

## Message from the Minister

### **It gives me great pleasure to endorse the launch of the Race Equality Scheme.**

Probation Boards are about real local issues. This Scheme is a good opportunity to link in, consult with, and engage proactively with minority ethnic communities.

The National Probation Service has taken great steps forward in its commitment to race equality as evidenced within *A New Choreography* and the number of significant achievements, particularly in the representation of minority ethnic people within the Boards and the workforce.

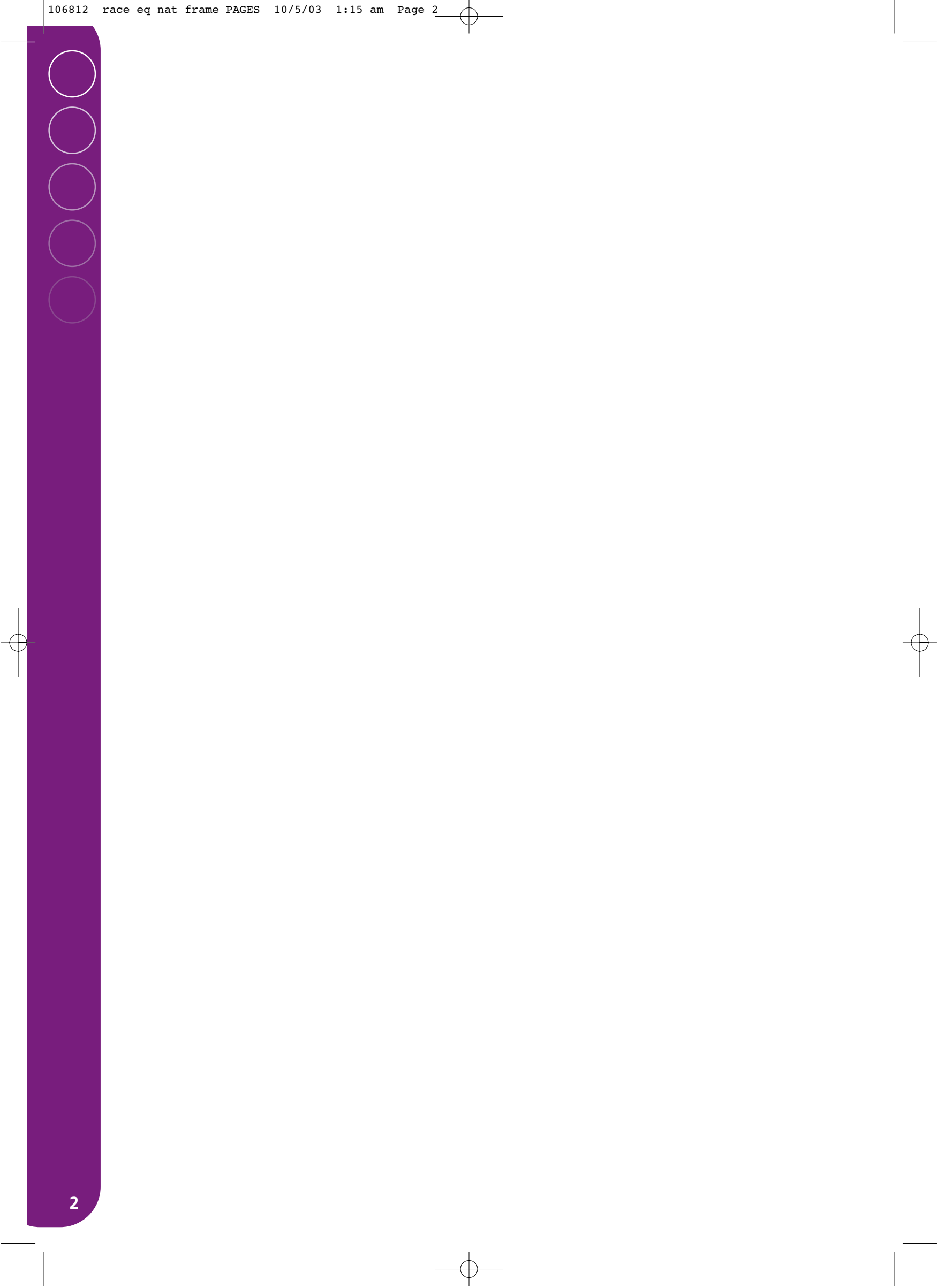
I know that there is a genuine commitment within the leadership of the organisation for Race Equality to permeate all aspects of the work. The

Race Relations (Amendment) Act 2000 defines our obligations and duties. But it's even more important that the spirit and aspirations of the legislation permeate the culture and drive for change at every level in the organisation. We have already achieved a great deal, but we know there is still a long way to go, especially in the progression of minority ethnic staff and service delivery to minority ethnic offenders.

I am very confident that we will make that necessary progress and the Board has my best wishes as it takes forward the Race Equality Scheme and its Action Plan.

### **Beverley Hughes**

Parliamentary Under Secretary of State for Custodial and Community Provision



# Foreword

Eithne Wallis

**I have set out in *A New Choreography* my vision and commitment to diversity for the National Probation Service. The investment in race equality within the modernisation process continues to produce encouraging results. Our achievements to date include:**

- appointment of nine minority ethnic Local Probation Board Chairs where previously there were none
- appointment of over 70 minority ethnic Board members where before there were only a handful
- at the end of 2000, 9.8% of all Probation staff were from minority ethnic groups compared with 9.3% in 1999 (Home Secretary's target of 8.4% for the year was exceeded)
- 500 black and Asian offenders are currently being researched to inform the development of programmes for minority ethnic offenders
- the Macpherson definition of racist behaviour is accepted by the NPS and work is underway to develop a pathfinder programme for racially motivated offenders

The Stephen Lawrence Report and the HMIP Thematic, *Towards Race Equality* provided us with ample evidence of the need for improvement on race equality and I have responded to this by leading a programme of structural, policy and cultural change for the NPS.

A wider representation at Board level and the designing-in of diversity objectives into the business of the NPS has provided us with a good foundation on which to build our actions and commitment in

respect of our general and specific duties under the Race Relations (Amendment) Act 2000.

I am aware of areas where we need urgent improvement:

- the lack of minority ethnic staff at senior levels
- unsatisfactory race and ethnic monitoring records
- evidence within the Thematic of unequal service delivery between white and minority ethnic offenders
- retention of staff

I believe that the NPS and the NPD Schemes give us a statutory framework to locate our Diversity Stretch Objectives and actions and to further demonstrate our commitment to race equality and indeed the wider diversity agenda.

I invite all staff of the NPS including the NPD to take a deep personal interest in the Race Equality Scheme and embrace the principles of the new legislation. I want us to be a leader in engaging pro-actively, evidencing actions and results in promoting race equality and good relations in our dealings with colleagues within the NPS, with offenders and with the wider community.

