



Foreword by the Home Secretary

This Government has always made it clear that it wants the public sector to set the pace in the drive for race equality, to lead by example in the process towards achieving a society where there is respect for all, regardless of their race, colour or creed, and a society which celebrates its cultural richness and ethnic diversity.

Race equality is a moral imperative - that is why we have been working to provide the right legislative and administrative frameworks to help achieve race equality in Great Britain. The Race Relations (Amendment) Act 2000 placed a statutory duty on some 40,000 public bodies to have due regard to the need to promote race equality in carrying out their functions, and the Order subsequently laid late last year set out specific duties intended to help public bodies meet the general duty. One of these duties is the publication of a race equality scheme setting out how we will meet our new obligations. I am very pleased to put my name to this first Home Office Race Equality Scheme.

Publication of this Scheme represents a very significant step forward. It is not, however, the end of a process; rather it is the start of a new phase. This Scheme is a living document – it is not set in stone. We recognise that we will not get everything right first time, and we will actively welcome comments which we will be able to consider when the scheme is reviewed.

I know that many people will be watching our progress in implementing the Scheme. Rest assured that as Home Secretary, I will be doing all in my power to ensure that the Home Office delivers race equality as a service provider, as a policy maker and as an employer.

Rt. Hon. David Blunkett MP
Home Secretary



Introduction by the Permanent Secretary

Delivering race equality is one of the main challenges for the Home Office and a key part of the Home Secretary's wider agenda to build a strong civil society. It is also a pre-requisite to successful delivery of our aims. Race equality runs through all of our aims and is central to the way we deliver them.

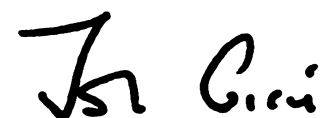
The Race Relations (Amendment) Act 2000 places a responsibility on every public servant for ensuring race equality in the delivery of public services. As the department in the lead on the development of race equality policy and its implementation, the Home Office has to be a beacon of good practice and an exemplar to the rest of Whitehall and the wider public service. That is one reason why this Race Equality Scheme for the Home Office Group is so important.

But the Scheme is more than just a way of satisfying our legal responsibilities under the 2000 Act. It is the framework of standards and principles that will be applied across the Home Office Group to ensure that we deliver quality public services in a manner which is fair for all sectors of the community, that our people are treated fairly and that our workforce reflects the communities we serve.

We have a good record to build on and we should celebrate our successes. Working with our Network for ethnic minority staff, we are making good progress against our recruitment, retention and progression targets and we are delivering comprehensive programmes of race equality and diversity awareness training. But, there is still much more to be done.

While they have shown some improvement, our annual staff surveys continue to tell us that people from minority communities in the Home Office feel discriminated against because of their ethnic origin. This is unacceptable. We still have a long way to go before our senior management team represents the communities we serve, and we must do much more to ensure that our public services translate the commitment to race equality into practical action on the ground.

You can look to me and the Ministerial and senior management teams for leadership, commitment and the determination to deliver. But if we are going to succeed then all of us, at all levels, have to take the responsibility for making race equality a reality.



John Gieve
Permanent Secretary of the Home Office



The Home Office Statement of Purpose

To work with individuals and communities to build a safe, just and tolerant society enhancing opportunities for all and in which rights and responsibilities go hand in hand, and the protection and security of the public are maintained and enhanced.

To support and mobilise communities so that, through active citizenship, they are able to shape policy and improvement for their locality, overcome nuisance, anti-social behaviour, maintain and enhance social cohesion and enjoy their homes and public spaces peacefully.

To deliver the Department's policies and responsibilities fairly, effectively and efficiently through the most up to date project and day to day management, the best use of resources and the development of partnership working.

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Part 1

The Home Office and its Business

- 1.1 The Home Office is directly or indirectly responsible for a huge range of public services. These services and the development of the associated policies have a direct impact on members of the public throughout the United Kingdom. Many of these services are provided by agencies within the criminal justice system, including the probation and prison services. Others range from the UK Passport and Records Agency to the Immigration Service.
- 1.2 The business of the Home Office is described by its aims, which are set out below:
- 1.3 In pursuing its aims the Home Office seeks to:
 - provide high quality services to the public and to Parliament including the provision of accurate, timely information about those services and about citizens' rights and obligations in relation to them;
 - secure best value for money and take account of the needs of the environment;
 - deal honestly, fairly, sensitively and openly with people; and
 - encourage all the services for which it is responsible to share its commitment to those aims and principles and to help them in their work.

Aim 1	To reduce crime and the fear of crime, tackle youth crime and violent, sexual and drug-related crime, anti-social behaviour and disorder, increasing safety in the home and public spaces.
Aim 2	To reduce organised and international crime, including trafficking in drugs, people and weapons, and to combat terrorism and other threats to national security, in co-operation with EU partners and the wider international community.
Aim 3	To ensure the effective delivery of justice, avoiding unnecessary delay, through efficient investigation, detection, prosecution and court procedures. To minimise the threat to and intimidation of witnesses and to engage with and support victims.
Aim 4	To deliver effective custodial and community sentences to reduce reoffending and protect the public, through the Prison and Probation Services in partnership with the Youth Justice Board.

