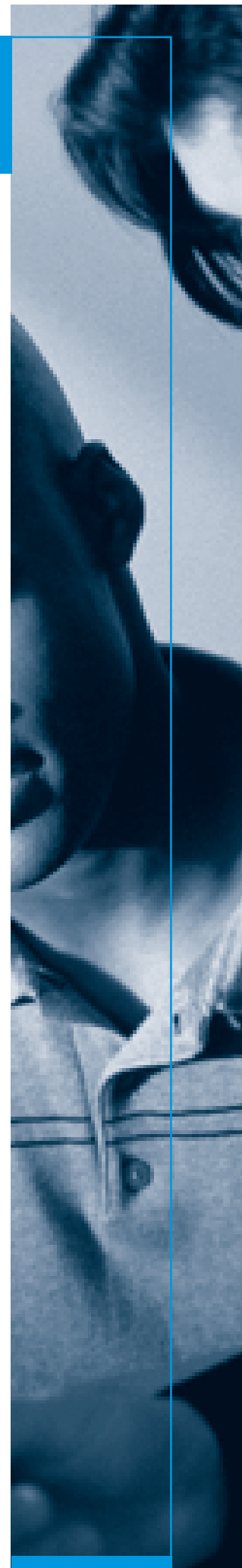


# Implementing the Race Relations Amendment Act

A NATFHE/UNISON GUIDE

# Contents

<b>Introduction</b> .....	1
<b>The law in context</b> .....	2
<b>The six steps</b> .....	4
<b>Using the law: advice for trade unionists</b> .....	8
<b>Equality in NATFHE and UNISON</b> .....	9
<b>Exercises</b>	
<i>A 'model' policy</i> .....	10
<i>Training</i> .....	11
<i>Monitoring</i> .....	12
<i>Targets</i> .....	12
<i>Interview panels</i> .....	13
<i>Race action plan</i> .....	14
<i>'But we don't have to talk to you'</i> .....	14
<b>Further reading</b> .....	15
<b>Appendices</b>	
<i>The national agreement in further education</i> .....	16
<i>The national agreement in higher education</i> .....	21
<i>The relevant sections of the law</i> .....	27
<i>Checklist</i> .....	27
<i>Useful addresses</i> .....	28





# Introduction

The Race Relations Amendment Act is one of the strongest equality laws in Britain, and one of the strongest protections that working people have. Based on the idea that the only way to achieve good race relations is through providing practical equality at work, it insists that all public sector bodies - including colleges and universities - have a positive duty to promote good race relations. It sets out extensive duties for employers, and includes a series of steps to punish institutions that fail to do what they need.

But despite these strengths, the act is undervalued and underused. Many trade unionists have allowed the issues it covers to drop down their list of priorities. Others have assumed that the law must be so complex that only lawyers can understand it properly. In fact, the law is relatively simple and quite easy to understand.

Trade union reps working for racial equality should not feel that at each stage they have to reinvent the wheel. In 2002, the Commission for Black Staff in Further Education published a report setting out recommendations for how the sector should change, and these were endorsed by the Learning and Skills Council and the Department for Education and Skills.

If we quote just a few of them, that will give a sense of how further education is already committed to reform. In 2002, college managers agreed to ensure that in every college:

- the senior management team is accountable, and that all managers understand their responsibility to implement the race equality policy consistently across the college
- staff development is available to ensure compliance with the legislation and promote appropriate action in cases of race discrimination
- performance appraisal schemes for all staff incorporate a race equality component.
- black staff are supported through the establishment of focus groups, the development of mentoring schemes and/or affiliation to appropriate national networks, as appropriate.
- equalities targets [are set] that are ambitious and proportionate to local communities' needs, in consultation with learners and staff from those communities
- arrangements [would be made] for systematic ethnic monitoring of learners and staff, and for regular reports to the corporation ensuring that results are published annually for public scrutiny.

Although the report related primarily to further education, its recommendations are equally relevant to higher education.

This guide is aimed at rank and file trade union members; people who want to know how the law supports them in the struggle against racism. It includes bargaining arguments for activists, case studies, and exercises so that you can see when an employer is really living up to their duties, and when they are completely failing to match up to the provisions of the law.

This guide has been written by trade unionists working in further and higher education. All the examples are taken from those sectors. But the principles set out here will be of interest to any public sector worker who is covered by the law.

# The law in context

We see evidence on the news every day of increasing integration, with black actors, sports and music stars being honoured - and even the occasional black politician being promoted to the cabinet. But then we see reports of police raids against black Britons, high votes for far-right candidates, and attacks in school playgrounds.

So one question that black workers often ask is: are things getting any better?

It is still the case that black or Asian people living in Britain are between two and three times more likely to be unemployed than their white colleagues.

It is a fact that the average full-time black university lecturer on a permanent contract will be paid 12-15% less than their average white counterpart. Even this figure minimises the differences between white lecturers and their black counterparts, who are disproportionately employed on insecure and poorly paid, fixed-term, hourly contracts. An audit of type of contracts (permanent or temporary) and of pay levels is likely to reveal differences by ethnicity as well as gender.

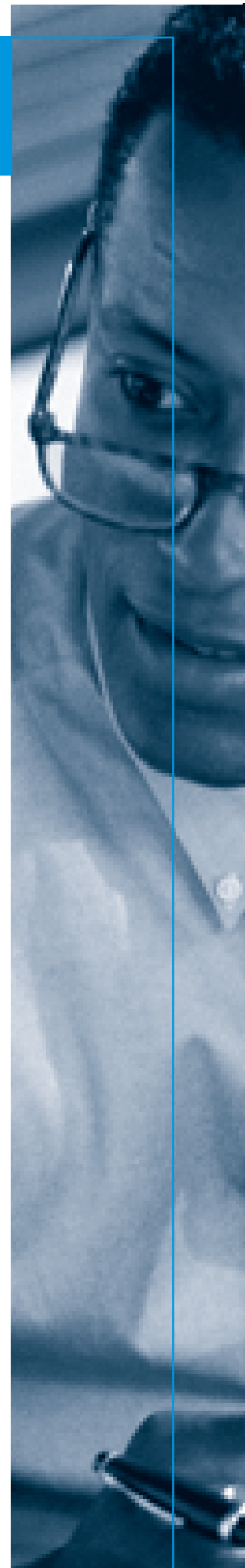
The summary of findings from the Commission of Black Staff found that in 2001 black staff constituted 6.9% of the overall staff population in FE colleges. There were only four black principals of mainstream colleges, constituting less than 1% of this group, and just 4.9% of college managers were black. At senior managerial level, less than 3% of staff came from ethnic minority groups. Of the support staff directly employed by FE colleges, 7.2% were black (this does not include staff working in cleaning, catering, security and other contracted services: of these workers, 25% were black). In contracted positions, black staff were three times more likely than white staff to be employed in security posts.

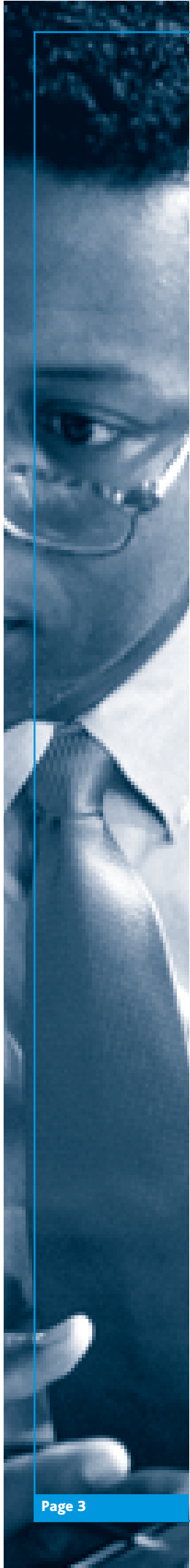
Organisations obliged by the Race Relations (Amendment) Act 2000 to adopt a race equality plan are required to ensure that any pay review deals with gaps between men's and women's pay and between the pay of different ethnic groups. UNISON's advice on equal pay in colleges encourages the extension of the scope of any pay review to also look at ethnicity.

