

30
years



COMMISSION FOR
RACIAL EQUALITY

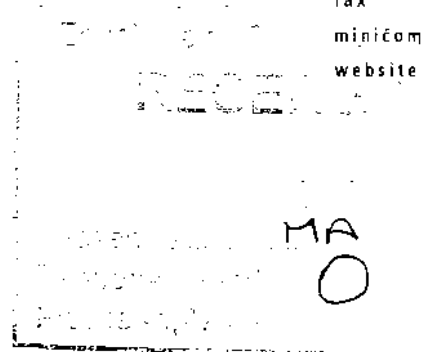
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30 April 2007

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Dear Mashuq

The Race Equality Duty: S.71 (1) Race Relations Act 1976,as amended (The Act) and the Race Relations Act 1976 (Statutory Duties)2001(the Order). Birmingham City Council's (BCC) Race Equality Scheme-Re-assessment.

I am writing to you on behalf of the Commission for Racial Equality (CRE) to inform you about the work we have done recently in re-assessing your revised Race Equality Scheme (RES) for the period 2007-2010, reviewing your functions and policies as relevant to the Race Equality Duty and the arrangements in place to fulfill the Duty.

As before, the comments set out below should be regarded as part of an ongoing and dynamic process, which should continually help to revise the scheme for the future.

General Comments:

Overall, this revised RES is an improvement on the previous RES, which was assessed in November 2006 as it has attempted to incorporate comments and recommendations made in the previous one in some sections of the scheme. BCC's failure, however, to again follow the simple and straightforward CRE guidance format in the Code has made it difficult to sift out the relevant pieces of information under the correct headings. Though some of the requirements are covered, they lack detail or scope and generally look more like intentions than real commitments to deliver the Duty.

The arrangements in place for fulfilling the Duty are not clear-cut and not in any order while the evidence supporting some of the assertions made are not provided. The evidence, also supporting attempts to mainstream impact assessment and consultation is not the strongest, though the Action Plan detail provided looks robust enough to suggest this will be the case in future.

Another area of concern was the paucity of information regarding what the authority would do if adverse impacts are encountered in any assessment. There is also the need for the authority to be more explicit about how impact assessment and consultation is fed into policy, while flagging up success measures to indicate experience gained on the ground.

The authority's failure to show how data is collected and collated, what monitoring systems are in place and which of the arrangements have monitoring systems in place meant much credence could not be given to the results obtained from such data. The authority should, similarly have shown what analysis has been done or will be done from any data collected.

Like the previous scheme, the authority is commended for continuing to show clear commitment at Directorial level to implement the RES. This remains a positive feature that should be upheld

There remain a number of specific concerns regarding individual arrangements that have not been set out in accordance with the various elements of the Duty. These are dealt with below:

Specific Comments:

Assessing functions and policies for relevance to race equality:

This part of the scheme is the most detailed. The list of functions and policies presented in Appendix 2 appears to cover all three strands of the Duty and that CRE's assessment grid has been used in the process as well as the authority's own assessment toolkit (EINA). However, there is no reference to the statutory 3-year review, even though the list of functions and policies mentions a 1, 2 and 3 year review dates. Because the 3-year review is mandatory, it needs to be mentioned as such. The addition of details of how and when activities will be completed makes the actions deliverable.

Assessing and consulting on the likely impact of proposed policies on promoting race equality:

Again, the authority deserves commendation for the detail provided on the authority's improved impact assessment tools and guidance, which ensured that the right questions were asked during assessment. In terms of consultation, however, though this is an improvement on the previous scheme, providing a list of organizations involved in the scheme is not enough. Consultation methods used should have been mentioned, as well as how the consultation process is monitored and include where the process is published.

Concerning the assessment itself, the lack of examples of data and research sources undermines the information provided. The authority needs to mention

what data, if any had been used in assessing different impacts on the population. More importantly, there are no indications of how the authority will deal with adverse impact once identified through the assessment process and how the authority will decide whether to adopt the policy or not. Details need to be more specific.

