

Race Equality Scheme 2006-2009

England, Wales and the Scotland Office

Foreword by the Secretary of State

I am delighted to present the Department for Constitutional Affairs Race Equality Scheme for the period 2006-2009, which sets out our priorities for action.

DCA is the department that has responsibility for upholding Justice, Rights and Democracy across all communities in the UK. I have made a public commitment to improve public engagement, confidence and satisfaction in our approach to serving the public. We cannot deliver effectively to our public without its confidence, engagement and involvement.

We have made some progress in connecting to the communities we serve through a programme of opening the courts to local communities. The success of the Community Justice Centre in Liverpool is an example of how we have been able to build confidence in the court system through involvement. We plan to develop local community justice approaches across England and Wales.

To achieve our commitments and to build trust and confidence in the justice system we need a workforce that reflects the communities we serve. We have taken and continue to take steps to address the gaps at senior civil service level where black and minority ethnic staff are not fully represented. Our PROUD Network representing black and minority ethnic staff has been acknowledged across Government. This network is open to everyone in DCA. At board level we have appointed a champion to ensure that both our staff and the public have confidence in the department.

I am personally committed to ensuring that there is race equality in what we do and how we treat our staff and the public, but there is more to do to make us fit for diverse communities in the UK in the 21st Century. This Race Equality Scheme sets out what progress we have made and how we intend to place race equality at the heart of our agenda.

Lord Falconer of Thoroton

Message from the Board Diversity Champion and the Champion for Black and Minority Ethnic staff

I am delighted to introduce the DCA's Race Equality Scheme 2006.

This is a really important scheme for everyone in the Department and for all those who use our services. It commits us to ensuring that race equality is at the heart of everything we aim to do. It sets out the policies and practices for which we are responsible. And it commits us to a wide range of actions necessary to deliver the Scheme in all parts of the Department.

The Scheme forms an important part of the actions we are taking to ensure race equality is fully embedded in the Department's policies and procedures. We recognise how important this is, both for our staff and for all those who rightly expect our services, to meet the diversity of their needs.

The departmental management board are strongly committed to the delivery of this Scheme and we will be monitoring progress to ensure we meet the commitments set out in our plans.

John Lyon

Contents

Section 1	Introduction
1.1	DCA Strategic Vision and Priorities
1.2	Accountability
Section 2	Our Legal Responsibilities under the Race Relations Act
2.1	The General Duty
2.2	The Specific Duties
2.3	The Employment Duties
Section 3	Meeting the General and Specific Duties
3.1	Specific Duties
3.1.1	Publication of a Race Equality Scheme
3.1.2	Scheme Outcomes
3.1.3	Assessing the Functions and Policies for Relevance to Race Equality
3.1.4	Consultation and Involvement
3.1.5	Consultation and Monitoring the Policies and Services
3.1.6	Public Access to Information and Services
3.2	Consulting on the Scheme
Section 4	Meeting the Employment Duty
4.1	Staff Profile
4.2	Recruitment
4.3	Promotion
4.4	Staff Turnover
4.5	Access to Training and Development
4.6	Performance Management
4.7	Grievance and Discipline
4.8	Redundancy and Redeployment
4.9	Working Patterns
4.10	Pay and Benefits
4.11	Consulting with Staff
4.12	Training Staff
Section 5	Monitoring the Action Plan
Section 6	Partnerships with External Organisations
Section 7	Complaints about the Scheme
7.1	Staff
7.2	The Public
7.3	Handling Complaints

- Appendix A: Action Plan – Priorities for 2007-08**
- Appendix B: List of Functions and Action Plans by Directorate**
- Appendix C: Impact Assessments of Policies and Priorities for Action 2007-08**
- Appendix D: Associated Offices**
- Appendix E: List of Consultees**
- Appendix F: Glossary**
- Appendix G: References**

Section 1

1. Introduction

This Race Equality Scheme (subsequently referred to as the ‘Scheme’) sets out the commitment of the Department for Constitutional Affairs (DCA), Her Majesty’s Courts Service, the Tribunals Service, related organisations in England and Wales and the Scotland Office to race equality. It also sets out the actions they will take to achieve this in delivering Justice, Rights and Democracy for the public and for staff. In the context of this Scheme, DCA includes all the organisations for which it has direct responsibilities. This Scheme replaces the updated one published in 2005.

DCA has a legal responsibility to eliminate unlawful discrimination and to promote good race relations, but it is committed to moving beyond simple compliance. It will improve public confidence and trust through delivering high quality services which produce equitable outcomes for all members of its public. It will also ensure that staff have confidence and trust in the organisation by developing them to meet the needs of the business.

