



# Towards Racial Equality

An evaluation of the public duty to promote  
race equality and good race relations in  
England and Wales (2002)

# EXECUTIVE SUMMARY

## The Background

In the wake of the *Stephen Lawrence Inquiry Report*, the innovative legislation that came fully into force in England and Wales<sup>1</sup> in May 2002 was about shifting the race equality agenda in the public sector so that it embraced a proactive, positive duty to deliver on race equality outcomes and good race relations.

The intention behind this public duty is that each organisation should identify its priorities for race equality and take steps to deliver tangible improvements whether to educational performance of different racial groups, their health or good relations within the workplace or in the local community.

Examples of inequalities and issues that the legislation is designed to address are:

- Ethnic minority workers are more likely to be among the unemployed and long-term unemployed, especially young workers.
- Schools are up to four times more likely to permanently exclude African Caribbean pupils, increasing the chances that they will be disengaged from education in the longer term and black pupils and those from Pakistani and Bangladeshi backgrounds achieve poorer GCSE results than other groups.
- Gypsy and traveller children have the lowest results of any ethnic minority group and are the group most at risk in the education system.
- People from Pakistani and Bangladeshi communities are one-and-a-half times more likely to suffer ill health, and African Caribbeans a third more likely than white people.
- Irish born men are the only migrant group whose mortality is higher in Britain than in their country of origin.
- African Caribbeans are six times more likely to be stopped and searched than white people.
- One in three people in England report that they feel less than positive towards refugees and asylum seekers.
- Research has highlighted the continued existence of anti-Semitism and Islamophobia in Britain.

(Source of the above – the *Commission for Racial Equality* – CRE).

## THE PUBLIC DUTY TO PROMOTE RACE EQUALITY

This means that most public authorities, including education institutions, now have had a statutory 'general' duty, since April 2001 to:

- eliminate unlawful racial discrimination;
- promote equal opportunities; and
- encourage good race relations.

In addition, many have 'specific' duties to help them meet their general duty – these cover the way they make policy, provide services and employ people. Authorities and institutions covered by the relevant duties were required to have race equality schemes and policies in place by 31st May 2002.

The CRE has identified seven high-level strategic outcomes that should be focused on. Some are to do with service delivery and shifting inequalities or disparities in:

- key service outcomes (e.g. educational attainment);
- service user satisfaction levels.

Others are specifically about improvements related to employment:

- in workforce representation at all levels;
- in employee experiences across the employment cycle;
- in employee satisfaction.

With all this culminating in:

- measurable improvements in race relations;
- no significant disparity in public confidence levels by ethnicity.

The detail behind the public duty is covered in Section 1 of this report.

Therefore, the main aim of this research, with the fieldwork commencing in November 2002<sup>2</sup> (six months after the date for meeting the specific duties) is to provide a profile of the nature, extent and quality of response at the outset of the public duty. At this stage public authorities should have been putting the building blocks in place and developing a clear picture of the outcomes that they should be aiming for.

The research therefore should provide a baseline against which future progress can be measured and, in time, the effectiveness of the legislation reviewed.

There were two main elements to our research, one quantitative, the other qualitative:

- A questionnaire based survey of 3,338 public authorities and educational institutions, including 1,105 schools and a shortened questionnaire for a sample of 102 parish councils. A very encouraging response rate of 47% was achieved from all authorities and institutions and whilst this dropped to 20% for schools, the figures provide a robust basis upon which to assess the current extent of activities under way.
- Analysis of a random sample of 143 race equality schemes and policies – which we assessed against the recommendations of the *Code of Practice* and CRE guidance materials and therefore provide an independent view on the quality of the work to date<sup>3</sup>.

