

Performance guidelines

for criminal justice agencies

All criminal justice agencies have a statutory general duty to work towards eliminating unlawful racial discrimination, and to promote race equality and good race relations. The duty is not optional and agencies must meet it even if the ethnic minority populations they serve are very small.

As dispensers of justice, criminal justice agencies have a special responsibility to be seen to be just and fair in the way they carry out their functions. How they approach the question of race equality and meet their duties has the power to profoundly affect people's lives.

This leaflet describes the main results or outcomes that will distinguish a criminal justice agency that is meeting its duty well. It also outlines some of the ways in which agencies, including magistrates courts committees, the Crown Prosecution Service (CPS), the National Probation Service, and HM Prison Service, can show that they are meeting their duties. We have produced a separate leaflet for police forces and police authorities.

This leaflet is meant for a wide range of individuals and organisations, as well as criminal justice agencies. For example, members of the public should find it useful if they want to know how well a criminal justice agency is meeting its duty. Staff in criminal justice agencies will be able to use it to see if their own work, and their agency's work as a whole, is making a difference to meeting the duty to promote race equality and good race relations. Inspectorates and the CRE will be able to use this leaflet as a guide to the performance they can expect from a successful agency. Most of the results and activities we list here are likely to be included in the agency's race equality scheme (which will vary from one agency to another).

This leaflet does not have statutory force. It is meant to be a concise guide to the performance that criminal justice agencies should aspire to in meeting their duty. We recommend that agencies also use the statutory *Code of Practice on the Duty to Promote Race Equality* (which provides guidance on meeting the new public duty) and the non-statutory *Guide for Public Authorities* (which gives more detailed advice and practical examples) to develop full strategies for promoting race equality and good race relations. You will also find useful information and advice at the following websites:

- www.cre.gov.uk
- eshtw01.idea-knowledge.gov.uk

Outcomes of meeting the duty

Community satisfaction and equal opportunities

- Users of the criminal justice agency's services, and those who come into contact with it, irrespective of their ethnic background – for example, defendants, witnesses, lawyers, clients, prisoners, prisoners' families and visitors, staff, and members of the public – are equally satisfied with the agency as a whole, and with individual services.
- Users of the agency's services, especially from ethnic minority communities, say they have confidence in the agency. For example, because:
 - the Crown Prosecution Service acts on its commitment to deal seriously with racially aggravated offences; and
 - the National Probation Service's pre-sentence and bail reports, and the way it enforces community sentences, are unprejudiced by a defendant's ethnic group.
- There are no significant differences in service outcomes between different ethnic groups, or different regions. For example, prison conditions do not vary according to a prisoner's ethnic group.
- The agency caters for a wide variety of needs, through flexible and well-designed services and policies.
- The agency makes decisions openly, and is accountable to the communities it serves.
- Users of the agency's services, those coming into contact with it, and members of the public (irrespective of their ethnic background), understand the agency's principles and race equality aims.

- The general level of complaints is low, and there are no significant differences between ethnic groups in complaints about the agency's services and policies.

Staff satisfaction and equal opportunities

- The agency's workforce is representative of the populations – local and national – from which it fills its posts.
- Staff from all ethnic backgrounds are satisfied with the way the agency is run, and say it is a good employer.
- There are no significant differences between ethnic groups in complaints about unfair treatment or racial discrimination, either from staff or their representatives.
- The agency's employment practices attract good candidates from all ethnic groups.
- The agency has a good reputation in the area as a fair employer.

Confidence and respect

- All staff know their responsibilities under the new public duties. They are confident about putting the agency's policies into practice, and carry out their functions in the interests of all.
- The agency sets high standards for the organisations it works with, and for the organisations that work for it.
- The agency is respected for its commitment to – and success in – promoting equal opportunities and good race relations. It has received excellent reports from the inspectorate.

Evidence of meeting the duty

Leadership

Strong leadership is vital if criminal justice agencies are to meet the new public duty. An agency that is effectively promoting race equality will be able to show the following.

- The agency's leadership has made a public commitment to tackle unlawful racial discrimination, and to promote equal opportunities and good race relations in all areas of its work.
- The agency's leadership understands the guiding principles of promoting race equality. It makes sure that these principles govern all aspects of its work. It has publicly stated that it is accountable for promoting race equality.
- Senior officers take a firm and steady lead on promoting race equality and good race relations.
- Senior officers from ethnic minorities play an active and responsible part in all areas of the agency's work. They are not marginalised, or expected only to concern themselves with the agency's work on equality and diversity.

