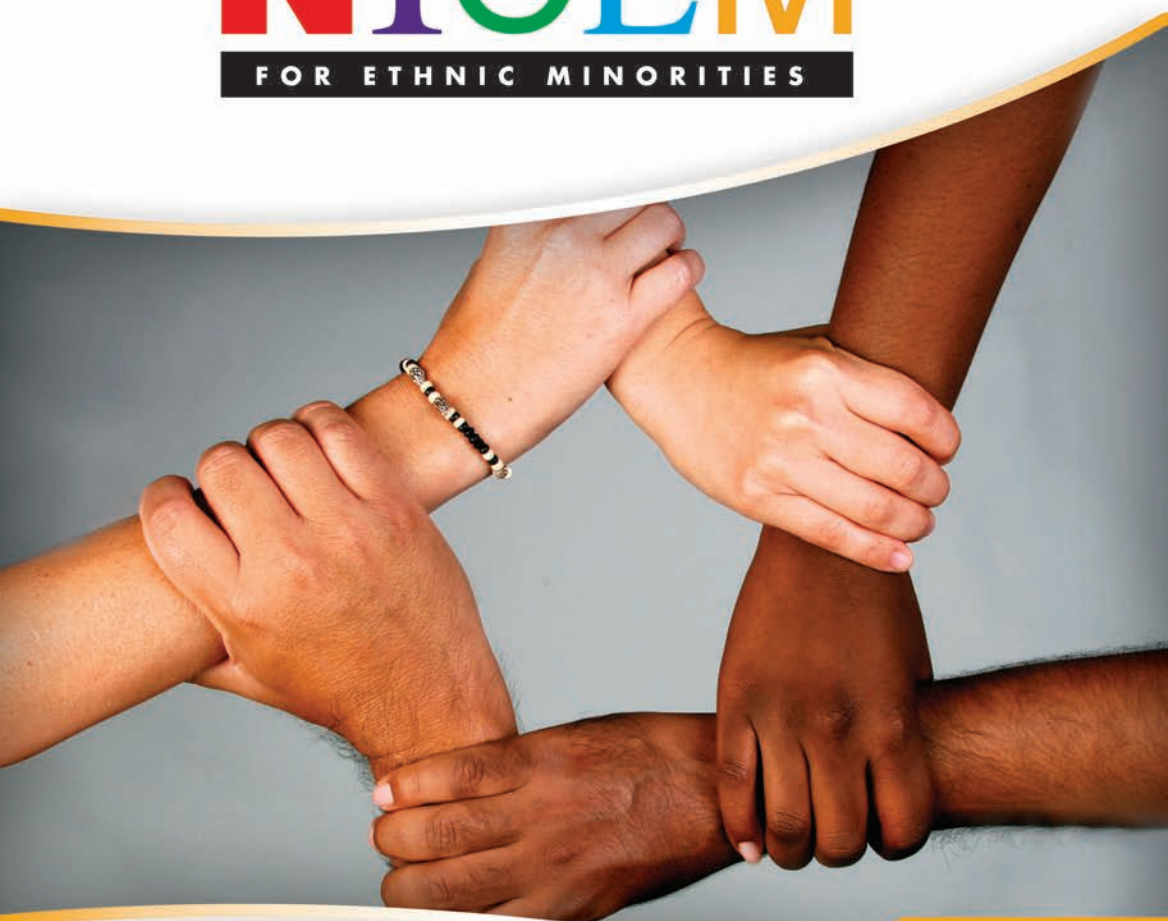


● Northern Ireland Council

NICE M

FOR ETHNIC MINORITIES



PRINCIPLES FOR EFFECTIVE ACTION ON
RACE EQUALITY

Booklet for Public Authorities

Booklet
Number
5
Human Rights and Equality
Framework Booklet series

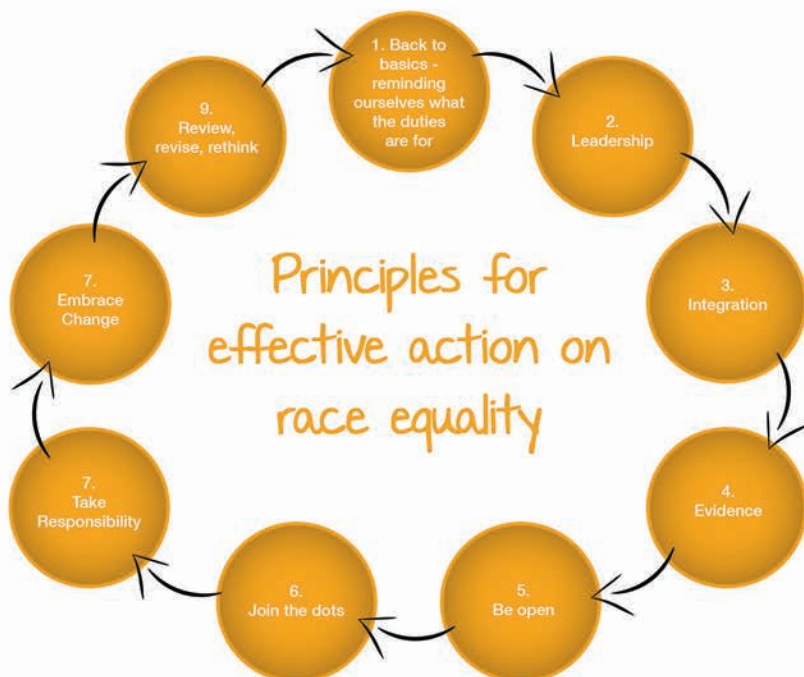


Introduction

These principles are designed to support public authorities in meeting their equality and good relations duties under section 75 of the Northern Ireland Act 1998. They will be familiar to the experienced equality practitioners, but are written to support their work and to provide an introduction and simple overview on how to ensure the duties are implemented effectively for ethnic minority communities.

They form part of NICEM's equality and human rights framework booklet series. This booklet comprises of two parts: the principles for effective action on race equality and the principles on effective consultation with ethnic minorities. It is essential to read both sections.

The graphic below illustrates the principles as circular, continuing, process for ensuring effective action on race equality.





Going back to basics - reminding ourselves what the duties are for


The laws that ban race discrimination as well as discrimination because of age, disability, religious belief or political opinion, sex or sexual orientation give important rights to individuals in areas such as employment and service provision.

But the statutory duties under s.75 are intended to be more positive and deal with those inequalities that may not be the fault of any one individual, but still mean that people from minorities are excluded from services or public life.

These can be caused by 'institutional discrimination' which has been defined in the Macpherson report as:

“The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour, which disadvantage minority ethnic people.”

So instead of looking for individuals whose actions can be blamed, the equality duties require us to understand what effect public authority policies, processes and practices have on minority ethnic people and if, and if so, how, they either create disadvantage or can be used to remedy it.



