

Towards Racial Equality in Scotland

Are public authorities
meeting the duty
to promote race equality?

SUMMARY

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1. Introduction

The Race Relations (Amendment) Act 2000 shifted the race equality agenda in the public sector when it introduced a statutory general duty to eliminate racial discrimination, and to promote equal opportunities and good race relations.

In March 2002, the Scottish Parliament approved new specific duties, designed to help many authorities to 'better meet' the general duty. The intention behind the duties is that each authority should take steps to make real improvements to racial equality or race relations – for example, in the educational performance of different racial groups, their health, or good relations at work or in local communities.

Public authorities had to publish a race equality scheme (RES) by 30 November 2002 and education authorities a race equality policy (REP), by the same date.

2. The aims of this survey

Our overall aims were to:

- obtain some idea of the nature, extent and quality of public authorities' responses so far to the duty to promote race equality;
- identify and promote more widely any examples of good practice; and
- inform the CRE's ongoing work and future plans for promoting the duty.

The main emphasis, therefore, has been on identifying the structures and processes that authorities have put in place at this relatively early stage, including the actions they are taking under each of the main requirements of the duty.

3. Methods used

The survey covered 77 Scottish public authorities – 32 local authorities, 32 education authorities, five central government (and related) agencies, and eight police forces. Two sectors – health, and further and higher education – were not included, as both had already carried out assessments of the duty and we did not want to repeat this work.

The survey was approached in two ways. First, we conducted a questionnaire-based survey of the 77 authorities. We used two separate questionnaires, designed to look in

detail at the general duty and the specific duties that apply to public and education authorities. Second, we analysed all RESs from local authorities, police forces, and central government and related agencies, and all REPs from education authorities. We assessed the schemes and policies against criteria based on our statutory code of practice on the duty, and associated guidance.

The response rates for the questionnaire-based survey were 82% (37 out of 45) for all the authorities and institutions covered, other than education authorities, and 78% (25 out of 32) for education authorities. Even though the overall number surveyed was small, this was a high response rate for such a survey.

4. Questionnaire findings

Public authorities were asked how they thought they had performed in meeting the duty, and what barriers or difficulties they had faced.

- Thirty-three (89%) of the authorities that responded generally considered that their work to date in meeting the duty had produced positive benefits.
- Twenty-eight authorities (76%) claimed they were 'quite well prepared' for scrutiny and inspection; eight (22%) said they were not well prepared; and only one authority admitted to not being at all prepared.
- Thirty-four authorities (92%) said they had included their values and aims for race equality in the scheme, 33 (89%) said that their RES described the roles and responsibilities at different levels of the organisation, 31 (84%) said they had drawn up a timetabled action plan as part of their scheme, and 30 (81%) said they had included a list of functions and policies that were relevant to race equality.
- Thirty-three authorities (89%) said they had had difficulty meeting the duty, most notably in 'moving the duty into the mainstream'. They also reported substantial difficulties, both in allocating resources and in prioritising the work.
- Twenty-eight authorities (76%) had identified outcomes they had set for themselves. Eight (22%) had not identified any outcomes.

5. Assessment findings

Race equality schemes

- Fourteen (31%) of the public authorities that responded could show that they had fully assessed all their functions and policies to see if they were relevant to the duty.
- Only seven public authorities (16%) were able to show that they had made arrangements to assess the impact their new or proposed policies might have on race equality.

- Only four of the RESs (9%) showed evidence of fully developed arrangements for monitoring relevant services by ethnic group, although a further 15 (33%) had mainly met this part of the duty.
- Twenty-six public authorities (58%) had either fully or mainly met the requirement to publish the results of their monitoring, assessments and consultations.
- Only one public authority had a fully developed plan of action to improve access to information and services. The majority of local authority schemes only partly met the duty, and will require more work.
- Few RESs showed that authorities had made arrangements to monitor all aspects of the employment duty.

Race equality policies

- Three education authorities (9%) sent in existing policies, without making any reference to the new duties. Two of these REPs were almost ten years old, and referred to organisations that no longer exist.
- Education authorities responded poorly to the employment aspects of the specific duty, even though their local authority had the same duty. In some cases, there may have been a genuine confusion between the two duties.
- Only one education authority sent in a REP that largely met the requirements of the duty. The majority of authorities that mainly met the duty were concentrated in the west central belt, although notably one island authority also produced a policy that mainly met the duty.
- Sixteen education authorities (50%) provided evidence that they had communicated the policy to schools, and had taken steps to mainstream the new duty within their monitoring and evaluation framework.

6. Conclusions

This report shows that progress is being made across all sectors, and in areas with different ethnic minority populations. The challenge is those areas that require further development.

Although authorities can decide how best to meet the race equality duty, a systematic approach is essential within the framework set by the requirements of the specific duty.

There is some indication that the different components of the race equality duty may not always be fully understood. The absence of employment plans in a significant number of schemes and policies may be due to lack of awareness of the employment duty.

7. Recommendations

The report's recommendations are clustered around three themes:

Keeping the legislation under review

- One of the CRE's duties is to keep the Act under review. The results of this survey, and other monitoring exercises, will help us make specific recommendations.

Providing practical guidance

- Greater effort will be needed to promote published guidance as well as to produce new guides on issues that appear to be holding back progress.

Supporting strategic partners

- The Scottish Executive and sector organisations should provide guidance and support for their sectors or areas of influence, and promote good practice.
- Inspection or regulatory agencies should consider how they can best use their functions to promote progress on the duty.