

ETHNIC MONITORING

A GUIDE FOR PUBLIC AUTHORITIES IN SCOTLAND

(Non-statutory)

COMMISSION FOR
RACIAL EQUALITY



IN SCOTLAND

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Introduction

What is ethnic monitoring?

Ethnic monitoring is the process you use to collect, store, and analyse data about people's ethnic backgrounds. You can use ethnic monitoring to:

- highlight possible inequalities;
- investigate their underlying causes; and
- remove any unfairness or disadvantage.

In employment, monitoring lets you examine the ethnic make-up of your workforce and compare this with the data you are using as a benchmark. It also lets you analyse how your personnel practices and procedures affect different ethnic groups.

In service delivery, monitoring can tell you which groups are using your services, and how satisfied they are with them. You can then consider ways of reaching under-represented groups and making sure that your services are designed to meet their needs, and provided fairly.

In this guide, all references to ethnic monitoring, ethnic groups, and ethnic background include racial groups, that is groups defined under the Race Relations Act by race, colour, nationality, and ethnic or national origins.

Why monitor?

Without ethnic monitoring, an organisation will never know whether its race equality scheme or policy is working. There is a risk that people will just see the policy as paying lip service to race equality. If this happens, the policy could lose credibility and commitment among the staff who have to deliver it, as well as the people who are affected by it. To have an equality policy or scheme without ethnic monitoring is like aiming for good financial management without keeping financial records.

Ethnic monitoring can tell you whether you are offering equality of opportunity and treatment to all ethnic groups. It can also tell you how and why you are falling short of this ideal. You can then concentrate on finding solutions and making changes, rather than using guesswork or assumptions. For example, an organisation that encourages job applications from under-represented ethnic groups may be wasting its time and money (and possibly doing more harm than good) if the real reason for their under-representation is that they are already applying, but being rejected, for whatever reason.

Ethnic monitoring has wider benefits too. It will help you to use your resources more effectively. For example, if you identify groups at particular risk of developing certain health conditions, you can use this knowledge to prescribe preventive steps or to catch the disease at its early stages. This will not only benefit the people concerned but also make large savings in later treatment costs. In employment, ethnic monitoring can spot barriers that are preventing you from making use of available talent.

Ethnic monitoring also helps you to avoid what could be costly complaints of racial discrimination, by making sure that you pick up and tackle problems at an early stage. The costs of discrimination claims can include legal fees, compensation payments, and management time, not to speak of the emotional distress for those involved as well as possible wider damage to staff morale.

Finally, ethnic monitoring can help to improve your reputation as a good and fair provider of services, and as a good employer.

The Race Relations Act 1976 and the duty to promote race equality

The Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000) (and referred to in this guide as the Act) gives public authorities a general duty to promote race equality and good race relations. The duty applies to all the public authorities listed in schedule 1A to the Act, and in appendix 1 of the statutory *Code of Practice on the Duty to Promote Race Equality in Scotland* (see below).

The general duty means that, in carrying out their functions, public authorities should aim to:

- eliminate unlawful racial discrimination;
- promote equal opportunities; and
- promote good relations between people of different racial groups.

To help public authorities meet this general duty, Scottish ministers have made an order (under the Act), giving them specific duties in policy, service delivery, and employment. We have issued a statutory code of practice and non-statutory guides to help authorities meet all these duties.

Employment

Most public authorities bound by the general duty also have a specific duty to promote race equality as employers.

If you are one of these authorities, the duty says that you have to monitor, by their racial groups, all your employees, and all applicants for jobs, promotion, and training. You have to publish reports on this every year.

If you employ more than 150 people, you also have to monitor the number of employees from each racial group who:

- receive training;
- benefit or suffer disadvantage as a result of performance assessments;
- are involved in grievances;
- have disciplinary action taken against them; and
- end employment with the authority.

We would strongly advise you to monitor other aspects of the employment process as well. This will help you to meet the employment duty more effectively and to meet the general duty and other specific duties. For example, if you want to assess the impact of your selection policy and procedures, information about the number of job applicants will not be enough. You will also need to know how many applicants from each ethnic group succeed and how many do not, at each stage of the selection process. Chapter 7 gives more detailed advice on effective employment monitoring and appendix 2 lists the aspects of employment you should consider monitoring, to meet the general duty and all the specific duties.

Policy and service delivery

Public authorities that are bound by the specific duties must set out how they will monitor the impact of the policies they have adopted, or are proposing to adopt, on promoting race equality. This applies to all functions and policies that are relevant to the general duty. The code of practice defines functions as the full range of a public authority's duties and powers. It defines policies as the formal and informal decisions a public authority makes to carry out its duties and use its powers.

Education authorities, managers of grant aid schools, and other educational institutions bound by the general duty also have specific duties, as follows.

- Schools must assess the impact of all their policies on pupils, staff, and parents from different racial groups. They must also monitor the way their policies work. The duty expects schools to place special emphasis here on pupils' attainment levels.
- Further and higher education institutions must assess the impact of all their policies on students and staff. They must also monitor, by racial group, student admissions and progress, and staff recruitment and career development.

The general duty

The general duty does not say you must monitor policy and service delivery. However, you will find it difficult to show that you have met your duty to eliminate unlawful racial discrimination, and promote equal opportunities and good race relations if you do not have any monitoring data. So, if your authority is bound only by the general duty, you should not assume that monitoring is something that you do not need to worry about.

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General principles of ethnic monitoring

This chapter sets out the main principles for all ethnic monitoring. The next four chapters discuss the questions of planning, communication, and consultation; and data collection, analysis, and interpretation. Chapters 7 and 8 look in greater detail at ethnic monitoring in employment and service delivery.

Data protection

You must take full account of the Data Protection Act 1998 when you collect, store, analyse, and publish ethnic data (see appendix 1).

Monitoring is more than just data collection

You must regularly analyse and question the ethnic data, then follow up and tackle any barriers or failures it has highlighted.

Monitoring never stops

Monitoring is part of an ongoing process of analysis, asking questions, investigation, and change. You even need to monitor the effects of any action you have taken, to see if improvements are being made.

Commitment from the top

Responsibility for monitoring should lie at senior levels, because this demonstrates, to both your staff and the public, that your authority is serious about race equality. Ideally, this should be at board or member level as well as at senior executive level.

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Planning, communication, and consultation

Careful planning is vital when you introduce ethnic monitoring. You need to make sure that you:

- collect all the information you need to analyse the way your policies and practices are likely to affect different ethnic groups;
- analyse the information regularly; and
- use it continuously to promote and achieve race equality.

It is vital that you win people's trust. You need to be able to respond to any concerns about why you are collecting information about ethnic background, and about its confidentiality.

Before you start ethnic monitoring, you should ask yourself the following questions.

Preparation

- How will you win the understanding, commitment, and trust of managers, employees, trade unions (or other staff associations), and 'frontline' staff (those who deal with the public)?
- How will you win the understanding, commitment, and trust of people who use your services?
- What systems will you need to guarantee data security and confidentiality?
- Will you run a pilot of the exercise and, if so, how will you do it?
- Where can you get help and advice?

Data collection

- Will you collect the monitoring data centrally (for example, through a central personnel department at head office) or through regional or departmental units, and how will you collate it?
- Will you collect the data on paper or on screen, or use a mixture of the two?
- Who will be responsible for answering any questions about the monitoring, and what training will these staff need? What about paperwork? For example, will you need new forms?

- How will you follow up those people who do not give you information about their ethnic group? How will you top up information not supplied through 'self-classification'? (see p 14)
- What about computer software? For example, can you analyse the data with your existing software, or will you need new software?

Data entry

- How will you code the data so that it can easily be entered on a computer and analysed?
- Who will record, enter, and store the information, and how will they do it?
- Will you need any extra resources (staff, money, or equipment) to enter the initial batch of data and then to keep the records up to date?

Results and analysis

- What questions do you want the monitoring data to answer, and at what level of detail?
- What kind of tables, charts, and written reports do you want, and how often?
- Who will be responsible for analysing the data regularly?

Action

- Who will the monitoring reports go to?
- Who will have formal responsibility for acting on them?
- What procedures and checks will you need to make sure that you take appropriate action?
- What arrangements will you need to make to publish the monitoring data?
- How will you make sure that individuals cannot be identified from your published reports, and that you are staying within the Data Protection Act?

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Collecting the data

How does the Data Protection Act apply to ethnic monitoring?

The Data Protection Act 1998 (DPA) protects the rights of people about whom you collect and process data. The DPA has implications for many of the points we raise in this guide, particularly in this chapter. We have consulted the office of the Information Commissioner on all these points, and have followed their advice throughout. Appendix 1 explains the principles of data protection and the law.

What ethnic categories should you use?

You will need to compare the ethnic data you collect with the benchmark (or base line) you decide to use (for example, census data). You may also want to compare your data with similar data from other authorities. We therefore recommend that you use the ethnic categories that were used in the 2001 census, or categories that match them very closely.

In looking at possible ethnic classification systems (see appendix 4), we have tried to take into account whether the categories are likely to:

- be comprehensive;
- be acceptable to individuals, and offer enough choice;
- be practical; and
- allow comparisons to be made with data from the 2001 census.

Appendix 4 explains the possible ethnic classifications you could use to collect ethnic data for England and Wales, Scotland, or Great Britain. You should take account of:

- the countries of Great Britain in which your authority works, and whether you need separate data for each; and
- how important it will be for those who are answering a question about their ethnic background to be able to say that they are English, Scottish, or Welsh.

You should be aware that, while some ethnic data will be available for Great Britain, ethnic data will be available in full only for England and Wales, and for Scotland separately.

Whichever set of categories you choose, you should always use the full (detailed) list of ethnic categories (that is, including the sub-groups), even if you only use the broad headings in your analysis. This is because:

- the detailed list offers greater choice, so people are more likely to accept it;
- broad headings can hide important differences between groups, for example, between Bangladeshis and Indians under the Asian or Asian British heading;
- detailed information gives you more flexibility in analysing the impact of different policies; and
- it is easier to combine the data for the individual groups within a broad heading than to have to ask for it again if you need to look more closely at differences between ethnic groups.

If you want to add extra categories – for example, if you are based in areas with large Sikh or Gypsy Traveller populations and want to know how your services are affecting them – you will first need to consider some important points. If you are to be able to compare your data with census data, it is best to introduce any new categories as sub-groups of an appropriate main group. However, there are cases where the new category will not fall under any single main category. The General Registry Office for Scotland (GROS) has identified a range of ‘write-in’ responses (where, under ‘other ... please write in’, people have defined themselves in their own way) that fall under several main headings, for example ‘Sikh’. If you decide to include this as an extra category, we would advise you to consult as widely as possible on the main category within which the new category should be included. Even if a new category seems clearly to be a sub-category of just one main group, you need to think about how you will introduce the new category. For example, if you include a new category for Somalis, and include them as a sub-group of Black African, how will you designate the rest of the Black African category? You should also remember, before adding any categories, that you will need to be able to make valid comparisons with census data. We would advise you to consult us and the Integration and Harmonisation Division of the Office for National Statistics (ONS), which is still analysing the patterns of write-in responses from the census and identifying possible clusterings of responses.

What other data should you collect?

If you are monitoring your services and want to make sure they are organised to cater for different religious customs or language needs, or if you want to be able to meet specific individual needs, you may find it useful to ask extra questions about:

- religion;
- language; or
- refugee status (remembering to guarantee the confidentiality of people’s replies).

However, you should be clear about whether you need the information for monitoring or to meet individual needs, or both. For example, you might ask everyone who is admitted to hospital about their religion, because you want to know whether you need to change your policies or make further provision for this. Your inpatient services can then give equal weight to patients' different religious needs. On the other hand, you might ask for the information only because you want to be able to make arrangements for a particular individual's religious needs. Only the first would really be described as monitoring.

We do not recommend that you ask about refugee status in connection with employment. On the question of monitoring religion or belief for employment, you will be aware that, in 2003, the government will introduce legislation to give effect to the EU employment directive. This will make discrimination in the workplace unlawful on a range of grounds, including religion or belief. Monitoring religion or belief may emerge as part of this wider agenda. The issues surrounding this have not yet been fully explored or debated, but if you decide to collect information about religion or belief, you should first consult the ONS (see p 83 for their address), which drew up the question on religion for the 2001 census.

You should not ask where a person was born or their nationality (unless there is a rule for recruitment, for example, for all posts in the diplomatic service).

When meeting your responsibilities under section 8 of the Immigration and Asylum Act 1999, you should follow the recommendations in the Home Office's code of practice for employers on the subject (downloadable from the Home Office website at www.homeoffice.gov.uk). You must treat all applicants equally.

How complete should the data be?

Your ethnic monitoring analyses will only be reliable if you have full information about the population in question, or a sample of it (see p 13). Many analyses of monitoring data have been put in serious doubt because of the large number of people recorded as being of unknown ethnic background. Often, this number is more than the total number of people recorded as being from ethnic minorities. Depending on who it is that is not responding, this could seriously undermine effective interpretation of the data. You should generally aim to get nearly 100% information about the ethnic backgrounds of your workforce and job applicants. In many service delivery areas, for example monitoring pupil exclusion rates in a school, you should also be looking for close to 100% information about the ethnic backgrounds of all pupils.

The problem of having less than full data becomes even greater when the issue you are examining affects only a small number of people. For example, not many employees are likely to have disciplinary action taken against them, or to receive high performance pay awards. If you do not have full information, this will make it even harder to have a true idea of what is happening in these areas.

Can you use sampling to collect data?

In some cases (for example, if you are carrying out a survey of usage – see p 47), you may be able to get enough data by questioning only a sample of the population. So, sampling could sometimes be a cost-effective strategy. However, you will still need the fullest possible response rate from the sample, if your conclusions are to be representative. Because of the range of employment processes that you may need to monitor, and the variety of possible outcomes, sampling is likely to be a practical option only for surveying service delivery. However, even then, you need to be sure that sampling, and the size of your sample, will allow you to answer all the questions you might want to ask.

For example, you could use sampling to survey the ethnic backgrounds of people who use accident and emergency services. However, if you then want to carry out more detailed analyses, sampling may be less realistic. You might want to find out about the diagnosis, treatment, and outcomes for patients with certain symptoms, such as severe headaches, depending on their ethnic background, and allowing for age and sex. You would probably need much fuller information for this than for a simple survey of accident and emergency service users.

If you then had to go back to try to get ethnic origin data on patients (either all or a sufficient sample) with these symptoms, but who had not been included in your original survey sample, this could actually prove more costly (and less likely to give you all the data you need) than it would have been to ask everyone to provide the information in the first place.

You will not always be able to predict what detailed information you are likely to need. For example, again using hospital monitoring as an illustration, if a patient complains that she received less favourable treatment because of her ethnic background, you may need to analyse data on the ethnic background data of all (or a sample of) patients whose symptoms or other particular circumstances matched those of the person making the complaint. If you have not collected ethnic background information about patients at the start, it is likely to be much harder to get it later, and you will have no basis even for selecting a sample for analysis, particularly if you need matched samples, or a booster sample of a particular ethnic group.

This is not to suggest that you should collect ethnic background data on a 'just in case' basis. It is simply to point out that the range of analyses you may have to carry out to assess the effects of all your policies and practices is so considerable that sampling may not be the easy option you might at first think. Sampling has its own costs. These include the costs of selecting the sample, and the extra administrative burden of deciding in each case whether to ask the ethnic background question or not. For example, will you print some forms that include the question and others that do not? In many cases, it will be simpler, and involve very little extra cost, to get the information from everyone when it is easiest to do so. You could then consider using sampling when it comes to analysing the data.

What is the best way of getting the data?

We recommend that you do not say anything in your explanation to the ethnic background question that might encourage people not to answer it. For example, do not say 'This question is entirely voluntary', or offer a 'Would rather not say' option. However, you should not say, or imply, that the question is compulsory. Staff who have to deal with enquiries about the question should make it clear, if asked, that the question is not compulsory. If you are considering using 'other-classification' (see below) to top up your data, you should also make this clear. If you are asking for the information electronically, you should not make the ethnic origin field a compulsory one (in other words, people should be able to skip this field). Again, we would recommend that you do not include a 'prefer not to say' option.

When you enter the information you have collected into a computerised database, you should either make the ethnic origin field non-compulsory, or include a 'did not respond, or 'not known' option. This is to make sure that staff who enter the data are not put in the position of having to make up a category (or use the 'other ethnic group' category) if a category has not been provided either through 'self-classification' or 'other-classification' (see below).

