

# UK BORDER AGENCY RACE, DISABILITY AND GENDER EQUALITY SCHEME 2008 - 09

## **Foreword from the Chief Executive, UK Border Agency**

This, the current version of the Race, Disability and Gender Equality Scheme, follows on from the previous version that was prepared last year for the Border and Immigration Agency.

The race component of the scheme has been revised in accordance with the equality legislation, and the opportunity has also been taken to amend the other parts of the scheme where necessary.

The most significant difference between this and the previous version of the scheme is that there is now one Action Plan, rather than there being a separate plan for each of the strands. This is because many actions support all three strands; I believe this to be the most effective method of achieving real implementation, this also removes unnecessary duplication.

We have reported progress on all three strands in a separate update.

Much has happened since last year's scheme was published. A new regional structure for the organisation has been put in place, to enable the agency to respond quickly to local issues, and the regions have now taken over some of the functions that were previously dealt with centrally.

The UK Border Agency came into existence, on 1 April 2008, integrating the work of the Border and Immigration Agency, UKvisas and Customs in order to meet the Home Office strategic aim to: Secure our borders and control migration for the benefit of our country.

We are determined to embed equality and diversity within all aspects of our business as an employer, policy-maker and service provider. We are totally committed to the Home Office Three Year Diversity Strategy which was launched by David Normington in May 2007. This has put in place an effective framework which ensures that there is a consistent approach across the Home Office to delivering and reporting on all aspects of equality and diversity. We will continue to drive full compliance with our legislative responsibilities and will seek to go further to truly put equality at the heart of all we do.

As the organisation continues to change, so the requirements of the equality scheme must also change. A full revision will be made in 2009 to ensure that all the agency's new business areas have been assessed for relevance, and that the requirements of forthcoming equality legislation have been taken into account.

Lin Homer  
Chief Executive  
UK Border Agency

## **UK BORDER AGENCY RACE, DISABILITY AND GENDER EQUALITY SCHEME**

1. The management of our borders is fundamental to the interests of the United Kingdom. Our immigration system must allow us to manage properly who comes here and ensure people leave when they are no longer entitled to be here.

2. We also want to welcome holidaymakers and other visitors, investors, business people and students who come here, adding to our economy and enriching our society.

3. We also intend to meet our international obligations to refugees who need our protection. We will welcome genuine refugees and promote their integration within the community.

4. Above all, we need a system which protects the security of this country, prevents abuse of our laws, is fair to lawful migrants and the British public, and in which people have confidence.

5. Increasing globalisation, changing patterns of travel and migration, and international crime and terrorism all pose challenges for our country, as they do for all advanced, industrialised countries.

6. Within this context, the work of the UK Border Agency (UKBA) is founded on three strategic objectives:

- We will protect our border and our national interests;
- We will tackle border tax fraud, smuggling, and immigration crime;
- We will implement fast and fair decisions.

These support the agency's purpose:

- Secure our borders and control migration for the benefit of our country.

7. UKBA is a key operational agency within the Home Office, specifically supporting the strategy of '*Working together to protect the public*' by delivering on the strategic objective:

- Secure our borders and control migration for the benefit of our country.

8. The UK Border Agency (UKBA) came into existence on 1 April 2008. It brought together the work of the former Border and Immigration Agency, of UKvisas and the customs detection work at the border from Her Majesty's Revenue and Customs, and has the responsibility for tackling smuggling as well as that of immigration control.

9. The new agency will re-organise itself into three unified operations:

- a single border force, which will permit a single checkpoint for both passport control and customs;
- international work, including visa operations, international policy and overseas liaison; and
- immigration work, including asylum and managed migration.

These will be supported by corporate functions and by an Intelligence Directorate and an Enforcement Directorate to provide support for the whole business.

10. The UK Border Agency Race, Disability and Gender Equality Scheme sets out how the UK Border Agency intends to carry out the general statutory duties to promote race, disability and gender equality.

11. The Home Office is committed to a policy of equality opportunity for all staff. We will not discriminate on grounds of gender, gender identity, ethnic origin, age, disability, sexual orientation, faith and belief, marital or civil partnership status or any other factor irrelevant to a person's work. Assessment for recruitment, selection, appraisal, training and career progression purposes is based entirely on the individual's ability and suitability for the work. We are committed to providing staff of all ages and backgrounds with opportunities to maximise their skills and

achieve their potential, offering flexible working arrangements wherever possible. We will make suitable adjustments to the accommodation where required in consultation with the HODS network, and involve disabled staff in any discussions regarding adaptations to their working environment. We encourage a diverse workforce and aim to provide a working environment where all staff at all levels are valued and respected, and where discrimination, bullying and harassment are not tolerated. We expect all our staff to play their part in supporting this aim.

12. UK Border Agency wholeheartedly supports The Home Office Three Year Diversity Strategy which was launched by David Normington (Permanent Secretary) in May 2007. This strategy acts as a strategic driver to help secure an integrated and systematic approach to equality and diversity, across all business areas, within the Home Office Group. Its five strategic aims are:

- managers at all levels demonstrate effective leadership on equality and diversity;
- potential of under-represented groups developed to create a representative workforce at all levels;
- a working environment where staff respect and value each other's diversity;
- effective Home Office implementation of statutory obligations on equality and diversity; and
- services delivered in a way that promote equality and respect diversity.

UK Border Agency reports on these aims on a quarterly basis and works with the Home Office strategic team to agree both strengths to build on and areas for improvement.

13. The UK Border Agency adheres to the Home Office values, which were developed in consultation with its staff and stakeholders and which underpin how we will achieve our objectives and guide our everyday behaviour. These are:

- we deliver for the public;

- we are professional and innovative;
- we work openly and collaboratively; and
- we treat everyone with respect.

14. This is a summary of what the UK Border Agency will seek to achieve through the scheme. Specific actions are set down in the UK Border Agency's Action Plan for the three strands (while the UK Border Agency accepts that gender identity is a separate strand it will be considered in this scheme along with gender because of the legislative requirements). The UK Border Agency has developed a regionally delivered service. With effect from 1 April 2007 the functions of Managed Migration, Asylum and Enforcement and Removals Directorates have been unified, and are the responsibility of senior UK Border Agency Directors in each region. Policy has not been regionalised.

15. The UK Border Agency is committed to meeting its obligations under the:

- Race Relations Act 1976, as amended;
- Disability Discrimination Act 1995, as amended; and
- Sex Discrimination Act 1975, as amended.

16. The obligations laid down under each Act are not identical. Under the Race Relations Act the UK Border Agency has a duty to have regard to the need to eliminate unlawful discrimination and promote good relations between persons of different racial groups, but it is subject to two important exemptions from the Act. It is exempt from the duty to promote equality of opportunity in performing immigration and nationality functions within the meaning of the Act. It is also exempt from the duty not to discriminate on grounds of nationality or ethnic or national origins when authorised by statute or a ministerial authorisation, but is subject to the rest of the duty. The exemption from the duty to promote equality of opportunity is because that duty is considered incompatible with the exercise of immigration controls in respect of people whose opportunities could be improved by coming to or living in the UK.

17. In relation to its obligation under the Disability Discrimination Act, the UK Border Agency has due regard to the need to:

- eliminate unlawful discrimination;
- eliminate harassment of disabled persons;
- promote equality of opportunity between disabled persons and other persons;
- take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;
- promote positive attitudes towards disabled persons; and
- encourage participation by disabled persons in public life.

18. In relation to its obligation under the Sex Discrimination Act 1975, as amended, the UK Border Agency will meet its requirements under section 76A of the Act, by which a public authority shall have due regard to the need to eliminate unlawful discrimination and harassment and to promote equality of opportunity between men and women when carrying out its functions.

19. Unlawful discrimination can be:

- on the grounds of sex. This can be discrimination against women or against men;
- on the grounds of intending to undergo, undergoing or having undergone gender reassignment;
- against married persons or civil partners (though not against single persons);
- on the grounds of pregnancy or paternity leave;
- by way of victimisation; or

- harassment, including sexual harassment.

20. The Sex Discrimination Act (Amendment) Regulations 2007, when they are enacted, will extend protection against discrimination in the provision of goods and services on the grounds of actual or proposed gender reassignment, in accordance with EC Directive 2004/113 (the Equal Treatment Directive). The UK Border Agency is committed to meeting its obligations towards transsexual people, and, as a matter of good practice, will extend this towards transgender people as well.

21. The Action Plan identifies key actions for the agency's various business areas.

22. The UK Border Agency is committed to the effective performance of all of its duties, and the required outcome of the scheme is that it will conform with all of them. The scheme will be reviewed annually so that its effectiveness can be monitored and, if it transpires that any of the duties are not being met, corrective action can be taken. The UK Border Agency is committed to delivering an efficient, professional and legally compliant service.

23. In many cases, the links between specific aspects of the Government's immigration policy on the one hand and community relations on the other are unlikely to be direct or causal. International developments, media reporting of equality and immigration issues, social and economic conditions within communities and particular events all exert powerful influences on public attitudes and behaviour. However, the Government clearly has a key role to play in leading a constructive, informed public debate on these issues: this includes explaining the positive benefits of migration within the context of a globalised world economy.

24. In all cases where it falls to UK Border Agency officials to provide advice to Ministers or the UK Border Agency Board concerning significant proposed or possible changes to policy or procedure which may affect the UK Border Agency's discharge of the general duties, it will be mandatory to include a specific section in the submission or paper on the proposal's potential impact on the promotion of race, disability and gender equality and the need to avoid unlawful discrimination.

25. The Commission for Equality and Human Rights has issued guidance on gathering and analysing evidence to inform policy, which includes guidance on carrying out impact assessments. The guidance says that relevant parties should be consulted or, in the case of disabled people, involved in gathering evidence. In practice, the UK Border Agency may sometimes need to introduce changes in immigration law with immediate effect, in order to avoid a last-minute rush of applicants eager to take advantage of any loophole that might be about to close, and this may limit the degree of involvement the UK Border Agency is able to achieve. There may also be circumstances in which consultation is impractical for security reasons. The UK Border Agency will, however, in all cases gather and analyse such evidence as is available to it in order to assess the impact the proposed policies are likely to have, and how it can eliminate or mitigate any adverse impact.

## Internal Approach to Consultation and Involvement

26. The UK Border Agency takes its commitment to consulting and involving its staff seriously.

27. When drafting the race, disability and gender aspects of the scheme, the relevant staff networks were consulted. The Network (for staff interested in race equality within the Home Office) was consulted for race aspects, as were the Home Office Disability Support Network for the disability aspects and Home Office Women and a:gender (for transsexual members of staff) for the gender and gender identity aspects, and these latter networks were involved in the working groups that were set up to oversee it.

28. In addition, when the Disability Equality Scheme was drawn up, two user forums (described more fully in paragraphs 30 - 32 below) were held to consider both internal and external aspects of the scheme. Disabled members of staff were invited to these events, through the Home Office Disability Support Network and through internal channels of communication, and made an effective contribution.