1.1 DCA Strategic Vision and Priorities

DCA has responsibility for upholding Justice, Rights and Democracy. Our strategic vision for the next ten years is to:

- Empower citizens and communities
- Use education, information and advice to speed up justice
- Modernise our services and the way in which they are delivered
- Focus on a people centred approach

This vision is reflected in our strategic priorities, which are to:

- Reduce crime and anti-social behaviour
- Speed up asylum and immigration appeals
- Protect the vulnerable
- Deliver faster and more effective dispute resolution
- Strengthen democracy and rights

DCA’s strategy can be found on www.dca.gov.uk/dept/strategy

The Scheme's action plan (Appendix A) sets out how DCA will integrate race equality into the delivery of its strategic priorities and meet its duties to promote good race relations. DCA defines race as it is set out in the Race Relations Act 1976 (RRA); that is, a racial group which can be identified by race, colour, nationality (including citizenship), ethnic or national origins.

1.2 Accountability

DCA's management board has approved this Scheme. It has the overall accountability for ensuring the action plan is implemented, monitored and reviewed regularly. It is a living document and the board will review progress on an annual basis against the related actions. A full review of the Scheme detailing progress and identifying key areas for action will be undertaken and presented to the board for approval every three years.

Directors, Heads of Divisions and Heads of Units are responsible for ensuring that functions and policies for their respective business areas are reviewed for their relevance to race equality. The Director of Human Resources is responsible for ensuring that the Employment Duty is implemented. Human Resources and all Directorates can obtain guidance from the Equality, Diversity and Human Rights Division (EDHRD).

Appendix A sets out the overall action plan and a timetable for putting the Scheme into effect. This action plan is complemented by the specific action plans for each business area, found in Appendix B. The work described in the action plans, where it is not already included, will be built into directorate, unit, team and individual business plans for 2007-08 and beyond.

Section 2

2. Our Legal Responsibilities under the Race Relations Act

The RRA, as amended by the Race Relations (Amendment) Act 2000 (RRAA), places the following duties on DCA:

2.1 The General Duty

The general duty states that a body subject to the general duty:

“shall, in carrying out its functions, have due regard to the need –

- (a) to eliminate unlawful racial discrimination;
- (b) to promote equality of opportunity; and
- (c) to promote good relations between persons of different racial groups.”

As a Government Department, DCA is bound by the general duty.

2.2 The Specific Duties

The specific requirements in relation to a race equality scheme are set out in an Order made by the Secretary of State. As a minimum, the scheme must state those of its functions and policies, or proposed policies, which the public authority has assessed as relevant to its performance of the duty imposed by section 71 (1) of the RRA.

The Scheme must also state the public authority’s arrangements for:

- i) assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;
- ii) monitoring its policies for any adverse impact on the promotion of race equality;
- iii) publishing the results of those assessments, consultations and monitoring;
- iv) ensuring public access to information and services which it provides; and
- v) training staff on issues relevant to the general duty and the specific duties.

2.3 The Employment Duties

There are also the following specific duties relating to employment issues. This requires DCA to have in place arrangements monitoring the ethnicity of:

- staff in post;
- applicants for jobs;
- promotion and training;
- those who receive training;
- those who benefit or suffer detriment as a result of performance appraisal;
- those who are involved in grievance procedures;
- those who are the subject of disciplinary procedures; and
- those who are dismissed or leave for other reasons.

DCA must publish annually the results of the above ethnic monitoring.

The Commission for Racial Equality (CRE) has issued a Code of Practice entitled 'A Statutory Code of Practice on the Duty to Promote Race Equality', along with non-statutory guidance and a Code of Practice on Employment entitled 'A Statutory Code of Practice on Racial Equality in Employment' (see Appendix G).

This Scheme takes account of the guidance set out in these Codes.

Section 3

3. Meeting the General and Specific Duties

DCA recognises that in order to meet the general duty to promote race equality it needs to implement the specific duties. This Scheme sets out how we will ensure that all communities have access to DCA services and, in particular, sets out how we will assess the impact of all our functions and policies, further develop our monitoring and consultation practices to ensure we fulfil our duties to promote race equality, and eliminate unlawful discrimination. This Scheme covers the period from December 2006 to 2009.

3.1 Specific Duties

3.1.1 Publication of a Race Equality Scheme

The then Lord Chancellor's Department published its first Scheme in May 2002. In June 2003 that Department became the Department for Constitutional Affairs. On 1 April 2005, DCA was restructured and assumed responsibility for the Magistrates' Courts. On 1 April 2006, it also took on responsibility for the Tribunals Service. These amalgamations have resulted in the number of DCA staff more than doubling over the space of two years.

