

The duty to promote race equality

A FRAMEWORK FOR INSPECTORATES IN SCOTLAND

CONTENTS

| | |
|--|----|
| Introduction | 3 |
| PART I The general duty | 6 |
| PART II Specific duties: the race equality scheme | 9 |
| PART III Specific duties: employment | 15 |
| PART IV Specific duties: education authorities and schools | 19 |
| PART V Specific duties: education (further and higher education institutions) | 23 |
| Inspection checklist | 28 |

INTRODUCTION

We have produced this framework to help inspectorates to meet the new statutory public duty to promote race equality. The framework encourages you to look for evidence that public authorities are meeting the duty and suggests various outcomes that should distinguish successful authorities. The outcomes can also help authorities to draw up aims and targets .

Our statutory *Code of Practice on the Duty to Promote Race Equality in Scotland* recommends that four guiding principles should govern public authorities' efforts to meet the duty to promote race equality. You should also use these principles to steer your approach. The principles are as follows.

- Promoting race equality is obligatory for all public authorities listed in schedule 1A to the amended Race Relations Act (see appendix 1 to the statutory code).
- Public authorities must meet the duty to promote race equality in all functions that are relevant to the duty.
- The weight public authorities give to a function should be in proportion to its relevance to the duty.
- The three parts of the statutory general duty are complementary and public authorities should consider how they will meet all parts that apply to them.

You should remember the following.

- Some public authorities have to meet only the general duty.
- Some public authorities have to meet both the general duty and specific duties as employers.
- Some public authorities have to meet the general duty, specific duties for policy and service delivery, and specific duties as employers.
- Education authorities have to meet the general duty and specific education duties.
- Further and higher education institutions have to meet the general duty and specific duties for colleges and universities.

For convenience and clarity, we have organised the framework around these different duties.

Education authorities, Scottish ministers and the Scottish Higher and Further Education Funding Councils have specific duties to monitor employment in schools, colleges, and universities in the sectors they are responsible for. You should include these duties in your inspections or audits of these organisations.

The specific duties have been introduced to help public authorities meet the general duty. They are a means to an end (steps, methods or arrangements) not ends in themselves. So, there is some unavoidable overlap between Part I on the general duty, which applies to all listed public authorities, and Parts II – IV on the specific duties, which do not apply to all these authorities. This means that the evidence and outcomes we suggest for some of the specific duties may also be relevant to authorities that are bound only by the general duty.

We suggest that you adapt the framework to the templates and methodologies you already use for inspection regimes. We have tried to make the framework as comprehensive as possible, but you can use it flexibly. Your aim should be to make sure that your inspections of the new public duties are part of the full range of mainstream inspection work.

The section headlines list the various parts of the statutory duties. You will find more detailed information and advice about these in our statutory code and non-statutory guides. These are also available on our website at www.cre.gov.uk. The column titled 'evidence' begins with examples of activities that would show that the public authority is meeting the duty. It then suggests activities that go beyond the minimum requirements and can be seen as good practice.

The column titled 'outcomes' is self-explanatory. In time, you should come to expect these outcomes from all public authorities bound by the duty. The outcomes will follow from steps authorities have taken to act on any evidence of adverse impact that comes to light as a result of meeting the specific duties, with the ultimate aim of meeting the three parts of the general duty – tackling racial discrimination and promoting equal opportunities and good race relations.

Public authorities that meet the duties consistently, as a regular part of their functions, should expect to be achieving the following outcomes, in the medium to long term. You may find it useful to see these outcomes as the broad context of your inspections.

- A workforce that represents at all levels the different communities it serves
- No significant differences between ethnic groups in staff perceptions of equal treatment
- No significant differences between ethnic groups in the profile of service users
- No significant differences between ethnic groups in satisfaction rates among service users
- No significant differences between ethnic groups in levels of public confidence
- Services meet the needs of the communities the authority serves
- No significant differences between ethnic groups in complaints from service users
- No significant differences between ethnic groups in service outcomes
- No complaints of unlawful racial discrimination or harassment

The appendix sets out a short inspection check-list, to help you to make a preliminary assessment of how a public authority is meeting the statutory duty to promote race equality. The checklist will also be useful in identifying particular areas of concern. You should always use the checklist with the framework, not instead of it. Full inspections or thematic inspections focused on race equality (or equality issues more widely) should always be based on the framework.

The framework and checklist apply to Scottish public authorities. Guidance for public authorities in England and Wales and to non-devolved authorities in Scotland has already been published.

PART I. THE GENERAL DUTY

All public authorities listed in schedule 1A to the amended Race Relations Act must carry out their functions with 'due regard' to the need to:

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

The three parts of the duty are complementary and public authorities must try to find ways of meeting all parts that apply to them. They must meet the duty in all functions that are relevant to promoting race equality. The weight they give to the function should be in proportion to its relevance to the duty.

