

The impact of the race equality duty on council services



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The Accounts Commission

The Accounts Commission is a statutory, independent body which, through the audit process, assists local authorities in Scotland to achieve the highest standards of financial stewardship and the economic, efficient and effective use of their resources. The Commission has four main responsibilities:

- securing the external audit, including the audit of Best Value and Community Planning
- following up issues of concern identified through the audit, to ensure satisfactory resolutions
- carrying out national performance studies to improve economy, efficiency and effectiveness in local government
- issuing an annual direction to local authorities which sets out the range of performance information they are required to publish.

The Commission secures the audit of 32 councils and 41 joint boards (including police and fire and rescue services). Local authorities spend over £18.9 billion of public funds a year.

Note:

Prior to September 2007, the Scottish Administration was generally referred to as the Scottish Executive. It is now called the Scottish Government. When dealing with the earlier period, this report refers to the Scottish Executive. Recommendations for the future refer to the Scottish Government.

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Audit Scotland is a statutory body set up in April 2000 under the Public Finance and Accountability (Scotland) Act 2000. It provides services to the Auditor General for Scotland and the Accounts Commission. Together they ensure that the Scottish Government and public sector bodies in Scotland are held to account for the proper, efficient and effective use of public funds.

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Summary



Councils have developed policies on race equality, but the duty has not yet had a significant impact on the delivery of services or on people from minority ethnic communities.



1. Scotland's population is increasingly diverse. Over 100,000 people from a minority ethnic background make up around two per cent of the total population and the rate of population change has increased in recent years due to migration from Eastern Europe. There is an increasing number of small minority ethnic groups. Not all councils are facing the same issues. The challenge for councils is to plan and deliver services which meet the needs of their increasingly diverse communities.

2. Since 2002, councils have had a duty under the race equality legislation to eliminate racial discrimination and to promote equal opportunities and good race relations. Our Best Value audits have found that councils are involved in significant amounts of corporate activity but there is little evidence of the impact of this on minority ethnic communities.

About this study

3. Our study examined the impact of the race equality duty by asking three main questions:

- What is the impact of the duty on services, and on service users from minority ethnic communities?
- What factors affect how councils manage race equality?
- Do councils have effective arrangements for delivering on their race equality duty?

4. We surveyed, sought good practice examples and reviewed documentation from all 32 councils. We also carried out more detailed audit work at five councils where we interviewed councillors and officers.

5. To ensure our work had a clear service focus we looked at a council service available to all sections of the community (libraries) and a service that covers regulatory functions which residents and others are required to use in certain circumstances (planning).

6. With the assistance of council equality officers and local community groups, we recruited focus group members from a cross-section of established communities and recent economic migrants. We held 28 focus groups with 203 members of various minority ethnic communities to hear their views on council services and how they have been consulted about them.

Key messages

- Overall, we found that while councils have developed policies on race equality and have developed a range of initiatives, the duty has not yet had a significant impact on the delivery of services or on people from minority ethnic communities.
- We conclude that councils need to build a better understanding of the needs of their minority ethnic communities; mainstream their approach to race equality by ensuring it is integral to their routine management arrangements; and give more priority to race equality in delivering services. Our report explains our findings and conclusions and is presented in five parts.
- **Part 1** sets the scene, noting that Scotland's population is increasingly diverse. Councils have a duty to promote race equality, and to respond to the duty in a way that secures positive impacts on both council services and the minority ethnic communities they serve. Meeting


the race equality duty has the potential to generate a range of benefits – for council services and minority ethnic communities, as well as the general population.

- **Part 2** examines the impact of the race equality duty on council services and minority ethnic communities. We saw many initiatives aimed at meeting the needs of minority ethnic communities. However, despite considerable activity, councils have limited evidence of the impact of the duty on service delivery. Also, minority ethnic communities say there is scope for councils to make more impact in applying the duty.
- **Part 3** considers the main factors that affect the performance of councils on race equality. Councils find the duty challenging and tend to focus on compliance, policies and processes. Councils do not consistently prioritise and report on race equality, and more needs to be done to focus on outcomes, and to train and support councillors and staff to enable them to do this. They lack good information about minority ethnic communities and their needs, and so have a limited evidence base for informed service design.
- **Part 4** says that while the duty has had limited impact on services, councils have made some progress by investing in organisational arrangements and processes. Councils can now use these, alongside partnership working and the Best Value framework, as a springboard for continuous improvement and there must be a greater emphasis on securing outcomes for service users. National bodies, such as

the Scottish Government and the Equality and Human Rights Commission, have a role to play in supporting councils – such as in providing clearer, practical guidance for service managers and improving the availability of information on minority ethnic communities, their needs and the inequalities they encounter.

- [Part 5](#) contains our recommendations for councils and key national bodies.

Part 1. Setting the scene



Councils have a legal duty to eliminate racial discrimination, and to promote equal opportunities and good race relations.

Key messages

- Scotland's population is increasingly diverse.
- Councils have a duty to promote race equality.
- Meeting the race duty should bring widespread benefits.

Scotland's population is increasingly diverse

7. The last census, in 2001, put the size of the minority ethnic population at just over 100,000 people, or around two per cent of the country's total population. This represented an increase of around 62 per cent in the decade following the 1991 Census. Nearly half (49 per cent) of Scotland's minority ethnic population lived in Glasgow or Edinburgh. The census also found wide variation

between council areas in the relative size of minority ethnic communities (Exhibit 1).

8. The 2001 Census did not separately count the number of Gypsies/Travellers, who are estimated by the Scottish Government to number around 1,500 across Scotland. The next census, in 2011, will use a new set of ethnicity definitions and recognise Gypsies/Travellers as a distinct minority ethnic community for the first time.

9. In recent years, economic migrants have increased the size and diversity of minority ethnic communities. However, there is no comprehensive, reliable data on the total number of economic migrants now living in Scotland and where they live.

10. The General Register Office for Scotland estimates that in the year to 30 June 2007, some 37,800 people came to Scotland from overseas and around 21,000 people left Scotland, giving a net migration increase of 16,800. This broadly equates to the population of a small town. The number of overseas nationals who entered the UK and registered for National Insurance in Scotland more than trebled in five years, from fewer than 15,000 in 2002/03 to over 52,000 in 2007/08. In 2007/08, 29 per cent of all such adults entering the UK came from Poland.

11. Migrants from the eight European Union accession states have settled in urban centres and also rural areas where the 2001 Census counted relatively few people from a minority ethnic community. Migrants tend to be younger than the general population. In the year to June 2007,

Exhibit 1

The proportion of council residents from minority ethnic communities varied widely among councils



68 per cent of migrants coming to Scotland from outside the UK were aged 16-34 years, compared to 24 per cent of the resident population.

12. More complex and changing minority ethnic communities is one factor affecting the types of services that communities require, and this generates additional challenges for public service planning and delivery.

Councils have a duty to promote race equality

13. The Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000) places a statutory duty on all public sector authorities to promote racial equality. The overall purpose of the duty is to eliminate racial discrimination and to ensure public services meet the needs of each community they serve.

14. The duty has two elements – a general duty and a specific duty. For ease of reference, we use the single term ‘race equality duty’ to cover both. Further information on the duty is included at [Appendix 2](#). The study did not address the distinct race equality duties for education institutions and schools.

15. The general duty requires councils to have due regard to the need to:

- eliminate unlawful discrimination
- promote equality of opportunity between people of all racial groups
- promote good relations between people of different racial groups.

16. The specific duty requires councils to create a race equality scheme and action plan. These should summarise a council’s approach to race equality and its corporate aims. They should also say how a council plans to carry out individual parts of the specific duty – consulting minority ethnic communities; monitoring and assessing its performance; supporting and training its staff, and publishing reports on its overall performance.

Councils must also conduct comprehensive employee monitoring by ethnic group and publish an annual monitoring report.

Meeting the race duty should bring widespread benefits

17. The former Commission for Racial Equality said that people from minority ethnic communities living in areas where the council performs strongly in terms of the race duty would see outcomes such as these:

- The council engages and communicates with them effectively, and takes account of their views.
- Council staff communicate respectfully, and are knowledgeable about their cultural background and concerns.
- There is improving and fair access to services, eg there is equal opportunity of access to housing services, and leisure facilities.
- Inequalities are reducing, eg there are smaller gaps in educational attainment and employment outcomes between minority ethnic communities and the general population.
- Community cohesion and race relations are improving.

18. The duty aims to make the promotion of race equality central to the way that public authorities work, and has the potential to bring widespread benefits to councils. These could be summarised as:

- encouraging greater openness about policymaking
- encouraging policymakers to be more aware of possible problems and the need for improvement
- contributing to more informed decision-making and making sure policies are properly targeted

- improving the delivery of suitable and accessible services that meet varied needs
- increasing confidence in public services, especially among minority ethnic communities
- helping to develop good practice.

19. The duty also aims to make race equality central to the employment of staff and should help councils to:

- make their workforces more representative of the communities they serve
- recruit new staff from all ethnic backgrounds
- retain and value existing staff
- improve morale and productivity, and how staff are managed
- help develop good practice
- help avoid claims of unlawful racial discrimination.

20. In meeting the race equality duty and understanding the needs of minority ethnic communities, councils stand to develop approaches which can also be applied in understanding the needs of all local people – contributing to their duty under Best Value to be responsive to the needs of customers and citizens.

21. Similarly, much of the organisational thinking needed to meet the race equality duty can be applied to other equality strands. For example, a council’s overall approach to engaging with and consulting minority ethnic communities may inform its approach to women and people with a disability. The race equality duty and the gender equality duty both require their respective equality schemes to be informed by consultation with relevant stakeholders, and the disability equality duty requires the involvement of disabled people.

Part 2. What impact has been achieved?



The race equality duty has not yet had a significant impact on the delivery of council services or on minority ethnic communities.



Key messages

- Councils have limited evidence of the duty’s impact on service delivery.
- Councils have been slow to use race equality impact assessments.
- Some isolated impacts have been achieved.
- Minority ethnic communities see scope for more impact by councils.

Councils have limited evidence of the duty’s impact on service delivery

22. In responding to our national survey, councils had difficulty giving a clear, evidenced-based account of their performance against the race equality duty or their overall impact on individual minority ethnic communities.

23. All councils have a current race equality scheme, setting out their intentions. Most councils published their first race equality scheme in 2002 and have refreshed it at least once since then. Seven councils did not submit a copy of their race equality scheme progress report with their responses to our survey and 15 did not submit a corporate-level performance

report. Some councils were in the process of revising their documentation at the time of our study.

24. Councils have concentrated on embedding organisational arrangements and processes, such as improving community engagement and consultation, staff training, performance management and reporting employee monitoring. While these are important, they are not an end in themselves, and it is paramount that the intended outcomes are also clear. An example of a qualitative outcome might be improved satisfaction among minority ethnic service users, while an increase in the number of minority ethnic individuals using council services might be an example of a quantitative outcome. Where councils had identified outcome targets, these appeared to relate mainly to organisational processes rather than clearly stated outcomes. We found councils claimed outcomes such as:

- improved community engagement and consultation
- improved staff training
- improved performance management and reporting
- improved employee monitoring.