I expect no less than 100% commitment to this Scheme and the accompanying action plans from every employee of the NPS including the NPD.

**Eithne Wallis**  
National Director of the National Probation Service for England and Wales.

## Acknowledgement

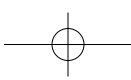
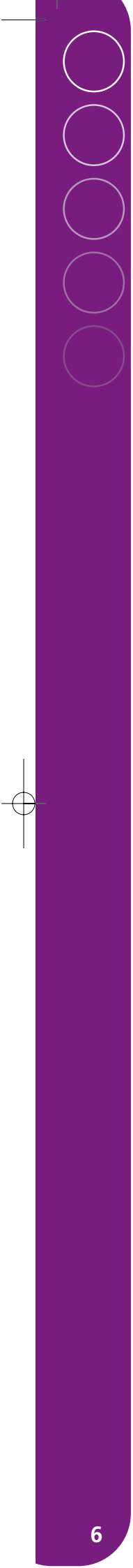
NPD gratefully acknowledges the contribution of the Working Group that met to comment on, consult and draft the National Framework for the National Probation Service for Areas' Race Equality Schemes:

Diane Baderin	Head of Diversity	NPD
Vivienne Aiyela	Diversity Manager	NPD
George Barnes	Diversity Team	NPD
Heather Barton		London Probation Area
Ged Bates		HMIP
Stuart McPhillips	Regional Manager	North East
Tom McQuillan	Regional Manager	East of England
Grace Powell	Vice Chair	ABPO
Haramandeeep Toor	Chair	NAAPS

We also commend Board Chairs, Chief Officers, senior managers and all colleagues both at NPD and in local areas who gave us their feedback.

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# Part 1

## Introduction

### The National Probation Service and its business

**1.1** The National Probation Service for England and Wales was established by the Criminal Justice and Court Services Act which came into effect on 1<sup>st</sup> of April 2001. The NPS is a law enforcement agency delivering community punishments, supervising and working with offenders according to the terms set by the Court and Parole Board.

**1.2** The aims of the National Probation Service are:

- Protecting the public
- Reducing re-offending
- The proper punishment of offenders in the community
- Ensuring offenders' awareness of the effects of crime on the victims of crime and the public
- Rehabilitation of offenders

**1.3** The National Probation Service overall staffing stands at about 16,000. Present monitoring data suggests that 9.8% of this are from a minority ethnic background as of the end of 2000. The NPS consists of 42 local probation areas across England and Wales with minority ethnic populations ranging from 25% in London to 1% in

Humberside. Minority ethnic offenders supervised by probation staff can be reflective of the population figures or greater depending on whether the local area has institutions such as prisons which tend to have disproportionate numbers of minority ethnic people than in the local area's general population.

**1.4** The headquarters of the NPS are located in the National Directorate based in London, from where the National Director answers directly to Ministers.

**1.5** The 42 Local Probation Boards deliver the NPS business, aims and objectives in the local areas and by doing so are directly responding and working to Home Office aims, specifically:

#### **Aim 3 :**

To ensure the effective delivery of justice

#### **Aim 4 :**

To deliver custodial and community sentences to reduce re-offending and protect the public

#### **Aim 7 :**

To support strong and active communities in which people of all races and backgrounds are valued and participate on equal terms.

### The National Probation Service and the Race Equality Scheme

- 1.6** Listed amongst the bodies covered by the Race Relations (Amendment) Act 2000 is 'A Minister of the Crown or Government Department.' The duty to publish a Race Equality Scheme (Schedule 1, part 2) and meet the specific duty of monitoring by employers (Schedule 2, part 5) applies to the Home Office. The National Probation Directorate being an agency of the Home Office comes under the Minister's department and as such will be included in the Home Office over-arching Scheme. It will also produce its own Associate Scheme.
- 1.7** Each of the 42 Local Probation Boards is also identified as a statutory body and is required to publish a Race Equality Scheme and meet its specific duties as an employer.
- 1.8** The National Director for the Probation Service has decided to publish a National Framework within which each of the 42 local areas can fit their schemes. This is to achieve standardised quality employment and service delivery practices across the 42 areas and minimise the potential for inconsistency and poor accountability within the organisation.
- 1.9** This document is the national framework and the expectation is that it will be adapted by each Local Board to meet local needs. It is a flexible document and will doubtless be subject to change throughout the year, not least in the list of functions at Table 1.

**1.10** This document should be made available to all staff and members of the public via the local website, where applicable. Hard copy versions are being made available to all Chairs, Chief Officers, Secretaries to Probation Boards, and Regional Managers. All staff will be given a leaflet with a summarised version of the Scheme.

**1.11** The NPS National Race Equality framework includes obligations on employment issues, which are essentially similar to the core Home Office and other HO Agencies. *See Annex C for a copy of the Order.*

### General issues regarding implementation of the NPS national framework

**1.12** Each Local Probation Board is required to review existing equal opportunities/race equality action plans to make them compatible with its duties under the Act and the Scheme. Existing action plans should reflect the recommendations in the HMIP Thematic Inspection Report *Towards Race Equality*, particularly:

- a *"all equal opportunities and anti-racism policies are reviewed, and amended as appropriate, to ensure that they cover the full range of employment practices and work with offenders."*
- b *"action plans are produced which include specific measures to support the implementation of the policies" and take account of the Home Secretary's priorities and Service Delivery Agreements.*

Each current Area Action Plan will be reviewed by 30<sup>th</sup> October 2002.

# Part 1



## Lead Official

**1.13** For the implementation of the Race Equality Scheme to be successful, and for race equality to be effectively embedded within all strands of the NPS business, there must be clear accountability. Each Area Board should designate a named Lead Official. The individual should be at Chief Officer level to reflect the strategic importance of this work. Details of the Lead Official in your area can be obtained direct from your Local Probation Board.

The Head of Diversity, currently Diane Baderin, is the lead official for the NPS National Framework and NPD Scheme.