DCA reviewed and republished its Scheme in May 2005. It has now been recognised that, in order to make progress on race equality, the 2005 Scheme needs to be revised. In this revised version of the Scheme, DCA has identified what actions have already been taken to progress race equality, and where it needs to make further progress on integrating race equality into its changed priorities. The revised Scheme now reflects the full range of DCA's functions and policies (Appendix B). The DCA will publish progress on this Scheme annually and will revise the Scheme every three years.

Copies of this Scheme will be on DCA's website. Copies will be available in large print or Braille from:

Equality, Diversity and Human Rights Division
 Department for Constitutional Affairs
 Selborne House
 54 Victoria Street
 London SW1E 6QW

3.1.2 Scheme Outcomes

The outcomes for the Scheme are that there is no significant difference in:

- the confidence and trust that members of the public from all communities have in the justice system;
- the satisfaction of members of the public from all communities who use our services with the way they have access to them and with information about them; or in
- equality of opportunity for all members of staff irrespective of race.

3.1.3 Assessing the Functions and Policies for Relevance to Race Equality

In May 2006, a comprehensive audit of all DCA's functions and policies was carried out. A questionnaire was sent out to all business areas in which they were asked to give details of their current responsibilities, assess all functions and policies for relevance to race equality and identify what actions had been taken and are planned to achieve race equality. Details were also provided on all impact assessments completed and planned.

In assessing the functions and policies for relevance the following questions were considered:

- For whom is the policy or service intended?
- What are the planned or intended outcomes?
- Is there any current evidence that the public or staff are satisfied with the way the outcomes are being achieved?
- Is there any evidence of dissatisfaction? If yes, where are the gaps?
- Are there any indicators that a new (or change to) policy may produce unsatisfactory outcomes for the target stakeholders?
- Is there any anecdotal evidence that non-priority areas of work may not be delivering equality of outcomes?

In reviewing the full range of functions the Scheme has also identified where specific actions have been taken to promote race equality. DCA has assessed that the majority of its priority policies, regulations and services are relevant to race equality. Where procurement is used as a means of providing services to the public or staff, it has been assessed as relevant and will be used as a lever for promoting race equality.

Diversity Impact Assessments

In order to ensure that the issues relating to race equality are enshrined in policy development, DCA has developed and piloted a diversity impact assessment (DIA) framework that includes race equality. DIAs are carried out for each major new policy DCA intends to implement. Senior managers are responsible for making sure they are completed. And starting from 2007, senior managers will need to carry out a DIA before the project can actually launch.

A toolkit for carrying out these DIAs has been devised and training on using it will be provided during 2007-08. In addition, DCA is using a diversity framework to integrate diversity into its business planning process and business plans. We are also making sure, as part of the current planning round, that managers identify key projects, which we will ensure are subject to full DIAs.

Where new or current policies, regulation or services have been assessed for their impact on equality, these have been listed in Appendix C with the appropriate timings. A list of DIAs will be published on both the external DCA website and the internal DCA staff intranet during 2007.

Responsibility for ensuring we publish the results of assessments, consultation and monitoring lies with EDHRD assisted by the Strategy and Communications Directorate – which has responsibility for corporate communications – and by the relevant communications teams for the agencies. Individual directorates will be required to advise EDHRD of DIA consultation processes.

DCA will publish, as required, the results of any assessments, consultations and monitoring it undertakes to identify any impact on race equality. This information will be available via e.g. website, annual report, in local courts and tribunals etc.

DCA needs to adopt a more planned and consistent means of collecting and updating data to assess our work on race equality. We will use different communication methods to disseminate information and ensure that information is equally accessible.

3.1.4 Consultation and Involvement

In reviewing the Scheme, DCA has consulted with all directorates internally and has used feedback information from the public gathered regionally through the courts' services, special projects and initiatives, consultation on changes to specific policies and through the last customer and staff surveys (2005). A new customer survey is due in July 2007. DCA has also made use of the surveys produced by the PROUD Network representing its black and minority ethnic (BME) staff.

Courts and tribunals have their own user and community consultation strategies. For example, court user groups, community engagement and diversity groups, various steering and focus groups, London Civil Forum. Each area will report on local consultation initiatives, the results, and any action taken to ensure equality of opportunity. In reviewing this Scheme, we acknowledge that we need to ensure that the results of these consultations and actions are effectively monitored.

DCA HQ has an internal consultation network of staff and Trade Union Side (TUS), the staff's trade union. However, they will be putting in place a diversity consultation group which will include key stakeholders and be representative of the BME population. The Strategy and Communications Directorate supports DCA in ensuring that the public has access to information and for assessing public confidence and satisfaction with DCA. HMCS Communications are reviewing their communication strategy to ensure the widest possible participation in the 2007 customer survey.

