



Report of the Race Scrutiny Commission

November 2003

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1. CHAIR'S FOREWORD

- 1.1 The starting point of this report is that racism and sectarianism are not acceptable in any form in the London Borough of Lambeth. Ours is one of the more racially diverse local authorities in Europe. That is all the more the reason why any evidence of institutional racism in the Council must be rooted out and prevented. In a society where there is racism both between and within white groups and black ethnic minority groups, the members and officers of this Council must be continually alert to its manifestation. Any suspicion of racial discrimination must be investigated and challenged.
- 1.2 It will not be very long before the black ethnic minority population of Lambeth reaches 40%. At present, 34% (plus) of Lambethans are from the black ethnic minorities. It is a great challenge to the political parties to have that same proportion of black ethnic minority councillors and senior officers.
- 1.3 The recent Report of the Public Inquiry into the Lambeth Community Alarms Service (2003) was admittedly about a very, very small section of one Directorate over a few years. But one conclusion is that had there been adequate human resource management practices, such as Management by Objectives and regular appraisals, racism would have been revealed, and dealt with. There are still inconsistent and inadequate management practices across the Council; and, as the evidence on which our report was based showed, some groups of lower paid black ethnic minority and other staff believe that nothing will change for the better. There is a high degree of cynicism, and with it poor morale, motivation and probably productivity, with absence due to sickness, amongst some junior and often long-term black ethnic minority and other staff, who are by-passed on the ladders of promotion.
- 1.4 What can be done? One response is that such demoralised staff should be the greatest focus of Council training and re-training so that they become eligible for promotion. At present training seems targeted on managers and those with the self-esteem and confidence to ask for it. One consequence of this is that at least a few black ethnic minority and other officers are left at the bottom of the officer hierarchy. As a result, such people may believe that they are being racially discriminated against. Racism may have a role in that scenario.
- 1.5 Equally, black ethnic minority groups in the Voluntary Sector complain that they are not adequately trained to have the capability to complete detailed application forms for funds, e.g. to prepare adequate Business Plans. They can also attribute the success of other groups to racism.
- 1.6 The elimination of Black Workers Group meetings, and the lack of an independent Race Equality Council, have meant that disgruntled black ethnic minority officers and groups have been without a forum or

agency to express their feelings and fears, and without a conduit to the Council. Moreover, there is also anger amongst pensioners directed at Government generally. This Report has some strong recommendations based on evidence of problems or of feelings of injustice. We did not have time to look at more than some of the Directorates, and those not in depth. But what we learned gave cause for disquiet. For such a racially diverse borough we are still surprisingly backward in how we deal with black ethnic minority issues. Our visit to Leicester showed us what can and should be done.

- 1.7 It is the case that there has not yet been a full implementation of the Council's "Action on Race Equality : Interim Action Plan : A Response to Race Matters in Lambeth, November 1999" (2000). However, there have been major attempts recently in Lambeth to address the problems of equalities: the "Equalities up-date 2000/03", the report of the Equalities and Diversity Unit; the Best Value Performance Plan 2003/04, Improving Lambeth, was superseded by the CPA Recovery Plan, both referring to equalities. The challenge is whether these reports and their implementation will convince the disillusioned, cynical black ethnic minority staff and voluntary groups that things are changing. Only time will tell. Policies and proposals need to be monitored for effectiveness.
- 1.8 None of our Recommendations will be very expensive to implement. We are all conscious of our historical legacy of debt; but perhaps this very pre-occupation with financial objectives has clouded our concern over less than adequate human resource management measures. People need to feel respected if they are to work well. We must commit ourselves to the goals of racial equality and equal opportunity, with fairness of treatment for all.

Robert Shean McConnell (Councillor)

This is a personal foreword to the Report; but my colleagues, members and officers were invited to edit it. It has been a pleasure to work with Councillors. Imran Hussain and Sharon Ward. We were very conscious of the report writing, and hard work and skilful guiding by three officers, Satbinder Sanghera, Head of Democratic Services; David Burn, Head of Scrutiny; and Richard Buck, who minuted most meetings – our thanks to them. I am also grateful to Carole Litchmore for her help with this foreword.

2. ACKNOWLEDGEMENTS

- 2.1 Members of the Commission wish to thank all those people that either attended as witnesses or submitted evidence to the Commission. Some of them have wished to remain anonymous their contribution was however gratefully appreciated and of great importance to the Commission.

Jon Rogers (UNISON Branch Secretary), Irene Clarke (Head of Human Resource Policy & Strategy), Mark Picksley (Corporate Consultation Manager), Carole Litchmore (Head of Equalities & Diversity), Lee Jasper (The Mayor of London's Senior Policy Advisor on Equalities), Bill Modlock (GMB Branch Secretary), Ronald Holder (West Norwood Community Development), Patrick Hall (Interim Head of Revenues), Jonathon Flowers (Director of Culture Change), Wendy Honeyghan-Williams (Head of Human Resources), Paul Reid (LVAC), Devon Thomas (Representative of Small Businesses in Lambeth), Raj Patel (Assistant Director of Strategic Management & Support – Environment), Paul Grobler (Assistant Director of Operations, Performance & Evaluation – Environment), Katrina Hoogendam (UNISON convenor for Environment), Pamela Brown (Pamela Brown Associates), Carol Joseph (GENESIS Consulting), Fitzroy Andrew (Genesis Consulting), Alex Owolade (Movement for Justice), Councillor Donatus Anyanwu and Chris Lee (Assistant Chief Executive).

The Commission would also like to thank Zafar Saleem (Senior Human Resources Adviser, Leicester City Council) and Makhan Bajwar (Director of Greenwich Race Equality Council).

- 2.2 In undertaking this work the Race Scrutiny Commission wishes to acknowledge the work and the findings of the Public Inquiry into the Lambeth Community Alarms Service. This important work was undertaken independently of the Council and chaired by Professor Mullard.
- 2.3 The Race Scrutiny Commission has not attempted to analyse the findings of the LCAS Inquiry. For ease of reference the decisions of the LCAS Inquiry, as they relate to the findings of the Race Scrutiny Commission, are set out in Appendix 3 of this report.

3. EXECUTIVE SUMMARY

- 3.1 In December 2001 the Council was requested to establish a scrutiny commission into institutionally racist policing/community policing and related issues. In considering the request in February 2002, the then Scrutiny Steering Committee was advised of concerns regarding reported racism within Lambeth Council's workforce. The Council was urged to be open and transparent in dealing with such issues and was requested to set up a commission to investigate the concerns and issues of racism.
- 3.2 Set out below are the recommendations made by the Race Scrutiny Commission. It is hoped that the recommendations provide the Council with a clear steer to move the equalities and diversity agenda forward for the benefit of all staff and service users.

Recommendation 1

The current climate and level of debate within the organisation regarding equalities and diversity in general, and race in particular; is immature. To this end, the Council should not be afraid of considering issues and areas that have a race aspect and should develop capacity throughout the organisation to enable there to be a more mature consideration of equalities issues.

Recommendation 2

That a Black and Minority Ethnic Workers Group be established and recognised by the Council and that the administration for the Black and Minority Ethnic Workers Group might best be undertaken by the Trade Unions.

Recommendation 3

That clear and concise guidance on acceptable standards of behaviour and performance be produced for all staff in relation to equalities and diversity issues, in particular all Managers need to have a comprehensive understanding of their responsibilities as managers of services and staff. This should include the procedure for reporting racist incidents, the process that will be followed, advice for managers on how to properly investigate and deal with incidents of racial harassment. This should be supplemented with training.

Recommendation 4

That a second session be included within the Council's corporate induction programme covering customer care and equalities for all new staff.

Recommendation 5

That the ethnicity of staff be formally recorded centrally and monitored in recruitment, training, appraisals and all disciplinary cases.

That Senior Management Board (SMB) be requested to consider and clearly indicate how all the staffing monitoring results will be analysed, reviewed and communicated. This should include an interpretation of the results, underlying trends and the action to be taken to improve performance, if required.

That following implementation of this procedure, SMB be presented with the results and proposed action for discussion, if it is evident that a pattern is emerging in a particular section or department. In such instances, the relevant Executive and Scrutiny Member(s) should be notified.

Recommendation 6

That a review be undertaken of the extensive research previously undertaken or commissioned by Lambeth on equalities issues, to help move the equalities agenda forward. An examination to the extent to which the recommendations were implemented should be undertaken to ensure all issues are addressed, and how outstanding issues are to be addressed.

Recommendation 7

The principles of human resource management should be consistently followed across the Council; based on a set of practice guidelines; be monitored and enforced by the central human resource service and assessed for effectiveness on an annual basis.