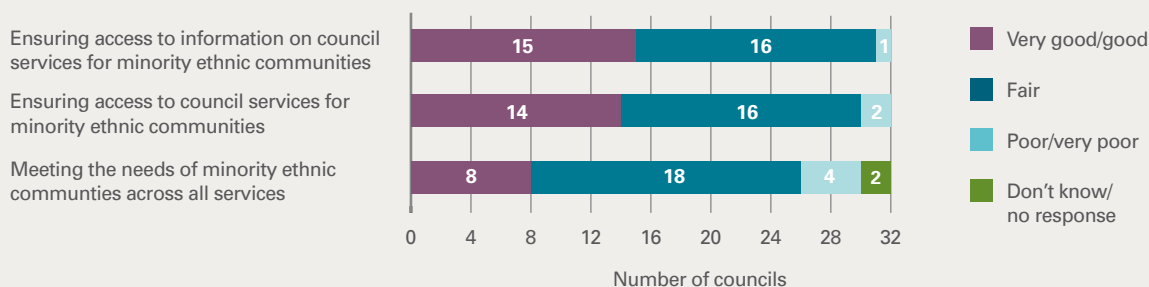
25. Further, there were sometimes no specific timescales for achieving any identified targets. For example, timescales were missing, vaguely expressed in ways such as ‘ongoing’, or spanned several years.

26. Self-assessment provides a useful basis from which councils can identify and prioritise the areas in which they need to improve. Most recognise there is room for improvement in their overall approach to the race equality duty. In our survey, just a third of councils (11) said they were ‘good’ or ‘very good’ at implementing race equality initiatives. Only a quarter of councils (eight) said they had made ‘good’ or ‘very good’ progress on achieving agreed race equality outcomes.

27. Most councils saw scope for improving their performance (Exhibit 2). Under half of councils (15) rated themselves as ‘good’ or ‘very good’ at giving minority ethnic communities access to information on council services, or providing access to the services themselves (14). Just eight said they are ‘good’ or ‘very good’ at meeting their service needs. We conclude that councils find it easier to provide minority ethnic communities with information about services than to ensure those services meet their needs, or to adapt services so that needs can be met.

Exhibit 2

Councils self-assessed their performance on the race equality duty



Source: Audit Scotland

Councils have been slow to use race equality impact assessments

28. As part of the duty, councils should carry out race equality impact assessments on all their relevant policies and services. These should measure the impact of policies and services on minority ethnic communities and council staff, and identify where improvement may be required.

29. Nearly all councils (30) had a corporate toolkit in place for impact assessments. However, there is variability in the way impact assessments are carried out and the full value of the intended approach is not always realised in practice.

30. It is difficult to establish a clear picture of the number of impact assessments carried out by councils. In responding to our national survey, not all councils were able to report the number of assessments they planned and carried out annually. Among those councils that did return data, the number of assessments planned for 2006/07 varied significantly – between zero (in four councils) and 51. Similarly, the number of assessments actually carried out in 2006/07 ranged between zero (seven councils) and 73.

31. Where data was available from councils on both the number of assessments planned and carried out, only 15 per cent of those planned for 2006/07 were carried out, rising to 40 per cent in the eight months between April and November 2007. This is clearly an area where there is scope for improvement.

32. In the two services we focused on, 14 councils reported they had assessed the impact of the race equality duty in libraries services and ten reported they had assessed the impact in planning services.

33. The quality of impact assessments varies considerably among councils and services. We saw recurring problems such as:

- weak mechanisms for ensuring service-level impact assessments are carried out rigorously and in accordance with the agreed corporate approach
- impact assessments that are too narrow or too broad in scope
- impact assessments that place too much emphasis on organisational processes and management arrangements and insufficient emphasis on outcomes for service users
- limited input by minority ethnic communities into the selection, design or conduct of assessments
- little feedback to minority ethnic communities about action taken to improve services
- learning from individual assessments not shared systematically within the same service, with other services, the equivalent service in other councils, or partner bodies.

34. When asked about their approach to impact assessments, seven councils said they were ‘good’ or ‘very good’ at having the skills and resources for this task. Only two said they were ‘good’ or ‘very good’ at using impact assessments to improve service design and delivery.

Some isolated impacts have been achieved

35. Councils lack a systematic approach to planning, monitoring and measuring the impact they have on minority ethnic communities and so are not able easily to report on impact. Yet it is clear that some isolated impacts have been achieved.

36. We saw many service initiatives aimed at meeting the needs of diverse communities. These are often stimulated by services’ own efforts rather than through the effective application of corporate policy by senior management. Initiatives can

be successful in isolation, but wider and more sustainable benefits could be achieved through sharing these ideas within councils and ensuring the consistent application of corporate approaches.

37. Some corporate initiatives have made significant impact, including the provision of interpretation and translation services; support for recent economic migrants; and the coordination of services for Gypsies/Travellers.

38. Virtually all councils have corporate arrangements for interpretation (30) and translation (28) services (ITS). However, the quality of data submitted by councils did not enable us to form a comprehensive picture of the usage of ITS by minority ethnic communities. Not all councils provided information about their spend on ITS or were able to provide information for all services on a consistent basis. Around a third of councils did not provide any spend figures for 2006/07. Where data was available, councils indicated they typically spent around £35,000 on ITS in 2006/07. This is not necessarily too much or too little, but councils need to know what the service costs are and the options available, to ensure they deliver ITS cost-effectively and provide Best Value.

39. We saw varied use of ITS by minority ethnic communities, both across councils and particular services. In some services, demand outstrips supply while low demand is reported in others. Councils told us that constraints include a shortage of skilled interpreters and difficulties in catering for all languages spoken by minority ethnic communities.

40. Some councils have produced ‘welcome packs’, often in partnership with other local bodies, to help economic migrants understand the main local public services. These include Aberdeenshire, Glasgow, Moray and Scottish Borders. Councils reported impacts as including good uptake of services and positive feedback from migrants.

Examples of council initiatives

Aberdeenshire – the council has a service level agreement with the Gypsies/Travellers Education and Information Project, to identify the needs of Gypsies/Travellers and to work with council services to address these. Arrangements include a 'Good Neighbourhood' code, the provision of refuse and toilet facilities and regular assessments to ensure conditions on the site meet required standards.

Edinburgh – the Interpretation and Translation Service provides facilities in approximately 40 languages. The service can be accessed through council departments, the NHS and voluntary sector bodies. Every interpreter has a diploma for public service interpreting. The service also does work for fee-paying organisations, if it has the capacity to do so.

Falkirk – flash cards at reception points help service users to highlight if they need an interpreter. Services can initially contact Language Line Services, a company operating nationally, for a

telephone interpretation to enable the service user's initial query to be addressed.

Fife – the Ethnic Minority Employment and Training Network (EMET) network and the Equal in Fife project have improved employment, training and education opportunities for ethnic minorities. The Equal in Fife project, co-funded by the European Equal Social Fund and council partners, supported 275 ethnic minority people in developing their skills and employability. Of the project's clients, 60 per cent of people found a job. Although the project ended in 2007, elements of good practice have been mainstreamed through Development Services of Fife Council and its partners.

Glasgow – the Glasgow Translation and Interpreting Service (GTIS) is a partnership between Glasgow City Council Social Work Services (the lead partner); Glasgow City Council Education Services; Glasgow City

Council Asylum Support Project; NHS Glasgow; Strathclyde Police and the Scottish Refugee Council. GTIS is the largest interpreting service provider in the UK and responds to over 1,000 requests for interpreting every week. With a pool of 250 interpreters speaking around 45 languages, GTIS serves over 600 organisations in and around Glasgow and provides interpreting services 24 hours a day, every day of the year.

South Lanarkshire – the Blantyre Leisure Centre offers women-only swimming sessions. The sessions, staffed by women-only teams, have been popular with members of minority ethnic communities both within and outwith South Lanarkshire. Over the course of a year, the sessions have had an average monthly attendance of 179 women.

41. Some councils have also taken steps to coordinate and improve services for Gypsies/Travellers. Several council services may support Gypsies/Travellers – including education, social work, housing, libraries and environmental services.

The duty has made some impact in libraries services

42. We found a wide range of initiatives across libraries services, such as providing information targeted at minority ethnic communities; consulting with minority ethnic communities to assess their needs; delivering services tailored to their needs; and working in partnership with other bodies.

43. Initiatives were typically developed locally by individual library staff as a response to perceived demand for modified or new services – rather than in response to corporate policy. Overall, the picture was of isolated activity, often with good results for the individuals served, but lacking overall corporate direction, coordination and impact assessment.

44. Some connections are being made between council services, most notably adult and child education where library staff have identified – and education officers have provided – English language and writing resources to support people from non-English speaking backgrounds. As well as providing interpretation and dual-language facilities, these resources typically extend to providing advice, and assistance with everyday activities such as finding a school place for a child.

45. It is common for libraries to produce publicity in a range of languages other than English, and to translate policy documents and guidance notes, such as on how to use libraries' computers. There are some instances of libraries assessing the needs of minority ethnic communities. Examples include: speaking directly to minority ethnic service users or to their representative bodies; carrying out small-scale local research; and using information captured by library management information systems.

46. There are also initiatives which may directly benefit customers from minority ethnic communities. These include: the supply of books in languages other than English; renting meeting spaces in libraries to community groups; the use of libraries to deliver adult literacy programmes; and the provision of English language classes for migrants.

The duty has made less impact in planning services

47. Compared to libraries, planning services show less activity designed to meet the needs of minority ethnic communities. We found few planning officers who considered race equality to be a high priority; a recurring perception among planning officers of low demand for information about services by minority ethnic communities; and few examples of innovative practice. There were

Planning services – examples

Angus – in August 2008, the council agreed a set of benchmark minimum standards designed to ensure that accommodation occupied by international workers is in a satisfactory condition. The Gangmaster's Licensing Authority was also involved in the working group which developed the standards, and a series of joint inspections was carried out in 2008.

West Dunbartonshire – the Gypsy/Traveller Corporate Forum includes representatives from all council departments providing services to Gypsies/Travellers, and from Strathclyde Police. A representative from the Gypsy/Traveller Action Group (GTAG) attends. The Forum has been involved in practical improvements to the site, developing a Gypsy/Traveller Strategy in consultation with the Gypsy/Traveller community; and investigating options for extending the site and/or to building a new short-stay site. The Forum and strategy have contributed to raising awareness of issues faced by Gypsies/Travellers in West Dunbartonshire.

differences between the approach taken by the two main types of planning – development planning and development management.

48. Development planning is about how land use should develop across the council area and formulates core documents against which the merits of planning applications are assessed. Development planning is a consultative process which involves a range of interests, including strategic environmental assessment, and results in a plan for local development.

49. We saw development planning units consult with community groups, including some minority ethnic organisations, on statutory planning documents. Consultation mostly took the form of inviting comments on individual documents or development proposals. However, there was little evidence of meaningful engagement with minority ethnic communities in shaping the design and delivery of services. Where consultation occurred, feedback to minority ethnic communities who contributed their views was often patchy, and we saw an inconsistent approach to sharing insights, information and good practice with other council services.

50. Development Management involves applications for planning permission and other consents. We found planners in this area were primarily concerned with following guidelines about the evaluation of individual planning applications. Planners in development management attached less importance to the service meeting the needs of minority ethnic communities.

51. In only a minority of councils do planning services profile service users by ethnicity or capture information on the impact of services to inform service design. According to the Scottish Government, only six planning authorities capture ethnicity on planning application forms. In response to our survey, only ten councils said they have carried out any ethnic monitoring in the planning service.

Minority ethnic communities see scope for more impact by councils

People said councils could do more to understand and meet their needs

52. In the focus groups we convened, people from minority ethnic communities demonstrated a high level of awareness of their council's role and main services. Most participants

Libraries services – examples

Dundee – funding was granted from the 2007/08 Scottish Executive Public Library Quality Improvement Fund to investigate, through extensive consultation with local authorities and local community groups, the feasibility of developing a national framework for a circulating collection of library and information resources in minority languages. Dundee City Council's Leisure, Arts and Communities Department took the lead on this project, working in partnership with other local authorities and with the Scottish Library and Information Council.