In chapters 7 and 8, we look at the obstacles to getting 100% data, and suggest how you might achieve this, or get very close to it. If you cannot realistically achieve a near 100% return from whatever sample you have chosen, you may have to decide on the minimum information you will need to draw reasonable conclusions about the effect a policy has on different ethnic groups. In most cases, the figure is unlikely to be less than about 90% (unless you have good reason to believe that there is no ethnic imbalance between those who do and do not supply information). If you really cannot achieve the minimum level of information, you should analyse whatever data you have. You can then take action if there seems to be evidence that a policy or service is affecting some ethnic groups differently. However, you should not treat the lack of this evidence as proof that all is well.

Who should supply the data?

There are two sources of information about someone's ethnic background. The first is the individual himself or herself. This is known as 'self-classification'. The second is information supplied by another person, based on their judgement of the individual's ethnic background. This is known as 'other-classification'. When you are monitoring employment, the 'other' is likely to be a manager in your authority. When you are monitoring services, it might be one of your officers, or a relative or named carer of the individual concerned.

You should always use self-classification, wherever possible. A high self-classification rate will depend on the preparations you have made to collect the information

(see chapters 3, 7, and 8). This must include explaining your policy on race equality, why the information is being collected, how it will be used, and what you will do to protect confidentiality. You should also make sure that anyone who might be asked for explanations or clarification about the ethnic question is properly trained. You might also consider producing guidance notes for them.

However, while your aim should be to use self-classification as far as possible, you also need to make sure that the data is adequate (see appendix 1). If self-classification does not give you the minimum information you need, you may have to consider using other-classification to top up any missing information. However, this should be a last resort, and you should first offer people further chances to classify themselves. You should also give them the opportunity to confirm or correct the classification made on their behalf. Your records must always show that someone else did the classification (see appendix 1).

Sometimes, it may be possible for the other person to choose a detailed ethnic category, based on other information about the individual. However, in most cases, the other person will only be able to choose from the broad headings. For this reason, you may find it helpful to create other sub-groups (for example 'Asian – unknown' or 'Black – unknown'), to distinguish the data from 'Asian – other' or 'Black – other'. Some employers call these additional sub-groups 'Asian – management classification' or 'Black – management classification'.

We recommend that you monitor the percentage of people whose ethnic origin data is based on other-classification. You might also consider setting targets for the self-classification rate. For example, if you decide you need a minimum 95% information rate for your workforce, you might want to set a target of 90% for the self-classification rate. If the self-classification rate appears low, you should take steps to find out why this is so, and try to deal with any concerns people might still have about how you will use the information. It may also help to include the self- and other-classification rates in the data you publish, and to see how your organisation compares with others in this respect. You might also publish and compare figures for those whose ethnic backgrounds are unknown.

Using other-classification to top up information about ethnic background is not against the Data Protection Act and its principles, as explained in appendix 1. However, you should remember that it may be unlawful to use the judgements you have made through other-classification for any other purpose except monitoring equality. For example, you may be acting unlawfully if you write to staff who have been classified as belonging to an ethnic minority group through other-classification to let them know about a positive action training course for staff from ethnic minorities. It may also be unlawful to use self-classification data for such administrative purposes, unless you made this clear when you collected the information.

Should the data be linked to the individual?

If someone has, or is likely to have, a long-standing relationship with your authority, and is likely to be affected by a series of processes or decisions, it is vital that you link the ethnic data to the individual through a unique identifying number. Having linked data will let you:

- keep track of how your policies and procedures affect people from different ethnic groups, without having to get monitoring data every time;
- carry out more detailed analyses that take account of other factors, such as age, sex, qualifications, and socio-economic factors;
- get up-to-date ‘snapshots’ of your workforce, without having to survey staff every year; and
- spot those individuals who have not replied to the ethnic background question, and then follow up just these people instead of having to follow up everyone.

We recommend that you link ethnic data to the individual for all employment monitoring, and for monitoring ongoing services such as health, housing, social services, higher education, and pupils’ attainment. In other cases, such as one-off surveys about how your services are used, you may not need to keep track of each individual. However, you will usually need to be able to link ethnic background to data on other factors or variables (details that vary from one individual to the next), such as age, sex, and answers to the survey questions. You should then keep together all the data you have about an individual, but without being able to identify the individual.

You should make sure that only authorised staff can access the link between the ‘unique identifier’ and the person’s ethnic background, and only to use the link for monitoring equality. If you are using computerised records, you should be able to use a hidden field for the link. (See also p 19, Should you keep ethnic monitoring data separate?)

From time to time, you should review whether you need to keep the data linked to the individual or whether you can include the data anonymously in your analyses. For example, you might decide you no longer need to link individuals to their data five or ten years after they have left the organisation. This should give you enough time to carry out the kind of study described in Example 6 (on p 46), of people’s reasons for leaving.

5

Analysing the data

How should you analyse the data?

The purpose of analysing the data you collect is to identify differences between ethnic groups, monitor trends, and tackle any unfair barriers. To do this you need to check regularly whether there are differences between ethnic groups and whether these are significant. Your aim must be to make sure you promote race equality and treat people from all ethnic backgrounds fairly, whatever their numbers in the population you are analysing.

The focus of your analysis of the data should be the 14 ethnic categories used in the 2001 census for Scotland (see p 85). The value and importance of this is that it allows you to examine differences between all ethnic groups, for example between Indians, Pakistanis, and Bangladeshis, and between each of these groups and the White British, or between the White British and the White Irish. These are all areas where research has found significant differences in both service delivery and employment. Census output data for Scotland will be published in 2003 in line with these 14 categories, and will be an important source for benchmarking data. However, at this level of analysis, and in some service areas, you may need to give greater emphasis to internal benchmarks (see p 22) to monitor the impact of policies and to assess progress over time.

Following this detailed analysis, you may decide to aggregate the data under broader headings. You may want to re-analyse the data, combining it in different ways. If you decide to aggregate the data under broader headings (for example, those used in the census), you should be sure there are genuine statistical reasons for doing this. This may give you a broader picture, particularly if the numbers in some ethnic groups are too small for meaningful statistical analysis, or show statistically significant differences that did not emerge in your earlier analysis.

It is important to remember that any aggregation of the data could hide significant differences between individual groups, as we have shown on p 20. For example, differences between Black Africans and Black Caribbeans may be masked if you consider them only as part of a broader Black group. This masking could lead to a false sense of security if it lets you believe, for example, that people in the Black group are doing as well as those in the White group, when the reality might be that Black Caribbeans are doing better, but Black Africans much worse. Similarly, you could lose the differences between the White Irish and the White British by aggregating the data for the White Irish within a broader White group.

At the broadest level, you may decide that you want to see if there are statistically significant differences between the overall White group and all the other groups. When

interpreting any two-way analyses, you need to bear in mind the differences you have observed in earlier, more detailed analyses. This may lead you to group and analyse data in different ways, for example by using significance tests to compare the combined Pakistani/ Bangladeshi group with the White British group, if you know that differences may emerge along these lines. It is not good practice to carry out 'fishing expeditions' by combining data in all possible ways in the hope of finding statistically significant differences, if there is no statistically valid basis for assuming similarity between the groups you have combined.

You should keep those of unknown ethnic background as a separate group in all your analyses, although you may wish to exclude them when carrying out statistical tests.

You should always give decision makers and policy makers information about both your detailed and broader analyses. However, in deciding what level of analysis to publish, you will have to make sure you do not publish data that could identify individuals.

How do you deal with 'unknown' and 'other' ethnic origins?

People whose ethnic background you do not know should be classified in a separate 'unknown' category. They should not be put into an 'other' category, as this will make it impossible to tell apart those people who have not classified themselves and those who have classified themselves as one of the 'other' categories (see appendix 1).

You should not make assumptions about the ethnic backgrounds of people in the 'other' and 'unknown' categories. You should not put those who define themselves only as 'other' (and do not give any more information) under any of the broad headings. You should also not assume they are of ethnic minority background. You should treat them as a separate group when you analyse the data.

If you have large numbers of people classifying themselves as 'other', from time to time you should look at any descriptions they might have given in the space provided for writing in their own classification. You might want to check if you could include some people under one of the other broad headings. For example, someone describing themselves as 'Sri Lankan' might be included in the 'Asian – other' category. However, it may only be possible to include people in this way if you have been able to discuss this with them. Some organisations use a coding system that allows someone who has described themselves as 'other ethnic group – Sri Lankan' to be given the same ethnic code number as someone who has classified themselves as 'Asian – other – Sri Lankan'. Or, they combine the separate codes for the two categories when they analyse the data.

Sometimes, you may find that a particular write-in answer appears quite often, and you may think about creating a new category for this group. However, this will not always be a simple matter if the group appears in more than one main category (as discussed on p 11).

Should you keep ethnic monitoring data separate?

As far as possible, you should keep monitoring data as part of your main databases. So, always make sure that you have a suitable field for ethnic background within these databases.

It is also important to be able to compare or cross-tabulate certain variables, such as sex and ethnic background. This means you can look at groups defined by both variables, so you can then compare the data for ethnic minority women and white women, or for men and women from a particular ethnic group.

If you include ethnic background in a wider database, it lets you study relationships between ethnic background and other variables, and between a range of variables and results (such as the results of job applications, performance appraisals, or housing applications).

You will often need to examine the relationships between ethnic origin and other variables, and how all of these interact to affect outcomes and decisions. For example, in many organisations, lower appraisal markings, on average, tend to be found at the lower grades. If staff from ethnic minorities are disproportionately represented at these grades (in proportion to the workforce as a whole) and your monitoring also shows that they receive, on average, lower appraisal scores, this could simply be because they are over-represented in the lower-scoring grades. You need therefore to examine the effect of the variable of grade. You might do this simply by comparing appraisals on a grade-by-grade basis. Or you could use more complex 'multi-variate analyses' (as discussed in Example 5 on p 44), to see how a whole range of inter-related variables contribute to outcomes.

Should you combine the data?

It is useful if you can combine data in different ways when analysing it. For example, you may find slight differences in promotion rates between ethnic groups within individual departments. If you take the differences individually, they may not be statistically significant (see p 22), but analysing the data for all departments combined might show a significant difference between ethnic groups. Similarly, if the ethnic data for a year is limited, patterns may only emerge after you have added together and analysed data from several years.

At the same time, you may need to study the data from individual departments separately. This is so that you can tell whether there are differences in what is happening in different departments (or even in different parts of departments). You might also want to analyse data year by year so that you can track changes over time. Ideally, you should aim for as much flexibility as possible, so that you can easily combine or separate out the results from different parts of your authority, and for different periods.

You should also remember that data broken down into smaller groups might tell a very different story from the overall figures, for example, if you are combining data from two recruitment or promotion exercises, where the pools of applicants and the overall chances of success are very different.

University admission applications, 2000-2001

	Ethnic minority			White			Total		
	Successful	Unsuccessful	Success rate	Successful	Unsuccessful	Success rate			
Arts	20	100	16.67%	800	960	45.45%	820	1060	43.62%
Sciences	180	100	64.29%	200	40	83.33%	380	140	68.18%
Total	200	200	50.00%	1000	1000	50.00%	1200	1200	50.00%

This is illustrated in the table above, which shows data on applications to a fictitious university. When you compare overall figures for the ethnic minority and white applicants, it is reassuring to see that the two groups appear to have the same success rates. Yet, if you look at the admissions to the science and arts faculties separately, it becomes clear that, for each faculty, white applicants are more likely to succeed. The explanation is that science is more popular among applicants from ethnic minorities, and the science faculty is also much more likely to accept students generally than the arts faculty. The differences between the two faculties are smoothed out when the figures are added together. Similar patterns may apply in many other situations.

6

Interpreting the data

To interpret your data, you will want to know:

- what data to use as a comparison or benchmark; and
- whether any differences between ethnic groups represent real or significant differences which you will need to investigate (and are not the result of chance).

What benchmarks should you use?

External benchmarks

You will find that external benchmarks (such as those listed below) are useful when you are monitoring 'snapshot' information at a given point in time (for example, workforce data or surveys of services used), or assessing application and access rates in employment and service delivery.

- *2001 census.* This will be your main source of external data from early 2003, when ethnic data from the census will first become available. You can get more information from www.statistics.gov.uk/census2001/outputproposals.asp. In the meantime, you could use data from the 1991 census, but the ethnic categories are different and you cannot compare them with those for 2001.
- *Other national and local data.* To meet the need for reliable, up-to-date information about people from ethnic minorities in Scotland, the Scottish Executive has commissioned a new programme of research. Information is currently available on several subjects, including crime, housing and education, and you can find it at the Scottish Central Research Unit's website on: www.scotland.gov.uk/cru/kd01/red/auditethnic-04.asp.

The labour markets for different jobs vary considerably, so you may find that, depending on the job, national or regional data are more useful to you than local data. For example, you would probably expect applications for a senior accountant's job to come from a wider geographical area than for a word-processing job.

Sometimes, you may also find it helpful to use a narrower set of statistics for comparison, based on the data for a specific type of work. Remember that in some occupations or professions there may be a long history of ethnic minorities being under-represented, and you don't want to see this continued. You should look at overall labour market data as well as occupational data when you assess your own data for occupations.

In some cases it may be useful to look at more specialised data, for example data published by the Higher Education Statistics Agency.

You may get useful benchmark data from authorities similar to your own (for example, NHS trusts) which have agreed to pool their data to provide a joint benchmark against which each can assess its own performance. You will obviously need to take account of different geographic and demographic factors, and be aware that the benchmark data might itself reflect ethnic imbalances within the sector (in this case health) as a whole. You should aim to improve on sector performance rather than simply match it.

Internal benchmarks

Your own internal data will often give you a more important benchmark than external data.

- In employment, you can compare the proportions of employees from different ethnic groups in different departments or grades over time, and see whether any differences are narrowing, increasing, or staying the same. You can also compare what happens to employees and applicants from different ethnic groups at each stage of a particular process (such as promotion).
- In service delivery, internal benchmarks are also important when you are assessing different results for people from different ethnic groups, once they have entered the system. The issue then becomes one of equal (or unequal) treatment, not representation.

Are apparent differences between groups real?

You can use one or both of the following methods to judge whether apparent differences between ethnic groups are real or meaningful.

Tests of statistical significance

Tests of statistical significance are the most thorough way of assessing differences between different groups. Statistical significance tests are used to assess how likely it is that differences could be down to chance. For most scientific analyses, a probability of 5%, or the more rigorous level of 1%, are taken as evidence that the difference is not due to chance. However, with ethnic monitoring you may not want to take the risk of failing to spot real difference, so you might set the probability level less strictly – at, say, 10% – as suggesting a meaningful difference. In deciding what probability level to use, you should take account of the relative risks of ‘false positives’ and ‘false negatives’. You want to avoid committing resources to examining in detail a difference that is in fact the result of chance, while failing to pick up a meaningful difference. You should also remember that the more comparisons you examine, the more likely it is that some significant differences will arise purely through chance.

You can also use statistical testing, in both employment and service delivery, to see whether ethnic groups are represented in proportion to the data you are using as a benchmark.

Statistical testing will not always pick up real differences between groups if the numbers are very small. In this case, you may need to combine data over time – or across departments or grades – to see if there is a definite pattern. However, bear in mind the possible risks of combining data sets that are very different in some respects (as we discussed on p 19).

You can use more complex statistical techniques to work out how different factors (such as age, educational achievement, ethnic background, sex, and length of service) are linked to one another, and how they affect outcomes such as appraisal marks (see Example 5 on p 44), or the likelihood of being selected for a job or promotion (see Example 4 on p 42).

The four-fifths rule

This is a rule of thumb borrowed from the USA, but with no legal standing in the UK. Under this rule, the success rate of the less successful group should be at least four-fifths of that of the more successful group. So, if 60% of white applicants are promoted, no fewer than 48% ($4/5 \times 60\%$) of ethnic minority applicants should also be promoted. If overall success rates are high, the rule will not pick up real differences. In this case, we suggest that you apply it in reverse, and work out relative failure rates.

The four-fifths rule is relatively simple to apply, but it has some limitations. If overall numbers are large, differences that may in fact be statistically significant may fall within the rule, so you could be failing to identify real differences. If the numbers are very small, the rule may suggest that differences are meaningful when they are not.

The rule has no real scientific basis. However, it is a simple way of assessing differences that may turn out to be statistically significant and in need of further investigation for those who cannot readily carry out statistical testing. We suggest that differences that fall outside the rule should be re-examined through statistical tests. In cases where the overall numbers are very small or very large, you should use statistical tests as your first option. In both cases, we would advise you to get professional advice from an expert, inside or outside your organisation.

7

Ethnic monitoring

Employment

What preparations do you need to make?

You should first consider the points raised in chapter 3. If your monitoring is to be successful, you need your staff's support. You should explain to everyone involved why you are monitoring ethnic background – that is, to check that your authority's race equality scheme is working. You should also keep managers, trade unions, and any staff associations (including ethnic minority associations or networks) fully informed, and consult them throughout the process. You should make sure that you give detailed information and appropriate training to anyone who might have to answer questions in their capacity as a line manager, personnel officer, or staff representative.

