

TONBRIDGE & MALLING BOROUGH COUNCIL

POLICY OVERVIEW COMMITTEE

20 August 2008

Report of the Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet

1 RACE EQUALITY SCHEME – THREE YEARLY REVIEW (2008-2011)

This report outlines the need for a three yearly review of the councils Race Equality Scheme and proposes a draft Scheme, attached at Annex 1.

1.1 Background

1.1.1 The Race Relations (2000) Amendment act gave all local authorities a new statutory duty to promote race equality under both “general” and “specific” duties.

1.1.2 In order that the Council meets the “general duty” under this act it is incumbent upon this authority to;

- eliminate unlawful racial discrimination,
- promote equality of opportunity between persons of different racial groups and
- promote good relations between persons of different racial groups.

1.1.3 The “specific” duty placed on this authority requires that the Council publish a Race Equality Scheme which;

- identifies the functions and policies that are relevant to race equality
- says how we are going to assess and consult on the impact of our policies
- indicates our arrangements for monitoring our policies for any adverse impact on the promotion of race equality
- specifies how the results of assessments, consultation and monitoring to identify any adverse impact on race equality will be published
- gives details of our arrangements for ensuring that the public has access to information and services
- describes arrangements for training staff in their duty to promote race equality.

- is reviewed after three years.

1.1.4 In addition we are required to have in place arrangements for meeting employment duties under the Act, including:

- collecting and monitoring information on staff, job applicants, training and grievance and disciplinary procedures
- analysing data to remove patterns of inequality
- taking action to remove barriers and promote equality of opportunity
- publishing the results of monitoring each year.

1.2 Consultation

1.2.1 In line with the requirement to review and refresh the Race Equality Scheme every three years it is acknowledged as best practice to consult during such reviews as the resultant scheme will be more meaningful for residents, service users and members of public and the consultation will provide us with a check that we are addressing the correct matters for our stakeholders.

1.2.2 Further to reporting to Members (CDAB 15 May 2008) outlining our consultation process I am pleased to feed back to Members results of this consultation.

1.2.3 Whilst every effort was made to engage with individuals and groups from an ethnic minority background, Unison, statutory bodies as appropriate and the general public, (through our website) little response to this consultation has been received. However, the comments and suggestions that were received have been included within, and have strengthened, our proposed Scheme. The main points, raised are clearly identified within Section 4 of the Scheme itself, (Annex 1).

1.2.4 Upon taking advice from the Equality and Human Rights Commission, I can confirm that until Member agreement of our revised scheme for 2008-11 it is appropriate that our current scheme and action plan remain in operation.

1.3 Action Plan

1.3.1 The Action Plan is an integral part of the Race Equality Scheme as it outlines the steps that the Council proposes to take within the three year period 2008 – 2011, to ensure that we meet with our statutory duties. This action plan reflects:

- priorities identified through consultation
- the strategic priorities of the Council
- specific outcomes which the Council wishes to achieve to promote race equality set out against a realistic timescale
- lines of accountability
- measureable indicators of achievement.

- 1.3.2 It should be remembered that the Action Plan included in the draft Race Equality Scheme (Annex 1) to this report is very much a “living document”. Therefore, it is possible that further actions may be identified during the life of the scheme, if this is the case these will be reported to members on an annual basis.

1.4 Legal Implications

- 1.4.1 The Council would be failing to comply with the Race Equality Duty if it did not review and publish a Revised Race Equality Scheme and action plan on a three year cycle.

1.5 Financial and Value for Money Considerations

- 1.5.1 It is anticipated that all actions contained within the Race Equality Scheme will be met from existing budgetary provision.

1.6 Risk Assessment

- 1.6.1 The general duty is enforceable by judicial review. Any person or body affected by a failure to comply with a general duty by a public authority may take action through judicial review proceedings.
- 1.6.2 The Equalities and Human Rights Commission, will have the power to conduct formal assessments and to issue compliance notices which will be enforceable in the courts.
- 1.6.3 In addition it is likely that relevant inspection bodies will require evidence of compliance with the general and specific duties.

1.7 Policy Considerations

1.7.1 Equalities/Diversity

The adoption of a revised Race Equality Scheme will provide a valuable assessment tool against which the authority will be able to demonstrate how it continues to meet its statutory duty's and provides services to the community in a fair and equitable manner.

1.8 Recommendations

- 1.8.1 That the draft Race Equality Scheme 2008-2011, as set out in Annex 1 of this report, be commended to the Council for adoption.

Background papers:

contact: Paul Fowler

Nil

David Hughes
Chief Executive