- Aim 5** To reduce the availability and abuse of dangerous drugs, building a coherent, co-ordinated drugs strategy, covering education and prevention, supply and misuse. To focus on effective intelligence and detection, preventative measures at local level, community regeneration, and - with other relevant departments and agencies - the provision of necessary treatment and rehabilitation services. To reduce the incidence of drugs in prisons and provide appropriate follow-up and remedial services.
- Aim 6** To regulate entry to and settlement in the UK effectively in the interests of sustainable growth and social inclusion. To provide an efficient and effective work permit system to meet economic and skills requirements and fair, fast and effective programmes for dealing with visitors, citizenship and long term immigration applications and those seeking refuge and asylum. To facilitate travel by UK citizens.
- Aim 7** To support strong and active communities in which people of all races and backgrounds are valued and participate on equal terms by developing social policy to build a fair, prosperous and cohesive society in which everyone has a stake. To work with other departments and local government agencies and community groups to regenerate neighbourhoods; to support families; to develop the potential of every individual; to build the confidence and capacity of the whole community to be part of the solution; and to promote good race and community relations, combating prejudice and xenophobia. To promote equal opportunities both within the Home Office and more widely and to ensure that active citizenship contributes to the enhancement of democracy and the development of civil society.

1.4 The Home Office is committed to a policy of equal opportunity for all staff. We do not discriminate on grounds of gender, ethnic origin, disability, sexual orientation, faith or any other irrelevant factor. Assessment for recruitment, selection, appraisal, training and career progression purposes is based entirely on the individual's ability and suitability for the work. We are committed to providing staff of all ages and backgrounds with opportunities to maximise their skills and achieve their potential, offering flexible working arrangements wherever possible. We encourage a diverse workforce and aim to provide a working environment where all staff at all levels are valued and

respected, and where discrimination, bullying and harassment are not tolerated. This responsibility is shared by everyone in the Home Office.

1.5 The Home Office recognises that for the implementation and delivery of the Home Office Scheme to be a success there must be clear leadership and accountability. To that end the Home Office has appointed a Lead Official who has overall responsibility for the Home Office Scheme as a whole – that official is currently Mark Carroll who can be contacted on mark.carroll@homeoffice.gsi.gov.uk.

Part 2

Race Relations Legislation And Its Implications

Introduction

- 2.1 The Race Relations Act 1976 ("the 1976 Act") provides the legislative base for anti-racist policies within Britain. The 1976 Act was significantly strengthened as a result of recommendations which came out of the Report of the Stephen Lawrence Inquiry. The Race Relations (Amendment) Act 2000 ("the 2000 Act") amended the 1976 Act so as to:
 - (a) prohibit race discrimination in public functions not previously covered by the 1976 Act;
 - (b) place a general duty on specified public authorities to have due regard to the need to promote race equality; and
 - (c) give the Home Secretary powers to impose specific duties on public authorities subject to the general duty, and to add to the list of bodies to which the general duty applies.
- 2.2 The new anti-discrimination provisions and the general duty for public authorities listed in the 2000 Act, came into effect on 2nd April 2001. The Order (SI 3458/2001) imposing the specific duties was laid before Parliament on 24th October 2001 and came into effect on 3rd December 2001. The Home Office has been subject to the general duty since 2nd April 2001, and will need

to have arrangements in place to comply with the specific duties by 31st May 2002.

- 2.3 The general duty is set out in section 71(1) of the 1976 Act, as amended, which states that a body subject to the general duty:

"shall, in carrying out its functions, have due regard to the need –

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

- 2.4 Schedule 1A to the 1976 Act, as amended, lists the bodies and other persons subject to the general duty. The Schedule states that *"a Minister or government department"* is subject to the general duty. In this context the Home Office as a government department needs to be seen in its widest sense. It is not just the core policy-making functions in central London but also the constituent parts for which it has direct managerial responsibility – for example, the Prison Service and the Immigration and Nationality Directorate.

Immigration and Nationality Directorate

2.5 While the Home Office, as defined above, is subject to the general duty, there is an exemption for immigration and nationality functions. Section 71A(1) states that:

“in relation to the carrying out of immigration and nationality functions (within the meaning of section 19D(1)), section 71(1)b has effect with the omission of the words ‘equality of opportunity’.”

2.6 Section 19D(1) of the 1976 Act, as amended, gives the Immigration and Nationality Directorate an exemption which makes it lawful for them, in the course of their duties, to discriminate in certain circumstances on the grounds of nationality or ethnic or national origin.

Specific Duties

2.7 The Home Secretary's power to impose specific duties on those bodies subject to the general duty derives from section 71(2) of the 1976 Act, as amended, which states that:

“the Secretary of State may by order impose, on such persons falling within Schedule 1A as he considers appropriate, such duties as he considers appropriate for the purpose of ensuring the better performance by those persons of their duties under subsection (1)” (the general duty).

2.8 The specific requirements in relation to a race equality scheme in England and Wales are as follows:

- (a) the preparation and publication of such a Scheme which sets out how that public authority intends to meet its obligations under the general duty and other specific duties which have been set and are relevant to it;
- (b) an assessment of that public authority's functions and policies which it feels are relevant to the general duty, (which must be reviewed at least every three years);
- (c) that public authority's arrangements for assessing and consulting on the impact that any policies it is proposing are likely to have on the promotion of race equality;
- (d) that public authority's arrangements for monitoring its policies for any adverse impact on the promotion of race equality;
- (e) that public authority's arrangements for publishing the results of its:
 - (i) assessment under (b);
 - (ii) consultations under (c);
 - (iii) monitoring under (d);
- (f) that public authority's arrangements for ensuring that those from minority ethnic communities have access to information and to services that it provides; and
- (g) that public authority's arrangements for the training of its staff on issues relevant to the general duty and the specific duties.

