



## **RACE EQUALITY SCHEME**

**March 2003**

| <b>Table of Contents:</b>  | <b>Page:</b> |
|--|--------------|
| Statement of Commitment<br>from Chief Charity Commissioner John Stoker | 3            |
| Charity Commission Race Equality Scheme<br>Background                  | 4            |
| The Charity Commission for England and Wales                           | 4            |
| Charity Commission Work on Race Relations                              | 4            |
| Race Equality Scheme: Key Functions and Policies                       | 5            |
| The Policy Context - High Priority                                     | 9            |
| Principles of Policy Development                                       | 9            |
| Identification and Research of Issues                                  | 10           |
| Flexible and Outward Looking Policies                                  | 10           |
| Inclusive and Evidence Based Consultation                              | 11           |
| Evaluation and Review of our Policies                                  | 12           |
| The Operational Context  | 14           |
| Functions: High Priority   | 14           |
| Functions: Medium Priority   | 19           |
| Functions: Low Priority  | 23           |
| The Employment Context   | 26           |
| Recruitment and Selection  | 27           |
| Learning and Development   | 28           |
| Performance Review   | 29           |
| Employment Policies  | 29           |
| Leavers  | 30           |
| The Training Context   | 31           |
| Monitoring of Functions and Policies                                   | 32           |
| Arrangements for Publication   | 34           |
| Arrangements for Public Access   | 34           |
| Annex A: The Legislation   | 37           |
| Annex B: Charity Commission “Aim, Vision, and Values”                  | 41           |

## **STATEMENT OF COMMITMENT**

Promoting equal opportunities and valuing diversity is morally right, socially desirable, and makes good business sense. This has been recognised by the Human Rights Act 1998 and now by the Race Relations (Amendment) Act 2000.

The Charity Commission is committed to a policy which values diversity. We will strive to provide not only a working environment that is free from discrimination, harassment or victimisation, where everyone will receive fair and equal treatment related to effective performance in their job, but where we harness the different perspectives and skills of everyone, and make use of these in our work. We will create an ethos throughout the Commission in which we respond to the needs of our colleagues and customers, where diversity is truly valued and where everyone is treated with dignity and respect.

Both in our relationship with our staff and through the services that we provide, the Charity Commission commits itself to work toward the elimination of all forms of racial discrimination, seeks to promote equality of opportunity and seeks to promote good relations between persons of different racial groups. This **Race Equality Scheme** sets out our **action plan** for achieving this.



**John Stoker**  
**Chief Charity Commissioner**

## **Background**

1. The Race Relations (Amendment) Act 2000<sup>1</sup> (RRA Act 2000) strengthens the 1976 Race Relations Act<sup>2</sup> and establishes a statutory requirement, for all public authorities, to address the problem of institutional racism.
2. The Act outlaws race discrimination in all public authority functions. Through this the Government is setting a minimum standard for public authorities; it is signalling that race discrimination in the performance of public functions is unacceptable.

## **The Charity Commission for England and Wales**

3. As a small non-ministerial department of central government, the Charity Commission for England and Wales (the Commission) is the statutory organisation that regulates charities. Our aim is to give the public confidence in the integrity of charity<sup>3</sup> and our vision is to provide the best possible regulation of charitable activity in England and Wales. We do this by encouraging the development of better methods of administration, giving advice to trustees and preventing and correcting abuse in charities.

## **Charity Commission Work on Race Relations**

*“Promoting equal opportunities and valuing diversity is morally right, socially desirable, and makes good business sense.”<sup>4</sup>*

4. Our Strategic Equality and Diversity Objectives are:

◆ **Awareness:**

To ensure that everyone understands what valuing diversity means and how it enhances what they do.

◆ **Leadership**

To ensure that our leaders demonstrate commitment to equal opportunities and diversity and take personal responsibility for making progress.

◆ **Management Capability**

To equip, develop and support managers to promote and be accountable for equal opportunities and diversity.

◆ **Equal Opportunities**

To bring in, and bring on talent.

◆ **Service Delivery**

To ensure continued quality in our service delivery.

---

<sup>1</sup> for details of the legislation, see Annex A.

<sup>2</sup> for details of the Race Relations Act 1976, see Annex A.

<sup>3</sup> for a statement of our Aim, Vision, and Values, see Annex B.

<sup>4</sup> John Stoker, Chief Charity Commissioner, p 3.

We reflect these objectives in the Commission's various planning processes and in our Annual Report.

5. In addition we do the following:

- produce an *annual equality and diversity action plan*. This reflects our strategic equality and diversity objectives and what we have to do to achieve them. The plan is monitored and progress reported to the Board;
- collate and analyse statistics on representation of ethnic minorities in a wide range of issues e.g. recruitment and promotion, in order that we can identify trends and take any action which might be appropriate;
- encourage job applications from under-represented groups and whenever possible, advertise in specialist media to aid the process;
- ensure that training is accessible and supports our policy by developing both workplace skills and an understanding of the steps needed to ensure equality of opportunity for all, including positive action training for under-represented groups;
- encourage feedback from staff and managers on progress on diversity issues. Our Human Resources Division uses this information to take any remedial action necessary.

### **Key Functions and Policies**

*“Public authorities must list, in their Race Equality Scheme, the functions and policies (including their proposed policies) that are relevant to their performance of the general duty to promote race equality. They should review this list at least every three years.”<sup>5</sup>*

6. The statutory Code of Practice issued by the Commission for Racial Equality gives a wide definition to functions and policies:

**“Functions”** means “the full range of a public authority’s duties and powers”. **“Policies”** means “the formal and informal decisions about how a public authority carries out its duties and uses its powers”. This includes long-standing “custom and practice” and management decisions as well as written policies.

7. In line with these definitions, our key **functions** (and the policies which support them) for review in our Race Equality Scheme are:

- Promoting the effective use of charitable resources by encouraging better methods of administration;
- Giving charity trustees information or advice on any matter affecting the charity;
- Investigating and checking abuses;

8. We carry out these **functions** :

through **registration** and **ongoing regulation** by:

---

<sup>5</sup> Commission for Racial Equality Statutory Code of Practice on the duty to promote race equality, p.20.

- Providing a Registration service for charities.
- Maintaining the Register of charities.
- Exercising our regulatory/legal powers to support charities.
- Providing a bespoke risk-based service to larger charities.
- Conducting Review Visits to medium to large charities.
- Conducting Evaluations and Investigations into concerns about charities.
- Monitoring annual accounts and returns.
- Producing standard accounting requirements for charities (SORP - Statement of Recommended Practice).
- Enforcing the submission of annual accounts and returns.
- Producing clear Operational Guidance to help guide our staff through their work with the aim of establishing consistency in approach to case issues.

through **information and advice in support of our regulatory function** by:

- Producing advice and guidance for charities, including a range of publications.
- Fully using the Charity Commission’s external website which contains information and advice for staff and customers.
- Providing a Contact Centre for customer queries.
- Providing Outreach and Education services.
- Publicising the work of the Charity Commission and responding to press enquiries from journalists/staff.

through our own **governance** by:

- Dealing with complaints about the Commission’s standard of customer service.
- Dealing with requests for reviews of the Commission’s decisions.
- Fully using our Intranet which contains information and guidance for staff.

**9.** The RRA Act 2000 imposes a “general duty” on public authorities. This duty states that a public body:

“shall, in carrying out its functions, have due regard to the need –

- (a) to eliminate unlawful racial discrimination; and
- (b) to promote equality of opportunity; and promote good relations between persons of different racial groups.”

**10.** In assessing the relevance to the general duty and prioritising the Commission’s functions and policies we considered the following questions:

- Which of the three parts of the general duty – eliminating discrimination, promoting equality of opportunity, and promoting good race relations – is relevant to this function or policy?
- Is there any reason to believe that people from some racial groups are being, or could be adversely affected by this function or policy?