What data do you need?

To carry out the necessary monitoring under the Race Relations Act, you will need ethnic data on both your current employees and job applicants. Once you get this information – and you have linked it to each individual by their unique identifying number (see p 16) – you can use the data to assess how your employment policies and procedures affect different ethnic groups.

DATA ON CURRENT EMPLOYEES

The first step is to ask your employees to provide the information, usually with a questionnaire. You should include a detailed explanation of why you are monitoring ethnicity, and how you will protect someone's confidentiality. You should make it clear that you fully support this monitoring, and that it is also your duty under the Race Relations Act.

You can use a printed or computer-based questionnaire, or a mixture of the two. You can use it as an exercise on its own, or combine it with other data collection (for example, to get information about age, sex, or disability, or just to update your staff records).

What if employees don't respond?

You should first check which staff have not filled in their questionnaires and then ask them again for the information. This might be by letter, email, phone, or in person. You

should make sure that you try again to reassure people about the reasons for collecting the data, and its importance in helping you to achieve equal opportunities.

When you have done your best to gather the data from your staff, including any steps you have taken to follow up staff who have not filled in their questionnaires, you will need to decide whether you have enough data to allow you to carry out your analyses knowing that the results will be accurate and representative. If not, you may need to consider using other-classification (see p 14) to fill in any gaps. This will involve a personnel officer or line manager again explaining to a member of staff who has not responded how important it is to have full information about the workforce. The manager should also discuss the employee's reasons for not responding and try to deal with any concerns. The manager should then again ask the employee to provide the information. If this does not succeed, the manager should tell the employee that she or he will be classified under the most appropriate ethnic group, and what this is (in the manager's opinion). The employee should have the chance to correct the manager's choice. The record should show that another person made the classification.

You should handle this exercise sensitively and make sure that people who may have to make judgements about employees' ethnic backgrounds have received suitable training.

DATA ON JOB APPLICANTS

If you use application forms

The best way to get information about an applicant's ethnic background is to use a tear-off slip that is part of the application form. The form and the slip should both have the applicant's unique identifying number printed on them (or handwritten if this is not possible). The slips should be torn off before anyone directly involved in the selection process sees the forms. The information should then be entered in the relevant register or database before the slips are destroyed.

The civil service selection board uses this method for its 'fast-stream' recruitment and its monitoring figures consistently show less than 1% for 'no response', making follow-up procedures unnecessary.

You could also consider including all personal information that is not relevant to the actual application on the tear-off slip. This reduces the possibility that other personal information, such as a name, could be used by selectors to discriminate, or that applicants might fear this.

If you use a tear-off slip, you should make sure that applicants understand that you will store the data in a way that makes it possible for you to link this information with other information about them.

If you do not use application forms

The fairest way of getting consistent and relevant information about job applicants is through an application form. We strongly recommend that you base your ethnic monitoring on application forms.

You might use CVs as part of your recruitment process because you believe that:

- it is quicker and cheaper than using application forms; or
- the particular labour market you are targeting expects this.

However, you may be making wrong assumptions, so you should review the benefits and disadvantages of using CVs. Using CVs makes it much harder for you to get ethnic monitoring data about applicants, but as part of your employment monitoring duty you need to get this information. Here are some ways that you can do this.

- Write to any applicants who have already sent you their CVs. With your letter, send them an ethnic monitoring questionnaire, and ask them to fill it in and return it to you.
- Make it clear in your job advertisement that applicants need to send you an ethnic monitoring questionnaire with their CVs, and give them the phone number or website address where they can get a copy.
- Phone applicants to ask them for the ethnic monitoring information you need.

Another practice that might mean that you do not use application forms is using telephone interviews to sift applicants at the first selection stage. It is important to monitor how this affects different applicants, so you should include a question about ethnic background in the interview itself. Telephone interviewing is becoming more common, but there is still not enough experience either to assess its effect on race equality or to lay down detailed best practice for fairness in using it. For example, an applicant may respond differently to the ethnic origin question depending on whether it is asked at the beginning of the interview or at the end, after a decision has been made and passed on to the applicant. You should explain in detail the reasons for asking the question, and assure applicants that you will not use the information in making the selection decision. You need to be sure that people are aware of all the ethnic categories before they make their choice. One way to do this is to ask people first to choose from among the main headings, and then to choose from the sub-headings available for the category they select. However, if people ask to hear the full list of all the main categories and sub-categories, you should read these out. If you decide to read the full list to all applicants, you may have to do this more than once.

If you recruit through the internet

This may involve asking applicants to fill in electronic (computerised) forms, or to email their CVs to you. You should include a question about ethnic background on

computerised application forms. When asking people for CVs, you should ask them to supply information about their ethnic background, either on a separate (computerised) form or by asking them to include their choice of category with their CV (your website should show what the choice of categories is). Not all ethnic groups will have equal access to the internet, so you should not use this as your only way of advertising vacancies or inviting applications. Ideally, you should monitor how people from different ethnic groups become aware of, and apply for, your vacancies, so that you do not rely too heavily on methods that might put some groups at a disadvantage.

If you use recruitment agencies

You will need to tell the agencies what ethnic monitoring data you need, and which categories they should use. You should also explain to them how you want the information (for example, as raw data or detailed analysis). As part of your own monitoring, you should check whether the agency is putting forward candidates from a range of ethnic backgrounds.

How can you get a good response?

We have already seen that it is possible to get an initial response rate of close to 100% from job applicants (see p 25). You should try hard to achieve this, because:

- it is more difficult to follow up applicants who do not answer the question about their ethnic background than employees; and
- you will not easily be able to use classification by another person to top up the data.

Your recruitment and selection process plays a vital role in deciding the ethnic make-up of your workforce, and you need to know what is happening at this stage. If you have a low (less than 90%) response rate from applicants, you should carry on trying to get the missing information by phoning or writing to them.

If your response rate is still too low, you will have to be very careful about how you interpret the data you do have. In some cases, you may be able to work out people's ethnic background from other information they supply. You may then be able to use this information to make a judgement about the likely ethnic origins of people who have not answered the question, and whether the information you do have is likely to be reasonably representative. Of course, you should not use the other information applicants supply to record an ethnic classification for them.

You will also need to look at why your response rate is low, and, if necessary, do more to convince people of the reasons for the exercise, and the confidentiality of the information.

If you do not have ethnic information about an applicant at the application stage, you could ask for it again at the interview stage. You can then monitor the selection process

from the interview onwards. Ideally, someone not involved in the selection process should ask the question.

If an applicant still does not give you the information at the interview stage, you should ask for it again if you offer them the job. You should include the ethnic information about successful applicants who join the organisation in their personnel records, so that it forms part of your workforce database.

How do you analyse the data?

As well as analysing the ethnic make-up of your workforce, you may need to analyse the way your policies and processes affect different groups. Appendix 2 gives a list of employment processes you could monitor. They are grouped under three main headings:

- looking for work with the authority;
- working for the authority; and
- leaving the authority.

In the following subsections, we discuss the monitoring analyses you must carry out to meet the specific duty for employers (see pp 4-5), and those you will find essential to meet the general duty (see p 4).

Workforce data

Your monitoring analysis should show the overall numbers (and proportions) of different ethnic groups in your workforce as a whole. Ideally, it should also show the type of work they do, their grades or levels, and the departments where they work (see the workforce analysis shown in table 1.1 on p 36). Other analyses might include:

- sex;
- length of service;
- time in current grade;
- age;
- earnings and other benefits; and
- terms of employment (for example, permanent or fixed-term contract; and full time or part time).

Recruitment data: applicants for jobs and promotion

Your monitoring analysis should show the overall numbers (and proportions) of applicants for jobs and promotion, according to their ethnic group. Because of the importance of your recruitment and selection decisions in determining the ethnic

make-up of your workforce, it is vital that your recruitment procedures and selection decisions are fair. To assess the effects these have on different groups, we would strongly advise you to:

- compare the proportion of applicants from ethnic minority backgrounds with the relevant benchmark data; and
- analyse the relative success rates for different groups of applicants, and the significance of any differences you might find.

You may then need to consider:

- differences in success rates at different stages in the selection process; and
- the reasons for rejection at each stage.

Example 2 (p 38) shows how ethnic monitoring data is used to assess the way different stages in the selection process affect different ethnic groups. Example 3 (p 40) shows how data on the pre-selection stages of a graduate selection process are analysed, to examine why applicants are rejected at these stages.

You can carry out similar analyses of applications for promotion. However, since there may be fewer of these, you may sometimes have to combine some data (for example, data on all applications for promotion to a particular grade).

In some cases, job applications will include applications for promotion. Your analysis should separate out internal and external applicants (see Example 4 on p 42).

You could also analyse your workforce data, to assess:

- how many applications members of each ethnic group made before they got promoted; and
- how long it took different groups to move from a particular grade to the next one.

Training

To meet the specific duties for employers under the Act, your monitoring analysis should show the overall numbers (and proportions) of applicants for training, according to their ethnic group. If you have more than 150 employees, your monitoring must also include the numbers from each group who receive training.

However, before monitoring applications for training, and their results, you will need to consider what you mean by 'training' and by 'an application'. For example, if an employee spends some time on attachment to a different section, for development, would you call this training? If an employee asked you whether they could go on a one-day, in-house, first-aid training course, would you call this an application for training? You may need to set up formal procedures for considering all training requests, so that you can monitor them effectively.

As a first step, we suggest that you consider, together with your staff representatives, what kind of training you agree is central to career development (including management development programmes). The main purpose of the review should be to see whether there is equal access to the most important career development opportunities.

You will then need to think about classifying different types of training, so that you can compare like with like across ethnic groups. The questions you might consider include the following.

- How long did the training last?
- How much did the training cost?
- Was the training provided internally or externally?
- Was the training related to the current job or work at the next grade?
- Was the training directly job-related or for broader personal development?
- Did you or the individual pay for the training? How much?
- Was the training carried out during or outside working hours?

If you do not include some or all of these factors in your analysis, you might end up believing all groups had fair access to training, when one group received job-related internal training lasting on average one day, and another received externally provided development training lasting two years.

Not all training is the result of an application. Training may be compulsory, or an opportunity that staff are chosen for (whether formally or informally). In your monitoring, you may need to take account of possible variations in the way different groups choose – or are chosen for – different training opportunities.

Not all career development opportunities will take the form of formal training, and some of the most significant opportunities may not arise as a result of an application at all. For example, you might ask how people are chosen to take part in project groups or task forces, or how opportunities for ‘acting up’ are shared out. Effective monitoring of training in its broadest sense means monitoring access to the full range of training and development opportunities.

Appraisals

Appraisal marks can affect not only an employee’s short-term career (in terms of pay and benefits), but also his or her long-term career in an organisation. To meet the specific duties for employers under the Act, if you have more than 150 employees, your monitoring analysis must show the number of employees from each ethnic group who have benefited or suffered disadvantage from your performance assessment systems.

Your first step should be to analyse the spread of appraisal marks for different groups. Since appraisal marks may be linked to other factors, such as grade (see p 19), we suggest that you compare appraisal marks on a grade-by-grade basis as well as overall.

If your analysis shows differences between ethnic groups, to meet the general duty you will need to consider why. One of the main problems is that there is usually no independent, objective measure of actual job performance that will tell you whether differences in appraisal marks are due to:

- genuine differences in performance;
- biased assessments resulting from, for example, stereotyped perceptions, or differences in social contact and 'liking' between different groups; or
- a mixture of the two (with each possibly leading to the other).

After further analysis, you may be able to investigate:

- links between ethnic background and other variables (such as geographic location, department, time in grade, sex, or disability) that may also be linked to appraisal marks;
- patterns in competency scores (marks given for particular skills and attributes, such as staff management, communication skills, or problem-solving) awarded to different ethnic groups;
- rates of appeals (against appraisal marks) and their results; and
- whether members of different groups receive different or similar promotability ratings (for example 'well-fitted', 'fitted', or 'not fitted' for promotion) for equivalent performance marks.

You could also examine the language used in appraisals, to see whether there is evidence of stereotyping by managers, or whether they have different attitudes or ways of relating to their staff. The comments made by the jobholder and by the countersigning officer (usually the appraiser's line manager) may also give you some idea of what is happening within the appraisal process.

In large data sets, you may be able to carry out an analysis that also includes the appraiser's ethnic background. This is so that you can check to see whether there is a tendency for people from all ethnic groups to give higher marks to people from their own ethnic group, or to the majority ethnic group (trends that have both been found in research studies in the USA). You may also find it useful to analyse variations in appraisal marks following a change of manager.

Example 5 (on p 44) describes a study of appraisal marks received by people from different groups, defined by sex, ethnic background, and disability, in 13 civil service departments.

Grievances

The pattern of grievances in your authority can tell you how strongly certain groups believe they have been unfairly treated or discriminated against. To meet the specific duties for employers under the Act, if you have more than 150 employees, your monitoring analysis must show the number of employees from each ethnic group who have brought grievances.

Your monitoring should include all recorded internal complaints, including those raised formally under a grievance procedure, or under other procedures, such as:

- those dealing with complaints of bullying or any kind of harassment or discrimination; or
- those for appealing against decisions about promotion or appraisal marks.

We would advise you to also look at how often, and how many, grievances of different kinds are made by different ethnic groups, and how they are resolved. You may also want to consider whether you have taken any of the action recommended during or following the investigation of a grievance, and with what effect.

Disciplinary action

The reason for monitoring disciplinary action is to examine whether some ethnic groups face formal disciplinary action more or less often than others. Under the specific duties for employers under the Act, if you have more than 150 employees, your monitoring analysis must show the number of employees from each ethnic group who have had disciplinary proceedings taken against them.

To meet the general duty, we would advise further analysis and investigation to examine:

- the findings and outcomes of disciplinary action;
- rates of appeal (and their results);
- whether people from different ethnic groups are equally likely to face formal disciplinary action for equivalent performance or disciplinary concerns;
- whether penalties for equivalent disciplinary breaches are used consistently for all ethnic groups; and
- the reasons for differences.

To answer some of these questions, you may need detailed research that looks beyond cases of formal disciplinary action to cases where disciplinary matters, or poor performance, have been dealt with informally.

Dismissals and other reasons for leaving

If you are trying hard to meet targets for ethnic minorities in your workforce, you may be using 'outreach' and other programmes to attract new applicants. Yet, you may still find that you are running hard to stay on the same spot if as many staff from ethnic minorities are leaving the organisation (for whatever reason) as are joining it.

To meet the specific duties for employers under the Act, if you have more than 150 employees, your monitoring analysis must show the number of employees from each ethnic group who have left your employment (for whatever reason). Monitoring dismissals is part of monitoring disciplinary action and its results (see above). However, to meet the general duty, you will find it very useful to look at wider patterns of leaving among different ethnic groups, and the reasons for these patterns.

In your initial analyses of the ethnic data you collect on leavers, you will probably need to look at patterns of leaving according to variables such as age, sex, length of service, and type of work. In looking at reasons for leaving, we suggest you distinguish between:

- mechanisms (procedures) for leaving, such as voluntary redundancy, retirement, dismissal, and resignation; and
- the underlying reasons for leaving (which will be much more varied, such as having to move because of a partner's job, being unhappy with pay and conditions, or experiencing harassment or discrimination).

You may not always find it easy to uncover the real reasons for an employee leaving from what they say in a resignation letter or a formal 'exit interview'.

If you find differences in leaving rates, or in reasons for leaving, you could try to get a better understanding of the patterns, based on more detailed material. This could include:

- 'exit' questionnaires or in-depth interviews with leavers (perhaps carried out by someone outside the organisation);
- questionnaires or interviews with past leavers from different ethnic groups; or
- surveys of, or interviews with, current staff about whether they plan to stay with the organisation or are considering leaving, and their reasons, to see if there are differences between ethnic groups.

Example 6 (on p 46) describes an emergency service's monitoring of its leavers.

Publishing employment monitoring data

If you have to meet the specific duty for employers, you must publish the results of your employment monitoring every year. You should make sure that what you publish meets the requirements of the Data Protection Act (see appendix 1). Sometimes, it may be possible to identify individuals from the monitoring analysis. For example, if there is only one person from a particular group at a certain grade, publishing appraisal marks grade by grade would identify that individual's marks. A solution might be to publish only combined ethnic data for the grade, or detailed ethnic data, for the organisation as a whole. Equally, you should be very careful when publishing data about grievances and disciplinary steps. Even if it is not possible to identify an individual with certainty from the monitoring data, if the information points to only a small group of people, this might also affect their rights under the Data Protection Act.