Examples of Policy Consultations:

Dealing with Racially Motivated Crime and Domestic Violence

One of the key priorities in the courts is to tackle racially motivated crime and domestic violence. There was concern that individuals did not always come forward to seek redress or assistance, particularly where they belonged to communities who were not aware of the support the services provided to them to pursue justice.

The Merseyside Local Criminal Justice Board (LCJB)

established a multi-agency group of senior officers to review the end-to-end process on race/faith hate crime. In that review consultation took place with community groups throughout the area to give feedback to the agencies on where and how the process could be improved. Following the completion of a draft protocol, this was again consulted upon with those groups and the protocol has now been approved by the LCJB for roll-out in 2007.

Specialist domestic violence courts have been established at each court centre with local steering groups managing performance and effectiveness. There is an area-wide Strategic Domestic Violence Group which is multi-agency, while the Government Office North West oversees the strategic implementation of the Domestic Violence Protocol.

The London-wide Race Hate Crime Forum requires all London boroughs to deliver presentations about how they tackle race hate crime. The presentations are usually delivered jointly by the Borough Commander and Chief Executive of the Local Authority. The Forum has been running since 2004 and is chaired (and sponsored) by the Metropolitan Police Authority.

The Race & Diversity Action Group (RADAG) requires all criminal justice agencies in London to demonstrate how they are implementing the Race Relations and Disability Discrimination Acts – particularly the duties to publish a Race Equality Scheme and Disability Equality Scheme. RADAG is chaired by Lee Jasper, Race Advisor to the Mayor of London.

Confidence in the Civil and Family Courts

The Annual Survey of Civil and Family Court Users 2005 shows that while satisfaction with these services is increasing year by year for professionals and white users, those likely to be less satisfied are those from BME backgrounds. Although the satisfaction rates vary regionally, the lowest rate is for London, which has nearly one third of its population from such backgrounds.

Confidence in the Criminal Justice System (Criminal Courts)

People from BME communities have less confidence that the Criminal Justice System (CJS) will treat them fairly (Home Office Citizenship Survey, 2001), and ethnicity data shows they are over-represented at stages throughout the CJS, from first contact to sentencing. The Government is determined to close this confidence gap and has set a strategic goal of delivering a CJS that the public has confidence in, that is effective, and that serves all communities fairly.

In order to embed that principle the Government has adopted a Public Service Agreement target. The CJS has a collective responsibility to deliver the PSA2(e) target. While the target is couched in terms of perception of the fairness of the CJS, it will only be delivered if the services provided by all agencies are delivered fairly on the ground.

The Office for Criminal Justice Reform (OCJR) has developed an overall plan in order to co-ordinate the work of the CJS agencies towards this target.

A range of data on race and the CJS is published annually by the Home Office under section 95 of the 1991 Criminal Justice Act. The statistics are provided by different agencies (police, courts, Young Offending Team) and different departments (Home Office, Crown Prosecution Service, DCA) are responsible for their collection. The statistics are one of the main sources of information available on BME groups' experiences across different elements of the CJS and are a potentially powerful tool for driving performance and ensuring race equality.

The SR02 target of 52% for BME confidence in the CJS was achieved. The British Crime Survey figure for the year to March 2006 is 58.3% against the baseline of 49.1% for the year to March 2003.

For SR04 the measure is based on those perceiving worse treatment by one or more CJS agency. The target is 30% measured by data from the Home Office Citizenship biennial survey. The latest survey (2005) shows a rise in confidence levels of BME people. The courts are up to 64% from the previous survey figure of 56% (2003). The figures for the other agencies are: CPS 59% (52.4%), police 63% (55.6%), Prison Service 43% (41.1%), Probation Service 48% (47.8%). The 2005 figure for those who perceive worse treatment by one or more agency is unchanged from 2003 at 31% which is down on the baseline figure from 2001 of 33%.

Confidence in Tribunals

The Tribunals Service launched in April 2006. Though several of the component parts of the agency surveyed their customers prior to April 2006, the range of questions asked – and the methods for gathering data – differed enormously. The Service is currently analysing the trends of all those surveys, and the work done by Hazel Genn which itself covered a small number of jurisdictions to identify common trends, with a view to developing an action plan for implementation in the next financial year.

Increasing Access to Justice

The Community Justice Centre (CJC) North Liverpool is the only one of its kind in England and Wales. It is a pilot project aimed at bringing justice closer to the community by tackling crimes and anti-social behaviour-type offences that affect the quality of life for residents in the local authority wards of Anfield, County, Everton and Kirkdale. It houses a courtroom with a wide range of community services available to local people, victims and witnesses, as well as offenders.