Employment Duties

2.9 There are also the following specific duties relating to employment issues:

- (a) Certain public authorities subject to the general duty are required to have in place arrangements monitoring the ethnicity of:

- (i) staff in post; and
- (ii) applicants for jobs, promotion and training.
- (b) If such a body has more than 150 full time employees it is required to have in place arrangements for monitoring the ethnicity of staff who
 - (i) receive training;
 - (ii) benefit or suffer detriment as a result of performance appraisal;
 - (iii) are involved in grievance procedures;
 - (iv) are the subject of grievance procedures; or
 - (v) are dismissed or leave for other reasons.
- (c) A public authority subject to these employment duties must publish annually the results of the above ethnicity monitoring.

2.10 Section 71C of the Race Relations Act 1976, as amended, confers on the Commission for Racial Equality (CRE) the power to issue Codes of Practice in relation to any aspect of the general duty, in terms of both the general and specific duties mentioned above. Such Codes can be admissible as evidence in proceedings brought under the Race Relations Act. The CRE will be issuing a Code of Practice together with non-statutory guidance. The Home Office Scheme looks to take appropriate account of the guidance set out in the draft Code.

Part 3

The Home Office Approach

- 3.1 The Home Office is a large organisation which deals with a wide-range of policy areas and services, as described in Part 1. The Home Office Scheme must, therefore, be capable of dealing with that width, and as a result it will:
- (a) reflect properly the structure and focus of the legislation;
 - (b) build in some flexibility to meet the differing needs and priorities of the Home Office and its constituent parts;
 - (c) take account of ideas and issues coming out of the CRE Code of Practice;
 - (d) take account of the work that is already being done throughout the Home Office to promote race equality; and
 - (e) build as far as practicable on existing processes and mechanisms.
- 3.2 In recognition of the above points the Home Office Race Equality Scheme has the following two tier structure:
- First, an overarching Home Office Scheme setting out the principles and practices which apply throughout the Home Office and its constituent parts; with
 - Second, individual associate Schemes for each of the constituent parts of the Home Office, which reflect the special needs and priorities of those parts, and which support the overarching Scheme. The associate Schemes are entirely consistent with and mappable on to the overarching Scheme, and are part of the Home Office Scheme.
- 3.3 The following criteria form the basis of selection for the associate Schemes:
- The existence of a dedicated personnel management function;
 - The presence of a dedicated race equality advisor; and/or
 - The existence of particular race equality policy issues.
- 3.4 There are associate Schemes for the following parts of the Home Office:
- The core (non-IND) Home Office policy and support directorates;
 - The Immigration and Nationality Directorate;
 - The Prison Service;
 - The Forensic Science Service;
 - The National Probation Directorate; and
 - The UK Passport and Records Agency.
- 3.5 The remainder of this document sets out the principles and practices which the Home Office has adopted and which will apply throughout its constituent parts.

Part 4

The General Duty

- 4.1 The general duty is set out in section 2.3 above. The Home Office is committed to meeting its obligations under the general duty and acting as a beacon of good practice for others. To do so the Home Office will use the specific duties, including this Scheme, to make race equality a core issue in the delivery of its policies and services, and in the way it manages its staff. The importance of the general duty will be recognised within the Home Office Scheme and those of its constituent parts.
- 4.2 The Home Office will use its existing systems and procedures and, where necessary, new ones, to work to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

Part 5

Specific Duties

5.1 The Home Office has decided to have due regard to the principles and practices set out below in the preparation and delivery of its overall Scheme and the associate Schemes to support its constituent parts. It is very conscious that for these Schemes to have a meaningful and positive impact, they must be more than just a series of documents, but rather vehicles for delivering sustainable change. The following principles and practices apply to all associate Schemes.

A Race Equality Scheme

5.2 The structure of the associate Schemes and their inter-relationship with the main Home Office Scheme has already been described in Part 3. The Home Office understands the importance of its associate Schemes for the promotion of race equality within its business, and for ensuring that its business is carried out in the most efficient and effective manner. The Home Office Scheme and its associate Schemes are designed so as to:

- encourage a strategic approach;
- provide greater transparency and accountability; and
- ensure coherence across the organisation.

5.3 The associate Schemes also have an important role in improving the confidence of those who work within the Home Office and its areas, and those who are on the receiving end of its policies and services. To that end the associate Schemes which make up the Home Office Scheme:

- (i) will be readily accessible to both members of staff and the public, via published documents and the Home Office website – this requirement will apply equally to the overarching Home Office Scheme. (The individual Schemes will also be accessible via their parent organisations);
- (ii) will be brought to the attention of all members of staff and included within training programmes, as appropriate, so that these Schemes become a core part of Home Office working;
- (iii) will set out, as necessary, suitable timetabled action plans which have been prepared to help that part of the Home Office meet its obligations under the 1976 Act, as amended;
- (iv) will include any plans to deal with any complaints about possible failure to meet the general and specific duties, or other complaints about the promotion of race equality (see also Part 7(b));
- (v) will include all measures which have been or are being put in place to promote race equality;

- (vi) will include, or make suitable reference to, any other initiatives which might have an impact on the promotion of race equality;
- (vii) will be reviewed and updated on a regular basis, initially annually, so that they can properly reflect priorities and pressures facing the Home Office. (That review process will take account of comments received following publication of the Scheme, and it will be tied in with other management processes so that it becomes a core business matter); and
- (viii) will set out any plans to evaluate periodically their impact on Home Office staff and the development and delivery of policies and services.