1. Identify which functions are relevant to the duty.

EVIDENCE

- The authority has carried out and published an assessment of its functions, identifying their relevance to the duty to promote race equality.
- The authority has made arrangements regularly to review the relevance of functions and policies to race equality.

OUTCOMES

- Staff, managers, any elected or board members, and users of the authority's services can obtain a list of its functions that are relevant to the duty to promote race equality

2. Order these functions according to their relevance to race equality.

EVIDENCE

- The authority produces an accurate and detailed list of all functions in order of their relevance to the duty.
- The authority has involved staff, their representatives, and other interested parties in an open and inclusive process to produce the list.

OUTCOMES

- Functions that are likely to have most impact on the duty to promote race equality, both outside and inside the authority, have been listed as having greatest relevance. This should mean that areas most affected by the potential for racial discrimination or inequality will see the quickest results.

EVIDENCE

- The list includes functions that involve or affect the public and, in line with good practice, the authority's functions as an employer.
- For each function, the authority has used the databases it already holds on the populations and needs it serves as a basis for drawing up the list.
- The authority has published a plan, setting out its priorities for action.
- The authority has made arrangements to review its priorities regularly.

OUTCOMES

- Leaders, staff, and the general public know which functions have been given priority in promoting race equality. They agree that the authority has got its priorities right.

3. Assess how all relevant functions and related policies affect race equality.

EVIDENCE

- The authority has drawn up a statement of aims for each function and policy (beginning with functions that have the most relevance to the duty) and has analysed the groups that each function or policy is meant to serve.
- An assessment of the policies with most relevance to the duty shows which of them have (or might have) an adverse impact on some racial groups
- The authority has used the data available to examine the reasons for any adverse impact, and has made arrangements to monitor the policy.

OUTCOMES

- The authority as a whole, and departments responsible for relevant functions in particular, is more alert to the effects its policies have on race equality.

4. Consider and make changes to policies, if necessary, to meet the general duty.

EVIDENCE

- When an assessment shows evidence of unlawful racial discrimination or unjustifiable adverse impact, the policy is reviewed and revised, as necessary.
- The authority takes steps to reduce any adverse impact its policy has on some racial groups, even though it can justify the policy.
- The authority has begun to promote race equality as part of its functions with most relevance to the duty. It also has a realistic timetable and plans for meeting the duty in all its relevant functions.
- The authority has written the duties into its contracts and agreements as performance standards for delivering services that are part of its relevant functions.
- The authority has informed the organisations it works with of the implications of the general duty and any specific duties for its partnership work. It has also persuaded them to adopt these as governing principles for the partnership's activities.
- The authority has set targets and uses other performance measures to assess the steps it has taken to promote race equality.
- The authority discusses its plans and proposals with a wide range of interest groups that are (or are likely to be) affected, before making important policy decisions.

OUTCOMES

- Race equality is not an add-on, but promoted as part of the authority's main functions.
 - Unlawful racial discrimination is tackled swiftly and successfully and steps are in place to prevent it altogether.
- Published reports show clear trends towards
- a representative workforce
 - no significant differences in service outcomes or levels of satisfaction between ethnic groups
 - services that meet the needs of all users
 - equally high levels of confidence in the authority's commitment to race equality among service users, staff and all local communities.

PART II. SPECIFIC DUTIES: THE RACE EQUALITY SCHEME

Public authorities that are bound by this duty had to publish a race equality scheme by 30 November 2002. The arrangements they have set out in their scheme will help them to meet the general duty. They are not ends in themselves, just the necessary means of promoting race equality effectively. The published race equality scheme makes the authority publicly accountable for its proposals.

1. Publish a race equality scheme by 30 November 2002. The scheme should list functions and policies, or proposed policies assessed as being relevant to the general duty.

EVIDENCE

- The authority published a race equality scheme by 30 November 2002.
- The race equality scheme includes all the following:
 - a clearly reasoned assessment of the functions and policies that are relevant to the authority's general duty
 - a statement of the authority's values, principles, and overall aims for race equality
 - details of where the authority is starting from on race equality and what it has already achieved
 - a timetabled and realistic action plan with clear targets, showing the steps the authority will take as a priority in each of its relevant functions and policies
 - an explanation of the authority's arrangements for reviewing the relevance of its functions and priorities
 - an explanation of how the authority will consult various interest groups when putting the scheme into effect
- The race equality scheme has been widely and effectively distributed.
- There is leadership commitment to the implementation of the race equality scheme from senior management, and elected and board members.

OUTCOMES

- The authority is able to focus on the areas that are most relevant to race equality and has plans to cover all its functions in time.
- Staff and service users* from all ethnic backgrounds have ready access to clear and full information about the authority's relevant functions and its plans for meeting the duty to promote race equality.
- Service users and members of the public understand and support the authority's race equality aims and values.