This means gathering and using evidence, including effective monitoring, data collection, research and community engagement to understand what equality looks like where your authorities functions have an impact (education, housing, health, employment etc.): identifying what needs to change and planning for how to achieve that change.



Equality duties in practice

ISSUE:

A public authority had been publishing at least twenty equality impact assessment reports every year. But when the authority does an audit of inequalities it finds that little has changed.

ACTION:

It reviews a selection of its impact assessments and finds that most simply conclude that there is no impact because the policy treats everyone the same.

IMPACT:

Realising that this could mean that important impacts have been missed, it runs training for all managers on the equality duties, using its audit of inequalities to demonstrate the equality goals of the authority.

1. Leadership

These principles will not be the first, or the last, to say that leadership is vital to effective performance of the equality duties.

Your Equality Scheme sets out the commitment of your authorities leader, be that a Chief Executive, a Chair, a Permanent Secretary or a Minister, to effectively implement the equality and good relations duties.

If you know what the change is that you want to achieve and how you plan to achieve that change, it will be easier to meet this commitment. Statements of support on their own, while important, need to be backed up by practice and impact that people can see happening.

Equality duties in practice

ISSUE: A Councillor in a local council is invited by a local group to speak at the launch of research into the needs and experiences of ethnic minority communities in her area.

IMPACT OF ACTION: Afterwards she raises the issues in the Council chamber and gets agreement to establish a working group to identify actions to implement the recommendations in the research. She invites the group that did the research to talk to the working group and to set up workshops with local ethnic minority people to develop an action plan. Six months later she proposes an action plan to the Council, which adopts it.