## OVERALL FINDINGS

**Broadly, there appear to be three sorts of responses by authorities and institutions to the public duty. There is a leading group who are responding well to both the spirit and letter of the law. There is a second group who have put good foundations in place, but have some way to go. Lastly, and more of a concern, there is a third group where the response is weak – and in some cases does not yet comply with the legislation.**

## POSITIVE INDICATORS

- **Just under 70% of respondents felt that their work to date on the public duty had produced positive benefits. This is vital. Compliance with the legislation is not an end in itself (some sort of box-ticking activity) but a route to gaining real improvements in specific racial equality outcomes. The early evidence suggests that those who are taking the systematic approach advanced by the legislation are finding that it is helping them think more widely about policy making and service delivery.**
- **Just over a third of the respondents to our survey are responding well to both the spirit and letter of the law. Thirty-nine per cent of the random sample of schemes and policies analysed were assessed as ‘fully’ or ‘mainly’ developed.**
- **Encouragingly, whilst this leading group includes many large organisations with a high representation of ethnic minorities in their local populations, it also includes both smaller organisations and those in rural areas.**
- **There is a further significant group who have put the building blocks in place and therefore (with the leading group as well) wide scale implementation is clearly under way. Eighty-four per cent of respondents said that they had undertaken the first step of fully or partially assessing their functions for relevance. Between 83% and 99% had produced a race equality scheme or policy at the time of the survey – and the rest were preparing one.**

- Those that are addressing the legislation effectively are starting to create a bank of good practice (some of which we highlight in this report) and are finding ways of doing so that others will be able to follow.
- Having lead responsibility with top management has a significant effect on progress (particularly for some elements of the duty) as does the role of equality specialists in translating plans into actions.
- The message regarding the need to set outcomes is starting to come through; for example, depending on sector, up to 74% of public authorities have identified service user satisfaction outcomes.
- There is a clear desire for more guidance and support particularly on some elements of the duty.
- Eighty-eight per cent of survey respondents said the CRE's guidance was fully, or mainly, easy to understand.

## CHALLENGES & OPPORTUNITIES

- There is a group of organisations who are not responding effectively to the legislation. Authorities and institutions covered by the relevant duties were required to have a scheme or policy by 31st May 2002. Six months after this deadline – when the fieldwork for this research was carried out – a number of respondents had not done so.
- Whilst some organisations have set themselves time-related outcomes (i.e. 'goals') across all the areas recommended by the CRE, many have not done so. There is a great deal of variation between sectors – with over half of respondents from the education sector, for example, having not identified outcomes under most headings. There is clearly a need for organisations to articulate more directly what they are aiming to achieve – within a concrete timetable.
- Progress in implementing the employment duty varies considerably and in many cases there was little attention in schemes or policies to employment measures.
- Authorities and institutions often gave less attention to addressing good relations between different groups in their assessments of functions and policies and in their race equality schemes and policies.
- Relatively few schemes and policies in our random sample covered partnership and procurement strategies. If this is a true reflection of what is actually happening, then this represents a significant lever for change that is currently under-exploited.

## Illustration of key findings

### **In all sectors, authorities and institutions are making progress on arrangements for implementing the duty.**

- There is a diverse range of organisations who are making good progress on implementing the duty. Whilst those authorities and institutions with high levels of ethnic minority population have often made more progress than those with the lowest levels, some very good schemes and policies were found in rural areas and in smaller organisations.
- In some cases, progress appears to be substantial, in others more limited – and there is a rearguard of organisations where little action has been taken and focused plans have not been developed. To some extent, this is due to ‘work in progress’ – in that many authorities have made clear in their race equality schemes and policies that the first year will be used to refine strategies and identify more specific actions as a result of their assessments; those that are still lagging behind need to take urgent action.
- Progress needs to be seen, too, in the context of external factors that may have particularly affected some sectors. In the health sector, for example, recent reorganisation may have affected some levels of activity.
- Getting race equality seen as a mainstream responsibility or activity, and therefore a priority, is still the main challenge.

### **Many organisations report their work so far on the duty had brought positive benefits.**

- This was particularly so for those that felt relatively well prepared for external scrutiny – indicating a clear correlation between the level of action taken and the benefits that accrue.
- Overall, around two-thirds of authorities and over 70% of educational institutions felt that their work to date had produced positive benefits – rising to 89% in central government and 83% in higher education. The positive result most often cited was increased awareness of race equality in policy making and service delivery.