Employment examples

The examples given below are based mainly on real data collected and analysed by public authorities. We have drawn most of the examples from practice in UK national or English authorities, where ethnic monitoring systems are better developed. The examples show how you can use ethnic monitoring data to reveal trends in recruitment or personnel functions that may not be immediately clear from initial assessments. Note that there is some difference in the ethnic categories used in the various examples, and that these reflect the usage before the 2001 census. Figures have also been rounded.

Example 1: Workforce monitoring in the Scottish NHS

Tables 1.1 – 1.3 (see pp 36 – 37) are taken from the ISD online statistical site for NHS Workforce data. They are fairly typical of the type of data available to public authorities in Scotland. They show the kind of analysis that you can carry out on workforce data, and which you can then use to plan and take action.

The analyses make it clear that ethnic minority representation in the NHS as doctors and dentists:

- is higher, overall, than in the local community, based on 1991 census data;
- varies significantly between ethnic groups;
- varies considerably between grades, with ethnic minority staff being less successful than others in achieving senior status, compared with their overall representation in the service; and
- varies significantly between health board areas.

Other tables show changes in the make-up of the workforce over the past eight years. Other analyses could include cross referencing of data relating to sex and ethnicity.

NHS Scotland is currently analysing its workforce using the 2001 census categories, and will use these categories in future reports.

Table 1.1: Ethnic origins of NHSScotland medical staff, at 30 September, 1994 – 2000

Year	All staff No.	White %	Bangla-deshi %	Black African %	Black Caribbean %	Black Other %	Chinese %	Indian %	Pakistani %	Other %
1994	7667	86.2	0.1	1.2	0.4	0.2	1.2	5.9	1.2	3.7
1995	7875	85.7	0.1	1.3	0.3	0.4	1.4	5.7	1.1	4.0
1996	8127	85.1	0.1	1.1	0.3	0.4	1.4	6.3	1.3	4.1
1997	8433	84.8	0.2	1.0	0.2	0.3	1.4	6.7	1.2	4.2
1998	8474	84.7	0.1	0.9	0.2	0.3	1.4	7.0	1.3	3.9
1999	8658	84.3	0.2	0.9	0.2	0.3	1.5	7.1	1.3	4.3
2000	8707	84.3	0.1	1.1	0.3	0.4	1.3	7.1	1.3	4.2
2001	9077	84.6	0.1	1.1	0.3	0.3	1.4	7.5	1.5	4.1

Table 1.2: Medical staff, by grade and ethnic origin, at 30 September 2001

Grade No.	All staff %	White %	Bangla-deshi %	Black African %	Black Caribbean %	Black Other %	Chinese %	Indian %	Pakistani %	Other %
Consultant	3052	93.0	0.0	0.4	0.1	0.1	0.5	3.2	0.6	2.0
Associate specialist	160	65.0	–	2.5	–	1.3	–	20.4	1.9	8.9
Staff	365	60.2	0.3	3.9	0.8	0.3	1.4	17.8	5.6	9.7
Specialist registrar	1252	77.8	0.1	1.5	0.7	0.3	1.7	11.2	1.5	5.3
Senior registrar	19	83.3	–	–	–	–	–	16.7	–	–
Registrar	7	71.4	–	–	–	–	–	28.6	–	–
Senior house officer	2260	75.6	0.3	1.7	0.5	0.6	2.0	10.2	2.8	6.4
House officer	715	78.6	0.2	1.4	–	0.3	5.4	7.7	2.0	4.5
GMP	715	93.6	–	–	0.2	–	0.3	4.4	0.2	1.3
Other	147	96.6	–	–	–	–	–	2.8	–	0.7

Table 1.3: Medical and dental staff, by health board area and ethnic origin, at 30 September 2000

Board	All staff 000	White %	Bangla- deshi %	Black African %	Black Caribbean %	Black Other %	Chinese %	Indian %	Pakistani %	Other %
Argyll & Clyde	588	82.6	0.2	1.7	0.5	0.2	0.7	9.1	1.9	3.9
Ayrshire & Arran	474	80.9	–	2.6	–	–	0.6	10.3	1.3	4.3
Borders	129	85.2	0.8	2.3	–	0.8	1.6	3.9	2.3	3.1
Dumfries & Galloway	239	88.3	–	1.7	1.3	–	–	4.6	2.5	1.7
Fife	443	79.4	–	1.6	0.5	–	1.9	10.0	1.4	5.3
Forth Valley	375	87.8	0.3	0.5	–	–	0.8	5.7	0.5	4.3
Grampian	1015	83.1	–	1.0	0.2	0.1	1.7	8.3	1.2	4.3
Greater Glasgow	2359	86.7	0.2	0.8	0.4	0.5	1.1	4.9	1.2	4.3
Highland	369	86.4	–	1.9	–	–	0.8	7.9	0.8	2.2
Lanarkshire	707	73.9	0.1	2.0	0.1	0.4	1.6	12.7	2.1	7.0
Lothian	1628	88.9	0.1	0.5	0.3	0.8	1.2	4.9	0.8	2.5
Orkney	27	96.3	–	–	–	–	–	–	–	3.7
Shetland	20	100.0	–	–	–	–	–	–	–	–
Tayside	910	87.6	0.1	0.7	–	–	1.5	4.8	0.7	4.7
Western Isles	35	71.4	–	5.7	–	–	–	14.3	2.9	5.7

Example 2: Monitoring selection stages

Table 2.1 shows an analysis of ethnic monitoring data on recruitment to senior management posts in a fictitious public authority in England.

It shows success rates for different ethnic groups at the three main stages of selection: short-listing, interview, and assessment centres. The main points to note are as follows.

- The analysis focuses on success rates, but application rates could also be compared with appropriate benchmark data.
- Success rates for individual groups within broad ethnic headings are likely to be unstable because of the very small numbers involved, particularly at the later stages of selection. For example, had one more of the Black African candidates been successful, the success rate for that group would have doubled and been higher than the rate for white candidates.
- Overall, white applicants have more than double the success rate of ethnic minority applicants, but there are considerable variations between minority groups.
- The overall difference in the success rates for white and ethnic minority applicants appears to be cumulative, increasing at every stage of the process. Differences arise at each stage and break the 'four-fifths' rule (see p 23) at pre-selection and assessment-centre stages, as well as overall. Statistical testing should be used to assess the significance of these differences.
- Ethnic minority candidates appear less likely to withdraw from the selection process, or to turn down job offers, perhaps because of their weaker position in the labour market.

It may be hard to draw firm conclusions from the data, but it does suggest some cause for concern. The authority would need to explore these, while continuing to monitor selection for senior management posts.

Table 2.1: Monitoring the selection stages for senior management posts

	White	Black Carib	Black African	Black Other	Black total	Bangla- deshi	Indian	Paki- stani	Total South Asian	Chinese	Other Asian	Turkish	Black + South Asian	Total ethnic minority	Other + Not stated	Total
Applications received	490	27	60	16	103	12	35	11	58	9	2	6	161	178	45	713
Ethnic group as % of applicants	68.7%	3.8%	8.4%	2.2%	14.4%	1.7%	4.9%	1.5%	8.1%	1.3%	0.3%	0.8%	22.6%	25.0%	6.3%	100.0%
Invited to interview	97	4	7	1	12	1	7	1	9	2	0	1	21	24	5	126
Success rate pre-selection	19.8%	14.8%	11.7%	6.3%	11.7%	8.3%	20.0%	9.1%	15.5%	22.2%	0.0%	16.7%	13.0%	13.5%	11.1%	17.7%
Withdrawn before interview	3	0	0	0	0	0	0	0	0	0	0	0	0	0	1	4
Attending interview	94	4	7	1	12	1	7	1	9	2	0	1	21	24	4	122
Invited to assessment centre	39	2	2	0	4	0	2	0	2	1	0	1	6	8	1	48
Success rate at interview	41.5%	50.0%	28.6%	n/a	33.3%	0.0%	28.6%	0.0%	22.2%	50.0%	n/a	100.0%	28.6%	33.3%	25.0%	39.3%
Withdrawn before assessment centre	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
Attended assessment centre	36	2	2	0	4	0	2	0	2	1	0	1	6	8	1	45
Offered post	13	0	1	0	1	0	1	0	1	0	0	0	2	2	1	16
Success rate at assessment centre	36.1%	0.0%	50.0%	n/a	25.0%	n/a	50.0%	n/a	50.0%	0.0%	n/a	0.0%	33.3%	25.0%	100.0%	35.6%
Accepting post	10	0	1	0	1	0	1	0	1	0	0	0	2	2	0	12
Acceptance rate	76.9%	n/a	100.0%	n/a	n/a	n/a	100.0%	n/a	100.0%	n/a	n/a	n/a	100.0%	100.0%	n/a	75.0%
Baseline for overall success rate (= applicants minus withdrawals)	484	27	60	16	103	12	35	11	58	9	2	6	161	178	44	706
Success rate overall	2.7%	0.0%	1.7%	0.0%	1.0%	0.0%	2.9%	0.0%	1.7%	0.0%	0.0%	0.0%	1.2%	1.1%	2.3%	2.3%

ADVERSE IMPACT RATIO

(= EM success rate: White success rate)

For 4/5 rule (see page 2.1), ratio needs to equal or exceed 0.80

	pre-selection	interview	assessment centre
overall	0.68	0.80	0.69

Example 3: Monitoring reasons for rejection before interview

Detailed monitoring using the full list of ethnic categories can highlight barriers that may be affecting only certain groups within the broad ethnic headings.

For example, a large company selected graduate applicants for interview on the basis of a series of criteria, applied in a set order. The company used a system of code numbers to show which of the criteria each applicant failed on.

The analysis of the data is shown in table 3.1. At first, the pre-selection success rates for white and ethnic minority applicants suggest that there is little difference between them, but the overall figures mask the following interesting differences.

- The Indian group has the highest success rate, with the Black African, Black Caribbean, and Pakistani candidates doing considerably worse than white applicants. Bangladeshi applicants' success rate is only a quarter that of the White group.
- The success rate for the overall South Asian group masks the differences between its individual ethnic groups. Applicants from Indian backgrounds are significantly more likely to pass pre-selection than those of Pakistani or Bangladeshi background. The relatively high success rate for one group and the relatively low success rates for the others combine to give an average success rate that is similar to that for white applicants.
- The black candidates who satisfy the degree and A-level requirements seem to be disproportionately affected by the two GCSE requirements.
- The Chinese candidates perform best on the academic criteria, but are then disproportionately excluded by their answers to competency-based questions on the application form (see p 31). The Bangladeshi applicants (and to a lesser extent the Pakistanis) also appear to be at a disadvantage at this stage (although the numbers are very small), but the Indians do well. (Again, an analysis that looked at Asian candidates as a single group would have missed these differences.)

You can use this kind of information to review your selection procedures. In this case, for example, you might ask why apparently academically able Chinese and Bangladeshi candidates are performing poorly on competency-based questions, and try to assess why this difference exists, and whether it can be justified.

Table 3.1: Graduate selection. Analysis of pre-selection stages, by ethnic group

Applicants	Meeting degree class		Meeting A-level points requirement		Meeting GCSE maths requirement		Meeting GCSE English requirement		Meeting all academic requirement		Meeting other (competency-based) requirement		Passing requirement		requirements		pre-selection	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
White	2488	100	2208	88.7	1807	81.8	1660	91.9	1588	95.7	1588	63.8	925	58.2	925	37.2		
Black African	47	100	38	80.9	27	71.1	21	77.8	17	81.0	17	36.2	7	41.2	7	14.9		
Black Caribbean	7	100	7	100	4	57.1	2	50	1	50.0	1	14.3	1	100	1	14.3		
Black Other	5	100	4	80.0	4	100	3	75	3	100	3	60.0	2	66.7	2	40.0		
Black total	59	100	49	83.1	35	71.4	26	74.3	21	80.8	21	35.6	10	47.6	10	16.9		
Bangladeshi	11	100	8	72.7	4	50.0	4	100	4	100	4	36.4	1	25.0	1	9.1		
Indian	188	100	167	88.8	132	79.0	122	92.4	110	90.2	110	58.5	82	74.5	82	43.6		
Pakistani	55	100	42	76.4	36	85.7	33	91.7	30	90.9	30	54.5	14	46.7	14	25.5		
South Asian total	254	100	217	85.4	172	79.3	159	92.4	144	90.6	144	56.7	97	67.4	97	38.2		
Chinese/Other Asian	85	100	77	90.6	66	85.7	64	97.0	58	90.6	58	68.2	25	43.1	25	29.4		
Asian total	339	100	294	86.7	238	81.0	223	93.7	202	90.6	202	59.6	122	60.4	122	36.0		
Ethnic minority total	398	100	343	86.2	273	79.6	249	91.2	223	89.6	223	56.0	132	59.2	132	33.2		

*Percentages are of those still under consideration after previous stage

** Percentages are of total applicants

Example 4: Monitoring recruitment sources and outcomes

Table 4.1 shows a different analysis of the recruitment data shown in Example 2 (on p 38). In table 4.1, the focus is on the sources of white and ethnic minority applicants, and how applicants from different sources perform. The organisation used an executive search agency to handle the recruitment. The three sources of applicants were:

- internal (existing staff);
- external applicants put forward by the agency; and
- external applicants replying to press advertisements placed by the agency.

The following interesting trends emerged.

- 48% of ethnic minority applicants were internal, compared with only 29% of white applicants.
- 1.1% of ethnic minority applicants were from the agency's own contacts, compared with 14.5% of white applicants (although only 2.4% of agency candidates were from ethnic minority groups).
- Internal applicants were less likely than any others to succeed.
- The ethnic make-up of the 'other or not stated' group was unknown.

The organisation may need to draw the agency's attention to the under-representation of ethnic minority candidates, and ask them to look into this.

The organisation also needs to look at the reasons for higher failure rates for internal candidates. For example, is the higher success rate for agency candidates a result of careful screening (by the agency) before they put candidates forward, or is it the extra help the agency gives these candidates with marketing and self-presentation skills? Might it be that the organisation prefers new blood, so disadvantaging ethnic minority candidates, who are over-represented among internal applicants?

Example 4: Monitoring recruitment sources and outcomes

Table 4.1: Applications for senior management posts, by ethnic group and source, 1999-2000

	White		Ethnic minority		Other/ not stated		Total	
	S*	U**	S	U	S	U	S	U
Internal	2	142	1	84	0	13	3	239
Internal as % of applicants		144		85		13		242
Internal as % of applicants		29.8%		47.8%		29.5%		
Put forward by Executive search agency	4	66	0	2	1	10	5	78
Agency candidates as % of applicants		70		2		11		83
Agency candidates as % of applicants		14.5%		1.1%		25.0%		
Responded to press advertisements	7	263	1	90	0	20	8	373
Advertisements applicants as % of applicants		270		91		20		381
Advertisements applicants as % of applicants		55.8%		51.1%		45.5%		
Total applicants	13	471	2	176	1	43	16	690
Total applicants		484		178		44		706
Success rate for internal candidates		2.7%		1.2%		0.0%		1.2%
Success rate for agency candidates		5.7%		0.0%		9.1%		6.0%
Success rate for advertisement candidates		2.6%		1.1%		0.0%		2.1%

Ethnic minority as % of internal 35.6%
 Ethnic minority as % of agency candidates 2.4%
 Ethnic minority as % of advertisement candidates 23.9%

Note: All figures exclude withdrawn applications

* successful

** unsuccessful

Example 5: Monitoring appraisals in government departments and investigating differences

A study of appraisal performance in 13 civil service departments was published in 2000. The study looked at differences between groups in the distribution of performance markings awarded at appraisal. It compared distributions for men and women; different ethnic groups; and disabled and non-disabled staff.

The study found that white staff were awarded higher marks than non-white staff, and that these differences were statistically significant overall and at each grade. In many departments, data were not linked to individuals, so the researchers 'could not carry out an analysis by multiple factors'.

The researchers recommended that departments should link data with individuals, so that a 'multi-variate analysis' could be carried out in future. They also recommended that 'quantitative research should be supported by research on attitudes and perceptions, and by research on management perceptions of performance'.

A follow-up study was carried out along these lines, to identify possible reasons for the trends found in the first study. This involved analysing records for 180,000 staff from six departments, and qualitative research, including in-depth interviews with nearly 500 staff drawn from five main groups – ethnic minorities; managers; women; disabled staff; and non-disabled white men.

The study made direct comparisons between markings for different groups and found, again, that white staff received higher markings than ethnic minorities, and that black staff tended to get lower markings than Asian staff. This was generally true across grade bands, age groups, and length of service bands – although the pattern was occasionally reversed for some (short) length of service bands and for temporary staff. These reversals tended to be in the relative positions of white and Asian staff.