Assessment of Functions

5.4 The assessment of Home Office functions to see which are appropriate for inclusion within the associate Schemes is a crucial stage in the development and maintenance of these Schemes. The assessment process includes the following steps:

- (i) The listing of all the main functions for which the relevant part of the Home Office is responsible, comprising all statutory and non-statutory functions. All areas identified in the appropriate business plans are included, and an assessment of whether lower level planning documents should be included is made so as to ensure that a proportionate approach is adopted.
- (ii) The identified functions are tested to see whether or not they involve members of the public or affect them in some way. If they do so in any way then they remain in the assessment process.

- (iii) A judgement is then made of whether the inclusion of a particular function within the Scheme is proportionate to its potential impact on the public. If there is any doubt about the potential impact of a particular function on the public, or any evidence or public concern that a particular function has a differential impact, then that function is included in that Scheme. However, there will be functions that it would be wrong to include. As a rule new functions, whose impact is unknown, are included in a Scheme.
- (iv) The list of functions is then assessed so as to determine its impact – or potential differential impact – on those from minority ethnic communities. The purpose is to determine which functions might have the greatest impact on those from such communities. This is only a qualitative assessment as its aim is to ensure that these functions are delivered in a targeted and appropriate way.
- (v) The resultant list of functions is included within each associate Scheme.

5.5 Each associate Scheme will set out the functions to which it applies. New pieces of work arise throughout the year, and it is the responsibility of policy makers to ensure that the relevance of any new work to the associate Scheme is considered at the outset. Given that the Home Office can face changing pressures and priorities, the list of functions within a Scheme will need to be reviewed on a regular basis so that it is kept up to date. The nature and frequency of that review process will be proportionate to the size of the list and the impact of the functions and policies on the public. Where the size and

impact are significant, the review will take place on an annual basis; where not, then a three-yearly cycle is more appropriate.

Assessing and Consulting

5.6 The development of new policies is a major role for a key Government Department like the Home Office. As mentioned earlier in this document the work of the Home Office and its constituent parts is wide-ranging and has a significant impact on members of the public, especially those from minority ethnic communities. The Home Office is, therefore, committed to making race equality a core element of the development of new policies.

5.7 The associate Schemes set out their arrangements for assessing and consulting on whether proposed policies would have an adverse impact on those from minority ethnic communities, as compared with those from the majority community.

5.8 Assessment involves, for example, the use of historical data, existing or new survey/feedback arrangements, and population data (including census findings); or specially commissioned research. The aims of the consultation should be clearly explained and it needs to be:

- (i) **meaningful**, that is genuinely feeding in to the decision-making process and timed to allow this to happen;
- (ii) **representative**, that is based on a proper cross-section of views which genuinely represent the community groups likely to be affected by the policy;

- (iii) **effective**, that is making a genuine impact on the policy development process; and
- (iv) **suitable** for the topic and the groups involved.

5.9 The arrangements established within an associate Scheme are proportionate to the size of the relevant part of the Home Office, the nature of the proposed policy and its potential impact on the public, especially those from ethnic minority communities.

5.10 If, as a result of these arrangements, it is determined that the proposed policy is likely to have an adverse impact on those from ethnic minority communities, then those responsible for the policy will consider:

- (i) whether the Home Office meets its general duty;
- (ii) the alternatives that could meet the objectives without any adverse impact;
- (iii) whether the adverse impact is unavoidable, and whether it can be justified in relation to the aims and importance of the policy;
- (iv) any measures that would help to reduce the predicted adverse impact; and
- (v) 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 people's daily lives and how much difference there is between the new and the original proposals.

Monitoring Arrangements

5.11 The determination of an adverse and differential impact of a policy or service on a minority ethnic community is

dependent upon the presence of a robust and sustained monitoring system. The establishment and maintenance of robust monitoring arrangements for new, existing and proposed policies, which are relevant to the general duty, is crucial to the Home Office and its constituent parts meeting their obligations under the specific duties.

5.12 Such monitoring arrangements look to test:

- (i) levels of **participation**, that is under- or over-representation of people from a particular racial group;
- (ii) levels of **satisfaction**, that is whether or not all community groups receive an equally good service;
- (iii) levels of **relevance**, that is whether the service or policy actually addresses the real needs of specific community groups ; and
- (iv) levels of **appropriateness**, that is whether the service is delivered in a way which is culturally sensitive and respectful.

5.13 The arrangements established under each associate Scheme are proportionate to the size of the relevant part of the Home Office, the nature of the policies concerned and the potential impact on the public, especially those from minority ethnic communities.

5.14 The associate Schemes consider a range of tools in exploring whether policies and services impact differentially and adversely on those from minority ethnic communities - these tools include:

- (i) measurement of levels of use, and periods of use of a particular service;

- (ii) satisfaction surveys;
- (iii) randomised, or specifically targeted, interviews;
- (iv) analysis of types of complaints received; and
- (v) discussion fora.