The arrangements for mainstreaming the equality agenda is a crucial one indeed and, probably, the ultimate aim of the Duty yet this was not made as explicit and detailed as it should have been. The detail on how the authority will monitor, review and evaluate its policies, once implemented, is spread all over the scheme and does not provide any coherent or well-organized arrangement. The mention of each Directorate completing an assessment of its monitoring, identifying gaps and producing action plans is commendable but not enough to give credence to the mainstreaming agenda.

It is laudable to commit to publish the scheme on the website, libraries etc. but there must be arrangements to depict how often and in what form, the results of assessments, consultations and monitoring will be published.

Monitoring existing policies for adverse impact on the promotion of race equality:

This was one of the most depleted sections of the scheme as it failed to mention the monitoring systems that they use to monitor their service delivery and employment practices by ethnicity. It also lacked any detail on the different functions and policy areas that the authority has ethnic monitoring systems in place. The authority ignored the recommendation to strengthen the detail on what explicit steps the authority takes to allocate ethnic monitoring indicators to their policies and functions as well as what success measures or monitoring criteria are in place for measuring their race equality performance.

The scheme detailed a range of methods they use to gather its monitoring data but no analysis to demonstrate trends or any inequalities. This is the surest way of keeping track of how different racial groups are affected by the authority's policies or whether people from all groups are equally satisfied with the way they are treated and to know whether services provided are suitable.

The detail, which is limited in scope, and provision therefore failed to comply with requirements. The authority must endeavour to improve this section substantially to reflect how often or why people use your services or not.

Publishing the results of assessments, consultations and monitoring

The detail on this section could have been strengthened and made more robust to include the different publication/communication methods that the authority employs to disseminate results, such as in Braille, large prints etc However, there

is a commitment to publish results in the annual progress report which will be placed on the website and in libraries but no real commitment to provide full reports of monitoring and impact assessments on request. In the process, the action plan detail does not do justice to these arrangements. There was no mention, for example, of whether published materials are translated into different languages or what provisions there are for residents who cannot visit the library or without access to the internet.

Since these lapses were picked up in the assessment of your previous RES, it is an area that needs specific and urgent attention. As a way of improving your publishing arrangements, it is suggested that that reports in each area should not only be placed in libraries but that a summary in each area be placed or highlighted in the local media or other popular means of communication.

Further attention needs to be paid to this element of the Duty, as there is a seeming lack of detailed arrangements about publishing the results of monitoring and this need to be reflected in an ongoing revised and firmed action plan.

Access to information and services:

The detail provided on the information and services the authority provides is quite elaborate and covers the relevance of the functions and policies to the Duty. The detail on how the authority currently make its services and information accessible could be improved to cover the requirements stipulated in Section 4.36 of the Code.

The authority has to show how it identifies the information and service experiences of those it serves, contract with, or regulates and to also show what processes will be undertaken when barriers to equitable access to information and services are identified.

The requirement that accessibility questions and criteria be integrated into the authority's review, impact assessment and monitoring arrangements are a crucial one that should be taken on board for this is how the authority can find out whether a service is not being fully used because people are not getting the right information or do not have access to it or whether the information so provided is user-friendly. There is a further need for a feedback system, which ensures the public can raise concerns. Attention must also be paid to the provision of outreach service to particular groups who may fall outside mainstream provision. On the whole, this is a poor section that needs vast improvements for the future

Training staff in relation to the general duty:

The newly improved training programme for staff, though short on training for the Duty itself contains an elaborate programme to include understanding of the new equalities legislation, training on the EINA. This specific duty, crucially, though,

includes meeting the training needs of the staff responsible for managing and delivering the Duty. Staff training should therefore continue to focus on what the authority needs to do to meet the duties laid down in the Race Relations Act.

There is no specific mention, though, of how the authority will integrate the Duty and the Order into its training programmes and more attention should be paid to providing role-specific training to those staff whose tasks are most relevant to certain specific duties.