2. Integration

You will have a wide variety of strategies, tools and methods for delivering your functions. But if equality isn't part of these there is a real risk that they won't work for everyone, or at all.

For example, a plan to help more children pass their exams that overlooks the reasons that Traveller children don't currently do well in school isn't going to be effective, while introducing a 'last in, first out' redundancy policy separately from new efforts to recruit from under-represented groups (meaning they are more likely to be the 'last in') may result in wasted resources.

So make action on equality 'business as usual' and set your standards high. Integrate your equality action plans and scheme commitments into all business plans, strategic plans, strategies and projects.

If you set standards for others, or you inspect how others meet standards, equality must be part of that particular 'business as usual' as well. For instance, when the criminal justice inspectorate inspects for equality this is not an additional job – this is that it does its own job well.



Equality duties in practice

A public authority is designing new systems for performance management, which requires staff to collect evidence against newly agreed key performance indicators. For indicators about access to information and services it requires data to be disaggregated by ethnicity, so that it can tell if service improvements committed to in its Strategic Plan are being achieved for all groups and communities.



3. Evidence

You will know from your audit of inequalities and from developing your Equality Scheme what evidence you have, and where the gaps are. You can use this information to guide action, but as Northern Ireland lags behind in ethnic monitoring you are also likely to need to take specific action on ethnic monitoring.

From a service delivery point of view, monitoring by ethnicity helps to:

- ▶ identify the under- or over representation of different racial groups (for example, in reporting problems, using services, or facing enforcement action);
- ▶ ensure satisfaction with a service, whatever a person's racial group;
- ▶ know how effectively a service is delivered to different communities;
- ▶ know how services are provided (for example, whether they take account of language or cultural needs, or the effects of past discrimination).

If you don't already collect this data, you can use other sources such as: research reports; national surveys; academic research; research on separate, but similar, policy areas; and community knowledge accessible through the community and voluntary sector.

If you are relying on evidence from your audit of inequalities, be aware that changes may happen, for example, because of new migration patterns, changes to the issues faced by communities or new evidence emerging.



Equality duties in practice

A community organisation has produced a research report that shows exploitation of migrant workers is a serious issue. At the same time, the United Nations committee monitoring race discrimination (an international human rights body) has recommended that the government take action to address such exploitation. Relevant public authorities use this evidence in their audits of inequalities and draw on it to develop specific actions for their action plans.

4. Be Open

Be open to criticism and critique: involve communities, service users, employees and others affected by what you do and how you do it through effective consultation. **Don't hide behind the paper.**



Equality duties in practice

The Equality Commission has produced specific guidance on consulting children and young people. This includes guidance on how to consult BME young people.



5. Join the dots

As well as your general strategies and plans, that say how you will do your work more widely, you may have a range of plans on equality, some linked to the equality and good relations duties and some not. You are also likely to be expected to act on plans drawn up by others, such as a parent department under the planned new Race Equality Strategy.



Equality duties in practice

A public authority is designing new systems for performance management, which requires staff to collect evidence against newly agreed key performance indicators. For indicators about access to information and services it requires data to be disaggregated by ethnicity, so that it can tell if service improvements committed to in its Strategic Plan are being achieved for all groups and communities.

Where possible, work in coordination with other public authorities so that any positive impacts are multiplied/ reinforced. This may be with your sponsoring department, or it may be with others in your area. This can not only help to make sure problems don't fall through the gaps, but can help you save resources, for example by commissioning joint research or sharing expertise and experience.



6. Take Responsibility

The equality duties are intended to be done by those who normally do the day-to-day work of a public authority – everyone has a role to play. Make sure those who deal with an issue deal with equality, those who report on progress report on equality progress and those who are ultimately accountable are accountable for equality.



Equality duties in practice

When providing training to staff under your Equality Scheme, tailor it to the role that staff perform. For example, a hospital receptionist may need specific training on working with an interpreter; police may need dedicated training on effectively investigating a racist incident; a manager may need training on tackling racist bullying in the work place.

7. Embrace Change

Tackling institutional discrimination can often mean changing the 'way we have always done things'. So when screening or conducting an equality impact assessment show that an alternative approach could be better, be ready to consider it.

