Race Equality Scheme

LOTHIAN NHS BOARD

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Copies of the Race Equality Scheme are available from the Health Policy Manager, Public Health and Health Policy Directorate, Lothian NHS Board, Deaconess House, 148 Pleasance, Edinburgh EH8 9RS, Tel No 0131 536 9410.
On 28 October 2000, NHS Lothian was one of a number of agencies that attended the Rooting Out Racism conference. This conference led to a joint declaration being made with our partners across Lothian and the Borders to make racism a thing of the past. The introduction to the declaration states:

“This is a time when equality, recognition and respect for diversity, and multiculturalism, are high priorities. These issues have, of course, been acknowledged for some time, and to varying degrees, by a number of agencies and organisations in the Lothian and Borders area. But initiatives have tended to be localised, devised and driven by only a few organisations or individuals and, historically, lacked any sense of corporacy or strategic direction. The Stephen Lawrence Inquiry Report, however, set in motion a process of change. Published in February 1999, it gave a much higher public profile to racism, and identified the lessons to be learned by both the police service, other institutions and wider society. Its challenge to all public institutions is considerable.

The significance of this challenge has been raised by the Race Relations Amendment Act 2000, which has major implications for the ways in which public institutions prioritise and mainstream race issues, and the ways in which they are accountable to the communities they exist to serve.”

Lothian NHS Board is committed to working together to address racism, both in the way it provides its services and as an employer. To progress this, a multi-agency group with representatives from the Trusts, Lothian NHS Board, Councils and the Edinburgh and Lothians Racial Equality Council was set up in 2001. This multi-agency group has worked together to produce a draft Strategic Action Plan on Minority Ethnic Health: Being Fair For All in the NHS in Lothian. This has been consulted on and will be published in the early part of 2003 making a major contribution to the Fair For All action plan as required by the Scottish Executive, challenging all NHS Boards to provide culturally-competent services.

Addressing inequalities is a priority for action and this inevitably includes the needs of minority ethnic health groups within our population.
Both this Race Equality Scheme and the *Fair For All* action plan (to be published by 31 March 2003) build on the very practical work which has already gone on in Lothian NHS Board.

In developing the Race Equality Scheme we would like to acknowledge the work the Lothian NHS Minority Ethnic Health Group, support from partner agencies and the National Resource Centre for Ethnic Minorities. We would also like to acknowledge the work done by Lanarkshire NHS Board which provided a model for us to develop our Race Equality Scheme.

The Unified Lothian NHS Board gave its support to this Race Equality Scheme at its last meeting on 6 November 2002. It also authorised me, as Director of Public Health and Health Policy, to sign the finished version on behalf of Lothian NHS Board.

This I am please to do.

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Professor Peter D. Donnelly MD FRCP FFPHM
Director of Public Health & Health Policy
SUMMARY

THE STRUCTURE OF THE RACE EQUALITY SCHEME

This Race Equality Scheme (RES) is a combination of two directives from Government, the Race Relations (Amendment) Act 2000 (RRAA)\(^1\) and the Fair For All Scottish Executive Health Department Guidance, (FFA)\(^2\).

The RES takes account of the joint declaration of intent and action against racism in the City of Edinburgh, the Lothians and the Scottish Borders: Rooting Out Racism\(^3\).

The RRAA\(^1\) places both a general duty on a wide range of public authorities to promote racial equality. It also places a specific duty which helps organisations meet the general duty. Key to this is the RES.

This document is both a strategy and an action plan. It sets out how Lothian NHS Board will promote racial equality and how it will ensure that its policies and services do not discriminate against or disadvantage any racial or ethnic group. It has been developed with partners across NHS Lothian and demonstrates a joint response. As far as possible, the Board’s scheme will be complementary to the services from each of the NHS Lothian Trusts’ individual schemes.

Our aim is to merge actions under the RRAA\(^1\), FFA\(^2\) and existing action in Lothian.

This RES is divided into four parts as follows:

1  The Context

This section provides an introduction to the RES by setting out the background, purpose, aims and values contained within the RES. It also describes the legal drivers for the RES.

2  Promoting Race Equality in Policy and Service Delivery

This section sets out the Lothian NHS Board’s arrangements for the promotion of race equality in the areas of policy development and the provision and commissioning of services. It describes the approach to the assessment and monitoring of relevant policies, and how the results will be made public. It also outlines the training requirements for staff in meeting the challenges of the RES.

3  Promoting Race Equality in Employment

This section sets out the Board’s arrangements for monitoring the operation of its employment practices, and their impact upon the promotion of race equality.
4. The Annual Action Plan

This section contains the Annual Race Equality Action Plan. The Lothian NHS Board and the Lothian NHS Trusts will produce action plans each operational year (April to March). The action plans will be contained within the appropriate version of the RES and available separately. Each Directorate within Lothian NHS Board will contribute to the formulation of this plan.

It will be developed in the light of the commitments given in the RES. It will also take into account the actions identified in NHS Lothian’s *Strategic Action Plan on Minority Ethnic Health: Being Fair For All in the NHS in Lothian* (SAP) and the FFA<sup>2</sup> action plan.

The first FFA<sup>2</sup> action plan for Lothian NHS Board will be published in March 2003.

**THE PERIOD COVERED BY THE RACE EQUALITY SCHEME**

This RES will cover the three years from November 2002 to November 2005. It will be linked to the FFA<sup>2</sup> action plan thus bringing together the actions undertaken by Lothian NHS Board to address racism, as an employer, commissioner and provider of services.

**REVIEW ARRANGEMENTS**

The RES will be reviewed as part of the FFA<sup>2</sup> action plan (March 2003), at the end of year one, and then at the end of its three year period. The review process will include reviewing NHS Lothian’s arrangements for meeting the duty to promote race equality under the RRAA<sup>1</sup>, and its actions under the FFA<sup>2</sup> guidance. This review will ensure that the arrangements remain effective.

**MONITORING ARRANGEMENTS FOR THE SCHEME**

Specific arrangements for monitoring functions and policies as part of the scheme are outlined within the body of this document. However, in addition, a group will be established to monitor and scrutinise the overall implementation of the RES. This group will be accountable to the Board through its Finance and Performance Committee.

Within this scrutiny process the group will have a specific requirement to assess any potential impact of the RES on the promotion of race equality. The group will be charged with this responsibility for monitoring the implementation of the RES on behalf of the Board. While the group will have responsibility for impact assessment, the Board’s directors and senior managers will retain the overall responsibility of addressing the outcome of these assessments on local policies and practices. As well as internal scrutiny there will be wide consultation with the community to ensure the Board is well informed to be able to make effective decisions. It is recognised that a variety of mechanisms and processes will be required to ensure the views of the community are captured.