29. Subsequently, when the Gender Equality Scheme was drafted a series of focus groups were conducted, at which members of staff considered various HR aspects and then looked at the different issues, including why data is collected, why men and women appear to outperform each other at various levels, part-time and flexible working patterns, maternity and paternity policies, and training.

30. A questionnaire was forwarded to internal stakeholders in all UK Border Agency Directorates, principally through the network of Equality and Diversity Advisors, and to the trade unions. The replies were considered and were taken into account in compiling the scheme.

## External Approach to Consultation and Involvement

31. The UK Border Agency has a large existing and developing regional structure, operating at over 40 locations throughout the UK, including seaports, airports and other offices and establishments. Every year, the Agency has contact with a vast number of individuals as arriving passengers, applicants, sponsors, appellants and immigration offenders. For many, their interaction with the UK Border Agency is a short and simple experience. For others, their contact with the Agency is likely to be more prolonged and less straightforward. The Government believes that the immigration system should treat everyone fairly without unlawful discrimination. All immigration, asylum and nationality cases are considered on their individual merits in accordance with the law and published policy.

32. The three Acts (the Race Relations Act 1976, Disability Discrimination Act 1995 and Sex Discrimination Act 1975) all specify that when a public authority draws up an Equality Scheme there must be consultation with or involvement of relevant parties. The UK Border Agency fully recognises that consulting and involving a wide and diverse range of people is essential for producing a robust and comprehensive scheme. It has sought to consult and involve those who have no specialist knowledge of its work but could look at it from the outside and provide the perspective of a service user.

33. As regards the Disability Equality Duty, the Disability Discrimination Act requires that disabled people must be involved in drawing up the Scheme; they must be people who appear to the authority (i.e. the UK Border Agency) 'to have an interest in the way it carries out its functions'.

34. The Home Office Disability Support Network, which is an independent support network for Home Office staff with disabilities, was involved in the planning process from the start. But it was also necessary to involve representatives of other organisations, so that the UK Border Agency's policies and functions could be scrutinised from the outside.

35. Delegates from a number of organisations representing disabled people (as well as members of the UK Border Agency's

staff) were invited to two user forums, during which the agency's policies and procedures were considered, and the input provided used to inform the drafting of UKBA's associate scheme. The continuing involvement of disabled people in the progress of the scheme will in future be the responsibility of the regions, who may conduct regional fora or organise any other means of involvement they consider feasible.

36. The duties in relation to the race and gender duties are less stringent, consisting of an obligation to consult rather than to involve, but nonetheless the UK Border Agency has taken its duties seriously and has taken care to consult relevant stakeholders with regard to both race and gender while drafting the scheme and to ensure their views are taken into account. The gender equality questionnaire referred to in paragraph 25 was also sent to external stakeholders, and some comprehensive replies were received.

37. In the future, the UK Border Agency will maintain and extend its contact with stakeholders and will ensure that full account is taken of their views when monitoring and revising the scheme.

38. The UK Border Agency's field of work remains among the most sensitive and high profile in Government. Its prime function is to advise Ministers in the formulation of immigration, asylum and nationality policies; to implement approved policies; and to administer legislation passed by Parliament in these fields by delivering front-line services to passengers and applicants.

39. Within government, the UK Border Agency is responsible for bringing forward immigration and nationality policies that reflect Ministers' assessment of where the public interest lies, having regard to UK's social and economic interests and to the broadest possible span of public opinion. This includes reconciling the rights and needs of individuals and of new communities with those of the country as a whole.

40. The UK Border Agency will consult outside Government as appropriate in each case when assessing the potential impact of significant change to policy and procedure.

41. Consultation may take different forms, depending on the scale of the issues concerned. At the highest level, Ministers may decide

to carry out a full public consultation exercise in respect of proposals for major policy or legislative change, applying the principles contained in the Cabinet Office guidance on public consultations. On other issues, Ministers and officials might decide to adopt a more targeted approach on consultation, approaching representative, academic, or professional bodies for an expert view where the matter at issue is more technical.

42. In determining which external groups to engage on policy issues, the UK Border Agency will act in accordance with the need to engage the legal practitioner community, but also to reach beyond well-established contacts to bodies and groups representing local communities and faith communities.

43. In practice, it will not always be possible or appropriate for the UK Border Agency to consult outside government because of the need to preserve the effective administration of immigration control and to respond rapidly to developing operational situations as they arise. However, an impact analysis will in any case be done. Owing to the pressurised and fast-moving nature of the Agency's work, there is inevitably a fine balance to be struck between consultation, flexibility and the needs of the business. The decision to consult will be dictated by the scale and nature of the impact of the proposed policy change against the need of the business and by the value likely to accrue from obtaining the views of others. Where the UK Border Agency does undertake consultations outside government, it will ensure that the exercise is:

- meaningful, in that it genuinely feeds into the decision-making process and is timed to allow this to happen;
- representative, in that it is genuinely based on a proper cross-section of views and that these views genuinely represent the community groups likely to be affected; and
- effective, in that it genuinely makes an impact on the policy development process.

44. Examples of circumstances in which the UK Border Agency will not normally consult because to do so might have significant adverse operational consequences or prejudice the public interest or the rights of individuals include:

- new visa regimes, prior to being announced to Parliament;
- specific enforcement or other Immigration Service operations aimed at tackling illegal immigration or breach of the immigration laws; and
- other areas where to do so might prejudice the administration of immigration control or the rights of an individual (e.g. to privacy).

## Gathering Evidence

45. Whenever a new policy or procedure or a significant change to an existing policy or procedure is proposed the UK Border Agency will perform an Equality Impact Assessment of policies and practices. Initial assessment will be by screening, followed by a full Equality Impact Assessment if the screening indicates that one is needed.

46. The purpose is to assess the relevance of what is proposed to the statutory equality duties in relation to race, disability and gender, including gender identity, and also to age, religion and belief and sexual orientation. By including the latter three strands in assessments the Home Office has gone beyond its legal requirements as a matter of good practice. Any adverse effects on particular groups which are identified will need to be addressed.

47. Guidance concerning the Equality Impact Assessment process is set out on the Home Office's internal website. There are two documents which have been designed to assist any member of staff who needs to undertake an Equality Impact Assessment, a guidance summary and a template which sets out the stages that must be followed. Training for policy makers is also provided in conjunction with the central strategic Home Office team.

48. The Home Office's Overarching Race, Disability and Gender Equality Scheme sets out the process in detail:

'In order to support the Equality Impact Assessment (EIA) process we have developed tools, including templates, training and guidance documents, to ensure that staff are knowledgeable and confident in assessing the impact of policies. Our EIA tools enable consideration of the equality impact of policies and functions on disability, race, gender, gender identity, age, religion and belief, and sexual orientation.

The EIA process has six stages:

- Preliminary screening – assessing the extent to which a policy is relevant to equality. A full EIA is not required if the business activity is assessed as not being relevant to equality. This must be supported by evidence and signed off by the head of the policy/programme unit.

- Considering existing evidence – reviewing current qualitative and quantitative research.
- Gathering evidence through community engagement – involving internal and external stakeholders in policy and programme development.
- Mitigating adverse impacts.
- Ensuring public access to information – ensuring that stakeholders have access to the policy and programme development process, as well as encouraging policy owners to build ongoing relationships with stakeholders and communities once the policy is in place.
- Monitoring the effect of the policy.’

49. Current policies and practices will also be screened for their relevance to race, disability and gender equality, and assessed as appropriate. This will be done by 2010 in line with our Three Year Diversity Strategy.

50. Where the UK Border Agency requires further information about the potential impact of a proposed new policy or procedure on community relations, the Agency will, as far as possible, seek to make use of existing contacts with representative bodies, local authorities, national and local law enforcement agencies and community organisations for an informed view.

51. Where appropriate, the UK Border Agency will consider gathering statistical information on the effects of its policies and practices. It should, however, be borne in mind that the collection of usable data is not straightforward and, in the case of disability, there are particular difficulties raised by differing cultural understandings of the concept of disability. Since the cost of obtaining such data is likely to be high, the UK Border Agency will also need to consider the resource implications with reference to how the information can be used to help substantial numbers of people in genuinely practical ways.

52. The UK Border Agency have not hitherto collected information about the ethnicity of passengers and applicants as a matter of

routine. The annual Command Paper *Control of Immigration: Statistics United Kingdom* contains fairly detailed case outcome information, broken down by nationality or geographical region of origin where those data are available. The UK Border Agency will consider specific proposals for new projects involving ethnic monitoring. In particular, research studies are being undertaken into the feasibility of collecting data on the ethnicity and other circumstances of arriving passengers who are delayed for further questioning, and also into port refusal rates for different nationalities.

53. In all cases where it falls to UK Border Agency officials to provide advice to Ministers or the UK Border Agency Board concerning significant proposed or possible changes to policy or procedure which may affect the UK Border Agency's discharge of the general duty, it is mandatory to include a specific section in the submission or paper on the proposal's potential impact on good relations between persons of different racial backgrounds, and the need to eliminate unlawful racial discrimination. In particular, officials must consider the following questions:

- Is change likely to have a practical impact on particular nationalities or racial groups, or on disabled people or transsexual people or is it likely to affect men and women differently, and, if so, which groups and to what degree?
- What effect, if any, might the proposal have on relations between different settled UK communities or between disabled people and others?
- What effect, if any, might the proposal have on relations between settled UK communities and new recent migrants to the UK?
- What possible alternative options have been considered to avoid the impact?
- If the change has to be made and is likely to have a negative impact, how can the impact on the groups affected be mitigated?

- If there is likely to be an impact on particular groups, such as to amount to discrimination under the Race Relations Act, would a ministerial authorisation under the Race Relations Act be required?
- How might the changes be made in a way that does not stigmatise particular groups or otherwise harm race relations or disadvantage disabled people or transsexual people or either men or women?

54. Where it is judged that further evidence is required before a policy with potentially far-reaching ramifications can be developed further, the UK Border Agency will consider commissioning research to examine existing available data or to collect additional data, if possible, as part of existing research programmes. This approach will only be considered if the necessary evidence cannot be obtained by other proportionate means.

55. All major enforcement operations must be assessed for potential community relations impact in advance. Race equality, disability and gender issues, including issues specifically or additionally relevant to gender identity, are taken into account in the operation of arrangements to support and accommodate destitute asylum seekers in their initial accommodation or in the community, and in managing immigration detention centres.

56. Wherever possible, assessments of functions and policies, impact assessments and the results of consultations and monitoring will be published on the UK Border Agency's website ([www.bia.homeoffice.gov.uk](http://www.bia.homeoffice.gov.uk)). But there may be occasions when publication might adversely affect the integrity of immigration control, the UK's international relations or national security. On those occasions, information will not be published.

