expanded as necessary when the Procedure is next revised. Ethnic monitoring also currently forms part of the complaints handling process, and the importance of gathering ethnic origin information in connection with any complaints will also be reinforced as part of the staff training. This data will be collated at the Departmental level, held centrally by the Council's Complaints Officer and be reported as part of the overall monitoring of the Scheme.

Our intention is then to use this information to identify where we need to make changes to ensure we are meeting our responsibilities under the Act.

Council staff, as service users, can also make use of the Complaints Procedure in relation to how the Council is meeting its specific duties. But we would also expect any other concerns to be raised by members of staff directly with their line manager, or through the recognised trade unions in order that any problems can be identified and resolved at the earliest opportunity