A range of consultation mechanisms is already in use, or being developed, within NHS Lothian. The consultation group that will be developed under the FFA<sup>2</sup> requirements will be key to any future consultation on racial equality. This will build on existing local networks,
groups and the recent consultation for the NHS Lothian’s SAP. Close liaison with other statutory partners including the National Resource Centre for Ethnic Minority Health will also enable sharing of intelligence on policy impact.

DEALING WITH ANY ADVERSE IMPACT OF THE SCHEME

Service users, their relatives and representative groups will be encouraged to raise any concerns they have in relation to Lothian NHS Board’s policies, practices and procedures. Contact details will be made available widely. While the Board intends monitoring for adverse impact of the scheme to be pro-active, it is recognised that there may be occasions when inadvertently policies and practices have an adverse impact resulting in complaints from the public. The complaints mechanism will also therefore form part of the monitoring process.

Comments or complaints about the implementation of the RES should be addressed to the nominated contact person in the first instance. The contact person in Lothian NHS Board will be the Complaints Manager who can be contacted at Deaconess House.

PUBLISHING THE RACE EQUALITY SCHEME

Copies of the RES can be obtained by contacting the Health Policy Manager, Public Health and Health Policy Directorate, Lothian NHS Board.

This RES will also be available to members of the public and other public authorities via the NHS Lothian’s web site: www.nhslothian.scot.nhs.uk

The RES will be made available to staff via the Intranet. A summary briefing note will also be distributed early next year to all staff throughout NHS Lothian.
1. CONTEXT

POLICY CONTEXT

A number of publications and policy documents provide the context for addressing racial equality in Lothian.

The *Stephen Lawrence Report* was published in February 1999. It concluded that:

“If racism is to be eliminated from our society there must be a coordinated effort to prevent its growth. This needs to go well beyond the police service.”

The report also stated that:

“It is incumbent upon every institution to examine their policies and practices to guard against disadvantaging any section of the community.”

The *NHS Plan* states that:

“The NHS will shape its services around the needs and preferences of the individual patients, their families and their carers.”

It also states:

“The NHS of the 21st century must be responsive to the needs of different groups and individuals within society and challenge discrimination on the grounds of age, gender, ethnicity, religion, disability and sexuality. The NHS will treat patients as individual with respect for their dignity”.

*Fair For All*: states that:

“A culturally-competent service” is defined as a service, which recognises and meets the diverse needs of people of different cultural backgrounds. This applies to every individual with a healthcare need. It includes, but is not limited to, making provision for religious and cultural beliefs such as worship, diet, and hygiene requirements, catering for communication and language diversity, and involving users in service development. A key part of cultural competence is ensuring that discrimination on the basis of culture, belief, race, nationality or colour has no role in the delivery of services”.

It also states:

“A growing body of evidence shows that care is more effective where the patients’ needs and life are well understood by those shaping their care, and where good communication has been achieved further builds the respect and dignity agenda. Understanding service users and local communities is an integral part of efficient, clinically governed services.”
**Rooting Out Racism** — This is the joint declaration of intent and action against racism, both in the way that an organisation provides services and employment. This declaration has at its core the following principles:

- **People from all backgrounds are entitled to a life free from racial discrimination and harassment.**
- **The definition of racism as proposed in the Stephen Lawrence Inquiry Report as follows:**
  "... conduct or words or practices which advantage or disadvantage people because of their colour, culture or ethnic origin"
- **The definition of a racist incident as proposed in the Stephen Lawrence Inquiry Report as follows:**
  "a racist incident is any incident which is perceived to be racist by the victim or any other person"
- **All people in the City of Edinburgh, the Lothians and Scottish Borders areas are entitled to expect equal protection and equal treatment from all public services, irrespective of their race, skin colour, culture or religion.**
- **Public services in this part of Scotland must be appropriately accessible to all citizens, and service providers must recognise that steps must be taken to improve and broaden that accessibility.**
- **We need to work to change public services' cultures in ways which recognise the reality of racism, its unacceptability in any form, and the need for positive action to combat it.**
- **It is necessary to take positive action to ensure that black and minority ethnic communities are properly represented in public services' workforces. We also believe in the benefit of sharing and pooling best practices in this connection.**
- **It is our collective duty to encourage the reporting of criminal and non-criminal racist incidents, and to make it as easy as possible for this to occur.**
- **The Public Education role of organisations is essential to developing a fair and tolerant society. We will enhance and support this.**
- **Commitment to the principles of this document will require to be supported by relevant training, and the signatories are prepared to resource that training within their respective organisations.**
- **Our policies and practices must strive to deliver the pledges listed above, and they must also be open to public participation, scrutiny and influence. These policies and practices must also demonstrate the mainstreaming of racial equality within each organisation.**

The policy context is clear. Racism has no place in a modern, national health service. It must be rooted out. Lothian NHS Board, along with NHS Lothian, is committed to this and the Chairman and Chief Executive of the NHS Lothian Unified Board have signed up to both the **Rooting Out Racism** declaration and the **Commission of Racial Equality Leadership Challenge**, committing themselves to providing individual leadership on racial equality.
KEY DEFINITIONS

Racism

Racism is the mistreatment of a group of people on the basis of race, colour, religion, national origin, place of origin or ancestry. The term racism may also denote a blind and unreasoning hatred, envy or prejudice.

The definition of institutional racism as stated in the *Macpherson Report*\(^5\) is one that Lothian NHS Board will adopt for the purpose of this scheme:

"The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people."

The definition of a racist incident, also as stated in the *Macpherson Report*\(^5\), is:

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

Discrimination

Discrimination is the denial of equality based on personal characteristics, such as race and colour. Discrimination is usually based on prejudice and stereotypes.

Prejudice

Prejudice literally means to "prejudge" based on preconceived ideas about others. No law can prevent prejudiced attitudes. However, the law can prohibit discriminatory practices and behaviours flowing from prejudice.

Ethnic Minority

Everyone belongs to an ethnic group but the term ‘ethnicity’ has held different meanings at different times. It was first used to mean nationality (from the Greek word Εθνος - ‘ethnos' meaning tribe or community of people) and the meaning later expanded to include religion. Social scientists now use it to describe some of the cultural features by which groups distinguish themselves, for example, customs, family structure, language, lifestyle.

Ethnicity has largely replaced ‘race’ (differentiation according to physical appearance) as the appropriate way to think of human difference.