57. A significant portion of the UK Border Agency's services are contracted out. Where this happens, the contractors are bound by the same terms as the Government. The UK Border Agency is responsible for ensuring that the general and specific duties are met when it delivers its functions, specifically in the production and management of Service Level Agreements.

58. The UK Border Agency is committed to ensuring that the material it publishes, and the services it provides, are accessible to

all members of different communities. The quickest and easiest way to find out about these matters is to visit the UK Border Agency website. Where there is substantial need for it, the UK Border Agency seeks to produce information translated into foreign languages. In respect of verbal communication, where UK Border Agency customers cannot understand English, an interpreter is called in from the UK Border Agency Interpreters Unit.

59. Ensuring that the scheme works in practice will require a full commitment from all the UK Border Agency's staff, from senior management down, to implement it in their day to day activities. The message is being disseminated through the channels of communication so that all staff become aware of their personal obligations to abide by the legislation, and awareness of race, disability and gender equality is incorporated into staff training as appropriate.

60. The responsibility for ensuring that each individual directorate within the UK Border Agency complies with its duties under the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act belongs to the senior director accountable for the relevant directorate. The Enforcement and Compliance Policy Development Unit is responsible for co-ordinating the UK Border Agency's Race, Disability and Gender Equality Scheme, and the internal aspects of the scheme will be the responsibility of UKBA's senior HR Director.

61. The UK Border Agency's Equality Scheme will be reviewed annually in April, and a revised version will be produced every three years. The agency has set up a system of Regional Equality and Diversity Action Groups to consider equality and diversity issues within each of its regions, and these have been given the responsibility for assessing the agency's performance with regard to both internal and external matters, and for reporting on progress within each region.

## Key Challenges

62. The key challenges in the areas of race, disability and gender equality currently facing the UK Border Agency can be grouped under the following headings:

### Internal and Staffing

- It is the UK Border Agency's policy that all staff receive appropriate diversity training; this ranges from initial induction through to specialist courses for staff and managers.
- Home Office race, disability and gender employment targets for representation, progression and retention are in place in UKBA, these are monitored quarterly and will be reviewed in 2009. The Agency's employment practices promote race, disability and gender equality and equality of opportunity, seeking to eliminate any possibility of discrimination.
- Confidentiality is maintained concerning information about diversity issues in individual cases, which has been obtained in the course of official duties.
- UK Border Agency staff must be aware of Section 22 of the Gender Recognition Act 2004, which makes it an offence (except in certain specific circumstances) to disclose information that has been acquired in an official capacity about a person's gender history. Home Office policy has gone beyond the requirements of the law, and UK Border Agency staff must be aware of Home Office Notice 032/2006, which explains the policy in this area.

### The UK Border Agency's Processes

- Asylum, immigration and nationality decisions and operations avoid all unlawful discrimination. Ministerial authorisations under the Race Relations Act, section 19D are properly justified, evidence based, legally robust, and kept in force for only so long as necessary.

- Equality impact assessments are performed to assess the impact of new policies and functions or changes in existing policies and functions on grounds of race, disability, gender, gender identity, religion or belief, sexual orientation and age, whenever this is needed.
- Non-visible disabilities, where known, are taken into account when providing services and conducting interviews, and the UK Border Agency directorates are aware of support groups and maintain lists of relevant organisations.
- Contractors and shared service suppliers' functions on behalf of the UK Border Agency are monitored to ensure that they and their staff avoid unlawful discrimination and harassment, and actively promote equality and diversity.
- Dispersal of asylum seekers takes account of the needs of individuals receiving support, to ensure that they are dispersed to areas where appropriate support is available, and that accommodation is adapted for specific requirements, taking into account the temporary nature of the accommodation and the duties owed by other bodies, such as local authorities. Dispersal takes into account issues of local race relations.
- A detention policy is put in place which specifically relates to gender identity (this is particularly relevant with regard to issues of single-sex accommodation, searching, access to medication, privacy for dilation by transsexual women, and hostile attitudes towards detainees perceived to be transsexual by other detainees).

## Evidence gathering and monitoring

- Monitoring arrangements for various areas of the UK Border Agency's performance are introduced, where it is sensible and reasonably practical to do so, and the outcome of such monitoring is fed back to inform future policy and operations.
- Statistical evidence is maintained, and this is regularly analysed to identify areas where there may be disadvantage on the grounds of race, disability or gender.

## Contact with customers

- Refugees are empowered to achieve their full potential as members of British society, to contribute fully to the community and to become fully able to exercise their rights and responsibilities, which they share with other residents.
- Applicants for asylum, entry clearance and entry under routes of managed migration are given the opportunity to indicate any needs they may have and are made aware of the assistance that is available to them. They are made aware of race, disability and gender issues, including issues specifically or additionally relevant to gender identity, and are reassured that any information disclosed relating to those grounds will not lead to a negative response.
- Written communication (including forms and letters) can be made available in formats that can be accessed by all who need them, such as the visually impaired, people with learning difficulties and those for whom English is a second language.
- The UK Border Agency must treat its customers with due respect.

## Specialised facilities

- Specialised equipment to assist disabled customers must be accessible as appropriate and staff must be aware of where it can be obtained, if needed. Every port must have a contingency plan, to include details of where specialised equipment is located.

## Race Relations (Amendment) Act 2000: Immigration and Nationality Provisions and ministerial authorisations

63. The Race Relations (Amendment) Act 2000 amended the Race Relations Act so as to:

- a) outlaw race discrimination in public functions not previously covered by the Race Relations Act;
- b) place a general duty on specified public authorities to promote race equality; and
- c) give the Home Secretary powers to impose specific duties on public authorities subject to the general duty and to add to the list of bodies to which the general duty applies.

64. The UK Border Agency is exempt from the duty to promote equality of opportunity under section 71 of the Race Relations Act because the application of the immigration and nationality legislation necessarily involves denying opportunities to some groups on the basis of their nationality, which are offered to others. The UK Border Agency is subject to the remainder of the general duty to have due regard to the need to eliminate unlawful discrimination and to promote good relations between different racial groups.

65. Section 19D of the Race Relations Act (as amended) provides a specific exemption in respect of immigration functions. The requirement for an effective immigration control in some circumstances necessarily involves treating some groups differently from others, a feature not particular to the UK. Discrimination on the basis of nationality or ethnic or national origin in the exercise of immigration functions is not unlawful under the Act if required by specified immigration legislation or expressly authorised by Ministers. A ministerial authorisation permitting differential treatment reflects the need to target limited resources towards dealing with certain types of immigration abuse or disrupting the activities of people traffickers. The section 19D exemption does not apply to acts carried out by the Agency in respect of the investigation or prosecution of criminal offences.

Discrimination on the grounds of race is not permitted by the Act except where justified on national security grounds.

66. Section 19E of the Act provides for the appointment of an independent Race Monitor to report to Parliament via the Home Secretary on the likely effect of any ministerial authorisations made under section 19D and on how such authorisations are acted upon in practice by immigration staff. This position will be abolished when the UK Borders Act 2007 comes into effect, and its responsibilities taken over as part of the duties of a new position of Chief Inspector.

67. The UK Border Agency intends to carry out the general duty to eliminate unlawful discrimination and to promote good relations between different racial groups as laid down in section 71 of the Act.

68. Delivering race equality is one of the main challenges for the UK Border Agency. It is also a prerequisite to successful delivery of our aims. Race equality runs through all of our aims and is central to the way we deliver them. The Race Relations Act places a responsibility on every public servant for ensuring race equality in the delivery of public services. The UK Border Agency has to be a beacon of good practice and an exemplar to the public service and the UK as a whole. That is one reason why the scheme is so important.

69. Race equality is a particularly crucial issue in the UK Border Agency area. In many respects the formulation, presentation and implementation of immigration policy has the potential to influence the climate of race relations in the UK. This includes the way in which visitors and migrants of all categories are treated in practice; public opinions and perceptions about the fairness and effectiveness of the system of immigration control (including its contribution to public security); the way in which migrants impact on the pattern of experience of existing communities; and their integration into the social and economic fabric of the country. It also includes Home Office monitoring and control of contractors, for example those operating detention services, to ensure that they and their staff avoid unlawful discrimination and racial harassment and actively promote race equality.

70. The Race Relations Act also makes special provision for complaints of unlawful racial discrimination which concern decisions made by the UK Border Agency on the entitlement of a person subject to immigration control to enter or remain in the UK. It is open to those applicants who believe they have been subject to unlawful discrimination to appeal on this basis to the Asylum and Immigration Tribunal as part of the 'one stop' immigration and asylum appeal process. Persons complaining about unlawful discrimination by the UK Border Agency otherwise than in relation to their entitlement to enter or remain in the UK may apply for damages in the civil courts in the usual way.

## UK Border Agency policies and functions and their relevance to race, disability and gender equality

71. The following section sets out policies and functions, describing the key challenges and assessing their relevance to race, disability and gender equality on a scale of high/medium/low. Prior to April 2007 these were the responsibility of individual directorates but, with the regionalisation of the UK Border Agency, the regions have responsibility for many of these policies and functions.

### Policy

#### Policies and functions of particular relevance

72. UK Border Agency Policy Units provide support to both Ministers and UK Border Agency staff in the development, implementation and communication of immigration and asylum policy.

#### Objectives and targets

##### (a) The Points-Based System (high relevance)

- Ensure, and monitor, that no-one is prevented solely by reason of race, disability or gender from obtaining the requisite number of points.

##### (b) Impact assessments (high relevance)

- Ensure that all proposed policies and functions, and changes in existing policies, are screened for relevance to race, disability and gender equality, and a full equality impact assessment is performed if needed. A timetable will be devised to screen existing policies.

(c) Protection of those fleeing from persecution in accordance with our obligations under the United Nations 1951 Refugee Convention and its Protocol, while returning those whose claims fail to their own countries (medium relevance).

- Ensure that asylum seekers, including those affected by mental disorders, are not disadvantaged in the consideration and processing of their claims by reason of factors related to race, disability, gender or gender identity.

## Asylum

### Policies and functions of particular relevance

73. Through asylum case management, to manage the processes for all new asylum claimants.

To enable destitute asylum seekers to be supported while their claims are under consideration.

### Objectives and targets

(a) To ensure that asylum seekers with a disability, or special or gender-specific care needs (for example pregnant women or domestic violence survivors) have the opportunity to disclose, and have due consideration of, these needs; and, where necessary, are provided with appropriate support (high relevance).

- In the process of considering and allocating accommodation, due regard is paid to any need specified at point of claim - in person or within the asylum support application. For example, where a disability affecting mobility is identified, ground-floor accommodation would be provided, or in considering gender-specific needs, providing single-sex accommodation.

(b) To ensure that dispersal (the allocation of accommodation around the country after initial reception to asylum seekers) is to suitable locations and, for example, to areas where there are support networks or community organisations which can provide assistance to those who require it, or where appropriate treatment can be accessed, if needed (high relevance).