East Renfrewshire – libraries provide books, films and music in various languages for adults and children. Barrhead Community Library provides English classes for speakers of other languages. Mearns Community Library provides one-to-one computer learning sessions for learners whose first language is not English. Health Information Points are also available at libraries. These have provided specific programmes for minority ethnic groups, encouraged healthy living and provided information on other library resources. A team based within the library service also provides the technology and hosting service for a Bengali Performing Arts website.

Edinburgh – the refurbishment of the MacDonald Road Library involved extensive community consultation and represented a major investment in the Ethnic Library Service and community language collection. The library has since seen an increase in borrowing from the community language collection and greater use of the library as a meeting venue. Library users from minority ethnic communities are consulted once a year. A range of literary and cultural activities are organised in partnership with community bodies. The council encourages minority ethnic communities to use libraries' computer facilities. There are additional outreach activities and visits to minority groups in the city in order to attract new users. There are now more registered library users from minority communities.

Highland – visits by council staff to the Gypsies/Travellers' site in Inverness promote library services and discuss how services can be adapted to suit their particular needs. Systems provide for Polish and other Eastern European communities to access material in their own language. There has been an increase in the availability of inter-library loans in a wider range of languages. New, simplified

forms can easily be translated into other languages. Homeless people, Gypsies/Travellers and those newly arrived from other countries are able to use library services more easily.

Scottish Borders – five libraries provide collections of novels and English language materials in Portuguese and Polish; dual language materials for children, and information about Bookstart (books for babies) in translation. Books in Kurdish Saran and Lithuanian have been added following a review of provision. Book titles are listed in the library catalogue and can be requested from any public library or mobile library. As a result of the project, Library and Information Services have strengthened links with local literacy tutors and Community Learning & Development colleagues; liaised with the Migrant Workers Support Services worker and conducted consultations with new workers about library stock.

Across Scotland – a pilot scheme allows Gypsies/Travellers to borrow from council libraries and return materials to a council elsewhere in Scotland without needing a fixed address from which to register as a library user.

had contacted a council – primarily about housing, education or the payment of Council Tax. Contact with councils varied across the different communities, with economic migrants most likely to contact the council in their area, and older minority ethnic residents least likely.

53. In four of the five council areas taking part in our detailed audit work there were low levels of satisfaction about how well the council understands the needs of minority ethnic residents. Examples included councils' lack of effective communication with minority ethnic communities and a perception that councils did not listen to the specific needs of individual community groups.

54. Dissatisfaction often related to a view among participants that councils had a limited understanding of diverse communities' needs. Although most participants were aware of at least one council service or initiative which aimed at assisting minority ethnic communities, the overall perception was that councils were 'not interested' in developing services to meet the specific needs of minority ethnic communities. People complained that:

- the council uses consultations to rubber stamp its proposals
- the council does not communicate effectively
- consultations can occur in ways which make it impractical for people to engage with the council, eg when public meetings are held during working hours.

55. The criticisms of councils varied across the different minority ethnic communities. Gypsies/Travellers felt that councils did not understand their particular needs, but they did highlight the merits of regular site visits by council officers. Economic migrants were generally positive about their council in comparison with their experience of similar organisations in

their 'home' countries. Experiences varied widely: for example, in one area, migrants were unable to obtain council housing, while in another they had been offered council housing very quickly – though this may have been a function of individuals' eligibility. One specific dissatisfaction was the limited provision of information in migrants' native language, typically Polish, especially for parents seeking information on nurseries and schools.

Libraries

56. Awareness of the libraries service was very high and virtually all focus group participants knew the location of their local library. In most council areas, established minority ethnic participants made good use of libraries, most often to borrow books or use the Internet, but also to attend courses, read newspapers and to borrow music and films.

57. In four of the five council areas, economic migrants were most likely to use the libraries service and commented on the importance of being able to access the Internet and email facilities when they first arrived in Scotland. Gypsies/Travellers said they made little use of libraries, partly because of their low literacy levels, but also because they said libraries normally stipulate someone must have a permanent address before being able to register and borrow materials.

58. The majority of library users were satisfied with the service, commenting positively on the range

of services and the helpfulness of staff. The main areas of dissatisfaction related to:

- the limited range of books in English which reflect a diversity of cultural tastes and origins and are appropriate for readers with varying levels of reading ability in English
- the limited availability of books in languages other than English
- the concentration of material for minority ethnic communities in a small number of libraries which were not always accessible to residents in other parts of the council area.

Planning

59. Awareness of the planning service was much lower than for libraries, although most participants assumed that a council's remit included planning. In three of the five council areas, a very small number of people had used the planning service either directly or through their family.

60. The few participants who had used the planning service had mixed experiences. Levels of satisfaction appeared to depend mainly on the experience of dealing with individual members of staff. Participants who were dissatisfied with planning described staff as 'unhelpful', 'uncooperative' and 'rude'. Those who were satisfied had found customer service 'very good'.

Library services for Gypsies/Travellers

Midway through 2008, a national scheme called KeepITMoving was introduced to cater for the children of Gypsy/Traveller families. The scheme is run through libraries to make continuing in education easier and remove barriers to education, real or perceived. All local authorities have signed up to this scheme, which partners education services and libraries, and provides children with an identity card. Visitors will be able to borrow library books and use computers and other services, but without full borrowing rights.

61. In both libraries and planning, initiatives based on providing information in different languages were highly appreciated. Focus group participants said councils should prioritise further development in the following areas by:

- developing an approach to consultation that is more effective in identifying people's needs
- improving the availability of literature/leaflets in different languages
- improving how councils communicate with Gypsies/ Travellers
- training council staff to understand the communication needs of minority ethnic groups
- delivering services that meet the specific needs of diverse minority ethnic communities.

Some quotes from focus group participants...

... on general issues

"Our needs are not much different from someone moving to Scotland from England or Wales. We just need to know how certain things work, like Council Tax, housing, doctors and dentists." (migrant)

"The council is doing some good things, like arranging nursery places. When we enquired they said we only had to ask and they arranged it all for us." (migrant)

"The council just tells us what we're getting, they don't ask what we want." (Gypsy/Traveller)

"The council is very heavy-handed; language can appear threatening to minority ethnic groups." (established minority ethnic community resident)

"They invited us along to a meeting at 2pm. But we all work, so we were unable to attend." (migrant)

... on libraries

"The library is the first point of contact for us; it's really useful." (migrant)

"Most of the translated material... is in Polish but there are as many Lithuanians and Latvians as Poles. This shows the council doesn't understand the needs of the community." (migrant)

"I've registered at libraries in other areas but you need a permanent address and a utility bill or bank statement [in this council area]. As long as I'm travelling in the trailer I won't be able to register the kids." (Gypsy/Traveller)


... on planning

"Planning told us to come back the following week and then told us no one was available to speak to us. The impression we got was 'go away and don't come back', which was ignorant." (migrant)

Part 3. What factors affect council performance on race equality?



Councils need to build a better understanding of their communities and give more priority to race equality in planning and delivering services.



Key messages

- Councils find the race equality duty challenging and have so far focused on policies and processes.
- Councils do not consistently prioritise race equality.
- Councillors and staff need more support.
- Councils lack full information on the composition of their workforce.
- Councils lack full and robust information about minority ethnic communities and their needs.
- Councils cannot demonstrate how consultations with minority ethnic communities have influenced the design or delivery of services.
- Performance management and reporting are underdeveloped.

Councils find the race equality duty challenging and have so far focused on policies and processes

62. European Union regulations and directives shape how the UK government enacts legislation on equalities. Within the UK, the power to legislate on equal opportunities was reserved to Westminster in the Scotland Act 1998 and so legislation enacted by the UK government also applies in Scotland.

63. The Scottish Parliament has devolved powers to add to the body of UK legislation applicable in Scotland. Under the Local Government in Scotland Act 2003, the duty of Best Value on local authorities includes the 'encouragement of both equal opportunities and the observance of the equal opportunities requirements'. These are defined as 'the prevention, elimination or regulation of discrimination between persons on the grounds of sex or marital status, on racial grounds or

on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions, such as religious beliefs or political beliefs'.

64. Councils told us that they find it hard to understand and manage the full range of their equalities obligations, partly because of the volume of legislation. Equalities legislation has developed piecemeal since the 1970s to the point where there are now nine major pieces of discrimination legislation; around 100 statutory instruments setting out connected rules and regulations and more than 2,500 pages of guidance and statutory codes of practice.

65. Key legislation is listed in [Exhibit 3 \(overleaf\)](#). Certain legislation is specific to a particular equality strand, such as race or gender. Other legislation is more generic and touches on all equality strands. So the legislation that may apply in a particular set of circumstances is not always obvious.

66. The form and function of equalities legislation has evolved over the years, with the early legislation on race equality most concerned with bodies' organisational arrangements compared to some later legislation, where the impact on people has greater emphasis. The equality duties on race, gender and disability vary in their style and requirements and have different reporting timescales. Councils told us they see benefits in managing their equalities responsibilities in a more harmonised way, legislation permitting.

67. In June 2008, the UK government published plans for a new equality bill. The bill is intended to pave the way for a single equalities act for the UK and bring race, disability, sex and other grounds of discrimination within one piece of legislation, under one over-arching equality duty.

68. Under the new bill, the government also plans to: outlaw age discrimination; require more transparency by public bodies;

extend the scope of positive action in recruitment; and strengthen provision for enforcement action. The present statutory equality duties on race, gender and disability all remain in place until such time as a Single Equality Act arrives. Lessons learnt by councils from meeting the race equality duty should be helpful in securing their effective delivery on any new duty.

69. Councils also said they are in a difficult position due to a lack of national direction regarding the minimum standards and expectations about how services meet the race equality duty. For example, the race equality duty stipulates that councils should promote good relations between people of different racial groups, and it can be a challenge to convert this into service design.

70. Against this background, councils have tended to focus on meeting the race equality duty by developing processes and corporate documents. However, these high-level arrangements have not always been linked into key processes such as service planning or performance reporting.

71. Our survey found all councils had a policy document that meets the race equality duty's requirement to have a 'race equality scheme'. More than half of councils (17) had a stand-alone policy document specifically on race equality. Ten councils had a document covering a range of equality strands. The remaining councils said they were in the process of developing multi-strand equalities schemes.

72. We found a number of problems associated with councils' race equality schemes:

- Councils were waiting for guidance from the Equality and Human Rights Commission on how best to address different equalities issues and statutory reporting timescales within one document.
- Race equality schemes tend to be stand-alone documents that

Exhibit 3

Equalities legislation and guidance have accumulated over four decades and cover six equality strands, including race

The exhibit includes a small sample from the extensive range of legislation either directly about equalities or with implications for equalities. It is not intended to be exhaustive, and the application of the legislation may be open to interpretation. The exhibit does not constitute legal advice for councils or other bodies.

		Sexual orientation					
		Religion/belief		Race	Gender	Disability	Age
1970	Equal Pay Act 1970 (Amended)			✓			
1975	Sex Discrimination Act 1975			✓			
1976	Race Relations Act 1976				✓		
1995	Disability Discrimination Act 1995		✓				
1998	Scotland Act 1998		✓	✓	✓	✓	✓
	Human Rights Act 1998		✓	✓	✓	✓	✓
1999	Sex Discrimination (Gender Reassignment) Regulations 1999			✓			✓
2000	Race Relations (Amendment) Act 2000				✓		
	European Union Employment Directive 2000/78/EC		✓			✓	✓
2001	Special Needs and Disability Act 2001		✓				
2002	Employment Act 2002		✓	✓	✓	✓	✓
	Statutory Code Of Practice on the Duty to Promote Race Equality in Scotland				✓		
2003	Local Government in Scotland Act 2003	✓	✓	✓	✓	✓	✓
	Race Relations Act 1976 (Amendment) Regulation 2003				✓		
2003	Employment Equality (Religion or Belief) Regulations 2003					✓	
	Employment Equality (Sexual Orientation) Regulations 2003						✓
2004	Code of Practice on Equal Pay			✓			
	Civil Partnerships Act 2004						✓
2005	Gender Recognition Act 2004						✓
	Disability Discrimination Act (Amendment) 2005		✓				
2005	Statutory Code of Practice on Race Equality in Employment				✓		
	Sex Equality (Sex Discrimination) Regulations 2005			✓			
2006	Employment Equality (Age) Regulations 2006	✓					
	Code of Practice on Sex Discrimination			✓			
2006	Statutory Code of Practice on Racial Equality in Housing: Scotland				✓		
	Equality Act 2006					✓	
2007	Racial and Religious Hatred Act 2006				✓	✓	
	Gender Equality Duty – code of practice for Scotland			✓			

do not relate clearly to other key corporate processes or documents, or systematically drive the approach to race equality by individual services.

