

Race Relations (Amendment) Act: HPC's duties

Introduction

This document is a strategy and timetabled plan. It describes how the HPC is meeting, or going to meet the general duty under the Race Relations (Amendment) Act.

It sets out:

Those functions and policies which have been assessed as relevant to the general duty;
and

Arrangements for:

Assessing the likely impact of future policies on the promotion of racial equality;
Monitoring policies for adverse impact on the promotion of race equality; and
training in connection with the duties under the Act.

In addition, specific employment duties are described within this document.

Decision

The council is asked to agree the following strategy and timetable in relation to the HPC meeting its general duty and specific employment duties under the Race Relations (Amendment) Act 2000

Operating Principle

The HPC's primary objective is to protect the public. It is important to note that there may be circumstances where the public interest or the HPC's statutory obligations to protect the public require the HPC to adopt a policy or procedure that might be seen as discriminatory. In those circumstances the HPC would seek to minimise the discriminatory impact of the policy or procedure by communicating the reasons for the policy.

Background Information

The HPC is committed to the principles of equality of opportunity. It aims to promote fairness, transparency and diversity in the way it provides its service as a regulator and in the way it treats its employees, partners, and council and committee members.

In practice this means not merely responding to legal pressures or the threat of legal sanction but also taking on board the spirit of major legislation and best practice innovations.

Legal Context: The Race Relations (Amendment) Act 2000

The amendment to this Act has its origins in the Stephen Lawrence Inquiry. One of the main conclusions of the inquiry was that public bodies

were in danger of suffering from institutional racism through a failure to provide an appropriate professional service to people because of colour, culture or ethnic origin which can be seen or detected in processes; attitudes and behaviour.

As a result, the amended Act places a duty on all public bodies to promote race equality. HPC's duties under the Act are general. In practice this means that the HPC must take account of racial equality when developing policy, providing services, and as an employer.

Additionally, under the employment duty of the Act, the HPC is required to monitor by ethnic group, its existing workforce, and applicants for jobs, promotion and training. The results of these should be published annually.

With less than 150 full-time employees, the HPC is not required to monitor grievances, disciplinary action, or dismissals.

Relevant HPC Functions and policies

An initial identification of functions relevant to the general duty has been made. These are set out at appendix one.

This list will be reviewed by all functional heads by May 2005. The review will involve Heads of departments screening policies in their areas at this stage it is likely that additional functions and policies will be added. Given this, a high, medium or low prioritisation will be given to the list of relevant functions and policies.

The initial identification of functions and policies was informed by the following considerations:

- Whether the general duty – promoting equality of opportunity and promoting good race relations applies;
- Whether there is some evidence that the function or policy is affecting some racial groups differently;
- Whether there is any public concern that the function or policy in question is causing discrimination; and
- Whether there is any public concern that the policy is damaging good race relations.

With immediate effect new policies will be screened, those identified as relevant to the general duty or the specific employment duty will be fully impact assessed

Impact assessments will be based around the following questions:

- Is there a possibility that this function or policy could produce an adverse impact?
- Is there evidence that this policy is discriminatory or perceived as discriminatory?
- Is the policy damaging good race relations or failing to promote good race relations?
- If the policy adversely affects people from certain racial groups, can it be justified because of its overall objectives?

Once each policy has been screened or assessed, a new review date will be set within at least the next three years. If necessary, or as circumstances change, policies will be re-prioritised. The frequency of the review and monitoring of each policy for 2005-8 will depend on the priority it has been given.

In summary, there are four separate processes involved:

1. Existing functions and policies screened for relevance to the duty;
2. Functions and policies identified for relevance to the general duty;
3. New policies fully impact assessed; and
4. Ongoing monitoring and review during 2005-8 will be determined by the priority description given to each policy.

To ensure that those involved in either commissioning or developing policy are able to impact assess their policies robustly, training will be provided from April onwards.

Work arising from initial identification of relevant functions and policies

Registration

By May 2005 the process of collecting information on the ethnic composition of registrants and applicants will begin. This information will be provided on a voluntary basis. The intention is that this will provide the HPC with a baseline for future analysis and monitoring of ethnicity trends. The ethnic classifications used will be the same as those used in the 2001 census. In the case of applicants, this information will be requested using a supplementary form, in this way no changes will be required to the application form.

In order to capture this information electronically and ensure that it is restricted, the LISA system will require an upgrade. The HPC will have due regard to the Data Protection Act

Currently, the information the HPC holds on registrants' and applicants includes their nationality and country of training.

From April 2005 partner registrant assessor training will be reviewed and an appropriate component on the general duty included

Fitness to Practice

As a result of the work described above, and depending on response rates from registrants and applicants, it should be possible by August 2005 to monitor registration appeals by ethnicity. By September 2005 it should be possible to monitor sanctions given by ethnicity. A monitoring system will need to be developed to support this.

Presently, information on allegations/self referrals by nationality is collected.

The two day partner panel training includes a component on equal opportunities. It will, if necessary, be revised to include reference to HPC's general duty.

Education and Policy

Presentations to students on the role and function of HPC will now include information on HPC's general duty.

As a new policy, CPD will be impact assessed.

The two day partner visitor training is under development a component on HPC's general duty will be included.

Human Resources

By February 2005 existing monitoring systems will be developed to include information on the ethnic composition of employees that have received training and those that have been promoted.

From next year HPC will publish annually information on the profile of its employees. This will include recruitment activity, promotions and training take up.

Information on the employee and partner profile as at September 2004, are set out at appendices 2 and 3. The ethnic categories used were consistent with those used in the 2001 census.

The employee handbook introduced at the beginning of this year includes policies on Diversity and Harassment. These, plus the Code of Conduct and Behaviour form part of HPC's terms of employment.

Monitoring of Policies

In order to identify the effects of policy it is essential to have an effective, up-to-date and relevant monitoring system. Monitoring is the most reliable way of knowing whether a policy is working and ensuring that it is not discriminating against certain groups.

If monitoring reveals an adverse effect on race equality, the policy will be reviewed and if not justifiable, then it will be amended or an alternative policy produced to meet the same purpose.

The amount of time and effort spent monitoring a policy has to be proportionate to the impact of the policy.

Training

As stated earlier specific training will be made available for those involved in policy development. Training will be available by next June and will cover: the necessity for policy impact assessment, and the general duty.

Diversity training for employees will be rolled out over 2005/7.

Resource implications

Executive time to:

identify functions and policies for relevance to the general duty

fully impact assess these policies.

monitor and review

Financial implications

Financial implications have been costed at £55K.

Appendix 1

Initial identification of Functions and Policies; relevance to the general duty

Function	Policy/procedure	Date due
Registration		
UK Registration	Registrant data	May -05
Int'l & Grandparenting Fitness to Practise	Registration assessor training	April -05
	Registration appeals Sanctions by ethnicity Partner Panel training	Aug -05 Sept - 05 April - 05
Education & Policy		
	Presentations to students Partner visitor training	2005 2005
Human Resources	Training Recruitment	Feb-05 Feb-05