5.15 If this monitoring identifies that a policy has, or is likely to have, an adverse impact on those from a minority ethnic community, then those responsible for that policy or service will need to consider how best to react to that differential, or potentially differential, impact.

5.16 Details of how the Home Office and its constituent parts collect, analyse and disaggregate data on ethnicity are described later within this Scheme.

Publishing results

5.17 Public authorities required to publish a Race Equality Scheme are obliged to set out their arrangements for publishing the results of:

- (i) the assessments and consultations referred to above; and
- (ii) the monitoring of their policies referred to above. These public authorities may also wish to consider whether they wish to publish the results of the assessments referred to above.

5.18 The Home Office sees this part of its Scheme, and of each associate Scheme, as ensuring that the Schemes are transparent and accessible to members of staff and to the public, especially to those from minority ethnic communities, and as a result, increasing public

- confidence. Associate Schemes consider:
- (i) whether the relevant part of the Home Office has an existing publication medium (such as an annual report) or needs another to meet this duty; and
 - (ii) what is appropriate and proportional given the size of their organisation, the nature of the policies in question and the benefit to be gained by such publication. (They might, for example, decide that publication on their website is sufficient, or that it should be published in several languages.)

5.19 Each associate Scheme spells out how the relevant part of the Home Office intends to meet this requirement and deals with each of its three individual elements, taking account of the points discussed below.

Assessments

- 5.20 With regard to the assessments described above, publication under each associate Scheme should provide:
- (i) summary of, or fuller account as appropriate, of the criteria or steps by which the list of functions for inclusion within the Scheme were considered;
 - (ii) description of the review procedures that have been adopted;
 - (iii) explanation of how any new policies will be handled within the assessment process; and
 - (iv) a list of those functions which are deemed to be included within the associate Schemes.

Consultations

5.21 The publication of results coming from consultation exercises will depend upon

whether the publication being used to meet this obligation deals with a single function, possibly the subject of the consultation exercise, or is more wide ranging in its ambit, for example a departmental annual report. With the former, it is in most cases more appropriate for the publication to describe in detail the arrangements of the consultation exercise being reported and what the Home Office intends to do as a result. With the latter, a more high level approach is probably more appropriate.

Monitoring

5.22 The Home Office already publishes monitoring data via a number of established publications, for example its Annual Report, and more specialist publications such as “Statistics on Race and the Criminal Justice System” under section 95 of the Criminal Justice Act 1991. The associate Schemes set out their arrangements for using existing monitoring procedures to ensure that relevant data is included within publication plans in a proportionate way. Where these plans are deemed not to meet the publication requirement, then new plans will be considered.

Access to information and services

5.23 Under this requirement those public authorities which are required to publish a Scheme are obliged to set out their arrangements for ensuring that the general public have access to information and services.

Information

5.24 The associate Schemes set out their arrangements for ensuring that information is provided in a manner which is accessible. In doing so the associate Schemes :

- (i) identify the services being provided, and which of them need to be supported by accessible information systems;
- (ii) make suitable links to the arrangements for assessment, consultation and monitoring described above which might indicate that a service or function is or might have an adverse and differential impact on those from minority ethnic communities;
- (iii) determine whether any of the information needs identified should be provided in languages other than English;
- (iv) ensure that the provision of information is proportionate to the nature of the service and the associated issues;
- (v) consider whether the information is available at the right time and in the right place; and
- (vi) monitor how effectively the information is given to the public and alter arrangements as necessary.

Services

5.25 With regard to access to services, the associate Schemes set out their arrangements to ensure that the services in question are provided in a manner which is accessible to all, especially those from minority ethnic communities. In doing so the associate Schemes :

- (i) make suitable links to the arrangements for access to information described above; and

- (ii) make suitable links to the arrangements for assessment, consultation and monitoring described above which might indicate that a service or function is or might have an adverse and differential impact on those from minority ethnic communities; and
- (iii) provide for consultation with communities on the services they need and on how they would like them to be provided.

Training of staff

5.26 The purpose of this requirement is to help ensure that public authorities required to publish a scheme have staff who are well placed to meet the authority's obligations under the general duty and the specific duties. Staff training needs to focus on what is required to meet the general duty and specific duties. The Home Office is committed to ensuring that its staff are properly trained so that they can make race equality central to their work.

5.27 The associate Schemes, therefore, set out:

- (i) how the relevant parts of the Home Office intend to make race equality a key part of their induction processes for new staff;
- (ii) how suitable race awareness training is provided to existing members of staff, and updated as necessary;
- (iii) how race equality issues are brought out in other training programmes as needed; and
- (iv) how the training needs identified above are reviewed on a regular basis and revised as necessary.