Recommendation 8

That monitoring of the Council's appraisal system, in line with best practice, be introduced. This should include the review and evaluation of an anonymised sample of appraisals.

Recommendation 9

There is urgent need for a clear statement and action required by SMB and the Executive on the role of the Equalities Unit and other sections dealing with equalities issues. There is a tendency to think that the Equalities Unit will handle all equalities issues, but the real objective is to mainstream.

Recommendation 10

That detailed annual analysis be undertaken on progress with the CPA recovery plan as they relate to equalities and diversity and service delivery. This should include the development of clear targets for all managers and clear guidance provided as to how managers' performance will be assessed as it relates to access to services.

Recommendation 11

That the impact on black and minority ethnic service users and staff be assessed and considered when introducing, developing or changing services, that the mainstreaming of equalities be clearly stated as Council policy and clarification be sought as to how this will be achieved and progress monitored.

Recommendation 12

That serious consideration be given to introducing a training programme specifically for low paid staff* to assist and provide for career development through the organisation, such as:

- Mentoring
- Re-training
- On the job training
- Secondments, etc

*[*For the purposes of clarification the Commission would suggest grades S.O.2 and below]*

Recommendation 13

That the issue of attracting black and minority ethnic managers (first and second tier) be made a priority for the organisation. Whilst the Commission recognises there are potential problems in setting targets for the employment of black and minority ethnic staff, the Commission recommends that at senior levels in the organisation, all shortlists include at least one black and minority ethnic applicant, whenever possible. Failure to do so would normally result in a re-advertisement. Further consideration should be given to the creation of setting percentage targets for black and minority ethnic groups, women and disabled employees.

Recommendation 14

That measures be taken to ensure that all recruitment is undertaken by Human Resources and that the Council's equalities and diversity objectives are included within the brief for consultants used in the recruitment process,

and that this be monitored in accordance with recommendation 5 above.

Recommendation 15

To ensure that the equalities best value review addresses gender, sexuality and disability issues within a broader equalities and diversity context.

Recommendation 16

The Council's dealing with all voluntary groups needs to be far more transparent and open. The Council needs to improve its communication to black and minority ethnic groups and all grants and assistance to voluntary groups should be published.

***NB.** The following recommendation should be considered in conjunction with recommendation 10 above. The Commission felt that it was important to highlight the importance of reviewing the effects of Council policies on black and minority ethnic groups and wanted to ensure that the external impact was not neglected.*

Recommendation 17

That the current level of assistance given to all black and minority ethnic groups be reviewed, particularly in relation to capacity building. That the Council makes it an objective to improve the level of support offered and to publicise the level of support black and minority ethnic groups can expect to receive.

Recommendation 18

The Council's priorities in relation to the CPA recovery plan need to be examined to assess their impact on black and minority ethnic groups.

Recommendation 19

That a fully comprehensive database of black and minority ethnic organisations situated or providing services in the borough, be created, maintained and updated for use across the Council.

Recommendation 20

That the Council supports and assists the community in establishing an independent Race Equality Council for Lambeth, in accordance with the guidelines laid down by, and in consultation with, the Commission for Racial Equality.

Recommendation 21

That an annual monitoring report be presented to Council on progress with the implementation of the key recommendations of the LCAS Inquiry and the Race Scrutiny Commission report.

4. INTRODUCTION

4.1 Socially and culturally Lambeth is one of the most diverse communities in Great Britain. 38 % of Lambeth's residents are from non-white ethnic groups. Between 1991 and 2001 the percentage of non-white residents rose from 30.3% to 38%.

4.2 24.6% of Lambeth's residents are from Black ethnic groups. Lambeth has the highest proportion of Black Caribbean residents of any London Borough, and the fourth highest for Black African. 4.5% are from Asian ethnic groups. Lambeth also attracts refugees from many nations/countries such as Vietnam, Somalia, Eritrea and Angola and many other groups like the Kurds. Well over 100 languages are spoken in the Borough. After English, the main languages spoken are Yoruba, Portuguese and Twi.¹

4.3 Race Relations Legislation

4.3.1 The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, makes it unlawful to discriminate against anyone on grounds of race, colour, nationality (including citizenship), or ethnic or national origin. The amended Act also imposes general duties on many public authorities to promote racial equality.

4.3.2 It applies to:

- jobs
- training
- housing
- education
- the provision of goods, facilities and services

4.3.3 It is also unlawful for public bodies to discriminate while carrying out any of their functions. The amended Act imposes a general duty on all major public bodies to promote equality of opportunity and good race relations.

4.4 What is discrimination?

4.4.1 Discrimination can take many forms the most common forms of which are defined in this section ². This section also explores in more detail the legislative framework governing race relations and makes reference to Council Policy that compliments legislation.

¹ Census survey results 2001

² Commission for Racial Equality (CRE) www.cre.co.uk

- 4.4.2 The Race Relations Act is concerned with people's actions and the effects of their actions, not their opinions or beliefs. Racial discrimination is not the same as racial prejudice or 'racism'.
- 4.4.3 Prejudice literally means 'pre-judging' someone - knowing next to nothing about them but jumping to conclusions because of some characteristic, like their appearance.
- 4.4.4 Racism is the belief that some 'races' are superior to others - based on the false idea that different physical characteristics (like skin colour) or ethnic background make some people better than others.
- 4.4.5 Racial Discrimination occurs when someone is treated less favourably on grounds of their colour, race, nationality or national or ethnic origin. It is not necessary to prove that someone intended to discriminate: it is sufficient only to show that the outcome of their action was that the victim received less favourable treatment.
- 4.4.6 The Race Relations Act identifies three main types of racial discrimination:
- Direct racial discrimination
 - Indirect racial discrimination
 - Victimisation

4.5 **Direct racial discrimination**

- 4.5.1 This occurs when someone is able to show that they have been treated less favourably on racial grounds than another person in similar circumstances. To prove this, it will help if examples can be given of someone from a different racial group who, in similar circumstances, has been treated more favourably than another. Racist abuse and harassment are forms of direct discrimination.

4.6 **Indirect racial discrimination**

- 4.6.1 This occurs when people from one racial group are less likely to be able to comply with a requirement or condition which applies to everyone but which cannot be justified other than on racial grounds. For example, a requirement that all employees or pupils must not wear headgear could exclude Sikh men and boys who wear a turban, or Jewish men or boys who wear a yarmulka, in accordance with cultural and religious practice.
- 4.6.2 Note: The Race Regulations 2003 brought in a new definition of indirect discrimination on grounds of **race** or **ethnic or national origin**. However, the original definition of indirect discrimination applies in complaints of discrimination based on grounds of **colour** or **nationality**.

4.7 **Victimisation**

- 4.7.1 This has a special legal meaning in the Race Relations Act. It occurs if someone is treated less favourably because they have complained about racial discrimination or supported someone else who has.

4.8 **Definition of Institutional Racism**

The Stephen Lawrence Inquiry - Macpherson Report 1999 ³

- 4.8.1 It is important to understand the meaning of the term 'institutional racism'. The Macpherson Report defined it as: "*The collective failure of an organisation to provide an appropriate service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes or behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.*"
- 4.8.2 The Commission for Racial Equality summarises this as follows:
"Institutional racism occurs when the policies and practices of an organisation result in different outcomes for people from different racial groups. It is therefore inappropriate to label individuals as institutionally racist." ⁴

4.9 **Definition of a Racist Incident**

The Stephen Lawrence Inquiry - Macpherson Report 1999

- 4.9.1 "A racist incident is any incident which is perceived to be racist by the victim or any other person".

³ Macpherson Report

⁴ Commission for Racial Equality (CRE) www.cre.co.uk

5. RACE SCRUTINY COMMISSION OBJECTIVES AND TERMS OF REFERENCE

5.1 Objectives

- 5.1.1 To complement and develop the work of the Equalities Best Value Review in relation to issues concerning race so as to assess what further action the Council should take to combat racial discrimination both in relation to its employment practices and in the delivery of services.

5.2 Terms of reference

1. To consider the work done by the Best Value Review in relation to the Council's duties under the Race Relations Amendment Act and the conclusions reached as to the compliance with the duties under the Act and the steps the Council must take to tackle racial discrimination.
2. To consider how to improve the Council's consultation arrangements in reaching the hard to reach groups.
3. To recommend how to integrate the council's response to the Act into its day to day delivery of services
4. To assess how services delivered by the Council can be made more responsive and accessible to all sections of the community and to make appropriate recommendations for improvement.
5. To consider employment and training practices and recommend future steps the council needs to take to meet its duty to meet the requirements of the Race Relations Act.
6. To consider and recommend changes to policies, where necessary, to meet the duty to combat racial discrimination.