**11.** Functions and policies were prioritised first by their relevance to the three parts of the general duty, and secondly by the possibility of their having an adverse affect on different racial groups.

**12.** In establishing the timetable for this Race Equality Scheme (see Figure 1 below) we took into account our own existing plans for internal reviews of our functions and policies. The reviews and “impact assessments” highlighted in this Race Equality Scheme will form a key part of these on-going processes and procedures.

Through the implementation of our Race Equality Scheme we aim to have a positive impact on the promotion of race equality both within the Commission and through the services that we provide. As a small department of central government, we recognise that having realistic and proportionate plans is the key means by which we will be able to achieve this.

Figure 1.

| <b>HIGH PRIORITY<br/>For Review 2002-2003</b>   | <b>MEDIUM PRIORITY<br/>For Review in Later<br/>Years</b>   | <b>LOW PRIORITY<br/>For Review in Later<br/>Years</b>  |
|---|--|--|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Identification and Research of Policy Issues</li> <li><input type="checkbox"/> Consultation procedure</li> <li><input type="checkbox"/> Policy Review and Evaluation</li> <li><input type="checkbox"/> Registration of Charities</li> <li><input type="checkbox"/> Outreach and Education</li> <li><input type="checkbox"/> Monitoring</li> <li><input type="checkbox"/> Advice and Guidance</li> <br/> <li><input type="checkbox"/> Recruitment and Selection process</li> <li><input type="checkbox"/> Staff Learning and Development</li> <li><input type="checkbox"/> Performance Review Procedures</li> <li><input type="checkbox"/> Employment Policies</li> <li><input type="checkbox"/> Leavers.</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Complaints Procedure</li> <li><input type="checkbox"/> Decision Review Procedure</li> <li><input type="checkbox"/> Review Visits</li> <li><input type="checkbox"/> Evaluations</li> <li><input type="checkbox"/> Investigations</li> <li><input type="checkbox"/> External Communications</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Legal Authority</li> <li><input type="checkbox"/> Annual Return Enforcement</li> <li><input type="checkbox"/> Maintaining the Register</li> <li><input type="checkbox"/> Contact Centre</li> </ul> |

13. We will update this Race Equality Scheme annually to take account of the progress that we have made. In carrying out the initial reviews and updates of our Scheme, we will look into ways in which we can measure the achievement of our race equality aims. The updated Race Equality Scheme will be made available to the public via our website or by paper copy.

We will review this Race Equality Scheme, its plan and timetable, every three years from May 2002.

## **The Policy Context**

### **High Priority: For Review between June 2002-May 2003**

14. Promoting race equality is an integral part of policy making and the Commission will actively seek to develop and promote policies that have a positive impact on race equality.

15. In this context, we recognise that our policies impact upon:

- Black and minority ethnic (BME) users or beneficiaries;
- BME charities; and
- The public and donors (and their perception of charities).

16. We will:

- develop policies which are inclusive in approach, fully reflecting the views and perspectives of different racial groups;
- assess these new policies for their impact on people from different racial groups;
- examine how current policies, which have a positive impact on the promotion of race equality, could be developed further; and
- make and implement changes to any current or proposed policies which conflict with the elimination of race discrimination or the promotion of race equality.

17. We are committed to openness when developing policy and when publishing our policies. Information about our policies can be found on our website and in our publications. Copies of our publications can be obtained from our offices. Details of significant policy developments are highlighted in a newsletter<sup>6</sup> sent twice yearly to all registered charities.

### **Principles of Policy Development**

18. The Commission embraces the nine features of modern policy making identified by the Cabinet Office publication 'Better Policy Making'<sup>7</sup>.

The features are:

- Forward looking
- Outward looking
- Innovative, flexible and creative
- Evidence-based
- Inclusive
- Joined-up
- Review
- Evaluation
- Learns lessons.

---

<sup>6</sup> Charity Commission News.

<sup>7</sup> Centre for Management and Policy Studies November 2001.

## **Identification and Research of Policy Issues**

19. The Commission initiates and responds to policy developments in the charitable sector and beyond. We strive to be an outward looking organisation and our policy agenda aims to be responsive to the concerns of the charitable sector and the environment in which it operates. The Commission learns much about the context for its work through meeting people working in the sector during visits to charities and at events such as seminars and conferences, and from its casework functions. This information is used to inform policy development.

20. Policy is also developed in response to:

- Government and European Legislation;
- Legal Judgements by the Courts;
- Changing public perceptions and concerns; and
- Developing trends and practices in other sectors.

21. We also seek to identify standards of good practice - building upon our regulatory requirements - across the charitable sector. For example we have developed good practice for charities that intend to work overseas. This is entitled Charities Working Internationally and can be seen on our website. Such standards reflect what we have seen of best practice in the sector.

### **Plans for the coming year include:**

- To better publicise our policy work within the BME Sector we will write a number of articles (at least five) targeted at the BME and Voluntary Sector press explaining the nature of our policy work and ways in which BME stakeholders can become involved.
- We will identify groups that reflect particular or general BME interests and actively seek input from them in policy development. In order to increase our awareness we will invite key groups to meet our senior policy staff. We will develop ways of ensuring we identify and research issues that better reflect the issues affecting the BME sector and its perspective.

## **Flexible and Outward Looking Policies**

22. Since April 1998 the Commission have been undertaking a review of types of charities on its Register to see if we can better interpret the legal rules that determine whether an organisation is charitable or not in the light of the way society has changed. The key to the Review is consultation at each stage. It is important for us to get the benefit of a wider discussion, not simply in the sector but from the public about the principles that underpin charity law. Our discussion documents on these issues have been made public and we have actively sought views on them.

23. The Government's Social Exclusion Unit states that "ethnic minority disadvantage cuts across all aspects of deprivation. Taken as a whole, *ethnic minority groups are more likely than the rest of the population to live in poor areas, be unemployed, have low incomes, live in poor housing, have poor health and be victims*

of crime”<sup>8</sup>. The Review of the Register process has already recognised new charitable purposes by accepting for example the promotion of urban and rural regeneration, the relief of unemployment and the promotion of community capacity building as new charitable purposes.

24. The Review of the Register has also raised the issue of whether an organisation might be charitable if it promotes the efficiency of the voluntary sector for public benefit<sup>9</sup>. This could encompass a number of black and ethnic minority organisations that are not currently eligible for registration.

25. We will seek to promote diversity within the charitable sector in developing policy. For example in our first ‘Regulatory Study’ on Trustee Recruitment, Selection and Induction<sup>10</sup> we comment on issues relating to trustee bodies and set out the Commission’s aim of promoting diversity and urge charities to do the same. A broad range of organisations including BME umbrella organisations was involved in the survey work on which the report is based.

|  |
|--|
| <b>Plans for the coming year include:</b>  |
| <input type="checkbox"/> For each Regulatory Study we will ensure that at least two BME groups (which can encompass both charities and representative bodies) are involved in the fieldwork undertaken to support the topic.   |
| <input type="checkbox"/> As part of the 2002 Better Quality Services review of policy work we will look at how mechanisms can be developed which will ensure that each aspect of policy development includes consideration of the impact on different racial groups. |

### **Inclusive and Evidence-Based Consultation**

26. The Commission complies with the Code of Practice on Written Consultation published by the Cabinet Office in November 2000. This includes guidance on the accessibility of consultation documents to those from different ethnic backgrounds.

27. The Commission also supports the principles of the Black and Minority Ethnic Voluntary and Community Organisations Compact<sup>11</sup> to “...build as appropriate, consultation with the BME voluntary and community sector into plans for policy development from the pre-consultation stage through to implementation, with the aim that implications for BME communities and race equality are examined and considered.”

28. Details of all current, recent and forthcoming consultation exercises conducted by the Commission are given on our website. In accordance with the RRA Act 2000, from 1st April 2002 we will monitor the responses to the consultations by ethnic group.