Ethnic groups are influenced by their own understanding of the term ethnicity, and by factors such as their ancestry, nationality, culture and religion. People’s reported ethnic group(s) can change over their lifetime, depending on the context either because of a change in perception or change in understanding of the mode of collection or the change in definition.
STATEMENT OF PURPOSE

Lothian NHS Board is committed to addressing racial equality and has produced this RES in order to:

- meet its legal responsibilities under the RRAA\(^1\) to promote race equality and good race relations;
- meet the five specific deliverables laid out in the FFA\(^2\) guidance outlining how to provide a culturally-competent service;
- meet its moral responsibilities as a service provider and employer within the NHS and the public sector;
- communicate NHS Lothian’s commitment to promote race equality and social inclusion to the population it serves, its staff, its partners and the wider community;
- show evidence that a culture change is in progress within Lothian NHS Board that “results in awareness of, and responsiveness to, the needs of individuals regardless of ethnic origin”.

To build on existing work, NHS Lothian has recently consulted on its SAP\(^4\). NHS Lothian is committed to ensuring that everyone living in Lothian has access to the health and healthcare services they need and this consultation exercise aims to prioritise action which will be considered as part of the Lothian Local Health Plan\(^8\) arrangements.

A local minority ethnic health consultative forum, jointly chaired by a NHS Executive Director and a member of the local minority ethnic community will also be set up as part of meeting the expectations in the FFA\(^2\) guidelines.

Lothian NHS Board will progress action in accordance with the FFA\(^2\) guidelines in providing a culturally-competent service.

STATEMENT OF VALUES

There are a number of values and principles which underpin the work of Lothian NHS Board and inform its action and priorities. These are:

Respect

Lothian NHS Board will respect individuals, their culture and religious beliefs, and will work to maintain and promote service users’ dignity when using NHS services that are either provided or commissioned. The Board will also respect the cultural and religious backgrounds of its staff, thus working to ensure that they are able to maintain their culture and religion whilst at work;

Valuing Difference

Lothian NHS Board values the differences in ethnicity, culture, religious and linguistic backgrounds amongst the people of Lothian. The Organisation acknowledges diversity and takes it into account when discharging its functions, developing policies, commissioning
and providing services. The Board will continue work to ensure that diversity does not become a barrier to anyone using its services;

**Rights of Staff**

Lothian NHS Board recognises that all staff have the right to be treated fairly at work, which includes being able to work in an environment free from unlawful discrimination and harassment and not have opportunities denied to them because of irrelevant characteristics. The Board will work with its staff and their representatives to promote racial equality through its role as an employer;

**Rights of Service Users**

Lothian NHS Board accepts that all service users should have equal access to services, and the best possible services, within available resources, without unlawful discrimination. The Board will work to protect these rights and welcomes the involvement of the community. It recognises that local people have a right to participate in the consultation and planning of policies and services that affect them;

**Taking Responsibility**

Lothian NHS Board acknowledges its responsibility for the promotion of race equality in discharging its functions. The Board expects its entire staff to promote race equality in carrying out their duties. The Board will have overall responsibility for:

- the promotion of race equality;
- the operation and monitoring of the RES, and associated annual action plans;
- the review and revision of the RES.

However, it is expected that each individual member of staff will be personally responsible for delivering and promoting race equality;

**Equality and Fairness**

Lothian NHS Board is committed to removing any unlawful racial discrimination and promoting race equality through the discharge of its functions and policy making and the services it commissions and provides;

**Partnership**

Lothian NHS Board will promote racial equality in the delivery of both services and employment opportunities within Lothian. The Board is committed to do this working in partnership with:

- other NHS organisations in Lothian;
- other NHS organisations across Scotland;
- other public sector bodies;
- private sector organisations;
- community and voluntary sector organisations;
- the staff and their representatives.
It expects that this will be reciprocated.

STATEMENT OF AIMS

This Statement of Aims sets out what Lothian NHS Board intends to achieve in promoting racial equality as a whole and meeting the general duty placed upon NHS Lothian by the RRAA\(^1\). However, it is the Board’s intention to go beyond the requirements of legislation.

Lothian NHS Board aims:

- to provide services that are equally accessible to all sections of the community regardless of race, ethnicity, cultural background, religious belief or first language spoken;
- to develop services that meet the needs of ethnic minority people to the same extent as the rest of the population;
- to eliminate from its services, policies, and decision making, any adverse impact upon the promotion of racial equality or adverse effect upon particular racial/ethnic groups;
- to ensure that the health and social care services it commissions are equally accessible to all people and free from unlawful discrimination;
- to work towards the reduction of health inequalities between black and other ethnic minority people, and the rest of the population;
- to work with those who provide health services to ensure that their services are fully accessible to black and other ethnic minority people, and their needs are met to the same extent as the rest of the population;
- to work to employ and retain a workforce at all levels which reflects the ethnic make-up of the population;
- to build and maintain a positive and productive relationship with all sections of the community, including the black and other ethnic minority people who live in Lothian;
- to use its influence and resources, where possible, to promote racial equality and redress racial discrimination and inequality;
- to ensure that the promotion of racial equality becomes a mainstream activity and is visible in its core business and day-to-day activities.
2   PROMOTING RACE EQUALITY IN POLICY AND SERVICE DELIVERY

ASSESSMENT OF FUNCTIONS AND CURRENT POLICIES

What the Duty Requires

“The Race Equality Scheme should state in particular -

those of its functions, policies and proposed policies which that person has assessed as relevant to its performance of the duty imposed by section 71(1) of the Race Relations Act.”

This duty requires the Lothian NHS Board to list in its RES those of its functions and policies which are relevant to the promotion of race equality.

THE ASSESSMENT OF FUNCTIONS AND POLICIES

The Board will:

- identify all of its functions and policies;
- assess each for its relevance to the duty to promote race equality;
- state their commitment to monitor their policies.

In meeting their general and specific duties, the Board will have to determine which of their functions and policies have relevance to the general duty. Relevant functions and policies will be identified by examining how they impact on either patients or employees. A function or policy will be deemed relevant if it:

- is likely to have a negative effect on race equality;
- leads to unlawful racial discrimination;
- will/may lead to poor race relations.

All functions and policies must be considered and weighted for relevance. For instance, policies on patient involvement are more likely to be relevant than policies relating to hazardous waste disposal. A list of the priority functions and policies identified as being relevant is contained in Appendix 1. In year one this list will be further reviewed and assessed with a definitive list produced. This will include the assessment details and will be appended to those listed as shown in Appendix 1 of this RES.