The researchers carried out a 'multi-variate analysis', which showed how different factors affected performance markings. In order of importance: department, length of service, grade band, location, and sex had the greatest effect. However, ethnic background also had a small, but statistically significant, effect, independent of these factors. (Ethnic background may also be correlated with some of the other factors – department, length of service, location, grade band, and so on. The nature of any causal links behind these relationships might need further investigation. For example, if ethnic minority staff are over-represented in a particular area, and that area tends to have lower than average appraisal markings, is a stricter marking tendency in this area adding to the overall differences between white and ethnic minority markings? Or are the markings in that area lower because of the over-representation of ethnic minorities there?)

The researchers studied data on training, education, and qualifications (which are likely to affect job performance) among different ethnic groups, to examine whether these might have contributed to the differences in appraisal markings.

They found that there was no significant evidence of differences in education and training between groups that would be likely to affect performance.

The research included interviews, a survey, and focus groups. The survey was designed to pick up on factors that might have a bearing on job performance, such as job satisfaction and individuals' commitment to the organisation. The interviews and focus groups explored staff views on the appraisal system.

The researchers found that ethnic minorities were less satisfied with their jobs and workplace than white employees, and pointed out that other research suggests there is a link between performance and job satisfaction.

The researchers found evidence of many common concerns, among all staff, about the way the appraisal system was run. However, staff from ethnic minorities had some particular concerns, including the following.

- *Stereotyped perceptions*: most ethnic minority staff felt that they had experienced stereotyped views of their performance abilities and attitudes, and that this had led to unfair performance reviews and appraisal markings.
- *'In-group' attitudes*: the 'in-group' was perceived as being 'white, British, middle class and male', and staff from ethnic minorities felt that, as members of the 'out-group', they were undervalued and excluded because their 'face did not fit'.
- *Relationships between employee and appraiser*: staff from all ethnic groups felt that managers had favourites, but staff from ethnic minorities also felt that they were disadvantaged if they did not socialise with managers and colleagues after work.
- *Lack of diversity awareness*: staff from ethnic minorities felt that diversity was not valued, that there was little understanding of their cultural norms, and that there was a general view that they were there 'because of quotas'.

The researchers found that some managers did display stereotypical attitudes and beliefs about some ethnic groups.

Having considered the range of variables likely to influence job performance, the researchers concluded that a cycle could be at work which might explain the differences in appraisal markings:

- stereotypical attitudes among a minority of officers, combined with poor skills in managing people and performance; and

- the exchanging of stories (about unfair treatment) among ethnic minority staff could be leading to lower morale in this group. This could lead to lower job satisfaction and, in turn, poorer performance.

The researchers made a range of recommendations to tackle the issues raised.

This was quite a large-scale research exercise and the researchers were also able to produce analyses of individual departments and reports. Departments are now acting on the recommendations and are themselves monitoring appraisal results and carrying out further investigations (for example, looking at the language used in appraisal reports for different ethnic groups).

Example 6: Monitoring exit rates from an emergency service

An emergency service examined its data on the rates at which different groups were leaving the service.

The data suggested that a smaller percentage of ethnic minority staff were leaving than of white staff. However, further analysis showed that over 70% of white men had completed more than 20 years' service when they left, but that this was true for less than 10% of the ethnic minority leavers. (Women were also found to leave early in their careers.)

The service had a practice of issuing questionnaires to people who were about to leave, to try to find out why. Leavers were also offered an interview to discuss issues raised by the questionnaire, if they wanted. The information produced by these methods was found to be patchy, and did not help the service to understand why ethnic minority staff appeared to be leaving after a relatively short period of service.

The service is commissioning external researchers to carry out interviews with staff who have left the service over the past three years, to try to uncover the real reasons for leaving among different ethnic groups, and to make recommendations on how to improve retention rates among women staff and staff from ethnic minorities. The aim is to improve the service's exit interviewing practices, so that they provide better information for future monitoring analyses.



Ethnic monitoring

Service delivery

What kinds of monitoring are there?

We use the term 'service' to cover:

- services such as housing, health, and education; and
- functions such as policing, immigration control, and prisons.

In general, monitoring service delivery covers the following four main activities.

- **Ongoing contact** – As with monitoring employment procedures, this examines people's experiences of your procedures and the way you make decisions over a period of regular or continuing contact, and sometimes across several organisations in succession (for example, the police, the Procurator Fiscal Service, and the courts). It allows you to look, in detail, at how different groups are affected by your policies and services in, say, housing, education, health, or criminal justice, at different stages – from initial contact with the system through to the final outcome.
- **Episodic contact** – This looks at what happens when your contact with a service user is fairly short term, limited, and occasional. For example, a one-off application for planning permission (even though the application process may take some time) or a request for bulk refuse collection or pest control services.
- **Usage** – This type of monitoring is used to draw up profiles of service use and needs for different groups. This can help to assess the resources you will need in future, and their allocation. Usage monitoring can also help you to develop policies and ways of delivering services that meet the needs of different ethnic groups.
- **Satisfaction or complaints** – This kind of monitoring can be carried out by adapting routine customer satisfaction surveys and records of service complaints to include a question about ethnic background. This will help to assess whether satisfaction varies between ethnic groups and, if so, why.

These four types of monitoring can, of course, overlap. In Example 9 (on page 56), the health centre carried out a survey of usage and satisfaction, but it linked this to other data about its patients to create a database that could be regularly updated and analysed. However, it can be helpful if you distinguish between the different types of monitoring, especially when planning your data collection and analysis. For example, with long-term monitoring, you would aim for a 100% data set (although you might sometimes use a careful sampling strategy for research exercises or specific studies) and ethnic data will have to be linked to the individual. On the other hand, satisfaction

surveys might be kept anonymous, and a lower response rate would probably be considered acceptable. The main point is to make sure you have a database that is large and representative enough to let you answer all the questions you might want to ask about what is happening to service users (or potential service users) during their contact (or lack of contact) with your organisation.

What should you monitor?

What you monitor to meet the new statutory duties under the Act will depend on the functions and policies you have identified as being relevant to the general duty to promote race equality. We have issued a statutory code of practice on the duty, which came into effect on 30 November 2002, following approval by Parliament. We have also produced a guide to the code, which gives more detailed advice.

What preparations should you make?

As with monitoring employment, you should discuss and explain as widely as possible the reasons for monitoring ethnic background (see chapter 3). You should make sure that you:

- consult ethnic minority and other community organisations;
- consult trade unions and other staff representatives (including ethnic minority associations or networks), and frontline staff;
- train all staff involved in monitoring, particularly in collecting data;
- produce written information about monitoring, and translate it into different languages, if needed; and
- arrange interpreting services, if needed.

How complete must the data be?

Incomplete data has been a serious obstacle to ethnic monitoring in many service delivery areas. For example, in criminal justice and health, poor data has been recognised and is being tackled as a serious problem. You have a specific duty under the Act to monitor the effects of your policies on different ethnic groups (see p 5) and incomplete data will affect the quality of your analysis. For example, you will not be able to identify patterns of inequality, barriers to opportunities and services, and disadvantage and unfairness. Most importantly, you will not be able to take corrective action.

It is vital therefore that you do whatever is necessary to make your monitoring data as complete as possible. In practice, this means taking account of three factors:

- how important the service, policy, or function you want to monitor is;
- what kind of monitoring you need (see p 47); and
- how easy or difficult it will be to get complete data – this will depend on the circumstances in which you ask for the information, and the nature and frequency of your personal contact with service users.

We look at two examples to explain some of these points. The first is monitoring pupils' attainment, and the second is monitoring building-control applications.

Monitoring pupils' attainment

- *Importance.* Education services are vitally important. They affect the whole school-age population and shape the choices young people make about their future. The levels of achievement of pupils from some ethnic groups have already raised public concern about possible discrimination in education services.
- *Kind of monitoring.* Long-term, on-going contact.
- *How easy is it to collect data?* Schools are in regular contact with those who use their services (both pupils and parents or guardians). So, the education authority should be aiming for a high response rate to the ethnic background question, and should be prepared to use other-classification (see pp 14 and 50) to top up gaps in the data.

Building-control applications

- *Importance.* Although this service might potentially affect ethnic groups differently, it clearly concerns a much smaller proportion of the population, and is also likely to have only a relatively minor effect on the quality of life of those affected by it.
- *Kind of monitoring.* This might be episodic monitoring of application rates and the outcome of applications, or monitoring of satisfaction.
- *How easy is it to collect data?* The only representative of the service who may come into contact with the user may be a technical specialist, who might not think it appropriate to ask, or make judgements, about the user's ethnic background. (Also, someone else, such as a builder or architect, may in any case represent the user.) In these circumstances, an authority might be satisfied with asking for the data on the application form, and asking a question in feedback surveys about their services.

What classification methods should you use?

Self-classification

The best way to collect ethnic data is to get it directly from the individual as part of your existing information-collecting processes. For example, if you use an application form or an interview with the client to get basic information, this is where you should ask about ethnic background. Or, if you use an interview to check and fill in information given on forms, you can do the same with the ethnic background data. As Example 9 (on p 56) shows, you can also get this information over the phone, when a client first calls to apply for a service.

You should make sure that people have the information and time they need to make an informed decision about the classification they are comfortable with. You may want to use a two-stage system, which asks people first to choose from among the main headings, and then from the sub-categories of the heading they have chosen. However, if someone asks for information about all the main and sub-categories, you should give this to them. If people are making their choice in a telephone interview (see page 24), you may have to read all the categories out more than once.

When you need ethnic data for a one-off exercise (such as a survey of who is using a service), you could ask for the information through a questionnaire, and follow this up, if you need to, with a letter or phone call.

Other-classification

As with employment, other-classification should always be a last resort. You should use it to top up your data only when it is important for your analysis and, wherever possible, you should tell the individual how they have been classified and ask them to confirm or correct the classification. If you cannot do this at the time, you should give the individual the chance to confirm or change the classification at a later date, if this is possible. The record should show that another person made the classification, and the capacity in which they did so (for example, as a parent or other relation).

Sometimes, classification by another person may be the only method available. This may be the case if the client is a young child, or cannot make the choice, for example, because of illness or mental disability. In these circumstances, you should ask a named carer or advocate for the information.

Other-classification may also be the only possible option in certain highly charged or sensitive situations. For example, most police forces in England currently use classification by police officers when they stop, search, or arrest someone. The classification is based on appearance and uses the following broad categories: White, Black, Asian, Other and Not Known. The Home Office has recently consulted on a new code of practice (available on www.homeoffice.gov.uk), which proposes moving to a

system of self-classification, based on the 16 categories used in England in the 2001 census, plus a category for 'not stated'. In England, police will have to explain when they use 'not stated' whether the person refused or was unable to respond (for example because they were too drunk, drugged, or ill, or because they did not understand English well).

In these sensitive situations, you should use other-classification only with the greatest care, and when you are satisfied that there is no other realistic way of getting the data you need. If you are proposing to use other-classification without consulting the person concerned, or telling them how they have been classified, you should consult us and the Information Commissioner, who is responsible for all data protection matters nationally (see p 71 for address). Appendix 1 explains how the Data Protection Act applies to ethnic monitoring.

Can you use sampling to collect data?

As we suggest on page 13, sampling may be a cost-effective way of collecting enough data, for example if you are carrying out a survey. However, you will still need the fullest possible response rate from the sample, so you can be sure that your findings are representative.

Example 10 (on p 58) shows how a council department used sampling to draw up a customer profile.

Client-management systems

There is a growing trend, both in central and local government, towards using 'one-stop shops' for a wide range of services, through large call centres or electronic contact centres or websites. This trend offers authorities the opportunity to use standardised data-collection procedures to collect ethnic background information when a client first contacts them. If you are one of these authorities, you should think carefully about:

- what kind of monitoring you need, and whether you want to survey all callers or only a sample;
- what training your staff will need; and
- how you can bring your data-entry, retrieval, and analysis systems, and publishing arrangements, in line with the Data Protection Act 1998 (see appendix 1).

What if the service user is not an individual?

Sometimes, the service user will not be an individual but a company or an organisation. Although it is important to try to assess the effects of the different services you provide

to organisations, the ethnic data you can gather and analyse may be limited. It is also likely to vary according to the questions you are hoping to use the data to answer.

You may want to monitor the 'ethnicity' of businesses that use your services or that are the subject of your enforcement powers. For example, in England, the Department of Trade and Industry's Small Business Service (SBS) monitors its services to businesses and to people proposing to set up in business. In some cases, for example a sole proprietor or an individual proposing to set up in business, the information the SBS needs is simply the ethnic background of that person. In the case of partnerships and limited companies, the SBS uses a '51% majority' rule. This means that the 'ethnicity' of the partnership or company, and particularly the question of whether it is an 'ethnic minority business', is decided by the ethnic background of the overall majority of its partners or directors. The 51% majority rule may also be useful for organisations such as the Health and Safety Executive or the Trading Standards Department that want to see if they are using their enforcement powers disproportionately against some groups, and why. It may also be useful if you want to monitor your contracts.

There is no general definition of the ethnicity of a company, but the 51% rule appears a sensible one, although it has some obvious practical difficulties. The business may be owned by equal numbers of people from two ethnic groups – for example, one Asian owner and one white owner, or there may be three partners or directors from three different ethnic groups. There is also the question of how to collect information. Sometimes, it may be possible to ask all the owners or partners in a business to supply information about their ethnic backgrounds, but it is more likely that just one person will be filling in an application on behalf of the business, or supplying information about the business in some other context, for example in a face-to-face discussion. In some cases, it may be enough to know the ethnic background of just the contact person, and to check their role in the business (for example, managing director or an employed manager). If you then decide that you need more information about the owner, or other owners, of the business, you may need to approach them directly for this information. We do not recommend asking the contact person for the information, as this could go against the Data Protection Act.

There are clearly also difficulties in trying to define the 'ethnicity' of larger companies, and of those that have (or are) subsidiaries, or where there is foreign ownership. There will inevitably come a point when there is little or no value in trying to establish the 'ethnicity' of a company.

In some cases, the obvious one being restaurants, it may be possible to use the 'ethnic' description the business itself uses. However, with the large number of Bangladeshi-owned 'Indian' restaurants, this may not be quite so simple. However, if what you need to know (for example, in the case of enforcing environmental health rules or licensing applications) is whether certain types of restaurant are treated more or less favourably, according to their apparent ethnicity (and if so, why), this method of classifying a business may allow you to make reasonable judgements. It also means you will not have to collect information about the ethnic backgrounds of the owners.

Sometimes, the service user may be an organisation which receives assistance from you, and in turn provides assistance to other organisations or individuals. For example, the organisation you assist might be a charitable body providing health services, or an organisation set up to provide funding to local arts groups. The assistance you provide might be awarding grants drawn from central government funds, access to specialist resources, or a service such as the granting of charitable status by the Charity Commission. As an organisation providing assistance to other organisations, one option would be for you to check whether these organisations are set up to cater for the population as a whole or for particular ethnic groups. (It is unlawful under the Race Relations Act for charities to cater for groups defined just by colour.) You could then see whether you were providing assistance to other organisations fairly and in line with your constitution or corporate aims.

You may also want to take steps to check that organisations which receive funds or services from you are in turn providing their services or financial assistance fairly, to:

- all sections of the community;
- those in greatest need; or
- those the assistance is meant for.

This may mean asking the organisations themselves to monitor the provision of their funds or services and talking to them about how they might do this. You could consider including questions about this as part of the applications that organisations make to you.

Occasionally, the end user of a service may be an individual who is represented by another individual or organisation, for example, when an architect or a firm of builders completes an application for building controls, or when a solicitor carries out searches for a home buyer. In these cases, you may need to make a judgement about the importance and practicalities of gathering information about the ethnic background of the end user before deciding what kind of monitoring is best for assessing the effects of your service.

What analyses should you carry out?

Given the range of service-delivery activities that you can monitor, and the different kinds of monitoring that you can carry out, it is impossible to cover all the possibilities. Instead, we have suggested some of the questions you might want your data to answer, for each type of monitoring, as follows.

Ongoing monitoring

- Are our policies and procedures fair to all ethnic groups?
- Are members of some ethnic groups more likely than others to use our services, or face our law-enforcement powers, such as stop and search?

- Are there differences in outcomes for different ethnic groups?
- Are any of these differences due to other policies or procedures (for example, a particular rule or requirement)? If so, can this rule or requirement be justified on grounds other than race (see appendix 5)?
- Is the difference due to some underlying pattern of disadvantage?
- Are the factors we have considered sufficient to explain the size of the differences?
- What other data or analysis might we need to investigate this further?
- If there is no obvious reason for the differences, or their size, what else can we do? Is direct discrimination a possible cause (see appendix 5)?
- Is there evidence that these patterns are changing?
- Has the action we have taken led to the improvements we hoped for?
- How can we, or others, build on this improvement? What lessons can we learn for the future?