* Generally, where we refer to 'service users', we also include anyone subject to licensing or enforcement action by public authorities

2. Set out in the race equality scheme arrangements for assessing and consulting on the likely impact of proposed policies on promoting race equality.

EVIDENCE

- The authority has made effective arrangements for assessing, and consulting on, the impact its proposed policies are likely to have on race equality. These are set out in its race equality scheme.
- The authority uses various methods to assess its policy proposals, including impact assessments.
- The authority uses various consultation methods, to make sure it involves everyone who is likely to be affected by its proposals, including people from ethnic minorities.
- The authority monitors its consultation exercises and feeds the results into its policy making processes. Individuals and groups who took part in the consultation get prompt feedback from the authority.
- The authority has made arrangements to include race equality impact assessments in its reports on all relevant policy proposals.
- The assessments include all of the following
 - a conclusion about the probable impact of the policy
 - suggestions of how any discriminatory or adverse impact might be reduced (if applicable)
 - proposals for meeting the particular needs of some racial groups (if applicable)
 - arrangements for monitoring and reviewing the policy when it has been put into effect.
- The authority monitors and reviews the impact all its new policies have on race equality.

OUTCOMES

- Race equality impact assessments are part of the policy making process, and action is taken on any adverse impact.
- Policy makers are aware of possible problems before they adopt policies.
- The policy making process is better informed and more open.
- Policies and services are better focused and meet diverse needs.
- Greater public confidence in the authority's services, especially among ethnic minority communities.
- People from ethnic minorities are more interested in taking part in the authority's consultations.

3. Set out in the race equality scheme arrangements for monitoring policies for any adverse impact on the promotion of race equality.

EVIDENCE

- The authority has developed effective monitoring systems, and policy makers and managers know how to use the data. The data are also published regularly.
- The authority's arrangements for monitoring policies are in keeping with the size of the authority, the nature of the function, and the possible effects that each policy is likely to have on different racial groups.
- The monitoring arrangements include functions that are carried out on the authority's behalf by private companies and other organisations.
- The authority collects and monitors the data that will help it to assess any adverse impact its policies might have on different ethnic groups.
- The authority has introduced efficient and effective procedures to assess the impact of its policies quickly and to revise them, if necessary, before they lead to major problems.

OUTCOMES

- Regular monitoring reports are produced for all relevant policies.
- Analysis of monitoring data is used to set targets and other performance measures, and to plan future policy.
- Steady progress each year towards providing services for all sections of the community eventually leads to equal outcomes and opportunities across all ethnic groups.
- Service users from all ethnic backgrounds are equally satisfied with the way they are treated.
- Race equality performance measures and targets are part of the performance management process.

4. Set out in the race equality scheme arrangements for publishing the results of assessments, consultations and monitoring.

EVIDENCE

- The authority produces and publishes reports of its assessments, consultation, and monitoring.
- The authority uses different publishing methods, in line with the importance of the subject and the scale of its impact.
- Technical reports of assessments, consultations, and monitoring exercises are available on request. The authority explains on its website and in its newsletter how people can obtain copies.
- The authority produces clearly written summaries of all its assessment, consultation, and monitoring reports and has made arrangements to distribute them widely.

OUTCOMES

- Decision making is more open and the authority is more accountable to the communities it serves.
- People have more confidence in the authority.
- Staff from all ethnic backgrounds are aware of and understand, the diverse cultural needs in the communities they serve.
- People from all ethnic backgrounds understand better how the authority works and how to get involved in, and influence, its policies and decisions.

(4. continued)

EVIDENCE

- The summaries cover the main points of the report and include information such as why the assessment or consultation took place, how it was carried out, the results and responses, an assessment of the policy options, and what the authority has decided to do.
- The authority makes the most of its corporate communication arrangements – for example newsletters, occasional strategic policy reports, annual reports, and its website – to publish results.
- All the monitoring evidence shows that the information is reaching people from all ethnic groups.
- The authority publishes the reports in different formats, as necessary. These include translations into the main languages used among the communities it serves, when needed.
- The authority uses national, local and community media, as and when it needs to.

5. Set out in the race equality scheme arrangements for ensuring public access to information and services.

EVIDENCE

Access to information

The authority

- has confirmed what information people from different ethnic groups want
- monitors how people from different ethnic backgrounds use the information
- uses monitoring data, records of complaints, surveys, and consultation findings to learn about the difficulties and barriers that people from all ethnic backgrounds come up against when they try to get information
- makes its public information procedures more accessible, and monitors them to make sure the changes are effective and that all ethnic groups have equal access.

OUTCOMES

Access to information

- No significant differences between ethnic groups in their knowledge and understanding of the authority.
- People from all ethnic groups say they trust the authority and have more confidence in the way it is run.