Ever since the death of Stephen Lawrence, the government has accepted the idea of 'institutional racism': the notion that large public sector bodies should be judged not just in terms of what they say to promote equality, but what they do.

This idea has even been written into the law. The Race Relations (Amendment) Act (2000) insists that all public sector bodies have a legal duty to promote good relations between races. The act also requires all public sector employers that employ more than 150 staff to publish annual reports examining how many members of staff are employed at which level, who receives training, and what will be done to ensure further change. Much of this guide is an explanation of what those tasks involve.

The Race Relations Amendment Act is a strong law. But how much has changed since it was passed? In summer 2003, the Department of Trade and Industry commissioned a survey of every public sector employer in England. It found that many schools were not responding to the legislation.





Six months after the deadline, some councils had no race equality policy in place. Over half of all schools, colleges and universities were unable to show any progress at all. Just 40% of colleges and 37% of universities reported that they were monitoring staff data, and only 33% in each sector reported that they had even begun to analyze the data they had gathered. Not one institution had published the findings of their research.

Eighteen months after the law came into effect, we might conclude, not a single college or university surveyed had even reached first base.

If there has been progress since, the results are still uneven. One survey of UK universities, from June 2004, found that 7% of institutions had major work to be done. The largest group of institutions, 47%, still had 'significant areas needing attention'. A smaller group, 27%, were largely on-course, but had 'certain areas needing attention'. Not one of the institutions surveyed could be described as 'an exemplar of good practice at this stage in the implementation process'. Very few bodies in FE even attempt to draw up similar, national statistics.

Some of this may sound complex, but the implications are huge. Around 15% of students in further and higher education come from minority ethnic backgrounds. Yet only around 7% of college lecturers and around 5% of university teachers are black, and these figures are lower among managers. How are black or Asian students expected to gain confidence through education, if they can see that the black staff who teach them are marginalized in their colleges?

It is unacceptable that every year, black workers or teachers and support workers are forced to take their employers to tribunal. The discrimination, victimisation and harassment that they report seems to have changed little over the years.

If we cannot use the law to reform our own colleges and universities, then nothing will have changed. That's why black and minority ethnic workers need to know their rights. That's why trade unionists need to meet with their employers and negotiate change.

# The six steps

The Race Relations Amendment Act contains six basic duties that fall on the employer:

**1 'The positive duty'** All public sector employers have a general duty to promote equality of opportunity and good race relations, or to put it another way, to prevent discrimination before it happens.

The duty is obligatory, and it must be applied to all areas of the college's work. So for example, it covers employment, selection of students, curriculum, work placement, services, every aspect of the institution's work.

The general duty to promote good race relations also takes in a further duty to promote equality at work. In a sense the general duty frames all the other duties under the act.

**2 'The policy'** All public sector bodies must publish a race equality policy: a statement of the employer's commitment to the principle of equality. It is a first statement of intent.

As a minimum, any race equality policy should include references to the Race Relations Amendment Act, including the positive duty to promote good race relations.

The race equality policy should contain a simple statement of the college's duties, including explicit reference to each of the further duties set out below.

The race equality policy should set out who is responsible for implementing race equality, and the timescales within which each action will be completed. The policy should also be available in a printed form, and in appropriate languages, and should be available on demand. The law states clearly that every member of staff and student should have access to the race equality policy.

**3 'Consultation'** All public sector bodies must consult with the appropriate staff groups.

The law is very specific: all actions carried out under the RRAA must be made available to all members of staff. So if there is a race equality policy, the employer must either physically give a copy to every member of staff, or make it available in a way so that anyone can access it easily; for example, by placing the document on a college intranet. The same duty to publish applies to all the different areas covered under the RRAA - training, monitoring, action plans - the employer must make this information available to all members of staff and students.

In the same way that the employer has a duty to publish its plans, it also has a duty to involve all appropriate bodies in drawing up the plans, and in consultation as to their contents.

The CRE guidance attached to the RRAA gives examples of the sorts of college bodies who should be involved in consultations. The two most important for our concerns are (i) all

## PROMOTING RACE EQUALITY

*Members of a far right party threatened to hold meetings on the campus of a FE college in the West Midlands. At first the governors, did not know what to do: 'Shouldn't we encourage free speech, even for views we find repugnant?'*

*Black members of staff complained, pointing out that more was at stake than just free speech. Where this group had held meetings before, they had resulted in attacks on black students and staff.*

*Eventually, the college agreed, citing its positive duty under the Race Relations Amendment Act - its obligation to promote good relations between the communities.*



recognised trade unions and (ii) equality target groups. If the institution has a recognised black workers' group, then they should of course be involved closely in discussing the results of monitoring and drawing up action plans for future progress.

**4 'Training'** Public sector bodies must provide equality training.

One of the most effective ways in which the employer can promote awareness of equality law is by providing suitable training to all members of staff. Basic training for all workers should include some mention of the law, and some explanation of why it is needed, reference to the diversity of Britain's population and the student population, the difference between direct and indirect discrimination, and advice on dealing with harassment.

**5 'Monitoring'** All public sector employers must monitor their progress towards achieving racial equality.

The law states clearly that all public sector employers now have a duty to collect information on the racial background of their staff. The purpose of this information is to assess whether particular racial groups are suffering from inequality. Many colleges do not monitor their workforce, though some are now making a start by monitoring recruitment of new staff. But knowing the composition of your existing workforce, grade by grade, is essential to implementing an effective equality policy. The CRE says that it is 'strongly of the view that the most reliable and efficient way of monitoring the effectiveness of an equal opportunity policy is to carry out regular analyses of the workforce and job applicants by ethnic origin'. Monitoring should be both qualitative and quantitative.

Employers now have a legal duty to monitor their workforce's composition by racial group, and compare this to the student body and the local census. They must investigate how their workforce is distributed across the institution, by location, job and grade. They must know whether particular groups are suffering discrimination at the interview stage.

The Race Relations Amendment Act spells out in detail the sorts of information that must be gathered through monitoring. As well as the above, institutions are also obliged to show: who receives training, who benefits from performance assessment procedures, who is involved in grievance procedures, and who has their employment terminated for any reason.

Institutions must use a variety of categories - it is not enough to lump together all black or minority ethnic staff as 'non-white'. Such practices are misleading, in that they can obscure the

## **POOR PRACTICE IN CONSULTATION**

*A local authority education service in the Midlands produced annual surveys of the racial profile of its staff. These reports seemed to show that black workers were concentrated in particular areas and on lower bands of pay, yet the institution never did anything to change. Managers then took a decision to contract out for computer training, making all staff in this area redundant, and re-employing some of them on worse salaries. They made no prior impact assessment of this change, and took no account of the fact that a disproportionate number of the colleagues affected were likely to be black or Asian.*

*Trade unions and the recognised black workers' group both warned the employer repeatedly that they were breaking the law.*

*As a consequence of its failure to carry out proper consultation or proper impact assessment, the institution was reported to the national implementation committee of the CRE for non-compliance with the law.*



different experiences of different groups of staff. If agreed categories can not be agreed locally, in discussion with college equality bodies, then employers should use the census categories.