Identification of the level of relevance of all functions and policies will be completed by 31 January 2003. Assessment will be completed by 31 March 2003 in line with the FFA action plan.

Lothian NHS Board will develop a framework for the assessment of its functions and policies. The assessment process will consider:

- whether the policy is relevant to the duty to promote race equality;
- what is the likely impact upon race equality?
- whether the policy is likely to discriminate in any way;
• the results of any service reviews;
• the results of public/staff consultations.

The results of the assessment will be recorded in an assessment report. A list of assessed functions and a summary of the assessment will be contained in the annual report on the implementation of the Lothian NHS Board’s RES.

USING THE ASSESSMENT RESULTS

The results of assessments will be used to develop the annual race equality action plan including prioritisation of activities.

The identification and assessment of policies and functions will form the first stages of NHS Lothian’s approach to conducting race equality impact assessments.

Assessment of all policies – whether new or subject to revision – will be part of the mainstream activity of the Lothian NHS Board. All future policies will include the outcome of assessments as a matter of course.

ASSESSING AND CONSULTING ON THE LIKELY IMPACT OF PROPOSED POLICIES

What the Duty Requires

Lothian NHS Board is required to have arrangements for:

“assessing and consulting on the likely impact of proposed policies on the promotion of race equality”

This means the Board is required to assess what impact policies they are considering for adoption, might have upon race equality. They are also required to consult upon assessment findings before adopting any new policies.

THE ASSESSMENT PROCESS FOR NEW POLICIES

The assessment framework for existing policies will also be used for those policies which the Board is considering for adoption. This will form part of the policy development process.

For all new policies a summary of the assessment report will be attached for presentation to the Board or its Committees for adoption.
THE CONSULTATION PROCESS

The Board has a duty to consult upon policies they are considering for adoption. Lothian NHS Board will:

- develop consultation arrangements including a framework and guidance for managers, staff, the Unified Board and Executive Committees;
- develop joint arrangements with other statutory bodies such as the local authorities to avoid unnecessary duplication and ensure effective consultation takes place.

Details of the agreed approach to consultation with partners will be undertaken within the development of the FFA².

USING THE ASSESSMENT AND CONSULTATION RESULTS OF NEW POLICIES

Assessment and consultation results will be used to amend any draft policies. Policies will be amended if assessment or consultation results show that:

- the policy will have/or is likely to have a negative effect on race equality;
- the policy may lead to unlawful racial discrimination;
- the policy will/may lead to poor race relations.

MONITORING POLICIES FOR ADVERSE IMPACT

What the Duty Requires

Lothian NHS Board must have arrangements for:
“monitoring its policies for any adverse impact on the promotion of race equality.”

This means that Lothian NHS Board is required to monitor its policies for the effect that they have upon race equality.

MONITORING POLICY IMPACT

The Board will develop a framework for monitoring those policies that it has assessed as relevant to the promotion of race equality. This will be in place and operational by 31 March 2003.

The monitoring framework will monitor:

- the users of services by ethnicity;
- the satisfaction levels of services by ethnicity;
- whether services are provided effectively to all racial groups;
- whether services are designed appropriately to meet the needs from different racial groups;
- whether further research/work is required to look at ways of improving services.
In the absence of specific guidance from NHS Scotland concerning monitoring of access to, and satisfaction with, services on the basis of race, Lothian NHS Board will adopt a range of methods to monitor any adverse impact of its policies. Monitoring will be undertaken across all policies but will focus especially on those where the assessment highlights that there is an increased risk of an adverse impact on health, healthcare, and the Board’s functions as an employer.

Central to monitoring service use and satisfaction will be comparative analysis of service utilisation data and patient satisfaction surveys on the basis of ethnicity. Where relevant, this monitoring will be undertaken directly by the Board. In other circumstances it will, through its performance management role, monitor the service use and patient satisfaction by race analyses undertaken by the NHS Trusts and its partner organisations within Lothian.

Consultation will also be central to monitoring, especially in the planning of new services and the redesign of existing services. Promoting racial equality will be a specific component of all consultations. Subsequent monitoring of implementation will focus on achieving the expected outcomes identified within the plans.

As with all NHS organisations, Lothian NHS Board would amend any of these monitoring arrangements to ensure it is in line with any guidance issued by the Scottish Executive Health Department.

POLICY REVIEW

The Board will develop a rolling programme of relevant service and policy reviews. Relevant policies that support or are part of the delivery of services will be included in the service review process. Relevant policies that are not included will be reviewed separately.

Monitoring information will form part of the service policy review process.

PUBLISHING THE RESULTS OF ASSESSMENT CONSULTATION AND MONITORING

What the Duty Requires

Lothian NHS Board must have arrangements for:

“publishing the results of assessments and consultations as are mentioned in sub-paragraph (i) and such monitoring as is mentioned in sub-paragraph (ii).”

NHS Lothian is required to publish any results of:

- any assessment of its policies or functions it has undertaken;
- the monitoring of policies;
- any consultations it has undertaken regarding the policies it is proposing to adopt.
PUBLISHING THE RESULTS

Lothian NHS Board will publish an annual race equality progress report, which will contain a list of the assessments, consultations and monitoring undertaken during the year and their outcomes. This will also include details of how these were undertaken. Copies of the annual race equality progress report will be made available to the public. In addition to this, consultation reports will be published when appropriate on specific issues.

ENSURING PUBLIC ACCESS TO INFORMATION AND SERVICES

What the Duty Requires

Lothian NHS Board must have arrangements for:

“ensuring public access to services and information which it provides.”

This means the Board is required to have arrangements to ensure that all sections of the community it serves has access to and can use the information and services it provides.

ACCESS TO INFORMATION

The Board will:

1. Develop a Communication and Information Strategy to ensure that it provides information to all sections of the community on the services it provides, commissions or manages. The strategy will include:
   • types of information provided;
   • languages in which information is required;
   • for whom the information is required (carers, patients, etc);
   • ensure that service users and the public have knowledge of how to access and use the services;
   • examination of the effectiveness of the interpreting and translation services;
   • consider accessing alternative interpreting formats, services both locally and nationally.

Part of this will be to outline a dissemination strategy which details how Lothian NHS Board will ensure information reaches the right people at appropriate times.

The information provided should be:
   • sufficient,
   • timely,
   • accessible,
   • appropriate.
2. Develop a Translation and Interpretation Strategy with the objectives of:
   • providing linguistic minorities with access to appropriately translated information;
   • providing service users and carers with access to high quality interpretation as it is required when using NHS Lothian health services;
   • consulting with black and other ethnic minority communities to ensure that their information needs regarding health services are met.