Episodic contact

You will probably need to answer similar questions to those we have suggested for ongoing monitoring, but the data you will be looking at will probably be simpler, involving only one or two decision processes.

Usage

- Are there differences in the rates at which different ethnic groups use our services or face enforcement by our services?
- Are there ethnic groups that seem more or less likely to use the service, based on the full list of detailed ethnic categories?
- What are the possible explanations for differences in the rates of service use?
- Do these differences show that there is a problem in the way different ethnic groups see us, or in the way we see them?
- Are there differences in the ways that different ethnic groups use our services?
- Do different ethnic groups appear to have special, or different, needs?
- Do we need more data or analysis to investigate this further?
- Are our services, and the way we are delivering them, meeting the needs of the community we serve?
- Have things changed since we last did a similar survey?

Satisfaction or complaints

- Are there differences in the satisfaction levels or complaint rates for different ethnic groups?
- Are there particular areas of our service that cause a problem for different ethnic groups?
- Is there dissatisfaction with our decisions, or the way we make these, or the way we deal with people?
- Do the findings suggest that our staff need training?
- Is there an underlying cause or barrier that means that some ethnic groups are not treated as well as others?
- Do different ethnic groups have different expectations of our service?
- What else can we do to look at the expectations, perceptions, and experiences that different ethnic groups have of our services?
- Is the picture changing?
- Who should we consult about the results?

In answer to the last point, you should consult as widely as possible about your monitoring results. Both your staff and community organisations may be able to throw light on some of the differences you might have found, and to point you in the direction of further research or investigation. They may also have suggestions about what you can do.

Service delivery examples

Example 7: Monitoring, by ethnic group, the destinations of young people on leaving school

A local authority education department monitored the destinations of all school leavers to see if there were any differences in the experiences of ethnic minority and white pupils. The most recent results are shown in Table 7 (see p 56).

Broadly, it appears that ethnic minority school leavers are far more likely than white school leavers to go on to further and higher education. They are also less likely to be looking for work or to be in work.

However, the department noted that it had no data on ten per cent of its ethnic minority school leavers, and that the missing data appeared to relate to Bangladeshi

Table 7: Destinations on leaving school, by ethnic origin, 2000 - 2001

Destination	Ethnic minority leavers		White leavers	
	No.	%	No.	%
Work	32	7.5	1242	24.3
Training	11	2.6	346	6.8
Further education	145	33.9	1121	21.9
Higher education	151	35.3	1006	19.6
Unemployed	47	11	1025	20
Not available	33	7.7	246	4.8
No response	9	2.1	135	2.6
Total	428	100	5121	100

young people. Other national statistics show higher levels of unemployment for Bangladeshis, and lower levels of participation in further and higher education. To account for this gap in information, the department commissioned a special study on the destinations of Bangladeshi school leavers.

Example 8: Monitoring home care services

During consultations on 'Joint Futures', various projects led by ethnic minorities raised concerns with their local social work department about inaccessible services. The projects complained that few, if any, older people from ethnic minority communities either knew about, or used, social work services.

The department had been collecting ethnic data for several years, but had never collated it. On checking, the department found that, out of 500 community care assessments each year, only three, on average, appeared to relate to older ethnic minority clients. An assessment of needs, commissioned by the department, found that language was the main obstacle preventing older people from ethnic minorities from using their home help service. The department actively recruited Cantonese, Urdu, and Punjabi speaking home helps and, within a year of their starting work, applications had risen ten fold.

Example 9: Ethnic monitoring in primary care

The Department of Health website includes a study of 'Ethnicity profiling in primary care' at a health centre in Liverpool (see www.doh.gov.uk/actiononhealthequality/ or www.doh.gov.uk/race_equality/profiling.htm). A summary of the study is produced below.

Goals

- To develop morbidity and service-use profiles for patients registered at the health centre, defined by self-classified ethnic group and family origin.
- To use these profiles to draw up action plans that would improve access to healthcare services, especially for ethnic minority communities.

The monitoring exercise

After reviewing the data systems it planned on using, the project steering group decided that the information was too piecemeal and used different baselines, making comparisons difficult. So a new patient information form (PIF), in the form of a questionnaire, was drawn up.

The form asked about:

- personal details;
- patient satisfaction;
- health and ill health;
- ethnic group;
- socio-economic status;
- language use and literacy;
- lifestyle choices (for example, smoking and alcohol consumption); and
- use of, and eligibility for, social security benefits.

The PIF questionnaire was sent to all registered patients aged 16 and over. Publicity and information drives, and direct approaches to the community, were used to encourage patients to return the questionnaire. A phone help line in several languages was also set up.

The medical centre achieved a response rate of 75% – very high for a questionnaire exercise.

Analysis and results

The results were analysed (using the variables in the questionnaire) and the information was linked to the centre's data-information system, to generate disease and service-use profiles. The findings included the following.

- The percentage of patients from ethnic minorities (38.3%) was much higher than estimates for the ethnic minority population in the three electoral wards covered by the project. It was also higher than the estimates made by the primary-care team at the centre.

- 39.6% of patients from 'other ethnic groups' said that English was not their first language, and more than half of this group described themselves as having little or no command of English.
- The centre's patients reported higher instances of ill health than the national average, and levels among ethnic minority patients were higher than among their white British counterparts.

Action plan

- Coronary heart disease (CHD) – analysis of the data suggested that the health centre needed to review CHD-related mortality among its patients, and its provision of primary, secondary, and tertiary preventive care for at-risk groups.
- Special clinic sessions – the evidence showed that the centre needed to consider special clinic sessions for patients of Somali or Yemeni origin, to help tackle language barriers, and their demand for same-sex GPs.
- Smoking – information from the questionnaires contradicted the common, anecdotal view that smoking is mainly a problem for white British people, making it clear that the centre needed to prepare more information for people from ethnic minorities about how to stop smoking.
- The information was also used in connection with a range of other schemes, including breast-screening programmes, schemes to identify neurological problems among ethnic minorities, and the development of a sports action zone.

Lessons learned

The project showed the importance of sustained and systematic efforts to get better data about ethnic minorities. However, the project was completed against a background of some internal opposition from staff, who felt – and still feel – that this was not a priority. Any similar project in future will need to include better training for the staff involved, if it is to realise its full potential.

Despite these problems, the centre now sees ethnic profiling as an essential step in assessing the health needs of an ethnically diverse patient population.

Example 10: Using sampling for customer profiling

This example is taken from *How to improve Environmental Health Services*, published by the Cabinet Office's modernising public services group. You can get a copy by calling the Cabinet Office's publications line on 0845 722 3242, or download it from the Cabinet Office website:

www.cabinet-office.gov.uk/servicefirst/1999/guidance/environ/fair.htm

Example 10: Sampling for customer profiling

A city council wanted to improve its equality monitoring systems, and to introduce customer profiling on its main public phone lines (for environmental health and trading standards) and the waste-collection hotline.

Profiling information is entered into the department's computer system immediately after details about the service request. The introductory text and questions about the service user's age, sex, ethnic group, and disability appear on the computer screen, to be completed by the officer taking the call. All officers involved in taking calls receive specific training on customer profiling.

The scheme was tested for four months before being fully introduced. It is now in place for every tenth phone call on the main public health and trading standards lines, and every twentieth call on the waste-collection hotline.

Evaluation of the tests found no major problems. Only 13 responses out of 406 were refusals to answer any or all of the questions. In other words, 97% of service users provided information about their age, sex, ethnic group, and disability.

Age, sex, ethnic group, and disability can be profiled against:

- the ward in which the service user lives;
- the type of service requested (for example, pest control); and
- the specific type of job requested (for example, rat infestation).

The department can also compare profile information with ward profiles from the 1991 census, to see whether service users reflect the ethnic make-up of the population, and whether certain groups are not using the service.

In April 2000, customer profiling was extended to:

- all customer satisfaction surveys, which are carried out every year;
- one-off surveys and projects aimed at consulting service users and assessing the demand for particular services; and
- all best value consultations with service users.

This information is used to assess access to the services being monitored and to identify areas that need improvement.

Results continue to show that the department's customer profile broadly matches the general profile of the city. A number of service improvements have been made using this information, including improved access for disabled people through the services and facilities provided by the department's consumer centre. These include:

- audio-tapes in English and other community languages;
- consumer advice and information;
- revised leaflets on pest control and food hygiene; and
- leaflets explaining a new kerbside paper collection scheme with phone numbers that allow people to receive the information over the phone in their preferred language.

The department is planning to compare the customer profiles of those who responded to its satisfaction survey with those of service users generally (from the main customer profiling exercise). This will help the department to assess whether particular groups are more or less likely to respond to satisfaction surveys, and whether the results of the survey represent the community. The information will be used to identify shortcomings in the consultation process, and to find better ways of encouraging service users to take part in it.

Example 11: Ethnic monitoring in a housing department

The following examples show how you can use monitoring data (formal or informal) to see whether homeless applicants for housing from different ethnic groups are treated differently. The data can also help establish possible reasons for these differences, and what can be done about them.

A local authority housing department regularly monitors the ethnic backgrounds of homeless people applying for housing. The council knew that homeless applications from people from ethnic minorities were about three times more than they expected. People from ethnic minorities made up around 2.5% of the population, but 8.7% of the applications came from ethnic minority households. More worryingly, people of Indian origin were particularly affected. They also had high levels of investigation and rejection.

Action points

- *Applications* Following further examination, the council found that most of the applications from Indian people were received at a particular district office, serving an area with a fairly large Sikh community. Checks with local staff showed that it was, indeed, Sikhs who were applying as homeless. The department placed an outreach housing adviser with a local community project that worked closely with the Sikh community. The adviser helped provide better and earlier advice to people who could become homeless.
- *Investigations* The council noted that more Indian applicants were being referred to the investigations unit than would be expected. On checking with the unit, it appeared that forms were not being filled in properly. This led to delays in processing and requests for more documents. However, the outreach worker had begun helping families to fill the application forms in, and the problem was resolved in time.

- *Refusals* The council investigated why an unusually large percentage of Indian applicants were being refused rehousing because they owed rent on a previous property. It became clear that Sikh applicants also disproportionately depended on housing benefit, and that many of their claims had been delayed because of investigations or requests for more information. The council, along with the local citizens advice bureau, began helping Sikh families to check their levels of benefits and fill the forms in. The council also changed its regulations, so that arrears caused by delays in processing forms would not be treated in the same way as unexplained arrears.

Example 12: National and local monitoring of 'stops and searches' by the police

National monitoring

In England, ethnic monitoring of all recorded stops and searches since the early 1990s has shown that black and Asian people are consistently very over-represented, compared with their numbers in the population. For example, in 1998/1999, Asian people were twice as likely – and black people six times as likely – as white people to be stopped and searched. This knowledge, combined with the Stephen Lawrence Inquiry Report, has led police forces to review their practice. National and local guidance has been issued, and training designed, to help prevent any racial stereotyping by officers. In 1999/2000, the recorded imbalance fell to 1.5 times for the Asian group and five times for the Black group.

Local monitoring

Following representations from community groups, a Scottish force decided to investigate whether its new policy of stopping and searching all 'white vans' to tackle thefts of gardening equipment from garden sheds might be indirectly targeting certain ethnic minority communities and causing friction between these communities and the police. Gypsy Travellers, many of whom lived on a local council site in the middle of the target area, were particularly worried about repeated stops.

Having reviewed its monitoring practices to include a Gypsy Traveller category, the police monitored the ethnic backgrounds of the drivers of all the white vans stopped or searched in the division over a two-month period. At the end of the period, they found that Gypsy Travellers were indeed heavily overrepresented among drivers who were stopped and searched. However, this was not reflected in the charge rates for the offence.

Worried that this policy might be indirectly discriminatory, the force reviewed the aim of the operation. But they felt that as it was successfully detecting criminal activity they should not change it. Instead, officers were instructed to explain to everyone who was stopped the reasons for the searches, and they met regularly with representatives of the Gypsy Travellers community to update them on how the operation was going.

Example 13: Using pupil attainment monitoring to set targets

A local education authority (LEA) in London has monitored pupils' attainment by ethnic group for a number of years. Analysis of each year's ethnic monitoring data shows that Black Caribbean and Turkish children have significantly lower levels of attainment in English and Maths at age 11, as the figures for 2000/2001 show (see table 13).

Table 13.1: Pupil attainment at age 11

	% of 11-year-olds reaching the expected level in English	% of 11-year-olds reaching the expected level in Maths
All pupils	70	60
Caribbean pupils	50	50
Turkish pupils	45	55

Once these data were compared with wider population data, and information from a school language survey, the LEA took the following action.

- It set an overall target to improve attainment levels for all pupils to 80% of 11-year-olds reaching the expected level in English within two years, and 70% of 11-year-olds reaching the expected level in Maths over the same period.
- It also set annually stepped improvement targets for Black Caribbean and Turkish pupils, including targets of:
 - 60% of 11-year-old Black Caribbean pupils reaching the expected levels in English and Maths by 2001, and 70% reaching the expected levels by 2002; and
 - 55% of 11-year-old Turkish pupils reaching the expected level in English by 2001 and 65% by 2002; and 60% reaching the expected level in Maths by 2001 and 70% by 2002.

The LEA introduced English as an additional language (EAL) support for Turkish pupils, and a homework club, which positively targeted Black Caribbean pupils, particularly Black Caribbean boys. The homework club involved both sports activity and homework.

The LEA's aim is to raise the attainment levels of Black Caribbean and Turkish pupils, in line with the overall improvement targets, over a four-year period. Schools' link inspectors have told schools about these targets, and the targets have been included in schools' development plans.

9

Taking action and setting targets

What action should you take?

The reasons for any inequalities shown up by your monitoring, and the steps you can take to tackle them, are so wide-ranging that we can only consider some of the possibilities here. The examples collected at the end of this chapter may also throw some light on how monitoring data can be used to develop future action plans.

Removing unfair barriers

Sometimes, data analysis will point to an institutional barrier that is fairly obvious and easy to remove. This is shown in Example 11 (on p 60), where some groups of prisoners were being treated differently just because of their age. You need to ask two main questions.

- Does a rule or requirement put some ethnic groups at a disadvantage?
- Can the rule or requirement be justified on any grounds other than race?

Examining decision making

If you have carefully examined your rules and requirements and not found any obvious reason for the differences shown by your monitoring data, you need to ask whether people in your authority are making decisions – whether deliberately or not – in such a way that people from some ethnic groups are being treated less favourably. You may need to examine decision-making processes and decision makers' views, both of the decision-making criteria and of people from different ethnic groups. You might find that your staff need training or clearer guidelines on how to avoid discrimination when they are making decisions. You may also find that you need to review your procedures and sanctions (disciplinary procedures) to support this. You might want to build 'fairness targets' into individuals' or teams' aims.

Now and again, your examination of your monitoring data may reveal a possible barrier in another organisation. For example, a jobcentre or careers service might find that certain organisations never take on people from certain ethnic groups. Or a housing authority might find that certain housing associations never or rarely accept people from ethnic minorities who are referred to them for rehousing. You should ask the organisation for an explanation and, if necessary, refer any concerns you might still have to us for investigation. You may also consider suspending your working relationship with the organisation until you are satisfied that it is operating fairly.

Outreach and positive action

If the problem is that some ethnic groups are under-represented among service users or job applicants, the most effective solution could be an outreach programme. You could:

- review your publicity material and make sure that the way it is written and illustrated shows that you welcome people from all ethnic groups;
- improve your contact with all sections of the community, through schools, community groups, and other local organisations;
- use the ethnic minority media;
- translate your information and publicity material into the main languages used in the community you serve; and
- arrange for interpreters, when needed.

Occasionally, the barriers may appear to be outside your control. For example, you may find that a particular ethnic group is under-represented among applicants for certain jobs because few people in that group have the relevant qualifications. Assuming that the qualification really is necessary for the job, you may think that this is a matter for the education system rather than for you as an employer. This may be partly true, but you could still use the positive action provisions of the Act (see appendix 5) to provide training for members of the group that is under-represented in the particular area of work. You could also consider targeting applicants from those universities and colleges likely to produce larger numbers of qualified people from the ethnic group in question. Or, you could work closely with schools to increase vocational interest and awareness among children from that group.

You can use lawful positive action to remedy past discrimination and disadvantage in a number of fields. However, some organisations report that, particularly in employment, positive action schemes are disliked both by groups not included in the scheme and by those who are meant to benefit from it. One group is unhappy that it is not getting the opportunities that some of its members might also need and the other group feels that it is being given back-door access, which may be seen as second class.