## **GOOD PRACTICE IN TRAINING**

*An FE college in London wanted to make sure that all employees understood their duties under the Race Relations Amendment Act. Special training programmes were designed.*

*All college staff were given leave to attend, and a £60 subsistence allowance was paid to those who did. After the event, feedback was overwhelmingly positive. Union reps reported a very high level of identification with the values enshrined in the law.*

*Employers should also provide ongoing training for all staff who want to reflect on the issues around race, with one- and two-day refresher courses, specialist modules looking at areas such as equality in recruitment,*

The law also states clearly that the results of monitoring have to be made available on an annual basis and have to be made accessible to all members of staff in that institution.

There is no point gathering statistics unless the institution reflects on them. All public sector employers have a duty to assess their progress - but what might progress look like? For some institutions, the most important measure might be their student body; and as we have seen, in general colleges are much more successful at recruiting black students than they are at recruiting (or retaining) black staff. Other institutions may want to compare their staff profile to that of the local population.

If monitoring shows that the institution is in practice discriminating against minority

staff, then the employer should examine all their policies, procedures and practices to see if any of these rules are contributing to a culture of discrimination.

**6 'Impact assessment'** Evaluating progress, taking steps to promote equality, responding to failure.

All these duties are ongoing. For a college or university to keep up with the law they would need to have taken on board these duties, and to be reviewing their progress on each one.

The law requires colleges to assess the impact of all college policies to see if they do actively promote race equality. Every time a new duty is introduced, there is the same need to assess its impact on different races. If, for example, a college is going through a period of redundancies, and if there is any reasonable fear that these may effect any group of staff disproportionately, then the college has a legal duty to publish a prior impact assessment, which will explain why these policies are not in fact going to affect any one group more than any other.

Obviously, this duty becomes more binding the more relevant it is to the policy concerned. Following the same example: if an institution was making a number of staff redundant, and those staff were disproportionately drawn from one ethnic group, then this duty would become even more binding. But if there was overwhelming evidence that race was not a factor, then this duty would not apply with the same force.

All public sector bodies, including colleges and universities, should think about setting themselves appropriate race equality targets. Employers should examine decision-making process, they should think seriously about the labour markets from which they recruit. They should review the steps they take to advertise jobs.



Targets are a form of positive action. They are not positive discrimination - all forms of discrimination are illegal under the law. Instead, positive action starts off by asking why particular groups are prevented from applying for a certain position - and then looks to break down the barriers that stand in their way.

So, for example, positive action might include providing details of vacancies in more than one language: but it cannot involve promoting candidates at interview from any one group.

## **GOOD PRACTICE IN POSITIVE ACTION**

*A northern university found that almost none of managerial staff came from black or minority ethnic backgrounds. The college found that black staff tended to do well at interview, but few people were actually putting themselves forward for senior grades. In discussion with the union, it was agreed that some sort of positive action was needed to support black staff.*

*Additional training courses were provided for staff considering a future move into management. As well as being advertised in the usual fashion, through the annual training booklet, the university decided to advertise the management training course through the university black staff group.*

*The numbers attending management training rose, as did the percentage of black staff applying for senior grades.*

The purpose of positive action targets is to break down cultures of segregation in the workplace. Race equality targets should be tough enough so that employers might actually fail to reach them. They should be both countable and verifiable, and have a date attached to them.

A useful target might be something like: 'X college will ensure that at least 5% of senior management posts are held by black or ethnic minority colleagues by December 2006.' Some employers may also want to put on special training programmes, aimed at encouraging applications from groups in society that are under-represented among particular grades.

The Race Relations Amendment Act requires colleges to produce annual reports based on the outcomes of their monitoring and impact assessment. These action plans should include a statement of what the college has done to promote race equality over the past twelve months, and what steps it intends to take over the next year to encourage further change.

The plan should be the place in which the college reflects on the figures produced by monitoring. If for example, there is no evidence that the college is becoming more diverse, then the college should use their action plan to explain what it is going to do to encourage new staff to come forward.

The plan cannot just be produced by management on its own. It must be written in consultation with representative staff groups: the unions, black workers' groups, and so on.

### **Organising for equality**

One of the principles enshrined in the law is that all the above duties should be subject to consultation and negotiation. If there has been no real attempt to meet with unions, or to discuss how best to introduce the Race Relations Amendment Act into policy, then no consultation or negotiation has occurred. Colleges that do not consult are breaking the law.

It is not just employers who need to think about the implications of the law. Trade unions can have all the good national discussions we like but we need to get changes grounded in the workplace. If possible we want collective agreements incorporated into contract, or failing that, collective agreements registered as 'directly relevant to terms of contract'. Then if employers ever want to change the policies in the future, they will need the union's agreement first.

# Using the law: advice for trade unionists

The Race Relations Amendment Act is one of the strongest equality laws. But it would be wrong to expect that the law will deliver change without colleges being reminded several times of their duties. Most real improvements come from local agreements, negotiated in partnership with the employers, by organised branches with black workers playing a prominent part.

If you feel that your employer has been slow in introducing the Act, then the first step is to raise the law with your employer with a view to negotiating its local implementation. This may be done through placing it as an agenda item within normal negotiation arrangements at your work-place, or requesting a special meeting with the Principal or appropriate senior management. Make sure that at the same time you inform your members to gain their support.

You may decide to ask for a collective agreement with your managers that they will work together with the unions in your college on a joint plan to introduce the new law.

If your managers decline to work with the unions, remind them of the national agreements signed between the trade unions and the national employers' organisations in FE - the Association of Colleges - and HE - the Joint Negotiating Committee for Higher Education Staff (JNCHES) and the Higher Education Funding Council for England (HEFCE); see Appendices 1 and 2. Both AoC and JNCHES have agreed frameworks for encouraging action in those colleges which have been slow to take up national policies.

## **What if your employer has not implemented the law?**

The RAAA sets out penalties to target colleges and universities which fail to observe the law. The body charged with enforcing the law is the CRE, which has powers to enforce the specific duties outlined in the law, and can serve a compliance notice on an organisation that does not meet any of these duties, requiring it to change. If it fails to observe that order, it could be subject to further court proceedings.

However, the key thing is not to rely on the law to bring your employer round, but to work with them early and in partnership, so that they understand the full range of the duties which fall on them. As well as the law, you have other support structures: your union section, branch or region, and the other recognised unions in FE and HE.

The more people you can involve in any campaign to implement the act, the stronger you will be. There are also national agreements covering further and higher education.

## **HOW DO I KNOW IF MY EMPLOYER IS MATCHING UP TO THEIR DUTIES?**

*Although the law is very strong, few college managers have grasped its full implications. It should be obvious from the above list that unless an institution has taken on board all of its duties, then it will not have implemented the law. And yet managers are prone to making comments like: 'We're Beacon employers', or 'We've already doing all we need to do'.*

*You should not rely on anyone else's words, but decide for yourself if your college is actually in line with the law.*

- *Does your institution have a race policy?*
- *Is it sent to all members of staff?*
- *Was it negotiated with the union?*
- *Were black members of staff involved?*
- *Does your institution provide training?*
- *How well have staff been consulted?*
- *Does your institution monitor the ethnicity of its staff?*
- *Are the results made public?*
- *What happens if targets are missed?*
- *How much - if any - of this has been agreed with the union(s)?*

A vertical photograph on the left side of the page shows a woman with dark hair, wearing a watch, talking on a mobile phone. She is looking down and to the side with a thoughtful expression. The background is dark and out of focus.