ACCESS TO SERVICES

Lothian NHS Board will develop a programme of service assessments to ensure that the services provided are accessible to black and other ethnic minority groups. Part of the service assessment will involve carrying out a detailed needs assessment to look at:
   • the ethnic health profile of the area including demographic, linguistic, religious and spiritual needs data;
   • consultation with black and ethnic minority service users, and service providers to identify barriers to service access and provision within the systems;
   • further commitment to research more detailed studies regarding incidences of disease, service utilisation and other appropriate topics.

As previously referred to in this document, Lothian NHS Board has recently undertaken a consultation on its draft SAP\(^4\). This aims to ensure that it is meeting the health needs of minority ethnic groups and will make a considerable contribution to the FFA\(^2\) action plan which will be published in March 2003.

TRAINING STAFF IN CONNECTION WITH THE DUTY TO PROMOTE RACIAL EQUALITY

What the Duty Requires

Lothian NHS Board must have arrangements for:

“training staff in connection with the duty imposed by section 71(1) of the Race Relations Act and this Order.”

The Board is required to train its staff to:
   • be able to meet its responsibilities under the general and specific duties of the RRAA\(^1\) by equipping staff with the necessary knowledge and skills;
   • identify and train staff and others who will be responsible for managing and implementing the RES.

STAFF TRAINING – THE MANAGEMENT AND IMPLEMENTATION OF THE RACE EQUALITY SCHEME

Staff training presents a major challenge for NHS Lothian. However, the scheme will only deliver if this challenge is successfully met. Past education and training in the needs of minority communities have largely been confined to cultural awareness sessions for a
limited number of staff. Lothian NHS Board recognises that this is inadequate to equip staff to meet the varied needs of a multicultural user population. A comprehensive education programme will be developed across NHS Lothian with a range of partner organisations. This programme will be supported by an on-line intranet information and education package currently under development. The priority groups for this training will be identified including the Executive and Senior Managers as well as front-line staff.

- To support this requirement, a draft Race Equality Policy has been produced (see Appendix 2). This outlines the need for Lothian NHS Board to train Board and Executive Committee members on meeting their responsibilities under the RES:
  - identify which of its managers and staff will be trained to manage and implement the RES;
  - establish and keep an up-to-date register of the identified posts, the names of the post holders and date(s) when training was received;
  - develop an annual programme of training covering the management and implementation of the RES.

The Race Equality Policy will be approved by 31 March 2003 with a timescale of actions agreed.

**STAFF TRAINING - PROVIDING SERVICES ACCESSIBLE TO ALL AND FREE FROM DISCRIMINATION**

The Board will provide equality and diversity training to its entire staff. This will specifically include race equality, aimed at equipping staff to be able to provide a service which is accessible to all sections of the community and is free from unlawful discrimination.

Lothian NHS Board will:
- develop an induction and an annual training programme covering equality and diversity issues. The programme will include targets for the number of staff to be trained each year;
- ensure that all staff receive equality and diversity training and are aware of local issues that affect access to health services;
- have an explicit mechanism for disseminating the RES within the Organisation;
- ensure that training and development processes are accessible to all staff;
- ensure that after five years of operating this RES, consideration will be given to the need for equality and diversity 'refresher' training to all staff.

Timescales and targets will be published in the Annual Action Plan.

**STAFF TRAINING - FAIR RECRUITMENT AND SELECTION**

Lothian NHS Board has a legal duty to ensure that it does not discriminate on the grounds of race, sex, marital status or disability in its recruitment and selection arrangements. In order to minimise the possibility of discrimination occurring, recruiters will operate with procedural guidance and continue to receive training to support this.
The Board will:

- ensure fair recruitment and selection through training programmes which cover:
  - the principles of fair recruitment and selection,
  - the law relating to discrimination in employment,
  - the contents and operation of the fair recruitment code of practice;
- establish and maintain a register of recruiters trained to an appropriate level according to their role in the recruitment process;
- work towards ensuring that only those trained to the appropriate level may participate in the selection process;
- ensure that after three years all those involved in the recruitment of staff, must go on refresher training.

The overall aim will be to support equality of opportunity for employees of Lothian NHS Board.

**STAFF TRAINING - REVIEW AND EVALUATION**

Staff equality and diversity training will be reviewed once every three years and will be subject to regular evaluation. The results of reviews will be published.
3 PROMOTING RACE EQUALITY IN EMPLOYMENT

ETHNIC MONITORING OF EMPLOYMENT

What the Duty Requires

The specific duty on employment applies to Lothian NHS Board. The duty states that:

“(1) A person that this article applies to shall,

(a) before 30 November 2002, have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2);

(b) fulfil those duties in accordance with such arrangements.

(2) It shall be the duty of such a person to monitor, by reference to the racial group to which they belong,

(a) the numbers of –
   (i) staff in post;
   (ii) applications for employment, training and promotion,

(b) where the person has 150 or more full-time staff, the numbers of staff from each such group who –
   (i) received training;
   (ii) benefit or suffer detriment as a result of its performance assessment procedures;
   (iii) are involved in grievance procedures;
   (iv) are subject to disciplinary procedure, or
   (v) cease employment with that person.

(3) Such a person shall publish annually the results of its monitoring under paragraph (2).”

This means that the Lothian NHS Board is required to put in place specific monitoring concerning ethnicity as part of its employment processes and report on them publicly.

MONITORING OF THE WORKFORCE

Lothian NHS Board will monitor the profile of its workforce. The following information will be collected about each of its existing and new employees:

- ethnic origin;
- sex;
- age;
- disability (where known);
other information which is deemed necessary to monitor NHS Lothian’s employment policies and practices.

It will analyse and report information on the composition of its workforce by the above categories when it proves useful to do so and does not breach confidentiality. This will be done by:

- the workforce as a whole;
- directorate;
- staff group;
- grade/salary banding, as appropriate to the staff group.

Monitoring the ethnic composition of the workforce will utilise the ethnic categories from the 2001 census. For a list of these please see Appendix 3.

A preliminary timetable for the introduction of monitoring of ethnicity will be completed by 31 March 2003, with implementation from 1 April 2003.

**MONITORING APPLICATIONS FOR EMPLOYMENT AND REGRADING/JOB EVALUATION**

Lothian NHS Board will monitor applications for employment received by the categories outlined above. This information will be collected from application forms and will not be shared with appointment panels. This information will be analysed and reported by:

- the number of applications received for employment;
- short-listed candidates;
- appointed candidates.