- Asylum seekers who may be at risk in specific locations are not sent to those locations, for example domestic violence survivors.

- Medical advice is taken into consideration for asylum seekers who require treatment and medical support. These applicants will be dispersed to locations where such support is available, and provided with accommodation that is equipped with the necessary facilities to keep medicines at the right temperature.
- Asylum Support Policy Bulletin 85, *Dispersing Asylum Seekers with Health Care Needs*, is a publicly available document which can be found on the website [www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylum-support-bulletins/medical](http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylum-support-bulletins/medical). The following two paragraphs from the bulletin specify the policy towards asylum seekers with HIV/AIDS:

‘Newly arrived asylum seekers with HIV/AIDS who are not currently receiving ongoing treatment in the UK should be dispersed from initial accommodation at the earliest opportunity to enable them to start treatment on dispersal to a suitable area. In other cases dispersal should only take place following expert clinical advice from the treating clinician.

‘Dispersal should normally only take place if the asylum seeker is medically stable and does not have any other active complication, or when asylum seekers and clinicians have had time to adequately prepare for dispersal and have confirmed arrangements with either the asylum support caseworker or the asylum support medical adviser.’

(c) To ensure that asylum seekers are not prevented by reason of race, disability or gender from presenting their case to its best advantage (high relevance).

- In considering asylum applications, the case owner is responsible for managing all aspects of the asylum claim through to its conclusion, and will need to be aware of how disability, including hidden disability, and gender factors, such as the effect of sexual trauma, can affect applicants in presenting their case. Case owners will have access to appropriate training, and applicants will have to be made aware that they are able to ask for assistance; that disclosure of disability will not be a negative factor in considering applications; that family members, including

domestic violence survivors, are able to make separate applications and have separate interviews; and that they can request a case owner and interpreter of the same sex as themselves. The need for services to be in place to provide appropriate assistance in individual cases should be considered.

- Objective approaches should be piloted and monitored which enable the relevant evidence to be correctly identified and taken into account before an asylum decision is made, to avoid allowing subjective values and assumptions to influence the outcome.

## Border Control

### Policies and functions of particular relevance

74. The Border Control Directorate has taken an active role in highlighting the objectives and targets for disability in its business area, as well as providing comprehensive information about the issues arising in specific ports.

The Directorate has identified three key challenges specific to its business area:

- how best to ensure that the functions delivered are of consistent quality throughout all ports regardless of size and geographic location;
- how to monitor the quality of the functions delivered in order to ensure that issues are raised and improvements made where appropriate; and
- how to involve disabled people in taking this forward.

Many of the functions and services required by disabled people travelling through ports are already provided by airport authorities and airlines. The UK Border Agency does, however, have an obligation to ensure that any member of the public who may require additional immigration checks such as further questioning/interview, or is detained, is offered all necessary additional assistance.

## Objectives and targets

(a) To ensure that a contingency plan is written by the business manager for each port within the command to ensure that all facilities will be offered as required, regardless of location. As a further measure, all staff will be made aware of their obligations and what plans are in place at their location (high relevance).

In the area of border control, it is paramount that customers are treated with respect, and UK Border Agency staff will be expected to ensure that they are.

## Enforcement and Removals

### Policies and functions of particular relevance

75. The enforcement of immigration law, delivering UK immigration control needs, including responsibility for the return of failed asylum seekers and the provision of the operational enforcement capability for the UK Border Agency.

Enforcement and Removals Directorate (E&R) has identified the objectives and targets for disability in its business area:

- The three key challenges specific to the business area are:
  - how best to ensure that all functions are consistently disability friendly;
  - how to monitor the quality of the functions delivered in order to ensure that issues are raised and improvements made where appropriate; and
  - how to involve disabled people in taking this forward.
- The main task of E&R is the removal of people who have no legal right to stay in the UK. It is considering how best to ensure that the special problems of disabled people who may be subject to this process are addressed, possibly by the use of a questionnaire-based system.

- One of the main targets is for appropriate staff to be trained in carrying out equality impact assessments. This will ensure that any new policies and procedures comply with equality legislation.
- Operations should consider disability and gender issues and draw up a risk assessment whenever these might be a factor.

## Detention Services

### Policies and functions of particular relevance

76. The detention of immigration offenders, those who are scheduled to be removed from the UK and certain categories of asylum seeker.

### Objectives and targets

(a) To ensure that appropriate decisions are made concerning which site detainees are sent to (high relevance).

- There is currently a site criterion. When a person comes into custody an assessment is undertaken, and a person with particular needs will be sent to a location where there are appropriate facilities.

(b) To ensure that appropriate support and facilities are available for detainees with particular needs (high relevance).

- All detainees are seen by health professionals within 24 hours of arrival when medical needs are considered.

(c) To ensure that disability and gender issues, including issues specifically or additionally relevant to gender identity, are taken into account during movements of detainees between sites and during removals (high relevance).

- A medical escort will accompany a detainee if there is a medical issue with a removal.

- At least one member of an escort must be of the same sex as the detainee.

## Managed Migration

### Policies and functions of particular relevance

77. The implementation of non-asylum immigration streams, by managing routes into the UK labour market and considering applications from people who want to extend their stay in the UK, study or settle.

Consideration of applications for British nationality.

### Objectives and targets

(a) To ensure that applicants are not disadvantaged by reason of disability or gender when making paper-based or electronic applications (high relevance).

- The efficacy of written and electronic methods of communication needs to be considered, and how appropriate assistance can be given to those who are unable to present their case to its best advantage by reason of impairment or factors related to gender, for example pregnancy, nursing a baby or care of children.

(b) To ensure that applicants are not disadvantaged by reason of disability or factors related to gender when dealing face to face with Customer Contact Centres or Public Enquiry Offices (PEOs), including cultural approaches to gender (so that, for example applicants from some cultures are only spoken to by someone of a particular gender) (high relevance).

- Customer Contact Centres and PEOs to be constructed to specified standards. The PEO currently under construction in Sheffield takes disability and access fully into consideration and could serve as a good practice model.

(c) To ensure that applicants for British nationality are not disadvantaged by reason of disability when taking tests of knowledge of life in the UK or of English for speakers of other languages (high relevance).

- The tests of knowledge of life in the UK are computer-based tests at various centres throughout the UK. The English for speakers of other languages test is usually taken at a local college. Special provisions are in place for disabled people taking the tests. 'Talking software' is made available as required.

## Resource Management

Policies and functions of particular relevance

78. Dealing with consultants and contractors.

Maintaining the security of UK Border Agency premises.

Objectives and targets

(a) To ensure that consultants and contractors comply with the requirements of the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act (high relevance).

- Contractors are subject to government terms and conditions. The optimum outcome would be to ensure that they are monitored or self-audited.

(b) To ensure that security and other procedures take account of disability and gender issues (high relevance).

- The Security Guard Unit and messengers in Public Enquiry Offices come into direct contact with the public. An optimum outcome would be for security guards and messengers in public areas to receive appropriate training in dealing with disabled people, women who might be pregnant, members of the public who have children with them, and transsexual men and women and to be aware of the need to treat others with respect.

(c) To ensure that incident control procedures enable disabled people to evacuate premises quickly (high relevance).

- Arrangements are in place for disabled members of staff to use lifts in the event of an evacuation. Personal evacuation

plans must be drawn up for disabled members of staff if they indicate they need one.

## Human Resources and Organisational Development

### Human Resources Directorate

#### Objectives and targets

79. The Equality and Diversity Team (EDT) within UKBA is now known as the Equality and Diversity Strategic Centre (EDSC) which took effect from 22 April 2008.

(a) Diversity Data: To ensure the collection of sound valid data and subsequent monitoring of all HR policies (high relevance).

- HR will continue to promote the benefits to staff of providing their diversity data, so that robust data can be collected and analysed in order to understand the true impact of our policies across all diversity areas, including those staff with part time or alternative work patterns.
- HR will work with all staff support groups to encourage better data collection, including actively involving disabled staff by working with the Home Office Disability Support (HODS) and following guidelines on monitoring gender identity from a:gender.

(b) Monitoring/ Analysis: To ensure that full monitoring of all UKBA HR policies and practices is undertaken to establish any differing impact on any particular group and to accordingly instigate necessary action/ review of policy.

- HR will continue to work with policy owners to ensure that all aspects of policy implementation are monitored.
- UKBA will equality proof every pay award to ensure that there is no % differential between men and women.

(c) Reasonable Adjustments: To ensure the provision of reasonable adjustments where necessary speedily and effectively at all stages of the employee life cycle (high relevance).

- UKBA will work towards full Disability Discrimination Act compliance and beyond to include staff not covered by the Act. This will lead to disabled staff being recruited, retained and developed.
- UKBA will involve disabled staff by working in partnership with the HODS Network.

(d) Accessibility: To ensure the accessibility of the UK Border Agency services for all staff, for example development opportunities, learning and development, communications and childcare provision (high relevance).

- This must be regardless of gender and working pattern and take into account work life balance issues and those with caring responsibilities.
- HR will involve disabled staff by working in partnership with the HODS Network and other stakeholders.
- Particular attention should be given to ensuring that all services are fully accessible to disabled staff, this should include a range of reasonable adjustments as (c) above.

(e) Recruitment/ Selection/ Progression: To examine closely our recruitment/ selection process and understand if and why it affects certain groups differently (high relevance).

- The Employee Resourcing Group (ERG) will review the recruitment guidance issued to local recruiters to ensure that it matches their operational need whilst providing opportunity for all.
- ERG and EDSC will develop a sound system of 'dip sampling' job adverts to ensure that no unnecessary criteria are included and no likelihood of indirect discrimination.
- ERG and EDSC will monitor the make up and throughput of all staff in the redeployment pool and take appropriate action on any findings.

- The Employee Resourcing Group (ERG) will work closely with Jobcentre Plus to encourage disabled candidates to apply for jobs in the UK Border Agency.
- UKBA will ensure that the commitments of Disability Symbol are fulfilled and deployed systematically across all business areas.
- ERG and EDSC will work with Home Office colleagues to examine the policies and outcomes of Senior Civil Servant (SCS) Recruitment with a view to developing a strategy to more effectively address the issue of under representation at that level.
- UKBA will work with Home Office colleagues to establish the need for, and the development of targeted development schemes for under represented/ minority groups.
- UKBA will work closely with **a:gender** and other transsexual employee stakeholder representatives to effectively embed 'gender identity' within policies and procedures and ensure incorporation of the 'trans perspective'. *The Workplace and Gender Reassignment: A Home Office Guide for Staff and Managers* will be promoted across UKBA.
- HR will use the Barriers paper written by a:gender to better understand the difficulties faced by transsexual men and women around recruitment, progression, promotion and training opportunities.

(f) Learning and Development: To ensure that our total learning and development strategy meets the needs of our business whilst developing our people to both deliver these and reach their full potential (high relevance).