6. **CONTEXT**

- 6.1 In December 2001 the Council received a request from the supporters of the “Defend Alex Owolade Campaign”, to establish a scrutiny commission into institutionally racist policing/community policing and related issues. In considering the request in February 2002, the then Scrutiny Steering Committee was advised of concerns regarding reported racism within Lambeth Council’s workforce. The Council was urged to be open and transparent in dealing with such issues and was requested to set up a commission to investigate the concerns and issues of racism.
- 6.2 In June 2002 it was agreed that a Commission be established to look at the work of the Council to fulfil its statutory obligations in the Race Relations Act, to combat racism within the borough and to ensure that its services are equal to all regardless of race.
- 6.3 In addition, the Council was lobbied to hold an independent investigation into the Lambeth Community Alarms Service (LCAS). The LCAS unit provided a 24 hour community alarm monitoring and emergency response service to Lambeth tenants, housing association tenants and private sector residents. The unit was in operation from 1997-2001 until it was closed following a series of unpleasant and complex events including racial discrimination.
- 6.4 As a result of a 2002 manifesto pledge by the current Liberal Democrat and Conservative administration, in November 2002, Professor Mullan was asked to appoint a Public Inquiry Panel and to chair an independent investigation into LCAS.
- 6.5 The Council had also embarked on an Equalities Best Value review. In determining the best way forward it was decided that the Race Scrutiny Commission and the LCAS Inquiry should remain independent. The justification for this was that the LCAS Inquiry had a distinct historical focus. The focus for the Race Scrutiny Commission was more general and the remit of the Commission much wider. It was however agreed that the findings of the LCAS Inquiry should be presented to the Commission before the Commission concludes its own investigation. This was undertaken on 11 September 2003.

7. HISTORICAL PERSPECTIVE – THE PAST INQUIRIES AND REVIEWS, THE LOST OPPORTUNITIES

- 7.1 In establishing the work programme for the Commission it soon became apparent that Lambeth had previously embarked on a number of exercises, reviews and initiatives into equalities. In reviewing the reports the Commission was concerned that it was unclear whether the recommendations from the detailed studies previously undertaken had been implemented. Thus, it was also difficult to establish whether the recommendations had been tracked but, more importantly, whether progress monitored.
- 7.2 It should be noted, however that a number of the issues highlighted in the following reports were repeated by witnesses or concluded by the Commission in the context of this scrutiny review.
- 7.3 A summary of the key reports considered is set out below
- 7.4 **The Organisational and Managerial Implications of Devolved Personal Assessment Processes** – The Institute for Employment Studies prepared a report in 1999⁵ with findings from the second stage of the organisational and managerial implications of devolved personal assessment processes in the housing and social services of 8 London Boroughs, including Lambeth. The results were presented in relation to management performance covering:
- Disciplinary (behaviour)
 - Poor performance (capability)
 - Team conflict; and
 - Performance assessment
- 7.4.1 The Council has subsequently centralised the personnel function however this study reflects behaviour and attitudes, which may still be relevant and, in any event, should be tested against current practice.
- 7.4.2 Ethnic background provided a powerful influence in the decision to use formal procedures or not. Several managers commented on the political sensitivities around ethnicity, particularly in relation to the disciplinary procedure. What is of interest is that the decision to apply formal measures or not often had little to do with the behaviour of the individual in question, but was often solely based on the fact that they were of different ethnic origin. Where managers' decisions to use formal procedures were influenced by employees' ethnicity, either:

⁵ The Organisational and Managerial Implications of Devolved Personal Assessment Processes, The Institute for Employment Studies (1999)

- Managers strove ‘at all costs’ to avoid using formal disciplinary procedures with black and minority ethnic staff and ‘bent over backwards to be seen as fair, or
- Managers invoked disciplinary procedures: ‘from the start, keep it all on record and make sure your back’s covered’, for fear that informal approaches could be interpreted as harassment or bullying.

7.4.4 In both instances it could be argued that black and minority ethnic members of staff are being penalised. In the first scenario, development issues are not addressed and in the second scenario they are harshly treated. Black and minority ethnic staff have a right to assume they will be treated fairly. This does not mean that disciplinary procedures will not be used, but will be applied fairly.

7.4.5 As a priority the report recommended: *‘that boroughs concentrate on developing and communicating clear and concise guidance on acceptable standards of behaviour and performance.’*

7.4.6 Other key findings were:

7.4.7 Black and minority ethnic employees were much more negative about their opportunities for career progression and how their skills were valued than their white counterparts.

7.4.8 That when assessing performance, managers may look for information and evidence that confirms broader stereotypes based on gender and race.

7.5 **Testing the Mix**⁶ - aimed to find out why people from black and minority ethnic communities were less involved in regeneration, environmental and sustainable development initiatives and to identify local solutions. The project was undertaken in four London Boroughs – Southwark, Hammersmith & Fulham, Newham and Lambeth.

7.5.1 The report stated that people from black and minority ethnic communities will only become involved in these projects and policy making if these are implemented from a cultural perspective that the communities consider appropriate to their lifestyle and areas of concern.

7.5.2 Some of the key lessons learnt from the report are highlighted below:

- Key barriers include poverty, funding, lack of information, council bureaucracy, language, group capacity, complicated decision-making processes, confusing application forms and jargon.

⁶ Testing the Mix – Research project carried out in 1999

- Grant programmes for black and minority ethnic groups should be developed and assistance given on the application process. People from black and minority ethnic communities should be consulted before programmes are devised so that they reflect real need and relate to people in the target communities.

[This is also covered in detail in the 'Race Matters in Lambeth'⁷ report. The report highlights the feeling that there was not a 'level playing field' between the council providers and the voluntary sector providers. Black and minority ethnic groups felt that they were subject to more stringent controls than the mainstream organisations. They also felt they were more likely to be victim of cuts.

Interestingly, the report refers to a commissioning study⁸ undertaken in 1996, which found that '..black and minority ethnic organisations, especially the smallest community agencies are receiving low levels of (organisational development) support'. In addition they are often responding to the issues in the community that are the most complex and challenging].

- A misunderstanding of cultural differences was a particular issue for black and minority ethnic communities in terms of their engagement in activities due to prejudgement from providers. The two main points were that prejudice can exist generally when getting involved in activities which involved a mix of communities and also there can be a feeling of not being listened to while the perceived 'majority' communities were. Solutions to these included raising awareness of the issues and reporting incidents. Councillors should become more involved in minority community events and try to understand their differences. Training for council and provider staff to change their attitudes to make people feel important and not prejudged may encourage more user-friendly and approachable services.

7.5.3 Black and Minority Ethnic Older Persons Strategy⁹ - This strategy was developed to address services to black and minority ethnic people in Lambeth. The report found that black and minority ethnic older people do not assert their rights to services because of:

- a lack of knowledge by service commissioners of their needs and preferences
- a lack of racially and culturally appropriate services

⁷ Race Matters in Lambeth, Reena Bhavnani and Jane Foot, 26/1/2000 – Chapter 4, pages 44-48.

⁸ Study into the Technical Needs of Voluntary and Community Groups – August 1996

⁹ Black and Minority Ethnic Older Persons Strategy (2002)

- ineffective public information about the services available, including access to interpreters and information in translation
- insufficient monitoring of the take-up of services by black and minority ethnic older people
- insufficient multi-cultural awareness amongst staff

7.6 To supplement this, the **Race Matters in Lambeth Review**¹⁰ identified a lack of explicit and public policy commitment to Race Equality. In addition it noted that there was no systematic monitoring of how well services were provided to black and minority ethnic residents nor was there a consistent approach in the collection of data on race and the ethnic origins of service users. In the absence of such structures services have been developed for client groups on an adhoc basis, which have directly or indirectly attempted to address the needs of the black and minority ethnic communities.

7.6.1 Black and minority ethnic communities have a number of service needs in common with the white population. At the same time they have specific cultural needs, which will effect the type of service required.

7.6.2 The 'Race Matters in Lambeth report concluded that many black elderly residents identified a lack of adequate translation and interpretation services as a barrier for them to effectively access services. They did not feel informed; neither did they feel there were advocates in their communities who could represent their views.