EVIDENCE

Access to services

- The authority uses several methods to improve access to its services, including
 - outreach services
 - consultation and cooperation with the community, and with particular groups
 - translation services
 - interpretation services
 - positive action
 - access to computer and internet services.
- The authority monitors access to its information and services, and uses the data to review and revise its policies and procedures regularly.

OUTCOMES

Access to services

- People from all ethnic groups say they trust the authority and have more confidence in the way it is run.
- No significant differences between ethnic groups in their knowledge and understanding of the services the authority provides.
- People are more willing to get involved and to help develop the services they need.

6. Set out in the race equality scheme arrangements for training staff in the general and specific duties.

EVIDENCE

- The authority has analysed the training that staff at different levels will need to meet their new responsibilities.
- The authority uses a variety of training methods to give staff the skills and knowledge they need in their different capacities.

The training covers the following areas.

- General understanding of race equality issues, including 'institutional racism', as they affect public authorities,
- How to develop and introduce policy in a large organisation
- The general duty and the specific duties, and why they are important,
- The concept of a race equality scheme and how to develop one and put it into practice,
- How to carry out policy assessments, consultations, and monitoring, and to produce reports for publication.

OUTCOMES

- Feedback on training courses from all staff shows that they feel confident about taking on, and developing, the new responsibilities generated by the authority's duty to promote race equality.

(6. continued)

EVIDENCE

- How to provide discrimination-free services that meet the needs of all ethnic groups.
- The authority evaluates its training courses and reviews, and revises them in line with the feedback it receives from staff.
- The authority has made a commitment to provide extra training for staff who need this.

7. Review the list of relevant functions and policies within three years of publishing the race equality scheme, and every three years after that.

EVIDENCE

- The authority has introduced formal procedures for reviewing its list of functions and policies and their relevance to race equality, at least every three years.
- The authority can show evidence of progress towards the aims and targets published in its race equality scheme.

OUTCOMES

Demonstrable improvements in

- staff profiles at all levels
- staff perceptions of equal treatment across all racial groups
- staff confidence levels with their employer across all racial groups
- profiles of service users
- services meeting needs of all racial groups
- satisfaction among service users from all racial groups
- public confidence levels across all racial groups
- service outcomes across all racial groups
- meeting needs through flexible and well-designed services
- fewer complaints of racial discrimination or harassment.

PART III. SPECIFIC DUTIES: EMPLOYMENT

The specific duties on employment provide the basic tools for measuring equality of opportunity in the public sector and giving public authorities the information they need to make sure their workforce is representative of the communities they serve. The specific duties for public authorities as employers will also help them to meet their general duty to promote race equality in all areas of their work. All public authorities bound by the employment duties must monitor the ethnic backgrounds of their staff, and of applicants for jobs, training, and promotion. Authorities with 150 or more full-time staff must also monitor the ethnic backgrounds of staff who receive training, benefit or suffer disadvantage from performance assessment, are involved in grievances or have disciplinary action taken against them, and who leave their jobs with the authorities. All these authorities must publish monitoring reports every year.

1. Monitor employees and applicants for employment, training and promotion.

EVIDENCE

- ❑ The authority (or an external contractor working on its behalf) collects the data it needs to analyse the ethnic backgrounds of all staff. The authority also collects ethnic data on job applicants, and applicants for promotion and training.
- ❑ Depending on the analyses the authority is carrying out, the data is linked to information about grade, department, length of service, time in grade, earnings and other benefits and terms of employment as well as to wider data on sex, disability status, and age.
- ❑ The authority's data on training shows that the authority understands what is meant by 'training' and 'applying for training', that it has developed clear definitions and procedures, and that it compares like with like across all ethnic groups.
- ❑ The authority analyses workforce data regularly (at least once a year) and compares it with both internal and external benchmarks (such as population data).

OUTCOMES

- ❑ Measurable progress every year towards a diverse workforce at all levels.
- ❑ A workforce that is representative, at all levels and in all areas of work, of the populations – local or national – from which the authority fills different posts.
- ❑ No significant differences between ethnic groups in application or success rates compared with relevant benchmark data.
- ❑ Evidence that staff from all ethnic groups have equal access to, and outcomes from, career development training opportunities.
- ❑ No significant differences between ethnic groups in applications for promotion and appointments.

(1. continued)

EVIDENCE

- The authority also analyses data on all applications for jobs, training, and promotion, and flags up any significant differences in success rates between ethnic groups for further investigation.
- The authority uses qualitative and quantitative data from other sources to validate the results of its monitoring.

When the monitoring analyses show significant differences between ethnic groups, the authority takes the following steps.

- It looks for reasons for the differences.
- It makes sure its policies and procedures are working as they should, that they do not discriminate directly or indirectly against any ethnic group, and that they promote equal opportunities for all. The authority also takes positive action, to tackle under-representation of some ethnic groups in certain areas of work.
- It sets targets and uses other performance measures to measure progress.
- It evaluates progress against the targets.