It is recognised that the area served by the CJC North Liverpool is not racially diverse – BME groups account for between 2.50 and 3.00% of the population, which is below the city average. As a result BME residents within the area can feel isolated and vulnerable.

The CJC North Liverpool is committed to engaging with and meeting the diverse needs of the community of North Liverpool and utilises a wide range of approaches to do so.

The CJC's Judge David Fletcher is the Black and Ethnic Minority Liaison Judge for Merseyside, and the Centre is represented on the HMCS Diversity and LCJB Confidence groups. The CJC deals with race hate crime within North Liverpool.

The Judge and the Centre team have engaged with Liverpool's Black and other Racial Minority (BRM) Network by attending meetings held by the group, and hosting a BRM meeting at the centre to raise awareness of services available, establish issues and identify opportunities to improve communication. The CJC has signed up as an associate member of the network and the Judge and team members plan to visit Liverpool Mosque and Pakistani Centre where North Liverpool Muslims worship/have contact.

The North Liverpool neighbourhood has a long history of hosting visits by the Traveller community and has, more recently, attracted residents from Poland and other Eastern European countries whose needs may not be easily recognised or identified. To help address these issues the centre has been used as a venue for meetings between the Traveller community and key service providers. It has hosted a visit by the LOVAR Project – local centre for asylum seekers – and established contact with Liverpool City Council Social Cohesion Officer.

The CJC team works in partnership with other key stakeholders and has supported two conferences: to launch new police race hate crime procedures and support packs within the community; and to promote CJC services and the use of the Centre as a venue for reporting race hate crime. The Centre team is also working closely with North Liverpool Positive Futures Initiative, jointly funded by the Home Office and Sport England. The project has arranged sport activities between local young people and their peers from other more diverse neighbourhoods in order to break down cultural barriers and improve integration.

The CJC team directly supports individual race hate victims and is currently exploring the use of Restorative Justice Approaches to raise awareness, improve understanding and integration within the community.

Extending Democracy and Rights

As part of a drive to raise awareness of voting rights, DCA funded seven local authorities to increase voter registration among young people and people from BME communities. For example, Milton Keynes carried out some outreach work with the Somalian Women and Youth Group, Mosques, Black Pentecostal Churches, Gypsies and Travellers, the Ghanaian Association, the Sikh Temple, and Milton Keynes College where a majority of the students are from BME backgrounds. A variety of methods were used and there was collaboration with local community radio and local media. Similar initiatives have taken place in Liverpool, Manchester, Stockton-upon-Tees, Woking, and Sunderland. The evaluation of the project is expected by February 2007.

3.1.5 Consultation and Monitoring the Policies and Services

DCA consults the public about any new policy or major policy change. This includes a consultation on its potential impact on race equality. During the review of the Scheme, however, it became apparent that there was a need to ensure that there is a more planned and consistent approach to monitoring and consultation as part of the DIA process. We intend to be even more pro-active about how we consult with the public. An important part of our action plan is to consider the best way that we can set up face-to-face and online consultations with BME groups and the wider public on an ongoing basis.

By July 2007, we shall introduce a standardised consultation process for DIAs. The process will follow the principles of the Code of Practice on Consultations published by the Cabinet Office in January 2004. In summary, though, we plan to build the following steps into the process:

- Setting clear objectives for the consultation;
- Planning consultation activities, methods and timetable;
- Identifying stakeholders;
- Carrying out consultation;
- Analysing responses to the consultation and incorporating any changes into the proposed policy or plan;
- Giving feedback to stakeholders; and
- Publishing the results.

As part of the standardised consultation process, we shall build up a directory of groups with whom we should consult during a DIA.

3.1.6 Public Access to Information and Services

DCA is committed to providing information about its policies and services through effective communication with the public, including BME communities. We provide information in several ways: centrally, through the website for example; from individual directorates about any relevant policies and services for which they are responsible; and through the public courts and tribunals or other DCA offices, or through working with partners. In providing information, we seek to ensure that it is:

- clear, comprehensive, accurate and relevant;
- appropriate to the reader or user of the information;
- proportionate to the subject matter; and
- targeted and timely.

3.2 Consulting on the Scheme

The revised Scheme was drafted based on information gathered as set out in section 3.1.4. It was then subject to internal and external consultation between November and mid-December 2006. Details of those consulted are in Annex E. The Scheme was approved by the board for final publication and implementation at the end of December 2006.