Involving communities in decision-making, as needed by consultation under the duties, means being ready to hear different opinions. Several different views can contribute to making better decisions, which could end up being quite different to that which you first chose. It's not about being wrong or right, but about finding out what is most effective to promote equality and deliver your functions well for everyone.

Equality duties in practice

A local council is approached by a community group on behalf of new residents who have been having problems getting information on how local rubbish collections work.

The council is aware of a problem, as there have been complaints about people putting rubbish out on the wrong days and not in the bins normally used. It had tried to solve this by sending out its standard leaflets, but without any results and had been considering enforcement action, as that is what it would normally do.

The community group points out that the standard leaflets are all text and only in English and the people who had come to them for help had not understood them. Initially the public authority thinks they cannot do anything as they feel that translation, the only option they can see, is too expensive.

The community group asks the Council to run a consultation meeting with all residents (new and existing) and helps them to do this. It finds that all would prefer information using images rather than blocks of text to explain how the rubbish and recycling collection works.

The local authority designs these with the support of a small group of residents who volunteer to help, and adopts them as its standard leaflets. As a result, after a little while the bins are put out on time, saving money for the local authority and reducing tensions within the community.

8. Review, Revise, Rethink

If you began with reminding yourself what the duties are for, you have to end with it too. You know what equality will look like, so measure and understand how far your work has come in achieving greater equality, fairness and being inclusive. Understand if what you are doing will get you there and, if not, what you need to do differently.

The amount of regard that is 'due' to equality will vary depending on the seriousness of the issue, how many people it affects and the significance of that effect. So you need to keep going back to assess if that has changed and what you need to do to achieve equality.

Human rights law uses a concept of 'progressive realisation' for many rights in the social and economic sphere, such as housing. The equality duties are similar – you won't get there overnight but every gain must be chalked up (and celebrated) while recognising that it is a stepping stone for further improvement.

Equality duties in practice

The public authority that needed to remind itself and its staff what the equality duties are for goes back to its audit of inequalities one year on. It reviews the evidence and finds that improvements in equality impact assessment of policies, and particularly the alternative policies now being considered, has started to close some of the inequalities identified. It celebrates this, ensuring that the staff responsible for the improved equality impact assessments have this recognised in their annual appraisals. The staff are invited to share their experiences and the learning they gained with others and act as mentors to those new to equality impact assessment.



CONSULTATION PRINCIPLES:

Effective consultation with minority ethnic communities

BEAR IN MIND...

The BME sector in Northern Ireland is made up of large and small organisations, and some communities with no organisation representing them yet. Some groups have expertise in public policy, others shy away from these discussions, who might be concerned that formal involvement will affect how they are seen in the wider society.


WHAT IS CONSULTATION?

Consultation is

engagement with those who are affected by your decisions, policies, services or actions, i.e. by what you do. It entails involving groups, communities and individuals in the design of proposals and in reviewing existing policies, services and practices. Consultation enables those affected by decisions to know that they are made with them, not done to them.

Consultation is not

just disseminating information, sending out papers by mail, e-mail or posted on a website asking for responses. Do not assume that the lack of a response means that there are no problems. “Silence denotes consent” relies on all those affected being able to respond and to respond expertly, in a narrow timeframe – it rarely works well.



Effective consultation makes consultation processes easily accessible for small groups, using informal as well as formal meetings. It works towards maximum participation in decision making, providing enough information to engage and in particular takes account of the voice of service users.

A good consultative mechanism and regular meetings with ethnic minority communities can address the following issues:

- ▶ Making existing service provision more responsive to the needs of ethnic minority communities;
- ▶ Promoting self-help and encouraging the community to develop its own mechanisms to meet its needs;
- ▶ Overcoming communication, cultural and religious barriers in service delivery;
- ▶ Empowering those who are the users of the service;
- ▶ Developing Action Plans, service development and delivery, policy development and needs assessments;
- ▶ Monitoring Action Plans, service development and delivery, policy development and needs assessments;
- ▶ Breaking down barriers between public authorities and the wider community.

Public authorities need to think specifically about how to build effective consultation mechanisms with ethnic minority communities. These principles will help with that duty.



Getting it Right

TIMING IS CRITICAL

Effective consultation allows adequate time to ensure that a community response can be fed into strategic decision-making processes.