- Councils do not routinely capture an overview of services' progress.
- Many councils had not reviewed the full range of their functions and policies for race equality.

73. Councils should have screened all their functions and policies for race equality six years ago, in preparation for drafting their first race equality scheme by November 2002. In our survey:

- seven councils said they had screened all their functions and policies
- twelve councils had screened more than half of them, but not all
- thirteen councils had screened fewer than half or did not return data.

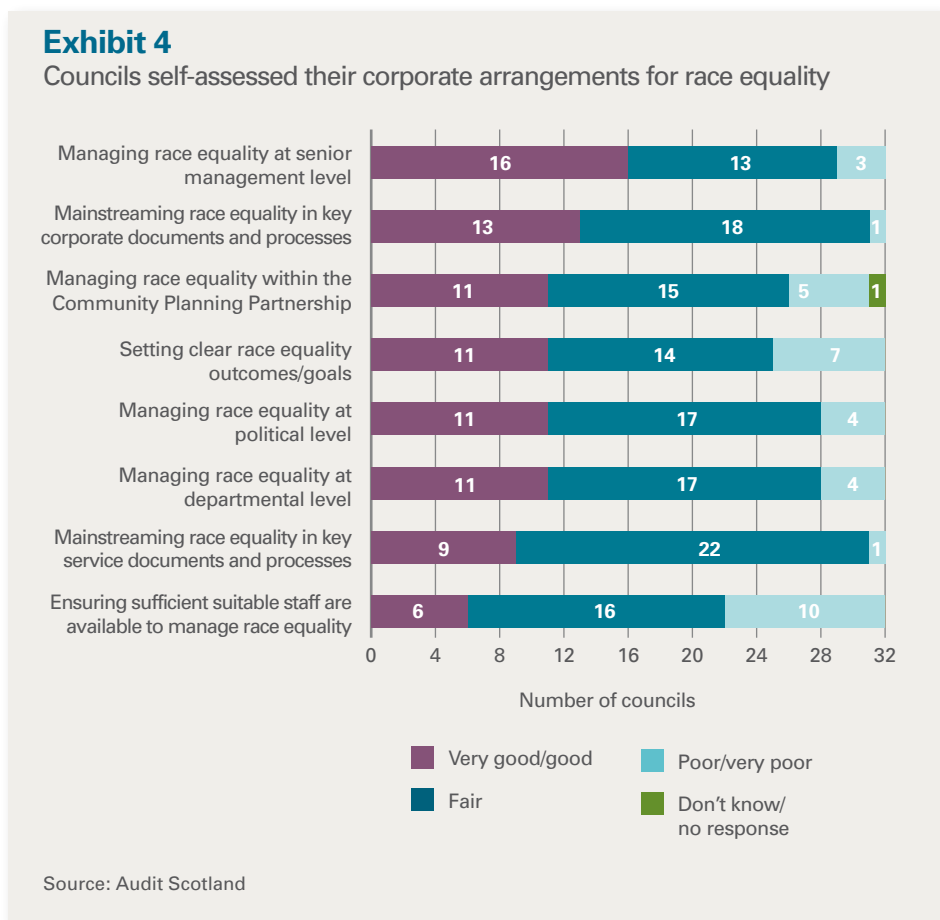
Clearly, this is an area where the majority of councils need to take action.

Councils do not consistently prioritise race equality

74. Best Value audits show a high-level commitment to promoting race equality in councils' top level policies. However, there is often a gap between corporate policies and the extent to which service delivery demonstrates the influence of these policies.

75. Councillors generally recognise that they have not always prioritised race equality, nor have senior managers consistently driven key processes which underpin the race equality duty. For example, important aspects such as setting outcomes, carrying out race equality impact assessments, and monitoring and reporting on performance are all underdeveloped.

76. In some parts of Scotland, the small size of minority ethnic communities appears to have



contributed to a perception that promoting race equality is a low priority. In recent years, economic migrants from European Union accession states have settled in urban areas, as well as many rural parts of Scotland where the number of people from minority ethnic communities had previously been small.

77. In a self-assessment, councils considered they are better at embracing race equality at senior management level than at service or partnership levels (Exhibit 4). Half of councils (16) considered they are 'good' or 'very good' at managing race equality at senior management level. Two thirds of councils (22) thought they are only 'fair' at mainstreaming race equality in key service documents and processes. Ten councils said they are 'poor' or 'very poor' at ensuring sufficient staff are available to manage race equality work.

78. Councils need clear direction for race equality policies, supported by

well-defined outcome objectives and targets. However, our audit work found councils lack clear objectives for how services will translate the race duty into improving services for minority ethnic communities. At present, councils identify processes such as undertaking more staff training, writing plans and carrying out employee monitoring. Focusing on processes may cause councils to lose sight of the overall aim of the race equality duty: to make improvements for minority ethnic communities and promote good race relations.

79. Councils typically rely on a lead equality officer at headquarters to provide knowledge and support to services, senior management and councillors. Staff in services also rely on these officers for help and support.

80. While there is a role for specialist corporate equality officers to support policy development and provide specialist advice, senior managers and elected members need to

Targets – examples

Dundee City – in its Single Outcome Agreement, the council is aiming for satisfaction among equality and diversity groups to be on a par with the city's population as a whole. This will be measured annually through the council survey.

Edinburgh – the council aims to increase the percentage of black and minority ethnic primary school pupils who attain or exceed the relevant level for their stage in reading, writing and mathematics. It will also measure the increase in the percentage of minority ethnic pupils at S2 attaining or exceeding level E in reading, writing and mathematics.

West Lothian – as part of its Single Outcome Agreement, the West Lothian Community Planning Partnership is using information from the Quality of Life Survey carried out in 2007. One of the locally identified SOA indicators is 'the percentage of residents who believe they live in an inclusive society'.

take greater ownership in driving the council's response to the duty. Otherwise there is a risk that race equality becomes a marginalised issue promoted mainly by staff with a specific equalities responsibility.

81. Councils are putting systems and structures in place to manage equalities across their organisation, and many councils now have equalities leads at a senior management and political level. Most councils (27) have a senior manager with a lead role for equalities; 27 have a corporate working group with senior management representation; 17 have a councillor with a lead role for equalities and 14 councils have an equalities working group with councillor representation. The majority of councils (21) also have departmental working groups, which include senior management representation.

82. We found that working groups can lack clear direction. Councillors and officers on working groups sometimes feel they lack relevant knowledge and skills, and that more guidance and support would help them carry out their roles effectively.

83. There are mixed attitudes towards the race equality duty among council staff. Many feel that they do not have

good understanding or awareness. Some staff fear doing the wrong thing or feel they do not know where to start. There is often a perception that the race equality duty is resource intensive and bureaucratic, for example, in requiring consultation with service users and stipulating the need for impact assessments. It is also seen as something additional to their role rather than an integral part of it. In an organisation where race equality is not prioritised, these factors can all act as disincentives for staff.

Councillors and staff need more support

84. Training and other forms of support on race equality need to be tailored to the particular needs of councillors, and to the varied roles played by staff at corporate and service levels. However, not all councillors and staff have the skills, knowledge and understanding they need.

85. In meetings with councillors and staff, we found mixed awareness and understanding of race equality issues and of service needs among minority ethnic communities. Councillors sometimes feel ill equipped to challenge reports by senior officers and to participate in setting a strategic direction for the council on race equality issues. Many staff reported a lack of skills and

limited understanding of how to build race equality into their daily role.

86. Most councils accept there is room for improvement in their provision of training and other support for councillors and staff. In a self-assessment, only nine councils said they are 'good' or 'very good' at having the staff skills to promote race equality and community cohesion across all council staff, and seven thought they are 'poor' or 'very poor'. Five councils claimed they are 'good' or 'very good' at using training to improve service design and delivery ([Exhibit 5](#)).

87. Overall, around half of councils have provided training on race equality to the majority of staff and a quarter of councils have provided training for most councillors. In many councils, there are therefore significant numbers of councillors and staff who have received little or no training. This is evident at all levels but particularly among councillors and front-line staff, who have the most personal contact with people from minority ethnic communities.

88. Most training and support was generic rather than tailored to the needs of individual services and their client profiles. We found limited coverage of race equality included in induction training for new staff and recruitment and selection procedures. Information for new staff is sometimes provided on councils' intranet sites and communicated through core briefings for staff.

89. Where councils have provided staff with training and support on race equality, the emphasis has been on the provision of basic information about the legislation and some coaching on race equality impact assessments for those involved in conducting them ([Exhibit 6](#)). Nearly all councils (30) have supported staff in conducting race equality impact assessments but only 24 have assisted staff with understanding cultural differences among minority ethnic communities. A smaller number have assisted staff with analysing

race equality information or with techniques for consulting minority ethnic communities. Only one council said it had helped councillors to analyse race equality information.

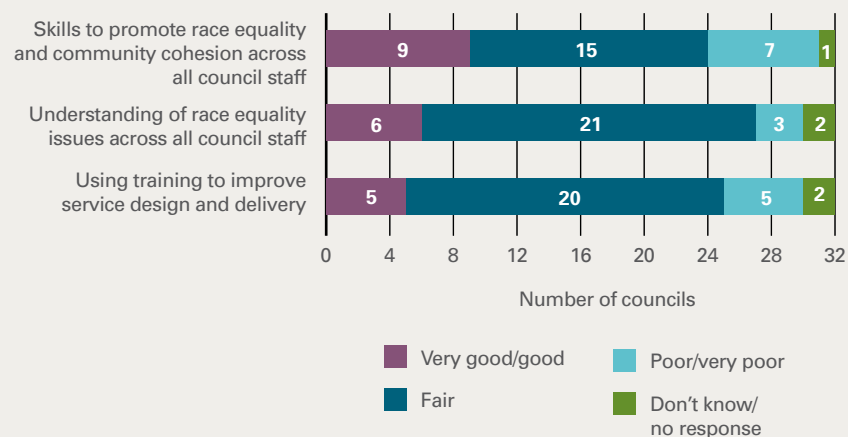
90. As regards the impact of training, eight councils told us they had assessed its impact on service managers or front-line staff and only four councils reported they had assessed the impact of training on councillors.

91. Councils face practical challenges in assessing the impact of race equality training. It is often delivered to large numbers of staff by just a few equality officers, sometimes by only one person based at council headquarters, possibly across a large geographical area. Time spent assessing the impact of training on one group of staff may therefore be at the expense of providing support to other staff, on different issues. A further challenge lies in assessing how the views and behaviours of staff may have changed in response to training and support. The impact may not be evident for some time, and may not be directly attributable to the assistance councils provide. This indicates the need for a strategic approach to training in race equality within a broader equalities framework and for monitoring of the impact of the training over regular time intervals.