- EDSC will work with L&D and Home Office colleagues to develop a group wide strategy for future diversity training which will seek to implement a 'blended learning' approach to support business objectives and (UKBA) regional and agency organisation.
- EDSC will work with L&D and Home Office colleagues to develop a group wide positive action strategy which will

support our commitment to addressing under representation at SCS level and the achievement of Home Office aspirational targets; it will also complement the Cabinet Office Leaders Unlimited programme.

- EDSC will work with L&D and Home Office colleagues to ensure that appropriate diversity impact assessment training is in place, including specialist modules, and embedded in existing training.

## UKvisas

### Policies and functions of particular relevance

80. Processing visa or entry clearance applications abroad from those who wish to come to the UK.

### Objectives and targets

(a) To ensure that applicants are not disadvantaged by reason of disability or factors related to gender when making paper-based or electronic applications (high relevance).

- The efficacy of written and electronic methods of communication needs to be considered, and how appropriate assistance can be given to those who are unable to present their case to its best advantage by reason of impairment or factors related to gender.

(b) To ensure that applicants are not disadvantaged by reason of disability or factors related to gender when dealing face to face with visa sections abroad, and that there is appropriate sensitivity to cultural norms (high relevance).

- There is a requirement that visa sections abroad comply with the Disability Discrimination Act as far as possible, by ensuring access to buildings.

## Publication and publicity arrangements

81. The UK Border Agency already collects and publishes a substantial body of statistical information about applications and case outcomes, including information about specific nationalities (for example, the yearly Command Paper on UK immigration statistics). As new policies and procedures are developed, the UK Border Agency will of course take into account the need to build in appropriate monitoring arrangements.

82. The Home Office Research Development and Statistics Directorate already has a number of research projects underway in the field of immigration and asylum. In particular, research studies have been undertaken into the factors that lead Immigration Officers to hold certain arriving passengers for further questioning, to explore the feasibility of monitoring the ethnicity and other circumstances of arriving passengers, and into port refusal rates for different nationalities. Further research projects may be carried out, where appropriate, to evaluate any new major policies or legislative changes post implementation. Where relevant and possible, the impact of government policies on the elimination of unlawful discrimination and the promotion of good race relations will be monitored in the context of such projects and the results published with the relevant research report.

83. Wherever practicable, the UK Border Agency will publish the results of relevant assessments and the nature and outcome of any consultations carried out under this scheme at such time as new policies are announced or introduced. This will include making material publicly available on the UK Border Agency website, including the Chief Inspector's annual reports. Material will not be published where to do so might adversely affect the integrity of immigration control, the UK's international relations or national security. Subject to the agreement of participants, the minutes of regular meetings with outside bodies at which consultations take place will also be published. Responses to formal consultation exercises will also be published unless the author specifically states that their comments should be treated in confidence.

84. The UK Border Agency fully accepts the need for programmes, particularly at the local level, to ensure that communities understand the benefits of migration and also the reasons why people become refugees and their special needs. Such

programmes aim to enhance community cohesion and counter adverse Press comment on immigration and asylum issues. The UK Border Agency will continue to take forward a programme of work to pursue this aim.

85. The Government wants to ensure that employers do not discriminate against individuals on the basis of their racial background when taking steps to comply with the provisions of Section 8 of the Asylum and Immigration Act 1996 (the 1996 Act). Section 22 of the Immigration and Asylum Act 1999 amended the 1996 Act and introduced a Code of Practice for Employers. The guidance has been produced by the Home Office in consultation with appropriate organisations, including the Commission for Racial Equality (whose responsibilities have now been taken over by the Commission for Equality and Human Rights) and the Equality Commission for Northern Ireland, and can be accessed from the 'Preventing illegal working' pages of the UK Border Agency website at [www.bia.homeoffice.gov.uk/employers/preventingillegalworking](http://www.bia.homeoffice.gov.uk/employers/preventingillegalworking).

The Code outlines employers' legal obligations under the Race Relations Act 1976, as amended, and the Race Relations (Northern Ireland) Order 1997, as amended, and provides some examples of best practice in employment procedures that can help employers meet these obligations. We advise that it is not comprehensive and it is for employers to operate transparent recruitment practices that are consistent with the law, to ensure fair treatment to all applicants.

86. The quickest and easiest way to find out about the Immigration Rules and information on the services provided is to use the UK Border Agency website. The website also gives answers to the most frequent questions people ask about a whole range of immigration matters.

87. The Public Enquiry Offices are based in Croydon, Birmingham, Liverpool and Glasgow, and offer (for certain types of applications) a same-day service to people who apply in person. Applicants are advised to check the information relating to the office they intend to visit carefully, to ensure they are able to process the application. All information provided by an applicant should be accompanied in English or accompanied by an English translation. There may be times when UK Border Agency staff will need to commission a translation of a particular document or other piece of information.

88. We seek to produce information in foreign language translation when our customers require this. Normally, though not exclusively, this is asylum-related information. Historically, local UK Border Agency business areas have produced asylum-related material, and this is routinely translated into many languages. Other than in asylum-related material, our customers will require translation only when there is a clear and defined need.

89. The UK Border Agency Internet Team produces a range of websites for customers and stakeholders. To reflect the diversity of our customers, we have set up a stakeholder group comprising foreign nationals seeking leave to remain. Once a website is requested, full information will be gained about the target audience and the site will be developed accordingly. We follow worldwide guidelines on usability of websites and aim to ensure that the site can be easily navigated and understood irrespective of what ethnic background a user originates from.

90. In respect of verbal communication, where UK Border Agency customers cannot understand English, an interpreter is called in from the UK Border Agency Interpreters Unit.

## Complaints procedure

91. The equality legislation does not provide individuals with a legal right of action in respect of the general duties. If someone has a complaint regarding the UK Border Agency's compliance with any of the general duties in respect of an immigration or nationality policy matter, they should put their complaint in writing to:

The Deputy Director  
Enforcement and Compliance Policy Development Unit  
6<sup>th</sup> Floor  
Green Park House  
29 Wellesley Road  
Croydon  
CR0 2AJ.

92. Appeals about decisions made in individual immigration, asylum or nationality cases should be lodged with the Asylum and Immigration Tribunal via the UK Border Agency in the normal way, and complaints about the behaviour of UK Border Agency staff should be directed to the appropriate complaints unit. For more information, visit the UK Border Agency's website at [www.bia.homeoffice.gov.uk](http://www.bia.homeoffice.gov.uk). A statistical breakdown of formal complaints is published annually by the UK Border Agency Complaints Audit Committee in its formal report to the Home Secretary, a copy of which can be found on the UK Border Agency website.

93. The UK Border Agency will monitor the incidence of complaints of racial discrimination made under the Agency's non-statutory complaints scheme, claims for damages in the civil courts for unlawful discrimination, and appeals to the Asylum and Immigration Tribunal at which discrimination is upheld.

94. The Commission for Equality and Human Rights has the power to enforce the specific duties imposed on listed public authorities. It is open to individuals, representative and community organisations, and others to notify the Commission for Equality and Human Rights, if they are concerned that a public authority has failed to comply with its specific duties. However, the UK Border Agency hopes that if there are concerns about the Agency's

compliance with specific duties, then in the first instance these concerns would be raised with the Agency itself.

**UK BORDER AGENCY  
RACE, DISABILITY AND GENDER EQUALITY SCHEME – ACTION PLAN**

<b>Policy Development</b>									
Item	Unit	R	D	G	Action	Who will be involved	How the action helps meet the requirements of the equality duty	Other considerations	Timeframe
1	Policy Development	X	X	X	The UK Border Agency will assess the impact of all policy development projects to ensure compliance with anti-discriminatory legislation and consistency with the Commission for Equality and Human Rights guidance.	The UK Border Agency will seek further advice and information from external and internal stakeholders where appropriate. Disabled people will be involved when appropriate.	UKBA are adopting Better Regulation principles and impact assessments, which ensures that all impact assessments includes measuring and evaluating the impact of policy proposals on Race, Disability and Gender Equality (including gender identity) as specific impact tests.	The UK Border Agency will publish its race, disability and gender equality impact assessments, and, whenever possible, the results of its consultations.	Ongoing.

Border Control									
Item	Unit	R	D	G	Action	Who will be involved	How the action helps meet the requirements of the equality duty	Other considerations	Timeframe
2	Border Control Directorate	X	X	X	Border Control staff to receive appropriate training for face to face communication.		Border Control staff to be aware of the necessity of avoiding unlawful discrimination and of promoting good race relations, and are aware of issues that affect disabled people, transsexual people and of gender issues, and of the paramount need to treat customers with courtesy and respect.	The induction training currently covers face to face communication, and the need for courtesy and respect is at the heart of what Immigration Officers learn. This is reinforced once they have become fully competent and self-reliant post-induction and mentoring.  Border control is developing existing training materials around diversity and cultural awareness to include particular case studies showing how stereotypes can indirectly affect decisions (this will include all three strands).	Ongoing.
3	Border Control Directorate		X		A contingency plan specific to each location (depending on type and size of the port) to be prepared for each port. Standard equipment will be made available at ports as appropriate.		This will enable the agency to promote equality of opportunity for disabled people.	A record will be kept of all incidents involving disabled people each year, divided by type (requests for help, specialised equipment, etc.).	Ongoing.

### Asylum

Item	Unit	R	D	G	Action	Who will be involved	How the action helps meet the requirements of the equality duty	Other considerations	Timeframe
4	Regional Directors	X	X	X	Asylum caseworking staff to receive appropriate training for interviewing and consideration of cases.		Asylum applicants must experience no disadvantage due to any factors related to race, nationality, or ethnic or national origins, or to disability or gender or gender identity during the consideration of their claims.	The quality of asylum decisions is monitored through sampling by the United Nations High Commission for Refugees and the Treasury Solicitor. The UK Border Agency also monitors the rate of allowed appeals.	Services should be in place to provide appropriate assistance in individual cases by April 2011.
5	Asylum Operational Policy Unit	X	X	X	A consultation document on the provision of future refugee integration services was published in October 2006. Following the consultation process, a policy statement on the provision of these services will be published.		The policy statement must be targeted to the right audience so that the key message does not get lost. The statement should also have a spot on the website.	Contracts for these services will include provisions to ensure compliance with race, disability and gender equality legislation and performance against the contract will be closely monitored.	

Asylum									
Item	Unit	R	D	G	Action	Who will be involved	How the action helps meet the requirements of the equality duty	Other considerations	Timeframe
6	Regional Directors	X			Staff to ensure that asylum seekers are able to ask for assistance, and know that interpretation facilities can be requested.		Staff considering asylum claims must identify any language barriers that might prevent applicants from understanding proceedings or being able to present their case fully at an early stage where possible. (NB The agency already does this).		Ongoing.
7	Regional Directors		X		Staff to ensure that asylum seekers are able to ask for assistance, and know that particular needs can be indicated. It should be made clear that disclosure of disability will not be a negative factor in the consideration of cases.		Staff considering asylum claims must identify any disability issues at an early stage (i.e. at the screening stage) where possible, e.g. questions of access, or factors that might prevent applicants from understanding proceedings or being able to present their case fully.	Efficacy of written and face-to-face methods of communication will be considered. (NB The agency already asks applicants at the screening stage whether they have any medical conditions, so some issues should be identified then).	Services should be in place to provide appropriate assistance in individual cases by April 2009.

