



# **PROMOTING RACE EQUALITY IN SOUTH AYRSHIRE**

## **RACE EQUALITY SCHEME 2005**

### **NOVEMBER 2008 ADDENDUM**

#### **Contents:**

- 1. Review of South Ayrshire's functions, policies and proposed policies for relevance to the general statutory on race equality.**
- 2. List of relevant functions and impact assessment summary as updated reflecting this review.**

## **Review of South Ayrshire's functions, policies and proposed policies for relevance to the general statutory on race equality – November 2008**

### **What is the list of relevant functions and policies?**

- When preparing our Race Equality Scheme, we were required to produce a list of our functions, policies and proposed policies and assess which of these are relevant to race equality and the general statutory duty.
- Section 71(1) of the Race Relations Act 1976, requires public authorities to have 'due regard' to the general statutory duty in carrying out their functions. This means giving appropriate weight to:
  - eliminating unlawful discrimination,
  - promoting equality of opportunity, and
  - promoting good race relationswhen carrying out functions and implementing policies.
- The rationale for producing this list is to help ensure that we mainstream race equality effectively into our core business and implementation arrangements. By going through this process we should identify all aspects of our business that are relevant to race equality, and by determining how each aspect is relevant, should be able to put appropriate measures in place to achieve real equality on racial grounds.
- To fulfil this responsibility the list of relevant functions, policies and proposed policies should have been prioritised in terms of their respective degree of relevance to race equality. This should have determined the nature and scope of the actions laid out in the Scheme and its action plan.

### **What have we been required to do and what has this shown?**

1. We were required to review our existing list of relevant functions, policies and proposed policies to ensure it is properly reflective of our organisation and business, and to give attention to any duties or powers which may have changed, through restructuring or any change in remit during the last 3 years.
  - Significant restructuring has taken place, with the removal of the Department of Environment and Infrastructure in 2006, which had implications across all Council structures; the reconfiguration of the Chief Executive's Department in 2007; and with the realignment of the management structures within Social Work, also in 2007.
  - Throughout this period of change, the existing Scheme has remained 'live', as responsibilities, functions and tasks have been re-assigned within our Council Performance Management System to match the new structures. This process will continue to deal with our most recent restructuring, agreed in October 2008, as it is implemented over the period to 1 April 2009.
  - To date, restructuring has not involved any material change to the services and risks previously identified within the list of relevant functions within our 2005-2008 Race Equality Scheme. However, within this review, we do identify a number of issues that we would want to address and which we intend to structure within an overall Equality and Diversity Policy for the Council.
2. We should review the progress made to date in implementing our Scheme.
  - We have done this through reports drawn from our Council Performance Management System, through which we can assess progress against the 161 tasks that we committed to in relation to the 49 relevant functions that were identified in November 2005. Alongside this we prepare and review quarterly equalities monitoring reports relating to our employment responsibilities, covering our race, disability and gender schemes.
  - We have not translated these sources of information into an annual report format, matching those prepared for our disability and gender schemes, but intend to address this as part of a single reporting regime to support an Equality and Diversity Policy for the Council.