92. There is scope for sharing expertise among community planning partners in topics such as the conduct of impact assessments, the joint development and delivery of training courses and other materials, and shared systems for tracking impact on employees and service users. While some training would need to be customised to particular partners and services, much could be generic and developed efficiently through a partnership approach. A partnership approach could also be considered with similar bodies, such as groups of councils facing common issues. Already, 14 councils say they have carried out some form of joint training on race equality, typically with local partners.

Exhibit 5

Councils self-assessed their provision of training and support for staff

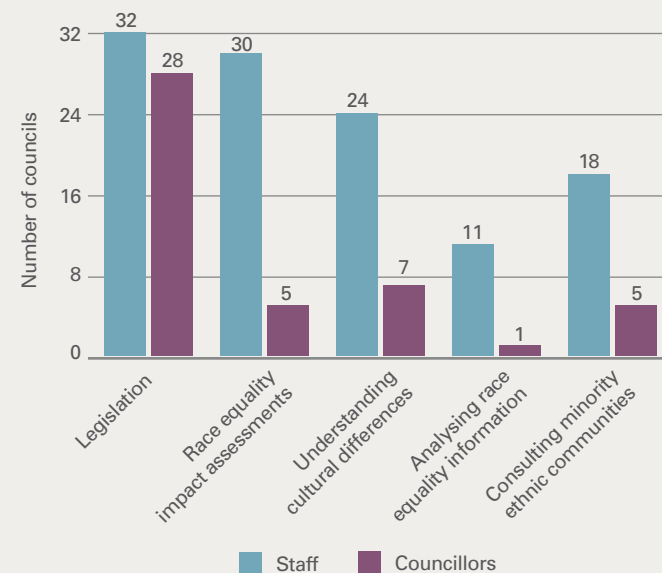


Source: Audit Scotland

Exhibit 6

Training and support for councillors and council staff

Has the council provided support on race equality to the following groups since April 2004?



Source: Audit Scotland

Councils lack full information on the composition of their workforce

93. As part of the duty, councils should monitor the ethnic composition of their workforce. This should compare the profile of the workforce with the composition of the local population. All councils publish some form of employment monitoring

information but the quality of the data varies across councils. The majority of councils monitor, by ethnic group, the number of job applicants and the number of staff that ceased employment ([Exhibit 7, page 23](#)). Only half of councils monitored at least half their workforce with regard to applicants for training; 19 monitored the promotion of most staff; and

Training and support – examples

Aberdeenshire – the council commissioned a training DVD and an associated workbook to help staff improve customer service for everyone. While originally targeted at existing employees it is now used in the induction of new staff to distribute practical guidance and promote an inclusive approach to equalities. Materials were shared with ten other councils.

South Lanarkshire – the Environmental Health Commercial Team engages with the operators of minority ethnic food businesses to ensure high standards of public health safety. The Team is approved as a training centre by the Royal Environmental Health Institute of Scotland and has received recognition for training over 5,000 local food business employees over ten years. Bespoke courses in Punjabi, Urdu, Chinese, Bengali and Polish have been delivered using own-language materials and where necessary by using own-language presenters and exam papers. Evaluation forms have been provided in the candidate's own language to help the council evaluate the impact of the course.

Stirling – the council invites a speaker from a minority ethnic background to contribute to two-day staff training courses promoting diversity awareness. A question and answer session draws on the speaker's experience of being brought up in the Caribbean and moving to Scotland. The speaker talks about the discrimination she has faced and how she has dealt with it. Feedback from course delegates suggests they return to their workplace with a deeper understanding of the issues faced by minority ethnic communities and are more confident in understanding individuals and their needs.

six councils monitored most of their workforce for the number of employees who benefited or suffered detriment due to performance assessment procedures.

94. Some councils have implemented specific initiatives to make their workforce more representative of the community, including the placement of job adverts in specialist media of interest to minority ethnic communities and attendance at recruitment fairs. However, there is still relatively little evidence to show that gaps between the ethnic profile of the workforce and that of the local population have narrowed. Councils told us they face difficulties attracting employees from minority ethnic groups.

95. We saw some councils starting to consider scope for the use of positive action in recruitment. The aim of positive

action, as permitted under the race equality duty, is to give people from a particular racial group (or groups) the opportunity to compete for work in which they have been under-represented or absent. The duty also allows action to be taken to make facilities or services, such as language classes or training or education in basic work skills, available to people from a particular racial group (or groups) who would otherwise be excluded from job opportunities.

96. Most councils see room for improvement in their approach to employment monitoring. Around half of councils (18) consider they are 'good' or 'very good' at collecting employment monitoring data, but only seven councils considered they are as good at using this data to close gaps between the ethnic profile of the workforce and that of the local population.

Councils lack full and robust information about minority ethnic communities and their needs

97. Councils lack a clear picture of the composition of minority ethnic communities and their needs, partly because of difficulties in obtaining current and reliable population data. The 2001 Census is relied on heavily for information on the ethnic composition of a council's population. However, this information is dated and does not provide a profile of all ethnic groups. There are also differences between the definitions for ethnicity used by councils and those of the census.

98. Accurate data on the current and forecast populations of minority ethnic communities are also problematic. Two thirds of councils (23) did not have any corporate information on projected figures for minority ethnic communities as defined by the 2001 Census, or for Gypsies/Travellers. Half of all councils did not have projections for economic migrants.

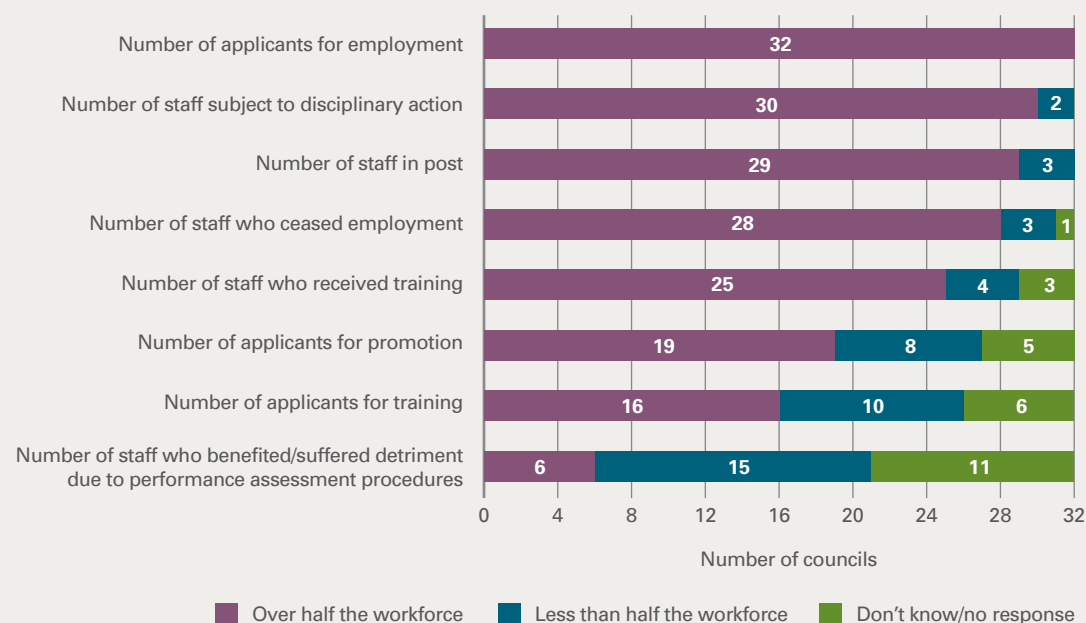
99. Councils identified the most prominent information gaps as relating to recent economic migrants, their language preferences, services needs, and views on council services. Intelligence on the numbers and needs of other minority ethnic groups was also identified as a current issue among many councils. Councils considered it would be helpful for the Scottish Government to develop better data on minority ethnic communities, to avoid a wide range of councils and other public bodies separately commissioning local and national research.

100. Though more could be done, the majority of councils have taken steps to improve their understanding of minority ethnic communities by:

- commissioning research (27 councils)
- carrying out research themselves (26)
- using local community research as a data source to inform their activities (26).

Exhibit 7

Councils are better at monitoring staff turnover than training activity or performance assessments



Source: Audit Scotland

Employment issues – examples

East Renfrewshire – a number of career exhibitions have been aimed at minority ethnic communities, including the Get the Right Track Event held in September 2005 at Mearns Community Library; participation in a Careers Fair at the Tramway theatre; and participation in the annual Barriers and Bridges Race Conferences. The Corporate Personnel Division attends all local schools careers events.

Edinburgh – the council has set a corporate target that by March 2009 at least 4.2 per cent of employees should be from minority ethnic

communities. The Public Sector Academy provides support, training and work experience to individuals from minority ethnic communities who are under-represented among staff groups. The council also aims to increase the diversity of its workforce through targeted publicity and job fairs. More people from a minority ethnic background are applying for jobs and being appointed. Representation of minorities within the workforce shows a slow but steady year-on-year increase since the first year of reporting in 2003/04.

Glasgow – there is a positive action element to the council's Skillseeker and Modern Apprenticeship programmes. Together with other target groups, minority ethnic applicants are offered both first and second stage interviews.

North Ayrshire – the council placed a general advertisement in the publication 'Ethnic Britain' to encourage potential applicants to enquire about employment opportunities at the council. The advert has been placed for a few years.

101. Ethnic monitoring is the process used to collect, store and analyse data about people's ethnic backgrounds. Council services can use ethnic monitoring data to highlight possible inequalities, investigate their underlying causes and seek to remove any unfairness or disadvantage. In service delivery, monitoring can show which groups are using services and how satisfied they are with them. Services can then consider ways of reaching under-represented groups and making sure that services are relevant to their needs and provided fairly.

102. In two thirds of councils (22), libraries said they conduct some form of ethnic monitoring of service uptake. Some libraries services already have computer systems that can collect information on the ethnicity of service users or their language preferences, but we found some librarians do not use them routinely. Librarians are not always clear why or how ethnic monitoring information should be collected and how it can be used to improve service planning and delivery, indicating a clear need for training in this area. Only a third (11) of planning services said they carry out any ethnic monitoring of their service and we found that relatively little use is made of the information collected, eg to profile service user satisfaction by ethnic group.

103. However, we did not see information systematically shared between services, when it could usefully inform a wider understanding of the needs and trends among minority ethnic communities.

Ethnic monitoring of libraries services – examples

East Renfrewshire – the libraries service undertakes ethnic monitoring of membership and borrowing statistics to inform purchases of materials and make necessary amendments to the Stock Policy. The Learning Team undertakes ethnic monitoring to inform the provision of relevant learning courses.

Edinburgh – the libraries service monitors library membership, borrowing levels of community language stock, and the amount spent on acquiring community language stock.

Councils cannot demonstrate how consultations with minority ethnic communities have influenced the design or delivery of services

104. We found all councils have consulted minority ethnic communities to some extent, to gain more detailed information on the various groups in their area. Popular methods include:

- questionnaires (31 councils)
- consultation meetings (28)
- focus groups (24)
- citizens' panels (23).

105. Councils were able to highlight some outcomes from consultations with their communities. These included new services tailored to minority ethnic communities, and increased use of existing services.

106. However, most councils found it difficult to identify clear links between consultations and outcomes which directly influenced services for minority ethnic communities. Around half of councils said they were unable to provide documentation on consultation outcomes. Some councils cited policies and procedures as evidence of impact – rather than the service benefits they had secured for people from minority ethnic communities.

107. In the focus groups we convened, many people from ethnic minorities talked about the levels of consultation activity being greater than the level of impact they witnessed, and that if they could see a difference, people would be encouraged to engage with councils more often, and more positively.