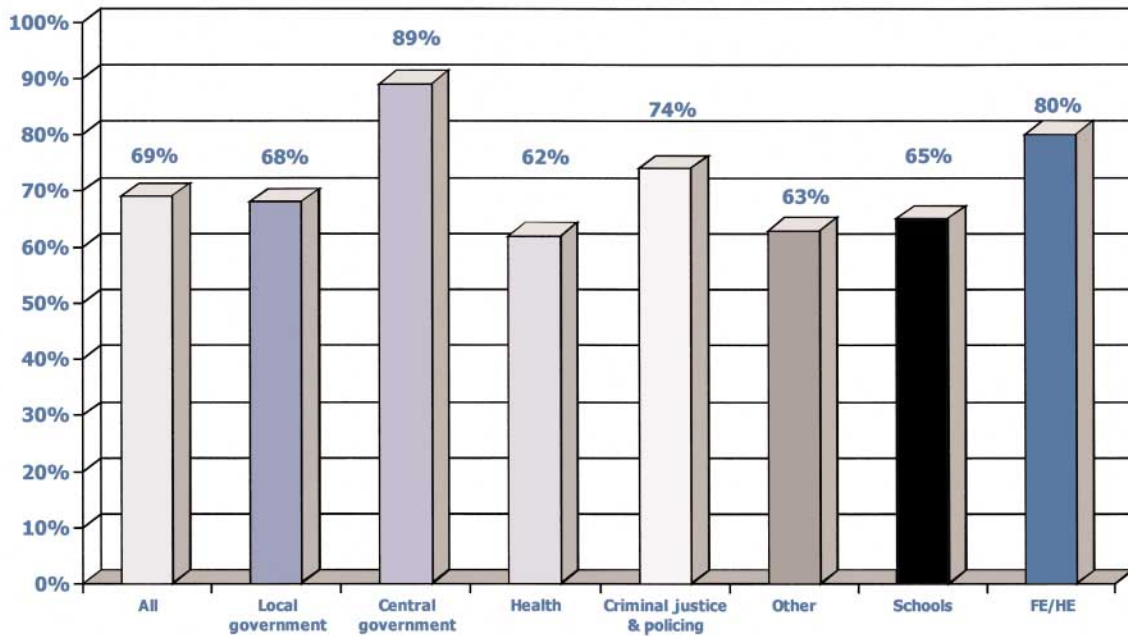


Fig. 1: Does authority/institution believe its work has produced positive benefits? (Base: all respondents.)

Assessing functions and policies for relevance to race equality is an important first step in identifying priorities and 84% of authorities and institutions said they had fully or partially assessed their functions for relevance.