# Equality in NATFHE and UNISON

Members and stewards need to make sure that black members know that the union recognises their right to equal treatment and will represent them if they have suffered from discrimination (even where the employer's policies do not specifically refer to race discrimination).

Union branches and representatives should make particular efforts to encourage black members to feel secure in the knowledge that they are there to help. There are occasions when black members will feel far more comfortable discussing a problem with a black steward or representative - so branches should actively recruit black stewards wherever possible.

NATFHE and UNISON will also, where necessary, represent members at employment tribunals on race discrimination cases. Representatives and stewards should contact the regional office as soon as any discrimination case begins. Both unions have national committees that develop policy and strategy on behalf of black members. Each union also provides resources for black members to meet at branch or regional level as well as for an annual conference.

## Action checklist

Branches should ensure that:

- all equal opportunities policies and procedures should include a specific statement on race equality and seek to reflect the needs and concerns of the ethnic community
- recruitment, selection and promotion criteria are non-discriminatory
- all staff involved in recruitment and promotions are trained in selection and assessment procedures
- employers provide a statistical profile of their workforce to help identify imbalances
- institutions monitor progress in racial equality such as regular ethnic monitoring of recruitment and promotions
- harassment policies and procedures identify and deal with the abuses faced by ethnic minority staff; consideration should be given to training specific harassment advisers
- the Black Commission Summary report recommendations are used to provide further impetus to action the promotion of equality of opportunity
- branches raise awareness of ethnic minority issues
- active encouragement and support is given to setting up a branch black members group with representation on the branch committee
- where there is no branch black members' officer, a branch officer is designated to respond to queries from black members and to initiate contact with the Regional Black Members Group
- members are made aware of NATFHE's national black members' structures, UNISON's National Black Members' Committee, and the activities of these bodies, and are supported at branch, regional and national level.

There is another checklist in Appendix 4, on page 27. Also included are a few extended exercises on the following pages so that you can test if your institution is compliant with the law.

# Exercises

## Exercise 1: A 'model' policy

Read through the following race equality policy and then compare it to the description given above of what should be in such a policy. Do you think the following policy is best practice? Is it good practice? Is it even in line with the minimum requirements set out in the law? You might find it useful to look at this policy and give it a 'mark' out of five.

### *Cropredy College: Race Policy*

*Cropredy College is committed to a policy of treating all its employees and job applicants equally in accordance with its equal opportunities policy. No employee or potential employee shall receive less favourable treatment or consideration on the grounds of disability, race, colour, nationality, ethnic origin, sex, marital status or sexual orientation, nor shall be disadvantaged by any conditions of employment or College requirements that cannot be justified as necessary operational grounds.*

*Every member of management and all employees are instructed that:*

*I: there should be no discrimination on account of disability, race, colour, nationality, ethnic origin, sex, marital status or sexual orientation*

*II: the College will appoint, train, develop and promote on the basis of merit and ability*

*III: all employees have a personal responsibility for the practical application of the college's equal opportunities policy in all aspects of their duties and responsibilities*

*IV: special responsibility for the practical application of the college's equal opportunities policy falls upon managers and supervisors involved in the recruitment, selection, promotion and training of employees*

*V: disciplinary action will be taken against any employee who is found to have committed an act of unlawful discrimination*

*VI: discriminating conduct and harassment will be treated as gross misconduct.*

**Tips** When deciding what mark to give to this policy, you may want to consider the following questions.

- What duties are mentioned in the policy?
- Does it include any mention of the positive duty to promote good race relations?
- Does it explain that the college will be monitoring the ethnicity of its staff?
- What other duties are missed?

## Exercise 2: Training

Your college announces that it intends to introduce race equality training as a substantial part of its training budget - money, for once, is no object. They approach the union to ask for advice on what sorts of courses you would like them to provide.

Try to think of at least ten different courses that they could provide, and fit them into the existing grid:

	<i>Introductory</i>	<i>One-day</i>	<i>Two-day or refresher courses</i>
<i>For managers</i>			
<i>For lecturers</i>			
<i>For support staff</i>			

**Tips** When thinking of useful training, try not to think of lecturers or support staff 'in general', but in a much more detailed way of the sorts of training that people would like to receive. For example, a canteen assistant might want advice on cooking with halal meat, or a humanities lecturer might want advice on diversifying their curriculum in terms of teaching British history.

You might also want to think about the conditions in which the training is delivered: should it be on-site or off-site, should it be delivered by staff who already work in the institution or external providers? If external staff are used, then how will the college ensure that its commitment to race equality informs the all aspects of their work - including the hiring of those lecturers?

### Exercise 3: Monitoring

Compare the table below to the description given on pages 5-6 of best practice in monitoring. What are the strengths and weaknesses of the monitoring being done in this institution?

*Academic and Support Staff, University of Naseby*

	<b>September 2002</b>	<b>September 2003</b>
<i>Academics from minority groups</i>		8.2%
<i>UK origin</i>	2.54%	2.99%
<i>Non-UK</i>	4.67%	5.03%
<i>Support staff from minority groups</i>	1.43%	
<i>UK origin</i>	0.64%	0.64%
<i>Non-UK</i>	0.65%	0.68%

**Tips** You might like to think about the range of different groups who are being monitored, and the range of questions that are being asked. What is the full range of information that your trade union representatives would need to know?

### Exercise 4: Targets

Your employer announces that having conducted monitoring for several years, they now accept that they have a problem. Despite being based in a lively metropolitan borough, and with around 20% of students being of black or minority ethnic origin, the college employs very few black staff at any levels at all. Senior management have approached the union to ask for advice on the appropriate short- and medium-term targets they need. What do you suggest?

	<b>Within one year</b>	<b>Within five years</b>
<b>For managers</b>		
<b>For lecturers</b>		
<b>For support staff</b>		

**Tips** Try to break down these targets, not just treating lecturers or support staff 'in general', but think of particular areas and grades where targets would be of use.



### Exercise 5: Interview panels

One of the college's duties is to assess the impact of all its existing policies in terms of the general duties to promote good race relations, and to promote race equality at work.

Colleges are obliged to look at all their policies and practices, from big, annual processes which are widely discussed in the institution (such as the annual budget) right down to routine practices, the sorts of things that college does every year without really asking if they need to change.

Read through the following policy on interview panels and then compare it to the previous paragraphs on impact assessment. Is this good practice? Is it best practice? You might want to think about the positive steps that the institution needs to be taking to promote race equality. Why does the composition of interview panels matter, in terms of promoting race equality? Is this following policy sufficient? What more could be done?

#### *Bouquet College: Interview Panels*

*I: the composition of selection panels will be determined in accordance with the college's appointment procedures*

*II: the interview must be chaired by a senior member of staff who is responsible for ensuring that the panel adheres to all the requirements of the code of practice and that other relevant policies are observed.*

*III: each member of the interview panel carries a particular responsibility to ensure that all practices and policies are met*

*IV: where appropriate, a representative from the personnel division may be called on to form part of the selection panel*

*V: if a member of the interview panel feels that there are circumstances where personal relationship with a candidate makes his/her continued participation in the selection process inappropriate an interest shall be declared*

*VI: the person who is to chair the panel will decide the appropriate action in any situation of potential conflict*

*VII: no person should interview alone*

*VIII: members of panels should guard against personal prejudice, hasty judgment, stereotyping or unwarranted assumptions.*

## Exercise 6: Race action plan

Your employer begins to produce an annual race action plan. It is a two-page document, largely made up of tables listing the various duties, asking who is responsible for each one, when they will start and finish.