108. In our study, council staff reported difficulties in consulting effectively, and reported concerns such as:

- there may be non-existent, incomplete or unmanaged corporate registers of consultees and consultation activity
- some community groups can be over-consulted while others are under-consulted
- it can be difficult to build the capacity of small community groups to engage with the council
- it can be difficult to make and maintain contact with community groups such as Gypsies/Travellers, who can be perceived as being hard to reach

- it can be hard to allow the voices of all to be heard and avoid the dominant voices of a few becoming the accepted view of a minority ethnic community
- consultation and community engagement can be costly
- there can be limited coordination of consultations between services and partner bodies.

109. Most councils see scope to improve their handling of information gathering and consultation (Exhibit 8, overleaf). A minority of councils said they are 'good' or 'very good' at various aspects of consultation and data handling. Overall, councils were most positive about their consultation arrangements, and least confident about their data on minority ethnic communities. More than half of councils (18) said they are 'poor' or 'very poor' at having timely data on the size and composition of minority ethnic communities. This confirms our finding that councils rely heavily on ageing census data to inform corporate policy and service design.

Engaging with and understanding minority ethnic communities – examples

Aberdeenshire – Reaching International Communities in Aberdeenshire is an outreach project to support minority ethnic communities in North Aberdeenshire, delivered by Aberdeen International Centre for the Council. The project employs an outreach worker who liaises with service providers and migrant workers – often attending crucial appointments, eg a visit to the GP or JobCentre, and parent interviews at schools.

East Renfrewshire – since 2003 the council has organised an annual 'Barriers and Bridges' conference with local communities to provide an update on progress in implementing the council's race equality agenda. Conferences have been useful for prioritising council actions on race equality as well as helping to develop and improve relations with minority ethnic communities. Actions taken as a result include joint funding of a bilingual outreach community worker to encourage uptake of council services and assist in the establishment of an umbrella organisation for minority ethnic communities; the establishment of drop-in sessions for older people from minority ethnic communities and positive action to encourage swimming by Asian women.

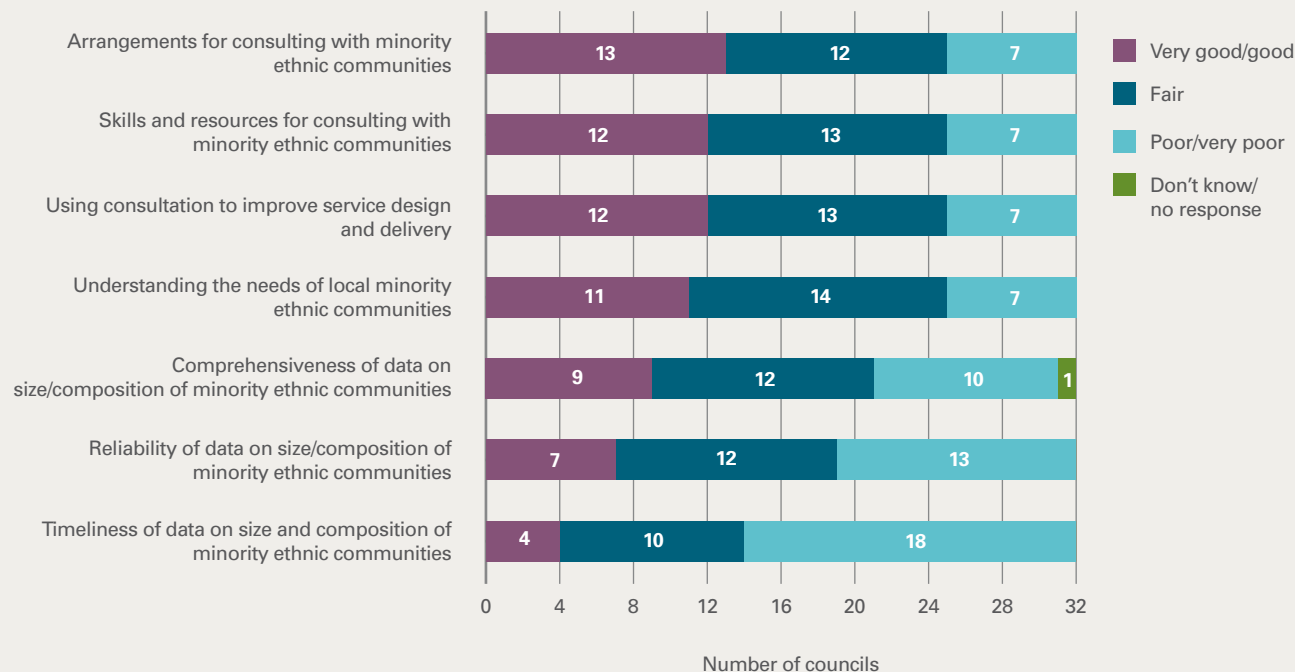
Fife – the Know Fife survey was commissioned by a multi-agency working group to gather information about migrant workers living and working in Fife. It involved face-to-face interviews with 904 migrant workers in August/September 2007. The aim was to help service providers gain a better understanding of workers' needs and aspirations, and to consider the policy implications for service planning and delivery. The findings of the survey were considered at a Welcoming New Scots seminar in June 2008 along with areas for future development and research.

Glasgow – the council has operated a Citizens' Panel since 1999, to investigate a range of diverse areas including service satisfaction, contact with and opinion on the role of councillors, neighbourhood satisfaction levels, and key priorities for the city. A 'booster' panel ensures the views of minority ethnic communities are taken into account. The Panel has informed service delivery, best value service reviews and strategic planning reviews. Where appropriate, follow-up work on specific issues highlighted by the Panel's responses is carried out through focus groups. Information from Panels is reported in the Glasgow Magazine, allowing participants and the public to see consultation results. The actions included in the Race Equality Scheme's implementation plan reflect the findings from the Citizens' Panel (now Household Survey) and focus groups. A series of focus groups were facilitated during summer 2008 and their findings will inform actions in the Integrated Equality Scheme, to be published in November 2008.

Highland – a 'Supporting Gypsy and Traveller Young People and Families' conference was held in November 2007 with the aims of raising awareness of the issues facing travelling communities and promoting collaborative working between services. Staff have heightened awareness of the lifestyle and issues that this community face, which can better inform service delivery. The conference increased awareness and inter-agency working, and increased contact and enquiries from schools.

Exhibit 8

Councils self-assessed their approach to consultation and information gathering



Source: Audit Scotland

Performance management and reporting are underdeveloped

110. Our Best Value audits show that councils need to improve their corporate performance monitoring on equalities. Although councils generally have reporting arrangements in place at senior management and political level, the scope and value of the information reported are still fairly limited.

111. In the survey for this study, a third of councils (11) did not report performance measures for monitoring the council's overall performance on race equality. Where a council did identify performance measures, these were predominantly about employee monitoring and ensuring the council's own internal arrangements are on track, rather than using measures to assess the impact of council services on minority ethnic communities. For example, measures include:

- the number of job applications by people from minority ethnic communities

- the number of council staff who are trained on race equality issues
- the number of race equality impact assessments undertaken.

112. Benchmarking on race equality is underdeveloped so councils are not able to easily compare their performance with that of other councils or other public bodies. In our survey, few councils could cite any benchmarking of their performance on race equality. Councils could obtain a clearer picture of their performance in meeting the race equality duty through benchmarking.

113. We asked councils how they report their performance on the race equality duty, both within the council and to the public, and found a mixed picture. In a minority of councils (seven) senior managers and councillors received the statutorily required annual report about the council's progress against its race equality scheme, sometimes covered within a report on the wider equality scheme.

114. Most councils submit reports to senior management on their overall progress at more regular intervals – typically every three or six months. Where reporting takes place more frequently, it is typically on an ad hoc basis and is often about employee monitoring statistics rather than overall performance on the race equality duty. Four councils told us they had yet to formalise their arrangements for reporting to senior management. We found arrangements for reporting to councillors varied widely but generally did not provide councillors with timely and accessible information that informed their effective leadership.

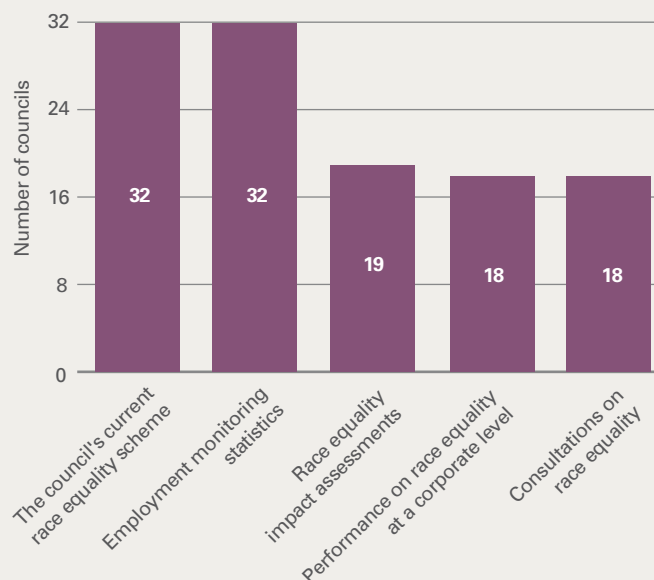
115. Best Value requires councils to report their performance to the public. The information that councils report on race equality is of variable quality and could be improved. In compliance with legislation, all councils publish their race equality scheme and employment monitoring reports, typically on their website. Fewer councils go beyond this minimum

requirement to publish performance reports on race equality at a corporate level, on the results of consultations and on impact assessments (Exhibit 9).

116. Most councils see scope for improving their approach to performance monitoring and public reporting. More than a third of councils rated themselves as 'poor' or 'very poor' on performance monitoring and public reporting. Nearly half of councils (15) said they are 'poor' or 'very poor' at using monitoring information to improve service design and delivery.

Exhibit 9

Councils could publish a wider range of performance information



Source: Self-assessment by councils

Performance monitoring and reporting – examples

Edinburgh – the Children and Families Department monitors the attainment of minority ethnic pupils and has published results for the past two years. Quality Improvement Officers explore reasons for gaps in attainment between minority ethnic groups and the school population in general. A further study, based on specific schools, is under way and this will be reported to the Equalities Monitoring and Implementation Group.

Falkirk – services provide a yearly update on progress with their action plans, and this is formally reported via the Corporate Management Team.

Part 4. How can councils build on their progress to date?



Councils face challenges but can do more to improve their performance and impact through use of the Best Value framework.

Key messages

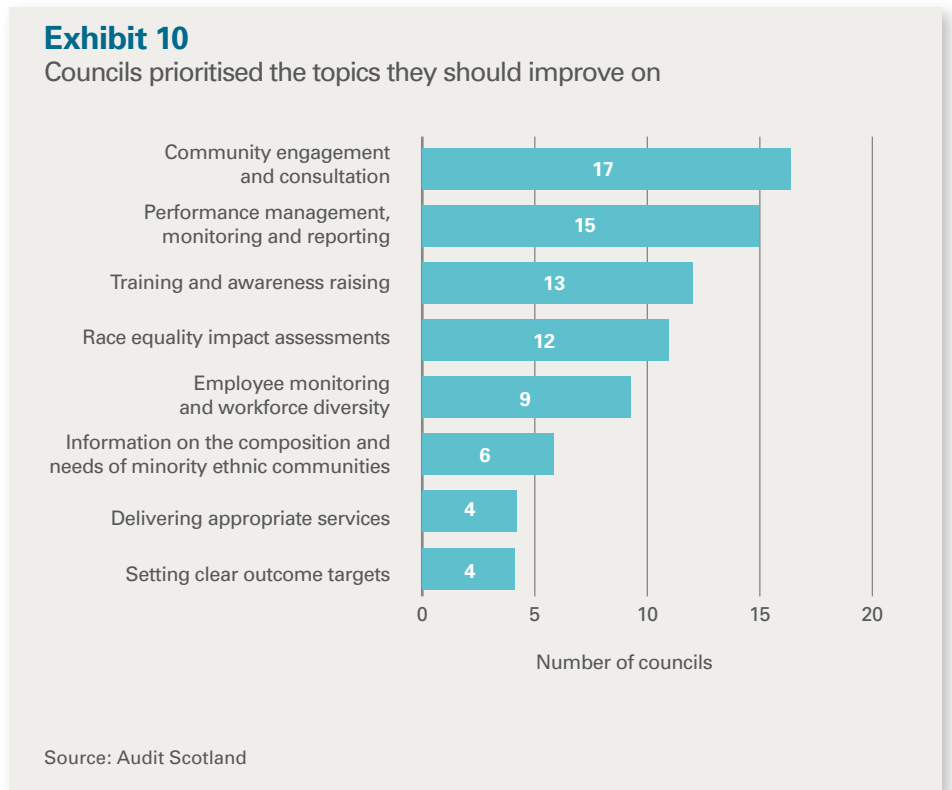
- Councils can build on achievements to date and make more impact through Best Value and partnership working.
- National organisations have a role to play.

