

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Leader and Cabinet

12 January 2006

AUTHOR: Chief Executive

RACE EQUALITY SCHEME: THREE-YEAR REVIEW

Purpose

1. To review the Council's progress in fulfilling its statutory duty to promote race equality and to recommend to Council an improved Race Equality Scheme and action plan up to 2008 as attached.

Effect on Corporate Objectives

2.	Quality, Accessible Services	The Council's commitment to race equality is reflected in the corporate objective on "high quality, accessible, value for money services", the corporate priority on "improving customer services" and a number of policies and strategies (see Part 3 of the draft Race Equality Scheme). Travellers represent the largest ethnic minority in South Cambridgeshire, and the proposed action plan places particular emphasis on actions relating to Traveller issues.
	Village Life	
	Sustainability	
	Partnership	

Background

3. The Council has a statutory general duty, under the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000, to eliminate unlawful discrimination and to promote equal opportunities and good relations between people from different racial groups. This relates both to the Council's employment practices and service provision. There are also specific duties to produce a Race Equality Scheme (RES), which identifies relevant local policies and services and sets out how the general duty will be implemented (including monitoring, consultation, publicity and training arrangements). The RES must be updated every three years.
4. The Cabinet agreed the Council's first Race Equality Scheme in October 2002. The three-year review was required by the end of May 2005, but competing workload pressures (including the ramifications of council tax capping) got in the way. The fact that the RES update is overdue presents some significant risks (see paragraphs 11 – 12), which – if not addressed - could put further pressure on the Council's capacity to deliver services and meet its corporate objectives and priorities.

Considerations

5. Officers have now carried out the three-year review, and the new draft Race Equality Scheme is attached. Members' attention is drawn to the Overview in Part One, which highlights the Council's approach to race equality and summarises the contents of the RES. The update has been guided by the following considerations.
6. **Fairness:** As a responsible service provider, employer and enforcer of planning law and other statutory regulations, it is important that the Council can demonstrate its commitment to treating everyone fairly and equitably, regardless of their ethnicity. This will help to increase public confidence and to counter accusations either of

discriminating against particular ethnic minorities or, indeed, of favouring the interests of particular groups over those of the wider community.

7. ***Keeping it as simple as possible:*** Given the extent of detailed guidance (over 200 pages, plus a website) produced by the Commission for Racial Equality (CRE), the attached 25-page draft SCDC Race Equality Scheme is relatively short. Many councils have produced much longer schemes. Your officers have taken a common sense and realistic approach, with a clear emphasis on working within resource constraints post-council tax capping.
8. ***Strengthening the Council's approach:*** The three-year review has brought to light considerable progress on race equality that the Council has made in some areas, which had not previously been recognised or catalogued. At the same time, and with the benefit of hindsight, it is also clear that more flesh needs to be put on the bones of the Council's first RES in order to meet official requirements and expectations and to look credible alongside the updated schemes produced by other public bodies in 2005: the 'bar' has been raised since 2002.
 - a) Whilst CRE guidance accepts that the scale of race issues and the capacity to address them varies from authority to authority, it also makes clear that councils should make themselves aware of unequal treatment of ethnic minorities (both actual and potential), implement action plans fully, monitor progress regularly and take proper follow-up action.
 - b) The three-year review at SCDC has helped to show how the updated Scheme can be made more relevant to SCDC services, within existing resources, by integrating race equality measures into existing service delivery and corporate mechanisms (eg, customer care, service planning and cross-departmental work on Traveller issues).
9. ***Embedding race equality into SCDC's ways of working:*** A key improvement that has been identified is the need to assign responsibility to a senior manager for overseeing the implementation of the Council's corporate approach to race equality. This will help to make sure that the importance of race equality is not 'crowded out' by competing workload pressures.
 - a. The Head of Policy and Communication has been asked to take on this role given that the general and specific statutory duties relate to the delivery of Council policies and services, as well as employment practices. At the same time, all service heads are responsible for making sure that their respective service units treat all their customers fairly and equitably.
 - b. At Member level, the Cabinet in October 2002 appointed the portfolio-holder for Information and Customer Services as the lead Cabinet member for race equality. Other portfolio-holders also need to ensure that race equality measures are applied to the services for which they are responsible.
10. ***Consulting the local community:*** The Cabinet is asked to recommend that the draft updated Race Equality Scheme be approved by the full Council. Once agreed, the actions for the remainder of 2005/06 and 2006/07 will be implemented. At the same time, conscious that the CRE official guidance expects councils to seek comments from their local communities on their Race Equality Schemes, there will be a two-month public consultation period during February and March 2006. This approach is being taken so that the Council can have a Race Equality Scheme (albeit a provisional one) in place as soon as possible.