¹⁰ Race Matters in Lambeth, Reena Bhavnani and Jane Foot – 26/1/2000

8. THE COMMISSION

- 8.1 As stated in section 6 the first task for the Commission was to consider some of the previous studies undertaken by the Council into equalities issues. Some of the findings referred to in those documents, still apply today. Concerns expressed by black and minority ethnic staff feeling marginalized and treated unfairly is still an issue. This is explored in more detail in section 9 below. The Commission wrote to all black and minority ethnic groups in the borough and placed adverts in the local press publicising the Commission, seeking witnesses and/or written submissions. With regards to staff, again the Commission was publicised internally using the Council's intranet, through Newscast and in consultation with the Trade Unions. Confidential facilitated workshops were held for staff to voice their concerns and a questionnaire was prepared and sent to all staff.
- 8.2 It was soon evident, taking into account the background explained above and the nature of the LCAS Inquiry, that the Council was entering a landmark stage in terms of equalities. Whilst attempts were made to seek the comments of service users and organisations, and groups representing black communities, the response was marginal. The responses received tended to concentrate on employment issues. This together with the serious impact the LCAS Inquiry was having within the authority meant that in order for the Commission to conclude the investigation within a reasonable timeframe meant that the Commission paid particular attention to employment issues.
- 8.3 However, it should be acknowledged that it is not possible to provide services that take account of different ethnic groups needs without staff that are fully informed and aware of issues relating to race in the borough. Consequently, the focus of staff and employment practices will eventually bring about significant changes in service delivery as well.

9. KEY FINDINGS AND RECOMMENDATIONS

9.1 Staff Workshops and Questionnaire

9.1.1 In order to obtain the views of staff the Commission embarked on a series of facilitated workshops to enable staff to highlight their experiences and perceptions of the Council in term's of it's employment practices, as they effected black staff. In addition, views were also sought on what action the Council should take to combat racial discrimination. In addition, a questionnaire was sent to all staff.

9.1.2 Three workshops were held during March and April 2003, outside of the Town Hall for staff. Approximately 80 staff attended the three sessions. The Commission was grateful for the support given by the Trade Unions in promoting the workshops. The workshops were supplemented by a questionnaire sent to all staff. The questionnaire sought views and suggestions for improvement. Again, approximately 80 responses were received. Whilst respondents have been assured that confidentiality will be maintained it is fair to say that all Council departments were represented. The responses were representative of all grades.

9.1.3 The key findings from the staff questionnaire are summarised below:

- Lack of representation of black and minority ethnic staff in management positions, particularly senior positions.
- Inconsistent application of policies and procedures to the detriment of black staff.
- Inadequate training for managers to deal with equalities both in terms of implementation and dealing with incidents of discrimination.
- Recognition of qualifications. A number of staff felt that their qualifications were ignored and that career development for black staff within the organisation was not encouraged or supported.
- Inadequate monitoring of data relating to ethnicity of staff.

9.1.4 The key findings from the workshop sessions prepared by the facilitators are set out below.

9.1.5 This section summarises the discussion and conclusions arising from three workshops held to supplement the information-gathering element of the Commission's brief. The text quotes directly from the findings presented by the facilitators.¹¹ The findings were of serious concern to the Commission.

¹¹ Race Scrutiny Commission - 23rd July 2003

- 9.1.6 Three workshops were held during March and April 2003, each facilitated by Carol Joseph and Fitzroy Andrew from Genesis Consulting. It is estimated that the total number of attendees was around 80; most (not all) were black and minority ethnic staff. Detailed attendance records were deliberately not kept in order to encourage people to speak freely. The comments presented here reflect the two main areas of discussion during each workshop – an assessment of ‘how things are’ in relation to race and racism in the organisation, and suggestions of possible solutions. Transcribed workshop notes are included as Appendix 1.
- 9.1.7 Discussion was as lively and robust as might be expected from an event of this nature. Strong feelings were expressed; whilst people appreciated the opportunity for discussion, there was an equally strong sense of mistrust, cynicism, and disbelief. **What this points to is the need for sustained and credible action following the scrutiny process;** much of what is reported here is not new, and the frustration can understandably be attributed in part to a sense of ‘having been here before, with no result’.
- 9.1.8 There is therefore an opportunity to mark an important ‘break from the past’ through this process. With the change and development agenda currently facing the Council, the level of disenchantment and disaffection evidenced in this report is unsustainable in terms of staff performance and motivation, and has a negative impact in the present. No organisation could expect to succeed if nearly half its workforce believed that what is set out here is really ‘how things work’.
- 9.1.9 What emerges as strongly, however, is the high level of commitment that staff have to making Lambeth a successful place to live and work. This needs to be recognised and built upon, and this process represents a useful platform upon which to build such a response.
- 9.1.10 **‘The way things are’**
- 9.1.11 The transcribed notes appended to this report summarise the specific comments made, under the heading ‘Institutional Racism’. These speak for themselves, and there is little to add in terms of analysis.
- 9.1.12 There were a number of recurring themes:
- a widespread belief that differential and negative treatment on ground of skin colour (amongst a range of factors) is an everyday occurrence;
 - there is a long established and consistent pattern of ignoring issues when they occur; when they are dealt with, they are poorly handled and result in negative consequences for the individual on the

receiving end;

- racism has a paralysing effect on all staff, and has a negative and damaging psychological and emotional consequences for black staff, which is evident in behaviour and motivation;
- ‘this is not news’ – the problems here have been investigated before, with little or no action resulting.

9.1.13 Underpinning these is an almost total lack of confidence in the capacity of managers at every level to recognize and deal effectively with ‘race’ as a factor affecting staff experience. This is a generalisation, and it was recognised that there were individual exceptions, though there were few participants to speak in their favour.

9.1.14 **Solutions**

9.1.15 Specific comments here are contained under the heading ‘Solutions’ in Appendix 1.

9.1.16 Four themes emerge:

- Better managers/management – emphasising the requirement to pay due regard to human management principles, systems and procedures, to give appropriate job-related feedback, and to create a climate of accountability;
- Dealing with complaints – some longstanding – important that action is seen to be taken; significant support for the involvement of an independent agent to help foster a culture of listening based on trust;
- Investing in black staff – more on positive action, and improving the representation amongst the management cadre;
- Follow-through – visible and sustained action to acknowledge and respond to the issues raised, both immediately and in the medium-term, including a focus on monitoring and auditing.

9.1.17 **The key issue here is the need to shift *what people believe*.** This will not happen overnight, and actions are far more important than words on paper. There will be a need to engage with difficult, uncomfortable situations, and there is a risk (possibly unavoidable) of a ‘backlash’ effect. Different attitudes will be required – from those managers who find that ‘race’ is still too challenging an issue to deal with, and from staff who, in the most extreme cases, may become prone to interpreting all behaviour as primarily racially motivated. Neither position is helpful to bringing about constructive change.

9.1.18 From this perspective, concerted action on resolving longstanding complaints is perhaps the area where short-term gains could be realised. It will not be possible to resolve every complaint; a targeted approach is more likely to be successful. Any strategy would need to be carefully planned and considered, particularly from a legal standpoint.

9.1.19 The findings from the workshops and presentation to the Commission highlight a level of cynicism towards the council's ability and willingness to improve its equalities and diversity policy, that if sustained would be damaging. The Commission is of the view that this is in part compounded by the Council's inability, and to a degree apprehension, to discuss sensitive issues. In the last twenty years the Council has not been very confident of dealing with race issues and has adopted a very inconsistent approach, which has led to race being treated as a relevant issue only at particular times but in the most part marginalised. This has resulted in an 'immature' debate on race. The Commission recognises that the Race Scrutiny Commission and the LCAS Inquiry has opened the equalities and diversity debate. This should continue.

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| Recommendation 1 |
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| The current climate and level of debate within the organisation regarding equalities and diversity in general, and race in particular; is immature. To this end, the Council should not be afraid of considering issues and areas that have a race aspect and should develop capacity throughout the organisation to enable there to be a more mature consideration of equalities issues. |
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| Recommendation 2 |
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| That a Black and Ethnic Minority Workers Group be established and recognised by the Council and that the administration for the Black and Ethnic Minority Workers Group might best be undertaken by the Trade Unions. |
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| Recommendation 3 |
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| That clear and concise guidance on acceptable standards of behaviour and performance be produced for all staff in relation to equalities and diversity issues, in particular all Managers need to have a comprehensive understanding of their responsibilities as managers of services and staff. This should include the procedure for reporting racist incidents, the process that will be followed, advice for managers on how to properly investigate and deal with incidents of racial harassment. This should be supplemented with training. |
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| Recommendation 4 |
| That a second session be included within the Council's corporate induction programme covering customer care and equalities for all new staff. |

9.2 Commission Witness Sessions

9.2.1 Human Resources

9.2.2 During the evidence gathering sessions it soon became clear that the Council's human resource monitoring mechanisms are at best patchy. At a meeting of the Commission on 10th March 2003 ¹² the Director of Culture Change advised that the Council needed accurate data and a strong analytical approach to this issue. It was clear to him that Lambeth had not done a sufficient amount to date to combat institutional racism. He was of the view that with the advent of the amended Race Relations Act, there was a risk that the Council would be in contravention of this.