**Asylum**

Item	Unit	R	D	G	Action	Who will be involved	How the action helps meet the requirements of the equality duty	Other considerations	Timeframe
8	Regional Directors		X		Needs of asylum seekers with disabilities to be given consideration in dispersal (allocation of asylum seekers in accommodation around the country after initial reception), to include consideration of dispersal location and the suitability of accommodation. Asylum seekers to be given sufficient opportunity to indicate their needs.		<p>Allocation of dispersal accommodation will take account of any particular needs, e.g. need for ground-floor accommodation.</p> <p>Dispersal will be to an area where any necessary treatment is available and will only take place after arrangements have been made to transfer care.</p>	<p>Contracts for these services will include provisions to ensure compliance with disability equality legislation and performance against the contract will be closely monitored.</p> <p>The needs of asylum seekers with disabilities are clearly taken into account when considering dispersal. Policy Bulletins 82 and 85 (which are on the website) provide comprehensive guidance.</p>	Ongoing.
9	Regional Directors			X	Staff to ensure that asylum seekers are able to ask for assistance, and know gender-related needs can be indicated.		Asylum applicants must suffer no disadvantage due to any factors related to gender or gender identity during the consideration of their claims.	The asylum instruction 'Gender Issues in the Asylum Claim' advises staff of the additional considerations decision-makers should have in mind when assessing claims for asylum that could include gender related issues, and how to take gender issues into account when looking at the persecution experienced and whether	

							<p>there has been a failure of state protection.</p> <p>At screening stage it should be identified whether an applicant requires an interpreter and/or a Case Owner of a particular gender. Any requests will be complied with where possible.</p> <p>The relevant asylum instruction requires that an applicant's request for a Case Owner (i.e. the interviewer) of the same sex should be accommodated as far as operationally possible.</p>	
10	Regional Directors		X	Gender-related needs of asylum seekers to be given consideration in dispersal, to include consideration of dispersal location and the suitability of accommodation. Asylum seekers to be given sufficient opportunity to indicate their needs.		<p>Allocation of dispersal accommodation will be appropriate in relation to gender, taking into account all relevant considerations.</p> <p>Accommodation is offered on a non-choice basis but the agency will make every reasonable</p>	<p>Contracts for these services will include provisions to ensure compliance with gender equality legislation and performance against the contract will be closely monitored.</p>	Ongoing.

							effort to meet the expressed needs of all supported people – as far as is practicable – working with the voluntary sector and other national and local partners to do this.		
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Enforcement									
Item	Unit	R	D	G	Action	Who will be involved	How the action helps meet the requirements of the equality duty	Other considerations	Timeframe
11	Regional Directors	X	X	X	Staff to receive appropriate training in dealing with disabled people and with race-related and gender and gender identity-related issues during enforcement operations.			The UK Border Agency will monitor complaints and legal actions alleging unlawful discrimination arising out of enforcement action.	Ongoing.
12	Regional Directors	X	X	X	Linguistic issues, disability and gender-related issues to be taken into account where practicable when failed asylum seekers and others are removed or during after-entry enforcement operations.		Every case should be risk assessed.  All enforcement operations to be assessed for potential community relations impact in advance.	Standards of approach to be consistent.	Existing procedures to be assessed for relevance to race, disability and gender equality by the end of April 2011.

Managed Migration									
Item	Unit	R	D	G	Action	Who will be involved	How the action helps meet the requirements of the equality duty	Other considerations	Timeframe
13	Regional Directors	X	X	X	Managed Migration staff to receive appropriate training for consideration of applications and, at Public Enquiry Offices (PEOs), for face-to-face communication and for awareness of hidden disabilities.		All staff to ensure that UKBA services are accessible to all, and that applicants for Managed Migration routes of entry experience no disadvantage due to any factors related to colour, race, nationality, ethnic or national origins, disability, gender or gender identity, and that any disclosure of personal information will not be a negative factor in the consideration of cases.	PEOs will be constructed to specified standards.  Standard equipment to be made available at PEOs as appropriate.	Ongoing.
14	Regional Directors	X			Ensuring that applicants for entry under routes of managed migration are able to ask for appropriate assistance and in particular that they know translations of official material into the main			The UK Border Agency will provide appropriate and reasonable assistance to those who are unable to present their case to its best advantage due to language barriers.	By April 2011.

					languages are available.				
15	Regional Directors		X		Ensuring that applicants for entry under routes of managed migration are able to ask for assistance and in particular that they know specific needs can be indicated; and making clear that disclosure of disability will not be a negative factor in the consideration of cases.			Efficacy of written and face-to-face methods of communication to be considered.  The UK Border Agency will provide appropriate and reasonable assistance to those who are unable to present their case to its best advantage by reason of impairment.	By April 2008.
16	Regional Directors			X	Ensuring that applicants for entry under routes of managed migration are able to ask for appropriate assistance.				By April 2010.
17	Regional Directors	X	X	X	Managed Migration staff are aware of the need for privacy in the handling of records, e.g. in relation to gender identity.				
18	Regional Directors	X	X	X	Consideration of whether disadvantage due to language barriers or to gender, gender identity or disability in the country of origin when making an application can be mitigated by subsequent procedures.			Statistical evidence to be gathered to indicate where possible disadvantage occurs.	

Detention Services									
Item	Unit	R	D	G	Action	Who will be involved	How the action helps meet the requirements of the equality duty	Other considerations	Timeframe
19	Detention Services	X	X	X	Detention Services staff to receive appropriate training.				
20	Detention Services	X	X	X	Particular needs of detainees to be assessed before they enter detention. Incoming detainees to go to an appropriate location and to receive appropriate facilities and support.			Detention centres to be built to specified standards.  Standard equipment to be made available at detention centres as appropriate.  Disability policy of every site to be regularly reviewed.	December 2009.
21	Detention Services			X	Specific policy for the treatment of gender identity issues in detention to be developed.				

Resource management									
Item	Unit	R	D	G	Action	Who will be involved	How the action helps meet the requirements of the equality duty	Other considerations	Timeframe
22	Resource Management	X	X	X	Procurement strategies – contractors to be monitored.		<p>To ensure contracts are awarded after economic and commercial factors are reviewed.</p> <p>Conditions for eligibility to be conducted to ensure the contractor has not been subject to formal investigations by the Commission for Equality and Human Rights (CEHR) on the grounds of alleged unlawful discrimination in the employment field.</p> <p>Establishing whether the contractor has satisfactory Equal Opportunities/ Equality &amp; Diversity policies and procedures in place.</p>	Contractors should be monitored.	Ongoing.

23	Security and Anti-Corruption Unit (SACU)		X	X	Security procedures to ensure that, where practicable, disability and gender are taken into account.	SACU security management to ensure that all reception and public door procedures and policies reflect diversity and disability issues.	This will ensure that the UKBA presents a professional environment to all staff and public callers and respects and understands diversity issues.	All security guards attend relevant diversity courses as soon as they are next available.  Managers to monitor posts/duties.  Network groups will be consulted.	Ongoing.
24	Security Guard Unit	X	X	X	Security Guard Unit to receive appropriate training for safety procedures and incident control.	Training is in place to ensure that all staff receive adequate training in the aspects of their role.  Recent courses have been developed to aid the security guards when dealing with incidents.  New procedures and policies are currently being updated.	The training will help the security staff when dealing with incidents to identify staff or public callers who have problems with mobility or disabilities, i.e. when evacuating people from premises.	Network groups will be consulted.	Ongoing.

### Organisational Development and Human Resources

Item	Unit	R	D	G	Action	Who will be involved	How the action helps meet the requirements of the equality duty	Other considerations	Timeframe
25	HR	X	X	X	All staff to be encouraged to provide their diversity data.	EDSC Senior managers Regional Directors Staff Networks.	The collection of robust data will enable proper systematic analysis in order to understand the true impact of our policies across all diversity areas.	The Adelphi self service data IT system must be easily accessible by staff.	Ongoing With specific projects (eg targeted exercises) to be undertaken as per progress.
26	HR	X	X	X	Robust monitoring of all HR policies and practices.	EDSC Policy owners Regional Directors.	Compliance with 'employment duty'. Proper understanding of the impact of UKBA policies.	*Implementation of HO/UKBA approach – that completion of data mandatory at certain interventions – job or training application. Proper systems for reporting the data at all relevant interventions must be in place (Adelphi).	Ongoing  Improvements sought by November 2008 following *
27	HR	X	X	X	Review of recruitment guidance.	ERG Senior Managers Regional Directors.	To ensure that the guidance is fully implemented, matches operational need whilst providing fair opportunity for all.	Regional Directors will undertake local recruitment using targeting advertising as necessary and will continue with (and develop new) outreach programmes and work placements – especially with minority communities.	September 2008.

### Organisational Development and Human Resources

Item	Unit	R	D	G	Action	Who will be involved	How the action helps meet the requirements of the equality duty	Other considerations	Timeframe
28	HR	X	X	X	A system of 'dip sampling' job adverts will be developed.	ERG (Employee Resourcing Group) EDSC (Equality and Diversity Strategic Centre).	To ensure no unnecessary criteria are included and no likelihood of discrimination.		July 2008 and ongoing.
29	HR			X	Promotion of <i>The Workplace and Gender Reassignment</i> . A Home Office Guide for Staff and Managers, and the associated recruitment 'aide-memoire'.	EDSC a:gender Senior Managers Regional Directors Diversity Managers.	A positive contribution to ensuring that gender identity issues are embedded within policies and procedures.	Gender identity issues to be included in all aspects of policy development and equality impact assessments.	Ongoing.
30	HR	X	X	X	The redeployment pool to be monitored for both the makeup of staff groups.	ERG EDSC.	Analysis will seek to ensure that restructuring exercises are implemented fairly with no adverse impact on particular groups and that all staff are receiving fair and appropriate job offers.		July 2008 and ongoing.