- We have recognised that we have a significant journey to make in co-ordinating and refining our current planning, performance management and reporting regimes. As part of the work already underway, we have recognised the need to mainstream our evaluation of progress in terms of equalities issues. We will reflect on the guidance issued in support of this three year review of our Scheme, noting the following expectations:
    - *Have you established adequate systems for monitoring the impact of your existing relevant functions and policies?*
    - *Are you systematically monitoring the impact of high priority functions and policies on the promotion of race equality?*
    - *Have you identified disproportionality and taken adequate steps to address this?*
    - *Have you improved access to key services for all ethnic groups?*
    - *Does the evidence show you have properly judged relevance?*
3. We should identify any new functions and policies that have been introduced in the last 3 years and make sure that they have been assessed for relevance to the general statutory duty.
- No new functions have been added. A number of Equalities Impact Assessments have been carried out in relation to new policies put forward for adoption by the Council.
  - However, it is acknowledged that Equalities Impact Assessments have not been undertaken in a comprehensive manner across all areas of the Council. This is an aspect that we are currently reviewing and intend to address as part of the revised arrangements to support our proposed Equality and Diversity Policy.
4. We should identify any proposed functions and policies that we expect to introduce over the next 3 years to allow us to assess their relevance to the general statutory duty.
- Two areas have currently been identified, these being the introduction of a Customer Contact Centre and the potential transfer of all or parts of the Council's current Leisure operation to a Leisure Trust. These will both be subject to Equalities Impact Assessments to ensure that the equalities dimensions of these proposals are fully evaluated. Any issues that require to be addressed from a race equality perspective will be reflected in an updated version of the Scheme, which will form part of our proposed Equality and Diversity Policy.
5. We should produce a collated list of functions and policies (existing, recently adopted, proposed, forthcoming), prioritised according to the degree of relevance to the three strands of the general statutory duty.
- We have reconfigured the existing list of functions from 2005 to reflect the structures as currently in place. As already explained, we have not identified any material changes to services and risks previously identified.
  - However, we intend to overhaul this list and its risk assessment to reflect our new structures from April 2009. This will allow us to re-appraise the potential equality impacts and risks with those newly responsible for the delivery of those functions and policies. At present the detail of the new structures and the appointment process is on-going, which means in practical terms, this can only be worked through over the coming months. This exercise will be used to inform the development of our Equality and Diversity Policy.
6. We are required to revisit the Scheme and its action plan, to make sure it is reflective of the revised assessment of our functions and policies.
- As explained above, we believe the current Scheme, with a reconfigured list of functions, and the reconfigured series of actions as reflected within the Council's Performance Management System, as still being reflective of our assessment, pending us being in a position to undertake the review described above. The detailed actions currently in place will be overhauled as part of the review, which will also take account of the findings of the recent Audit Scotland report on 'The impact of the race equality duty on council services'.
7. We require to publish our new list of relevant functions, policies and proposed policies.
- We will do this and make it available through our Equalities and Diversity website, as an addendum to our current Scheme.

**LIST OF RELEVANT FUNCTIONS AND IMPACT ASSESSMENT SUMMARY  
UPDATED TO MATCH DEPARTMENTAL STRUCTURES AS AT NOV 2008**

\*\*\*These pages replace pages 12 to 20 in the 2005 Scheme\*\*\*

**Chief Executive's Department**

A number of the 'relevant functions' identified within this department have council wide importance, particularly 'Communications' and 'Engagement'. All departments are expected to contribute to these. Specific examples of departmental contributions to these functions are spelled out under different departmental lists of relevant functions.

<b>Relevant function</b>	<b>Impact Assessment Summary</b>
Best Value	The Best Value Regime requires that equalities be mainstreamed into the work of the council and its departments. Failure to do so will result in a risk that ethnic minority communities and individuals might receive less favourable treatment.
Communications	The Council communicates with the public through a number of channels including a wide variety of printed material, telephone and face-to-face meetings. Electronic communication including emails and the website is becoming increasingly important and the Council is about to introduce a telephone contact centre. There is a risk that we are not communicating effectively with residents of South Ayrshire, particularly those for whom English is a second language.
Council Tax and Benefits	The Council needs to ensure that in both the collection of Council Tax and payment of benefits that accurate and accessible information is communicated to all. Failure to do so could put individuals or communities at risk and lead to difficulties with Council Tax collection or uptake of benefits.
Elections	It is essential to ensure that the management of all elections is done in a way to maximise participation by all communities, to avoid a risk of groups or individuals being disenfranchised or otherwise excluded from the democratic process.
Employee Development	We need to be certain that opportunities for review of development needs are given to all employees, and that training and development activities are accessible to all. There is a risk that opportunities for training and development are not being identified and offered equally to all employees.
Employee Relations	We need to ensure that policies and procedures have equalities aspects built in at the design stage, and that they are applied fairly and equally to all employees. There is a risk that policies and procedures and terms and conditions of employment could discriminate against some employees from ethnic minority groups.
Employee Resourcing	We need to be certain that information is available for applicants from all communities. This includes advertisements, forms and other information, the Council's website and verbal communications. For existing employees, we need to ensure that opportunities for promotion, flexible working and working beyond age 65 are accessible, and that termination methods (including retirement and redundancy) are applied equally. There is a risk that we are not communicating with all possible applicant groups, particularly those for whom English is a second language.

<b>Relevant function</b>	<b>Impact Assessment Summary</b>
Engagement	The Council has limited engagement with ethnic minority communities in South Ayrshire. This creates a number of risks: that we do not know the needs of individuals or communities accurately; that we cannot provide services properly or that we cannot develop policies to promote race equality effectively.
Partnership working	Partnership working both within South Ayrshire and across Ayrshire through the Ayrshire Race Equality Partnership provides an effective way of promoting race equality by sharing our limited resources and expertise. Failure to develop race equality working through partnership would both run the risk of slowing the progress of race equality working in South Ayrshire and also miss the opportunity to share our limited expertise.
Policy advice	The Council, its committees and departments must be kept informed of relevant data, statutory requirements and best practice in the promotion of race equality. Without timely provision of information there is a risk that the Council will fail in its duty to promote race equality.
Reception / Switchboard	As first point of contact for many people it is vital that all relevant staff are properly trained to respond positively to callers and visitors, including those for whom English is a second language.
Website	The website is an increasingly important tool of communication with residents, visitors and others. The Council must ensure that the website is as accessible to as many individuals and communities as possible to minimise the risk of 'digital exclusion'.

