

**THE INSTITUTE OF CANCER RESEARCH:
ROYAL CANCER HOSPITAL**

**RACE EQUALITY
POLICY 2008-2010**

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**THE INSTITUTE OF CANCER RESEARCH: ROYAL CANCER HOSPITAL
RACE EQUALITY POLICY**

INTRODUCTION

As Chair of The Institute's Race Equality Review Group, I am pleased to introduce our second Race Equality Policy.

Since the first Policy was published in 2004 we have continued to make steady progress in meeting the Race Equality Duty. We have developed our data collection systems to ensure that robust data on the nationality and ethnic origin of staff and students underpins the work that we are doing.

We have raised awareness of race equality through developing our methods of communicating race equality and other diversity messages through the internet, intranet and training workshops which will commence in early 2008.

Crucial to our progress are the members of the Race Equality Review Group and I would like to pay tribute to their continuing interest, dedication and contribution to the issues which make up our agenda for change.

The Institute is one of the world's foremost independent cancer research organisations and our progress on race equality reflects our pursuit of excellence in all our other work and recognises the emphasis on equity in The Institute's values. This new policy will continue to take us forward enabling us to meet our statutory duties and continue to ensure fair treatment irrespective of a person's ethnic origins or nationality.

Jonathan Kipling
Secretary of The Institute of Cancer Research
Chairman of the Race Equality Review Group

WHY THIS POLICY?

The General Duty

The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 (referred to in this policy as “The Act”) places a general duty on public authorities, when carrying out their functions, to have due regard to the need to:

- Eliminate unlawful racial discrimination; and
- Promote equality of opportunity; and
- Promote good relations between people of different racial groups.

This is known as the ‘General Duty’.

The Act outlaws:

- Direct discrimination,
- Indirect discrimination
- Victimisation
- Harassment

and also creates a host of other specific offences all in relation to ‘racial grounds’ and ‘racial group’ which for the purposes of the Act are defined as:

“colour, race, nationality, or ethnic or national origins”.

Direct and indirect discrimination, victimisation and harassment are explained further at Appendix A to this policy.

Specific Duty – Higher Education

Most public authorities, including all higher education institutions, also have specific duties, which are outlined in the Race Relations Act (Statutory Duties) Order 2001 which states that the governing body of a further and higher education institution must:

- Prepare a written statement of its policy for promoting race equality (Race Equality Policy); and
- Have in place arrangements to;
 - Assess the impact of its policies, including its race equality policy, on students and staff of different racial groups;
 - Monitor, by reference to those racial groups, the admission and progress of students and the recruitment and career progression of staff; and
 - Include in its race equality policy the arrangements for publishing the policy and the results of its assessment and monitoring as outlined above.

The Policy is structured in a similar way to The Institute’s Disability and Gender Equality *Schemes* but retains its title of ‘policy’ to fully comply with legal requirements.

Specific Duty – Employment Duty

In addition, as an employer, The Institute needs to take account of the specific duties on employment which state that employers must monitor by reference to the racial groups to which they belong:

- The numbers of staff in post; and
- Applicants for employment, training and promotion, from each such groups, and;

Where there are more than 150 full time staff, the numbers from each such group who-

- Receive training;
- Benefit or suffer detriment as a result of its performance assessment procedures;
- Are involved in grievance procedures;
- Are the subject of disciplinary procedures; or
- Cease employment.

The results of such monitoring will be published annually. The policy will be reviewed and republished after three years from the date of publication.

Remedies

A person who suffers discrimination, victimisation or harassment on racial grounds can bring proceedings against the perpetrator in the County Court or an Employment Tribunal.

The General Duty is enforceable by judicial review and any person affected by a failure to comply with the General Duty by a public authority is entitled to take action through formal judicial review proceedings. The Equality and Human Rights Commission (EHRC) may also issue formal compliance notices in the event of a breach of the General Duty.

Code of Practice

The Commission for Racial Equality (CRE) was the Government body responsible for enforcing the Race Relations Acts until October 2007 when responsibility passed to the EHRC. At the time of the publication of this policy all codes of practice and duties of the CRE are still in force even though they are now administered by the EHRC.

The CRE published a Statutory Code of Practice to guide public authorities in complying with the general and specific duties and this policy has been written in line with its recommendations. On its own, the Code of Practice does not place any legal obligations on The Institute but it has been approved by Parliament and is admissible in evidence in any legal action. Failing to comply with the Code of Practice is therefore not unlawful but courts and tribunals will take into account to what extent a public authority has complied with it when they consider any case brought before it.