Her contact details are as follows:

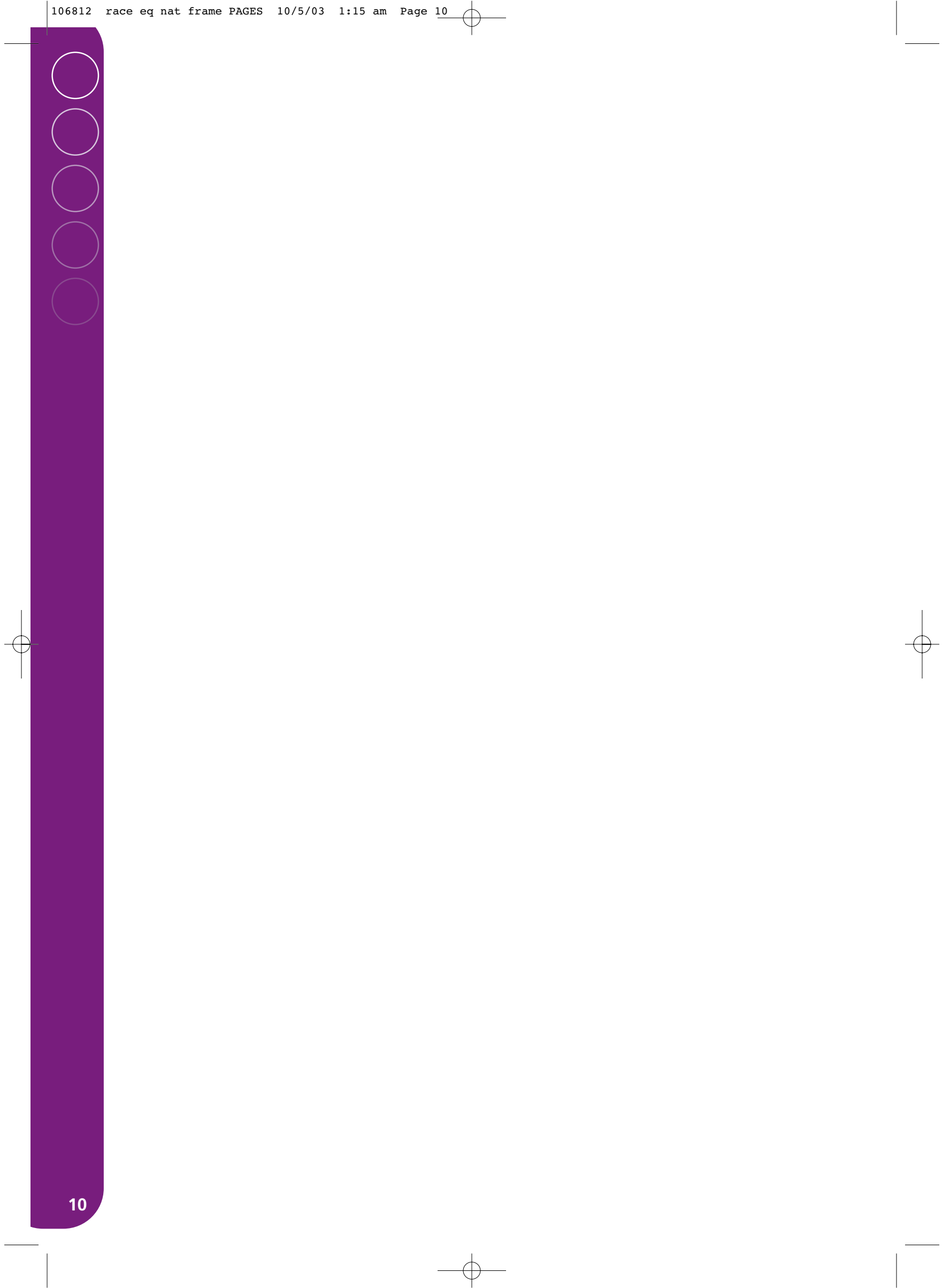
Phone: 020 7217 0739  
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## Implementation date

**1.14** The Local Probation Board is obliged to comply with its new duties under the Race Relations Act 1976, as amended, by 31<sup>st</sup> May 2002. Each Area's new Scheme will come into effect on the date of its publication before that date.

## Coverage

**1.15** Each Local Board's Scheme applies to all those who work within that Area, fulfilling the aims described in paragraph 1.2 above, irrespective of whether they are involved in policy development, service delivery or have a support role. These duties apply equally to all Agency staff, seconded staff and partnerships staff working under special contracts. A statement to this effect should be included in the Scheme.



# Part 2

## The National Framework – specific duties

**2.1** The Probation Board is subject to a number of specific and employment duties as a result of amendments made to the Race Relations Act 1976 by the Race Relations (Amendment) Act 2000, and these duties are set out in Part 3. The National Probation Service Framework is described below.

### The specific duties

**2.2** This National Framework informs the development of policies and the delivery of services within each Probation Area.

**2.3** The area's Scheme is subject to review on an annual basis as part of the annual business planning process so as to ensure that it remains relevant and fit to deliver the changes sought by the Board, the NPD Strategic Policy Board and ultimately by Ministers.

**2.4** The impact of each Area's Scheme, in terms of delivering significant changes in policy development and service delivery that the Board and the NPD Strategy Board and Ministers seek will be evaluated on a regular basis. As the Local Board is a newly created body there are a number of changes taking place and each Board will therefore incorporate actions/projects aimed at achieving the specific duties into the NPS change programme and local community

scenarios as the Scheme needs time to bed in properly, various milestones will be identified.

The first full evaluation of area scheme will take place in 2004/5.

**2.5** The responsibility for developing and driving each Scheme lies with the Board Chair and Chief Officer working in conjunction with the Head of Diversity at NPD. In addition local Boards should identify key stakeholders internally and externally.

### Assessment of functions and policies

**2.6** For the purpose of its general duty to promote race equality, the list of functions undertaken by the Local Board and policies emanating from them, are set out in the table overleaf.

**Table 1: Local Boards’ list of policies/functions falling within the scheme**

<p><b>Offender assessment + OASys PSRs</b></p> <p><b>Community sentences</b>                  Community Rehabilitation Orders                  Community Punishment Orders                  Community Punishment and Rehabilitation Orders                  Drug Treatment and Testing Orders</p> <p><b>Pre-release</b></p> <p><b>Post release</b></p> <p><b>What Works</b></p> <p><b>Enforcement</b></p> <p><b>Victims</b>                  Bail                  Accommodation                  Approved Premises</p> <p><b>Partnerships</b>                  Basic Skills                  ETE                  Drugs                  Mental Health</p> <p><b>Risk policy</b>                  Child Protection                  Dangerous Offenders                  Sex Offenders</p> <p><b>Finance</b></p> <p><b>Estates/accommodation</b></p>	<p><b>HRM</b>                  Recruitment                  Retention                  Exit Interviews                  Training                  Careers Development</p> <p><b>Reward</b>                  Employee Care                  Mobility                  Secondment/Location                  Transfers                  Flexible Working                  Discipline                  Capability                  Grievance                  Sickness                  Supervision/Appraisal                  Harassment                  Staff Survey</p> <p><b>Communication</b></p> <p><b>Information technology</b></p> <p><b>Performance + planning</b></p> <p><b>Diversity</b></p> <p><b>Health and safety</b></p> <p><b>Complaints’ procedure</b></p>
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# Part 2



**Table 2: The national priorities for 2002/2003**

**The national priorities for year 2002/2003 are:**

- Impact assessment of all current employment and service delivery policies and functions
- All new policies and functions emerging from June 2002 onwards must be assessed for negative race equality impact and reported on
- Monitoring by race and ethnicity. Review of race equality/equal opportunities policies.
- Retention and progression of minority ethnic staff and retention of board members
- Recruitment of Asian staff
- Training for those with direct responsibility for implementation of the Race Relations (Amendment) Act 2000 and an audit of training needs for all staff
- Service delivery issues in respect of minority ethnic victims.
- Review and, where necessary, establish consultation mechanisms and groups to include both internal and external stakeholders