Similarly, information of applications for regrading/job evaluation/promotion will be analysed and reported on by:

- number of applications received for regrading/promotion;
- appointed candidates.

**MONITORING APPLICATIONS FOR TRAINING AND TRAINING RECEIVED**

Lothian NHS Board will monitor by the categories outlined, the:

- applications for training;
- those who have received training.

Information on who has received training will be analysed and reported by:

- whether training was optional/mandatory;
- whether the training was internal or external;
- whether the training leads to a qualification;
- any other information which proves useful.

Lothian NHS Board will adapt its existing procedures relating to staff training so that ethnicity monitoring is incorporated.
MONITORING PERFORMANCE APPRAISAL

Lothian NHS Board will also monitor the operation of its staff appraisal and personal development planning systems using the categories previously set out. This information will be analysed and reported by basis of:

- which staff benefit from the staff appraisal system;
- which staff did not benefit from the staff appraisal system;
- the average level of performance related pay awarded (where applicable).

The Board may, in the future, operate different staff appraisal and personal development planning systems. Should this be the case ethnicity monitoring will be taken into account.

This monitoring will be extended to all systems relating to merit payments or employment. Subject to confidentiality limits, this information will be analysed and reported.

GRIEVANCES AND HARASSMENT

The Lothian NHS Board will monitor grievances received from staff by the agreed categories. This information will be analysed and reported by:

- the number of grievances received;
- grievances not upheld;
- grievances upheld;
- at what stage of the grievance procedure the grievance was concluded;
- the number of complaints of harassment;
- the type of harassment.

DISCIPLINARY PROCEEDINGS

Lothian NHS Board will monitor which of its staff have been subjected to its disciplinary procedure. Monitoring information will be analysed and reported by:

- who has been subjected to the disciplinary procedure;
- who was disciplined;
- what disciplinary action was taken;
- who was subject to further action.

MONITORING STAFF WHO LEAVE EMPLOYMENT

The Lothian NHS Board will monitor who is leaving the workforce and why. This information will be reported by:

- those leaving for alternative employment;
- dismissal;
- retirement;
- secondment (external to the Organisation);
- redundancy.
USING MONITORING INFORMATION

Monitoring information will be used to support the assessments of the impact of the Lothian NHS Board’s employment policies and procedures. In particular to:

- identify any adverse impact policies and procedures may have;
- undertake workforce planning;
- establish and monitor the progress towards equality targets;
- develop recruitment campaigns.

MAINTAINING CONFIDENTIALITY

Lothian NHS Board will work to maintain the confidentiality of staff when publishing monitoring information. It will work to ensure that individual staff cannot be identified through monitoring arrangements, particularly in relation to grievances and disciplinary action. Guidance for this purpose will be developed and published as part of the FFA² action plan.

PUBLISHING MONITORING RESULTS

The results of monitoring will be published in an Annual Workforce Profile. The Profile will be published within the Annual Report and available separately. Copies of the Profile will be made available to staff, trade unions and staff representatives. The Profile will be presented to the Lothian NHS Board for information and action. Subject to the confidentiality criteria previously discussed, the Workforce Profile will be available to the public.

PROCUREMENT AND PARTNERSHIPS

Lothian NHS Board will work with the rest of NHS Lothian to ensure that race equality is promoted within agreements for services and functions which are procured from other organisations or agencies.

When working in partnership with other organisations and agencies, every effort will be made to see that race equality is central to any plans and activities resulting from partnership. This will involve incorporating the measures outlined in this RES, as appropriate.
4  ANNUAL ACTION PLAN 2002-2003

SCOPE OF THE PLAN

Throughout this document a number of actions and timescales have been highlighted. Below is a summary of these. It is the first annual action plan for Lothian NHS Board in relation to the provisions of the RRAA\(^1\) and associated requirements. It also takes account of the commitment given to FFA\(^2\) which requires an action plan to be published by 31 March 2003.

The purpose of the plan as outlined, is to ensure that Lothian NHS Board is fully compliant with both the general and specific duties placed on it by the RRAA\(^1\) and also to ensure compliance with FFA\(^2\).

KEY ACTIONS AND MILESTONES

<table>
<thead>
<tr>
<th>COMPLETION DATE</th>
<th>KEY ACTION &amp; MILESTONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2003</td>
<td>Fully prioritised list of functions and policies confirmed.</td>
</tr>
<tr>
<td>February 2003</td>
<td>Development of assessment framework.</td>
</tr>
<tr>
<td>April 2003</td>
<td>Ethnic monitoring to begin.</td>
</tr>
<tr>
<td>May 2003</td>
<td>Communication and Information Strategy completed. Translation and Interpretation Strategy agreed</td>
</tr>
<tr>
<td>June 2003</td>
<td>Minority ethnic health status report published.</td>
</tr>
<tr>
<td>August 2003</td>
<td>Training needs assessment completed.</td>
</tr>
<tr>
<td>October 2003</td>
<td>Revised annual action plan agreed.</td>
</tr>
<tr>
<td>November 2003</td>
<td>Annual report of the RES published and presented to Lothian NHS Board.</td>
</tr>
</tbody>
</table>
### LIST OF FUNCTIONS AND POLICIES

The following is a list of the Lothian Health Board’s functions and related policies. It should not be taken as an exhaustive list. This will be augmented over time. In year one a definitive list will be produced with further prioritisation for formal assessment.