9.2.3 The Head of Human Resources advised the Commission on 8th May 2003 ¹³ that information and data collection of staff had been improved since October 2002. Every effort was being made to input the data collected prior to October 2002 although technical difficulties had been experienced.

9.2.4 The Commission was of the view that central monitoring of staff data is fundamental to moving the organisation forward. Not just monitoring for the sake of it, but the use of that information. Monitoring information if used correctly will enable the Council to be pro-active in terms of service delivery, identify trends both poor and good and ultimately help drive policy development. In addition, if used correctly it will have the added benefit of enabling the Council to clearly demonstrate how it is delivering it's equalities and diversity agenda and progress made.

¹² Race Scrutiny Commission – 10th March 2003, presentation by Director of Culture Change

¹³ Race Scrutiny Commission – 8th May 2003, presentation by Head of Human Resources

Recommendation 5

That the ethnicity of staff be formally recorded centrally and monitored in recruitment, training, appraisals and all disciplinary cases.

That Senior Management Board (SMB) be requested to consider and clearly indicate how all the staffing monitoring results will be analysed, reviewed and communicated. This should include an interpretation of the results, underlying trends and the action to be taken to improve performance, if required.

That following implementation of this procedure, SMB be presented with the results and proposed action for discussion, if it is evident that a pattern is emerging in a particular section or department. In such instances, the relevant Executive and Scrutiny Member(s) should be notified.

Recommendation 6

That a review be undertaken of the extensive research previously undertaken or commissioned by Lambeth on equalities issues, to help move the equalities agenda forward. An examination to the extent to which the recommendations were implemented should be undertaken to ensure all issues are addressed, and how outstanding issues are to be addressed.

- 9.2.5 In terms of broadening the monitoring information currently compiled, the Head of Human Resources advised that no monitoring was currently undertaken of the Council's appraisal system. She added that appraisals were an ideal area to monitor as they contained direct comments about staff and their performance. It was reported that it was current practice within the Civil Service for central personnel to review an anonymised sample of appraisals.
- 9.2.6 The submission from UNISON ¹⁴ highlighted that their records showed that for 2000/01 – 2001/2, of the 35 disciplinary cases held during that time, 24 involved black and minority ethnic staff - 68.5%. UNISON referred to the report highlighted The Organisational and Managerial Implications of Devolved Personnel Assessment Processes, as referred to in section 8 of this report. UNISON was concerned that the findings of the document appeared to have been ignored and questioned whether the recommendations had been implemented.
- 9.2.7 Whilst the Commission welcomed the move to centralise the Human Resource function, it was felt that a lot more could be done to prevent the apparent inconsistencies in human resource practices across the Council. The Head of Human Resources advised the Commission that action had been taken to improve the consistent practice in the implementation of human resource procedures and practices across the Council, although there was room for improvement.

¹⁴ Race Scrutiny Commission – 5th December 2002, presentation by UNISON Branch Secretary

- 9.2.8 The Commission recognises that there is a failure to implement human resource policy standards consistently across the Council. This is compounded by the fact that human resources do not have the power of intervention.

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| Recommendation 7 |
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| The principles of human resource management should be consistently followed across the Council; based on a set of practice guidelines; be monitored and enforced by the central human resource service and assessed for effectiveness on an annual basis. |
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| Recommendation 8 |
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| That monitoring of the Council's appraisal system, in line with best practice, be introduced. This should include the review and evaluation of an anonymised sample of appraisals. |
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- 9.2.9 As stated previously the Commission was aware of, and welcomed, the equalities work being undertaken or commissioned by the Council - as in the case of the LCAS Inquiry. The findings of the assessment into progress with the Housing Directorate's Investors in People programme were welcomed. However, these initiatives alone will not move the Council forward. It is also too early to gauge their effect and impact on the organisation.

- 9.2.10 The organisation's commitment to mainstream the equalities agenda needs to be realised ¹⁵. In order to achieve this, clear corporate principles need to be introduced and adhered to. Policies alone will not move the authority forward. Implementation and ACTION is required. One of the recommendations from the Lambeth's Corporate Performance Assessment (CPA) ¹⁶ was that the Council should develop and embed equalities in human resource management and service delivery.

- 9.2.11 The equalities unit alone will not achieve mainstreaming of equalities. It is a corporate responsibility. The recent re-organisation within the Chief Executive's Directorate appears to have shared the responsibility for equalities and diversity amongst a number of divisions within the Council. The Council therefore needs to clearly inform Councillors and officers the role and responsibilities of the respective sections and individuals.

¹⁵ Equalities Update 2002/2003 – July 2003

¹⁶ Audit Commission Corporate Performance Assessment of the London Borough of Lambeth

Recommendation 9

There is urgent need for a clear statement and action required by SMB and the Executive on the role of the Equalities Unit and other sections dealing with equalities issues. There is a tendency to think that the Equalities Unit will handle all equalities issues, but the real objective is to mainstream.

9.3 Corporate Capacity

9.3.1 The Corporate Performance Assessment (CPA) found that the Council has low corporate capacity to deliver change. Whilst the Commission is aware of the measures being taken to remedy this, as part of the Council's recovery plan, continued progress is essential. Equalities and diversity should be at the very heart of this process.

Recommendation 10

That detailed annual analysis be undertaken on progress with the CPA recovery plan as they relate to equalities and diversity and service delivery. This should include the development of clear targets for all managers and clear guidance provided as to how managers' performance will be assessed as it relates to access to services.

9.3.2 The Commission is of the view that where the Council is looking to introduce, rationalise, or re-organise services the impact on black and minority ethnic service users and staff should be assessed and the results publicised. The Council should strive to ensure that black and minority ethnic groups are not disadvantaged or affected to a greater extent than the majority of the population. In some instances it may wish to target black and minority ethnic groups for additional services, either in recognition of specific cultural needs or as a result of the direct need of a black and minority ethnic group – such as sickle cell.

9.3.3 Whilst the Commission is aware that equalities impact assessments are undertaken for re-organisations, it is not clear what assessment is undertaken when identifying areas for budget reductions for example.

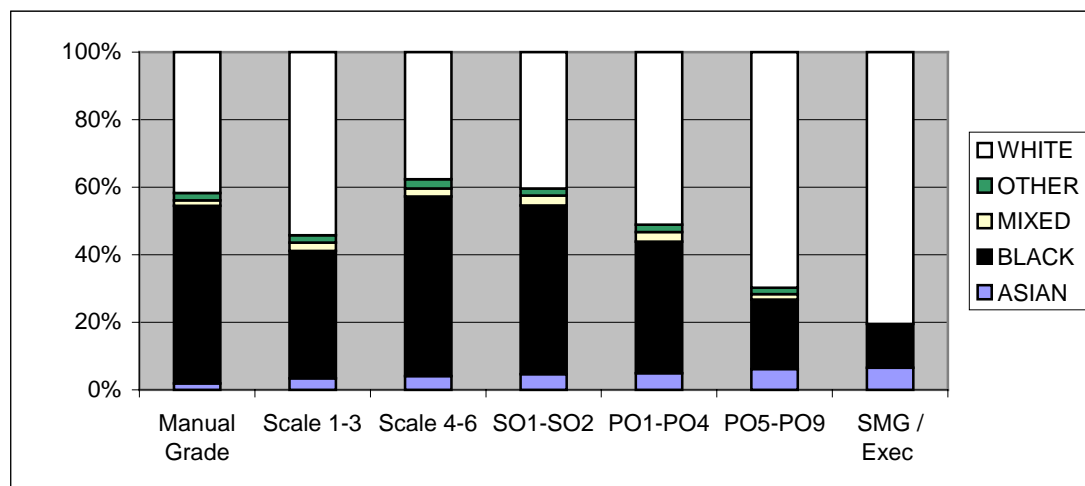
Recommendation 11

That the impact on black and minority ethnic service users and staff be assessed and considered when introducing, developing or changing services, that the mainstreaming of equalities be clearly stated as Council policy and clarification be sought as to how this will be achieved and progress monitored.