### **Development, Safety and Regulation**

<b>Relevant function</b>	<b>Impact Assessment Summary</b>
CCTV	The Council CCTV Monitoring Station can provide support to the Anti Social Behaviour Team and others in tackling racist behaviour.
Citizenship ceremonies	This new function offers the opportunity to promote positive images of race equality for residents and visitors. It is also important to ensure that the ceremonies are sensitive to the needs of different communities.
Community Safety	The Council has a growing role in tackling anti social behaviour, including some types of racist behaviour. Unless the council addresses this in partnership with Strathclyde Police and others there is a risk that racist behaviour will go unchallenged.
District Court and Licensing	It is essential that this legal and regulatory function is carried out in a way that is fair and accessible to all. The management of the counter service has been identified as a specific issue that needs to be addressed to minimise any risk of misunderstanding or poor communication.
Enterprise	There is need to ensure that economic development policy is providing benefits to all parts of the community and that financial support is accessible to all communities.
Grants to the Voluntary Sector	Grants must be available for all sections of the community and where appropriate directed to help promote race equality. There is a risk that the lack of community and voluntary ethnic minority organisations in South Ayrshire is slowing the development of race equality work.

Planning and Building Standards	The service communicates on a range of complex advisory and regulatory issues, such as development and building control, or energy advice. It is essential that both written and verbal communications are accessible to all to avoid the risk of disadvantage to any community or individual.
Public Health and Food Safety	Regulatory and advisory information needs to be communicated to the catering industry and others. Without effective communication there is a risk that important information relating to health will not be understood.
Trading Standards	A range of information and regulatory information is provided to communities and businesses. There is a risk that communities or individuals will be put at risk if this information is not communicated effectively.
Transportation and Road Safety	There is concern that the Council's information and publicity on transportation and road safety needs to be more effectively communicated to all groups within the community.
Waste Management	Communication between the refuse collection services and commercial and domestic users from all communities needs to be effective. Misunderstandings have occurred in the past, due to translation and interpretation issues, particularly in relation to trade waste from restaurants.

### Education, Culture and Lifelong Learning

Relevant function	Impact Assessment Summary
Community Education	Community Education provides a range of services that contribute to community learning and development and have an important role in community planning. The Council has identified communication and engagement as priorities: community learning and development has a central role to play in developing these priorities.
Leisure	The AREP survey indicated that culturally appropriate sporting facilities were a priority for some minority communities (for example single sex swimming sessions). The Council needs to promote greater awareness of existing culturally appropriate facilities and services, and ensure that leisure services and sports development take account of this need.
Libraries	The library service attempts to provide a universal service to meet the needs of all communities across South Ayrshire. There is a concern that the service is not currently meeting the needs of all residents and visitors and that some individuals or communities might be disadvantaged as a result.
Museums	The Museums & Galleries Service aims to provide a service to our full community and beyond. The Service is concerned to present material and information in an accessible way, irrespective of cultural background, gender or physical or intellectual capacity.
Pre Five service	The pre-five service includes both direct provision by the Council and through partner organisations. In both cases it is essential to ensure that the service promotes race equality and arrangements with partner providers must ensure that this is put into effect.
Schools	Schools have a vital role in promoting race equality. It is essential that the service meets the needs of pupils from all communities and that it promotes race equality as part of the curriculum. While the Council has an existing Race Equality policy for schools developed as a part of the Race Equality Scheme 2002, this review allows the service to examine and improve its work to promote race equality.