*Extract from Gettingthere College of Higher Education, Race Equality Scheme (2002-2003)*

*Section e: Monitoring Admission Recruitment and Progress*

	<b>September 2002</b>	<b>Completed by</b>	<b>Reported to</b>
<i>Establish data availability; review and refine ethnicity categories</i>	<i>Staffing Policy Committee</i>	<i>December 2002</i>	<i>Ongoing</i>
<i>Collection and analysis of staff data</i>	<i>Staffing Policy Committee</i>	<i>Commence January 2003</i>	<i>As above</i>
<i>Collection and analysis of student data</i>	<i>Academic Board and its relevant committees</i>	<i>Commence January 2003</i>	<i>As above</i>
<i>Setting of targets/ action plans</i>	<i>Equality Committee</i>	<i>Timetable to be determined</i>	<i>As above</i>

Do you have any practical suggestions to improve this section of the document?

**Tips** You might like to think about who is being consulted, and what outcomes they are likely to expect.

## Exercise 7: 'But we don't have to talk to you'

Imagine if managers at your college announced that they could implement the full duties of the Race Relations Amendment Act, without requiring any further consultation or negotiation with any body of staff members, whether the black members group, the equality committee, or any of the recognised unions.

How would you respond to them?

## Further reading

Commission for Black Staff in Further Education, *Report of Commission for Black Staff in Further Education: Challenging Racism - Further Education Leading the Way*

A PDF of this document can be downloaded from <http://www.natfhe.org.uk/down/challracism.pdf>

Commission for Black Staff in Further Education, *Summary Report of Commission for Black Staff in Further Education: An Agenda for Action*

A PDF of this document can be downloaded from <http://www.natfhe.org.uk/down/agendact.pdf>

CRE, *Code of Practice on the Duty to Promote Race Equality* (2000)

CRE, *Guide for Further and Higher Institutions* (2000)

Copies of these documents can be ordered online at [http://www.cre.gov.uk/publs/cat\\_duty.html](http://www.cre.gov.uk/publs/cat_duty.html)

Equality Challenge Unit, *Equality and diversity monitoring in higher education institutions* (2004)

This document can be downloaded as a PDF or a Word file from [http://www.hefce.ac.uk/Pubs/hefce/2004/04\\_14/](http://www.hefce.ac.uk/Pubs/hefce/2004/04_14/)

Equality Challenge Unit, *Impact assessment in higher education* (2004)

This document can be downloaded as a PDF or a Word file from [http://www.hefce.ac.uk/pubs/hefce/2004/04\\_37/](http://www.hefce.ac.uk/pubs/hefce/2004/04_37/)

NATFHE, *Handling Race discrimination Claims* (2001)

A PDF of this document can be downloaded from <http://www.natfhe.org.uk/down/racedisc.pdf>

UNISON, *Challenging Racism in a Modern Setting* (2003)

UNISON, *Organising Around Race Equality* (2004)

UNISON, *Race Relations Amendment Act - A Guide For Branches* (2004)

Copies of these documents can be ordered from UNISON Communications, 8th Floor, 1 Mabledon Place, London WC1H 9AJ

## **Appendix 1: The national agreement in further education (April 2002)**

### **Joint agreement on guidance: race equality**

*between* Association of Colleges (AoC) *and* Association for College Management (ACM); Association of Teachers & Lecturers (ATL); GMB; National Association of Teachers in Further and Higher Education (NATFHE); Transport & General Workers' Union (TGWU); UNISON

#### **1 Introduction**

- 1.1 This guidance has been developed jointly to equip Colleges to be able to respond to developments in Race Relations legislation.
- 1.2 The Race Relations (Amendment) Act 2000 has introduced requirements upon employers to positively promote equality. It is intended that this document, and reference to other related documents such as the 'Joint Agreement on Guidance Equality', will support Colleges in this end.

#### **2 Our Commitment**

- 2.1 The College celebrates and values the diversity brought to its workforce by individuals, and believes that the College will benefit from engaging staff from a variety of racial, ethnic and national backgrounds, thus allowing it to meet the needs of a diverse student population within a multi-cultural society. The College will treat all employees and students with respect and dignity, and seek to provide a working environment free from racial discrimination, harassment or victimisation.
- 2.2 The College will seek not only to eliminate discrimination, but also to create a positive working and learning environment where there are positive relations between members of different racial groups. To this end, the College undertakes to provide training and support for staff, to consult with black staff about their experience of the working environment, and to provide diverse images in any material which it produces for staff. The aim is to create a positive inclusive ethos where issues of racism, stereotyping and discrimination can be discussed openly, and where there is a shared commitment to challenging and preventing racism and discrimination, to respecting diversity and difference, and to encouraging good relations between people of different groups.
- 2.3 The College will work towards the elimination of racism whether overt or covert, and will seek to ensure that individuals and communities have equal access to learning programmes and facilities.

#### **3 Definitions and scope**

- 3.1 Both institutional and individual racism "can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantages ethnic minority people." [Macpherson]
- 3.2 The College recognises that institutional racism can exist, and that no organisation is immune to it.
- 3.3 This guidance is applicable to both College staff and student matters.

## **4 Our Statutory Duties**

**4.1** Under the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000), the College has a general duty to have due regard to the need to:

- Eliminate unlawful race discrimination
- Promote equality of opportunity
- Promote good relations between people from different racial groups

**4.2** It also has specific duties to:

- Prepare and maintain a written race equality policy
- Assess the impact of its policies on students and staff from different racial groups
- Monitor the admission and progress of students and the recruitment and career progress of staff by racial groups
- Set out the College's arrangements for publishing the results of assessments and monitoring
- Where reasonably practicable publish annually the results of assessments and monitoring

## **5 Meeting Our Duties**

**5.1** We will seek to ensure that:

- Governors, staff, learners and their sponsors (including work placement providers) are aware of our racial equality policy and the action needed for its implementation.
- Staff, learners and their sponsors (including work placement providers) are aware of the value placed upon equal opportunity and that action will be taken in the event of any breach of the policy.
- Governors and staff have access to comprehensive information, which assists them to plan, implement and monitor actions to carry out their responsibilities under the policy.

**5.2** We will also ensure the College's publicity materials present appropriate and positive messages about minority racial groups.

## **6 Monitoring Our Progress**

**6.1** The monitoring process will be used to ensure that staff are treated equally in terms of promotion, staff development, grading etc.

**6.2** To inform the setting of targets and the measurement of our progress in achieving them, we will collect and analyse the following information by racial group origin:

**6.3** *For Learners*

- Racial group profiles of learners
- Applications, and success and failure rates for admission to programmes
- Retention rates
- Achievement rates
- Work placements including success rates, satisfaction levels and job offers
- Disciplinary action
- Complaints by learners or their sponsors
- Student surveys

**6.4** *For Employees*

- Racial group profiles of employees by grade/salary scales and type of work

- Job application rates
- Selection success rates
- Type of contract (permanent, temporary)
- Training/Staff development
- Promotion application and success rates
- Disciplinary/capability proceedings
- Grievances
- Exit surveys

## 7 Positive Action

7.1 In specific circumstances, the Act allows positive action as a way of overcoming racial inequality.

7.2 Positive action allows you to:

- provide facilities or services (in training, education or welfare) to meet the special needs of people from particular racial groups (for example, English language classes - see section 35 of the Act);
- target job training at particular racial groups that are under-represented in a particular area of work (see sections 37 and 38 of the Act);
- encourage applications from racial groups that are under-represented in particular work areas (see section 38 of the Act).