2. Monitor employees who receive training, benefit or suffer detriment from performance assessment, are involved in grievances, or have disciplinary action taken against them, or who leave their employment (for authorities with 150 or more full-time employees).

EVIDENCE

Performance assessment

- The authority regularly analyses appraisal marks for different ethnic groups, taking account of variables such as grade, department, time in grade, sex, and disability.

OUTCOMES

Performance assessment

- No significant differences between ethnic groups in benefits or detriments from performance assessments.

EVIDENCE

Grievances

- The authority records, monitors, and analyses all complaints from staff by their ethnic background, including
 - complaints raised formally under a grievance procedure
 - complaints of bullying, harassment or discrimination
 - appeals against decisions about promotion or appraisal markings.
- The authority also monitors the results of grievances, how they are resolved, and what follow up action is taken.
- The authority's records of employees leaving its service distinguishes between how an employee left (for example retirement, redundancy, dismissal) and why they left.

Disciplinary action

The authority regularly monitors and analyses the following.

- Number of cases where formal disciplinary proceedings are brought, analysed by ethnic background, and the nature of the offence.
- The results of disciplinary action.
- Rates of appeal, and outcomes.
- Whether penalties for disciplinary matters are used consistently for staff from all ethnic groups.
- Reasons for differences between ethnic groups in disciplinary proceedings and their resolution.
- The authority uses all the data to examine whether disciplinary action is more likely to be taken against staff from some ethnic groups than others, in the authority as a whole and in individual departments, all else being equal.

OUTCOMES

Grievances

- No significant or unjustifiable differences in the number of staff from each ethnic group who are involved in grievance procedures.

Disciplinary action

- No significant differences between ethnic groups in disciplinary action by the authority.

(2. continued)

EVIDENCE

Leaving employment

- The authority collects and analyses data on the number of staff leaving its service, their ethnic backgrounds, reasons for leaving, and other variables.
- The authority uses its ethnic monitoring data and information from exit questionnaires and interviews with leavers and past leavers to see if there are any significant patterns in the reasons for leaving, such as complaints of racial harassment or bullying.

General

- The authority uses qualitative and quantitative data from various sources to supplement or validate the results of its monitoring.
- The authority investigates reasons for any significant differences in the monitoring data between ethnic groups, takes action to remove any barriers or tackle procedural or policy failures, and uses performance measures and targets when needed.
- The authority regularly reviews and revises its targets in the light of fresh monitoring results.

OUTCOMES

Leaving employment

- No significant differences between ethnic groups in employees leaving the authority's service.

General

- The authority has a good reputation, inside and outside, as a fair employer.

3. Publish employment monitoring results every year.

EVIDENCE

- The authority publishes the results of its monitoring on all these areas every year.
- The authority makes full use of its corporate communication strategies to publicise its monitoring results, including its website, newsletters, and annual reports.
- The authority observes the Data Protection Act in full and makes sure that individuals cannot be identified from the information it publishes.

OUTCOMES

- There are no significant differences between ethnic groups in complaints about unfair treatment or racial discrimination, either from staff or their representatives.
- The authority's employment practices attract good candidates from all ethnic backgrounds.

PART IV SPECIFIC DUTIES: EDUCATION AUTHORITIES AND SCHOOLS

Education authorities, managers of grant-aided schools and the boards of management of self-governing schools must prepare and maintain a written statement of their race equality policy. They must also make arrangements to meet their duties, and they must fulfil their duties as soon as they can in accordance with those arrangements. The race equality policy is meant to help tackle racial discrimination, and promote equal opportunities and good race relations in all areas of school life. Clearly, the impact of the policy will be greatest at school level, and some education authorities, depending on local circumstances, will want to ensure that schools under their management draw up their own policies.

1. Prepare a written statement of a policy to promote race equality (a race equality policy), by 30 November 2002.

EVIDENCE

- The education authority published a race equality policy by 30 November 2002.
- If the race equality policy is part of the school's general equality or diversity policy, it forms a separate and distinct part of it. The policy is readily available from the education authority and the school.
- The race equality policy forms part of the schools' development plan, and is linked to an action plan. The policy sets out the school's commitment to promoting race equality. It also explains how the school will monitor the policy, who will be responsible for the policy, and what action the school will take if the policy is not followed.
- The education authority and the head teacher are committed to putting the policy into practice.
- The policy covers all the main areas of school activity, including
 - pupils' attainment and progress
 - the curriculum, teaching, and learning
 - good relations between different ethnic groups, both in the school and more widely in the community it serves
 - pastoral care and personal development
 - staff recruitment and career development
 - the school's values
 - pupil behaviour, discipline, and exclusion
 - racial harassment and bullying
 - admission and attendance
 - membership of the governing body
 - involving parents, guardians, and the community in the school

OUTCOMES

- Pupils, parents, guardians, and staff from all ethnic backgrounds say they trust the school and are confident that it will meet its commitment to promote race equality.
- Pupils, parents, guardians, staff, and school board members all know their responsibilities under the new duty and play an active part in promoting race equality and good community relations.