Section 4

4. Meeting the Employment Duty

In order to provide the most effective services for its population, DCA recognises that its staff should reflect the population it serves. In doing so, DCA is committed to ensuring that:

- there are no significant differences between different groups in respect of staff confidence and satisfaction;
- staff feel fairly treated in relation to employment opportunity, terms and conditions, training and development and promotion; and
- it is seen as an environment that is attractive as a choice for employment by staff and potential employees.

Significant progress has been made, particularly over the past five years, in increasing representation of BME staff at senior levels. The Department is committed to making further progress. The Civil Service 10-Point plan sets out the targets for a more representative and diverse Senior Civil Service (SCS) and the DCA has produced a tailored programme of action in support of the national plan. Equally, DCA is continuing to work to improve the experience of all staff in the organisation.

The 2005 DCA-wide Staff Opinion Survey identified priority areas for action and these are included in the action plan at Appendix A.

Additionally, the PROUD Network carried out a survey of its members in 2005. Although the findings do not reflect all the BME staff in the organisation – 25% of its membership responded to the survey – it indicated that some BME staff still feel that they are unfairly treated on the grounds of their ethnic origin. And compared to the 2004 survey, they have less confidence in the complaints procedure. Actions to address these issues are also set out in the action plan.

4.1 Staff Profile

DCA runs courts, tribunals and related services in England and Wales, and has responsibility for the Wales and Scotland Offices. Its aim is for its staff to reflect the economically active population in the regions. However, although BME staff in DCA represent a higher proportion of staff than the target set for the Civil Service as a whole, they remain under-represented at senior levels in the organisation. A key priority is

to increase representation through development and support for staff in minority groups. Specific targets have been set for the SCS and the immediate feeder grades. These targets are set out below:

**DCA representation against
(i) civil service representation (ii) DCA 2008 Diversity targets
and (iii) Civil Service 2008 Diversity targets**

SCS - Proportion of BME staff

DCA representation, November 2005	=	2.7%
DCA representation, November 2006	=	7.0%
Civil Service representation, October 2005	=	2.9%
Civil Service target, April 2008	=	4.0%
DCA target, April 2008	=	4.0%

Senior managers - Proportion of BME staff

DCA representation, November 2005	=	7.0%
DCA representation, November 2006	=	8.0%
Civil Service representation, April 2005	=	5.1%
DCA and Civil Service target, April 2008	=	7.6%

It is important to note that the current available data for the feeder grades excludes Magistrates' Courts staff and staff in those tribunals which joined the Department after 1 April 2005. As a part of the DCA HR Transformation Programme a major project is currently underway to capture this data and to establish a single HR database. Workforce monitoring statistics covering all staff will be published in December 2006, and an update will be published in the revision of the Scheme in December 2007.

DCA currently employs 28,884 staff as at November 2006. Of these 10.24% have identified themselves as being from a BME group. London has the highest representation of BME staff among the regions Her Majesty's Courts Service (HMCS) operates in, with 23.33%. The Public Guardianship Office (PGO) has the highest representation of BME staff across all levels of the organisation, with 36.08%. We aim to produce comparative figures in the next revision of the Scheme.

DCA HQ

Total staff = 2,323	% White = 58.98%	% BME = 15.37%
Undeclared = 9.26%	No record = 16.40%	

HMCS (including Magistrates' Courts staff)

Total staff = 22,904	% White = 66.74%	% BME = 8.19%
Undeclared = 12.31%	No record = 12.76%	

Tribunals Service

Total staff = 3,218	% White = 52.11%	% BME = 18.37%
Undeclared = 8.23%	No record = 21.29%	

PGO

Total staff = 352	% White = 35.23%	% BME = 36.08%
Undeclared = 13.92%	No record = 14.77%	

Scotland Office

Total staff = 28	% White = 32.14%	% BME = 14.29%
Undeclared = 7.14%	No record = 46.43%	

Wales Office

Total staff = 59	% White = 71.19%	% BME = 6.78%
Undeclared = 3.39%	No record = 18.64%	

HMCS – London Region

Total staff = 3,305	% White = 55.46%	% BME = 23.33%
Undeclared = 10.50%	No record = 10.71%	

All DCA Agencies

Total staff = 28,884	% White = 64.08%	% BME = 10.24%
Undeclared = 11.61%	No record = 14.07%	

4.2 Recruitment

Recruitment activity has changed considerably recently reflecting the major restructuring of the Department. However, figures for 2005 indicate that people of BME origin represented 24.8% of all new entrants joining the DCA between 1 April 2004 and 31 March 2005.

DCA

Total number of applicants	=	16,594
% applicants from BME background	=	26%
Total number of staff recruited	=	1,375
% BME recruited	=	24.8%

The above figures represent campaigns run for the DCA, HMCS, and PGO from April 2004 to March 2005.