7.3 The College undertakes, once the results of monitoring are available, to consider targets to reduce any disadvantage suffered by ethnic minority employees and learners. If monitoring reveals that specific racial minority groups are especially disadvantaged, some targets may relate to those specific groups. The targets will be published annually in an Action Plan.

7.4 Positive action strategies are intended to be temporary measures only. They must be kept under regular review and can not be used once the special needs have been met or if the under-representation no longer exists. The College will ensure that when using positive action as a strategy, it falls within the law.

## 8 Division of Responsibilities

8.1 Governors are responsible for ensuring that:

- The membership of the Corporation reflects the diversity of the communities served by the College
- The College's strategic plan includes a commitment to race equality
- Equalities training features as part of the College's strategic plan
- They are aware of the Corporation's statutory responsibilities in relation to race legislation as an employer and service provider.
- They receive and respond to the racial group monitoring information on learners and staff

8.2 Managers are responsible for ensuring that:

- The College Principal/Chief executive and Senior Management Team are responsible for taking the lead in creating a positive, inclusive ethos.
- They are aware of the College's statutory duties in relation to race legislation
- All aspects of College policy and activity are sensitive to racial issues
- Racial group monitoring information is collected and analysed



- Targets are set on the recruitment, retention and achievement of learners based upon the analysis of the racial group monitoring information
  - Teaching observation reports include criteria on racial issues where appropriate
  - Internal verification procedures include scrutiny of racial groups
  - Curriculum areas are required to assess performance in relation to racial issues and take action as appropriate
  - The procedures for the recruitment and promotion of staff enshrine best practice in equal opportunities
  - Targets are set on the recruitment and promotion of staff based upon the analysis of racial group monitoring information
  - The College's publicity materials present appropriate and positive messages about minority racial groups
  - Learner induction programmes and tutorial programmes reflect the College's commitment to promote equality of opportunity
  - Appropriate training and development is provided to support the appreciation and understanding of diversity
- 8.3** Staff are responsible for ensuring that:
- They are aware of the College's statutory duties in relation to race legislation
  - Their schemes of work, lesson content and teaching resources demonstrate sensitivity to issues of cultural diversity
  - They challenge inappropriate behaviour by either learners, work placement providers or other members of staff
  - It is the responsibility of the College and each of its individual staff to confront racism, whether witting or unwitting, whenever it occurs.
- 9** **Publicising Our Policy and Progress**
- 9.1** *To the public (including learners, work placement providers and staff)*
- Our commitment to racial equality will be highlighted in our prospectus, annual report and annual financial statement
  - A summary of the results of our monitoring information will be included in our annual report and annual financial statements, where this does not breach individual confidentiality.
- 9.2** *To learners*
- All learners will receive a summary of this policy. Copies of the policy will be on display in the learning resources and student support centers
  - The induction programme for learners will highlight the College's commitment to racial equality, the action to be taken by learners who suffer discrimination and the action to be taken against such perpetrators of discrimination
  - Student tutors will reinforce this information during tutorials or work based monitoring visits
- 9.3** *To work placement providers*
- All work placement providers will receive a summary of their responsibilities under the policy and will signify their understanding and agreement to these responsibilities
  - The College will publish the requirement to offer appropriate training covering diversity issues to their staff

- The College will promote the requirement of students from under-represented groups to providers
- A summary of the results of racial group monitoring information will be included in the appropriate College publication (e.g. newsletter) sent to relevant employers

#### 9.4 *To staff*

- All staff will receive a full copy of the policy as part of the Staff Handbook
- The staff induction programme will highlight the College's commitment to racial equality, action to be taken by staff who suffer discrimination and the action to be taken against any perpetrators of such discrimination
- A summary of the results of our monitoring information will be included in the appropriate College publication ( e.g. newsletter) and sent to employees

9.5 Any published information will have due regard for individual confidentiality

### 10 **Complaints**

- 10.1 The College will seek to provide a supportive environment for those who make claims of discrimination or harassment.
- 10.2 Acts of racial discrimination (direct or indirect), harassment, victimisation or abuse will be treated as a serious disciplinary offence.
- 10.3 Staff who feel they are being discriminated against on racial grounds by other members of staff should raise the matter under the Grievance /Harassment Procedure, which may, if the accusation is upheld, lead to the use of the staff disciplinary procedure.
- 10.4 If, in the course of their work, College staff suffer racial discrimination from members of the public, the College will take appropriate action and provide appropriate support.
- 10.5 Any racist behaviour directed against staff by students will be dealt with under the student disciplinary procedure.

### 11 **Review and Consultation**

- 11.1 This policy will be reviewed on a regular basis in accordance with legislative developments and the need for good practice, by the College Equality Forum. As part of the review the Forum will seek and take into account the views of stakeholders including learners, work placement providers, using the local consultation/ negotiating arrangements within the College. and appropriate equality bodies (i.e. CRE)

### 12 **Implementation**

- 12.1 The College, working in partnership with the recognised trade unions and employee representatives, will seek to ensure that all staffing policies and procedures (eg Recruitment and Selection Procedure) are non-discriminatory, and that the monitoring and positive action processes are regularly reviewed and monitored.

### 13 **General**

- 13.1 This policy should not be read in isolation, but cross-referenced with all relevant College employment and student policies.

### 14 **Definition of Joint Agreement**

- 14.1 The Agreement on this guidance is intended as a recommendation to Colleges relating to Race Equality issue.

## Appendix 2: The national agreement in higher education

\*Extract only; a PDF of the full text can be downloaded from [www.ecu.ac.uk/publications/downloads/partnershipForEquality.pdf](http://www.ecu.ac.uk/publications/downloads/partnershipForEquality.pdf)

The Joint Negotiating Committee for Higher Education Staff (JNCHES) has agreed jointly on behalf of the HE employers and nationally recognised trades unions to make the following recommendations to HEIs.

### Draw up a clear equality strategy

- 13 An effective strategy needs clear policies, action plans to deliver them and to have engaged the active involvement of staff and recognised trades unions in their development. The strategy should be widely disseminated to all staff (including visiting and 'occasional' staff) and other members of the institution along with a clear indication that it is a key part of the institution's strategic plan. In addition, the involvement of external organisations with experience and expertise in relation to the needs of specific groups could provide additional benefits. Expert advice in this process is available from the Equality Challenge Unit and other bodies.
- 14 A collaborative approach between institutions, their staff and the recognised trades unions is strongly encouraged in addressing these issues, and in ensuring implementation of the policy.
- 15 Institutional equality strategies should reflect local needs and circumstances and include the following:
  - Definitions of what constitutes unlawful discrimination in respect of race, sex, disability, sexual orientation, religion or belief, marital status and age
  - A statement of the organisation's commitment to achieving equality with respect to sex, race, disability, sexual orientation, religion or belief, marital status, age, and other relevant grounds
  - A commitment to remove barriers to equality throughout all the relevant functions of the institution
  - A race equality policy and action plan formulated and implemented according to the Commission for Racial Equality's (CRE) statutory code of practice and other guidance from the CRE and ECU
  - The job titles of the employees responsible for equalities policies
  - Details of structures for implementing the policies
  - The responsibilities, accountabilities and liabilities of employees under the policies
  - Procedures for dealing with complaints on all forms of discrimination proscribed by the institution's policies
  - Examples of unlawful practices
  - Details of monitoring and review procedures
  - Linked action plans that will define action areas with specific, measurable, achievable, resourced and time-based tasks and outcomes.