### Organisational Development and Human Resources

Item	Unit	R	D	G	Action	Who will be involved	How the action helps meet the requirements of the equality duty	Other considerations	Timeframe
31	HR	X	X	X	A review of UKBA SCS recruitment will be undertaken.	ERG EDSC.	A strategy will be developed to ensure that effective recruitment policies are in place to help address the issue of under representation that exists in UKBA SCS.		August 2008 and ongoing review.
32	HR		X		UKBA will ensure that the commitments of Disability Symbol are fulfilled and deployed systematically across all business areas.	EDSC HODS Senior Managers Regional Directors Diversity Managers.	Commitment to ensuring that rights of disabled staff are built into all aspects of policies throughout employee life cycle and the active involvement of disabled staff.		Ongoing – publicity and built into HR policies eg GIS.
33	HR	X	X	X	Development of a Positive Action Strategy.	EDSC L&D HO colleagues Diversity Managers Staff Networks.	Targeted development schemes for under represented/ minority groups to ensure fair progression and opportunities for all.	The effective monitoring of diversity stats (employment duty) will inform the scope of the strategy.	October 2008.

### Organisational Development and Human Resources

Item	Unit	R	D	G	Action	Who will be involved	How the action helps meet the requirements of the equality duty	Other considerations	Timeframe
34	HR	X	X	X	Development of diversity L&D strategy.	EDSC L&D HO colleagues Diversity Managers Staff Networks.	All UKBA staff will be made aware of their responsibilities within the legislation and in particular what the positive duty to promote means in practical terms.	Commitment from all business areas to ensure training is undertaken and discussed and evaluated.	May 2008 first evaluation October 2008.
35	HR	X	X	X	Review of all UKBA L&D to ensure accessibility to all (particularly disabled staff and part time staff).	L&D HODS Diversity Managers.	Assurance that learning and development opportunities are available and accessible to all staff as appropriate to their business objective and personal development.		October 2008.
36	HR	X	X	X	Review of existing equality impact assessment training and development of future approach.	EDSC L&D HO colleagues.	The systematic deployment of EIA in all policy development to ensure no adverse impact.		September 2008 and ongoing evaluation.
37	HR	X	X	X	Evaluation of new performance management system.	L&D EDSC.	Assurance that system (including moderation) has been applied fairly with no adverse impact.		October 2008.

UKvisas									
Item	Unit	R	D	G	Action	Who will be involved	How the action helps meet the requirements of the equality duty	Other considerations	Timeframe
38	UKvisas	X	X	X	Entry clearance staff to receive appropriate training for interviews and consideration of applications as part of their induction training.		Professional standards and cultural awareness is part of the induction course and is delivered to Entry Clearance staff as part of their induction training and is included in the refresher training delivered to entry clearance staff overseas.		Ongoing.
39	UKvisas	X	X	X	Ensuring applicants for entry clearance are able to ask for appropriate assistance; that translations of official material into the main languages are available; that applicants know particular needs can be indicated; and that disclosure of disability or gender identity will not be a negative factor in the consideration of cases.	UKvisas and commercial partners.	Visa Application Forms (VAF) are only available in English – and must be completed in English. UKvisas has encouraged Commercial Partners to translate the guidance notes (these guidance notes feature each question on the VAF as well as guidance to what is expected in the answer).	Wherever possible UKvisas and/ or the Commercial Partners will provide appropriate and reasonable assistance to those who are unable to present their case due to language barriers or by reason of impairment or factors related to gender.  Trans applicants are told disclosing trans needs will not adversely affect their application.	Ongoing.

40	UKvisas	X	X	X	UKvisas will audit and monitor customer complaints for any race, disability and gender issues, and ensure that race, disability and gender monitoring is included in customer surveys, after consultation with stakeholder groups.		<p>This will ensure that all issues are flagged up to the Directors of Visa Services for action and subsequent action will be monitored for compliance.</p> <p>At a future date to be determined it is proposed that statistical data around these issues will be published on UKvisas and/ or post websites.</p>		Ongoing.
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All Directorates and regions									
Item	Unit	R	D	G	Action	Who will be involved	How the action helps meet the requirements of the equality duty	Other considerations	Timeframe
41	The UK Border Agency Board	X	X	X	To ensure monitoring of procedures for race, disability and gender equality, after consultation with stakeholder groups.		Statistical and other evidence will be gathered as appropriate and analysed, and action taken on the results if needed.	Measurement possibilities at key points within end-to-end process to be defined in line with key performance areas.	December 2009 – disability April 2010 – gender April 2011 – race.
42	UKBA	X	X	X	Continued work to embed the Home Office Three Year Diversity Strategy (five strategic aims) in all aspects of UKBA business.	EDSC Senior managers Regional Directors Diversity managers.	Strategic aim 4 specifically address the implementation of the three strand scheme and Regional Directors and senior managers will report progress on a quarterly basis.		Ongoing.
43	UKBA		X		Continued work with disability fora (customers and staff) to review disability progress of action plan.	Senior managers Diversity managers.	Disability fora will ensure the ongoing involvement of disabled people in establishing priority actions.		August 2008 and thereafter half yearly.

UKBA - transformation									
Item	Unit	R	D	G	Action	Who will be involved	How the action helps meet the requirements of the equality duty	Other considerations	Timeframe
44	UKBA	X	X	X	To ensure a revision of business priorities and responsibilities are reflected in a revised equality scheme.	UKBA Senior Directors.	New business areas assessed for impact/ relevant and prioritised.		From April 2008 and ongoing.
45	UKBA	X	X	X	Revised scheme and associated progress reports published.	UKBA Senior Directors EDSC Diversity Policy Team.			May 2009.

## UKBA RACE, DISABILITY AND GENDER EQUALITY SCHEMES – PROGRESS UPDATE – April 2008

### 1. Introduction

From 1 April 2008, the Border and Immigration Agency, UKvisas and detection work from HM Revenue and Customs transferred to the newly created UK Border Agency.

As a Home Office agency we share the purpose of *'Working together to protect the public'*. This emphasises the need to work better with all our partners, including the police, intelligence agencies, local authorities, voluntary bodies, other departments and other governments; and most important of all, we must work with the public, devolving more decision making to a local level, so that our services are responsive and accountable.

The Home Office objectives which will achieve this purpose are:

- help people feel secure in their homes and local communities;
- cut crime, especially violent, drug and alcohol related crime;
- lead visible, responsive and accountable policing;
- support the efficient and effective delivery of justice;
- protect the public from terrorism;
- secure our borders and control migration for the benefit of our country;
- safeguard people's identity and the privileges of citizenship.

UK Border Agency has particular responsibility to: secure our borders and control migration for the benefit of our country.

We are determined to embed equality and diversity within all aspects of our business as an employer, policy-maker and service provider. We are totally committed to the Home Office Three year Diversity Strategy which was launched by David Normington in May 2007. This has put in place an effective

framework which ensures that there is a consistent approach across the Home Office to delivering (and reporting on) the five aims:

- managers at all levels demonstrate effective leadership on equality and diversity;
- potential of under-represented groups developed to create a representative workforce at all levels;
- a working environment where staff respect and value each other's diversity;
- effective Home Office implementation of statutory obligations on equality and diversity; and
- services delivered in a way that promote equality and respect diversity.

## **2. Current organisation**

Since the launch of Border and Immigration Agency as a shadow agency in April 2007, there have been major organisational structure changes aimed at improving service delivery. The most significant of these was the creation of the six operational regions: Scotland and Northern Ireland, North East, Yorkshire and the Humber, North West, East & West Midlands and the East of England, Wales and the South West and London and the South East.

Regional Directors are in post and have brought together in their geographical area the work on asylum, managed migration and enforcement and compliance. Their aims are to improve operational delivery and create a culture of continuous improvement through engagement with local communities and stakeholders.

A crucial part of embedding diversity policies and practices across the regions has been the development of the Regional Equality and Diversity Action Group. Each region has such a group who meet on a quarterly basis. The group is chaired by the Regional Director with a membership of senior operational managers, staff support networks, trade union officials, Equality and Diversity Advisers, Senior Strategic Equality and Diversity Manager and the Regional

Diversity Manager. The latter are new appointments who with the Regional Directors, have a key role to play in driving forward the agency's equality and diversity strategy. Each group has the freedom to develop its own precise action plan in support of its business plan, but all work to the following broad terms of reference:

1. To champion, communicate and promote policies, legislation and best practice that will contribute to the embedding of diversity and equality across the Region.
2. To work in partnership with key internal and external stakeholders to both commission and support a range of initiatives and programmes, that will progress the aims and objectives of the Home Office 3-Year Diversity Strategy, UK Border Agency Equality Schemes and action plans.
3. To lead on the monitoring and analysis of equality and diversity regional activities and initiatives and report progress on a quarterly basis to the UK Border Agency Equality and Diversity Strategic Centre (EDSC).
4. To analyse the equality and diversity results of regional staff surveys, Investors in People findings and customer satisfaction surveys and put in place effective and appropriate strategies and action plans.

A National Steering Group will be set up shortly to manage national governance; this group will consist of senior directors and managers representative of UKBA Board.

The operational work of the regions is supported by strategic policy areas, Border Control, UKvisas and the core functions of Resource Management and Human Resources & Organisational Development.

### **3. UK Border Agency Race, Disability and Gender Equality Scheme**

UKBA's Three Strand Equality Scheme was made up of the original Race Equality Scheme together with Disability (December 2006) and Gender (April 07). All three were combined into a single publication in May 2007 but retained separate associated action plans.

We have now taken the opportunity to review the whole publication, to update it to reflect our current organisational and existing priorities. Clearly these will change as we become UKBA and have additional staffing (approximately) 5,000 and additional responsibilities. (See section 5 for further details).

We have also produced a single action plan (compliance with which piece of legislation clearly annotated); we believe this to be the most effective method of achieving real implementation, given that many actions support all three strands, this also removes unnecessary duplication.

### **4. Progress**

Progress against all three existing strands is shown here by means of particular representative case studies across our business areas.

It should be noted that this reports progress for what was the Border and Immigration Agency (BIA), which, together with UKvisas and Customs, became the UK Border Agency on 1 April 2008.

## Race – Community Engagement \ staff development

The Regional Equality and Diversity Action Group (REDAG) has been promoting better understanding between Agency staff in the Sheffield region and have taken their message of mutual respect out to the community. Organising and promoting diversity events, presentations, and training, the REDAG plays a key role in coordinating and sharing good practice across the North East, Yorkshire and Humberside (NEYH) region. One notable success has been REDAG's work in partnership with the Race and Faith sub group, The Network, and the Equality and Diversity Strategic Centre. Responding to concerns in a survey of Black Minority and Ethnic (BME) staff in Sheffield, the REDAG group set up a mentoring programme, which they developed alongside Business and Education in South Yorkshire and two local schools. BME Agency staff who take part in the programme receive initial mentoring training before going on to share their skills, experience and advice with local secondary school students at both group events and one-to-one sessions. Mentors are given the opportunity to develop their communication skills, increase their self awareness and gain a great sense of satisfaction from helping and advising local people. For students, the programme helps raise their personal aspirations, provides a source of advice on their school career and personal issues, and equips them with knowledge of a large organisation that is committed to equality and diversity. In fact, several mentees will spend their work placement with the Agency this year. Those involved are currently working on plans to roll the programme out across the entire NEYH region, and have the full support of Chris Hudson who chairs the REDAG in his role as Regional Director:

*'I want to share the real importance I attach to the work of the REDAG. The work of the Race and Faith sub group is a good example of how we are delivering Home Office values in a tangible way; it goes right to the heart of our local community. There has been fantastic success in Sheffield and we want to build on this success at a regional level. We have a strong foundation to work from but there is a lot of hard work still to do'*

### Disability – Operational Training \ Decision Making

All New Asylum Model case owners receive disability awareness training as part of their core training before appointment. All interviews are interpreter-assisted to ensure that an effective channel of communication is available to the applicant at all times. All interview rooms are accessible and situated on the ground floor as well as having access to security staff.

