

Race equality scheme update

June 2004

OFT671a

Important note

This document is an update on the OFT's Race equality scheme published in September 2003. It should be read in conjunction with that document. It deliberately does not repeat sections from the scheme, such as a background to the OFT or our overall commitment to, and understanding of, equalities.

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1 INTRODUCTION

Our Race Equality Scheme, published in September 2003, describes our commitment, as an organisation and individuals, to promoting equality in what we do and how we do it. I am happy to report that we have made considerable progress on implementing the many objectives and targets that we set for ourselves. Not surprisingly, it has proven more difficult and time consuming to implement some targets than we originally envisaged. In the coming year we will focus our resources on those actions that we judge are most likely to advance our commitment to embedding race equality in our culture and processes.

Penny Boys
Executive Director

2 OVERALL PROGRESS

Since we published our Race Equality Scheme we have made significant progress in the following key areas:

- **Impact assessment training.** Key staff, including senior managers attended a full day of impact assessment training to enable them to review how equality and diversity considerations should be brought into working procedures and processes. Consultations with a range of stakeholders have come out of this.
- **Employment of a diversity officer.** Our first full-time diversity officer, Peter Hall, started in April 2004. Peter has begun to assist managers to implement their action plans and support the organisation in the area of diversity more generally.
- **Inclusion of stakeholders representing diversity in National Liaison Strategy.** We have built a list of groups, including ethnic minority organisations and other stakeholders. Engaging these groups will form part of our National Liaison Strategy and we hope will inform our policies and practices.
- **Development of market studies guidance.** Market studies form a key part of OFT's work: they help establish whether markets are working well for consumers. In December 2003 we issued a public consultation document concerning the guidance we intend to publish about our approach to carrying out market studies (see www.of.gov.uk/News/Press+releases/2003/PN166-03.htm). Our aim is to publish final guidance by the autumn of 2004. Contained within this final guidance will be the methodology we have developed to measure, where appropriate, the impact of markets and of remedies on particular groups such as ethnic minorities, the disabled and the elderly. This methodology includes design of surveys and sample sizes, tender specifications and stakeholder consultation.
- **Establishment of a robust equality and diversity infrastructure.** We have put in place a robust infrastructure for handling equality and diversity issues.

In some areas, progress has been slower than anticipated. In 04-05 we will need to focus on:

- **Continuing the implementation of the procedures and standards we have successfully developed**, particularly the new guidance for market studies and the checklist for learning & development activities, and others as we develop these.
- **Setting up monitoring systems.** Human Resources has created the means to monitor employee ethnicity and gender and has allocated resources to do this. Monitoring in other areas of our work such as public enquiries and consumer credit applications, to enable us to ensure that we are providing for the needs of a diverse population, will be explored further in 2004-5.
- **Consultation.** Building on our updated database of stakeholders, we will more actively engage ethnic minority and other stakeholders.
- **Supporting employees** through the new Diversity Officer post, the Black and Minority Ethnic employee networks and making diversity-related guidance and resources available online.
- **Assessing and consulting on new policies introduced in 2004/5** to ensure they are consistent with our race equality and diversity policies and do not have an adverse impact on any ethnic group.

3 DIVISIONAL PROGRESS UPDATES AND FORWARD PLANNING

How to read this section

This section does three things. Division-by-division, it reports on:

- **Successes in 2003/4.** These relate to the immediate actions for each division published in our Race Equality Scheme.
- **Obstacles faced.** This summarises any obstacles the division faced in implementing the immediate actions it committed to.
- **Key 2004/5 actions.** Each division has produced a renewed action plan for 2004/5. This includes any outstanding actions from the 2003/4 immediate actions, and any new actions which have arisen as a result of consultation and impact assessment.

Markets and Policy Initiatives Division

We have assessed all of our actions as 'Green'. This does *not* mean that we have completed all of them, but we have completed many, and the remainder are *on track* to being completed. We have achieved success in developing a methodology to measure where appropriate the impact of markets and remedies on particular groups such as ethnic minorities.

A methodology has been devised for market studies starting at the project identification and preliminary investigation stages, through to study design and reporting. MPI will apply this methodology to measure where appropriate the impact of markets and of remedies on particular groups such as ethnic minorities, the disabled and the elderly. This methodology includes e.g.

- design of surveys
- setting sample sizes (including assessing the need/ability to enlarge sample size when necessary)
- appropriate coverage in tender specifications
- identifying the need and seeking consultation/input from stakeholders representing the particular groups identified.

This was taken into account in a recent study, which was started and completed after the Race Equality Scheme was published, where it appeared that there might be specific issues relating to ethnic groups. We have begun to lead the OFT in consulting more diverse stakeholder groups.