THE INSTITUTE

Strategic aims of The Institute

The mission of The Institute is outlined in the strategic plan and is to relieve human suffering by pursuing excellence in the fight against cancer through:

- Research into the causes, prevention, diagnosis and methods of treatment of cancer
- Education and advanced training of medical and scientific staff
- Treatment and care of the highest quality for cancer patients
- Attraction and development of resources to the optimum effect

The Race Equality Policy will contribute positively to our mission by ensuring that our staff and students are treated fairly and equitably whatever their colour, race, nationality or ethnic or national origins therefore enabling them to work productively towards The Institute's strategic goals.

The Race Equality Policy will have a positive impact on the following strategic objectives of The Institute:

Objective 5: To educate and train the next generation of cancer researchers

Objective 6: To deliver an environment which maximises the ability of people to achieve their research potential both in the laboratory and the clinic

Objective 8: To remain an employer of choice

In addition, the scheme will ensure that The Institute is legally compliant in all relevant areas. It will enhance our profile in terms of corporate social responsibility whilst ensuring that we continue to comply with all the requirements of our funding partners such as the Higher Education Funding Council for England, and Research Councils.

The Institute's Commitment to Promote Race Equality

The Institute's Board of Trustees have approved the Race Equality Policy and recognise that the legal responsibility for meeting the requirements of the Act rests with them as the Institute's Governing Body. However all members of management, staff and students together with associated parties such as contractors have duties and responsibilities under the policy.

Policy Statement

The Institute of Cancer Research is committed to meeting its obligations under the Act, and is committed to making equal treatment, irrespective of gender, disability, sexuality, colour, ethnicity, race, nationality, ethnic or national origins, age or religious belief, a central issue in the development, delivery and review of policies, and in the way in which our staff are managed and our students are taught. The purpose of this policy is to promote race equality across the breadth of Institute activities, re-affirm that discrimination will not be tolerated, and to ensure that these issues are included as a matter of course in all The Institute's relevant functions. This includes

Responsibilities

The Institute's Board of Trustees has overall responsibility for making sure that The Institute complies with The Race Relations Act 1976 (as amended) and meets the general and specific duties.

The Chief Executive and members of the Corporate Management Group are responsible for:

- giving a consistent and high profile lead on race equality issues;
- promoting the race equality policy inside and outside of The Institute, and;
- making sure that the Race Equality Policy is followed.

The Institute's managers are responsible for:

- putting the policy and its procedures into place;
- making sure that all staff know their responsibilities and receive support and training to carry these out;
- following the relevant procedures and taking action against staff or students who discriminate unlawfully on racial grounds.

All staff and students are responsible for:

- conducting themselves in a legally appropriate manner in relation to all equality law;
- challenging, and when appropriate reporting, any behaviour which amounts to unlawful racial discrimination of any description;
- cooperating with The Institute's efforts to promote equality of opportunity and good relations between people of different racial groups which includes taking advantage of training opportunities.

Complaints

Any members of staff or members of the academic or student body who believe they have suffered harassment, discrimination, or victimisation on the grounds of race may make a complaint through the existing discipline or grievance procedures.

If any member of staff or member of the academic or student body becomes aware of any other circumstances which appear to be in conflict with this policy they should report it to their line manager or supervisor. If the circumstances amount to discrimination or harassment, the line manager or supervisor will take action in accordance with the staff discipline policies.

If any other person or member of the public wishes to make a complaint of harassment, discrimination, or victimisation, or they otherwise become aware of circumstances which appear to be in conflict with this policy which they wish to report, they should in the first instance write to the Secretary of The Institute.

In all cases of complaints, grievances or third party reports involving this policy the Human Resources Department will be informed of the circumstances as soon as practicable. In all other cases comments and feedback are welcomed.

The Equality Agenda

This Scheme is the latest stage in a progressive equality agenda which has required public authorities to publish equality schemes and action plans. In 2004 The Institute published its first Race Equality Policy and Action Plan, in December 2006 its Disability Equality Scheme and in April 2007, its Gender Equality Scheme. Some public authorities, notably the Higher Education Funding Council for England (HEFCE), have taken the bold step of combining their schemes into one 'Single Equality Scheme'. The Institute recognises that there may be benefits in this approach but believes that each individual equality strand would be better served with separate schemes at this time. This decision will be reviewed periodically, taking note of any future developments in the equality agenda, particularly the stated intention of the Government to pass a Single Equality Act. This policy follows a similar format to the other equality schemes which will aid harmonisation in the future if required.