**It is expected that these national priorities will also be the priorities for local boards, unless there is evidence that these priorities have been achieved and therefore the board needs to consider other local priorities. The NPD Head of Diversity will require evidence, where local priorities differ from national priorities.**

**Table 3: The Local Board action plan priorities for year 2002/2003:**

Please refer to your local scheme booklet

- 2.7** Table 1 covers in some detail the Local Board functions and policies identifying both actual and potential ones in as wide a sense as possible; these will be assessed for their significance to race equality and an explanation of the assessment process given. As the Local Board is relatively new, as many as possible functions and policies are included at this stage.
- 2.8** The Board will review on an annual basis the list of functions and policies as part of the annual business planning process between October and January each year. Where the relevance of a new function is not clear, it will be included within the list until a subsequent review decides otherwise.
- 2.9** New pieces of work arise throughout the year, and the Chair, Chief Officer and policy developers will be responsible for ensuring that the relevance of such new work to the Board is considered at the outset of the work. The NPD has built cross-referencing into the guidance and processes that support the development of new work and each Board will ensure that new functions and policies determined by the National Probation Directorate and implemented locally takes into account this responsibility.
- 2.10** Listed below are the NPD Strategic Heads and their areas of responsibility.
- The seven Strategic Heads within the Directorate will be responsible for pursuing equality of opportunity in each of their business areas by ensuring that new functions and policies arising out of their business area are identified and impact assessed right from the outset.

- The seven are:

- 1 *Strategic Head of Finance & Estates,*
- 2 *Strategic Head of Planning, Performance Management and Regional Co-ordination*
- 3 *Strategic Head of Human Resources*
- 4 *Strategic Head of Policy Innovation, Research and Sentencing Framework*
- 5 *Strategic Head of Interventions Programmes and Process Development-What Works*
- 6 *Strategic Head of Information and Technology Group*
- 7 *Strategic Head for Corporate Management.*

*And*

- 8 *Head of Communications*
- 9 *Head of Diversity*

*The NPD business plan confirms the role of these Heads in creating national policies and plans for the NPS.*

*The NPS Strategic Board and Management Board will have a standing agenda item on equality of opportunity for on-going update.*

*The Local Board will take responsibility for ensuring that the Area remains committed to its duties here by including in its report to the Minister new functions and results of impact assessment.*

The Board should identify how race equality permeates the structure and strategic processes.

### Assessing and consulting

- 2.11** The development of new policies is a key

# Part 2

activity of the Board and many of these have a direct impact on local area staff, offenders, members of the public and other NPS stakeholders. However, some policies are developed quickly as a reaction to a national emergency (eg paedophiles register) while others form part of more formalised and long-term projects. The arrangements for assessing and consulting on new policies should take a pragmatic approach therefore to the range of imperatives faced.

- 2.12** All new policies formulated by the Board must have race equality as a core element and be assessed as to whether they have an adverse effect on members of minority ethnic groups. Responsibility for the assessment of any policy rests with the Probation Board and its policy makers.

**The following stages are essential regarding assessment:**

- 2.13** The assessment of any policy by a Local Board should specifically cover two questions:

- Is there any evidence that some racial groups could be adversely affected?
- Is there any public concern, especially from minority ethnic people about possible discrimination?

- 2.14** Answers to these questions should be submitted to the Head of Diversity for inclusion in the Race Equality Statement and be included in the Assessment and Consultation Report accompanying any policy.

- 2.15** All policies and policy proposals will undergo an initial equality impact assessment to see if:

- 1 *there is evidence of higher or lower participation or uptake by different groups;*
- 2 *there is evidence that different groups have different needs, experiences issues and priorities in relation to the policy area;*
- 3 *there is an opportunity to promote equality of opportunity or good race relations by altering policy or working with others; and*
- 4 *there are indications, from consultations with relevant groups, organisations or individuals, that the policy may create problems that are specific to them.*

Explanation of the assessment of impact should be entered at Annex D.

- 2.16** The initial and full impact assessments should draw on the widest range of information available including all or most of the following:

- historical, demographic and other statistical data, including census data
- existing surveys or similarly established mechanisms, or in their absence consider a specially commissioned exercise
- comparisons between similar policies in the HO, NPD, Government/Regional Offices, or other public authorities
- survey data
- race and ethnic monitoring data
- one-off data gathering exercises
- specially commissioned research

- 2.17** The Secretary to the Board will maintain a register of complaints received and outcomes of any investigation and this will be made available to the Head of Diversity in NPD to guide policy development.

Assessment tools include:

- The CRE Grid
- *A New Choreography: Framework 2001-2004* ( see Stretch Objective V11)
- Diversity Checklist
- Annual Probation Statistics
- Home Secretary's Employment Targets
- Towards Race Equality: HMIP Thematic
- Report on Recruitment, Retention and Progression; Conroy Grizzle
- Towards Race Equality; examples of best practice, Sheila Udall
- The Performance Management Framework including BQS and EEM
- HMIP Performance audit documents
- The CRE Leadership Challenge

#### Regarding consultation

**2.18** Consultation will be governed by the following guiding principles:

- consultation should begin as early as possible in the process of policy review or formulation
- consideration will be given to which method of consultation is most appropriate in the circumstances
- the accessibility of the language and format of information must be considered to ensure there are no barriers to the consultation process
- specific training will be given to those engaged in the consultation process
- adequate time should be allowed for groups to consult amongst themselves as part of a process of forming a view with a period of at least two months (shorter under special circumstances involving high levels of risk) for consultation exercises

- appropriate measures should be taken to ensure full participation in any meetings which are held
- information should be made available to ensure meaningful consultation
- consultation exercises should be meaningful, representative, effective and proportionate
- consultation should engage effectively with those from minority ethnic groups both at a community and professional level

**2.19** A written report of any consultation process will be prepared and form part of the race equality impact assessment, which in turn will accompany any new policy proposal or review put forward for approval.