KEY SUCCESSES

- Developed a methodology for our market studies work for measuring, where appropriate, the impact of markets and remedies on particular groups such as ethnic minorities, the elderly and the disabled.
- Built a list of ethnic minority stakeholders and begun to consult them as part of National Liaison Strategy.
- Considered equalities in market study on debt consolidation: we considered whether ethnic minorities are more likely to consolidate their debts than other consumers and we looked at a study on how to target consumer information to specific ethnic groups. We boosted our sample size in our debt consolidation consumer survey to include ethnic minority representation. See [www.offt.gov.uk/News/Press + releases/2004/41-04.htm](http://www.offt.gov.uk/News/Press+releases/2004/41-04.htm).

OBSTACLES FACED

- *Consulting ethnic minority stakeholders.* This has proved harder than we expected. Many organisations are small, appear overstretched and do not have the resources needed to follow up on consultation requests or spend much time with us. We are focusing on creative ways to engage groups despite all of these obstacles.

KEY 2004/5 ACTIONS

- Apply new methodology to every market study and measure, where appropriate the impact on markets and remedies on particular groups such as ethnic minorities, the elderly and the disabled.
- Continue to broaden the stakeholder list to include organisations that represent particular groups such as ethnic minorities, the elderly and the disabled.

- Consider language issues for enquiries unit; monitor the use of language facilities of Consumer Direct pathfinders and decide whether there is a business case on telephone interpretation and translation of materials.

Consumer Regulation Enforcement Division

CRED has begun to grapple with the application of race equality to consumer regulation enforcement. It has proved difficult in many cases to monitor or adjust our enforcement activity in line with equality considerations, because of legal barriers and the proportionality of implementing monitoring systems. However, we have achieved some avenues into promoting non-discriminatory business practice and monitoring where appropriate. The policy review we are currently undertaking will be informed by our renewed focus on equality considerations.

SUCSESSES INCLUDE

- Surveyed 37 trading standards departments to explore addition of ethnic monitoring information to database and policy for non-English first-language service users.
- Resolved problem of accessing information on businesses discriminating as relevant information is available from the Commission for Racial Equality website.
- Reviewed CREDentials training programme – and identified opportunities to include equality considerations in future learning modules as they are developed.
- Currently conducting major policy review, including equality considerations.

CHALLENGES HAVE INCLUDED

- *Balancing competing legislation.* Because our enforcement is governed by legislation, it has been difficult to incorporate equality-related training and changes to our practices, where this appears to compete with our other legal duties. We are still in dialogue with the Commission for Racial Equality to learn more about this, and we understand that the Commission itself will be exploring the area of competing legislation in more depth.

KEY 2004/5 ACTIONS

- Continue to embed diversity awareness in CREdentials training for staff.
- Review procedures manuals and guidance for equality considerations.
- Communicate policy for all staff on dealing with racist and abusive telephone callers.

Competition Enforcement Division

CE has continued its focus on equalities issues but due to changes in the framework for enforcement of competition law in light of the EC Modernisation Regulation, CE has had to reschedule a number of actions to complete later in the year. However, we remain committed to achieving them.

OBSTACLES FACED

- Preparation for the coming in to force of the EC Modernisation Regulation on 1 May 2004 has entailed carrying out revisions to competition law guidelines, related guidance and procedural rules. The Modernisation timetable has necessarily pushed back our review from an equalities perspective.

KEY 2004/5 ACTIONS

- Ensure that minority groups are consulted on revisions to published guidelines.
- Review the need for ethnic monitoring of cases to ensure practices and procedures meet the general duty.

Communications Division

Communications has made significant progress in establishing monitoring procedures throughout key functions of our service this year. The output from this monitoring, plus our consultation efforts, will be the focus for this year to make changes and adjustments as the feedback we receive recommends and is appropriate.

KEY SUCCESSES

- Incorporated ethnic monitoring into research, surveys and roadshow events.
- Promoted good race relations through expanded invitation lists and networking events at roadshows and events.
- Included ethnic minority press in circulation.
- Extended range of materials available through library resources.

OBSTACLES FACED

- Engaging local voluntary ethnic minority interest groups in OFT's work and low response rate once contact has been made.

KEY 2004/5 ACTIONS

- Build on groundwork from 2003/4 and continue gathering monitoring information and making decisions based on findings.
- Focus on campaigns and publicity targeting minority groups as relevant.

Legal Division

The Legal Division will soon be scheduling time for key lawyers to attend training on equality issues and the related legislation, and for the remaining lawyers to use an e-learning or paper-based learning method.

KEY 2004/5 ACTION

- Train all legal division staff in equality legislation

Resource and Services Division

We have made considerable progress on some key objectives but less progress on others, largely due to competing pressures for management time. We remain committed to achieving our key objectives and targets.

KEY SUCCESSES

- Appointment of the OFT's first full-time diversity officer.
- Incorporated consideration of diversity issues into divisional away day meeting which also looked at ways to improve communication and consultation throughout the division. Ideas generated by staff will feed into a new Communications Strategy.
- Provided impact assessment training for all divisions.
- Integrated diversity objectives into standard business planning template.
- Produced robust procurement guidance for staff to reflect requirements of the Act.
- The requirements of the Act have been incorporated into OFT's procurement operating policy strategy.
- We have improved our database of information held on contractors Diversity and Equality policies and practices.