---

<sup>8</sup> The Social Exclusion Unit. *Bringing Britain Together – a national strategy for neighbourhood renewal, 1998*

<sup>9</sup> Our consultation document on this topic can be found on our website under “Enhancing Charities”

<sup>10</sup> Trustee Recruitment, Selection and Induction, Regulatory Study 1, launched March 2002

<sup>11</sup> A copy of the full Code of Practice (including the seven criteria that all consultations should fulfil) can be accessed at [www.cabinet.office.gov.uk/servicefirst/index/consultation.htm](http://www.cabinet.office.gov.uk/servicefirst/index/consultation.htm)

**29.** The Commission aims to obtain a representative response to its consultation exercises. We usually launch consultations by issuing a press release to stimulate interest in the charitable and mainstream press. We also seek opportunities to speak to relevant groups and to encourage discussion. The Black and Minority Ethnic Voluntary and Community Organisations Compact<sup>12</sup> states that “A number of barriers exclude BME voluntary and community organisations from effective involvement in consultation processes... Particular attention should be given to the most appropriate means of engaging small under-resourced groups.” To encourage greater participation of BME individuals and organisations we will continue to develop ways to increase interest in our consultations. For example we will consider holding more workshop consultations as a means of increasing participation.

**30.** We maintain a list of organisations likely to be interested in the Commission’s developing policy. We recognise that at present this list includes relatively few BME individuals and organisations.

We will seek to ensure that:

- this list is outward looking;
- offers as many sections of society as possible the opportunity to comment (and not just when a topic may have particular relevance to that group or community).

**Plans for the coming year include:**

- To examine our consultation process to:
  - map the extent to which BME organisations are responding;
  - identify ways to encourage greater participation of BME organisations, where applicable, tailoring consultations to encourage greater participation from BME organisations.
- To approach BME umbrella groups to ask whether they would like to be involved in future consultations and what form they would like the nature of this consultation to take. It is our aim to add at least five additional BME organisations or umbrella organisations onto our regular consultation list.

**Evaluation and Review of our Policies**

**31.** The Commission has a rolling programme for reviewing its internal and external guidance. When we review existing policy we will ensure that it has a positive effect and encourages race equality.

**32.** Our overall aim is to ensure race equality considerations are integral to the policy making process and to make that process clear, open and inclusive. We would welcome suggestions as to whether we are achieving our aim and whether there are existing policies that need to be reviewed in order to promote race equality.

**33.** For example an organisation providing legal advice to small community projects complained that our treatment of charities which sought to use the term ‘black’ in their objects was inconsistent. Our Operational Guidance reflects Section 34 of the

---

<sup>12</sup> Black and Minority Ethnic Voluntary and Community Organisations: a Code of Good Practice

Race Relations Act 1976. We recognise that problems can arise in the practical application of this guidance. We are looking at ways of ensuring we give consistent advice to future applicants in a way that also promotes race equality.

**Plans for the coming year include:**

- To review our Operational Guidance relating to the practical effect of the Race Relations Act on the name and objects of charities to ensure that it is consistent with our duty to promote race equality. When we review any policy we will consider whether the existing policy is having a negative effect and is preventing race equality.

**Planned Action**

34. Plans for the coming year are summarised below:

- Publicise our policy work within the BME Sector and seek input from BME stakeholders in our policy development;
- Ensure that the duty of promoting race equality is applied to policy development;
- Examine our consultation process and encourage greater participation of BME organisations;
- Ensure that our review process is consistent with the spirit and provisions of the duty to promote race equality.

## **The Operational Context**

### **HIGH PRIORITY: For Review between June 2002 - May 2003**

#### **35. Function: Registration of Charities**

##### **Brief Summary:**

The Commission assesses formal applications for charitable status, determines whether organisations are charitable and registers those organisations that fully meet the criteria for registration. We formally reject those organisations that do not meet the criteria for registration.

##### **Key Race Equality Issues:**

- Providing sufficient and appropriate guidance to prospective charities from all groups.
- Ensuring that the application process is efficient and effective for all groups.
- Carrying out thorough checks to determine charitable objects or bona fides of charity/trustees.
- Ensuring that the decision made on charitable status is fair.
- Identifying causes for concern relating to newly registered charities and notifying other divisions as appropriate for follow-up.
- Following and updating registration and casework procedures and processes.
- Communicating decisions to organisations clearly and promptly and informing them of their rights of review and appeal where appropriate.
- Actively promoting diversity within trustee bodies.

##### **Recent Activities**

- We recently commissioned an in-depth piece of research examining the reasons that cause a number of organisations to decide not to register with us. A sixth (16%) of respondents were from an organisation that would be run mainly by and for members of an ethnic minority. Just fewer than one in ten (8%) respondents were from an organisation that would be run by people whose first language is not English. The study did not uncover any disparities in the decision not to register as charities, organisations run by or for people from ethnic minority communities as compared to people from other communities. The full results of the survey can be found on our website under 'Publications.'
- In a follow up to this survey, we contacted a number of law firms to gather evidence to support or refute the view that our application process deters ethnic minority charities from registering (and that those that do apply have a hard time completing the process). None of the responses highlighted any cases where an application by a BME charity had been treated any differently to any other application.
- As an aide memoire, Registration staff have each been provided with a guidance sheet called "Avoiding Discrimination in Registration." This is designed to aid staff when dealing with all applications for registration.

- ❑ As part of a comprehensive review of the whole of the registration process, a Better Quality Services (BQS)<sup>13</sup> review of Registration has made a number of recommendations which will improve service delivery. The concerns of BME charities were surveyed as part of this process, and external advisers consulted for advice.
- ❑ We review for quality a sample selection of cases to ensure that casework procedures are followed correctly.

**Plans for the coming year include:**

- ❑ Tracking a sample of black and minority ethnic cases to assess how these compare with a sample of other cases. This will help us to establish whether there are different needs or issues which must be addressed at a policy level.
- ❑ Tracking a sample of cases rejected for registration. Again, this will help us to identify whether there are particular issues or concerns that we need to be aware of in relation to black and minority applications.
- ❑ Revising our Application Pack to include new guidance on promoting diversity within trustee bodies.

**36. Function:** The submission of annual accounts and returns; monitoring, and pursuing the issues arising.

**Brief Summary :**

Monitoring is undertaken through computer analysis of the information collected in the annual returns of those charities required by law to submit them. Any causes for concern identified are subjected to a detailed examination and either eliminated, or referred for evaluation or advice.

**Key Race Equality Issues**

- Ensuring thorough understanding by Commission staff of the language or culture of BME groups or context within which they operate.
- Ensuring that Commission staff communicate in a manner easily understood by BME groups.
- Raising awareness of the Commission’s translation services including Language Line, and the production of guidance in different languages<sup>14</sup>.
- Ensuring that the Commission’s role and its statutory requirements are fully understood.

**Recent Activities**

- ❑ The provision of guidance in eight different languages. The guidance includes information on the Commission’s role as well as advice for charities.
- ❑ The introduction of a Language Line to facilitate communication between Commission staff and customers whose first language is not English.

---

<sup>13</sup> Better Quality Services reviews are carried out according to Cabinet Office guidelines to ensure that resources are targeted on areas of risk and opportunity and that a high quality responsive service is provided to registered charities and members of the public.

<sup>14</sup> for more details see Arrangements for Public Access (p.35).

**Plans for the coming year include:**

- Undertaking a Better Quality Services (BQS) Review of the Monitoring process in 2002. Our duty to promote race equality will be considered as part of this review process.
- As part of the BQS review, we will carry out a mailshot survey of charities subject to our monitoring process. Information will be analysed by ethnicity and the results scrutinised and acted upon to ensure that all groups receive equal treatment from the Commission.

**37. Function: Advice and Guidance.****Brief Summary:**

Providing guidance and advice to trustees and others on matters affecting the efficiency and proper administration of particular charities, and charities in general.