<table>
<thead>
<tr>
<th>FUNCTION</th>
<th>POLICIES</th>
</tr>
</thead>
</table>
| Improving health and reducing health inequalities | Social justice policies (eg Fair for all, domestic violence, health and homelessness action plan)  
Lifestyle policies (eg Tobacco control, sexual health, physical activity)  
Health improvement frameworks (eg Mental health promotion, sexual health, child injury prevention)  
Health Improvement Fund process  
Healthy Respect policies and procedures  
Communication processes |
| Commissioning high quality health and healthcare services | Coronary heart disease and Stroke strategy  
Cancer strategy  
Diabetes strategy  
Maternity services framework  
Learning disability strategy  
Mental health strategy  
Children’s services strategy  
Palliative care strategy  
Clinical governance policy  
Out of area treatment procedures |
| Health and community care planning | Lothian Local Health Plan and planning processes  
Joint Health Improvement Plan and planning processes  
Community Care Plans and planning processes  
Children’s Services Plans and planning processes  
Consultation processes |
| Health surveillance and needs assessment | Health Intelligence Unit operational procedures  
Lothian health and life survey |
| Health protection (including emergency planning) | Emergency planning processes  
Communicable disease policies and processes  
Out of hours arrangements  
Adults with Incapacity (Scotland) Act and Mental Health (Scotland) Act processes for approval of S20 practitioners |
| Financial and performance management | Strategic five year financial plan  
Performance assessment framework  
Performance review process  
Conduct policy – Standards for business conduct |
| Complaints procedures | Lothian NHS Board Complaints Procedure |
| Employment functions | Absence policy and procedure  
Alcohol and substance misuse policy  
Appraisal and development system  
Disciplinary policy and procedure  
Equal opportunities policy and procedure  
Family friendly flexible working  
Flexible working hours  
Grievance procedure  
Harassment at work policy and procedure  
Induction policy and procedure  
Job evaluation procedure  
Maternity leave and pay procedure  
Organisational change / redeployment and redundancy policy and procedure  
Protection of pay and conditions of service policy  
Recruitment procedure  
Removal expenses provisions  
Smoke free policy |
| Employment functions continued | Special leave for domestic, personal and family reasons  
| Study leave  
| Training policy and procedure  
| Use of temporary contracts  
| Working time regulations |
| IT and related functions | Health and safety policy  
| Information technology security policy  
| Network and internet policy |
| Research and development | Local research ethics committee procedures  
| Research governance policy |
Appendix 2

DRAFT RACE EQUALITY POLICY

Introduction

The Lothian NHS Board is a signatory to the Rooting Out Racism declaration. This identified a number of core principles that underlie all the work of the Board.

These principles are:

- People from all backgrounds are entitled to a life free from racial discrimination and harassment.
- The definition of racism as proposed in the Stephen Lawrence Inquiry Report as follows:
  "... conduct or words or practices which advantage or disadvantage people because of their colour, culture or ethnic origin"
- The definition of a racist incident as proposed in the Stephen Lawrence Inquiry Report as follows:
  "a racist incident is any incident which is perceived to be racist by the victim or any other person"
- All people in the City of Edinburgh, the Lothians and Scottish Borders areas are entitled to expect equal protection and equal treatment from all public services, irrespective of their race, skin colour, culture or religion.
- Public services in this part of Scotland must be appropriately accessible to all citizens, and service providers must recognise that steps must be taken to improve and broaden that accessibility.
- We need to work to change public services' cultures in ways which recognise the reality of racism, its unacceptability in any form, and the need for positive action to combat it.
- It is necessary to take positive action to ensure that black and minority ethnic communities are properly represented in public services' workforces. We also believe in the benefit of sharing and pooling best practices in this connection.
- It is our collective duty to encourage the reporting of criminal and non-criminal racist incidents, and to make it as easy as possible for this to occur.
- The public education role of organisations is essential to developing a fair and tolerant society. We will enhance and support this.
- Commitment to the principles of this document will require to be supported by relevant training, and the signatories are prepared to resource that training within their respective organisations.

The principles are reflected in the Board’s policy.
The Policy

Dealing with racist incidents:

1. Lothian NHS Board is committed to the promotion of good race relations, the prevention and eradication of racial harassment in any form and to enabling minority ethnic communities to have equity of access to health care, health services and employment.

   A racist incident is defined as being:

   “Any incident that is perceived to be racist by the victim or any other person”

2. Any member of the public or staff should be assured that any racist incident reported to us will be fully investigated through the appropriate procedures, whether as a complaint or through the employment route. Those involved will receive appropriate support and advice and will be kept fully informed of the progress and outcome of the investigation.

3. We recognise that racist incidents are not always reported, but we would encourage any victim of any incident, however minor, to bring it to our attention. It is important that we have the best possible information available to assist us in investigating, detecting and preventing such incidents.

4. NHS Lothian will strive to ensure that the perpetrators of racist incidents are aware that positive action will be taken to thoroughly investigate all reported incidents. The response to such incidents will be prompt, focused and dealt with as a matter of priority.

5. Lothian NHS Board will identify, collate, monitor and report on all racist incidents via a robust reporting system that is clear and consistent and will be regularly reviewed.

Employment with Lothian NHS Board:

6. As an employer, Lothian NHS Board is committed to providing services and following practices which are free from discrimination and which create equal opportunities for all staff, and has adopted and published an Equal Opportunities Policy in support of this commitment.

7. Lothian NHS Board will give support and encouragement to members of ethnic minority communities who seek employment in the health service.

Specific responsibilities for staff:

8. All members of Lothian NHS Board staff have a responsibility to ensure effective and continuing implementation of the Board’s Race Equality Policy, which they will
demonstrate through their contacts with people and through the way they carry out their responsibilities.

9. The Chief Executive is responsible for:

- giving a consistent and high-profile lead on race equality issues;
- promoting the race equality policy inside and outside the organisation;
- making sure the race equality policy is followed.

10. The senior and other managers take the lead in creating the appropriate ethos, and in ensuring that:

- they promote a positive, inclusive ethos that challenges racist or inappropriate behaviour on the part of staff, students, patients or their carers;
- they are aware of NHS Lothian’s statutory duties in relation to race legislation;
- all aspects of Lothian NHS Board policy and activity are sensitive to racial issues;
- racial group monitoring information is collected, analysed and reported on;
- targets are set for the recruitment, promotion, retention and achievement of staff based upon the analysis of the racial group monitoring information;
- objective setting and appraisal of performance include criteria on racial issues where appropriate;
- service areas are required to assess performance in relation to racial issues and take action as appropriate;
- procedures for the recruitment and promotion of staff enshrine best practice in equal opportunities;
- NHS Lothian’s publicity materials present appropriate and positive messages about minority racial groups;
- staff induction and training programmes reflect NHS Lothian’s commitment to promote equality of opportunity;
- appropriate training and development is provided to support the appreciation and understanding of diversity.

11. All staff are responsible for:

- ensuring that they are aware of NHS Lothian’s statutory duties through the NHS Race Equality Scheme;
- dealing with racist incidents, and being able to recognise and tackle racial bias and stereotyping;
- promoting race equality and good race relations, and avoiding discrimination against anyone for reasons of race, colour, nationality or ethnic or national origin (this includes demonstrating sensitivity to issues of ethnic and cultural diversity in clinical practice and service provision);
- Keeping up-to-date with the basic tenets of the law on race relations, and taking up training and learning opportunities.
All those who are under contract to, or provide services for Lothian NHS Board are responsible for following the Race Equality Policy and any race equality conditions which may be set out in contracts or service agreements. They must agree to Lothian NHS Board monitoring of these elements within such contracts or service agreements.
ETHNIC MINORITY RECORDING CATEGORIES

What is your ethnic group?
Choose ONE section from A to E, then tick the appropriate box to indicate your cultural background.