**2.20** The NPD Diversity Unit will support the process of consultation in areas by:

- a *providing guidance and advice;*
- b *developing a list of groups, organisations and individuals with whom consultation may be carried out. This list will be in two parts (1) those with whom there should be consultation on all policies and (2) those who should be consulted in relation to a particular business area. This list will be revised and added to annually (see Annex A); and*
- c *maintaining a register of individuals and groups consulted by the Board and NPD. (Details of groups and individuals consulted in relation to a particular policy will be notified to the Head of Diversity for registration.)*

*It is the responsibility of the relevant Local Board Chair and Chief Officer to ensure appropriate and relevant consultation is carried out.*

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Listed below are individuals and groups which should be consulted as a minimum:

On general staffing and service delivery issues:

- NAPO
- Association of Black Probation Officers
- National Association of Asian Probation Staff
- The Home Office Network

The professional bodies who should be consulted on policy issues:

- National Association of Probation Officers
- National Black Police Association;
- Unison

On criminal justice issues:

- the Bar Association's Race Relations Committee

On voluntary sector issues:

- the Council for Ethnic Minority Voluntary Organisations

On local issues:

- The local REC
- Criminal Justice Liaison Committee
- Home Office: Connecting Communities Initiative
- Police: Community Safety Strategy to address racial harassment and racially motivated crime

**2.21** See Annex A for a fuller list reflecting National and local stakeholders and relevant others. The structure of NPD Diversity Clans is at Annex B and Local Boards will be expected to have a similar consultation network in place.

**2.22** If as a result of the assessment and consultation arrangements it is determined

that a proposed policy is likely to have an adverse impact on those from minority ethnic communities, then those responsible for the policy will consider:

- a *the alternatives that could meet the objectives without any adverse impact;*
- b *whether the adverse impact is unavoidable, and whether it can be justified in relation to the aims and importance of the policy;*
- c *any measures that would help to reduce the predicted adverse impact; and*
- d *whether a second round of consultation should be undertaken – this is likely to depend on how much of an effect the policy will have on peoples' daily lives and how much difference there is between the new and the original proposals.*

**2.23** Such plans will form part of the periodic reports to the National Director and in submissions to Ministers. Information about such processes and outcomes should be provided for the Head of Diversity on a quarterly basis.

## Monitoring arrangements

**2.24** A robust monitoring system is essential to the effective delivery of sustainable policies, and to ensure that these policies do not have an adverse and differential impact on those from minority ethnic communities. Monitoring is used for:

- Highlighting inequalities
- Investigating underlying causes
- Removing unfairness or disadvantage

**2.25** There are a range of tools that can be used including:

- a levels and periods of use of a particular service;*
- b satisfaction surveys;*
- c randomised, or specifically targeted, interviews;*
- d analysis of types of complaints received; or*
- e discussion forums.*

**2.26** The Board will regularly consider whether its arrangements are suitable and proportionate, and if not take appropriate steps to rectify the situation.

**2.27** If this monitoring identifies that a policy has, or is likely to have, an adverse impact on those from a minority ethnic community, then Strategic Heads and Boards must consider how best to react to that differential, or potentially differential, impact. The National Director will decide when such monitoring issues should be brought to the attention of Ministers.

**2.28** The Board Chair and Chief Officer in contributing to the quarterly monitoring of progress against the NPS five aims should specifically provide evidence of monitoring arrangements, results, improvement programmes, evaluations and reviews timetables. As part of that exercise they must ensure that such monitoring exercises effectively and proportionately bring out the race equality dimension to the delivery of their Aim's work programme and that they meet the Board's obligations under the general and specific duties to promote race equality.

**2.29** The Board must ensure that it works with the Strategic Head for Information Technology to identify and provide adequate IT support systems for data collection and analysis.

**2.30** The best measures of ethnicity are those based on self assessment which will be employed following the adoption of 16+1 classification. Harmonisation with the 2001 Census will ensure that data across the criminal justice system for both offenders and staff employed in public organisations can be compared within each group and with the base population.

**2.31** Boards will implement the race and ethnic census 2001, 16+1 classification according to the timetable set out in Probation Circular 12/02.

**2.32** Local Area data provides the local picture with opportunities for comparison with other Areas and the national picture; assessment of progress against targets; and a contribution to Area strategic planning. This local monitoring can be extrapolated down to districts, teams and individuals.

**2.33** NAPO, UNISON, ABPO and NAAPS are to be consulted about any changes to and the workings of categories, usage and timings.

**2.34** Full account must be taken of the Data Protection Act when collecting, storing and analysing information.

**2.35** It is important to remember that monitoring by ethnicity should, wherever possible, be accompanied by a gender breakdown.

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- 2.36** The target is for 100% return (effectively 95%).

### Monitoring arrangements

Some examples of existing monitoring arrangements that are relevant to the duties are contained in the Thematic and include:

- Action to improve the quality of PSRs
- Development of service strategies to be advised by local community groups
- Action plans to promote race equality
- Making specific provision in national standards for effective work with minority offenders. The NPS collects statistics quarterly for the Home Secretary's Targets exercise
- All staff in post by grade – to include admin staff, to enable progression to be monitored
- Offenders starting community punishment orders

- 2.37** The CRE consultation document ETHNIC MONITORING – a guide for public authorities sets out detailed advice on monitoring. Boards should refer to this in implementing and using monitoring systems.

- 2.38** The Diversity Unit will provide guidance and advice by:

- receiving results of monitoring
- liaising with performance strategic head regarding analysis of data and using findings to influence short/long term central and local actions/business plans
- incorporating information generated into Diversity Strategy Board's and other reports/briefings for Ministers

- making available to the NPS relevant literature including the CRE publications on monitoring
- holding regular seminars to support development of effective monitoring practice for the NPS
- Publishing periodically monitoring data, lessons to be learned and actions for improvement
- commissioning work on identifying best practice in monitoring and disseminating to areas, case studies to be published regularly

### Publishing results of assessments and monitoring

- 2.39** The obligations here refer to results produced under the above sections on an assessment of functions and policies; assessing and consulting; and, monitoring.

- 2.40** The Board Chair and Chief Officer will ensure that results of their monitoring exercises are published in a manner that is appropriate, accessible to all those likely to be affected by those results, and proportionate to the nature of the policy and its impact on the public. They should notify to the Head of Diversity the results of their monitoring exercises through the quarterly reports.

- 2.41** The Local Board in carrying out its responsibilities will be as transparent as is possible in the development and delivery of its policies. Wherever practicable policy makers will use existing publication mechanisms to publish their results from assessments, consultations, and moni-

toring exercises. However, where such mechanisms do not exist then they will consider whether new publications would be appropriate and proportionate.

**2.42** The Board recognises that also relevant here are its obligations under the Freedom of Information Act 2000. Its systems have been designed to ensure that both sets of obligations work in a complementary manner.

**2.43** The National Probation Service Diversity Board, incorporating race equality, will produce its annual report to the Home Secretary each December. This Annual Report will each year include a summary report of each local Board's progress under the Scheme. The first report will be in December 2002.

#### Publishing Results

Some examples of the publication of results from assessments, consultations and monitoring Include:

- The annual report on the Home Secretary's Race Equality Employment targets
- The annual publication of 'Race Equality in Public Services'
- The Annual Probation Statistics

All the above and similar publications are available on the Home Office website

#### Access to information and services

**2.44** Board Chairs and Chief Officers will decide how best to make information about their policies, and services, accessible to the public, especially to those from minority ethnic communities. The Board will provide

information in languages other than English as determined by local demography or individual needs.