Equality

'Equality' in the context of 'equality and diversity' does not necessarily mean treating everyone in exactly the same way. The focus is on outcomes rather than input. Everyone should have the same rights, responsibilities and opportunities but facilitating this is often about recognising the particular needs and circumstances of an individual, or groups of individuals, and tailoring resources to achieve equality outcomes. This is the basis of 'positive action' which seeks to achieve equality by focusing additional resources towards people who have historically enjoyed less opportunity than others.

With regard to this policy, promoting equality means identifying outcomes which may indicate that people from different racial groups may have been treated in a manner which is to their detriment when compared to members of other racial groups and taking whatever action is necessary and proportionate to redress the imbalance.

The Royal Marsden NHS Foundation Trust

The Institute of Cancer Research works in partnership with The Royal Marsden NHS Foundation Trust and many members of staff and students are routinely based within the Royal Marsden's estate or are otherwise directly subjected to their working practices and policies.

This policy has therefore been developed in co-operation with the Royal Marsden which is required to publish a Race Equality Scheme, to ensure compatibility and common purpose. Any enquiries concerning the Royal Marsden's Race Equality Scheme should be directed to Lisa Neden, HR Manager Projects, 020 8661 3732 or Lisa.Neden@rmh.nhs.uk.

GATHERING AND USING INFORMATION

The Institute has a very good record of attracting potential employees of the highest calibre and selecting on merit resulting in a motivated workforce with high levels of staff satisfaction as measured in regular staff attitude surveys. The latest Staff Attitude Survey was conducted in 2005.

Similarly, the way that students are selected ensures that their research interests are carefully matched with the research studies available resulting in high motivation and successful outcomes. The Institute was subject to a Quality Assurance Agency for Higher Education Institutional Audit in April 2004¹. Institutional Audit is a peer review exercise that investigates the operation of quality assurance systems at the level of the institution combined with scrutiny of how these operate at the level of the course. The outcome was a judgement of 'Broad Confidence', the best possible under the methodology used.

A central record of personal data on staff is held by the Human Resources Team and student records are held by the Academic Registry. The retention and use of this information complies with The Data Protection Act 1998.

Information about individuals' ethnic origin, sex, age, disabilities, and religion or belief and nationality are gathered using an 'Equal Opportunities Monitoring Form' which applicants complete before or at the time of appointment. This enables The Institute to monitor, by reference to racial groups, the admission and progress of students and the recruitment and career progression of staff. An Institute-wide survey was conducted in 2006 to confirm these details in the existing workforce which resulted in a near complete picture of The Institute's profile².

Employment and Student Profile

The Institute operates in a highly competitive labour market which is further influenced by the high concentration of cancer research and biomedical organisations in London and the South-East. For scientific staff, particularly at Faculty level, the employment competition is international. The Institute competes in the London/Home Counties employment marketplace for the majority of support staff although those with particular skills are recruited both nationally and internationally. The Institute also offers a programme of postgraduate studentships which attracts applications from both the UK and overseas.

The Institute has 899 staff with the largest ethnic category being white-British at 58.69%. This is a reduction of 3% over the last 18 months indicating that the diversity of the workforce is increasing. The other ethnic groups comprise 39.53% with 1.78% not known. 18.26% of the workforce falls within the 'white-other' category which reflects the large international presence in the workforce.

Of the student body, 57% are White British and 14% are British born Black or ethnic minority. The remaining 29% are international students.

A focus on nationality shows that 48% of the student body are international students. This appears at variance with the above data but some of the international students state their ethnic origin as White British to reflect their original family origin e.g. Australians.

¹ The report of the Institutional Audit is available at http://www.icr.ac.uk/education/academic_quality_and_enhancement/4191.pdf

² The 'not known' category fell from 6.3% to 1.78% from 2002 to the end of the third quarter of 2007.

Population Comparison

The black and ethnic minority composition of Greater London, within which The Institute is situated, is 40%³. The proportion of black and ethnic minority people in the wider UK population, as measured in the 2001 Census, is much smaller than in London (around 13%).

The Institute uses ethnic categories derived from the Census 2001 and makes annual returns to the Higher Education Statistics Agency (HESA) allowing comparison with other higher education institutions.

Racial Monitoring

A quarterly review of the workforce profile is collated and published by Human Resources for review by the Corporate Management Group, Race Equality Review Group and the other equality steering groups.