A  White
1. Scottish
2. Other British
3. Irish
4. Any other White background

B  Mixed
1. Any mixed background

C  Asian, Asian Scottish or Asian British
1. Indian
2. Pakistani
3. Bangladeshi
4. Chinese
5. Any Other Asian background

D  Black, Black Scottish or Black British
1. Caribbean
2. African
3. Any other black background

E  Other ethnic background
1. Any other background
STRATEGIC ACTION PLAN ON MINORITY ETHNIC HEALTH: BEING FAIR FOR ALL IN THE NHS IN LOTHIAN

Summary of consultation

Consultation on this plan, which closed at the end of August 2002, resulted in a wide range of responses from community and statutory organisations and individuals. This included 18 community consultation meetings. In general there was strong support for the document.

All the comments and actions resulting from the consultation will be fed into an amended SAP. This will be published in association with the FFA² action plan and will also be used to inform the development of the Lothian Local Health Plan for 2003/04.

Major themes arising from the consultation are identified as follows:

• the importance of improving on the limited availability of information concerning minority ethnic communities and their health needs was noted. In particular, the needs of the Bangladeshi, Gypsy Traveller and Polish communities were identified;
• the mental health needs of people from minority ethnic communities was highlighted;
• the principle of mainstreaming healthcare of people from ethnic communities was welcomed. However, this must also address the issue of racism and its effects within NHS Lothian. Improving the cultural sensitivity of NHS Staff through appropriate training was noted;
• the need to develop effective translation and interpretation services in NHS Lothian was seen as essential. Equally important was the need for independent advocacy;
• creating real partnership in developing health and healthcare services in Lothian was identified as a genuine opportunity for change.
DEMOGRAPHIC PROFILE

Lothian NHS Board was established in 2001 and serves a population of 830,000 people.

Figures for ethnicity of residents are based on the 1991 Census, which indicates:

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Ethnicity</th>
</tr>
</thead>
<tbody>
<tr>
<td>98.3%</td>
<td>White</td>
</tr>
<tr>
<td>0.81%</td>
<td>Indian/Pakistani/Bangladesi</td>
</tr>
<tr>
<td>0.20%</td>
<td>Black</td>
</tr>
<tr>
<td>0.30%</td>
<td>Chinese</td>
</tr>
<tr>
<td>0.29%</td>
<td>Other ethnic group not specified</td>
</tr>
</tbody>
</table>

An assessment of the health status of adults from minority ethnic communities is included as a component of the Lothian Health and Life Survey. This will report during 2003 and inform the work of the Lothian NHS Board in meeting its general and specific duties.

Further work may be undertaken if required.

A more detailed demographic profile will be published in the first annual report.
GLOSSARY OF TERMS

Action Plan
A practical and realistic plan, with an agreed timetable, showing how Lothian NHS Board is planning to meet its duties.

Assessing Impact
A systematic way of finding out whether a policy (or proposed policy) affects different racial groups differently. This may include obtaining and analysing data, and consulting people, including staff, on the policy.

Consultation
Asking for views on policies or services from staff, colleagues, service-users, or the general public. Different circumstances call for different types of consultation. For example, consultation includes meetings, focus groups, reference groups, citizens’ juries, surveys and questionnaires.

Direct Discrimination
The arrangements and procedures used in the recruitment, training and employment of staff. These may include informal and formal disciplinary measures.

Ethnic Monitoring
The process used to collect, store and analyse data about people’s ethnic backgrounds.

Formal Investigation
An investigation by the CRE under sections 49-52 of the Race Relations Act. The investigation can be either a ‘named person’ investigation or a general investigation.

• A ‘named person’ investigation can be carried out if the CRE suspects that an organisation is discriminating on racial grounds. The CRE can ask the organisation for documents and information. If the CRE is satisfied that unlawful discrimination has taken place, or is taking place the CRE can issue a ‘non-discrimination notice’.

• A general investigation can be carried out, without suspicion of discrimination, to examine practice within an area of activity. At the end of the investigation, the CRE can make recommendations.

Functions
The full range of a public authority’s duties and powers.

Grievance Procedures
Arrangements or procedures for dealing with grievances, including complaints about bullying, harassment or discrimination; or appeals against decisions on promotion or appraisal assessments.
**Indirect Racial Discrimination**
Occurs when a rule or condition which is applied equally to everyone.

- Can be met by a considerably smaller proportion of people from a particular racial group;
- Is to the disadvantage of that group;
- Cannot be justified on non-racial grounds.

All three conditions must apply.

**Monitoring**
The process of collecting, analysing and evaluating information, to measure performance, progress or change.

**Performance Assessment Procedures**
Formal and informal staff appraisals that are likely to affect career development, pay and benefits.

**Policies**
The formal and informal decisions about how a public authority carries out its duties and uses its powers.

**Positive Action**
Action permitted by the Race Relations Act that allows a person to:

- Provide facilities to meet the needs of people from particular racial groups in relation to their training, education or welfare;
- Target job training at people from racial groups that are under-represented in a particular area of work, or encourage them to apply for such work.

**Proportionate**
This refers to the fact that the weight given to race equality should be proportionate to its relevance to a particular function. This approach may mean giving greater consideration and resources to functions or policies that have most effect on the public, or on NHS Lothian’s employees.

**Public Procurement**
Contracting out a function or service.

**Relevance**
This refers to the fact that race equality will be more relevant to some public functions than others. Relevance is about how far a function or policy affects people, as members of the public, and as employees of NHS Lothian.

**Statutory Duties**
Duties, either ‘general’ or ‘specific’, which NHS Lothian is legally bound to meet.
Training
A range of skills enhancement and career development opportunities, which could include informal in-house training as well as more formal courses.

Victimisation
Punishing or treating someone unfairly because they have made a complaint of racial discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint of racial discrimination. Victimisation is defined as unlawful discrimination under the Race Relations Act.
References


2 Scottish Executive Health Department, Fair For All: Working Together Towards Culturally Competent Services, HDL 51, 2002


4 Strategic Action Plan on Minority Ethnic Health: Being Fair For All in the NHS in Lothian, (Draft for Consultation), May 2002.


6 Scottish Executive Health Department, Our National Health: A plan for action, a plan for change, 2000.


8 Lothian Local Health Plan, 2002.