**2.45** Publication is a necessary element in achieving public confidence. The following elements must be observed:

#### Assessment

- Description and explanation of the policy and a brief account of how it was assessed
- Summary of results
- Assessment in the light of responses received
- Statement of what is planned next
- Consultation
- Description of why, how and summary of replies, assessment in the light of these and statement of future action

#### Monitoring

- Explanation of importance
- Monitoring systems and methods used
- Summary of monitoring and whether any discrimination found
- How results used to develop future policy and practice

#### Presentation (critical in terms of)

- Actual layout, style and content
- Availability in different languages

**2.46** The Board has to ensure that access arrangements within their local Areas are reviewed on a regular basis.

**2.47** The Head of Diversity will consider what specific and further annual publication on race issues is needed. She will liaise with Head of Communication and areas to ensure the most effective mechanisms are adopted.

# Part 2

## Access to information and services

Some examples of existing arrangements include:

- A leaflet to promote these new changes to the Race Relations Act 1976 was widely circulated to public authorities, community groups and others. The leaflet is also available on the Home Office website in a range of languages
- A leaflet explaining the standardised complaints procedure, with provision for appeal to the Prisons and Probation Ombudsman
- The issue of race equality was covered in the publication 'Careers in the National Probation Service' and in 'Careers in the Home Office'
- The prospectus for the 'Connecting Communities' grant scheme was issued in a variety of languages. Again these documents are available on the Home Office website

## Training of staff

**2.48** The National Director's commitment is to ensure that all staff working in NPS are trained to be fully aware of race equality issues. The aim is to have learning organisations where the development, and or, improvement of knowledge, skills, experiences and awareness are integrated into day-to-day practices and behaviours. Identification of training needs and opportunities for personal, team development should be a standard feature of all NPS staff appraisal. This approach will ensure that all NPS staff will be equipped to meet the duties under the Race Equality Scheme.

**2.49** Under the Act, Areas have a specific duty to train staff to enable them to meet their general duties to promote race equality. Staff must be able to demonstrate competence in race awareness and race equality practices should be in place.

**2.50** The Thematic Inspection Team in their Report found that very few services had followed the recommendation in the Macpherson report and committed themselves to additional training to promote race equality. They therefore recommended the inclusion of appropriate mandatory training for all staff to promote race equality in annual training and staff development plans.

**2.51** The Board will have a detailed comprehensive training strategy at all levels covering Board members, senior staff and practitioners. Specific training will be delivered to develop or improve skills and knowledge to ensure staff are competent to carry out:

- Equality impact assessments
- Effective consultation methods
- Monitoring and evaluating implementation of the Race Equality Scheme
- Gathering evidence and using data to influence effective service delivery

**2.52** Boards will identify what training has taken place and what relevance this has in the context of meeting the Scheme's requirements. This exercise should be completed by June 2003.

Some examples of the training programme in which a race equality dimension has been included are:

- *Reflections for Action*, a training video which is aimed at helping Probation Areas develop further race equality in their employment policies and practices, was launched in June 2000 at the same time as the Thematic
- Module in Diploma in Probation Studies for TPOs
- HO diversity training for middle managers and other staff
- HO induction training for new entrants
- HO mandatory performance management training

**2.53** The target audience for awareness training regarding the scheme will be all the employees and employers of the local Area. Chairs, Chief Officers, Boards' Secretaries and senior operational staff will receive targeted specialist training covering full details of the Scheme and duties.

**2.54** The National Directorate will engage a consultant to assist with ensuring that training needs are audited, programmes of training are relevant, adequate, monitored and evaluated. The Board will provide in its annual report to the Home Secretary in December a short progress report on training. Training audit and targeted specialist audit will be completed by March 2003.

**2.55** All training provision will be evaluated by March 2004.

# Part 3

## The employment duties

### Meeting the specific employment duties

**3.1** As the National Probation Service employs around 16,000 employees shared amongst 42 Local Probation Boards, each Board is subject to the full range of employment duties, as set out in Annex C.

**3.2** The Board is committed to a policy of equal opportunity for all staff, regardless of ethnic origin, religious belief, gender, sexual orientation, disability or any other irrelevant factor. The only criteria for advancement in the department are the individual's ability, qualification and suitability for the work, and positive action is being taken and will continue to be taken to support individuals to develop their full potential wherever possible. Stretch Objective VII in *A New Choreography* recognises that if the Government's commitment to One Nation is to be achieved within NPS it will be vital that diversity forms an integral part of the new organisation in every aspect of its leadership, structures, policies and practices. This means the accessibility and acceptability to all of:

- the new organisation itself
- the services it delivers

**3.3** The Board is, therefore, committed to meeting its statutory employment duties and going beyond them to ensure that all have equality of opportunity in recruitment, career progression and staff development.

**3.4** Currently in place is the following evidence of this commitment:

- use of assessment centres for recruitment
- competence based recruitment and selection
- use of diversity advisors from minority ethnic backgrounds to prevent a minority ethnic candidate facing an all white selection panel
- expectation that potential employees will show commitment to the Area's diversity agenda
- development and use of a diversity checklist to ensure that race equality is embedded within the European Excellence Model, a performance tool for the Area

### Monitoring

**3.5** In order to meet the employment duties, and to go beyond them, the Board will monitor by ethnicity and gender:

- a the numbers of staff in post and their grades;
- b applicants for jobs, and the outcome of such recruitment exercises. In addition, the Board will continue to equality proof its recruitment procedures, and work to improve its image as a diverse multi-cultural employer and a good place to work;
- c the results of promotion exercises, and, where applicable, assessment centres. It will also set ethnicity and gender targets for progression;
- d the numbers making use of grievance procedures, and the outcome of those procedures;
- e the numbers facing disciplinary action, and the outcomes of that action;
- f the results of performance appraisal procedures and will ensure that they are effectively equality proofed;
- g access to training and take-up of training courses; and
- h dismissals and other reasons for leaving.

- 3.6 The Board will have in place exit interview procedures by October 2003.

**A national exit interview scheme will be piloted by July 2003. Results of exercises in 3.5 a-g will be forwarded to the Head of Diversity on a quarterly basis commencing October 2002. Returns on 3.5 h) will be published monthly commencing June 2002.**

- 3.7 The Board will regularly audit its employment policies against the CRE Standard for race equality for employers and take and record the actions taken to address areas of weakness shown to exist.

- 3.8 The Board Chair and Chief Officer will ensure that the outcomes of monitoring processes are analysed to check that the systems that have been put in place do not have an adverse and differential impact on those from minority ethnic communities. If the analysis suggests such an impact exists then further investigations will be undertaken and recommendations made will be taken forward by the Board.

- 3.9 The Board Chair and Chief Officer will make available to the Head of Diversity reports for inclusion in a distinct section of the Home Secretary's Report under 'progress report on the Race Equality Scheme'. It will also include within this report results of performance against its existing Race Equality Action Plan.