The Employment Duty:

The detail provided in this section is sparse and v and made vague references to monitoring the composition of its workforce and other HR policies. The authority needs to show, however, that it has monitoring systems in place and collected ethnic monitoring data as well as showing where the results of such monitoring are published. The analysis that was done from the data must also be shown and if any outcomes or patterns of inequality were found, to show what steps will be taken to alleviate the problem.

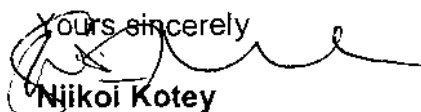
No detail of the authority's monitoring systems e.g., IT was provided as was the systems the authority has in place to regularly collate and analyze the employment data by ethnicity. There was also lack of information about what the authority will do when its monitoring data presents adverse impact. The lack of any evidence of both quantitative and qualitative data did not lend credence to any monitoring outcome that may have been achieved. In short, this section, like the others highlighted, needs revamping for the future.

In conclusion, the comments set out above are designed to be part of an ongoing process of constantly reviewing the scheme to take cognizance of changing trends, new ideas and legislation and to ensure your authority comply with the Duty as part of a wider monitoring process.

From the changes you have made to your scheme and impact assessments already, together with your indication through our discussions that you would respond positively to any further constructive comments we have to make on your revised scheme, we would hope that any outstanding concerns we have can be addressed through negotiation.

We are awaiting the revised Action Plan from you by 21 May as agreed unless there is a reason for this to change, in which case you have to inform us accordingly.

Yours sincerely



Njiko Kotey

Enforcement & Public Duty Team

Encl.Assessment template.

Our Ref: S:\MAIL185

21 May 2007

Niikoi Kotey
Enforcement & Public Duty Team
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201-211 Borough High Street
London
SE1 1GZ

Dear Niikoi

The Race Equality Duty: D.71 (1) Race Relations Act 1976 (The Act) and the Race Relations Act 1096 (Statutory Duties) 2001 (the Order)
Birmingham City Council's (BCC) Race Equality Scheme – Re-assessment

Further to my letter to you of 15 May 2007 in response to the CRE's re-assessment of the City Council's revised Race Equality Scheme (RES) for the period 2007 – 2010, I can now outline more fully to you the City Council's response together with our planned actions in line with the re-assessment.

Firstly, I am pleased that the CRE has commended the improvements and progress which the City Council has made with respect to this area of work, particularly given the issues and gaps which were highlighted in relation to the Council's earlier RES. Your comments and acknowledgements are a good reflection of the work which the City Council has undertaken over many months in response to those earlier concerns and assessments and I will be feeding back to Council senior managers and the Cabinet Member on the CRE's positive comments in that respect.

The City Council has long recognised the importance of this area of work and the requirements of the legislation. We have been clear from the outset that the response and actions for it need to be of an ongoing and sustained nature, particularly given the size and complexity of the organisation. However, as a result of your re-assessment, we have reviewed our direction of travel and set out in response an Action Plan to complement and enhance our existing Action Plans and which will enable the organisation to continue to make and track progress. I attach this for your information and attention. You will notice that this Action Plan references the areas of concern highlighted in your letter to me of 30 April and this approach is the approach the City Council has continued to use in response to CRE concerns and requirements from previous assessments.

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Monitoring existing policies for adverse impact on the promotion of race Equality

- Carry out activities and actions to ensure that information for the monitoring of service delivery is more readily available and that systems are more transparent
- Carry out activities to improve systems for monitoring service delivery with respect to different functions and policies
- Carry out activities to allocate ethnic monitoring indicators to policies and functions
- Take action to ensure that success measures are in place to measure race equality performance.

Publishing the results of assessments, consultations and monitoring

- Take action to address issues in relation to the CRE's concerns about different publication/communication methods
- Take action to ensure that full reports can be provided on request in relation to monitoring and impact assessments.

Access to Information and Services

- Ensure that information and service experiences of Council service users, contractors or regulators can be identified
- Ensure that processes will be undertaken when barriers to equitable access to information and services are identified
- Make arrangements for accessibility questions and criteria to be integrated into the Council's review, impact assessment and monitoring arrangements
- Make arrangements for a feedback system to ensure that the public can more readily raise concerns
- Consider the CRE's concerns about the provision of outreach services to those who may fall outside of mainstream provision.