4.3 Promotion

The Staff Opinion Survey indicated that 71% of staff in DCA who responded to the survey, felt they were treated with fairness and respect, and 58% of respondents agreed that the Department offered equality of opportunity to all its staff. We will collect this information broken down by ethnicity so that comparisons can be made and further action identified.

In comparison, the PROUD Survey continues to indicate that BME staff in their membership group have lower satisfaction with their promotion prospects and feel less supported when applying for new posts. Only a small percentage felt that the promotion process was fair and based on merit. We will undertake further analysis to understand the reasons and assess any current or potential impact.

A new corporate performance management system will be launched in April 2007 which will establish a common basis for assessment.

DCA

Number of promotions	=	540
% BME promotions	=	17.8%

HMCS

Number of promotions	=	351
% BME promotions	=	13.8%

PGO

Number of promotion	=	less than 5
% BME promotions	=	27.3%

We will undertake further analysis to ensure that there are no significant differences between groups applying for and getting promotion.

Temporary promotion is implemented and monitored locally. A new framework was launched at the end of 2005. Monitoring figures are not

yet available for the individual local schemes and further work will be undertaken at local level to understand any trends and the reasons for any gaps when applicants are compared by ethnicity. Figures will be available in 2007.

4.4 Staff Turnover

The annual Workforce Composition Diversity Statistics Report reports on leavers by ethnic origin and cause. In 2004-05 staff of BME origin represented 13.3% of those who left the Department. When staff leave the organisation, the process is managed locally. The new database will help to collect statistics to indicate if there are any discernible differences based on ethnicity and these will be published in 2007.

4.5 Access to Training and Development

Training is undertaken both nationally and at local levels. Positive action training is monitored and a monitoring system is now being put in place to ensure that there is fair access to all training. All attendance at training will be monitored from 2007.

Positive Action Training

As part of the drive to improve access to promotion, DCA is using the legal framework to address under-representation of BME staff through targeted training. The training provides insights into senior management roles and increased personal awareness, to allow participants to maximise their knowledge, skills and experience. The Department encourages managers to attend this training with their BME members of staff. By the end of November, 97 people will have attended eight programmes held both residentially and non-residentially, in the Greater London area, and one in Birmingham.

End of course feedback has been overwhelmingly positive, with almost all participants rating the course as highly effective. A more detailed evaluation of the first six courses has just been completed. 48% of the 62 participants and 22% of their managers responded to the survey. Most of those responding felt the training had been worthwhile and that they had gained a lot from it in terms of better awareness of how to work with others, performing better in their current roles and providing a better service to colleagues and customers. In terms of career development, 27% reported that since the programme they had either applied for promotion or been promoted, either permanently or temporarily. 23% had taken on new work or projects in their current role, although for 20% there had been little or no impact on their careers at this point.

4.6 Performance Management

The Staff Opinion Survey indicated that 76% of staff had received a performance evaluation and 81% of respondents felt that their last performance evaluation accurately reflected their performance, nine percentage points above the central government benchmark. There will be analysis of those staff who did not get a review to assess for any significant differences and any adverse impact based on ethnicity (in 2007).

A new corporate performance management system will be launched on 1 April 2007. This will enable all staff to be assessed on a consistent basis and a major programme of briefing sessions and communication initiatives is currently underway.

4.7 Grievance and Discipline

Grievance and discipline cases which result in formal action are monitored by ethnicity. However, as the figures are often below five, Civil Service monitoring practice prevents their publication due to reasons of confidentiality. We will, however, continue to monitor to ensure that there are no significant differences based on ethnicity.

4.8 Redundancy and Redeployment

As indicated the Department has recently been restructured. We recognise that changes to the way we deliver our business can impact on staffing structures. Accordingly we will monitor the impact of each change in the planning and subsequent stages of implementation and will provide monitoring data on staff being redeployed or made redundant by December 2008.

4.9 Working Patterns

The Staff Opinion Survey indicates that working patterns can be a cause for discrimination, particularly where reduced hours are worked or staff have caring responsibilities.

The working patterns of DCA staff are agreed locally and, with current systems, we are unable to monitor by ethnic origin. However it is planned that the phased introduction of a new system from 2007-08 will enable this.

4.10 Pay and Benefits

An Equal Pay Audit is conducted annually. The 2005 audit concluded that there were no significant gaps between ethnic groups.

DCA is currently reviewing and aligning its pay, benefit and grading structures to apply a common structure to all its staff. This will take effect from August 2007.