9.4 Staff and Retention

9.4.1 The chart set out below shows that the Council does have a fairly good representation of black and minority ethnic staff across the board. This compares favourably with other London Boroughs but clearly the Council should not be complacent in this respect. When assessing ethnicity by grade the comparisons from PO5 and above warrant further investigation.

| Grade Desc | ASIAN | BLACK | MIXED | OTHER | WHITE | Total | Unavailable |
|--------------|------------|-------------|-----------|-----------|-------------|-------------|-------------|
| Manual Grade | 6 | 164 | 5 | 7 | 130 | 312 | 9 |
| Scale 1-3 | 22 | 243 | 16 | 14 | 349 | 644 | 123 |
| Scale 4-6 | 43 | 564 | 26 | 29 | 399 | 1061 | 106 |
| SO1-SO2 | 31 | 337 | 20 | 14 | 272 | 674 | 49 |
| PO1-PO4 | 44 | 349 | 25 | 20 | 457 | 895 | 33 |
| PO5-PO9 | 16 | 53 | 4 | 5 | 180 | 258 | 6 |
| SMG / Exec | 3 | 6 | 0 | 0 | 37 | 46 | 0 |
| Total | 165 | 1716 | 96 | 89 | 1824 | 3890 | 326 |



9.4.2 Demographic predictions show that the boroughs community will continue to be enriched by the presence of different communities. This does however, present challenges to the organisation. The Council needs to continually review the way it engages with new communities and the level of support given. Trying to achieve a representative workforce is no less of a challenge but one that the Council should aspire to.

9.4.3 The Commission whilst looking at this matter explored two key areas - training and the representation of black and minority ethnic staff in senior positions.

9.5 Training

- 9.5.1 Much has been said about the need to ensure managers have the capacity to deliver change either as result of the recovery plan or in order to drive the performance of the Council forward. The Commission fully endorses this, as can be seen by the recommendations already made. That said, the Commission was also aware of the importance to train and enhance the skills of those staff on low pay and in the lowest grades, in which, as shown in the table above, there is a high proportion of black and minority ethnic people. This would not only benefit the individual trained but would also assist with the retention of staff and allow for career progression through the organisation. Mentoring, on the job training and secondments were examples cited by the Commission.
- 9.5.2 The organisation would need to be able to manage the process but it was felt that the training of low paid staff should not be ignored. The Race Scrutiny Commission was aware that another Commission has been identified to consider staff and retention.

Recommendation 12

That serious consideration be given to introducing a training programme specifically for low paid staff* to assist and provide for career development through the organisation, such as:

- Mentoring
- Re-training
- On the job training
- Secondments, etc

*[*For the purposes of clarification the Commission would suggest grades S.O.2 and below]*

9.6 Representation of Black and Minority Ethnic Staff in Senior Positions

- 9.6.1 The Commission received evidence from Lee Jasper, the Mayor of London's Senior Policy Advisor on Equalities¹⁷. Mr Jasper made a number of points and suggestions regarding the action the Council should take to combat racial discrimination both in relation to it's employment practices and in the delivery of services.

¹⁷ Race Scrutiny Commission – 27th January 2003, witness session – Lee Jasper, Mayor of London's Senior Policy Adviser on Equalities

- 9.6.2 He advised the Commission that a backlash to so-called 'positive discrimination' only occurred when the individual policy was flawed and opponents often had less to say when the policy was effective. There needed to be a year on year commitment to review progress bearing in mind that nearly half (45%) of the country's black and minority ethnic population lived in London.¹⁸ He felt that that the Council needed to take radical action to avoid another 'lost generation' in the BME community.

Recommendation 13

That the issue of attracting black and minority ethnic managers (first and second tier) be made a priority for the organisation. Whilst the Commission recognises there are potential problems in setting targets for the employment of black and minority ethnic staff, the Commission recommends that at senior levels in the organisation, all shortlists include at least one black and minority ethnic applicant, whenever possible. Failure to do so would normally result in a re-advertisement. Further consideration should be given to the creation of setting percentage targets for black and minority ethnic groups, women and disabled employees.

- 9.6.3 In terms of recruiting first tier officers (Senior Management Board) the Commission was advised that the Head of Human Resources was not involved in the selection process. The Commission was advised that very often consultants were used. The task of the consultants, in the first instance, was to identify high calibre candidates. This practice is used by a number of Authorities. The Commission whilst understanding the process questioned how the Council's equalities objectives were adhered to when using such methods. How do people get onto that list?

Recommendation 14

That measures be taken to ensure that all recruitment is undertaken by Human Resources and that the Council's equalities and diversity objectives are included within the brief for consultants used in the recruitment process, and that this be monitored in accordance with recommendation 5 above.

- 9.6.3 A number of responses to the questionnaire, whilst welcoming the Commission, asked what action the Council was taking about gender and disability issues. Similar issues were raised during the workshops. The scope of the Commission was made clear from the outset. To have embarked upon an even broader investigation would have been difficult to conclude within the timeframe required. However, it is the view of the Commission that a number of the recommendations around monitoring can and should have a more general equalities application.

¹⁸ Census Survey Results 2001 – NB 29% of London's residents are from black and minority groups.

Recommendation 15

To ensure that the forthcoming equalities strategy framework addresses gender, sexuality, age and disability issues within a broader equalities and diversity context.

9.7 Voluntary Organisations

- 9.7.1 In terms of an external focus the evidence received tended to focus around support given to black and minority ethnic groups within the voluntary sector. On the 27th January 2003 ¹⁹ the Commission was advised that there had been a significant decline in the number of bodies funded in the borough. These groups funded provided an essential platform through which black and minority ethnic groups engage with decision makers and influence policy. Furthermore, there had been a noticeable decline in the political influence of the black and minority ethnic community, in terms of number of councillors, membership of political parties and representation at senior management level. He felt that it was clear there has been a significant reversal in past equality gains over the last 15 years, particularly since 1995.
- 9.7.2 The Commission also received evidence from representatives from West Norwood Community Development ²⁰, Lambeth Voluntary Advisory Council (LVAC), and a representative from the small businesses in Lambeth. ²¹
- 9.7.3 The Commission was advised that the Council needed to focus on the capacity building of local black and minority ethnic community and voluntary groups. There was a perception that the Council paid less attention to black minority ethnic groups in the borough than those comprised of white persons. There was also a perception that the Council was not interested in neighbourhood renewal and did not empower the community to develop their neighbourhoods.
- 9.7.4 It was encouraging to hear that local community groups wanted to establish a partnership with the Council but the Council has stated that capacity building needs to be undertaken first. However, in spite of the Council's statements on this issue it was felt there had been no progress from the Council on this issue. The perception among black and minority ethnic groups was that community groups run by white members of the community appear to have more ready access to

¹⁹ Race Scrutiny Commission – 27th January 2003, witness session – Lee Jasper, Mayor of London's Senior Policy Adviser on Equalities

²⁰ Race Scrutiny Commission - 10th March 2003, witness session – Ronald Holder, West Norwood Community Development)

²¹ Race Scrutiny Commission - 19th May 2003, witness session – Paul Reid (LVAC) and Devon Thomas (Representative of Small Businesses in Lambeth).

funding and recognition from the Council. It was also felt that black and minority ethnic groups in the borough are not seen as representative of the community whilst groups made up of white members of the community appear to be under much less scrutiny. There was general concern over a perceived tendency of the Council to take the lead on community projects rather than a supportive role to local community groups.

9.7.5 Whilst it was acknowledged that the Council has stated it wants the presence of robust long-term organisations in the borough, it was felt in order to achieve this the Council needed to be aware of newly developing groups that required capacity building and support not just in terms of finances but physical resources. The Council needed to engage with as many persons in the community who wished to take a more active role in improving their community. Other points highlighted are summarised below:

- The Council needed to better utilise external groups within the borough and seriously consider the establishment of a Race Equality Council. The Council has given the clear impression that it is unwilling to work with umbrella groups to ensure an effective race equality strategy.
- The Council needed to build both a transparent and effective way of building confidence with the community and representative groups in the borough with effective procedures to appraise and monitor progress. The Council needed a comprehensive database of local organisations and ensure these are fed into consultation processes. Transforming the current situation required a strategic vision and leadership from councillors and senior officers and the need for a corporate approach across Council departments; and
- The multi-cultural nature of the borough meant that the Council had a varied client base. It needed to take on board the views of service recipients and build a constructive relationship with the community.

9.7.6 As with some of the concerns expressed by staff, these views were not new. Similar problems were highlighted in a review of Race Equality in Lambeth,²² which was undertaken in 1999.

9.7.7 It should also be noted that in making the following recommendations the Commission was aware of the initiatives and action taken as a result of the Council's recovery plan, in relation to community leadership.