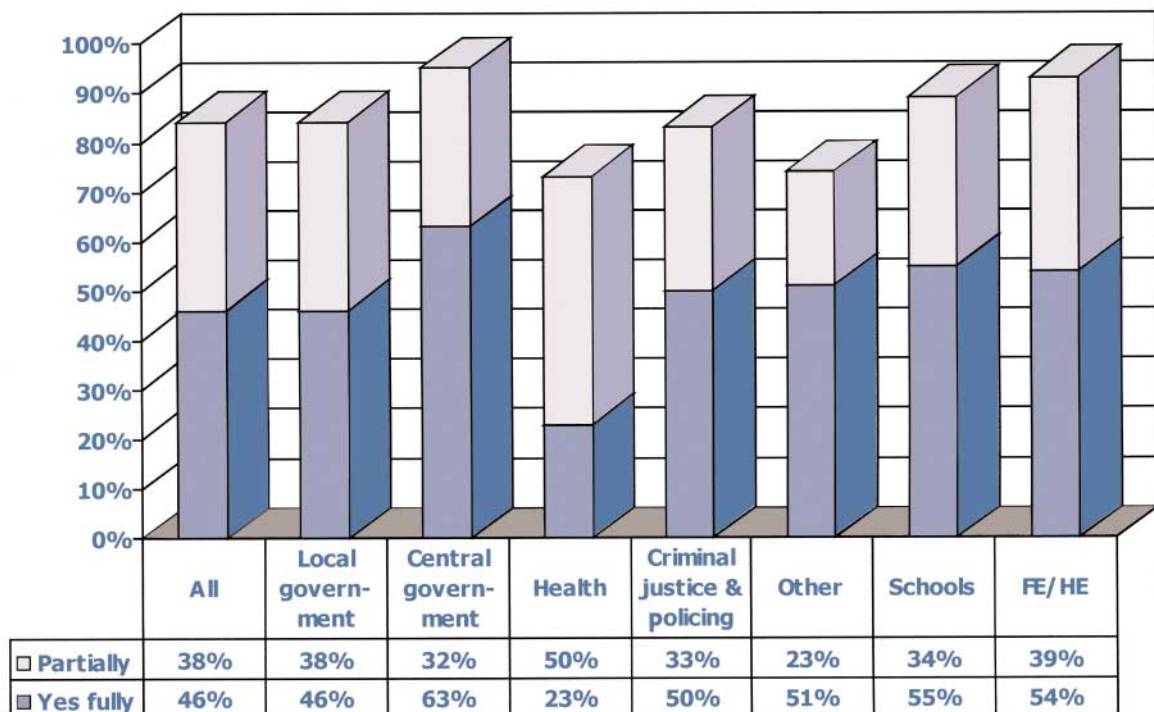


Fig. 2: Has the organisation identified/assessed which of its functions and policies are relevant to race equality? (Base: all respondents.)

- Assessing functions and policies for relevance is a crucial first step in developing effective race equality strategies. Action needs to be taken urgently by those that have not yet carried out full assessments, which is a statutory requirement for authorities covered by the specific duty.
- Practice varied in relation to the breadth of functions identified, and the basis on which decisions regarding priorities were made. Some covered a very wide range of functions and policies, others concentrated on broad areas of operation.
- Although many organisations had completed this process by the time the race equality scheme or policy was completed, others made clear that they would consult further and refine this process over the first year, before establishing more detailed action plans.
- Although most said their assessments had covered eliminating discrimination and promoting equality of opportunity, they were often less likely to have addressed relevance in relation to good relations between different groups. This varied by sector, with high levels of attention to this element found among parts of local government and criminal justice. In our review of a sample of schemes and policies, only a small number addressed good race relations or community cohesion in any depth.

### **The majority of relevant authorities and institutions have produced a race equality scheme or policy.**

- Between 83% and 99% of relevant authorities and institutions, in the main sectors on which we report, had produced a race equality scheme or policy at the time of the research and the vast majority of those that had not, said they were in the process of producing one. One year after the specific duties came into effect – there should be no organisations without a scheme or policy and these should be publicly available.
- Action plans inevitably reflect different starting points. In some cases, a full assessment of functions had been carried out before the scheme or policy was published and action plans focused on implementation. In other cases the initial assessments would be carried out during the first year – with resulting actions and objectives identified in time for 2003 plans. In these cases, action plans often covered only the first year – rather than the recommended three years.
- Our independent assessment (based on legislative requirements and CRE good practice guidance) of a sample of schemes and policies found that 39% were ‘fully’ or ‘mainly’ developed.



## **Many authorities and institutions are grasping the concept of carrying out assessments of impact, and are developing or extending arrangements for monitoring and consulting.**

- This process is clearly, along with setting appropriate outcomes, at the heart of effective ‘mainstreaming’ of race equality. Some very good approaches to impact assessment were found in schemes and policies – but this is also clearly an area where more guidance is needed for many organisations.
- In the schemes and policies analysed, consultation was often seen to be an important source of feedback in assessing the impact of policies. There were some very good examples of consultation strategies among those analysed.
- There was considerable variation here between sectors. For instance, a high proportion of central government and parts of criminal justice with race equality schemes (or in the process of producing one), said their arrangements for monitoring the impact of policies had reached the implementation stage – whereas progress in monitoring both student and staff progress was much less advanced in education.
- In many cases, however, race equality schemes and policies did not make clear links between assessment and monitoring processes and identifying objectives and actions as a result. Although a relatively high proportion of local authorities’ schemes and action plans, for example, proposed to integrate impact assessments and performance targets with their best value and other performance management systems, this approach was often not made in other sectors’ schemes.

## **Authorities and institutions are making progress in identifying outcomes, both in relation to staffing and service delivery.**

The public duty requirements regarding ‘processes’ (in terms of monitoring, assessments, consultation, training, etc.) are important but are just means towards a defined end – achieving progress on race equality. The real test of progress will be the extent to which key outcomes are delivered on the ground – including satisfaction levels of ethnic minority users of public services, educational attainment levels of ethnic minority young people at school or college, and the representation of ethnic minorities at all levels in the public sector.