Often, the main problem is one of communication, and you should make clear why you are taking positive action. You should explain clearly the difference between lawful positive action and unlawful positive discrimination. Another option is to have wider projects, aimed at disadvantaged people from all ethnic groups. At the same time, you need to make sure that you target people from under-represented groups through your publicity and outreach schemes and encourage them to take advantage of available opportunities. If you take positive action, make sure you monitor it, so that you know that under-represented groups are benefiting.

Working with others

If some ethnic groups are not using a service, it may mean that they are going elsewhere to meet their needs. Sometimes, a community-based voluntary or religious organisation may have a better understanding of their clients' needs than you do. You should think about building links with some of these services, to:

- share information and advice;
- provide financial or other support; and
- consider how you might refer clients to each other, if this seems to be in the clients' best interests.

Why are targets important?

Setting targets is closely connected with taking action. Targets are a focus around which you can plan your action. At the same time, your targets need to be realistic, both about what you can do and about how long it will take before you see results.

This does not mean that your targets should not be challenging enough to create imaginative and new approaches to the question of how you can achieve them – but without using unlawful 'positive discrimination'. Your targets need to take account of relevant benchmark data, and of social and economic realities. For example, in an occupational field where ethnic minorities currently represent only a tiny minority of people qualified to do the work (and the work needs a long period of specialised training), it would be foolish to set a target that, within three years, ethnic minorities will be represented in proportion to their presence in the population. Or again, you could be setting yourself up to fail if you set yourself a target for changing housing-allocation patterns that does not take account of the rate at which housing stock is likely to become available.

However, target setting should also encourage you to challenge your thinking about some of these limits. For example, you might ask whether there is anything you can do to help increase the number of suitably-qualified people from under-represented ethnic groups, or the amount of housing stock.

You need to set targets that are challenging enough to bring about imaginative and radical thinking about how they can be achieved, without running the risk that they simply could not be achieved, or could be achieved only by using unlawful 'positive discrimination'. The risks of aiming too high or too low may vary with each situation, so you need to carefully consider how these risks could affect:

- the views of community and staff;
- your wider public image; and
- morale among different ethnic groups.

Given the difficulty of getting it right first time, you will probably find that you need to revise your targets in the light of experience.

The main points are to:

- set targets that are challenging but achievable, and that are based on relevant internal and external benchmark data;
- set stage-by-stage and final achievement dates;
- develop an action programme that will deliver the target;
- review your progress towards the target;
- identify and deal with any obstacles to your progress; and
- revise your targets downwards or upwards, if the evidence suggests that they were originally set unrealistically high or were not challenging enough.

What kind of targets can you set?

Equality targets are generally framed as outcomes for different ethnic groups. (However, targets are best set, and progress towards them checked, when monitoring data is comprehensive and accurate. So you may want to start by setting targets for your data collection rate.)

Outcome targets take two main forms:

- representation (of different ethnic groups); and
- equality of treatment.

Representation targets

Representation targets are about:

- the numbers or percentages of different ethnic groups in your authority, or using your services; and
- the numbers or percentages of different ethnic groups applying for employment or services.

The following are possible examples.

- 'To increase the representation of people from ethnic minorities in senior management from 2% to 5% in five years.'
- 'That the distribution of different ethnic groups using our services should match their distribution within the local population within 10 years, and with evidence of satisfactory progress from year to year.'

- 'To increase the proportion of Asian applicants for jobs in XYZ department to 8%, by the year 2004.'
- 'To have at least two directors of ethnic minority origin in post within five years.'

Parity (equality) targets

Parity targets are about how organisational procedures and decisions affect different groups.

The following are possible examples.

- 'Next year, the proportion of ethnic minority applicants for housing-improvement grants who are successful should be at least 90% of the proportion of white applicants who are successful.'
- 'The rate at which ethnic minority staff leave the service should be the same as that for white staff of similar age and equivalent length of service.'
- 'The proportion of ethnic minority staff receiving an appraisal marking of 'outstanding' should increase from 50% of the equivalent proportion for white staff to 100% of that figure over a period of five years.'
- 'Overall levels of satisfaction with our service should be the same for all ethnic groups.'

Representation targets are likely to be more affected by internal or external constraints than equality targets. For example, you could achieve equality in appraisal marks immediately, but you could not possibly achieve equal representation within the workforce until a whole range of other conditions (for example, relating to staff turnover and availability of suitably qualified applicants), had been met. However, as we have already noted, you should set targets that challenge constraints as well as take account of them.

Although they are not as restricted, parity targets also need to take account of external realities. For instance, in Example 13 (on p 62), the local education authority recognised that it would take time to deal with the complex issues leading to unequal exclusion rates among pupils from different ethnic groups, so it phased in its equality target over several years.

Appendix 1

Data protection

This section is not meant to be a complete guide to the Data Protection Act 1998 (DPA). It simply highlights some of the main effects of the DPA and data protection principles on ethnic monitoring. The DPA creates rights for individuals about whom data is held (known as 'data subjects') and gives corresponding duties to those who hold the data (known as 'data controllers'). These include respecting individuals' rights, and meeting a set of broad standards referred to in the DPA as 'the eight data protection principles'. If you are not sure about this, you should consult the Information Commissioner, who is responsible for all data protection matters nationally (see p 71)

The first principle

The first data protection principle says that you should process personal data fairly and lawfully. This means you should not process it unless you meet at least one of a number of specific conditions, which are listed in Schedule 2 to the DPA. 'Processing data' includes collecting data.

You should not process sensitive personal data unless you meet at least one of a set of extra conditions (as laid out in Schedule 2 to the DPA). Sensitive personal data includes information about a person's racial or ethnic background. One of these conditions is that you need to process data about racial or ethnic origin to carry out equal opportunities monitoring. The DPA makes clear that you must always carry out monitoring with appropriate protection for data subjects' rights and freedoms.

You do not need permission to process data for monitoring. However, if you plan to use the data on ethnic or racial background for another reason, for example to organise positive action training, you should get permission from the data subjects to use the data for this.

As well as making sure you have a legitimate basis for processing the data, you must gather the data fairly. The DPA makes clear that processing will still only be fair if the data subject :

- knows who the data controller (the person or organisation holding the information) is;
- knows why they are processing the data; and
- has any other information necessary for fairness.

Fairness means that you may need to make sure that people who do not use English as their first language have understood this information.

The second principle

This says that you must only gather data for lawful and specified purposes, and that you should not process it further in ways that are incompatible with the specified purposes. This means that you should make sure that the statement you draw up explaining how and why the ethnic origin data will be used is comprehensive. This is particularly important if you want to use the data for administrative purposes, as well as to carry out monitoring.

The third principle

The third principle says that personal data must be 'adequate, relevant and not excessive' for the purposes for which they are processed.

Data that you have gathered through other-classification rather than self-classification may be less adequate, but data with a high proportion of 'unknown' ethnic origins may not be adequate at all.

Using a classification system with detailed categories may be excessive or irrelevant if, in practice, you are only likely to use the broad categories to carry out analyses. However, offering people a wide range of options makes the question more acceptable, and increases the chances that they will answer it. This will help to make sure the data is adequate.

The fourth principle

This principle says that 'personal data should be accurate and, where necessary, kept up to date.'

This means that you must take all reasonable steps to make sure the data is not factually misleading. You can generally assume that when you get data directly from the data subject, it will be accurate. You may also assume that data from another organisation is accurate, as long as you can be reasonably confident that the organisation is reputable, and that it is likely to keep proper records.

The principle does not stop you holding data whose accuracy has not been checked (for example, with the data subject). However, it does mean that if you have used other-classification to place someone in an ethnic group, the record should make this clear.

The fifth principle

This says that ‘personal data processed for any purpose or purposes must not be kept for longer than is necessary for that purpose or those purposes’.

This means you should review, from time to time, whether you need to keep data on ethnic background and, if so, whether you need to keep it in its current form.

The seventh principle

This principle says that you must guard personal data with appropriate security.

You must choose reliable staff and draw up security procedures that restrict access to the data to authorised staff. Wherever possible, you should also use IT systems that are designed to protect the privacy of data subjects. For example, a system that lets you use anonymous data to analyse recruitment and progression of staff according to ethnic origin will be better than one which always displays the names of staff linked to ethnic origin. In other words, wherever possible, you should hide the links between individuals and their ethnic background.

Of course, if you can carry out an analysis using permanently anonymous or combined data, then you should. For example, you can make data on ethnic origin on unsuccessful applicants anonymous – by removing the link to named individuals – after a set period of time.

Publishing data

You should not publish data in any way that makes it possible for an individual to be identified, without that individual’s permission. Some monitoring analyses may make it possible to identify individuals (see p 34), so you need to consider carefully what is made public.

The right to object

It is not necessary to get permission from data subjects to process their data for ethnic monitoring. However, the DPA does give data subjects a right to object to any processing of data that may cause them substantial and unwarranted damage or distress.

The right does not apply if any of the conditions in paragraphs 1 to 4 of Schedule 2 are met. Paragraph 3 of Schedule 2 reads as follows: ‘The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.’ You are likely to need ethnic monitoring to meet the legal obligations placed on you by the general duty and any specific duties.

Also, the 'substantial and unwarranted' test is a reasonably high one and it may not be easy for individuals to meet it. However, very occasionally, a person may have legitimate grounds to object. For example, if they have well-founded concerns that a particular individual might have access to their data. (However, if the concerns are well founded, this would probably be due to a breach (or potential breach) of another part of the DPA.) You should respect valid objections and, in any event, reply in writing within 21 days to any written request that data should not be processed for monitoring. You may see this as an opportunity to explain the reasons for monitoring.

Information Commissioner

You can contact the Information Commissioner at the following address.

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545700

Appendix 2

Employment processes for ethnic monitoring

The list below suggests the kind of ethnic monitoring you might carry out in three important areas:

- looking for work with the authority;
- working for the authority; and
- leaving the authority.

The asterisks show the processes that authorities bound by the new specific duties for employers under the Race Relations Act must monitor.

* This is the minimum monitoring that authorities bound by the specific duties for employers must carry out (see appendix 3 of the statutory *Code of Practice on the Duty to Promote Race Equality in Scotland*).

** This is the minimum monitoring that authorities bound by the new specific duties for employers with more than 150 full-time employees must carry out (see appendix 3 of the statutory *Code of Practice on the Duty to Promote Race Equality in Scotland*).

*** This is the monitoring that we consider all authorities bound by any specific duties are likely to need to carry out, to meet both their specific duties and the general duty. For example, there is little value in monitoring numbers of applicants for employment and promotion if you do not also monitor whether they are successful or not. Without this information, you will not be able to assess the effects of your selection procedures.

1. Looking for work with the authority

- Initial enquiries
- Employment applications *
- Sources of applicants
- Numbers dropping out of the process
- Numbers selected ***

- Numbers successful and unsuccessful at different stages of selection (for example, initial shortlist, psychometric tests, interview, assessment centre) ***
- Numbers accepting job offers

2. Working for the authority

- Numbers of staff in post*
 - analysed by department or section, level or grade, and type of work ***
 - analysed by sex of employee
 - analysed by pay, and terms and conditions of employment.
- Applications or requests for flexible working (and decisions made)
- Training application rates *
 - Numbers receiving training **
- Outcomes of applications for training ***
 - How people receive training (for example, by being nominated by the authority, or by applying for it)
- Selection for career-development schemes (including nomination and application arrangements)
- Selection for special projects (including nomination and application arrangements)
- Selection for 'acting up' opportunities
- Those considered or chosen under succession planning arrangements (for example, for filling senior management posts over the long term)
- Applicants for promotion *
 - Numbers selected for promotion (including temporary promotion) ***
- Numbers successful and unsuccessful at different stages of the promotion process ***
- Time spent in a particular grade
- Time taken to move from a particular grade to the next one
- Appraisal mark distributions (performance marks, and promotability ratings, if awarded)**
 - competency scores awarded at appraisal, if these apply
- Distribution of performance-related pay or bonuses **
- Harassment and discrimination complaints **

- Other grievances **
- Disciplinary proceedings and decisions made **
- Appeals against disciplinary proceedings or outcomes
- Levels of satisfaction with the authority, as shown through staff surveys

3. Leaving the authority

- Leaving mechanisms **
 - dismissals
 - resignations
 - redundancies
 - retirement
 - other reasons
- Underlying reasons for leaving

Appendix 3

Service delivery for ethnic monitoring

This guide uses the term ‘service delivery’ to cover both:

- services such as housing, health, and education; and
- the exercise of enforcement functions such as policing, immigration control, and prisons.

A wide range of public authorities already monitor their services by ethnic group to see whether they are being delivered fairly. Under the Act, many public authorities now have a specific duty to prepare and publish a race equality scheme, which includes arrangements for assessing and monitoring the effects that their policies and functions have on different ethnic groups. A list of these authorities may be found in appendix 3 of the statutory *Code of Practice on the Duty to Promote Race Equality in Scotland*. Educational bodies have similar duties, but do not have to produce race equality schemes.

General aspects of service delivery for ethnic monitoring

Good practice in relation to monitoring service delivery would cover:

- service applicants;
- service users;
- levels of use;
- satisfaction rates; and
- complaints.

Specific areas for ethnic monitoring

The list below is an illustration of what you might monitor, not what you might already be monitoring. The list is not comprehensive.

You may want to refer to *Race Equality and Public Services*, a very useful compilation of race equality performance measures and equality monitoring results across the public sector, published every year by the Home Office’s race equality unit.

CRIMINAL JUSTICE AND POLICING

- Arrests
- Cautions
- Bail
- Police complaints
- Deaths in custody
- Surveys of community perceptions of policing
- Surveys of satisfaction with policing
- Reports of racist incidents and outcomes
- Procurator Fiscal Service decisions
- Types of pleas
- Types of trial and their verdicts
- Appeals and their outcomes
- Sentencing patterns
- Who goes to which prison
- Treatment in prison

HEALTH

- Service take-up in primary and secondary services
- Levels of service use in primary and secondary services
- Clinical diagnosis, treatment, and treatment pathways
- Hospital admissions
- Hospital waiting lists
- Hospital discharges
- Registration
- Referrals
- Surveys of patients
- Health surveys of the public
- Complaints by patients
- Reports of racist incidents and outcomes

The Department of Health has produced a useful guide: *Collecting ethnic category data: guidance and training material for implementation, and the new ethnic categories from April 2001*. The Scottish Executive is planning to develop ethnic monitoring tools for the Scottish NHS.

EDUCATION

Schools

- Ethnic profiles of pupils
- Applications and success and failure rates for admission
- Appeals against admission decisions
- Pupils' attainment levels
- Exclusions
- Truancy
- Reports of bullying
- Complaints made by parents
- Reports of racist incidents and outcomes
- Disciplinary action
- English as an additional language (EAL)
- Composition of school boards
- Extra-curricular activities
- Assessment

Higher and further education

- Applications and success and failure rates for admission
- Choice of subjects
- Drop-out rates
- Year-on-year achievement levels
- Assessment outcomes and types of assessment
- Class of degree
- Complaints of harassment, discrimination, and unfair treatment
- Appeals and their outcomes
- Reports of racist incidents and outcomes

- Work placements
- Satisfaction surveys
- Complaints by students

We have produced separate guides for schools and further and higher education institutions on the new statutory duties under the Race Relations Act.

LOCAL GOVERNMENT

Housing

- Homelessness applications and acceptances
 - Time spent in temporary accommodation
 - Type and quality of housing offered
- General housing applications
 - Time spent on housing waiting list
- Housing transfer applications
 - Housing transfer offers
 - Housing transfer acceptances
- Satisfaction with repairs, estates services, and housing management
- Reports of racist incidents and outcomes
- Complaints by service users
- Nominations to outside agencies, including housing associations, and outcomes

Benefits

- Benefit applicants and recipients
- Types of benefit
- Time taken to process applications
- Claimant satisfaction survey

Social work

- Children on child protection register
- Children in residential care
- Children in foster care

- Children awaiting adoption
- Children with three or more placements in past 12 months
- Non-allocated children's cases
- Home care: applicants, recipients, satisfaction surveys, and reviews
- Community care: applicants, recipients, satisfaction surveys, and reviews
- Day care: applicants, recipients, satisfaction surveys, and reviews
- Occupational therapy: applicants, recipients, satisfaction surveys, and reviews
- Adult residential care: applicants, recipients, satisfaction surveys, and reviews
- Physical and learning disability, and mental health services: applicants, recipients, satisfaction surveys, and reviews
- Compulsory mental health detentions
- Complaints across all services

Environmental health

- Requests for advice
- Visits
- Inspections and prosecutions
- Special needs (including language needs)
- Satisfaction surveys
- Complaints by service users

Planning and licensing

- Applications and outcomes
- Types of application
- Objections
- Satisfaction levels
- Complaints by service users

Economic development and regeneration

- Beneficiaries of regeneration initiatives
- Make-up of regeneration and New Deal boards
- Representation in multi-agency partnerships (for example, local social inclusion partnerships)

- Outcomes of bids for funding
- Financial and other help to small businesses
- Requests for advice
- Satisfaction levels
- Complaints by service users

Library and leisure services

- Service users
- Satisfaction surveys
- Complaints by service users

Education authorities

- Teacher profiles
- Staff profiles
- Pupil attainment data
- Pupil exclusions
- Pupils with English as an additional language
- Pupil admissions
- Under-fives centres: applications and outcomes, and pupil profiles
- School meals: users' profile
- Complaints across all services

CENTRAL GOVERNMENT

The list below is an illustration of what some government departments might monitor, not what they might already be monitoring. This is not a full list. Non-devolved public authorities should see our guide for English public authorities.