²² Value for All: A Review of Race Equality in Lambeth 1999. Extract submitted to Race Scrutiny Commission on 16th January 2003

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| Recommendation 16 |
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| The Council's dealing with all voluntary groups needs to be far more transparent and open. The Council needs to improve it's communication to black and minority ethnic groups and all grants and assistance to voluntary groups should be published. |
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***NB.** The following recommendation should be considered in conjunction with recommendation 10 above. The Commission felt that it was important to highlight the importance of reviewing the effects of Council policies on black and minority ethnic groups and wanted to ensure that the external impact was not neglected.*

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| Recommendation 17 |
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| That the current level of assistance given to all black and minority ethnic groups be reviewed, particularly in relation to capacity building. That the Council makes it an objective to improve the level of support offered and to publicise the level of support black and minority ethnic groups can expect to receive. |
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| Recommendation 18 |
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| The Council's priorities in relation to the CPA recovery plan need to be examined to assess their impact on black and minority ethnic groups. |
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| Recommendation 19 |
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| That a fully comprehensive database of black and minority ethnic organisations situated or providing services in the borough, be created, maintained and updated for use across the Council. |
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9.8 Best Practice

9.8.1 With a view to learning from other Authorities and identifying improvements the Commission looked at best practice in the equalities and diversity field. A visit was arranged to Leicester City Council on 4th June. Leicester's sustained strategic commitment to promote and mainstream race equality into local services is achieved by a partnership between schools, police, health authority and the private sector. Initiatives include the development of a Youth Forum, Black Case Panels and the introduction of race equality standards 'young gifted and equal into' local schools.

9.8.2 Members of the Commission were advised that diversity is one of six main priorities within Leicester's community plan. Work has been

undertaken within the Housing Directorate to ensure better representation from the black and minority ethnic communities. Members were also advised that there was a black workers group in each department. The purpose of the groups being to work with the Council and to take matters forward.

- 9.8.3 Leicester had undertaken work with the local Somali community and introduced a 'positive recruitment strategy' to assist with employment of this community. This comprised of skills profiling and skills mapping.
- 9.8.4 Some of the most innovative work however, resulted in the community work undertaken by the Council. Whether it was to combat the negative effect of the presence of racist organisations or to build links between communities, the level of outreach work undertaken by the Council was impressive.
- 9.8.5 Members were advised that Leicester had what was considered an excellent Race Equality Council. Leicester had facilitated the setting up of the Council by calling in the key players – Chief Executives from the voluntary sector, businesses operating within Leicester, the Police etc and discussed strengths and weaknesses. Leicester regarded this as their civic leadership role.
- 9.8.6 The Commission had already heard from the Head of Equalities and Diversity ²³ that a Race Equality Council could fulfil a number of roles in developing, supporting and representing black and minority ethnic groups within the borough and act as an advocate for this community. It would facilitate a long-term vision of race equality in Lambeth from a community perspective and facilitate the positive development of black and minority ethnic groups in the borough.
- 9.8.7 In order to receive further information the Commission decided to identify a Race Equality Council with a good reputation, in order to establish the type of work undertaken by a Race Equality Council. On Tuesday 21st August 2003 the Chair of the Race Scrutiny Commission, Lambeth's Head of Equalities and Diversity and the Scrutiny Manager visited Mr Bajwar, the Director of Greenwich Race Equality Council.
- 9.8.8 Greenwich Race Equality Council was established in 1991. The Council monitored the work of the London Borough of Greenwich, the health service and the Police. A successful National Lottery bid had resulted in the Council providing training for the Police. In view of it's success the training had been commissioned by the Czech Republic Police Force.
- 9.8.9 In terms of local activity, Greenwich's Race Equality Council had undertaken work to identify and engage with hard to reach groups. This not only involved identifying groups but also capacity building.

²³ Race Scrutiny Commission – 16th January 2003

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| Recommendation 20 |
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| That the Council supports and assists the community in establishing an independent Race Equality Council for Lambeth in accordance with the guidelines laid down by, and in consultation with, the Commission for Racial Equality. |
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9.9 Monitoring of the Commission's Findings

9.9.1 In order to measure progress against the Commission's findings and the findings of the LCAS Inquiry, the Commission recommends as a minimum an annual monitoring process. This should be widely publicised amongst service users and staff. The Commission would expect the report to cover an up to date action plan, details of action implemented and details of any problems or delays.

9.9.2 The action plan needs to be flexible enough to take on board changes either within the organisation or legislative changes. Internal and external influences on the equalities and diversity agenda will not standstill.

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| Recommendation 21 |
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| That an annual monitoring report be presented to Council on progress with the implementation of the key recommendations of the LCAS Inquiry and the Race Scrutiny Commission report. |
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Interim Head of Scrutiny
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Report of the Race Scrutiny Commission - Appendices

November 2003

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Appendix 1: workshop commentary

INSTITUTIONAL RACISM

- A racist organisation
- Persecution
- Complaints not dealt with satisfactorily
- Allocation of council flats is discriminatory
- Name 'blacklisted' if you assert yourself/make complaints
- Cynicism
- Belief that nothing will happen
- Bad managers unable to make decisions
- Denied training because not specific to current job
- 5 years experience of being blocked from doing qualification – white staff supported during same period – now doing course part-time 'under own steam'
- decisions re jobs not fair – white worker brought in 'backdoor'
- manager critical of work, negative body language

- it does exist!
- need for people to accept failings
- failure to address problems – plenty of evidence over the years to substantiate them
- more than colour – about broad equalities agenda
- lots of excuses re failure of systems – constant reorganization – no settling down
- affects whole teams as well as individuals – performance/attendance/grievances/attitudes
- doing something about it gets you labelled as a troublemaker
- feelings
 - angry
 - unfairness
 - guilty
 - vulnerable

- boxed-in
 - frustrated – ‘what’s the point?’
- can’t go forward – feel stuck – no-one to go to to get what you want – take the blame from the public
- can’t pinpoint it – but it’s there in your face – no one’s going to hear you
- playing the race card? – gets you heard sometimes
- managers wait for you to slip up – got to be doing something wrong – start to question your own judgement, blame yourself
- bureaucratic management – talk about paperwork
- constant change creates insecurity
- blame culture evident
- can feel guilty as a white manager
- some black workers ‘get away with murder’
- some are overly penalized
- feeling of ‘one step forward, five steps back’
- vicious circle creates paranoia
- systematic failure to deal fairly with people when they complain
- bullying/harassment complaints rarely upheld
- devolution has made this worse
- absence of organized black workers group
- some black managers collude
- some white managers don’t know what to do with black staff
- why work here?
 - Commitment
 - Creating a flagship borough
- Appraisals not happening
- Initiative fatigue
- Lack of generosity (time allowed) for this event
- Racism in the hierarchy
- Gender/age issues too
- ‘old school’, inflexible

- contribution not taken seriously
- not just 'black on white', though important to recognise when it is
- disrespect from managers – singled out, marginalized
- job applications – inappropriate feedback
- nepotism
- managers use their position to victimize and harass
- upward mobility for white (temporary) worker – integrity and knowledge being questioned by this same worker – annoyed about this

SOLUTIONS

- create widespread perception of fairness and justice
- investigate and resolve grievances
- avoid putting people in managerial roles who do not have the experience
- encourage expression of diverse opinions/views
- an informal system for resolving issues
 - needs venue/time/resourcing
 - once a month
 - 'arbitration'-style process
 - give it a 'staff development' spin – needs reinforcement/motivation
- monitoring
 - involvement in target setting
 - create room for it
 - make it interesting to look at – visuals/comparisons/progress to target/community impact
- advertise jobs in black press
- equalities committees to explore issues
- no shortage of analysis over the years – problem is implementation – need to handle uncomfortable messages
- independent referral unit
 - use external agencies
 - audit of what happens

- closer monitoring of recruitment
 - external agencies
 - job description reviews
 - training for people to sit on selection panels
 - make panels cross-departmental
 - accountability for managers
 - some benchmarks
 - proper action
 - applying procedures equally
 - management training
 - performance/career development
 - performance appraisal systems
 - think about positive action e.g. acting-up/secondments
 - establish a black staff forum
 - account for 'local' and 'global'
 - get beyond victimization
 - legitimized by senior management
 - needs £/resourcing/officialising
 - CEO 'roadshow'
 - More workshops like this one
 - should count as 'work'
 - needs more than two hours
 - managers need to encourage feedback from those who attend
 - ensure follow-up action – ongoing monitoring
 - one-to-one mentoring
 - development programmes for black managers
 - reintroduce race equality unit
 - establish staff panels across departments
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- black workers forum
 - cross-departmental working
 - training – particularly for managers

- positive action
 - deal with complaints
 - hotline/trusted friend
 - sanctions & accountability
 - disciplinary monitoring
 - serious commitment
 - HR – help complaints
-
- Joint working between management and Members on race issues
 - Career development with emphasis on progression for black staff
 - More timeliness for investigations
 - Make equality/diversity intrinsic to core business
 - Get rid of bad managers who are continually racist

APPENDIX 2 – LIST OF SESSIONS AND WITNESSES OF THE RACE SCRUTINY COMMISSION

8th November 2002 – Consideration of terms of reference and process.