Councils can build on achievements to date and make more impact through Best Value and partnership working

117. The aim of the race equality duty is to ‘mainstream’ race equality – to make race equality an integral part of policymaking and management, and in delivering services. Councils should be able to use and build on systems they already have – such as those for developing and monitoring policy and for service planning – to avoid duplication of work and unnecessary expense.

118. While the race equality duty has made some impact on council services, councils generally lack a systematic approach where all services set and achieve specific outcomes designed to meet the needs of diverse minority ethnic communities. Arrangements for race equality often operate separately or in parallel to other activities, rather than as an integral part of the management approach. We believe our conclusions from considering libraries and planning services will also resonate in other service areas where race equality issues can be significant and direct for councils – including education, social work and housing – and have implications for how councils approach their other equality responsibilities.

119. Councils now have an opportunity to build on the work they have done to date to establish effective systems to support a stronger focus on services outcomes for people from minority ethnic communities. The four topics most



commonly identified by councils as priority areas for development were (Exhibit 10):

- community engagement and consultation
- performance management, monitoring and reporting
- training and awareness raising
- race equality impact assessments.

120. Councils’ management arrangements do not always reliably identify good practice at corporate level, among services, or ensure that good practice is effectively disseminated among relevant staff.

121. Arrangements for sharing good practice within councils are predominantly through corporate equalities working groups and officers with specific equalities remits. Other corporate mechanisms include use of councils’ intranet sites, communication bulletins and newsletters. Corporate

working groups could act as a clearing house for good practice but they need to be responsive to services’ needs and have the right expertise.

122. Arrangements for sourcing good practice guidance and examples from outside councils are limited and rely heavily on informal communications networks between service managers, between equalities officers, and events such as occasional seminars and conferences.

123. There is presently no single place that councils can go to for a reliable bank of good practice examples which they can draw on to improve local services. Staff we spoke to said that they would appreciate more good practice information and practical guidance, not only from within their own organisation, but also from national bodies including the Scottish Government, the Equality and Human Rights Commission, the Improvement Service, and bodies representing the professions.

Promoting and sharing good practice – examples

East Lothian – the first edition of a quarterly equalities newsletter was issued in February 2007 to all council staff. The newsletter raises awareness of equalities and promotes the dissemination of good practice. From winter 2008, the newsletter will be distributed to all members of the East Lothian Diversity Network and be used to highlight and advertise community events related to diversity. Partner bodies will be able to contribute to the newsletter.

East Renfrewshire – the Equality Officers Working Group meets every six weeks and supports the Corporate Management Team (CMT) in the development, implementation and monitoring of the council's Equality Strategy. Meetings are used to share good practice; consider progress reports on the implementation of the Equality Strategy; consider staff training needs; make recommendations to the CMT; update colleagues on changes in legislation; and plan annual community conferences on equalities. Through the work of this group, at least 80 per cent of employees have been through equality awareness training and an annual equality conference has taken place each year since 2003.

Edinburgh – the Mainstreaming Action Team Network (MAT) is a network of equalities officer groups that extends into every council department and service grouping. Each departmental group nominates two representatives to sit on a MAT Lead Officers Group that meets quarterly to maintain an overview of the multi-equality scheme's implementation and other related equalities performance matters. Each member of this network is known as an equality champion, and accompanying induction and information material has been developed to support their work. There is a database of all equality champions across the council and relevant information on research, best practice and legal duties is sent on a regular basis to this network. Each group reports every six months to their respective management teams with a 'successes and challenges report'.

Shetland – a monthly equality circular distributes local and national news to council staff and community planning partner agencies. The circular raises the profile of diversity and equality initiatives, keeps people up to date, and promotes awareness of good practice among front-line services. There has been an increase in the number of people signing up to the circular.

124. Many councils recognise there is room for improvement in their approach to handling good practice and support. About half of councils (17) rated as 'good' or 'very good' their arrangements for supporting staff and sharing of good practice, within and outwith the council, though 13 thought their arrangements are only 'fair'. Fewer than a third of councils (10) consider they are as good at using their arrangements to improve service design and delivery.

125. Since 2003, statutory guidance on Best Value has provided councils with a framework for managing their organisational arrangements and securing continuous improvement in their performance. The guidance equips councils with a basis for mainstreaming equalities within their management arrangements. The principles can be applied across the public sector, and so provide a common point of reference between councils and their partners.

126. Key benefits of using Best Value to integrate race and other equality issues include:

- reducing the administrative burden of the equalities duties
- improving the ease with which the council can comply with legislative requirements
- making service delivery more attuned to the needs of communities with specific needs

127. The statutory guidance illustrates how equalities can be built into Best Value in practice, and reflects many of the points we make in this report:

- Equality should be reflected in a council's objectives and highlighted in effective planning at corporate and service levels.
- All service users or groups in the community do not have the same resources, situations and needs and councils need to reflect this in planning, designing and improving services.
- Leadership is an important component of Best Value and should include a commitment by both councillors and officers to mainstream equalities.
- Councils' own best value reviews should take account of equalities issues and assess the impact of policy proposals on equal opportunities without the need for separate processes.
- Equalities should be taken into account in procurement strategies required by Best Value.
- Equalities performance measures should be identified as part of a council's overall Best Value performance management arrangements, and used to monitor performance and report to the public.

Partnership working – examples

Aberdeenshire/Aberdeen City – the Grampian Racial Equality Council (GREC) is core-funded by Aberdeen City Council, Aberdeenshire Council, NHS Grampian, and Grampian Police. It also receives funding from various other public sector bodies. GREC:

- supports individuals who have been victims of racial harassment
- works with a very wide range of organisations in the field of policy advice in racial equality and equal opportunities
- provides training to many different public organisations, on topics including race equality legislation, and cultural diversity
- provides mediation and counselling services
- coordinates a standardised approach to the recording, monitoring and reporting of racist incidents by a range of public bodies across the Grampian area
- provides a casework service.

East Ayrshire – the Ayrshire Equality Partnership includes North, South and East Ayrshire Councils, the Police and the NHS. In 2005 the Partnership undertook a needs assessment survey of minority ethnic communities. The results were published in September 2005. Recommendations were made for each authority. As a result East Ayrshire Council's housing service developed a Translation and Interpretation Booklet for all staff to access information on translation and interpretation, which is available on the council intranet. Diversity and Equalities Training is part of the council's corporate approach to induction to ensure employees have an awareness of equalities. The council uses 'Chloe', its virtual website assistant, to enhance online communication in minority languages.

Falkirk – the Community Planning Partnership has integrated migrant worker issues within a cross-cutting theme on Equal Opportunities and Equity of Access. Each thematic implementation group has been given responsibility for supporting migrant worker issues pertinent to its theme.

For example, a migrant workers subgroup within the Lifelong Learning and Opportunity theme has sought to coordinate learning services for migrant workers and their families including children coming to school, language skills, adult literacy and numeracy, and ESOL (English for Speakers of Other Language). The group has also published targeted thematic booklets for migrant workers and their families. Stirling – the council established the community-led Stirling Multi-Cultural Partnership Group (SMCP). The group began to develop and deliver social events and consequently identified a number of cultural barriers between different faiths and communities. The group started to reduce these barriers through education and involvement activities, actively promoting the council's strategic aim of social inclusion. The group now acts as a voice for local minority ethnic communities in community engagement and participation activity. This role is enhanced within the community planning framework. The SMCP was runner-up in the Crimestoppers Scotland 'One Award' for community integration in March 2007.

- People management and employment policies should be fully in line with equalities commitments, with staff training in place to support that commitment.

128. Our Best Value audits and results from our study suggest that more progress could be made on addressing race equality through the following actions:

- Council chief executives could demonstrate stronger leadership on race equality in general, and provide more support for councillors and equality officers.

- Service planning and budgeting procedures could include prompts for managers to include equality issues in their analysis.
- Public performance reporting material could routinely include information on equality performance.
- Performance review schemes for employees could include triggers to assess staff understanding and skills on equalities and identify relevant training and development needs.

129. Councils see opportunities to do much more joint work through community planning partnerships, for example, to pool expertise and resources, share population data, conduct joint staff training initiatives, develop harmonised policies and guidance, coordinate recruitment exercises, share information on local minority ethnic communities, and coordinate consultations.

National organisations have a role to play

130. The institutional framework which councils look to for guidance is evolving at a time when councils are trying to improve their performance on the race equality duty, and other equality duties too.

131. The Equality and Human Rights Commission (EHRC) took over the responsibilities of the Commission for Racial Equality in October 2007 (as well as the Disability Rights Commission and the Equal Opportunities Commission). The EHRC is responsible for promoting all aspects of equalities across the UK. As a relatively new organisation, it is becoming settled in its role and has started to establish contact with councils. The new Commission is aiming for a more integrated approach across the equality strands. In a project called 'Capturing the Gains from the Public Sector Duties', the EHRC is compiling a web-based compendium of good practice across all equality strands, with publication scheduled for early 2009.

132. In its business plan for 2008/09, the EHRC has already set out its intention to pursue a broader approach, to:

- analyse, define and target key equality and human rights challenges
- change policy and organisational practice to provide better public services alongside an efficient and dynamic economy
- engage, involve and empower the public, especially people from disadvantaged communities and areas
- anticipate social change and reach new audiences in ways that strengthen equality and human rights.

133. In June 2008, the Improvement & Development Agency (IdeA), which supports authorities in England, published a draft equality framework for local government. In Scotland, the Improvement Service is planning to develop the IDEA's approach for application in Scotland.

134. Councils told us they saw scope for the work of national organisations with a role in equality issues to be better coordinated ([Exhibit 11](#)). The highest priorities for councils were assistance with:

- training and awareness raising, for councillors and staff
- community engagement and consultation
- workforce diversity and employee monitoring
- equality impact assessments
- performance monitoring

135. In addition to the EHRC, national bodies well-placed to assist with this agenda include:

- the Scottish Government
- Improvement Service
- Convention of Scottish Local Authorities
- Society of Local Authority Chief Executives and Senior Managers
- bodies governing practice and standards in the various professions – such as the Chartered Institute of Library and Information Professionals and the Royal Town Planning Institute.