(1. continued)

EVIDENCE

- The school has promoted the policy widely, inside and outside the school. Staff, present and prospective pupils, parent and guardians understand what the policy means for them.

2. Maintain a copy of the race equality policy.

EVIDENCE

- The education authority, together with schools, has made arrangements to review the policy and update it when necessary.

OUTCOMES

3. Make arrangements by 30 November 2002 to assess the impact of policies, including the race equality policy, on pupils, staff, and parents from different racial groups; in particular, to assess the policies' impact on pupils' attainment levels. Fulfil this duty as soon as is reasonable and practical in accordance with those arrangements.

EVIDENCE

- The education authority, together with schools, has made arrangements to assess, over a reasonable period of time, the impact its policies (including its race equality policy) have on pupils, staff, and parents and guardians, and to deal with any adverse impact on particular ethnic groups.
- The education authority, together with schools, knows how it is going to assess the impact of its policies.
- The education authority, together with schools, uses information from various sources to assess the impact of its policies; for example, monitoring data, surveys, research, and feedback from consulting pupils, parents, guardians, and staff.

OUTCOMES

- People understand better how the school's policies can affect race equality.
- Race equality is part of the school's general policy making and planning process.
- The school communicates better with parents from all backgrounds.

EVIDENCE

- The education authority, together with schools, uses the results of its assessments to guide its policy decisions and to review its plans for promoting race equality.
- The education authority, together with schools, knows which groups of pupils, including pupils from ethnic minority groups, are not reaching their full potential, and takes steps to raise standards.

OUTCOMES

4. Make arrangements by 30 November 2002 to monitor the impact of policies, including the race equality policy, on pupils, staff, and parents from different racial groups; in particular, to monitor the policies' impact on pupils' attainment levels. Fulfil this duty as soon as is reasonable and practical in accordance with those arrangements.

EVIDENCE

- The education authority, together with schools, has collected data on the ethnic backgrounds of all its pupils.
- The education authority, together with schools, uses the data to see if there are differences in attainment, and in other areas, between pupils from different ethnic groups.
- The education authority, together with schools, has set targets to raise educational standards among pupils who are failing to reach their potential.
- The education authority, together with schools, has collected data on the ethnic backgrounds of staff and applicants for employment, training, and promotion. It uses the data to see if there are differences between ethnic groups, and takes steps (including positive action and setting targets) to make sure there are no bars to equal opportunities.
- The school gives up-to-date employment data to the education authority, which has a duty to monitor employment in the schools it is responsible for.

OUTCOMES

- All pupils' needs are met and pupils are encouraged to achieve their full potential.
- Measurable improvements are made every year in pupils' attainment levels and differences in achievement between ethnic groups are closed year by year.
- Exclusion levels drop every year and there are no significant differences between ethnic groups.
- The school's staff are more representative of the communities it serves.
- Staff morale is high and performance is good.
- Good staff stay with the school.

5. Take reasonable and practical steps to publish the results of the school's monitoring every year.

EVIDENCE

- The education authority has made arrangements to publish the results of its monitoring every year. It uses its school magazine and newsletters to do this.

OUTCOMES

- Greater accountability.
- More public confidence in the school.

PART V. SPECIFIC DUTIES: EDUCATION (FURTHER AND HIGHER EDUCATION INSTITUTIONS)

Further and higher education institutions must prepare and maintain a written statement of their race equality policy. They must also make arrangements to meet their duties, and they must fulfil their duties as soon as they can in accordance with those arrangements. The race equality policy will help the institution to tackle racial discrimination, and promote equal opportunities and good race relations in all its activities.

1. Prepare a written statement of a policy to promote race equality (a race equality policy), by 30 November 2002.

EVIDENCE

- The institution published a race equality policy by 30 November 2002,
- If the race equality policy is part of the institution's general equality or diversity policy, it forms a separate and distinct part of it. The policy is readily available from the institution.
- The race equality policy forms part of the institution's annual plans, and is linked to an action plan. The policy sets out the institution's commitment to promoting race equality. It also explains how the institution will monitor the policy, who will be responsible for the policy, and what action the institution will take if the policy is not followed.
- The policy covers all the main areas of the institution's activity, including,
 - the institution's values
 - the curriculum, teaching, and learning
 - assessment
 - staff recruitment, training, and career development
 - management
 - student support and guidance
 - racial harassment and bullying
 - admission, access and participation
 - partnership and community links
 - behaviour and discipline
 - procurement and outsourcing
 - service delivery.