#### Publication

- 3.10 The Board will recognise that when it publishes data under the employment duties that it must take account of the confidentiality of data derived from its staff. The Board is bound by the Cabinet Office Code of practice on ethnicity information and as such will not publish information in a form that might identify an individual.

#### Latest race and ethnicity survey

- 3.11 An ethnicity survey of employees of the Local Board based upon the Census 1991 categories was undertaken at the end of 2000. A summary will be provided when published. Conversion to the 2001 16+1 classification system for staff and offenders is currently underway. Reference PC 12 /Feb 2002

# Part 4

## The Race Equality Scheme – other issues

### Monitoring

**4.1** The Board will carry out its monitoring in accordance with the principles set out in paragraph 2.24 onwards above. More specifically it will:

- make appropriate use of both soft and hard data;
- disaggregate data by ethnicity according to the Census 2001 categories and wherever practicable relate those results to social data coming out of the Census 2001; and
- disaggregate data by gender wherever practicable.

### Complaints

**4.2** The Board must have an identifiable named officer for receiving complaints. This individual should have a database for all complaints and outcomes.

**4.3** Instances may arise when either members of the public, victims, probationers or other Board customers, such as hostel residents or any person on the prescribed person list as defined in The Local Probation Boards (Miscellaneous Provisions) Regulations 2001 may make a complaint about racial discrimination or other related matter or indeed that the Board or any authority is not

fulfilling its obligations under the Act. These complaints should be dealt with under the standard complaints procedure introduced on 1 September 2001 which introduced the provision of a referral to the Prisons and Probation Ombudsman if sought.

**4.4** If the complaint, however, comes from a member of staff, and it concerns an employment related issue, then the complaint might best be dealt with under existing employment procedures including the Probation Board Harassment procedures.

**4.5** The Commission for Racial Equality has the power to enforce the specific duties imposed on an authority after they have come into force. Under the Act's terms, if it is satisfied that a public authority has failed to comply with any of its specific duties, the CRE may serve a 'compliance notice'. This will require the authority to comply with its specific duties and to inform the CRE within 28 days of the measures it has taken. The CRE can also require the authority to provide written information verifying compliance. If after three months the authority has not complied with the CRE's notice, then the CRE can ask the county court to order the authority to comply. Individuals do not have the right to take legal action but must refer their grievance to the CRE.

**4.6** The Board Chair and Chief Officer will be responsible for notifying the Head of Diversity of cases of complaints, brief descriptions, and outcomes. A standard reporting format will be available by May 31<sup>st</sup> April 2002.

**4.7** By March 2003, the Board Chair and Chief Officer will audit policies regarding complaints, harassment and discipline to ensure that relevant policies are in place. By 2004 the Board will ensure that all staff and Board members are fully trained to achieve effectiveness in implementing this procedure.

#### **Grants given by the National Probation Service**

**4.8** The Board will take responsibility for promotion of race equality within its grant schemes and partnerships arrangement. It will provide evidence in its annual progress report to indicate how it has discharged its responsibilities in this area.

#### **Inspection and audit**

**4.9** As with all activities of the National Probation Service, HM Inspectorate of Probation will undertake inspections and audits of race equality schemes in accordance with its normal practice and procedures.

#### **The Local Board Action Plan**

**4.10** The Action Plan for each Local Probation Board appears in its Scheme to Promote Race Equality.

#### **Responsibility for delivery and implementation**

**4.11** It is the responsibility of the local board to ensure delivery and implementation of its Race Equality Scheme.

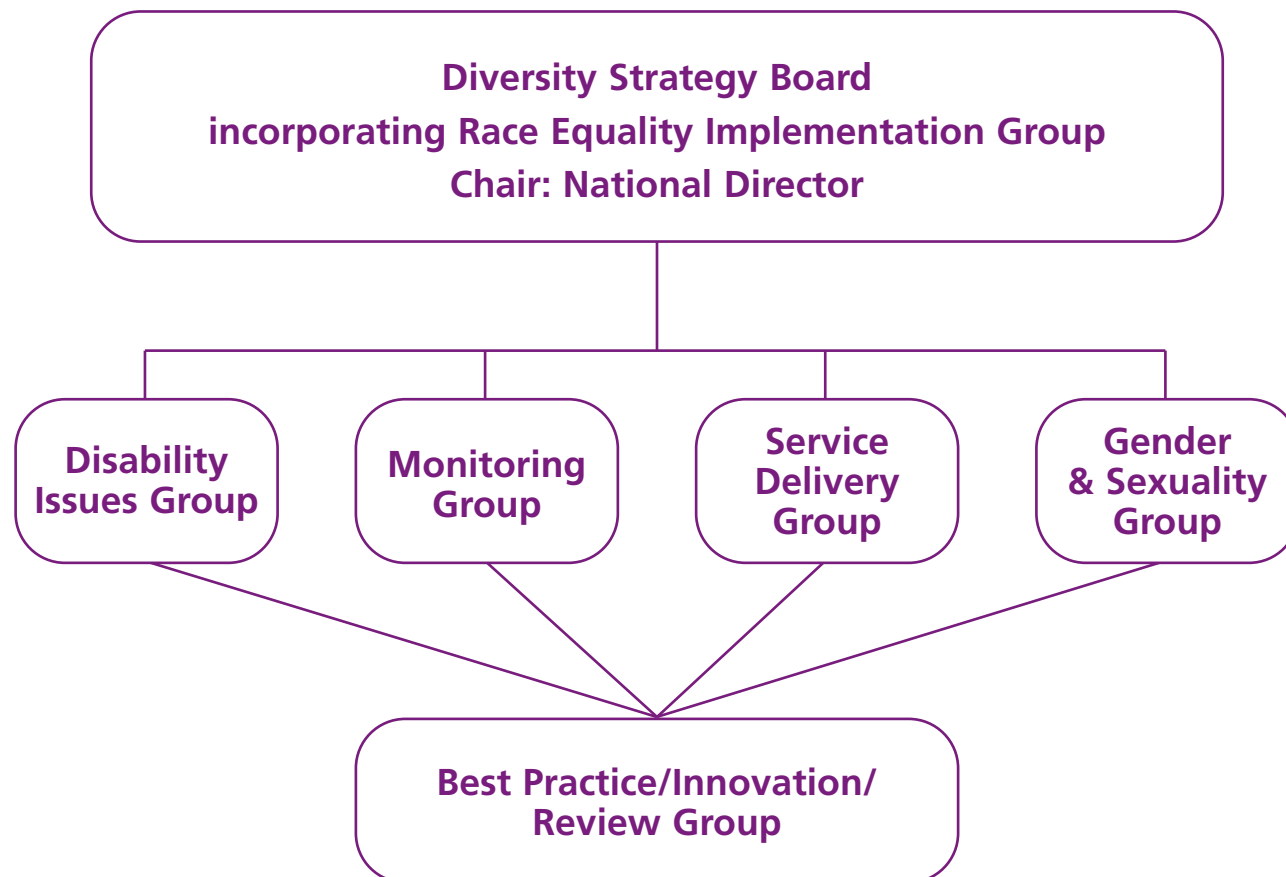
# Annex **A**

## Main groups relevant for consultation purposes

Advisory Service for Squatters	NAPO
Alternatives to Violence Project	National Association of Asian Probation Staff
Apex Charitable Trust	National Youth Agency
Asian Family Counselling Service	Probation Boards Association
Association of Black Probation Officers	Reach Out Project
Black Prisoners Support Project	Society of Black Lawyers
Community Advice Project	The Commission for Racial Equality
Criminal Injuries Compensation Board	The Equal Opportunities Project
Divert Trust	The Rights Shop
Dispel	Women in Prison
Equal Opportunities Commission	Women's Aid Federation of England
Joint Council for the Welfare of Immigrants	
Justice	
Lesbians and Gay Men in Probation	