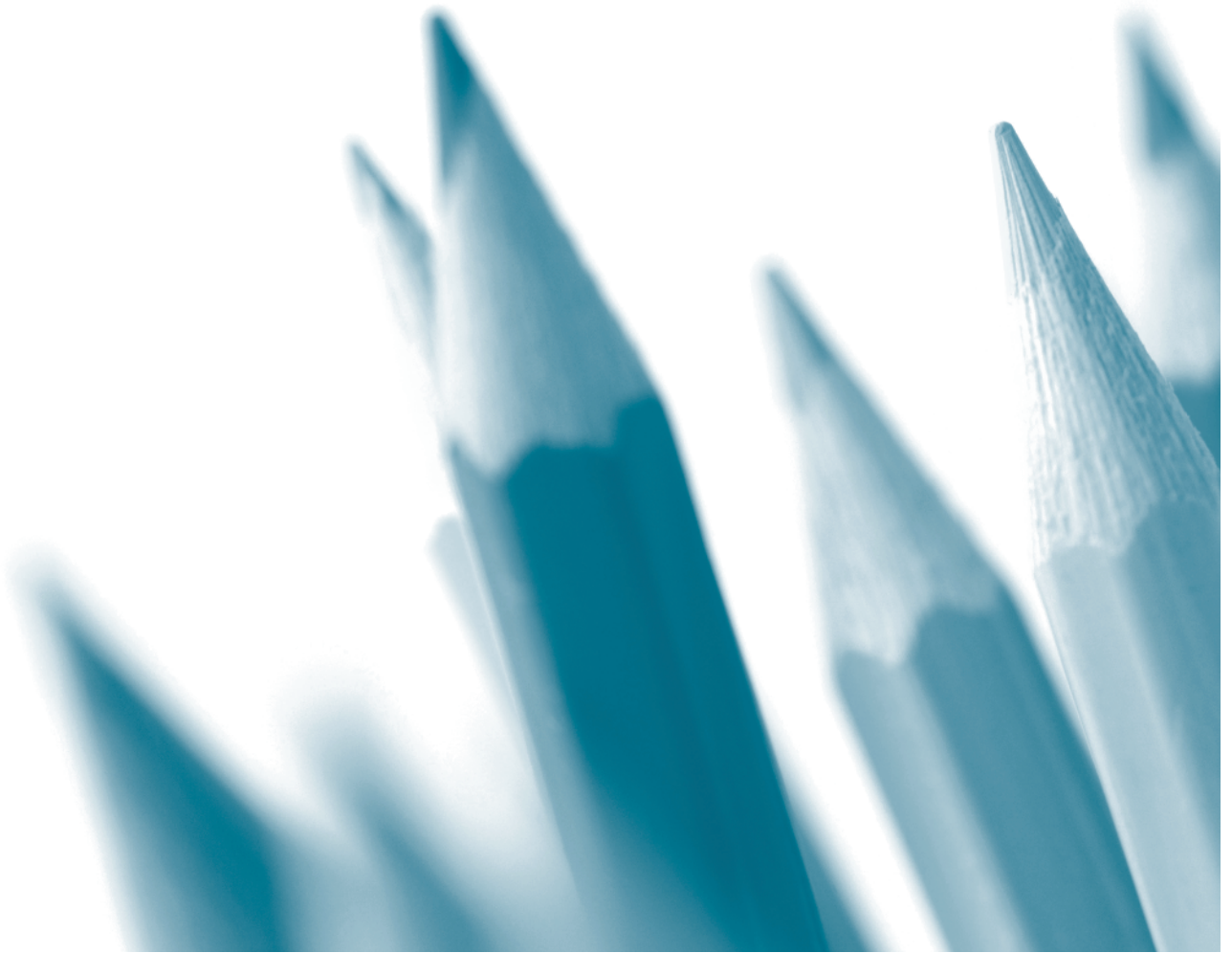
Exhibit 11

Councils identified topics on which they would appreciate support by national bodies

Areas of race equality councils feel they could now benefit from further support on	Some quotes by council officers
<ul style="list-style-type: none"> • Community engagement and consultation • Conducting equality impact assessments • Handling interpretation and translation services • Nationally agreed outcomes priorities for equalities • Obtaining more support/guidance from external bodies • Finding data on the ethnic composition of the local population • Partnership working on equalities • Performance management and reporting • Procurement • Promoting and sharing good practice • Selling the benefits of diversity and equality • Staff training and internal communication issues • Understanding/simplifying race equality legislation • Workforce composition/employee monitoring • Writing equality schemes 	<p><i>“We have found it difficult to assess the numbers of migrants living or working in the area, and the implications this may have for the delivery of council services... national statistics and guidance would be beneficial.”</i></p> <p><i>“No additional resources have been made available with any of the public duties.”</i></p> <p><i>“It is often difficult to engage meaningfully with communities that are not visible and to provide coordinated support and services.”</i></p> <p><i>“Advice on areas and key services on which race equality impact assessments should be undertaken including sharing of assessments already completed by other organisations.”</i></p> <p><i>“More examples of good practice from other local authorities being shared, particularly in relation to outcomes.”</i></p>

Source: Audit Scotland

Part 5. Recommendations



To help improve the impact of the race equality duty, this report makes recommendations to councils and a range of national organisations.



Recommendations

Councils should:

- identify clear objectives and actions to improve the impact and outcomes of service delivery on minority ethnic communities
- adopt a more effective programme of race equality impact assessments that covers all service areas in a consistent manner, and ensure that results are properly implemented
- equip councillors to undertake their responsibility for race equality by providing them with regular training on the race equality duty and regular progress reports, including information about performance, outcomes and the monitoring of impacts by services
- deliver improved learning and development programmes for staff at all levels, to provide them with the information, skills, knowledge and understanding they require, and monitor the impact of this
- regularly publish information on minority ethnic communities, the inequalities they encounter and their needs – and use this information to improve services
- improve consultation and engagement with minority ethnic communities, to ensure a deeper understanding of their service needs and priorities
- make use of the guidance and good practice on Best Value to ensure that race equality schemes are integrated effectively in mainstream policy, management and services delivery processes

- work with partner agencies, including other councils and through community planning partnerships, to:
 - share information, expertise and resources
 - provide training and guidance for councillors and staff
 - disseminate good practice.

Recommendations for other bodies:

- the Scottish Government, working with other key bodies, should ensure the availability of more up-to-date and useful social and demographic data on minority ethnic communities
- in consultation with councils and the Convention of Scottish Local Authorities, the Equality and Human Rights Commission should clarify its various roles in relation to councils, and its expectations of them
- the Equality and Human Rights Commission and the Improvement Service should work with councils to develop guidance on the race equality duty, including equality impact assessments and the linking of community views to service delivery
- the Society of Local Authority Chief Executives and Senior Managers should develop its leadership role in the field of equalities and promote support for councils' equality officers
- bodies that govern professional standards and continuing professional development should ensure their members are equipped to play an active role in helping councils meet the race equality duty.

Appendix 1.

Advisory group

Advisory group members consist of professional and technical advisers, normally drawn from a wide cross-section of interested parties. Members sit on the group in a personal capacity, not as representatives of the organisations they come from. The primary role of the advisory group is to provide expert advice and comments on aspects such as: the study scope and methodology; and emerging fieldwork findings. The group does not act as a steering group as such, and the Accounts Commission retains responsibility for the conduct of studies and the content of final reports.

For the race equality study, the Advisory Group comprised 13 members who served at various times:

Member	Organisation
Anne Ireson	formerly with the Disability Rights Commission
Clodagh Memery	formerly with the Improvement Service
Elaine Fulton	Scottish Libraries Information Council
Fran Keene	Audit Commission
Gina Netto	Heriot Watt University
Jon Harris	Convention of Scottish Local Authorities
Martin Hayward	Equality and Human Rights Commission
Mary McGregor	Improvement Service
Nigel DeNoronha	Audit Commission
Petra Biberbach	Planning Aid Scotland
Phillipa Bonnella	formerly with the Equal Opportunities Commission
Veronica Burbridge	Royal Town Planning Institute
Yvonne Strachan	Scottish Government Equalities Unit

Appendix 2.

The race equality duty

The 1976 Act

The 1976 Race Relations Act covers the areas of employment, education, and the provision of goods, facilities, services and premises. The Act also makes it unlawful for councils to discriminate while carrying out any of their functions or policies. Under the Act:

- ‘functions’ mean the full range of a council’s duties and powers
- ‘policies’ refer to a council’s decisions on how it carries out its duties and uses its powers
- councils are obliged to make sure their employment procedures and services do not have a disproportionate impact on particular ethnic groups.

The General Duty

Section 71 of the Race Relations (Amendment) Act 2000 states, ‘every body or other person specified... shall, in carrying out its function, have due regard to the need to: eliminate unlawful racial discrimination; promote equality of opportunity; and promote good relations between people of different racial groups.’ Four principles should govern public authorities’ efforts to meet the general duty.

The general duty has four main principles¹

Obligatory

The duty’s aim is to make race equality a central part of any policy or service that is relevant to the duty. Promoting race equality is not something you can choose to do or not do. This means you cannot claim that you do not have the resources to meet your responsibilities. And

you cannot claim that the community is too small to be significant. The Act does not refer to how big a community is. The best approach is to build these responsibilities into the work you already do, and to adapt your plans and priorities.

Relevant

You need to consider all your functions and decide whether they are relevant to race equality. ‘Relevant’ means ‘having implications for’ (or affecting) race equality. While some purely technical functions (such as managing property) may not be relevant, race equality will always be relevant when delivering services, and in employment.

Proportionate

The weight you give a function should be in proportion to its relevance to promoting race equality. In practice, you will find that you give the highest priority to those of your functions and policies that have the greatest potential to affect different racial groups in different ways.

Complementary

The three parts of the general duty – eliminating unlawful racial discrimination, promoting equal opportunities, and promoting good relations between people from different racial groups – complement each other. Sometimes they may overlap, but they are three separate and distinct parts of the duty. You should try to find ways of meeting them all.

Councils should take four steps to meet the general duty:

- Identify which of their functions and policies affect most people.
- Prioritise functions and policies

based on how relevant they are to race equality.

- Assess whether the way relevant functions and policies are carried out meets the general duty.
- Make any changes needed to meet the duty.

Councils also have specific duties

The Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002 placed additional, specific duties on councils in the areas of policymaking, service delivery and employment, and came into force in March 2002. The specific duties’ aim is to improve performance on the general duty. They are not an end in themselves, but comprise steps councils must take to meet the general duty.

Under the specific duties covering policy and service delivery, each council must prepare and publish a race equality scheme. This is effectively a strategy supported by a timetabled, realistic action plan. It should summarise a council’s approach to race equality, and its corporate aims. It should also say how a council plans to carry out the individual parts of the specific duty – in other words, its arrangements for assessing, consulting, monitoring, informing, publishing and training. Under the specific duty relating to employment, councils must conduct comprehensive employee monitoring by racial group and publish an annual monitoring report ([see the table overleaf](#)).

¹ *The duty to promote race equality – a guide for public authorities in Scotland*, Commission for Racial Equality, 2002.

Each council should have a race equality scheme and conduct employee monitoring by racial group

A council's race equality scheme should cover:

- the council's race equality values, principles and standards
- the council's race equality strategic aims
- how the council will meet the general duty
- how the council will meet the specific duties
- the council's action plan and timetable
- how the council will review its plan and timetable
- the council's race equality targets
- the council's race equality performance indicators
- how the council will deal with complaints
- how the council will consult its staff and the public, including ethnic minority communities, at different stages of the action plan
- how the council will tell its staff about its plans and activities
- how the council will tell the public about its race equality progress.

A council should monitor, by racial group:

- the number of staff posts
- the number of applicants for jobs
- the number of applications for training
- the number of applicants for promotion
- the number of staff who receive training
- the number of staff who benefit or suffer as a result of performance assessment procedures
- the number of staff who are involved in grievances
- the number of staff who have disciplinary action taken against them
- the number of staff who end their employment with the council, for whatever reason.

Every year, a council should:

- publish a report on progress against its race equality scheme
- publish an employee monitoring report.

Every three years, a council should:

- review and update its whole race equality scheme.

The impact of the race equality duty on council services

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Audit Scotland, 110 George Street, Edinburgh EH2 4LH
T: 0845 146 1010 F: 0845 146 1009
www.audit-scotland.gov.uk

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