OUTCOMES

- Students, prospective students, and staff from all ethnic backgrounds say they trust the institution and are confident that it will meet its commitment to promote race equality.
- Students, staff, and members of management boards and governing bodies all know their responsibilities under the new duty, and play an active part in promoting race equality and good community relations.

2. Maintain a copy of the race equality policy.

EVIDENCE

- The institution has made arrangements to review the policy and update it when necessary.

OUTCOMES

3. Make arrangements by 30 November 2002 to assess the impact of policies, including the race equality policy, on students, staff and parents from different racial groups. Fulfil this duty as soon as is reasonable and practical in accordance with those arrangements.

EVIDENCE

- The institution has made arrangements to assess over a reasonable period of time the impact its policies (including its race equality policy) have on students and staff, and to deal with any adverse impact on particular ethnic groups.
- The institution knows how it is going to assess the impact of its policies.
- The institution uses information from various sources to assess the impact of its policies; for example, monitoring data, surveys, research, and feedback from consulting students and staff.
- The institution uses the results of its assessments to guide its policy decisions and to review its plans for promoting race equality.
- The institution knows which groups of students, including students from ethnic minority groups, are not reaching their full potential, and takes steps to raise standards.

OUTCOMES

- Measurable improvements are made every year in students' progress, and differences in achievement between ethnic groups are closed year on year.

4. Make arrangements by 30 November 2002 to monitor, by ethnic group, the admission and progress of students, and the recruitment and career progress of staff. Fulfil this duty as soon as is reasonable and practical in accordance with those arrangements.

EVIDENCE

Students

- The institution monitors all stages of the admissions process, from applications to outcomes. It combines these data with data on other variables, such as choice of subject, students' status (home or international) and selection methods to see if there are significant differences between ethnic groups.
- The institution monitors students' achievements and progress as well as other areas, such as
 - student numbers, transfers, and drop-outs for each course
 - student assessments
 - work placements
 - programmes developed for students from specific ethnic groups
 - racial harassment.
- The institution uses the results of its monitoring to set targets, if necessary.
- The institution evaluates progress against these targets.

OUTCOMES

Students

- The profile of students reflects the populations from which students are drawn.
- Levels of satisfaction with the institution are equally high among students from all ethnic backgrounds.

(4. continued)

EVIDENCE

Staff

- The institution has collected data on the ethnic backgrounds of staff and applicants for employment and promotion. It monitors all stages of its recruitment, selection, and promotion processes, for each department and for the institution as a whole. The areas monitored include:
 - selection and training of panel members, applications and appointments, success rates for different selection methods, home or international status, type of appointment
 - grade and type of post, length of service, training and career development – including applications and selection for training, results of training, career development opportunities for staff from particular racial groups, appraisals, and promotion – as well as recruitment methods and selection criteria.
- The institution uses the data to see if there are differences between ethnic groups, and takes steps (including positive action and setting targets) to make sure there are no bars to equal opportunities.
- The institution evaluates progress against these targets.

OUTCOMES

Staff

- The institution makes steady progress every year in achieving a workforce that is representative at all levels of the populations – local, regional or national – from which it fills different posts.
- Staff from all ethnic backgrounds have confidence in the institution's commitment to race equality and its ability to meet its duties.

5. Include in the written statement of the race equality policy arrangements for publishing the statement and the results of assessments and monitoring.

EVIDENCE

- The institution's race equality policy explains its arrangements for publishing the policy and the results of its assessments and monitoring.

OUTCOMES

- Anyone interested in the institution can obtain reliable, detailed, and well-presented information about the assessments and monitoring it has carried out, the policies it has subsequently adopted, and their success in promoting race equality.

EVIDENCE

- The statement makes clear what it will publish, and how. This includes:
 - details of how it carried out its assessments and monitoring, and any consultations
 - a summary of the comments and responses it received from consultation exercises
 - a summary of the main findings of its assessments and monitoring
 - an assessment of its various policy options and how each would contribute to promoting race equality
 - details of what the institution plans to do.

OUTCOMES

6. Take reasonable and practical steps to publish the results of the monitoring every year.

EVIDENCE

- The institution publishes a summary of the results of its monitoring – of students' admission and progress, and staff recruitment and development – every year. The summary includes details of any significant differences between ethnic groups and outlines the steps the institution is planning to take to meet the general duty

OUTCOMES

- Greater openness.
- More accountability.
- Higher levels of confidence.

PART I

THE GENERAL DUTY

The general duty applies to all public authorities listed in appendix 1 of our statutory *Code of Practice on the Duty to Promote Race Equality in Scotland*.