Part 6

Employment Duties

- 6.1 The Home Office is committed to promoting race equality and diversity in all aspects of employment, service delivery and purchasing. It aims to have a diverse and representative workforce who are valued and enabled to reach their full potential. The Home Office undertakes to apply the same standards in its dealings with its staff as it does with the public under the Race Relations Act 1976, as amended. In particular, the associate Schemes aim to:
- (i) obtain, monitor and analyse information on the ethnicity of staff; and will keep the issue of whether it would be proportionate to monitor agency staff under review;
 - (ii) monitor, analyse, and equality proof performance appraisal, promotion processes, special schemes such as the In-service Fast Stream and Intensive Development schemes, disciplinary action and grievances, dismissals and reasons for staff leaving;
 - (iii) set ethnicity targets for promotion boards;
 - (iv) monitor and equality proof the recruitment processes and improve the image of the Home Office as a diverse multi-cultural employer and a good place to work;
 - (v) monitor access to training and ensure that race and diversity issues are an integral part of training courses;
 - (vi) conduct research into barriers that are shown to exist to the development and progression of minority ethnic staff;
 - (vii) seek staff feedback in the form of Staff Survey, as appropriate;
 - (viii) consult with staff through minority ethnic staff support networks, Trades Unions and in other ways on race and equality policies;
 - (ix) take action to address any disparities or causes for concern that arise from the research, monitoring, and analysis;
 - (x) audit regularly the Home Office employment policies against the CRE Standard for race equality for employers and take action to address areas of weakness shown to exist; and
 - (xi) publish the results of ethnic monitoring.



Part 7

Other Issues

Monitoring

- 7.1 The promotion of race equality is a difficult concept to measure in a quantifiable way. It needs a mixture of hard data, for example information about differential access to a range of public services, and about people's perceptions of whether those from minority ethnic communities are treated differently from those from the majority community. No one single measure is, therefore, appropriate to measure the success of an organisation in its efforts to promote race equality.
- 7.2 The Home Office has the Government's lead responsibility to promote race equality and this is reflected in one of its Public Service Agreement (PSA) targets, that is to:
- "promote race equality, particularly in the provision of public services such as education, health, law and order, housing and local government, and measure progress by the annual publication of 'Race Equality in Public Services', a set of race equality performance indicators,"*
- 7.3 The use of performance management data to help shape policy development and service delivery is, therefore, now

well enshrined within public services, including the Home Office and its constituent parts.

- 7.4 The Home Office Scheme and its associate Schemes reflect the importance of performance management data especially in the context of the sections describing the requirements under a Scheme and the employment duties, and in doing so they:
- (i) take account of the potential need for both hard and soft data;
 - (ii) make use of existing data flow systems as far as practicable;
 - (iii) use wherever possible ethnicity classification systems that are compatible with other data collection models both inside and outside the Home Office, especially those used in the Census 2001 exercise;
 - (iv) make race equality a core matter to the development of existing and future data collection systems; and
 - (v) ensure that a proportionate approach is adopted in the above exercises.
- 7.5 In April 2001 the 2001 Census exercise took place. The exercise included an ethnicity question based upon a series of categories – these are set out in Annex A together with those for the 1991 Census exercise.

7.6 The 2001 Census represents the most complete set of social data available across Great Britain. There are, therefore, strong arguments for the Home Office to make as much use as practicable of this set of social data in developing its policies, particularly in the context of its Race Equality Scheme and the supporting associate schemes.

7.7 The Home Office is also aware that race and gender issues are closely linked, and that minority ethnic women can be particularly disadvantaged. The Home Office Scheme and its associate Schemes look to bring out the gender dimension wherever practicable.

Complaints

7.8 The overall responsibility for implementation of the Scheme within the Home Office rests with the Permanent Secretary. The Home Office and its constituent parts are committed to meeting their statutory obligations to promote race equality. However, it is inevitable that there will be those who think that these obligations have not been met properly or that more should be done under these Schemes to promote race equality. It is considered important, therefore, that suitable procedures are put in place to consider such complaints or concerns.

7.9 Each associate Scheme considers the existing complaints procedures which apply to its policy or service delivery areas, and ensures that suitable arrangements are in place to consider any such matters as they arise. While the

Home Office and its constituent parts are only obliged to meet the requirements set out in the relevant legislation, they would be prepared to consider, in appropriate circumstances, complaints or concerns on other issues raised within the overall Home Office Scheme and its associate Schemes that are not strictly covered by the legal requirements.

7.10 The CRE has the power to enforce the specific duties imposed on listed public authorities. Under the terms of the new legislation, 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 courts to order the authority to comply.

7.11 Individuals do not have the right to take legal action against a public authority which has not fulfilled its specific duties. It is open to individuals, community organisations, Trades Unions and others to notify the CRE if they are concerned that a public authority has failed to comply with its specific duties. However, the Home Office hopes that if there are concerns about Home Office compliance with specific duties, then in the first instance these concerns would be raised with the Home Office itself.

Other Equality Strands

7.12 The Home Office in developing this Scheme is very conscious that the issues of race equality do not stand in isolation from other equality issues. Indeed, elsewhere in this Scheme (section 7.7), mention is made of the importance of gender issues. The Home Office is also aware that there will be moves in the future to widen the legislative base of equality issues, as a result of the Employment Directive based on Article 13 of the Treaty of European Union, in the areas of gender, religion or belief, disability, age and sexual orientation. Associate Schemes are expected to take account of these wider equality issues, wherever practicable.

Grants

7.13 There are many parts of the Home Office which provide grants to outside bodies, especially to those within the voluntary sector. Associate Schemes which cover grant-giving functions explain what steps are to be taken to promote race equality within those grants schemes.

Positive Action

7.14 The Race Relations Act 1976 permits certain forms of positive action by employers.

7.15 This applies where it can be demonstrated that, at any time within the previous 12 months, there were no persons of a particular racial group doing particular work at a particular

establishment, or that the proportion of persons of that racial group among those doing that work at that establishment was small in comparison with the proportion of that group among either:

- (i) all those employed at the establishment; or
- (ii) the population of the area from which the employer normally recruits for work at the establishment.