# Annex B

## Diversity clan structure



# Annex C

## The specific and employment duties

The Home Secretary has made an Order which will come into force on 3<sup>rd</sup> December 2001.

**1** In this Order:

“the Race Relations Act” means the Race Relations Act 1976;

“staff” includes any person treated as an employee for the purposes of Part II of the Race Relations Act (Discrimination in the Employment Field); and references to “150 full-time staff” are references to such number of staff as would, if the hours they work were aggregated, amount to 150 staff working on a full-time basis.

**Race Equality Schemes**

**2** (1) A body or other person specified in Schedule 1 to this Order shall, before 31<sup>st</sup> May 2002, publish a Race Equality Scheme, that is a scheme showing how it intends to fulfil its duties under section 71(1) of the Race Relations Act and this Order.

(2) A Race Equality Scheme shall state, in particular:

- a those of its functions and policies, or proposed policies, which that person has assessed as relevant to its performance of the duty imposed by section 71(1) of

the Race Relations Act; and

b that person’s arrangements for:

- i assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;
- ii monitoring its policies for any adverse impact on the promotion of race equality;
- iii publishing the results of such assessments and consultation as are mentioned in sub-paragraph (i) and of such monitoring as is mentioned in sub-paragraph (ii);
- iv ensuring public access to information and services which it provides; and
- v training staff in connection with the duties imposed by section 71(1) of the Race Relations Act and this Order.

(3) Such a person shall, within a period of three years from 31<sup>st</sup> May 2002, and within each further period of three years, review the assessment referred to in paragraph (2)a.

*Educational Bodies – (included only for completeness sake)*

- 3** (1) A body specified in Part I or II of Schedule 2 to this Order shall, before 31<sup>st</sup> May 2002:
- a prepare a written statement of its policy for promoting race equality (referred to in this article as its "race equality policy"); and
  - b have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (3) or (4), as the case may be.
- (2) Such a body shall:
- a maintain a copy of the statement; and
  - b fulfil those duties in accordance with such arrangements.
- (3) It shall be the duty of a body specified in Part I of Schedule 2 to this Order to:
- a assess the impact of its policies, including its race equality policy, on pupils, staff and parents of different racial groups including, in particular, the impact on attainment levels of such pupils; and
  - b monitor, by reference to their impact on such pupils, staff and parents, the operation of such policies including, in particular, their impact on the attainment levels of such pupils.
- (4) It shall be the duty of a body specified in Part II of Schedule 2 to this Order to:
- a assess the impact of its policies, including its race equality policy, on students and staff of different racial groups;
  - b monitor, by reference to those racial groups, the admission and progress of students and the recruitment and career progress of staff; and
  - c include in its written statement of its race equality policy an indication of its arrangements for publishing that statement and the results of its assessment and monitoring under subparagraphs a and b.
- (5) Such a body shall take such steps as are reasonably practicable to publish annually the results of its monitoring under this article.
- 4** (1) A body specified in Part III, IV or V of Schedule 2 to this Order shall, before 31<sup>st</sup> May 2002, have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2), (3) or (4), as the case may be, and shall fulfil those duties in accordance with such arrangements.
- (2) It shall be the duty of a body specified in Part III of Schedule 2 to this Order to monitor, by reference to the racial groups to which they belong:
- a the numbers at all maintained schools in its area of:
    - i staff in post; and
    - ii applicants for employment, training and promotion, from each such group; and
  - b in the case of all maintained schools in its area which have 150 or more full-time staff, the numbers of staff from each such group who:
    - i receive training;
    - ii benefit or suffer detriment as a result of its performance assessment procedures;
    - iii are involved in grievance procedures;
    - iv are the subject of disciplinary procedures; or
    - v cease employment with such schools.
- (3) It shall be the duty of a body specified in Part IV of Schedule 2 to this Order to:

# Annex C

- a monitor, by reference to the racial groups to which they belong, the numbers of teaching staff from each such group at all maintained schools in respect of which it exercises its functions; and
- b take such steps as are reasonably practicable to use, for that purpose, data provided by Local Education Authorities.
- (4) It shall be the duty of a body specified in Part V of Schedule 2 to this Order to monitor, by reference to the racial groups to which they belong, the numbers of teaching staff from each such group at all educational establishments in respect of which it exercises its functions.
- (5) Such a body shall take such steps as are reasonably practicable to publish annually the results of its monitoring under this article.
- (6) In this article references to “maintained schools” are references to such schools within the meaning given by section 20(7) of the School Standards and Framework Act 1998 a.
- Monitoring by employers**
- 5 (1) A person to which this article applies shall:
- a before 31<sup>st</sup> May 2002, have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2); and
- b fulfil those duties in accordance with such arrangements.
- (2) It shall be the duty of such a person to monitor, by reference to the racial groups to which they belong:
- a the numbers of:
- i staff in post; and
- ii applicants for employment, training and promotion, from each such group; and
- b where that person has 150 or more full-time staff, the numbers of staff from each such group whom:
- i receive training;
- ii benefit or suffer detriment as a result of its performance assessment procedures;
- iii are involved in grievance procedures;
- iv are the subject of disciplinary procedures; or
- v cease employment with that person.
- (3) Such a person shall publish annually the results of its monitoring under paragraph (2).
- (4) Subject to paragraph (5), this article applies to a body or other person specified in Schedule 1A to the Race Relations Act.
- (5) This article does not apply to:
- a a body specified in Part I, II, or III of Schedule 2;
- b a person specified in Schedule 3;
- c a Scottish public authority with mixed functions or no reserved functions, as referred to in section L.2 of Part II of Schedule 5 to the Scotland Act 1998 b; or
- d a cross-border public authority in relation to the exercise of its Scottish functions within the meaning given by that section.
- (6) In paragraph (5) the reference to a “cross-border public authority” is a reference to such an authority within the meaning given by section 88(5) of the Scotland Act 1998.