## Social Work, Housing and Health

Relevant function	Impact Assessment Summary
Allocation of Council House Tenancies	<p>Allocation Policy must operate in a way that guarantees equality of access for all groups and takes account of the needs and preferences of all groups. This includes access to information on how the system works, options, tenants rights and responsibilities.</p> <p>Housing staff should be trained to understand the needs of different communities and to recognise and avoid prejudice and stereotyping.</p>
Children and families in need of support (voluntary and involuntary)	<p>It is essential that this service meets the needs of children &amp; families from all communities and that it promotes race equality as part of the overall service delivery.</p>
Commissioning & Contracting	<p>We need to ensure that all services, which we contract or commission, meet the Council's Race Equality requirements.</p>
Community Care Service Units	<p>We need to review policies &amp; practices within community care services to ensure that the needs of individuals from all communities are met properly.</p>
Community Development	<p>The aim of the Community Development Section is to assist various groupings within the community to participate in planning, regeneration and to develop a sense of responsibility.</p> <p>The strategy and planning of all sections of the department must consider the needs of the whole community including minority groupings.</p> <p>Community Development involvement in all three processes is paramount to our consultation/ participation in community planning and will specifically develop strategies to engage with BME groupings.</p>
Community Regeneration	<p>The aim of Community Regeneration is to close the inequality gap between different sections of the community. The needs of the whole community including any minority groups need to be considered as part of the planning process</p> <p>Policies need to take account of community cohesion and any community tensions/concerns.</p>
Criminal justice social work	<p>The Criminal Justice section provides a range of services that contribute to the Ayrshire Criminal Justice Partnership and has an important role in the delivery of these services across the community as a whole. The department has identified communication and engagement as priorities to providing an equitable service to all communities within South Ayrshire.</p>
Estate Management	<p>Effective engagement with tenants of all ethnic groups is essential. Staff need to be able to identify the needs and preferences of all groups within the community.</p> <p>Estate Management procedure and Anti -Social behaviour policy need to take account of equality issues and have effective means of dealing with racial harassment.</p>
Homelessness Services	<p>The Homelessness assessment process must operate in a non-discriminatory way. Both services to the homeless, advice and information must take account of the needs of all ethnic groups.</p>
Housing Advice and Information Services.	<p>Unless all our advice and information sources are accessible to all we are not providing an equitable service to all communities, therefore effective communication is essential, both for our own staff and other providers.</p>
Housing Support	<p>Housing Support Providers must operate a race equality policy and ensure that service delivery is non-discriminatory; and deliver a service that takes account of the needs and preferences of all service users.</p>

<b>Relevant function</b>	<b>Impact Assessment Summary</b>
Older people with assessed needs	Older People's services have a vital role in the continuing community living of its clients. It is essential that the service meets the needs of clients from all communities and that it promotes race equality as part of the overall service delivery.
People with alcohol and substance misuse problems	All adult services must take account of the needs & preferences of all services users and their carers. We have a duty to ensure that providers of services operate a race equality policy & that service is delivered in a non-discriminatory way.
People with disabilities and their carers	All adult services must take account of the needs & preferences of all services users and their carers from different communities. This is to ensure that the needs of service users with disabilities and carers are addressed properly. It is also essential to ensure that providers other than the Council operate a race equality policy & that service is delivered in a non-discriminatory way.
Policy and Strategy	Regeneration and housing strategy needs to be developed taking account of equality issues and their impact on different community groups. Strategy and development decisions need to be based on a robust assessment of need, which reflects the needs of all groups within the community. We need to seek engagement with hard to reach groups in our consultation processes.
Rent Collection and Arrears Management	Rent collection and arrears control must not discriminate against any group. All groups within the community need to be aware of their entitlement to Housing Benefit and other advice.
Repairs maintenance and upgrading of Council housing	All clients should have equal access to our repairs service and information on our repairs procedures need be accessible to all. We need to ensure that all our contactors adhere to racial equality policies and standards.
Services to Gypsy Travellers	We have to ensure that policies and procedures for services to gypsy travellers are non discriminatory; including equal access to information and advice; and that staff are trained to understand the needs of gypsy travellers
Tenant Participation	Tenant Participation Strategy needs to take account of equality issues, to engage with hard to reach groups and encourage their involvement. Tenants & residents groups need an awareness of racial equality issues and their responsibilities under RRA
Welfare rights/advice services	Unless all our advice and information sources are accessible to all we are not providing an equitable service to all communities, therefore effective communication is essential, both for our own staff and other providers.

#### **Functions to be assessed during 2009-10:**

<b>Relevant function</b>	<b>Impact Assessment Summary</b>
Customer Contact Centre	In setting up the call centre, we will need to consider how we meet the needs of people whose first language is not English and how we accommodate those who have difficulties in communicating by phone. We will undertake an Equalities Impact Assessment to review these and other potential issues to ensure that the facility is as inclusive as possible.
Management of Leisure facilities	We will undertake an Equalities Impact Assessment to ensure that any revised management arrangements embrace and promote equalities as fully as possible. We will ensure that if management is to be through a Trust, that it adopts an Equality and Diversity Policy in line with that of the Council.