- *Driver licensing*: for example, pass rates for different parts of the driving test
- *Culture, Media and Sport*: for example, access to national museums and galleries, usage, satisfaction levels, and complaints
- *Customs and Excise*: for example, rates of detaining and searching at ports, and liquidation proceedings over unpaid VAT
- *Inland Revenue*: for example, investigations, satisfaction levels, and complaints

Appendix 4

Ethnic categories

The census provides the most comprehensive and reliable data about the population. You should therefore use the same ethnic categories as those used in the census question to collect information about ethnic background, or categories that are very similar, so that you can make comparisons with census output data. National surveys, such as the Labour Force Survey, will also use categories comparable with those used in the census.

The situation is influenced by the devolution of powers to the Scottish Parliament and the National Assembly for Wales. The ethnic question used for the 2001 census in England and Wales is different from the question used for the 2001 census in Scotland. Moreover, it also appears that the ethnic categories that will be used in published census tables (output data) for England and Wales will be different from the categories used for the tables in Scotland. In fact, while the categories used in census output tables for England and Wales will be the same as those used in the England and Wales census question, those used in census output tables for Scotland, while covering the same ethnic groups as the Scottish census question, will be labelled and ordered slightly differently.

Devolution reflects an increasing national consciousness in England, Scotland, and Wales, with many people wanting their national identity to be acknowledged. The CRE has therefore developed slightly expanded versions of the ethnic questions used in the 2001 census in England and Wales, and in Scotland, which you can use if you need to take this into account (see figures 1 and 2).

If your authority operates in England and Wales as well as Scotland, you will need to use a question that is the same as, or very similar to, the England and Wales census question (see figure 1), and compare your data with England and Wales census output data. Similarly, if you operate in Scotland only, you will need to use a question which is the same as, or very similar to, the Scottish census question to collect data (figure 2), and compare your data with Scottish census output data (remembering that the categories used for Scottish census output data will be labelled and ordered slightly differently from those in the question).

Some census ethnic data for Great Britain will be produced, using the England and Wales census categories. If your authority operates across Great Britain, you could use a question based on the England and Wales census question, and benchmark your data against the census ethnic data for Great Britain. However, this data is likely to be less

detailed than the census output data that will be available separately for England and Wales, and for Scotland. So, instead, you could use a question based on the Scottish census question for those parts of your organisation that are based in Scotland, and one based on the England and Wales census question for those parts of your organisation based in England and Wales. You can analyse and compare your data separately against the two separate sets of benchmark data.

Many authorities will use the census classification system unchanged. However, Britain's ethnic minority population is not evenly distributed across its regions and countries, and you may want to adapt your ethnic classification system to your particular circumstances, so that it includes the particular ethnic groups you employ or serve.

Guiding principles for choosing ethnic categories

1. Your ethnic data must be comparable with census output data

You should make sure that the question you ask to collect information about people's ethnic origins is the same as, or very similar to, the census question. For example, any changes, especially to the order of the categories, may affect the way some people answer the question and, so, make your comparisons less reliable.

If you decide to introduce extra ethnic groups to those used in the census, these should be added as sub-groups of the appropriate main ethnic group in the census question, or the CRE amended question. For example, Somali would be a sub-group of Black African, under the Black or Black British heading, and Sri Lankan would be a sub-group of 'other' under the Asian or Asian British heading. You can then combine the data for these sub-groups with the data for the main census group, so that you can compare the categories used in census output data. If you are in doubt about where to include an extra group, you should talk to someone in the Integration and Harmonisation Division of the Office for National Statistics for England and Wales, or the User Needs and Geography Branch of the General Register Office for Scotland (GROS) (see p 83 for addresses and contacts). As discussed on p 11, you should be careful about adding extra categories.

You may want to commission special, more detailed census tables for your local population, and compare your own data with these. Again, the Office for National Statistics (and GROS) can advise you about this.

2. Your ethnic question must be widely acceptable

The way people classify themselves can change. For example, the devolution of powers to the Scottish Parliament and the National Assembly for Wales reflects an increasing sense of identification with the individual countries that make up Great Britain. Similarly, some Black African and Black Caribbean groups are beginning to express concern about being labelled 'Black'. This is why GROS has decided to use different categories for its census output data (see figure 2).

Evidence shows that people are more willing to answer questions about their ethnic background so long as the questions are acceptable. You should remember that the ethnic question was widely tested before it was used for the census, and that the question achieved a high response rate when the census was carried out.

3. Your ethnic data must be as detailed as possible

You should collect and analyse ethnic data in as much detail as possible. This is because using only broad or 'headline' categories can hide important differences between groups, for example between Bangladeshis and Indians under the Asian or Asian British heading. Also, if you do not ask for detailed information the first time, you may have to ask for it again if you need to look more closely at differences between ethnic groups.

Another reason to use the full set of census categories is that, from time to time, we may ask you for data, so that we can monitor whether public authorities are meeting the general duty and the specific duties in relation to race equality. We shall ask for the information on the basis of the categories that will be used for the census output data in England and Wales, and in Scotland.

Note: The ethnic categories used by the census for England and Wales and Scotland should not be used to collect data for Northern Ireland. The Equality Commission for Northern Ireland recommends particular ethnic categories in its code of practice. For further information, please contact the Commission on 028 90 500 600 or look at its website: www.equalityni.org.

GROS and Office for National Statistics

You can contact these organisations at the following addresses.

- Frank Thomas, Head of User Needs and Geography Branch
Census and Population Statistics Division
General Register Office for Scotland
Ladywell House
Ladywell Road
Edinburgh EH12 7TF
Scotland

Tel: 0131 314 4217
email: customer@gro-scotland.gov.uk or frank.thomas@gro-scotland.gov.uk
- Andrew Passey
Integration and Harmonisation Division
Office for National Statistics
1 Drummond Gate
London SW1V 2QQ

Tel: 020 7533 5881

Figure 1

Census 2001 England and Wales		Alternative, expanded question for England and Wales
CENSUS QUESTION	CENSUS OUTPUT DATA	
<p>What is your ethnic group?</p> <p>Choose ONE section from A to E, then tick the appropriate box to indicate your cultural background.</p>	<p>Census data for England and Wales will be published in 2002 and 2003 under the following categories. Only limited data will be available for Great Britain.</p>	<p>What is your ethnic group?</p> <p>Choose ONE section from A to E, then tick the appropriate box to indicate your cultural background.</p>
<p>A White</p> <p><input type="checkbox"/> British</p> <p><input type="checkbox"/> Irish</p> <p><input type="checkbox"/> Any other White background, please write in</p>	<p>A White</p> <p>British</p> <p>Irish</p> <p>Other White</p>	<p>A White</p> <p><input type="checkbox"/> British</p> <p><input type="checkbox"/> English</p> <p><input type="checkbox"/> Scottish</p> <p><input type="checkbox"/> Welsh</p> <p><input type="checkbox"/> Other, please write in</p> <p><input type="checkbox"/> Irish</p> <p><input type="checkbox"/> Any other White background, please write in</p>
<p>B Mixed</p> <p><input type="checkbox"/> White and Black Caribbean</p> <p><input type="checkbox"/> White and Black African</p> <p><input type="checkbox"/> White and Asian</p> <p><input type="checkbox"/> Any other Mixed background, please write in</p>	<p>B Mixed</p> <p>White and Black Caribbean</p> <p>White and Black African</p> <p>White and Asian</p> <p>Other Mixed</p>	<p>B Mixed</p> <p><input type="checkbox"/> White and Black Caribbean</p> <p><input type="checkbox"/> White and Black African</p> <p><input type="checkbox"/> White and Asian</p> <p><input type="checkbox"/> Any other Mixed background, please write in</p>
<p>C Asian or Asian British</p> <p><input type="checkbox"/> Indian</p> <p><input type="checkbox"/> Pakistani</p> <p><input type="checkbox"/> Bangladeshi</p> <p><input type="checkbox"/> Any other Asian background, please write in</p>	<p>C Asian or Asian British</p> <p>Indian</p> <p>Pakistani</p> <p>Bangladeshi</p> <p>Other Asian</p>	<p>C Asian, Asian British, Asian English, Asian Scottish, or Asian Welsh</p> <p><input type="checkbox"/> Indian</p> <p><input type="checkbox"/> Pakistani</p> <p><input type="checkbox"/> Bangladeshi</p> <p><input type="checkbox"/> Any other Asian background, please write in</p>
<p>D Black or Black British</p> <p><input type="checkbox"/> Caribbean</p> <p><input type="checkbox"/> African</p> <p><input type="checkbox"/> Any other Black background, please write in</p>	<p>D Black or Black British</p> <p>Black Caribbean</p> <p>Black African</p> <p>Other Black</p>	<p>D Black, Black British, Black English, Black Scottish, or Black Welsh</p> <p><input type="checkbox"/> Caribbean</p> <p><input type="checkbox"/> African</p> <p><input type="checkbox"/> Any other Black background, please write in</p>
<p>E Chinese or other ethnic group</p> <p><input type="checkbox"/> Chinese</p> <p><input type="checkbox"/> Any other, please write in</p>	<p>E Chinese or other ethnic group</p> <p>Chinese</p> <p>Other ethnic group</p>	<p>E Chinese, Chinese British, Chinese English, Chinese Scottish, Chinese Welsh, or other ethnic group</p> <p><input type="checkbox"/> Chinese</p> <p><input type="checkbox"/> Any other background please write in</p>

Figure 2

Census 2001 Scotland		Alternative, expanded question for Scotland																														
CENSUS QUESTION	CENSUS OUTPUT DATA																															
<p>What is your ethnic group?</p> <p>Choose ONE section from A to E, then tick the appropriate box to indicate your cultural background.</p> <p>A White</p> <p><input type="checkbox"/> Scottish</p> <p><input type="checkbox"/> Other British</p> <p><input type="checkbox"/> Irish</p> <p><input type="checkbox"/> Any other White background, please write in</p> <p>B Mixed</p> <p><input type="checkbox"/> Any Mixed background, please write in</p> <p>C Asian, Asian Scottish, or Asian British</p> <p><input type="checkbox"/> Indian</p> <p><input type="checkbox"/> Pakistani</p> <p><input type="checkbox"/> Bangladeshi</p> <p><input type="checkbox"/> Chinese</p> <p><input type="checkbox"/> Any other Asian background, please write in</p> <p>D Black, Black Scottish, or Black British</p> <p><input type="checkbox"/> Caribbean</p> <p><input type="checkbox"/> African</p> <p><input type="checkbox"/> Any other Black background, please write in</p> <p>E Other ethnic background</p> <p><input type="checkbox"/> Any other background, please write in</p>	<p>Census data for Scotland will be published by March 2003, using the following 'simple' and 'standard' classification systems. Only limited data will be available for Great Britain.</p> <table border="1"> <thead> <tr> <th>Simple 5-category classification*</th> <th>Standard 14-category classification**</th> </tr> </thead> <tbody> <tr> <td>White</td> <td>White Scottish</td> </tr> <tr> <td>Indian</td> <td>Other White British</td> </tr> <tr> <td>Pakistani and other South Asian</td> <td>White Irish</td> </tr> <tr> <td>Chinese</td> <td>Other White</td> </tr> <tr> <td>Other</td> <td>Indian</td> </tr> <tr> <td></td> <td>Pakistani</td> </tr> <tr> <td></td> <td>Bangladeshi</td> </tr> <tr> <td></td> <td>Other (South) Asian</td> </tr> <tr> <td></td> <td>Chinese</td> </tr> <tr> <td></td> <td>Caribbean</td> </tr> <tr> <td></td> <td>African</td> </tr> <tr> <td></td> <td>Black Scottish and other Black</td> </tr> <tr> <td></td> <td>Mixed</td> </tr> <tr> <td></td> <td>Other</td> </tr> </tbody> </table> <p>* Data published using the simple 5-category classification will be cross-tabulated for all areas.</p> <p>** The standard 14-category classification will be used to produce tables for councils, postcode sectors and wards, and for 'output areas'. For reasons of confidentiality, the tables for postcode sectors and wards will only be released if there is 'sufficient ethnic diversity'. The General Register Office for Scotland defines this as 'at least 50 in white groups and at least 50 in other ethnic groups'. Data using the 14-category classification will not be cross-tabulated against any other variable in the tables for 'output areas'.</p>		Simple 5-category classification*	Standard 14-category classification**	White	White Scottish	Indian	Other White British	Pakistani and other South Asian	White Irish	Chinese	Other White	Other	Indian		Pakistani		Bangladeshi		Other (South) Asian		Chinese		Caribbean		African		Black Scottish and other Black		Mixed		Other
Simple 5-category classification*	Standard 14-category classification**																															
White	White Scottish																															
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Appendix 5

Race Relations Act 1976

What is unlawful racial discrimination?

The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, (the Act) makes it unlawful to discriminate – directly or indirectly – against someone on racial grounds. Under the Act, ‘racial grounds’ means reasons of race, colour, nationality (including citizenship), or ethnic or national origins. Racial groups are defined accordingly. For example, Black Caribbeans, Gypsies, Indians, White Irish, Pakistanis, Bangladeshis, Irish Travellers, Jews, and Sikhs are among the groups that have been recognised as racial groups under the Act.

Direct discrimination means treating a person less favourably than another on racial grounds. An example of direct discrimination would be applying harsher discipline to prisoners from ethnic minorities than others because they are from ethnic minorities.

Indirect discrimination means that a requirement or condition which is applied equally to everyone:

- can only be met by a considerably smaller proportion of people from a particular racial group;
- is to their detriment; and
- cannot be justified on non-racial grounds.

All three parts must apply. An example of unlawful indirect discrimination might be where a school’s rules on uniform do not allow for a particular racial group’s customs and cannot be justified in terms of the school’s needs.

Victimisation. The Act also makes it unlawful to treat someone less favourably because they are known to have, or are suspected of having:

- made a complaint of racial discrimination;
- planned to make a complaint; or
- supported someone else who has made a complaint of racial discrimination, or is planning to do so.

An example of victimisation is where an employee is refused leave because they backed up a colleague’s complaint of racial discrimination.

In what areas is racial discrimination unlawful?

The original Race Relations Act 1976 makes it unlawful for public, private, and voluntary organisations to discriminate on racial grounds in:

- employment;
- education;
- housing; and
- providing goods, facilities, and services.

The Race Relations (Amendment) Act 2000 extended the scope of the original law to cover the way public authorities carry out all their functions. The Act defines a public authority widely, as a person or organisation carrying out functions of a public nature. This includes enforcement and regulation functions, such as policing and child protection. It also includes functions or services that are carried out by private or voluntary organisations under a contract or a service-level agreement, such as charities providing local authorities with emergency housing.

What is positive action?

In specific circumstances, the Act allows positive action as a way of overcoming racial inequality. Positive action allows you to:

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

Positive action plans are only meant to be a temporary solution and you may need to review them regularly. You should not use them if the under-representation or the particular need no longer exists.

Statutory general duty and specific duties

Section 71(1) of the Race Relations Act places a general statutory duty on most public authorities (see appendix 1 to the statutory *Code of Practice on the Duty to Promote Race Equality in Scotland*).

Under the duty, when carrying out their functions, authorities must 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.

Under section 71(2) and (3) of the Act, Scottish ministers have the power to place specific duties on all or some of the public authorities bound by the general duty (see appendix 2 to the code).

Under section 71(C) of the Act, we can issue codes of practice that will help public authorities to meet the general duty and the specific duties. The statutory *Code of Practice on the Duty to Promote Race Equality in Scotland* came into effect on 30 November 2002, with approval from Parliament.

Under section 71(D) of the Act, we have the power to enforce the specific duties. If we are satisfied that a person has failed, or is failing, to meet a specific duty, we can issue a compliance notice ordering them to do so. The person concerned has to:

- observe the terms of the notice; and
- tell us, within 28 days, what they have done, or will do, to meet the duty.

Under section 71(E) of the Act, we have the power to apply to a sheriff court for an order, if the person concerned has not supplied the relevant information after being served with a compliance notice, or if we have reason to believe they will not do so.



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