Part of the interview process is to assure applicants that they should inform the interviewing officer of any needs and that assistance will be provided or sought on their behalf. Interviewing officers also make it clear that only information relevant to the claim will be taken into account and that all decision making will be fully communicated in the decision letter.

Where necessary, Immigration Agency staff, on advice received from medical staff such as the Home Office Medical Adviser will request accommodation to meet the particular needs of an applicant – ground floor accommodation, etc. Target Providers are required to provide suitable accommodation in accordance with the request made by BIA.

### Race \ Disability – service delivery

Visa guidance is translated into local languages and visa application forms are printed in large text for those with impaired vision. Translators and customer assistants are available at the Visa Application Centres.

### All strands – cultural competence

In the North West Region (NW) a programme of 'Respect and Values' workshops have been designed. This programme commenced in October 2007 and aims to have covered all staff by mid 08. These two hour sessions include Home Office Values, inappropriate use of language, 'dos' and 'don'ts' – cross cultural communication, bullying, harassment, victimisation, discrimination, case studies, management and staff responsibilities and Home Office Support Network information.

### Gender – service delivery

The UK Border Agency has in place an Asylum Policy Instruction (API), *Gender Issues in the Asylum Claim*, which gives guidance on considerations decision-makers should have in mind when assessing claims for asylum that could include gender related issues.

The API acknowledges that many forms of gender-related harm are serious enough to constitute persecution. It refers mainly to gender-related issues as they affect women, though some aspects of the guidance will affect men, specifically those concerning sexual orientation and social norms.

Reference to policy on gender is also provided in the API *Considering the Asylum Claim*. These are documents which caseworkers must take into account in cases where gender issues may have a bearing on the claim. They are publicly available and have been published on the agency's website.

Staff training is designed to ensure the asylum process is as accessible and sensitive to the needs of women as possible. Gender issues are a component of the initial training received by asylum caseworkers. The interview training they receive covers how to interview women and men who have suffered torture and trauma.

### All strands – diversity training

UKBA has completed the necessary research and consultation in order to develop a diversity learning and development strategy. This strategy has developed a blended learning approach in order to provide a good fit for operational needs, learning styles and value for money. Home Office is included in this L&D strategy.

The approach is to use a variety of media, including elearning – to address legislative and organisational commitment; DVD scenarios for use by groups to discuss behavioural issues – including exclusion and stereotyping; and the ongoing development of ensuring that equality and diversity issues are mainstreamed in all operational and management training.

The specific diversity learning and development products will be launched in May \ June 2008

### Disability – reasonable adjustments

UKBA provides clear guidance re the provision of reasonable adjustments at all stages of the employee lifecycle. This is a complex area and EDSC continues to advise HR Business Partners and managers on both the legislative requirement and UKBA's commitment to the recruitment, development and retention of disabled staff. In Midlands the Regional Director has requested that anyone who has not yet had the necessary work station assessment should make direct contact with her so that she can personally intervene and oversee the process.

### Gender – gender identity awareness

**a:gender** (the support network for staff in government departments / agencies who have changed or need to change permanently their perceived gender, or who identify as intersex) have hosted awareness events in London, Doncaster, Cardiff and Glasgow. These events have been well attended by staff from various departments including UKBA – all feedback has been consistently positive; staff have been provided with real insights into the issues affecting trans people (staff and customers).

### Disability – service delivery

The individual needs of applicants for asylum, particularly those with care needs, are carefully considered before dispersal (the allocation of asylum seekers in accommodation around the country after initial reception). Accommodation providers are advised in advance of dispersal that an asylum seeker has a pre-existing condition requiring registration with a local GP.

Caseworkers advise providers of the impact on dispersal / accommodation of an asylum seeker's condition / disability, e.g. that an asylum seeker needs to be located within easy access of a particular hospital (without saying why), or stating that the asylum seeker must have self contained accommodation, a personal fridge or downstairs accommodation. If the asylum seeker has an obvious disability / illness that impacts on dispersal/accommodation the impact is brought to the notice of the provider e.g. limited mobility or a wheelchair user.

#### Disability – service delivery

Border Control representatives and a Strategic Diversity Manager attended a BAA Paralympic Workshop; the aim of the workshop was: 'to provide Paralympic Games stakeholders and business partners with invaluable insight into Paralympian athletes' travel experiences, sharing information, generating ideas, and working towards delivery of a Seamless Transport Experience for the Paralympic Games in 2012.' A UKBA project team will continue to work with experts including disabled people as there will be clear implications for Border Control staff as large numbers of disabled people (participants and spectators) enter the country. UKBA is committed to playing a full part in achieving the aim of providing a Seamless Transport Experience for the Paralympic Games.

#### Gender – child care strategy

UKBA is currently in the final stages of developing its national childcare strategy; this will seek to provide an equitable distribution of resources across all business areas, which will support our commitment to work life balance and will provide specific support for working parents.

#### Disability – service delivery

UKBA is ensuring that all Public Enquiry Offices (PEO) are constructed to specified standards fully complying with disability standards. The PEO in Croydon, for example, currently provides:

- induction Loops at all desks for hearing impaired customers;
- lifts;
- accessible toilets;
- wheelchair access;
- counters on each floor that have been adapted for wheelchair users.

### All strands – procurement

All companies who tender to UKBA for contracts \ work have to submit a copy of their Equality and Diversity policy. It is checked for the following:

- that it contains a statement of the organisation's commitment to equality of opportunity (including the removal of physical barriers);
- evidence of a framework for securing change and an obligation on employees to adhere to the policy;
- evidence of an Equality Plan;
- details of monitoring and review procedures including an indication of regular monitoring; and
- an indication of consultation and communication to ensure that the needs and requirements of disadvantaged groups are properly represented.

We review the responses to the Pre-Qualifying Questionnaires (PQQs) and ensure that we score against our requirements appropriately.

### Race – staff awareness

UKBA ran many events to celebrate Black History Month, these included:

In the NE where the Regional Equality & Diversity Team worked with The Network to produce and promote a staff event held in Sheffield to commemorate bicentenary of abolition of slavery. The guest speakers included people from Sheffield Hallam University and the Human Trafficking Unit, over 70 staff from Sheffield & Leeds attended.

Two senior strategic equality and diversity managers assisted The Network in their support of the Civil Service Race Equality Network's (CSREN) event to commemorate the bicentenary of the Abolition of the Slave Trade at which The Reverend Jesse Jackson, a former American presidential candidate and renowned civil rights activist gave the keynote speech.

#### Disability - staff awareness \ staff development

UKvisas' staff are encouraged to attend fortnightly 'Lunch & Learn' sessions. These sessions are informal and aim to give staff the opportunity to develop skills that are both key to UKvisas, and transferable to future postings in both the FCO and HO. A regular session has been basic communication in British Sign Language

#### All strands – the provision of staff diversity data

UKBA is aware that this is an area that needs significant attention in order to comply with our 'employment duty'. Recent activity has concentrated on efforts to increase the diversity data held so that meaningful analysis can be undertaken.

All areas have highlighted the need for all staff to complete their diversity data, including messages at team meetings and in Scotland and Northern Ireland an email message to all staff.

Activities have included personal letters to UKBA SCS members and Grade 6s for whom no data was held; this has resulted in the SCS data increasing from 58.1% to 73% and the Grade 6 known data increasing from 69% to 86%. A joint HR director \ Staff Networks Global message has been issued reminding all staff of the importance of recording their diversity data so that all internal policies can be monitored to ensure no adverse impact on any particular group

#### All strands – Equality Impact Assessment

Approximately 210 UKBA staff have been trained to undertake equality impact assessments. Assessments covering all strands have been undertaken across a range of policies, including Safe Third Country Provisions, Asylum Seekers' Support, Prevention of illegal working and internal HR policies.

### Race – Community Engagement \ staff development

The North West Equality & Diversity Team recently held an event in conjunction with The Network, highlighting how Race Equality has been addressed within football - *The Kick It Out and Show Racism the Red Card*. 100 staff attended.

UKBA North West Regional Director, Gill Mortlock, spoke to give her support to the event and its aims as well as to show her commitment to building an environment where all staff value and respect each other.

Events included a talk by Piara Power, the Director of the 'Kick it Out' campaign, on how they work throughout the football, educational and community sectors to challenge racism and work for positive change. This was followed by a presentation from the 'Show Racism the Red Card' organisation about its work involving minority ethnic groups, community organisations, all of the professional clubs, football fans, schools and young people nationwide. Both gave a real insight into the strides being made nationally and also the work they are doing internationally to combat racism within football, with backing from the likes of Samuel Eto, of Barcelona.

The panel question and answer session, saw all of the speakers, joined by Howard Gayle, the first black player ever to play for Liverpool and famous for his cameo role in the 1981 European Cup Semi-Final second leg versus Bayern Munich. This was the highlight of the event with members of the audience asking informed questions to the panel and the ex footballers in particular revelling in providing anecdotes from their playing days.

### Gender - service delivery

UKBA (within Home Office) is a member Opportunity Now, a business led organisation which works to highlight the business benefits of gender equality in both the public and private sectors. We were awarded the Platinum award (top) by Opportunity Now in 2006 for our policies and practices in relation to the promotion of gender equality. We are also participating in cross Whitehall project researching the benefits of women's networks in the public sector.

## 5. Future approach - UKBA

UKBA is in the process of setting up a new governance structure to give us coherent oversight of the entire organisation, and ensure that we don't lose focus on our wider responsibilities within government to contribute to all the Public Service Agreements - and in particular to ensure that revenue protection is maintained and enhanced.

Building upon the success of the regionalisation programme, we want to continue to break down the "silo" working. We also want to have structures that provide clear lines of responsibility for delivery. To achieve this, we will re-organise ourselves into three unified operations:

- The new border force
- International work
- Immigration work

These unified operations will be supported by our corporate functions and by both an Intelligence Directorate and an Enforcement Directorate that can provide support for the whole business.

We will continue to revise our three strand scheme to assess and incorporate our new business responsibilities and priorities; we will assimilate all the new staff and ensure that our HR policies reflect all our business priorities and equality and diversity commitments.

Due to our rapidly changing business and organisation we will review the entire three strand scheme in April 2009 (incorporating as necessary any new equality legislation.)