To help charities fulfil their charitable objectives, operate efficiently, and avoid exposing themselves to undue risk, the Commission provides oral and written guidance on a wide range of issues relating to their operation, governance and administration. The need for such advice may be identified by charities themselves or by the Commission as a result of monitoring, visits, local surgeries or whilst we are dealing with other matters.

**Key Race Equality Issues**

- Ensuring thorough understanding by Commission staff of the language or culture of BME groups and the context within which they operate.
- Ensuring that Commission staff communicate in a manner easily understood by BME groups.
- Raising awareness of the Commission's translation services including Language Line<sup>15</sup>, and the production of guidance in different languages.
- Ensuring that Commission guidance and advice actively promotes race equality and good race relations.

**Recent Activities**

- In our first 'Regulatory Study' on Trustee Recruitment, Selection and Induction<sup>16</sup> we comment on issues relating to trustee bodies. We set out the Commission's aim of promoting diversity and good race relations, and urge charities to do the same.
- We have also recently revised our publication CC3 "Responsibilities of Charity Trustees" to include new guidance on promoting diversity within trustee bodies.
- We send PR mailshots to umbrella organisations, including BME groups, every 8/9 months advising them of the services that we provide.

---

<sup>15</sup> Members of the public can ask caseworkers at the Charity Commission to access the services of Language Line. The service can be used by anyone with an ordinary phone line. Language Line is an interpretation service that offers over 100 languages.

<sup>16</sup> Trustee Recruitment, Selection and Induction, Regulatory Study 1 launched March 2002.

**Plans for the coming year include:**

- ❑ Raising staff awareness of cultural sensitivities when communicating with charities. Our new Project Officer<sup>17</sup> looking at the delivery of Commission services to BME charities will work closely with guidance and advice service to overcome any cultural difficulties.
- ❑ We have in place a rolling programme to review our publications and the advice and guidance that we give to charities. This review includes specific consideration of impact of the guidance and advice on the promotion of race equality.

**38. Function: Outreach and Education.****Brief Summary:**

The Commission's Outreach and Education programme is a means of promoting efficiency and effectiveness in charities. It raises awareness of good practice and potential pitfalls among trustees.

We aim to promote good trusteeship and effective administration by providing trustees and others with information in a variety of forms tailored to individual needs, including leaflets, presentations and increasingly by electronic means.

**Key Race Equality Issues**

- Ensuring that our Outreach and Education is targeted appropriately.
- Ensuring a thorough understanding by Commission staff of language, culture or religion of BME groups or the context within which they operate.
- Ensuring that Commission staff are able to communicate in a manner easily understood by BME groups.
- Providing Outreach and Education services which guide and inform trustees and help them to operate in a diverse society.
- Actively promoting diversity within trustee bodies.

**Recent Activities**

- ❑ In early 2000 we commissioned a project with the aim of improving our service delivery to customers from ethnic minority communities. Visits were arranged and contacts made with charities and umbrella groups representing ethnic minority charities, and specifically Black and Asian charities, to identify any particular needs of specific communities and how we might best address these. A number of recommendations were made and these have been taken forward in our work.
- ❑ In particular we have broadened our contacts with BME charities and umbrella groups with the intention of providing a more accessible service to those groups.
- ❑ Following the project report we held a number of cultural awareness sessions for staff about Sikhism and Islam.
- ❑ We send PR mailshots to umbrella organisations, including BME groups, every 8-9 months to remind them of the variety of services that we offer.

---

<sup>17</sup> see Outreach and Education section below.

**Plans for the coming year include:**

- ❑ Considering Outreach and Education services to BME charities as part of the formal Better Quality Services (BQS) review into Outreach and Education services as a whole.
- ❑ Recruiting a Project Officer to investigate service delivery to BME charities, trustees, and volunteers.
- ❑ Extending our cultural awareness training in order that staff<sup>18</sup> are able to communicate with BME groups with confidence and awareness. We will introduce new sessions in Judaism and Hinduism for all our staff to attend.

---

<sup>18</sup> for more details see Training section (p.32).

## **MEDIUM PRIORITY: For Review in Later Years**

### **39. Function:** Complaints procedure and Decision Review procedure

#### **Brief Summary:**

Complaints are considered and examined in accordance with Charity Commission Operational Guidance. Operational divisions deal with complaints in the first instance in an attempt to resolve an issue. The formal complaints procedure consists of two internal stages and one external stage. The internal stages are conducted by the Customer Service Manager and the Regional Operations Manager. The external stage is conducted by the Independent Complaints Reviewer.

We consider requests for reviews of our decisions in accordance with the Commission's formal internal review procedures set out in our Operational Guidance. We aim to ensure that requests for review meet the requirements set out in the information leaflet sent to customers. There are up to two levels at which Decision Reviews can be undertaken (1) by or under the direction of the Regional Operations Manager (2) by or under the direction of the Commissioners.

#### **Key Race Equality Issues**

- Ensuring awareness of procedures and avoiding misunderstanding with the customer as a result of misunderstanding of language, culture or religion of BME groups or context in which they operate.

#### **Recent Activities**

- Customer Service Managers and Regional Operations Managers are required to provide a flexible service, for example if a complainant is unable to submit a complaint in writing they would deal over the telephone or at a meeting.
- The introduction of the Language Line to facilitate communication between Commission staff and customers.
- The Customer Service Manager has a duty to assist customers with difficulties in making a request for a decision review; the Customer Service Manager is the first point of contact if the customer's first language is not English.

#### **Planned Action**

- Ensuring that staff Operational Guidance on our Complaints procedure and Decision Review procedure is revised to ensure consistency with our duties under the RRA Act 2000.
- Monitoring outcomes of complaints and decision reviews and make adjustments to the Operational Guidance.
- Monitoring customer feedback on the complaints and decision review process.

### **40. Function:** Review Visits

#### **Brief Summary:**

The Commission undertakes visits to charities for a variety of reasons, but principally as part of a structured review programme. The initial visiting programme concentrated on the support aspects of the Commission's work. From 2001,

following on from a review of the visiting programme, visits have been developed as a more effective means of carrying out our work within a regulatory framework.

### **Key Race Equality Issues**

- Ensuring that Visits are targeted appropriately<sup>19</sup>.
- Ensuring thorough understanding by Commission staff of the language or culture of BME groups or context within which they operate.
- Ensuring that Commission staff communicate in a manner easily understood by BME groups.
- Providing advice during Visits aimed at helping trustees to operate in a diverse society.
- Actively promoting diversity within trustee bodies.

### **Recent Activities**

- The development of a Review Visits Manual aimed at ensuring a consistent and fair approach to visits. The manual makes reference to the diverse needs of communities; caseworkers are *trained* to take these requirements into account when arranging and conducting visits.

#### **Planned Action**

- 'Quality reviewing' a sample of our cases, which will include BME charities, to ensure that cases are opened under the correct criteria and that procedures and processes are properly followed.

**41. Function:** Conducting Evaluations and Investigations into concerns about charities.

#### **Brief Summary:**

Allegations or information about abuse are normally subject to an evaluation process to assess the strength of the evidence and the best way to resolve any problems highlighted. The evaluation process may find that there is no substance in the allegations. Also some cases are cleared within the process itself by simple advice and guidance, or passed to caseworkers to provide more involved help.

If the evaluation process suggests that there is clear evidence of more serious irregularities within a charity, a formal inquiry is opened. The Commission is committed to investigating in depth the most serious cases of abuse. Where wrongdoing is identified we take any formal action within our power to put things right.

---

<sup>19</sup> Review visits are mainly targeted at charities with an income between £250,000 and £10 million. The target is to complete 600 visits per year and to ensure coverage of the whole sector we try to include 3% from income bands outside the main target group. Further information about Review Visits can be found on our website.

## Key Race Equality Issues

- Ensuring thorough understanding by Commission staff of the language or culture of BME groups or the context within which they operate.
- Ensuring that Commission staff communicate in a manner easily understood by BME groups.
- Ensuring that statutory requirements are fully understood.
- Ensuring that the outcome of any inquiry and any further remedial work required is fully understood.
- At meetings or visits, ensuring that particular cultural and religious requirements are identified and observed.
- Ensuring that guidance given encourages trustees to promote good race relations.