4.11 Consulting with Staff

DCA involves staff in promoting equality of opportunity. DCA supports a network for BME staff, PROUD, and there is a champion for BME staff at board level. DCA consults with the network, the TUS and through the staff opinion survey. PROUD has also undertaken surveys of its members and both this and the staff opinion survey have been used to identify priorities for action in this Scheme. The Department also runs open events where staff are able to discuss how to make it a place of excellence in which to work.

4.12 Training Staff

General race awareness training is provided as part of the Diversity Awareness Training Course which is open to all staff.

EDHRD is planning to provide specific media to ensure all staff are fully aware of, and ready to discharge, their responsibilities in meeting their duty to promote race equality (along with the duty to promote disability and gender equality). This will commence in March 2007.

Equality and Diversity Briefings for Senior Staff

Directors, Heads of Directorates and Heads of Units attended a series of equality and diversity briefings during October and November 2006, to highlight accountability for integrating race equality (and other equality duties) into the work of the Department. Participants highlighted the key priorities for action in their own directorates and for DCA as a whole. These are indicated in the action plan (Appendix A).

Impact Assessment Training

DCA has a statutory duty to ensure that policies, procedures and regulation reform are assessed for their impact on the public or staff as appropriate in relation to equality of outcomes based on race and all other diversity strands including age, religion and belief, sexual orientation, and caring responsibilities (April 2007). DCA has developed a DIA Toolkit and has piloted training on carrying out assessments for key staff who need to undertake this work. Further training is planned for 2007.

Section 5

5. Monitoring the Action Plan

All Directors, Heads of Directorates and Heads of Units will be responsible for monitoring for equity of outcomes for the public in their areas of work. Any potential for adverse impact or outcomes should be reported to the relevant Director and action taken as appropriate. EDHRD should be advised of the outcomes of impact assessments (as indicated in the DIA toolkit) and of any actions taken to promote equity for staff and the public. The board will receive regular quarterly reports on progress.

We recognise that monitoring the action plan will be a key priority. An early task will be to identify the most effective ways of achieving this. In addition, we will be putting in place Department-wide arrangements to ensure that we deliver the action plans. A detailed monitoring scheme for monitoring the action plans will be devised early in 2007.

Section 6

6. Partnerships with External Organisations

DCA works in partnership with other government organisations and external bodies, for example the Home Office, the Department for Education and Skills, the CPS, the private sector and international organisations. Although private sector organisations may not themselves be subject to the general duty, DCA is conscious of its obligations under the RRAA when working with or through other organisations. In creating partnerships with other organisations we will ensure that we give due consideration to the approach of those organisations to race equality, and this will form an important part of our contract letting and management arrangements. We will seek to further develop partnerships with organisations representative of all communities.

Section 7

7. Complaints about the Scheme

Any individual who believes that they have been directly affected by a failure to comply with this Scheme is entitled to complain and should do so in writing. Complaints will be handled as follows:

7.1. Staff

- Staff employed by DCA should submit complaints through the normal internal grievance procedure. This is in DCA's Employee Manual which is currently being revised to take account of Magistrates' Courts and Tribunals staff.
- This procedure complies with the Employment Act 2002 (Dispute Resolution) Regulations 2004 and covers all employment related issues including discrimination and equal opportunities. Any member of staff who is a member of a union and who wishes to make a complaint may consult their union representative for help and advice.
- The Director of Human Resources will deal with complaints from members of the public about selection and recruitment. The public do have recourse to the Civil Service Commissioners should the matter not be dealt with satisfactorily.

7.2 The Public

- Individuals and other organisations or bodies – for example businesses from whom DCA buys goods or services – should contact the relevant DCA division with whom they usually deal.

7.3 Handling Complaints

All cases will be investigated as speedily as possible and normally within three months of receipt of the complaint. In responding to the complainant DCA will explain the procedure for pursuing the complaint further with the CRE. DCA will co-operate fully in any subsequent investigation by the CRE and provide access to any relevant documentation that the CRE may require. DCA undertakes to review its complaints procedure in the light of our experiences in the implementation of the Scheme.

The CRE has the power to enforce the specific duties imposed on listed public authorities. If it is satisfied that a public authority has failed to comply with any of its specific duties, the CRE may serve a compliance

notice. This will require the authority to comply with its specific duties and to inform the CRE, within 28 days, of the measures it has taken. If after three months the authority has not complied with the CRE's notice, then the CRE can ask the courts to order the authority to comply.

Individuals do not have the right to take legal action against a public authority that has not fulfilled its specific duties. It is open to individuals, organisations and others to notify the CRE if they are concerned that a public authority has failed to comply with its specific duties. However, DCA would wish that in the first instance, any complaints about its compliance should be raised with the Department directly.

Details of contacts and procedures for all complaints from the public are on DCA's website at: www.dca.gov.uk/compleng.htm