7.16 In such circumstances it is lawful for an employer to provide access to facilities for training for that work to his employees of the racial group in question only, and he may also lawfully take steps to encourage members of that racial group to take advantage of opportunities for doing that work.

7.17 It is for employers to show that initiatives of this type are justified.

7.18 The 1976 Act does not allow for positive **discrimination** – where, for example, an organisation **only** recruits staff who are of a particular racial group because people who are of that racial group are under-represented in its workforce.

Government Offices for the Regions

7.19 Government Offices for the Regions (GORs) are not legal entities in themselves, and are therefore not listed as being subject to the general duty. GORs do not own policies or design them, but they do deliver policies on behalf of relevant sponsoring Departments, including the Home Office.

7.20 It will be important for the Home Office, as parent department, to ensure that when delivering policies on its behalf, GORs take any necessary action to ensure that the Home Office can comply with the general and specific duties. The Home Office will therefore include the functions of GORs carried out on its behalf in the Core (non-IND) Home Office Race Equality Scheme.

HM Inspectorates

7.21 The duty to promote race equality applies generically to Government Departments and Ministers, and this has been interpreted as meaning Government Departments in their widest sense. It has always been the policy and understanding that both Inspectorate bodies and agencies would be treated as part of their parent or sponsoring Department for the purpose of the duty.

7.22 The three Home Office Inspectorates (Her Majesty's Inspectorate of Constabulary, Her Majesty's Inspectorate of Probation and Her Majesty's Inspectorate of Prisons) have a key role to play in relation to the implementation of the new duties in the bodies which they inspect (inspecting, promoting and disseminating good practice) – the police, National Probation Service and the Prison Service are subject both to the general duty and to the full range of specific duties.

7.23 The three Inspectorates are fully involved (together with other Inspectorate bodies) in work being taken forward by the Commission for Racial Equality to develop a framework for

inspection. This framework will help to guide the inspection process.

7.24 Specific work underway within the three inspectorates is detailed below:

(i) **Her Majesty's Inspectorate of Constabulary** already has mechanisms for promoting race equality, namely the robust and targeted inspection regime and the work of the two non-police Assistant Inspectors (Race and Diversity), who provide expert advice and challenge both internally and externally. HMIC will build on this experience, fully supporting and assisting the Police Service in the production of a national action plan and guidance, against which to monitor and evaluate progress. A working group, led by H.M. Inspector with portfolio responsibility for race and diversity, has been established to design and deliver an effective associate scheme for HMIC by Autumn 2002.

(ii) In June 2000 **HMI Probation** published its thematic report "Towards Race Equality" which examined the performance of the probation service in relation to both employment practice and work with minority ethnic offenders and racially motivated offenders. The wide ranging recommendations were translated by the Probation Service into a national action plan and progress against the targets in the plan was reviewed during 2001.

Following publication of a thematic report the Inspectorate employed a diversity consultant who assisted in drawing up an internal race equality and diversity policy and action plan. This

included specific plans in relation to HMIP's employment practice, staff training and development needs and inspection and audit methodology. The plan was reviewed in 2001 and a subsequent plan produced which in turn will inform the development of HMI Probation's associate scheme.

Actions have included

- the use of a diversity consultant in relation to all HMI recruitment exercises.
- internal training events and discussions and team meetings to develop awareness of staff on race equality and wider diversity issues.
- designing a skills audit to assess staff training and development needs on race equality and diversity issues to inform HMIP's plan for 2002/3.
- standards and criteria developed for all inspections and audits on diversity issues.
- all published HMIP reports contain analysis of performance by the national probation service in relation to diversity.

HMIP is committed to continuing actively to promote race equality and wider diversity issues as an integral part of all of its work.

- (iii) The **Inspectorate of Prisons** is at present
- revising its Expectations (the criteria by which it inspects prisons) and the guidelines for inspectors, in the light of the Race Relations Act as amended;
 - recruiting a specialist race and diversity inspector to assist in this process and advise the Inspectorate on race and

- minority ethnic issues; and
- in discussion with the CRE about a framework for inspecting that recognises the specific statutory responsibilities of the Chief Inspector of Prisons.

Research

7.25 The Home Office undertakes a considerable amount of research in support of its policy aims. Its Research Development and Statistics Directorate has put together a series of practical guidelines for its staff to help make race equality central to its work. These guidelines are reproduced at Annex B, and inform the approach to research within the associate Schemes.

Partnerships and procurement

7.26 The Home Office in developing this Scheme is very conscious that certain of its functions are contracted out to bodies in the public and private sector. While those bodies are not themselves subject to the general duty, the Home Office will be mindful of its obligations when discharging its functions through others. The Home Office will consider, for example, whether contracts should be used to specify actions that contractors should take to ensure that the Home Office does not fail to meet its obligations in this area.