Thought needs to be given to the timing of consultation – not so early that no information can be provided but not so late that a decision has been made and is difficult to change. If the only thing left to discuss is how to implement the policy then the consultation has come too late.

BE CLEAR WHAT YOU WANT OUT OF THE CONSULTATION AND WHAT YOU ARE ASKING

Consultation is

clear on the purpose of the exercise.
Be honest about what can and is likely to change and realistic in setting goals that are achievable and sustainable.

Consultation is not

a general exercise of gathering views without any specific intention of using them, risking unrealistic expectations of action.



Capacity Building

Effective consultation does involve recognising the level of capacity that groups and communities have and, where needed, helping to build capacity in the community's knowledge base about the issues under discussion.

Consultation takes a community development approach. It is important that no assumptions are made about the level of policy expertise that exists within the community, even in regard to issues that are of huge concern to those being consulted.

The community will bring great practical expertise to the discussion, and this lived reality will be helpful to good policy making. Harnessing this expertise through preparatory work around the issues and processes will result in an informed and qualitative response. A two-way dialogue is needed, which involves communities in decision-making and enables them to ask questions or seek any clarification about the issues under discussion.

Consultation does not: assume a deep understanding of the technical details; it does not shield the policy maker from direct dialogue with those affected; nor does it have someone engage in the dialogue with the wider community who cannot speak for the public authority with accuracy and credibility.



MEDIATION MAY BE NEEDED

Consultation *considers:*

if it is necessary to use existing ethnic minority organisations to initiate dialogue in partnership, to reach and build credibility within communities.

Consultation *does not:*

just send boxes of consultation documents to a list of organisations with a request to disseminate to their members.

Utilising larger organisations to build community knowledge and develop understanding can significantly improve participation from those you would otherwise struggle to reach. This partnership approach has to be properly resourced if it is not to become exploitative.

FOLLOW THROUGH AND SUSTAINABILITY

Consultation *does:*

give feedback and demonstrate how the views of the communities have informed either policy or service delivery; commit to report back; evaluate and assess progress made in the longer term and be clear when this will happen. One meeting may not be enough – be prepared to go back.

Consultation *does not:*

write up the report, put it on a shelf, then go back the next year to ask the same questions.



MEDIATION MAY BE NEEDED

Consultation ensures:

that openness informs the entire process. To build a community's capacity and its knowledge base, all relevant and strategic information should be provided, and the reasons for eventual decisions shared.


OVERCOMING LANGUAGE AND CULTURAL BARRIERS

Consultation considers:

accessibility of the language and the format of information. Consult with the groups on whether they need translated versions to be sure this is the most effective means to engage, using limited resources where they are most needed.

There is an increasing number of languages spoken in Northern Ireland, and both a wide variety in the educational levels of consultees, and in the ability of communities to access the necessary information. The purpose of consultation is to directly engage with those affected, so translation, when used, should be used to achieve this direct engagement, and not simply to disseminate information.

Translated material should be no more than two pages A4 size (on both sides). The material should be in bullet point and summary format, giving enough information to engage people and start a direct conversation through other means, such as using interpreters at targeted consultation meetings.



Consultation also pays attention to the cultural aspects of people from different ethnic minority communities such as basic beliefs, greetings, dress, gender, food and drink, festivals and fasting, venue, etc. Consider using community venues and when in doubt, ask.

PRACTICAL ISSUES TO BEAR IN MIND

Do those involved in making contact with ethnic minority communities:

- ▶ Know what already exists?
- ▶ Know who the community leaders or spokespersons are?
- ▶ Know how the leaders are viewed and by whom?
- ▶ Know where people meet – formally and informally?
- ▶ Know what languages are spoken?
- ▶ Know what the sensitivities in the community are?
- ▶ Know what the issues of concern are?
- ▶ Know what the strengths and support systems in the community are?
- ▶ Recognise the impact of migration, asylum and racism on the community?
- ▶ Recognise the diverse nature of ethnic minority communities, and that as with majority communities, there may be a need for specific outreach (and separate meetings) with women, people with disabilities, etc.?



To find out more about any of the information contained in this leaflet
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Date of publication: November 2012

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NOTICE

This booklet is intended to explain how the law works in practice. It is not however a legal document and many of the terms have been simplified for easier understanding.