The Institute collates data on the ethnic origin of all staff and students who:

- Apply for and receive training;
- Benefit or suffer detriment as a result of performance assessment procedures;
- Are involved in grievance procedures;
- Are the subject of disciplinary procedures; or
- Cease employment.

Although this information is made available for review by the Race Equality Review Group it is not yet presented in an easily digestible format. These improvements will be made in the coming year.

Racial Incident Reporting

The Institute collects information on 'equality related incidents'. These are defined as:

Any incident or behaviour which is perceived by the victim or any other person to be motivated by prejudice, or results in discrimination, based on gender, race, age, disability, sexual identity or orientation, religion or belief.

The information collected is disseminated as numerical data to the equality steering groups to inform equality strategy and the procedure is outlined in The Institute's Equality Related Incident Reporting Policy.

HOW WE USE THE INFORMATION WE GATHER

Race Equality Review Group

As part of the process of developing and consulting about the policy, the Race Equality Review Group (RERG) was established in 2004. It is led by The Secretary of The Institute, and includes management, student and staff side representatives together with volunteer members of the black and ethnic minority staff.

³ UK Census 2001 Table KS06

Role and Function of the Race Equality Review Group

1. The Group supports the planning, development and review of the Race Equality Policy and promotes racial equality.
2. The Group monitors and recommends implementation of the Policy relative to The Institute's other policies and functions.
3. The Group will monitor, by reference to these racial groups, the admissions and progress of students and the recruitment and career progress of staff.
4. The Group will take such steps as are reasonably practicable to publish annually the results of its monitoring.
5. The Group has no executive authority, but can make reports through the CMG to the Board of Trustees on relevant issues.

Action plan

The action plan is the primary vehicle through which the information gathered in this policy will be used. It outlines tasks, objectives, timescales and accountability. It will be reviewed by RERG on a regular basis to ensure that objectives are being achieved within the stated time and that progress towards meeting the general and specific duties is maintained.

Review

The Action Plan will be formally reviewed every year and the Race Equality Policy will be formally reviewed within three years of each publication (by March 2011).

Annual report

The requirement for an annual report on progress will be facilitated by the Race Equality Review Group by way of a report to the Corporate Management Group and Board of Trustees of The Institute. This will also be published and made available through The Institute's Publication scheme, intranet and internet.

IMPACT ASSESSMENT

Impact Assessment is about looking at policies and practices to see if they have an adverse impact on any minority groups, including racial groups. Because the formulation of the majority of these policies pre-dates the introduction of a Race Equality Policy they were not subjected to a formal review to detect any disproportionate effect on minority groups. Consequently a policy may, inadvertently, lead to indirect discrimination.

Impact Assessment prevents this from happening by using a structured assessment process to look at all the angles, identifying where there may be problems and exploring alternative ways of achieving the desired end in a more inclusive way. If done properly the organisation benefits by having its systems and practices properly assessed and then reviewed regularly. This can highlight other problems, which can be dealt with at the same time.

The Institute has already started the process of impact assessment on many of its policies. In response to guidance from HEFCE, the Corporate Management Group at The Institute placed responsibility for conducting impact assessments with the policy owner towards the end of 2005.

Because of the duty placed on public authorities to conduct Impact Assessments for many of the equality strands, The Institute will assess its policies and practices against all equality strands in a single process. This will make the most efficient use of managers' time.

Equality Impact Assessment will use the two-step process recommended by the Commission for Racial Equality as a basis and those conducting the assessments will receive training and guidance from The Institute's Diversity and Disability Advisor. A guidance booklet will be produced to further support the process. The impact assessments will be linked to the relevant equality action plans and will be subject to periodic review.

In line with current practice in the Government and other public bodies and in a similar way to how risk is managed currently within The Institute, the aim is to ensure that no policy or practice is initiated within The Institute without first being assessed for any adverse impact which may bring discredit to The Institute either by failing to comply with the law or by being disadvantageous to a group or individual. At the end of 2005 The Institute put in place a procedure such that all new or amended policies would be subject to a formal impact assessment.

PUBLICATION

Documents related to equal opportunities e.g. equality schemes, are included in The Institute's Publication Scheme and the Race Equality Policy will therefore be available on application within the Publication Scheme.

The Policy will also be published for general distribution and made available on The Institute's website and intranet. Large print, clear print, audio and Braille versions will also be available on request.