Annex A

The Census Categories

1991 Census	2001 Census		
	England & Wales	Scotland	Northern Ireland
<ul style="list-style-type: none"> • White 	White <ul style="list-style-type: none"> • British • Irish • Other 	White <ul style="list-style-type: none"> • Scottish • Other British • Irish • Other 	<ul style="list-style-type: none"> • White • Irish Traveller
	Mixed <ul style="list-style-type: none"> • White & Black Caribbean • White & Black African • White and Asian • Other 	Mixed <ul style="list-style-type: none"> • Any mixed background 	<ul style="list-style-type: none"> • Mixed ethnic group
<ul style="list-style-type: none"> • Indian • Pakistani • Bangladeshi 	Asian or Asian British <ul style="list-style-type: none"> • Indian • Pakistani • Bangladeshi • Other 	Asian, Asian Scottish or Asian British <ul style="list-style-type: none"> • Indian • Pakistani • Bangladeshi • Chinese • Other 	<ul style="list-style-type: none"> • Indian • Pakistani • Bangladeshi
<ul style="list-style-type: none"> • Black Caribbean • Black African • Black Other 	Black or Black British <ul style="list-style-type: none"> • Caribbean • African • Other 	Black, Black Scottish or Black British <ul style="list-style-type: none"> • Caribbean • African • Other 	<ul style="list-style-type: none"> • Black Caribbean • Black African • Black Other
<ul style="list-style-type: none"> • Chinese • Any other ethnic group 	Chinese or Other ethnic group <ul style="list-style-type: none"> • Chinese • Other 	Other ethnic background <ul style="list-style-type: none"> • Any other background 	<ul style="list-style-type: none"> • Chinese • Any other ethnic group
9 + 1	16 + 1	14 + 1	11 + 1

Annex B

Mainstreaming Race Equality – Practical Guidelines for RDS

As the department with lead responsibility for promoting race equality, the Home Office is keen to mainstream race in all its policies and activities. As a key directorate within the Home Office, RDS must also work to ensure that the race dimension is taken into account in all aspects of its work.

To assist in this process, the Race Relations Research Team has drafted the following guidelines to help RDS colleagues to think about the race dimension throughout the research and statistical collection process. The list is by no means exhaustive and colleagues are encouraged to comment on and add to the list. In addition, colleagues should note that the order of the points is not intended to convey any notion of a hierarchy or importance in the way the points are listed.

- **Preparation** – examine existing research and data on ethnic minorities to help inform the research /statistical collection design. Where possible, use contacts and networks in order to assess the likely race dimensions before designing the research/data collection.
- **Negotiating access** – it is important, as with any research, to identify clearly and explain to ethnic minority groups why the research is being undertaken and what are the likely consequences for the groups involved. There is still a distrust of research among some ethnic minority groups.
- **Sampling (for quantitative research)** – consider the issues involved in achieving an adequate ethnic minority sample. Remember that a random sample of 10,000 people may only yield 500 ethnic minority respondents. If the race dimension is to be covered in detail, an ethnic minority booster sample will be necessary. If a booster sample is not possible (e.g. because of cost constraints), consider whether it is possible to use existing surveys that have an ethnic minority booster sample. Surveys such as the British Crime Survey and the Home Office Citizenship Survey may be used as vehicles for carrying questions that require sufficient ethnic minority respondents for detailed data analysis. (Contact Chris Kershaw for the British Crime Survey and Chris Attwood for the Home Office Citizenship Survey).

It is also useful to bear in mind that a survey that does not yield any more detailed categories than 'Black' and 'Asian' can actually obscure more than it reveals because of the differences within these broad groups. For example, we know that there tend to be large socio-economic differences between people of Indian and Bangladeshi descent.

- **Focus groups** – consider whether there is a need to differentiate groups by gender and ethnicity, and the likely implications of this.

- **Ethnic classification** – bear in mind that as of 2001 the classification system used for self-reporting of ethnic identity changed. All RDS research/data collection should aim to use the 16 + 1 or 5 + 1 self-assessment ethnic categories used in the 2001 Census.
- **Interpretation and translation** – consider whether there is a need for interpreters/translators and build this cost in at the outset. For example, if the research involves older women among some 'Asian' groups, there may be language difficulties, as some of these women may not have a good command of the English language.
- **Diversity** – remember to consider the huge diversity that exists within and between ethnic minority groups. For example, there are differences in religion, social class, age, gender, etc. There are very close links between ethnicity and gender and it is important to bear this in mind.
- **Cultural sensitivity** – an awareness of the issues involved here is needed throughout the design, implementation, management, and analysis and reporting of the research/statistical collection. For example, it is important to take note of religious festivals and to avoid carrying out interviews at this time.

It is also useful to be aware of possible blockages. For example, among some groups male "gatekeepers" may not want their wives/female family members to participate in certain types of research.

- **Community representation** – it is very important to consider who speaks for the ethnic minority community being researched. While community representatives are easy to identify and to contact, they may not always speak for all elements of the community.
- **Researchers/contractors** – look carefully at who is doing the research. It is helpful to consider whether it is necessary to match facilitators/researchers to the characteristics of the community being studied. Consideration should also be given to the ability of contractors to deliver a race dimension in the research. For example, explore whether a contractor has done research among ethnic minority communities before and assess the level of knowledge of the cultural sensitivities involved in doing research.
- **Feedback** – this is important in any research/data collection but is crucial for work involving ethnic minority people. It is important to look carefully at the way research findings are presented and at how the information is disseminated. There may be a need to organise a special seminar/workshop to report back the findings to ethnic minority respondents. If there is a need for such an event, consider how it should be organised and who should be involved.

The Race Relations Research Team of RDS is willing to offer advice and support to colleagues to ensure that the race dimension is fully explored in relation to all research/data collection.