OBSTACLES FACED

- Appointing diversity officer took longer than expected.
- Conflicting demands for management time and financial resources.

KEY 04-05 ACTIONS

- Integrating diversity issues into procurement, business planning processes and policy development.
- Support development of staff diversity networks.
- Introduce new divisional communications strategy.

Adjudication Branch

The Adjudication Unit has completed its limited immediate actions, and although we decided that monitoring individual cases was impracticable we remain open to the idea

of monitoring our services in other ways and supportive of the initiative for our services and employees. Going forward we will consider conducting a customer satisfaction survey and including ethnic monitoring as part of that.

Employment duty

We have made some progress. But competing pressures for staff time and financial resources have meant that it has been slower than we would have liked. As a consequence, we have had to reschedule some immediate actions, though we are still committed to achieving them.

Learning and development

We have made significant progress on reviewing, updating and implementing relevant changes to the L&D programme but less progress in important areas such monitoring progress and introducing new information systems than we would have liked. In the coming year we will focus on ensuring all of Learning & Development's activities and projects are equality proofed and diversity friendly.

KEY SUCCESSES

- Incorporated managing diversity principles, awareness and skills into leadership and management training programmes.
- Provided supplementary training on diversity issues including sexual orientation and religious belief.
- Incorporated diversity requirements and standards into contracts with training providers
- Analysed the 'take-up' of centrally organised training programmes by ethnicity, to support the liP assessors' conclusion that all in OFT have equal access to development opportunities.
- Developed a diversity impact checklist for all projects and activities in the HRL&D business plan

OBSTACLES FACED

- Competing pressures for staff time and financial resources has delayed progress in some areas.

KEY 2004/5 ACTIONS

- Review all training programmes to ensure they are consistent with our aim to promote equality and diversity
- Implement the diversity impact checklist for our activities and projects

Employment: Human Resources

HR has implemented the infrastructure that will enable us to capture and analyse employment data as required by the RR(A)A 2000. But competing pressures for staff time and financial resources has delayed our ability to produce useful management information.

KEY SUCCESSES

- Updated management/monitoring information system to capture relevant data and brought in expertise to introduce regular monitoring and reporting.
- Provided on-line guidance to managers on how to handle religious holiday leave.
- Trained HR staff in awareness of RR(A)A 2000 and how it affects their day to day dealings with staff and external contacts

OBSTACLES FACED

- See above.

KEY 2004/5 ACTIONS

- Complete consultation and impact assessment, allied with rolling programme of policy review to include consultation and impact assessment/implementation within three months of initial policy formulation.
- Introduce monitoring and reporting to employees and divisions.
- Further integration of equalities and diversity into routine functions.

4 CONSULTATION

Consultation has presented some of the biggest challenges. Ethnic minority groups and other targeted stakeholders have proved difficult to locate, contact and spend time with – often because they are under-resourced or overwhelmed with requests for consultation. We have made some progress, however, and will continue to build relationships with stakeholders to help us better understand the implication of equalities and diversity on our work.

The lists below are *in addition* to the initial consultation completed and reported in the OFT's original Race Equality Scheme.

External consultation

Until 2004, the OFT did not focus its consultation strategy on ensuring representation and inclusion of ethnic minority organisations. The primary achievement this year has been to assemble comprehensive database of stakeholders and to begin to contact stakeholders. We have been successful in contacting and/or meeting with the following stakeholders:

- NHS Direct (re enquiry lines)
- Black Enterprise
- Ethnic Minority Business Forum
- Media Reach

We still plan to engage the following stakeholders – we have either already started contacting them, or plan to do so soon:

- Commission for Racial Equality
- Ealing Trading Standards Department
- LACORS
- Possibly Customs & Excise, Serious Fraud Office, other regulatory body to carry out benchmarking exercise
- Professor of ethnic business at DeMontfort University
- Professor Tariq Modood at Bristol University
- Chinese in Britain Forum
- The Refugee Council
- Asian Business Network
- The African Caribbean Business Network

- Age Concern
- National Union of Journalists/Institute of Journalists
- Ethnic Minority Press
- The European Federation of Black Women Business Owners
- Disabled Entrepreneurs Business Network
- Women's Business Network
- Wilson Storey Halliday (catering contractors)
- Office of Government Commerce
- Royal National Institute for the Blind (on facilities management)
- Royal National Institute for the Deaf (on facilities management)

Internal consultation

Internal consultation is led by Human Resources, Facilities Management, the Policy Unit and other branches within Resources and Services.

We will consult on:

- HR policy development
- OFT complaints procedure
- L&D needs
- HR strategy
- Information and Consultation Directive work.

We will consult with:

- Diversity coordinator
- Equal opportunities officer
- Diversity Group
- Black and Ethnic Minority Staff Group
- Trade union
- HR/senior manager team representing divisions
- Staff directly.

Note that consultation will be on an on going basis on the roll out of policies and work in general. Much of this work will start in April. It should be noted, much of the Learning and Development work is inclusive and mainstreams a lot of the consultation and impact assessment work.