## Recent Activities

- The development of an Investigations Manual aimed at ensuring a consistent and fair approach to investigations and evaluations. The manual makes reference to the diverse needs of communities; caseworkers are trained to take these requirements into account.

### Planned Action

- Monitoring a sample selection of Investigations to ensure that Investigations are opened on proper criteria without regard to race and ethnicity issues.
- Monitoring feedback by ethnicity to gain information on the conduct of Investigations by the Commission.
- Revising our publication “Complaints about Charities” (Formally called Inquiries into Charities) (CC47) to include details of arrangements to help ethnic minority groups communicate with us.
- Revising staff guidance within our Investigations Manual<sup>20</sup>.
- Obtaining feedback from CC staff about any encountered problems resulting from ethnic minority cases.
- Undertaking an annual review of procedures, in the light of experience, and revising procedures accordingly.
- Ensuring that all staff working on Evaluations and Investigations have access to “Faces of Britain” (a cultural guide published by Avon & Somerset Constabulary).

## 42. Function: Press and Public Relations

### Brief Summary:

The Press Office and Public Relations team actively pursues and enhances the Commission’s Communication Action Plan, identifying key messages and matching them with the opportunities to communicate with the Commission’s external audiences.

### Key Race Relations Issues

- Ensuring thorough understanding by Commission staff of the language or culture of BME groups or the context within which they operate.

---

<sup>20</sup> The Manual will form part of our Operational Guidance in 2003 and will then be available on our Website.

- Ensuring that Commission staff communicate in a manner easily understood by BME groups.
- Developing and defining BME audiences as part of an overall communications strategy.
- Researching the use of the BME media as a vehicle for communicating with BME audiences.
- Communicating effectively with BME media and researching their news agenda.
- Identifying key Commission spokespeople/experts for media appearances, drafting of articles relevant to BME groups and the promotion of the Race Equality Scheme.

### **Recent Activities**

- The development of a Communications Action Plan to highlight the Commission's role and achievements for the benefit of all groups.

### **Planned Action**

- Agreeing a press release for the launch of this Race Equality Scheme.
- Considering key Commission messages involving BME groups. Using the website and the sector press as a vehicle for communicating with BME groups.
- Concentrating on developing our knowledge of BME media as part of the communications audience research project.
- Considering joint PR activity with key BME charities e.g. spokespeople from charities commenting on Commission's Race Equality Scheme.

## **LOW PRIORITY: For Review in Later Years**

### **43. Function: Exercising Legal Authority**

#### **Brief Summary:**

Taking legal decisions in order to empower transactions or change governing provisions, where doing so will improve the administration of charities or allow their resources to be used more effectively.

The context in which charities operate can change. Their charitable purposes or administrative provisions may need to be updated if their assets are to be used effectively. The Commission exercises its statutory authority where a charity's purposes or powers are restricted or outdated. This might include constituting new bodies of trustees, providing an appropriate administrative framework, or authorising one-off transactions.

#### **Key Race Relations Issues**

- Ensuring thorough understanding by Commission staff of the language or culture of BME groups or the context within which they operate.
- Ensuring that Commission staff communicate in a way that is easily understood by BME groups.
- Raising awareness of the Commission's translation services including Language Line, and the production of guidance in different languages.
- Ensuring that the Commission's role and its statutory requirements are fully understood.
- Actively promoting diversity in appointing trustee bodies.
- Actively promoting diversity when applying the legal framework and updating a charity's purposes.

#### **Recent Activities**

- Provision of guidance for staff on effective communication.
- Quality control measures ensuring that Commission communication is clear and precise.
- The introduction of the Language Line facility and translated publications.

#### **Planned Action**

- Cultural awareness training for all staff by the end of January 2003.

### **44. Function: Annual Return Enforcement**

#### **Brief Summary:**

The Commission is committed to pursuing charities that are required to submit annual returns but persistently fail to do so. Trustees who do not submit returns and/or accounts on time are reminded of their obligations. Where this does not elicit a response the case is referred to the Commission's enforcement team.

## Key Race Equality Issues

- Identifying situations where communication problems exist and where alternative language or interpretation facilities may be required.
- Ensuring that the Commission's statutory requirements are fully understood.

## Recent Activities

- We send updates to umbrella groups, including BME groups, every 8/9 months advising of our role and the service that we provide.

### Planned Action

- Monitoring a sample of cases to ensure that cases are opened on proper criteria without regard to race and ethnicity issues.
- Acting on the information received to eliminate the cause of any discrepancies.

**45. Function:** Keeping the Register of Charities up-to-date and accurate, and providing public access.

### Brief Summary:

The Commission has a statutory duty to keep a Register of Charities. Keeping this information accurate and up-to-date is a priority. Accuracy is measured by the number of Register Update forms<sup>21</sup> received and processed, and by an internal audit of key fields on the Register.

## Key Race Equality Issues

- Ensuring that all groups have equal access to the Register of Charities.
- Ensuring that all groups are equally satisfied with the Register service.

## Recent Activities

- Updating our on-line Register service to make it easier for all groups to use.

### Planned Action

- Monitoring feedback from visitors to the public registers in our offices to ensure accessibility and satisfaction with the services provided.
- Investigating and acting upon the causes of any discrepancies in the information received.

**46. Function:** Contact Centre

### Brief Summary:

The Commission has established a Contact Centre which is becoming the first point of contact for customers. Staff in the Contact Centre give consistent and swift answers to the more straightforward queries, and can direct more complex matters to specialists with the depth of technical knowledge to provide a quality service on more difficult issues.

---

<sup>21</sup> Register Update forms are sent annually to all charities on the Register. This helps us to keep the Register accurate and up to date.

## **Key Race Equality Issues**

- Ensuring that advice given is free from bias or discrimination.
- Ensuring that advice and information provided can be easily understood by all groups.
- Ensuring that all groups have equal and sufficient access to the Contact Centre.

## **Recent Activities**

- ❑ Quality control measures in place to monitor calls for the benefit of all customers.
- ❑ The introduction of a Language Line to facilitate communication between Commission staff and customers whose first language is not English.
- ❑ The provision of staff guidance on clear and effective communication.
- ❑ The introduction of a single contact number for the Commission to facilitate access for all groups.

## **Planned Action**

- ❑ Undertaking surveys to establish customer satisfaction with the services we provide.
- ❑ Monitoring the information supplied in surveys to ensure that our services are accessible to all groups.

## The Employment Context

47. We consider our equality and diversity policy to be part of our corporate values and promote it through our key internal communications channels – the Intranet, monthly newsletters and team meetings.

48. In order to measure progress against the policy's aims, we will engage in a **monitoring programme**, details of which are as follows:

(a) The Commission employs around 600 staff and so is subject to the full range of specific employment duties set out in the RRA Act 2000. Under this regulation we will monitor, by reference to racial groups, the number of staff:

- In post.
- Who apply for employment, training and promotion.
- Who receive training.
- Who benefit or suffer detriment as a result of the performance assessment procedures.
- Who are involved in grievance<sup>22</sup> procedures.
- Who are the subject of disciplinary procedures.
- Who leaves our employment.

We have established procedures for monitoring some of the requirements for some time and will ensure that arrangements will be in place by 31<sup>st</sup> May 2002 to ensure full compliance.

49. We already monitor all job applications by reference to the ethnic categories used for the 2001 census.

- Applicants make declarations voluntarily and in confidence, on a form that is kept separate from the application documents.
- We ask all staff annually to confirm the accuracy of the declarations they made on application.
- We also seek declarations from those who have not done so, reminding them that we use the information to monitor our progress in improving diversity in the Commission.
- We currently have an 85% declaration rate.