Training Staff in Relation to the General Duty

- Consolidate current work to put in place a corporate Equality and Diversity training team
- Approve a corporate Equality and Diversity training plan which responds to the requirements of the General Duty and integrates requirements accordingly and report on progress annually.

The Employment Duty

As with all other areas which have been assessed by the CRE, the City Council has been positive in consistently responding to those assessments and concerns which relate to the Employment Duty. The Council's Annual Employment Monitoring report has been on the organisation's web site since August 2006 and I attach it again here for your reference.

Response to CRE General Comments

Through the Action Plan, the Council aims to:

- Improve the scope and detail of work required
- Ensure that actions are real commitments rather than intentions
- Put in place more effective arrangements for fulfilling the Duty and make these more transparent
- Provide more evidence to support requirements including in relation to mainstreaming Impact Assessments and consultation
- Improve information about actions which need to be taken to address adverse impact when it is identified
- Be more explicit about how impact assessment and consultation is fed into policy, and at the same time flag up success measures to indicate experience gained on the ground
- Improve work and activities in relation to systems for data collection, collation and monitoring and to show what analysis is done from data which is collected.

CRE Specific Comments

In relation to the CRE assessment and issues raised, the City Council is proposing actions to:

Assessing functions and policies for relevance to race equality

- Set out arrangements for requirements relating to 3 year reviews
- Ensure arrangements are in place for outlining details of how and when activities will be completed.

Assessing and consulting on the likely impact of proposed policies on promoting race equality

- Continue work to improve consultation methods
- Assess how consultation processes are monitored
- Outline where consultation issues have been published
- Provide greater details and examples on data and research sources and how this has been used
- Improve work to outline how the Council will respond to adverse impact and make decisions on whether a policy should be adopted.

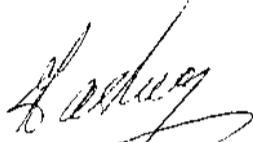
Our revised RES sets out specific and significant details in relation to the CRE's assessments and comments on the Employment Duty. However, in addition to the actions which have already been agreed and/or are already in place, the Council will:

- Take action to respond to requirements in relation to employees applying for training programmes
- Improve monitoring systems for employees applying for training

I hope that this response and the attached Action Plan demonstrates the Council's continued commitment to these areas highlighted and to making real and positive progress.

Please let me know if you require any further information.

Yours sincerely



Mashuq Ally
Head of Equality and Diversity

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COMMISSION FOR RACIAL EQUALITY

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4 July 2007

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Birmingham B3 3DA**

Dear Mashuq

The Race Equality Duty: Birmingham City Council's (BCC) Race Equality Scheme-Re-assessment.

Thank you for your letter of 21 May 2007, and the accompanying planned actions to revise BCC's RES, which I have now had time to look at in detail.

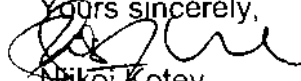
We are pleased to note that you will be taking on board the comments and recommendations suggested in my previous letter to you, particularly the action plans, which look more robust, with realistic timescales and responsible personnel

You can appreciate that even though the current RES had gaps that needed rectifying, it was still an improvement on the previous scheme and this means constantly reviewing policies and arrangements to ensure the Council does not fall foul of its obligation to fulfill the Race Equality Duty.

From looking at the action plans, it seems most of the changes to the new arrangements will be done by early 2008 and look forward to seeing them.

In the meantime, your annual employment monitoring project report could do with some analysis to give credence to the data and to show there is the capacity to identify any adverse impact and once identified, to demonstrate how the Council will be dealing with it.

Please do not hesitate to contact me if need be and could you confirm when BCC is likely to produce a new scheme containing our comments and recommendations.

Yours sincerely,

Nikoï Kotey
Legal Officer

Equality and Diversity
RECEIVED
05 JUL 2007
Passed to MA
Response needed <input checked="" type="checkbox"/> Yes
Please reply within 14 d