The authority

- has identified the functions and policies that are relevant to the duty to promote race equality and has made arrangements to review them regularly
- can provide a clearly written list of its relevant functions and policies to anyone who is interested
- has prioritised the list of functions and policies for action, according to how relevant they are to race equality
- can show anyone who is interested how it drew up the list, and what criteria it used to rate the functions and policies for relevance
- can show that its processes for identifying and rating the functions and policies for relevance are open
- has identified areas where its policies could adversely affect some ethnic groups and has taken steps to reduce any adverse impact
- has revised policies that have led to unlawful racial discrimination
- can show that race equality is part of the full range of work involved in all aspects of its functions
- can show that it has taken the general duty into account when contracting out functions or services.

Comments

PART II

SPECIFIC DUTIES: RACE EQUALITY SCHEME

The specific duty to produce a race equality scheme applies to all public authorities listed in appendix 2 of our statutory *Code of Practice on the Duty to Promote Race Equality in Scotland*. Educational institutions have their own specific duties.

- The authority has published a race equality scheme (by 30 November 2002).
- The authority has made arrangements to review the scheme within at least three years.

The race equality scheme:

- lists the functions and policies, or proposed policies, assessed as being relevant to the general duty to promote race equality
- shows how the authority will meet its general and specific duties
- sets out arrangements to:
 - assess, and consult on, the likely impact of its proposed policies on promoting race equality
 - monitor policies for any adverse impact on promoting race equality
 - publish the results of these assessments, consultations, and monitoring
 - make sure the public have access to information and the services it provides
 - train staff to carry out the general and specific duties
 - meet the authority's specific duties as an employer
- shows how the authority's other policies and strategies are linked to the scheme
- includes, or is part of, an action plan with clear targets and outcomes.

Comments

PART III

SPECIFIC DUTIES: EMPLOYMENT

The specific duties for employers apply to all public authorities listed in appendix 3 of our statutory *Code of Practice on the Duty to Promote Race Equality in Scotland*. Schools and further and higher education institutions are not bound by these duties.

Public authorities bound by the specific duties for employers must monitor, by racial group, all staff in post; and applications for employment, training, and promotion. They must also publish reports on this monitoring every year.

Public authorities with more than 150 full-time staff must also monitor, by racial group, the number of staff who receive training, benefit or suffer detriment from performance assessments, are involved in grievances or disciplinary proceedings, or end their employment with the authority.

The authority monitors, by racial group:

- staff in post
- applicants for employment
- applicants for training
- applicants for promotion

The authority:

- analyses and reviews the results of this monitoring
- takes action (including positive action) when its monitoring analysis shows significant differences between racial groups, or when its investigations of these differences find evidence of unlawful racial discrimination.

The authority (with over 150 full time staff) monitors, by racial group:

- performance assessments
- grievance procedures
- disciplinary procedures
- dismissals and other 'leavers'.

The authority:

- analyses and reviews the results of this monitoring
- takes action (including positive action) when its monitoring analysis shows significant differences between racial groups, or when its investigations of these differences find evidence of unlawful racial discrimination

- The authority has made arrangements to publish all its monitoring results every year.

Comments

PART IV

SPECIFIC DUTIES: EDUCATION AUTHORITIES AND SCHOOLS

All education authorities, managers of grant-aided schools and the boards of management of self-governing schools must prepare and maintain a written statement of a race equality policy, and make arrangements to meet their duties, by 30 November 2002. They must also fulfil their duties in accordance with those arrangements as soon as they can.

- The education authority has prepared a race equality policy (by 30 November 2002).
- The race equality policy covers all the main areas of school activity that are relevant to promoting the general duty.
- The race equality policy is linked to the school's development plan and is regularly reviewed and kept up to date.
- The education authority, together with the school, has made arrangements to assess the impact of all its policies on pupils, staff, and parents from different racial groups, and gives priority to its policies' impact on pupils' attainment levels.
- The education authority, together with the school, has made arrangements to monitor the impact of its policies and the way they work, and gives priority to its policies' impact on pupils' attainment levels.
- The education authority has made arrangements to publish the results of its monitoring every year.

Comments

PART V

SPECIFIC DUTIES: EDUCATION (FURTHER AND HIGHER INSTITUTIONS)

Further and higher education institutions must prepare and maintain a written statement of a race equality policy, and make arrangements to meet their duties, by 30 November 2002. They must also fulfil their duties in accordance with those arrangements as soon as they can.

- The institution has prepared and published a race equality policy (by 30 November 2002).
- The race equality policy covers all the specific duties that further and higher education institutions have under the Act, and all their activities that are relevant to promoting the general duty.
- The race equality policy is part of the institution's yearly plan and is linked to an action plan.

The institution has made arrangements to:

- review the way the race equality policy works in practice
- assess the impact of all its policies on students, prospective students and staff from different racial groups
- monitor students' admission and progress, and staff recruitment and career development
- publish the results of its monitoring under the duties every year.

Comments

INSPECTION OUTCOMES

Measures and deadlines agreed

Dates of future visits



**COMMISSION FOR
RACIAL EQUALITY**

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