28th November 2002 – Consideration of past reports.

5th December 2002 – Witness session. Evidence received from Jon Rogers (UNISON Branch Secretary) and Irene Clarke (Head of Human Resource Policy & Strategy).

19th December 2002 – Witness session. Evidence received from Mark Picksley (Corporate Consultation Manager), regarding the Informing and Involving the Public Best Value Review.

16th January 2003 – Witness session. Information received Carol Litchmore (Head of Equalities & Diversity).

27th January 2003 – Witness session. Evidence received from Mr Lee Jasper (The Mayor of London's Senior Policy Advisor on Equalities).

25th February 2003 – Witness session. Evidence received from Bill Modlock (GMB Branch Secretary)

10th March 2003 – Witness session. Evidence received from Mr Ronald Holder (West Norwood Community Development), Patrick Hall (Interim Head of Revenue Services) and Jonathon Flowers (Director of Culture Change).

19th May 2003 – Witness session. Evidence received from Mr Paul Reid (LVAC) and Mr Devon Thomas (Representative of small businesses in Lambeth).

27th May 2003 – The Commission considered the process and outcome of the Environment Directorate's Equality Impact Assessment. Raj Patel (Assistant Director of Strategic Management & Support – Environment), Paul Grobler (Assistant Director of Operations, Performance & Evaluation – Environment), Katrina Hoogendam (UNISON convenor for Environment) and Ms Pamela Brown (Pamela Brown Associates) attended the meeting.

23rd July 2003 – Ms Carol Joseph (GENESIS Consulting), Mr Fitzroy Andrew (Genesis Consulting) attended the meeting and advised the Commission of the findings of the staff workshops.

28th July 2003 – Witness session. The Commission heard evidence from Mr Alex Owolade (Movement for Justice).

4th September 2003 – Witness session. The Commission received evidence from Councillor Donatus Anyanwu.

11th September 2003. The Commission received the findings and the Council's action plan in response to the LCAS Inquiry, from Chris Lee, Assistant Chief Executive.

APPENDIX 3 LAMBETH COMMUNITY ALARMS SERVICE RECOMMENDATIONS

PRE – REQUISITES

A. That the local authority as a whole body consisting of politicians management and staff, publicly pledge that it will implement the changes, through the provision of a specific action plan containing measurable targets and objectives aimed at improving its own effectiveness and, through so doing, providing high-quality service to Lambeth's multicultural community.

B. That the local authority deconstruct itself as one that seeks to build and protect its power, sovereignty and status at the expense of its users, clients and the public at large; and reconstruct itself, firstly, as one totally dedicated to serving and the provision of high quality services, and, secondly, as one in which power and authority are shared with rather than appropriated from the constituencies it services.

C. That the local authority begin the process and practice of de-institutionalising forms of inequality and their manifestations (with particular reference to racism) through the establishment of an external implementation body charged with the task and responsibility of deinstitutionalising inequality throughout the local authority and given the necessary resources and power to effect this.

D. That, lastly, the local authority be prepared to take whatever (uncomfortable) action is required – including closing down ineffective departments, or outsourcing their management and dismissing staff – in order to guarantee that the desired changes can be implemented within a publicly announced and specific timetable.

RACISM

1. That the Commission for Racial Equality's Standard levels 3 and 4 objectives, together with the steps the local authority is required to take under the Race Relations Amendment Act and their own race equality scheme, should be explained to all managers; and, if necessary, adjustments to their annual work programmes should be made for the purposes of their annual appraisal.

[Recommendation 2 of the Race Scrutiny Commission's findings refer]

2. That the tasks of tackling racism and promoting positively good race, ethnic and community relations should be built into the job descriptions of every manager.

[Recommendation 2 of the Race Scrutiny Commission's findings refer]

3. That an appraisal of the objectives and targets achieved with respect to recommendation (ii) should form an integral part of all annual appraisals and should be communicated to all members of the workforce.

[Recommendations 10 and 17 of the Race Scrutiny Commission's finding refer]

4. That the Chief Executive Officer of the local authority should hold quarterly meetings particularly with cross-directorate managers in different grades and on different levels, so that the implementation of the race equality scheme can be

regularly appraised and evaluated.

5. That the Black Workers Forum should be re-established and resourced, to act as an advisory group to the local authority management as well as to the Unions. In order to ensure its continual effectiveness, the Forum should be subject to regular and thorough checking mechanisms that are communicated to Union members, thereby making it directly accountable and transparent.

[Recommendation 1 of the Race Scrutiny Commission's findings refer]

6. That a new, relevant and organically designed racism awareness and anti-racism practice training programme - located in a context of managing change and diversity in line with best advanced management practices - be developed immediately so that it can be made available to all managers and staff.

[Recommendation 3 of the Race Scrutiny Commission's findings refer]

MANAGEMENT/WORKERS

7. That an independent review of management practice and quality assurance - to a standard which is at least in line with the Audit Commission's requirements - should be undertaken immediately and thereafter on an annual basis, and that the recommendations arising from the review should always be acted upon within three months of its completion.

8. That a thorough overhaul of all procedures and protocols relating to both internal and external complaints should be implemented at once.

9. That all grievance and disciplinary codes and procedures, including codes of conduct, be made readily available to all staff on a regular basis in a clear and concise manner, and that they be scrutinised by the Council's Equalities Board.

[Recommendation 2 of the Race Scrutiny Commission's findings refer]

10. That the authority as a matter of urgency provide a specifically designed package of training and re-training for managers, supervisors and staff, so that they are able to work effectively to ensure not only that the Council delivers appropriate and high-quality service but also that staff are equipped with the competencies essential to an effective and cost-efficient undertaking of their tasks and discharge of their obligations.

[Recommendations 2 and 12 of the Race Scrutiny Commission's findings refer]

11. That a monitoring and good practice unit, in line with the Investors in People programme, should be set up to review the above and ensure that practices, outcomes, work styles and behaviours of all kinds are appropriately managed.

12. That an independent temporary advisory facility be developed within the Chief Executive's Office to assist, advise, provide specific support to and coach managers, with a view to enabling them to increase their capability and competencies and to resolve all personal issues, conflicts, people-management deficiencies and other managerial problems that arise in failing and under-performing operational sections of the organisation.

13. That clear and concise job descriptions for managers and staff be produced, specifying the areas of their responsibility, accountability, authority and line management, with particular respect to grievance and disciplinary issues. If necessary, these should be updated and agreed annually at the time of appraisals.

14. That annual appraisals with line managers should be signed by both parties, with an opportunity for comments from both sides and with clearly inbuilt development programmes, incorporating training, learning and working provisions in line with identified needs.

15. That steps taken to resolve grievances (both formal and informal) together with the relevant timescales should be communicated to complainants via their line management.

16. That, as a matter of urgency, all managers are provided with a set of appropriate managerial tools for responding both to the internal nature and demands of a 'multicultural organisation' and to the external realities of the provision of services to a culturally diverse group of users; and trained in the use of such tools.

THE UNION

17. That the procedures governing the involvement of the trade unions in their representational role and capacity need to be made clear to all managers and communicated to all staff.

18. That trade unions should examine their policies and structures for the handling of race issues, as well as the roles of shop stewards, convenors and the branch secretary in the supporting and following through of issues and complaints.

19. That the roles of the full-time Union official handling the issue or grievance (particularly on race equality matters) – especially when members have not received satisfaction at branch level – should be made clearly known to members. Furthermore, where there is disagreement between the national and local levels, the Union should consider a relevant appeal system.

20. That UNISON give serious consideration to the formation and structural support of groups representing the specific interests of members, both at the national and local levels.

USERS

21. That the Community Alarms scheme which has now replaced LCAS should be recognised as part of an integrated support and care service for older and vulnerable (including disabled) people which is designed to provide a culturally sensitive and effective client-orientated set of 'joined-up' caring services.

22. We would strongly advise the Council to consider the value of introducing a consultative forum. Particular emphasis should be given to the assessment of a partnership model.

23. That all Community Alarm Officers should be given, as part of their induction, a training course in telephone techniques and effective customer service, particularly aimed towards communicating with culturally diverse clients whose first language is not English. This should be effected as a matter of urgency.

24. That the charge invoicing or collection of monies from users should be urgently reviewed and steps taken to introduce regular payment systems.

25. That at least three visits should be made to users to ascertain the specific issues relevant to that user before withdrawal of the pendant.

26. That all calls for assistance should be recorded and that the action taken should be monitored on a regular and systematic basis. This provision should be enshrined in a protocol for use by management and workers, and for users' reference.

27. That the Council's complaints procedure should be clearly defined and made available to all users, together with guidelines on how voluntary and other organisations can assist with complaints.