Services and policies

The aim of the general duty is to make race equality central to the way criminal justice agencies work. Services, policies, and procedures that are relevant to the duty should reflect this. A successful agency will be able to show the following.

The agency has identified functions and policies that are relevant to the duty.

- The agency has considered all its functions and the ways in which it carries them out. It has decided which of its functions are relevant to the duty to promote race equality, and has put them in order of priority.

- All parts of the agency are involved in reviewing functions.
- The agency is planning to repeat this assessment at least every three years.

The agency has arranged to assess, and consult on, the impact its policy proposals are likely to have on the duty to promote race equality.

- The agency has procedures for assessing its policy proposals for their possible impact on race equality.
- The agency takes steps to identify the full range of needs in the communities it serves, and makes sure everyone knows about its consultation plans and how they can take part.
- The agency carries out assessments of its policy proposals by gathering as much information as possible on the subject. It consults its staff, their representatives, users of its services, and members of the public (including people from ethnic minority communities) as part of these assessments.
- The agency uses both formal and community-based approaches to consultation. For example, public meetings, outreach programmes, and contacts with community representatives, especially from groups it does not consult regularly.
- The agency considers other policy options when its assessments and consultations show that its policies could affect some ethnic groups adversely.

The agency has arranged to monitor the effects of its policies on different ethnic groups.

- The agency uses both established performance measures, such as public service agreements, and its own indicators to monitor policies that are relevant to the duty for their effects on different ethnic groups.
- The agency sets ambitious but achievable targets to make continuous progress in promoting race equality.
- The agency uses performance management systems to make sure that race equality is part of its everyday work. This is reflected in the work of all units and agencies.
- The agency uses the results of its assessments and consultations, including ethnic monitoring, to improve the services it provides, and to reach all sections of the community.

The agency has arranged to publish reports on its assessments, consultations, and ethnic monitoring every year.

- The agency keeps easily accessible records of its monitoring, consultations, and assessments, and of any changes it makes to its policies as a result.
- The agency publishes user-friendly summaries of its assessments, consultations, and monitoring. For example, in newsletters, occasional publications, its annual report, and on its website. The summaries include information about any changes the agency plans to make to its policies as a result.

The agency has made arrangements for everyone to have access to information about its work, and to its services.

- The agency uses various methods to provide information, and to promote its services to the different communities it serves.
- The agency produces information in various languages and provides interpreters for its services, when needed.
- The agency has effective and efficient procedures for dealing with complaints about its services.

The agency has published a race equality scheme.

- The agency's scheme consists of a strategy and an action plan to meet the general duty and any specific duties.
- The scheme is a timetabled and realistic three year plan, which came into effect on 31 May 2002 in England and Wales, and comes into effect in Scotland on 30 November 2002.
- The scheme is organised around achieving the results and outcomes described under 'Outcomes of meeting the duty.'
- The agency reviews the scheme regularly, using existing systems and processes.
- The agency has published the scheme on its website and in printed form. The scheme is also available in other formats, on request. Copies of the scheme have been distributed to all staff, and are available to members of the public.

The agency has set race equality objectives for all its partnership work, and for work carried out for it under contract.

- The agency informs partner organisations that it intends to work in line with the principles of the duty to promote race equality.
- The agency persuades its partners to adopt these principles as governing principles for the partnership's activities.
- Staff involved in work for partnerships, such as crime and disorder partnerships, have been fully briefed on the general duty, and any specific duties, to promote race equality and good race relations.
- The agency has written its race equality duties into its service agreements and procurement contracts as performance standards for delivering services that are relevant to the duty.

Employment

The agency has arranged to train its staff on the duty.

- All staff receive training on the Race Relations Act, and on how to prevent discrimination and encourage respect for people from different backgrounds.

- Staff responsible for meeting the duty receive training on their responsibilities under the Act, and in the skills they need to meet the general duty and any specific duties.

The agency has made arrangements to monitor staff, applicants, and employment processes, by ethnic group.

- The agency routinely monitors employees and applicants for employment, training, and promotion, by ethnic group. As it has more than 150 full-time employees, it also monitors the number of staff who receive training, who benefit or suffer disadvantage from performance assessments, who are involved in grievances or disciplinary action, or who end their employment with the agency.
- The agency takes steps to explain the importance of reliable ethnic monitoring and to encourage all staff to cooperate by completing their ethnic classification form.
- The agency uses the ethnic monitoring data to set targets and to take action, both to encourage applicants from ethnic groups that are under-represented in particular areas of work and to deal with any adverse impact its employment policies and procedures might be having.
- The agency publishes the results of its monitoring in its annual report.



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