(b) In addition to monitoring against the criteria set out in section (a), we have also, from 1<sup>st</sup> April 2002, monitored, by reference to racial groups, the number of staff:

- In post, further broken down by sex and by payband.
- Who are successful at the sift and the interview stages of employment selection procedures.

---

<sup>22</sup> The term 'grievance' includes complaints about bullying, harassment, discrimination, performance review assessments and the conduct of post-filling arrangements.

- Who are successful at the sift and the interview stages of promotion selection procedures.
  - Who cease employment, further broken down by 'leaving mechanism' (dismissal, resignation, redundancy, retirement and other).
  - Who are temporarily promoted, further broken down by payband and by sex.
- (c) We will report the results of our monitoring annually. We will do so as fully as possible, while ensuring that the way we report does not enable an individual to be identified. We will also aggregate ethnic categories if this is necessary to provide a statistically viable base. We will explain this whenever either situation occurs. We will internally benchmark progress and trends on an annual basis.
- (d) In addition to the monitoring referred to in paragraphs (a) and (b), we obtain feedback from staff on employment issues through other means e.g. from our staff survey. We will analyse information collected from all sources to identify any pattern of inequality or any indication that our employment policies and practices may have an adverse impact on any particular ethnic or racial group. If the information does suggest such inequality or adverse impact, we will investigate the reason for this and consider and take action to alter our policies or procedures. We will report on any such action as part of the report mentioned in (c) above.
- (e) As a government department we are committed to achieving the central government aim of increasing the representation of ethnic minority staff in the Senior Civil Service. (The central target is for a 3.2% representation by 2004/05.)
- (f) We will also be conducting an equal pay audit during 2002/03, which will include analysis in respect of ethnicity.

**50.** The sections that follow provide more information on how we currently meet our employment duties under the Act, what specific initiatives we have undertaken in the past that support the aim of the Act, and how we plan to consolidate and expand on present and past activity to further support those aims.

### **51. Recruitment and Selection**

Vacancies in the Commission are filled by competitive selection processes, and over the last year we opened up 59% to external applications. We advertise posts in appropriate media targeted to specific groups in order to try and attract under-represented groups as potential applicants for jobs.

We conduct our recruitment exercises in accordance with the Civil Service Commissioners' Recruitment Code, so our systems are based on fair and open competition and selection on merit. Selection decisions are made solely on merit on the basis of evidence that the candidate has, or has an aptitude for, the competences required for the duties of the advertised post. Decisions on the merits of individual candidates at all stages of the selection process are taken by a panel of at least two

people, who record the reasons for their decisions, which are used to give feedback to candidates on request.

We ensure that anyone acting as a member of a selection panel has been trained in recruitment and selection techniques. We also give panel members written guidance, at each exercise, reminding them to avoid unlawful discrimination and to comply with our equality and diversity policy.

All recruitment activity is subject to audit both by our internal auditors, and by external auditors appointed by the Civil Service Commissioners.

We do not hold promotion boards – all advertised vacancies are open to any member of staff who considers they can demonstrate that they either have, or can show an aptitude for, the required competencies.

**Plans for the coming year include:**

- ❑ Completing a review of our recruitment systems, which will further embed the practice of competency-based recruitment and selection, based on recognition of diversity and equality of opportunity.
- ❑ Considering ways to improve the diversity of trained recruitment panel members.
- ❑ Considering the wider use of media for vacancy advertisements, including the Internet.

## **52. Learning and Development**

We are committed to providing a working environment where all members of staff have equal opportunity to develop their knowledge and skills. Everyone has a personal learning and development objective in his or her job plan.

We provide opportunities for learning and development where line managers and individuals agree that someone needs additional training to help them perform more effectively. Assessment for training needs first happen as part of an individual's induction, and thereafter are a regular feature of the performance review process.

Where training needs are identified, we will research and agree the most appropriate way of meeting them.

### **Recent Activities:**

- ❑ Mainstreaming diversity into training for all managers as part of our Management Development Programme, and making attendance at the diversity module mandatory.
- ❑ Completing job-shadowing and mentoring pilots, which are now permanent features of our staff learning and development programme. We particularly encourage staff from ethnic minority backgrounds to take part in this activity, and also in the recently introduced Skills Development Programme for our more junior staff.
- ❑ Meeting the new IiP diversity indicator as part of the reaccreditation process for our IiP award.
- ❑ Including in our induction programme firm diversity messages about zero tolerance of harassment or discrimination and the value of a diverse culture.

- ❑ Giving all staff opportunities to attend cultural awareness sessions on Islam and Sikhism.
- ❑ Issuing all staff with the booklet “Faces of Britain: A Cultural Guide”<sup>23</sup>.
- ❑ Producing a cultural calendar on our Intranet to raise awareness of festival and observance days.

**Plans for the coming year include:**

- ❑ Rolling out mandatory diversity training for all staff based on the Management Development Programme module.
- ❑ Providing opportunities for further cultural awareness training into other religions, including Judaism and Christianity.
- ❑ Reviewing all diversity leaflets to ensure they reflect current best practice.
- ❑ Supporting the work of the recently established Ethnic Minority Forum which will be working in partnership with the Diversity Steering Group.
- ❑ Exploring the feasibility of extending the mentoring scheme to include external mentors.

**53. Performance review**

We equality-proof the results of our performance review procedures in terms of race, gender and disability, according to Cabinet Office guidelines. We report the results of this equality-proofing to the Board on an annual basis. To date the results have not indicated that our performance review procedures do, or are likely to, impact adversely on any particular racial or ethnic group.

**Recent Activities:**

- ❑ Including in our staff survey questions on the interaction between diversity and performance review. These were amongst a range of diversity issues covered - we are reviewing the results via the Diversity Steering Group, and will use the results to benchmark future progress.

**Plans for the coming year include:**

- ❑ Introducing diversity objectives and performance indicators into the performance plans for all staff.
- ❑ Monitoring awards made under our performance bonus system by reference to racial groups.

**54. Employment Policies**

We are in the process of revising our internal guidance to staff on our employment policies and procedures. In doing so, we ensure that the concept of diversity is fully integrated into the revised guidance, and that the policies are not directly or indirectly discriminatory against any group.

We regard the safety and welfare of our staff as being of paramount importance and consider any abuse, assault or harassment – whether oral, written or physical,

---

<sup>23</sup> Faces of Britain: a cultural guide, Avon and Somerset Constabulary, Burleigh Press 1998.

threatened or actual – against any of our staff, whilst acting in the course of their work, as totally unacceptable. In particular we have specific guidance setting out how a member of staff can seek to resolve a complaint of harassment. We have trained harassment advisers and harassment investigation officers available on each site.

**Recent Activities:**

- ❑ Producing a series of diversity leaflets, which are issued to all new entrants and published on the Diversity page of our Intranet.
- ❑ Ensuring that the concept of diversity is taken fully into account as part of our review of internal guidance on employment policies and procedures. Key chapters published last year were special leave, managing poor performance, career breaks, and stress management. This work will continue during 2002/03.

**Plans for the coming year include:**

- ❑ Updating our guidance on equality and diversity, on disciplinary and grievance procedures and on complaints of harassment as part of the general review of employment policies.

**55. Leavers**

We now (as part of a pilot) conduct exit interviews with all staff who leave the Commission, to discover their reasons for leaving. Part of this process will be to ask questions designed to find out whether an individual has left wholly or partly because he or she felt harassed, discriminated against, or otherwise unfairly treated, on grounds of their race or ethnicity.

**Recent Activities:**

- ❑ Piloting the addition of exit interviews to supplement exit questionnaires.
- ❑ Introducing annual reports to the Board on retention, analysing areas of high turnover and reasons for it.

**Plans for the coming year include:**

- ❑ Following the pilot of exit interviews, producing an agreed policy on gathering information from leavers.
- ❑ Making recommendations to the Board on proposed action to address any concerns identified.