### Value diversity

- 16 In the light of the compelling case for HEIs to promote diversity and equality, local partners should aim to go beyond compliance and adopt an approach that actively values the diverse characteristics and experiences that staff may bring with them to the institution. The institution's equality strategy should cover all forms of inappropriate

discrimination. Many of those forms of inappropriate discrimination that are not yet covered by legislation will be in the near future, and institutions are therefore encouraged to consider future legislative requirements when reviewing their policies. The positive duty to promote equality set out in the RRAA is likely to feature in all future equality legislation.

### **Mainstream equality within HR strategies and processes**

- 17 Mainstreaming approaches seek to identify how existing systems and structures serve to produce bias, and to neutralise such effects. Mainstreaming therefore seeks to integrate equality into the very systems and structures that might otherwise produce disadvantage.
- 18 The promotion of equality should be integral to all the institution's corporate strategies, policies, objectives, processes and procedures. In particular, the design and implementation of policies and procedures relating to the appointment, pay, contract terms, conditions of service, promotion and career development of staff will have a critical role in promoting equality in an institution. Both HEFCE and SHEFC identified these as priority areas in their guidance to institutions on the development of HR strategies.
- 19 Processes that can assist in the mainstreaming of equality within the institution include:
  - Strategic planning and budget-setting
  - Target setting
  - Monitoring of progress (quantitative and qualitative)
  - Performance assessment
  - Staff training and development
  - Allocation of management responsibility
  - Consultation and communication systems.

### **Review employment policies and practices**

- 20 In order to mainstream equality across the institution, it is necessary to review all employment policies and practices.

### **Staff recruitment, selection and support: from application to exit**

- 21 HEIs and their recognised trades unions need to be clear in particular that policies and practices on recruitment and selection support the objective of achieving equality.
- 22 This should involve:
  - Analysing the existing situation by collecting data on characteristics of job applicants, how different groups fare at each stage of the selection process, and the make-up of the existing workforce; and considering whether any group is underrepresented at any stage of the process when compared to their representation in the wider community and appropriate labour market
  - Diagnosing the causes of any under-representation (including where and how jobs are advertised; the selection criteria used; and whether all recruiters have received appropriate skills and awareness training)
  - Devising an action plan to address the causes of any disadvantage in the recruitment and selection process.

23 For staff in post, or about to leave, it will be equally important to:

- Ensure that staff are adequately and equitably supported throughout their employment, e.g. through training, promotion, appraisal, and any disciplinary proceedings
- Conduct exit interviews to ascertain whether perceived discrimination contributed to an individual's departure.

#### Pay

24 Equality policies and institutional pay policies should include strategies to ensure pay equality. The specific legislation on equal pay (the Equal Pay Act 1970 as amended) seeks to ensure that women and men doing like work, work rated as equivalent, or work of equal value, receive equal pay. The RRAA also outlaws discrimination in relation to pay on grounds of race. The JNCHES has agreed that HEIs should ensure that the same principles also apply to prevent pay discrimination on the grounds of disability.

25 The key process in ensuring pay equality is to conduct an equal pay review. JNCHES has issued joint guidance on this and strongly encourages employers to conduct such reviews if they have yet to do so. This review should have three stages: analysis of pay rates for different staff groups; diagnosis of the nature and cause of any inequalities; and action to remove pay gaps.

#### Job evaluation

26 A job evaluation scheme is one important tool in helping to determine whether two employees are doing work of equal value. The non-discriminatory application of such a scheme can be the employer's most effective means of demonstrating equal pay for work of equal value. JNCHES has issued guidance to institutions on the selection of a suitable system to underpin pay and grading arrangements to ensure that equal pay criteria are met. The main criteria in selecting a scheme are that it should be:

- Analytical
- Appropriate
- Comprehensive
- Thorough in analysis and capable of impartial application
- Transparent
- Non-discriminatory.

#### Family friendly policies

27 The JNCHES guidance stresses that an equal pay review should also cover access to benefits such as sick pay and pensions. However, certain terms and conditions in respect of working arrangements may be used to actively support an institution's equality strategy. JNCHES strongly recommends that institutions consider the development of employment practices where this assists equality (for example 'family friendly' policies), and helps employees in achieving an appropriate balance between their work and personal lives. Practices that employers and the recognised trades unions may wish to consider (within the context of existing local and national agreements) include:

- Providing assistance with childcare
- Flexi-time
- Time off in lieu
- Job-sharing

- Working from home
- Tele-working
- Breaks from work.

**28** The Employment Relations Act 1999 gave working parents the right to unpaid parental leave and time off to deal with family emergencies. The Employment Act 2002 introduces additional rights for working parents from April 2003. These cover improvements in Statutory Maternity Pay and maternity leave, the introduction of paid paternity leave and paid leave for adoptive parents. It also gives parents of young children the right to request flexible work arrangements. HEIs and their recognised trades unions should consider how best to implement all these provisions so that they facilitate equality of opportunity in the institution.

### **Training and career development**

**29** Equality of access to training and career development is a key part of ensuring equality of opportunity in institutions. The local partners should conduct a review of provision to:

- Ensure that staff induction arrangements give proper attention to equality issues
- Analyse any differences in access to and take-up of training, career and professional development opportunities
- Monitor, assess and evaluate, through an all-staff consultation strategy, the reasons for any inequality in access to or take-up of training and support (for example: does the timing of training preclude some groups; are some groups seen as more likely to be prepared to attend conferences or take-up other professional development opportunities)
- Agree an action plan to address these issues.

**30** Training can also play a central role in ensuring the effective implementation of equality policies and practices. In particular it is important to provide equality awareness training for those responsible for institutional planning and management. This training should cover awareness of the issues in respect of all areas of potential discrimination: sex, race, disability, marital status, religion or belief, sexual orientation and age. Involvement of recognised trades unions in such training is likely to increase all participants' understanding of equality issues and the potential for, and barriers to, the necessary organisational and cultural change that is involved.

**31** Local partners should consider introducing appropriate programmes of training for those involved in the various aspects of human resource management - covering both existing staff and new employees, and incorporating both equality awareness and appropriate skills development.

### **Dignity at work**

**32** Freedom from all forms of harassment and bullying and the protection of dignity at work are parts of any employee's rights to equality of opportunity. Institutions should have in place clearly communicated policies which emphasise that harassment and bullying will not be tolerated.

**33** Such policies should:

- Define what is meant by harassment and bullying. For example, in addition to physical assault it can include inappropriate jokes, banter or insults; offensive literature or graffiti; shunning people because of their ethnic background, religion or belief, disability, sex or





sexual orientation; being condescending or deprecating; and unfairly targeting people for critical comment

- Set out an effective harassment and complaints procedure.

Institutions are recommended to include in their equal opportunity policy statements and staff recruitment and induction materials specific reference to the procedure to follow in making a complaint about perceived unfair treatment. These documents should also:

- Identify a senior manager responsible for the procedure under which such complaints are handled
- Specify remedies where complaints are upheld
- Have linked action plans with areas of action and specific, measurable, achievable, resourced and time-based tasks that spell out responsibilities, accountabilities and liabilities, along with the expected outcomes and review strategies
- Help to embed action to tackle harassment and bullying in the mainstream of all policies.