RACE EQUALITY ACTION PLAN 2008-2010

Ref	Area		Task	Objective	Timescale	Owner
1	Equality Impact Assessments	1.1	Establish procedure for review of new policies as introduced	Publish and implement EIA policy	December 2007	DDA
		1.2	Establish EIA Steering Group	Inaugural meeting	December 2007	DDA
		1.3	Develop and deliver EIA training course for policy owners	First course delivered	April 2008	DDA / L&D Manager
		1.4	EIA of existing policies by policy owners	All policies assessed	31 st December 2009	EIA Steering Group
2	Training	2.1	Develop one day equality and diversity training package for staff and student development and induction	Course delivery	January 2008	DDA / L&D Manager
		2.2	Offer of training for Board of Trustees, CMG and management.	Course delivery	May 2008	DDA / L&D Manager
3	Reports	3.1	Staff Consultative Committee	Interim Reports as part of EO update as necessary	Ongoing	DDA
		3.2	Annual Report via CMG / Board	External publication	Ongoing	RERG
4	Communication	4.1	Identify opportunities for effective delivery of race equality and diversity messages, through internal and external publications, and more widely to the media.	Ongoing output	Ongoing	RERG
5	Monitoring	5.1	Monitor, by reference to racial groups, the admission and progress of students and the recruitment and career progression of staff	Develop monitoring system aligned to 'Pyramid' HR software.	December 2008	DDA / HR Information Officer
				Periodic monitoring and annual report.	December 2008	DDA / HR Information Officer

Ref	Area		Task	Objective	Timescale	Owner
6	Staff Support	6.1	New staff and students from overseas face particular challenges integrating into The Institute's community. Developing support systems will promote wellbeing.	Improved language skills through provision of English language courses.	January 2008	L&D Manager
		6.2		Report on feasibility of developing an internal 'International Network' of mentors/buddies to welcome new starters.	December 2008	DDA
7	Discipline and grievance	7.1	Review discipline and grievance cases for current and previous years, to investigate whether there are any trends in disproportionate representation of ethnic minorities.	Develop monitoring system aligned to 'Pyramid' HR software.	December 2008	DDA / HR Information Officer
		7.2		Reports and recommendations	Ongoing monitoring for inclusion in Annual Report	DDA
8	Policy	8.1	Review policy implementation and maintenance, action plan and timescale	Meet objectives within timescale or amend as required	Ongoing	DDA
		8.2	Full review of framework and policy	Re-publish policy and action plan	December 2010	DDA

GLOSSARY

Act (The)	Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000
AMICUS	The recognised union for staff representation at The Institute
CEHR	Commission for Equality and Human Rights
CRE	Commission for Racial Equality
DDA	Diversity and Disability Advisor
DES	Disability Equality Scheme
DSG	Disability Steering Group
ECU	Equality Challenge Unit
EIA	Equality Impact Assessment
HEEON	Higher Education Equal Opportunities Network
HEFCE	Higher Education Funding Council for England
HESA	Higher Education Statistics Agency
L&D	Learning and Development
Public Authority	Any organisation which exercises some functions of a public nature
Policy (The)	Race Equality Policy
RERG	Race Equality Review Group
The Institute	The Institute of Cancer Research

APPENDIX 1

Definitions – Racial Discrimination

Direct Discrimination

This occurs when a person treats another less favourably (than he/she would any other person in similar circumstances) on racial grounds.

Indirect Discrimination

This occurs when a person applies a provision, criterion or practice equally to all persons but it has a disproportionate effect on a person or persons of one racial group and cannot be shown to be a proportionate means of meeting a legitimate aim.

Harassment

This is a form of discrimination which occurs when on grounds of race, or ethnic or national origins (including citizenship) a person engages in unwanted conduct which has the purpose or effect of violating another person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the other person.

In cases of harassment a court or tribunal will focus on the perception of the victim, and particularly the *effect* of the conduct on them.

The Protection from Harassment Act 1997 also makes harassment a criminal offence for which a person can be arrested, where a person "*pursues a course of conduct which amounts to harassment of another and which he (/she) knows or ought to know, amounts to harassment of the other*".

Victimisation

This is a form of discrimination which occurs when a person is treated less favourably because the discriminator knows or suspects that he/she has done or intends to:

- bring proceedings against the discriminator or any other person or gives evidence in connection with any such proceedings under The Act.
- do anything by reference to The Act in relation to the discriminator or any other person or allege that the discriminator or any other person has breached any relevant provisions of The Act.

Further information can be found on the Equality and Human Rights Commission website at: <http://www.equalityhumanrights.com> or the Office of Public Sector Information which publishes UK Legislation on the web <http://www.opsi.gov.uk>.