## **The Training Context**

*“Public authorities must set out their arrangements for training their staff in connection with the general duty to promote race equality, and any specific duties.”<sup>24</sup>”*

**56.** We are committed to training our staff in the duties imposed by the RRA Act 2000 and by our Race Equality Scheme. We will do so by including relevant training in:

- our existing diversity training given to all managers, which will be updated to include the requirements of this legislation and of this Scheme;
- the mandatory diversity training we will be commencing in the summer of 2002 for all staff who are not managers;
- the diversity training for all new recruits under the induction programmes from April 2002;
- the training for new managers on employment law and associated issues, which will be part of the Introduction to Effective Management programme that we will roll out in the summer of 2002;
- the employment law update training that we plan to introduce for all existing managers during 2002.

**57.** The training will build on the Diversity training and other awareness-raising initiatives that we have already carried out and which are explained elsewhere in this document. In delivering training on the duties imposed by the RRA Act 2000 and this Race Equality Scheme, we will explain:

- the key principles of the RRA Act 2000 and the earlier 1976 legislation;
- the concept of ‘institutional racism’, and the background to the RRA Act 2000 including the Lawrence Inquiry;
- the positive general and specific duties and why they are important to public authorities;
- the requirement to ethnically monitor in the context of employment and in service delivery;
- the key features of our Race Equality Scheme, and how they apply to our service delivery, our policy-making and our employment practices (emphasising the role that all members of staff have to play in meeting the obligations imposed by the Scheme on their area of work and on how they interact with their colleagues); and
- how our compliance with the legislation and the Scheme will be monitored.

**58.** We aim to communicate and consult effectively and fully on all our major policy decisions. Staff have been kept informed about the progress made in producing this Race Equality Scheme through our key internal communications channels – the Intranet, monthly newsletters and meetings. A number of staff have played an important role in our internal consultation process for this Scheme. Progress in meeting our action plan will be highlighted to staff through similar methods.

---

<sup>24</sup> Commission for Racial Equality Statutory Code of Practice on the duty to promote race equality.

## **Monitoring of Functions and Policies**

*“Public authorities must set out in their Race Equality Scheme their arrangements for monitoring their policies for any adverse impact on the promotion of race equality.”<sup>25</sup>”*

### **59. Monitoring Our Customers**

This Race Equality Scheme equates our ‘customers’ to the ‘users’ of our service, because in the context of customer consultation, the purpose is to identify the strengths and weaknesses of service provision, and the users of the service will have a unique insight into this area.

**60.** The Commission has a diverse customer base which includes charities, their trustees, employees and volunteers, beneficiaries, potential beneficiaries, umbrella bodies, professional advisers, other government departments, central government, local authorities, regional/devolved government, the armed forces, trade unions and the general public.

**61.** In carrying out monitoring as part of this Race Equality Scheme, we will, as far as possible, attempt to elicit an ethnic categorisation from our service users themselves.

### **62. Monitoring Our Functions and Policies**

Keeping track of how a function or policy is working, and whether it is having an adverse impact or harming race equality depends largely on an efficient up to date and relevant monitoring system. We are committed to monitoring the way in which our functions and policies are put into practice to make sure they meet the needs of people from ethnic minorities.

**63.** The Commission is currently looking at the possibility of developing new systems to aid its casework and corporate functions. The ability to better monitor our service users will be a key feature of any new systems developed.

**64.** We will consider using a range of evidence gathering techniques including:

- existing monitoring systems;
- statistical analysis of ethnic monitoring data;
- satisfaction surveys;
- random or targeted surveys;
- consultation/focus groups;
- consideration of complaints received;
- commissioning research, and
- consideration of any other information.

---

<sup>25</sup> Commission for Racial Equality Statutory Code of Practice on the duty to promote race equality, p20.

**Planned Action:**

- We are in the process of revising our **Customer Feedback Forms**. The newly developed forms should help us to monitor the satisfaction of *all* of our customers in a more comprehensive way.

## **Arrangements for Publication**

*“Public authorities must set out their arrangements for publishing the results of any assessments, consultations and monitoring they do to identify any adverse impact on race equality.”<sup>26</sup>*

**65.** We will publish the results of the monitoring that we carry out as part of our reviews of our functions and policies.

**66.** Additionally, we will publish a separate report on every assessment and consultation on the likely impact of our proposed policies. The report will include: -

- why the consultation took place;
- who we consult;
- a summary of the responses of views it produced;
- an assessment of the policy options, and
- what action we have decided to take.

**67.** We will make this information as widely available as possible by publishing the results on our website. Paper copies of any of these reports will be available by contacting our offices. By publishing these results, we aim to increase our openness and demonstrate our commitment to promoting race equality.

## **Arrangements for Public Access**

*“Public authorities must set out their arrangements for making sure that the public have access to the information and services they provide.”<sup>27</sup>*

**68.** We aim to make our information and services available to everyone. An important feature of the Freedom of Information Act 2000 is the requirement for each public authority to produce a **publication scheme** setting out what information it will publish as a matter of course, how and when it will do so, and whether this information will be available free of charge or on payment. Our publication scheme will be published on our website by 30<sup>th</sup> November 2002.

**69.** In line with this shift towards greater openness in government, we already aim to make available as much information as we can to enable the public to better understand both the role the Charity Commission plays within the charity sector and how we reach our decisions. By doing this we express our commitment to become more transparent and accountable to the public and thereby to gain the confidence of the communities we serve.

**70.** Our publications are produced in printed versions in English and Welsh as well as on audiocassette and where requested in Braille. The text is also available on the website in English and Welsh. There is a series of guidance that contains summaries

---

<sup>26</sup> Commission for Racial Equality Statutory Code of Practice on the duty to promote race equality, p20.

<sup>27</sup> Commission for Racial Equality Statutory Code of Practice on the duty to promote race equality, p20.

of our leaflets and this is available in Kurdish, Cantonese, Somali, Urdu, Gujarati, Bengali, Vietnamese, Arabic and Welsh.

## **71. Information about the Charity Commission**

We currently publish a number of key documents providing information about our role and our performance. These include:

- Our **Annual Report**. A copy can be found in pdf format on our website.
- Our **website** ([www.charitycommission.gov.uk](http://www.charitycommission.gov.uk)) contains many of our publications as well as recent press releases about us. The site also gives details of how members of the public can contact us should they wish to find out more about our functions and us.
- **Factsheets**. We produce factsheets in a number of different languages to give further information about the Charity Commission and the service that we provide.

## **72. Charities and Charity Law**

The Central Register of Charities is our on-line public register which contains information about all charities registered in England and Wales. The Register is accessible via our website. Alternatively, members of the public can come into any of our offices and view it.

**73.** We produce and publish information about the Charities Acts under which we operate:

- The Charities Acts 1992 and 1993 can be downloaded from the website of HMSO.
- A guide to the Charities Acts can be found on our website.

**74.** We also publish information about the policies and procedures regarding the application and interpretation of charity law by the Charity Commission and the exercise of the Charity Commission's statutory functions.

## **75. Information about our decisions and services**

The Commission is committed to providing information to our customers about decisions made concerning their cases. We are committed to conducting our work as openly as possible.

**76.** As part of this, we are converting our internal written guidance on charity law and practice into an electronic format for the website. We are committed to making such Operational Guidance available to the public. A very small amount of information, however, has to be treated as confidential. Examples include some details about law enforcement, and where disclosure could prejudice the administration of justice. We are also publishing in electronic format on our website details of Commission decisions in cases which are novel, significant or are of a wider general interest.

## **77. Reviewing our decisions**

When we take decisions we take a lot of trouble to get them right in the interests of the relevant charity. We do recognise, however, that from time to time a customer may consider that we have not taken the correct decision and this is where our procedures to review decisions come in. Full guidelines of how to request a review of a decision can be found on our website.

## **78. Making a complaint about the Charity Commission**

Any person or organisation that wishes to complain about the Commission's conduct in its dealings with them can make a complaint about the Charity Commission. Complaints can be made by telephone, by asking to speak to the Customer Complaints Manager. You can also write to us. Further information on our complaint procedure can be found on our website.