- a. The Race Equality Scheme, to be considered/approved by the full Council at the end of January, will be presented as a consultation draft. Consultees will be asked to comment on how the Scheme can be developed as a working document, within current resource constraints, in order to meet statutory requirements and the needs of the local community.
- b. The consultation draft of the RES will be sent to: all parish councils; members of the Local Strategic Partnership; the Ormiston Children and Families Trust; the Travellers Officers at the Government Office for the East; Cambridgeshire Race Equality and Diversity Service; Cambridge Ethnic Minority Forum; the Commission for Racial Equality; and the local trades union branches. It will also be made available on the Council's website and publicised with a news release.
- c. The consultation period will also give service heads an opportunity, at the same time as the 2006/07 service planning process, to carry out any fine-tuning to the proposed actions in the action plan that relate to their units' services.
- d. Following the consultation period, the comments received will be reported back to the Cabinet, which will then be asked to agree any amendments necessary and finalise the Scheme.

Implications

- 11. **Legal implications:** By missing the May 2005 deadline for the three-yearly review of the RES, the Council is currently in breach of the Race Relations (Amendment) Act 2000. Taking remedial action (that is, agreeing and implementing an updated Race Equality Scheme) is a 'must-do'. Otherwise, the Commission for Racial Equality, using its statutory powers, could take enforcement action against the Council.
- 12. **Risk management implications:** However understandable the missing of the May 2005 deadline may be – given other issues at the time - there are highly likely and critical risks attached to this breach of the requirements. If this is not rectified, the main potential implications are as follows.
 - a. The Commission for Racial Equality could launch a lengthy and time-consuming investigation of SCDC's approach to race equality (and Traveller issues, in particular). Given existing workloads and capacity constraints, the Council cannot afford this to happen as it would divert attention from day-to-day service delivery.
 - b. The Council's approach to addressing unauthorised Traveller encampments could be challenged. Parallels can be drawn from the experiences of Basildon District Council, which faces similar Traveller issues. The Commission for Racial Equality has been granted leave to take part in a High Court challenge early next year of Basildon DC's plans to evict illegally-camped Travellers on the grounds that it is not fulfilling its duty to promote race equality. Please note that the risk of similar action being taken by the CRE against South Cambridgeshire DC can be minimised, but not prevented, by adopting an improved Race Equality Scheme.
 - c. Member and public confidence in the Council could be adversely affected.
 - d. It could jeopardise the Council's chances of making successful bids for specific Government funding and other sources of grants;
 - e. It could adversely affect the Council's rating in any future Comprehensive Performance Assessment. The lack of clear action-planning behind the Council's first Race Equality Scheme was criticised by the Audit Commission in 2004.

13. **Financial implications:** The action plan within the draft Race Equality Scheme will be carried out within existing resources. Although the corporate training budget has been cut in half for 2006/07, race equality awareness-raising will be integrated into the 'Service First' customer care training for all staff.
14. Many of the actions identified are steps that service units were planning to take in 2006/07 anyway. The Scheme emphasises that actions earmarked for 2007/08 are provisional at this stage. The action plan will be updated towards the end of 2006/07 once the practical implications of the post-council tax capping budget reductions have been more fully assessed.
15. **Staffing implications:** By developing this Race Equality Scheme and action plan in consultation with Service Heads, steps have been taken to keep additional workload pressures on staff to a minimum. Certainly, the process of reviewing the Council's first RES has highlighted the value of existing corporate working groups in making links between different services and official requirements and providing a more co-ordinated approach.

Consultations

16. This issue is addressed in paragraph 10 above.

Recommendations

17. That Cabinet recommends to Council the approval of the attached Race Equality Scheme for 2005-2008 as a consultation draft for subsequent public consultation.

Background Papers:

The following background papers were used in the preparation of this report:

- Race Equality Scheme 2002 – 2005, SCDC, October 2002: www.scams.gov.uk/documents/retrieve.htm?pk_document=2057;
- Report to Cabinet on Race Equality Scheme, SCDC, 31 October 2002;
- "The duty to promote race equality: a guide for public authorities", CRE, May 2002;
- "The Race Equality Duty and the Statutory Three Year Review, CRE, February 2005;
- "Ethnic Monitoring: a guide for public authorities", CRE;
- "Gypsies and Travellers: a strategy for the CRE 2004 – 2007", CRE, 2004;
- Commission for Racial Equality website: www.cre.gov.uk;
- "Traveller Voices", Ormiston Trust, 2003;
- "Traveller Voices: one year on", Ormiston Trust, 2004;
- SCDC strategies and Community Strategy: www.scams.gov.uk
- Other councils'/public authorities' Race Equality Schemes – in files held by the Head of Policy & Communication;
- 2001 Census results, Office for National Statistics: www.statistics.gov.uk/default.asp.
- "Ethnicity and religion in Cambridgeshire", Cambridgeshire County Council Research Group, May 2004.

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