- The extent to which outcomes had been identified varied significantly by sector. For instance, depending on sector, between 58% and 74% of public authorities (excluding educational institutions – see below) had identified service user satisfaction outcomes. Figures for outcomes in workforce representation varied between 54% and 84%

- Perhaps not surprisingly, with the impact of the Stephen Lawrence Inquiry, the criminal justice sector was among those prominent in setting time related outcome targets, including those relating to public confidence (72%) and community relations (78%). Central government (84%) and parts of local government were also among those noticeably higher than average on workforce representation targets.
- Over half of education institution respondents to the survey, however, had not identified outcomes under most headings. For instance, those institutions indicating that they had set outcomes related to service outcomes (e.g. issues around attainment levels, which have had a high profile) were relatively low – schools (36%), further education colleges – FE (42%) and higher education institutions – HE (38%) – and always outnumbered by those who had not.
- Thus, whilst some progress has been made, it is clear that a major focus for the future needs to be on encouraging and ensuring that organisations set themselves meaningful, time related outcomes.

### **Partnership and procurement strategies do not currently feature strongly in schemes and policies.**

- Arrangements for ensuring that the duty was implemented through procurement and partnership arrangements were most likely to be found in local government, with several quite detailed accounts of how this would be promoted. Relatively few schemes and policies overall covered these areas in any depth – if at all. This is a significant shortcoming because it is an important element with two distinct aspects.
- In the first place, it is important because in the chain of activities involved in providing a public service, both private and voluntary sector organisations often have important roles to play. Authorities and institutions need to ensure that organisations delivering services do so in a way that enables them, as public bodies, to meet the general duty in respect of these services.
- In addition, in this way, authorities and institutions can exercise some influence over developments and standards in the private sector. Moreover, this can be strengthened further if they were to use their procurement and partnership activities more widely as a way of communicating the values, standards and expectations that they have of their suppliers and partners with regard to racial equality.
- We believe that these levers for change represent significant opportunities for the public sector to influence developments in the private sector and this is one of our areas for recommended action.

**Progress in implementing the employment duty varies considerably. In many cases too, schemes and policies gave relatively little attention to employment, with plans focusing more on external service delivery and policies.**

- This may be due to the fact that in some sectors, the requirement to focus systematically on the impact of their external policies is a new one, and has moved attention away from the more familiar area of employment equality. In addition, a surprising number of authorities covered by this duty did not appear to be aware that it applied to them.
- The survey results also appear to reflect the time needed for many authorities and institutions to move beyond their current practice of monitoring staff profiles and applicant levels to addressing the impact of human resources (HR) /employment practices on those already in post.

**The level and function at which lead responsibility for implementing the duty lies has a significant effect on progress under specific elements – with ‘best outcomes’ varying according to the different elements in question.**

- For example, race equality schemes were most likely to be fully linked to wider corporate plans and strategies where lead responsibility was stated at CEO or board/governing body level, reflecting wider research findings that commitment from the top is important if equality and diversity are to be effectively mainstreamed.
- Conversely, links with wider plans and strategies were least likely where there was an HR or equality specialist lead, and several of the barriers to implementation were more likely to be experienced (including mainstreaming the duty, establishing it as a priority and establishing ownership).
- Many of the main elements of the duty on policy and service delivery were most likely to have reached the ‘implementation under way’ stage where an equality specialist lead was stated.

**In all sectors there is a continuing need for more guidance and support.**

- Survey respondents specifically indicated that they would value more support and the survey results themselves suggest issues on which more guidance might be particularly helpful.
- Many of those surveyed said the CRE’s guidance was fully or mainly easy to understand (88%) and relevant to their needs (78%) – and clearly the CRE has a major role in supporting organisations in understanding and implementing the requirements of the public duty.

- A number of authorities were not aware which of the specific duties applied to them.
- The stated need for more guidance does not always correlate with sectors in which least progress had been made. This suggests that both the CRE and sector based bodies have a role in targeting awareness campaigns. (Schools for example, were least likely to express a need for further guidance – despite having made less progress in many cases.)
- Whilst, in general, we believe that a key role for the CRE is to advise and promote – and this is clearly appropriate for these early stages of the public duty – where public authorities and institutions continue to remain in non-compliance of their statutory obligations, the CRE will need to focus on its enforcement role.