**79.** Anybody wishing to make a complaint about this Race Equality Scheme or its contents is advised to contact the Customer Complaints Manager in writing at:

Charity Commission for England and Wales  
Harmsworth House  
13-15 Bouverie Street  
London  
EC4Y 8DP

Alternatively, you can call us on 0870 333 0123

Or email us at:

[complaints-london@charitycommission.gsi.gov.uk](mailto:complaints-london@charitycommission.gsi.gov.uk)

The number for hearing and speech impaired callers using a minicom is:  
0870 333 0125.

## The Legislation

### The Race Relations Act 1976

**80.** The Race Relations Act 1976 Act outlawed race discrimination in employment, housing, training and education, the provision of goods, facilities and services and certain other specified activities including public appointments made by Minister and Government Departments. It also placed local authorities, but only local authorities, under a duty to *promote* race equality in carrying out their functions. That duty, however, was not enforceable and it was left for individual local authorities to decide whether the promotion of race equality was an “appropriate” activity.

**81.** The 1976 Act also provided for the establishment of the Commission for Racial Equality (CRE). The CRE was given a statutory duty to work towards the elimination of discrimination, to promote equality of opportunity and good relations between persons of different racial groups generally, and to keep under review the working of the Act. To help with that aim the CRE was given strategic powers of enforcement.

### The Race Relations (Amendment) Act 2000

**82.** The Race Relations (Amendment) Act 2000 amended the Race Relations Act 1976 so as to:

- (a) Outlaw race discrimination in **public functions** not previously covered by the 1976 Act;
- (b) Place a **general duty** on specified public authorities **to promote race equality**; and
- (c) Give the Home Secretary powers to impose **specific duties** on public authorities subject to the general duty, and to add to the list of bodies to which the general duty applies.

**83.** The definition of “public authority” used for this purpose is “any body certain of whose functions are of a public nature.” It follows the approach taken in the Human Rights Act 1998. The definition is deliberately broad. It covers not only the functions of public authorities in the everyday sense of the word but also public functions performed by private sector bodies.

### The General Duty

**84.** The general duty is provided for by section 71(1) of the Race Relations Act 1976. It states that a public body subject to the general duty:

“shall, in carrying out its functions, have due regard to the need –

- (a) to eliminate unlawful racial discrimination; and
- (b) to promote equality of opportunity; and promote good relations between persons of different racial groups.”

**85.** The general duty is sometimes referred to as **the duty to promote race equality**. It is supported by a number of “**specific duties**.” The specific duties provide the methods, processes and arrangements which help facilitate the delivery of the three separate elements of the general duty.

**86.** The Commission for Racial Equality (CRE) statutory code of practice on the duty to promote race equality states that four principles should govern public bodies’ efforts to meet their duty to promote race equality: -

1. Promoting racial equality is **obligatory**

This means that listed public authorities, of which the Charity Commission is one, must make race equality a central part of their functions. Promoting race equality must become an integral part of planning, policymaking, service delivery, regulation, inspection, enforcement and employment for each public body. The general duty should underpin all policy and practice, and it should encourage improvement.

2. Public authorities must meet the duty to promote race equality in all **relevant functions**

A Race Equality Scheme must set out those functions and policies which are relevant to the general duty. Race equality will be more relevant to some functions than others. Public authorities should therefore assess whether, and how, race equality is relevant to each of their functions. This will involve identifying those functions which involve or affect the public. These functions and policies must be subjected to a “detailed impact assessment”.

3. The weight given to race equality should be **proportionate** to its relevance.

Public bodies must have “due regard” to all three parts of the general duty. This means that the weight given to race equality should be proportionate to its relevance to a particular function or policy. In practice, this type of proportionate approach may mean that greater consideration and resources should be given to those functions and policies that could have most affect on the public and could affect racial groups in different ways.

4. The three elements to the duty are **complementary** (which means that all three must be addressed in order to meet the general duty).

The general duty has three parts: -

- (a) eliminate unlawful racial discrimination.
- (b) promote equality of opportunity.
- (c) promote good relations between people of different racial groups.

(From the Commission for Racial Equality statutory Code of Practice pp.13-14)

## **Specific Duties**

**87.** One specific duty is to publish a Race Equality Scheme by 31 May 2002. A Race Equality Scheme is the action plan, which demonstrates how a public body will meet the general duty. By publishing a Race Equality Scheme a public authority is accountable for its proposals for meeting the duty.

**88.** A Race Equality Scheme shall contain, in particular;

- (a) An assessment of that public authority's **functions and policies** which it feels are relevant to the general duty, and its plans for subsequent review;
- The public authority's arrangements for **assessing and consulting** on the impact that any policies it is proposing will have on the promotion of race equality;
- The public authority's arrangements for **monitoring** its policies for any adverse impact on the promotion of race equality;
- The public authority's arrangements for **publishing** the results of its policies:
  - (i) Assessment under (a);
  - (ii) Consultations under (b);
  - (iii) Monitoring under (c);
- The public authority's arrangements for ensuring that those from minority ethnic communities have access to **information and to services** that it provides; and
- The public authority's arrangements for the **training** of its staff on issues relevant to the general duty.

**89.** The public authority shall within a period of three years from 31<sup>st</sup> May 2002, and within each further period of three years, review the assessment referred to in (a) above.

## **Employment Duties**

**90.** There are also the following specific duties relating to employment issues:

- (a) A public authority subject to the general duty shall **monitor** the ethnicity of:
  - (i) Staff in post;
  - (ii) Applicants for jobs;
  - (iii) Promotion; and
  - (iv) Training;
- (b) A public authority with more than 150 full time employees shall monitor the ethnicity of and analyse the subsequent results from:
  - (i) Grievances;
  - (ii) Disciplinary action;
  - (iii) Performance appraisal (when this results in benefits and sanctions);
  - (iv) Training; and
  - (v) Dismissals and other reasons for leaving; and

- (vi) A public authority subject to these employment duties shall publish annually the results of the above ethnicity monitoring.

**Charity Commission:**  
**Statement of Aim, Vision, and Values**

**91. Our Aim**

Our Aim is to give the public confidence in the integrity of charity.

**92. Our Vision**

Our vision is to provide the best possible regulation of charitable activity in England and Wales. Our vision is of a charity sector which:

- meets the needs of potential beneficiaries effectively;
- is helped in this by the legal, accounting and governance frameworks of which the Commission has stewardship;
- keeps pace confidently and competently with the pace of change in society, the economy and the needs of beneficiaries;

and in which the Commission's activities and influence

- contribute powerfully to all the above through advice, support and effective and visible supervision;
- encourage and where necessary enforce compliance with core regulatory requirements; and
- prevent mismanagement and abuse wherever that is possible and remedy it promptly and effectively where it is not.

**93. Our Values**

**Integrity:** We will show impartiality, fairness, independence and honesty in everything we do.

**Professionalism:** We will show high professional standards and provide a cost-effective service. We aim to get it right first time and to be prompt, courteous and constructive in all our dealings. We are committed to continuous improvement and will seek to learn both from the things we do well and the things we do less well.

**Openness:** We are accountable to the public, Parliament and the Courts. We aspire always to be open and approachable and always to present a human face.

**Customer Service:** We are dedicated to giving an excellent service to our customers, including charities, their beneficiaries and the public. We pride ourselves on being accessible to the community in all its diversity.

**Modernising:** We are committed to being a forward-looking Commission, enabling and encouraging charities to modernise in step with society's needs and expectations. We will exploit new technology so that our service keeps pace with changing needs.

**Valuing our people:** All our staff are important and we value their skills, knowledge and diversity. We are committed to providing leadership, keeping people informed, promoting a balance between work and home life, and developing skills.

**Partnership:** We are committed to working together with charities, with all their and our stakeholders, with other government departments and agencies, and within the Commission.