### **Resource, plan and monitor the equality policy**

- 34 Agreed institutional equality policies should be supported by resources to cover, for example, the development of procedures, codes of good practice, and the provision of advice and training. Other measures institutions should consider include:

- Giving a designated member of the senior management team responsibility for managing the implementation of the equality policy
- Establishing a committee to examine equality issues which could involve management, governing body, staff and the recognised trades unions (or using similarly an identified part of existing machinery)
- Establishing clear lines of communication with the staff and their recognised trades unions on all equality issues and encouraging their full and active participation at all stages
- Appointment of specialist advisers/co-ordinators on equality
- Identifying external sources of specialist advice, support and training provision.

### **Action planning**

- 35 Institutions are at different stages in promoting equality and the local partners will need to analyse their current situation, and set their own realistic and prioritised goals/outcomes based on this analysis.

- 36 Key principles are:

- Fully integrate action plans into institutions' strategic planning and budgeting processes, including their HR strategies
- Include, in action plans, clear, objective and demonstrable methods of confirming and assessing progress in achieving desired outcomes
- Develop a specific set of qualitative and quantitative performance indicators on equality that enable institutions to measure progress in relation to their own situation, mission statement, strategic plans and priorities
- Express desired outcomes as targets, goals or aims, qualitatively, quantitatively or both. Some may be appropriate at the level of the whole institution, others at different levels, eg for particular departments or faculties. They should be decided by the institution in consultation with staff and the recognised trades unions. The use of local performance

targets is not to be confused with 'quotas' and other unlawful methods of positive discrimination

- Link targets and time-scales to identified goals/outcomes
- Identify those responsible for specific actions
- Set out resource requirements of actions.

37 JNCHEs believes that action planning is also an area where full involvement of staff, and regular consultation with the recognised unions, will enhance the quality of the plan and promote commitment to its realisation. This should ideally cover all staff and be carried out through existing and/or new procedures. Approved action plans should be published.

### Monitor equality statistics

38 Monitoring is an important part of any equal opportunities policy. Done effectively it helps with early identification of areas where supplementary or corrective action is necessary.

39 Under the terms of the RRAA, HEIs are obliged to collect monitoring data by race. Action is underway to develop systematic national monitoring data. However this will not preclude the need for the collection of local data relating to local circumstances. Both good practice and forthcoming legislation would indicate that local monitoring should cover all aspects of potential discrimination.

40 Institutions are therefore recommended to establish arrangements for the collection and analysis of appropriate data for equality monitoring purposes. The form that this takes will depend on local needs and resources, but it is likely to cover monitoring data for the institution as a whole, and for appropriate organisational units, in respect of:

- Race
- Sex
- Disability
- Religion or belief
- Age
- Marital status
- Sexual orientation.

41 Such data will be needed for monitoring the effectiveness of institutions' equality policies in respect of:

- All aspects of the recruitment process, including advertising and application
- Promotion
- The composition of the existing workforce
- Terms and conditions of employment, including pay and grading
- Training and career development
- Grievances
- Disciplinary action
- Performance appraisal
- Dismissals
- Reasons for leaving.

42 Institutions and their recognised trades unions are recommended, as part of this

partnership approach, to work together in encouraging staff to cooperate with the collection of equality data. This will include explaining the need for the collection of data and re-assuring staff about its legitimate use and the security of its storage. Arrangements for this will, in any event, need to meet the requirements of the Data Protection Act 1998 and related Codes of Practice in relation to sensitive personal data.

- 43 A regular monitoring and feedback cycle is strongly recommended. The results of monitoring exercises and action taken should be reported to relevant committees and governing bodies, be the subject of open discussion with the trades unions, and be promulgated widely to staff to promote a debate about institutional performance in the context of its equality action plan.

### **Appendix 3: The relevant sections of the law**

Articles 3 (1), 3 (2), 3 (4) and 3 (5) of the Race Relations Act 1976 (Statutory Duties) Order 2001 place specific duties on further and higher education institutions. Such a body shall:

- 3 (1) *...before 31 May 2002,*  
(a) *prepare a written statement of its policy for promoting race equality (referred to in this article as its "race equality policy"), and (b) have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph ... (4) ...*
- (2) *Such a body shall,*  
(a) *maintain a copy of the statement, and*  
(b) *fulfil those duties in accordance with such arrangements*
- (4) *It shall be the duty of [such] a body...to -*  
(a) *assess the impact of its policies, including its race equality policy, on students and staff of different racial groups;*  
(b) *monitor, by reference to those racial groups, the admission and progress of students and the recruitment and career progress of staff; and*  
(c) *include in its written statement of its race equality policy an indication of its arrangements for publishing that statement and the results of its assessment and monitoring under sub-paragraphs (a) and (b).*
- (5) *Such a body shall take such steps as are reasonable practicable to publish annually the results of its monitoring under this article.*

### **Appendix 4: Checklist**

Since 31 May 2002, all educational institutions have new responsibilities under this legislation. It is the responsibility of the corporation to ensure implementation, but noncompliance with the legislation can have many negative implications for all staff, black and white. Therefore, you should check the following in your institution.

#### **Questions for the branch**

- 1 Is there a Race Equality Policy in place?
- 2 Is it at least as good as the Joint Agreement on Guidance for Race Equality between the AOC and the six recognized FE unions (see Appendix 1, on page 16)?
- 3 Was it negotiated with you?
- 4 Do all members of staff have a copy of the policy?

- 5 Have staff received training in work time on implementation of the Act or know when they will do so?
- 6 Is NATFHE/UNISON represented on the Equality Committee?

If the answer to any of these questions is 'No', raise the issues with management, and also ask them the following detailed questions.

#### **Questions for management**

- 1 Are there copies of the most relevant CRE documents (ie *The Statutory Code of Practice on the Duty to Promote Race Equality* and *The Duty to Promote Race Equality: A Guide for Further and Higher Education Institutions*) publicly available at every site, and have staff been told where and how to access these documents?
- 2 If staff training on the implications of the Act has not yet been made available to all teaching staff in work- time, what is the timetable to deliver such training?
- 3 Has the institution produced an action plan for implementing its policy?
- 4 What are the plans to assess the impact of all its policies on students and staff of different racial groups?
- 5 How does the institution intend to monitor, by reference to racial groups, the admission and progress of students, and the recruitment and career progress of staff?
- 6 What are the arrangements for publishing the results of monitoring?
- 7 If it has not already done so, when does the institution intend to create an Equality Committee on which the recognized unions are represented to oversee these matters?
- 8 How does the institution intend to ensure that the recognised unions are consulted in all these matters?

#### **Appendix 5: Useful addresses**

##### **Commission for Black Staff in Further Education**

c/o Association of Colleges, 5th floor, 103 New Oxford Street, Centrepoint, London WC1A 1RG

##### **Commission for Racial Equality (CRE)**

St Dunstan's House, 201-211 Borough High Street, London SE1 1GZ

Telephone 020 7939 0000; website [www.cre.gov.uk](http://www.cre.gov.uk)

##### **NATFHE**

27 Britannia Street, London WC1X 9JP

Telephone 020 7837 3636; website [www.natfhe.org.uk](http://www.natfhe.org.uk)

##### **UNISON**

1 Mabledon Place, London WC1H 9AJ

Telephone 0845 355 0845; website [www.unison.org.uk](http://www.unison.org.uk)





***Implementing the Race Relations  
Amendment Act*** was produced jointly by  
NATFHE and UNISON in November 2004

Designed by NATFHE

Printed by Jason Print & Design Ltd,  
Dickermill Estate, Hertford SG13 7AE