### Some conclusions and recommendations: making ‘mainstreaming’ work

The public duty is, in effect, legislation which is deliberately designed to bring about ‘mainstreaming’ of racial equality. This is about ensuring that racial equality is not a separate ‘add on’, but an integral part of how an organisation goes about all its activities – certainly in relation to employment, but also in relation to policy making and service delivery, access to information and services, public image and confidence, as well as procurement decisions and partnership arrangements, and community relations.

In other words, it is about **institutional change** – getting the concept of **inclusion** into the bloodstream of an organisation so that it reaches every part of the body – and therefore everything it does.

As a result of our review of the findings from our research, in Section 5 of this report we have set out key conclusions under four broad headings:

1. **The logic of the analysis-led approach to the public duty is sound.**
2. **Whilst there are good examples across all sectors, implementation of the duty is quite patchy – and those who are lagging behind need to move into compliance quickly.**
3. **Some elements of the duty may benefit from clarification.**
4. **The emphasis now needs to move on from preparing the ‘infrastructure’ to a focus on outcomes, action plans and public accountability.**

The basic principles of the public duty, and the practical steps required in order to meet these, apply equally to other equality and diversity areas. It is our belief that the progress shown among many authorities and institutions, through the survey, provides a good foundation for introducing appropriate public duty requirements to the other equality strands. In this way, the concept of the 'public duty' could play a major part not only in helping combat racial discrimination, but also in addressing all forms of discrimination and therefore in creating a society that is genuinely 'inclusive'. At the end of this report, we outline recommendations, which we believe will be critical to the success of the next phase of evolution.

We group our recommendations into the following categories:

- 1. Keeping the legislation under review.**
- 2. Providing practical advice and guidance to help organisations fulfil both the 'spirit' of the legislation and its detailed requirements.**
- 3. Using central government policy development, strategic sector bodies and inspectorates to support and drive further progress.**

In addition, in the process of reviewing these findings, the CRE (with advisors from different sectors – see Appendix III for details) – have developed a range of sector-specific recommendations.

As we outline in our conclusions at the end of this report, the overall tone of this report is relatively positive. That is not to suggest that we do not believe a great deal needs to be done – but that we feel a meaningful start has been made. We have highlighted the action that is taking place and the progress that can be made because we feel that a lot of the work required is really about good business practice – and that the vast majority of organisations that have not yet taken meaningful action will do so if encouraged and supported in the right way.

If we are to move further towards 'institutional inclusion', a number of factors will play an important part.

There is clearly a need for organisations to articulate more directly what they are aiming to achieve, and the actions that will be taken to bring about progress – within a concrete timetable. There is always a danger that processes become an end in themselves – it is the focus on outcomes that will act as a counterbalance to this tendency<sup>4</sup>.

Legislation clearly has a role to play in defining the minimum standards and the expectations that we should all have of our public authorities and institutions. At this early stage of the public duty, this research shows that the legislation is starting to have an impact.

It is now, however, the quality of the leadership, guidance and support (provided within organisations, and by those with an influence on them), that will determine its ultimate effectiveness in bringing about the actions that will eliminate discrimination, promote equality of opportunity and good relations between different racial groups.

From our consulting experience with many organisations over many years, we know that real change (and specifically the cultural change that is needed here) comes when organisations themselves see the benefits and rationale for the change themselves.

#### **Endnotes:**

1. This research does not cover Scotland, where the specific duties became enforceable later (30th November 2002).
2. It should be remembered therefore that organisations may well have made further progress in the months since they submitted their survey returns.
3. This sample was not designed to focus on best practice examples – and we are certainly aware of some very good schemes and policies that did not happen to appear in it. We do believe that the sample provided some good examples – highlighted in the sector chapters that follow, and that these provide an indicator of the overall quality of work that is currently going on.
4. It will be important, therefore, in considering any possible extension of the public duty to other equality strands to assess the effectiveness of approaches elsewhere that include a focus on actions and outcomes. In this context, it is interesting to note the approach taken in the *Norwegian Gender Equality Act* – covering both public and private enterprises. The act requires public authorities to “make active, targeted and systematic efforts to promote gender equality” – in all sectors of society, and employers to make such efforts to promote gender equality within their enterprises. This is reinforced by a requirement to report on the gender equality position in annual reports or budgets, along with an account of planned and implemented measures to promote gender equality and prevent differential treatment.